

By: Representative Young

To: Education

HOUSE BILL NO. 276

1 AN ACT TO CREATE "THE DIGITAL ACCESS LEARNING AND VIRTUAL
2 INSTRUCTION PROGRAM ACT OF 2021"; TO DEFINE CERTAIN TERMS USED IN
3 THIS ACT; TO REQUIRE STATE DEPARTMENT OF EDUCATION TO ANNUALLY
4 PUBLISH A LIST OF APPROVED DIGITAL LEARNING AND VIRTUAL
5 INSTRUCTION PROGRAM PROVIDERS THAT OFFER DIGITAL LEARNING SERVICES
6 AND PROVIDE THE SAME TO THE CHAIRMEN OF THE HOUSE AND SENATE
7 EDUCATION COMMITTEES; TO PRESCRIBE THE REQUIRED COMPONENTS OF
8 DIGITAL ACCESS LEARNING OR VIRTUAL INSTRUCTION ENVIRONMENTS; TO
9 REQUIRE THE STATE DEPARTMENT OF EDUCATION TO ANNUALLY PROVIDE
10 SCHOOL DISTRICTS AND PUBLIC CHARTER SCHOOLS WITH A LIST OF
11 PROVIDERS APPROVED TO OFFER DIGITAL ACCESS LEARNING OR VIRTUAL
12 INSTRUCTION PROGRAMS; TO PRESCRIBE THE CRITERIA NECESSARY FOR
13 DIGITAL ACCESS LEARNING OR VIRTUAL INSTRUCTION PROGRAMS TO BE
14 APPROVED BY THE DEPARTMENT; TO REQUIRE A TWO-YEAR PHASE-IN PERIOD
15 FOR FULL IMPLEMENTATION OF DIGITAL ACCESS LEARNING OR VIRTUAL
16 INSTRUCTION PROGRAMS IN ALL PUBLIC SCHOOL DISTRICTS AND PUBLIC
17 CHARTER SCHOOLS; TO PROVIDE THAT THE 2021-2022 SCHOOL YEAR SHALL
18 BE THE YEAR OF PILOT PROGRAM FOR CERTAIN DISTRICTS AND CHARTER
19 SCHOOLS SELECTED BY THE DEPARTMENT USING ESTABLISHED CRITERIA; TO
20 REQUIRE ALL PUBLIC SCHOOL DISTRICTS AND PUBLIC CHARTER SCHOOLS TO
21 PROVIDE OPPORTUNITIES TO ALL STUDENTS IN GRADES K-12 FOR
22 PARTICIPATION IN PART-TIME AND FULL-TIME DIGITAL ACCESS LEARNING
23 OR VIRTUAL INSTRUCTION PROGRAM OPTIONS BY THE START OF THE
24 2022-2023 SCHOOL YEAR; TO PROVIDE THAT AN APPROVED PROVIDER SHALL
25 RETAIN ITS APPROVED STATUS FOR A PERIOD OF FIVE YEARS AFTER THE
26 DATE OF THE DEPARTMENT'S APPROVAL; TO REQUIRE EACH SCHOOL DISTRICT
27 AND CHARTER SCHOOL TO INCLUDE IN ITS IMPLEMENTATION PERIOD METHODS
28 OF FACILITATING THE TRANSITION TO A PAPERLESS INSTRUCTION MODEL
29 THAT PROVIDES FOR THE INTEGRATION OF CERTAIN ELECTRONIC DEVICES
30 AND OTHER DIGITAL MOBILE DEVICES CAPABLE OF CONNECTING TO THE
31 DISTRICT'S OR SCHOOL'S WIRELESS TECHNOLOGY INFRASTRUCTURE; TO
32 STIPULATE THAT THE MODEL SHALL REQUIRE DISTRICTS AND CHARTER
33 SCHOOLS TO PROVIDE A WIRELESS TECHNOLOGY INFRASTRUCTURE CAPABLE OF
34 SUPPORTING AGGREGATED AND SEGREGATED COMMUNICATION OF



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

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

58 **SECTION 1.** This act shall be known, and may be cited as "The
59 Digital Access Learning and Virtual Instruction Program Act of
60 2021."

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

153 (ii) School policies and procedures;

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

156 (iv) Teacher-student ratios;

157 (v) Student completion and promotion rates; and

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

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

167 **SECTION 6.** (1) (a) Beginning in the 2021-2022 school year,
168 the State Department of Education shall select a certain number of



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

179 (b) Beginning with the 2022-2023 school year, all
180 public school districts and public charter schools shall provide
181 opportunities to all students in Grades K-12 for participation in
182 part-time and full-time digital access learning or virtual
183 instruction program options. Written notice of the opportunities,
184 including an open enrollment period for full-time students of at
185 least ninety (90) days and not ending earlier than thirty (30)
186 days before the first day of the school year, shall be provided
187 directly to the parents or legal guardian of all students. The
188 purpose of the program shall be to make quality virtual
189 instruction available to students using online and distance
190 learning technology in the nontraditional classroom. The program
191 shall provide at least three (3) options for:

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



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

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

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

210 (a) Be of high quality;

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

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

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



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

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

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

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

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

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



243 however, each provider approved by the department for the
244 2020-2021 school year shall reapply for approval to provide a
245 part-time program for students in Grades K-12.

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

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

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



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

274 (2) Beginning with the 2021-2022 school year, instead of
275 traditional textbooks, each public school district and public
276 charter school shall provide each student enrolled therein with an
277 assigned digital mobile device, such as the devices described in
278 subsection (1) of this section, for purposes of accessing and
279 performing all coursework assignments. Each device shall be
280 installed with the necessary instructional materials which have
281 been adopted by the local school district as components of its
282 curriculum standards, and for which licensure agreements have been
283 purchased from the publishers for use of the published curriculum
284 and instruction materials. Each school district or public charter
285 school shall maintain insurance on each digital mobile device
286 purchased and assigned to students, which shall remain the
287 property of the school district or charter school. However, each
288 student and parent or legal guardian of students receiving a
289 digital mobile device under the provisions of the section shall be
290 liable for the payment of any deductible costs required for lost,
291 stolen, damaged or destroyed devices.



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

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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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

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



366 Department of Education appropriation and the local school
367 district budgeted funds for Mississippi Virtual Public School have
368 been expended and students choose to enroll in online courses, the
369 costs of the online courses may be the responsibility of the
370 students' parents or guardians.

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

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

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

388 (3) Teachers shall permit all pupils in all grades of any
389 public school in any school district or public charter school to
390 carry to their homes for home study, the free textbooks loaned or



391 the electronic textbooks or digital mobile devices made available
392 to them, and any other regular textbooks whether they be free
393 textbooks or not.

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

396 (5) "Textbook" shall be defined for the purpose of this
397 chapter as any medium or manual of instruction, printed or
398 electronic, which contains a systematic presentation of the
399 principles of a subject and which constitutes a major
400 instructional vehicle for that subject.

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



415 (7) "Electronic textbook" shall be defined as any book or
416 book substitute that a student accesses through the use of a
417 computer, E-reader, electronic device, digital mobile device or
418 other electronic medium that is available through an
419 Internet-based provider of course content, or any other material
420 that contributes to the learning process through electronic means.

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

423 37-43-19. The board shall have the power and is hereby
424 authorized:

425 (a) To promulgate rules and regulations for the
426 purchase, care, use, disposal, distribution and accounting for all
427 books to be furnished under the terms of this chapter, and to
428 promulgate such other rules and regulations as may be necessary
429 for the proper administration of this chapter.

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

434 (c) To determine the period of contract for rated and
435 adopted textbooks or licensure agreements for instructional
436 materials or electronic textbooks for use on digital mobile
437 devices, which shall not be for less than four (4) years nor more
438 than five (5) years, with the right of the board, in its
439 discretion, to renew or extend such contract from year to year for



440 a period not exceeding two (2) additional years and to determine
441 the conditions of the approval or forfeiture of a contract and
442 such other terms and conditions as may be necessary and not
443 contrary to law.

444 (d) To have complete power and authority over additions
445 and amendments to textbooks or electronic textbooks, advertising
446 for bids and the contents thereof, including auxiliary materials
447 and workbooks, advertising on the protective covers of textbooks,
448 bids and proposals, prices of textbooks, electronic textbooks,
449 specimen copies, cash deposits, selection and adoption,
450 distribution, fumigation, emergencies, selling to others, return
451 of deposits, forfeiture of deposits, regulations governing
452 deposits, renovation and repair of books, requisition,
453 transportation or shipment of books, and any other acts or
454 regulations, not contrary to law, that may be deemed necessary for
455 furnishing and loaning free textbooks, electronic textbooks or
456 digital mobile devices to the school children, as provided in this
457 chapter.

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

460 37-43-21. (1) For the purpose of assisting the board during
461 an adoption, there shall be rating committees in each of the
462 fields in which textbooks or electronic textbooks are considered
463 for adoption. Each committee shall be composed of seven (7)
464 members. The State Superintendent of Public Education shall



465 appoint four (4) members of each of the committees, each of whom
466 shall be a competent, experienced teacher who is currently
467 teaching in the field in which the textbooks or electronic
468 textbooks are considered for adoption. The Governor of the State
469 of Mississippi thereupon shall appoint three (3) members of each
470 of * * * the committees, who shall be persons he deems competent
471 to participate in the appraisal of books offered for adoption, in
472 each field, for use in the public schools of this state.

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



490 and all recommendations of the rating committees and to call for
491 further recommendations; in no case shall the board adopt any book
492 not recommended by the rating committees.

493 (3) Any and all sample textbooks or electronic textbooks
494 that may be furnished by the publisher thereof as provided by
495 Section 37-43-59 to any member of the board, the Superintendent of
496 Public Education, and any member of a rating committee shall
497 within one (1) year after receipt of same by * * * the member be
498 turned in to the State School Book Depository without cost to the
499 State of Mississippi, and the same shall thereafter be used
500 without any cost to the State of Mississippi in supplying free
501 textbooks, electronic textbooks or digital mobile devices to the
502 educable children of the State of Mississippi as now provided by
503 law or shall be sold to the highest bidder by the board with the
504 proceeds immediately deposited in the State Treasury to the credit
505 of the State Textbook Fund.

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



514 (5) School districts may annually utilize any portion of the
515 textbook allotment for the repair of textbooks; * * *
516 however, * * * school districts are authorized and encouraged to
517 utilize the Mississippi Department of Corrections bookbinder for
518 the repair of textbooks.

519 (6) Prices for new textbook, electronic textbook or digital
520 mobile device purchases shall not be higher than the lowest price
521 at which books are sold anywhere in the United States, after all
522 discounts are allowed.

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

525 37-43-23. The State Board of Education is hereby authorized,
526 empowered and directed to advertise for and receive sealed bids
527 for textbooks, electronic textbooks or digital mobile devices.
528 Bidders shall quote their lowest net wholesale prices, f.o.b.
529 Central Depository, Jackson, Mississippi; however, the board may,
530 in its discretion, establish a state depository or depositories or
531 inaugurate any other plan for the distribution of books. Such
532 prices shall not be higher than the lowest price at which books
533 are sold anywhere in the United States, after all discounts are
534 allowed. It is the intent of the Legislature that the price paid
535 for a textbook, electronic textbook or digital mobile device shall
536 not exceed the lowest price at which the same book, both having
537 the same copyright date, is sold anywhere in the United States
538 after all discounts are allowed. Every contract entered into



539 under the provisions of this section by the board and any
540 publisher or publishing company shall contain a provision that the
541 publisher covenants and agrees that he is not furnishing under
542 contract executed after the first day of January of the year in
543 which the contract becomes effective, to any state, county or
544 school district in the United States, the textbooks, electronic
545 textbooks or digital mobile devices embraced in the contract at a
546 price below the price stipulated therein. At any time that the
547 board may find that any book or books, in either regular or
548 special editions, are being furnished in any other state at a
549 lower price under contract than it is being furnished in
550 Mississippi, the contract shall be forfeited to the state. Any
551 contractor who violates this provision shall return all money paid
552 out for such book or books and also forfeit such book or books to
553 the state, and suit may be brought on the bond of the contractor
554 for all losses sustained.

555 Successful bidders or contractors shall be required to
556 maintain a depository at a place within the State of Mississippi,
557 to be named by the board, where a stock of books sufficient to
558 meet all reasonable and immediate demands shall be kept. Upon
559 requisition of the board, the depository shall ship books,
560 transportation charges paid, to the various shipping points in
561 Mississippi to be specified by the board. For such service the
562 depository shall make no charge to the board except the actual
563 cost of transportation from the depository to the shipping point



564 designated. The cost of distribution shall not exceed eight
565 percent (8%) of the total appropriation for any fiscal year.

566 All books furnished the State of Mississippi by contractors
567 under this chapter shall continue to measure up to the same
568 standards as are required in the contract, said standards to
569 include printing, binding, cover boards, mechanical makeup, and
570 any other relevant points as set out in the plans and
571 specifications as fixed by the board. Any contractor of any book
572 or books, who fails to keep * * * the books up to * * * the
573 required standards, shall forfeit, not only his contract to the
574 state, but shall return all money paid out for such book or books
575 and also forfeit * * * the books to the state.

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

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



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

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

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

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

608 (e) That textbooks, electronic textbooks or digital
609 mobile devices which are on loan to other than public schools as
610 referenced in Section 37-43-1, shall remain the property of the
611 State of Mississippi. All requisitions for textbooks, electronic
612 textbooks or digital mobile devices from these schools shall be



613 submitted to the State Department of Education to be processed and
614 subsequently shipped to the requesting school. No funds shall be
615 disbursed directly from the State Department of Education to the
616 schools in this category for the purpose of procuring textbooks,
617 electronic textbooks or digital mobile devices; and

618 (f) That funds made available through this chapter may
619 be used to purchase any state-adopted or nonadopted textbook from
620 any state depository, directly from the publisher, or in
621 accordance with the provisions of Sections 37-43-21(5) and
622 37-43-31(3). For purchases made directly from the publisher, the
623 public school district, or the State Department of Education when
624 purchasing for other than public schools, shall not pay a higher
625 price for a textbook than that listed on the current state-adopted
626 list.

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

631 (3) If five (5) or more school boards petition the State
632 Board of Education to add a book, or a series of books, to the
633 approved list of state adoptions in a given subject area, then the
634 State Superintendent of Public Education shall have sixty (60)
635 days to show cause to the State Board of Education why the books
636 in question should or should not be purchased with state funds.
637 If the petition is not acted upon within the sixty-day period, the



638 petition shall be deemed to be approved. Once a textbook,
639 electronic textbook or digital mobile device has been approved
640 through the petition process, any public school district or
641 eligible other school may procure the * * * approved textbook,
642 electronic textbook or digital mobile device utilizing funds
643 appropriated through this chapter.

644 (4) If new and innovative textbooks, electronic textbooks or
645 digital mobile devices that would improve a particular course of
646 study become available between adoption cycles, a school board may
647 petition the State Board of Education for permission to purchase
648 these books out of sequence to be paid for with state textbook
649 funds.

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

- 654 (a) Obscene, lewd, sexist or vulgar material;
655 (b) Advocating prejudicial behavior or actions; or
656 (c) Encouraging acts determined to be antisocial or
657 derogatory to any race, sex or religion.

658 (6) All books or series of books adopted under the petition
659 procedures of this chapter shall be purchased under the provisions
660 for bidding, pricing and distribution as prescribed in Section
661 37-43-23.



662 (7) Petition procedure books or series of books adopted
663 under this section shall be considered only until the date of the
664 next regular adoption series in the applicable subject area.
665 Petition procedure books shall be submitted for formal adoption at
666 the next applicable regular textbook adoption as prescribed under
667 the provisions of Chapter 43, Title 37, Mississippi Code of 1972;
668 otherwise, such books adopted under the petition procedures which
669 do not receive formal adoption approval as recommended by the
670 textbook rating committee shall be dropped from the state textbook
671 petition adoption list. Provided, however, this provision shall
672 in no way prohibit a school district from using other funds,
673 federal or local, for the purchase of such books or digital mobile
674 devices.

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

677 37-43-37. All books and digital mobile devices shall have a
678 uniform label printed on the inside cover. Each school shall
679 number all books and digital mobile devices, placing the number on
680 said labels. All teachers shall keep an accurate record of the
681 number and names of all books and digital mobile devices issued to
682 each pupil.

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



685 37-7-301. The school boards of all school districts shall
686 have the following powers, authority and duties in addition to all
687 others imposed or granted by law, to wit:

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

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

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

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

701 (e) To suspend or to expel a pupil or to change the
702 placement of a pupil to the school district's alternative school
703 or homebound program for misconduct in the school or on school
704 property, as defined in Section 37-11-29, on the road to and from
705 school, or at any school-related activity or event, or for conduct
706 occurring on property other than school property or other than at
707 a school-related activity or event when such conduct by a pupil,
708 in the determination of the school superintendent or principal,
709 renders that pupil's presence in the classroom a disruption to the



710 educational environment of the school or a detriment to the best
711 interest and welfare of the pupils and teacher of such class as a
712 whole, and to delegate such authority to the appropriate officials
713 of the school district;

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

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

720 (h) To exclude from the schools students with what
721 appears to be infectious or contagious diseases; provided,
722 however, such student may be allowed to return to school upon
723 presenting a certificate from a public health officer, duly
724 licensed physician or nurse practitioner that the student is free
725 from such disease;

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

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

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

733 (l) To prescribe and enforce rules and regulations not
734 inconsistent with law or with the regulations of the State Board



735 of Education for their own government and for the government of
736 the schools, and to transact their business at regular and special
737 meetings called and held in the manner provided by law;

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

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

743 (o) To make orders directed to the superintendent of
744 schools for the issuance of pay certificates for lawful purposes
745 on any available funds of the district and to have full control of
746 the receipt, distribution, allotment and disbursement of all funds
747 provided for the support and operation of the schools of such
748 school district whether such funds be derived from state
749 appropriations, local ad valorem tax collections, or otherwise.

750 The local school board shall be authorized and empowered to
751 promulgate rules and regulations that specify the types of claims
752 and set limits of the dollar amount for payment of claims by the
753 superintendent of schools to be ratified by the board at the next
754 regularly scheduled meeting after payment has been made;

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



759 (q) To provide athletic programs and other school
760 activities and to regulate the establishment and operation of such
761 programs and activities;

762 (r) To join, in their discretion, any association of
763 school boards and other public school-related organizations, and
764 to pay from local funds other than minimum foundation funds, any
765 membership dues;

766 (s) To expend local school activity funds, or other
767 available school district funds, other than minimum education
768 program funds, for the purposes prescribed under this paragraph.
769 "Activity funds" shall mean all funds received by school officials
770 in all school districts paid or collected to participate in any
771 school activity, such activity being part of the school program
772 and partially financed with public funds or supplemented by public
773 funds. The term "activity funds" shall not include any funds
774 raised and/or expended by any organization unless commingled in a
775 bank account with existing activity funds, regardless of whether
776 the funds were raised by school employees or received by school
777 employees during school hours or using school facilities, and
778 regardless of whether a school employee exercises influence over
779 the expenditure or disposition of such funds. Organizations shall
780 not be required to make any payment to any school for the use of
781 any school facility if, in the discretion of the local school
782 governing board, the organization's function shall be deemed to be
783 beneficial to the official or extracurricular programs of the



784 school. For the purposes of this provision, the term
785 "organization" shall not include any organization subject to the
786 control of the local school governing board. Activity funds may
787 only be expended for any necessary expenses or travel costs,
788 including advances, incurred by students and their chaperons in
789 attending any in-state or out-of-state school-related programs,
790 conventions or seminars and/or any commodities, equipment, travel
791 expenses, purchased services or school supplies which the local
792 school governing board, in its discretion, shall deem beneficial
793 to the official or extracurricular programs of the district,
794 including items which may subsequently become the personal
795 property of individuals, including yearbooks, athletic apparel,
796 book covers and trophies. Activity funds may be used to pay
797 travel expenses of school district personnel. The local school
798 governing board shall be authorized and empowered to promulgate
799 rules and regulations specifically designating for what purposes
800 school activity funds may be expended. The local school governing
801 board shall provide (i) that such school activity funds shall be
802 maintained and expended by the principal of the school generating
803 the funds in individual bank accounts, or (ii) that such school
804 activity funds shall be maintained and expended by the
805 superintendent of schools in a central depository approved by the
806 board. The local school governing board shall provide that such
807 school activity funds be audited as part of the annual audit
808 required in Section 37-9-18. The State Department of Education



809 shall prescribe a uniform system of accounting and financial
810 reporting for all school activity fund transactions;

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

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

817 (v) (i) To lease a school building from an individual,
818 partnership, nonprofit corporation or a private for-profit
819 corporation for the use of such school district, and to expend
820 funds therefor as may be available from any nonminimum program
821 sources. The school board of the school district desiring to
822 lease a school building shall declare by resolution that a need
823 exists for a school building and that the school district cannot
824 provide the necessary funds to pay the cost or its proportionate
825 share of the cost of a school building required to meet the
826 present needs. The resolution so adopted by the school board
827 shall be published once each week for three (3) consecutive weeks
828 in a newspaper having a general circulation in the school district
829 involved, with the first publication thereof to be made not less
830 than thirty (30) days prior to the date upon which the school
831 board is to act on the question of leasing a school building. If
832 no petition requesting an election is filed prior to such meeting
833 as hereinafter provided, then the school board may, by resolution



834 spread upon its minutes, proceed to lease a school building. If
835 at any time prior to said meeting a petition signed by not less
836 than twenty percent (20%) or fifteen hundred (1500), whichever is
837 less, of the qualified electors of the school district involved
838 shall be filed with the school board requesting that an election
839 be called on the question, then the school board shall, not later
840 than the next regular meeting, adopt a resolution calling an
841 election to be held within such school district upon the question
842 of authorizing the school board to lease a school building. Such
843 election shall be called and held, and notice thereof shall be
844 given, in the same manner for elections upon the questions of the
845 issuance of the bonds of school districts, and the results thereof
846 shall be certified to the school board. If at least three-fifths
847 (3/5) of the qualified electors of the school district who voted
848 in such election shall vote in favor of the leasing of a school
849 building, then the school board shall proceed to lease a school
850 building. The term of the lease contract shall not exceed twenty
851 (20) years, and the total cost of such lease shall be either the
852 amount of the lowest and best bid accepted by the school board
853 after advertisement for bids or an amount not to exceed the
854 current fair market value of the lease as determined by the
855 averaging of at least two (2) appraisals by certified general
856 appraisers licensed by the State of Mississippi. The term "school
857 building" as used in this paragraph (v) (i) shall be construed to
858 mean any building or buildings used for classroom purposes in



859 connection with the operation of schools and shall include the
860 site therefor, necessary support facilities, and the equipment
861 thereof and appurtenances thereto such as heating facilities,
862 water supply, sewage disposal, landscaping, walks, drives and
863 playgrounds. The term "lease" as used in this paragraph (v) (i)
864 may include a lease-purchase contract;

865 (ii) If two (2) or more school districts propose
866 to enter into a lease contract jointly, then joint meetings of the
867 school boards having control may be held but no action taken shall
868 be binding on any such school district unless the question of
869 leasing a school building is approved in each participating school
870 district under the procedure hereinabove set forth in paragraph
871 (v) (i). All of the provisions of paragraph (v) (i) regarding the
872 term and amount of the lease contract shall apply to the school
873 boards of school districts acting jointly. Any lease contract
874 executed by two (2) or more school districts as joint lessees
875 shall set out the amount of the aggregate lease rental to be paid
876 by each, which may be agreed upon, but there shall be no right of
877 occupancy by any lessee unless the aggregate rental is paid as
878 stipulated in the lease contract. All rights of joint lessees
879 under the lease contract shall be in proportion to the amount of
880 lease rental paid by each;

881 (w) To employ all noninstructional and noncertificated
882 employees and fix the duties and compensation of such personnel



883 deemed necessary pursuant to the recommendation of the
884 superintendent of schools;

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

887 (y) Subject to rules and regulations of the State Board
888 of Education, to purchase, own and operate trucks, vans and other
889 motor vehicles, which shall bear the proper identification
890 required by law;

891 (z) To expend funds for the payment of substitute
892 teachers and to adopt reasonable regulations for the employment
893 and compensation of such substitute teachers;

894 (aa) To acquire in its own name by purchase all real
895 property which shall be necessary and desirable in connection with
896 the construction, renovation or improvement of any public school
897 building or structure. Whenever the purchase price for such real
898 property is greater than Fifty Thousand Dollars (\$50,000.00), the
899 school board shall not purchase the property for an amount
900 exceeding the fair market value of such property as determined by
901 the average of at least two (2) independent appraisals by
902 certified general appraisers licensed by the State of Mississippi.
903 If the board shall be unable to agree with the owner of any such
904 real property in connection with any such project, the board shall
905 have the power and authority to acquire any such real property by
906 condemnation proceedings pursuant to Section 11-27-1 et seq.,
907 Mississippi Code of 1972, and for such purpose, the right of



908 eminent domain is hereby conferred upon and vested in said board.
909 Provided further, that the local school board is authorized to
910 grant an easement for ingress and egress over sixteenth section
911 land or lieu land in exchange for a similar easement upon
912 adjoining land where the exchange of easements affords substantial
913 benefit to the sixteenth section land; provided, however, the
914 exchange must be based upon values as determined by a competent
915 appraiser, with any differential in value to be adjusted by cash
916 payment. Any easement rights granted over sixteenth section land
917 under such authority shall terminate when the easement ceases to
918 be used for its stated purpose. No sixteenth section or lieu land
919 which is subject to an existing lease shall be burdened by any
920 such easement except by consent of the lessee or unless the school
921 district shall acquire the unexpired leasehold interest affected
922 by the easement;

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

926 (cc) Subject to rules and regulations of the State
927 Board of Education, to purchase relocatable classrooms for the use
928 of such school district, in the manner prescribed in Section
929 37-1-13;

930 (dd) Enter into contracts or agreements with other
931 school districts, political subdivisions or governmental entities
932 to carry out one or more of the powers or duties of the school



933 board, or to allow more efficient utilization of limited resources
934 for providing services to the public;

935 (ee) To provide for in-service training for employees
936 of the district;

937 (ff) As part of their duties to prescribe the use of
938 textbooks, electronic textbooks or digital mobile devices, to
939 provide that parents and legal guardians shall be responsible for
940 the textbooks, electronic textbooks or digital mobile devices and
941 for the compensation to the school district for any books which
942 are not returned to the proper schools upon the withdrawal of
943 their dependent child. If a textbook, electronic textbook or
944 digital mobile device is lost or not returned by any student who
945 drops out of the public school district, the parent or legal
946 guardian shall also compensate the school district for the fair
947 market value of the textbooks, electronic textbooks or digital
948 mobile devices;

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

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

956 (ii) Fund-raising activities conducted or
957 authorized by the board for the sale of school pictures, the



958 rental of caps and gowns or the sale of graduation invitations for
959 which the school board receives a commission, rebate or fee shall
960 contain a disclosure statement advising that a portion of the
961 proceeds of the sales or rentals shall be contributed to the
962 student activity fund;

963 (hh) To allow individual lessons for music, art and
964 other curriculum-related activities for academic credit or
965 nonacademic credit during school hours and using school equipment
966 and facilities, subject to uniform rules and regulations adopted
967 by the school board;

968 (ii) To charge reasonable fees for participating in an
969 extracurricular activity for academic or nonacademic credit for
970 necessary and required equipment such as safety equipment, band
971 instruments and uniforms;

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

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

977 (ll) To expend funds for the services of nonprofit arts
978 organizations or other such nonprofit organizations who provide
979 performances or other services for the students of the school
980 district;

981 (mm) To expend federal No Child Left Behind Act funds,
982 or any other available funds that are expressly designated and



983 authorized for that use, to pay training, educational expenses,
984 salary incentives and salary supplements to employees of local
985 school districts; except that incentives shall not be considered
986 part of the local supplement as defined in Section 37-151-5(o),
987 nor shall incentives be considered part of the local supplement
988 paid to an individual teacher for the purposes of Section
989 37-19-7(1). Mississippi Adequate Education Program funds or any
990 other state funds may not be used for salary incentives or salary
991 supplements as provided in this paragraph (mm);

992 (nn) To use any available funds, not appropriated or
993 designated for any other purpose, for reimbursement to the
994 state-licensed employees from both in state and out of state, who
995 enter into a contract for employment in a school district, for the
996 expense of moving when the employment necessitates the relocation
997 of the licensed employee to a different geographical area than
998 that in which the licensed employee resides before entering into
999 the contract. The reimbursement shall not exceed One Thousand
1000 Dollars (\$1,000.00) for the documented actual expenses incurred in
1001 the course of relocating, including the expense of any
1002 professional moving company or persons employed to assist with the
1003 move, rented moving vehicles or equipment, mileage in the amount
1004 authorized for county and municipal employees under Section
1005 25-3-41 if the licensed employee used his personal vehicle or
1006 vehicles for the move, meals and such other expenses associated
1007 with the relocation. No licensed employee may be reimbursed for



1008 moving expenses under this section on more than one (1) occasion
1009 by the same school district. Nothing in this section shall be
1010 construed to require the actual residence to which the licensed
1011 employee relocates to be within the boundaries of the school
1012 district that has executed a contract for employment in order for
1013 the licensed employee to be eligible for reimbursement for the
1014 moving expenses. However, the licensed employee must relocate
1015 within the boundaries of the State of Mississippi. Any individual
1016 receiving relocation assistance through the Critical Teacher
1017 Shortage Act as provided in Section 37-159-5 shall not be eligible
1018 to receive additional relocation funds as authorized in this
1019 paragraph;

1020 (oo) To use any available funds, not appropriated or
1021 designated for any other purpose, to reimburse persons who
1022 interview for employment as a licensed employee with the district
1023 for the mileage and other actual expenses incurred in the course
1024 of travel to and from the interview at the rate authorized for
1025 county and municipal employees under Section 25-3-41;

1026 (pp) Consistent with the report of the Task Force to
1027 Conduct a Best Financial Management Practices Review, to improve
1028 school district management and use of resources and identify cost
1029 savings as established in Section 8 of Chapter 610, Laws of 2002,
1030 local school boards are encouraged to conduct independent reviews
1031 of the management and efficiency of schools and school districts.



1032 Such management and efficiency reviews shall provide state and
1033 local officials and the public with the following:

- 1034 (i) An assessment of a school district's
1035 governance and organizational structure;
- 1036 (ii) An assessment of the school district's
1037 financial and personnel management;
- 1038 (iii) An assessment of revenue levels and sources;
- 1039 (iv) An assessment of facilities utilization,
1040 planning and maintenance;
- 1041 (v) An assessment of food services, transportation
1042 and safety/security systems;
- 1043 (vi) An assessment of instructional and
1044 administrative technology;
- 1045 (vii) A review of the instructional management and
1046 the efficiency and effectiveness of existing instructional
1047 programs; and
- 1048 (viii) Recommended methods for increasing
1049 efficiency and effectiveness in providing educational services to
1050 the public;
- 1051 (qq) To enter into agreements with other local school
1052 boards for the establishment of an educational service agency
1053 (ESA) to provide for the cooperative needs of the region in which
1054 the school district is located, as provided in Section 37-7-345;
- 1055 (rr) To implement a financial literacy program for
1056 students in Grades 10 and 11. The board may review the national



1057 programs and obtain free literature from various nationally
1058 recognized programs. After review of the different programs, the
1059 board may certify a program that is most appropriate for the
1060 school districts' needs. If a district implements a financial
1061 literacy program, then any student in Grade 10 or 11 may
1062 participate in the program. The financial literacy program shall
1063 include, but is not limited to, instruction in the same areas of
1064 personal business and finance as required under Section
1065 37-1-3(2) (b). The school board may coordinate with volunteer
1066 teachers from local community organizations, including, but not
1067 limited to, the following: United States Department of
1068 Agriculture Rural Development, United States Department of Housing
1069 and Urban Development, Junior Achievement, bankers and other
1070 nonprofit organizations. Nothing in this paragraph shall be
1071 construed as to require school boards to implement a financial
1072 literacy program;

1073 (ss) To collaborate with the State Board of Education,
1074 Community Action Agencies or the Department of Human Services to
1075 develop and implement a voluntary program to provide services for
1076 a prekindergarten program that addresses the cognitive, social,
1077 and emotional needs of four-year-old and three-year-old children.
1078 The school board may utilize any source of available revenue to
1079 fund the voluntary program. Effective with the 2013-2014 school
1080 year, to implement voluntary prekindergarten programs under the



1081 Early Learning Collaborative Act of 2013 pursuant to state funds
1082 awarded by the State Department of Education on a matching basis;

1083 (tt) With respect to any lawful, written obligation of
1084 a school district, including, but not limited to, leases
1085 (excluding leases of sixteenth section public school trust land),
1086 bonds, notes, or other agreement, to agree in writing with the
1087 obligee that the Department of Revenue or any state agency,
1088 department or commission created under state law may:

1089 (i) Withhold all or any part (as agreed by the
1090 school board) of any monies which such local school board is
1091 entitled to receive from time to time under any law and which is
1092 in the possession of the Department of Revenue, or any state
1093 agency, department or commission created under state law; and

1094 (ii) Pay the same over to any financial
1095 institution, trustee or other obligee, as directed in writing by
1096 the school board, to satisfy all or part of such obligation of the
1097 school district.

1098 The school board may make such written agreement to withhold
1099 and transfer funds irrevocable for the term of the written
1100 obligation and may include in the written agreement any other
1101 terms and provisions acceptable to the school board. If the
1102 school board files a copy of such written agreement with the
1103 Department of Revenue, or any state agency, department or
1104 commission created under state law then the Department of Revenue
1105 or any state agency, department or commission created under state



1106 law shall immediately make the withholdings provided in such
1107 agreement from the amounts due the local school board and shall
1108 continue to pay the same over to such financial institution,
1109 trustee or obligee for the term of the agreement.

1110 This paragraph (tt) shall not grant any extra authority to a
1111 school board to issue debt in any amount exceeding statutory
1112 limitations on assessed value of taxable property within such
1113 school district or the statutory limitations on debt maturities,
1114 and shall not grant any extra authority to impose, levy or collect
1115 a tax which is not otherwise expressly provided for, and shall not
1116 be construed to apply to sixteenth section public school trust
1117 land;

1118 (uu) With respect to any matter or transaction that is
1119 competitively bid by a school district, to accept from any bidder
1120 as a good-faith deposit or bid bond or bid surety, the same type
1121 of good-faith deposit or bid bond or bid surety that may be
1122 accepted by the state or any other political subdivision on
1123 similar competitively bid matters or transactions. This paragraph
1124 (uu) shall not be construed to apply to sixteenth section public
1125 school trust land. The school board may authorize the investment
1126 of any school district funds in the same kind and manner of
1127 investments, including pooled investments, as any other political
1128 subdivision, including community hospitals;

1129 (vv) To utilize the alternate method for the conveyance
1130 or exchange of unused school buildings and/or land, reserving a



1131 partial or other undivided interest in the property, as
1132 specifically authorized and provided in Section 37-7-485;

1133 (ww) To delegate, privatize or otherwise enter into a
1134 contract with private entities for the operation of any and all
1135 functions of nonacademic school process, procedures and operations
1136 including, but not limited to, cafeteria workers, janitorial
1137 services, transportation, professional development, achievement
1138 and instructional consulting services materials and products,
1139 purchasing cooperatives, insurance, business manager services,
1140 auditing and accounting services, school safety/risk prevention,
1141 data processing and student records, and other staff services;
1142 however, the authority under this paragraph does not apply to the
1143 leasing, management or operation of sixteenth section lands.
1144 Local school districts, working through their regional education
1145 service agency, are encouraged to enter into buying consortia with
1146 other member districts for the purposes of more efficient use of
1147 state resources as described in Section 37-7-345;

1148 (xx) To partner with entities, organizations and
1149 corporations for the purpose of benefiting the school district;

1150 (yy) To borrow funds from the Rural Economic
1151 Development Authority for the maintenance of school buildings;

1152 (zz) To fund and operate voluntary early childhood
1153 education programs, defined as programs for children less than
1154 five (5) years of age on or before September 1, and to use any
1155 source of revenue for such early childhood education programs.



1156 Such programs shall not conflict with the Early Learning
1157 Collaborative Act of 2013;

1158 (aaa) To issue and provide for the use of procurement
1159 cards by school board members, superintendents and licensed school
1160 personnel consistent with the rules and regulations of the
1161 Mississippi Department of Finance and Administration under Section
1162 31-7-9; and

1163 (bbb) To conduct an annual comprehensive evaluation of
1164 the superintendent of schools consistent with the assessment
1165 components of paragraph (pp) of this section and the assessment
1166 benchmarks established by the Mississippi School Board Association
1167 to evaluate the success the superintendent has attained in meeting
1168 district goals and objectives, the superintendent's leadership
1169 skill and whether or not the superintendent has established
1170 appropriate standards for performance, is monitoring success and
1171 is using data for improvement.

1172 **SECTION 16.** This act shall take effect and be in force from
1173 and after July 1, 2021.

