

By: Representative Young

To: Education;
Appropriations

HOUSE BILL NO. 154

1 AN ACT TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO STUDY
2 THE ISSUE OF PROVIDING HOLISTIC EDUCATIONAL EFFICIENCY AND
3 OPPORTUNITIES TO SCHOOL DISTRICTS IN THOSE COUNTIES HAVING TWO OR
4 MORE SCHOOL DISTRICTS; TO SPECIFY CERTAIN DATA THAT MUST BE
5 COMPILED IN A REPORT ON THE STUDY WHICH MUST BE SUBMITTED TO THE
6 LEGISLATURE BEFORE NOVEMBER 1, 2024; TO AMEND SECTION 37-7-103,
7 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT FROM AND AFTER JULY 1,
8 2025, ALL MUNICIPAL SEPARATE, CONSOLIDATED, LINE CONSOLIDATED AND
9 SPECIAL MUNICIPAL SCHOOL DISTRICTS IN EACH COUNTY SHALL BE
10 ABOLISHED AND JOINED FOR ADMINISTRATIVE EFFICIENCY INTO A
11 COUNTYWIDE SCHOOL DISTRICT WITH ONE COUNTY BOARD OF EDUCATION AND
12 ONE APPOINTED COUNTY SUPERINTENDENT OF EDUCATION; TO DIRECT THE
13 STATE BOARD OF EDUCATION TO PUBLISH AN EFFICIENCY JOINDER LIST OF
14 DISTRICTS AFFECTED IN ORDER TO CREATE A COUNTYWIDE SCHOOL DISTRICT
15 IN EACH COUNTY AND TO REQUIRE ALL SCHOOL DISTRICTS TO COMPLY WITH
16 ADMINISTRATIVE ORDERS ISSUED BY THE STATE BOARD OF EDUCATION; TO
17 PROVIDE FOR THE TRANSFER OF REAL AND PERSONAL PROPERTY OF AFFECTED
18 SCHOOL DISTRICTS; TO PROVIDE FOR EMPLOYEE CONTRACTS IN SCHOOL
19 DISTRICTS SUBJECT TO ADMINISTRATIVE EFFICIENCY JOINDER; TO PROVIDE
20 FOR THE DUTY TO PAY THE OUTSTANDING DEBT OF SCHOOL DISTRICTS
21 AFFECTED BY AN EFFICIENCY JOINDER; TO PROVIDE THAT THE
22 ADMINISTRATIVE EFFICIENCY JOINDER SHALL NOT REQUIRE THE CLOSING OF
23 ANY SCHOOL OR FACILITY; TO PROVIDE FOR THE RULEMAKING AUTHORITY OF
24 THE STATE BOARD OF EDUCATION REGARDING THE ADMINISTRATIVE
25 EFFICIENCY JOINDER; TO AMEND SECTION 37-15-13, MISSISSIPPI CODE OF
26 1972, TO PROVIDE THAT NO CHANGE IN THE ATTENDANCE ZONE OF ANY
27 SCHOOL SHALL BE MADE BY A NEWLY ELECTED COUNTY BOARD OF EDUCATION;
28 TO AMEND SECTIONS 37-5-1, 37-5-7, 37-5-9 AND 37-5-19, MISSISSIPPI
29 CODE OF 1972, TO PROVIDE FOR THE ELECTION OF MEMBERS OF ALL COUNTY
30 BOARDS OF EDUCATION IN NOVEMBER 2025 AND EVERY FOUR YEARS
31 THEREAFTER FOR FOUR-YEAR TERMS; TO PROVIDE THAT THE ELECTION IS BY
32 SUPERVISORS DISTRICT WITH ALL ELECTORS RESIDING THEREIN ELIGIBLE
33 TO VOTE IN THE ELECTION; TO PROVIDE FOR THE ELECTION OF A MEMBER
34 AT LARGE FROM ANY COUNTY HAVING NO HIGH SCHOOL ATTENDANCE CENTER;



TO PROVIDE FOR FILLING VACANCIES ON THE COUNTY BOARD OF EDUCATION;
TO BRING FORWARD SECTIONS 37-9-13 AND 37-9-25, MISSISSIPPI CODE OF
1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS; TO AMEND SECTIONS
37-6-3, 37-6-5, 37-6-7, 37-6-9, 37-6-11, 37-6-13, 37-6-15 AND
37-7-301, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO
AMEND SECTION 37-57-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
THE BOARD OF SUPERVISORS SHALL BE THE LEVYING AUTHORITY FOR ALL AD
VALOREM TAXES FOR THE SUPPORT OF THE SCHOOL DISTRICT IN THE
COUNTY; TO REPEAL SECTIONS 37-7-105 THROUGH 37-7-115, MISSISSIPPI
CODE OF 1972, WHICH PROVIDE PROCEDURES FOR THE ABOLITION,
ALTERATION AND CREATION OF PUBLIC SCHOOL DISTRICTS BY LOCAL SCHOOL
BOARDS AND BY PETITION OF THE ELECTORATE; TO REPEAL SECTION
37-5-3, MISSISSIPPI CODE OF 1972, WHICH PROVIDES CERTAIN RESIDENCY
REQUIREMENTS FOR MEMBERS OF COUNTY BOARDS OF EDUCATION; TO REPEAL
SECTION 37-5-18, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE
ELECTION OF MEMBERS OF COUNTY BOARDS OF EDUCATION FROM SPECIAL
DISTRICTS; TO REPEAL SECTIONS 37-7-201 THROUGH 37-7-229 AND
37-7-701 THROUGH 37-7-725, MISSISSIPPI CODE OF 1972, WHICH PROVIDE
QUALIFICATIONS, ELECTION PROCEDURES, TERMS OF OFFICE, PETITION
PROCEDURES, VACANCY PROCEDURES AND OPTIONAL SELECTION METHODS FOR
BOARDS OF TRUSTEES OF MUNICIPAL SEPARATE SCHOOL DISTRICTS,
CONSOLIDATED SCHOOL DISTRICTS, LINE CONSOLIDATED SCHOOL DISTRICTS
AND SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS; AND FOR RELATED
PURPOSES.

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

SECTION 1. (1) The State Department of Education shall

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

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

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



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

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

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

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

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

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

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

95 (c) A projection of the most feasible minimum size of a
96 school district which is capable of promoting a wholesome



educational experience, complete with advanced placement courses,
athletics and other extracurricular activities;

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

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

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

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

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

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

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



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

(4) The department shall prepare a written report on the study which includes, at a minimum, the data and information specified under subsections (1) and (2) of this section. The report must be presented to the Chairmen of the House and Senate Education Committees, Speaker of the House, Lieutenant Governor and the Governor before November 1, 2024.

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

[Until July 1, 2025, this section shall read as follows:]

37-7-103. From and after July 1, 1987, the school board of any school district shall have full jurisdiction, power and authority, at any regular meeting thereof or at any special meeting called for that purpose, to abolish such existing district, or to reorganize, change or alter the boundaries of any such district. In addition thereto, with the consent of the school board of the school district involved, the school board may add to such school district any part of the school district adjoining same, and with the consent of the school board of the school district involved, may detach territory from such school district and annex same to an adjoining district. Provided, however, that the consent of the school board of the school districts involved in implementing the provisions of Section 37-7-104, 37-7-104.2, 37-7-104.3, 37-7-104.4, 37-7-104.5,



37-7-104.6, 37-7-104.7 or 37-7-104.8 shall not be required for the administrative consolidation of such school districts pursuant to the order of the State Board of Education.

[From and after July 1, 2025, this section shall read as follows:]

37-7-103. From and after July 1, * * * 2025, * * * each county in the State of Mississippi constitutes a single school district to be known as the "School District of _____ County, Mississippi." Each school district constitutes a unit for the control, organization and administration of schools. The responsibility for the actual operation and administration of all schools within each district in conformity with rules and minimum standards prescribed by the state, and also the responsibility for the provision of any desirable and practicable opportunities authorized by the law beyond those required by the state, is delegated by law to the members of the county board of education, with an appointed county superintendent of education as executive officer for the board.

(2) For purposes of this section, the term "administrative efficiency joinder" means the joining of two (2) or more school districts to create a new single school district in the county with one (1) administrative unit, one (1) school board and one (1) school superintendent, without requiring the closure of school facilities. An administratively efficiently joined school district may not have more than one (1) superintendent of schools.



172 Before February 1, 2025, the State Department of Education shall
173 publish an efficiency joinder list that includes all school
174 districts in the state that are not countywide school districts
175 embracing an entire county. The county board of education shall
176 provide for the administrative efficiency joinder of all school
177 districts in the county into one (1) countywide school district
178 embracing the entire county before July 1, 2025. Any school
179 district on the efficiency joinder list that does not join
180 voluntarily with the countywide school district must be joined for
181 administrative efficiency by the State Board of Education with the
182 countywide school district in which that district is located
183 before June 1, 2025, to be effective on July 1, 2025. The State
184 Board of Education shall move promptly on its own motion to join
185 for administrative efficiency a school district on the efficiency
186 joinder list in order to enable the affected school districts to
187 reasonably accomplish the resulting administrative efficiency
188 joinder into a countywide school district before July 1, 2025.
189 All school districts on the efficiency joinder list must comply
190 with any order issued by the county board of education or the
191 State Board of Education, as the case may be, before July 1, 2025.

192 (3) On July 1, 2025, the board of trustees of any municipal
193 separate, special municipal separate, consolidated or line
194 consolidated school district on the efficiency joinder list issued
195 by the State Board of Education is abolished. All real and
196 personal property owned or titled in the name of a school district



on the efficiency joinder list must be transferred to the
countywide school district of the county in which that school
district is located. If a school district is located in two (2)
or more counties, the State Board of Education shall issue an
order directing the transfer of real and personal property to the
appropriate countywide school district. Each school board shall
be responsible for establishing the contracts for teachers and
principals for the next school year with the consultation of the
county board of education. The selection of the county
superintendent of education in the successor countywide school
district is the responsibility of the county board of education.
The county board of education shall prepare and approve the budget
of the new countywide district, and the county board of education
may use staff from the existing districts to prepare the budget.
Any proposed order of a county board of education directing the
transfer of the assets or real or personal property of a school
district on the efficiency joinder list must be submitted and
approved by the State Board of Education. The determination of
the State Board of Education shall be final and conclusive for the
purposes of the transfer of property required by an administrative
efficiency joinder. Any person or school district aggrieved by an
order of a school board adopted under the requirements of this
section may appeal to the State Board of Education within ten (10)
days from the date of the adjournment of the meeting at which the
order is entered. The appeal must be de novo, and the findings of



222 the State Board of Education upon that question are final and
223 conclusive for the purpose of the approval or disapproval of the
224 action by the board. Any special municipal school district
225 embracing the territory of an entire county is abolished on July
226 1, 2025, and reconstituted as a countywide school district with a
227 county board of education.

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

236 (5) This section may not be construed to require the closing
237 of any school or school facility, unless the facility is an
238 unneded administrative office. All joinders of administrative
239 efficiency under this section must be accomplished so as not to
240 delay or in any manner negatively affect the desegregation of
241 another school district in the county under court order.

242 (6) In the administratively efficiently joined countywide
243 school district created under this section, the ad valorem tax
244 rate shall be determined as set forth under Sections 37-57-1
245 through 37-57-133. A school district joined for administrative
246 efficiency with a school district designated by the State Board of



Education as being in academic or fiscal distress or under state conservatorship is not subject to academic or fiscal distress sanctions for a period of three (3) years from the effective date of the required administrative efficiency joinder.

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

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

37-15-13. When any child qualified under the requirements of Section 37-15-9 * * * applies or presents himself for enrollment in or admission to the public schools of any school district of this state, the * * * county board of education of * * * the school district * * * has the power and authority to designate the particular school or attendance center of the district in which * * * the child * * * must be enrolled and which he * * * must attend; no enrollment of a child in a school shall be final or permanent until * * * that designation * * * is made by * * * the county board of education. No child shall be entitled to attend any school or attendance center except that to which he has been assigned by the * * * county board of education; however, the principal of a school or superintendent of the district may, in



proper cases, permit a child to attend a school temporarily until a permanent assignment is made by the * * * county board of education. A change in the attendance zone of a school or attendance center may not be made by a newly elected county board of education in a countywide school district that is created by an administrative efficiency joinder under the requirements of Section 37-7-103.

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

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

(2) * * * If an entire county is embraced by a line consolidated district on July 1, 2025, and that county does not have a high school within its boundaries, then the qualified electors of the county shall elect one (1) additional member at large to the county board of education of the county in which the high school students of the county attend school.

* * *

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



297 **[Until July 1, 2025, this section shall read as follows:]**

298 37-5-7. (1) On the first Tuesday after the first Monday in
299 May, 1954, an election shall be held in each county in this state
300 in the same manner as general state and county elections are held
301 and conducted, which election shall be held for the purpose of
302 electing the county boards of education established under the
303 provisions of this chapter. At such election, the members of the
304 said board from Supervisors Districts * * * 1 and * * * 2 shall be
305 elected for the term expiring on the first Monday of January,
306 1957; members of the board from Supervisors Districts * * * 3
307 and * * * 4 shall be elected for a term expiring on the first
308 Monday of January, 1959; and the member of the board from
309 Supervisors District * * * 5 shall be elected for a term expiring
310 on the first Monday of January, 1955. Except as otherwise
311 provided in subsection (2), all subsequent members of the board
312 shall be elected for a term of six (6) years at the regular
313 general election held on the first Monday in November next
314 preceding the expiration of the term of office of the respective
315 member or members of such board. All members of the county board
316 of education as herein constituted, shall take office on the first
317 Monday of January following the date of their election.

318 (2) On the first Tuesday after the first Monday in November,
319 in any year in which any county shall elect to utilize the
320 authority contained in Section 37-5-1(2), an election shall be
321 held in each such county in this state for the purpose of electing



the county boards of education in such counties. At said election the members of the said county board of education from Districts * * * 1 and * * * 2 shall be elected for a term of four (4) years, the members from Districts * * * 3 and * * * 4 shall be elected for a term of six (6) years, and the member from District * * * 5 shall be elected for a term of two (2) years. Thereafter, members shall be elected at general elections as vacancies occur for terms of six (6) years each. All members of the county board of education shall take office on the first Monday of January following the date of their election.

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

(i) The two (2) appointed board members of the Greenwood Public School District whose terms are nearest to expiration shall expire on January 1, 2019, and thereafter become permanently elected positions to be filled by persons elected as board members from Supervisors Districts 2 and 3 in a November 2018 election held for that purpose, in the manner prescribed in Section 37-7-203, and the newly elected members will take office on January 1, 2019, for a term of four (4) years;

(ii) The final two (2) appointed board members of the Greenwood Public School District whose terms are the farthest



347 removed from expiration shall expire on January 1, 2020, and
348 thereafter become permanently elected positions to be filled by
349 persons elected as board members from Supervisors Districts 4 and
350 5 in a November 2019 election held for that purpose, in the manner
351 prescribed in Section 37-7-203, and the newly elected members will
352 take office on January 1, 2020, for a term of four (4) years; and

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

361 (b) All subsequent members shall be elected for a term
362 of four (4) years at the regular general election held on the
363 first Monday in November next preceding the expiration of the term
364 of office of the respective members, and shall take office on
365 January 1 next succeeding the election.

366 (4) On the first Tuesday after the first Monday in November
367 2017, an election shall be held in Holmes County for the purpose
368 of electing the county board of education in the new Holmes County
369 Consolidated School District. At the election, the members of the
370 said county board of education shall be elected from single member
371 board of education districts, which shall be consistent with the



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

(5) On the first Tuesday after the first Monday in November 2023, an election shall be held in Chickasaw County for the purpose of electing the county board of education in the new Chickasaw County School District. The board of supervisors shall declare and designate posts for each member of the new board. At said election, the members of the said county board of education from Posts One and Two shall be elected for a term of four (4) years, the members from Posts Three and Four shall be elected for a term of three (3) years and the member from Post Five shall be elected for a term of two (2) years. Thereafter, members shall be elected at general elections as vacancies occur for terms of four (4) years each. All members of the county board of education in the new Chickasaw County School District shall take office on the first Monday of January following the date of their election.



396 [From and after July 1, 2025, this section shall read as
397 follows:]

398 37-5-7. * * * On the first Tuesday after the first Monday
399 in * * * November 2025, an election shall be held in each county
400 in this state in the same manner * * * and at the same time as the
401 presidential election is held and conducted, which election shall
402 be held for the purpose of electing the county boards of education
403 established under the provisions of this chapter. * * * All
404 members of the board elected in November 2025 shall be elected for
405 a term of * * * four (4) years * * *. All members of the county
406 board of education as herein constituted, shall take office on the
407 first Monday of January following the date of their election.

408 * * *

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

411 [Until July 1, 2025, this section shall read as follows:]

412 37-5-9. The name of any qualified elector who is a candidate
413 for the county board of education shall be placed on the ballot
414 used in the general elections by the county election
415 commissioners, provided that the candidate files with the county
416 election commissioners, not more than ninety (90) days and not
417 less than sixty (60) days prior to the date of such general
418 election, a petition of nomination signed by not less than fifty
419 (50) qualified electors of the county residing within each
420 supervisors district. Where there are less than one hundred (100)



421 qualified electors in said supervisors district, it shall only be
422 required that said petition of nomination be signed by at least
423 twenty percent (20%) of the qualified electors of such supervisors
424 district. The candidate in each supervisors district who receives
425 the majority of votes cast in the district shall be declared
426 elected. If no candidate receives a majority of the votes cast at
427 the election, a runoff shall be held between the two (2)
428 candidates receiving the highest number of votes in the first
429 election. The runoff election, in the event that such is
430 necessary, shall be held three (3) weeks after the first election.

431 When any member of the county board of education is to be
432 elected from the county at large under the provisions of this
433 chapter, then the petition required by the preceding paragraph
434 hereof shall be signed by the required number of qualified
435 electors residing in any part of the county outside of the
436 territory embraced within a municipal separate school district or
437 special municipal separate school district. The candidate who
438 receives the majority of votes cast in the election shall be
439 declared elected. If no candidate receives a majority of the
440 votes cast at the election, a runoff shall be held between the two
441 (2) candidates receiving the highest number of votes in the first
442 election. The runoff election, in the event that such is
443 necessary, shall be held three (3) weeks after the first election.

444 In no case shall any qualified elector residing within a
445 municipal separate school district or special municipal separate



school district be eligible to sign a petition of nomination for any candidate for the county board of education under any of the provisions of this section.

[From and after July 1, 2025, this section shall read as follows:]

37-5-9. (1) The name of any qualified elector who is a candidate for the county board of education shall be placed on the ballot used in the general elections by the county election commissioners, provided that the candidate files with the county election commissioners, not more than ninety (90) days and not less than sixty (60) days * * * before the date of * * * the general election, a petition of nomination signed by not less than fifty (50) qualified electors of the county residing within each supervisors district. Where there are less than one hundred (100) qualified electors in said supervisors district, it shall only be required that said petition of nomination be signed by at least twenty percent (20%) of the qualified electors of * * * the supervisors district. The candidate in each supervisors district who receives the majority of votes cast in the district shall be declared elected. If no candidate receives a majority of the votes cast at the general election, a runoff shall be held between the two (2) candidates receiving the highest number of votes cast in the district in the first election. The runoff election, in the event that such is necessary, shall be held three (3) weeks after the first election, and the candidate who receives a



majority of the votes cast in the district in the runoff election must be declared elected.

(2) When any member of the county board of education is to be elected from the county at large under the provisions of this chapter, then the petition required by the preceding paragraph hereof shall be signed by the required number of qualified electors residing in any part of the county * * *. The candidate who receives the majority of votes cast in the election shall be declared elected. If no candidate receives a majority of the votes cast at the general election, a runoff shall be held between the two (2) candidates receiving the highest number of votes cast in the district in the first election. The runoff election, in the event that such is necessary, shall be held three (3) weeks after the first election, and the candidate who receives a majority of the votes cast in the district in the runoff election must be declared elected.

* * *

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

37-5-19. Vacancies in the membership of the county board of education shall be filled by appointment, within sixty (60) days after the vacancy occurs, by the remaining members of the county board of education. * * * The appointee shall be selected from the qualified electors of the supervisors district in which the vacancy occurs, and shall serve until the first Monday of January



496 next succeeding the next general election, at which general
497 election a member shall be elected to fill the remainder of the
498 unexpired term in the same manner and with the same qualifications
499 applicable to the election of a member for the full term. In the
500 event the school district is under conservatorship and no members
501 of the county board of education remain in office, the Governor
502 shall call a special election to fill the vacancies and said
503 election will be conducted by the county election commission.

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

516 **SECTION 8.** Section 37-9-13, Mississippi Code of 1972, is
517 brought forward as follows:

518 37-9-13. (1) (a) Each school district shall have a
519 superintendent of schools, selected in the manner provided by law.
520 No person shall be eligible to the office of superintendent of



521 schools unless such person shall hold a valid administrator's
522 license issued by the State Department of Education and shall have
523 classroom or administrative experience of not less than six (6)
524 years which shall include at least three (3) years of
525 administrative experience as a school building principal (a) in a
526 school with an "A" or "B" accountability rating, or (b) in a
527 school that increased its accountability rating by a letter grade
528 during the period in which the principal was employed as principal
529 at the school, or (c) in a school with comparable accountability
530 rating or improvement in another state which shall be verified by
531 the Mississippi Department of Education.

532 (b) Notwithstanding the provisions of subsection (4) of
533 this section, no person shall be eligible to the office of
534 superintendent of schools if the person has pled guilty to or been
535 convicted of any state or federal offense in which he or she
536 unlawfully took, obtained or misappropriated funds received by or
537 entrusted to the person by virtue of his or her public office or
538 employment.

539 (2) From and after January 1, 2019, in all public school
540 districts, the local school board shall appoint the superintendent
541 of schools of such district. At the expiration of the term of any
542 county superintendent of education elected at the November 2015
543 general election, the county superintendent of education of said
544 county shall not be elected but shall thereafter be appointed by
545 the local school board in the manner provided in Section 37-9-25.



546 However, in the event that a vacancy in the office of the
547 superintendent of schools elected at the November 2015 general
548 election shall occur before January 1, 2019, the office of
549 superintendent of schools shall immediately become an appointed
550 position, and the local school board shall appoint the
551 superintendent of the school district. The superintendent of
552 schools shall have the general powers and duties to administer the
553 schools within his district as prescribed in Section 37-9-14 et
554 seq., Mississippi Code of 1972.

555 (3) As an alternative to the qualifications prescribed in
556 subsection (1)(a) of this section, the State Board of Education is
557 authorized and directed to issue regulations by January 1, 2018,
558 which include minimum credentials, educational prerequisites, and
559 relevant best practice experience requirements that will qualify a
560 person to serve as a superintendent without having the direct
561 experience or certification as an educator specified in subsection
562 (1)(a) of this section.

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

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

569 37-9-25. The school board shall have the power and
570 authority, in its discretion, to employ the superintendent, unless



571 such superintendent is elected at the November 2015 general
572 election, for not exceeding four (4) scholastic years and the
573 principals or licensed employees for not exceeding three (3)
574 scholastic years. In such case, contracts shall be entered into
575 with such superintendents, principals and licensed employees for
576 the number of years for which they have been employed. However,
577 in the event that a vacancy in the office of the superintendent of
578 schools elected at the November 2015 general election shall occur
579 before January 1, 2019, the local school board shall then appoint
580 the superintendent of the school district and enter into contract
581 with the appointee for a period not to exceed three (3) scholastic
582 years. All such contracts with licensed employees shall for the
583 years after the first year thereof be subject to the contingency
584 that the licensed employee may be released if, during the life of
585 the contract, the average daily attendance should decrease from
586 that existing during the previous year and thus necessitate a
587 reduction in the number of licensed employees during any year
588 after the first year of the contract. However, in all such cases
589 the licensed employee must be released before July 1 or at least
590 thirty (30) days prior to the beginning of the school term,
591 whichever date should occur earlier. The salary to be paid for
592 the years after the first year of such contract shall be subject
593 to revision, either upward or downward, in the event of an
594 increase or decrease in the funds available for the payment
595 thereof, but, unless such salary is revised prior to the beginning



of a school year, it shall remain for such school year at the amount fixed in such contract. However, where school district funds, other than minimum education program funds, are available during the school year in excess of the amount anticipated at the beginning of the school year the salary to be paid for such year may be increased to the extent that such additional funds are available and nothing herein shall be construed to prohibit same.

SECTION 10. Section 37-6-3, Mississippi Code of 1972, is amended as follows:

37-6-3. (1) From and after July 1, 1987, all school districts in the State of Mississippi shall have the same prerogatives, powers, duties and privileges as provided in this chapter. From and after July 1, 2025, each county constitutes a school district for the control, organization and administration of schools, and all other school districts are abolished as provided in Section 37-7-103.

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

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



621 * * *

622 **SECTION 11.** Section 37-6-5, Mississippi Code of 1972, is
623 amended as follows:

624 37-6-5. Each * * * county in the state shall * * *
625 constitute a school district and shall be known as the "School
626 District of _____ County, Mississippi."

627 **SECTION 12.** Section 37-6-7, Mississippi Code of 1972, is
628 amended as follows:

629 37-6-7. Each county school district shall be governed by
630 a * * * county board of education consisting of five (5) members,
631 selected in the manner provided by law.

632 **SECTION 13.** Section 37-6-9, Mississippi Code of 1972, is
633 amended as follows:

634 37-6-9. The * * * county board of education shall organize
635 by the election of a president and a secretary from its membership
636 whose duty it shall be to make reports and to perform all other
637 duties required by law. A majority of the members of the * * *
638 board shall constitute a quorum for the transaction of business.
639 Minutes shall be kept of all meetings of the * * * board showing:

- 640 (a) The members present and absent;
- 641 (b) The date, time and place of the meeting;
- 642 (c) An accurate recording of any final actions taken at
643 such meeting;
- 644 (d) A record by individual member of any votes taken at
645 such meeting; and



(e) Any other information that the school board requests to be reflected in the minutes.

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

SECTION 14. Section 37-6-11, Mississippi Code of 1972, is amended as follows:

37-6-11. The * * * county board of education shall meet regularly at * * * the time and at * * * the place as * * * designated by an order entered upon the minutes thereof. Special meetings of * * * county boards of education shall be held upon the call of the president thereof, or upon the call of a majority of the members thereof.

SECTION 15. Section 37-6-13, Mississippi Code of 1972, is amended as follows:

37-6-13. (1) Each person serving as a member of the * * * county board of education of any school district shall receive per diem in the amount of Sixty-seven Dollars (\$67.00) for no more than thirty-six (36) meetings of the school board during any one (1) fiscal year or, in his or her discretion, irrevocably may



671 choose to receive as compensation for his or her services an
672 annual salary in the amount of Two Thousand Four Hundred Dollars
673 (\$2,400.00), which choice shall remain in force for all successive
674 terms or periods of service of that member. The receipt of the
675 compensation shall not entitle any member of a * * * board to
676 receive or be eligible for any state employee group insurance,
677 retirement or other fringe benefits. Each member shall be
678 reimbursed for the necessary expenses and mileage in attending
679 meetings of the * * * board. In addition to the foregoing, all
680 members may be reimbursed for mileage and actual expenses incurred
681 in the further performance of their duties, including attendance
682 at any mandatory * * * board training session or at regional and
683 national education meetings, when * * * the mileage and other
684 expenses are authorized by the board * * * before the date on
685 which they occur. Detailed vouchers shall be submitted for
686 reimbursement for all expenses authorized by this section. * * *
687 The reimbursement shall be in accordance with Section 25-3-41.

688 * * * Those expenses shall be paid on order of the school
689 board by pay certificates issued by the county superintendent
690 of * * * education involved against the funds available for
691 payment of the administrative expense of the district.

692 (2) (a) If a member of a * * * board misses twenty percent
693 (20%) or more of the meetings of the * * * board during a calendar
694 year, except for absences caused by required military duty, the
695 member must reimburse the school district that portion of the



total salary paid to the member that year which is proportionate to the number of meetings missed by the member in relation to the total number of * * * board meetings held during that year. For purposes of this subsection, consideration may be given only to meetings of which public notice is required.

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

SECTION 16. Section 37-6-15, Mississippi Code of 1972, is amended as follows:

37-6-15. (1) Before entering upon the discharge of the duties of his office, each member of the * * * county board of education shall give a surety bond in the penal sum of Fifty Thousand Dollars (\$50,000.00), with sufficient surety, to be payable, conditioned and approved in the manner provided by law.

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



721 **SECTION 17.** Section 37-7-301, Mississippi Code of 1972, is
722 amended as follows:

723 37-7-301. The * * * county boards of * * * education shall
724 have the following powers, authority and duties in addition to all
725 others imposed or granted by law, to wit:

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

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

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

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

739 (e) To suspend or to expel a pupil or to change the
740 placement of a pupil to the school district's alternative school
741 or homebound program for misconduct in the school or on school
742 property, as defined in Section 37-11-29, on the road to and from
743 school, or at any school-related activity or event, or for conduct
744 occurring on property other than school property or other than at
745 a school-related activity or event when such conduct by a pupil,



746 in the determination of the * * * county superintendent or
747 principal, renders that pupil's presence in the classroom a
748 disruption to the educational environment of the school or a
749 detriment to the best interest and welfare of the pupils and
750 teacher of such class as a whole, and to delegate such authority
751 to the appropriate officials of the school district;

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

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

758 (h) To exclude from the schools students with what
759 appears to be infectious or contagious diseases; * * *
760 however, * * * the student may be allowed to return to school upon
761 presenting a certificate from a public health officer, duly
762 licensed physician or nurse practitioner that the student is free
763 from * * * the disease;

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

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

768 (k) To authorize the use of the school buildings and
769 grounds for the holding of public meetings and gatherings of the



770 people under such regulations as may be prescribed by * * * the
771 board;

772 (l) To prescribe and enforce rules and regulations not
773 inconsistent with law or with the regulations of the State Board
774 of Education for their own government and for the government of
775 the schools, and to transact their business at regular and special
776 meetings called and held in the manner provided by law;

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

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

782 (o) To make orders directed to the county
783 superintendent of * * * education for the issuance of pay
784 certificates for lawful purposes on any available funds of the
785 district and to have full control of the receipt, distribution,
786 allotment and disbursement of all funds provided for the support
787 and operation of the schools of * * * the school district
788 whether * * * the funds * * * are derived from state
789 appropriations, local ad valorem tax collections, or otherwise.
790 The * * * county board of education shall be authorized and
791 empowered to promulgate rules and regulations that specify the
792 types of claims and set limits of the dollar amount for payment of
793 claims by the county superintendent of * * * education to be



ratified by the board at the next regularly scheduled meeting after payment has been made;

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

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

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

(s) To expend local school activity funds, or other available school district funds, other than * * * adequate education program funds, for the purposes prescribed under this paragraph. "Activity funds" * * * means all funds received by school officials in all school districts paid or collected to participate in any school activity, * * * that activity being part of the school program and partially financed with public funds or supplemented by public funds. The term "activity funds" shall not include any funds raised and/or expended by any organization unless commingled in a bank account with existing activity funds, regardless of whether the funds were raised by school employees or received by school employees during school hours or using school



819 facilities, and regardless of whether a school employee exercises
820 influence over the expenditure or disposition of * * * the funds.
821 Organizations shall not be required to make any payment to any
822 school for the use of any school facility if, in the discretion of
823 the * * * county board of education, the organization's
824 function * * * is deemed to be beneficial to the official or
825 extracurricular programs of the school. For the purposes of this
826 provision, the term "organization" shall not include any
827 organization subject to the control of the * * * board. Activity
828 funds may only be expended for any necessary expenses or travel
829 costs, including advances, incurred by students and their
830 chaperons in attending any in-state or out-of-state school-related
831 programs, conventions or seminars and/or any commodities,
832 equipment, travel expenses, purchased services or school
833 supplies * * * that the * * * board, in its discretion, shall deem
834 beneficial to the official or extracurricular programs of the
835 district, including items * * * that may * * * later become the
836 personal property of individuals, including yearbooks, athletic
837 apparel, book covers and trophies. Activity funds may be used to
838 pay travel expenses of school district personnel. The * * *
839 county board of education shall be authorized and empowered to
840 promulgate rules and regulations specifically designating for what
841 purposes school activity funds may be expended. The * * * board
842 shall provide the following:



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

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

849 (iii) * * * That * * * the school activity funds
850 be audited as part of the annual audit required in Section
851 37-9-18.

852 The State Department of Education shall prescribe a uniform
853 system of accounting and financial reporting for all school
854 activity fund transactions;

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

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

861 (v) (i) To lease a school building from an individual,
862 partnership, nonprofit corporation or a private for-profit
863 corporation for the use of such school district, and to expend
864 funds therefor as may be available from any * * * sources other
865 than adequate education program funds. The * * * county board
866 of * * * education desiring to lease a school building shall
867 declare by resolution that a need exists for a school building and



868 that the school district cannot provide the necessary funds to pay
869 the cost or its proportionate share of the cost of a school
870 building required to meet the present needs. The resolution so
871 adopted by the * * * board shall be published once each week for
872 three (3) consecutive weeks in a newspaper having a general
873 circulation in the school district involved, with the first
874 publication thereof to be made not less than thirty (30)
875 days * * * before the date upon which the * * * board is to act on
876 the question of leasing a school building. If no petition
877 requesting an election is filed * * * before a meeting as
878 hereinafter provided, then the school board may, by resolution
879 spread upon its minutes, proceed to lease a school building. If
880 at any time * * * before the meeting a petition signed by not less
881 than twenty percent (20%) or fifteen hundred (1500), whichever is
882 less, of the qualified electors of the school district
883 involved * * * is filed with the * * * board requesting that an
884 election be called on the question, then the * * * board shall,
885 not later than the next regular meeting, adopt a resolution
886 calling an election to be held within * * * the school district
887 upon the question of authorizing the * * * board to lease a school
888 building. * * * The election shall be called and held, and notice
889 thereof shall be given, in the same manner for elections upon the
890 questions of the issuance of the bonds of school districts, and
891 the results thereof shall be certified to the * * * board. If at
892 least three-fifths (3/5) of the qualified electors of the school



893 district who voted in * * * the election * * * vote in favor of
894 the leasing of a school building, then the * * * board shall
895 proceed to lease a school building. The term of the lease
896 contract shall not exceed twenty (20) years, and the total cost
897 of * * * the lease shall be either the amount of the lowest and
898 best bid accepted by the * * * board after advertisement for bids
899 or an amount not to exceed the current fair market value of the
900 lease as determined by the averaging of at least two (2)
901 appraisals by certified general appraisers licensed by the State
902 of Mississippi. The term "school building" as used in this
903 paragraph (v)(i) shall be construed to mean any building or
904 buildings used for classroom purposes in connection with the
905 operation of schools and shall include the site therefor,
906 necessary support facilities, and the equipment thereof and
907 appurtenances thereto such as heating facilities, water supply,
908 sewage disposal, landscaping, walks, drives and playgrounds. The
909 term "lease" as used in this paragraph (v)(i) may include a
910 lease-purchase contract;

911 (ii) If two (2) or more school districts propose
912 to enter into a lease contract jointly, then joint meetings of
913 the * * * county boards of education having control may be held
914 but no action taken shall be binding on any * * * of those school
915 districts unless the question of leasing a school building is
916 approved in each participating school district under the procedure
917 hereinabove set forth in paragraph (v)(i). All of the provisions



918 of paragraph (v)(i) regarding the term and amount of the lease
919 contract shall apply to the * * * county boards of * * * education
920 acting jointly. Any lease contract executed by two (2) or more
921 school districts as joint lessees shall set out the amount of the
922 aggregate lease rental to be paid by each, which may be agreed
923 upon, but there shall be no right of occupancy by any lessee
924 unless the aggregate rental is paid as stipulated in the lease
925 contract. All rights of joint lessees under the lease contract
926 shall be in proportion to the amount of lease rental paid by each;

927 (w) To employ all noninstructional and * * *
928 nonlicensed employees and fix the duties and compensation of * * *
929 those personnel deemed necessary * * * according to the
930 recommendation of the county superintendent of * * * education;

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

933 (y) Subject to rules and regulations of the State Board
934 of Education, to purchase, own and operate trucks, vans and other
935 motor vehicles, which shall bear the proper identification
936 required by law;

937 (z) To expend funds for the payment of substitute
938 teachers and to adopt reasonable regulations for the employment
939 and compensation of * * * those substitute teachers;

940 (aa) To acquire in its own name by purchase all real
941 property * * * that is necessary and desirable in connection with
942 the construction, renovation or improvement of any public school



943 building or structure. Whenever the purchase price for * * * the
944 real property is greater than Fifty Thousand Dollars (\$50,000.00),
945 the * * * county board of education shall not purchase the
946 property for an amount exceeding the fair market value of * * *
947 that property as determined by the average of at least two (2)
948 independent appraisals by certified general appraisers licensed by
949 the State of Mississippi. If the board * * * is unable to agree
950 with the owner of any * * * the real property in connection with
951 any * * * construction, renovation or improvement project, the
952 board shall have the power and authority to acquire * * * the real
953 property by condemnation proceedings * * * under Section 11-27-1
954 et seq., * * * and for such purpose, the right of eminent domain
955 is * * * conferred upon and vested in * * * the board. * * *
956 The * * * county board of education is authorized to grant an
957 easement for ingress and egress over sixteenth section land or
958 lieu land in exchange for a similar easement upon adjoining land
959 where the exchange of easements affords substantial benefit to the
960 sixteenth section land; * * * however, the exchange must be based
961 upon values as determined by a competent appraiser, with any
962 differential in value to be adjusted by cash payment. Any
963 easement rights granted over sixteenth section land under * * *
964 this authority shall terminate when the easement ceases to be used
965 for its stated purpose. No sixteenth section or lieu land * * *
966 that is subject to an existing lease shall be burdened by
967 any * * * easement authorized under this paragraph except by



968 consent of the lessee or unless the school district * * * acquires
969 the unexpired leasehold interest affected by the easement;

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

973 (cc) Subject to rules and regulations of the State
974 Board of Education, to purchase relocatable classrooms for the use
975 of * * * the school district, in the manner prescribed in Section
976 37-1-13;

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

982 (ee) To provide for in-service training for employees
983 of the district;

984 (ff) As part of their duties to prescribe the use of
985 textbooks, to provide that parents and legal guardians shall be
986 responsible for the textbooks and for the compensation to the
987 school district for any books * * * that are not returned to the
988 proper schools upon the withdrawal of their dependent child. If a
989 textbook is lost or not returned by any student who drops out of
990 the public school district, the parent or legal guardian shall
991 also compensate the school district for the fair market value of
992 the textbooks;



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

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

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

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

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



1017 (jj) To conduct or participate in any fund-raising
1018 activities on behalf of or in connection with a tax-exempt
1019 charitable organization;

1020 (kk) To exercise * * * any powers as may be reasonably
1021 necessary to carry out the provisions of this section;

1022 (ll) To expend funds for the services of nonprofit arts
1023 organizations or other * * * similar nonprofit organizations * * *
1024 that provide performances or other services for the students of
1025 the school district;

1026 (mm) To expend federal No Child Left Behind Act funds,
1027 or any other available funds that are expressly designated and
1028 authorized for that use, to pay training, educational expenses,
1029 salary incentives and salary supplements to employees of local
1030 school districts; except that incentives shall not be considered
1031 part of the local supplement as defined in Section 37-151-5(o),
1032 nor shall incentives be considered part of the local supplement
1033 paid to an individual teacher for the purposes of Section
1034 37-19-7(1). Mississippi Adequate Education Program funds or any
1035 other state funds may not be used for salary incentives or salary
1036 supplements as provided in this paragraph (mm);

1037 (nn) To use any available funds, not appropriated or
1038 designated for any other purpose, for reimbursement to the
1039 state-licensed employees from both in state and out of state, who
1040 enter into a contract for employment in a school district, for the
1041 expense of moving when the employment necessitates the relocation



1042 of the licensed employee to a different geographical area than
1043 that in which the licensed employee resides before entering into
1044 the contract. The reimbursement shall not exceed One Thousand
1045 Dollars (\$1,000.00) for the documented actual expenses incurred in
1046 the course of relocating, including the expense of any
1047 professional moving company or persons employed to assist with the
1048 move, rented moving vehicles or equipment, mileage in the amount
1049 authorized for county and municipal employees under Section
1050 25-3-41 if the licensed employee used his personal vehicle or
1051 vehicles for the move, meals and * * * any other expenses
1052 associated with the relocation. No licensed employee may be
1053 reimbursed for moving expenses under this section on more than one
1054 (1) occasion by the same school district. Nothing in this section
1055 shall be construed to require the actual residence to which the
1056 licensed employee relocates to be within the boundaries of the
1057 school district that has executed a contract for employment in
1058 order for the licensed employee to be eligible for reimbursement
1059 for the moving expenses. However, the licensed employee must
1060 relocate within the boundaries of the State of Mississippi. Any
1061 individual receiving relocation assistance through the Critical
1062 Teacher Shortage Act as provided in Section 37-159-5 shall not be
1063 eligible to receive additional relocation funds as authorized in
1064 this paragraph;

1065 (oo) To use any available funds, not appropriated or
1066 designated for any other purpose, to reimburse persons who



1067 interview for employment as a licensed employee with the district
1068 for the mileage and other actual expenses incurred in the course
1069 of travel to and from the interview at the rate authorized for
1070 county and municipal employees under Section 25-3-41;

1071 (pp) Consistent with the report of the Task Force to
1072 Conduct a Best Financial Management Practices Review, to improve
1073 school district management and use of resources and identify cost
1074 savings as established in Section 8 of Chapter 610, Laws of
1075 2002, * * * county boards of education are encouraged to conduct
1076 independent reviews of the management and efficiency of schools
1077 and school districts. * * * The management and efficiency reviews
1078 shall provide state and local officials and the public with the
1079 following:

1080 (i) An assessment of a school district's
1081 governance and organizational structure;

1082 (ii) An assessment of the school district's
1083 financial and personnel management;

1084 (iii) An assessment of revenue levels and sources;

1085 (iv) An assessment of facilities utilization,
1086 planning and maintenance;

1087 (v) An assessment of food services, transportation
1088 and safety/security systems;

1089 (vi) An assessment of instructional and
1090 administrative technology;



1091 (vii) A review of the instructional management and
1092 the efficiency and effectiveness of existing instructional
1093 programs; and

1094 (viii) Recommended methods for increasing
1095 efficiency and effectiveness in providing educational services to
1096 the public;

1097 (qq) To enter into agreements with other * * * county
1098 boards of education for the establishment of an educational
1099 service agency (ESA) to provide for the cooperative needs of the
1100 region in which the school district is located, as provided in
1101 Section 37-7-345;

1102 (rr) To implement a financial literacy program for
1103 students in Grades 10 and 11. The board may review the national
1104 programs and obtain free literature from various nationally
1105 recognized programs. After review of the different programs, the
1106 board may certify a program that is most appropriate for the
1107 school districts' needs. If a district implements a financial
1108 literacy program, then any student in Grade 10 or 11 may
1109 participate in the program. The financial literacy program shall
1110 include, but is not limited to, instruction in the same areas of
1111 personal business and finance as required under Section
1112 37-1-3(2) (b). The * * * county board of education may coordinate
1113 with volunteer teachers from local community organizations,
1114 including, but not limited to, the following:



1115 (i) United States Department of Agriculture Rural
1116 Development * * *;
1117 (ii) United States Department of Housing and Urban
1118 Development * * *;
1119 (iii) Junior Achievement * * *;
1120 (iv) Bankers; and
1121 (v) Other nonprofit organizations.

1122 Nothing in this paragraph shall be construed as to
1123 require * * * county boards of education to implement a financial
1124 literacy program;

1125 (ss) (i) To collaborate with the State Board of
1126 Education, Community Action Agencies or the Department of Human
1127 Services to develop and implement a voluntary program to provide
1128 services for a prekindergarten program that addresses the
1129 cognitive, social, and emotional needs of four-year-old and
1130 three-year-old children. The * * * county board of education may
1131 utilize any source of available revenue to fund the voluntary
1132 program.

1133 (ii) Effective with the 2013-2014 school year, to
1134 implement voluntary prekindergarten programs under the Early
1135 Learning Collaborative Act of 2013 pursuant to state funds awarded
1136 by the State Department of Education on a matching basis;

1137 (tt) With respect to any lawful, written obligation of
1138 a school district, including, but not limited to, leases
1139 (excluding leases of sixteenth section public school trust land),



1140 bonds, notes, or other agreement, to agree in writing with the
1141 obligee that the Department of Revenue or any state agency,
1142 department or commission created under state law may:

1143 (i) Withhold all or any part (as agreed by
1144 the * * * county board of education) of any monies * * * that the
1145 local school board is entitled to receive from time to time under
1146 any law and which is in the possession of the Department of
1147 Revenue, or any state agency, department or commission created
1148 under state law; and

1149 (ii) Pay the same over to any financial
1150 institution, trustee or other obligee, as directed in writing by
1151 the * * * board, to satisfy all or part of such obligation of the
1152 school district.

1153 The * * * board may make * * * the written agreement to
1154 withhold and transfer funds irrevocable for the term of the
1155 written obligation and may include in the written agreement any
1156 other terms and provisions acceptable to the school board. If
1157 the * * * board files a copy of * * * the written agreement with
1158 the Department of Revenue, or any state agency, department or
1159 commission created under state law then the Department of Revenue
1160 or any state agency, department or commission created under state
1161 law shall immediately make the withholdings provided in * * * the
1162 agreement from the amounts due the * * * county board of education
1163 and shall continue to pay the same over to * * * the financial
1164 institution, trustee or obligee for the term of the agreement.



1165 This paragraph (tt) shall not grant any extra authority to a
1166 school board to issue debt in any amount exceeding statutory
1167 limitations on assessed value of taxable property within * * * the
1168 school district or the statutory limitations on debt maturities,
1169 and shall not grant any extra authority to impose, levy or collect
1170 a tax * * * that is not otherwise expressly provided for, and
1171 shall not be construed to apply to sixteenth section public school
1172 trust land;

1173 (uu) With respect to any matter or transaction that is
1174 competitively bid by a school district, to accept from any bidder
1175 as a good-faith deposit or bid bond or bid surety, the same type
1176 of good-faith deposit or bid bond or bid surety that may be
1177 accepted by the state or any other political subdivision on
1178 similar competitively bid matters or transactions. This paragraph
1179 (uu) shall not be construed to apply to sixteenth section public
1180 school trust land. The * * * board may authorize the investment
1181 of any school district funds in the same kind and manner of
1182 investments, including pooled investments, as any other political
1183 subdivision, including community hospitals;

1184 (vv) To utilize the alternate method for the conveyance
1185 or exchange of unused school buildings and/or land, reserving a
1186 partial or other undivided interest in the property, as
1187 specifically authorized and provided in Section 37-7-485;

1188 (wv) To delegate, privatize or otherwise enter into a
1189 contract with private entities for the operation of any and all



1190 functions of nonacademic school process, procedures and operations
1191 including, but not limited to, cafeteria workers, janitorial
1192 services, transportation, professional development, achievement
1193 and instructional consulting services materials and products,
1194 purchasing cooperatives, insurance, business manager services,
1195 auditing and accounting services, school safety/risk prevention,
1196 data processing and student records, and other staff services;
1197 however, the authority under this paragraph does not apply to the
1198 leasing, management or operation of sixteenth section lands.
1199 Local school districts, working through their regional education
1200 service agency, are encouraged to enter into buying consortia with
1201 other member districts for the purposes of more efficient use of
1202 state resources as described in Section 37-7-345;

1203 (xx) To partner with entities, organizations and
1204 corporations for the purpose of benefiting the school district;

1205 (yy) To borrow funds from the Rural Economic
1206 Development Authority for the maintenance of school buildings;

1207 (zz) To fund and operate voluntary early childhood
1208 education programs, defined as programs for children less than
1209 five (5) years of age on or before September 1, and to use any
1210 source of revenue for * * * those early childhood education
1211 programs. * * * Those programs shall not conflict with the Early
1212 Learning Collaborative Act of 2013;

1213 (aaa) To issue and provide for the use of procurement
1214 cards by * * * board members, county superintendents of education



1215 and licensed school personnel consistent with the rules and
1216 regulations of the Mississippi Department of Finance and
1217 Administration under Section 31-7-9; and

1218 (bbb) To conduct an annual comprehensive evaluation of
1219 the county superintendent of * * * education consistent with the
1220 assessment components of paragraph (pp) of this section and the
1221 assessment benchmarks established by the Mississippi School Board
1222 Association to evaluate the success the superintendent has
1223 attained in meeting district goals and objectives, the
1224 superintendent's leadership skill and whether or not the
1225 superintendent has established appropriate standards for
1226 performance, is monitoring success and is using data for
1227 improvement.

1228 **SECTION 18.** Section 37-57-1, Mississippi Code of 1972, is
1229 amended as follows:

1230 37-57-1. (1) (a) From and after July 1, 2023, the boards
1231 of supervisors of the counties shall levy and collect all taxes
1232 for and on behalf of all school districts * * *. * * * The taxes
1233 shall be collected by the county tax collector at the same time
1234 and in the same manner as county taxes are collected by him, and
1235 the same penalties for delinquency shall be applicable.

1236 * * *

1237 * * * The county * * * tax collector * * * shall pay * * *
1238 the tax collections, except for taxes collected for the payment of
1239 the principal of and interest on school bonds or notes and except



1240 for taxes collected to defray collection costs, into the school
1241 depository and report to the * * * county board of * * * education
1242 at the same time and in the same manner as the tax collector makes
1243 his payments and reports of other taxes collected by him.

1244 * * *

1245 (b) For the purposes of this chapter and any other laws
1246 pertaining to taxes levied or bonds or notes issued for and on
1247 behalf of school districts, the term "levying authority" means the
1248 board of supervisors of the county * * * of the particular school
1249 district * * *.

1250 (2) The levying authority for the school district shall, at
1251 the same time and in the same manner as other taxes are levied by
1252 the levying authority, levy a tax of not less than twenty-eight
1253 (28) mills for the then current fiscal year, less the estimated
1254 amount of the yield of the School Ad Valorem Tax Reduction Fund
1255 grant to the school district as determined by the State Department
1256 of Education or twenty-seven percent (27%) of the basic adequate
1257 education program cost for * * * the school district, whichever is
1258 a lesser amount, upon all of the taxable property of the county
1259 school district, as required under Section 37-151-7(2)(a).
1260 However, in no case shall the minimum local ad valorem tax effort
1261 for any school district be equal to an amount that would require a
1262 millage rate exceeding fifty-five (55) mills in that school
1263 district. * * * However, * * * if a levying authority is levying
1264 in excess of fifty-five (55) mills on July 1, 1997, the levying



1265 authority may levy an additional amount not exceeding three (3)
1266 mills in the aggregate for the period beginning July 1, 1997, and
1267 ending June 30, 2003, subject to the limitation on increased
1268 receipts from ad valorem taxes prescribed in Sections 37-57-105
1269 and 37-57-107. Nothing in this subsection shall be construed to
1270 require any school district that is levying more than fifty-five
1271 (55) mills * * * under Sections 37-57-1 and 37-57-105 to decrease
1272 its millage rate to fifty-five (55) mills or less. In
1273 making * * * the levy, the levying authority shall levy an
1274 additional amount sufficient to cover anticipated delinquencies
1275 and costs of collection so that the net amount of money to be
1276 produced by * * * the levy shall be equal to the amount * * * that
1277 the school district is required to contribute as its * * * minimum
1278 local ad valorem tax effort. The tax so levied shall be collected
1279 by the tax collector at the same time and in the same manner as
1280 other ad valorem taxes are collected by him. The amount of taxes
1281 so collected as a result of * * * the levy shall be paid into the
1282 district maintenance fund of the school district by the tax
1283 collector at the same time and in the same manner as reports and
1284 payments of other ad valorem taxes are made by * * * the tax
1285 collector, except that the amount collected to defray costs of
1286 collection may be paid into the county general fund. The levying
1287 authority shall have the power and authority to direct and cause
1288 warrants to be issued against * * * the fund for the purpose of
1289 refunding any amount of taxes erroneously or illegally paid



1290 into * * * the fund where * * * the refund has been approved in
1291 the manner provided by law.

1292 **SECTION 19.** Effective July 1, 2025, Sections 37-7-105,
1293 37-7-107, 37-7-109, 37-7-111, 37-7-113 and 37-7-115, Mississippi
1294 Code of 1972, which provide procedures for the abolition,
1295 alteration and creation of public school districts by local school
1296 boards and by petition of the electorate, are repealed.

1297 **SECTION 20.** Effective July 1, 2025, Section 37-5-3,
1298 Mississippi Code of 1972, which provides certain residency
1299 restrictions for members of county boards of education, and
1300 Section 37-5-18, Mississippi Code of 1972, which provides for the
1301 election of members of county boards of education from special
1302 districts, are repealed.

1303 **SECTION 21.** Effective July 1, 2025, Sections 37-7-201,
1304 37-7-203, 37-7-204, 37-7-207, 37-7-208, 37-7-209, 37-7-211,
1305 37-7-215, 37-7-217, 37-7-219, 37-7-221, 37-7-223, 37-7-225,
1306 37-7-227, 37-7-229, 37-7-701, 37-7-703, 37-7-705, 37-7-707,
1307 37-7-709, 37-7-711, 37-7-713, 37-7-715, 37-7-717, 37-7-723 and
1308 37-7-725, Mississippi Code of 1972, which provide qualifications,
1309 election procedures, terms of office, petition procedures, vacancy
1310 procedures and optional selection methods for boards of trustees
1311 of municipal separate school districts, consolidated school
1312 districts, line consolidated school districts and special
1313 municipal separate school districts, are repealed.



1314 **SECTION 22.** This act shall take effect and be in force from
1315 and after July 1, 2023.

