

By: Representatives Newman, Hulum, Powell,
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To: Education

HOUSE BILL NO. 1058

1 AN ACT TO AMEND SECTIONS 37-15-3, 37-15-4 AND 37-15-8,
 2 MISSISSIPPI CODE OF 1972, TO REVISE THE TIME PERIOD BY WHICH
 3 SCHOOL DISTRICTS ARE AUTHORIZED TO MAINTAIN CERTAIN RECORDS FROM
 4 FIVE YEARS TO SEVEN YEARS; TO PROVIDE THAT SUCH RECORDS MAY BE
 5 STORED IN A DIGITALLY ELECTRONIC FORMAT; TO BRING FORWARD SECTION
 6 37-15-2, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE
 7 AMENDMENT; TO AMEND SECTIONS 9-5-171, 19-15-3, 21-15-37 AND
 8 25-60-3, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT COUNTY AND
 9 MUNICIPAL GOVERNING AUTHORITIES AND SUBDIVISIONS THEREOF SHALL BE
 10 REQUIRED TO MAINTAIN ALL RECORDS OR DOCUMENTATION PRODUCED BY SUCH
 11 ENTITIES TO BE MAINTAINED FOR A MINIMUM OF SEVEN YEARS; TO PROVIDE
 12 THAT SUCH RECORDS MAY BE STORED IN A DIGITALLY ELECTRONIC FORMAT;
 13 AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** Section 37-15-3, Mississippi Code of 1972, is
 16 amended as follows:

17 37-15-3. Such cumulative folders as are provided for in
 18 Section 37-15-1 shall be kept in the school wherein the pupils are
 19 in attendance. Both the permanent records and the cumulative
 20 folders shall be available to school officials, including teachers
 21 within the school district who have been determined by the school
 22 district to have legitimate educational interests. In no case,
 23 however, shall such records be available to the general public.



24 Transcripts of courses and grades may be furnished when requested
25 by the parent or guardian or eligible pupil as prescribed in the
26 Family Educational Rights and Privacy Act of 1974, as amended, 20
27 USCS Section 1232g. Such records shall be kept for each pupil
28 throughout his entire public school enrollment period. In the
29 event a pupil transfers to a public school, including a charter
30 school, then the cumulative folder shall be furnished to the head
31 of the school to which the pupil transfers; if a pupil transfers
32 to a private school, then a copy of the cumulative folder shall be
33 furnished to the head of the school to which the pupil transfers.
34 The permanent record shall be kept permanently by the school
35 district from which the pupil transferred.

36 At no time may a permanent record of a student be destroyed,
37 but cumulative folders may be destroyed by order of the school
38 board of the school district in not less than * * * seven (7)
39 years after the permanent record of the pupil has become inactive
40 and has been transferred to the central depository of the
41 district. * * * However, * * * where a school district makes
42 complete copies of inactive permanent records on photographic
43 film, microfilm, digital electronic format, or any other
44 acceptable form of medium for storage which may be reproduced as
45 needed, such permanent records may be destroyed after the
46 photographic film or microfilm copy or digital electronic format
47 has been stored in the central depository of the district.



48 **SECTION 2.** Section 37-15-4, Mississippi Code of 1972, is
49 amended as follows:

50 37-15-4. The school board of every school district, as
51 created and empowered by law, shall keep and preserve permanently
52 a copy of all district-wide reports required by the State Board of
53 Education to be filed on an annual basis.

54 Copies of those district-wide reports required by the State
55 Board of Education on less than an annual basis may be destroyed
56 after * * * seven (7) years upon approval of the school board of
57 the school district.

58 All supporting documents necessary to compile such
59 district-wide reports, except as delineated in Section 37-15-8 may
60 be destroyed after * * * five (5) years following the academic
61 year for which the report was made upon approval of the school
62 board of the school district.

63 **SECTION 3.** Section 37-15-8, Mississippi Code of 1972, is
64 amended as follows:

65 37-15-8. The superintendent of the school district shall
66 have the authority, with the approval of the school board of the
67 school district spread upon its minutes, to dispose of the
68 following records:

- 69 (a) After * * * seven (7) years:
- 70 (1) Bank statements;
- 71 (2) Cancelled warrants and pay certificates;
- 72 (3) School board paid bills;



73 (4) Bids received, either accepted or rejected,
74 for supplies, materials, equipment and construction;

75 (5) Depository receipt warrants;

76 (6) School board claims dockets, where claims are
77 recorded on the minutes of the board;

78 (7) Original of school board's orders after such
79 orders have been recorded in the minute book;

80 (8) Cancelled bonds and coupons;

81 (9) Tax collector's reports of tax collection to
82 superintendent of schools;

83 (10) Transportation records.

84 (b) After * * * five (5) years:

85 (1) Teacher contracts, computed from the
86 expiration date thereof;

87 (2) Bus purchase documents;

88 (3) Teachers' registers, principals' reports and
89 other evidence necessary to prepare the reports to the State Board
90 of Education.

91 (c) After period to be set by the State Board of
92 Education such other documents of a temporary or transitory nature
93 as the State Board of Education by regulation shall designate.

94 Notwithstanding any of the provisions of Sections 37-15-1
95 through 37-15-4, 37-15-8 and 37-15-10 to the contrary, no records
96 which are in the process of being audited by the State Department
97 of Audit, or which are the basis of litigation, shall be destroyed



98 until at least twelve (12) months after final completion of said
99 audits and litigation.

100 **SECTION 4.** Section 37-15-2, Mississippi Code of 1972, is
101 brought forward as follows:

102 37-15-2. The permanent record provided for in Section
103 37-15-1 shall be kept, while it is active, in the attendance
104 center office in a fire resistant container.

105 The permanent record shall be considered active: (a) if the
106 student is enrolled in the school; or (b) if he has withdrawn or
107 has been expelled and the students of the class of which he was a
108 member shall not have reached the time of graduation.

109 At the point of the student's graduation or at the time when
110 the student would normally have graduated had he not withdrawn or
111 been expelled from school, the student's permanent record shall
112 become a part of the permanent binder in the central fire
113 resistant depository or stored digitally as designated and
114 provided by the school board of the school district, or, as an
115 alternative method, the records may be maintained in fire
116 resistant storage at the school last attended by the student. The
117 permanent binding and preservation of the inactive records shall
118 be the duty of the superintendent of the school district who shall
119 maintain a central depository of the records.

120 **SECTION 5.** Section 9-5-171, Mississippi Code of 1972, is
121 amended as follows:



122 9-5-171. (1) The chancery clerk of each of the counties of
123 the State of Mississippi, with the approval of the board of
124 supervisors of such county, after an inventory has been made and
125 checked by the board and an order spread on its minutes listing
126 the reference, is authorized to dispose of records pursuant to a
127 records control schedule approved by the Local Government Records
128 Committee as provided in Section 25-60-1.

129 (2) No records which are in the process of being audited by
130 the State Department of Audit or which are the basis of litigation
131 shall be destroyed until at least * * * seven (7) years after
132 final completion of the audits and litigation.

133 (3) Records may be filed and retained by electronic means as
134 provided in Sections 9-1-51 through 9-1-57, whether the record is
135 to be destroyed or not; provided, however, that destruction of
136 records shall be carried out in accordance with Sections 25-59-21
137 and 25-59-27, and shall not occur for a period of less than seven
138 (7) years from the date of which the record was originally
139 created. For purposes of this section, "record" means any
140 handwritten or electronically created documents, notes, receipts,
141 bills, or similar items produced by any elected or appointed
142 official, agent, employee or representative thereof in the regular
143 scope and performance of his or her official job duties, and shall
144 include all public records as defined in Section 25-61-3.

145 **SECTION 6.** Section 19-15-3, Mississippi Code of 1972, is
146 amended as follows:



147 19-15-3. Whenever any county records, documents, files or
148 papers whatsoever are required by law to be preserved and
149 retained, or which are necessary or desirable to be preserved or
150 retained, the board of supervisors of the county shall have the
151 power and authority, in its discretion, to destroy or dispose of
152 any records, documents, files or papers after a period not less
153 than seven (7) years from the date of which the record was
154 originally created, and after having reproductions made thereof as
155 hereinafter provided and in accordance with a records control
156 schedule approved by the Local Government Records Committee as
157 provided in Section 25-60-1.

158 Whenever the board of supervisors of any county shall desire
159 to destroy or dispose of any records, documents, files or papers,
160 the board shall first cause the same to be reproduced under
161 standards established by the Department of Archives and History
162 using microfilm, microfiche, data processing, computers, magnetic
163 tape, optical discs or other medium. If the county where records
164 and the like are to be destroyed or disposed of does not have or
165 own the necessary equipment to reproduce same, the board of
166 supervisors shall be authorized and empowered to enter into a
167 contract for the reproduction thereof, which contract may be for a
168 period of not more than twelve (12) months from the date thereof.
169 The contract shall be awarded to the lowest and best bidder after
170 the board of supervisors shall have advertised its intentions of
171 awarding such contract by publication of a notice thereof once



172 each week for at least three (3) consecutive weeks in some
173 newspaper published or having a general circulation in such
174 county.

175 After reproduction of the records and the like shall have
176 been made, the board of supervisors shall have the power and
177 authority to destroy and dispose of the originals thereof after
178 spreading upon its minutes certification that the reproductions
179 are true and correct copies and disposal is in accordance with a
180 records control schedule approved by the Local Government Records
181 Committee as provided in Section 25-60-1; the reproductions shall
182 thereafter be preserved, retained and stored by the board of
183 supervisors as a record of the county, and provision shall be made
184 for preserving, examining and using them. Any reproductions or
185 copy of any original record or other documents shall be deemed to
186 be the original record for all purposes and shall be admissible as
187 evidence in all courts or administrative agencies. A facsimile,
188 exemplification or certified copy thereof shall, for all purposes
189 set forth herein, be deemed to be a transcript, exemplification or
190 certified copy of the original record.

191 The board of supervisors of any county is hereby authorized
192 to pay all expenses incurred in reproducing records and the like
193 and in making provision for the preservation, retention and
194 storage of the reproductions from the general fund of the county.

195 When any of the records and the like of which reproductions
196 are made under the provisions of this section are declared by law



197 or are by their nature confidential and privileged records, then
198 the reproduction thereof shall likewise be deemed to be
199 confidential and privileged to the same extent as the original
200 records and the like.

201 Nothing herein shall be construed to require the keeping and
202 preservation of any records and documents which are not required
203 by law or a records control schedule to be kept and preserved, or
204 which it is not desirable or necessary to keep and preserve, and
205 in all cases where records and the like are authorized by law to
206 be destroyed or disposed of, they may be disposed of as authorized
207 by a records control schedule approved by the Local Government
208 Records Committee as provided in Section 25-60-1, provided that
209 such schedule does not require the disposal or destruction of any
210 document less than seven (7) years from the date of its original
211 creation. For purposes of this section, "record" means any
212 handwritten or electronically created documents, notes, receipts,
213 bills, or similar item produced by any elected or appointed
214 official, agent, employee or representative thereof in the regular
215 scope and performance of his or her official job duties, and shall
216 include all public records as defined in Section 25-61-3.

217 **SECTION 7.** Section 21-15-37, Mississippi Code of 1972, is
218 amended as follows:

219 21-15-37. (1) The governing authority of a municipality
220 shall have the power and authority, in its discretion, to destroy
221 or dispose of any records, documents, files or papers which are



222 required by law to be preserved and retained, or which are
223 necessary or desirable to be preserved or retained after a period
224 not less than seven (7) years from the date of which the record
225 was originally created, and after having reproductions made
226 thereof under standards established by the Department of Archives
227 and History and in accordance with a records control schedule
228 approved by the Local Government Records Committee as provided in
229 Section 25-60-1.

230 (2) Any reproductions or copy of any original record or
231 other documents shall be deemed to be the original record for all
232 purposes and shall be admissible as evidence in all courts or
233 administrative agencies. A facsimile, exemplification or
234 certified copy thereof shall, for all purposes set forth herein,
235 be deemed to be a transcript, exemplification or certified copy of
236 the original record.

237 (3) The governing authority of any municipality is hereby
238 authorized to pay all expenses incurred in reproducing such
239 records or other documents and in making provision for the
240 preservation, retention and storage of such reproductions from the
241 general support fund of such municipality.

242 (4) When any of the records or documents of which
243 reproductions are made under the provisions of this section, are
244 declared by law, or are by their nature, confidential and
245 privileged records, then the reproduction thereof shall likewise



246 be deemed to be confidential and privileged to the same extent as
247 the original records or documents.

248 (5) Nothing herein shall be construed to require the keeping
249 and preservation of any records and documents which are not
250 required by law to be kept and preserved, or which it is not
251 desirable or necessary to keep and preserve, and such records and
252 documents may be destroyed or disposed of in accordance with a
253 records control schedule approved by the Local Government Records
254 Committee as provided in Section 25-60-1, provided that such
255 schedule does not require the disposal or destruction of any
256 document less than seven (7) years from the date of its original
257 creation. For purposes of this section, "record" means any
258 handwritten or electronically created documents, notes, receipts,
259 bills, or similar item produced by any elected or appointed
260 official, agent, employee or representative thereof in the regular
261 scope and performance of his or her official job duties, and shall
262 include all public records as defined in Section 25-61-3.

263 **SECTION 8.** Section 25-60-3, Mississippi Code of 1972, is
264 amended as follows:

265 25-60-3. Counties and municipalities are hereby authorized
266 to establish regional records centers for the storage,
267 preservation and use of permanently valuable county and municipal
268 records and of inactive county and municipal records which are
269 required to be retained for a prescribed period of time of not
270 less than seven (7) years from the date of their original



271 creation, but which are not needed to be kept in the creating
272 office, and shall be preserved in electronic format before the
273 prescribed period of time of preservation expires. Such regional
274 records centers may be jointly established and maintained pursuant
275 to agreements executed under the Interlocal Cooperation Act of
276 1974. Any center established under this section must either be
277 certified by the Department of Archives and History as provided
278 for historical or archival groups or public libraries in Section
279 25-59-25(2), or be administered by the Department of Archives and
280 History pursuant to a contract between the department and the
281 local government which established the center. For purposes of
282 this section, "record" means any handwritten or electronically
283 created documents, notes, receipts, bills, or similar item
284 produced by any elected or appointed official, agent, employee or
285 representative thereof in the regular scope and performance of his
286 or her official job duties, and shall include all public records
287 as defined in Section 25-61-3.

288 **SECTION 9.** This act shall take effect and be in force from
289 and after July 1, 2023.

