

By: Representatives Roberson, McCarty, Owen

To: Education

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 4130

1 AN ACT TO CREATE THE "MISSISSIPPI STUDENT FUNDING FORMULA"
2 FOR THE PURPOSE OF FUNDING OF PUBLIC EDUCATION IN THE STATE OF
3 MISSISSIPPI; TO CREATE NEW SECTION 37-151-201, MISSISSIPPI CODE OF
4 1972, TO DEFINE CERTAIN TERMS, INCLUDING "NET ENROLLMENT," "TOTAL
5 FUNDING FORMULA" AND "WEIGHT"; TO CREATE NEW SECTION 37-151-203,
6 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT EFFECTIVE FISCAL YEAR
7 2026 AND EVERY YEAR THEREAFTER, THE STATE BOARD OF EDUCATION SHALL
8 PROVIDE A PROPOSED BASE-STUDENT COST ADEQUATE TO PROVIDE CERTAIN
9 COST COMPONENTS OF EDUCATING PUPILS IN SCHOOL DISTRICTS; TO
10 PROVIDE THAT THE INSTRUCTIONAL COST SHALL BE CALCULATED BY
11 DIVIDING THE AVERAGE TEACHER SALARY BY THE STUDENT-TO-TEACHER
12 RATIO; TO PROVIDE THE FORMULA FOR ADMINISTRATIVE COST, ANCILLARY
13 PERSONNEL AND EXPENSES, AND OPERATION AND MAINTENANCE OF PLANT; TO
14 CREATE NEW SECTION 37-151-205, MISSISSIPPI CODE OF 1972, TO
15 ESTABLISH VARIOUS WEIGHTS TO BE APPLIED TO THE BASE AMOUNT FOR
16 STUDENTS WHO ARE LOW-INCOME STUDENTS, ENGLISH LANGUAGE LEARNERS,
17 ELIGIBLE FOR SPECIAL EDUCATION SERVICES, GIFTED, ENROLLED IN
18 CAREER AND TECHNICAL EDUCATION, AND RESIDING IN SPARSELY POPULATED
19 SCHOOL DISTRICTS; TO CREATE NEW SECTION 37-151-207, MISSISSIPPI
20 CODE OF 1972, TO REQUIRE STUDENT ENROLLMENT AND ATTENDANCE FIGURES
21 TO BE DETERMINED ON THE BASIS OF NET ENROLLMENT; TO CREATE NEW
22 SECTION 37-151-209, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT A
23 SCHOOL DISTRICT OR CHARTER SCHOOL HAS AUTONOMY, SUBJECT TO
24 REGULATORY AND STATUTORY RESTRICTIONS, IN THE SPENDING OF ALL
25 FUNDS ALLOCATED TO THAT SCHOOL DISTRICT OR CHARTER SCHOOL; TO
26 CREATE NEW SECTION 37-151-211, MISSISSIPPI CODE OF 1972, TO
27 REQUIRE TAX ASSESSORS TO FILE CERTAIN REPORTS WITH THE STATE
28 DEPARTMENT OF EDUCATION AND TO REQUIRE THE DEPARTMENT TO CALCULATE
29 THE DISTRICT'S REQUIRED MINIMUM MILLAGE AND THE CONTRIBUTION TO
30 THE COST OF THE TOTAL FUNDING FORMULA REQUIRED OF EACH SCHOOL
31 DISTRICT AND CHARTER SCHOOL; TO CREATE NEW SECTION 37-151-213,
32 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE STATE'S SHARE IN
33 SUPPORT OF THE FUNDING FORMULA FOR A SCHOOL DISTRICT OR CHARTER
34 SCHOOL FOR FISCAL YEARS 2025, 2026, AND 2027 MAY NOT BE LESS THAN



35 AN AMOUNT EQUAL TO THE SUM OF ALL STATE FUNDS RECEIVED BY THAT
36 SCHOOL DISTRICT OR CHARTER SCHOOL FOR FISCAL YEAR 2024; TO AMEND
37 SECTIONS 37-57-1, 37-57-104, 37-57-105 AND 37-57-107, MISSISSIPPI
38 CODE OF 1972, WHICH RELATE TO SCHOOL DISTRICT TAXATION, IN
39 CONFORMITY TO THE PROVISIONS OF THIS ACT; TO AMEND SECTION
40 37-61-33, MISSISSIPPI CODE OF 1972, TO DELETE THE REQUIREMENT THAT
41 A PORTION OF EDUCATION ENHANCEMENT FUNDS BE DISTRIBUTED TO SCHOOL
42 DISTRICTS TO FUND CAPITAL IMPROVEMENTS PROJECTS; TO AMEND SECTION
43 27-65-75, MISSISSIPPI CODE OF 1972, TO DELETE THE REQUIRED DEPOSIT
44 OF SALES TAX REVENUE INTO THE EDUCATIONAL FACILITIES REVOLVING
45 LOAN FUND; TO AMEND SECTIONS 1-3-26, 7-7-211, 19-9-157, 19-9-171,
46 25-4-29, 27-25-706, 27-33-3, 27-39-317, 29-3-47, 29-3-49,
47 29-3-113, 29-3-137, 31-7-9, 31-7-10, 37-1-3, 37-3-11, 37-3-83,
48 37-7-208, 37-7-301, 37-7-302, 37-7-303, 37-7-307, 37-7-319,
49 37-7-333, 37-7-339, 37-7-419, 37-9-17, 37-9-23, 37-9-25, 37-9-33,
50 37-9-35, 37-9-37, 37-9-77, 37-11-11, 37-13-63, 37-13-64, 37-13-69,
51 37-15-38, 37-16-3, 37-19-7, 37-21-6, 37-21-7, 37-22-5, 37-23-1,
52 37-23-15, 37-23-69, 37-23-109, 37-23-179, 37-27-55, 37-27-57,
53 37-28-5, 37-28-53, 37-28-55, 37-29-1, 37-29-272, 37-29-303,
54 37-31-13, 37-31-75, 37-35-3, 37-37-3, 37-41-7, 37-45-49, 37-47-9,
55 37-47-25, 37-47-33, 37-61-3, 37-61-5, 37-61-7, 37-61-19, 37-61-29,
56 37-61-35, 37-61-37, 37-68-7, 37-131-7, 37-131-9, 37-131-11,
57 37-151-9, 37-151-81, 37-151-85, 37-151-87, 37-151-89, 37-151-91,
58 37-151-93, 37-151-95, 37-151-97, 37-151-99, 37-151-101,
59 37-151-103, 37-151-105, 37-151-107, 37-173-9, 37-173-13,
60 37-175-13, 37-179-3, 37-181-7, 41-79-5, 43-17-5, 65-26-9 AND
61 27-104-351, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE
62 PROVISIONS OF THIS ACT; TO AMEND SECTION 37-17-6, MISSISSIPPI CODE
63 OF 1972, AS AMENDED BY SENATE BILL NO. 2689, 2024 REGULAR SESSION,
64 AND HOUSE BILL NO. 1696, 2024 REGULAR SESSION, TO CONFORM AND TO
65 REVISE CERTAIN PROVISIONS RELATED TO THE STATE'S PERMANENT
66 PERFORMANCE-BASED ACCREDITATION SYSTEMS; TO PROVIDE THE PROCEDURE
67 BY WHICH THE STATE BOARD OF EDUCATION MAY PLACE A FAILING SCHOOL
68 OR SCHOOL DISTRICT INTO A DISTRICT OF TRANSFORMATION; TO ESTABLISH
69 RELEVANT CRITERIA FOR SCHOOLS OR SCHOOL DISTRICTS TO BE PLACED
70 INTO SUCH DISTRICTS; TO DELETE CERTAIN PROVISIONS RELATED TO
71 MISSISSIPPI RECOVERY SCHOOL DISTRICTS, SCHOOL BOARDS OF FAILING
72 SCHOOLS AND ELECTIONS OF MEMBERS OF FAILING SCHOOL BOARDS; TO
73 PROVIDE THAT DISTRICTS THAT ARE PLACED INTO DISTRICT
74 TRANSFORMATION SHALL BE ELIGIBLE TO RETURN TO LOCAL CONTROL WHEN
75 THE DISTRICT HAS ATTAINED A "C" RATING OR HIGHER FOR THREE
76 CONSECUTIVE YEARS; TO REPEAL SECTIONS 37-13-153, MISSISSIPPI CODE
77 OF 1972, WHICH REQUIRED STATE FUNDING FOR HOME ECONOMICS TEACHERS
78 TO BE INCLUDED AS A LINE ITEM IN THE EDUCATION APPROPRIATIONS
79 BILLS FOR CERTAIN PRIOR FISCAL YEARS; TO REPEAL SECTIONS 37-151-1,
80 37-151-5, 37-151-6, 37-151-7, 37-151-7.1, 37-151-8, 37-151-10,
81 37-151-77, 37-151-79 AND 37-151-83, MISSISSIPPI CODE OF 1972,
82 WHICH DEFINE CERTAIN TERMS AND PRESCRIBE THE FORMULA AND CERTAIN
83 REQUIREMENTS UNDER THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM
84 (MAEP); TO REPEAL SECTION 37-152-1, MISSISSIPPI CODE OF 1972,
85 WHICH CREATES THE COMMISSION ON RESTRUCTURING THE MISSISSIPPI



86 ADEQUATE EDUCATION PROGRAM (MAEP); TO REPEAL SECTIONS 27-65-75(5),
87 37-47-7 AND 37-47-24, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR
88 THE EDUCATIONAL FACILITIES REVOLVING LOAN FUND AND ITS FUNDING
89 MECHANISM; AND FOR RELATED PURPOSES.

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

91 **SECTION 1.** The following shall be codified as Section
92 37-151-200, Mississippi Code of 1972:

93 37-151-200. (1) This act shall be known, and may be cited
94 as the "Mississippi Student Funding Formula."

95 (2) Wherever the phrase "total funding formula," "funding
96 formula" or "total funding formula program" shall appear in the
97 laws of this state, it shall be construed to mean the "Mississippi
98 Student Funding Formula" created under Chapter 151, Title 37,
99 Mississippi Code of 1972.

100 **SECTION 2.** The following shall be codified as Section
101 37-151-201, Mississippi Code of 1972:

102 37-151-201. The following words and phrases have the
103 meanings ascribed in this section unless the context clearly
104 indicates otherwise:

105 (a) "Base amount" or "student base amount" means the
106 student base funding level that is established in the funding
107 formula as the estimated cost of educating a student with no
108 additional measured needs or special factors.

109 (b) "Career and technical education course" or "CTE
110 course" means a credit-bearing course that has been approved and
111 classified by the department as a career and technical education,
112 or CTE, course.



113 (c) "Charter school" means a public school that is
114 established and operating under the terms of a charter contract
115 pursuant to Chapter 28, Title 37, Mississippi Code of 1972.

116 (d) "Department" means the State Department of
117 Education.

118 (e) "English Language Learner" or "ELL" means a student
119 identified in accordance with federal law as entitled to English
120 as a second language or bilingual services on the basis of the
121 student's English language proficiency.

122 (f) "Final weighted enrollment" means the final product
123 of applying weights to the net enrollment of a school district or
124 charter school after accounting for the sparsity of a school
125 district or charter school, as determined in Section 37-151-205.

126 (g) "Gifted student" means a student identified as
127 eligible to participate in a gifted education program for the
128 instruction of intellectually or academically gifted children, as
129 defined and provided for in Sections 37-23-171 through 37-23-181.

130 (h) "Local contribution" means the amount of local tax
131 money that school districts or charter schools must contribute to
132 the cost of the funding formula for their district or charter
133 school in a given fiscal year, as determined under Section
134 37-151-211.

135 (i) "Local minimum tax effort" means the amount in
136 taxes that the local levying authority for each school district
137 must raise on behalf of the school districts and charter schools



138 in its geographic boundaries, as determined under Section
139 37-151-211.

140 (j) "Low income student" means a student who has been
141 identified by the department, through inclusion in the identified
142 student percentage, as having been approved for free meals based
143 on documentation of:

144 (i) Receipt of benefits from the following
145 federally funded programs:

146 1. Supplemental Nutrition Assistance Program
147 (SNAP);

148 2. Temporary Assistance for Needy Families
149 (TANF);

150 3. Food Distribution Program on Indian
151 Reservations (FDPIR); or

152 4. Medicaid, where applicable, as approved by
153 United States Department of Agriculture (USDA) to conduct matching
154 with Medicaid data to identify children eligible for free meals;
155 or

156 (ii) The inclusion of students who are identified
157 as homeless children, migrant children, runaway children or Head
158 Start children, who are approved for free school meals without
159 application and not subject to verification, which includes foster
160 children certified for free meals through means other than an
161 application for free and reduced price school meals.

162 (k) "Net enrollment" means the average of the total



163 aggregate student enrollment of a school district or charter
164 school on the last day of months two (2) and three (3) of the
165 previous school year. The total aggregate student enrollment for
166 each day may be determined by calculating the total number of
167 students enrolled plus or minus the total number of new student
168 enrollments or withdrawals, respectively, with the resulting
169 amount being considered the total aggregate student enrollment on
170 a given day. However, if a local school board or the governing
171 board of a charter school adopts a class schedule that operates
172 throughout the year for any or all schools in the district or the
173 charter school, net enrollment must be computed by the State
174 Department of Education so that the resulting net enrollment will
175 not be higher or lower than if the local school board or the
176 governing board had not adopted a year-round schedule.

177 (l) "Preliminary weighted enrollment" means the initial
178 product of applying weights to the net enrollment of a school
179 district or charter school, as determined in Section 37-151-205.

180 (m) "School board" means a governmental board
181 exercising management and control over a school district and the
182 schools of that district pursuant to the Mississippi Constitution
183 of 1890 and state statutes.

184 (n) "School district" or "district" means a
185 governmental entity that establishes and supervises one or more
186 public schools within its geographical limits pursuant to state
187 statutes.



188 (o) "Sparsely populated district or charter school"
189 means a school district or charter school with a density of less
190 than eight (8) students per square mile, as determined by dividing
191 the net enrollment of a district or charter school by the square
192 mileage within its geographic boundaries. For the purpose of
193 determining the sparsity of a charter school, the square mileage
194 of a charter school is equivalent to the square mileage within the
195 geographic boundaries of the school district in which the charter
196 school is located.

197 (p) "Special education program" means a program that
198 provides services for exceptional children, as defined and
199 authorized by Chapter 23, Title 37, Mississippi Code of 1972.

200 (q) "State share" means the amount the state
201 contributes to the funding formula for the annual operating
202 funding of each school district or charter school.

203 (r) "Superintendent" means the administrative head of a
204 school district.

205 (s) "Total funding formula" means the formula used to
206 determine annual operating funding for public schools, as
207 prescribed in this act.

208 (t) "Weight" or "weighting" means a multiplier used to
209 adjust the preliminary weighted enrollment and final weighted
210 enrollment to support the additional costs of educating students
211 in defined student populations or in a defined geographic context.

212 **SECTION 3.** The following shall be codified as Section



213 37-151-203, Mississippi Code of 1972:

214 37-151-203. (1) In fiscal year 2025, the student base
215 amount shall be Six Thousand Six Hundred Ninety-five Dollars and
216 Thirty-four Cents (\$6,695.34) per student. In fiscal years 2026,
217 2027 and 2028, the inflationary adjustment described in this
218 section shall be applied to derive the total funding formula. In
219 fiscal year 2029, and every fourth fiscal year thereafter, the
220 State Board of Education, on or before August 1, with an adjusted
221 estimate no later than January 2, shall submit to the Legislative
222 Budget Office, the Chairmen of the Senate and House of
223 Representatives Appropriations and Education Committees,
224 respectively, the Lieutenant Governor and the Speaker of the House
225 a new proposed student base amount calculation using the following
226 formula:

227 (a) Instructional cost. To determine the instructional
228 cost, the department shall first calculate the state's student to
229 teacher ratio. Such ratio shall be determined by dividing the net
230 enrollment for public schools and charter schools in the state by
231 the total number of teachers in such schools, as determined by the
232 department, in months two (2) and three (3) of the school year
233 preceding the year funds are to be appropriated. The student to
234 teacher ratio shall be rounded up to the nearest whole number.
235 After determining the student to teacher ratio, the average
236 teacher salary shall be divided by the student-teacher ratio, and
237 the resulting amount shall be considered the instructional cost.



238 The average teacher salary shall be calculated by the department
239 and include district local supplements as provided in Section
240 37-151-87, but shall not include the highest five percent (5%) and
241 lowest five percent (5%) of district local supplements.

242 (b) Administrative cost; which shall be twenty percent
243 (20%) of the instructional cost.

244 (c) Ancillary personnel and expenses; which shall be
245 thirty percent (30%) of the instructional cost.

246 (d) Operation and maintenance of plant. For the plant
247 and maintenance cost component, the State Department of Education
248 shall select districts that have a ratio of plant and maintenance
249 expenditures per one hundred thousand (100,000) square feet of
250 building space and a ratio of maintenance workers per one hundred
251 thousand (100,000) square feet of building space that are both
252 between one (1) standard deviation above the mean and two (2)
253 standard deviations below the mean of the statewide average. The
254 plant and maintenance cost component shall be calculated by
255 dividing the latest available months one (1) through nine (9)
256 average daily attendance of the selected districts into the plant
257 and maintenance expenditures of these selected districts. For the
258 purpose of this calculation, the Department of Education shall use
259 the following funds, functions and objects: Fund 1120 Functions
260 2600-2699, Objects 100-699 and Objects 800-999; Fund 2711
261 Functions 2600-2699, Objects 100-699 and Objects 800-999; Fund
262 2430 Functions 2600-2699, Objects 100-699 and Objects 800-999.



263 Net enrollment means the percentage change from the prior year of
264 each year of each school district's months two (2) and three (3)
265 average of net enrollment for the three (3) immediately preceding
266 school years of the year for which funds are being appropriated.

267 (2) For purposes of these calculations, the State Department
268 of Education shall utilize financial data from the second
269 preceding year of the year for which funds are being appropriated.

270 (3) For each of the fiscal years between the recalculation
271 of the base student cost, the base student cost shall be increased
272 by an amount equal to twenty-five percent (25%) of the base
273 student cost for the previous fiscal year, multiplied by the
274 twenty year average annual change in the rate of inflation rounded
275 up to the nearest tenth of a percent for the State of Mississippi
276 as determined by the State Economist, plus any adjustments for
277 additional state requirements including, but not limited to,
278 teacher pay raises and health insurance premium increases. The
279 calculation shall be performed annually by the Department of
280 Education, and the resulting amount shall replace base student
281 cost from the previous year.

282 (4) In years when the total revenue of the state does not
283 increase, the Legislature may retain the base student cost from
284 the previous year. If the total revenue increases the following
285 year, the formula shall be recalculated or increased according to
286 inflation as provided in this act.



287 (5) Base student cost shall not be lower than the previous
288 year; provided, however, the base student cost may be lowered when
289 the State Fiscal Officer provides notice to the Legislative Budget
290 Office of a revenue shortfall in accordance with Section
291 27-104-13.

292 (6) By November 1, 2024, the department shall submit to the
293 Legislative Budget Office, the Chairmen of the Senate and House of
294 Representatives Appropriations and Education Committees,
295 respectively, the Lieutenant Governor and the Speaker of the
296 House, a report on the department's plan for implementation of the
297 funding formula as specified under the provisions of this act, and
298 to recommend any technical amendments necessary for its effective
299 administration before the commencement of the 2025 Regular Session
300 of the Legislature.

301 (7) The annual amount of funding for the operation of each
302 school district and charter school under the total funding formula
303 as provided under this act is determined by multiplying the
304 student base amount, as determined under Section 37-151-203, by
305 the final weighted enrollment of the school district or charter
306 school, as determined under Section 37-151-205.

307 **SECTION 4.** The following shall be codified as Section
308 37-151-205, Mississippi Code of 1972:

309 37-151-205. (1) The preliminary weighted enrollment of each
310 school district and charter school under this act is determined by
311 applying the weights prescribed in this section, none of which are



312 mutually exclusive of another, to each applicable school district
313 or charter school's net enrollment, as determined by Section
314 37-151-207. To determine additional funding authorized under this
315 section, the number of students in a school district that are
316 identified as the applicable weight shall be calculated as a
317 percentage of the students in the school district. Such amount
318 shall be referred to as the "percentage of applicable students."

319 (2) For students identified as low-income, as defined in
320 Section 37-151-201, the percentage of applicable students in the
321 school district is multiplied by thirty one-hundredths (30/100),
322 and then multiplied by net enrollment.

323 (3) For students identified as English Language Learners, as
324 defined in Section 37-151-201, the percentage of applicable
325 students in the school district is multiplied by fifteen
326 one-hundredths (15/100), and then multiplied by net enrollment.

327 (4) The following weights are applied to students who are
328 identified as entitled to and receiving services in a special
329 education program:

330 (a) Tier I: For students diagnosed with a specific
331 learning disability, speech and language impairment, or
332 developmental delay, the percentage of applicable students in the
333 school district is multiplied by sixty one-hundredths (60/100),
334 and then multiplied by net enrollment.

335 (b) Tier II: For students diagnosed with autism,
336 hearing impairment, emotional disability, orthopedic impairment,



337 intellectual disability, or other health impairment, the
338 percentage of applicable students in the school district is
339 multiplied by one hundred ten one-hundredths (110/100), and then
340 multiplied by net enrollment.

341 (c) Tier III: For students diagnosed with visual
342 impairment, deaf-blindness, multiple disabilities, or traumatic
343 brain injury, the percentage of applicable students in the school
344 district is multiplied by one hundred thirty one-hundredths
345 (130/100), and then multiplied by net enrollment.

346 For the purpose of student counts, a student entitled to and
347 receiving special education services may not be included under
348 more than one (1) tier prescribed in paragraphs (a), (b) and (c)
349 of this subsection. A student having multiple diagnoses must be
350 counted under the highest tier applicable to that student.

351 (5) A weight of five percent (5%) is applied to five percent
352 (5%) of a school district or charter school's net enrollment for
353 the purpose of providing gifted education, regardless of the
354 number of students in a school district or charter school that
355 have been identified as gifted students: the total number of
356 students in net enrollment in a school district or charter school,
357 as determined by Section 37-151-207, is multiplied by five
358 one-hundredths (5/100), which is again multiplied by five
359 one-hundredths (5/100).

360 (6) For Ninth, Tenth, Eleventh and Twelfth Grade students
361 enrolled in a career and technical education course, as defined in



362 Section 37-151-201, the percentage of applicable students in the
363 school district is multiplied by ten one-hundredths (10/100), and
364 then multiplied by net enrollment. Students enrolled in multiple
365 career and technical education courses are counted once.

366 (7) In each school district or charter school where the
367 number of students identified as low income, as defined in Section
368 37-151-201, exceeds thirty-five percent (35%) of the school
369 district or charter school's net enrollment, a weight of ten
370 percent (10%) is applied only to the number of low income students
371 in excess of the number of low income students which constitute
372 thirty-five percent (35%) of net enrollment. The number of
373 students eligible for this weight is calculated by subtracting the
374 number of students equivalent to thirty-five percent (35%) of the
375 net enrollment of that school district or charter school from the
376 total number of students in that school district or charter school
377 identified as low income: if the total percentage of applicable
378 students identified in subsection (2) exceeds thirty-five percent
379 (35%) of the school district or charter school's total net
380 enrollment, as determined in Section 37-151-207, the difference
381 between the total percentage of applicable students identified in
382 subsection (2) and thirty-five percent (35%) of the school
383 district or charter school's total net enrollment is multiplied by
384 ten one-hundredths (10/100), and then multiplied by net
385 enrollment.



386 (8) The final weighted enrollment of each school district
387 and charter school under the total funding formula as provided for
388 in this act is determined as follows:

389 (a) The final weighted enrollment for each school
390 district or charter school that is not classified as a sparsely
391 populated district or charter school, as defined in Section
392 37-151-201, is equivalent to the preliminary weighted enrollment
393 of that school district or charter school, as determined in
394 subsections (1) through (7) of this section: the State Department
395 of Education shall add to the school district or charter school's
396 net enrollment, as determined under Section 37-151-207, each of
397 the additional figures calculated in accordance with subsections
398 (2) through (7), and this total is the final weighted enrollment.

399 (b) The final weighted enrollment for each sparsely
400 populated district or charter school, as defined in Section
401 37-151-201, is determined by multiplying the sparsity weight by
402 the preliminary weighted enrollment, as determined in subsections
403 (1) through (7) of this section, and then adding that figure to
404 the preliminary weighted enrollment. To calculate the final
405 weighted enrollment, the State Department of Education shall add
406 to the school district or charter school's net enrollment, each of
407 the additional figures calculated in accordance with subsections
408 (2) through (7) to determine the preliminary weighted enrollment,
409 multiply this figure by the sparsity weight as determined below,
410 and add this resulting number to the preliminary weighted



411 enrollment to find the final weighted enrollment. To calculate
412 the sparsity weight, the State Department of Education shall find
413 the difference between the number of students per square mile in
414 that district or charter school and a sparsity threshold of eight
415 (8) students per square mile, and then shall divide the resulting
416 figure by one hundred (100) to create a percentage: for example,
417 if the number of students per square mile in a district is three
418 (3), the difference is five (5) (eight (8) minus three (3)), and
419 the sparsity weight is five percent (5%), or five one-hundredths
420 (5/100).

421 **SECTION 5.** The following shall be codified as Section
422 37-151-207, Mississippi Code of 1972:

423 37-151-207. (1) The net enrollment of a school district or
424 charter school for use in the funding formula must be computed and
425 currently maintained by the State Board of Education in accordance
426 with the following:

427 (a) Determination of school district net enrollment for
428 use in the funding formula. Effective with fiscal year 2026, the
429 State Department of Education shall determine the percentage
430 change from the prior year of each school district's months two
431 (2) and three (3) for the three (3) immediately preceding school
432 years of the year for which funds are being appropriated.

433 (b) Determination of charter school net enrollment for
434 use in the funding formula. Effective with fiscal year 2026, the
435 department shall base a charter school's net enrollment on the



436 enrollment projections for the relevant year set forth over the
437 term of the charter contract.

438 (c) The net enrollment of a school district used for
439 funding formula calculations, as determined in paragraph (a) of
440 this subsection, must be reconciled with the school district's net
441 enrollment using months two (2) and three (3) for the year for
442 which total funding formula funds are being appropriated, and any
443 necessary adjustments must be made to payments during the school
444 district's following year of operation. Any necessary adjustment
445 for a school district must be based on the state share of the per
446 pupil amount in effect for the year for which actual net
447 enrollment did not meet expectations and not any new amount
448 appropriated for the year in which the adjustment will be made.
449 Reconciliation of net enrollment for charter schools must be based
450 on requirements set forth in Section 37-28-55.

451 (2) The net enrollment of a school district or charter
452 school must include any student enrolled in a dual enrollment-dual
453 credit program as defined and provided for in Section 37-15-38.
454 The State Department of Education shall make payments for dual
455 enrollment-dual credit programs to the home school district or
456 charter school in which the student is enrolled, in accordance
457 with regulations promulgated by the State Board of Education. All
458 state funding under the formula must cease upon completion of high
459 school graduation requirements.



460 (3) The State Board of Education shall promulgate such rules
461 and regulations as may be necessary for the counting and reporting
462 of student enrollment by school districts and charter schools to
463 the department in a manner that enables the provisions of this act
464 to be carried out. The rules and regulations must require school
465 districts and charter schools to submit data that includes, at a
466 minimum, numbers for the specific student populations that are
467 subject to weighting under this act as well as the aggregate
468 amount of students in enrollment when each calculation is made.
469 For the first year of operation of a charter school, the State
470 Board of Education shall use imputed student demographic data
471 based on the traditional district in which the charter school is
472 located to estimate student populations that are subject to
473 weighting under this act.

474 (4) The superintendent of each school district and the head
475 of school of each charter school, as applicable, shall submit the
476 data required by subsection (3) of this section with a signed
477 affidavit attesting that the data submitted to the department is
478 accurate to the best of the superintendent's knowledge, and any
479 inaccuracies later discovered will be reported to the department.
480 The State Board of Education shall be specifically authorized and
481 empowered to withhold allocations from the total funding formula
482 funds as provided in this act, to any school district or charter
483 school for improperly or inaccurately reporting the student data
484 required by this act.



485 **SECTION 6.** The following shall be codified as Section
486 37-151-209, Mississippi Code of 1972:

487 37-151-209. Allocations to school districts or charter
488 schools made by the State Department of Education on the basis of
489 the count of students in student categories established for the
490 purpose of applying various weights under this act are intended
491 only to generate total appropriation amounts for school funding.
492 Except as otherwise required by applicable state or federal law or
493 by applicable rules, regulations, policies, or order of the State
494 Board of Education and the State Department of Education, a school
495 district or charter school may exercise full autonomy in the
496 spending of all funds allocated under the formula to the district
497 or charter school so long as funds are expended in the manner
498 determined by the school board or governing board to best meet the
499 needs of the student population of the school district or charter
500 school.

501 **SECTION 7.** The following shall be codified as Section
502 37-151-211, Mississippi Code of 1972:

503 37-151-211. (1) (a) Before February 1 of each year, the
504 tax assessor of each county shall file reports with the State
505 Department of Education which provide information essential to the
506 department in determining the local contribution that each school
507 district or charter school is required to provide toward the cost
508 of local school funding. A separate report must be filed for each



509 school district or part of a school district situated in the
510 county and must include the following information:

511 (i) The total assessed valuation of nonexempt
512 property for school purposes in each school district;

513 (ii) Assessed value of exempt property owned by
514 homeowners aged sixty-five (65) or older or disabled, as defined
515 in Section 27-33-67(2);

516 (iii) The school district's tax loss from
517 exemptions provided to applicants under the age of sixty-five (65)
518 and not disabled, as defined in Section 27-33-67(1); and

519 (iv) The school district's homestead reimbursement
520 revenues.

521 (b) The State Department of Education shall prepare and
522 make available to the tax assessor of each county a form for the
523 reports required under paragraph (a) of this subsection (1)(a).

524 (2) (a) The department shall use the information submitted
525 pursuant to subsection (1) to calculate and certify to each school
526 district the millage required to raise its minimum local tax
527 effort, which must be the value of not less than twenty-eight (28)
528 mills for the then current fiscal year or a millage rate
529 equivalent to twenty-seven percent (27%) of the total funding
530 formula funds for the school district, any charter schools, and
531 any Mississippi Achievement School District Schools located in its
532 boundaries, whichever is a lesser amount as certified to the



533 school district by the department, upon all of the taxable
534 property of the school district, including the following sources:

535 (i) One hundred percent (100%) of Grand Gulf
536 income, as prescribed in Section 27-35-309; and

537 (ii) One hundred percent (100%) of any fees in
538 lieu of taxes, as prescribed in Section 27-31-104, in accordance
539 with Section 37-57-1.

540 (b) The department shall determine the local
541 contribution of each school district or charter school based on
542 the minimum local tax effort, as determined under paragraph (a),
543 and shall certify this required local contribution to each school
544 district or charter school, as follows:

545 (i) For school districts in which there are no
546 charter schools, the minimum local tax effort is the required
547 local contribution for the school district.

548 (ii) For school districts in which there is
549 located one or more charter schools, the local contribution of the
550 school district is the product of multiplying the local pro rata
551 amount by the net enrollment of the school district. The
552 department will calculate the local pro rata amount by dividing
553 the school district's minimum local tax effort by the sum of the
554 net enrollment of the school district, as determined by Section
555 37-151-207, and the projected enrollment of charter school
556 students, as specified in Section 37-151-207, who reside or are
557 estimated to reside in the district, but excluding from this



558 projected enrollment any resident students who are projected to
559 transfer from the district to a charter school after the
560 calculation of the district's net enrollment, so as not to
561 double-count those students.

562 (iii) For each charter school, the local
563 contribution is the sum of the local pro rata amount for each
564 charter school student, as determined by Section 37-151-207, based
565 on each student's district of residence. The department will
566 calculate a local pro rata amount for each school district in
567 which a student projected to attend the charter school resides or
568 is estimated to reside using the methodology in subparagraph (ii)
569 of this paragraph (b).

570 (iv) In the case of an agricultural high school,
571 the local contribution is based on an equitable amount per pupil,
572 as determined by the State Board of Education. The State Board of
573 Education shall set the millage requirement to generate such an
574 amount and will certify this amount and millage requirement to
575 agricultural high schools in the same manner as for all other
576 school districts under this subsection.

577 (3) Except as otherwise provided in Section 37-151-213(1),
578 the required state share in support of each school district and
579 charter school is determined by subtracting the required local
580 contribution, which total amount may not exceed twenty-seven
581 percent (27%) of the total projected funding formula cost, from



582 the total projected funding formula cost, as determined under this
583 act, for the school district or charter school.

584 (4) If the school board of any school district or charter
585 school governing board determines that it is not economically
586 feasible or practicable to operate any school within the district
587 or charter school for the full one hundred eighty (180) days
588 required for the school term of a scholastic year under Section
589 37-13-63, due to an enemy attack, man-made, technological, or
590 natural disaster in which the Governor has declared a disaster
591 emergency under the laws of this state or the President of the
592 United States has declared an emergency or major disaster to exist
593 in this state, the school board or charter school governing board
594 may notify the State Department of Education of the disaster and
595 submit a plan for altering the school term. If the State Board of
596 Education finds the disaster to be the cause of the school not
597 operating for the contemplated school term and that the school is
598 located in a school district covered by the Governor's or
599 President's disaster declaration, the board may permit the schools
600 located in that district to be operated for less than one hundred
601 eighty (180) days and, in such case, the State Department of
602 Education may not reduce the state share in support of the funding
603 formula for that district or charter school because of the failure
604 to operate those schools for one hundred eighty (180) days.

605 **SECTION 8.** The following shall be codified as Section
606 37-151-213, Mississippi Code of 1972:



607 37-151-213. (1) To qualify for state funds under this
608 chapter, a school district may not exceed a student-teacher ratio
609 determined in accordance with appropriate accreditation standards
610 developed by the Mississippi Commission on School Accreditation.
611 However, a local district may apply to the State Board of
612 Education for approval of a waiver to this section by submitting
613 and justifying an alternative educational program to serve the
614 needs of enrollment. The State Board of Education must approve or
615 disapprove of the waiver no later than forty-five (45) days after
616 the receipt of the application.

617 (2) If a school district violates a required student-teacher
618 ratio, the state share in support of the funding formula for the
619 next succeeding fiscal year to that school district must be
620 reduced by the percentage variance that the actual student-teacher
621 ratios in the school district is to the required student-teacher
622 ratios established under accreditation standards.

623 (3) Notwithstanding the provisions of this section, the
624 State Board of Education may waive the student-teacher
625 requirements upon a finding that a good faith effort is being made
626 by a school district to comply with the ratio provision but, due
627 to a lack of classroom space which is beyond the district's
628 control, it is physically impossible for the district to comply,
629 and the cost of temporary classroom space cannot be justified.

630 (4) If a school district meets the highest levels of
631 performance classification, as determined by the State Board of



632 Education in the state's accountability standards, the State Board
633 of Education, in its discretion, may exempt the school district
634 from the maximum student-teacher ratio required under this
635 section.

636 (5) This section is not applicable to charter schools.

637 **SECTION 9.** The following shall be codified as Section
638 37-151-215, Mississippi Code of 1972:

639 37-151-215. (1) Notwithstanding the provisions of Section
640 37-151-211(3), the state share in support of the funding formula
641 for a school district or charter school for fiscal year 2025,
642 fiscal year 2026 and fiscal year 2027 may not be less than an
643 amount equal to the sum of all state funds received by that
644 school district or charter school for fiscal year 2024, as
645 follows:

646 (a) Funds distributed under the Mississippi Adequate
647 Education Program;

648 (b) Funds distributed by the State Department of
649 Education for the purpose of paying teachers' salaries according
650 to the teacher salary schedule prescribed in Section 37-19-7 and
651 assistant teachers, as prescribed in Section 37-21-7 for the
652 2023-2024 school year; and

653 (c) Funds distributed by and based on net enrollment or
654 the total number of students enrolled for each day in each public
655 school district or charter school, divided by the total number of
656 school days, and allowable to be spent on any expenditures



657 necessary to operate a public school district or charter school,
658 excluding salary increases for superintendents, assistant
659 superintendents or principals.

660 (2) This section shall stand repealed on July 1, 2027.

661 **SECTION 10.** Section 37-57-1, Mississippi Code of 1972, is
662 amended as follows:

663 37-57-1. (1) (a) The boards of supervisors of the counties
664 shall levy and collect all taxes for and on behalf of all school
665 districts which were within the county school system or designated
666 as special municipal separate school districts prior to July 1,
667 1986. Such taxes shall be collected by the county tax collector
668 at the same time and in the same manner as county taxes are
669 collected by him, and the same penalties for delinquency shall be
670 applicable.

671 The governing authorities of the municipalities shall levy
672 and collect all taxes for and on behalf of all school districts
673 which were designated as municipal separate school districts prior
674 to July 1, 1986. Such taxes shall be collected by the municipal
675 tax collector at the same time and in the same manner as municipal
676 taxes are collected by him, and the same penalties for delinquency
677 shall be applicable.

678 Except as otherwise provided in Section 19-9-171, the county
679 or municipal tax collector, as the case may be, shall pay such tax
680 collections, except for taxes collected for the payment of the
681 principal of and interest on school bonds or notes and except for



682 taxes collected to defray collection costs, into the school
683 depository and report to the school board of the appropriate
684 school district at the same time and in the same manner as the tax
685 collector makes his payments and reports of other taxes collected
686 by him.

687 * * * However, the State Board of Education shall determine
688 the appropriate levying authority for any school district created
689 or reorganized after July 1, 1987.

690 (b) For the purposes of this chapter and any other laws
691 pertaining to taxes levied or bonds or notes issued for and on
692 behalf of school districts, the term "levying authority" means the
693 board of supervisors of the county or the governing authorities of
694 the municipality, whichever levies taxes for and on behalf of the
695 particular school district as provided in paragraphs (a) and (b)
696 of this subsection.

697 (2) The levying authority for the school district shall, at
698 the same time and in the same manner as other taxes are levied by
699 the levying authority, levy a tax of not less than twenty-eight
700 (28) mills for the then current fiscal year * * * or a millage
701 rate equivalent to twenty-seven percent (27%) of the * * * total
702 funding formula under this act, whichever is a lesser amount, as
703 certified to the school district by the State Department of
704 Education, upon all of the taxable property of the school
705 district * * *. However, in no case shall the minimum local ad
706 valorem tax effort for any school district be equal to an amount



707 that would require a millage rate exceeding fifty-five (55) mills
708 in that school district. * * * However, * * * if a levying
709 authority is levying in excess of fifty-five (55) mills on July 1,
710 1997, the levying authority may levy an additional amount not
711 exceeding three (3) mills in the aggregate for the period
712 beginning July 1, 1997, and ending June 30, 2003, subject to the
713 limitation on increased receipts from ad valorem taxes prescribed
714 in Sections 37-57-105 and 37-57-107. Nothing in this subsection
715 shall be construed to require any school district that is levying
716 more than fifty-five (55) mills pursuant to Sections 37-57-1 and
717 37-57-105 to decrease its millage rate to fifty-five (55) mills or
718 less. In making such levy, the levying authority shall levy an
719 additional amount sufficient to cover anticipated delinquencies
720 and costs of collection so that the net amount of money to be
721 produced by such levy shall be equal to the amount which the
722 school district is required to contribute as its * * * minimum
723 local ad valorem tax effort. The tax so levied shall be collected
724 by the tax collector at the same time and in the same manner as
725 other ad valorem taxes are collected by him. The amount of taxes
726 so collected as a result of such levy shall be paid into the
727 district maintenance fund of the school district by the tax
728 collector at the same time and in the same manner as reports and
729 payments of other ad valorem taxes are made by * * * the tax
730 collector, except that the amount collected to defray costs of
731 collection may be paid into the county general fund. The levying



732 authority shall have the power and authority to direct and cause
733 warrants to be issued against such fund for the purpose of
734 refunding any amount of taxes erroneously or illegally paid into
735 such fund where such refund has been approved in the manner
736 provided by law.

737 **SECTION 11.** Section 37-57-104, Mississippi Code of 1972, is
738 amended as follows:

739 37-57-104. (1) Each school board shall submit to the
740 levying authority for the school district a certified copy of an
741 order adopted by the school board requesting an ad valorem tax
742 effort in dollars for the support of the school district. The
743 copy of the order shall be submitted by the school board when the
744 copies of the school district's budget are filed with the levying
745 authority pursuant to Section 37-61-9. Upon receipt of the school
746 board's order requesting the ad valorem tax effort in dollars, the
747 levying authority shall determine the millage rate necessary to
748 generate funds equal to the dollar amount requested by the school
749 board. For the purpose of calculating this millage rate, any
750 additional amount that is levied pursuant to Section 37-57-105(1)
751 to cover anticipated delinquencies and costs of collection or any
752 amount that may be levied for the payment of the principal and
753 interest on school bonds or notes shall be excluded from the
754 limitation of fifty-five (55) mills provided for in subsection (2)
755 of this section.



756 (2) (a) Except as otherwise provided under paragraph (b) or
757 (c) of this subsection, if the millage rate necessary to generate
758 funds equal to the dollar amount requested by the school board is
759 greater than fifty-five (55) mills, and if this millage rate is
760 higher than the millage then being levied pursuant to the school
761 board's order requesting the ad valorem tax effort for the
762 currently existing fiscal year, then the levying authority shall
763 call a referendum on the question of exceeding, during the next
764 fiscal year, the then existing millage rate being levied for
765 school district purposes. The referendum shall be scheduled for
766 not more than six (6) weeks after the date on which the levying
767 authority receives the school board's order requesting the ad
768 valorem tax effort.

769 When a referendum has been called, notice of the referendum
770 shall be published at least five (5) days per week, unless the
771 only newspaper published in the school district is published less
772 than five (5) days per week, for at least three (3) consecutive
773 weeks, in at least one (1) newspaper published in the school
774 district. The notice shall be no less than one-fourth (1/4) page
775 in size, and the type used shall be no smaller than eighteen (18)
776 point and surrounded by a one-fourth-inch solid black border. The
777 notice may not be placed in that portion of the newspaper where
778 legal notices and classified advertisements appear. The first
779 publication of the notice shall be made not less than twenty-one
780 (21) days before the date fixed for the referendum, and the last



781 publication shall be made not more than seven (7) days before that
782 date. If no newspaper is published in the school district, then
783 the notice shall be published in a newspaper having a general
784 circulation in the school district. The referendum shall be held,
785 as far as is practicable, in the same manner as other referendums
786 and elections are held in the county or municipality. At the
787 referendum, all registered, qualified electors of the school
788 district may vote. The ballots used at the referendum shall have
789 printed thereon a brief statement of the amount and purpose of the
790 increased tax levy and the words "FOR INCREASING THE MILLAGE
791 LEVIED FOR SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY
792 LEVIED) MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S
793 ORDER) MILLS," and "AGAINST INCREASING THE MILLAGE LEVIED FOR
794 SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY LEVIED)
795 MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S ORDER)
796 MILLS." The voter shall vote by placing a cross (X) or checkmark
797 (√) opposite his choice on the proposition.

798 If a majority of the registered, qualified electors of the
799 school district who vote in the referendum vote in favor of the
800 question, then the ad valorem tax effort in dollars requested by
801 the school board shall be approved. However, if a majority of the
802 registered, qualified electors who vote in the referendum vote
803 against the question, the millage rate levied by the levying
804 authority shall not exceed the millage then being levied pursuant



805 to the school board's order requesting the ad valorem tax effort
806 for the then currently existing fiscal year.

807 Nothing in this subsection shall be construed to require any
808 school district that is levying more than fifty-five (55) mills
809 pursuant to Sections 37-57-1 and 37-57-105 to decrease its millage
810 rate to fifty-five (55) mills or less. Further, nothing in this
811 subsection shall be construed to require a referendum in a school
812 district where the requested ad valorem tax effort in dollars
813 requires a millage rate of greater than fifty-five (55) mills but
814 the requested dollar amount does not require any increase in the
815 then existing millage rate. Further, nothing in this subsection
816 shall be construed to require a referendum in a school district
817 where, because of a decrease in the assessed valuation of the
818 district, a millage rate of greater than fifty-five (55) mills is
819 necessary to generate funds equal to the dollar amount generated
820 by the ad valorem tax effort for the currently existing fiscal
821 year.

822 (b) * * * However, * * * if a levying authority is
823 levying in excess of fifty-five (55) mills on July 1, 1997, the
824 levying authority may levy an additional amount not exceeding
825 three (3) mills in the aggregate for the period beginning July 1,
826 1997, and ending June 30, 2003, subject to the limitation on
827 increased receipts from ad valorem taxes prescribed in Sections
828 37-57-105 and 37-57-107.



829 (c) If the levying authority for any school district
830 lawfully has decreased the millage levied for school district
831 purposes, but subsequently determines that there is a need to
832 increase the millage rate due to a disaster in which the Governor
833 has declared a disaster emergency or the President of the United
834 States has declared an emergency or major disaster, then the
835 levying authority may increase the millage levied for school
836 district purposes up to an amount that does not exceed the millage
837 rate in any one (1) of the immediately preceding ten (10) fiscal
838 years without any referendum that otherwise would be required
839 under this subsection.

840 (3) If the millage rate necessary to generate funds equal to
841 the dollar amount requested by the school board is equal to
842 fifty-five (55) mills or less, but the dollar amount requested by
843 the school board exceeds the next preceding fiscal year's ad
844 valorem tax effort in dollars by more than four percent (4%), but
845 not more than seven percent (7%) (as provided for under subsection
846 (4) of this section), then the school board shall publish notice
847 thereof at least five (5) days per week, unless the only newspaper
848 published in the school district is published less than five (5)
849 days per week, for at least three (3) consecutive weeks in a
850 newspaper published in the school district. The notice shall be
851 no less than one-fourth (1/4) page in size, and the type used
852 shall be no smaller than eighteen (18) point and surrounded by a
853 one-fourth-inch solid black border. The notice may not be placed



854 in that portion of the newspaper where legal notices and
855 classified advertisements appear. The first publication shall be
856 made not less than fifteen (15) days before the final adoption of
857 the budget by the school board. If no newspaper is published in
858 the school district, then the notice shall be published in a
859 newspaper having a general circulation in the school district. If
860 at any time before the adoption of the budget a petition signed by
861 not less than twenty percent (20%) or fifteen hundred (1500),
862 whichever is less, of the registered, qualified electors of the
863 school district is filed with the school board requesting that a
864 referendum be called on the question of exceeding the next
865 preceding fiscal year's ad valorem tax effort in dollars by more
866 than four percent (4%), then the school board shall adopt, not
867 later than the next regular meeting, a resolution calling a
868 referendum to be held within the school district upon the
869 question. The referendum shall be called and held, and notice
870 thereof shall be given, in the same manner provided for in
871 subsection (2) of this section. The ballot shall contain the
872 language "FOR THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)" and
873 "AGAINST THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)." If a
874 majority of the registered, qualified electors of the school
875 district who vote in the referendum vote in favor of the question,
876 then the increase requested by the school board shall be approved.
877 For the purposes of this subsection, the revenue sources excluded
878 from the increase limitation under Section 37-57-107 also shall be



879 excluded from the limitation described in this subsection in the
880 same manner as they are excluded under Section 37-57-107.
881 Provided, however, that any increases requested by the school
882 board as a result of the required local contribution to * * * the
883 total funding formula as required by this act, as certified to the
884 local school district by the State Board of Education under
885 Section * * * 37-151-211, shall not be subject to the four percent
886 (4%) and/or seven percent (7%) tax increase limitations provided
887 in this section.

888 (4) If the millage rate necessary to generate funds equal to
889 the dollar amount requested by the school board is equal to
890 fifty-five (55) mills or less, but the dollar amount requested by
891 the school board exceeds the seven percent (7%) increase
892 limitation provided for in Section 37-57-107, the school board may
893 exceed the seven percent (7%) increase limitation only after the
894 school board has determined the need for additional revenues and
895 three-fifths (3/5) of the registered, qualified electors voting in
896 a referendum called by the levying authority have voted in favor
897 of the increase. The notice and manner of holding the referendum
898 shall be as prescribed in subsection (2) of this section for a
899 referendum on the question of increasing the millage rate in
900 school districts levying more than fifty-five (55) mills for
901 school district purposes.

902 (5) The aggregate receipts from ad valorem taxes levied for
903 school district purposes pursuant to Sections 37-57-1 and



904 37-57-105, excluding collection fees, additional revenue from the
905 ad valorem tax on any newly constructed properties or any existing
906 properties added to the tax rolls or any properties previously
907 exempt which were not assessed in the next preceding year, and
908 amounts received by school districts from the School Ad Valorem
909 Tax Reduction Fund pursuant to Section 37-61-35, shall be subject
910 to the increase limitation under this section and Section
911 37-57-107.

912 (6) The school board shall pay to the levying authority all
913 costs that are incurred by the levying authority in the calling
914 and holding of any election under this section.

915 (7) The provisions of this section shall not be construed to
916 affect in any manner the authority of school boards to levy
917 millage for the following purposes:

918 (a) The issuance of bonds, notes and certificates of
919 indebtedness, as authorized in Sections 37-59-1 through 37-59-45
920 and Sections 37-59-101 through 37-59-115;

921 (b) The lease of property for school purposes, as
922 authorized under the Emergency School Leasing Authority Act of
923 1986 (Sections 37-7-351 through 37-7-359);

924 (c) The lease or lease-purchase of school buildings, as
925 authorized under Section 37-7-301;

926 (d) The issuance of promissory notes in the event of a
927 shortfall of ad valorem taxes and/or revenue from local sources,
928 as authorized under Section 27-39-333; and



929 (e) The construction of school buildings outside the
930 school district, as authorized under Section 37-7-401.

931 Any millage levied for the purposes specified in this
932 subsection shall be excluded from the millage limitations
933 established under this section.

934 **SECTION 12.** Section 37-57-105, Mississippi Code of 1972, is
935 amended as follows:

936 37-57-105. (1) * * * In addition to the taxes levied under
937 Section 37-57-1, the levying authority for the school district, as
938 defined in Section 37-57-1, upon receipt of a certified copy of an
939 order adopted by the school board of the school district
940 requesting an ad valorem tax effort in dollars for the support of
941 the school district and any charter schools located in the
942 district, shall, at the same time and in the same manner as other
943 ad valorem taxes are levied, levy an annual ad valorem tax in the
944 amount fixed in such order upon all of the taxable property of
945 such school district, which shall not be less than the millage
946 rate certified by the State Board of Education as the uniform
947 minimum school district ad valorem tax levy required for the
948 support of * * * the total funding formula as required by this act
949 in such school district under Sections 37-57-1 and 37-151-211.

950 * * * However, * * * any school district levying less than the
951 uniform minimum school district ad valorem tax levy on July 1,
952 1997, shall only be required to increase its local district
953 maintenance levy in four (4) mill annual increments in order to



954 attain such millage requirements. In making such levy, the
955 levying authority shall levy an additional amount sufficient to
956 cover anticipated delinquencies and costs of collection so that
957 the net amount of money to be produced by such levy shall be equal
958 to the amount which is requested by * * * the school board. The
959 proceeds of such tax levy, excluding levies for the payment of the
960 principal of and interest on school bonds or notes and excluding
961 levies for costs of collection, shall be placed in the school
962 depository to the credit of the school district and shall be
963 expended in the manner provided by law for the purpose of
964 supplementing teachers' salaries, extending school terms,
965 purchasing furniture, supplies and materials, and for all other
966 lawful operating and incidental expenses of such school
967 district * * *.

968 The monies authorized to be received by school districts from
969 the School Ad Valorem Tax Reduction Fund pursuant to Section
970 37-61-35 shall be included as ad valorem tax receipts. The
971 levying authority for the school district, as defined in Section
972 37-57-1, shall reduce the ad valorem tax levy for such school
973 district in an amount equal to the amount distributed to such
974 school district from the School Ad Valorem Tax Reduction Fund each
975 calendar year pursuant to * * * Section 37-61-35. Such reduction
976 shall not be less than the millage rate necessary to generate a
977 reduction in ad valorem tax receipts equal to the funds
978 distributed to such school district from the School Ad Valorem Tax



979 Reduction Fund pursuant to Section 37-61-35. * * * The millage
980 levy certified by the State Board of Education as the * * *
981 minimum * * * tax levy * * * shall be subject to the provisions of
982 this paragraph.

983 In any county where there is located a nuclear generating
984 power plant on which a tax is assessed under Section 27-35-309(3),
985 such required levy and revenue produced thereby may be reduced by
986 the levying authority in an amount in proportion to a reduction in
987 the base revenue of any such county from the previous year. Such
988 reduction shall be allowed only if the reduction in base revenue
989 equals or exceeds five percent (5%). "Base revenue" shall mean
990 the revenue received by the county from the ad valorem tax levy
991 plus the revenue received by the county from the tax assessed
992 under Section 27-35-309(3) and authorized to be used for any
993 purposes for which a county is authorized by law to levy an ad
994 valorem tax. For purposes of determining if the reduction equals
995 or exceeds five percent (5%), a levy of millage equal to the prior
996 year's millage shall be hypothetically applied to the current
997 year's ad valorem tax base to determine the amount of revenue to
998 be generated from the ad valorem tax levy. For the purposes of
999 this section and Section 37-57-107, the portion of the base
1000 revenue used for the support of any school district shall be
1001 deemed to be the aggregate receipts from ad valorem taxes for the
1002 support of any school district. This paragraph shall apply to
1003 taxes levied for the 1987 fiscal year and for each fiscal year



1004 thereafter. If the Mississippi Supreme Court or another court
1005 finally adjudicates that the tax levied under Section 27-35-309(3)
1006 is unconstitutional, then this paragraph shall stand repealed.

1007 The State Department of Education shall calculate a local pro
1008 rata amount for the aggregate receipts of the tax levied in this
1009 section by dividing the aggregate receipts by the sum of the
1010 school district's net enrollment, as determined under Section
1011 37-151-211, and the net enrollment of any charter school students
1012 who reside in the district.

1013 (2) When the tax is levied upon the territory of any school
1014 district located in two (2) or more counties, the order of the
1015 school board requesting the levying of such tax shall be certified
1016 to the levying authority of each of the counties involved, and
1017 each of the levying authorities shall levy the tax in the manner
1018 specified herein. The taxes so levied shall be collected by the
1019 tax collector of the levying authority involved and remitted by
1020 the tax collector to the school depository of the home county to
1021 the credit of the school district involved as provided above,
1022 except that taxes for collection fees may be retained by the
1023 levying authority for deposit into its general fund.

1024 (3) The aggregate receipts from ad valorem taxes levied for
1025 school district purposes, excluding collection fees, pursuant to
1026 this section and Section 37-57-1 shall be subject to the increased
1027 limitation under Section 37-57-107; however, if the ad valorem tax
1028 effort in dollars requested by the school district for the fiscal



1029 year exceeds the next preceding fiscal year's ad valorem tax
1030 effort in dollars by more than four percent (4%) but not more than
1031 seven percent (7%), then the school board shall publish notice
1032 thereof once each week for at least three (3) consecutive weeks in
1033 a newspaper having general circulation in the school district
1034 involved, with the first publication thereof to be made not less
1035 than fifteen (15) days prior to the final adoption of the budget
1036 by the school board. If at any time prior to * * * the adoption a
1037 petition signed by not less than twenty percent (20%) or fifteen
1038 hundred (1500), whichever is less, of the qualified electors of
1039 the school district involved shall be filed with the school board
1040 requesting that an election be called on the question of exceeding
1041 the next preceding fiscal year's ad valorem tax effort in dollars
1042 by more than four percent (4%) but not more than seven percent
1043 (7%), then the school board shall, not later than the next regular
1044 meeting, adopt a resolution calling an election to be held within
1045 such school district upon such question. The election shall be
1046 called and held, and notice thereof shall be given, in the same
1047 manner for elections upon the questions of the issuance of the
1048 bonds of school districts, and the results thereof shall be
1049 certified to the school board. The ballot shall contain the
1050 language "For the School Tax Increase Over Four Percent (4%)" and
1051 "Against the School Tax Increase Over Four Percent (4%)." If a
1052 majority of the qualified electors of the school district who
1053 voted in such election shall vote in favor of the question, then



1054 the stated increase requested by the school board shall be
1055 approved. For the purposes of this paragraph, the revenue sources
1056 excluded from the increased limitation under Section 37-57-107
1057 shall also be excluded from the limitation described herein in the
1058 same manner as they are excluded under Section 37-57-107.

1059 **SECTION 13.** Section 37-57-107, Mississippi Code of 1972, is
1060 amended as follows:

1061 37-57-107. (1) Beginning with the tax levy for the 1997
1062 fiscal year and for each fiscal year thereafter, the aggregate
1063 receipts from taxes levied for school district purposes pursuant
1064 to Sections 37-57-105 and 37-57-1 shall not exceed the aggregate
1065 receipts from those sources during any one (1) of the immediately
1066 preceding three (3) fiscal years, as determined by the school
1067 board, plus an increase not to exceed seven percent (7%). For the
1068 purpose of this limitation, the term "aggregate receipts" when
1069 used in connection with the amount of funds generated in a
1070 preceding fiscal year shall not include excess receipts required
1071 by law to be deposited into a special account. However, the term
1072 "aggregate receipts" includes any receipts required by law to be
1073 paid to a charter school. The additional revenue from the ad
1074 valorem tax on any newly constructed properties or any existing
1075 properties added to the tax rolls or any properties previously
1076 exempt which were not assessed in the next preceding year may be
1077 excluded from the seven percent (7%) increase limitation set forth
1078 herein. Taxes levied for payment of principal of and interest on



1079 general obligation school bonds issued heretofore or hereafter
1080 shall be excluded from the seven percent (7%) increase limitation
1081 set forth herein. Any additional millage levied to fund any new
1082 program mandated by the Legislature shall be excluded from the
1083 limitation for the first year of the levy and included within such
1084 limitation in any year thereafter. For the purposes of this
1085 section, the term "new program" shall include, but shall not be
1086 limited to, (a) the Early Childhood Education Program * * * as
1087 provided by Section 37-21-7, and any additional millage levied and
1088 the revenue generated therefrom, which is excluded from the
1089 limitation for the first year of the levy, to support the mandated
1090 Early Childhood Education Program shall be specified on the
1091 minutes of the school board and of the governing body making such
1092 tax levy; (b) any additional millage levied and the revenue
1093 generated therefrom, which shall be excluded from the limitation
1094 for the first year of the levy, for the purpose of generating
1095 additional local contribution funds required for * * * the total
1096 funding formula as required by this act; and (c) any additional
1097 millage levied and the revenue generated therefrom which shall be
1098 excluded from the limitation for the first year of the levy, for
1099 the purpose of support and maintenance of any agricultural high
1100 school which has been transferred to the control, operation and
1101 maintenance of the school board by the board of trustees of the
1102 community college district under provisions of Section 37-29-272.



1103 (2) The seven percent (7%) increase limitation prescribed in
1104 this section may be increased an additional amount only when the
1105 school board has determined the need for additional revenues and
1106 has held an election on the question of raising the limitation
1107 prescribed in this section. The limitation may be increased only
1108 if three-fifths (3/5) of those voting in the election shall vote
1109 for the proposed increase. The resolution, notice and manner of
1110 holding the election shall be as prescribed by law for the holding
1111 of elections for the issuance of bonds by the respective school
1112 boards. Revenues collected for the fiscal year in excess of the
1113 seven percent (7%) increase limitation pursuant to an election
1114 shall be included in the tax base for the purpose of determining
1115 aggregate receipts for which the seven percent (7%) increase
1116 limitation applies for subsequent fiscal years.

1117 (3) Except as otherwise provided for excess revenues
1118 generated pursuant to an election, if revenues collected as the
1119 result of the taxes levied for the fiscal year pursuant to this
1120 section and Section 37-57-1 exceed the increase limitation, then
1121 it shall be the mandatory duty of the school board of the school
1122 district to deposit such excess receipts over and above the
1123 increase limitation into a special account and credit it to the
1124 fund for which the levy was made. It will be the further duty of
1125 such board to hold * * * the funds and invest the same as
1126 authorized by law. Such excess funds shall be calculated in the
1127 budgets for the school districts for the purpose for which such



1128 levies were made, for the succeeding fiscal year. Taxes imposed
1129 for the succeeding year shall be reduced by the amount of excess
1130 funds available. Under no circumstances shall such excess funds
1131 be expended during the fiscal year in which such excess funds are
1132 collected.

1133 (4) For the purposes of determining ad valorem tax receipts
1134 for a preceding fiscal year under this section, the term "fiscal
1135 year" means the fiscal year beginning October 1 and ending
1136 September 30.

1137 (5) Beginning with the 2013-2014 school year, each school
1138 district in which a charter school is located shall pay to the
1139 charter school an amount for each student enrolled in the charter
1140 school equal to the ad valorem taxes levied per pupil for the
1141 support of the school district in which the charter school is
1142 located. The pro rata ad valorem taxes to be transferred to the
1143 charter school must include all levies for the support of the
1144 school district under Sections 37-57-1 (local contribution to
1145 the * * * total funding formula as required by this act) and
1146 37-57-105 (school district operational levy) but may not include
1147 any taxes levied for the retirement of school district bonded
1148 indebtedness or short-term notes or any taxes levied for the
1149 support of vocational-technical education programs. Payments made
1150 pursuant to this subsection by a school district to a charter
1151 school must be made before the expiration of three (3) business
1152 days after the funds are distributed to the school district.



1153 **SECTION 14.** Section 37-61-33, Mississippi Code of 1972, is
1154 amended as follows:

1155 37-61-33. (1) There is created within the State Treasury a
1156 special fund to be designated the "Education Enhancement Fund"
1157 into which shall be deposited all the revenues collected pursuant
1158 to Sections 27-65-75 (5), (7) and (8) and 27-67-31(a) and (b).

1159 (2) Of the amount deposited into the Education Enhancement
1160 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be
1161 appropriated each fiscal year to the State Department of Education
1162 to be distributed to all school districts. Such money shall be
1163 distributed to all school districts in the proportion that
1164 the * * * net enrollment of each school district bears to
1165 the * * * net enrollment of all school districts within the state
1166 for the following purposes:

1167 (a) Purchasing, erecting, repairing, equipping,
1168 remodeling and enlarging school buildings and related facilities,
1169 including gymnasiums, auditoriums, lunchrooms, vocational training
1170 buildings, libraries, teachers' homes, school barns,
1171 transportation vehicles (which shall include new and used
1172 transportation vehicles) and garages for transportation vehicles,
1173 and purchasing land therefor;

1174 (b) Establishing and equipping school athletic fields
1175 and necessary facilities connected therewith, and purchasing land
1176 therefor;



1177 (c) Providing necessary water, light, heating,
1178 air-conditioning and sewerage facilities for school buildings, and
1179 purchasing land therefor;

1180 (d) As a pledge to pay all or a portion of the debt
1181 service on debt issued by the school district under Sections
1182 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
1183 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
1184 and 37-41-81, or debt issued by boards of supervisors for
1185 agricultural high schools pursuant to Section 37-27-65, if such
1186 pledge is accomplished pursuant to a written contract or
1187 resolution approved and spread upon the minutes of an official
1188 meeting of the district's school board or board of supervisors.
1189 The annual grant to such district in any subsequent year during
1190 the term of the resolution or contract shall not be reduced below
1191 an amount equal to the district's grant amount for the year in
1192 which the contract or resolution was adopted. The intent of this
1193 provision is to allow school districts to irrevocably pledge a
1194 certain, constant stream of revenue as security for long-term
1195 obligations issued under the code sections enumerated in this
1196 paragraph or as otherwise allowed by law. It is the intent of the
1197 Legislature that the provisions of this paragraph shall be
1198 cumulative and supplemental to any existing funding programs or
1199 other authority conferred upon school districts or school boards.
1200 Debt of a district secured by a pledge of sales tax revenue
1201 pursuant to this paragraph shall not be subject to any debt



1202 limitation contained in the foregoing enumerated code
1203 sections * * *; and

1204 (e) Any other purpose for which the total funding
1205 formula funds as determined by this act are not sufficient.

1206 (3) The remainder of the money deposited into the Education
1207 Enhancement Fund shall be appropriated as follows:

1208 (a) To the State Department of Education as follows:

1209 (i) Sixteen and sixty-one one-hundredths percent
1210 (16.61%) to the cost of the * * * total funding formula determined
1211 under * * * this act; of the funds generated by the percentage set
1212 forth in this section for the support of the adequate education
1213 program, one and one hundred seventy-eight one-thousandths percent
1214 (1.178%) of the funds shall be appropriated to be used by the
1215 State Department of Education for the purchase of textbooks to be
1216 loaned under Sections 37-43-1 through 37-43-59 to approved
1217 nonpublic schools, as described in Section 37-43-1. The funds to
1218 be distributed to each nonpublic school shall be in the proportion
1219 that the average daily attendance of each nonpublic school bears
1220 to the total average daily attendance of all nonpublic schools;

1221 (ii) Seven and ninety-seven one-hundredths percent
1222 (7.97%) to assist the funding of transportation operations and
1223 maintenance pursuant to Section 37-19-23; and

1224 (iii) Nine and sixty-one one-hundredths percent
1225 (9.61%) for classroom supplies, instructional materials and
1226 equipment, including computers and computer software, to be



1227 distributed to all eligible teachers within the state through the
1228 use of procurement cards or a digital solution capable of
1229 tracking, paying and reporting purchases. Classroom supply funds
1230 shall not be expended for administrative purposes. On a date to
1231 be determined by the State Department of Education, but not later
1232 than July 1 of each year, local school districts shall determine
1233 and submit to the State Department of Education the number of
1234 teachers eligible to receive an allocation for the current year.
1235 For purposes of this subparagraph, "teacher" means any employee of
1236 the school board of a school district, or the Mississippi School
1237 for the Arts, the Mississippi School for Math and Science, the
1238 Mississippi School for the Blind, the Mississippi School for the
1239 Deaf or public charter school, who is required by law to obtain a
1240 teacher's license from the State Department of Education and who
1241 is assigned to an instructional area of work as defined by the
1242 department, and shall include any full- or part-time gifted or
1243 special education teacher. It is the intent of the Legislature
1244 that all classroom teachers shall utilize these funds in a manner
1245 that addresses individual classroom needs and supports the overall
1246 goals of the school regarding supplies, instructional materials,
1247 equipment, computers or computer software under the provisions of
1248 this subparagraph, including the type, quantity and quality of
1249 such supplies, materials and equipment. Classroom supply funds
1250 allocated under this subparagraph shall supplement, not replace,
1251 other local and state funds available for the same purposes. The



1252 State Board of Education shall develop and promulgate rules and
1253 regulations for the administration of this subparagraph consistent
1254 with the above criteria, with particular emphasis on allowing the
1255 individual teachers to expend funds as they deem appropriate. The
1256 local school board shall require each school to issue credentials
1257 for a digital solution selected by or procurement cards provided
1258 by the Department of Finance and Administration under the
1259 provisions of Section 31-7-9(1)(c) for the use of teachers and
1260 necessary support personnel in making instructional supply fund
1261 expenditures under this section, consistent with the regulations
1262 of the Mississippi Department of Finance and Administration
1263 pursuant to Section 31-7-9. Such credentials or procurement cards
1264 shall be provided by the State Department of Education to local
1265 school districts on a date determined by the State Department of
1266 Education, but not later than August 1 of each year. Local school
1267 districts shall issue such credentials or procurement cards to
1268 classroom teachers at the beginning of the school year, but no
1269 later than August 1 of each year, and shall be issued in equal
1270 amounts per teacher determined by the total number of qualifying
1271 personnel and the current state appropriation for classroom
1272 supplies with the Education Enhancement Fund. After initial cards
1273 are issued under the timeline prescribed by this section, the
1274 State Department of Education may issue cards to districts for any
1275 classroom teacher hired after July 1 under a timeline prescribed
1276 by the State Department of Education. Such credentials or cards



1277 will expire on a predetermined date at the end of each school
1278 year, but not before April 1 of each year. All unexpended amounts
1279 will be carried forward, combined with the following year's
1280 allocation of Education Enhancement Fund instructional supplies
1281 funds and reallocated for the following year;

1282 (b) Twenty-two and nine one-hundredths percent (22.09%)
1283 to the Board of Trustees of State Institutions of Higher Learning
1284 for the purpose of supporting institutions of higher learning; and

1285 (c) Fourteen and forty-one one-hundredths percent
1286 (14.41%) to the Mississippi Community College Board for the
1287 purpose of providing support to community and junior colleges.

1288 (4) The amount remaining in the Education Enhancement Fund
1289 after funds are distributed as provided in subsections (2) and (3)
1290 of this section shall be appropriated for other educational needs.

1291 (5) None of the funds appropriated pursuant to subsection
1292 (3) (a) of this section shall be used to reduce the state's General
1293 Fund appropriation for the categories listed in an amount below
1294 the following amounts:

1295 (a) For subsection (3) (a) (ii) of this section,
1296 Thirty-six Million Seven Hundred Thousand Dollars
1297 (\$36,700,000.00);

1298 (b) For the aggregate of minimum program allotments in
1299 the 1997 fiscal year, formerly provided for in Chapter 19, Title
1300 37, Mississippi Code of 1972, as amended, excluding those funds



1301 for transportation as provided for in paragraph (a) of this
1302 subsection.

1303 (6) Any funds appropriated from the Education Enhancement
1304 Fund that are unexpended at the end of a fiscal year shall lapse
1305 into the Education Enhancement Fund, except as otherwise provided
1306 in subsection (3)(a)(iii) of this section.

1307 **SECTION 15.** Section 27-65-75, Mississippi Code of 1972, is
1308 amended as follows:

1309 27-65-75. On or before the fifteenth day of each month, the
1310 revenue collected under the provisions of this chapter during the
1311 preceding month shall be paid and distributed as follows:

1312 (1) (a) On or before August 15, 1992, and each succeeding
1313 month thereafter through July 15, 1993, eighteen percent (18%) of
1314 the total sales tax revenue collected during the preceding month
1315 under the provisions of this chapter, except that collected under
1316 the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
1317 business activities within a municipal corporation shall be
1318 allocated for distribution to the municipality and paid to the
1319 municipal corporation. Except as otherwise provided in this
1320 paragraph (a), on or before August 15, 1993, and each succeeding
1321 month thereafter, eighteen and one-half percent (18-1/2%) of the
1322 total sales tax revenue collected during the preceding month under
1323 the provisions of this chapter, except that collected under the
1324 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
1325 27-65-24, on business activities within a municipal corporation



1326 shall be allocated for distribution to the municipality and paid
1327 to the municipal corporation. However, in the event the State
1328 Auditor issues a certificate of noncompliance pursuant to Section
1329 21-35-31, the Department of Revenue shall withhold ten percent
1330 (10%) of the allocations and payments to the municipality that
1331 would otherwise be payable to the municipality under this
1332 paragraph (a) until such time that the department receives written
1333 notice of the cancellation of a certificate of noncompliance from
1334 the State Auditor.

1335 A municipal corporation, for the purpose of distributing the
1336 tax under this subsection, shall mean and include all incorporated
1337 cities, towns and villages.

1338 Monies allocated for distribution and credited to a municipal
1339 corporation under this paragraph may be pledged as security for a
1340 loan if the distribution received by the municipal corporation is
1341 otherwise authorized or required by law to be pledged as security
1342 for such a loan.

1343 In any county having a county seat that is not an
1344 incorporated municipality, the distribution provided under this
1345 subsection shall be made as though the county seat was an
1346 incorporated municipality; however, the distribution to the
1347 municipality shall be paid to the county treasury in which the
1348 municipality is located, and those funds shall be used for road,
1349 bridge and street construction or maintenance in the county.



1350 (b) On or before August 15, 2006, and each succeeding
1351 month thereafter, eighteen and one-half percent (18-1/2%) of the
1352 total sales tax revenue collected during the preceding month under
1353 the provisions of this chapter, except that collected under the
1354 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
1355 business activities on the campus of a state institution of higher
1356 learning or community or junior college whose campus is not
1357 located within the corporate limits of a municipality, shall be
1358 allocated for distribution to the state institution of higher
1359 learning or community or junior college and paid to the state
1360 institution of higher learning or community or junior college.

1361 (c) On or before August 15, 2018, and each succeeding
1362 month thereafter until August 14, 2019, two percent (2%) of the
1363 total sales tax revenue collected during the preceding month under
1364 the provisions of this chapter, except that collected under the
1365 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
1366 27-65-24, on business activities within the corporate limits of
1367 the City of Jackson, Mississippi, shall be deposited into the
1368 Capitol Complex Improvement District Project Fund created in
1369 Section 29-5-215. On or before August 15, 2019, and each
1370 succeeding month thereafter until August 14, 2020, four percent
1371 (4%) of the total sales tax revenue collected during the preceding
1372 month under the provisions of this chapter, except that collected
1373 under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21
1374 and 27-65-24, on business activities within the corporate limits



1375 of the City of Jackson, Mississippi, shall be deposited into the
1376 Capitol Complex Improvement District Project Fund created in
1377 Section 29-5-215. On or before August 15, 2020, and each
1378 succeeding month thereafter through July 15, 2023, six percent
1379 (6%) of the total sales tax revenue collected during the preceding
1380 month under the provisions of this chapter, except that collected
1381 under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21
1382 and 27-65-24, on business activities within the corporate limits
1383 of the City of Jackson, Mississippi, shall be deposited into the
1384 Capitol Complex Improvement District Project Fund created in
1385 Section 29-5-215. On or before August 15, 2023, and each
1386 succeeding month thereafter, nine percent (9%) of the total sales
1387 tax revenue collected during the preceding month under the
1388 provisions of this chapter, except that collected under the
1389 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
1390 27-65-24, on business activities within the corporate limits of
1391 the City of Jackson, Mississippi, shall be deposited into the
1392 Capitol Complex Improvement District Project Fund created in
1393 Section 29-5-215.

1394 (d) (i) On or before the fifteenth day of the month
1395 that the diversion authorized by this section begins, and each
1396 succeeding month thereafter, eighteen and one-half percent
1397 (18-1/2%) of the total sales tax revenue collected during the
1398 preceding month under the provisions of this chapter, except that
1399 collected under the provisions of Sections 27-65-15, 27-65-19(3)



1400 and 27-65-21, on business activities within a redevelopment
1401 project area developed under a redevelopment plan adopted under
1402 the Tax Increment Financing Act (Section 21-45-1 et seq.) shall be
1403 allocated for distribution to the county in which the project area
1404 is located if:

1405 1. The county:

1406 a. Borders on the Mississippi Sound and
1407 the State of Alabama, or

1408 b. Is Harrison County, Mississippi, and
1409 the project area is within a radius of two (2) miles from the
1410 intersection of Interstate 10 and Menge Avenue;

1411 2. The county has issued bonds under Section
1412 21-45-9 to finance all or a portion of a redevelopment project in
1413 the redevelopment project area;

1414 3. Any debt service for the indebtedness
1415 incurred is outstanding; and

1416 4. A development with a value of Ten Million
1417 Dollars (\$10,000,000.00) or more is, or will be, located in the
1418 redevelopment area.

1419 (ii) Before any sales tax revenue may be allocated
1420 for distribution to a county under this paragraph, the county
1421 shall certify to the Department of Revenue that the requirements
1422 of this paragraph have been met, the amount of bonded indebtedness
1423 that has been incurred by the county for the redevelopment project



1424 and the expected date the indebtedness incurred by the county will
1425 be satisfied.

1426 (iii) The diversion of sales tax revenue
1427 authorized by this paragraph shall begin the month following the
1428 month in which the Department of Revenue determines that the
1429 requirements of this paragraph have been met. The diversion shall
1430 end the month the indebtedness incurred by the county is
1431 satisfied. All revenue received by the county under this
1432 paragraph shall be deposited in the fund required to be created in
1433 the tax increment financing plan under Section 21-45-11 and be
1434 utilized solely to satisfy the indebtedness incurred by the
1435 county.

1436 (2) On or before September 15, 1987, and each succeeding
1437 month thereafter, from the revenue collected under this chapter
1438 during the preceding month, One Million One Hundred Twenty-five
1439 Thousand Dollars (\$1,125,000.00) shall be allocated for
1440 distribution to municipal corporations as defined under subsection
1441 (1) of this section in the proportion that the number of gallons
1442 of gasoline and diesel fuel sold by distributors to consumers and
1443 retailers in each such municipality during the preceding fiscal
1444 year bears to the total gallons of gasoline and diesel fuel sold
1445 by distributors to consumers and retailers in municipalities
1446 statewide during the preceding fiscal year. The Department of
1447 Revenue shall require all distributors of gasoline and diesel fuel
1448 to report to the department monthly the total number of gallons of



1449 gasoline and diesel fuel sold by them to consumers and retailers
1450 in each municipality during the preceding month. The Department
1451 of Revenue shall have the authority to promulgate such rules and
1452 regulations as is necessary to determine the number of gallons of
1453 gasoline and diesel fuel sold by distributors to consumers and
1454 retailers in each municipality. In determining the percentage
1455 allocation of funds under this subsection for the fiscal year
1456 beginning July 1, 1987, and ending June 30, 1988, the Department
1457 of Revenue may consider gallons of gasoline and diesel fuel sold
1458 for a period of less than one (1) fiscal year. For the purposes
1459 of this subsection, the term "fiscal year" means the fiscal year
1460 beginning July 1 of a year.

1461 (3) On or before September 15, 1987, and on or before the
1462 fifteenth day of each succeeding month, until the date specified
1463 in Section 65-39-35, the proceeds derived from contractors' taxes
1464 levied under Section 27-65-21 on contracts for the construction or
1465 reconstruction of highways designated under the highway program
1466 created under Section 65-3-97 shall, except as otherwise provided
1467 in Section 31-17-127, be deposited into the State Treasury to the
1468 credit of the State Highway Fund to be used to fund that highway
1469 program. The Mississippi Department of Transportation shall
1470 provide to the Department of Revenue such information as is
1471 necessary to determine the amount of proceeds to be distributed
1472 under this subsection.



1473 (4) On or before August 15, 1994, and on or before the
1474 fifteenth day of each succeeding month through July 15, 1999, from
1475 the proceeds of gasoline, diesel fuel or kerosene taxes as
1476 provided in Section 27-5-101(a)(ii)1, Four Million Dollars
1477 (\$4,000,000.00) shall be deposited in the State Treasury to the
1478 credit of a special fund designated as the "State Aid Road Fund,"
1479 created by Section 65-9-17. On or before August 15, 1999, and on
1480 or before the fifteenth day of each succeeding month, from the
1481 total amount of the proceeds of gasoline, diesel fuel or kerosene
1482 taxes apportioned by Section 27-5-101(a)(ii)1, Four Million
1483 Dollars (\$4,000,000.00) or an amount equal to twenty-three and
1484 one-fourth percent (23-1/4%) of those funds, whichever is the
1485 greater amount, shall be deposited in the State Treasury to the
1486 credit of the "State Aid Road Fund," created by Section 65-9-17.
1487 Those funds shall be pledged to pay the principal of and interest
1488 on state aid road bonds heretofore issued under Sections 19-9-51
1489 through 19-9-77, in lieu of and in substitution for the funds
1490 previously allocated to counties under this section. Those funds
1491 may not be pledged for the payment of any state aid road bonds
1492 issued after April 1, 1981; however, this prohibition against the
1493 pledging of any such funds for the payment of bonds shall not
1494 apply to any bonds for which intent to issue those bonds has been
1495 published for the first time, as provided by law before March 29,
1496 1981. From the amount of taxes paid into the special fund under
1497 this subsection and subsection (9) of this section, there shall be



1498 first deducted and paid the amount necessary to pay the expenses
1499 of the Office of State Aid Road Construction, as authorized by the
1500 Legislature for all other general and special fund agencies. The
1501 remainder of the fund shall be allocated monthly to the several
1502 counties in accordance with the following formula:

1503 (a) One-third (1/3) shall be allocated to all counties
1504 in equal shares;

1505 (b) One-third (1/3) shall be allocated to counties
1506 based on the proportion that the total number of rural road miles
1507 in a county bears to the total number of rural road miles in all
1508 counties of the state; and

1509 (c) One-third (1/3) shall be allocated to counties
1510 based on the proportion that the rural population of the county
1511 bears to the total rural population in all counties of the state,
1512 according to the latest federal decennial census.

1513 For the purposes of this subsection, the term "gasoline,
1514 diesel fuel or kerosene taxes" means such taxes as defined in
1515 paragraph (f) of Section 27-5-101.

1516 The amount of funds allocated to any county under this
1517 subsection for any fiscal year after fiscal year 1994 shall not be
1518 less than the amount allocated to the county for fiscal year 1994.

1519 Any reference in the general laws of this state or the
1520 Mississippi Code of 1972 to Section 27-5-105 shall mean and be
1521 construed to refer and apply to subsection (4) of Section
1522 27-65-75.



1523 * * *

1524 (5) On or before August 15, 2024, and each succeeding month
1525 thereafter, One Million Six Hundred Sixty-six Thousand Six Hundred
1526 Sixty-six Dollars (\$1,666,666.00) * * * shall be paid into the
1527 special fund known as the * * * Education Enhancement Fund created
1528 and existing under the provisions of Section * * * 37-61-33.

1529 (6) An amount each month beginning August 15, 1983, through
1530 November 15, 1986, as specified in Section 6, Chapter 542, Laws of
1531 1983, shall be paid into the special fund known as the
1532 Correctional Facilities Construction Fund created in Section 6,
1533 Chapter 542, Laws of 1983.

1534 (7) On or before August 15, 1992, and each succeeding month
1535 thereafter through July 15, 2000, two and two hundred sixty-six
1536 one-thousandths percent (2.266%) of the total sales tax revenue
1537 collected during the preceding month under the provisions of this
1538 chapter, except that collected under the provisions of Section
1539 27-65-17(2), shall be deposited by the department into the School
1540 Ad Valorem Tax Reduction Fund created under Section 37-61-35. On
1541 or before August 15, 2000, and each succeeding month thereafter,
1542 two and two hundred sixty-six one-thousandths percent (2.266%) of
1543 the total sales tax revenue collected during the preceding month
1544 under the provisions of this chapter, except that collected under
1545 the provisions of Section 27-65-17(2), shall be deposited into the
1546 School Ad Valorem Tax Reduction Fund created under Section
1547 37-61-35 until such time that the total amount deposited into the



1548 fund during a fiscal year equals Forty-two Million Dollars
1549 (\$42,000,000.00). Thereafter, the amounts diverted under this
1550 subsection (7) during the fiscal year in excess of Forty-two
1551 Million Dollars (\$42,000,000.00) shall be deposited into the
1552 Education Enhancement Fund created under Section 37-61-33 for
1553 appropriation by the Legislature as other education needs and
1554 shall not be subject to the percentage appropriation requirements
1555 set forth in Section 37-61-33.

1556 (8) On or before August 15, 1992, and each succeeding month
1557 thereafter, nine and seventy-three one-thousandths percent
1558 (9.073%) of the total sales tax revenue collected during the
1559 preceding month under the provisions of this chapter, except that
1560 collected under the provisions of Section 27-65-17(2), shall be
1561 deposited into the Education Enhancement Fund created under
1562 Section 37-61-33.

1563 (9) On or before August 15, 1994, and each succeeding month
1564 thereafter, from the revenue collected under this chapter during
1565 the preceding month, Two Hundred Fifty Thousand Dollars
1566 (\$250,000.00) shall be paid into the State Aid Road Fund.

1567 (10) On or before August 15, 1994, and each succeeding month
1568 thereafter through August 15, 1995, from the revenue collected
1569 under this chapter during the preceding month, Two Million Dollars
1570 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad
1571 Valorem Tax Reduction Fund established in Section 27-51-105.



1572 (11) Notwithstanding any other provision of this section to
1573 the contrary, on or before February 15, 1995, and each succeeding
1574 month thereafter, the sales tax revenue collected during the
1575 preceding month under the provisions of Section 27-65-17(2) and
1576 the corresponding levy in Section 27-65-23 on the rental or lease
1577 of private carriers of passengers and light carriers of property
1578 as defined in Section 27-51-101 shall be deposited, without
1579 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund
1580 established in Section 27-51-105.

1581 (12) Notwithstanding any other provision of this section to
1582 the contrary, on or before August 15, 1995, and each succeeding
1583 month thereafter, the sales tax revenue collected during the
1584 preceding month under the provisions of Section 27-65-17(1) on
1585 retail sales of private carriers of passengers and light carriers
1586 of property, as defined in Section 27-51-101 and the corresponding
1587 levy in Section 27-65-23 on the rental or lease of these vehicles,
1588 shall be deposited, after diversion, into the Motor Vehicle Ad
1589 Valorem Tax Reduction Fund established in Section 27-51-105.

1590 (13) On or before July 15, 1994, and on or before the
1591 fifteenth day of each succeeding month thereafter, that portion of
1592 the avails of the tax imposed in Section 27-65-22 that is derived
1593 from activities held on the Mississippi State Fairgrounds Complex
1594 shall be paid into a special fund that is created in the State
1595 Treasury and shall be expended upon legislative appropriation



1596 solely to defray the costs of repairs and renovation at the Trade
1597 Mart and Coliseum.

1598 (14) On or before August 15, 1998, and each succeeding month
1599 thereafter through July 15, 2005, that portion of the avails of
1600 the tax imposed in Section 27-65-23 that is derived from sales by
1601 cotton compresses or cotton warehouses and that would otherwise be
1602 paid into the General Fund shall be deposited in an amount not to
1603 exceed Two Million Dollars (\$2,000,000.00) into the special fund
1604 created under Section 69-37-39. On or before August 15, 2007, and
1605 each succeeding month thereafter through July 15, 2010, that
1606 portion of the avails of the tax imposed in Section 27-65-23 that
1607 is derived from sales by cotton compresses or cotton warehouses
1608 and that would otherwise be paid into the General Fund shall be
1609 deposited in an amount not to exceed Two Million Dollars
1610 (\$2,000,000.00) into the special fund created under Section
1611 69-37-39 until all debts or other obligations incurred by the
1612 Certified Cotton Growers Organization under the Mississippi Boll
1613 Weevil Management Act before January 1, 2007, are satisfied in
1614 full. On or before August 15, 2010, and each succeeding month
1615 thereafter through July 15, 2011, fifty percent (50%) of that
1616 portion of the avails of the tax imposed in Section 27-65-23 that
1617 is derived from sales by cotton compresses or cotton warehouses
1618 and that would otherwise be paid into the General Fund shall be
1619 deposited into the special fund created under Section 69-37-39
1620 until such time that the total amount deposited into the fund



1621 during a fiscal year equals One Million Dollars (\$1,000,000.00).
1622 On or before August 15, 2011, and each succeeding month
1623 thereafter, that portion of the avails of the tax imposed in
1624 Section 27-65-23 that is derived from sales by cotton compresses
1625 or cotton warehouses and that would otherwise be paid into the
1626 General Fund shall be deposited into the special fund created
1627 under Section 69-37-39 until such time that the total amount
1628 deposited into the fund during a fiscal year equals One Million
1629 Dollars (\$1,000,000.00).

1630 (15) Notwithstanding any other provision of this section to
1631 the contrary, on or before September 15, 2000, and each succeeding
1632 month thereafter, the sales tax revenue collected during the
1633 preceding month under the provisions of Section
1634 27-65-19(1)(d)(i)2, and 27-65-19(1)(d)(i)3 shall be deposited,
1635 without diversion, into the Telecommunications Ad Valorem Tax
1636 Reduction Fund established in Section 27-38-7.

1637 (16) (a) On or before August 15, 2000, and each succeeding
1638 month thereafter, the sales tax revenue collected during the
1639 preceding month under the provisions of this chapter on the gross
1640 proceeds of sales of a project as defined in Section 57-30-1 shall
1641 be deposited, after all diversions except the diversion provided
1642 for in subsection (1) of this section, into the Sales Tax
1643 Incentive Fund created in Section 57-30-3.

1644 (b) On or before August 15, 2007, and each succeeding
1645 month thereafter, eighty percent (80%) of the sales tax revenue



1646 collected during the preceding month under the provisions of this
1647 chapter from the operation of a tourism project under the
1648 provisions of Sections 57-26-1 through 57-26-5, shall be
1649 deposited, after the diversions required in subsections (7) and
1650 (8) of this section, into the Tourism Project Sales Tax Incentive
1651 Fund created in Section 57-26-3.

1652 (17) Notwithstanding any other provision of this section to
1653 the contrary, on or before April 15, 2002, and each succeeding
1654 month thereafter, the sales tax revenue collected during the
1655 preceding month under Section 27-65-23 on sales of parking
1656 services of parking garages and lots at airports shall be
1657 deposited, without diversion, into the special fund created under
1658 Section 27-5-101(d).

1659 (18) [Repealed]

1660 (19) (a) On or before August 15, 2005, and each succeeding
1661 month thereafter, the sales tax revenue collected during the
1662 preceding month under the provisions of this chapter on the gross
1663 proceeds of sales of a business enterprise located within a
1664 redevelopment project area under the provisions of Sections
1665 57-91-1 through 57-91-11, and the revenue collected on the gross
1666 proceeds of sales from sales made to a business enterprise located
1667 in a redevelopment project area under the provisions of Sections
1668 57-91-1 through 57-91-11 (provided that such sales made to a
1669 business enterprise are made on the premises of the business
1670 enterprise), shall, except as otherwise provided in this



1671 subsection (19), be deposited, after all diversions, into the
1672 Redevelopment Project Incentive Fund as created in Section
1673 57-91-9.

1674 (b) For a municipality participating in the Economic
1675 Redevelopment Act created in Sections 57-91-1 through 57-91-11,
1676 the diversion provided for in subsection (1) of this section
1677 attributable to the gross proceeds of sales of a business
1678 enterprise located within a redevelopment project area under the
1679 provisions of Sections 57-91-1 through 57-91-11, and attributable
1680 to the gross proceeds of sales from sales made to a business
1681 enterprise located in a redevelopment project area under the
1682 provisions of Sections 57-91-1 through 57-91-11 (provided that
1683 such sales made to a business enterprise are made on the premises
1684 of the business enterprise), shall be deposited into the
1685 Redevelopment Project Incentive Fund as created in Section
1686 57-91-9, as follows:

1687 (i) For the first six (6) years in which payments
1688 are made to a developer from the Redevelopment Project Incentive
1689 Fund, one hundred percent (100%) of the diversion shall be
1690 deposited into the fund;

1691 (ii) For the seventh year in which such payments
1692 are made to a developer from the Redevelopment Project Incentive
1693 Fund, eighty percent (80%) of the diversion shall be deposited
1694 into the fund;



1695 (iii) For the eighth year in which such payments
1696 are made to a developer from the Redevelopment Project Incentive
1697 Fund, seventy percent (70%) of the diversion shall be deposited
1698 into the fund;

1699 (iv) For the ninth year in which such payments are
1700 made to a developer from the Redevelopment Project Incentive Fund,
1701 sixty percent (60%) of the diversion shall be deposited into the
1702 fund; and

1703 (v) For the tenth year in which such payments are
1704 made to a developer from the Redevelopment Project Incentive Fund,
1705 fifty percent (50%) of the funds shall be deposited into the fund.

1706 (20) On or before January 15, 2007, and each succeeding
1707 month thereafter, eighty percent (80%) of the sales tax revenue
1708 collected during the preceding month under the provisions of this
1709 chapter from the operation of a tourism project under the
1710 provisions of Sections 57-28-1 through 57-28-5 shall be deposited,
1711 after the diversions required in subsections (7) and (8) of this
1712 section, into the Tourism Sales Tax Incentive Fund created in
1713 Section 57-28-3.

1714 (21) (a) On or before April 15, 2007, and each succeeding
1715 month thereafter through June 15, 2013, One Hundred Fifty Thousand
1716 Dollars (\$150,000.00) of the sales tax revenue collected during
1717 the preceding month under the provisions of this chapter shall be
1718 deposited into the MMEIA Tax Incentive Fund created in Section
1719 57-101-3.



1720 (b) On or before July 15, 2013, and each succeeding
1721 month thereafter, One Hundred Fifty Thousand Dollars (\$150,000.00)
1722 of the sales tax revenue collected during the preceding month
1723 under the provisions of this chapter shall be deposited into the
1724 Mississippi Development Authority Job Training Grant Fund created
1725 in Section 57-1-451.

1726 (22) On or before June 1, 2024, and each succeeding month
1727 thereafter until December 31, 2057, an amount determined annually
1728 by the Mississippi Development Authority of the sales tax revenue
1729 collected during the preceding month under the provisions of this
1730 chapter shall be deposited into the MMEIA Tax Incentive Fund
1731 created in Section 18 of * * * Senate Bill No. 2001, 2024 Second
1732 Extraordinary Session. This amount shall be based on estimated
1733 payments due within the upcoming year to construction contractors
1734 pursuant to construction contracts subject to the tax imposed by
1735 Section 27-65-21 for construction to be performed on the project
1736 site of a project defined under Section 57-75-5(f)(xxxiii) for the
1737 coming year.

1738 (23) Notwithstanding any other provision of this section to
1739 the contrary, on or before August 15, 2009, and each succeeding
1740 month thereafter, the sales tax revenue collected during the
1741 preceding month under the provisions of Section 27-65-201 shall be
1742 deposited, without diversion, into the Motor Vehicle Ad Valorem
1743 Tax Reduction Fund established in Section 27-51-105.



1744 (24) (a) On or before August 15, 2019, and each month
1745 thereafter through July 15, 2020, one percent (1%) of the total
1746 sales tax revenue collected during the preceding month from
1747 restaurants and hotels shall be allocated for distribution to the
1748 Mississippi Development Authority Tourism Advertising Fund
1749 established under Section 57-1-64, to be used exclusively for the
1750 purpose stated therein. On or before August 15, 2020, and each
1751 month thereafter through July 15, 2021, two percent (2%) of the
1752 total sales tax revenue collected during the preceding month from
1753 restaurants and hotels shall be allocated for distribution to the
1754 Mississippi Development Authority Tourism Advertising Fund
1755 established under Section 57-1-64, to be used exclusively for the
1756 purpose stated therein. On or before August 15, 2021, and each
1757 month thereafter, three percent (3%) of the total sales tax
1758 revenue collected during the preceding month from restaurants and
1759 hotels shall be allocated for distribution to the Mississippi
1760 Development Authority Tourism Advertising Fund established under
1761 Section 57-1-64, to be used exclusively for the purpose stated
1762 therein. The revenue diverted pursuant to this subsection shall
1763 not be available for expenditure until February 1, 2020.

1764 (b) The Joint Legislative Committee on Performance
1765 Evaluation and Expenditure Review (PEER) must provide an annual
1766 report to the Legislature indicating the amount of funds deposited
1767 into the Mississippi Development Authority Tourism Advertising



1768 Fund established under Section 57-1-64, and a detailed record of
1769 how the funds are spent.

1770 (25) The remainder of the amounts collected under the
1771 provisions of this chapter shall be paid into the State Treasury
1772 to the credit of the General Fund.

1773 (26) (a) It shall be the duty of the municipal officials of
1774 any municipality that expands its limits, or of any community that
1775 incorporates as a municipality, to notify the commissioner of that
1776 action thirty (30) days before the effective date. Failure to so
1777 notify the commissioner shall cause the municipality to forfeit
1778 the revenue that it would have been entitled to receive during
1779 this period of time when the commissioner had no knowledge of the
1780 action.

1781 (b) (i) Except as otherwise provided in subparagraph
1782 (ii) of this paragraph, if any funds have been erroneously
1783 disbursed to any municipality or any overpayment of tax is
1784 recovered by the taxpayer, the commissioner may make correction
1785 and adjust the error or overpayment with the municipality by
1786 withholding the necessary funds from any later payment to be made
1787 to the municipality.

1788 (ii) Subject to the provisions of Sections
1789 27-65-51 and 27-65-53, if any funds have been erroneously
1790 disbursed to a municipality under subsection (1) of this section
1791 for a period of three (3) years or more, the maximum amount that
1792 may be recovered or withheld from the municipality is the total



1793 amount of funds erroneously disbursed for a period of three (3)
1794 years beginning with the date of the first erroneous disbursement.
1795 However, if during such period, a municipality provides written
1796 notice to the Department of Revenue indicating the erroneous
1797 disbursement of funds, then the maximum amount that may be
1798 recovered or withheld from the municipality is the total amount of
1799 funds erroneously disbursed for a period of one (1) year beginning
1800 with the date of the first erroneous disbursement.

1801 **SECTION 16.** Section 1-3-26, Mississippi Code of 1972, is
1802 amended as follows:

1803 1-3-26. Wherever the phrase "minimum education program,"
1804 "minimum program," * * * "minimum foundation program,"
1805 "Mississippi Adequate Education Program," "adequate education
1806 program," or "MAEP" shall appear in the laws of this state, it
1807 shall be construed to mean * * * the "total funding formula"
1808 created under * * * Chapter 151, Title 37, Mississippi Code of
1809 1972.

1810 **SECTION 17.** Section 7-7-211, Mississippi Code of 1972, is
1811 amended as follows:

1812 7-7-211. The department shall have the power and it shall be
1813 its duty:

1814 (a) To identify and define for all public offices of
1815 the state and its subdivisions generally accepted accounting
1816 principles or other accounting principles as promulgated by
1817 nationally recognized professional organizations and to consult



1818 with the State Fiscal Officer in the prescription and
1819 implementation of accounting rules and regulations;

1820 (b) To provide best practices, for all public offices
1821 of regional and local subdivisions of the state, systems of
1822 accounting, budgeting and reporting financial facts relating to
1823 said offices in conformity with legal requirements and with
1824 generally accepted accounting principles or other accounting
1825 principles as promulgated by nationally recognized professional
1826 organizations; to assist such subdivisions in need of assistance
1827 in the installation of such systems; to revise such systems when
1828 deemed necessary, and to report to the Legislature at periodic
1829 times the extent to which each office is maintaining such systems,
1830 along with such recommendations to the Legislature for improvement
1831 as seem desirable;

1832 (c) To study and analyze existing managerial policies,
1833 methods, procedures, duties and services of the various state
1834 departments and institutions upon written request of the Governor,
1835 the Legislature or any committee or other body empowered by the
1836 Legislature to make such request to determine whether and where
1837 operations can be eliminated, combined, simplified and improved;

1838 (d) To postaudit each year and, when deemed necessary,
1839 preaudit and investigate the financial affairs of the departments,
1840 institutions, boards, commissions, or other agencies of state
1841 government, as part of the publication of a comprehensive annual
1842 financial report for the State of Mississippi, or as deemed



1843 necessary by the State Auditor. In complying with the
1844 requirements of this paragraph, the department shall have the
1845 authority to conduct all necessary audit procedures on an interim
1846 and year-end basis;

1847 (e) To postaudit and, when deemed necessary, preaudit
1848 and investigate separately the financial affairs of (i) the
1849 offices, boards and commissions of county governments and any
1850 departments and institutions thereof and therein; (ii) public
1851 school districts, departments of education and junior college
1852 districts; and (iii) any other local offices or agencies which
1853 share revenues derived from taxes or fees imposed by the State
1854 Legislature or receive grants from revenues collected by
1855 governmental divisions of the state; the cost of such audits,
1856 investigations or other services to be paid as follows: Such part
1857 shall be paid by the state from appropriations made by the
1858 Legislature for the operation of the State Department of Audit as
1859 may exceed the sum of Thirty-five Dollars (\$35.00) per man-hour
1860 for the services of each staff person engaged in performing the
1861 audit or other service plus the actual cost of any independent
1862 specialist firm contracted by the State Auditor to assist in the
1863 performance of the audit, which sum shall be paid by the county,
1864 district, department, institution or other agency audited out of
1865 its general fund or any other available funds from which such
1866 payment is not prohibited by law. Costs paid for independent
1867 specialists or firms contracted by the State Auditor shall be paid



1868 by the audited entity through the State Auditor to the specialist
1869 or firm conducting the postaudit.

1870 Each school district in the state shall have its financial
1871 records audited annually, at the end of each fiscal year, either
1872 by the State Auditor or by a certified public accountant approved
1873 by the State Auditor. Beginning with the audits of fiscal year
1874 2010 activity, no certified public accountant shall be selected to
1875 perform the annual audit of a school district who has audited that
1876 district for three (3) or more consecutive years previously.

1877 Certified public accountants shall be selected in a manner
1878 determined by the State Auditor. The school district shall have
1879 the responsibility to pay for the audit, including the review by
1880 the State Auditor of audits performed by certified public
1881 accountants;

1882 (f) To postaudit and, when deemed necessary, preaudit
1883 and investigate the financial affairs of the levee boards;
1884 agencies created by the Legislature or by executive order of the
1885 Governor; profit or nonprofit business entities administering
1886 programs financed by funds flowing through the State Treasury or
1887 through any of the agencies of the state, or its subdivisions; and
1888 all other public bodies supported by funds derived in part or
1889 wholly from public funds, except municipalities which annually
1890 submit an audit prepared by a qualified certified public
1891 accountant using methods and procedures prescribed by the
1892 department;



1893 (g) To make written demand, when necessary, for the
1894 recovery of any amounts representing public funds improperly
1895 withheld, misappropriated and/or otherwise illegally expended by
1896 an officer, employee or administrative body of any state, county
1897 or other public office, and/or for the recovery of the value of
1898 any public property disposed of in an unlawful manner by a public
1899 officer, employee or administrative body, such demands to be made
1900 (i) upon the person or persons liable for such amounts and upon
1901 the surety on official bond thereof, and/or (ii) upon any
1902 individual, partnership, corporation or association to whom the
1903 illegal expenditure was made or with whom the unlawful disposition
1904 of public property was made, if such individual, partnership,
1905 corporation or association knew or had reason to know through the
1906 exercising of reasonable diligence that the expenditure was
1907 illegal or the disposition unlawful. Such demand shall be
1908 premised on competent evidence, which shall include at least one
1909 (1) of the following: (i) sworn statements, (ii) written
1910 documentation, (iii) physical evidence, or (iv) reports and
1911 findings of government or other law enforcement agencies. Other
1912 provisions notwithstanding, a demand letter issued pursuant to
1913 this paragraph shall remain confidential by the State Auditor
1914 until the individual against whom the demand letter is being filed
1915 has been served with a copy of such demand letter. If, however,
1916 such individual cannot be notified within fifteen (15) days using
1917 reasonable means and due diligence, such notification shall be



1918 made to the individual's bonding company, if he or she is bonded.
1919 Each such demand shall be paid into the proper treasury of the
1920 state, county or other public body through the office of the
1921 department in the amount demanded within thirty (30) days from the
1922 date thereof, together with interest thereon in the sum of one
1923 percent (1%) per month from the date such amount or amounts were
1924 improperly withheld, misappropriated and/or otherwise illegally
1925 expended. In the event, however, such person or persons or such
1926 surety shall refuse, neglect or otherwise fail to pay the amount
1927 demanded and the interest due thereon within the allotted thirty
1928 (30) days, the State Auditor shall have the authority and it shall
1929 be his duty to institute suit, and the Attorney General shall
1930 prosecute the same in any court of the state to the end that there
1931 shall be recovered the total of such amounts from the person or
1932 persons and surety on official bond named therein; and the amounts
1933 so recovered shall be paid into the proper treasury of the state,
1934 county or other public body through the State Auditor. In any
1935 case where written demand is issued to a surety on the official
1936 bond of such person or persons and the surety refuses, neglects or
1937 otherwise fails within one hundred twenty (120) days to either pay
1938 the amount demanded and the interest due thereon or to give the
1939 State Auditor a written response with specific reasons for
1940 nonpayment, then the surety shall be subject to a civil penalty in
1941 an amount of twelve percent (12%) of the bond, not to exceed Ten



1942 Thousand Dollars (\$10,000.00), to be deposited into the State
1943 General Fund;

1944 (h) To investigate any alleged or suspected violation
1945 of the laws of the state by any officer or employee of the state,
1946 county or other public office in the purchase, sale or the use of
1947 any supplies, services, equipment or other property belonging
1948 thereto; and in such investigation to do any and all things
1949 necessary to procure evidence sufficient either to prove or
1950 disprove the existence of such alleged or suspected violations.

1951 The * * * Division of Investigation of the State Department of
1952 Audit may investigate, for the purpose of prosecution, any
1953 suspected criminal violation of the provisions of this chapter.
1954 For the purpose of administration and enforcement of this chapter,
1955 the enforcement employees of the * * * Division of Investigation
1956 of the State Department of Audit have the powers of a law
1957 enforcement officer of this state, and shall be empowered to make
1958 arrests and to serve and execute search warrants and other valid
1959 legal process anywhere within the State of Mississippi. All
1960 enforcement employees of the * * * Division of Investigation of
1961 the State Department of Audit hired on or after July 1, 1993,
1962 shall be required to complete the Law Enforcement Officers
1963 Training Program and shall meet the standards of the program;

1964 (i) To issue subpoenas, with the approval of, and
1965 returnable to, a judge of a chancery or circuit court, in termtime
1966 or in vacation, to examine the records, documents or other



1967 evidence of persons, firms, corporations or any other entities
1968 insofar as such records, documents or other evidence relate to
1969 dealings with any state, county or other public entity. The
1970 circuit or chancery judge must serve the county in which the
1971 records, documents or other evidence is located; or where all or
1972 part of the transaction or transactions occurred which are the
1973 subject of the subpoena;

1974 (j) In any instances in which the State Auditor is or
1975 shall be authorized or required to examine or audit, whether
1976 preaudit or postaudit, any books, ledgers, accounts or other
1977 records of the affairs of any public hospital owned or owned and
1978 operated by one or more political subdivisions or parts thereof or
1979 any combination thereof, or any school district, including
1980 activity funds thereof, it shall be sufficient compliance
1981 therewith, in the discretion of the State Auditor, that such
1982 examination or audit be made from the report of any audit or other
1983 examination certified by a certified public accountant and
1984 prepared by or under the supervision of such certified public
1985 accountant. Such audits shall be made in accordance with
1986 generally accepted standards of auditing, with the use of an audit
1987 program prepared by the State Auditor, and final reports of such
1988 audits shall conform to the format prescribed by the State
1989 Auditor. All files, working papers, notes, correspondence and all
1990 other data compiled during the course of the audit shall be
1991 available, without cost, to the State Auditor for examination and



1992 abstracting during the normal business hours of any business day.
1993 The expense of such certified reports shall be borne by the
1994 respective hospital, or any available school district funds * * *,
1995 subject to examination or audit. The State Auditor shall not be
1996 bound by such certified reports and may, in his or their
1997 discretion, conduct such examination or audit from the books,
1998 ledgers, accounts or other records involved as may be appropriate
1999 and authorized by law;

2000 (k) The State Auditor shall have the authority to
2001 contract with qualified public accounting firms to perform
2002 selected audits required in paragraphs (d), (e), (f) and (j) of
2003 this section, if funds are made available for such contracts by
2004 the Legislature, or if funds are available from the governmental
2005 entity covered by paragraphs (d), (e), (f) and (j). Such audits
2006 shall be made in accordance with generally accepted standards of
2007 auditing. All files, working papers, notes, correspondence and
2008 all other data compiled during the course of the audit shall be
2009 available, without cost, to the State Auditor for examination and
2010 abstracting during the normal business hours of any business day;

2011 (l) The State Auditor shall have the authority to
2012 establish training courses and programs for the personnel of the
2013 various state and local governmental entities under the
2014 jurisdiction of the Office of the State Auditor. The training
2015 courses and programs shall include, but not be limited to, topics
2016 on internal control of funds, property and equipment control and



2017 inventory, governmental accounting and financial reporting, and
2018 internal auditing. The State Auditor is authorized to charge a
2019 fee from the participants of these courses and programs, which fee
2020 shall be deposited into the Department of Audit Special Fund.
2021 State and local governmental entities are authorized to pay such
2022 fee and any travel expenses out of their general funds or any
2023 other available funds from which such payment is not prohibited by
2024 law;

2025 (m) Upon written request by the Governor or any member
2026 of the State Legislature, the State Auditor may audit any state
2027 funds and/or state and federal funds received by any nonprofit
2028 corporation incorporated under the laws of this state;

2029 (n) To conduct performance audits of personal or
2030 professional service contracts by state agencies on a random
2031 sampling basis, or upon request of the State Personal Service
2032 Contract Review Board under Section 25-9-120(3);

2033 (o) At the discretion of the State Auditor, the Auditor
2034 may conduct risk assessments, as well as performance and
2035 compliance audits based on Generally Accepted Government Auditing
2036 Standards (GAGAS) of any state-funded economic development program
2037 authorized under Title 57, Mississippi Code of 1972. After risk
2038 assessments or program audits, the State Auditor may conduct
2039 audits of those projects deemed high-risk, specifically as they
2040 identify any potential wrongdoing or noncompliance based on
2041 objectives of the economic development program. The Auditor is



2042 granted authority to gather, audit and review data and information
2043 from the Mississippi Development Authority or any of its agents,
2044 the Department of Revenue, and when necessary under this
2045 paragraph, the recipient business or businesses or any other
2046 private, public or nonprofit entity with information relevant to
2047 the audit project. The maximum amount the State Auditor may bill
2048 the oversight agency under this paragraph in any fiscal year is
2049 One Hundred Thousand Dollars (\$100,000.00), based on reasonable
2050 and necessary expenses;

2051 (p) To review and approve any independent auditor
2052 selected by the Mississippi Lottery Corporation in accordance with
2053 Section 27-115-89, to conduct an annual audit of the corporation;
2054 and

2055 (q) To conduct audits or investigations of the
2056 Mississippi Lottery Corporation if, in the opinion of the State
2057 Auditor, conditions justify such audits or investigations.

2058 **SECTION 18.** Section 19-9-157, Mississippi Code of 1972, is
2059 amended as follows:

2060 19-9-157. The board of supervisors of the situs county, upon
2061 receipt of the payments pursuant to Section 19-9-151 less the
2062 payment made according to Section 19-9-153, shall pay all such
2063 funds in excess of Five Million Five Hundred Thousand Dollars
2064 (\$5,500,000.00) to the governing authorities of the public school
2065 districts in such county in the proportion that the * * * net
2066 enrollment for the preceding scholastic year of each school



2067 district bears to the total * * * net enrollment of the county for
2068 the preceding scholastic year. Such funds may be expended only
2069 for the purposes of capital improvements to school facilities and
2070 only after plans therefor have been submitted to and approved by
2071 the * * * State Board of Education. The governing authorities of
2072 such school districts may borrow money in anticipation of receipt
2073 of payments pursuant to this section and the levying authority for
2074 the school district may issue negotiable notes therefor, for the
2075 purposes set forth herein. Such loan shall be repaid from the
2076 payments received under this section by the governing authorities
2077 of the public school district. However, no public school
2078 districts within the situs county shall be entitled to any
2079 payments after January 1, 1990.

2080 **SECTION 19.** Section 19-9-171, Mississippi Code of 1972, is
2081 amended as follows:

2082 19-9-171. The revenue from ad valorem taxes for school
2083 district purposes that are levied upon liquefied natural gas
2084 terminals or improvements thereto constructed after July 1, 2007,
2085 crude oil refineries constructed after July 1, 2007, and
2086 expansions or improvements to existing crude oil refineries
2087 constructed after July 1, 2007, shall be distributed to all public
2088 school districts in the county in which the facilities are located
2089 in the proportion that the * * * net enrollment of each school
2090 district bears to the total * * * net enrollment of all school
2091 districts in the county. The county or municipal tax collector,



2092 as the case may be, shall pay such tax collections, except for
2093 taxes collected for the payment of the principal of and interest
2094 on school bonds or notes and except for taxes collected to defray
2095 collection costs, into the appropriate school depository and
2096 report to the school board of the appropriate school district at
2097 the same time and in the same manner as the tax collector makes
2098 his or her payments and reports of other taxes collected by him or
2099 her.

2100 **SECTION 20.** Section 25-4-29, Mississippi Code of 1972, is
2101 amended as follows:

2102 25-4-29. (1) Required statements hereunder shall be filed
2103 as follows:

2104 (a) Every incumbent public official required by
2105 paragraphs (a), (b), (d) and (e) of Section 25-4-25 to file a
2106 statement of economic interest shall file such statement with the
2107 commission on or before May 1 of each year that such official
2108 holds office, regardless of duration;

2109 (b) Candidates for office required to file a statement
2110 hereunder shall file such statement within fifteen (15) days after
2111 the deadline for qualification for that public office;

2112 (c) Persons who are required to file a statement
2113 because of appointment to fill a vacancy in an office or required
2114 to file under Section 25-4-25(d) and (e) shall file such statement
2115 within thirty (30) days of their appointment;



2116 (d) No person by reason of successful candidacy or
2117 assuming additional offices shall be required to file more than
2118 one (1) statement of economic interest in any calendar year,
2119 except such official shall notify the commission as soon as
2120 practicable of additional offices not previously reported; and

2121 (e) The commission may, on an individual case basis,
2122 provide for additional time to file a statement upon a showing
2123 that compliance with a filing date set out under paragraph (a),
2124 (b), (c) or (d) above would work an unreasonable hardship.

2125 (2) Any person who fails to file a statement of economic
2126 interest within thirty (30) days of the date the statement is due
2127 shall be deemed delinquent by the commission. The commission
2128 shall give written notice of the delinquency to the person by
2129 United States mail or by personal service of process. If within
2130 fifteen (15) days of receiving written notice of delinquency the
2131 delinquent filer has not filed the statement of economic interest,
2132 a fine of Fifty Dollars (\$50.00) per day, not to exceed a total
2133 fine of One Thousand Dollars (\$1,000.00), shall be assessed
2134 against the delinquent filer for each day thereafter in which the
2135 statement of economic interest is not properly filed. The
2136 commission shall enroll such assessment as a civil judgment with
2137 the circuit clerk in the delinquent filer's county of residence.
2138 The commission may enforce the judgment for the benefit of the
2139 State General Fund for the support of * * * the total funding



2140 formula fund provided for in this act in the same manner as is
2141 prescribed for other civil judgments.

2142 **SECTION 21.** Section 27-25-706, Mississippi Code of 1972, is
2143 amended as follows:

2144 27-25-706. The board of supervisors of any county in the
2145 State of Mississippi bordering on the Pearl River and having a
2146 population according to the 1970 census of not less than forty
2147 thousand (40,000) and not more than fifty thousand (50,000), and
2148 through which Interstate Highway 20 runs, and wherein there is
2149 being constructed or has been constructed a plant for the
2150 extracting of sulphur from natural gas, and the board of
2151 supervisors of any county in the State of Mississippi bordering on
2152 the Pearl River and having a population according to the 1970
2153 census of not less than nineteen thousand (19,000) and not more
2154 than twenty-one thousand (21,000) and wherein U.S. Highway 49 and
2155 Mississippi Highway 28 intersect and wherein there is being
2156 constructed or has been constructed a plant for the extracting of
2157 sulphur from natural gas, are hereby authorized and empowered, in
2158 their discretion, to pledge all or any part of the county's share
2159 of the severance tax on gas extracted, handled or processed
2160 through such extraction plant, as additional security for the
2161 payment of bonds issued for the purpose of constructing,
2162 reconstructing, overlaying and/or repairing, an access road or
2163 roads or publicly owned railroads to and from such sulphur
2164 extraction plant. The amount so pledged for the payment of the



2165 principal of and the interest on such bonds shall be deducted and
2166 set aside by such board of supervisors prior to the distribution
2167 of such severance taxes in the manner provided by law, and only
2168 the amount of such severance taxes remaining after such deduction
2169 shall be subject to such distribution. The board of supervisors
2170 in such counties may pledge only up to fifty percent (50%) of such
2171 severance taxes as their respective county may receive to retire
2172 the bonds and interest pursuant to the authority of this section.
2173 The required local contribution of said counties to the cost
2174 of * * * the total funding formula provided for in this act shall
2175 not be reduced nor shall the obligation of the state under * * *
2176 the total funding formula to said counties be increased
2177 because * * * of this section.

2178 Such bonds shall be issued under the provisions of Sections
2179 19-9-1 through * * * 19-9-19.

2180 **SECTION 22.** Section 27-33-3, Mississippi Code of 1972, is
2181 amended as follows:

2182 27-33-3. In order to recognize and give effect to the
2183 principle of tax-free homes as a public policy in Mississippi, to
2184 encourage home building and ownership, and to give additional
2185 security to family groups, it is hereby declared that homes
2186 legally assessed on the land roll, owned and actually occupied as
2187 a home by bona fide residents of this state, who are heads of
2188 families, shall be exempt from the ad valorem taxes herein
2189 enumerated, on not in excess of Seven Thousand Five Hundred



2190 Dollars (\$7,500.00) of the assessed value including an area of
2191 land not in excess of that specified hereinafter in this article.
2192 The exemption from taxes shall be limited to the following:

2193 (a) All homeowners who are heads of families and who
2194 qualify under the provisions of this article shall be exempt from
2195 taxes levied in 1983 and payable in 1984 and from taxes levied in
2196 1984 and payable in 1985 as follows:

2197 (i) The ad valorem taxes levied by counties
2198 pursuant to Section 27-39-329. Amounts so exempted shall not be
2199 reimbursed by the state.

2200 (ii) Ad valorem taxes levied for maintenance and
2201 current expenses by or for a county as authorized by Section
2202 27-39-303, but the levy for such purpose in any year for which
2203 reimbursement is to be made shall not exceed the millage levied
2204 for such purpose for the 1984 fiscal year; or a levy for county
2205 roads or a road district as authorized by Section 27-39-305; or a
2206 levy for constructing and maintaining all bridges and culverts as
2207 authorized by Section 65-15-7, but the levy for either or both of
2208 such purposes for which reimbursement is to be made shall not in
2209 any event exceed seven (7) mills in any year; the * * * levy for
2210 the support of * * * the total funding formula fund to produce the
2211 minimum local ad valorem tax effort required * * * of a school
2212 district by Section 37-57-1, and the supplementary school district
2213 tax levy for the support and maintenance of * * * schools as
2214 authorized by Section 37-57-105; provided, however, that the total



2215 of the levies made under said Sections 37-57-1 and 37-57-105,
2216 which shall be exempt under this article, shall be limited to
2217 twenty (20) mills for any affected property area, and in the event
2218 the total of such levies should exceed twenty (20) mills for any
2219 affected property area, the excess shall not be exempt under this
2220 article, and in such case, the levy for the support of the * * *
2221 total funding formula shall have priority as an exempt levy;

2222 (iii) Ad valorem taxes levied for the support and
2223 maintenance of agricultural high schools within the limits and as
2224 authorized by Section 37-27-3, and ad valorem taxes levied for the
2225 support of community or junior colleges within the limits and as
2226 authorized by subsection (2) of Section 37-29-141; provided,
2227 however, that the exemption from taxation and reimbursement for
2228 tax loss for agricultural high schools and community or junior
2229 colleges, or any combination of same, shall not exceed three (3)
2230 mills in any one (1) year for any one (1) county;

2231 (iv) Ad valorem taxes levied for the support
2232 of * * * the total funding formula provided for in this act in a
2233 municipal separate school district to produce the minimum local ad
2234 valorem tax effort required of such municipal separate school
2235 district as authorized by Section * * * 37-57-1, and the
2236 supplementary tax levy for the support and maintenance of the
2237 schools of a municipal separate school district as authorized by
2238 Section 37-57-105; provided, however, the total of the levies made
2239 under said Sections * * * 37-57-1 and 37-57-105 which shall be



2240 exempt under this article shall be limited to fifteen (15) mills
2241 for any affected property area, except in those special municipal
2242 separate school districts as provided by Sections 37-7-701 through
2243 37-7-743, the total of the levies made under Sections 37-7-739 and
2244 37-57-105 for such special municipal separate school district
2245 which shall be exempt under this article shall not exceed twenty
2246 (20) mills, and in the event the total of such levies should
2247 exceed fifteen (15) mills for any affected property area, or
2248 twenty (20) mills in the case of a special municipal separate
2249 school district, the excess shall not be exempt under this
2250 article, and, in such case, the levy for the support of the * * *
2251 total funding formula in the municipal separate school district
2252 shall have priority as an exempt levy;

2253 (v) In the event any law referred to in this
2254 section is amended so as to authorize an increase in the tax levy
2255 for any purposes, such increase in the levy shall be applied to
2256 and taxes collected from the property owners on the entire
2257 assessed value of exempted homes; and the tax loss resulting from
2258 such increase shall not be reimbursed under the provisions of the
2259 Homestead Exemption Law, unless such law clearly specifies that
2260 the exempted assessed value of homes is exempt from such increase;

2261 (vi) Ad valorem taxes levied under Sections
2262 65-15-7 and 65-15-21 shall be used solely for purposes levied.

2263 (b) Those homeowners who qualify for the exemptions
2264 provided for in subsection (a) of this section and who have



2265 reached the age of sixty-five (65) years on or before January 1 of
2266 the year for which the exemption is claimed; and
2267 service-connected, totally disabled American veterans who were
2268 honorably discharged from military service, upon presentation of
2269 proper proof of eligibility shall be exempt from any and all ad
2270 valorem taxes, including the forest acreage tax authorized by
2271 Section 49-19-115, on homesteads not in excess of Seven Thousand
2272 Five Hundred Dollars (\$7,500.00) of assessed value thereof;
2273 provided, however, that property owned jointly by husband and wife
2274 and property owned in fee simple by either spouse shall be
2275 eligible for this exemption in full if either spouse fulfills the
2276 age or disability requirement. On all other jointly owned
2277 property the amount of the allowable exemption shall be determined
2278 on the basis of each individual joint owner's qualifications and
2279 pro rata share of the property.

2280 (c) Those homeowners who qualify for the exemptions
2281 provided for in subsection (a) of this section and who would be
2282 classified as disabled under the Federal Social Security Act (42
2283 USCS Section 416(i)), upon presentation of proper proof of
2284 eligibility shall be exempt from any and all ad valorem taxes,
2285 including the forest acreage tax authorized by Section 49-19-115,
2286 on homesteads not in excess of Seven Thousand Five Hundred Dollars
2287 (\$7,500.00) of assessed value thereof; provided, however, that
2288 property owned jointly by husband and wife and property owned in
2289 fee simple by either spouse shall be eligible for this exemption



2290 in full if either spouse fulfills the disability requirement. On
2291 all other jointly owned property, the amount of the allowable
2292 exemption shall be determined on the basis of each individual
2293 joint owner's qualifications and pro rata share of the property.

2294 (d) Homeowners who qualify for exemption under
2295 subsection (c) of this section will not be included in the
2296 limitations of Section 27-33-59(e).

2297 Reimbursement by the State of Mississippi to the various
2298 taxing units for the tax losses incurred because of the additional
2299 exemptions provided for under these subsections shall be made in
2300 accordance with the procedures outlined in Section 27-33-41.

2301 This section shall not apply to claims for homestead
2302 exemptions filed in any calendar year subsequent to the 1984
2303 calendar year.

2304 **SECTION 23.** Section 27-39-317, Mississippi Code of 1972, is
2305 amended as follows:

2306 27-39-317. The board of supervisors of each county shall, at
2307 its regular meeting in September of each year, levy the county ad
2308 valorem taxes for the fiscal year, and shall, by order, fix the
2309 tax rate, or levy, for the county, for the road districts, if any,
2310 and for the school districts, if any, and for any other taxing
2311 districts; and the rates, or levies, for the county and for any
2312 district shall be expressed in mills or a decimal fraction of a
2313 mill. Said tax rates, or levies, shall determine the ad valorem
2314 taxes to be collected upon each dollar of valuation, upon the



2315 assessment rolls of the county, including the assessment of motor
2316 vehicles as provided by the Motor Vehicle Ad Valorem Tax Law of
2317 1958, Section 27-51-1 et seq., for county taxes; and upon each
2318 dollar of valuation for the respective districts, as shown upon
2319 the assessment rolls of the county, including the assessment of
2320 motor vehicles as provided by the Motor Vehicle Ad Valorem Tax Law
2321 of 1958, Section 27-51-1 et seq.; except as to such values as
2322 shall be exempt, in whole or in part, from certain tax rates or
2323 levies. If the rate or levy for the county is an increase from
2324 the previous fiscal year, then the proposed rate or levy shall be
2325 advertised in accordance with Section 27-39-203. If the board of
2326 supervisors of any county shall not levy the county taxes and the
2327 district taxes at its regular September meeting, the board shall
2328 levy the same on or before September 15 at an adjourned or special
2329 meeting, or thereafter, provided, however, that if such levy be
2330 not made on or before the fifteenth day of September then the tax
2331 collector or Department of Revenue may issue road and bridge
2332 privilege tax license plates for motor vehicles as defined in the
2333 Motor Vehicle Ad Valorem Tax Law of 1958, Section 27-51-1 et seq.,
2334 without collecting or requiring proof of payment of county ad
2335 valorem taxes, and may continue to so issue such plates until such
2336 levy is duly certified to him, and for twenty-four (24) hours
2337 thereafter.

2338 Notwithstanding the requirements of this section, in the
2339 event the Department of Revenue orders the county to make an



2340 adjustment to the tax roll pursuant to Section 27-35-113, the
2341 county shall have a period of thirty (30) days from the date of
2342 the commission's final determination to adjust the millage in
2343 order to collect the same dollar amount of taxes as originally
2344 levied by the board.

2345 In making the levy of taxes, the board of supervisors shall
2346 specify, in its order, the levy for each purpose, as follows:

2347 (a) For general county purposes (current expense and
2348 maintenance taxes), as authorized by Section 27-39-303.

2349 (b) For roads and bridges, as authorized by Section
2350 27-39-305.

2351 (c) For schools, including the * * * total funding
2352 formula levy and the levy for each school district including
2353 special municipal separate school districts, but not including
2354 other municipal separate school districts, and for an agricultural
2355 high school, county high school or community or junior college
2356 (current expense and maintenance taxes), as authorized by Chapter
2357 57, Title 37, Mississippi Code of 1972, and any other applicable
2358 statute. The levy for schools shall apply to the assessed value
2359 of property in the respective school districts, including special
2360 municipal separate school districts, but not including other
2361 municipal separate school districts, and a distinct and separate
2362 levy shall be made for each school district, and the purpose for
2363 each levy shall be stated.



2364 (d) For road bonds and the interest thereon, separately
2365 for countywide bonds and for the bonds of each road district.

2366 (e) For school bonds and the interest thereon,
2367 separately for countywide bonds and for the bonds of each school
2368 district.

2369 (f) For countywide bonds, and the interest thereon,
2370 other than for road bonds and school bonds.

2371 (g) For loans, notes or any other obligation, and the
2372 interest thereon, if permitted by the law.

2373 (h) For any other purpose for which a levy is lawfully
2374 made.

2375 The order shall state all of the purposes for which the
2376 general county levy is made, using the administrative items
2377 suggested by the State Department of Audit * * * under the county
2378 budget law in its uniform system of accounts for counties, but the
2379 rate or levy for any item or purpose need not be shown; and if a
2380 countywide levy is made for any general or special purpose under
2381 the provisions of any law other than Section 27-39-303, each such
2382 levy shall be separately stated.

2383 During the month of February of each year, if the order or
2384 resolution of the board of trustees of any school district of said
2385 county or partly in said county, is filed with it requesting the
2386 levying of ad valorem taxes for the support and maintenance of
2387 such school district for the following fiscal year, then the board
2388 of supervisors of every such county in the state shall notify, in



2389 writing, within thirty (30) days, the county superintendent of
2390 education of such county, the levy or levies it intends to make
2391 for the support and maintenance of such school districts of such
2392 county at its regular meeting in September following, and the
2393 county superintendent of education and the trustees of all such
2394 school districts shall be authorized to use such expressed
2395 intention of the board of supervisors in computing the support and
2396 maintenance budget or budgets of such school district or districts
2397 for the ensuing fiscal school year.

2398 **SECTION 24.** Section 29-3-47, Mississippi Code of 1972, is
2399 amended as follows:

2400 29-3-47. For its services the State Forestry Commission
2401 shall be entitled to receive its actual expenses incurred in the
2402 discharge of the duties herein imposed. In order to provide funds
2403 with which to pay for the general supervision and sale of forest
2404 products, fifteen percent (15%) of all receipts from the sales of
2405 forest products shall be placed by the board in a Forestry Escrow
2406 Fund and reserved to pay for work performed by the State Forestry
2407 Commission. Such payments shall be equal to the actual expenses
2408 incurred by the commission as substantiated by itemized bills
2409 presented to the board.

2410 Money in the Forestry Escrow Fund may be used to pay for any
2411 forestry work authorized during the period of the agreement and
2412 shall not be subject to lapse by reason of county budget
2413 limitations.



2414 In each school district having need of tree planting and
2415 timber stand improvement, the board of education is authorized to
2416 place additional amounts in the Forestry Escrow Fund to reimburse
2417 the State Forestry Commission for actual expenses incurred in
2418 performing this work, or to pay for any work done under private
2419 contract under the supervision of said commission. Such
2420 additional amounts may be made available from forest products
2421 sales receipts, funds borrowed from the sixteenth section
2422 principal fund as is provided for in Section 29-3-113, or any
2423 other funds available to the board of education excluding * * *
2424 total funding formula funds. Expenditures from the Forestry
2425 Escrow Fund for tree planting, timber stand improvement, and other
2426 forestry work will be limited to payment for work recommended by
2427 the Forestry Commission and agreed to by the board of education.

2428 When it becomes evident that the amount of money in the
2429 Forestry Escrow Fund is in excess of the amount necessary to
2430 accomplish the work needed to achieve the goals set by the board
2431 of education and the Forestry Commission, the State Forestry
2432 Commission shall advise said board to release any part of such
2433 funds as will not be needed, which may then be spent for any
2434 purpose authorized by law.

2435 **SECTION 25.** Section 29-3-49, Mississippi Code of 1972, is
2436 amended as follows:

2437 29-3-49. It shall be the duty of the State Forestry
2438 Commission, in the manner provided in Section 29-3-45, to enter



2439 into agreements for timber improvement purposes with the board of
2440 education upon the request of the board. The contract shall
2441 provide for the carrying out of a long-term program of timber
2442 improvement, including any or all of the following: The deadening
2443 of undesirable hardwoods, the planting of trees, the cutting and
2444 maintaining of fire lanes, and the establishment of marked
2445 boundaries on all lands classified as forest lands in the
2446 agreements, which provide for the reimbursement of all current
2447 costs incurred by the State Forestry Commission and the carrying
2448 out of the duties required by such agreements. In the
2449 alternative, the commission, in its discretion, may have the
2450 option to contract with a private contractor, subject to the
2451 approval of the board, to perform this work under the supervision
2452 of the commission. Payment of the reimbursements as hereinabove
2453 set forth to the Forestry Commission, or of compensation due under
2454 any such contract with private contractors shall be made upon
2455 presentation of itemized bills by the commission or the private
2456 contractors, as the case may be, and may be made out of any
2457 sixteenth section funds to the credit of, or accruing to, any
2458 school district in which such work shall be done, or out of any
2459 other funds available to such district, excluding * * * total
2460 funding formula funds.

2461 **SECTION 26.** Section 29-3-113, Mississippi Code of 1972, is
2462 amended as follows:



2463 29-3-113. The principal fund shall be a permanent township
2464 fund which shall consist of funds heretofore or hereafter derived
2465 from certain uses or for certain resources of school trust lands
2466 which shall be invested and, except as otherwise provided in this
2467 section, only the interest and income derived from such funds
2468 shall be expendable by the school district.

2469 The principal fund shall consist of:

2470 (a) Funds received for easements and rights-of-way
2471 pursuant to Section 29-3-91;

2472 (b) Funds received for sales of lieu land pursuant to
2473 Sections 29-3-15 through 29-3-25;

2474 (c) Funds received from any permanent damage to the
2475 school trust land;

2476 (d) Funds received from the sale of nonrenewable
2477 resources, including, but not limited to, the sale of sand,
2478 gravel, dirt, clays and royalties received from the sale of
2479 mineral ores, coal, oil and gas;

2480 (e) Funds received from the sale of buildings pursuant
2481 to Section 29-3-77;

2482 (f) Funds received from the sale of timber; and

2483 (g) Funds received pursuant to Section 29-3-23(2).

2484 It shall be the duty of the Board of Education to keep the
2485 principal fund invested in any direct obligation issued by or
2486 guaranteed in full as to principal and interest by the United
2487 States of America or in certificates of deposit issued by a



2488 qualified depository of the State of Mississippi as approved by
2489 the State Treasurer. The certificates of deposit may bear
2490 interest at any rate per annum which may be mutually agreed upon
2491 but in no case shall said rate be less than that paid on passbook
2492 savings.

2493 The Board of Education is authorized to invest the funds in
2494 interest bearing deposits or other obligations of the types
2495 described in Section 27-105-33 or in any other type investment in
2496 which any other political subdivision of the State of Mississippi
2497 may invest, except that one hundred percent (100%) of the funds
2498 are authorized to be invested. For the purposes of investment,
2499 the principal fund of each township may be combined into one or
2500 more district accounts; however, the docket book of the county
2501 superintendent shall at all times reflect the proper source of
2502 such funds. Provided that funds received from the sale of timber
2503 shall be placed in a separate principal fund account, and may be
2504 expended for any of the purposes authorized by law.

2505 The Board of Education shall have authority to borrow such
2506 funds at a rate of interest not less than four percent (4%) per
2507 annum and for a term not exceeding twenty (20) years, for the
2508 erection, equipment or repair of said district schools, to provide
2509 local funds for any building project approved by the State Board
2510 of Education or to provide additional funds for forest stand
2511 improvement as set forth in Section 29-3-47. In addition, the
2512 board may borrow the funds under the same interest restrictions



2513 for a term not exceeding ten (10) years to provide funds for the
2514 purchase of school buses. The Board of Education of any school
2515 district in any county that has an aggregate amount of assets in
2516 its principal fund in excess of Five Million Dollars
2517 (\$5,000,000.00) may deduct an amount not to exceed Five Hundred
2518 Thousand Dollars (\$500,000.00) for the purpose of covering the
2519 cost of asbestos removal from school district buildings. Such
2520 asbestos removal shall be construed to constitute the repair of
2521 school district facilities as prescribed in Section 29-3-115.

2522 No school land trust funds may be expended after the annual
2523 payment date until the payment is made on such loan. Once a
2524 district is current on its loan payments, the district may spend
2525 expendable trust funds earned or accumulated in previous years for
2526 any purpose for which expendable trust funds may be spent. The
2527 annual payment can be made from any funds available to the school
2528 district except * * * total funding formula funds.

2529 It shall be unlawful for the Board of Education to borrow any
2530 sixteenth section school funds in any other manner than that
2531 prescribed herein, and if any such funds shall be borrowed or
2532 invested in any other manner, any officer concerned in making such
2533 loan and investment or suffering the same to be made in violation
2534 of the provisions of this section shall be liable personally and
2535 on his official bond for the safety of the funds so loaned.

2536 **SECTION 27.** Section 29-3-137, Mississippi Code of 1972, is
2537 amended as follows:



2538 29-3-137. (1) Beginning with the 1985-1986 fiscal year the
2539 Legislature of the State of Mississippi shall appropriate to the
2540 State Department of Education a sum of One Million Dollars
2541 (\$1,000,000.00) to be disbursed to the Chickasaw counties, and an
2542 additional One Million Dollars (\$1,000,000.00) each succeeding
2543 fiscal year thereafter until a maximum appropriation of Five
2544 Million Dollars (\$5,000,000.00) is made for the fiscal year
2545 1989-1990. Beginning with the appropriation for the 1990-1991
2546 fiscal year, the amount appropriated under the provisions of this
2547 section shall not exceed the total average annual expendable
2548 revenue * * * received by the Choctaw counties from school lands,
2549 or Five Million Dollars (\$5,000,000.00), whichever is the lesser.

2550 (2) The State Department of Education is hereby authorized,
2551 empowered and directed to allocate for distribution such funds
2552 appropriated each year under subsection (1) of this section in
2553 proportion to the * * * amount of funding allotted under * * * the
2554 total funding formula provided for in this act, to such school
2555 districts affected by the sale of Chickasaw cession school lands.
2556 School districts not wholly situated in Chickasaw cession affected
2557 territory shall receive a prorated amount of such allocation based
2558 on the percentage of such lands located within the district.
2559 Provided further, that the State Department of Education shall, in
2560 addition, deduct from each affected school district's allocation
2561 the amount such district shall receive from interest payments from
2562 the Chickasaw School Fund under Section 212, Mississippi



2563 Constitution of 1890 for each fiscal year. * * * The department
2564 shall document the foregoing computation in its annual budget
2565 request for the appropriation to the Chickasaw School Fund, and
2566 shall revise its budget request under such formula as the average
2567 annual revenues from sixteenth section school lands fluctuate.

2568 (3) [Repealed]

2569 **SECTION 28.** Section 31-7-9, Mississippi Code of 1972, is
2570 amended as follows:

2571 31-7-9. (1) (a) The Office of Purchasing, Travel and Fleet
2572 Management shall adopt purchasing regulations governing the
2573 purchase by any agency of any commodity or commodities and
2574 establishing standards and specifications for a commodity or
2575 commodities and the maximum fair prices of a commodity or
2576 commodities, subject to the approval of the Public Procurement
2577 Review Board. It shall have the power to amend, add to or
2578 eliminate purchasing regulations. The adoption of, amendment,
2579 addition to or elimination of purchasing regulations shall be
2580 based upon a determination by the Office of Purchasing, Travel and
2581 Fleet Management with the approval of the Public Procurement
2582 Review Board, that such action is reasonable and practicable and
2583 advantageous to promote efficiency and economy in the purchase of
2584 commodities by the agencies of the state. Upon the adoption of
2585 any purchasing regulation, or an amendment, addition or
2586 elimination therein, copies of same shall be furnished to the
2587 State Auditor and to all agencies affected thereby. Thereafter,



2588 and except as otherwise may be provided in subsection (2) of this
2589 section, no agency of the state shall purchase any commodities
2590 covered by existing purchasing regulations unless such commodities
2591 be in conformity with the standards and specifications set forth
2592 in the purchasing regulations and unless the price thereof does
2593 not exceed the maximum fair price established by such purchasing
2594 regulations. The Office of Purchasing, Travel and Fleet
2595 Management shall furnish to any county or municipality or other
2596 local public agency of the state requesting same, copies of
2597 purchasing regulations adopted by the Office of Purchasing, Travel
2598 and Fleet Management and any amendments, changes or eliminations
2599 of same that may be made from time to time.

2600 (b) The Office of Purchasing, Travel and Fleet
2601 Management may adopt purchasing regulations governing the use of
2602 credit cards, procurement cards and purchasing club membership
2603 cards to be used by state agencies, governing authorities of
2604 counties and municipalities, school districts and the Chickasawhay
2605 Natural Gas District. Use of the cards shall be in strict
2606 compliance with the regulations promulgated by the office. Any
2607 amounts due on the cards shall incur interest charges as set forth
2608 in Section 31-7-305 and shall not be considered debt.

2609 (c) Pursuant to the provision of Section
2610 37-61-33(* * *2), the Office of Purchasing, Travel and Fleet
2611 Management of the Department of Finance and Administration is
2612 authorized to issue procurement cards or credentials for a digital



2613 solution to all public school district classroom teachers, charter
2614 school teachers, full- or part-time gifted or special education
2615 teachers and other necessary direct support personnel at the
2616 beginning of the school year, but no later than August 1 of each
2617 year, for the purchase of instructional supplies using Educational
2618 Enhancement Funds. The cards will be issued in equal amounts per
2619 teacher determined by the total number of qualifying personnel and
2620 the then current state appropriation for classroom instructional
2621 supplies under the Education Enhancement Fund. All purchases
2622 shall be in accordance with state law and teachers are responsible
2623 for verification of capital asset requirements when pooling monies
2624 to purchase equipment. The cards will expire on a predetermined
2625 date at the end of each school year, but not before April 1 of
2626 each year. All unexpended amounts will be carried forward, to be
2627 combined with the following year's instructional supply fund
2628 allocation, and reallocated for the following year. The
2629 Department of Finance and Administration is authorized to loan any
2630 start-up funds at the beginning of the school year to fund this
2631 procurement system for instructional supplies with loan repayment
2632 being made from sales tax receipts earmarked for the Education
2633 Enhancement Fund.

2634 (d) In a sale of goods or services, the seller shall
2635 not impose a surcharge on a buyer who uses a state-issued credit
2636 card, procurement card, travel card, or fuel card. The Department
2637 of Finance and Administration shall have exclusive jurisdiction to



2638 enforce and adopt rules relating to this paragraph. Any rules
2639 adopted under this paragraph shall be consistent with federal laws
2640 and regulations governing credit card transactions described by
2641 this paragraph. This paragraph does not create a cause of action
2642 against an individual for a violation of this paragraph.

2643 (2) The Office of Purchasing, Travel and Fleet Management
2644 shall adopt, subject to the approval of the Public Procurement
2645 Review Board, purchasing regulations governing the purchase of
2646 unmarked vehicles to be used by the Bureau of Narcotics and
2647 Department of Public Safety in official investigations pursuant to
2648 Section 25-1-87. Such regulations shall ensure that purchases of
2649 such vehicles shall be at a fair price and shall take into
2650 consideration the peculiar needs of the Bureau of Narcotics and
2651 Department of Public Safety in undercover operations.

2652 (3) The Office of Purchasing, Travel and Fleet Management
2653 shall adopt, subject to the approval of the Public Procurement
2654 Review Board, regulations governing the certification process for
2655 certified purchasing offices, including the Mississippi Purchasing
2656 Certification Program, which shall be required of all purchasing
2657 agents at state agencies. Such regulations shall require entities
2658 desiring to be classified as certified purchasing offices to
2659 submit applications and applicable documents on an annual basis,
2660 and in the case of a state agency purchasing office, to have one
2661 hundred percent (100%) participation and completion by purchasing
2662 agents in the Mississippi Purchasing Certification Program, at



2663 which time the Office of Purchasing, Travel and Fleet Management
2664 may provide the governing entity with a certification valid for
2665 one (1) year from the date of issuance. The Office of Purchasing,
2666 Travel and Fleet Management shall set a fee in an amount that
2667 recovers its costs to administer the Mississippi Purchasing
2668 Certification Program, which shall be assessed to the
2669 participating state agencies.

2670 (4) The Office of Purchasing, Travel and Fleet Management
2671 shall adopt purchasing regulations authorizing rural water
2672 associations to purchase at the state contract price afforded to
2673 agencies and governing authorities under this chapter.

2674 **SECTION 29.** Section 31-7-10, Mississippi Code of 1972, is
2675 amended as follows:

2676 31-7-10. (1) For the purposes of this section, the term
2677 "equipment" shall mean equipment, furniture, and if applicable,
2678 associated software and other applicable direct costs associated
2679 with the acquisition. In addition to its other powers and duties,
2680 the Department of Finance and Administration shall have the
2681 authority to develop a master lease-purchase program and, pursuant
2682 to that program, shall have the authority to execute on behalf of
2683 the state master lease-purchase agreements for equipment to be
2684 used by an agency, as provided in this section. Each agency
2685 electing to acquire equipment by a lease-purchase agreement shall
2686 participate in the Department of Finance and Administration's
2687 master lease-purchase program, unless the Department of Finance



2688 and Administration makes a determination that such equipment
2689 cannot be obtained under the program or unless the equipment can
2690 be obtained elsewhere at an overall cost lower than that for which
2691 the equipment can be obtained under the program. Such
2692 lease-purchase agreements may include the refinancing or
2693 consolidation, or both, of any state agency lease-purchase
2694 agreements entered into after June 30, 1990.

2695 (2) All funds designated by agencies for procurement of
2696 equipment and financing thereof under the master lease-purchase
2697 program shall be paid into a special fund created in the State
2698 Treasury known as the "Master Lease-Purchase Program Fund," which
2699 shall be used by the Department of Finance and Administration for
2700 payment to the lessors for equipment acquired under master
2701 lease-purchase agreements.

2702 (3) Upon final approval of an appropriation bill, each
2703 agency shall submit to the Public Procurement Review Board a
2704 schedule of proposed equipment acquisitions for the master
2705 lease-purchase program. Upon approval of an equipment schedule by
2706 the Public Procurement Review Board with the advice of the
2707 Department of Information Technology Services, the Office of
2708 Purchasing, Travel and Fleet Management, and the Division of
2709 Energy and Transportation of the Mississippi Development Authority
2710 as it pertains to energy efficient climate control systems, the
2711 Public Procurement Review Board shall forward a copy of the



2712 equipment schedule to the Department of Finance and
2713 Administration.

2714 (4) The level of lease-purchase debt recommended by the
2715 Department of Finance and Administration shall be subject to
2716 approval by the State Bond Commission. After such approval, the
2717 Department of Finance and Administration shall be authorized to
2718 advertise and solicit written competitive proposals for a lessor,
2719 who will purchase the equipment pursuant to bid awards made by the
2720 using agency under a given category and then transfer the
2721 equipment to the Department of Finance and Administration as
2722 lessee, pursuant to a master lease-purchase agreement.

2723 The Department of Finance and Administration shall select the
2724 successful proposer for the financing of equipment under the
2725 master lease-purchase program with the approval of the State Bond
2726 Commission.

2727 (5) Each master lease-purchase agreement, and any subsequent
2728 amendments, shall include such terms and conditions as the State
2729 Bond Commission shall determine to be appropriate and in the
2730 public interest, and may include any covenants deemed necessary or
2731 desirable to protect the interests of the lessor, including, but
2732 not limited to, provisions setting forth the interest rate (or
2733 method for computing interest rates) for financing pursuant to
2734 such agreement, covenants concerning application of payments and
2735 funds held in the Master Lease-Purchase Program Fund, covenants to
2736 maintain casualty insurance with respect to equipment subject to



2737 the master lease-purchase agreement (and all state agencies are
2738 specifically authorized to purchase any insurance required by a
2739 master lease-purchase agreement) and covenants precluding or
2740 limiting the right of the lessee or user to acquire equipment
2741 within a specified time (not to exceed five (5) years) after
2742 cancellation on the basis of a failure to appropriate funds for
2743 payment of amounts due under a lease-purchase agreement covering
2744 comparable equipment. The State Bond Commission shall transmit
2745 copies of each such master lease-purchase agreement and each such
2746 amendment to the Joint Legislative Budget Committee. To the
2747 extent provided in any master lease-purchase agreement, title to
2748 equipment leased pursuant thereto shall be deemed to be vested in
2749 the state or the user of the equipment (as specified in such
2750 master lease-purchase agreement), subject to default under or
2751 termination of such master lease-purchase agreement.

2752 A master lease-purchase agreement may provide for payment by
2753 the lessor to the lessee of the purchase price of the equipment to
2754 be acquired pursuant thereto prior to the date on which payment is
2755 due to the vendor for such equipment and that the lease payments
2756 by the lessee shall commence as though the equipment had been
2757 provided on the date of payment. If the lessee, or lessee's
2758 escrow agent, has sufficient funds for payment of equipment
2759 purchases prior to payment due date to vendor of equipment, such
2760 funds shall be held or utilized on an as-needed basis for payment
2761 of equipment purchases either by the State Treasurer (in which



2762 event the master lease-purchase agreement may include provisions
2763 concerning the holding of such funds, the creation of a security
2764 interest for the benefit of the lessor in such funds until
2765 disbursed and other appropriate provisions approved by the Bond
2766 Commission) or by a corporate trustee selected by the Department
2767 of Finance and Administration (in which event the Department of
2768 Finance and Administration shall have the authority to enter into
2769 an agreement with such a corporate trustee containing terms and
2770 conditions approved by the Bond Commission). Earnings on any
2771 amount paid by the lessor prior to the acquisition of the
2772 equipment may be used to make lease payments under the master
2773 lease-purchase agreement or applied to pay costs and expenses
2774 incurred in connection with such lease-purchase agreement. In
2775 such event, the equipment-use agreements with the user agency may
2776 provide for lease payments to commence upon the date of payment by
2777 the lessor and may also provide for a credit against such payments
2778 to the extent that investment receipts from investment of the
2779 purchase price are to be used to make lease-purchase payments.

2780 (6) The annual rate of interest paid under any
2781 lease-purchase agreement authorized under this section shall not
2782 exceed the maximum interest rate to maturity on general obligation
2783 indebtedness permitted under Section 75-17-101.

2784 (7) The Department of Finance and Administration shall
2785 furnish the equipment to the various agencies, also known as the
2786 user, pursuant to an equipment-use agreement developed by the



2787 Department of Finance and Administration. Such agreements shall
2788 require that all monthly payments due from such agency be paid,
2789 transferred or allocated into the Master Lease-Purchase Program
2790 Fund pursuant to a schedule established by the Department of
2791 Finance and Administration. In the event such sums are not paid
2792 by the defined payment period, the Executive Director of the
2793 Department of Finance and Administration shall issue a requisition
2794 for a warrant to draw such amount as may be due from any funds
2795 appropriated for the use of the agency which has failed to make
2796 the payment as agreed.

2797 (8) All master lease-purchase agreements executed under the
2798 authority of this section shall contain the following annual
2799 allocation dependency clause or an annual allocation dependency
2800 clause which is substantially equivalent thereto: "The
2801 continuation of each equipment schedule to this agreement is
2802 contingent in whole or in part upon the appropriation of funds by
2803 the Legislature to make the lease-purchase payments required under
2804 such equipment schedule. If the Legislature fails to appropriate
2805 sufficient funds to provide for the continuation of the
2806 lease-purchase payments under any such equipment schedule, then
2807 the obligations of the lessee and of the agency to make such
2808 lease-purchase payments and the corresponding provisions of any
2809 such equipment schedule to this agreement shall terminate on the
2810 last day of the fiscal year for which appropriations were made."



2811 (9) The maximum lease term for any equipment acquired under
2812 the master lease-purchase program shall not exceed the useful life
2813 of such equipment as determined according to the upper limit of
2814 the asset depreciation range (ADR) guidelines for the Class Life
2815 Asset Depreciation Range System established by the Internal
2816 Revenue Service pursuant to the United States Internal Revenue
2817 Code and Regulations thereunder as in effect on December 31, 1980,
2818 or comparable depreciation guidelines with respect to any
2819 equipment not covered by ADR guidelines. The Department of
2820 Finance and Administration shall be deemed to have met the
2821 requirements of this subsection if the term of a master
2822 lease-purchase agreement does not exceed the weighted average
2823 useful life of all equipment covered by such agreement and the
2824 schedules thereto as determined by the Department of Finance and
2825 Administration. For purposes of this subsection, the "term of a
2826 master lease-purchase agreement" shall be the weighted average
2827 maturity of all principal payments to be made under such master
2828 lease-purchase agreement and all schedules thereto.

2829 (10) Interest paid on any master lease-purchase agreement
2830 under this section shall be exempt from State of Mississippi
2831 income taxation. All equipment, and the purchase thereof by any
2832 lessor, acquired under the master lease-purchase program and all
2833 lease-purchase payments with respect thereto shall be exempt from
2834 all Mississippi sales, use and ad valorem taxes.



2835 (11) The Governor, in his annual executive budget to the
2836 Legislature, shall recommend appropriations sufficient to provide
2837 funds to pay all amounts due and payable during the applicable
2838 fiscal year under master lease-purchase agreements entered into
2839 pursuant to this section.

2840 (12) Any master lease-purchase agreement reciting in
2841 substance that such agreement has been entered into pursuant to
2842 this section shall be conclusively deemed to have been entered
2843 into in accordance with all of the provisions and conditions set
2844 forth in this section. Any defect or irregularity arising with
2845 respect to procedures applicable to the acquisition of any
2846 equipment shall not invalidate or otherwise limit the obligation
2847 of the Department of Finance and Administration, or the state or
2848 any agency of the state, under any master lease-purchase agreement
2849 or any equipment-use agreement.

2850 (13) There shall be maintained by the Department of Finance
2851 and Administration, with respect to each master lease-purchase
2852 agreement, an itemized statement of the cash price, interest
2853 rates, interest costs, commissions, debt service schedules and all
2854 other costs and expenses paid by the state incident to the
2855 lease-purchase of equipment under such agreement.

2856 (14) Lease-purchase agreements entered into by the Board of
2857 Trustees of State Institutions of Higher Learning pursuant to the
2858 authority of Section 37-101-413 or by any other agency which has
2859 specific statutory authority other than pursuant to Section



2860 31-7-13(e) to acquire equipment by lease-purchase shall not be
2861 made pursuant to the master lease-purchase program under this
2862 section, unless the Board of Trustees of State Institutions of
2863 Higher Learning or such other agency elects to participate as to
2864 part or all of its lease-purchase acquisitions in the master
2865 lease-purchase program pursuant to this section.

2866 (15) The Department of Finance and Administration may
2867 develop a master lease-purchase program for school districts and,
2868 pursuant to that program, may execute on behalf of the school
2869 districts master lease-purchase agreements for equipment to be
2870 used by the school districts. The form and structure of this
2871 program shall be substantially the same as set forth in this
2872 section for the master lease-purchase program for state agencies.
2873 If sums due from a school district under the master lease-purchase
2874 program are not paid by the expiration of the defined payment
2875 period, the Executive Director of the Department of Finance and
2876 Administration may withhold such amount that is due from the
2877 school district's * * * allotments of the total funding formula
2878 funds as determined by this act.

2879 (16) The Department of Finance and Administration may
2880 develop a master lease-purchase program for community and junior
2881 college districts and, pursuant to that program, may execute on
2882 behalf of the community and junior college districts master
2883 lease-purchase agreements for equipment to be used by the
2884 community and junior college districts. The form and structure of



2885 this program must be substantially the same as set forth in this
2886 section for the master lease-purchase program for state agencies.
2887 If sums due from a community or junior college district under the
2888 master lease-purchase program are not paid by the expiration of
2889 the defined payment period, the Executive Director of the
2890 Department of Finance and Administration may withhold an amount
2891 equal to the amount due under the program from any funds allocated
2892 for that community or junior college district in the state
2893 appropriations for the use and support of the community and junior
2894 colleges.

2895 (17) From and after July 1, 2016, the expenses of this
2896 agency shall be defrayed by appropriation from the State General
2897 Fund and all user charges and fees authorized under this section
2898 shall be deposited into the State General Fund as authorized by
2899 law.

2900 (18) From and after July 1, 2016, no state agency shall
2901 charge another state agency a fee, assessment, rent or other
2902 charge for services or resources received by authority of this
2903 section.

2904 **SECTION 30.** Section 37-1-3, Mississippi Code of 1972, is
2905 amended as follows:

2906 37-1-3. (1) The State Board of Education shall adopt rules
2907 and regulations and set standards and policies for the
2908 organization, operation, management, planning, budgeting and
2909 programs of the State Department of Education.



2910 (a) The board is directed to identify all functions of
2911 the department that contribute to or comprise a part of the state
2912 system of educational accountability and to establish and maintain
2913 within the department the necessary organizational structure,
2914 policies and procedures for effectively coordinating such
2915 functions. Such policies and procedures shall clearly fix and
2916 delineate responsibilities for various aspects of the system and
2917 for overall coordination of the total system and its effective
2918 management.

2919 (b) The board shall establish and maintain a
2920 system-wide plan of performance, policy and directions of public
2921 education not otherwise provided for.

2922 (c) The board shall effectively use the personnel and
2923 resources of the department to enhance technical assistance to
2924 school districts in instruction and management therein.

2925 (d) The board shall establish and maintain a central
2926 budget policy.

2927 (e) The board shall establish and maintain within the
2928 State Department of Education a central management capacity under
2929 the direction of the State Superintendent of Public Education.

2930 (f) The board, with recommendations from the
2931 superintendent, shall design and maintain a five-year plan and
2932 program for educational improvement that shall set forth
2933 objectives for system performance and development and be the basis
2934 for budget requests and legislative initiatives.



2935 (2) (a) The State Board of Education shall adopt and
2936 maintain a curriculum and a course of study to be used in the
2937 public school districts that is designed to prepare the state's
2938 children and youth to be productive, informed, creative citizens,
2939 workers and leaders, and it shall regulate all matters arising in
2940 the practical administration of the school system not otherwise
2941 provided for.

2942 (b) Before the 1999-2000 school year, the State Board
2943 of Education shall develop personal living and finances objectives
2944 that focus on money management skills for individuals and families
2945 for appropriate, existing courses at the secondary level. The
2946 objectives must require the teaching of those skills necessary to
2947 handle personal business and finances and must include instruction
2948 in the following:

- 2949 (i) Opening a bank account and assessing the
2950 quality of a bank's services;
- 2951 (ii) Balancing a checkbook;
- 2952 (iii) Managing debt, including retail and credit
2953 card debt;
- 2954 (iv) Completing a loan application;
- 2955 (v) The implications of an inheritance;
- 2956 (vi) The basics of personal insurance policies;
- 2957 (vii) Consumer rights and responsibilities;
- 2958 (viii) Dealing with salesmen and merchants;
- 2959 (ix) Computing state and federal income taxes;



- 2960 (x) Local tax assessments;
2961 (xi) Computing interest rates by various
2962 mechanisms;
2963 (xii) Understanding simple contracts; and
2964 (xiii) Contesting an incorrect billing statement.

2965 (3) The State Board of Education shall have authority to
2966 expend any available federal funds, or any other funds expressly
2967 designated, to pay training, educational expenses, salary
2968 incentives and salary supplements to licensed teachers employed in
2969 local school districts or schools administered by the State Board
2970 of Education. Such incentive payments shall not be considered
2971 part of a school district's local supplement * * *, nor shall the
2972 incentives be considered part of the local supplement paid to an
2973 individual teacher for the purposes of Section 37-19-7(1). * * *

2974 (4) The State Board of Education shall through its actions
2975 seek to implement the policies set forth in Section 37-1-2.

2976 **SECTION 31.** Section 37-3-11, Mississippi Code of 1972, is
2977 amended as follows:

2978 37-3-11. The State Superintendent of Public Education shall
2979 perform the duties assigned to him by the State Board of
2980 Education, and he shall have the following duties:

2981 (a) To serve as secretary for the State Board of
2982 Education;

2983 (b) To be the chief administrative officer of the State
2984 Department of Education;



2985 (c) To recommend to the State Board of Education, for
2986 its consideration, rules and regulations for the supervision of
2987 the public schools and agricultural high schools of the school
2988 districts throughout the state and for the efficient organization
2989 and conduct of the same;

2990 (d) To collect data and make it available to the state
2991 board for determining the proper distribution of the * * * total
2992 funding formula funds;

2993 (e) To keep a complete record of all official acts of
2994 the State Superintendent and the acts of the State Board of
2995 Education;

2996 (f) To prepare, have printed and furnish all officers
2997 charged with the administration of the laws pertaining to the
2998 public schools, such blank forms and books as may be necessary to
2999 the proper discharge of their duties, which printing is to be paid
3000 for out of funds provided by the Legislature;

3001 (g) To have printed in pamphlet form the laws
3002 pertaining to the public schools and publish therein forms for
3003 conducting school business, the rules and regulations for the
3004 government of schools that the State Superintendent or the State
3005 Board of Education may recommend, and such other matters as may be
3006 deemed worthy of public interest pertaining to the public schools,
3007 which printing is to be paid for out of funds provided by the
3008 Legislature;



3009 (h) To meet all superintendents annually at such time
3010 and place as the State Superintendent shall appoint for the
3011 purpose of accumulating facts relative to schools, to review the
3012 educational progress made in the various sections of the state, to
3013 compare views, discuss problems, hear discussions and suggestions
3014 relative to examinations and qualifications of teachers, methods
3015 of instruction, textbooks, summer schools for teachers, visitation
3016 of schools, consolidation of schools, health work in the schools,
3017 vocational education and other matters pertaining to the public
3018 school system;

3019 (i) To advise all superintendents upon all matters
3020 involving the welfare of the schools, and at the request of any
3021 superintendent, to give an opinion upon a written statement of
3022 facts on all questions and controversies arising out of the
3023 interpretation and construction of the school laws, in regard to
3024 rights, powers and duties of school officers and superintendents,
3025 and to keep a record of all such decisions. Before giving any
3026 opinion, the superintendent may submit the statement of facts to
3027 the Attorney General, and it shall be the duty of the Attorney
3028 General forthwith to examine such statement and suggest the proper
3029 decision to be made upon such fact;

3030 (j) To require annually, and as often as the State
3031 Superintendent may deem proper, of all superintendents, detailed
3032 reports on the educational business of the various districts;



3033 (k) On or before January 10 in each year to prepare,
3034 under the direction of the State Board of Education, the annual
3035 information report of the State Department of Education as
3036 described in Section 37-151-97;

3037 (l) To determine the number of educable children in the
3038 several school districts under rules and regulations prescribed by
3039 the State Board of Education; and

3040 (m) To perform such other duties as may be prescribed
3041 by the State Board of Education.

3042 **SECTION 32.** Section 37-3-83, Mississippi Code of 1972, is
3043 amended as follows:

3044 37-3-83. (1) There is established within the State
3045 Department of Education, using only existing staff and resources,
3046 a School Safety Grant Program, available to all eligible public
3047 school districts, to assist in financing programs to provide
3048 school safety. However, no monies from the Temporary Assistance
3049 for Needy Families grant may be used for the School Safety Grant
3050 Program.

3051 (2) The school board of each school district, with the
3052 assistance of the State Department of Education School Safety
3053 Center, shall adopt a comprehensive local school district school
3054 safety plan and shall update the plan on an annual basis.

3055 (3) Subject to the extent of appropriations available, the
3056 School Safety Grant Program shall offer any of the following
3057 specific preventive services, and other additional services



3058 appropriate to the most current school district school safety
3059 plan:

3060 (a) Metal detectors;

3061 (b) Video surveillance cameras, communications
3062 equipment and monitoring equipment for classrooms, school
3063 buildings, school grounds and school buses;

3064 (c) Crisis management/action teams responding to school
3065 violence;

3066 (d) Violence prevention training, conflict resolution
3067 training, behavioral stress training and other appropriate
3068 training designated by the State Department of Education for
3069 faculty and staff; and

3070 (e) School safety personnel.

3071 (4) Each local school district of this state may annually
3072 apply for school safety grant funds subject to appropriations by
3073 the Legislature. School safety grants shall include a base grant
3074 amount plus an additional amount per student in * * * net
3075 enrollment in the school or school district. The base grant
3076 amount and amount per student shall be determined by the State
3077 Board of Education, subject to specific appropriation therefor by
3078 the Legislature. In order to be eligible for such program, each
3079 local school board desiring to participate shall apply to the
3080 State Department of Education by May 31 before the beginning of
3081 the applicable fiscal year on forms provided by the department,
3082 and shall be required to establish a local School Safety Task



3083 Force to involve members of the community in the school safety
3084 effort. The State Department of Education shall determine by July
3085 1 of each succeeding year which local school districts have
3086 submitted approved applications for school safety grants.

3087 (5) As part of the School Safety Grant Program, the State
3088 Department of Education may conduct a pilot program to research
3089 the feasibility of using video camera equipment in the classroom
3090 to address the following:

3091 (a) Determine if video cameras in the classroom reduce
3092 student disciplinary problems;

3093 (b) Enable teachers to present clear and convincing
3094 evidence of a student's disruptive behavior to the student, the
3095 principal, the superintendent and the student's parents; and

3096 (c) Enable teachers to review teaching performance and
3097 receive diagnostic feedback for developmental purposes.

3098 (6) Any local school district may use
3099 audio/visual-monitoring equipment in classrooms, hallways,
3100 buildings, grounds and buses for the purpose of monitoring school
3101 disciplinary problems.

3102 (7) As a component of the comprehensive local school
3103 district school safety plan required under subsection (2) of this
3104 section, the school board of a school district may adopt and
3105 implement a policy addressing sexual abuse of children, to be
3106 known as "Erin's Law Awareness." Any policy adopted under this



3107 subsection may include or address, but need not be limited to, the
3108 following:

3109 (a) Methods for increasing teacher, student and
3110 parental awareness of issues regarding sexual abuse of children,
3111 including knowledge of likely warning signs indicating that a
3112 child may be a victim of sexual abuse;

3113 (b) Educational information for parents or guardians,
3114 which may be included in the school handbook, on the warning signs
3115 of a child being abused, along with any needed assistance,
3116 referral or resource information;

3117 (c) Training for school personnel on child sexual
3118 abuse;

3119 (d) Age-appropriate curriculum for students in
3120 prekindergarten through fifth grade;

3121 (e) Actions that a child who is a victim of sexual
3122 abuse should take to obtain assistance and intervention;

3123 (f) Counseling and resources available for students
3124 affected by sexual abuse; and

3125 (g) Emotional and educational support for a child who
3126 has been abused to enable the child to be successful in school.

3127 (8) As part of the school safety grant program, the State
3128 Department of Education shall establish three (3) pilot programs
3129 in six (6) school districts utilizing an evidence-based curriculum
3130 to provide students in Grades K-5 with skills to manage stress and
3131 anxiety in order for them to be better equipped to handle



3132 challenges in a healthy way and build resiliency. The Mississippi
3133 Department of Mental Health shall be responsible for the selection
3134 of the content of the evidence-based curriculum. The results of
3135 this pilot program shall be measured and reported, and such
3136 results shall be used in consideration of the implementation of
3137 this curriculum statewide.

3138 (9) As a component of the comprehensive local school
3139 district safety plan required under subsection (2) of this
3140 section, beginning in the 2019-2020 school year, the State
3141 Department of Education shall require local school districts to
3142 conduct, every two (2) years, refresher training on mental health
3143 and suicide prevention for all school employees and personnel,
3144 including all cafeteria workers, custodians, teachers and
3145 administrators. The Mississippi Department of Mental Health shall
3146 be responsible for the development and/or selection of the content
3147 of the training, which training shall be provided at no cost to
3148 school employees. School districts shall report completion of the
3149 training to the State Department of Education.

3150 **SECTION 33.** Section 37-7-208, Mississippi Code of 1972, is
3151 amended as follows:

3152 37-7-208. The board of trustees of any consolidated school
3153 district may pay from * * * funds other than total funding formula
3154 funds the cost and expense of litigation involved by or resulting
3155 from the creation of or litigation to create single member school
3156 board trustee election districts, and pay from * * * funds other



3157 than the total funding formula funds the cost or expense to
3158 implement any plan, decree or reorganization as approved by the
3159 court. Said payments by the board of trustees shall be deemed a
3160 "new program" under the provisions of Section 37-57-107, * * * and
3161 any additional millage levied for such purpose and the revenue
3162 generated therefrom shall be excluded from the tax increase
3163 limitation prescribed in Sections 37-57-105 and 37-57-107. The
3164 board of supervisors of any county in which there is located such
3165 consolidated school district may, in its discretion, contribute
3166 out of county general funds to the cost and expense of such
3167 litigation and/or the cost of implementing such redistricting
3168 plan.

3169 **SECTION 34.** Section 37-7-301, Mississippi Code of 1972, is
3170 amended as follows:

3171 37-7-301. The school boards of all school districts shall
3172 have the following powers, authority and duties in addition to all
3173 others imposed or granted by law, to wit:

3174 (a) To organize and operate the schools of the district
3175 and to make such division between the high school grades and
3176 elementary grades as, in their judgment, will serve the best
3177 interests of the school;

3178 (b) To introduce public school music, art, manual
3179 training and other special subjects into either the elementary or
3180 high school grades, as the board shall deem proper;



3181 (c) To be the custodians of real and personal school
3182 property and to manage, control and care for same, both during the
3183 school term and during vacation;

3184 (d) To have responsibility for the erection, repairing
3185 and equipping of school facilities and the making of necessary
3186 school improvements;

3187 (e) To suspend or to expel a pupil or to change the
3188 placement of a pupil to the school district's alternative school
3189 or homebound program for misconduct in the school or on school
3190 property, as defined in Section 37-11-29, on the road to and from
3191 school, or at any school-related activity or event, or for conduct
3192 occurring on property other than school property or other than at
3193 a school-related activity or event when such conduct by a pupil,
3194 in the determination of the school superintendent or principal,
3195 renders that pupil's presence in the classroom a disruption to the
3196 educational environment of the school or a detriment to the best
3197 interest and welfare of the pupils and teacher of such class as a
3198 whole, and to delegate such authority to the appropriate officials
3199 of the school district;

3200 (f) To visit schools in the district, in their
3201 discretion, in a body for the purpose of determining what can be
3202 done for the improvement of the school in a general way;

3203 (g) To support, within reasonable limits, the
3204 superintendent, principal and teachers where necessary for the
3205 proper discipline of the school;



3206 (h) To exclude from the schools students with what
3207 appears to be infectious or contagious diseases; provided,
3208 however, such student may be allowed to return to school upon
3209 presenting a certificate from a public health officer, duly
3210 licensed physician or nurse practitioner that the student is free
3211 from such disease;

3212 (i) To require those vaccinations specified by the
3213 State Health Officer as provided in Section 41-23-37;

3214 (j) To see that all necessary utilities and services
3215 are provided in the schools at all times when same are needed;

3216 (k) To authorize the use of the school buildings and
3217 grounds for the holding of public meetings and gatherings of the
3218 people under such regulations as may be prescribed by said board;

3219 (l) To prescribe and enforce rules and regulations not
3220 inconsistent with law or with the regulations of the State Board
3221 of Education for their own government and for the government of
3222 the schools, and to transact their business at regular and special
3223 meetings called and held in the manner provided by law;

3224 (m) To maintain and operate all of the schools under
3225 their control for such length of time during the year as may be
3226 required;

3227 (n) To enforce in the schools the courses of study and
3228 the use of the textbooks prescribed by the proper authorities;

3229 (o) To make orders directed to the superintendent of
3230 schools for the issuance of pay certificates for lawful purposes



3231 on any available funds of the district and to have full control of
3232 the receipt, distribution, allotment and disbursement of all funds
3233 provided for the support and operation of the schools of such
3234 school district whether such funds be derived from state
3235 appropriations, local ad valorem tax collections, or otherwise.
3236 The local school board shall be authorized and empowered to
3237 promulgate rules and regulations that specify the types of claims
3238 and set limits of the dollar amount for payment of claims by the
3239 superintendent of schools to be ratified by the board at the next
3240 regularly scheduled meeting after payment has been made;

3241 (p) To select all school district personnel in the
3242 manner provided by law, and to provide for such employee fringe
3243 benefit programs, including accident reimbursement plans, as may
3244 be deemed necessary and appropriate by the board;

3245 (q) To provide athletic programs and other school
3246 activities and to regulate the establishment and operation of such
3247 programs and activities;

3248 (r) To join, in their discretion, any association of
3249 school boards and other public school-related organizations, and
3250 to pay from local funds other than * * * total funding formula
3251 funds, any membership dues;

3252 (s) To expend local school activity funds, or other
3253 available school district funds, other than * * * total funding
3254 formula funds, for the purposes prescribed under this paragraph.

3255 "Activity funds" shall mean all funds received by school officials



3256 in all school districts paid or collected to participate in any
3257 school activity, such activity being part of the school program
3258 and partially financed with public funds or supplemented by public
3259 funds. The term "activity funds" shall not include any funds
3260 raised and/or expended by any organization unless commingled in a
3261 bank account with existing activity funds, regardless of whether
3262 the funds were raised by school employees or received by school
3263 employees during school hours or using school facilities, and
3264 regardless of whether a school employee exercises influence over
3265 the expenditure or disposition of such funds. Organizations shall
3266 not be required to make any payment to any school for the use of
3267 any school facility if, in the discretion of the local school
3268 governing board, the organization's function shall be deemed to be
3269 beneficial to the official or extracurricular programs of the
3270 school. For the purposes of this provision, the term
3271 "organization" shall not include any organization subject to the
3272 control of the local school governing board. Activity funds may
3273 only be expended for any necessary expenses or travel costs,
3274 including advances, incurred by students and their chaperons in
3275 attending any in-state or out-of-state school-related programs,
3276 conventions or seminars and/or any commodities, equipment, travel
3277 expenses, purchased services or school supplies which the local
3278 school governing board, in its discretion, shall deem beneficial
3279 to the official or extracurricular programs of the district,
3280 including items which may subsequently become the personal



3281 property of individuals, including yearbooks, athletic apparel,
3282 book covers and trophies. Activity funds may be used to pay
3283 travel expenses of school district personnel. The local school
3284 governing board shall be authorized and empowered to promulgate
3285 rules and regulations specifically designating for what purposes
3286 school activity funds may be expended. The local school governing
3287 board shall provide (i) that such school activity funds shall be
3288 maintained and expended by the principal of the school generating
3289 the funds in individual bank accounts, or (ii) that such school
3290 activity funds shall be maintained and expended by the
3291 superintendent of schools in a central depository approved by the
3292 board. The local school governing board shall provide that such
3293 school activity funds be audited as part of the annual audit
3294 required in Section 37-9-18. The State Department of Education
3295 shall prescribe a uniform system of accounting and financial
3296 reporting for all school activity fund transactions;

3297 (t) To enter into an energy performance contract,
3298 energy services contract, on a shared-savings, lease or
3299 lease-purchase basis, for energy efficiency services and/or
3300 equipment as provided for in Section 31-7-14;

3301 (u) To maintain accounts and issue pay certificates on
3302 school food service bank accounts;

3303 (v) (i) To lease a school building from an individual,
3304 partnership, nonprofit corporation or a private for-profit
3305 corporation for the use of such school district, and to expend



3306 funds therefor as may be available from any * * * sources other
3307 than total funding formula funds as set by this act. The school
3308 board of the school district desiring to lease a school building
3309 shall declare by resolution that a need exists for a school
3310 building and that the school district cannot provide the necessary
3311 funds to pay the cost or its proportionate share of the cost of a
3312 school building required to meet the present needs. The
3313 resolution so adopted by the school board shall be published once
3314 each week for three (3) consecutive weeks in a newspaper having a
3315 general circulation in the school district involved, with the
3316 first publication thereof to be made not less than thirty (30)
3317 days prior to the date upon which the school board is to act on
3318 the question of leasing a school building. If no petition
3319 requesting an election is filed prior to such meeting as
3320 hereinafter provided, then the school board may, by resolution
3321 spread upon its minutes, proceed to lease a school building. If
3322 at any time prior to said meeting a petition signed by not less
3323 than twenty percent (20%) or fifteen hundred (1500), whichever is
3324 less, of the qualified electors of the school district involved
3325 shall be filed with the school board requesting that an election
3326 be called on the question, then the school board shall, not later
3327 than the next regular meeting, adopt a resolution calling an
3328 election to be held within such school district upon the question
3329 of authorizing the school board to lease a school building. Such
3330 election shall be called and held, and notice thereof shall be



3331 given, in the same manner for elections upon the questions of the
3332 issuance of the bonds of school districts, and the results thereof
3333 shall be certified to the school board. If at least three-fifths
3334 (3/5) of the qualified electors of the school district who voted
3335 in such election shall vote in favor of the leasing of a school
3336 building, then the school board shall proceed to lease a school
3337 building. The term of the lease contract shall not exceed twenty
3338 (20) years, and the total cost of such lease shall be either the
3339 amount of the lowest and best bid accepted by the school board
3340 after advertisement for bids or an amount not to exceed the
3341 current fair market value of the lease as determined by the
3342 averaging of at least two (2) appraisals by certified general
3343 appraisers licensed by the State of Mississippi. The term "school
3344 building" as used in this paragraph (v) (i) shall be construed to
3345 mean any building or buildings used for classroom purposes in
3346 connection with the operation of schools and shall include the
3347 site therefor, necessary support facilities, and the equipment
3348 thereof and appurtenances thereto such as heating facilities,
3349 water supply, sewage disposal, landscaping, walks, drives and
3350 playgrounds. The term "lease" as used in this paragraph (v) (i)
3351 may include a lease-purchase contract;

3352 (ii) If two (2) or more school districts propose
3353 to enter into a lease contract jointly, then joint meetings of the
3354 school boards having control may be held but no action taken shall
3355 be binding on any such school district unless the question of



3356 leasing a school building is approved in each participating school
3357 district under the procedure hereinabove set forth in paragraph
3358 (v) (i). All of the provisions of paragraph (v) (i) regarding the
3359 term and amount of the lease contract shall apply to the school
3360 boards of school districts acting jointly. Any lease contract
3361 executed by two (2) or more school districts as joint lessees
3362 shall set out the amount of the aggregate lease rental to be paid
3363 by each, which may be agreed upon, but there shall be no right of
3364 occupancy by any lessee unless the aggregate rental is paid as
3365 stipulated in the lease contract. All rights of joint lessees
3366 under the lease contract shall be in proportion to the amount of
3367 lease rental paid by each;

3368 (w) To employ all noninstructional and noncertificated
3369 employees and fix the duties and compensation of such personnel
3370 deemed necessary pursuant to the recommendation of the
3371 superintendent of schools;

3372 (x) To employ and fix the duties and compensation of
3373 such legal counsel as deemed necessary;

3374 (y) Subject to rules and regulations of the State Board
3375 of Education, to purchase, own and operate trucks, vans and other
3376 motor vehicles, which shall bear the proper identification
3377 required by law;

3378 (z) To expend funds for the payment of substitute
3379 teachers and to adopt reasonable regulations for the employment
3380 and compensation of such substitute teachers;



3381 (aa) To acquire in its own name by purchase all real
3382 property which shall be necessary and desirable in connection with
3383 the construction, renovation or improvement of any public school
3384 building or structure. Whenever the purchase price for such real
3385 property is greater than Fifty Thousand Dollars (\$50,000.00), the
3386 school board shall not purchase the property for an amount
3387 exceeding the fair market value of such property as determined by
3388 the average of at least two (2) independent appraisals by
3389 certified general appraisers licensed by the State of Mississippi.
3390 If the board shall be unable to agree with the owner of any such
3391 real property in connection with any such project, the board shall
3392 have the power and authority to acquire any such real property by
3393 condemnation proceedings pursuant to Section 11-27-1 et seq.,
3394 Mississippi Code of 1972, and for such purpose, the right of
3395 eminent domain is hereby conferred upon and vested in said board.
3396 Provided further, that the local school board is authorized to
3397 grant an easement for ingress and egress over sixteenth section
3398 land or lieu land in exchange for a similar easement upon
3399 adjoining land where the exchange of easements affords substantial
3400 benefit to the sixteenth section land; provided, however, the
3401 exchange must be based upon values as determined by a competent
3402 appraiser, with any differential in value to be adjusted by cash
3403 payment. Any easement rights granted over sixteenth section land
3404 under such authority shall terminate when the easement ceases to
3405 be used for its stated purpose. No sixteenth section or lieu land



3406 which is subject to an existing lease shall be burdened by any
3407 such easement except by consent of the lessee or unless the school
3408 district shall acquire the unexpired leasehold interest affected
3409 by the easement;

3410 (bb) To charge reasonable fees related to the
3411 educational programs of the district, in the manner prescribed in
3412 Section 37-7-335;

3413 (cc) Subject to rules and regulations of the State
3414 Board of Education, to purchase relocatable classrooms for the use
3415 of such school district, in the manner prescribed in Section
3416 37-1-13;

3417 (dd) Enter into contracts or agreements with other
3418 school districts, political subdivisions or governmental entities
3419 to carry out one or more of the powers or duties of the school
3420 board, or to allow more efficient utilization of limited resources
3421 for providing services to the public;

3422 (ee) To provide for in-service training for employees
3423 of the district;

3424 (ff) As part of their duties to prescribe the use of
3425 textbooks, to provide that parents and legal guardians shall be
3426 responsible for the textbooks and for the compensation to the
3427 school district for any books which are not returned to the proper
3428 schools upon the withdrawal of their dependent child. If a
3429 textbook is lost or not returned by any student who drops out of
3430 the public school district, the parent or legal guardian shall



3431 also compensate the school district for the fair market value of
3432 the textbooks;

3433 (gg) To conduct fund-raising activities on behalf of
3434 the school district that the local school board, in its
3435 discretion, deems appropriate or beneficial to the official or
3436 extracurricular programs of the district; provided that:

3437 (i) Any proceeds of the fund-raising activities
3438 shall be treated as "activity funds" and shall be accounted for as
3439 are other activity funds under this section; and

3440 (ii) Fund-raising activities conducted or
3441 authorized by the board for the sale of school pictures, the
3442 rental of caps and gowns or the sale of graduation invitations for
3443 which the school board receives a commission, rebate or fee shall
3444 contain a disclosure statement advising that a portion of the
3445 proceeds of the sales or rentals shall be contributed to the
3446 student activity fund;

3447 (hh) To allow individual lessons for music, art and
3448 other curriculum-related activities for academic credit or
3449 nonacademic credit during school hours and using school equipment
3450 and facilities, subject to uniform rules and regulations adopted
3451 by the school board;

3452 (ii) To charge reasonable fees for participating in an
3453 extracurricular activity for academic or nonacademic credit for
3454 necessary and required equipment such as safety equipment, band
3455 instruments and uniforms;



3456 (jj) To conduct or participate in any fund-raising
3457 activities on behalf of or in connection with a tax-exempt
3458 charitable organization;

3459 (kk) To exercise such powers as may be reasonably
3460 necessary to carry out the provisions of this section;

3461 (ll) To expend funds for the services of nonprofit arts
3462 organizations or other such nonprofit organizations who provide
3463 performances or other services for the students of the school
3464 district;

3465 (mm) To expend federal No Child Left Behind Act funds,
3466 or any other available funds that are expressly designated and
3467 authorized for that use, to pay training, educational expenses,
3468 salary incentives and salary supplements to employees of local
3469 school districts; except that incentives shall not be considered
3470 part of the local supplement * * *, nor shall incentives be
3471 considered part of the local supplement paid to an individual
3472 teacher for the purposes of Section 37-19-7(1) * * *;

3473 (nn) To use any available funds, not appropriated or
3474 designated for any other purpose, for reimbursement to the
3475 state-licensed employees from both in state and out of state, who
3476 enter into a contract for employment in a school district, for the
3477 expense of moving when the employment necessitates the relocation
3478 of the licensed employee to a different geographical area than
3479 that in which the licensed employee resides before entering into
3480 the contract. The reimbursement shall not exceed One Thousand



3481 Dollars (\$1,000.00) for the documented actual expenses incurred in
3482 the course of relocating, including the expense of any
3483 professional moving company or persons employed to assist with the
3484 move, rented moving vehicles or equipment, mileage in the amount
3485 authorized for county and municipal employees under Section
3486 25-3-41 if the licensed employee used his personal vehicle or
3487 vehicles for the move, meals and such other expenses associated
3488 with the relocation. No licensed employee may be reimbursed for
3489 moving expenses under this section on more than one (1) occasion
3490 by the same school district. Nothing in this section shall be
3491 construed to require the actual residence to which the licensed
3492 employee relocates to be within the boundaries of the school
3493 district that has executed a contract for employment in order for
3494 the licensed employee to be eligible for reimbursement for the
3495 moving expenses. However, the licensed employee must relocate
3496 within the boundaries of the State of Mississippi. Any individual
3497 receiving relocation assistance through the Critical Teacher
3498 Shortage Act as provided in Section 37-159-5 shall not be eligible
3499 to receive additional relocation funds as authorized in this
3500 paragraph;

3501 (oo) To use any available funds, not appropriated or
3502 designated for any other purpose, to reimburse persons who
3503 interview for employment as a licensed employee with the district
3504 for the mileage and other actual expenses incurred in the course



3505 of travel to and from the interview at the rate authorized for
3506 county and municipal employees under Section 25-3-41;

3507 (pp) Consistent with the report of the Task Force to
3508 Conduct a Best Financial Management Practices Review, to improve
3509 school district management and use of resources and identify cost
3510 savings as established in Section 8 of Chapter 610, Laws of 2002,
3511 local school boards are encouraged to conduct independent reviews
3512 of the management and efficiency of schools and school districts.
3513 Such management and efficiency reviews shall provide state and
3514 local officials and the public with the following:

3515 (i) An assessment of a school district's
3516 governance and organizational structure;

3517 (ii) An assessment of the school district's
3518 financial and personnel management;

3519 (iii) An assessment of revenue levels and sources;

3520 (iv) An assessment of facilities utilization,
3521 planning and maintenance;

3522 (v) An assessment of food services, transportation
3523 and safety/security systems;

3524 (vi) An assessment of instructional and
3525 administrative technology;

3526 (vii) A review of the instructional management and
3527 the efficiency and effectiveness of existing instructional
3528 programs; and



3529 (viii) Recommended methods for increasing
3530 efficiency and effectiveness in providing educational services to
3531 the public;

3532 (qq) To enter into agreements with other local school
3533 boards for the establishment of an educational service agency
3534 (ESA) to provide for the cooperative needs of the region in which
3535 the school district is located, as provided in Section 37-7-345;

3536 (rr) To implement a financial literacy program for
3537 students in Grades 10 and 11. The board may review the national
3538 programs and obtain free literature from various nationally
3539 recognized programs. After review of the different programs, the
3540 board may certify a program that is most appropriate for the
3541 school districts' needs. If a district implements a financial
3542 literacy program, then any student in Grade 10 or 11 may
3543 participate in the program. The financial literacy program shall
3544 include, but is not limited to, instruction in the same areas of
3545 personal business and finance as required under Section
3546 37-1-3(2) (b). The school board may coordinate with volunteer
3547 teachers from local community organizations, including, but not
3548 limited to, the following: United States Department of
3549 Agriculture Rural Development, United States Department of Housing
3550 and Urban Development, Junior Achievement, bankers and other
3551 nonprofit organizations. Nothing in this paragraph shall be
3552 construed as to require school boards to implement a financial
3553 literacy program;



3554 (ss) To collaborate with the State Board of Education,
3555 Community Action Agencies or the Department of Human Services to
3556 develop and implement a voluntary program to provide services for
3557 a prekindergarten program that addresses the cognitive, social,
3558 and emotional needs of four-year-old and three-year-old children.
3559 The school board may utilize any source of available revenue to
3560 fund the voluntary program. Effective with the 2013-2014 school
3561 year, to implement voluntary prekindergarten programs under the
3562 Early Learning Collaborative Act of 2013 pursuant to state funds
3563 awarded by the State Department of Education on a matching basis;

3564 (tt) With respect to any lawful, written obligation of
3565 a school district, including, but not limited to, leases
3566 (excluding leases of sixteenth section public school trust land),
3567 bonds, notes, or other agreement, to agree in writing with the
3568 obligee that the Department of Revenue or any state agency,
3569 department or commission created under state law may:

3570 (i) Withhold all or any part (as agreed by the
3571 school board) of any monies which such local school board is
3572 entitled to receive from time to time under any law and which is
3573 in the possession of the Department of Revenue, or any state
3574 agency, department or commission created under state law; and

3575 (ii) Pay the same over to any financial
3576 institution, trustee or other obligee, as directed in writing by
3577 the school board, to satisfy all or part of such obligation of the
3578 school district.



3579 The school board may make such written agreement to withhold
3580 and transfer funds irrevocable for the term of the written
3581 obligation and may include in the written agreement any other
3582 terms and provisions acceptable to the school board. If the
3583 school board files a copy of such written agreement with the
3584 Department of Revenue, or any state agency, department or
3585 commission created under state law then the Department of Revenue
3586 or any state agency, department or commission created under state
3587 law shall immediately make the withholdings provided in such
3588 agreement from the amounts due the local school board and shall
3589 continue to pay the same over to such financial institution,
3590 trustee or obligee for the term of the agreement.

3591 This paragraph (tt) shall not grant any extra authority to a
3592 school board to issue debt in any amount exceeding statutory
3593 limitations on assessed value of taxable property within such
3594 school district or the statutory limitations on debt maturities,
3595 and shall not grant any extra authority to impose, levy or collect
3596 a tax which is not otherwise expressly provided for, and shall not
3597 be construed to apply to sixteenth section public school trust
3598 land;

3599 (uu) With respect to any matter or transaction that is
3600 competitively bid by a school district, to accept from any bidder
3601 as a good-faith deposit or bid bond or bid surety, the same type
3602 of good-faith deposit or bid bond or bid surety that may be
3603 accepted by the state or any other political subdivision on



3604 similar competitively bid matters or transactions. This paragraph
3605 (uu) shall not be construed to apply to sixteenth section public
3606 school trust land. The school board may authorize the investment
3607 of any school district funds in the same kind and manner of
3608 investments, including pooled investments, as any other political
3609 subdivision, including community hospitals;

3610 (vv) To utilize the alternate method for the conveyance
3611 or exchange of unused school buildings and/or land, reserving a
3612 partial or other undivided interest in the property, as
3613 specifically authorized and provided in Section 37-7-485;

3614 (ww) To delegate, privatize or otherwise enter into a
3615 contract with private entities for the operation of any and all
3616 functions of nonacademic school process, procedures and operations
3617 including, but not limited to, cafeteria workers, janitorial
3618 services, transportation, professional development, achievement
3619 and instructional consulting services materials and products,
3620 purchasing cooperatives, insurance, business manager services,
3621 auditing and accounting services, school safety/risk prevention,
3622 data processing and student records, and other staff services;

3623 however, the authority under this paragraph does not apply to the
3624 leasing, management or operation of sixteenth section lands.

3625 Local school districts, working through their regional education
3626 service agency, are encouraged to enter into buying consortia with
3627 other member districts for the purposes of more efficient use of
3628 state resources as described in Section 37-7-345;



3629 (xx) To partner with entities, organizations and
3630 corporations for the purpose of benefiting the school district;

3631 (yy) To borrow funds from the Rural Economic
3632 Development Authority for the maintenance of school buildings;

3633 (zz) To fund and operate voluntary early childhood
3634 education programs, defined as programs for children less than
3635 five (5) years of age on or before September 1, and to use any
3636 source of revenue for such early childhood education programs.
3637 Such programs shall not conflict with the Early Learning
3638 Collaborative Act of 2013;

3639 (aaa) To issue and provide for the use of procurement
3640 cards by school board members, superintendents and licensed school
3641 personnel consistent with the rules and regulations of the
3642 Mississippi Department of Finance and Administration under Section
3643 31-7-9; and

3644 (bbb) To conduct an annual comprehensive evaluation of
3645 the superintendent of schools consistent with the assessment
3646 components of paragraph (pp) of this section and the assessment
3647 benchmarks established by the Mississippi School Board Association
3648 to evaluate the success the superintendent has attained in meeting
3649 district goals and objectives, the superintendent's leadership
3650 skill and whether or not the superintendent has established
3651 appropriate standards for performance, is monitoring success and
3652 is using data for improvement.



3653 **SECTION 35.** Section 37-7-302, Mississippi Code of 1972, is
3654 amended as follows:

3655 37-7-302. The board of trustees of any school district shall
3656 be authorized to borrow such funds as may be reasonable and
3657 necessary from the federal government, the State of Mississippi or
3658 any political subdivision or entity thereof, or any other
3659 governmental agency, from any individual, partnership, nonprofit
3660 corporation or private for-profit corporation, to aid such school
3661 districts in asbestos removal, to be repaid out of any * * * funds
3662 other than the total funding formula funds provided for in this
3663 act; provided, however, that the grant of authority shall in no
3664 way be construed to require said boards of trustees to remove
3665 asbestos material or substances from any facilities under their
3666 control, nor shall there be any liability to said school districts
3667 or boards for the failure to so remove such asbestos materials.
3668 All indebtedness incurred under the provisions of this section
3669 shall be evidenced by the negotiable notes or certificates of
3670 indebtedness of the school district on whose behalf the money is
3671 borrowed. Said notes or certificates of indebtedness of the
3672 school district on whose behalf the money is borrowed shall be
3673 signed by the president of the school board and superintendent of
3674 schools of such school district. Such notes or certificates of
3675 indebtedness shall not bear a greater overall maximum interest
3676 rate to maturity than the rates now or hereafter authorized under
3677 the provisions of Section 19-9-19. No such notes or certificates



3678 of indebtedness shall be issued and sold for less than par and
3679 accrued interest. All notes or certificates of indebtedness shall
3680 mature in approximately equal installments of principal and
3681 interest over a period not to exceed twenty (20) years from the
3682 dates of the issuance thereof. Principal and interest shall be
3683 payable in such manner as may be determined by the school board.
3684 Such notes or certificates of indebtedness shall be issued in such
3685 form and in such denominations as may be determined by the school
3686 board and same may be made payable at the office of any bank or
3687 trust company selected by the school board and, in such case,
3688 funds for the payment of principal and interest due thereon shall
3689 be provided in the same manner provided by law for the payment of
3690 the principal and interest due on bonds issued by the taxing
3691 districts of this state.

3692 **SECTION 36.** Section 37-7-303, Mississippi Code of 1972, is
3693 amended as follows:

3694 37-7-303. (1) The school board of any school district may
3695 insure motor vehicles for any hazard that the board may choose,
3696 and shall insure the school buildings, equipment and other school
3697 property of the district against any and all hazards that the
3698 board may deem necessary to provide insurance against. In
3699 addition, the local school board of any school district shall
3700 purchase and maintain business property insurance and business
3701 personal property insurance on all school district-owned buildings
3702 and/or contents as required by federal law and regulations of the



3703 Federal Emergency Management Agency (FEMA) as is necessary for
3704 receiving public assistance or reimbursement for repair,
3705 reconstruction, replacement or other damage to those buildings
3706 and/or contents caused by the Hurricane Katrina Disaster of 2005
3707 or subsequent disasters. The school district is authorized to
3708 expend funds from any available source for the purpose of
3709 obtaining and maintaining that property insurance. The school
3710 district is authorized to enter into agreements with the
3711 Department of Finance and Administration, other local school
3712 districts, community or junior college districts, state
3713 institutions of higher learning, community hospitals and/or other
3714 state agencies to pool their liabilities to participate in a group
3715 business property and/or business personal property insurance
3716 program, subject to uniform rules and regulations as may be
3717 adopted by the Department of Finance and Administration. Such
3718 school board shall be authorized to contract for such insurance
3719 for a term of not exceeding five (5) years and to obligate the
3720 district for the payment of the premiums thereon. When necessary,
3721 the school board is authorized and empowered, in its discretion,
3722 to borrow money payable in annual installments for a period of not
3723 exceeding five (5) years at a rate of interest not exceeding eight
3724 percent (8%) per annum to provide funds to pay such insurance
3725 premiums. The money so borrowed and the interest thereon shall be
3726 payable from any school funds of the district other than * * * the
3727 total funding formula funds provided for in this act. The school



3728 boards of school districts are further authorized and empowered,
3729 in all cases where same may be necessary, to bring and maintain
3730 suits and other actions in any court of competent jurisdiction for
3731 the purpose of collecting the proceeds of insurance policies
3732 issued upon the property of such school district.

3733 (2) Two (2) or more school districts, together with other
3734 educational entities or agencies, may agree to pool their
3735 liabilities to participate in a group workers' compensation
3736 program. The governing authorities of any school board or other
3737 educational entity or agency may authorize the organization and
3738 operation of, or the participation in such a group self-insurance
3739 program with other school boards and educational entities or
3740 agencies, subject to the requirements of Section 71-3-5. The
3741 Workers' Compensation Commission shall approve such group
3742 self-insurance programs subject to uniform rules and regulations
3743 as may be adopted by the commission applicable to all groups.

3744 **SECTION 37.** Section 37-7-307, Mississippi Code of 1972, is
3745 amended as follows:

3746 37-7-307. (1) For purposes of this section, the term
3747 "licensed employee" means any employee of a public school district
3748 required to hold a valid license by the Commission on Teacher and
3749 Administrator Education, Certification and Licensure and
3750 Development.

3751 (2) The school board of a school district shall establish by
3752 rules and regulations a policy of sick leave with pay for licensed



3753 employees and teacher assistants employed in the school district,
3754 and such policy shall include the following minimum provisions for
3755 sick and emergency leave with pay:

3756 (a) Each licensed employee and teacher assistant, at
3757 the beginning of each school year, shall be credited with a
3758 minimum sick leave allowance, with pay, of seven (7) days for
3759 absences caused by illness or physical disability of the employee
3760 during that school year.

3761 (b) Any unused portion of the total sick leave
3762 allowance shall be carried over to the next school year and
3763 credited to such licensed employee and teacher assistant if the
3764 licensed employee or teacher assistant remains employed in the
3765 same school district. In the event any public school licensed
3766 employee or teacher assistant transfers from one public school
3767 district in Mississippi to another, any unused portion of the
3768 total sick leave allowance credited to such licensed employee or
3769 teacher assistant shall be credited to such licensed employee or
3770 teacher assistant in the computation of unused leave for
3771 retirement purposes under Section 25-11-109. Accumulation of sick
3772 leave allowed under this section shall be unlimited.

3773 (c) No deduction from the pay of such licensed employee
3774 or teacher assistant may be made because of absence of such
3775 licensed employee or teacher assistant caused by illness or
3776 physical disability of the licensed employee or teacher assistant



3777 until after all sick leave allowance credited to such licensed
3778 employee or teacher assistant has been used.

3779 (d) For the first ten (10) days of absence of a
3780 licensed employee because of illness or physical disability, in
3781 any school year, in excess of the sick leave allowance credited to
3782 such licensed employee, there shall be deducted from the pay of
3783 such licensed employee the established substitute amount of
3784 licensed employee compensation paid in that local school district,
3785 necessitated because of the absence of the licensed employee as a
3786 result of illness or physical disability. In lieu of deducting
3787 the established substitute amount from the pay of such licensed
3788 employee, the policy may allow the licensed employee to receive
3789 full pay for the first ten (10) days of absence because of illness
3790 or physical disability, in any school year, in excess of the sick
3791 leave allowance credited to such licensed employee. Thereafter,
3792 the regular pay of such absent licensed employee shall be
3793 suspended and withheld in its entirety for any period of absence
3794 because of illness or physical disability during that school year.

3795 (3) (a) Beginning with the school year 1983-1984, each
3796 licensed employee at the beginning of each school year shall be
3797 credited with a minimum personal leave allowance, with pay, of two
3798 (2) days for absences caused by personal reasons during that
3799 school year. Effective for the 2010-2011 and 2011-2012 school
3800 years, licensed employees shall be credited with an additional
3801 one-half (1/2) day of personal leave for every day the licensed



3802 employee is furloughed without pay as provided in Section
3803 37-7-308. Except as otherwise provided in paragraph (b) of this
3804 subsection, such personal leave shall not be taken on the first
3805 day of the school term, the last day of the school term, on a day
3806 previous to a holiday or a day after a holiday. Personal leave
3807 may be used for professional purposes, including absences caused
3808 by attendance of such licensed employee at a seminar, class,
3809 training program, professional association or other functions
3810 designed for educators. No deduction from the pay of such
3811 licensed employee may be made because of absence of such licensed
3812 employee caused by personal reasons until after all personal leave
3813 allowance credited to such licensed employee has been used.
3814 However, the superintendent of a school district, in his
3815 discretion, may allow a licensed employee personal leave in
3816 addition to any minimum personal leave allowance, under the
3817 condition that there shall be deducted from the salary of such
3818 licensed employee the actual amount of any compensation paid to
3819 any person as a substitute, necessitated because of the absence of
3820 the licensed employee. Any unused portion of the total personal
3821 leave allowance up to five (5) days shall be carried over to the
3822 next school year and credited to such licensed employee if the
3823 licensed employee remains employed in the same school district.
3824 Any personal leave allowed for a furlough day shall not be carried
3825 over to the next school year.



3826 (b) Notwithstanding the restrictions on the use of
3827 personal leave prescribed under paragraph (a) of this subsection,
3828 a licensed employee may use personal leave as follows:

3829 (i) Personal leave may be taken on the first day
3830 of the school term, the last day of the school term, on a day
3831 previous to a holiday or a day after a holiday if, on the
3832 applicable day, an immediate family member of the employee is
3833 being deployed for military service.

3834 (ii) Personal leave may be taken on a day previous
3835 to a holiday or a day after a holiday if an employee of a school
3836 district has either a minimum of ten (10) years' experience as an
3837 employee of that school district or a minimum of thirty (30) days
3838 of unused accumulated leave that has been earned while employed in
3839 that school district.

3840 (iii) Personal leave may be taken on the first day
3841 of the school term, the last day of the school term, on a day
3842 previous to a holiday or a day after a holiday if, on the
3843 applicable day, the employee has been summoned to appear for jury
3844 duty or as a witness in court.

3845 (iv) Personal leave may be taken on the first day
3846 of the school term, the last day of the school term, on a day
3847 previous to a holiday or a day after a holiday if, on the
3848 applicable day, an immediate family member of the employee dies or
3849 funeral services are held. Any day of the three (3) bereavement



3850 days may be used at the discretion of the teacher, and are not
3851 required to be taken in consecutive succession.

3852 For the purpose of this subsection (3), the term "immediate
3853 family member" means spouse, parent, stepparent, child or
3854 stepchild, grandparent or sibling, including a stepbrother or
3855 stepsister.

3856 (4) Beginning with the school year 1992-1993, each licensed
3857 employee shall be credited with a professional leave allowance,
3858 with pay, for each day of absence caused by reason of such
3859 employee's statutorily required membership and attendance at a
3860 regular or special meeting held within the State of Mississippi of
3861 the State Board of Education, the Commission on Teacher and
3862 Administrator Education, Certification and Licensure and
3863 Development, the Commission on School Accreditation, the
3864 Mississippi Authority for Educational Television, the meetings of
3865 the state textbook rating committees or other meetings authorized
3866 by local school board policy.

3867 (5) Upon retirement from employment, each licensed and
3868 nonlicensed employee shall be paid for not more than thirty (30)
3869 days of unused accumulated leave earned while employed by the
3870 school district in which the employee is last employed. Such
3871 payment for licensed employees shall be made by the school
3872 district at a rate equal to the amount paid to substitute teachers
3873 and for nonlicensed employees, the payment shall be made by the
3874 school district at a rate equal to the federal minimum wage. The



3875 payment shall be treated in the same manner for retirement
3876 purposes as a lump-sum payment for personal leave as provided in
3877 Section 25-11-103(f). Any remaining lawfully credited unused
3878 leave, for which payment has not been made, shall be certified to
3879 the Public Employees' Retirement System in the same manner and
3880 subject to the same limitations as otherwise provided by law for
3881 unused leave. No payment for unused accumulated leave may be made
3882 to either a licensed or nonlicensed employee at termination or
3883 separation from service for any purpose other than for the purpose
3884 of retirement.

3885 (6) The school board may adopt rules and regulations which
3886 will reasonably aid to implement the policy of sick and personal
3887 leave, including, but not limited to, rules and regulations having
3888 the following general effect:

3889 (a) Requiring the absent employee to furnish the
3890 certificate of a physician or dentist or other medical
3891 practitioner as to the illness of the absent licensed employee,
3892 where the absence is for four (4) or more consecutive school days,
3893 or for two (2) consecutive school days immediately preceding or
3894 following a nonschool day;

3895 (b) Providing penalties, by way of full deduction from
3896 salary, or entry on the work record of the employee, or other
3897 appropriate penalties, for any materially false statement by the
3898 employee as to the cause of absence;



3899 (c) Forfeiture of accumulated or future sick leave, if
3900 the absence of the employee is caused by optional dental or
3901 medical treatment or surgery which could, without medical risk,
3902 have been provided, furnished or performed at a time when school
3903 was not in session;

3904 (d) Enlarging, increasing or providing greater sick or
3905 personal leave allowances than the minimum standards established
3906 by this section in the discretion of the school board of each
3907 school district.

3908 (7) School boards may include in their budgets provisions
3909 for the payment of substitute employees, necessitated because of
3910 the absence of regular licensed employees. All such substitute
3911 employees shall be paid wholly from district funds * * *. Such
3912 school boards, in their discretion, also may pay, from district
3913 funds other than * * * the total funding formula funds provided
3914 for in this act, the whole or any part of the salaries of all
3915 employees granted leaves for the purpose of special studies or
3916 training.

3917 (8) The school board may further adopt rules and regulations
3918 which will reasonably implement such leave policies for all other
3919 nonlicensed and hourly paid school employees as the board deems
3920 appropriate. Effective for the 2010-2011 and 2011-2012 school
3921 years, nonlicensed employees shall be credited with an additional
3922 one-half (1/2) day of personal leave for every day the nonlicensed



3923 employee is furloughed without pay as provided in Section
3924 37-7-308.

3925 (9) Vacation leave granted to either licensed or nonlicensed
3926 employees shall be synonymous with personal leave. Unused
3927 vacation or personal leave accumulated by licensed employees in
3928 excess of the maximum five (5) days which may be carried over from
3929 one year to the next may be converted to sick leave. The annual
3930 conversion of unused vacation or personal leave to sick days for
3931 licensed or unlicensed employees shall not exceed the allowable
3932 number of personal leave days as provided in Section 25-3-93. The
3933 annual total number of converted unused vacation and/or personal
3934 days added to the annual unused sick days for any employee shall
3935 not exceed the combined allowable number of days per year provided
3936 in Sections 25-3-93 and 25-3-95. Local school board policies that
3937 provide for vacation, personal and sick leave for employees shall
3938 not exceed the provisions for leave as provided in Sections
3939 25-3-93 and 25-3-95. Any personal or vacation leave previously
3940 converted to sick leave under a lawfully adopted policy before May
3941 1, 2004, or such personal or vacation leave accumulated and
3942 available for use prior to May 1, 2004, under a lawfully adopted
3943 policy but converted to sick leave after May 1, 2004, shall be
3944 recognized as accrued leave by the local school district and
3945 available for use by the employee. The leave converted under a
3946 lawfully adopted policy prior to May 1, 2004, or such personal and
3947 vacation leave accumulated and available for use as of May 1,



3948 2004, which was subsequently converted to sick leave may be
3949 certified to the Public Employees' Retirement System upon
3950 termination of employment and any such leave previously converted
3951 and certified to the Public Employees' Retirement System shall be
3952 recognized.

3953 (10) (a) For the purposes of this subsection, the following
3954 words and phrases shall have the meaning ascribed in this
3955 paragraph unless the context requires otherwise:

3956 (i) "Catastrophic injury or illness" means a
3957 life-threatening injury or illness of an employee or a member of
3958 an employee's immediate family that totally incapacitates the
3959 employee from work, as verified by a licensed physician, and
3960 forces the employee to exhaust all leave time earned by that
3961 employee, resulting in the loss of compensation from the local
3962 school district for the employee. Conditions that are short-term
3963 in nature, including, but not limited to, common illnesses such as
3964 influenza and the measles, and common injuries, are not
3965 catastrophic. Chronic illnesses or injuries, such as cancer or
3966 major surgery, that result in intermittent absences from work and
3967 that are long-term in nature and require long recuperation periods
3968 may be considered catastrophic.

3969 (ii) "Immediate family" means spouse, parent,
3970 stepparent, sibling, child or stepchild, grandparent, stepbrother
3971 or stepsister.



3972 (b) Any school district employee may donate a portion
3973 of his or her unused accumulated personal leave or sick leave to
3974 another employee of the same school district who is suffering from
3975 a catastrophic injury or illness or who has a member of his or her
3976 immediate family suffering from a catastrophic injury or illness,
3977 in accordance with the following:

3978 (i) The employee donating the leave (the "donor
3979 employee") shall designate the employee who is to receive the
3980 leave (the "recipient employee") and the amount of unused
3981 accumulated personal leave and sick leave that is to be donated,
3982 and shall notify the school district superintendent or his
3983 designee of his or her designation.

3984 (ii) The maximum amount of unused accumulated
3985 personal leave that an employee may donate to any other employee
3986 may not exceed a number of days that would leave the donor
3987 employee with fewer than seven (7) days of personal leave
3988 remaining, and the maximum amount of unused accumulated sick leave
3989 that an employee may donate to any other employee may not exceed
3990 fifty percent (50%) of the unused accumulated sick leave of the
3991 donor employee.

3992 (iii) An employee must have exhausted all of his
3993 or her available leave before he or she will be eligible to
3994 receive any leave donated by another employee. Eligibility for
3995 donated leave shall be based upon review and approval by the donor
3996 employee's supervisor.



3997 (iv) Before an employee may receive donated leave,
3998 he or she must provide the school district superintendent or his
3999 designee with a physician's statement that states that the illness
4000 meets the catastrophic criteria established under this section,
4001 the beginning date of the catastrophic injury or illness, a
4002 description of the injury or illness, and a prognosis for recovery
4003 and the anticipated date that the recipient employee will be able
4004 to return to work.

4005 (v) Before an employee may receive donated leave,
4006 the superintendent of education of the school district shall
4007 appoint a review committee to approve or disapprove the said
4008 donations of leave, including the determination that the illness
4009 is catastrophic within the meaning of this section.

4010 (vi) If the total amount of leave that is donated
4011 to any employee is not used by the recipient employee, the whole
4012 days of donated leave shall be returned to the donor employees on
4013 a pro rata basis, based on the ratio of the number of days of
4014 leave donated by each donor employee to the total number of days
4015 of leave donated by all donor employees.

4016 (vii) Donated leave shall not be used in lieu of
4017 disability retirement.

4018 (11) Effective January 1, 2020, the provisions of this
4019 section shall be fully applicable to any licensed employee of the
4020 Mississippi School of the Arts (MSA).



4021 **SECTION 38.** Section 37-7-319, Mississippi Code of 1972, is
4022 amended as follows:

4023 37-7-319. All public school boards may purchase group
4024 insurance coverage for the liability of all of its active
4025 full-time instructional and noninstructional personnel. Such
4026 policy shall be paid for with any funds available other than * * *
4027 the total funding formula funds provided for in this act.

4028 **SECTION 39.** Section 37-7-333, Mississippi Code of 1972, is
4029 amended as follows:

4030 37-7-333. The school boards of all school districts shall
4031 have full control of the receipt, distribution, allotment and
4032 disbursement of all funds which may be provided for the support
4033 and maintenance of the schools of such district whether such funds
4034 be * * * allotments from the total funding formula as provided for
4035 in this act, funds derived from supplementary tax levies as
4036 authorized by law, or funds derived from any other source
4037 whatsoever except as may otherwise be provided by law for control
4038 of the proceeds from school bonds or notes and the taxes levied to
4039 pay the principal of and interest on such bonds or notes. The tax
4040 collector of each county shall make reports, in writing, verified
4041 by his affidavit, on or before the twentieth day of each month to
4042 the superintendent of schools of each school district within such
4043 county reflecting all school district taxes collected by him for
4044 the support of said school district during the preceding month.
4045 He shall at the same time pay over all such school district taxes



4046 collected by him for the support of said school district directly
4047 to said superintendent of schools.

4048 All such allotments or funds shall be placed in the
4049 depository or depositories selected by the school board in the
4050 same manner as provided in Section 27-105-305 for the selection of
4051 county depositories. Provided, however, the annual notice to be
4052 given by the school board to financial institutions may be given
4053 by the school board at any regular meeting subsequent to the
4054 board's regular December meeting but prior to the regular May
4055 meeting. The bids of financial institutions for the privilege of
4056 keeping school funds may be received by the school board at some
4057 subsequent meeting, but no later than the regular June meeting;
4058 and the selection by the school board of the depository or
4059 depositories shall be effective on July 1 of each year. School
4060 boards shall advertise and accept bids for depositories, no less
4061 than once every three (3) years, when such board determines that
4062 it can obtain a more favorable rate of interest and less
4063 administrative processing. Such depository shall place on deposit
4064 with the superintendent of schools the same securities as required
4065 in Section 27-105-315.

4066 In the event a bank submits a bid or offer to a school
4067 district to act as a depository for the district and such bid or
4068 offer, if accepted, would result in a contract in which a member
4069 of the school board would have a direct or indirect interest, the
4070 school board should not open or consider any bids received. The



4071 superintendent of schools shall submit the matter to the State
4072 Treasurer, who shall have the authority to solicit bids, select a
4073 depository or depositories, make all decisions and take any action
4074 within the authority of the school board under this section
4075 relating to the selection of a depository or depositories.

4076 **SECTION 40.** Section 37-7-339, Mississippi Code of 1972, is
4077 amended as follows:

4078 37-7-339. (1) The school board of any local school
4079 district, in its discretion, may provide extended day and extended
4080 school year programs for kindergarten or compulsory-school-age
4081 students, or both, and may expend any funds for these purposes
4082 which are available from sources other than * * * the total
4083 funding formula funds as provided for in this act. It is not the
4084 intent of the Legislature, in enacting this section, to interfere
4085 with the Headstart program. School boards, in their discretion,
4086 may charge participants a reasonable fee for such programs.

4087 (2) The school board of any school district may adopt any
4088 orders, policies, rules or regulations with respect to instruction
4089 within that school district for which no specific provision has
4090 been made by general law and which are not inconsistent with the
4091 Mississippi Constitution of 1890, the Mississippi Code of 1972, or
4092 any order, policy, rule or regulation of the State Board of
4093 Education; those school boards also may alter, modify and repeal
4094 any orders, policies, rules or regulations enacted under this
4095 subsection. Any such program pertaining to reading must further



4096 the goal that Mississippi students will demonstrate a growing
4097 proficiency in reading and will reach or exceed the national
4098 average within the next decade.

4099 **SECTION 41.** Section 37-7-419, Mississippi Code of 1972, is
4100 amended as follows:

4101 37-7-419. The various school districts which may become
4102 parties to any such agreement are authorized to appropriate and
4103 expend for the purposes thereof any and all funds which may be
4104 required to carry out the terms of any such agreement from any
4105 funds available to any such party to such an agreement not
4106 otherwise appropriated without limitation as to the source of such
4107 funds, including * * * total funding formula funds as provided for
4108 in this act, sixteenth section funds, funds received from the
4109 federal government or other sources by way of grant, donation or
4110 otherwise, and funds which may be available to any such party
4111 through the State Department of Education or any other agency of
4112 the state, regardless of the party to such agreement designated
4113 thereby to be primarily responsible for the construction or
4114 operation of any such regional high school center and regardless
4115 of the limitation on the expenditure of any such funds imposed by
4116 any other statute. However, no such funds whose use was
4117 originally limited to the construction of capital improvements
4118 shall be utilized for the purpose of defraying the administrative
4119 or operating costs of any such center. Any one or more of the
4120 parties to such an agreement may be designated as the fiscal agent



4121 or contracting party in carrying out any of the purposes of such
4122 agreement, and any and all funds authorized to be spent therefor
4123 by any of the said parties may be paid over to the fiscal agent or
4124 contracting party for disbursement by such fiscal agent or
4125 contracting party. Such disbursements shall be made and
4126 contracted for under the laws and regulations applicable to such
4127 fiscal or disbursing agent. All of the school district parties to
4128 any such agreement may issue bonds, negotiable notes or other
4129 evidences of indebtedness for the purpose of providing funds for
4130 the acquisition of land and for the construction of buildings and
4131 permanent improvements under the terms of any such agreement under
4132 any existing laws authorizing the issuance or sale thereof to
4133 provide funds for any capital improvement.

4134 **SECTION 42.** Section 37-9-17, Mississippi Code of 1972, is
4135 amended as follows:

4136 37-9-17. (1) On or before April 1 of each year, the
4137 principal of each school shall recommend to the superintendent of
4138 the local school district the licensed employees or
4139 noninstructional employees to be employed for the school involved
4140 except those licensed employees or noninstructional employees who
4141 have been previously employed and who have a contract valid for
4142 the ensuing scholastic year. If such recommendations meet with
4143 the approval of the superintendent, the superintendent shall
4144 recommend the employment of such licensed employees or
4145 noninstructional employees to the local school board, and, unless



4146 good reason to the contrary exists, the board shall elect the
4147 employees so recommended. If, for any reason, the local school
4148 board shall decline to elect any employee so recommended,
4149 additional recommendations for the places to be filled shall be
4150 made by the principal to the superintendent and then by the
4151 superintendent to the local school board as provided above. The
4152 school board of any local school district shall be authorized to
4153 designate a personnel supervisor or another principal employed by
4154 the school district to recommend to the superintendent licensed
4155 employees or noninstructional employees; however, this
4156 authorization shall be restricted to no more than two (2)
4157 positions for each employment period for each school in the local
4158 school district. Any noninstructional employee employed upon the
4159 recommendation of a personnel supervisor or another principal
4160 employed by the local school district must have been employed by
4161 the local school district at the time the superintendent was
4162 elected or appointed to office; a noninstructional employee
4163 employed under this authorization may not be paid compensation in
4164 excess of the statewide average compensation for such
4165 noninstructional position with comparable experience, as
4166 established by the State Department of Education. The school
4167 board of any local school district shall be authorized to
4168 designate a personnel supervisor or another principal employed by
4169 the school district to accept the recommendations of principals or
4170 their designees for licensed employees or noninstructional



4171 employees and to transmit approved recommendations to the local
4172 school board; however, this authorization shall be restricted to
4173 no more than two (2) positions for each employment period for each
4174 school in the local school district.

4175 When the licensed employees have been elected as provided in
4176 the preceding paragraph, the superintendent of the district shall
4177 enter into a contract with such persons in the manner provided in
4178 this chapter.

4179 If, at the commencement of the scholastic year, any licensed
4180 employee shall present to the superintendent a license of a higher
4181 grade than that specified in such individual's contract, such
4182 individual may, if funds are available from * * * the total
4183 funding formula funds of the district as provided for in this act,
4184 or from district funds, be paid from such funds the amount to
4185 which such higher grade license would have entitled the
4186 individual, had the license been held at the time the contract was
4187 executed.

4188 (2) Superintendents/directors of schools under the purview
4189 of the State Board of Education, the superintendent of the local
4190 school district and any private firm under contract with the local
4191 public school district to provide substitute teachers to teach
4192 during the absence of a regularly employed schoolteacher shall
4193 require, through the appropriate governmental authority, that
4194 current criminal records background checks and current child abuse
4195 registry checks are obtained, and that such criminal record



4196 information and registry checks are on file for any new hires
4197 applying for employment as a licensed or nonlicensed employee at a
4198 school and not previously employed in such school under the
4199 purview of the State Board of Education or at such local school
4200 district prior to July 1, 2000. In order to determine the
4201 applicant's suitability for employment, the applicant shall be
4202 fingerprinted. If no disqualifying record is identified at the
4203 state level, the fingerprints shall be forwarded by the Department
4204 of Public Safety to the Federal Bureau of Investigation for a
4205 national criminal history record check. The fee for such
4206 fingerprinting and criminal history record check shall be paid by
4207 the applicant, not to exceed Fifty Dollars (\$50.00); however, the
4208 State Board of Education, the school board of the local school
4209 district or a private firm under contract with a local school
4210 district to provide substitute teachers to teach during the
4211 temporary absence of the regularly employed schoolteacher, in its
4212 discretion, may elect to pay the fee for the fingerprinting and
4213 criminal history record check on behalf of any applicant. Under
4214 no circumstances shall a member of the State Board of Education,
4215 superintendent/director of schools under the purview of the State
4216 Board of Education, local school district superintendent, local
4217 school board member or any individual other than the subject of
4218 the criminal history record checks disseminate information
4219 received through any such checks except insofar as required to
4220 fulfill the purposes of this section. Any nonpublic school which



4221 is accredited or approved by the State Board of Education may
4222 avail itself of the procedures provided for herein and shall be
4223 responsible for the same fee charged in the case of local public
4224 schools of this state. The determination whether the applicant
4225 has a disqualifying crime, as set forth in subsection (3) of this
4226 section, shall be made by the appropriate governmental authority,
4227 and the appropriate governmental authority shall notify the
4228 private firm whether a disqualifying crime exists.

4229 (3) If such fingerprinting or criminal record checks
4230 disclose a felony conviction, guilty plea or plea of nolo
4231 contendere to a felony of possession or sale of drugs, murder,
4232 manslaughter, armed robbery, rape, sexual battery, sex offense
4233 listed in Section 45-33-23(h), child abuse, arson, grand larceny,
4234 burglary, gratification of lust or aggravated assault which has
4235 not been reversed on appeal or for which a pardon has not been
4236 granted, the new hire shall not be eligible to be employed at such
4237 school. Any employment contract for a new hire executed by the
4238 superintendent of the local school district or any employment of a
4239 new hire by a superintendent/director of a new school under the
4240 purview of the State Board of Education or by a private firm shall
4241 be voidable if the new hire receives a disqualifying criminal
4242 record check. However, the State Board of Education or the school
4243 board may, in its discretion, allow any applicant aggrieved by the
4244 employment decision under this section to appear before the
4245 respective board, or before a hearing officer designated for such



4246 purpose, to show mitigating circumstances which may exist and
4247 allow the new hire to be employed at the school. The State Board
4248 of Education or local school board may grant waivers for such
4249 mitigating circumstances, which shall include, but not be limited
4250 to: (a) age at which the crime was committed; (b) circumstances
4251 surrounding the crime; (c) length of time since the conviction and
4252 criminal history since the conviction; (d) work history; (e)
4253 current employment and character references; (f) other evidence
4254 demonstrating the ability of the person to perform the employment
4255 responsibilities competently and that the person does not pose a
4256 threat to the health or safety of the children at the school.

4257 (4) No local school district, local school district
4258 employee, member of the State Board of Education or employee of a
4259 school under the purview of the State Board of Education shall be
4260 held liable in any employment discrimination suit in which an
4261 allegation of discrimination is made regarding an employment
4262 decision authorized under this Section 37-9-17.

4263 (5) The provisions of this section shall be fully applicable
4264 to licensed employees of the Mississippi School of the Arts (MSA),
4265 established in Section * * * 37-140-3.

4266 **SECTION 43.** Section 37-9-23, Mississippi Code of 1972, is
4267 amended as follows:

4268 37-9-23. The superintendent shall enter into a contract with
4269 each assistant superintendent, principal, licensed employee and
4270 person anticipating graduation from an approved teacher education



4271 program or the issuance of a proper license before October 15 or
4272 February 15, as the case may be, who is elected and approved for
4273 employment by the school board. Such contracts shall be in such
4274 form as shall be prescribed by the State Board of Education and
4275 shall be executed in duplicate with one (1) copy to be retained by
4276 the appropriate superintendent and one (1) copy to be retained by
4277 the principal, licensed employee or person recommended for a
4278 licensed position contracted with. The contract shall show the
4279 name of the district, the length of the school term, the position
4280 held (whether an assistant superintendent, principal or licensed
4281 employee), the scholastic years which it covers, the total amount
4282 of the annual salary and how same is payable. The amount of
4283 salary to be shown in such contract shall be the amount which
4284 shall have been fixed and determined by the school board, but, as
4285 to the licensed employees paid, in whole or in part, with * * *
4286 total funding formula funds as provided for in this act, such
4287 salary shall not be less than that required under the provisions
4288 of Chapter 19 of this title. Beginning with the 2010-2011 school
4289 year, the contract shall include a provision allowing the school
4290 district to reduce the state minimum salary by a pro rata daily
4291 amount in order to comply with the school district employee
4292 furlough provisions of Section 37-7-308, and shall include a
4293 provision which conditions the payment of such salary upon the
4294 availability of * * * uniform total funding formula funds * * *.
4295 The contract entered into with any person recommended for a



4296 licensed position who is anticipating either graduation from an
4297 approved teacher education program before September 1 or December
4298 31, as the case may be, or the issuance of a proper license before
4299 October 15 or February 15, as the case may be, shall be a
4300 conditional contract and shall include a provision stating that
4301 the contract will be null and void if, as specified in the
4302 contract, the contingency upon which the contract is conditioned
4303 has not occurred. If any superintendent, other than those
4304 elected, principal, licensed employee or person recommended for a
4305 licensed position who has been elected and approved shall not
4306 execute and return the contract within ten (10) days after same
4307 has been tendered to him for execution, then, at the option of the
4308 school board, the election of the licensed employee and the
4309 contract tendered to him shall be void and of no effect.

4310 **SECTION 44.** Section 37-9-25, Mississippi Code of 1972, is
4311 amended as follows:

4312 37-9-25. The school board shall have the power and
4313 authority, in its discretion, to employ the superintendent, unless
4314 such superintendent is elected at the November 2015 general
4315 election, for not exceeding four (4) scholastic years and the
4316 principals or licensed employees for not exceeding three (3)
4317 scholastic years. In such case, contracts shall be entered into
4318 with such superintendents, principals and licensed employees for
4319 the number of years for which they have been employed. However,
4320 in the event that a vacancy in the office of the superintendent of



4321 schools elected at the November 2015 general election shall occur
4322 before January 1, 2019, the local school board shall then appoint
4323 the superintendent of the school district and enter into contract
4324 with the appointee for a period not to exceed three (3) scholastic
4325 years. All such contracts with licensed employees shall for the
4326 years after the first year thereof be subject to the contingency
4327 that the licensed employee may be released if, during the life of
4328 the contract, the * * * net enrollment should decrease from that
4329 existing during the previous year and thus necessitate a reduction
4330 in the number of licensed employees during any year after the
4331 first year of the contract. However, in all such cases the
4332 licensed employee must be released before July 1 or at least
4333 thirty (30) days prior to the beginning of the school term,
4334 whichever date should occur earlier. The salary to be paid for
4335 the years after the first year of such contract shall be subject
4336 to revision, either upward or downward, in the event of an
4337 increase or decrease in the funds available for the payment
4338 thereof, but, unless such salary is revised prior to the beginning
4339 of a school year, it shall remain for such school year at the
4340 amount fixed in such contract. However, where school district
4341 funds * * * are available during the school year in excess of the
4342 amount anticipated at the beginning of the school year, the salary
4343 to be paid for such year may be increased to the extent that such
4344 additional funds are available, and nothing herein shall be
4345 construed to prohibit same.



4346 **SECTION 45.** Section 37-9-33, Mississippi Code of 1972, is
4347 amended as follows:

4348 37-9-33. (1) In employing and contracting with appointed
4349 superintendents, principals and * * * licensed employees, the
4350 school board shall in all cases determine whether the amount of
4351 salary to be paid such superintendent, principals and * * *
4352 licensed employees is in compliance with the provisions of * * *
4353 this chapter and Section 37-19-7. No contract shall be entered
4354 into where the salary of a superintendent, principal or * * *
4355 licensed employee is to be paid, in whole or in part, from * * *
4356 the total funding formula funds provided in this act except where
4357 the statutory requirements * * * as to the amount of such salary
4358 are fully met. Nothing herein shall be construed, however, to
4359 prohibit any school district from increasing the salaries of
4360 appointed superintendents, principals and * * * licensed employees
4361 above the amounts fixed by Section 37-19-7 * * *. Provided
4362 further, that school districts are authorized, in their
4363 discretion, to negotiate the salary levels applicable to * * *
4364 licensed employees employed after July 1, 2009, who are receiving
4365 retirement benefits from the retirement system of another
4366 state * * *. Nothing herein shall be construed to prohibit any
4367 school district from complying with the school district employee
4368 furlough provisions of Section 37-7-308.

4369 (2) Each school district shall provide an annual report to
4370 the State Department of Education on the number of * * * licensed



4371 and * * * nonlicensed employees receiving a salary from the school
4372 district who are also receiving retirement benefits from the
4373 Public Employees' Retirement System. This report shall include
4374 the name of the employee(s), the hours per week for which the
4375 employee is under contract and the services for which the employee
4376 is under contract. Said required annual report shall be in a form
4377 and deadline promulgated by the State Board of Education.

4378 **SECTION 46.** Section 37-9-35, Mississippi Code of 1972, is
4379 amended as follows:

4380 37-9-35. * * * A reduction in the * * * net enrollment
4381 during a current year from that existing in the preceding year
4382 shall not authorize the discharge or release of a teacher or
4383 teachers during such current year. * * *

4384 **SECTION 47.** Section 37-9-37, Mississippi Code of 1972, is
4385 amended as follows:

4386 37-9-37. The amount of the salary to be paid any
4387 superintendent, principal or licensed employee shall be fixed by
4388 the school board, provided that the requirements of * * * this
4389 title are met as to superintendents, principals and licensed
4390 employees paid, in whole or in part, from * * * total funding
4391 formula funds as provided in this act. In employing such
4392 superintendents, principals and licensed employees and in fixing
4393 their salaries, the school boards shall take into consideration
4394 the character, professional training, experience, executive
4395 ability and teaching capacity of the licensed employee,



4396 superintendent or principal. It is the intent of the Legislature
4397 that whenever the salary of the school district superintendent is
4398 set by a school board, the board shall take into consideration the
4399 amount of money that the district spends per pupil, and shall
4400 attempt to insure that the administrative cost of the district and
4401 the amount of the salary of the superintendent are not excessive
4402 in comparison to the per pupil expenditure of the district.

4403 **SECTION 48.** Section 37-9-77, Mississippi Code of 1972, is
4404 amended as follows:

4405 37-9-77. (1) There is established the Mississippi School
4406 Administrator Sabbatical Program which shall be available to
4407 licensed teachers employed in Mississippi school districts for not
4408 less than three (3) years, for the purpose of allowing such
4409 teachers to become local school district administrators under the
4410 conditions set forth in this section. The State Board of
4411 Education, in coordination with the Board of Trustees of State
4412 Institutions of Higher Learning, shall develop guidelines for the
4413 program. Application shall be made to the State Department of
4414 Education for the Mississippi School Administrator Sabbatical
4415 Program by qualified teachers meeting the criteria for a
4416 department-approved administration program and who have been
4417 recommended by the local school board. Administration programs
4418 that are eligible for the administrator sabbatical program shall
4419 be limited to those that have been approved by the department by
4420 the January 1 preceding the date of admission to the program.



4421 Admission into the program shall authorize the applicant to take
4422 university course work and training leading to an administrator's
4423 license.

4424 (2) The salaries of the teachers approved for participation
4425 in the administrator sabbatical program shall be paid by the
4426 employing school district from * * * funds other than total
4427 funding formula funds as provided in this act. However, the State
4428 Department of Education shall reimburse the employing school
4429 districts for the cost of the salaries and paid fringe benefits of
4430 teachers participating in the administrator sabbatical program for
4431 one (1) contract year. Reimbursement shall be made in accordance
4432 with the then current * * * salary schedule under Section 37-19-7,
4433 except that the maximum amount of the reimbursement from state
4434 funds shall not exceed the * * * salary prescribed for a teacher
4435 holding a Class A license and having five (5) years' experience.
4436 The local school district shall be responsible for that portion of
4437 a participating teacher's salary attributable to the local
4438 supplement and for any portion of the teacher's salary that
4439 exceeds the maximum amount allowed for reimbursement from state
4440 funds as provided in this subsection, and the school board may not
4441 reduce the local supplement payable to that teacher. Any
4442 reimbursements made by the State Department of Education to local
4443 school districts under this section shall be subject to available
4444 appropriations and may be made only to school districts determined



4445 by the State Board of Education as being in need of
4446 administrators.

4447 (3) Such teachers participating in the program on a
4448 full-time basis shall continue to receive teaching experience and
4449 shall receive the salary prescribed in Section 37-19-7 * * *.
4450 Such participants shall be fully eligible to continue
4451 participation in the Public Employees' Retirement System and the
4452 Public School Employees Health Insurance Plan during the time they
4453 are in the program on a full-time basis.

4454 (4) As a condition for participation in the School
4455 Administrator Sabbatical Program, such teachers shall agree to
4456 employment as administrators in the sponsoring school district for
4457 not less than five (5) years following completion of administrator
4458 licensure requirements. Any person failing to comply with this
4459 employment commitment in any required school year, unless the
4460 commitment is deferred as provided in subsection (5) of this
4461 section, shall immediately be in breach of contract and become
4462 liable to the State Department of Education for that amount of his
4463 salary and paid fringe benefits paid by the state while the
4464 teacher was on sabbatical, less twenty percent (20%) of the amount
4465 of his salary and paid fringe benefits paid by the state for each
4466 year that the person was employed as an administrator following
4467 completion of the administrator licensure requirements. In
4468 addition, the person shall become liable to the local school
4469 district for any portion of his salary and paid fringe benefits



4470 paid by the local school district while the teacher was on
4471 sabbatical that is attributable to the local salary supplement or
4472 is attributable to the amount that exceeds the maximum amount
4473 allowed for reimbursement from state funds as provided in
4474 subsection (2) of this section, less twenty percent (20%) of the
4475 amount of his salary and paid fringe benefits paid by the school
4476 district for each year that the person was employed as an
4477 administrator following completion of the administrator licensure
4478 requirements. Interest on the amount due shall accrue at the
4479 current Stafford Loan rate at the time the breach occurs. If the
4480 claim for repayment of such salary and fringe benefits is placed
4481 in the hands of an attorney for collection after default, then the
4482 obligor shall be liable for an additional amount equal to a
4483 reasonable attorney's fee.

4484 (5) If there is not an administrator position immediately
4485 available in the sponsoring school district after a person has
4486 completed the administrator licensure requirements, or if the
4487 administrator position in the sponsoring school district in which
4488 the person is employed is no longer needed before the completion
4489 of the five-year employment commitment, the local school board
4490 shall defer any part of the employment commitment that has not
4491 been met until such time as an administrator position becomes
4492 available in the sponsoring school district. If such a deferral
4493 is made, the sponsoring school district shall employ the person as
4494 a teacher in the school district during the period of deferral,



4495 unless the person desires to be released from employment by the
4496 sponsoring school district and the district agrees to release the
4497 person from employment. If the sponsoring school district
4498 releases a person from employment, that person may be employed as
4499 an administrator in another school district in the state that is
4500 in need of administrators as determined by the State Board of
4501 Education, and that employment for the other school district shall
4502 be applied to any remaining portion of the five-year employment
4503 commitment required under this section. Nothing in this
4504 subsection shall prevent a school district from not renewing the
4505 person's contract before the end of the five-year employment
4506 commitment in accordance with the School Employment Procedures Law
4507 (Section 37-9-101 et seq.). However, if the person is not
4508 employed as an administrator by another school district after
4509 being released by the sponsoring school district, or after his
4510 contract was not renewed by the sponsoring school district, he
4511 shall be liable for repayment of the amount of his salary and
4512 fringe benefits as provided in subsection (4) of this section.

4513 (6) All funds received by the State Department of Education
4514 from the repayment of salary and fringe benefits paid by the state
4515 from program participants shall be deposited in the Mississippi
4516 Critical Teacher Shortage Fund.

4517 **SECTION 49.** Section 37-11-11, Mississippi Code of 1972, is
4518 amended as follows:



4519 37-11-11. (1) For the purposes of this section, the term
4520 "hospital" shall include community-based programs and facilities
4521 licensed or approved by the Department of Mental Health for
4522 treatment of chemical substance use and abuse.

4523 (2) When five (5) or more children of educable mind between
4524 the ages of six (6) and twenty-one (21) years who are capable of
4525 pursuing courses of instruction at secondary school level or below
4526 shall be confined in a hospital for an extended period of time,
4527 such children shall be eligible for and shall be provided with a
4528 program of education, instruction and training within such
4529 hospital in the manner hereinafter set forth, provided that the
4530 need for hospitalization for an extended period of time shall be
4531 certified by the chief of staff of such hospital and that the
4532 ability of such children to do school work shall be certified by
4533 qualified psychologists and/or educators approved by the State
4534 Board of Education.

4535 (3) When five (5) or more children as set forth herein shall
4536 be confined in the same hospital, then the board of trustees of
4537 the school district in which such hospital is located shall be
4538 authorized and empowered, in its discretion, to provide a program
4539 of education, instruction and training to such children within
4540 such hospital. For such purpose the board shall be authorized and
4541 empowered to employ and contract with teachers, provide textbooks
4542 and other instructional materials, correspondence courses and
4543 instructional equipment and appliances, and otherwise provide for



4544 the furnishing of such program and to administer and supervise the
4545 same. Such program shall be furnished in a manner as prescribed
4546 by rules and regulations adopted by the State Board of Education.
4547 The state board shall have full power to adopt such rules,
4548 regulations, policies and standards as it may deem necessary to
4549 carry out the purpose of this section, including the establishment
4550 of qualifications of any teachers employed under the provisions
4551 hereof. It is expressly provided, however, that no program shall
4552 be furnished under this section except in a hospital licensed for
4553 operation by the State of Mississippi and only in cases where such
4554 hospital shall consent thereto, shall provide any classroom space,
4555 furniture and facilities which may be deemed necessary, and
4556 otherwise shall cooperate in carrying out the provisions of this
4557 section. Before such program of education, instruction and
4558 training shall be provided, the governing authorities of said
4559 hospital shall enter into a contract with the board of trustees of
4560 the school district which stipulates that said hospital agrees to
4561 furnish the necessary classroom space, furniture and facilities
4562 and provide for their upkeep, fuel and such other things as may be
4563 necessary for the successful operation of the program of
4564 education, instruction and training.

4565 (4) In cases when children who are residents of school
4566 districts other than the school district providing such education
4567 program may participate in the program prescribed in this section.
4568 The boards of trustees of the districts of which such children are



4569 residents shall pay to the board of trustees of the school
4570 district furnishing such school program the pro rata part of the
4571 expenses of furnishing such school program within such hospital,
4572 which payments may be made from any funds available for the
4573 operation and maintenance of the schools of the district in which
4574 such child is a resident. The amount so paid shall be based upon,
4575 but shall not exceed, the current per pupil cost of education in
4576 the school district of the child's residence, and the amount to be
4577 so paid by the school district of the child's residence shall be
4578 fixed by the State Board of Education. If the amount to be paid
4579 which has been so fixed shall not be paid upon due demand made by
4580 the school district providing a program therefor, then the State
4581 Board of Education shall deduct any such amounts from the next
4582 allocation of * * * total funding formula funds as provided in
4583 this act attributable to any such district and shall remit the
4584 same to the board of trustees of such school district which is
4585 furnishing such school program. If the amounts so paid by such
4586 school districts of the child's residence shall not be sufficient
4587 to pay the expenses of furnishing such program, then the remainder
4588 of such expenses over and above that so paid by such school
4589 districts shall be paid by the State Board of Education to the
4590 school district providing such school program out of any funds
4591 available to the State Board of Education, including * * * total
4592 funding formula funds. However, such payments shall not exceed
4593 Three Hundred Dollars (\$300.00) per child in * * * net enrollment



4594 in such program. Provided, however, the State Board of Education
4595 shall in its discretion be authorized and empowered to exceed the
4596 said Three Hundred Dollars (\$300.00) per pupil limitation where
4597 such limitation would make it impractical to operate such a
4598 program.

4599 **SECTION 50.** Section 37-13-63, Mississippi Code of 1972, is
4600 amended as follows:

4601 37-13-63. (1) Except as otherwise provided, all public
4602 schools in the state shall be kept in session for at least one
4603 hundred eighty (180) days in each scholastic year.

4604 (2) If the school board of any school district shall
4605 determine that it is not economically feasible or practicable to
4606 operate any school within the district for the full one hundred
4607 eighty (180) days required for a scholastic year as contemplated
4608 due to an enemy attack, a man-made, technological or natural
4609 disaster or extreme weather emergency in which the Governor has
4610 declared a disaster or state of emergency under the laws of this
4611 state or the President of the United States has declared an
4612 emergency or major disaster to exist in this state, the school
4613 board may notify the State Department of Education of the disaster
4614 or weather emergency and submit a plan for altering the school
4615 term. If the State Board of Education finds the disaster or
4616 extreme weather emergency to be the cause of the school not
4617 operating for the contemplated school term and that such school
4618 was in a school district covered by the Governor's or President's



4619 disaster or state of emergency declaration, it may permit that
4620 school board to operate the schools in its district for less than
4621 one hundred eighty (180) days; however, in no instance of a
4622 declared disaster or state of emergency under the provisions of
4623 this subsection shall a school board receive payment from the
4624 State Department of Education for per pupil expenditure for pupils
4625 in * * * net enrollment in excess of ten (10) days.

4626 **SECTION 51.** Section 37-13-64, Mississippi Code of 1972, is
4627 amended as follows:

4628 37-13-64. (1) Beginning with the 2010-2011 school term, any
4629 school district required to close the operation of its schools by
4630 decision of the superintendent, under the authority provided by
4631 the local school board, due to extreme weather conditions, in the
4632 best interests of the health and safety of the students,
4633 administration and staff of the school district, shall be exempt
4634 from the requirement that schools be kept in session a minimum of
4635 one hundred eighty (180) days. Any school district that closes
4636 its schools for reasons authorized under this section shall
4637 receive payment from the State Department of Education for per
4638 pupil expenditure for pupils in * * * net enrollment not to exceed
4639 ten (10) days.

4640 (2) In the event weather conditions are cause for the
4641 closure of operations of schools in any local school district in
4642 any instance in which a state of emergency has not been declared
4643 pursuant to Section * * * 37-151-211(4), the State Board of



4644 Education may consider, on a case-by-case basis, requests
4645 submitted by local school districts to alter the school calendar
4646 consistent with the provision of that section.

4647 **SECTION 52.** Section 37-13-69, Mississippi Code of 1972, is
4648 amended as follows:

4649 37-13-69. All public schools of this state may observe such
4650 legal holidays as may be designated by the local school board, and
4651 no sessions of school shall be held on holidays so designated and
4652 observed. However, all schools shall operate for the full minimum
4653 term required by law exclusive of the holidays authorized by this
4654 section. The holidays thus observed shall not be deducted from
4655 the reports of the superintendents, principals and teachers, and
4656 such superintendents, principals and teachers shall be allowed pay
4657 for full time as though they had taught on those holidays.
4658 However, such holidays shall not be counted or included in any way
4659 in determining the * * * net enrollment of the school.

4660 **SECTION 53.** Section 37-15-38, Mississippi Code of 1972, is
4661 amended as follows:

4662 37-15-38. (1) The following phrases have the meanings
4663 ascribed in this section unless the context clearly requires
4664 otherwise:

4665 (a) A dual enrolled student is a student who is
4666 enrolled in a community or junior college or state institution of
4667 higher learning while enrolled in high school.



4668 (b) A dual credit student is a student who is enrolled
4669 in a community or junior college or state institution of higher
4670 learning while enrolled in high school and who is receiving high
4671 school and college credit for postsecondary coursework.

4672 (2) A local school board, the Board of Trustees of State
4673 Institutions of Higher Learning and the Mississippi Community
4674 College Board shall establish a dual enrollment system under which
4675 students in the school district who meet the prescribed criteria
4676 of this section may be enrolled in a postsecondary institution in
4677 Mississippi while they are still in school.

4678 (3) **Dual credit eligibility.** Before credits earned by a
4679 qualified high school student from a community or junior college
4680 or state institution of higher learning may be transferred to the
4681 student's home school district, the student must be properly
4682 enrolled in a dual enrollment program.

4683 (4) **Admission criteria for dual enrollment in community and**
4684 **junior college or university programs.** The Mississippi Community
4685 College Board and the Board of Trustees of State Institutions of
4686 Higher Learning may recommend to the State Board of Education
4687 admission criteria for dual enrollment programs under which high
4688 school students may enroll at a community or junior college or
4689 university while they are still attending high school and enrolled
4690 in high school courses. Students may be admitted to enroll in
4691 community or junior college courses under the dual enrollment



4692 programs if they meet that individual institution's stated dual
4693 enrollment admission requirements.

4694 (5) **Tuition and cost responsibility.** Tuition and costs for
4695 university-level courses and community and junior college courses
4696 offered under a dual enrollment program may be paid for by the
4697 postsecondary institution, the local school district, the parents
4698 or legal guardians of the student, or by grants, foundations or
4699 other private or public sources. Payment for tuition and any
4700 other costs must be made directly to the credit-granting
4701 institution.

4702 (6) **Transportation responsibility.** Any transportation
4703 required by a student to participate in the dual enrollment
4704 program is the responsibility of the parent, custodian or legal
4705 guardian of the student. Transportation costs may be paid from
4706 any available public or private sources, including the local
4707 school district.

4708 (7) **School district * * * net enrollment credit.** When
4709 dually enrolled, the student may be counted, for * * * total
4710 funding formula purposes, in the * * * net enrollment of the
4711 public school district in which the student attends high school.

4712 (8) **High school student transcript transfer requirements.**
4713 Grades and college credits earned by a student admitted to a dual
4714 credit program must be recorded on the high school student record
4715 and on the college transcript at the university or community or
4716 junior college where the student attends classes. The transcript



4717 of the university or community or junior college coursework may be
4718 released to another institution or applied toward college
4719 graduation requirements.

4720 (9) **Determining factor of prerequisites for dual enrollment**
4721 **courses.** Each university and community or junior college
4722 participating in a dual enrollment program shall determine course
4723 prerequisites. Course prerequisites shall be the same for dual
4724 enrolled students as for regularly enrolled students at that
4725 university or community or junior college.

4726 (10) **Process for determining articulation of curriculum**
4727 **between high school, university, and community and junior college**
4728 **courses.** All dual credit courses must meet the standards
4729 established at the postsecondary level. Postsecondary level
4730 developmental courses may not be considered as meeting the
4731 requirements of the dual credit program. Dual credit memorandum
4732 of understandings must be established between each postsecondary
4733 institution and the school district implementing a dual credit
4734 program.

4735 (11) [Deleted]

4736 (12) **Eligible courses for dual credit programs.** Courses
4737 eligible for dual credit include, but are not necessarily limited
4738 to, foreign languages, advanced math courses, advanced science
4739 courses, performing arts, advanced business and technology, and
4740 career and technical courses. Distance Learning Collaborative
4741 Program courses approved under Section 37-67-1 shall be fully



4742 eligible for dual credit. All courses being considered for dual
4743 credit must receive unconditional approval from the superintendent
4744 of the local school district and the chief instructional officer
4745 at the participating community or junior college or university in
4746 order for college credit to be awarded. A university or community
4747 or junior college shall make the final decision on what courses
4748 are eligible for semester hour credits.

4749 (13) **High school Carnegie unit equivalency.** One (1)
4750 three-hour university or community or junior college course is
4751 equal to one (1) high school Carnegie unit.

4752 (14) **Course alignment.** The universities, community and
4753 junior colleges and the State Department of Education shall
4754 periodically review their respective policies and assess the place
4755 of dual credit courses within the context of their traditional
4756 offerings.

4757 (15) **Maximum dual credits allowed.** It is the intent of the
4758 dual enrollment program to make it possible for every eligible
4759 student who desires to earn a semester's worth of college credit
4760 in high school to do so. A qualified dually enrolled high school
4761 student must be allowed to earn an unlimited number of college or
4762 university credits for dual credit.

4763 (16) **Dual credit program allowances.** A student may be
4764 granted credit delivered through the following means:

4765 (a) Examination preparation taught at a high school by
4766 a qualified teacher. A student may receive credit at the



4767 secondary level after completion of an approved course and passing
4768 the standard examination, such as an Advanced Placement or
4769 International Baccalaureate course through which a high school
4770 student is allowed CLEP credit by making a three (3) or higher on
4771 the end-of-course examination.

4772 (b) College or university courses taught at a high
4773 school or designated postsecondary site by a qualified teacher who
4774 is an employee of the school district and approved as an
4775 instructor by the collaborating college or university.

4776 (c) College or university courses taught at a college,
4777 university or high school by an instructor employed by the college
4778 or university and approved by the collaborating school district.

4779 (d) Online courses of any public university, community
4780 or junior college in Mississippi.

4781 (17) **Qualifications of dual credit instructors.** A dual
4782 credit academic instructor must meet the requirements set forth by
4783 the regional accrediting association (Southern Association of
4784 College and Schools). University and community and junior college
4785 personnel have the sole authority in the selection of dual credit
4786 instructors.

4787 A dual credit career and technical education instructor must
4788 meet the requirements set forth by the Mississippi Community
4789 College Board in the qualifications manual for postsecondary
4790 career and technical personnel.



4791 (18) **Guidance on local agreements.** The Chief Academic
4792 Officer of the State Board of Trustees of State Institutions of
4793 Higher Learning and the Chief Instructional Officers of the
4794 Mississippi Community College Board and the State Department of
4795 Education, working collaboratively, shall develop a template to be
4796 used by the individual community and junior colleges and
4797 institutions of higher learning for consistent implementation of
4798 the dual enrollment program throughout the State of Mississippi.

4799 (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**
4800 A local school board and the local community colleges board shall
4801 establish a Mississippi Works Dual Enrollment-Dual Credit Option
4802 Program under which potential or recent student dropouts may
4803 dually enroll in their home school and a local community college
4804 in a dual credit program consisting of high school completion
4805 coursework and a community college credential, certificate or
4806 degree program. Students completing the dual enrollment-credit
4807 option may obtain their high school diploma while obtaining a
4808 community college credential, certificate or degree. The
4809 Mississippi Department of Employment Security shall assist
4810 students who have successfully completed the Mississippi Works
4811 Dual Enrollment-Dual Credit Option in securing a job upon the
4812 application of the student or the participating school or
4813 community college. The Mississippi Works Dual Enrollment-Dual
4814 Credit Option Program will be implemented statewide in the
4815 2012-2013 school year and thereafter. The State Board of



4816 Education, local school board and the local community college
4817 board shall establish criteria for the Dual Enrollment-Dual Credit
4818 Program. Students enrolled in the program will not be eligible to
4819 participate in interscholastic sports or other extracurricular
4820 activities at the home school district. Tuition and costs for
4821 community college courses offered under the Dual Enrollment-Dual
4822 Credit Program shall not be charged to the student, parents or
4823 legal guardians. When dually enrolled, the student shall be
4824 counted, for * * * total funding formula purposes, in the * * *
4825 net enrollment of the public school district in which the student
4826 attends high school * * *. Any transportation required by the
4827 student to participate in the Dual Enrollment-Dual Credit Program
4828 is the responsibility of the parent or legal guardian of the
4829 student, and transportation costs may be paid from any available
4830 public or private sources, including the local school district.
4831 Grades and college credits earned by a student admitted to this
4832 Dual Enrollment-Dual Credit Program shall be recorded on the high
4833 school student record and on the college transcript at the
4834 community college and high school where the student attends
4835 classes. The transcript of the community college coursework may
4836 be released to another institution or applied toward college
4837 graduation requirements. Any course that is required for subject
4838 area testing as a requirement for graduation from a public school
4839 in Mississippi is eligible for dual credit, and courses eligible
4840 for dual credit shall also include career, technical and degree



4841 program courses. All courses eligible for dual credit shall be
4842 approved by the superintendent of the local school district and
4843 the chief instructional officer at the participating community
4844 college in order for college credit to be awarded. A community
4845 college shall make the final decision on what courses are eligible
4846 for semester hour credits and the local school superintendent,
4847 subject to approval by the Mississippi Department of Education,
4848 shall make the final decision on the transfer of college courses
4849 credited to the student's high school transcript.

4850 **SECTION 54.** Section 37-16-3, Mississippi Code of 1972, is
4851 amended as follows:

4852 37-16-3. (1) The State Department of Education is directed
4853 to implement a program of statewide assessment testing which shall
4854 provide for the improvement of the operation and management of the
4855 public schools. The statewide program shall be timed, as far as
4856 possible, so as not to conflict with ongoing district assessment
4857 programs. As part of the program, the department shall:

4858 (a) Establish, with the approval of the State Board of
4859 Education, minimum performance standards related to the goals for
4860 education contained in the state's plan including, but not limited
4861 to, basic skills in reading, writing and mathematics. The minimum
4862 performance standards shall be approved by April 1 in each year
4863 they are established.

4864 (b) Conduct a uniform statewide testing program in
4865 grades deemed appropriate in the public schools, including charter



4866 schools, which shall include the administration of a
4867 career-readiness assessment, such as, but not limited to, the ACT
4868 WorkKeys Assessment, deemed appropriate by the Mississippi
4869 Department of Education working in coordination with the Office of
4870 Workforce Development, to any students electing to take the
4871 assessment. Each individual school district shall determine
4872 whether the assessment is administered in the tenth, eleventh or
4873 twelfth grade. The program may test skill areas, basic skills and
4874 high school course content.

4875 (c) Monitor the results of the assessment program and,
4876 at any time the composite student performance of a school or basic
4877 program is found to be below the established minimum standards,
4878 notify the district superintendent or the governing board of the
4879 charter school, as the case may be, the school principal and the
4880 school advisory committee or other existing parent group of the
4881 situation within thirty (30) days of its determination. The
4882 department shall further provide technical assistance to a school
4883 district in the identification of the causes of this deficiency
4884 and shall recommend courses of action for its correction.

4885 (d) Provide technical assistance to the school
4886 districts, when requested, in the development of student
4887 performance standards in addition to the established minimum
4888 statewide standards.



4889 (e) Issue security procedure regulations providing for
4890 the security and integrity of the tests that are administered
4891 under the basic skills assessment program.

4892 (f) In case of an allegation of a testing irregularity
4893 that prompts a need for an investigation by the Department of
4894 Education, the department may, in its discretion, take complete
4895 control of the statewide test administration in a school district
4896 or any part thereof, including, but not limited to, obtaining
4897 control of the test booklets and answer documents. In the case of
4898 any verified testing irregularity that jeopardized the security
4899 and integrity of the test(s), validity or the accuracy of the test
4900 results, the cost of the investigation and any other actual and
4901 necessary costs related to the investigation paid by the
4902 Department of Education shall be reimbursed by the local school
4903 district from funds other than federal funds, * * * total funding
4904 formula funds provided in this act, or any other state funds
4905 within six (6) months from the date of notice by the department to
4906 the school district to make reimbursement to the department.

4907 (2) Uniform basic skills tests shall be completed by each
4908 student in the appropriate grade. These tests shall be
4909 administered in such a manner as to preserve the integrity and
4910 validity of the assessment. In the event of excused or unexcused
4911 student absences, make-up tests shall be given. The school
4912 superintendent of every school district in the state and the
4913 principal of each charter school shall annually certify to the



4914 State Department of Education that each student enrolled in the
4915 appropriate grade has completed the required basic skills
4916 assessment test for his or her grade in a valid test
4917 administration.

4918 (3) Within five (5) days of completing the administration of
4919 a statewide test, the principal of the school where the test was
4920 administered shall certify under oath to the State Department of
4921 Education that the statewide test was administered in strict
4922 accordance with the Requirements of the Mississippi Statewide
4923 Assessment System as adopted by the State Board of Education. The
4924 principal's sworn certification shall be set forth on a form
4925 developed and approved by the Department of Education. If,
4926 following the administration of a statewide test, the principal
4927 has reason to believe that the test was not administered in strict
4928 accordance with the Requirements of the Mississippi Statewide
4929 Assessment System as adopted by the State Board of Education, the
4930 principal shall submit a sworn certification to the Department of
4931 Education setting forth all information known or believed by the
4932 principal about all potential violations of the Requirements of
4933 the Mississippi Statewide Assessment System as adopted by the
4934 State Board of Education. The submission of false information or
4935 false certification to the Department of Education by any licensed
4936 educator may result in licensure disciplinary action pursuant to
4937 Section 37-3-2 and criminal prosecution pursuant to Section
4938 37-16-4.



4939 **SECTION 55.** Section 37-17-6, Mississippi Code of 1972, is
4940 amended as follows:

4941 37-17-6. (1) The State Board of Education, acting through
4942 the Commission on School Accreditation, shall establish and
4943 implement a permanent performance-based accreditation system, and
4944 all noncharter public elementary and secondary schools shall be
4945 accredited under this system.

4946 (2) * * * School districts shall be required to provide
4947 school classroom space that is air-conditioned as a minimum
4948 requirement for accreditation.

4949 (3) (a) * * * The State Board of Education, acting through
4950 the Commission on School Accreditation, shall require that school
4951 districts employ certified school librarians according to the
4952 following formula:

4953 Number of Students	Number of Certified
4954 Per School Library	School Librarians
4955 0 - 499 Students	1/2 Full-time Equivalent
4956	Certified Librarian
4957 500 or More Students	1 Full-time Certified
4958	Librarian

4959 (b) The State Board of Education, however, may increase
4960 the number of positions beyond the above requirements.

4961 (c) The assignment of certified school librarians to
4962 the particular schools shall be at the discretion of the local
4963 school district. No individual shall be employed as a certified



4964 school librarian without appropriate training and certification as
4965 a school librarian by the State Department of Education.

4966 (d) School librarians in the district shall spend at
4967 least fifty percent (50%) of direct work time in a school library
4968 and shall devote no more than one-fourth (1/4) of the workday to
4969 administrative activities that are library related.

4970 (e) Nothing in this subsection shall prohibit any
4971 school district from employing more certified school librarians
4972 than are provided for in this section.

4973 (f) Any additional millage levied to fund school
4974 librarians required for accreditation under this subsection shall
4975 be included in the tax increase limitation set forth in Sections
4976 37-57-105 and 37-57-107 and shall not be deemed a new program for
4977 purposes of the limitation.

4978 (4) * * * [Deleted]

4979 (5) (a) * * * The State Department of Education, acting
4980 through the Mississippi Commission on School Accreditation,
4981 shall * * * implement a single "A" through "F" school and school
4982 district accountability system complying with applicable federal
4983 and state requirements in order to reach the following educational
4984 goals:

4985 (i) To mobilize resources and supplies to ensure
4986 that all students exit third grade reading on grade level * * *;

4987 (ii) To reduce the student dropout rate to * * *
4988 ten percent (10%) by 2015; and



4989 (iii) To have sixty percent (60%) of students
4990 scoring proficient and advanced on * * * assessments * * *.

4991 (b) The State Department of Education shall combine the
4992 state school and school district accountability system with the
4993 federal system in order to have a single system.

4994 (c) The State Department of Education shall establish
4995 five (5) performance categories ("A," "B," "C," "D" and "F") for
4996 the accountability system based on the following criteria:

4997 (i) Student Achievement: the percent of students
4998 proficient and advanced on the current state assessments;

4999 (ii) Individual student growth: the percent of
5000 students making one (1) year's progress in one (1) year's time on
5001 the state assessment, with an emphasis on the progress of the
5002 lowest twenty-five percent (25%) of students in the school or
5003 district;

5004 (iii) Four-year graduation rate: the percent of
5005 students graduating with a standard high school diploma in four
5006 (4) years, as defined by federal regulations;

5007 * * *

5008 (* * *iv) The system shall include the federally
5009 compliant four-year graduation rate in school and school district
5010 accountability system calculations. Graduation rate will apply to
5011 high school and school district accountability ratings as a
5012 compensatory component. The system shall discontinue the use of
5013 the High School Completer Index (HSCI);



5014 (* * * y) The school and school district
5015 accountability system shall incorporate a standards-based growth
5016 model, in order to support improvement of individual student
5017 learning;

5018 * * *

5019 (* * * vi) The State Department of Education shall
5020 determine feeder patterns of schools that do not earn a school
5021 grade because the grades and subjects taught at the school do not
5022 have statewide standardized assessments needed to calculate a
5023 school grade. Upon determination of the feeder pattern, the
5024 department shall notify schools and school districts prior to the
5025 release of the school grades * * *. Feeder schools will be
5026 assigned the accountability designation of the school to which
5027 they provide students;

5028 (* * * vii) Standards for student, school and
5029 school district performance will be increased when student
5030 proficiency is at a seventy-five percent (75%) and/or when
5031 sixty-five percent (65%) of the schools and/or school districts
5032 are earning a grade of "B" or higher, in order to raise the
5033 standard on performance after targets are met; and

5034 (* * * viii) The system shall include student
5035 performance on the administration of a career-readiness
5036 assessment, such as, but not limited to, the ACT WorkKeys
5037 Assessment, deemed appropriate by the * * * State Department of



5038 Education working in coordination with the Office of Workforce
5039 Development.

5040 (6) Nothing in this section shall be deemed to require a
5041 nonpublic school that receives no local, state or federal funds
5042 for support to become accredited by the State Board of Education.

5043 (7) The State Board of Education shall create an
5044 accreditation audit unit under the Commission on School
5045 Accreditation to determine whether schools are complying with
5046 accreditation standards.

5047 (8) The State Board of Education shall be specifically
5048 authorized and empowered to withhold * * * allocations * * * from
5049 the total funding formula funds as provided in this act to any
5050 public school district for failure to timely report student,
5051 school personnel and fiscal data necessary to meet state and/or
5052 federal requirements.

5053 (9) [Deleted]

5054 (10) The State Board of Education shall establish, for those
5055 school districts failing to meet accreditation standards, a
5056 program of development to be complied with in order to receive
5057 state funds, except as otherwise provided in subsection (15) of
5058 this section when the Governor has declared a state of emergency
5059 in a school district or as otherwise provided in Section 206,
5060 Mississippi Constitution of 1890. The state board, in
5061 establishing these standards, shall provide for notice to schools
5062 and sufficient time and aid to enable schools to attempt to meet



5063 these standards, unless procedures under subsection (15) of this
5064 section have been invoked.

5065 (11) * * * The State Board of Education shall be charged
5066 with the implementation of the program of development in each
5067 applicable school district as follows:

5068 (a) Develop an impairment report for each district
5069 failing to meet accreditation standards in conjunction with school
5070 district officials;

5071 (b) Notify any applicable school district failing to
5072 meet accreditation standards that it is on probation until
5073 corrective actions are taken or until the deficiencies have been
5074 removed. The local school district shall develop a corrective
5075 action plan to improve its deficiencies. For district academic
5076 deficiencies, the corrective action plan for each such school
5077 district shall be based upon a complete analysis of the following:
5078 student test data, student grades, student attendance reports,
5079 student dropout data, existence and other relevant data. The
5080 corrective action plan shall describe the specific measures to be
5081 taken by the particular school district and school to improve:
5082 (i) instruction; (ii) curriculum; (iii) professional development;
5083 (iv) personnel and classroom organization; (v) student incentives
5084 for performance; (vi) process deficiencies; and (vii) reporting to
5085 the local school board, parents and the community. The corrective
5086 action plan shall describe the specific individuals responsible
5087 for implementing each component of the recommendation and how each



5088 will be evaluated. All corrective action plans shall be provided
5089 to the State Board of Education as may be required. The decision
5090 of the State Board of Education establishing the probationary
5091 period of time shall be final;

5092 (c) Offer, during the probationary period, technical
5093 assistance to the school district in making corrective actions.

5094 * * * Subject to * * * appropriations, the State Department of
5095 Education shall provide technical and/or financial assistance to
5096 all such school districts in order to implement each measure
5097 identified in that district's corrective action plan through
5098 professional development and on-site assistance. Each such school
5099 district shall apply for and utilize all available federal funding
5100 in order to support its corrective action plan in addition to
5101 state funds made available under this paragraph;

5102 (d) Assign department personnel or contract, in its
5103 discretion, with the institutions of higher learning or other
5104 appropriate private entities with experience in the academic,
5105 finance and other operational functions of schools to assist
5106 school districts;

5107 (e) Provide for publication of public notice at least
5108 one time during the probationary period, in a newspaper published
5109 within the jurisdiction of the school district failing to meet
5110 accreditation standards, or if no newspaper is published therein,
5111 then in a newspaper having a general circulation therein. The
5112 publication shall include the following: declaration of school



5113 system's status as being on probation; all details relating to the
5114 impairment report; and other information as the State Board of
5115 Education deems appropriate. Public notices issued under this
5116 section shall be subject to Section 13-3-31 and not contrary to
5117 other laws regarding newspaper publication.

5118 (12) (a) If the recommendations for corrective action are
5119 not taken by the local school district or if the deficiencies are
5120 not removed by the end of the probationary period, the Commission
5121 on School Accreditation shall conduct a hearing to allow the
5122 affected school district to present evidence or other reasons why
5123 its accreditation should not be withdrawn. Additionally, if the
5124 local school district violates accreditation standards that have
5125 been determined by the policies and procedures of the State Board
5126 of Education to be a basis for withdrawal of school district's
5127 accreditation without a probationary period, the Commission on
5128 School Accreditation shall conduct a hearing to allow the affected
5129 school district to present evidence or other reasons why its
5130 accreditation should not be withdrawn. After its consideration of
5131 the results of the hearing, the Commission on School Accreditation
5132 shall be authorized, with the approval of the State Board of
5133 Education, to withdraw the accreditation of a public school
5134 district, and issue a request to the Governor that a state of
5135 emergency be declared in that district.

5136 (b) (i) If the State Board of Education and the
5137 Commission on School Accreditation determine that an extreme



5138 emergency situation exists in a school district that jeopardizes
5139 the safety, security or educational interests of the children
5140 enrolled in the schools in that district and that emergency
5141 situation is believed to be related to a serious violation or
5142 violations of accreditation standards or state or federal
5143 law, * * * the State Board of Education may request the Governor
5144 to declare a state of emergency in that school district. For
5145 purposes of this paragraph, the declarations of a state of
5146 emergency * * * district's impairments are related to a lack of
5147 financial * * * may include the school district's serious failure
5148 to meet minimum academic standards, as evidenced by a continued
5149 pattern of poor student performance, or impairments related to a
5150 lack of financial resources.

5151 (ii) If the State Board of Education determines
5152 that a public school or district in the state which, during each
5153 of two (2) consecutive school years or during two (2) of three (3)
5154 consecutive school years, receives an "F" designation by the State
5155 Board of Education under the accountability rating system or has
5156 been persistently failing as defined by the State Board of
5157 Education; or if the State Board of Education determines that a
5158 public school or district in the state which, during each of four
5159 (4) consecutive school years, receives a "D" or "F" designation by
5160 the State Board of Education under the accountability rating
5161 system or has been persistently failing as defined by the State
5162 Board of Education; or if more than fifty percent (50%) of the



5163 schools within a school district are designated as Schools-At-Risk
5164 in any one (1) year, then the board may place such school or
5165 district into a District of Transformation. The State Board of
5166 Education shall take over only the number of schools and districts
5167 for which it has the capacity to serve. The State Board of
5168 Education shall adopt rules and regulations governing any
5169 additional requirements for placement into a District of
5170 Transformation and the operation thereof. School districts or
5171 schools that are eligible to be placed into a District of
5172 Transformation due to poor academic performance but are not
5173 absorbed due to the capacity of the State Board of Education,
5174 shall develop and implement a district improvement plan with
5175 prescriptive guidance and support from the Mississippi Department
5176 of Education, with the goal of helping the district improve
5177 student achievement. Failure of the school board, superintendent
5178 and school district staff to implement the plan with fidelity and
5179 participate in the activities provided as support by the
5180 department shall result in the school district retaining its
5181 eligibility for placement into a District of Transformation.

5182 (iii) If the State Board of Education determined
5183 that a school district is impaired with a serious lack of
5184 financial resources, the State Board of Education may place the
5185 school district into a District of Transformation. If a school
5186 district is placed into a District of Transformation for financial
5187 reasons, the school district shall be required to reimburse the



5188 state for any costs incurred by the state on behalf of the school
5189 district.

5190 (c) Whenever the Governor declares a state of emergency
5191 in a school district in response to a request made under paragraph
5192 (a) or (b) of this subsection, or when the State Board of
5193 Education places a school district into a District of
5194 Transformation due to poor academic performance or financial
5195 reasons, the State Board of Education may take one or more of the
5196 following actions:

5197 (i) Declare a state of emergency, under which some
5198 or all of state funds can be escrowed except as otherwise provided
5199 in Section 206, Constitution of 1890, until the board determines
5200 corrective actions are being taken or the deficiencies have been
5201 removed, or that the needs of students warrant the release of
5202 funds. The funds may be released from escrow for any program
5203 which the board determines to have been restored to standard even
5204 though the state of emergency may not as yet be terminated for the
5205 district as a whole;

5206 (ii) Override any decision of the local school
5207 board or superintendent of education, or both, concerning the
5208 management and operation of the school district, or initiate and
5209 make decisions concerning the management and operation of the
5210 school district;

5211 (iii) Assign an interim superintendent, or in its
5212 discretion, contract with a private entity with experience in the



5213 academic, finance and other operational functions of schools and
5214 school districts, who will have those powers and duties prescribed
5215 in subsection (15) of this section;

5216 (iv) Grant transfers to students who attend this
5217 school district so that they may attend other accredited schools
5218 or districts in a manner that is not in violation of state or
5219 federal law;

5220 (v) For states of emergency declared under
5221 paragraph (a) only, if the accreditation deficiencies are related
5222 to the fact that the school district is too small, with too few
5223 resources, to meet the required standards and if another school
5224 district is willing to accept those students, abolish that
5225 district and assign that territory to another school district or
5226 districts. If the school district has proposed a voluntary
5227 consolidation with another school district or districts, then if
5228 the State Board of Education finds that it is in the best interest
5229 of the pupils of the district for the consolidation to proceed,
5230 the voluntary consolidation shall have priority over any such
5231 assignment of territory by the State Board of Education;

5232 (vi) For * * * actions taken pursuant to paragraph
5233 (b) only, reduce local supplements paid to school district
5234 employees, including, but not limited to, instructional personnel,
5235 assistant teachers and extracurricular activities personnel, if
5236 the district's impairment is related to a lack of financial
5237 resources, but only to an extent that will result in the salaries



5238 being comparable to districts similarly situated, as determined by
5239 the State Board of Education;

5240 (vii) For * * * actions taken pursuant to
5241 paragraph (b) only, the State Board of Education may take any
5242 action as prescribed in Section 37-17-13.

5243 (d) At the time that satisfactory corrective action has
5244 been taken in a school district in which a state of emergency has
5245 been declared, the State Board of Education may request the
5246 Governor to declare that the state of emergency no longer exists
5247 in the district.

5248 (e) The parent or legal guardian of a school-age child
5249 who is enrolled in a school district whose accreditation has been
5250 withdrawn by the Commission on School Accreditation and without
5251 approval of that school district may file a petition in writing to
5252 a school district accredited by the Commission on School
5253 Accreditation for a legal transfer. The school district
5254 accredited by the Commission on School Accreditation may grant the
5255 transfer according to the procedures of Section 37-15-31(1)(b).
5256 In the event the accreditation of the student's home district is
5257 restored after a transfer has been approved, the student may
5258 continue to attend the transferee school district. The * * * per
5259 pupil amount of the total funding formula allotment for the
5260 student's home school district shall be transferred monthly to the
5261 school district accredited by the Commission on School



5262 Accreditation that has granted the transfer of the school-age
5263 child.

5264 (f) Upon the declaration of a state of emergency for
5265 any school district in which the Governor has previously declared
5266 a state of emergency, the State Board of Education may either:

5267 (i) Place the school district into district
5268 transformation, in which the school district shall remain until it
5269 has fulfilled all conditions related to district transformation.
5270 If the district was assigned an accreditation rating of "D" or "F"
5271 when placed into district transformation, the district shall be
5272 eligible to return to local control when the school district has
5273 attained a "C" rating or higher for * * * three (3) consecutive
5274 years * * *;

5275 (ii) Abolish the school district and
5276 administratively consolidate the school district with one or more
5277 existing school districts;

5278 (iii) Reduce the size of the district and
5279 administratively consolidate parts of the district, as determined
5280 by the State Board of Education. However, no school district
5281 which is not in district transformation shall be required to
5282 accept additional territory over the objection of the district; or

5283 (iv) Require the school district to develop and
5284 implement a district improvement plan with prescriptive guidance
5285 and support from the State Department of Education, with the goal
5286 of helping the district improve student achievement. Failure of



5287 the school board, superintendent and school district staff to
5288 implement the plan with fidelity and participate in the activities
5289 provided as support by the department shall result in the school
5290 district retaining its eligibility for district transformation.

5291 * * *

5292 (13) Upon the declaration of a state of emergency in a
5293 school district under subsection (12) of this section, or upon the
5294 State Board of Education's placement of a school district into a
5295 District of Transformation for academic or financial reasons, the
5296 Commission on School Accreditation shall be responsible for public
5297 notice at least once a week for at least three (3) consecutive
5298 weeks in a newspaper published within the jurisdiction of the
5299 school district failing to meet accreditation standards, or if no
5300 newspaper is published therein, then in a newspaper having a
5301 general circulation therein. The size of the notice shall be no
5302 smaller than one-fourth (1/4) of a standard newspaper page and
5303 shall be printed in bold print. If an interim superintendent has
5304 been appointed for the school district, the notice shall begin as
5305 follows: "By authority of Section 37-17-6, Mississippi Code of
5306 1972, as amended, adopted by the Mississippi Legislature during
5307 the 1991 Regular Session, this school district (name of school
5308 district) is hereby placed under the jurisdiction of the State
5309 Department of Education acting through its appointed interim
5310 superintendent (name of interim superintendent)."



5311 The notice also shall include, in the discretion of the State
5312 Board of Education, any or all details relating to the school
5313 district's emergency status, including the declaration of a state
5314 of emergency in the school district and a description of the
5315 district's impairment deficiencies, conditions of any district
5316 transformation status and corrective actions recommended and being
5317 taken. Public notices issued under this section shall be subject
5318 to Section 13-3-31 and not contrary to other laws regarding
5319 newspaper publication.

5320 Upon termination of * * * a school district in a District of
5321 Transformation, the Commission on School Accreditation shall cause
5322 notice to be published in the school district in the same manner
5323 provided in this section, to include any or all details relating
5324 to the corrective action taken in the school district that
5325 resulted in the termination of the state of emergency.

5326 (14) The State Board of Education or the Commission on
5327 School Accreditation shall have the authority to require school
5328 districts to produce the necessary reports, correspondence,
5329 financial statements, and any other documents and information
5330 necessary to fulfill the requirements of this section.

5331 Nothing in this section shall be construed to grant any
5332 individual, corporation, board or interim superintendent the
5333 authority to levy taxes except in accordance with presently
5334 existing statutory provisions.



5335 (15) (a) Whenever the Governor declares a state of
5336 emergency in a school district in response to a request made under
5337 subsection (12) of this section, or when the State Board of
5338 Education places a school district into a District of
5339 Transformation for academic or financial reasons, the State Board
5340 of Education, in its discretion, may assign an interim
5341 superintendent to the school district, or in its discretion, may
5342 contract with an appropriate private entity with experience in the
5343 academic, finance and other operational functions of schools and
5344 school districts, who will be responsible for the administration,
5345 management and operation of the school district, including, but
5346 not limited to, the following activities:

5347 (i) Approving or disapproving all financial
5348 obligations of the district, including, but not limited to, the
5349 employment, termination, nonrenewal and reassignment of all
5350 licensed and nonlicensed personnel, contractual agreements and
5351 purchase orders, and approving or disapproving all claim dockets
5352 and the issuance of checks; in approving or disapproving
5353 employment contracts of superintendents, assistant superintendents
5354 or principals, the interim superintendent shall not be required to
5355 comply with the time limitations prescribed in Sections 37-9-15
5356 and 37-9-105;

5357 (ii) Supervising the day-to-day activities of the
5358 district's staff, including reassigning the duties and
5359 responsibilities of personnel in a manner which, in the



5360 determination of the interim superintendent, will best suit the
5361 needs of the district;

5362 (iii) Reviewing the district's total financial
5363 obligations and operations and making recommendations to the
5364 district for cost savings, including, but not limited to,
5365 reassigning the duties and responsibilities of staff;

5366 (iv) Attending all meetings of the district's
5367 school board and administrative staff;

5368 (v) Approving or disapproving all athletic, band
5369 and other extracurricular activities and any matters related to
5370 those activities;

5371 (vi) Maintaining a detailed account of
5372 recommendations made to the district and actions taken in response
5373 to those recommendations;

5374 (vii) Reporting periodically to the State Board of
5375 Education on the progress or lack of progress being made in the
5376 district to improve the district's impairments during the state of
5377 emergency; and

5378 (viii) Appointing a parent advisory committee,
5379 comprised of parents of students in the school district that may
5380 make recommendations to the interim superintendent concerning the
5381 administration, management and operation of the school district.

5382 The cost of the salary of the interim superintendent and any
5383 other actual and necessary costs related to district
5384 transformation status paid by the State Department of Education



5385 shall be reimbursed by the local school district from funds other
5386 than * * * total funding formula funds as provided in this act.
5387 In the alternative, the local school district may pay the cost of
5388 the salary of the interim superintendent. The department shall
5389 submit an itemized statement to the superintendent of the local
5390 school district for reimbursement purposes, and any unpaid balance
5391 may be withheld from the district's * * * funding formula funds.

5392 At the time that the Governor, in accordance with the request
5393 of the State Board of Education, declares that the state of
5394 emergency no longer exists in a school district, * * * the interim
5395 superintendent assigned to the district shall * * * remain in
5396 place for a period of two (2) years and shall work alongside the
5397 newly reconstituted school board. A new superintendent may be
5398 hired by the newly reconstituted board after the one (1) year
5399 state of emergency no longer exists, but he or she shall serve as
5400 deputy to the interim superintendent while the interim
5401 superintendent is assigned to the district.

5402 (b) In order to provide loans to school districts under
5403 a state of emergency or in district transformation status that
5404 have impairments related to a lack of financial resources, the
5405 School District Emergency Assistance Fund is created as a special
5406 fund in the State Treasury into which monies may be transferred or
5407 appropriated by the Legislature from any available public
5408 education funds. Funds in the School District Emergency
5409 Assistance Fund up to a maximum balance of Three Million Dollars



5410 (\$3,000,000.00) annually shall not lapse but shall be available
5411 for expenditure in subsequent years subject to approval of the
5412 State Board of Education. Any amount in the fund in excess of
5413 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
5414 year shall lapse into the State General Fund or the Education
5415 Enhancement Fund, depending on the source of the fund.

5416 The State Board of Education may loan monies from the School
5417 District Emergency Assistance Fund to a school district that is
5418 under a state of emergency or in district transformation status,
5419 in those amounts, as determined by the board, that are necessary
5420 to correct the district's impairments related to a lack of
5421 financial resources. The loans shall be evidenced by an agreement
5422 between the school district and the State Board of Education and
5423 shall be repayable in principal, without necessity of interest, to
5424 the School District Emergency Assistance Fund by the school
5425 district from any allowable funds that are available. The total
5426 amount loaned to the district shall be due and payable within five
5427 (5) years after the impairments related to a lack of financial
5428 resources are corrected. If a school district fails to make
5429 payments on the loan in accordance with the terms of the agreement
5430 between the district and the State Board of Education, the State
5431 Department of Education, in accordance with rules and regulations
5432 established by the State Board of Education, may withhold that
5433 district's * * * total funding formula funds in an amount and
5434 manner that will effectuate repayment consistent with the terms of



5435 the agreement; the funds withheld by the department shall be
5436 deposited into the School District Emergency Assistance Fund.

5437 The State Board of Education shall develop a protocol that
5438 will outline the performance standards and requisite timeline
5439 deemed necessary for extreme emergency measures. If the State
5440 Board of Education determines that an extreme emergency exists,
5441 simultaneous with the powers exercised in this subsection, it
5442 shall take immediate action against all parties responsible for
5443 the affected school districts having been determined to be in an
5444 extreme emergency. The action shall include, but not be limited
5445 to, initiating civil actions to recover funds and criminal actions
5446 to account for criminal activity. Any funds recovered by the
5447 State Auditor or the State Board of Education from the surety
5448 bonds of school officials or from any civil action brought under
5449 this subsection shall be applied toward the repayment of any loan
5450 made to a school district hereunder.

5451 (16) * * * [Deleted]

5452 (17) * * * [Deleted]

5453 (18) * * * The State Board of Education, acting through the
5454 Commission on School Accreditation, shall require each school
5455 district to comply with standards established by the State
5456 Department of Audit for the verification of fixed assets and the
5457 auditing of fixed assets records as a minimum requirement for
5458 accreditation.

5459 (19) * * * [Deleted]



5460 (20) * * * [Deleted]

5461 (21) If a local school district is determined as failing and
5462 placed into district transformation status for reasons authorized
5463 by the provisions of this section, the interim superintendent
5464 appointed to the district shall, within forty-five (45) days after
5465 being appointed, present a detailed and structured corrective
5466 action plan to move the local school district out of district
5467 transformation status to the deputy superintendent. A copy of the
5468 interim superintendent's corrective action plan shall also be
5469 filed with the State Board of Education.

5470 **SECTION 56.** Section 37-19-7, Mississippi Code of 1972, is
5471 amended as follows:

5472 37-19-7. (1) * * * Teachers' salaries in each public school
5473 district shall be determined and paid in accordance with the scale
5474 for teachers' salaries as provided in this subsection. For
5475 teachers holding the following types of licenses or the equivalent
5476 as determined by the State Board of Education, and the following
5477 number of years of teaching experience, the scale shall be as
5478 follows:

5479 **2022-2023 AND SUBSEQUENT SCHOOL YEARS MINIMUM SALARY SCHEDULE**

5480	Exp.	AAAA	AAA	AA	A
5481	0	45,500.00	44,000.00	43,000.00	41,500.00
5482	1	46,100.00	44,550.00	43,525.00	41,900.00
5483	2	46,700.00	45,100.00	44,050.00	42,300.00
5484	3	47,300.00	45,650.00	44,575.00	42,700.00



5485	4	47,900.00	46,200.00	45,100.00	43,100.00
5486	5	49,250.00	47,500.00	46,350.00	44,300.00
5487	6	49,850.00	48,050.00	46,875.00	44,700.00
5488	7	50,450.00	48,600.00	47,400.00	45,100.00
5489	8	51,050.00	49,150.00	47,925.00	45,500.00
5490	9	51,650.00	49,700.00	48,450.00	45,900.00
5491	10	53,000.00	51,000.00	49,700.00	47,100.00
5492	11	53,600.00	51,550.00	50,225.00	47,500.00
5493	12	54,200.00	52,100.00	50,750.00	47,900.00
5494	13	54,800.00	52,650.00	51,275.00	48,300.00
5495	14	55,400.00	53,200.00	51,800.00	48,700.00
5496	15	56,750.00	54,500.00	53,050.00	49,900.00
5497	16	57,350.00	55,050.00	53,575.00	50,300.00
5498	17	57,950.00	55,600.00	54,100.00	50,700.00
5499	18	58,550.00	56,150.00	54,625.00	51,100.00
5500	19	59,150.00	56,700.00	55,150.00	51,500.00
5501	20	60,500.00	58,000.00	56,400.00	52,700.00
5502	21	61,100.00	58,550.00	56,925.00	53,100.00
5503	22	61,700.00	59,100.00	57,450.00	53,500.00
5504	23	62,300.00	59,650.00	57,975.00	53,900.00
5505	24	62,900.00	60,200.00	58,500.00	54,300.00
5506	25	65,400.00	62,700.00	61,000.00	56,800.00
5507	26	66,000.00	63,250.00	61,525.00	57,200.00
5508	27	66,600.00	63,800.00	62,050.00	57,600.00
5509	28	67,200.00	64,350.00	62,575.00	58,000.00



5510	29	67,800.00	64,900.00	63,100.00	58,400.00
5511	30	68,400.00	65,450.00	63,625.00	58,800.00
5512	31	69,000.00	66,000.00	64,150.00	59,200.00
5513	32	69,600.00	66,550.00	64,675.00	59,600.00
5514	33	70,200.00	67,100.00	65,200.00	60,000.00
5515	34	70,800.00	67,650.00	65,725.00	60,400.00
5516	35				
5517	& above	71,400.00	68,200.00	66,250.00	60,800.00

5518 It is the intent of the Legislature that any state funds made
5519 available for salaries of licensed personnel in excess of the
5520 funds paid for such salaries for the 1986-1987 school year shall
5521 be paid to licensed personnel pursuant to a personnel appraisal
5522 and compensation system implemented by the State Board of
5523 Education. The State Board of Education shall have the authority
5524 to adopt and amend rules and regulations as are necessary to
5525 establish, administer and maintain the system.

5526 All teachers employed on a full-time basis shall be paid a
5527 minimum salary in accordance with the above scale. However, no
5528 school district shall receive any funds under this section for any
5529 school year during which the local supplement paid to any
5530 individual teacher shall have been reduced to a sum less than that
5531 paid to that individual teacher for performing the same duties
5532 from local supplement during the immediately preceding school
5533 year. The amount actually spent for the purposes of group health
5534 and/or life insurance shall be considered as a part of the



5535 aggregate amount of local supplement but shall not be considered a
5536 part of the amount of individual local supplement.

5537 The level of professional training of each teacher to be used
5538 in establishing the salary * * * for the * * * teacher for each
5539 year shall be determined by the type of valid teacher's license
5540 issued to * * * that teacher on or before October 1 of the current
5541 school year. However, school districts are authorized, in their
5542 discretion, to negotiate the salary levels applicable to licensed
5543 employees who are receiving retirement benefits from the
5544 retirement system of another state * * *.

5545 (2) (a) The following employees shall receive an annual
5546 salary supplement in the amount of Six Thousand Dollars
5547 (\$6,000.00), plus fringe benefits, in addition to any other
5548 compensation to which the employee may be entitled:

5549 (i) Any licensed teacher who has met the
5550 requirements and acquired a Master Teacher certificate from the
5551 National Board for Professional Teaching Standards and who is
5552 employed by a local school board or the State Board of Education
5553 as a teacher and not as an administrator. Such teacher shall
5554 submit documentation to the State Department of Education that the
5555 certificate was received prior to October 15 in order to be
5556 eligible for the full salary supplement in the current school
5557 year, or the teacher shall submit such documentation to the State
5558 Department of Education prior to February 15 in order to be



5559 eligible for a prorated salary supplement beginning with the
5560 second term of the school year.

5561 (ii) A licensed nurse who has met the requirements
5562 and acquired a certificate from the National Board for
5563 Certification of School Nurses, Inc., and who is employed by a
5564 local school board or the State Board of Education as a school
5565 nurse and not as an administrator. The licensed school nurse
5566 shall submit documentation to the State Department of Education
5567 that the certificate was received before October 15 in order to be
5568 eligible for the full salary supplement in the current school
5569 year, or the licensed school nurse shall submit the documentation
5570 to the State Department of Education before February 15 in order
5571 to be eligible for a prorated salary supplement beginning with the
5572 second term of the school year.

5573 (iii) Any licensed school counselor who has met
5574 the requirements and acquired a National Certified School
5575 Counselor (NCSC) endorsement from the National Board of Certified
5576 Counselors and who is employed by a local school board or the
5577 State Board of Education as a counselor and not as an
5578 administrator. Such licensed school counselor shall submit
5579 documentation to the State Department of Education that the
5580 endorsement was received prior to October 15 in order to be
5581 eligible for the full salary supplement in the current school
5582 year, or the licensed school counselor shall submit such
5583 documentation to the State Department of Education prior to



5584 February 15 in order to be eligible for a prorated salary
5585 supplement beginning with the second term of the school year.
5586 However, any school counselor who started the National Board for
5587 Professional Teaching Standards process for school counselors
5588 between June 1, 2003, and June 30, 2004, and completes the
5589 requirements and acquires the Master Teacher certificate shall be
5590 entitled to the master teacher supplement, and those counselors
5591 who complete the process shall be entitled to a one-time
5592 reimbursement for the actual cost of the process as outlined in
5593 paragraph (b) of this subsection.

5594 (iv) Any licensed speech-language pathologist and
5595 audiologist who has met the requirements and acquired a
5596 Certificate of Clinical Competence from the American
5597 Speech-Language-Hearing Association and any certified academic
5598 language therapist (CALT) who has met the certification
5599 requirements of the Academic Language Therapy Association and who
5600 is employed by a local school board. The licensed speech-language
5601 pathologist and audiologist and certified academic language
5602 therapist shall submit documentation to the State Department of
5603 Education that the certificate or endorsement was received before
5604 October 15 in order to be eligible for the full salary supplement
5605 in the current school year, or the licensed speech-language
5606 pathologist and audiologist and certified academic language
5607 therapist shall submit the documentation to the State Department
5608 of Education before February 15 in order to be eligible for a



5609 prorated salary supplement beginning with the second term of the
5610 school year.

5611 (v) Any licensed athletic trainer who has met the
5612 requirements and acquired Board Certification for the Athletic
5613 Trainer from the Board of Certification, Inc., and who is employed
5614 by a local school board or the State Board of Education as an
5615 athletic trainer and not as an administrator. The licensed
5616 athletic trainer shall submit documentation to the State
5617 Department of Education that the certificate was received before
5618 October 15 in order to be eligible for the full salary supplement
5619 in the current school year, or the licensed athletic trainer shall
5620 submit the documentation to the State Department of Education
5621 before February 15 in order to be eligible for a prorated salary
5622 supplement beginning with the second term of the school year.

5623 (b) An employee shall be reimbursed for the actual cost
5624 of completing each component of acquiring the certificate or
5625 endorsement, excluding any costs incurred for postgraduate
5626 courses, not to exceed Five Hundred Dollars (\$500.00) for each
5627 component, not to exceed four (4) components, for a teacher,
5628 school counselor or speech-language pathologist and audiologist,
5629 regardless of whether or not the process resulted in the award of
5630 the certificate or endorsement. A local school district or any
5631 private individual or entity may pay the cost of completing the
5632 process of acquiring the certificate or endorsement for any
5633 employee of the school district described under paragraph (a), and



5634 the State Department of Education shall reimburse the school
5635 district for such cost, regardless of whether or not the process
5636 resulted in the award of the certificate or endorsement. If a
5637 private individual or entity has paid the cost of completing the
5638 process of acquiring the certificate or endorsement for an
5639 employee, the local school district may agree to directly
5640 reimburse the individual or entity for such cost on behalf of the
5641 employee.

5642 (c) All salary supplements, fringe benefits and process
5643 reimbursement authorized under this subsection shall be paid
5644 directly by the State Department of Education to the local school
5645 district and shall be in addition to its * * * allotments from the
5646 total funding formula provided in this act and not a part thereof
5647 in accordance with regulations promulgated by the State Board of
5648 Education. Local school districts shall not reduce the local
5649 supplement paid to any employee receiving such salary supplement,
5650 and the employee shall receive any local supplement to which
5651 employees with similar training and experience otherwise are
5652 entitled. However, an educational employee shall receive the
5653 salary supplement in the amount of Six Thousand Dollars
5654 (\$6,000.00) for only one (1) of the qualifying certifications
5655 authorized under paragraph (a) of this subsection. No school
5656 district shall provide more than one (1) annual salary supplement
5657 under the provisions of this subsection to any one (1) individual
5658 employee holding multiple qualifying national certifications.



5659 (d) If an employee for whom such cost has been paid, in
5660 full or in part, by a local school district or private individual
5661 or entity fails to complete the certification or endorsement
5662 process, the employee shall be liable to the school district or
5663 individual or entity for all amounts paid by the school district
5664 or individual or entity on behalf of that employee toward his or
5665 her certificate or endorsement.

5666 (3) The following employees shall receive an annual salary
5667 supplement in the amount of Four Thousand Dollars (\$4,000.00),
5668 plus fringe benefits, in addition to any other compensation to
5669 which the employee may be entitled:

5670 Effective July 1, 2016, if funds are available for that
5671 purpose, any licensed teacher who has met the requirements and
5672 acquired a Master Teacher Certificate from the National Board for
5673 Professional Teaching Standards and who is employed in a public
5674 school district located in one (1) of the following counties:
5675 Claiborne, Adams, Jefferson, Wilkinson, Amite, Bolivar, Coahoma,
5676 Leflore, Quitman, Sharkey, Issaquena, Sunflower, Washington,
5677 Holmes, Yazoo and Tallahatchie. The salary supplement awarded
5678 under the provisions of this subsection (3) shall be in addition
5679 to the salary supplement awarded under the provisions of
5680 subsection (2) of this section.

5681 Teachers who meet the qualifications for a salary supplement
5682 under this subsection (3) who are assigned for less than one (1)
5683 full year or less than full time for the school year shall receive



5684 the salary supplement in a prorated manner, with the portion of
5685 the teacher's assignment to the critical geographic area to be
5686 determined as of June 15th of the school year.

5687 (4) (a) This subsection shall be known and may be cited as
5688 the "Mississippi Performance-Based Pay (MPBP)" plan. In addition
5689 to the minimum base pay described in this section, only * * * if
5690 funds are available for that purpose, the State of Mississippi may
5691 provide monies from state funds to school districts for the
5692 purposes of rewarding licensed teachers, administrators and
5693 nonlicensed personnel at individual schools showing improvement in
5694 student test scores. The MPBP plan shall be developed by the
5695 State Department of Education based on the following criteria:

5696 (i) It is the express intent of this legislation
5697 that the MPBP plan shall utilize only existing standards of
5698 accreditation and assessment as established by the State Board of
5699 Education.

5700 (ii) To ensure that all of Mississippi's teachers,
5701 administrators and nonlicensed personnel at all schools have equal
5702 access to the monies set aside in this section, the MPBP program
5703 shall be designed to calculate each school's performance as
5704 determined by the school's increase in scores from the prior
5705 school year. The MPBP program shall be based on a standardized
5706 scores rating where all levels of schools can be judged in a
5707 statistically fair and reasonable way upon implementation. At the
5708 end of each year, after all student achievement scores have been



5709 standardized, the State Department of Education shall implement
5710 the MPBP plan.

5711 (iii) To ensure all teachers cooperate in the
5712 spirit of teamwork, individual schools shall submit a plan to the
5713 local school district to be approved before the beginning of each
5714 school year * * *. The plan shall include, but not be limited to,
5715 how all teachers, regardless of subject area, and administrators
5716 will be responsible for improving student achievement for their
5717 individual school.

5718 (b) The State Board of Education shall develop the
5719 processes and procedures for designating schools eligible to
5720 participate in the MPBP. State assessment results, growth in
5721 student achievement at individual schools and other measures
5722 deemed appropriate in designating successful student achievement
5723 shall be used in establishing MPBP criteria.

5724 (5) (a) If funds are available for that purpose, each
5725 school in Mississippi shall have mentor teachers, as defined by
5726 Sections 37-9-201 through 37-9-213, who shall receive additional
5727 base compensation provided for by the State Legislature in the
5728 amount of One Thousand Dollars (\$1,000.00) per each beginning
5729 teacher that is being mentored. The additional state compensation
5730 shall be limited to those mentor teachers that provide mentoring
5731 services to beginning teachers. For the purposes of such funding,
5732 a beginning teacher shall be defined as any teacher in any school
5733 in Mississippi that has less than one (1) year of classroom



5734 experience teaching in a public school. For the purposes of such
5735 funding, no full-time academic teacher shall mentor more than two
5736 (2) beginning teachers.

5737 (b) To be eligible for this state funding, the
5738 individual school must have a classroom management program
5739 approved by the local school board.

5740 (6) Effective with the 2014-2015 school year, the school
5741 districts participating in the Pilot Performance-Based
5742 Compensation System pursuant to Section 37-19-9 may award
5743 additional teacher and administrator pay based thereon.

5744 **SECTION 57.** Section 37-21-6, Mississippi Code of 1972, is
5745 amended as follows:

5746 37-21-6. The Mississippi Early Childhood Education Program
5747 shall be the kindergarten program implemented by local school
5748 districts * * *.

5749 **SECTION 58.** Section 37-21-7, Mississippi Code of 1972, is
5750 amended as follows:

5751 37-21-7. (1) This section shall be referred to as the
5752 "Mississippi Elementary Schools Assistant Teacher Program," the
5753 purpose of which shall be to provide an early childhood education
5754 program that assists in the instruction of basic skills. The
5755 State Board of Education is authorized, empowered and directed to
5756 implement a statewide system of assistant teachers in kindergarten
5757 classes and in the first, second and third grades. The assistant



5758 teacher shall assist pupils in actual instruction under the strict
5759 supervision of a licensed teacher.

5760 (2) (a) Except as otherwise authorized under subsection
5761 (7), each school district shall employ the total number of
5762 assistant teachers funded under subsection (6) of this section.
5763 The superintendent of each district shall assign the assistant
5764 teachers to the kindergarten, first-, second- and third-grade
5765 classes in the district in a manner that will promote the maximum
5766 efficiency, as determined by the superintendent, in the
5767 instruction of skills such as verbal and linguistic skills,
5768 logical and mathematical skills, and social skills.

5769 (b) If a licensed teacher to whom an assistant teacher
5770 has been assigned is required to be absent from the classroom, the
5771 assistant teacher may assume responsibility for the classroom in
5772 lieu of a substitute teacher. However, no assistant teacher shall
5773 assume sole responsibility of the classroom for more than three
5774 (3) consecutive school days. Further, in no event shall any
5775 assistant teacher be assigned to serve as a substitute teacher for
5776 any teacher other than the licensed teacher to whom that assistant
5777 teacher has been assigned.

5778 (3) Assistant teachers shall have, at a minimum, a high
5779 school diploma or a High School Equivalency Diploma equivalent,
5780 and shall show demonstratable proficiency in reading and writing
5781 skills. The State Department of Education shall develop a testing



5782 procedure for assistant teacher applicants to be used in all
5783 school districts in the state.

5784 (4) (a) In order to receive funding, each school district
5785 shall:

5786 (i) Submit a plan on the implementation of a
5787 reading improvement program to the State Department of Education;
5788 and

5789 (ii) Develop a plan of educational accountability
5790 and assessment of performance, including pretests and posttests,
5791 for reading in Grades 1 through 6.

5792 (b) Additionally, each school district shall:

5793 (i) Provide annually a mandatory preservice
5794 orientation session, using an existing in-school service day, for
5795 administrators and teachers on the effective use of assistant
5796 teachers as part of a team in the classroom setting and on the
5797 role of assistant teachers, with emphasis on program goals;

5798 (ii) Hold periodic workshops for administrators
5799 and teachers on the effective use and supervision of assistant
5800 teachers;

5801 (iii) Provide training annually on specific
5802 instructional skills for assistant teachers;

5803 (iv) Annually evaluate their program in accordance
5804 with their educational accountability and assessment of
5805 performance plan; and



5806 (v) Designate the necessary personnel to supervise
5807 and report on their program.

5808 (5) The State Department of Education shall:

5809 (a) Develop and assist in the implementation of a
5810 statewide uniform training module, subject to the availability of
5811 funds specifically appropriated therefor by the Legislature, which
5812 shall be used in all school districts for training administrators,
5813 teachers and assistant teachers. The module shall provide for the
5814 consolidated training of each assistant teacher and teacher to
5815 whom the assistant teacher is assigned, working together as a
5816 team, and shall require further periodic training for
5817 administrators, teachers and assistant teachers regarding the role
5818 of assistant teachers;

5819 (b) Annually evaluate the program on the district and
5820 state level. Subject to the availability of funds specifically
5821 appropriated therefor by the Legislature, the department shall
5822 develop: (i) uniform evaluation reports, to be performed by the
5823 principal or assistant principal, to collect data for the annual
5824 overall program evaluation conducted by the department; or (ii) a
5825 program evaluation model that, at a minimum, addresses process
5826 evaluation; and

5827 (c) Promulgate rules, regulations and such other
5828 standards deemed necessary to effectuate the purposes of this
5829 section. Noncompliance with the provisions of this section and
5830 any rules, regulations or standards adopted by the department may



5831 result in a violation of compulsory accreditation standards as
5832 established by the State Board of Education and the Commission on
5833 School Accreditation.

5834 (6) * * * Each school district shall be allotted sufficient
5835 funding under the total funding formula provided in this act for
5836 the purpose of employing assistant teachers. No assistant teacher
5837 shall be paid less than the amount he or she received in the prior
5838 school year. No school district shall receive any funds under
5839 this section for any school year during which the aggregate amount
5840 of the local contribution to the salaries of assistant teachers by
5841 the district shall have been reduced below such amount for the
5842 previous year.

5843 For assistant teachers, the minimum annual salary shall be as
5844 follows:

5845 2022-2023 and Subsequent Years Minimum Salary.....\$17,000.00

5846 In addition, for each one percent (1%) that the Sine Die
5847 General Fund Revenue Estimate Growth exceeds five percent (5%) in
5848 fiscal year 2006, as certified by the Legislative Budget Office to
5849 the State Board of Education and subject to the specific
5850 appropriation therefor by the Legislature, the State Board of
5851 Education shall revise the salary scale in the appropriate year to
5852 provide an additional one percent (1%) across-the-board increase
5853 in the base salaries for assistant teachers. The State Board of
5854 Education shall revise the salaries prescribed above for assistant
5855 teachers to conform to any adjustments made in prior fiscal years



5856 due to revenue growth over and above five percent (5%). The
5857 assistant teachers shall not be restricted to working only in the
5858 grades for which the funds were allotted, but may be assigned to
5859 other classes as provided in subsection (2)(a) of this section.

5860 (7) (a) As an alternative to employing assistant teachers,
5861 any school district may use the * * * funding provided under
5862 subsection (6) of this section for the purpose of employing
5863 licensed teachers for kindergarten, first-, second- and
5864 third-grade classes; however, no school district shall be
5865 authorized to use the * * * funding for assistant teachers for the
5866 purpose of employing licensed teachers unless the district has
5867 established that the employment of licensed teachers using such
5868 funds will reduce the teacher:student ratio in the kindergarten,
5869 first-, second- and third-grade classes. All state funds for
5870 assistant teachers shall be applied to reducing teacher:student
5871 ratio in Grades K-3.

5872 It is the intent of the Legislature that no school district
5873 shall dismiss any assistant teacher for the purpose of using the
5874 assistant teacher * * * funding to employ licensed teachers.
5875 School districts may rely only upon normal attrition to reduce the
5876 number of assistant teachers employed in that district.

5877 (b) Districts meeting the highest levels of
5878 accreditation standards, as defined by the State Board of
5879 Education, shall be exempted from the provisions of subsection (4)
5880 of this section.



5881 **SECTION 59.** Section 37-22-5, Mississippi Code of 1972, is
5882 amended as follows:

5883 37-22-5. There is * * * created an Emergency Fund Loss
5884 Assistance Program to provide temporary grants to eligible school
5885 districts. The purpose of the program shall be to provide relief
5886 to school districts suffering losses of financial assistance under
5887 federal programs, such as the IMPACT Program, designed to serve
5888 the educational needs of children of government employees and
5889 Choctaw Indian children. Any school district which has sustained
5890 losses in direct payments from the federal government for the
5891 purpose of educating the children of federal government employees
5892 and Choctaw Indian children living on United States government
5893 owned reservation land shall be entitled to an Emergency Fund Loss
5894 Assistance Grant, in the amount of the reduction of the grant
5895 funds received from the federal government from prior years. This
5896 grant shall be limited to losses resulting from reductions in the
5897 level of federal funding allocated to school districts from prior
5898 years and not from reductions resulting from a loss of students
5899 served by the school districts. Losses incurred prior to July 1,
5900 1987, shall not be considered for purposes of determining the
5901 amount of the grant. There is hereby established an Emergency
5902 Fund Loss Assistance Fund in the State Treasury which shall be
5903 used to distribute the emergency grants to school districts.
5904 Expenditures from this fund shall not exceed One Million Dollars
5905 (\$1,000,000.00) in any fiscal year. If the total of all grant



5906 entitlements from local school districts exceeds such sum, then
5907 the grants to the school districts shall be prorated accordingly.

5908 * * *

5909 **SECTION 60.** Section 37-23-1, Mississippi Code of 1972, is
5910 amended as follows:

5911 37-23-1. The purpose of Sections 37-23-1 through 37-23-159
5912 is to mandate free appropriate public educational services and
5913 equipment for exceptional children in the age range three (3)
5914 through twenty (20) for whom the regular school programs are not
5915 adequate and to provide, on a permissive basis, a free appropriate
5916 public education, as a part of the state's early intervention
5917 system in accordance with regulations developed in collaboration
5918 with the agency designated as "lead agency" under Part C of the
5919 Individuals with Disabilities Education Act. The portion of the
5920 regulations developed in collaboration with the lead agency which
5921 are necessary to implement the programs under the authority of the
5922 State Board of Education shall be presented to the State Board of
5923 Education for adoption. This specifically includes, but shall not
5924 be limited to, provision for day schools for the deaf and blind of
5925 an age under six (6) years, where early training is in accordance
5926 with the most advanced and best approved scientific methods of
5927 instruction, always taking into consideration the best interests
5928 of the child and his improvement at a time during which he is most
5929 susceptible of improvement. Educational programs to exceptional



5930 children under the age of three (3) years shall be eligible
5931 for * * * total funding formula funds provided in this act.

5932 All references in the laws of this state to the "Individuals
5933 with Disabilities Education Act" or to the "IDEA" shall be
5934 construed to include any subsequent amendments to that act.

5935 The educational programs and services provided for
5936 exceptional children in Sections 37-23-1 through 37-23-15,
5937 37-23-31 through 37-23-35, 37-23-61 through 37-23-75 and 37-23-77
5938 shall be designed to provide individualized appropriate special
5939 education and related services that enable a child to reach his or
5940 her appropriate and uniquely designed goals for success. The
5941 State Board of Education shall establish an accountability system
5942 for special education programs and students with disabilities.
5943 The system shall establish accountability standards for services
5944 provided to improve the educational skills designed to prepare
5945 children for life after their years in school. These standards
5946 shall be a part of the accreditation system and shall be
5947 implemented before July 1, 1996.

5948 The State Department of Education shall establish goals for
5949 the performance of children with disabilities that will promote
5950 the purpose of IDEA and are consistent, to the maximum extent
5951 appropriate, with other goals and standards for children
5952 established by the State Department of Education. Performance
5953 indicators used to assess progress toward achieving those goals
5954 that, at a minimum, address the performance of children with



5955 disabilities on assessments, drop-out rates, and graduation rates
5956 shall be developed. Every two (2) years, the progress toward
5957 meeting the established performance goals shall be reported to the
5958 public.

5959 **SECTION 61.** Section 37-23-15, Mississippi Code of 1972, is
5960 amended as follows:

5961 37-23-15. (1) The State Department of Education, in
5962 accordance with Sections 37-23-1 through 37-23-75, and any
5963 additional authority granted in this chapter, shall:

5964 (a) Adopt pilot programs under which certain students
5965 enrolled or enrolling in public schools in this state shall be
5966 tested for dyslexia and related disorders as may be necessary.
5967 The pilot programs shall provide that upon the request of a
5968 parent, student, school nurse, classroom teacher or other school
5969 personnel who has reason to believe that a student has a need to
5970 be tested for dyslexia, such student shall be reviewed for
5971 appropriate services. However, a student shall not be tested for
5972 dyslexia whose parent or guardian objects thereto on grounds that
5973 such testing conflicts with his conscientiously held religious
5974 beliefs.

5975 (b) In accordance with the pilot programs adopted by
5976 the State Department of Education, such school boards shall
5977 provide remediation in an appropriate multi-sensory, systematic
5978 language-based regular education program or programs, as
5979 determined by the school district, such as the Texas Scottish Rite



5980 Hospital Dyslexia Training Program, pertinent to the child's
5981 physical and educational disorders or the sensory area in need of
5982 remediation for those students who do not qualify for special
5983 education services.

5984 (c) The State Department of Education, by not later
5985 than January 1, 1997, shall make recommendations to the school
5986 boards designated for the pilot programs for the delivery of
5987 services to students who are identified as dyslexic.

5988 (d) For the purposes of this section:

5989 (i) "Dyslexia" means a language processing
5990 disorder which may be manifested by difficulty processing
5991 expressive or receptive, oral or written language despite adequate
5992 intelligence, educational exposure and cultural opportunity.
5993 Specific manifestations may occur in one or more areas, including
5994 difficulty with the alphabet, reading comprehension, writing and
5995 spelling.

5996 (ii) "Related disorders" shall include disorders
5997 similar to or related to dyslexia such as developmental auditory
5998 imperception, dysphasia, specific developmental dyslexia,
5999 dyspraxia, developmental dysgraphia and developmental spelling
6000 disability.

6001 (e) Local school districts designated for the pilot
6002 programs may utilize any source of funds other than * * * the
6003 total funding formula funds provided in this act to provide any
6004 services under this section.



6005 (f) Nothing in this section shall be construed to
6006 require any school district to implement this section unless the
6007 local school board, by resolution spread on its minutes,
6008 voluntarily agrees to comply with this section and any regulations
6009 promulgated under this section. Any local school board may
6010 withdraw from participation in the program authorized under this
6011 section by providing written notice of its determination to
6012 withdraw to the State Department of Education no later than June 1
6013 of the preceding fiscal year.

6014 (2) State funding for the pilot programs for testing
6015 students for dyslexia shall be subject to the availability of
6016 funds specifically appropriated therefor by the Legislature.

6017 * * *

6018 **SECTION 62.** Section 37-23-69, Mississippi Code of 1972, is
6019 amended as follows:

6020 37-23-69. The State Department of Education may determine
6021 and pay the amount of the financial assistance to be made
6022 available to each applicant, and see that all applicants and the
6023 programs for them meet the requirements of the program for
6024 exceptional children. No financial assistance shall exceed the
6025 obligation actually incurred by the applicant for educational
6026 costs, which shall include special education and related services
6027 as defined by the Mississippi Department of Education Policies and
6028 Procedures Regarding Children with Disabilities under the federal
6029 Individuals with Disabilities Education Act (IDEA). Within the



6030 amount of available state funds * * * for that purpose, each such
6031 applicant may receive assistance according to the following
6032 allowances:

6033 (a) If the applicant chooses to attend a private
6034 school, a parochial school or a speech, hearing and/or language
6035 clinic having an appropriate program for the applicant, and if the
6036 school or clinic meets federal and state regulations, then the
6037 educational costs reimbursement will be one hundred percent (100%)
6038 of the first Six Hundred Dollars (\$600.00) in educational costs
6039 charged by the school or clinic; or, if the applicant is under six
6040 (6) years of age, and no program appropriate for the child exists
6041 in the public schools of his domicile, then the reimbursement
6042 shall be one hundred percent (100%) of the first Six Hundred
6043 Dollars (\$600.00) in educational costs charged by the school or
6044 clinic, and fifty percent (50%) of the next Eight Hundred Dollars
6045 (\$800.00) in educational costs charged by the school or clinic;

6046 (b) A public school district shall be reimbursed for
6047 the educational costs of an applicant up to an annual maximum
6048 based on a * * * cost factor * * * determined by the State Board
6049 of Education if the following conditions are met: (i) an
6050 applicant in the age range six (6) through twenty (20) requests
6051 the public school district where he resides to provide an
6052 education for him and the nature of the applicant's educational
6053 problem is such that, according to best educational practices, it
6054 cannot be met in the public school district where the child



6055 resides; (ii) the public school district decides to provide the
6056 applicant a free appropriate education by placing him in a private
6057 school, a parochial school or a speech, hearing and/or language
6058 clinic having an appropriate program for the applicant; (iii) the
6059 program meets federal and state regulations; and (iv) the
6060 applicant is approved for financial assistance by a State Level
6061 Review Board established by the State Board of Education. The
6062 Review Board will act on financial assistance requests within five
6063 (5) working days of receipt. Nothing in this paragraph shall
6064 prevent two (2) or more public school districts from forming a
6065 cooperative to meet the needs of low incidence exceptional
6066 children, nor shall the public school be relieved of its
6067 responsibility to provide an education for all children. If state
6068 monies are not sufficient to fund all applicants, there will be a
6069 ratable reduction for all recipients receiving state funds under
6070 this section. School districts may pay additional educational
6071 costs from available federal, state and local funds.

6072 If an exceptional child, as defined in Section 37-23-3, is
6073 placed in a therapeutic or other group home licensed or approved
6074 by the state that has no educational program associated with it,
6075 the local school district in which the home is located shall offer
6076 an appropriate educational program to that child.

6077 At any time that the Individualized Education Program (IEP)
6078 Committee in the district where the home is located determines
6079 that an exceptional child, as defined in Section 37-23-3, residing



6080 in that home can no longer be provided a free appropriate public
6081 education in that school district, and the State Department of
6082 Education agrees with that decision, then the State Department of
6083 Education shall recommend to the Department of Human Services
6084 placement of the child by the Department of Human Services, which
6085 shall take appropriate action. The placement of the exceptional
6086 child in the facility shall be at no cost to the local school
6087 district. Funds available under Sections 37-23-61 through
6088 37-23-77, as well as any available federal funds, may be used to
6089 provide the educational costs of the placement. If the
6090 exceptional child is under the guardianship of the Department of
6091 Human Services or another state agency, the State Department of
6092 Education shall pay only for the educational costs of that
6093 placement, and the other agency shall be responsible for the room,
6094 board and any other costs. The special education and related
6095 services provided to the child shall be in compliance with State
6096 Department of Education and any related federal regulations. The
6097 State Board of Education may promulgate regulations that are
6098 necessary to implement this section; and

6099 (c) If an appropriate local or regional system of care,
6100 including a free appropriate public education, is available for
6101 exceptional children who are currently being served in
6102 out-of-district or Department of Human Services placements
6103 under * * * paragraph (b) of this section or Section 37-23-77,
6104 then the state funds from the State Department of Education that



6105 would have been used for those placements may be paid into a pool
6106 of funds with funds from other state agencies to be used for the
6107 implementation of the individualized plans of care for those
6108 children. If there are sufficient funds to serve additional
6109 exceptional children because of cost savings as a result of
6110 serving these students at home and/or matching the pooled funds
6111 with federal dollars, the funds may be used to implement
6112 individualized plans of care for those additional exceptional
6113 children. Each local or regional provider of services included in
6114 the individualized plans of care shall comply with all appropriate
6115 state and federal regulations. The State Board of Education may
6116 promulgate regulations that are necessary to implement this
6117 section.

6118 The State Department of Education may also provide for the
6119 payment of that financial assistance in installments and for
6120 proration of that financial assistance in the case of children
6121 attending a school or clinic for less than a full school session
6122 and, if available funds are insufficient, may allocate the
6123 available funds among the qualified applicants and local school
6124 districts by reducing the maximum assistance provided for in this
6125 section.

6126 Any monies provided an applicant under Sections 37-23-61
6127 through 37-23-75 shall be applied by the receiving educational
6128 institution as a reduction in the amount of the educational costs
6129 paid by the applicant, and the total educational costs paid by the



6130 applicant shall not exceed the total educational costs paid by any
6131 other child in similar circumstances enrolled in the same program
6132 in that institution. However, this limitation shall not prohibit
6133 the waiving of all or part of the educational costs for a limited
6134 number of children based upon demonstrated financial need, and the
6135 State Department of Education may adopt and enforce reasonable
6136 rules and regulations to carry out the intent of these provisions.

6137 **SECTION 63.** Section 37-23-109, Mississippi Code of 1972, is
6138 amended as follows:

6139 37-23-109. Any child development center created under the
6140 provisions of Sections 37-23-91 through 37-23-111 shall be
6141 entitled to receive all contributions and benefits allowed to the
6142 other school districts from the federal and state governments
6143 including, but not limited to, contributions on the basis of
6144 the * * * net enrollment per child, school textbooks and school
6145 lunch program.

6146 **SECTION 64.** Section 37-23-179, Mississippi Code of 1972, is
6147 amended as follows:

6148 37-23-179. (1) The board shall specifically promulgate
6149 rules, regulations and guidelines which establish model programs
6150 of gifted education and also establish minimum criteria for gifted
6151 education programs. In providing programs of gifted education,
6152 the local district may use the model programs prepared by the
6153 board or may itself develop programs of gifted education which,
6154 prior to being implemented, shall be approved by the board,



6155 provided, that no such plan or program shall be approved or
6156 continued unless it meets the minimum criteria established by the
6157 board.

6158 (2) There is hereby created within the department an office
6159 for gifted education which shall be staffed by such professional,
6160 support and clerical personnel as may be necessary to implement
6161 the provisions of Sections 37-23-171 through 37-23-181.

6162 (3) All local school districts may have programs of gifted
6163 education for intellectually, creatively and/or artistically
6164 gifted students in Grades 2 through 12 and for academically gifted
6165 students in Grades 9 through 12 approved by the board. Beginning
6166 with the 1993-1994 school year, all local school districts shall
6167 have programs of gifted education for intellectually gifted
6168 students in Grade 2, subject to the approval of the State Board of
6169 Education and the availability of funds appropriated therefor by
6170 line-item. Beginning with the 1994-1995 school year, all local
6171 school districts shall have programs of gifted education for
6172 intellectually gifted students in Grades 2 and 3, subject to the
6173 approval of the State Board of Education. Beginning with the
6174 1995-1996 school year, all local school districts shall have
6175 programs of gifted education for intellectually gifted students in
6176 Grades 2, 3 and 4 subject to the approval of the State Board of
6177 Education. Beginning with the 1996-1997 school year, all local
6178 school districts shall have programs of gifted education for
6179 intellectually gifted students in Grades 2, 3, 4 and 5, subject to



6180 the approval of the State Board of Education. Beginning with the
6181 1997-1998 school year, all local school districts shall have
6182 programs of gifted education for intellectually gifted students in
6183 Grades 2, 3, 4, 5 and 6, subject to the approval of the State
6184 Board of Education. * * * Each local school district shall
6185 include as a part of its five-year plan a description of any
6186 proposed gifted education programs of the district. * * *

6187 **SECTION 65.** Section 37-27-55, Mississippi Code of 1972, is
6188 amended as follows:

6189 37-27-55. When any pupils shall attend any agricultural high
6190 school or community or junior college under the provisions of
6191 Section 37-27-51, such pupils shall be reported and accounted for
6192 the allocation of * * * total funding formula funds provided in
6193 this act and building funds just as though such pupils were
6194 attending the regular schools of the district in which they
6195 reside. For this purpose reports shall be made to the board of
6196 trustees of the school district involved by the agricultural high
6197 school or community or junior college of the number of children
6198 in * * * net enrollment, and the * * * net enrollment of such
6199 pupils shall thereupon be included in reports made to the county
6200 or school district * * *. The allocation of * * * total funding
6201 formula funds and state public school building funds shall be made
6202 for such children just as though such children were attending the
6203 regular schools of the district. However, all * * * total funding
6204 formula funds which accrue to any district as a result of the



6205 pupils who are in attendance at such agricultural high school or
6206 community or junior college * * * shall be paid by the board of
6207 trustees of the municipal separate school district or the county
6208 board of education, as the case may be, to the agricultural high
6209 school or community or junior college at which the pupils are in
6210 attendance, and shall be expended by said agricultural high school
6211 or community or junior college for the instruction of said
6212 pupils * * *. Funds allotted to the school district for building
6213 purposes under Chapter 47 of this title, shall, however, be
6214 retained by the school district entitled thereto. The term
6215 "school district" as used in Sections 37-27-51 through 37-27-59
6216 shall be defined as including all public school districts in this
6217 state and also all agricultural high schools not located on the
6218 campus of a community or junior college.

6219 **SECTION 66.** Section 37-27-57, Mississippi Code of 1972, is
6220 amended as follows:

6221 37-27-57. Any additional or supplemental expenses incurred
6222 by the agricultural high school or community or junior college in
6223 the instruction of such pupils above that defrayed by * * * total
6224 funding formula funds as provided in Section 37-27-55, shall be
6225 paid either from the amounts received from the state appropriation
6226 for the support of agricultural high schools or from the tax levy
6227 for the support of such agricultural high school or community or
6228 junior college or from any other funds which such agricultural



6229 high school or community or junior college may have available for
6230 such purpose.

6231 **SECTION 67.** Section 37-28-5, Mississippi Code of 1972, is
6232 amended as follows:

6233 37-28-5. As used in this chapter, the following words and
6234 phrases have the meanings ascribed in this section unless the
6235 context clearly indicates otherwise:

6236 (a) "Applicant" means any person or group that develops
6237 and submits an application for a charter school to the authorizer.

6238 (b) "Application" means a proposal from an applicant to
6239 the authorizer to enter into a charter contract whereby the
6240 proposed school obtains charter school status.

6241 (c) "Authorizer" means the Mississippi Charter School
6242 Authorizer Board established under Section 37-28-7 to review
6243 applications, decide whether to approve or reject applications,
6244 enter into charter contracts with applicants, oversee charter
6245 schools, and decide whether to renew, not renew, or revoke charter
6246 contracts.

6247 (d) "Charter contract" means a fixed-term, renewable
6248 contract between a charter school and the authorizer which
6249 outlines the roles, powers, responsibilities and performance
6250 expectations for each party to the contract.

6251 (e) "Charter school" means a public school that is
6252 established and operating under the terms of charter contract
6253 between the school's governing board and the authorizer. The term



6254 "charter school" includes a conversion charter school and start-up
6255 charter school.

6256 (f) "Conversion charter school" means a charter school
6257 that existed as a noncharter public school before becoming a
6258 charter school.

6259 (g) "Education service provider" means a charter
6260 management organization, school design provider or any other
6261 partner entity with which a charter school intends to contract for
6262 educational design, implementation or comprehensive management.

6263 (h) "Governing board" means the independent board of a
6264 charter school which is party to the charter contract with the
6265 authorizer and whose members have been elected or selected
6266 pursuant to the school's application.

6267 (i) "Noncharter public school" means a public school
6268 that is under the direct management, governance and control of a
6269 school board or the state.

6270 (j) "Parent" means a parent, guardian or other person
6271 or entity having legal custody of a child.

6272 (k) "School board" means a school board exercising
6273 management and control over a local school district and the
6274 schools of that district pursuant to the State Constitution and
6275 state statutes.

6276 (l) "School district" means a governmental entity that
6277 establishes and supervises one or more public schools within its
6278 geographical limits pursuant to state statutes.



6279 (m) "Start-up charter school" means a charter school
6280 that did not exist as a noncharter public school before becoming a
6281 charter school.

6282 (n) "Student" means any child who is eligible for
6283 attendance in a public school in the state.

6284 (o) "Underserved students" means students * * *
6285 qualifying as low-income or qualifying for a special education
6286 program under Section 37-151-201.

6287 **SECTION 68.** Section 37-28-53, Mississippi Code of 1972, is
6288 amended as follows:

6289 37-28-53. (1) Each charter school shall certify annually to
6290 the State Department of Education its student enrollment, * * *
6291 net enrollment and student participation in * * * federal
6292 programs * * *.

6293 (2) Each charter school shall certify annually to the school
6294 board of the school district in which the charter school is
6295 located the number of enrolled charter school students residing in
6296 the school district.

6297 **SECTION 69.** Section 37-28-55, Mississippi Code of 1972, is
6298 amended as follows:

6299 37-28-55. (1) (a) The State Department of Education shall
6300 make payments to charter schools for each student in * * * net
6301 enrollment at the charter school, as determined under Section
6302 37-151-207, equal to the state share of * * * total funding



6303 formula payments for each student * * *, as determined under
6304 Section 37-151-211.

6305 (b) Payments made pursuant to this subsection by the
6306 State Department of Education must be made at the same time and in
6307 the same manner as * * * total funding formula payments are made
6308 to school districts under Sections 37-151-101 and 37-151-103.
6309 Amounts payable to a charter school must be determined by the
6310 State Department of Education pursuant to this section and the
6311 total funding formula. * * * Enrollment projections made under
6312 Section 37-151-207 to determine the net enrollment of a charter
6313 school for calculating the state share payment must be reconciled
6314 with * * * a charter school's * * * net enrollment using months
6315 two (2) and three (3) * * * for the * * * year for which * * *
6316 total funding formula funds are being appropriated, and any
6317 necessary adjustments must be made to payments during the school's
6318 following year of operation. Any necessary adjustment must be
6319 based on the state share of the per pupil amount in effect for the
6320 year for which net membership did not meet enrollment projections
6321 and not any new amount appropriated for the year in which the
6322 adjustment will be made. If a charter school is closed by the
6323 authorizer before the following year, it must pay to the state any
6324 amounts due before completion of the closure.

6325 (2) (a) For students attending a charter school located in
6326 the school district in which the student resides, the school
6327 district in which * * * the charter school is located shall pay



6328 directly to the charter school an amount * * * as follows: the
6329 sum of the local pro rata amount, as calculated by the State
6330 Department of Education in accordance with Section
6331 37-151-211(2)(b) (local contribution), and the local pro rata
6332 amount, as calculated by the State Department of Education in
6333 accordance with Section 37-57-105 (school district operational
6334 levy), multiplied by the number of resident students enrolled in
6335 the charter school, based on the charter school's months two (2)
6336 and three (3) net enrollment of resident students for the current
6337 school year. However, the amount to the charter school may not
6338 include any taxes levied for the retirement of the local school
6339 district's bonded indebtedness or short-term notes or any taxes
6340 levied for the support of vocational-technical education
6341 programs. * * *

6342 (b) The amount must be paid by the school district to the
6343 charter school before January 16 of the current fiscal year. If
6344 the local school district does not pay the required amount to the
6345 charter school before January 16, the State Department of
6346 Education shall reduce the local school district's January
6347 transfer of * * * total funding formula funds by the amount owed
6348 to the charter school and shall redirect that amount to the
6349 charter school. Any such payments made under this * * * paragraph
6350 by the State Department of Education to a charter school must be
6351 made at the same time and in the same manner as * * * total



6352 funding formula payments are made to school districts under
6353 Sections 37-151-101 and 37-151-103.

6354 (3) (a) For students attending a charter school located in
6355 a school district in which the student does not reside, the State
6356 Department of Education shall pay to the charter school in which
6357 the students * * * are enrolled an amount as follows: the sum of
6358 the local pro rata amount, as calculated by the State Department
6359 of Education in accordance with Section 37-151-211(2)(b) (local
6360 contribution), and the local pro rata amount, as calculated by the
6361 State Department of Education in accordance with Section 37-57-105
6362 (school district operational levy), multiplied by the number of
6363 students enrolled in the charter school but residing in that
6364 district, based on the charter school's months two (2) and three
6365 (3) net enrollment of these students for the current school year.
6366 However, the amount to the charter school may not include * * *
6367 any taxes levied for the retirement of the local school district's
6368 bonded indebtedness or short-term notes or any taxes levied for
6369 the support of vocational-technical education programs.

6370 (b) * * * The State Department of Education shall
6371 reduce the school district's January transfer of * * * total
6372 funding formula funds by the amount owed to the charter school and
6373 shall redirect that amount to the charter school. Any such
6374 payments made under this subsection (3) by the State Department of
6375 Education to a charter school must be made at the same time and in



6376 the same manner as * * * total funding formula payments are made
6377 to school districts under Sections 37-151-101 and 37-151-103.

6378 (4) (a) The State Department of Education shall direct the
6379 proportionate share of monies generated under federal * * *
6380 programs, including, but not limited to, special education,
6381 vocational, * * * English Language Learner, and other programs, to
6382 charter schools serving students eligible for such * * * funding.
6383 The department shall ensure that charter schools with rapidly
6384 expanding enrollments are treated equitably in the calculation and
6385 disbursement of all federal * * * program dollars. Each charter
6386 school that serves students who may be eligible to receive
6387 services provided through such programs shall comply with all
6388 reporting requirements to receive the aid.

6389 (b) A charter school shall pay to a local school
6390 district any federal or state aid attributable to a student with a
6391 disability attending the charter school in proportion to the level
6392 of services for that student which the local school district
6393 provides directly or indirectly.

6394 (c) Subject to the approval of the authorizer, a
6395 charter school and a local school district may negotiate and enter
6396 into a contract for the provision of and payment for special
6397 education services, including, but not necessarily limited to, a
6398 reasonable reserve not to exceed five percent (5%) of the local
6399 school district's total budget for providing special education
6400 services. The reserve may be used by the local school district



6401 only to offset excess costs of providing services to students with
6402 disabilities enrolled in the charter school.

6403 (5) (a) The State Department of Education shall disburse
6404 state transportation funding to a charter school on the same basis
6405 and in the same manner as it is paid to school districts * * *.

6406 (b) A charter school may enter into a contract with a
6407 school district or private provider to provide transportation to
6408 the school's students.

6409 (6) The State Department of Education shall disburse
6410 Education Enhancement Funds for classroom supplies, instructional
6411 materials and equipment, including computers and computer software
6412 to all eligible charter school teachers on the same basis and in
6413 the same manner as it is paid to school districts under Section
6414 37-61-33(3)(a)(iii) for the purpose of issuing procurement cards
6415 or credentials for a digital solution to eligible teachers.

6416 **SECTION 70.** Section 37-29-1, Mississippi Code of 1972, is
6417 amended as follows:

6418 37-29-1. (1) The creation, establishment, maintenance and
6419 operation of community colleges is authorized. Community colleges
6420 may admit students if they have earned one (1) unit less than the
6421 number of units required for high school graduation established by
6422 State Board of Education policy or have earned a High School
6423 Equivalency Diploma in courses correlated to those of senior
6424 colleges or professional schools. Subject to the provisions of
6425 Section 75-76-34, they shall offer, without limitation, education



6426 and training preparatory for occupations such as agriculture,
6427 industry of all kinds, business, homemaking and for other
6428 occupations on the semiprofessional and vocational-technical
6429 level. They may offer courses and services to students regardless
6430 of their previous educational attainment or further academic
6431 plans.

6432 (2) The boards of trustees of the community college
6433 districts are authorized to establish an early admission program
6434 under which applicants having a minimum ACT composite score of
6435 twenty-six (26) or the equivalent SAT score may be admitted as
6436 full-time college students if the principal or guidance counselor
6437 of the student recommends in writing that it is in the best
6438 educational interest of the student. Such recommendation shall
6439 also state that the student's age will not keep him from being a
6440 successful full-time college student. Students admitted in the
6441 early admission program shall not be counted for * * * total
6442 funding formula purposes in the * * * net enrollment of the school
6443 district in which they reside, and transportation required by a
6444 student to participate in the early admission program shall be the
6445 responsibility of the parents or legal guardians of the student.
6446 Grades and college credits earned by students admitted to the
6447 early admission program shall be recorded on the college
6448 transcript at the community college where the student attends
6449 classes, and may be released to another institution or used for



6450 college graduation requirements only after the student has
6451 successfully completed one (1) full semester of course work.

6452 (3) The community colleges shall provide, through courses or
6453 other acceptable educational measures, the general education
6454 necessary to individuals and groups which will tend to make them
6455 capable of living satisfactory lives consistent with the ideals of
6456 a democratic society.

6457 **SECTION 71.** Section 37-29-272, Mississippi Code of 1972, is
6458 amended as follows:

6459 37-29-272. The board of trustees of any community college
6460 district in the state maintaining and operating an agricultural
6461 high school on July 1, 1994, is hereby authorized to transfer the
6462 control, maintenance and operation of said agricultural high
6463 school, including the transfer of title to all real and personal
6464 property used for agricultural high school purposes, to the county
6465 board of education of the county in which the school is located.
6466 Upon the acceptance by the county board of education and before an
6467 order authorizing such transfer shall be entered, the board of
6468 trustees of the community college district and the county board of
6469 education in which such school is located shall by joint
6470 resolution agree in writing on the terms of such transfer, the
6471 extent of the rights of use and occupancy of the school and
6472 grounds, and the control, management, preservation and
6473 responsibility of transportation of students to such premises, to
6474 be spread upon the minutes of each governing authority. Upon such



6475 transfer, the county board of education may abolish the
6476 agricultural high school as a distinct school, and merge its
6477 activities, programs and students into the regular high school
6478 curricula of the school district. When a community college has
6479 transferred operation of an agricultural high school as provided
6480 herein, the pupils attending such school shall be reported,
6481 accounted for allocation of * * * total funding formula funds and
6482 entitled to school transportation as though such pupils were
6483 attending the schools of the school district in which they reside,
6484 as provided in Sections 37-27-53 and 37-27-55 * * *. When any
6485 agricultural high school is transferred by the board of trustees
6486 of a community college to the county board of education as
6487 provided in this section, all laws relating to agricultural high
6488 school tax levies for the support or retirement of bonded
6489 indebtedness for agricultural high schools shall continue in full
6490 force and effect for the transferring community college district
6491 until current obligations on all bonded indebtednesses related to
6492 agriculture high schools have been satisfied and retired.

6493 **SECTION 72.** Section 37-29-303, Mississippi Code of 1972, is
6494 amended as follows:

6495 37-29-303. As used in Sections 37-29-301 through 37-29-305,
6496 the following terms shall be defined as provided in this section:

6497 (a) "Full-time equivalent (FTE) enrollment" means the
6498 process by which the Southern Regional Education Board (SREB)
6499 calculates FTE by taking total undergraduate semester credit hours



6500 divided by thirty (30); total undergraduate quarter hours divided
6501 by forty-five (45); total graduate semester credit hours divided
6502 by twenty-four (24); and total graduate quarter hours divided by
6503 thirty-six (36).

6504 (b) "State funds" means all funds appropriated by the
6505 Legislature including funds from the State General Fund, Education
6506 Enhancement Fund, Budget Contingency Fund and Health Care
6507 Expendable Fund.

6508 (c) "E & G operations" means education and general
6509 expenses of the colleges and universities.

6510 (d) * * * "Net enrollment" has the same meaning as
6511 ascribed to that term under Section 37-151-201.

6512 **SECTION 73.** Section 37-31-13, Mississippi Code of 1972, is
6513 amended as follows:

6514 37-31-13. (1) Any appropriation that may be made under the
6515 provisions of Sections 37-31-1 through 37-31-15 shall be used by
6516 the board for the promotion of vocational education as provided
6517 for in the "Smith-Hughes Act" and for the purpose set forth in
6518 Sections 37-31-1 through 37-31-15. The state appropriation shall
6519 not be used for payments to high schools which are now receiving
6520 other state funds, except in lieu of not more than one-half (1/2)
6521 the amount that may be due such high schools from federal funds.
6522 Only such portion of the state appropriation shall be used as may
6523 be absolutely necessary to carry out the provisions of Sections
6524 37-31-1 through 37-31-15, and to meet the federal requirements.



6525 Except as provided in subsection (2) of this section, the state
6526 appropriation shall not be used for payments to high schools for
6527 conducting vocational programs for more than ten (10) months in
6528 any school year, and only funds other than * * * total funding
6529 formula funds may be expended for such purpose.

6530 (2) Subject to annual approval by the State Board of
6531 Education, extended contracts for vocational agriculture education
6532 services and other related vocational education services which
6533 contribute to economic development may be conducted by local
6534 school districts, and state appropriations may be used for
6535 payments to school districts providing such services. The board
6536 of trustees of each school district shall determine whether any
6537 proposed services contribute to the economic development of the
6538 area. Local districts may apply to the Division of Vocational and
6539 Technical Education of the State Department of Education for any
6540 state funds available for these extended contracts. The State
6541 Board of Education shall establish the application process and the
6542 selection criteria for this program. The number of state funded
6543 extended contracts approved by the State Board of Education will
6544 be determined by the availability of funds specified for this
6545 purpose. The State Board of Education's decision shall be final.
6546 Payments under this subsection shall only be available to those
6547 high schools whose teachers of vocational programs are responsible
6548 for the following programs of instruction during those months
6549 between the academic years: (a) supervision and instruction of



6550 students in agricultural or other vocational experience programs;
6551 (b) group and individual instruction of farmers and
6552 agribusinessmen; (c) supervision of student members of youth
6553 groups who are involved in leadership training or other activity
6554 required by state or federal law; or (d) any program of vocational
6555 agriculture or other vocational-related services established by
6556 the Division of Vocational and Technical Education of the State
6557 Department of Education that contribute to the economic
6558 development of the geographic area.

6559 **SECTION 74.** Section 37-31-75, Mississippi Code of 1972, is
6560 amended as follows:

6561 37-31-75. The various counties, municipalities, school
6562 districts and community and junior college districts which may
6563 become parties to any agreement authorized by Sections 37-31-71
6564 through 37-31-79 are authorized to appropriate and expend any and
6565 all funds which may be required to carry out the terms of the
6566 agreement from any funds available to any party to the agreement
6567 not otherwise appropriated without limitation as to the source of
6568 the funds, including * * * total funding formula funds, sixteenth
6569 section funds, funds received from the federal government or other
6570 sources by way of grant, donation or otherwise, and funds which
6571 may be available to any such party through the State Department of
6572 Education or any other agency of the state, regardless of the
6573 party to the agreement designated by the agreement to be primarily
6574 responsible for the construction or operation of the regional



6575 education center and regardless of the limitation on the
6576 expenditure of any funds imposed by any other statute. However,
6577 no funds whose use was originally limited to the construction of
6578 capital improvements shall be utilized for the purpose of
6579 defraying the administrative or operating costs of any regional
6580 education center. Any one or more of the parties to an agreement
6581 may be designated as the fiscal agent or contracting party in
6582 carrying out any of the purposes of the agreement, and any and all
6583 funds authorized to be spent by any of the parties may be paid
6584 over to the fiscal agent or contracting party for disbursement by
6585 the fiscal agent or contracting party. Disbursements shall be
6586 made and contracted for under the laws and regulations applicable
6587 to the fiscal or disbursing agent, except to the extent they may
6588 be extended or modified by the provisions of Sections 37-31-71
6589 through 37-31-79. All of the parties to the agreement may issue
6590 bonds, negotiable notes or other evidences of indebtedness for the
6591 purpose of providing funds for the acquisition of land and for the
6592 construction of buildings and permanent improvements under the
6593 terms of the agreement under any existing laws authorizing the
6594 issuance or sale of bonds, negotiable notes or other evidences of
6595 indebtedness to provide funds for any capital improvement.

6596 **SECTION 75.** Section 37-35-3, Mississippi Code of 1972, is
6597 amended as follows:

6598 37-35-3. (1) The board of trustees of any school district,
6599 including any community or junior college, may establish and



6600 maintain classes for adults, including general educational
6601 development classes, under the regulations authorized in this
6602 chapter and pursuant to the standards prescribed in subsection
6603 (3). The property and facilities of the public school districts
6604 may be used for this purpose where such use does not conflict with
6605 uses already established.

6606 (2) The trustees of any school district desiring to
6607 establish such program may request the taxing authority of the
6608 district to levy additional ad valorem taxes for the support of
6609 this program. The board of supervisors, in the case of a county
6610 school district, a special municipal separate school district, or
6611 a community or junior college district, and the governing
6612 authority of any municipality, in the case of a municipal separate
6613 school district, is authorized, in its discretion, to levy a tax
6614 not exceeding one (1) mill upon all the taxable property of the
6615 district for the support of this program. The tax shall be in
6616 addition to all other taxes authorized by law to be levied. In
6617 addition to the funds realized from any such levy, the board of
6618 trustees of any school district is authorized to use any surplus
6619 funds that it may have or that may be made available to it from
6620 local sources to supplement this program.

6621 (3) (a) Any student participating in an approved High
6622 School Equivalency Diploma Option program administered by a local
6623 school district or a local school district with an approved
6624 contractual agreement with a community or junior college or other



6625 local entity shall not be considered a dropout. Students in such
6626 a program administered by a local school district shall be
6627 considered as enrolled within the school district of origin for
6628 the purpose of enrollment for * * * total funding formula funds
6629 only. Such students shall not be considered as enrolled in the
6630 regular school program for academic or programmatic purposes.

6631 (b) Students participating in an approved High School
6632 Equivalency Diploma Option program shall have an individual career
6633 plan developed at the time of placement to insure that the
6634 student's academic and job skill needs will be met. The
6635 Individual Career Plan will address, but is not limited to, the
6636 following:

6637 (i) Academic and instructional needs of the
6638 student;

6639 (ii) Job readiness needs of the student; and

6640 (iii) Work experience program options available
6641 for the student.

6642 (c) Students participating in an approved High School
6643 Equivalency Diploma Option program may participate in existing job
6644 and skills development programs or in similar programs developed
6645 in conjunction with the High School Equivalency Diploma Option
6646 program and the vocational director.

6647 (d) High School Equivalency Diploma Option programs may
6648 be operated by local school districts or may be operated by two
6649 (2) or more adjacent school districts, pursuant to a contract



6650 approved by the State Board of Education. When two (2) or more
6651 school districts contract to operate a High School Equivalency
6652 Diploma Option program, the school board of a district designated
6653 to be the lead district shall serve as the governing board of the
6654 High School Equivalency Diploma Option program. Transportation
6655 for students placed in the High School Equivalency Diploma Option
6656 program shall be the responsibility of the school district of
6657 origin. The expense of establishing, maintaining and operating
6658 such High School Equivalency Diploma Option programs may be paid
6659 from funds made available to the school district through
6660 contributions, * * * total funding formula funds or from local
6661 district maintenance funds.

6662 (e) The State Department of Education will develop
6663 procedures and criteria for placement of a student in the High
6664 School Equivalency Diploma Option programs. Students placed in
6665 High School Equivalency Diploma Option programs shall have
6666 parental approval for such placement and must meet the following
6667 criteria:

6668 (i) The student must be at least sixteen (16)
6669 years of age;

6670 (ii) The student must be at least one (1) full
6671 grade level behind his or her ninth grade cohort or must have
6672 acquired less than four (4) Carnegie units;



6673 (iii) The student must have taken every
6674 opportunity to continue to participate in coursework leading to a
6675 diploma; and

6676 (iv) The student must be certified to be eligible
6677 to participate in the GED course by the school district
6678 superintendent, based on the developed criteria.

6679 (f) Students participating in an approved High School
6680 Equivalency Diploma Option program, who are enrolled in subject
6681 area courses through January 31 in a school with a traditional
6682 class schedule or who are enrolled in subject area courses through
6683 October 31 or through March 31 in a school on a block schedule,
6684 shall be required to take the end-of-course subject area tests for
6685 those courses in which they are enrolled.

6686 **SECTION 76.** Section 37-37-3, Mississippi Code of 1972, is
6687 amended as follows:

6688 37-37-3. In addition to all auditors and other employees now
6689 or hereafter provided by law, the State Auditor may appoint and
6690 employ examiners in the Department of Audit. The examiners shall
6691 make such audits as may be necessary to determine the correctness
6692 and accuracy of all reports made to the State Department of
6693 Education by any school district or school official concerning the
6694 number of educable students in any school district, the number of
6695 students enrolled in any school district, the number of students
6696 in * * * net enrollment in any school district, and the number of



6697 students being transported or entitled to transportation to any of
6698 the public schools of this state.

6699 **SECTION 77.** Section 37-41-7, Mississippi Code of 1972, is
6700 amended as follows:

6701 37-41-7. The local school board is hereby authorized,
6702 empowered and directed to lay out all transportation routes and
6703 provide transportation for all school children who are entitled to
6704 transportation within their respective counties and school
6705 districts.

6706 Any school district may, in the discretion of the school
6707 board, expend funds from any funds available to the school
6708 district * * *, including the amounts derived from district tax
6709 levies, sixteenth section funds, and all other available funds,
6710 for the purpose of supplementing funds available to the school
6711 board for paying transportation costs * * * not covered by * * *
6712 total funding formula funds as provided in this act.

6713 **SECTION 78.** Section 37-45-49, Mississippi Code of 1972, is
6714 amended as follows:

6715 37-45-49. Any cost or fees provided by this chapter to be
6716 paid by any county board of education or board of trustees of a
6717 municipal separate school district may be paid by the county board
6718 of education from * * * any school funds of the district other
6719 than * * * total funding formula funds, and by the municipal
6720 separate school district from the maintenance funds of the
6721 district, other than * * * total funding formula funds. Any fees



6722 or costs provided by this chapter to be paid by the * * *
6723 department may be paid from the funds appropriated for its
6724 operation.

6725 **SECTION 79.** Section 37-47-9, Mississippi Code of 1972, is
6726 amended as follows:

6727 37-47-9. It is found and determined that the state should
6728 make an annual grant of Twenty-four Dollars (\$24.00) for each
6729 child in * * * net enrollment in the public schools of the various
6730 school districts of this state during each school year, and that
6731 such monies should be applied for the purpose of establishing and
6732 maintaining adequate physical facilities for the public school
6733 district and/or the payment of existing debt therefor.

6734 The grant to which each public school is entitled under the
6735 provisions of this section shall be credited to the school
6736 district of which such school is part. If any change is made in
6737 the operation or boundaries of any such school district, equitable
6738 reallocations shall be made by the * * * department of all
6739 balances to the credit of such school district, and all debits
6740 charged against the districts affected by the change in the
6741 boundaries or system of operation. The obligation of the state to
6742 make remittance of the sums appropriated or otherwise provided to
6743 make the annual grants provided by this section shall be
6744 subordinate to the pledge made to secure the state school bonds
6745 authorized under this chapter and the sinking fund created for
6746 their retirement. The grants shall be computed annually as soon



6747 as practicable after the end of the school year, and shall be
6748 based on the * * * net enrollment for such school year in all of
6749 the public schools operated by each school district as determined
6750 by the State Department of Education.

6751 **SECTION 80.** Section 37-47-25, Mississippi Code of 1972, is
6752 amended as follows:

6753 37-47-25. Whenever the State Department of Education shall
6754 determine that any school district is in need of capital
6755 improvements to an extent in excess of that which may be financed
6756 by the credit then due such school district by the department, the
6757 department shall be empowered to advance or lend * * * the school
6758 district such sums as in the opinion of the department are
6759 necessary to be expended for capital improvements by * * * that
6760 school district. Such loans or advances shall be evidenced by
6761 appropriate agreements, and shall be repayable in principal by the
6762 school district from the annual grants to which the school
6763 district shall become entitled and from such other funds as may be
6764 available. Such loans or advances shall not constitute a debt of
6765 the school district within the meaning of any provision or
6766 limitation of the Constitution or statutes of the State of
6767 Mississippi. The department shall not advance or lend to any
6768 school district any sum in excess of seventy-five percent (75%) of
6769 the estimated sum which will accrue to the * * * school district
6770 on account of grants to be made to the * * * school district
6771 within the twenty (20) years next following the date of the loan



6772 or advance. In determining the maximum allowable advance or loan,
6773 the department shall assume that the * * * net enrollment in the
6774 schools of the school district for the past preceding scholastic
6775 year, as confirmed by the audit of * * * net enrollment made by
6776 the State Department of Audit, will continue for the period during
6777 which the loan is to be repaid.

6778 **SECTION 81.** Section 37-47-33, Mississippi Code of 1972, is
6779 amended as follows:

6780 37-47-33. For the purpose of: (a) providing funds to enable
6781 the State Board of Education to make loans or advances to school
6782 districts as provided by Section 37-47-25 * * *; (b) providing
6783 funds for the payment and redemption of certificates of credit
6784 issued to school districts under Section 37-47-23, when such funds
6785 are not otherwise available * * *; or (c) providing funds in an
6786 amount not exceeding Twenty Million Dollars (\$20,000,000.00) for
6787 the payment of allocations of * * * total funding formula funds to
6788 school districts for capital expenditures approved under this act
6789 by the State Board of Education which have not been pledged for
6790 debt by the school district, when such funds are not otherwise
6791 available * * *, the State Bond Commission is authorized and
6792 empowered to issue state school bonds under the conditions
6793 prescribed in this chapter. The aggregate principal amount of
6794 such bonds outstanding at any one (1) time, after deducting the
6795 amount of the sinking fund provided for the retirement of bonds
6796 issued for such purposes, shall never exceed the sum of One



6797 Hundred Million Dollars (\$100,000,000.00). Within such limits,
6798 however, state school bonds may be issued from time to time under
6799 the conditions prescribed in this chapter. None of such bonds so
6800 issued shall have a maturity date later than July 1, 2021.

6801 **SECTION 82.** Section 37-61-3, Mississippi Code of 1972, is
6802 amended as follows:

6803 37-61-3. The * * * total funding formula allotments * * * to
6804 the public school districts and the funds derived from the
6805 supplemental school district tax levies authorized by law shall be
6806 used exclusively for the support, maintenance and operation of the
6807 schools in the manner provided by law for the fiscal years for
6808 which such funds were appropriated, collected or otherwise made
6809 available, and no part of said funds or allotments shall be used
6810 in paying any expenses incurred during any preceding fiscal year.
6811 However, this shall not be construed to prohibit the payment of
6812 expenses incurred during the fiscal year after the close of such
6813 fiscal year from amounts remaining on hand at the end of such
6814 fiscal year, provided that such expenses were properly payable
6815 from such amounts. Moreover, this shall not be construed to
6816 prohibit the payment of the salaries of superintendents,
6817 principals and teachers and other school employees whose salaries
6818 are payable in twelve (12) monthly installments after the close of
6819 the fiscal year from amounts on hand for such purpose at the end
6820 of the fiscal year.



6821 **SECTION 83.** Section 37-61-5, Mississippi Code of 1972, is
6822 amended as follows:

6823 37-61-5. If in any year there should remain a balance in
6824 the * * * total funding formula funds of any school district on
6825 June 30 which amount is not to be used or is not needed in the
6826 payment of expenses for the preceding fiscal year properly payable
6827 out of such * * * total funding formula funds, then such balance
6828 on hand to the credit of such * * * funds of the school district
6829 shall be carried forward as a part of such * * * total funding
6830 formula funds for the next succeeding fiscal year. The proper pro
6831 rata part of the amount so carried forward, to be determined by
6832 the percentage which the state * * * total funding formula
6833 funds * * * during the year bore to the entire amount * * * of the
6834 school district's total funding formula funds, shall be charged
6835 against and deducted from the amount which the school district is
6836 allotted from state * * * total funding formula funds for the
6837 succeeding fiscal year, in a manner prescribed by the State
6838 Auditor. The remainder of the amount so carried forward may be
6839 deducted from the amount which the school district is required to
6840 produce as its local minimum ad valorem tax effort for the support
6841 of the * * * total funding formula for the succeeding fiscal
6842 year * * *.

6843 **SECTION 84.** Section 37-61-7, Mississippi Code of 1972, is
6844 amended as follows:



6845 37-61-7. If at the end of any fiscal year there should
6846 remain a balance in the school district fund of any school
6847 district which is not needed and is not to be used for paying the
6848 expenses properly payable out of such district fund for the
6849 preceding fiscal year, such balance shall be carried forward as a
6850 part of the school district fund for the next fiscal year and used
6851 and expended in the manner otherwise provided by law. Nothing in
6852 this section shall be construed as applying to balances * * * of
6853 total funding formula funds of a school district, and balances
6854 remaining in such funds shall be governed by Section 37-61-5.

6855 **SECTION 85.** Section 37-61-19, Mississippi Code of 1972, is
6856 amended as follows:

6857 37-61-19. It shall be the duty of the superintendents of
6858 schools and the school boards of all school districts to limit the
6859 expenditure of school funds during the fiscal year to the
6860 resources available. It shall be unlawful for any school district
6861 to budget expenditures from a fund in excess of the resources
6862 available within that fund. Furthermore, it shall be unlawful for
6863 any contract to be entered into or any obligation incurred or
6864 expenditure made in excess of the resources available for such
6865 fiscal year. Any member of the school board, superintendent of
6866 schools, or other school official, who shall knowingly enter into
6867 any contract, incur any obligation, or make any expenditure in
6868 excess of the amount available for the fiscal year shall be
6869 personally liable for the amount of such excess. However, no



6870 school board member, superintendent or other school official shall
6871 be personally liable: (a) in the event of any reduction in * * *
6872 total funding formula payments by action of the Governor acting
6873 through the Department of Finance and Administration * * *; or (b)
6874 for claims, damages, awards or judgments, on account of any
6875 wrongful or tortious act or omission or breach of implied term or
6876 condition of any warranty or contract * * *. However, * * * the
6877 foregoing immunity provisions shall not be a defense in cases of
6878 fraud, criminal action or an intentional breach of fiduciary
6879 obligations imposed by statute.

6880 **SECTION 86.** Section 37-61-29, Mississippi Code of 1972, is
6881 amended as follows:

6882 37-61-29. The State Department of Audit is hereby authorized
6883 and empowered to post-audit and investigate the financial affairs
6884 and all transactions involving the school funds of the * * *
6885 school district including the * * * total funding formula funds
6886 and supplementary district school funds, and to make separate and
6887 special audits thereof, as now provided by Sections 7-7-201
6888 through 7-7-215 * * *.

6889 **SECTION 87.** Section 37-61-35, Mississippi Code of 1972, is
6890 amended as follows:

6891 37-61-35. There is hereby created a special fund in the
6892 State Treasury to be designated School Ad Valorem Tax Reduction
6893 Fund into which proceeds collected pursuant to Sections
6894 27-65-75(7) and 27-67-31(a) shall be deposited. Beginning with



6895 the 1994 state fiscal year, the entire amount of monies in such
6896 special fund shall be appropriated annually to the State
6897 Department of Education which shall distribute the appropriated
6898 amount to the various school districts in the proportion that
6899 the * * * net enrollment of each school district bears to
6900 the * * * net enrollment of all school districts within the state.
6901 On or before * * * June 1 of each * * * year, the State Department
6902 of Education shall notify each school district of the amount to
6903 which such district is entitled pursuant to this section.

6904 **SECTION 88.** Section 37-61-37, Mississippi Code of 1972, is
6905 amended as follows:

6906 37-61-37. There is established in the State Treasury a fund
6907 known as the "Mississippi Public Education Support Fund"
6908 (hereinafter referred to as "fund"). The fund shall consist of
6909 monies * * * as the Legislature may authorize or direct to be
6910 deposited into the fund. Monies in the fund, upon appropriation
6911 by the Legislature, may be expended by the * * * State Department
6912 of Education for classroom supplies, instructional materials and
6913 equipment, including computers and computer software, to be
6914 distributed to all school districts in the proportion that
6915 the * * * net enrollment of each school district bears to
6916 the * * * net enrollment of all school districts within the state.
6917 Unexpended amounts remaining in the fund at the end of the fiscal
6918 year shall not lapse into the State General Fund, and any interest



6919 earned or investment earnings on amounts in the fund shall be
6920 deposited to the credit of the fund.

6921 **SECTION 89.** Section 37-68-7, Mississippi Code of 1972, is
6922 amended as follows:

6923 37-68-7. (1) There is established the Equity in Distance
6924 Learning Grant Program which shall be administered by the
6925 department for the purpose of reimbursing schools for eligible
6926 expenses incurred in funding their distance learning plans, and in
6927 facilitating safe classroom and remote instruction.

6928 (2) Subject to appropriations by the Legislature,
6929 allocations to schools shall be made based on * * * net
6930 enrollment, as defined in Section * * * 37-151-201. For any
6931 school not funded under * * * the total funding formula, the
6932 department shall calculate the * * * net enrollment equivalent or
6933 fund the school based on enrollment.

6934 (3) Subject to the provisions of this chapter, and other
6935 applicable federal law and regulations, schools shall have the
6936 authority to use the funds provided in this grant program in a way
6937 which best facilitates their distance learning plan, and safe
6938 classroom or remote instruction.

6939 (4) Schools are highly encouraged to commit a portion of
6940 their federal ESSER funds, above the amount required by Section
6941 37-68-11(b), as supplemental matching funds to offset the total
6942 cost of purchasing sufficient electronic devices, technological
6943 supports and systems of service for its distance learning plan.



6944 **SECTION 90.** Section 37-131-7, Mississippi Code of 1972, is
6945 amended as follows:

6946 37-131-7. When any pupils shall attend any demonstration or
6947 practice school under the provisions of Section 37-131-3, such
6948 children shall be reported and accounted for the allocation
6949 of * * * total funding formula funds and state public school
6950 building funds just as though such children were attending the
6951 regular schools of the district in which they reside. For this
6952 purpose, reports shall be made to the school district involved by
6953 the demonstration or practice school of the number of pupils
6954 in * * * net enrollment, and the * * * net enrollment of such
6955 children shall thereupon be included in reports made to the State
6956 Board of Education * * * by the * * * school district * * *.

6957 Allocation of * * * the total funding formula funds shall be
6958 made by the State Board of Education for such children just as
6959 though such children were attending the regular schools of the
6960 district. All * * * total funding formula funds * * * which
6961 accrue to any district as a result of such children who are in
6962 attendance at a demonstration or practice school shall be paid by
6963 the board of trustees of the municipal separate school district or
6964 by the county board of education to the demonstration or practice
6965 school, and shall be used to defray the cost and expense of
6966 maintaining, operating and conducting such demonstration or
6967 practice school.



6968 All state public school building funds which accrue as a
6969 result of such children in attendance at a demonstration or
6970 practice school shall be credited directly to such demonstration
6971 or practice school, and all of the provisions of Chapter 47 of
6972 this title shall be fully applicable thereto.

6973 **SECTION 91.** Section 37-131-9, Mississippi Code of 1972, is
6974 amended as follows:

6975 37-131-9. In addition to the amounts paid to the
6976 demonstration or practice school from * * * total funding formula
6977 funds, as provided in Section 37-131-7, the board of trustees of
6978 the school district involved may contract with the * * *
6979 demonstration or practice school for the payment of additional
6980 amounts thereto to defray expenses over and above those defrayed
6981 by * * * the total funding formula funds, which additional amounts
6982 shall be paid from any funds available to the school district
6983 other than * * * total funding formula funds, whether produced by
6984 a supplemental district tax levy or otherwise.

6985 If the total funds paid to the demonstration or practice
6986 school by the school district are inadequate to defray the cost
6987 and expense of maintaining and operating such demonstration or
6988 practice school then the president or executive head of the
6989 institution may, subject to the approval of the Board of Trustees
6990 of State Institutions of Higher Learning, require the payment of
6991 additional fees or tuition in an amount to be fixed by the
6992 president or executive head of the institution, subject to the



6993 approval of the Board of Trustees of State Institutions of Higher
6994 Learning, which amount shall be paid by and collected from the
6995 student or his parents.

6996 Boards of trustees of school districts involved may designate
6997 an area within the jurisdiction of the board as an attendance
6998 center as provided by law, and may require students in such area
6999 to attend demonstration or practice schools, subject to a
7000 satisfactory contract between the school board and the president
7001 or executive head of the institution operating the demonstration
7002 or practice school. In such event, all fees and tuition must be
7003 borne by the school district and in no case shall the child or the
7004 parents of the child assigned to such demonstration or practice
7005 school be required to pay any fees or tuition.

7006 The president or executive head of the institution, subject
7007 to the approval of the Board of Trustees of State Institutions of
7008 Higher Learning, may also fix the amount of fees and tuition to be
7009 paid by students desiring to attend such demonstration or practice
7010 school in cases where there is no contract with the board of
7011 trustees of the school district in which the students reside
7012 therefor.

7013 All funds received by an institution, under the provisions of
7014 this section, shall be deposited in a special fund and shall be
7015 used and expended solely for the purpose of defraying and paying
7016 the cost and expense of operating, maintaining and conducting such
7017 teachers demonstration and practice school. Such funds may be



7018 supplemented by and used in connection with any other funds
7019 available to the institutions for such purpose whether made
7020 available by legislative appropriation or otherwise.

7021 **SECTION 92.** Section 37-131-11, Mississippi Code of 1972, is
7022 amended as follows:

7023 37-131-11. All demonstration or practice schools established
7024 under the provisions of Section 37-131-1 shall, as far as may be
7025 practicable, be subject to and governed by the same laws as other
7026 public schools of the State of Mississippi, and shall make all
7027 reports required by law to be made by public schools to the State
7028 Board of Education * * * at the same time and in the same manner
7029 as such reports are made by other public schools. However, for
7030 the purpose of the allocation of * * * total funding formula
7031 funds, the reports of children in * * * net enrollment shall be
7032 made to the school district involved by * * * the demonstration or
7033 practice school, and a copy thereof shall be filed with the State
7034 Board of Education. The school district shall use * * * the
7035 reports so filed with it in making its reports to the State Board
7036 of Education for the purpose of the allocation of * * * total
7037 funding formula funds, but the * * * net enrollment of the pupils
7038 attending such demonstration or practice school shall be
7039 segregated and separated in such reports from the * * * net
7040 enrollment in the regular schools of the district.

7041 **SECTION 93.** Section 37-151-9, Mississippi Code of 1972, is
7042 amended as follows:



7043 37-151-9. (1) The State Board of Education and State
7044 Superintendent of Education shall establish within the State
7045 Department of Education a special unit at the division level
7046 called the Office of Educational Accountability. The Director of
7047 the Office of Educational Accountability shall hold a position
7048 comparable to a deputy superintendent and shall be appointed by
7049 the State Board of Education with the advice and consent of the
7050 Senate. He shall serve at the will and pleasure of the State
7051 Board of Education and may employ necessary professional,
7052 administrative and clerical staff. The Director of the Office of
7053 Educational Accountability shall provide all reports to the
7054 Legislature, Governor, Mississippi Commission on School
7055 Accreditation and State Board of Education and respond to any
7056 inquiries for information.

7057 (2) The Office of Educational Accountability is responsible
7058 for monitoring and reviewing programs developed under the
7059 Education Reform Act, the Mississippi Adequate Education Program
7060 Act of 1994, the Education Enhancement Fund, this act, and
7061 subsequent education initiatives, and shall provide information,
7062 recommendations and an annual assessment to the Legislature,
7063 Governor, Mississippi Commission on School Accreditation and the
7064 State Board of Education. * * * The annual assessment of
7065 education reform programs shall be performed by the Office of
7066 Educational Accountability by December 1 of each year. * * *



7067 (3) In addition, the Office of Educational Accountability
7068 shall have the following specific duties and responsibilities:

7069 (a) Developing and maintaining a system of
7070 communication with school district personnel;

7071 (b) Provide opportunities for public comment on the
7072 current functions of the State Department of Education's programs,
7073 needed public education services and innovative suggestions; and

7074 (c) Assess both positive and negative impact on school
7075 districts of new education programs, including but not limited to
7076 The Mississippi Report Card and alternative school programs.

7077 **SECTION 94.** Section 37-151-85, Mississippi Code of 1972, is
7078 amended as follows:

7079 37-151-85. (1) * * * Using those funds appropriated by the
7080 Legislature for transportation purposes, the amount to be allotted
7081 by the State Board of Education for transportation shall be
7082 determined as follows:

7083 The State Department of Education shall calculate the cost of
7084 transportation in school districts by ascertaining the average
7085 cost per pupil in * * * net enrollment of transported pupils in
7086 school districts classified in different density groups, as
7087 determined by the State Department of Education. Based on these
7088 calculations, the State Department of Education shall develop a
7089 scale for determining the allowable cost per pupil in different
7090 density groups, which scale shall provide greatest allowance per
7091 pupil transported in school districts with lowest densities and



7092 smallest allowance per pupil in school districts with highest
7093 densities. The total allowance * * * under this section for
7094 transported children for any school district for the current year
7095 shall be the * * * net enrollment of the transported children
7096 for * * * months two (2) and three (3) of the prior year,
7097 multiplied by the allowance per transported pupil as provided
7098 herein. However, the State Department of Education is * * *
7099 authorized and empowered to make proper adjustments in allotments,
7100 under rules and regulations of the State Board of Education, in
7101 cases where major changes in the number of children in * * * net
7102 enrollment transported occur from one (1) year to another as a
7103 result of changes or alterations in the boundaries of school
7104 districts, a change in or relocation of attendance centers, or for
7105 other reasons which would result in major decrease or increase in
7106 the number of children in * * * net enrollment transported during
7107 the current school year as compared with the preceding year.
7108 Moreover, the State Board of Education is hereby authorized and
7109 empowered to make such payments to all districts and/or
7110 university-based programs as deemed necessary in connection with
7111 transporting exceptional children as defined in Section 37-23-3.
7112 The State Board of Education shall establish and implement all
7113 necessary rules and regulations to allot transportation payments
7114 to university-based programs. In developing density
7115 classifications under the provisions hereof, the State Department
7116 of Education may give consideration to the length of the route,



7117 the sparsity of the population, the lack of adequate roads,
7118 highways and bridges, and the presence of large streams or other
7119 geographic obstacles. In addition to funds allotted under the
7120 above provisions, funds shall be allotted to each school district
7121 that transports students from their assigned school or attendance
7122 center to classes in an approved vocational-technical center at a
7123 rate per mile not to exceed the average statewide cost per mile of
7124 school bus transportation during the preceding year exclusive of
7125 bus replacement. All such transportation must have prior approval
7126 by the State Department of Education.

7127 (2) The * * * net enrollment of transported children shall
7128 be reported by the school district in which such children attend
7129 school. If children living in a school district are transported
7130 at the expense of such school district to another school district,
7131 the * * * net enrollment of such transported children shall be
7132 deducted by the State Department of Education from the
7133 aggregate * * * net enrollment of transported children in the
7134 school district in which they attend school and shall be added to
7135 the aggregate * * * net enrollment of transported children of the
7136 school district from which they come for the purpose of
7137 calculating transportation allotments. However, such deduction
7138 shall not be made for the purpose of calculating * * * total
7139 funding formula funding.

7140 (3) The State Department of Education shall include in the
7141 allowance for transportation for each school district an amount



7142 for the replacement of school buses or the purchase of new buses,
7143 which amount shall be calculated upon the estimated useful life of
7144 all school buses being used for the transportation of children in
7145 such school district, whether such buses be publicly or privately
7146 owned.

7147 (4) The school boards of all districts operating school bus
7148 transportation are authorized and directed to establish a salary
7149 schedule for school bus drivers. No school district shall be
7150 entitled to receive the funds herein allotted for transportation
7151 unless it pays each of its nonstudent adult school bus drivers
7152 paid from such transportation allotments a minimum of One Hundred
7153 Ninety Dollars (\$190.00) per month. In addition, local school
7154 boards may compensate school bus drivers, to include temporary or
7155 substitute bus drivers, for actual expenses incurred when
7156 acquiring an initial commercial license or any renewal of a
7157 commercial license in order to drive a school bus. In addition,
7158 local school boards may compensate school bus drivers, to include
7159 temporary or substitute bus drivers, for expenses, not to exceed
7160 One Hundred Dollars (\$100.00), when acquiring an initial medical
7161 exam or any renewal of a medical exam, in order to qualify for a
7162 commercial driver's license.

7163 (5) The State Board of Education shall be authorized and
7164 empowered to use such part of the funds appropriated for
7165 transportation * * * as may be necessary to finance driver
7166 training courses as provided for in Section 37-41-1 * * *.



7167 (6) The State Board of Education, acting through the
7168 Department of Education, may compensate school bus drivers, to
7169 include temporary or substitute bus drivers, who are providing
7170 driving services to the various state operated schools, such as
7171 the Mississippi School for the Deaf, the Mississippi School for
7172 the Blind, the Mississippi School of the Arts, the Mississippi
7173 School for Math and Science and any other similar state operated
7174 schools, for actual expenses incurred when acquiring an initial
7175 commercial license or any renewal of a commercial license in order
7176 to drive a school bus, to include the expense, not to exceed One
7177 Hundred Dollars (\$100.00), of acquiring an initial medical exam or
7178 any renewal of a medical exam in order to qualify for a commercial
7179 driver's license.

7180 **SECTION 95.** Section 37-151-87, Mississippi Code of 1972, is
7181 amended as follows:

7182 37-151-87. No school district shall pay any teacher less
7183 than the state minimum salary. * * * However, * * * school
7184 districts are authorized to reduce the state minimum salary by a
7185 pro rata daily amount in order to comply with the school district
7186 employee furlough provisions of Section 37-7-308. From and after
7187 July 1, 2012, no school district shall receive any funds under the
7188 provisions of this chapter for any school year during which the
7189 aggregate amount of local supplement * * * is reduced below such
7190 amount for the previous year. However, (a) where there has been a
7191 reduction in * * * total funding formula allocations for such



7192 district in such year, (b) where there has been a reduction in the
7193 amount of federal funds to such district below the previous year,
7194 or (c) where there has been a reduction in ad valorem taxes to
7195 such school district for the 1986-1987 school year below the
7196 amount for the previous year due to the exemption of nuclear
7197 generating plants from ad valorem taxation pursuant to Section
7198 27-35-309, * * * the aggregate amount of local supplement in such
7199 district may be reduced in the discretion of the local school
7200 board without loss of funds under this chapter. No school
7201 district may receive any funds under the provisions of this
7202 chapter for any school year if the aggregate amount of support
7203 from ad valorem taxation shall be reduced during such school year
7204 below such amount for the previous year; however, where there is a
7205 loss in * * * total funding formula allocations, or where there is
7206 or heretofore has been a decrease in the total assessed value of
7207 taxable property within a school district, the aggregate amount of
7208 such support may be reduced proportionately. Nothing herein
7209 contained shall prohibit any school district from adopting or
7210 continuing a program or plan whereby teachers are paid varying
7211 salaries according to the teaching ability, classroom performance
7212 and other similar standards.

7213 For purposes of this section, the term "local supplement"
7214 means the additional amount paid to an individual teacher over and
7215 above the salary schedule prescribed in Section 37-19-7 for the
7216 performance of regular teaching duties by that teacher.



7217 **SECTION 96.** Section 37-151-89, Mississippi Code of 1972, is
7218 amended as follows:

7219 37-151-89. The minimum base pay for all classroom teachers
7220 may be increased by the district from any funds available to
7221 it * * *.

7222 **SECTION 97.** Section 37-151-91, Mississippi Code of 1972, is
7223 amended as follows:

7224 37-151-91. The school boards of all school districts may
7225 establish salary schedules based on training, experience and other
7226 such factors as may be incorporated therein, including student
7227 progress and performance as developed by the State Board of
7228 Education, paying teachers greater amounts than the scale
7229 provided * * * in Section 37-19-7, but no teacher may be paid less
7230 than the amount based upon the minimum scale of pay provided
7231 in * * * Section 37-19-7, * * * and all supplements paid from
7232 local funds shall be based upon the salary schedules so
7233 established. The school boards may call upon the State Department
7234 of Education for aid and assistance in formulating and
7235 establishing such salary schedules, and it shall be the duty of
7236 the State Department of Education, when so called upon, to render
7237 such aid and assistance. The amount actually paid to each teacher
7238 shall be based upon and determined by the type of * * * license
7239 held by such teacher.

7240 **SECTION 98.** Section 37-151-93, Mississippi Code of 1972, is
7241 amended as follows:



7242 37-151-93. (1) Legally transferred students going from one
7243 school district to another shall be counted for * * * total
7244 funding formula allotments by the school district wherein the
7245 pupils attend school, but shall be counted for transportation
7246 allotment purposes in the school district which furnishes or
7247 provides the transportation. The school boards of the school
7248 districts which approve the transfer of a student under the
7249 provisions of Section 37-15-31 shall enter into an agreement and
7250 contract for the payment or nonpayment of any portion of their
7251 local maintenance funds which they deem fair and equitable in
7252 support of any transferred student. Except as provided in
7253 subsection (2) of this section, local maintenance funds shall be
7254 transferred only to the extent specified in the agreement and
7255 contract entered into by the affected school districts. The terms
7256 of any local maintenance fund payment transfer contract shall be
7257 spread upon the minutes of both of the affected school district
7258 school boards. The school district accepting any transfer
7259 students shall be authorized to accept tuition from such students
7260 under the provisions of Section 37-15-31(1) and such agreement may
7261 remain in effect for any length of time designated in the
7262 contract. The terms of such student transfer contracts and the
7263 amounts of any tuition charged any transfer student shall be
7264 spread upon the minutes of both of the affected school boards. No
7265 school district accepting any transfer students under the
7266 provisions of Section 37-15-31(2), which provides for the transfer



7267 of certain school district employee dependents, shall be
7268 authorized to charge such transfer students any tuition fees.

7269 (2) Local maintenance funds shall be paid by the home school
7270 district to the transferee school district for students granted
7271 transfers under the provisions of Sections 37-15-29(3) and
7272 37-15-31(3), * * * not to exceed the * * * student base amount, as
7273 defined in Section * * * 37-151-201, multiplied by the number of
7274 such legally transferred students.

7275 **SECTION 99.** Section 37-151-95, Mississippi Code of 1972, is
7276 amended as follows:

7277 37-151-95. * * * Total funding formula funds shall * * *
7278 cover one hundred percent (100%) of the cost of the State and
7279 School Employees' Life and Health Insurance Plan created under
7280 Article 7, Chapter 15, Title 25, Mississippi Code of 1972, for all
7281 district employees who work no less than twenty (20) hours during
7282 each week and regular nonstudent school bus drivers employed by
7283 the district.

7284 Where the use of federal funding is allowable to defray, in
7285 full or in part, the cost of participation in the insurance plan
7286 by district employees who work no less than twenty (20) hours
7287 during each week and regular nonstudent school bus drivers, whose
7288 salaries are paid, in full or in part, by federal funds, the * * *
7289 use of total funding formula funds as required under this section
7290 shall be reduced to the extent of the federal funding. Where the
7291 use of federal funds is allowable but not available, it is the



7292 intent of the Legislature that school districts contribute the
7293 cost of participation for such employees from local funds, except
7294 that parent fees for child nutrition programs shall not be
7295 increased to cover such cost.

7296 The State Department of Education, in accordance with rules
7297 and regulations established by the State Board of Education, may
7298 withhold a school district's * * * total funding formula funds for
7299 failure of the district to timely report student, fiscal and
7300 personnel data necessary to meet state and/or federal
7301 requirements. The rules and regulations promulgated by the State
7302 Board of Education shall require the withholding of * * * total
7303 funding formula funds for those districts that fail to remit
7304 premiums, interest penalties and/or late charges under the State
7305 and School Employees' Life and Health Insurance Plan.
7306 Noncompliance with such rules and regulations shall result in a
7307 violation of compulsory accreditation standards as established by
7308 the State Board of Education and Commission on School
7309 Accreditation.

7310 **SECTION 100.** Section 37-151-97, Mississippi Code of 1972, is
7311 amended as follows:

7312 37-151-97. The State Department of Education shall develop
7313 an annual reporting process to inform the Legislature, local
7314 district personnel and the general public as to the ongoing and
7315 future plans for the state's educational programs. The annual
7316 reporting process will include those vital statistics that are



7317 commonly reported by schools and districts and that can provide
7318 clear demographic, strategic and educational information to
7319 constituencies such as, but not limited to, the following
7320 information:

7321 (a) Student enrollment * * * and attendance * * *
7322 reported in the aggregate and specifically for each student
7323 population that is subject to weighting under this act, and
7324 drop-out and graduation data;

7325 (b) Overall student and district achievement;

7326 (c) Budget, administrative costs and other pertinent
7327 fiscal information, including:

7328 (i) The receipts and disbursements of all school
7329 funds handled by the board;

7330 (ii) Reports of expenditures for public schools,
7331 which, upon request must be made available on an individual
7332 district basis by the State Department of Education;

7333 1. Total Student Expenditures:

7334 a. Instruction (1000s);

7335 b. Other Student Instructional

7336 Expenditures (2100s, 2200s);

7337 2. General Administration (2300s and 2500s);

7338 3. School Administration (2400s);

7339 4. Other Expenditures (2600s, 2700s, 2800s,

7340 3100s, 3200s); and



7341 5. Nonoperational Expenditures (4000s, 5000s,
7342 6000s);

7343 (iii) The number of school districts, school
7344 teachers employed, school administrators employed, pupils taught
7345 and the attendance record of pupils therein;

7346 (iv) County and district levies for each school
7347 district and agricultural high school;

7348 (v) The condition of vocational education, a list
7349 of schools to which federal and state aid has been given, and a
7350 detailed statement of the expenditures of federal funds and the
7351 state funds that may be provided, and the ranking of subjects
7352 taught as compared with the state's needs.

7353 (d) Other as directed by the State Board of Education.

7354 Further, the reporting process will include an annual report
7355 developed specifically to relate the mission and goals of the
7356 State Board of Education, state superintendent and departments.
7357 This document will become the method through which the strategic
7358 planning and management process of the department is articulated
7359 to the public. It will explain and inform the public of the major
7360 initiatives of the department and clearly identify rationale for
7361 program development and/or elimination. The report will establish
7362 benchmarks, future plans and discuss the effectiveness of
7363 educational programs.

7364 In addition to the information specified herein, the State
7365 Board of Education shall have full and plenary authority and power



7366 to require the furnishing of such further, additional and
7367 supplementary information as it may deem necessary for the purpose
7368 of determining the cost of * * * the total funding formula in such
7369 school district for the succeeding fiscal year, the amount of
7370 the * * * total funding formula funds to be allotted to each
7371 school district for the succeeding fiscal year, and for any other
7372 purpose authorized by law or deemed necessary by said State Board
7373 of Education.

7374 It shall be the duty of the State Department of Education to
7375 prescribe the forms for the reports provided for in this section.

7376 **SECTION 101.** Section 37-151-99, Mississippi Code of 1972, is
7377 amended as follows:

7378 37-151-99. Based upon the information obtained pursuant to
7379 Section * * * 37-151-207(3) and upon such other and further
7380 information as provided by law, the State Department of Education
7381 shall, on or before June 1 of each year, or as soon thereafter as
7382 is practical, furnish each school board and charter school the
7383 preliminary estimate of the amount each will receive from * * *
7384 the total funding formula provided in this act for the succeeding
7385 scholastic year, and at the same time shall furnish each such
7386 school board with a tentative estimate of the cost of the * * *
7387 local minimum tax effort for the total funding formula in the
7388 school district and the local contribution for the school district
7389 and each charter school for such succeeding fiscal year.



7390 **SECTION 102.** Section 37-151-101, Mississippi Code of 1972,
7391 is amended as follows:

7392 37-151-101. It shall be the duty of the State Department of
7393 Education to file with the State Treasurer and the State Fiscal
7394 Officer such data and information as may be required to enable the
7395 said State Treasurer and State Fiscal Officer to distribute
7396 the * * * total funding formula funds provided in this act by
7397 electronic funds transfer to the several school districts and
7398 charter schools at the time required and provided under the
7399 provisions of this chapter. Such data and information so filed
7400 shall show in detail the amount of funds to which each school
7401 district and charter school is entitled * * * under the total
7402 funding formula. Such data and information so filed may be
7403 revised from time to time as necessitated by law. At the time
7404 provided by law, the State Treasurer and the State Fiscal Officer
7405 shall distribute to the several school districts and charter
7406 schools the amounts to which they are entitled * * * under the
7407 total funding formula as provided by this chapter. Such
7408 distribution shall be made by electronic funds transfer to the
7409 depositories of the several school districts and charter schools
7410 designated in writing to the State Treasurer based upon the data
7411 and information supplied by the State Department of Education for
7412 such distribution. In such instances, the State Treasurer shall
7413 submit a request for an electronic funds transfer to the State
7414 Fiscal Officer, which shall set forth the purpose, amount and



7415 payees, and shall be in such form as may be approved by the State
7416 Fiscal Officer so as to provide the necessary information as would
7417 be required for a requisition and issuance of a warrant. A copy
7418 of the record of * * * the electronic funds transfers shall be
7419 transmitted by the school district and charter school depositories
7420 to the Treasurer, who shall file duplicates with the State Fiscal
7421 Officer. The Treasurer and State Fiscal Officer shall jointly
7422 promulgate regulations for the utilization of electronic funds
7423 transfers to school districts and charter schools.

7424 **SECTION 103.** Section 37-151-103, Mississippi Code of 1972,
7425 is amended as follows:

7426 37-151-103. (1) Funds due each school district and charter
7427 school under * * * the total funding formula provided in this act
7428 shall be paid in the following manner: Two (2) business days
7429 prior to the last working day of each month there shall be paid to
7430 each school district and charter school, by electronic funds
7431 transfer, one-twelfth (1/12) of the funds to which the district or
7432 charter school is entitled from funds appropriated for * * * total
7433 funding formula. However, in December those payments shall be
7434 made on December 15th or the next business day after that date.
7435 All school districts shall process a single monthly or a bimonthly
7436 payroll for employees, in the discretion of the local school
7437 board, with electronic settlement of payroll checks secured
7438 through direct deposit of net pay for all school district
7439 employees. In addition, the State Department of Education may pay



7440 school districts and charter schools * * * under the total funding
7441 formula on a date earlier than provided for by this section if it
7442 is determined that it is in the best interest of school districts
7443 and charter schools to do so.

7444 * * * However, * * * if the cash balance in the State
7445 General Fund is not adequate on the due date to pay the amounts
7446 due to all school districts and charter schools in the state as
7447 determined by the State Superintendent of Public Education, the
7448 State Fiscal Officer shall not transfer * * * the funds payable to
7449 any school district or districts or charter schools until money is
7450 available to pay the amount due to all districts and charter
7451 schools.

7452 (2) Notwithstanding any provision of this chapter or any
7453 other law requiring the number of children in * * * net enrollment
7454 or the * * * net enrollment of transported children to be
7455 determined on the basis of the preceding year, the State Board of
7456 Education is hereby authorized and empowered to make proper
7457 adjustments in allotments in cases where major changes in the
7458 number of children in * * * net enrollment or the * * * net
7459 enrollment of transported children occurs from one (1) year to
7460 another as a result of changes or alterations in the boundaries of
7461 school districts, the sending of children from one (1) county or
7462 district to another upon a contract basis, the termination or
7463 discontinuance of a contract for the sending of children from one
7464 (1) county or district to another, a change in or relocation of



7465 attendance centers, or for any other reason which would result in
7466 a major decrease or increase in the number of children in * * *
7467 net enrollment or the * * * net enrollment of transported children
7468 during the current school year as compared with the preceding
7469 year.

7470 * * *

7471 **SECTION 104.** Section 37-151-105, Mississippi Code of 1972,
7472 is amended as follows:

7473 37-151-105. The State Board of Education shall have the
7474 authority to make such regulations not inconsistent with law which
7475 it deems necessary for the administration of this chapter. The
7476 State Board of Education, if it deems such practice necessary, may
7477 use reports of the first six (6) months of school for the purpose
7478 of determining * * * net enrollment.

7479 **SECTION 105.** Section 37-151-107, Mississippi Code of 1972,
7480 is amended as follows:

7481 37-151-107. Any superintendent of education, member of the
7482 local school board of any school district, superintendent,
7483 principal, teacher, carrier, bus driver or member or employee of
7484 the State Department of Education or State Board of Education, or
7485 any other person, who shall willfully violate any of the
7486 provisions of this chapter, or who shall willfully make any false
7487 report, list or record, or who shall willfully make use of any
7488 false report, list or record, concerning the number of school
7489 children in * * * net enrollment shall be guilty of a misdemeanor



7490 and upon conviction shall be punished by imprisonment in the
7491 county jail for a period not to exceed sixty (60) days or by a
7492 fine of not less than One Hundred Dollars (\$100.00), nor more than
7493 Three Hundred Dollars (\$300.00), or by both such fine and
7494 imprisonment, in the discretion of the court. In addition, any
7495 such person shall be civilly liable for all amounts of public
7496 funds which are illegally, unlawfully or wrongfully expended or
7497 paid out by virtue of or pursuant to such false report, list or
7498 record, and upon conviction or adjudication of civil liability
7499 hereunder, such person shall forfeit his license to teach for a
7500 period of three (3) years, if such person is the holder of such a
7501 license. Any suit to recover such funds illegally, unlawfully or
7502 wrongfully expended or paid out may be brought in the name of the
7503 State of Mississippi by the Attorney General or the proper
7504 district attorney or county attorney, and, in the event such
7505 suit * * * is brought against a person who is under bond, the
7506 sureties upon such bond shall likewise be liable for such amount
7507 illegally, unlawfully or wrongfully expended or paid out.

7508 **SECTION 106.** Section 37-173-9, Mississippi Code of 1972, is
7509 amended as follows:

7510 37-173-9. (1) (a) The parent or legal guardian is not
7511 required to accept the offer of enrolling in another public school
7512 in lieu of requesting a Mississippi Dyslexia Therapy Scholarship
7513 to a nonpublic school. However, if the parent or legal guardian
7514 chooses the public school option, the student may continue



7515 attending a public school chosen by the parent or legal guardian
7516 until the student completes Grade 12.

7517 (b) If the parent or legal guardian chooses a public
7518 school within the district, the school district shall provide
7519 transportation to the public school selected by the parent or
7520 legal guardian. However, if the parent or legal guardian chooses
7521 a public school in another district, the parent or legal guardian
7522 is responsible to provide transportation to the school of choice.

7523 These provisions do not prohibit a parent or legal guardian
7524 of a student diagnosed with dyslexia, at any time, from choosing
7525 the option of a Mississippi Dyslexia Therapy Scholarship which
7526 would allow the student to attend another public school or
7527 nonpublic special purpose school.

7528 (2) If the parent or legal guardian chooses the nonpublic
7529 school option and the student is accepted by the nonpublic school
7530 pending the availability of a space for the student, the parent or
7531 legal guardian of the student must notify the department thirty
7532 (30) days before the first scholarship payment and before entering
7533 the nonpublic school in order to be eligible for the scholarship
7534 when a space becomes available for the student in the nonpublic
7535 school.

7536 (3) The parent or legal guardian of a student may choose, as
7537 an alternative, to enroll the student in and transport the student
7538 to a public school in an adjacent school district which has
7539 available space and has a program with dyslexia services that



7540 provide daily dyslexia therapy sessions delivered by a department
7541 licensed dyslexia therapist, and that school district shall accept
7542 the student and report the student for purposes of the district's
7543 funding under * * * the total funding formula provided in this
7544 act.

7545 **SECTION 107.** Section 37-173-13, Mississippi Code of 1972, is
7546 amended as follows:

7547 37-173-13. (1) The maximum scholarship granted per eligible
7548 student with dyslexia shall be an amount equivalent to the * * *
7549 student base amount under the total funding formula provided in
7550 this act.

7551 (2) (a) The nonpublic school under this program shall
7552 report to the * * * State Department of Education the number of
7553 students with dyslexia who are enrolled in nonpublic schools on
7554 the Mississippi Dyslexia Therapy Scholarships as of September 30
7555 of each year in order to determine funding for the subsequent
7556 year. Funds may not be transferred from any funding provided to
7557 the Mississippi School for the Deaf and the Blind for program
7558 participants who are eligible under Section 37-173-5.

7559 (b) The * * * State Department of Education will
7560 disburse payments to nonpublic schools under this program in
7561 twelve (12) substantially equal installments. The initial payment
7562 shall be made after department verification of admission
7563 acceptance, and subsequent payments shall be made upon



7564 verification of continued enrollment and attendance at the
7565 nonpublic school.

7566 **SECTION 108.** Section 37-175-13, Mississippi Code of 1972, is
7567 amended as follows:

7568 37-175-13. (1) The maximum scholarship granted per eligible
7569 student with speech-language impairment shall be an amount
7570 equivalent to the * * * state share of per student funding under
7571 the total funding formula provided in this act in the school
7572 district in which a student resides.

7573 (2) (a) Any nonpublic school under this program shall
7574 report to the State Department of Education the number of students
7575 with speech-language impairment who are enrolled in nonpublic
7576 schools on the Mississippi Speech-Language Therapy Scholarships as
7577 of September 30 of each year in order to determine funding for the
7578 subsequent year. Funds may not be transferred from any funding
7579 provided to the Mississippi School for the Deaf and the Blind for
7580 program participants who are eligible under Section 37-175-5.

7581 (b) The State Department of Education shall make
7582 payments to nonpublic schools for each student at the nonpublic
7583 school equal to the state share of the * * * total funding formula
7584 payments for each student in * * * net enrollment at the school
7585 district from which the student transferred. In calculating the
7586 local contribution for purposes of determining the state share of
7587 the * * * total funding formula payments, the department shall
7588 deduct the pro rata local contribution of the school district in



7589 which the student resides, to be determined as provided in
7590 Section * * * 37-151-211(2).

7591 (c) Payments made pursuant to this subsection by the
7592 State Department of Education must be made at the same time and in
7593 the same manner as * * * the total funding formula payments are
7594 made to school districts under Sections 37-151-101 and 37-151-103.
7595 Amounts payable to a nonpublic school must be determined by the
7596 State Department of Education.

7597 (3) If the parent opts to remove a child from a public
7598 school to a nonpublic special purpose school and to receive a
7599 scholarship under this chapter, then transportation shall be
7600 provided at the parent's or guardian's expense.

7601 **SECTION 109.** Section 37-179-3, Mississippi Code of 1972, is
7602 amended as follows:

7603 37-179-3. (1) A district which is an applicant to be
7604 designated as a district of innovation under Section 37-179-1
7605 shall:

7606 (a) Establish goals and performance targets for the
7607 district of innovation proposal, which may include:

7608 (i) Reducing achievement gaps among groups of
7609 public school students by expanding learning experiences for
7610 students who are identified as academically low-achieving;

7611 (ii) Increasing pupil learning through the
7612 implementation of high, rigorous standards for pupil performance;



7613 (iii) Increasing the participation of students in
7614 various curriculum components and instructional components within
7615 selected schools to enhance at each grade level;

7616 (iv) Increasing the number of students who are
7617 college and career-ready;

7618 (v) Motivating students at different grade levels
7619 by offering more curriculum choices and student learning
7620 opportunities to parents and students within the district;

7621 (b) Identify changes needed in the district and schools
7622 to lead to better prepared students for success in life and work;

7623 (c) Have a district wide plan of innovation that
7624 describes and justifies which schools and innovative practices
7625 will be incorporated;

7626 (d) Provide documentation of community, educator,
7627 parental, and the local board's support of the proposed
7628 innovations;

7629 (e) Provide detailed information regarding the
7630 rationale of requests for waivers from Title 37, Mississippi Code
7631 of 1972, which relate to the elementary and secondary education of
7632 public school students, and administrative regulations, and
7633 exemptions for selected schools regarding waivers of local school
7634 board policies;

7635 (f) Document the fiscal and human resources the board
7636 will provide throughout the term of the implementation of the
7637 innovations within its plan; and



7638 (g) Provide other materials as required by the
7639 department in compliance with the board's administrative
7640 regulations and application procedures.

7641 (2) The district and all schools participating in a
7642 district's innovation plan shall:

7643 (a) Ensure the same health, safety, civil rights, and
7644 disability rights requirements as are applied to all public
7645 schools;

7646 (b) Ensure students meet compulsory attendance
7647 requirements under Sections 37-13-91 and 37-13-92;

7648 (c) Ensure that high school course offerings meet or
7649 exceed the minimum required under Sections 37-16-7 and 37-3-49,
7650 for high school graduation or meet early graduation requirements
7651 that may be enacted by the Mississippi Legislature;

7652 (d) Ensure the student performance standards meet or
7653 exceed those adopted by the State Board of Education as required
7654 by Sections 37-3-49, 37-16-3 and 37-17-6, including compliance
7655 with the statewide assessment system specified in Chapter 16,
7656 Title 37, Mississippi Code of 1972;

7657 (e) Adhere to the same financial audits, audit
7658 procedures, and audit requirements as are applied under Section
7659 7-7-211(e);

7660 (f) Require state and criminal background checks for
7661 staff and volunteers as required of all public school employees



7662 and volunteers within the public schools and specified in Section
7663 37-9-17;

7664 (g) Comply with open records and open meeting
7665 requirements under Sections 25-41-1 et seq. and 25-61-1 et seq.;

7666 (h) Comply with purchasing requirements and limitations
7667 under Chapter 39, Title 37, Mississippi Code of 1972;

7668 (i) Provide overall instructional time that is
7669 equivalent to or greater than that required under Sections 37-1-11
7670 and 37-13-67, but which may include on-site instruction, distance
7671 learning, online courses, and work-based learning on
7672 nontraditional school days or hours; and

7673 (j) Provide data to the department as deemed necessary
7674 to generate school and district reports.

7675 (3) (a) Only schools that choose to be designated as
7676 schools of innovation shall be included in a district's
7677 application;

7678 (b) As used in this paragraph, "eligible employees"
7679 means employees that are regularly employed at the school and
7680 those employees whose primary job duties will be affected by the
7681 plan; and

7682 (c) Notwithstanding the provisions of paragraph (a) of
7683 this subsection, a local school board may require a school that
7684 has been identified as a persistently low-achieving school under
7685 provisions of Section 37-17-6 to participate in the district's
7686 plan of innovation.



7687 (4) Notwithstanding any statutes to the contrary, the board
7688 may approve the requests of districts of innovation to:

7689 (a) Use capital outlay funds for operational costs;

7690 (b) Hire persons for classified positions in
7691 nontraditional school and district assignments who have bachelors
7692 and advanced degrees from postsecondary education institutions
7693 accredited by a regional accrediting association (Southern
7694 Association of Colleges and Schools) or by an organization
7695 affiliated with the National Commission on Accrediting;

7696 (c) Employ teachers on extended employment contracts or
7697 extra duty contracts and compensate them on a salary schedule
7698 other than the single salary schedule;

7699 (d) Extend the school days as is appropriate within the
7700 district with compensation for the employees as determined
7701 locally;

7702 (e) Establish alternative education programs and
7703 services that are delivered in nontraditional hours and which may
7704 be jointly provided in cooperation with another school district or
7705 consortia of districts;

7706 (f) Establish online classes within the district for
7707 delivering alternative classes in a blended environment to meet
7708 high school graduation requirements;

7709 (g) Use a flexible school calendar;

7710 (h) Convert existing schools into schools of
7711 innovation; and



7712 (i) Modify the formula under * * * Chapter 151, Title
7713 37, Mississippi Code of 1972, for distributing * * * total funding
7714 formula funds for students in * * * net enrollment in
7715 nontraditional programming time, including alternative programs
7716 and virtual programs. Funds granted to a district shall not
7717 exceed those that would have otherwise been distributed based
7718 on * * * net enrollment during regular instructional days.

7719 **SECTION 110.** Section 37-181-7, Mississippi Code of 1972, is
7720 amended as follows:

7721 37-181-7. (1) The ESA program created in this chapter shall
7722 be limited to five hundred (500) students in the school year
7723 2015-2016, with new enrollment limited to five hundred (500)
7724 additional students each year thereafter. Subject to
7725 appropriation from the General Fund, each student's ESA shall be
7726 funded at Six Thousand Five Hundred Dollars (\$6,500.00) for school
7727 year 2015-2016. For each subsequent year, this amount shall
7728 increase or decrease by the same proportion as the * * * student
7729 base amount under Section * * * 37-151-203 is increased or
7730 decreased.

7731 (2) Subject to appropriation, eligible students shall be
7732 approved for participation in the ESA program as follows:

7733 (a) Until participation in the ESA program reaches
7734 fifty percent (50%) of the annual enrollment limits in subsection
7735 (1) of this section, students shall be approved on a first-come,



7736 first-served basis, with applications being reviewed on a rolling
7737 basis;

7738 (b) After participation reaches fifty percent (50%) of
7739 the annual enrollment limits in subsection (1) of this section,
7740 the department shall set annual application deadlines for the
7741 remaining number of available ESAs and begin to maintain a waiting
7742 list of eligible students. The waitlist will be maintained in the
7743 chronological order in which applications are received. The
7744 department shall award ESA program applications in chronological
7745 order according to the waitlist; and

7746 (c) Participating students who remain eligible for the
7747 ESA program are automatically approved for participation for the
7748 following year and are not subject to the random selection
7749 process.

7750 (3) No funds for an ESA may be expended from * * * total
7751 funding formula funds provided in this act, nor shall any school
7752 district be required to provide funding for an ESA.

7753 **SECTION 111.** Section 41-79-5, Mississippi Code of 1972, is
7754 amended as follows:

7755 41-79-5. (1) There is hereby established within the State
7756 Department of Health a school nurse intervention program,
7757 available to all public school districts in the state.

7758 (2) By the school year 1998-1999, each public school
7759 district shall have employed a school nurse, to be known as a
7760 Health Service Coordinator, pursuant to the school nurse



7761 intervention program prescribed under this section. The school
7762 nurse intervention program shall offer any of the following
7763 specific preventive services, and other additional services
7764 appropriate to each grade level and the age and maturity of the
7765 pupils:

7766 (a) Reproductive health education and referral to
7767 prevent teen pregnancy and sexually transmitted diseases, which
7768 education shall include abstinence;

7769 (b) Child abuse and neglect identification;

7770 (c) Hearing and vision screening to detect problems
7771 which can lead to serious sensory losses and behavioral and
7772 academic problems;

7773 (d) Alcohol, tobacco and drug abuse education to reduce
7774 abuse of these substances;

7775 (e) Scoliosis screening to detect this condition so
7776 that costly and painful surgery and lifelong disability can be
7777 prevented;

7778 (f) Coordination of services for handicapped children
7779 to ensure that these children receive appropriate medical
7780 assistance and are able to remain in public school;

7781 (g) Nutrition education and counseling to prevent
7782 obesity and/or other eating disorders which may lead to
7783 life-threatening conditions, for example, hypertension;

7784 (h) Early detection and treatment of head lice to
7785 prevent the spread of the parasite and to reduce absenteeism;



- 7786 (i) Emergency treatment of injury and illness to
7787 include controlling bleeding, managing fractures, bruises or
7788 contusions and cardiopulmonary resuscitation (CPR);
- 7789 (j) Applying appropriate theory as the basis for
7790 decision making in nursing practice;
- 7791 (k) Establishing and maintaining a comprehensive school
7792 health program;
- 7793 (l) Developing individualized health plans;
- 7794 (m) Assessing, planning, implementing and evaluating
7795 programs and other school health activities, in collaboration with
7796 other professionals;
- 7797 (n) Providing health education to assist students,
7798 families and groups to achieve optimal levels of wellness;
- 7799 (o) Participating in peer review and other means of
7800 evaluation to assure quality of nursing care provided for students
7801 and assuming responsibility for continuing education and
7802 professional development for self while contributing to the
7803 professional growth of others;
- 7804 (p) Participating with other key members of the
7805 community responsible for assessing, planning, implementing and
7806 evaluating school health services and community services that
7807 include the broad continuum or promotion of primary, secondary and
7808 tertiary prevention; and
- 7809 (q) Contributing to nursing and school health through
7810 innovations in theory and practice and participation in research.



7811 (3) Public school nurses shall be specifically prohibited
7812 from providing abortion counseling to any student or referring any
7813 student to abortion counseling or abortion clinics. Any violation
7814 of this subsection shall disqualify the school district employing
7815 such public school nurse from receiving any state administered
7816 funds under this section.

7817 (4) Repealed.

7818 (5) Beginning with the 1997-1998 school year, to the extent
7819 that federal or state funds are available therefor and pursuant to
7820 appropriation therefor by the Legislature, in addition to the
7821 school nurse intervention program funds administered under
7822 subsection (4), the State Department of Health shall establish and
7823 implement a Prevention of Teen Pregnancy Pilot Program to be
7824 located in the public school districts with the highest numbers of
7825 teen pregnancies. The Teen Pregnancy Pilot Program shall provide
7826 the following education services directly through public school
7827 nurses in the pilot school districts: health education sessions
7828 in local schools, where contracted for or invited to provide,
7829 which target issues including reproductive health, teen pregnancy
7830 prevention and sexually transmitted diseases, including syphilis,
7831 HIV and AIDS. When these services are provided by a school nurse,
7832 training and counseling on abstinence shall be included.

7833 (6) In addition to the school nurse intervention program
7834 funds administered under subsection (4) and the Teen Pregnancy
7835 Pilot Program funds administered under subsection (5), to the



7836 extent that federal or state funds are available therefor and
7837 pursuant to appropriation therefor by the Legislature, the State
7838 Department of Health shall establish and implement an Abstinence
7839 Education Pilot Program to provide abstinence education,
7840 mentoring, counseling and adult supervision to promote abstinence
7841 from sexual activity, with a focus on those groups which are most
7842 likely to bear children out of wedlock. Such abstinence education
7843 services shall be provided by the State Department of Health
7844 through its clinics, public health nurses, school nurses and
7845 through contracts with rural and community health centers in order
7846 to reach a larger number of targeted clients. For purposes of
7847 this subsection, the term "abstinence education" means an
7848 educational or motivational program which:

7849 (a) Has as its exclusive purpose, teaching the social,
7850 psychological and health gains to be realized by abstaining from
7851 sexual activity;

7852 (b) Teaches abstinence from sexual activity outside
7853 marriage as the expected standard for all school-age children;

7854 (c) Teaches that abstinence from sexual activity is the
7855 only certain way to avoid out-of-wedlock pregnancy, sexually
7856 transmitted diseases and other associated health problems;

7857 (d) Teaches that a mutually faithful monogamous
7858 relationship in context of marriage is the expected standard of
7859 human sexual activity;



7860 (e) Teaches that sexual activity outside of the context
7861 of marriage is likely to have harmful psychological and physical
7862 effects;

7863 (f) Teaches that bearing children out of wedlock is
7864 likely to have harmful consequences for the child, the child's
7865 parents and society;

7866 (g) Teaches young people how to reject sexual advances
7867 and how alcohol and drug use increase vulnerability to sexual
7868 advances; and

7869 (h) Teaches the importance of attaining
7870 self-sufficiency before engaging in sexual activity.

7871 (7) * * * Pursuant to appropriation therefor by the
7872 Legislature, in addition to * * * funds allotted under * * * the
7873 total funding formula provided in this act, each school district
7874 shall be allotted an * * * amount for the purpose of employing
7875 qualified public school nurses in such school district, which in
7876 no event shall be less than one (1) * * * nurse per school
7877 district, for such purpose. In the event the Legislature provides
7878 less funds than the total state funds needed for the public school
7879 nurse allotment, those school districts with fewer * * * nurses
7880 per the number of students in net enrollment shall be the first
7881 funded for such purpose, to the extent of funds available.

7882 (8) Prior to the 1998-1999 school year, nursing staff
7883 assigned to the program shall be employed through the local county
7884 health department and shall be subject to the supervision of the



7885 State Department of Health with input from local school officials.
7886 Local county health departments may contract with any
7887 comprehensive private primary health care facilities within their
7888 county to employ and utilize additional nursing staff. Beginning
7889 with the 1998-1999 school year, nursing staff assigned to the
7890 program shall be employed by the local school district and shall
7891 be designated as "health service coordinators," and shall be
7892 required to possess a bachelor's degree in nursing as a minimum
7893 qualification.

7894 (9) Upon each student's enrollment, the parent or guardian
7895 shall be provided with information regarding the scope of the
7896 school nurse intervention program. The parent or guardian may
7897 provide the school administration with a written statement
7898 refusing all or any part of the nursing service. No child shall
7899 be required to undergo hearing and vision or scoliosis screening
7900 or any other physical examination or tests whose parent objects
7901 thereto on the grounds such screening, physical examination or
7902 tests are contrary to his sincerely held religious beliefs.

7903 (10) A consent form for reproductive health education shall
7904 be sent to the parent or guardian of each student upon his
7905 enrollment. If a response from the parent or guardian is not
7906 received within seven (7) days after the consent form is sent, the
7907 school shall send a letter to the student's home notifying the
7908 parent or guardian of the consent form. If the parent or guardian
7909 fails to respond to the letter within ten (10) days after it is



7910 sent, then the school principal shall be authorized to allow the
7911 student to receive reproductive health education. Reproductive
7912 health education shall include the teaching of total abstinence
7913 from premarital sex and, wherever practicable, reproductive health
7914 education should be taught in classes divided according to gender.
7915 All materials used in the reproductive health education program
7916 shall be placed in a convenient and easily accessible location for
7917 parental inspection. School nurses shall not dispense birth
7918 control pills or contraceptive devices in the school. Dispensing
7919 of such shall be the responsibility of the State Department of
7920 Health on a referral basis only.

7921 (11) No provision of this section shall be construed as
7922 prohibiting local school districts from accepting financial
7923 assistance of any type from the State of Mississippi or any other
7924 governmental entity, or any contribution, donation, gift, decree
7925 or bequest from any source which may be utilized for the
7926 maintenance or implementation of a school nurse intervention
7927 program in a public school system of this state.

7928 **SECTION 112.** Section 43-17-5, Mississippi Code of 1972, is
7929 amended as follows:

7930 43-17-5. (1) The amount of Temporary Assistance for Needy
7931 Families (TANF) benefits which may be granted for any dependent
7932 child and a needy caretaker relative shall be determined by the
7933 county department with due regard to the resources and necessary
7934 expenditures of the family and the conditions existing in each



7935 case, and in accordance with the rules and regulations made by the
7936 Department of Human Services which shall not be less than the
7937 Standard of Need in effect for 1988, and shall be sufficient when
7938 added to all other income (except that any income specified in the
7939 federal Social Security Act, as amended, may be disregarded) and
7940 support available to the child to provide such child with a
7941 reasonable subsistence compatible with decency and health. The
7942 first family member in the dependent child's budget may receive an
7943 amount not to exceed Two Hundred Dollars (\$200.00) per month; the
7944 second family member in the dependent child's budget may receive
7945 an amount not to exceed Thirty-six Dollars (\$36.00) per month; and
7946 each additional family member in the dependent child's budget an
7947 amount not to exceed Twenty-four Dollars (\$24.00) per month. The
7948 maximum for any individual family member in the dependent child's
7949 budget may be exceeded for foster or medical care or in cases of
7950 children with an intellectual disability or a physical disability.
7951 TANF benefits granted shall be specifically limited only (a) to
7952 children existing or conceived at the time the caretaker relative
7953 initially applies and qualifies for such assistance, unless this
7954 limitation is specifically waived by the department, or (b) to a
7955 child born following a twelve-consecutive-month period of
7956 discontinued benefits by the caretaker relative.

7957 (2) TANF benefits in Mississippi shall be provided to the
7958 recipient family by an online electronic benefits transfer system.



7959 (3) The Department of Human Services shall deny TANF
7960 benefits to the following categories of individuals, except for
7961 individuals and families specifically exempt or excluded for good
7962 cause as allowed by federal statute or regulation:

7963 (a) Families without a minor child residing with the
7964 custodial parent or other adult caretaker relative of the child;

7965 (b) Families which include an adult who has received
7966 TANF assistance for sixty (60) months after the commencement of
7967 the Mississippi TANF program, whether or not such period of time
7968 is consecutive;

7969 (c) Families not assigning to the state any rights a
7970 family member may have, on behalf of the family member or of any
7971 other person for whom the family member has applied for or is
7972 receiving such assistance, to support from any other person, as
7973 required by law;

7974 (d) Families who fail to cooperate in establishing
7975 paternity or obtaining child support, as required by law;

7976 (e) Any individual who has not attained eighteen (18)
7977 years of age, is not married to the head of household, has a minor
7978 child at least twelve (12) weeks of age in his or her care, and
7979 has not successfully completed a high school education or its
7980 equivalent, if such individual does not participate in educational
7981 activities directed toward the attainment of a high school diploma
7982 or its equivalent, or an alternative educational or training
7983 program approved by the department;



7984 (f) Any individual who has not attained eighteen (18)
7985 years of age, is not married, has a minor child in his or her
7986 care, and does not reside in a place or residence maintained by a
7987 parent, legal guardian or other adult relative or the individual
7988 as such parent's, guardian's or adult relative's own home;

7989 (g) Any minor child who has been, or is expected by a
7990 parent or other caretaker relative of the child to be, absent from
7991 the home for a period of more than thirty (30) days;

7992 (h) Any individual who is a parent or other caretaker
7993 relative of a minor child who fails to notify the department of
7994 the absence of the minor child from the home for the thirty-day
7995 period specified in paragraph (g), by the end of the five-day
7996 period that begins with the date that it becomes clear to the
7997 individual that the minor child will be absent for the thirty-day
7998 period;

7999 (i) Any individual who fails to comply with the
8000 provisions of the Employability Development Plan signed by the
8001 individual which prescribe those activities designed to help the
8002 individual become and remain employed, or to participate
8003 satisfactorily in the assigned work activity, as authorized under
8004 subsection (6) (c) and (d), or who does not engage in applicant job
8005 search activities within the thirty-day period for TANF
8006 application approval after receiving the advice and consultation
8007 of eligibility workers and/or caseworkers of the department



8008 providing a detailed description of available job search venues in
8009 the individual's county of residence or the surrounding counties;

8010 (j) A parent or caretaker relative who has not engaged
8011 in an allowable work activity once the department determines the
8012 parent or caretaker relative is ready to engage in work, or once
8013 the parent or caretaker relative has received TANF assistance
8014 under the program for twenty-four (24) months, whether or not
8015 consecutive, whichever is earlier;

8016 (k) Any individual who is fleeing to avoid prosecution,
8017 or custody or confinement after conviction, under the laws of the
8018 jurisdiction from which the individual flees, for a crime, or an
8019 attempt to commit a crime, which is a felony under the laws of the
8020 place from which the individual flees, or who is violating a
8021 condition of probation or parole imposed under federal or state
8022 law;

8023 (l) Aliens who are not qualified under federal law;

8024 (m) For a period of ten (10) years following
8025 conviction, individuals convicted in federal or state court of
8026 having made a fraudulent statement or representation with respect
8027 to the individual's place of residence in order to receive TANF,
8028 food stamps or Supplemental Security Income (SSI) assistance under
8029 Title XVI or Title XIX simultaneously from two (2) or more states;

8030 (n) Individuals who are recipients of federal
8031 Supplemental Security Income (SSI) assistance; and



8032 (o) Individuals who are eighteen (18) years of age or
8033 older who are not in compliance with the drug testing and
8034 substance use disorder treatment requirements of Section 43-17-6.

8035 (4) (a) Any person who is otherwise eligible for TANF
8036 benefits, including custodial and noncustodial parents, shall be
8037 required to attend school and meet the monthly attendance
8038 requirement as provided in this subsection if all of the following
8039 apply:

8040 (i) The person is under age twenty (20);

8041 (ii) The person has not graduated from a public or
8042 private high school or obtained a High School Equivalency Diploma
8043 equivalent;

8044 (iii) The person is physically able to attend
8045 school and is not excused from attending school; and

8046 (iv) If the person is a parent or caretaker
8047 relative with whom a dependent child is living, child care is
8048 available for the child.

8049 The monthly attendance requirement under this subsection
8050 shall be attendance at the school in which the person is enrolled
8051 for each day during a month that the school conducts classes in
8052 which the person is enrolled, with not more than two (2) absences
8053 during the month for reasons other than the reasons listed in
8054 paragraph (e)(iv) of this subsection. Persons who fail to meet
8055 participation requirements in this subsection shall be subject to
8056 sanctions as provided in paragraph (f) of this subsection.



8057 (b) As used in this subsection, "school" means any one
8058 (1) of the following:

8059 (i) A school as defined in Section 37-13-91(2);

8060 (ii) A vocational, technical and adult education
8061 program; or

8062 (iii) A course of study meeting the standards
8063 established by the State Department of Education for the granting
8064 of a declaration of equivalency of high school graduation.

8065 (c) If any compulsory-school-age child, as defined in
8066 Section 37-13-91(2), to which TANF eligibility requirements apply
8067 is not in compliance with the compulsory school attendance
8068 requirements of Section 37-13-91(6), the superintendent of schools
8069 of the school district in which the child is enrolled or eligible
8070 to attend shall notify the county department of human services of
8071 the child's noncompliance. The Department of Human Services shall
8072 review school attendance information as provided under this
8073 paragraph at all initial eligibility determinations and upon
8074 subsequent report of unsatisfactory attendance.

8075 (d) The signature of a person on an application for
8076 TANF benefits constitutes permission for the release of school
8077 attendance records for that person or for any child residing with
8078 that person. The department shall request information from the
8079 child's school district about the child's attendance in the school
8080 district's most recently completed semester of attendance. If
8081 information about the child's previous school attendance is not



8082 available or cannot be verified, the department shall require the
8083 child to meet the monthly attendance requirement for one (1)
8084 semester or until the information is obtained. The department
8085 shall use the attendance information provided by a school district
8086 to verify attendance for a child. The department shall review
8087 with the parent or caretaker relative a child's claim that he or
8088 she has a good cause for not attending school.

8089 A school district shall provide information to the department
8090 about the attendance of a child who is enrolled in a public school
8091 in the district within five (5) working days of the receipt of a
8092 written request for that information from the department. The
8093 school district shall define how many hours of attendance count as
8094 a full day and shall provide that information, upon request, to
8095 the department. In reporting attendance, the school district may
8096 add partial days' absence together to constitute a full day's
8097 absence.

8098 If a school district fails to provide to the department the
8099 information about the school attendance of any child within
8100 fifteen (15) working days after a written request, the department
8101 shall notify the Department of Audit within three (3) working days
8102 of the school district's failure to comply with that requirement.
8103 The Department of Audit shall begin audit proceedings within five
8104 (5) working days of notification by the Department of Human
8105 Services to determine the school district's compliance with the
8106 requirements of this subsection (4). If the Department of Audit



8107 finds that the school district is not in compliance with the
8108 requirements of this subsection, the school district shall be
8109 penalized as follows: The Department of Audit shall notify the
8110 State Department of Education of the school district's
8111 noncompliance, and the Department of Education shall reduce the
8112 calculation of the school district's * * * net enrollment that is
8113 used to determine the allocation of * * * total funding formula
8114 funds by the number of children for which the district has failed
8115 to provide to the Department of Human Services the required
8116 information about the school attendance of those children. The
8117 reduction in the calculation of the school district's * * * net
8118 enrollment under this paragraph shall be effective for a period of
8119 one (1) year.

8120 (e) A child who is required to attend school to meet
8121 the requirements under this subsection shall comply except when
8122 there is good cause, which shall be demonstrated by any of the
8123 following circumstances:

8124 (i) The minor parent is the caretaker of a child
8125 less than twelve (12) weeks old; or

8126 (ii) The department determines that child care
8127 services are necessary for the minor parent to attend school and
8128 there is no child care available; or

8129 (iii) The child is prohibited by the school
8130 district from attending school and an expulsion is pending. This
8131 exemption no longer applies once the teenager has been expelled;



8132 however, a teenager who has been expelled and is making
8133 satisfactory progress towards obtaining a High School Equivalency
8134 Diploma equivalent shall be eligible for TANF benefits; or

8135 (iv) The child failed to attend school for one or
8136 more of the following reasons:

- 8137 1. Illness, injury or incapacity of the child
8138 or the minor parent's child;
- 8139 2. Court-required appearances or temporary
8140 incarceration;
- 8141 3. Medical or dental appointments for the
8142 child or minor parent's child;
- 8143 4. Death of a close relative;
- 8144 5. Observance of a religious holiday;
- 8145 6. Family emergency;
- 8146 7. Breakdown in transportation;
- 8147 8. Suspension; or
- 8148 9. Any other circumstance beyond the control
8149 of the child, as defined in regulations of the department.

8150 (f) Upon determination that a child has failed without
8151 good cause to attend school as required, the department shall
8152 provide written notice to the parent or caretaker relative
8153 (whoever is the primary recipient of the TANF benefits) that
8154 specifies:

8155 (i) That the family will be sanctioned in the next
8156 possible payment month because the child who is required to attend



8157 school has failed to meet the attendance requirement of this
8158 subsection;

8159 (ii) The beginning date of the sanction, and the
8160 child to whom the sanction applies;

8161 (iii) The right of the child's parents or
8162 caretaker relative (whoever is the primary recipient of the TANF
8163 benefits) to request a fair hearing under this subsection.

8164 The child's parent or caretaker relative (whoever is the
8165 primary recipient of the TANF benefits) may request a fair hearing
8166 on the department's determination that the child has not been
8167 attending school. If the child's parents or caretaker relative
8168 does not request a fair hearing under this subsection, or if,
8169 after a fair hearing has been held, the hearing officer finds that
8170 the child without good cause has failed to meet the monthly
8171 attendance requirement, the department shall discontinue or deny
8172 TANF benefits to the child thirteen (13) years old, or older, in
8173 the next possible payment month. The department shall discontinue
8174 or deny twenty-five percent (25%) of the family grant when a child
8175 six (6) through twelve (12) years of age without good cause has
8176 failed to meet the monthly attendance requirement. Both the child
8177 and family sanction may apply when children in both age groups
8178 fail to meet the attendance requirement without good cause. A
8179 sanction applied under this subsection shall be effective for one
8180 (1) month for each month that the child failed to meet the monthly
8181 attendance requirement. In the case of a dropout, the sanction



8182 shall remain in force until the parent or caretaker relative
8183 provides written proof from the school district that the child has
8184 reenrolled and met the monthly attendance requirement for one (1)
8185 calendar month. Any month in which school is in session for at
8186 least ten (10) days during the month may be used to meet the
8187 attendance requirement under this subsection. This includes
8188 attendance at summer school. The sanction shall be removed the
8189 next possible payment month.

8190 (5) All parents or caretaker relatives shall have their
8191 dependent children receive vaccinations and booster vaccinations
8192 against those diseases specified by the State Health Officer under
8193 Section 41-23-37 in accordance with the vaccination and booster
8194 vaccination schedule prescribed by the State Health Officer for
8195 children of that age, in order for the parents or caretaker
8196 relatives to be eligible or remain eligible to receive TANF
8197 benefits. Proof of having received such vaccinations and booster
8198 vaccinations shall be given by presenting the certificates of
8199 vaccination issued by any health care provider licensed to
8200 administer vaccinations, and submitted on forms specified by the
8201 State Board of Health. If the parents without good cause do not
8202 have their dependent children receive the vaccinations and booster
8203 vaccinations as required by this subsection and they fail to
8204 comply after thirty (30) days' notice, the department shall
8205 sanction the family's TANF benefits by twenty-five percent (25%)



8206 for the next payment month and each subsequent payment month until
8207 the requirements of this subsection are met.

8208 (6) (a) If the parent or caretaker relative applying for
8209 TANF assistance is work eligible, as determined by the Department
8210 of Human Services, the person shall be required to engage in an
8211 allowable work activity once the department determines the parent
8212 or caretaker relative is determined work eligible, or once the
8213 parent or caretaker relative has received TANF assistance under
8214 the program for twenty-four (24) months, whether or not
8215 consecutive, whichever is earlier. No TANF benefits shall be
8216 given to any person to whom this section applies who fails without
8217 good cause to comply with the Employability Development Plan
8218 prepared by the department for the person, or who has refused to
8219 accept a referral or offer of employment, training or education in
8220 which he or she is able to engage, subject to the penalties
8221 prescribed in paragraph (e) of this subsection. A person shall be
8222 deemed to have refused to accept a referral or offer of
8223 employment, training or education if he or she:

8224 (i) Willfully fails to report for an interview
8225 with respect to employment when requested to do so by the
8226 department; or

8227 (ii) Willfully fails to report to the department
8228 the result of a referral to employment; or



8229 (iii) Willfully fails to report for allowable work
8230 activities as prescribed in paragraphs (c) and (d) of this
8231 subsection.

8232 (b) The Department of Human Services shall operate a
8233 statewide work program for TANF recipients to provide work
8234 activities and supportive services to enable families to become
8235 self-sufficient and improve their competitive position in the
8236 workforce in accordance with the requirements of the federal
8237 Personal Responsibility and Work Opportunity Reconciliation Act of
8238 1996 (Public Law 104-193), as amended, and the regulations
8239 promulgated thereunder, and the Deficit Reduction Act of 2005
8240 (Public Law 109-171), as amended. Within sixty (60) days after
8241 the initial application for TANF benefits, the TANF recipient must
8242 participate in a job search skills training workshop or a job
8243 readiness program, which shall include resume writing, job search
8244 skills, employability skills and, if available at no charge, the
8245 General Aptitude Test Battery or its equivalent. All adults who
8246 are not specifically exempt shall be referred by the department
8247 for allowable work activities. An adult may be exempt from the
8248 mandatory work activity requirement for the following reasons:

8249 (i) Incapacity;

8250 (ii) Temporary illness or injury, verified by
8251 physician's certificate;

8252 (iii) Is in the third trimester of pregnancy, and
8253 there are complications verified by the certificate of a



8254 physician, nurse practitioner, physician assistant, or any other
8255 licensed health care professional practicing under a protocol with
8256 a licensed physician;

8257 (iv) Caretaker of a child under twelve (12)
8258 months, for not more than twelve (12) months of the sixty-month
8259 maximum benefit period;

8260 (v) Caretaker of an ill or incapacitated person,
8261 as verified by physician's certificate;

8262 (vi) Age, if over sixty (60) or under eighteen
8263 (18) years of age;

8264 (vii) Receiving treatment for substance abuse, if
8265 the person is in compliance with the substance abuse treatment
8266 plan;

8267 (viii) In a two-parent family, the caretaker of a
8268 severely disabled child, as verified by a physician's certificate;
8269 or

8270 (ix) History of having been a victim of domestic
8271 violence, which has been reported as required by state law and is
8272 substantiated by police reports or court records, and being at
8273 risk of further domestic violence, shall be exempt for a period as
8274 deemed necessary by the department but not to exceed a total of
8275 twelve (12) months, which need not be consecutive, in the
8276 sixty-month maximum benefit period. For the purposes of this
8277 subparagraph (ix), "domestic violence" means that an individual
8278 has been subjected to:



- 8279 1. Physical acts that resulted in, or
8280 threatened to result in, physical injury to the individual;
8281 2. Sexual abuse;
8282 3. Sexual activity involving a dependent
8283 child;
8284 4. Being forced as the caretaker relative of
8285 a dependent child to engage in nonconsensual sexual acts or
8286 activities;
8287 5. Threats of, or attempts at, physical or
8288 sexual abuse;
8289 6. Mental abuse; or
8290 7. Neglect or deprivation of medical care.

8291 (c) For all families, all adults who are not
8292 specifically exempt shall be required to participate in work
8293 activities for at least the minimum average number of hours per
8294 week specified by federal law or regulation, not fewer than twenty
8295 (20) hours per week (thirty-five (35) hours per week for
8296 two-parent families) of which are attributable to the following
8297 allowable work activities:

- 8298 (i) Unsubsidized employment;
8299 (ii) Subsidized private employment;
8300 (iii) Subsidized public employment;
8301 (iv) Work experience (including work associated
8302 with the refurbishing of publicly assisted housing), if sufficient
8303 private employment is not available;



8304 (v) On-the-job training;

8305 (vi) Job search and job readiness assistance

8306 consistent with federal TANF regulations;

8307 (vii) Community service programs;

8308 (viii) Vocational educational training (not to

8309 exceed twelve (12) months with respect to any individual);

8310 (ix) The provision of child care services to an

8311 individual who is participating in a community service program;

8312 (x) Satisfactory attendance at high school or in a

8313 course of study leading to a high school equivalency certificate,

8314 for heads of household under age twenty (20) who have not

8315 completed high school or received such certificate;

8316 (xi) Education directly related to employment, for

8317 heads of household under age twenty (20) who have not completed

8318 high school or received such equivalency certificate.

8319 (d) The following are allowable work activities which

8320 may be attributable to hours in excess of the minimum specified in

8321 paragraph (c) of this subsection:

8322 (i) Job skills training directly related to

8323 employment;

8324 (ii) Education directly related to employment for

8325 individuals who have not completed high school or received a high

8326 school equivalency certificate;

8327 (iii) Satisfactory attendance at high school or in

8328 a course of study leading to a high school equivalency, for



8329 individuals who have not completed high school or received such
8330 equivalency certificate;

8331 (iv) Job search and job readiness assistance
8332 consistent with federal TANF regulations.

8333 (e) If any adult or caretaker relative refuses to
8334 participate in allowable work activity as required under this
8335 subsection (6), the following full family TANF benefit penalty
8336 will apply, subject to due process to include notification,
8337 conciliation and a hearing if requested by the recipient:

8338 (i) For the first violation, the department shall
8339 terminate the TANF assistance otherwise payable to the family for
8340 a two-month period or until the person has complied with the
8341 required work activity, whichever is longer;

8342 (ii) For the second violation, the department
8343 shall terminate the TANF assistance otherwise payable to the
8344 family for a six-month period or until the person has complied
8345 with the required work activity, whichever is longer;

8346 (iii) For the third violation, the department
8347 shall terminate the TANF assistance otherwise payable to the
8348 family for a twelve-month period or until the person has complied
8349 with the required work activity, whichever is longer;

8350 (iv) For the fourth violation, the person shall be
8351 permanently disqualified.

8352 For a two-parent family, unless prohibited by state or
8353 federal law, Medicaid assistance shall be terminated only for the



8354 person whose failure to participate in allowable work activity
8355 caused the family's TANF assistance to be sanctioned under this
8356 paragraph (e), unless an individual is pregnant, but shall not be
8357 terminated for any other person in the family who is meeting that
8358 person's applicable work requirement or who is not required to
8359 work. Minor children shall continue to be eligible for Medicaid
8360 benefits regardless of the disqualification of their parent or
8361 caretaker relative for TANF assistance under this subsection (6),
8362 unless prohibited by state or federal law.

8363 (f) Any person enrolled in a two-year or four-year
8364 college program who meets the eligibility requirements to receive
8365 TANF benefits, and who is meeting the applicable work requirements
8366 and all other applicable requirements of the TANF program, shall
8367 continue to be eligible for TANF benefits while enrolled in the
8368 college program for as long as the person meets the requirements
8369 of the TANF program, unless prohibited by federal law.

8370 (g) No adult in a work activity required under this
8371 subsection (6) shall be employed or assigned (i) when any other
8372 individual is on layoff from the same or any substantially
8373 equivalent job within six (6) months before the date of the TANF
8374 recipient's employment or assignment; or (ii) if the employer has
8375 terminated the employment of any regular employee or otherwise
8376 caused an involuntary reduction of its workforce in order to fill
8377 the vacancy so created with an adult receiving TANF assistance.
8378 The Mississippi Department of Employment Security, established



8379 under Section 71-5-101, shall appoint one or more impartial
8380 hearing officers to hear and decide claims by employees of
8381 violations of this paragraph (g). The hearing officer shall hear
8382 all the evidence with respect to any claim made hereunder and such
8383 additional evidence as he may require and shall make a
8384 determination and the reason therefor. The claimant shall be
8385 promptly notified of the decision of the hearing officer and the
8386 reason therefor. Within ten (10) days after the decision of the
8387 hearing officer has become final, any party aggrieved thereby may
8388 secure judicial review thereof by commencing an action, in the
8389 circuit court of the county in which the claimant resides, against
8390 the department for the review of such decision, in which action
8391 any other party to the proceeding before the hearing officer shall
8392 be made a defendant. Any such appeal shall be on the record which
8393 shall be certified to the court by the department in the manner
8394 provided in Section 71-5-531, and the jurisdiction of the court
8395 shall be confined to questions of law which shall render its
8396 decision as provided in that section.

8397 (7) The Department of Human Services may provide child care
8398 for eligible participants who require such care so that they may
8399 accept employment or remain employed. The department may also
8400 provide child care for those participating in the TANF program
8401 when it is determined that they are satisfactorily involved in
8402 education, training or other allowable work activities. The
8403 department may contract with Head Start agencies to provide child



8404 care services to TANF recipients. The department may also arrange
8405 for child care by use of contract or vouchers, provide vouchers in
8406 advance to a caretaker relative, reimburse a child care provider,
8407 or use any other arrangement deemed appropriate by the department,
8408 and may establish different reimbursement rates for child care
8409 services depending on the category of the facility or home. Any
8410 center-based or group home child care facility under this
8411 subsection shall be licensed by the State Department of Health
8412 pursuant to law. When child care is being provided in the child's
8413 own home, in the home of a relative of the child, or in any other
8414 unlicensed setting, the provision of such child care may be
8415 monitored on a random basis by the Department of Human Services or
8416 the State Department of Health. Transitional child care
8417 assistance may be continued if it is necessary for parents to
8418 maintain employment once support has ended, unless prohibited
8419 under state or federal law. Transitional child care assistance
8420 may be provided for up to twenty-four (24) months after the last
8421 month during which the family was eligible for TANF assistance, if
8422 federal funds are available for such child care assistance.

8423 (8) The Department of Human Services may provide
8424 transportation or provide reasonable reimbursement for
8425 transportation expenses that are necessary for individuals to be
8426 able to participate in allowable work activity under the TANF
8427 program.



8428 (9) Medicaid assistance shall be provided to a family of
8429 TANF program participants for up to twenty-four (24) consecutive
8430 calendar months following the month in which the participating
8431 family would be ineligible for TANF benefits because of increased
8432 income, expiration of earned income disregards, or increased hours
8433 of employment of the caretaker relative; however, Medicaid
8434 assistance for more than twelve (12) months may be provided only
8435 if a federal waiver is obtained to provide such assistance for
8436 more than twelve (12) months and federal and state funds are
8437 available to provide such assistance.

8438 (10) The department shall require applicants for and
8439 recipients of public assistance from the department to sign a
8440 personal responsibility contract that will require the applicant
8441 or recipient to acknowledge his or her responsibilities to the
8442 state.

8443 (11) The department shall enter into an agreement with the
8444 State Personnel Board and other state agencies that will allow
8445 those TANF participants who qualify for vacant jobs within state
8446 agencies to be placed in state jobs. State agencies participating
8447 in the TANF work program shall receive any and all benefits
8448 received by employers in the private sector for hiring TANF
8449 recipients. This subsection (11) shall be effective only if the
8450 state obtains any necessary federal waiver or approval and if
8451 federal funds are available therefor. Not later than September 1,
8452 2021, the department shall prepare a report, which shall be



8453 provided to the Chairmen of the House and Senate Public Health
8454 Committees and to any other member of the Legislature upon
8455 request, on the history, status, outcomes and effectiveness of the
8456 agreements required under this subsection.

8457 (12) Any unspent TANF funds remaining from the prior fiscal
8458 year may be expended for any TANF allowable activities.

8459 (13) The Mississippi Department of Human Services shall
8460 provide TANF applicants information and referral to programs that
8461 provide information about birth control, prenatal health care,
8462 abstinence education, marriage education, family preservation and
8463 fatherhood. Not later than September 1, 2021, the department
8464 shall prepare a report, which shall be provided to the Chairmen of
8465 the House and Senate Public Health Committees and to any other
8466 member of the Legislature upon request, on the history, status,
8467 outcomes and effectiveness of the information and referral
8468 requirements under this subsection.

8469 (14) No new TANF program requirement or restriction
8470 affecting a person's eligibility for TANF assistance, or allowable
8471 work activity, which is not mandated by federal law or regulation
8472 may be implemented by the Department of Human Services after July
8473 1, 2004, unless such is specifically authorized by an amendment to
8474 this section by the Legislature.

8475 **SECTION 113.** Section 65-26-9, Mississippi Code of 1972, is
8476 amended as follows:



8477 65-26-9. (1) There is hereby created in the State Treasury
8478 a special fund to be known as the Tennessee-Tombigbee Waterway
8479 Bridge Bond Retirement Fund. All revenues pledged for the payment
8480 of the principal of and interest on the bonds authorized to be
8481 issued by this chapter shall be deposited into the bond retirement
8482 fund. Expenditures from the bond retirement fund shall be made
8483 only in accordance with this section.

8484 (2) Subject to the provisions of subsection (3) of this
8485 section, amounts on deposit in the bond retirement fund and not
8486 immediately required for the making of any payments therefrom
8487 shall be invested in interest-bearing certificates of deposit in
8488 accordance with the provisions of Section 27-105-33, except
8489 interest so earned shall be credited to the bond retirement fund.

8490 (3) (a) There is hereby established within the bond
8491 retirement fund two (2) separate accounts as follows: (i) the
8492 "Tennessee-Tombigbee General Account"; and (ii) the
8493 "Tennessee-Tombigbee Principal and Interest Account."

8494 (b) (i) All amounts held in the bond retirement fund
8495 on April 23, 1986, and all amounts thereafter deposited in the
8496 bond retirement fund, shall be credited to the Tennessee-Tombigbee
8497 General Account.

8498 (ii) Until such time as the transfer of funds from
8499 the Tennessee-Tombigbee General Account to the Tennessee-Tombigbee
8500 Principal and Interest Account occurs as provided in paragraph
8501 (b)(iii) of this subsection, amounts in the general account shall



8502 be applied to the following purposes and in the following order of
8503 priority: first, to the extent required, to the payment, the
8504 principal of, redemption premium, if any, and interest on general
8505 obligation bonds; second, to the extent required, to the General
8506 Fund of the state to reimburse the state for expenditures in
8507 excess of twenty-five percent (25%) of the total costs of the
8508 principal and interest on bonds issued under authority of
8509 subsection (1) of Section 65-26-15 and for all expenditures for
8510 costs of the principal of and interest on bonds issued under
8511 authority of subsection (2) of Section 65-26-15; and third, to the
8512 extent required, if any, to the bridge construction fund created
8513 in Section 65-26-25 to make current payments to meet contractual
8514 obligations for bridge construction.

8515 (iii) Upon certification of the State Treasurer,
8516 filed with and approved by the State Bond Commission, that the
8517 amount on deposit in the Tennessee-Tombigbee General Account,
8518 together with earnings on investments to accrue to it, is equal to
8519 or greater than the aggregate of the entire principal, redemption
8520 premium, if any, and interest due and to become due, until the
8521 final maturity date or earlier scheduled redemption date thereof,
8522 on all general obligation bonds outstanding as of the date of such
8523 certification, then the State Treasurer shall transfer from the
8524 Tennessee-Tombigbee General Account to the Tennessee-Tombigbee
8525 Principal and Interest Account an amount equal to the entire
8526 principal, redemption premium, if any, and interest due and to



8527 become due, until the final maturity date or scheduled redemption
8528 date thereof, on all general obligation bonds outstanding as of
8529 the date of such transfer. The State of Mississippi hereby
8530 covenants with the holders from time to time of general obligation
8531 bonds that amounts deposited in the Tennessee-Tombigbee Principal
8532 and Interest Account will be applied solely to the payment of the
8533 principal of, redemption premium, if any, and interest on general
8534 obligation bonds.

8535 (iv) After the date of the transfer from the
8536 general account to the principal and interest account contemplated
8537 by paragraph (b)(iii) of this subsection, amounts from time to
8538 time on deposit in the Tennessee-Tombigbee General Account shall
8539 be applied monthly to the following purposes and in the following
8540 order of priority: first, to the extent required, to the payment
8541 of the principal of, redemption premium, if any, and interest on
8542 general obligation bonds issued under this chapter; second, to the
8543 extent required, to the General Fund of the state to reimburse the
8544 state for expenditures in excess of twenty-five percent (25%) of
8545 the total costs of the principal and interest on bonds issued
8546 under authority of subsection (1) of Section 65-26-15 and for all
8547 expenditures for costs of the principal of and interest on bonds
8548 issued under authority of subsection (2) of Section 65-26-15; and
8549 third, to the extent required, if any, to the bridge construction
8550 fund created in Section 65-26-25 to make current payments to meet
8551 contractual obligations for bridge construction.



8552 (4) It is the intent of the Legislature that all outstanding
8553 general obligation bonds issued under this chapter shall be
8554 retired by the State Bond Commission on the earliest scheduled
8555 redemption date thereof, provided that there are sufficient funds
8556 in the bond retirement fund together with earnings on investments
8557 to accrue to it. When the principal of, redemption premium, if
8558 any, and interest on all such outstanding general obligation bonds
8559 are paid in full, then any amounts remaining in the bond
8560 retirement fund, or separate accounts therein, together with
8561 earnings on investments to accrue to it, shall be apportioned and
8562 paid as follows:

8563 (a) Three Million Five Hundred Thousand Dollars
8564 (\$3,500,000.00) of such funds shall be paid into the appropriate
8565 fund for use by the Yellow Creek State Inland Port Authority for
8566 equipment or facilities necessary to the operation of the port.

8567 (b) Three Million Five Hundred Thousand Dollars
8568 (\$3,500,000.00) shall be paid into the State General Fund.

8569 (c) Seven Million Five Hundred Thousand Dollars
8570 (\$7,500,000.00) shall be paid to Tishomingo County. Of the Seven
8571 Million Five Hundred Thousand Dollars (\$7,500,000.00), (i) Two
8572 Million Five Hundred Thousand Dollars (\$2,500,000.00) shall be
8573 placed by the county in a special trust fund, the principal of
8574 which shall remain inviolate and the interest on which shall be
8575 expended solely for improvement of elementary and secondary
8576 education in Tishomingo County and distributed among the school



8577 districts therein based on the * * * net enrollment in each, and
8578 (ii) Five Million Dollars (\$5,000,000.00) shall be placed in the
8579 county general fund and may be expended for general county
8580 purposes.

8581 (d) The balance of such funds shall be paid to the
8582 counties of Alcorn, Chickasaw, Clay, Itawamba, Lee, Lowndes,
8583 Monroe, Noxubee, Kemper, Pontotoc, Prentiss and Tishomingo. Such
8584 funds shall be paid to such counties in the proportion that each
8585 county's contribution to the bridge bond fund bears to the total
8586 contribution from all twelve (12) counties; however, no county
8587 shall be paid more than Five Million Dollars (\$5,000,000.00) under
8588 this paragraph (d). Such funds shall be deposited by the county
8589 into a special account to be expended solely for economic
8590 development purposes. No expenditure of funds from the special
8591 account shall be made unless the amount to be expended from the
8592 special account is matched by other county funds in an amount
8593 equal to fifteen percent (15%) of the special account funds to be
8594 expended and until the Mississippi * * * Development Authority,
8595 upon application by the board of supervisors, has certified that
8596 the proposed expenditure is for economic development purposes and
8597 has approved the expenditure for such purposes; provided, however,
8598 the fifteen percent (15%) match hereinabove imposed shall not be
8599 required when the proposed expenditure for economic development
8600 purposes is on land owned or leased by the federal, state, county
8601 or municipal government.



8602 **SECTION 114.** Section 37-151-81, Mississippi Code of 1972, is
8603 amended as follows:

8604 37-151-81. * * *

8605 (* * *1) * * * For each * * * student with a disability who
8606 is being educated by a public school district or is placed in
8607 accord with Section 37-23-77, * * * and whose individualized
8608 educational program (IEP) requires an extended school year in
8609 accord with the State Department of Education criteria, a
8610 sufficient amount of funds shall be allocated for the purpose of
8611 providing the educational services the student requires. The
8612 State Board of Education shall promulgate such regulations as are
8613 required to insure the equitable distribution of these funds. All
8614 costs for the extended school year for a particular summer shall
8615 be reimbursed from funds appropriated for the fiscal year
8616 beginning July 1 of that summer. If sufficient funds are not made
8617 available to finance all of the required educational services, the
8618 State Department of Education shall expend available funds in such
8619 a manner that it does not limit the availability of appropriate
8620 education to * * * students with disabilities more severely than
8621 it does to * * * students without disabilities.

8622 (* * *2) The State Department of Education is hereby
8623 authorized to match * * * the total funding formula funds provided
8624 in this act and other funds allocated for provision of services
8625 to * * * students with disabilities with Division of Medicaid
8626 funds to provide language-speech services, physical therapy and



8627 occupational therapy to * * * students with disabilities who meet
8628 State Department of Education or Division of Medicaid standards
8629 and who are Medicaid eligible. Provided further, that the State
8630 Department of Education is authorized to pay such funds as may be
8631 required as a match directly to the Division of Medicaid pursuant
8632 to an agreement to be developed between the State Department of
8633 Education and the Division of Medicaid.

8634 * * *

8635 (* * *3) When any children who are residents of the State
8636 of Mississippi and qualify under the provisions of Section
8637 37-23-31 * * * shall be provided a program of education,
8638 instruction and training within a school under the provisions of
8639 said section, the State Department of Education shall
8640 allocate * * * funds equivalent to the full base student cost and
8641 all qualifying weighted adjustments as prescribed in Section
8642 37-151-205 * * *. The university or college shall be eligible for
8643 state and federal funds for such programs on the same basis as
8644 local school districts. The university or college shall be
8645 responsible for providing for the additional costs of the program.

8646 (* * *4) * * * A school district may provide a program of
8647 education and instruction to children ages five (5) years through
8648 twenty-one (21) years, who are resident citizens of the State of
8649 Mississippi, who cannot have their educational needs met in a
8650 regular public school program and who have not finished or
8651 graduated from high school, if those children are determined by



8652 competent medical authorities and psychologists to need placement
8653 in a state licensed facility for inpatient treatment, day
8654 treatment or residential treatment or a therapeutic group home.
8655 Such program shall operate under rules, regulations, policies and
8656 standards of school districts as determined by the State Board of
8657 Education. If a private school approved by the State Board of
8658 Education is operated as an integral part of the state licensed
8659 facility that provides for the treatment of such children, the
8660 private school within the facility may provide a program of
8661 education, instruction and training to such children by requesting
8662 the State Department of Education to allocate * * * funds
8663 equivalent to the full base student cost and all qualifying
8664 weighted adjustments as prescribed in Section 37-151-205 for each
8665 student placed in such facility for each approved class. The
8666 facility shall be responsible for providing any additional costs
8667 of the program.

8668 * * *

8669 **SECTION 115.** Section 27-104-351, Mississippi Code of 1972,
8670 is amended as follows:

8671 27-104-351. (1) This section shall be known and may be
8672 cited as the "Line-Item Appropriation Transparency Act."

8673 (2) As used in this section, unless the context clearly
8674 indicates otherwise:



8675 (a) "Local government entity" means any county,
8676 municipality, school district, public hospital or other political
8677 subdivision of the state.

8678 (b) "Pass-through funding" means a line-item
8679 appropriation by the Legislature to a state agency that is
8680 itemized on a separate line in a state agency's appropriation bill
8681 and that is intended to be passed through the state agency to one
8682 or more:

8683 (i) Local government entities;

8684 (ii) Private organizations, including
8685 not-for-profit organizations; or

8686 (iii) Persons in the form of a loan or grant.

8687 "Pass-through funding" may be general funds, dedicated credits, or
8688 any combination of state funding sources, and may be ongoing or
8689 one-time.

8690 (c) "Recipient entity" means a local government entity
8691 or private entity, including a nonprofit entity, that receives
8692 money by way of pass-through funding from a state agency.

8693 (d) "State agency" shall have the same meaning as
8694 provided in Section 27-103-103, and shall include any other
8695 subagency or board under the supervision of that state agency.

8696 (e) "State money" means funds in the State General Fund
8697 and all state-support special funds which are in the Budget
8698 Contingency Fund, Capital Expense Fund, Working-Cash Stabilization
8699 Reserve Fund, Education Enhancement Fund, Healthcare Expendable



8700 Fund, Tobacco Control Program Fund, BP Settlement Fund, Gulf Coast
8701 Restoration Fund and any other special funds that are determined
8702 by the Joint Legislative Budget Committee to be a state-support
8703 special fund. "State money" does not include contributions or
8704 donations received by a state agency.

8705 (f) "Department" means the Department of Finance and
8706 Administration.

8707 (3) A state agency may not provide a recipient entity state
8708 money from pass-through funding unless:

8709 (a) The state agency enters into a written agreement
8710 with the recipient entity, which details the criteria and
8711 reporting requirements as provided in this section; and

8712 (b) The written agreement described in paragraph (a) of
8713 this subsection requires the recipient entity to provide to the
8714 state agency the following:

8715 (i) A written description and an itemized report
8716 detailing the expenditure of state money or the intended
8717 expenditure of any state money that has not been spent. Such
8718 report shall be submitted at least quarterly on dates determined
8719 by the department; and

8720 (ii) A final written itemized report when all the
8721 state money is spent.

8722 Disbursements shall only be made after the written agreement
8723 described in paragraph (a) of this subsection has been signed and
8724 shall be contingent upon the recipient entity complying with the



8725 quarterly reporting requirements required by paragraph (b) of this
8726 subsection.

8727 (4) On or before June 30 of each year or a date determined
8728 by the department, a state agency shall provide to the department
8729 a copy of the written agreements, written descriptions, and
8730 reports of itemized expenditures required under subsection (3) of
8731 this section.

8732 (5) The department is responsible for obtaining the written
8733 agreements, written descriptions, and itemized reports required by
8734 subsection (3) of this section from state agencies. The
8735 department is further responsible for consolidating and presenting
8736 a report on the previous fiscal year's pass-through expenditures
8737 and providing it to the Joint Legislative Budget Committee by
8738 October 1 of each year.

8739 (6) The department shall create all of the following
8740 documents which shall be in such form and contain such information
8741 as the department prescribes:

8742 (a) Written agreement as described in subsection (3)(a)
8743 of this section;

8744 (b) Written description and itemized report as
8745 described in subsection (3)(b) of this section; and

8746 (c) Final itemized report as described in subsection
8747 (3)(b) of this section.

8748 A state agency shall utilize these documents when complying
8749 with the criteria set forth in this act.



8750 (7) Notwithstanding subsection (3) of this section, a state
8751 agency is not required to comply with this section to the extent
8752 that the pass-through funding is issued:

8753 (a) Under a competitive award process;

8754 (b) In accordance with a formula enacted in statute;

8755 (c) In accordance with a state program under parameters
8756 in statute or rule that guides the distribution of the
8757 pass-through funding;

8758 (d) Under the authority of * * * this act; or

8759 (e) In accordance with an appropriations act of the
8760 Legislature that specifically provides an exemption from the
8761 provisions of this section.

8762 (8) Unless a recipient entity is required to comply with
8763 Section 31-7-1 et seq. because it is an agency or public body, the
8764 fact that it is a recipient entity does not create such an
8765 obligation.

8766 **SECTION 116.** Section 37-13-153, Mississippi Code of 1972,
8767 which required state funding for home economics teachers to be
8768 included as a line item in the education appropriations bills for
8769 fiscal years 1995, 1996 and 1997, is repealed.

8770 **SECTION 117.** Sections 37-151-1, 37-151-5, 37-151-6,
8771 37-151-7, 37-151-7.1, 37-151-8, 37-151-10, 37-151-77, 37-151-79
8772 and 37-151-83, Mississippi Code of 1972, which define certain
8773 terms and establish the formula to be used in determining the



8774 annual allocation of funds to each school district under the
8775 Mississippi Adequate Education Program (MAEP), are repealed.

8776 **SECTION 118.** Section 37-152-1, Mississippi Code of 1972,
8777 which creates the Commission on Restructuring the Mississippi
8778 Adequate Education Program (MAEP), is repealed.

8779 **SECTION 119.** Sections 27-65-75(5), 37-47-7, and 37-47-24,
8780 Mississippi Code of 1972, which provide for the Educational
8781 Facilities Revolving Loan Fund and its funding mechanism, are
8782 hereby repealed.

8783 **SECTION 120.** This act shall take effect and be in force from
8784 and after July 1, 2024.

