

By: Representatives Sanford, Tullos, Wallace To: Education;
Appropriations

HOUSE BILL NO. 852

1 AN ACT TO CREATE "THE CHILD HUNGER PREVENTION AND FAIR
2 TREATMENT ACT OF 2020"; TO REQUIRE LOCAL EDUCATIONAL AGENCIES THAT
3 PROVIDE SCHOOLS MEALS UNDER THE NATIONAL SCHOOL LUNCH PROGRAM OR
4 SCHOOL BREAKFAST PROGRAM TO ENSURE THAT A STUDENT WHO HAS ACCRUED
5 AND OUTSTANDING MEAL DEBT IS NOT SHAMED, TREATED DIFFERENTLY OR
6 DENIED A REIMBURSABLE MEAL; TO PRESCRIBE PROCEDURES TO BE USED BY
7 THE STATE DEPARTMENT OF EDUCATION AND LOCAL EDUCATIONAL AGENCIES
8 FOR DETERMINING ELIGIBILITY AND PARTICIPATION IN THE COMMUNITY
9 ELIGIBILITY PROVISION PROGRAM FOR PURPOSES OF ESTABLISHING AN
10 ALTERNATIVE REIMBURSEMENT OPTION FOR ELIGIBLE HIGH POVERTY LOCAL
11 EDUCATIONAL AGENCIES; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION
12 TO NOTIFY THE LOCAL EDUCATIONAL AGENCIES ABOUT THEIR COMMUNITY
13 ELIGIBILITY STATUS BY APRIL 15 ANNUALLY; TO REQUIRE THE DEPARTMENT
14 TO PROVIDE PUBLIC NOTICE ON ITS WEBSITE OF DATA COLLECTED AND
15 USED IN DETERMINING ELIGIBILITY BY MAY 1 ANNUALLY; TO BRING
16 FORWARD SECTION 37-11-7, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE
17 OF POSSIBLE AMENDMENTS; TO AMEND SECTIONS 37-13-137 AND 37-7-301,
18 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING
19 PROVISIONS; TO AUTHORIZE LOCAL SCHOOL BOARDS TO ESTABLISH A
20 SEPARATE SPECIAL ACCOUNT FOR THE PURPOSE OF FACILITATING THE
21 TRANSFER OF DEBTS CATEGORIZED AS UNCOLLECTIBLE OR INACTIVE
22 ACCOUNTS; TO AUTHORIZE LOCAL SCHOOL BOARDS TO USE ANY AVAILABLE
23 FUNDS, EXCEPT FEDERAL PROGRAMS' FUNDS, NOT APPROPRIATED OR
24 DESIGNATED FOR ANY OTHER PURPOSE, TO REIMBURSE THE UNITED STATES
25 DEPARTMENT OF AGRICULTURE FOOD AND NUTRITION SERVICE FOR DEBT
26 ACCRUED BY CERTAIN STUDENTS UNABLE TO PAY THE REDUCED PRICE FOR
27 THE SCHOOL LUNCH PROGRAM; AND FOR RELATED PURPOSES.

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

29 **SECTION 1.** This act shall be known, and may be cited as "The
30 Child Hunger Prevention and Fair Treatment Act of 2020."



SECTION 2.

(1) For purposes of this section, the term "local educational agency" means a public school, school district or charter school.

(2) (a) A local educational agency, including a local educational agency in which there is a school that is required to serve a free or reduced-price meal during the school day, and at which all students are not eligible to be served breakfast and lunch under the Community Eligibility Provision (CEP) or Provision 2 of the National School Lunch Act (42 USCS Section 1751 et seq.), shall ensure that a student whose parent or legal guardian has unpaid school meal fees is not denied a reimbursable meal of the student's choice because of the fact that the student's parent or legal guardian has unpaid meal fees and shall ensure that the student is not shamed or treated differently from other students. This paragraph does not prohibit a school from serving an alternative reimbursable meal to a student who may need one for dietary or religious reasons, or as a regular menu item.

(b) If a local educational agency is required to provide, to the State Department of Education or to the United States Department of Agriculture, a copy of the meal charge policy required under memorandum SP 46-2016 issued by the United States Department of Agriculture, the local educational agency or school board for the local educational agency, as applicable, shall make the policy public.



55 (3) School personnel and volunteers at a local educational
56 agency that serves nutritionally adequate meals to students during
57 the instructional day shall not allow any disciplinary action that
58 is taken against a student to result in the denial or delay of a
59 nutritionally adequate meal.

60 (4) A local educational agency shall not take any action
61 directed at a student to collect unpaid school meal fees. A local
62 educational agency may attempt to collect unpaid school meal fees
63 from a parent or legal guardian, but shall not use a debt
64 collector, as defined in Section 803 of the Consumer Credit
65 Protection Act (15 USCS Section 1692a).

66 (5) A local educational agency shall notify a parent or
67 legal guardian of the negative balance of a student's school meal
68 account no later than ten (10) days after the student's school
69 meal account has reached a negative balance. Before sending the
70 notification to the parent or legal guardian, the local
71 educational agency shall exhaust all options and methods to
72 directly certify the student for free or reduced-priced meals. If
73 the local educational agency is not able to directly certify the
74 student, the local educational agency shall provide the parent or
75 legal guardian with a paper copy of, or an electronic link to, an
76 application with the notification and contact the parent or legal
77 guardian to encourage application submission.

78 (6) To the extent that the expense is reimbursable under the
79 federal National School Lunch Program, a local educational agency



80 shall reimburse school meal fees paid by a student's parent or
81 legal guardian when fees were paid or unpaid fees debt accrued
82 during any time that the student would have been determined, as
83 identified by the local educational agency's review under
84 subsection (5) of this section, to be eligible for free or
85 reduced-priced school meals.

86 (7) This section shall only apply to a local educational
87 agency that provides school meals through the Richard B. Russell
88 National School Lunch Act - National School Lunch Program (42 USCS
89 Section 1751 et seq.) or the Child Nutrition Act of 1966 - School
90 Breakfast Program (42 USCS Section 1773). Nothing in this section
91 shall be construed to allow for the indefinite accrual of unpaid
92 school meal fees.

93 **SECTION 3.** (1) **Community Eligibility.** The Community
94 Eligibility Provision (CEP) is an alternative reimbursement option
95 for eligible high poverty local educational agencies. Each CEP
96 cycle lasts up to four (4) years before the local educational
97 agency or school is required to recalculate their reimbursement
98 rate. Local educational agencies and schools have the option to
99 recalculate sooner, if desired. A local educational agency may
100 elect this provision for all of its schools, a group of schools,
101 or an individual school. Participating local educational agencies
102 must offer free breakfasts and lunches for the length of their CEP
103 cycle, not to exceed four (4) successive years, to all children
104 attending participating schools and receive meal reimbursement



based on claiming percentages, as described in subsection (4)(e) of this section. As used in this section, the following terms shall have the meaning ascribed in this subsection, unless context clearly indicates otherwise:

(a) "Enrolled students" means students who are enrolled in and attending schools participating in the Community Eligibility Provision (CEP) and who have access to at least one (1) meal service, breakfast or lunch, daily.

(b) "Identified students" means students with access to at least one (1) meal service who are not subject to verification. Identified students are students approved for free meals based on documentation of their receipt of benefits from the Supplemental Nutrition Assistance Program (SNAP), the Temporary Assistance for Needy Families (TANF), the Food Distribution Program on Indian Reservations, or Medicaid where applicable (where approved by the United State Department of Agriculture (USDA) to conduct matching with Medicaid data to identify children eligible for free meals). The term identified students also includes homeless children, migrant children, runaway children or Head Start children (approved for free school meals without application and not subject to verification). In addition, the term includes foster children certified for free meals through means other than an application for free and reduced-price school meals. The term does not include students who are categorically eligible based on



submission of an application for free and reduced-price school meals.

(c) "Identified student percentage" means a percentage determined by dividing the number of identified students as of a specified period of time by the number of enrolled students as defined in paragraph (a) of this section as of the same period of time and multiplying the quotient by one hundred (100). The identified student percentage may be determined by an individual participating school, a group of participating schools in the local educational agency, or in the aggregate for the entire local educational agency if all schools participate, following procedures established in Food and Nutrition Service(FNS) guidance.

(2) **Implementation.** A local educational agency may elect the Community Eligibility Provision for all schools, a group of schools, or an individual school. Community eligibility may be implemented for one or more four-year cycles.

(3) **Eligibility Criteria.** To be eligible to participate in the Community Eligibility Provision, a local educational agency (except a residential child care institution), group of schools, or school must meet the following eligibility criteria:

(a) A local educational agency, group of schools, or school must have an identified student percentage of at least forty percent (40%), as of April 1 of the school year prior to participating in the Community Eligibility Provision (CEP), unless



otherwise specified by the Food and Nutrition Service. Individual schools participating in a group may have less than forty percent (40%) identified students, provided that the average identified student percentage for the group is at least forty percent (40%);

(b) A local educational agency, group of schools, or school must participate in the National School Lunch Program and School Breakfast Program for the duration of the four-year cycle. Schools that operate on a limited schedule, where it is not operationally feasible to offer both lunch and breakfast, may elect CEP with Food and Nutrition Service approval.

(c) A local educational agency, group of schools, or school must comply with the procedures and requirements specified in subsection (4)(e) of this section to participate in the Community Eligibility Provision.

(4) (a) **Community Eligibility Provision Procedures.** A local educational agency, group of schools, or school that intends to elect the Community Eligibility Provision for the following year for one (1) or more schools must submit to the State Department of Education documentation demonstrating the local educational agency, group of schools, or school meets the identified student percentage, as specified under subsection (3)(a) of this section. Such documentation must be submitted no later than June 30 and must include, at a minimum, the counts of identified students and enrolled students as of April 1 of the school year prior to CEP implementation.



179 (b) The State Department of Education must review the
180 identified student percentage documentation submitted by the local
181 educational agency to confirm that the local educational agency,
182 group of schools, or school meets the minimum identified student
183 percentage, participates in the National School Lunch Program and
184 School Breakfast Program, and has a record of administering the
185 meal program in accordance with program regulations, as indicated
186 by the most recent administrative review.

187 (c) A local educational agency must ensure
188 participating schools offer reimbursable breakfasts and lunches at
189 no cost to all students attending participating schools during the
190 four-year cycle, and count the number of reimbursable breakfasts
191 and lunches served to students daily.

192 (d) A local educational agency, group of schools, or
193 school must not collect applications for free and reduced-price
194 school meals on behalf of children in schools participating in the
195 Community Eligibility Provision. Any local educational agency
196 seeking to obtain socioeconomic data from children receiving free
197 meals under this section must develop, conduct, and fund this
198 effort entirely separate from, and not under the auspices of, the
199 National School Lunch Program or School Breakfast Program.

200 (e) Reimbursement is based on free and paid claiming
201 percentages applied to the total number of reimbursable lunches
202 and breakfasts served each month, respectively. Reduced-price
203 school meal students are accounted for in the free claiming



percentage, eliminating the need for a separate percentage, as follows:

(i) To determine the free claiming percentage, multiply the applicable identified student percentage by a factor of one and six tenths (1.6). The product of this calculation may not exceed one hundred percent (100%). The difference between the free claiming percentage and one hundred percent (100%) represents the paid claiming percentage. The applicable identified student percentage means:

1. In the first year of participation in the Community Eligibility Provision, the identified student percentage as of April 1 of the prior school year.

2. In the second, third and fourth year of the four-year cycle, local educational agencies may choose the higher of the identified student percentage as of April 1 of the prior school year or the identified student percentage as of April 1 of the year prior to the current four-year cycle. Local educational agencies and schools may begin a new four-year cycle with a higher identified student percentage based on data as of the most recent April 1, as specified in paragraph (h) of this subsection.

(ii) To determine the number of lunches to claim for reimbursement, multiply the free claiming percentage as described in this paragraph by the total number of reimbursable lunches served to determine the number of free lunches to claim



for reimbursement. The paid claiming percentage is multiplied by the total number of reimbursable lunches served to determine the number of paid lunches to claim for reimbursement. In the breakfast meal service, the free and paid claiming percentages are multiplied by the total number of reimbursable breakfasts served to determine the number of free and paid breakfasts to claim for reimbursement. For any claim, if the total number of meals claimed for free and paid reimbursement does not equal the total number of meals served, the paid category must be adjusted so that all served meals are claimed for reimbursement.

(f) A one and six tenths (1.6) multiplier must be used for an entire four-year cycle to calculate the percentage of lunches and breakfasts to be claimed at the federal free rate.

(g) If there is a difference between the cost of serving lunches and breakfasts at no cost to all participating children and the Federal assistance provided, the local educational agency must pay such difference with nonfederal sources of funds. Expenditure of additional nonfederal funds is not required if all operating costs are covered by the federal assistance provided.

(h) To begin a new four-year cycle, local educational agencies or schools must establish a new identified student percentage as of April 1 prior to the four-year cycle. If the local educational agency, group of schools or school meet the



eligibility criteria set forth in subsection (3) of this section,
a new four-year cycle may begin.

(i) A local educational agency, group of schools or school with an identified student percentage of less than forty percent (40%) but equal to or greater than thirty percent (30%) as of April 1 of the fourth year of a community eligibility cycle may continue using community eligibility for a grace year that continues the four-year cycle for one (1) additional, or fifth, year. If the local educational agency, group of schools, or school regains the forty percent (40%) threshold as of April 1 of the grace year, the State Department of Education may authorize a new four-year cycle for the following school year. If the local educational agency, group of schools, or school does not regain the required threshold as of April 1 of the grace year, they must return to collecting household applications in the following school year in accordance with subsection (13) of this section. Reimbursement in a grace year is determined by multiplying the identified student percentage at the local educational agency, group of schools or school as of April 1 of the fourth year of the four-year CEP cycle by the one and six tenths (1.6) multiplier.

(5) **Identification of Potential Community Eligibility Schools.** No later than April 15 of each school year, each local educational agency must submit to the State Department of Education a list of schools as described in this subsection. The department may exempt local educational agencies from this



requirement if the department already collects the required information. The list must include:

(a) Schools with an identified student percentage of at least forty percent (40%);

(b) Schools with an identified student percentage that is less than forty percent (40%) but greater than or equal to thirty percent (30%); and

(c) Schools currently in year four (4) of the Community Eligibility Provision with an identified student percentage that is less than forty percent (40%) but greater than or equal to thirty percent (30%).

(6) **State Agency Notification Requirements.** No later than April 15 of each school year, the State Department of Education must notify the local educational agencies described in this paragraph about their community eligibility status. The department must notify:

(a) Local educational agencies with an identified student percentage of at least forty percent (40%) district wide, of:

(i) The potential to participate in community eligibility in the subsequent year;

(ii) The estimated cash assistance the local educational agency would receive; and

(iii) The procedures to participate in community eligibility;



(b) Local educational agencies with an identified student percentage that is less than forty percent (40%) district wide but greater than or equal to thirty percent (30%), that they may be eligible to participate in community eligibility in the subsequent year if they meet the eligibility requirements set forth in subsection (3) of this section as of April 1;

(c) Local educational agencies currently using community eligibility district wide, of the options available in establishing claiming percentages for next school year; and

(d) Local educational agencies currently in year four (4) with an identified student percentage district wide that is less than forty percent (40%) but greater than or equal to thirty percent (30%), of the grace year eligibility.

(7) **Public Notification Requirements.** By May 1 of each school year, the State Department of Education must make the following information readily accessible on its website in a format prescribed by Food and Nutrition Service (FNS):

(a) The names of schools identified in subsection (5) of this section, grouped as follows:

(i) Schools with an identified student percentage of least forty percent (40%);

(ii) Schools with an identified student percentage of less than forty percent (40%) but greater than or equal to thirty percent (30%); and



(iii) Schools currently in year four (4) of the Community Eligibility Provision with an identified student percentage that is less than forty percent (40%) but greater than or equal to thirty percent (30%);

(b) The names of local educational agencies receiving department notification as required under subsection (6) of this section, grouped as follows:

(i) Local educational agencies with an identified student percentage of at least forty percent (40%) district wide;

(ii) Local educational agencies with an identified student percentage that is less than forty percent (40%) district wide but greater than or equal to thirty percent (30%);

(iii) Local educational agencies currently using community eligibility district wide; and

(iv) Local educational agencies currently in year four (4) with an identified student percentage district wide that is less than forty percent (40%) but greater than or equal to thirty percent (30%); and

(c) The department must maintain eligibility lists as described in paragraphs (a) and (b) of this section until such time as new lists are made available annually by May 1.

(8) **Notification Data.** For purposes of fulfilling the requirements in subsections (5) and (6) of this section, the State Department of Education must:



(a) Obtain data representative of the current school year;

(b) Use the identified student percentage as defined in subsection (1) of this section. If school-specific identified student percentage data is not readily available by school, use direct certifications as a percentage of enrolled students, i.e., the percentage derived by dividing the number of students directly certified by the number of enrolled students as defined in subsection (1) as an indicator of potential eligibility. If direct certification data is used, the department must clearly indicate that the data provided does not fully reflect the number of identified students; and

(c) If data is not readily available as of April 1 of the current school year, ensure the data includes a notation that the data are intended for informational purposes and do not confer eligibility for community eligibility. Local educational agencies must meet the eligibility requirements specified in subsection (3) of this section to participate in community eligibility.

(9) **Other Uses of the Free Claiming Percentage.** For purposes of determining a school's or site's eligibility to participate in a Child Nutrition Program, a Community Eligibility Provision school's free claiming percentage, i.e., the product of the school's identified student percentage multiplied by one and six tenths (1.6), serves as a proxy for free and reduced-price certification data.



(10) **Policy Statement Requirement.** A local educational agency that elects to participate in the special assistance provisions or the Community Eligibility Provision set forth in this section must:

(a) Amend its Free and Reduced-Price Policy Statement to include a list of all schools participating in each of the special assistance provisions specified in this section. The following information must also be included for each school:

(i) The initial school year of implementing the special assistance provision;

(ii) The school years the cycle is expected to remain in effect;

(iii) The school year the special assistance provision must be reconsidered; and

(iv) The available and approved data that will be used in reconsideration, as applicable; and

(b) Certify that the schools meet the criteria for participating in each of the special assistance provisions for certification and reimbursement alternatives, as specified under Provision 1, Provision 2, Extension of Provision 2, Provision 3, Extension of Provision 3 or the Community Eligibility Provision of the National School Lunch Act, as appropriate.

(11) **Recordkeeping.** Local educational agencies that elect to participate in the special assistance provisions set forth in this section must retain implementation records for each of the



401 participating schools. Failure to maintain sufficient records
402 will result in the State Department of Education requiring the
403 school to return to standard meal counting and claiming procedures
404 and/or fiscal action. Recordkeeping requirements include, as
405 applicable:

406 (a) A local educational agency shall ensure that
407 records which support subsequent year earnings are retained for
408 the base year for schools under Provision 2 and Provision 3 of the
409 National School Lunch Act. In addition, records of enrollment
410 data for the base year must be retained for schools under
411 Provision 3. Base year records must be retained during the period
412 the provision is in effect, including all extensions, plus three
413 (3) fiscal years after the submission of the last Claim for
414 Reimbursement which employed the base year data. Local
415 educational agencies that conduct a streamlined base year must
416 retain all records related to the statistical methodology and the
417 determination of claiming percentages. The records shall be
418 retained during the period the provision is in effect, including
419 all extensions, plus three (3) fiscal years after the submission
420 of the last Claim for Reimbursement which employed the streamlined
421 base year data. In either case, if audit findings have not been
422 resolved, base year records must be retained beyond the three-year
423 period as long as required for the resolution of the issues raised
424 by the audit;



425 (b) Local educational agencies that are granted an
426 extension of a provision must retain records of the available and
427 approved socioeconomic data which is used to determine the income
428 level of the school's population for the base year and year(s) in
429 which extensions are made. In addition, the State Department of
430 Education must also retain records of the available and approved
431 socioeconomic data which is used to determine the income level of
432 the school's population for the base year and years in which
433 extensions are made. The records must be retained at both the
434 local educational agency level and at the department during the
435 period the provision is in effect, including all extensions, plus
436 three (3) fiscal years after the submission of the last monthly
437 Claim for Reimbursement which employed base year data. If audit
438 findings have not been resolved, records must be retained beyond
439 the three-year period as long as required for the resolution of
440 the issues raised by the audit. In addition, for schools
441 operating under Provision 2, a local educational agency must
442 retain nonbase year records pertaining to total daily meal count
443 information, edit checks and on-site review documentation. For
444 schools operating under Provision 3, a local educational agency
445 must retain nonbase year records pertaining to total daily meal
446 count information, the system of oversight or edit checks, on-site
447 review documentation, annual enrollment data and the number of
448 operating days, which are used to adjust the level of assistance.



The records shall be retained for three (3) years after submission of the final monthly Claim for Reimbursement for the fiscal year;

(c) Local educational agencies must ensure records are maintained, including:

(i) Data used to calculate the identified student percentage;

(ii) Annual selection of the identified student percentage;

(iii) Total number of breakfasts and lunches served daily;

(iv) Percentages used to claim meal reimbursement;

(v) Nonfederal funding sources used to cover any excess meal costs; and

(iv) School-level information provided to the State Department of Education for publication, if applicable.

Documentation must be made available at any reasonable time for review and audit purposes. The records shall be retained during the period the Community Eligibility Provision is in effect, including all extensions, plus three (3) fiscal years after the submission of the last Claim for Reimbursement which was based on the data. In any case, if audit findings have not been resolved, these records must be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit.



(12) **Availability of Documentation.** (a) Upon request, the local educational agency must make documentation available for review or audit to document compliance with the requirements of this section. Depending on the certification or reimbursement alternative used, such documentation includes, but is not limited to:

- (i) Enrollment data;
- (ii) Participation data;
- (iii) Identified student percentages;
- (iv) Available and approved socioeconomic data that was used to grant an extension, if applicable; or
- (v) Other data.

(b) In addition, upon request from the Food and Nutrition Service (FNS), local educational agencies under Provision 2 or Provision 3 of the National School Lunch Act, or the State Department of Education must submit to FNS, all data and documentation used in granting extensions including documentation. Data used to establish a new cycle for the Community Eligibility Provision must also be available for review.

(13) **Restoring Standard Meal Counting and Claiming.** Under Provisions 1, 2, or 3 or the Community Eligibility Provision of the National School Lunch Act, a local educational agency may restore a school to standard notification, certification, and counting and claiming procedures at any time during the school year or for the following school year if standard procedures



better suit the school's program needs. If standard procedures are restored during a school year, the local educational agency must offer all students reimbursable, free meals for a period of at least thirty (30) operating days following the date of restoration of standard procedures or until a new eligibility determination is made, whichever comes first. Before the change takes place, but no later than June 30, the local educational agency must:

(a) Notify the State Department of Education of the intention to stop participating in a special assistance certification and reimbursement alternative under this section and seek department guidance and review regarding the restoration of standard operating procedures; and

(b) Notify the public and meet the certification and verification requirements in affected schools.

(14) **Transferring Eligibility for Free Meals During the School Year.** For student transfers during the school year within a local educational agency, a student's access to free, reimbursable meals under the special assistance certification and reimbursement alternatives specified in this section must be extended by a receiving school using standard counting and claiming procedures for up to ten (10) operating school days or until a new eligibility determination for the current school year is made, whichever comes first. At the State Department of Education's discretion, students who transfer within or between



local educational agencies may be offered free reimbursable meals for up to thirty (30) operating days or until a new eligibility determination for the current school year is made, whichever comes first.

SECTION 4. Section 37-11-7, Mississippi Code of 1972, is brought forward as follows:

37-11-7. (1) The State of Mississippi does hereby accept and avail itself of all the provisions and benefits of acts passed by the Senate and House of Representatives of the United States of America in Congress assembled on June 4, 1946, known as the "National School Lunch Act," Chapter 281, 60 Stat 230, and on October 11, 1966, known as the "Child Nutrition Act," 80 Stat 885.

(2) The State Department of Education is hereby designated and appointed as the state agency in Mississippi to carry out and execute the functions and duties required of a state agency under the terms and provisions of said acts and to administer the funds made available by the federal government for the school lunch and other child nutrition programs for and in the State of Mississippi under the provisions of said acts. For such purpose, the State Superintendent of Public Education is hereby authorized and empowered to do any and all things which may be required under the terms of said acts to enable the State of Mississippi to receive the benefits thereof, to enter into any and all agreements and contracts with any officer or agency of the United States of America, or any other person, agency or political subdivision,



that may be necessary, expedient or advisable in administering said acts, and to appoint and employ a state supervisor of the child nutrition programs and such other administrative, supervisory, stenographic and clerical personnel as may be necessary in the administration of said acts.

(3) The school boards of any combination of school districts may authorize by resolution the organization and operation of, or the participation in, a group purchase program with other participating child nutrition operators for the purchase of commodities, supplies, equipment and services provided under the school lunch and child nutrition programs, when it appears to said participating child nutrition operators that a group purchase program shall effect economy or efficiency in such operation. The State Department of Education may administer such group purchase program to provide commodities, supplies, equipment and services under the school lunch and child nutrition programs and may charge and collect reasonable fees from participating operators for the actual cost of administering such group purchase program. Purchases by participating operators in such group purchasing programs shall not be exempt from public bid requirements as prescribed in Sections 31-7-12 and 31-7-13, Mississippi Code of 1972.

(4) The State Treasurer is hereby designated and appointed custodian of all monies received by the state from appropriations made to carry out the provisions of said acts of Congress, and he



is authorized to receive and to provide for the proper custody of same, and to make disbursements thereof in the manner provided for in said acts and for the purposes therein specified.

SECTION 5. Section 37-13-137, Mississippi Code of 1972, is amended as follows:

37-13-137. (1) The State Board of Education shall adopt regulations as provided in this section * * * for the Child Nutrition School Breakfast and Lunch Programs that are not in conflict with Sections 2 and 3 of this act and the regulations of the United States Department of Agriculture (USDA). The regulations shall take into account the most recent and advanced scientific principles regarding good human health and fitness, and the effect of the regulations must be that the good health, well-being and fitness of Mississippi school children shall be advanced. The regulations shall include, but not be limited to, the following areas:

- (a) Healthy food and beverage choices;
- (b) Healthy food preparation;
- (c) Marketing of healthy food choices to students and staff;
- (d) Food preparation ingredients and products;
- (e) Minimum and maximum time allotment for students and staff lunch and breakfast periods;



(f) The availability of food items during the lunch and breakfast periods of the Child Nutrition School Breakfast and Lunch Programs; * * *

(g) Methods to increase participation in the Child Nutrition School Breakfast and Lunch Programs * * *; and

(h) The procedures to be implemented in the administration of the Community Eligibility Provisions Program, to encourage participation by school districts.

(2) The Office of Healthy Schools of the State Department of Education shall provide comprehensive training for superintendents, business managers, food service directors and food service managers of a local school district, or the designees appointed by those individuals for training purposes, as required by the department on marketing healthy foods, creating a healthy cafeteria environment, effective and efficient food service operations, the standards and expectations of food service staff, and other topics as identified by the department. The department may determine the time and location of the trainings and the frequency with which they are held. Persons employed by a local school district having the certification as a Food Service Administrator III or IV shall be exempt from the training requirements of this subsection.

(3) Local school districts may adopt rules and regulations that may be more stringent but not in conflict with those adopted by the State Board of Education under this section.



621 **SECTION 6.** Section 37-7-301, Mississippi Code of 1972, is
622 amended as follows:

623 37-7-301. The school boards of all school districts shall
624 have the following powers, authority and duties in addition to all
625 others imposed or granted by law, to wit:

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

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

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

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

639 (e) To suspend or to expel a pupil or to change the
640 placement of a pupil to the school district's alternative school
641 or homebound program for misconduct in the school or on school
642 property, as defined in Section 37-11-29, on the road to and from
643 school, or at any school-related activity or event, or for conduct
644 occurring on property other than school property or other than at
645 a school-related activity or event when such conduct by a pupil,



646 in the determination of the school superintendent or principal,
647 renders that pupil's presence in the classroom a disruption to the
648 educational environment of the school or a detriment to the best
649 interest and welfare of the pupils and teacher of such class as a
650 whole, and to delegate such authority to the appropriate officials
651 of the school district;

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

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

658 (h) To exclude from the schools students with what
659 appears to be infectious or contagious diseases; provided,
660 however, such student may be allowed to return to school upon
661 presenting a certificate from a public health officer, duly
662 licensed physician or nurse practitioner that the student is free
663 from such disease;

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

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

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



671 (1) To prescribe and enforce rules and regulations not
672 inconsistent with law or with the regulations of the State Board
673 of Education for their own government and for the government of
674 the schools, and to transact their business at regular and special
675 meetings called and held in the manner provided by law;

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

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

681 (o) To make orders directed to the superintendent of
682 schools for the issuance of pay certificates for lawful purposes
683 on any available funds of the district and to have full control of
684 the receipt, distribution, allotment and disbursement of all funds
685 provided for the support and operation of the schools of such
686 school district whether such funds be derived from state
687 appropriations, local ad valorem tax collections, or otherwise.
688 The local school board shall be authorized and empowered to
689 promulgate rules and regulations that specify the types of claims,
690 including claims for debt accrued by certain students for
691 participation in the National School Lunch Program, and set limits
692 of the dollar amount for payment of claims by the superintendent
693 of schools to be ratified by the board at the next regularly
694 scheduled meeting after payment has been made;



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

699 (q) To provide athletic programs and other school
700 activities and to regulate the establishment and operation of such
701 programs and activities;

702 (r) To join, in their discretion, any association of
703 school boards and other public school-related organizations, and
704 to pay from local funds other than minimum foundation funds, any
705 membership dues;

706 (s) To expend local school activity funds, or other
707 available school district funds, other than minimum education
708 program funds, for the purposes prescribed under this paragraph.
709 "Activity funds" shall mean all funds received by school officials
710 in all school districts paid or collected to participate in any
711 school activity, such activity being part of the school program
712 and partially financed with public funds or supplemented by public
713 funds. The term "activity funds" shall not include any funds
714 raised and/or expended by any organization unless commingled in a
715 bank account with existing activity funds, regardless of whether
716 the funds were raised by school employees or received by school
717 employees during school hours or using school facilities, and
718 regardless of whether a school employee exercises influence over
719 the expenditure or disposition of such funds. Organizations shall



720 not be required to make any payment to any school for the use of
721 any school facility if, in the discretion of the local school
722 governing board, the organization's function shall be deemed to be
723 beneficial to the official or extracurricular programs of the
724 school. For the purposes of this provision, the term
725 "organization" shall not include any organization subject to the
726 control of the local school governing board. Activity funds may
727 only be expended for any necessary expenses or travel costs,
728 including advances, incurred by students and their chaperons in
729 attending any in-state or out-of-state school-related programs,
730 conventions or seminars and/or any commodities, equipment, travel
731 expenses, purchased services or school supplies which the local
732 school governing board, in its discretion, shall deem beneficial
733 to the official or extracurricular programs of the district,
734 including items which may subsequently become the personal
735 property of individuals, including yearbooks, athletic apparel,
736 book covers and trophies. Activity funds may be used to pay
737 travel expenses of school district personnel. The local school
738 governing board shall be authorized and empowered to promulgate
739 rules and regulations specifically designating for what purposes
740 school activity funds may be expended. The local school governing
741 board shall provide (i) that such school activity funds shall be
742 maintained and expended by the principal of the school generating
743 the funds in individual bank accounts, or (ii) that such school
744 activity funds shall be maintained and expended by the



superintendent of schools in a central depository approved by the board. The local school governing board shall provide that such school activity funds be audited as part of the annual audit required in Section 37-9-18. The State Department of Education shall prescribe a uniform system of accounting and financial reporting for all school activity fund transactions;

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

(u) To maintain accounts and issue pay certificates on school food service bank accounts. Additionally, each school board, shall establish a separate special account for the purpose of facilitating the accounting procedure to transfer debts categorized as uncollectible or inactive accounts, which may be reconciled at the conclusion of the scholastic year with payment or reimbursement from any available funds, except any federal program funds, which are not appropriated or designated for any other purpose as provided in this section or other provisions of law;

(v) (i) To lease a school building from an individual, partnership, nonprofit corporation or a private for-profit corporation for the use of such school district, and to expend funds therefor as may be available from any non-adequate education program sources. The school board of the school district desiring



770 to lease a school building shall declare by resolution that a need
771 exists for a school building and that the school district cannot
772 provide the necessary funds to pay the cost or its proportionate
773 share of the cost of a school building required to meet the
774 present needs. The resolution so adopted by the school board
775 shall be published once each week for three (3) consecutive weeks
776 in a newspaper having a general circulation in the school district
777 involved, with the first publication thereof to be made not less
778 than thirty (30) days prior to the date upon which the school
779 board is to act on the question of leasing a school building. If
780 no petition requesting an election is filed prior to such meeting
781 as hereinafter provided, then the school board may, by resolution
782 spread upon its minutes, proceed to lease a school building. If
783 at any time prior to said meeting a petition signed by not less
784 than twenty percent (20%) or fifteen hundred (1500), whichever is
785 less, of the qualified electors of the school district involved
786 shall be filed with the school board requesting that an election
787 be called on the question, then the school board shall, not later
788 than the next regular meeting, adopt a resolution calling an
789 election to be held within such school district upon the question
790 of authorizing the school board to lease a school building. Such
791 election shall be called and held, and notice thereof shall be
792 given, in the same manner for elections upon the questions of the
793 issuance of the bonds of school districts, and the results thereof
794 shall be certified to the school board. If at least three-fifths



795 (3/5) of the qualified electors of the school district who voted
796 in such election shall vote in favor of the leasing of a school
797 building, then the school board shall proceed to lease a school
798 building. The term of the lease contract shall not exceed twenty
799 (20) years, and the total cost of such lease shall be either the
800 amount of the lowest and best bid accepted by the school board
801 after advertisement for bids or an amount not to exceed the
802 current fair market value of the lease as determined by the
803 averaging of at least two (2) appraisals by certified general
804 appraisers licensed by the State of Mississippi. The term "school
805 building" as used in this paragraph (v)(i) shall be construed to
806 mean any building or buildings used for classroom purposes in
807 connection with the operation of schools and shall include the
808 site therefor, necessary support facilities, and the equipment
809 thereof and appurtenances thereto such as heating facilities,
810 water supply, sewage disposal, landscaping, walks, drives and
811 playgrounds. The term "lease" as used in this paragraph (v)(i)
812 may include a lease-purchase contract;

813 (ii) If two (2) or more school districts propose
814 to enter into a lease contract jointly, then joint meetings of the
815 school boards having control may be held but no action taken shall
816 be binding on any such school district unless the question of
817 leasing a school building is approved in each participating school
818 district under the procedure hereinabove set forth in paragraph
819 (v)(i). All of the provisions of paragraph (v)(i) regarding the



820 term and amount of the lease contract shall apply to the school
821 boards of school districts acting jointly. Any lease contract
822 executed by two (2) or more school districts as joint lessees
823 shall set out the amount of the aggregate lease rental to be paid
824 by each, which may be agreed upon, but there shall be no right of
825 occupancy by any lessee unless the aggregate rental is paid as
826 stipulated in the lease contract. All rights of joint lessees
827 under the lease contract shall be in proportion to the amount of
828 lease rental paid by each;

829 (w) To employ all noninstructional and * * *
830 nonlicensed employees and fix the duties and compensation of such
831 personnel deemed necessary pursuant to the recommendation of the
832 superintendent of schools;

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

835 (y) Subject to rules and regulations of the State Board
836 of Education, to purchase, own and operate trucks, vans and other
837 motor vehicles, which shall bear the proper identification
838 required by law;

839 (z) To expend funds for the payment of substitute
840 teachers and to adopt reasonable regulations for the employment
841 and compensation of such substitute teachers;

842 (aa) To acquire in its own name by purchase all real
843 property which shall be necessary and desirable in connection with
844 the construction, renovation or improvement of any public school



845 building or structure. Whenever the purchase price for such real
846 property is greater than Fifty Thousand Dollars (\$50,000.00), the
847 school board shall not purchase the property for an amount
848 exceeding the fair market value of such property as determined by
849 the average of at least two (2) independent appraisals by
850 certified general appraisers licensed by the State of Mississippi.
851 If the board shall be unable to agree with the owner of any such
852 real property in connection with any such project, the board shall
853 have the power and authority to acquire any such real property by
854 condemnation proceedings pursuant to Section 11-27-1 et seq.,
855 Mississippi Code of 1972, and for such purpose, the right of
856 eminent domain is hereby conferred upon and vested in said board.
857 Provided further, that the local school board is authorized to
858 grant an easement for ingress and egress over sixteenth section
859 land or lieu land in exchange for a similar easement upon
860 adjoining land where the exchange of easements affords substantial
861 benefit to the sixteenth section land; provided, however, the
862 exchange must be based upon values as determined by a competent
863 appraiser, with any differential in value to be adjusted by cash
864 payment. Any easement rights granted over sixteenth section land
865 under such authority shall terminate when the easement ceases to
866 be used for its stated purpose. No sixteenth section or lieu land
867 which is subject to an existing lease shall be burdened by any
868 such easement except by consent of the lessee or unless the school



869 district shall acquire the unexpired leasehold interest affected
870 by the easement;

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

874 (cc) Subject to rules and regulations of the State
875 Board of Education, to purchase relocatable classrooms for the use
876 of such school district, in the manner prescribed in Section
877 37-1-13;

878 (dd) Enter into contracts or agreements with other
879 school districts, political subdivisions or governmental entities
880 to carry out one or more of the powers or duties of the school
881 board, or to allow more efficient utilization of limited resources
882 for providing services to the public;

883 (ee) To provide for in-service training for employees
884 of the district;

885 (ff) As part of their duties to prescribe the use of
886 textbooks, to provide that parents and legal guardians shall be
887 responsible for the textbooks and for the compensation to the
888 school district for any books which are not returned to the proper
889 schools upon the withdrawal of their dependent child. If a
890 textbook is lost or not returned by any student who drops out of
891 the public school district, the parent or legal guardian shall
892 also compensate the school district for the fair market value of
893 the textbooks;



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

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

901 (ii) Fund-raising activities conducted or
902 authorized by the board for the sale of school pictures, the
903 rental of caps and gowns or the sale of graduation invitations for
904 which the school board receives a commission, rebate or fee shall
905 contain a disclosure statement advising that a portion of the
906 proceeds of the sales or rentals shall be contributed to the
907 student activity fund;

908 (hh) To allow individual lessons for music, art and
909 other curriculum-related activities for academic credit or
910 nonacademic credit during school hours and using school equipment
911 and facilities, subject to uniform rules and regulations adopted
912 by the school board;

913 (ii) To charge reasonable fees for participating in an
914 extracurricular activity for academic or nonacademic credit for
915 necessary and required equipment such as safety equipment, band
916 instruments and uniforms;



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

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

922 (ll) To expend funds for the services of nonprofit arts
923 organizations or other such nonprofit organizations who provide
924 performances or other services for the students of the school
925 district;

926 (mm) To expend federal No Child Left Behind Act funds,
927 or any other available funds that are expressly designated and
928 authorized for that use, to pay training, educational expenses,
929 salary incentives and salary supplements to employees of local
930 school districts; except that incentives shall not be considered
931 part of the local supplement as defined in Section 37-151-5(o),
932 nor shall incentives be considered part of the local supplement
933 paid to an individual teacher for the purposes of Section
934 37-19-7(1). Mississippi Adequate Education Program funds or any
935 other state funds may not be used for salary incentives or salary
936 supplements as provided in this paragraph (mm);

937 (nn) To use any available funds, not appropriated or
938 designated for any other purpose, for reimbursement to the
939 state-licensed employees from both in state and out of state, who
940 enter into a contract for employment in a school district, for the
941 expense of moving when the employment necessitates the relocation



of the licensed employee to a different geographical area than that in which the licensed employee resides before entering into the contract. The reimbursement shall not exceed One Thousand Dollars (\$1,000.00) for the documented actual expenses incurred in the course of relocating, including the expense of any professional moving company or persons employed to assist with the move, rented moving vehicles or equipment, mileage in the amount authorized for county and municipal employees under Section 25-3-41 if the licensed employee used his personal vehicle or vehicles for the move, meals and such other expenses associated with the relocation. No licensed employee may be reimbursed for moving expenses under this section on more than one (1) occasion by the same school district. Nothing in this section shall be construed to require the actual residence to which the licensed employee relocates to be within the boundaries of the school district that has executed a contract for employment in order for the licensed employee to be eligible for reimbursement for the moving expenses. However, the licensed employee must relocate within the boundaries of the State of Mississippi. Any individual receiving relocation assistance through the Critical Teacher Shortage Act as provided in Section 37-159-5 shall not be eligible to receive additional relocation funds as authorized in this paragraph;

(oo) To use any available funds, not appropriated or designated for any other purpose, to reimburse persons who



967 interview for employment as a licensed employee with the district
968 for the mileage and other actual expenses incurred in the course
969 of travel to and from the interview at the rate authorized for
970 county and municipal employees under Section 25-3-41;

971 (pp) Consistent with the report of the Task Force to
972 Conduct a Best Financial Management Practices Review, to improve
973 school district management and use of resources and identify cost
974 savings as established in Section 8 of Chapter 610, Laws of 2002,
975 local school boards are encouraged to conduct independent reviews
976 of the management and efficiency of schools and school districts.
977 Such management and efficiency reviews shall provide state and
978 local officials and the public with the following:

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

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

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

984 (iv) An assessment of facilities utilization,
985 planning and maintenance;

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

988 (vi) An assessment of instructional and
989 administrative technology;



990 (vii) A review of the instructional management and
991 the efficiency and effectiveness of existing instructional
992 programs; and

993 (viii) Recommended methods for increasing
994 efficiency and effectiveness in providing educational services to
995 the public;

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

1000 (rr) To implement a financial literacy program for
1001 students in Grades 10 and 11. The board may review the national
1002 programs and obtain free literature from various nationally
1003 recognized programs. After review of the different programs, the
1004 board may certify a program that is most appropriate for the
1005 school districts' needs. If a district implements a financial
1006 literacy program, then any student in Grade 10 or 11 may
1007 participate in the program. The financial literacy program shall
1008 include, but is not limited to, instruction in the same areas of
1009 personal business and finance as required under Section
1010 37-1-3(2) (b). The school board may coordinate with volunteer
1011 teachers from local community organizations, including, but not
1012 limited to, the following: United States Department of
1013 Agriculture Rural Development, United States Department of Housing
1014 and Urban Development, Junior Achievement, bankers and other



1015 nonprofit organizations. Nothing in this paragraph shall be
1016 construed as to require school boards to implement a financial
1017 literacy program;

1018 (ss) To collaborate with the State Board of Education,
1019 Community Action Agencies or the Department of Human Services to
1020 develop and implement a voluntary program to provide services for
1021 a prekindergarten program that addresses the cognitive, social,
1022 and emotional needs of four-year-old and three-year-old children.
1023 The school board may utilize any source of available revenue to
1024 fund the voluntary program. Effective with the 2013-2014 school
1025 year, to implement voluntary prekindergarten programs under the
1026 Early Learning Collaborative Act of 2013 pursuant to state funds
1027 awarded by the State Department of Education on a matching basis;

1028 (tt) With respect to any lawful, written obligation of
1029 a school district, including, but not limited to, leases
1030 (excluding leases of sixteenth section public school trust land),
1031 bonds, notes, or other agreement, to agree in writing with the
1032 obligee that the Department of Revenue or any state agency,
1033 department or commission created under state law may:

1034 (i) Withhold all or any part (as agreed by the
1035 school board) of any monies which such local school board is
1036 entitled to receive from time to time under any law and which is
1037 in the possession of the Department of Revenue, or any state
1038 agency, department or commission created under state law; and



1039 (ii) Pay the same over to any financial
1040 institution, trustee or other obligee, as directed in writing by
1041 the school board, to satisfy all or part of such obligation of the
1042 school district.

1043 The school board may make such written agreement to withhold
1044 and transfer funds irrevocable for the term of the written
1045 obligation and may include in the written agreement any other
1046 terms and provisions acceptable to the school board. If the
1047 school board files a copy of such written agreement with the
1048 Department of Revenue, or any state agency, department or
1049 commission created under state law then the Department of Revenue
1050 or any state agency, department or commission created under state
1051 law shall immediately make the withholdings provided in such
1052 agreement from the amounts due the local school board and shall
1053 continue to pay the same over to such financial institution,
1054 trustee or obligee for the term of the agreement.

1055 This paragraph (tt) shall not grant any extra authority to a
1056 school board to issue debt in any amount exceeding statutory
1057 limitations on assessed value of taxable property within such
1058 school district or the statutory limitations on debt maturities,
1059 and shall not grant any extra authority to impose, levy or collect
1060 a tax which is not otherwise expressly provided for, and shall not
1061 be construed to apply to sixteenth section public school trust
1062 land;



1063 (uu) With respect to any matter or transaction that is
1064 competitively bid by a school district, to accept from any bidder
1065 as a good-faith deposit or bid bond or bid surety, the same type
1066 of good-faith deposit or bid bond or bid surety that may be
1067 accepted by the state or any other political subdivision on
1068 similar competitively bid matters or transactions. This paragraph
1069 (uu) shall not be construed to apply to sixteenth section public
1070 school trust land. The school board may authorize the investment
1071 of any school district funds in the same kind and manner of
1072 investments, including pooled investments, as any other political
1073 subdivision, including community hospitals;

1074 (vv) To utilize the alternate method for the conveyance
1075 or exchange of unused school buildings and/or land, reserving a
1076 partial or other undivided interest in the property, as
1077 specifically authorized and provided in Section 37-7-485;

1078 (wv) To delegate, privatize or otherwise enter into a
1079 contract with private entities for the operation of any and all
1080 functions of nonacademic school process, procedures and operations
1081 including, but not limited to, cafeteria workers, janitorial
1082 services, transportation, professional development, achievement
1083 and instructional consulting services materials and products,
1084 purchasing cooperatives, insurance, business manager services,
1085 auditing and accounting services, school safety/risk prevention,
1086 data processing and student records, and other staff services;
1087 however, the authority under this paragraph does not apply to the



1088 leasing, management or operation of sixteenth section lands.
1089 Local school districts, working through their regional education
1090 service agency, are encouraged to enter into buying consortia with
1091 other member districts for the purposes of more efficient use of
1092 state resources as described in Section 37-7-345;

1093 (xx) To partner with entities, organizations and
1094 corporations for the purpose of benefiting the school district;

1095 (yy) To borrow funds from the Rural Economic
1096 Development Authority for the maintenance of school buildings;

1097 (zz) To fund and operate voluntary early childhood
1098 education programs, defined as programs for children less than
1099 five (5) years of age on or before September 1, and to use any
1100 source of revenue for such early childhood education programs.
1101 Such programs shall not conflict with the Early Learning
1102 Collaborative Act of 2013;

1103 (aaa) To issue and provide for the use of procurement
1104 cards by school board members, superintendents and licensed school
1105 personnel consistent with the rules and regulations of the
1106 Mississippi Department of Finance and Administration under Section
1107 31-7-9; * * *

1108 (bbb) To conduct an annual comprehensive evaluation of
1109 the superintendent of schools consistent with the assessment
1110 components of paragraph (pp) of this section and the assessment
1111 benchmarks established by the Mississippi School Board Association
1112 to evaluate the success the superintendent has attained in meeting



1113 district goals and objectives, the superintendent's leadership
1114 skill and whether or not the superintendent has established
1115 appropriate standards for performance, is monitoring success and
1116 is using data for improvement * * *; and
1117 (ccc) To use any available funds, except federal
1118 programs funds, not appropriated or designated for any other
1119 purpose, to reimburse the United States Department of Agriculture
1120 Food and Nutrition Service for debt accrued by certain students
1121 unable to pay the reduced price for the school lunch program which
1122 has been transferred to a separate special account for
1123 uncollectible or inactive accounts.

1124 **SECTION 7.** This act shall take effect and be in force from
1125 and after July 1, 2020.

