

By: Representative Roberson

To: Education

HOUSE BILL NO. 1431

1 AN ACT TO AMEND SECTION 37-7-103, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT FROM AND AFTER JULY 1, 2026, ALL MUNICIPAL
3 SEPARATE, CONSOLIDATED, LINE CONSOLIDATED AND SPECIAL MUNICIPAL
4 SCHOOL DISTRICTS IN EACH COUNTY SHALL BE ABOLISHED AND JOINED FOR
5 ADMINISTRATIVE EFFICIENCY INTO A COUNTYWIDE SCHOOL DISTRICT WITH
6 ONE COUNTY BOARD OF EDUCATION AND ONE APPOINTED COUNTY
7 SUPERINTENDENT OF EDUCATION; TO DIRECT THE STATE BOARD OF
8 EDUCATION TO PUBLISH AN EFFICIENCY JOINDER LIST OF DISTRICTS
9 AFFECTED IN ORDER TO CREATE A COUNTYWIDE SCHOOL DISTRICT IN EACH
10 COUNTY AND TO REQUIRE ALL SCHOOL DISTRICTS TO COMPLY WITH
11 ADMINISTRATIVE ORDERS ISSUED BY THE STATE BOARD OF EDUCATION; TO
12 PROVIDE FOR THE TRANSFER OF REAL AND PERSONAL PROPERTY OF AFFECTED
13 SCHOOL DISTRICTS; TO PROVIDE FOR EMPLOYEE CONTRACTS IN SCHOOL
14 DISTRICTS SUBJECT TO ADMINISTRATIVE EFFICIENCY JOINDER; TO PROVIDE
15 FOR THE DUTY TO PAY THE OUTSTANDING DEBT OF SCHOOL DISTRICTS
16 AFFECTED BY AN EFFICIENCY JOINDER; TO PROVIDE THAT THE
17 ADMINISTRATIVE EFFICIENCY JOINDER SHALL NOT REQUIRE THE CLOSING OF
18 ANY SCHOOL OR FACILITY; TO PROVIDE FOR THE RULEMAKING AUTHORITY OF
19 THE STATE BOARD OF EDUCATION REGARDING THE ADMINISTRATIVE
20 EFFICIENCY JOINDER; TO AMEND SECTION 37-15-13, MISSISSIPPI CODE OF
21 1972, TO PROVIDE THAT NO CHANGE IN THE ATTENDANCE ZONE OF ANY
22 SCHOOL SHALL BE MADE BY A NEWLY ELECTED COUNTY BOARD OF EDUCATION;
23 TO AMEND SECTIONS 37-5-1, 37-5-7, 37-5-9 AND 37-5-19, MISSISSIPPI
24 CODE OF 1972, TO PROVIDE FOR THE ELECTION OF MEMBERS OF ALL COUNTY
25 BOARDS OF EDUCATION IN NOVEMBER 2026 AND EVERY FOUR YEARS
26 THEREAFTER FOR FOUR-YEAR TERMS; TO PROVIDE THAT THE ELECTION IS BY
27 SUPERVISORS DISTRICT WITH ALL ELECTORS RESIDING THEREIN ELIGIBLE
28 TO VOTE IN THE ELECTION; TO PROVIDE FOR THE ELECTION OF A MEMBER
29 AT LARGE FROM ANY COUNTY HAVING NO HIGH SCHOOL ATTENDANCE CENTER;
30 TO PROVIDE FOR FILLING VACANCIES ON THE COUNTY BOARD OF EDUCATION;
31 TO BRING FORWARD SECTIONS 37-9-13 AND 37-9-25, MISSISSIPPI CODE OF
32 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS; TO AMEND SECTIONS
33 37-6-3, 37-6-5, 37-6-7, 37-6-9, 37-6-11, 37-6-13, 37-6-15 AND
34 37-7-301, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO



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

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

SECTION 1. Section 37-7-103, Mississippi Code of 1972, is amended as follows:

[Until July 1, 2026, this section shall read as follows:]

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



districts involved in implementing the provisions of Section 37-7-104, 37-7-104.2, 37-7-104.3, 37-7-104.4, 37-7-104.5, 37-7-104.6, 37-7-104.7 or 37-7-104.8 shall not be required for the administrative consolidation of such school districts pursuant to the order of the State Board of Education.

[From and after July 1, 2026, this section shall read as follows:]

37-7-103. (1) From and after July 1, * * * 2026, * * * each county in the State of Mississippi constitutes a single school district to be known as the "School District of _____ County, Mississippi." Each school district constitutes a unit for the control, organization and administration of schools. The responsibility for the actual operation and administration of all schools within each district in conformity with rules and minimum standards prescribed by the state, and also the responsibility for the provision of any desirable and practicable opportunities authorized by the law beyond those required by the state, is delegated by law to the members of the county board of education, with an appointed county superintendent of education as executive officer for the board, who shall be subject to the advice and consent of the State Board of Education for approval of such appointment.

(2) For purposes of this section, the term "administrative efficiency joinder" means the joining of two (2) or more school districts to create a new single school district in the county



95 with one (1) administrative unit, one (1) school board and one (1)
96 school superintendent, without requiring the closure of school
97 facilities. An administratively efficiently joined school
98 district may not have more than one (1) superintendent of schools.
99 Before February 1, 2026, the State Department of Education shall
100 publish an efficiency joinder list that includes all school
101 districts in the state that are not countywide school districts
102 embracing an entire county. The county board of education shall
103 provide for the administrative efficiency joinder of all school
104 districts in the county into one (1) countywide school district
105 embracing the entire county before July 1, 2026. Any school
106 district on the efficiency joinder list that does not join
107 voluntarily with the countywide school district must be joined for
108 administrative efficiency by the State Board of Education with the
109 countywide school district in which that district is located
110 before June 1, 2026, to be effective on July 1, 2026. The State
111 Board of Education shall move promptly on its own motion to join
112 for administrative efficiency a school district on the efficiency
113 joinder list in order to enable the affected school districts to
114 reasonably accomplish the resulting administrative efficiency
115 joinder into a countywide school district before July 1, 2026.
116 All school districts on the efficiency joinder list must comply
117 with any order issued by the county board of education or the
118 State Board of Education, as the case may be, before July 1, 2026.



119 (3) On July 1, 2026, the board of trustees of any municipal
120 separate, special municipal separate, consolidated or line
121 consolidated school district on the efficiency joinder list issued
122 by the State Board of Education is abolished. All real and
123 personal property owned or titled in the name of a school district
124 on the efficiency joinder list must be transferred to the
125 countywide school district of the county in which that school
126 district is located. If a school district is located in two (2)
127 or more counties, the State Board of Education shall issue an
128 order directing the transfer of real and personal property to the
129 appropriate countywide school district. Each school board shall
130 be responsible for establishing the contracts for teachers and
131 principals for the next school year with the consultation of the
132 county board of education. The selection of the county
133 superintendent of education in the successor countywide school
134 district is the responsibility of the county board of education.
135 The county board of education shall prepare and approve the budget
136 of the new countywide district, and the county board of education
137 may use staff from the existing districts to prepare the budget.
138 Any proposed order of a county board of education directing the
139 transfer of the assets or real or personal property of a school
140 district on the efficiency joinder list must be submitted and
141 approved by the State Board of Education. The determination of
142 the State Board of Education shall be final and conclusive for the
143 purposes of the transfer of property required by an administrative



144 efficiency joinder. Any person or school district aggrieved by an
145 order of a school board adopted under the requirements of this
146 section may appeal to the State Board of Education within ten (10)
147 days from the date of the adjournment of the meeting at which the
148 order is entered. The appeal must be de novo, and the findings of
149 the State Board of Education upon that question are final and
150 conclusive for the purpose of the approval or disapproval of the
151 action by the board. Any special municipal school district
152 embracing the territory of an entire county is abolished on July
153 1, 2026, and reconstituted as a countywide school district with a
154 county board of education.

155 (4) When any school district on the efficiency joinder list
156 issued by the State Board of Education is abolished under this
157 section, the abolition does not impair or release the property of
158 that school district from liability for the payment of the bonds
159 or other indebtedness of the district. However, any school
160 district that is abolished under this section and its local
161 governing authority shall be prohibited from issuing new bonds or
162 other indebtedness for the district after July 1, 2026. The board
163 of supervisors of the county shall continue to levy taxes on the
164 property of the abolished district from year-to-year according to
165 the terms of that indebtedness until same shall be fully paid.

166 (5) This section may not be construed to require the closing
167 of any school or school facility, unless the facility is an
168 unneded administrative office. All joinders of administrative



efficiency under this section must be accomplished so as not to delay or in any manner negatively affect the desegregation of another school district in the county under court order.

(6) In the administratively efficiently joined countywide school district created under this section, the ad valorem tax rate shall be determined as set forth under Sections 37-57-1 through 37-57-133. A school district joined for administrative efficiency with a school district designated by the State Board of Education as being in academic or fiscal distress or under state conservatorship is not subject to academic or fiscal distress sanctions for a period of three (3) years from the effective date of the required administrative efficiency joinder.

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

SECTION 2. Section 37-15-13, Mississippi Code of 1972, is amended as follows:

37-15-13. When any child qualified under the requirements of Section 37-15-9 * * * applies or presents himself for enrollment in or admission to the public schools of any school district of this state, the * * * county board of education of * * * the school district * * * has the power and authority to designate the



particular school or attendance center of the district in which * * * the child * * * must be enrolled and which he * * * must attend; no enrollment of a child in a school shall be final or permanent until * * * that designation * * * is made by * * * the county board of education. No child shall be entitled to attend any school or attendance center except that to which he has been assigned by the * * * county board of education; however, the principal of a school or superintendent of the district may, in proper cases, permit a child to attend a school temporarily until a permanent assignment is made by the * * * county board of education. A change in the attendance zone of a school or attendance center may not be made by a newly elected county board of education in a countywide school district that is created by an administrative efficiency joinder under the requirements of Section 37-7-103.

SECTION 3. Section 37-5-1, Mississippi Code of 1972, is amended as follows:

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



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

* * *

SECTION 4. Section 37-5-7, Mississippi Code of 1972, is amended as follows:

[Until July 1, 2026, this section shall read as follows:]

37-5-7. (1) On the first Tuesday after the first Monday in May, 1954, an election shall be held in each county in this state in the same manner as general state and county elections are held and conducted, which election shall be held for the purpose of electing the county boards of education established under the provisions of this chapter. At such election, the members of the said board from Supervisors Districts * * * 1 and * * * 2 shall be elected for the term expiring on the first Monday of January, 1957; members of the board from Supervisors Districts * * * 3 and * * * 4 shall be elected for a term expiring on the first Monday of January, 1959; and the member of the board from Supervisors District * * * 5 shall be elected for a term expiring on the first Monday of January, 1955. Except as otherwise provided in subsection (2), all subsequent members of the board shall be elected for a term of six (6) years at the regular



243 general election held on the first Monday in November next
244 preceding the expiration of the term of office of the respective
245 member or members of such board. All members of the county board
246 of education as herein constituted, shall take office on the first
247 Monday of January following the date of their election.

248 (2) On the first Tuesday after the first Monday in November,
249 in any year in which any county shall elect to utilize the
250 authority contained in Section 37-5-1(2), an election shall be
251 held in each such county in this state for the purpose of electing
252 the county boards of education in such counties. At said election
253 the members of the said county board of education from
254 Districts * * * 1 and * * * 2 shall be elected for a term of four
255 (4) years, the members from Districts * * * 3 and * * * 4 shall be
256 elected for a term of six (6) years, and the member from
257 District * * * 5 shall be elected for a term of two (2) years.
258 Thereafter, members shall be elected at general elections as
259 vacancies occur for terms of six (6) years each. All members of
260 the county board of education shall take office on the first
261 Monday of January following the date of their election.

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



267 (i) The two (2) appointed board members of the
268 Greenwood Public School District whose terms are nearest to
269 expiration shall expire on January 1, 2019, and thereafter become
270 permanently elected positions to be filled by persons elected as
271 board members from Supervisors Districts 2 and 3 in a November
272 2018 election held for that purpose, in the manner prescribed in
273 Section 37-7-203, and the newly elected members will take office
274 on January 1, 2019, for a term of four (4) years;

275 (ii) The final two (2) appointed board members of
276 the Greenwood Public School District whose terms are the farthest
277 removed from expiration shall expire on January 1, 2020, and
278 thereafter become permanently elected positions to be filled by
279 persons elected as board members from Supervisors Districts 4 and
280 5 in a November 2019 election held for that purpose, in the manner
281 prescribed in Section 37-7-203, and the newly elected members will
282 take office on January 1, 2020, for a term of four (4) years; and

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



291 (b) All subsequent members shall be elected for a term
292 of four (4) years at the regular general election held on the
293 first Monday in November next preceding the expiration of the term
294 of office of the respective members, and shall take office on
295 January 1 next succeeding the election.

296 (4) On the first Tuesday after the first Monday in November
297 2017, an election shall be held in Holmes County for the purpose
298 of electing the county board of education in the new Holmes County
299 Consolidated School District. At the election, the members of the
300 said county board of education shall be elected from single member
301 board of education districts, which shall be consistent with the
302 supervisors district lines in the county, and shall be elected for
303 an initial term of six (6) years. Subsequent elections for the
304 Holmes County Board of Education shall be held on the first
305 Tuesday after the first Monday in November 2023 and every four (4)
306 years thereafter at the same time and manner as other general
307 elections are held, and the member shall be elected for a term of
308 four (4) years. All members of the county board of education in
309 the new Holmes County Consolidated School District shall take
310 office on the first Monday of January following the date of their
311 election.

312 (5) On the first Tuesday after the first Monday in November
313 2023, an election shall be held in Chickasaw County for the
314 purpose of electing the county board of education in the new
315 Chickasaw County School District. The board of supervisors shall



316 declare and designate posts for each member of the new board. At
317 said election, the members of the said county board of education
318 from Posts One and Two shall be elected for a term of four (4)
319 years, the members from Posts Three and Four shall be elected for
320 a term of three (3) years and the member from Post Five shall be
321 elected for a term of two (2) years. Thereafter, members shall be
322 elected at general elections as vacancies occur for terms of four
323 (4) years each. All members of the county board of education in
324 the new Chickasaw County School District shall take office on the
325 first Monday of January following the date of their election.

326 **[From and after July 1, 2026, this section shall read as**
327 **follows:]**

328 37-5-7. (1) On the first Tuesday after the first Monday
329 in * * * November 2026, an election shall be held in each county
330 in this state in the same manner as general state and county
331 elections are * * * conducted, which election shall be held for
332 the purpose of electing the county boards of education established
333 under the provisions of this chapter. At * * * the election, the
334 members of the * * * board shall be elected from each of the five
335 (5) Supervisors Districts * * * for a term expiring on the first
336 Monday of January * * * 2028. * * * Subsequent members of the
337 board shall be elected for a term of * * * four (4) years at the
338 regular general statewide and county elections held on the
339 first * * * Tuesday in November * * * 2027 preceding the
340 expiration of the terms of office of * * * those members of * * *



the board elected in November 2026. All members of the county board of education as herein constituted, shall take office on the first Monday of January following the date of their election.

* * *

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

[Until July 1, 2026, this section shall read as follows:]

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



election. The runoff election, in the event that such is necessary, shall be held four (4) weeks after the first election.

When any member of the county board of education is to be elected from the county at large under the provisions of this chapter, then the petition required by the preceding paragraph hereof shall be signed by the required number of qualified electors residing in any part of the county outside of the territory embraced within a municipal separate school district or special municipal separate school district. The candidate who receives the majority of votes cast in the election shall be declared elected. If no candidate receives a majority of the votes cast at the election, a runoff shall be held between the two (2) candidates receiving the highest number of votes in the first election. The runoff election, in the event that such is necessary, shall be held four (4) weeks after the first election.

In no case shall any qualified elector residing within a municipal separate school district or special municipal separate school district be eligible to sign a petition of nomination for any candidate for the county board of education under any of the provisions of this section.

[From and after July 1, 2026, this section shall read as follows:]

37-5-9. (1) The name of any qualified elector who is a candidate for the county board of education shall be placed on the ballot used in the general elections by the county election



commissioners, provided that the candidate files with the county
election commissioners, not more than ninety (90) days and not
less than sixty (60) days * * * before the date of * * * the
general election, a petition of nomination signed by not less than
fifty (50) qualified electors of the county residing within each
supervisors district. Where there are less than one hundred (100)
qualified electors in said supervisors district, it shall only be
required that said petition of nomination be signed by at least
twenty percent (20%) of the qualified electors of * * * the
supervisors district. The candidate in each supervisors district
who receives the majority of votes cast in the district shall be
declared elected. If no candidate receives a majority of the
votes cast at the general election, a runoff shall be held between
the two (2) candidates receiving the highest number of votes cast
in the district in the first election. The runoff election, in
the event that such is necessary, shall be held four (4) weeks
after the first election, and the candidate who receives a
majority of the votes cast in the district in the runoff election
must be declared elected.

(2) When any member of the county board of education is to
be elected from the county at large under the provisions of this
chapter, then the petition required by the preceding paragraph
hereof shall be signed by the required number of qualified
electors residing in any part of the county * * *. The candidate
who receives the majority of votes cast in the election shall be



declared elected. If no candidate receives a majority of the votes cast at the election, a runoff shall be held between the two (2) candidates receiving the highest number of votes in the district in the first election. The runoff election, in the event that such is necessary, shall be held four (4) weeks after the first election, and the candidate who receives a majority of the votes cast in the district in the runoff election must be declared elected.

* * *

SECTION 6. Section 37-5-19, Mississippi Code of 1972, is amended as follows:

37-5-19. Vacancies in the membership of the county board of education shall be filled by appointment, within sixty (60) days after the vacancy occurs, by the remaining members of the county board of education. * * * The appointee shall be selected from the qualified electors of the supervisors district in which the vacancy occurs, and shall serve until the first Monday of January next succeeding the next general election, at which general election a member shall be elected to fill the remainder of the unexpired term in the same manner and with the same qualifications applicable to the election of a member for the full term. In the event the school district is under conservatorship and no members of the county board of education remain in office, the Governor shall call a special election to fill the vacancies and said election will be conducted by the county election commission.



440 * * * If the vacancy occurs more than five (5) months * * *
441 before the next general election and the remaining members of the
442 county board of education are unable to agree upon an individual
443 to be appointed, any two (2) of the remaining members may
444 certify * * * the disagreement to the county election commission.
445 Upon the receipt of such a certificate by the county election
446 commission, or any member thereof, the commission shall hold a
447 special election to fill the vacancy, which * * * election, notice
448 thereof and ballot shall be controlled by the laws concerning
449 special elections to fill vacancies in county or county district
450 offices. The person elected at * * * that special election shall
451 serve for the remainder of the unexpired term.

452 **SECTION 7.** Section 37-9-13, Mississippi Code of 1972, is
453 brought forward as follows:

454 37-9-13. (1) (a) Each school district shall have a
455 superintendent of schools, selected in the manner provided by law.
456 No person shall be eligible to the office of superintendent of
457 schools unless such person shall hold a valid administrator's
458 license issued by the State Department of Education and shall have
459 classroom or administrative experience of not less than six (6)
460 years which shall include at least three (3) years of
461 administrative experience as a school building principal (a) in a
462 school with an "A" or "B" accountability rating, or (b) in a
463 school that increased its accountability rating by a letter grade
464 during the period in which the principal was employed as principal



465 at the school, or (c) in a school with comparable accountability
466 rating or improvement in another state which shall be verified by
467 the Mississippi Department of Education.

468 (b) Notwithstanding the provisions of subsection (4) of
469 this section, no person shall be eligible to the office of
470 superintendent of schools if the person has pled guilty to or been
471 convicted of any state or federal offense in which he or she
472 unlawfully took, obtained or misappropriated funds received by or
473 entrusted to the person by virtue of his or her public office or
474 employment.

475 (2) From and after January 1, 2019, in all public school
476 districts, the local school board shall appoint the superintendent
477 of schools of such district. At the expiration of the term of any
478 county superintendent of education elected at the November 2015
479 general election, the county superintendent of education of said
480 county shall not be elected but shall thereafter be appointed by
481 the local school board in the manner provided in Section 37-9-25.
482 However, in the event that a vacancy in the office of the
483 superintendent of schools elected at the November 2015 general
484 election shall occur before January 1, 2019, the office of
485 superintendent of schools shall immediately become an appointed
486 position, and the local school board shall appoint the
487 superintendent of the school district. The superintendent of
488 schools shall have the general powers and duties to administer the



schools within his district as prescribed in Section 37-9-14 et seq., Mississippi Code of 1972.

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

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

SECTION 8. Section 37-9-25, Mississippi Code of 1972, is brought forward as follows:

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



514 schools elected at the November 2015 general election shall occur
515 before January 1, 2019, the local school board shall then appoint
516 the superintendent of the school district and enter into contract
517 with the appointee for a period not to exceed three (3) scholastic
518 years. All such contracts with licensed employees shall for the
519 years after the first year thereof be subject to the contingency
520 that the licensed employee may be released if, during the life of
521 the contract, the net enrollment should decrease from that
522 existing during the previous year and thus necessitate a reduction
523 in the number of licensed employees during any year after the
524 first year of the contract. However, in all such cases the
525 licensed employee must be released before July 1 or at least
526 thirty (30) days prior to the beginning of the school term,
527 whichever date should occur earlier. The salary to be paid for
528 the years after the first year of such contract shall be subject
529 to revision, either upward or downward, in the event of an
530 increase or decrease in the funds available for the payment
531 thereof, but, unless such salary is revised prior to the beginning
532 of a school year, it shall remain for such school year at the
533 amount fixed in such contract. However, where school district
534 funds are available during the school year in excess of the amount
535 anticipated at the beginning of the school year, the salary to be
536 paid for such year may be increased to the extent that such
537 additional funds are available, and nothing herein shall be
538 construed to prohibit same.



SECTION 9. Section 37-6-3, Mississippi Code of 1972, is amended as follows:

37-6-3. (1) From and after July 1, 1987, all school districts in the State of Mississippi shall have the same prerogatives, powers, duties and privileges as provided in this chapter. From and after July 1, 2026, each county constitutes a school district for the control, organization and administration of schools, and all other school districts are abolished as provided in Section 37-7-103.

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

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

* * *

SECTION 10. Section 37-6-5, Mississippi Code of 1972, is amended as follows:

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



563 **SECTION 11.** Section 37-6-7, Mississippi Code of 1972, is
564 amended as follows:

565 37-6-7. Each county school district shall be governed by
566 a * * * county board of education consisting of five (5) members,
567 selected in the manner provided by law.

568 **SECTION 12.** Section 37-6-9, Mississippi Code of 1972, is
569 amended as follows:

570 37-6-9. The * * * county board of education shall organize
571 by the election of a president and a secretary from its membership
572 whose duty it shall be to make reports and to perform all other
573 duties required by law. A majority of the members of the * * *
574 board shall constitute a quorum for the transaction of business.
575 Minutes shall be kept of all meetings of the * * * board showing:

- 576 (a) The members present and absent;
- 577 (b) The date, time and place of the meeting;
- 578 (c) An accurate recording of any final actions taken at
579 such meeting;
- 580 (d) A record by individual member of any votes taken at
581 such meeting; and
- 582 (e) Any other information that the school board
583 requests to be reflected in the minutes.

584 Each member of the * * * board present shall either vote or
585 abstain on every question upon which a vote is taken at * * * any
586 meeting. All action taken by a * * * board shall become official
587 at the time it is taken. All minutes of the * * * board shall be



signed by the president of the board, shall be attested by the secretary of the board and shall be adopted by the board at the next regular meeting, or within thirty (30) working days, whichever occurs later.

SECTION 13. Section 37-6-11, Mississippi Code of 1972, is amended as follows:

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

SECTION 14. Section 37-6-13, Mississippi Code of 1972, is amended as follows:

37-6-13. (1) Each person serving as a member of the * * * county board of education of any school district shall receive per diem in the amount of One Hundred Twelve Dollars (\$112.00) for no more than thirty-six (36) meetings of the school board during any one (1) fiscal year or, in his or her discretion, irrevocably may choose to receive as compensation for his or her services an annual salary, subject to the following provisions:

(a) For a person serving as a member of the school board of a school district with less than five thousand (5,000) students enrolled in the school district, the person shall receive an annual salary of Four Thousand Dollars (\$4,000.00);



613 (b) For a person serving as a member of the school
614 board of a school district with at least five thousand (5,000)
615 students but less than ten thousand (10,000) students enrolled in
616 the school district, the person shall receive an annual salary of
617 not less than Four Thousand Dollars (\$4,000.00) but not more than
618 Five Thousand Dollars (\$5,000.00); and

619 (c) For a person serving as a member of the school
620 board of a school district with greater than ten thousand (10,000)
621 students enrolled in the school district, the person shall receive
622 an annual salary of not less than Four Thousand Dollars
623 (\$4,000.00) but not more than Six Thousand Dollars (\$6,000.00).

624 This choice shall remain in force for all successive terms or
625 periods of service of that member. The receipt of the
626 compensation shall not entitle any member of a school board to
627 receive or be eligible for any state employee group insurance,
628 retirement or other fringe benefits. Each member shall be
629 reimbursed for the necessary expenses and mileage in attending
630 meetings of the * * * board. In addition to the foregoing, all
631 members may be reimbursed for mileage and actual expenses incurred
632 in the further performance of their duties, including attendance
633 at any mandatory school board training session or at regional and
634 national education meetings, when * * * the mileage and other
635 expenses are authorized by the board * * * before the date on
636 which they occur. Detailed vouchers shall be submitted for



637 reimbursement for all expenses authorized by this section. * * *

638 The reimbursement shall be in accordance with Section 25-3-41.

639 * * * The expenses shall be paid on order of the * * * board
640 by pay certificates issued by the county superintendent of
641 education of the school district involved against the funds
642 available for payment of the administrative expense of the
643 district.

644 (2) (a) If a member of a school board misses twenty percent
645 (20%) or more of the meetings of the * * * board during a calendar
646 year, except for absences caused by required military duty, the
647 member must reimburse the school district that portion of the
648 total salary paid to the member that year which is proportionate
649 to the number of meetings missed by the member in relation to the
650 total number of * * * board meetings held during that year. For
651 purposes of this subsection, consideration may be given only to
652 meetings of which public notice is required.

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

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

660 37-6-15. (1) Before entering upon the discharge of the
661 duties of his office, each member of the * * * county board of



education shall give a surety bond in the penal sum of Fifty
Thousand Dollars (\$50,000.00), with sufficient surety, to be
payable, conditioned and approved in the manner provided by law.

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

SECTION 16. Section 37-7-301, Mississippi Code of 1972, is
amended as follows:

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

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

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



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

688 (d) To have responsibility for the erection, repairing
689 and equipping of school facilities and the making of necessary
690 school improvements;

691 (e) To suspend or to expel a pupil or to change the
692 placement of a pupil to the school district's alternative school
693 or homebound program for misconduct in the school or on school
694 property, as defined in Section 37-11-29, on the road to and from
695 school, or at any school-related activity or event, or for conduct
696 occurring on property other than school property or other than at
697 a school-related activity or event when such conduct by a pupil,
698 in the determination of the * * * county superintendent or
699 principal, renders that pupil's presence in the classroom a
700 disruption to the educational environment of the school or a
701 detriment to the best interest and welfare of the pupils and
702 teacher of such class as a whole, and to delegate such authority
703 to the appropriate officials of the school district;

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

707 (g) To support, within reasonable limits, the
708 superintendent, principal and teachers where necessary for the
709 proper discipline of the school;



710 (h) To exclude from the schools students with what
711 appears to be infectious or contagious diseases; * * *
712 however, * * * the student may be allowed to return to school upon
713 presenting a certificate from a public health officer, duly
714 licensed physician or nurse practitioner that the student is free
715 from * * * the disease;

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

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

720 (k) To authorize the use of the school buildings and
721 grounds for the holding of public meetings and gatherings of the
722 people under such regulations as may be prescribed by * * * the
723 board;

724 (l) To prescribe and enforce rules and regulations not
725 inconsistent with law or with the regulations of the State Board
726 of Education for their own government and for the government of
727 the schools, and to transact their business at regular and special
728 meetings called and held in the manner provided by law;

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

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



734 (o) To make orders directed to the county
735 superintendent of * * * education for the issuance of pay
736 certificates for lawful purposes on any available funds of the
737 district and to have full control of the receipt, distribution,
738 allotment and disbursement of all funds provided for the support
739 and operation of the schools of * * * the school district
740 whether * * * the funds * * * are derived from state
741 appropriations, local ad valorem tax collections, or otherwise.
742 The * * * county board of education shall be authorized and
743 empowered to promulgate rules and regulations that specify the
744 types of claims and set limits of the dollar amount for payment of
745 claims by the county superintendent of * * * education to be
746 ratified by the board at the next regularly scheduled meeting
747 after payment has been made;

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

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

755 (r) To join, in their discretion, any association of
756 school boards and other public school-related organizations, and
757 to pay from local funds other than total funding formula funds,
758 any membership dues;



759 (s) To expend local school activity funds, or other
760 available school district funds, other than total funding formula
761 funds, for the purposes prescribed under this paragraph.
762 "Activity funds" shall mean all funds received by school officials
763 in all school districts paid or collected to participate in any
764 school activity, * * * that activity being part of the school
765 program and partially financed with public funds or supplemented
766 by public funds. The term "activity funds" shall not include any
767 funds raised and/or expended by any organization unless commingled
768 in a bank account with existing activity funds, regardless of
769 whether the funds were raised by school employees or received by
770 school employees during school hours or using school facilities,
771 and regardless of whether a school employee exercises influence
772 over the expenditure or disposition of * * * the funds.
773 Organizations shall not be required to make any payment to any
774 school for the use of any school facility if, in the discretion of
775 the * * * county board of education, the organization's
776 function * * * is deemed to be beneficial to the official or
777 extracurricular programs of the school. For the purposes of this
778 provision, the term "organization" shall not include any
779 organization subject to the control of the * * * board. Activity
780 funds may only be expended for any necessary expenses or travel
781 costs, including advances, incurred by students and their
782 chaperons in attending any in-state or out-of-state school-related
783 programs, conventions or seminars and/or any commodities,



784 equipment, travel expenses, purchased services or school
785 supplies * * * that the * * * board, in its discretion, shall deem
786 beneficial to the official or extracurricular programs of the
787 district, including items * * * that may * * * later become the
788 personal property of individuals, including yearbooks, athletic
789 apparel, book covers and trophies. Activity funds may be used to
790 pay travel expenses of school district personnel. The * * *
791 county board of education shall be authorized and empowered to
792 promulgate rules and regulations specifically designating for what
793 purposes school activity funds may be expended. The * * * board
794 shall provide the following:

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

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

801 (iii) * * * That * * * the school activity funds
802 be audited as part of the annual audit required in Section
803 37-9-18.

804 The State Department of Education shall prescribe a uniform
805 system of accounting and financial reporting for all school
806 activity fund transactions;

807 (t) To enter into an energy performance contract,
808 energy services contract, on a shared-savings, lease or



809 lease-purchase basis, for energy efficiency services and/or
810 equipment as provided for in Section 31-7-14;

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

813 (v) (i) To lease a school building from an individual,
814 partnership, nonprofit corporation or a private for-profit
815 corporation for the use of such school district, and to expend
816 funds therefor as may be available from any sources other than
817 total funding formula funds as set by Sections 37-151-200 through
818 37-151-215. The * * * county board of * * * education desiring to
819 lease a school building shall declare by resolution that a need
820 exists for a school building and that the school district cannot
821 provide the necessary funds to pay the cost or its proportionate
822 share of the cost of a school building required to meet the
823 present needs. The resolution so adopted by the * * * board shall
824 be published once each week for three (3) consecutive weeks in a
825 newspaper having a general circulation in the school district
826 involved, with the first publication thereof to be made not less
827 than thirty (30) days * * * before the date upon which the * * *
828 board is to act on the question of leasing a school building. If
829 no petition requesting an election is filed * * * before a meeting
830 as hereinafter provided, then the school board may, by resolution
831 spread upon its minutes, proceed to lease a school building. If
832 at any time * * * before the meeting a petition signed by not less
833 than twenty percent (20%) or fifteen hundred (1500), whichever is



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



859 appurtenances thereto such as heating facilities, water supply,
860 sewage disposal, landscaping, walks, drives and playgrounds. The
861 term "lease" as used in this paragraph (v)(i) may include a
862 lease-purchase contract;

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

879 (w) To employ all noninstructional and * * *
880 nonlicensed employees and fix the duties and compensation of * * *
881 those personnel deemed necessary * * * according to the
882 recommendation of the county superintendent of * * * education;



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

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

889 (z) To expend funds for the payment of substitute
890 teachers and to adopt reasonable regulations for the employment
891 and compensation of * * * those substitute teachers;

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



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

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

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

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



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

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

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

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

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

954 (ii) Fund-raising activities conducted or
955 authorized by the board for the sale of school pictures, the
956 rental of caps and gowns or the sale of graduation invitations for
957 which the * * * board receives a commission, rebate or fee shall



958 contain a disclosure statement advising that a portion of the
959 proceeds of the sales or rentals shall be contributed to the
960 student activity fund;

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

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

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

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

975 (ll) To expend funds for the services of nonprofit arts
976 organizations or other * * * similar nonprofit organizations * * *
977 that provide performances or other services for the students of
978 the school district;

979 (mm) To expend federal No Child Left Behind Act funds,
980 or any other available funds that are expressly designated and
981 authorized for that use, to pay training, educational expenses,
982 salary incentives and salary supplements to employees of local



983 school districts; except that incentives shall not be considered
984 part of the local supplement, nor shall incentives be considered
985 part of the local supplement paid to an individual teacher for the
986 purposes of Section 37-19-7(1);

987 (nn) To use any available funds, not appropriated or
988 designated for any other purpose, for reimbursement to the
989 state-licensed employees from both in state and out of state, who
990 enter into a contract for employment in a school district, for the
991 expense of moving when the employment necessitates the relocation
992 of the licensed employee to a different geographical area than
993 that in which the licensed employee resides before entering into
994 the contract. The reimbursement shall not exceed One Thousand
995 Dollars (\$1,000.00) for the documented actual expenses incurred in
996 the course of relocating, including the expense of any
997 professional moving company or persons employed to assist with the
998 move, rented moving vehicles or equipment, mileage in the amount
999 authorized for county and municipal employees under Section
1000 25-3-41 if the licensed employee used his personal vehicle or
1001 vehicles for the move, meals and * * * any other expenses
1002 associated with the relocation. No licensed employee may be
1003 reimbursed for moving expenses under this section on more than one
1004 (1) occasion by the same school district. Nothing in this section
1005 shall be construed to require the actual residence to which the
1006 licensed employee relocates to be within the boundaries of the
1007 school district that has executed a contract for employment in



1008 order for the licensed employee to be eligible for reimbursement
1009 for the moving expenses. However, the licensed employee must
1010 relocate within the boundaries of the State of Mississippi. Any
1011 individual receiving relocation assistance through the Critical
1012 Teacher Shortage Act as provided in Section 37-159-5 shall not be
1013 eligible to receive additional relocation funds as authorized in
1014 this paragraph;

1015 (oo) To use any available funds, not appropriated or
1016 designated for any other purpose, to reimburse persons who
1017 interview for employment as a licensed employee with the district
1018 for the mileage and other actual expenses incurred in the course
1019 of travel to and from the interview at the rate authorized for
1020 county and municipal employees under Section 25-3-41;

1021 (pp) Consistent with the report of the Task Force to
1022 Conduct a Best Financial Management Practices Review, to improve
1023 school district management and use of resources and identify cost
1024 savings as established in Section 8 of Chapter 610, Laws of
1025 2002, * * * county boards of education are encouraged to conduct
1026 independent reviews of the management and efficiency of schools
1027 and school districts. * * * The management and efficiency reviews
1028 shall provide state and local officials and the public with the
1029 following:

1030 (i) An assessment of a school district's
1031 governance and organizational structure;



1032 (ii) An assessment of the school district's
1033 financial and personnel management;
1034 (iii) An assessment of revenue levels and sources;
1035 (iv) An assessment of facilities utilization,
1036 planning and maintenance;
1037 (v) An assessment of food services, transportation
1038 and safety/security systems;
1039 (vi) An assessment of instructional and
1040 administrative technology;
1041 (vii) A review of the instructional management and
1042 the efficiency and effectiveness of existing instructional
1043 programs; and
1044 (viii) Recommended methods for increasing
1045 efficiency and effectiveness in providing educational services to
1046 the public;
1047 (qq) To enter into agreements with other * * * county
1048 boards of education for the establishment of an educational
1049 service agency (ESA) to provide for the cooperative needs of the
1050 region in which the school district is located, as provided in
1051 Section 37-7-345;
1052 (rr) To implement a financial literacy program for
1053 students in Grades 10 and 11. The board may review the national
1054 programs and obtain free literature from various nationally
1055 recognized programs. After review of the different programs, the
1056 board may certify a program that is most appropriate for the



1057 school districts' needs. If a district implements a financial
1058 literacy program, then any student in Grade 10 or 11 may
1059 participate in the program. The financial literacy program shall
1060 include, but is not limited to, instruction in the same areas of
1061 personal business and finance as required under Section
1062 37-1-3(2) (b). The * * * county board of education may coordinate
1063 with volunteer teachers from local community organizations,
1064 including, but not limited to, the following:

1065 (i) United States Department of Agriculture Rural
1066 Development * * *;

1067 (ii) United States Department of Housing and Urban
1068 Development * * *;

1069 (iii) Junior Achievement * * *;

1070 (iv) Bankers; and

1071 (v) Other nonprofit organizations.

1072 Nothing in this paragraph shall be construed as to require
1073 school boards to implement a financial literacy program;

1074 (ss) (i) To collaborate with the State Board of
1075 Education, Community Action Agencies or the Department of Human
1076 Services to develop and implement a voluntary program to provide
1077 services for a prekindergarten program that addresses the
1078 cognitive, social, and emotional needs of four-year-old and
1079 three-year-old children. The * * * county board of education may
1080 utilize any source of available revenue to fund the voluntary
1081 program.



1082 (ii) Effective with the 2013-2014 school year, to
1083 implement voluntary prekindergarten programs under the Early
1084 Learning Collaborative Act of 2013 pursuant to state funds awarded
1085 by the State Department of Education on a matching basis;

1086 (tt) With respect to any lawful, written obligation of
1087 a school district, including, but not limited to, leases
1088 (excluding leases of sixteenth section public school trust land),
1089 bonds, notes, or other agreement, to agree in writing with the
1090 obligee that the Department of Revenue or any state agency,
1091 department or commission created under state law may:

1092 (i) Withhold all or any part (as agreed by
1093 the * * * county board of education) of any monies which * * *
1094 that the board is entitled to receive from time to time under any
1095 law and which is in the possession of the Department of Revenue,
1096 or any state agency, department or commission created under state
1097 law; and

1098 (ii) Pay the same over to any financial
1099 institution, trustee or other obligee, as directed in writing by
1100 the * * * board, to satisfy all or part of such obligation of the
1101 school district.

1102 The * * * board may make * * * the written agreement to
1103 withhold and transfer funds irrevocable for the term of the
1104 written obligation and may include in the written agreement any
1105 other terms and provisions acceptable to the school board. If
1106 the * * * board files a copy of * * * the written agreement with



1107 the Department of Revenue, or any state agency, department or
1108 commission created under state law then the Department of Revenue
1109 or any state agency, department or commission created under state
1110 law shall immediately make the withholdings provided in * * * the
1111 agreement from the amounts due the local school board and shall
1112 continue to pay the same over to * * * the financial institution,
1113 trustee or obligee for the term of the agreement.

1114 This paragraph (tt) shall not grant any extra authority to a
1115 school board to issue debt in any amount exceeding statutory
1116 limitations on assessed value of taxable property within * * * the
1117 school district or the statutory limitations on debt maturities,
1118 and shall not grant any extra authority to impose, levy or collect
1119 a tax * * * that is not otherwise expressly provided for, and
1120 shall not be construed to apply to sixteenth section public school
1121 trust land;

1122 (uu) With respect to any matter or transaction that is
1123 competitively bid by a school district, to accept from any bidder
1124 as a good-faith deposit or bid bond or bid surety, the same type
1125 of good-faith deposit or bid bond or bid surety that may be
1126 accepted by the state or any other political subdivision on
1127 similar competitively bid matters or transactions. This paragraph
1128 (uu) shall not be construed to apply to sixteenth section public
1129 school trust land. The * * * board may authorize the investment
1130 of any school district funds in the same kind and manner of



1131 investments, including pooled investments, as any other political
1132 subdivision, including community hospitals;

1133 (vv) To utilize the alternate method for the conveyance
1134 or exchange of unused school buildings and/or land, reserving a
1135 partial or other undivided interest in the property, as
1136 specifically authorized and provided in Section 37-7-485;

1137 (ww) To delegate, privatize or otherwise enter into a
1138 contract with private entities for the operation of any and all
1139 functions of nonacademic school process, procedures and operations
1140 including, but not limited to, cafeteria workers, janitorial
1141 services, transportation, professional development, achievement
1142 and instructional consulting services materials and products,
1143 purchasing cooperatives, insurance, business manager services,
1144 auditing and accounting services, school safety/risk prevention,
1145 data processing and student records, and other staff services;
1146 however, the authority under this paragraph does not apply to the
1147 leasing, management or operation of sixteenth section lands.

1148 Local school districts, working through their regional education
1149 service agency, are encouraged to enter into buying consortia with
1150 other member districts for the purposes of more efficient use of
1151 state resources as described in Section 37-7-345;

1152 (xx) To partner with entities, organizations and
1153 corporations for the purpose of benefiting the school district;

1154 (yy) To borrow funds from the Rural Economic
1155 Development Authority for the maintenance of school buildings;



1156 (zz) To fund and operate voluntary early childhood
1157 education programs, defined as programs for children less than
1158 five (5) years of age on or before September 1, and to use any
1159 source of revenue for * * * those early childhood education
1160 programs. * * * Those programs shall not conflict with the Early
1161 Learning Collaborative Act of 2013;

1162 (aaa) To issue and provide for the use of procurement
1163 cards by * * * board members, county superintendents of education
1164 and licensed school personnel consistent with the rules and
1165 regulations of the Mississippi Department of Finance and
1166 Administration under Section 31-7-9; and

1167 (bbb) To conduct an annual comprehensive evaluation of
1168 the county superintendent of * * * education consistent with the
1169 assessment components of paragraph (pp) of this section and the
1170 assessment benchmarks established by the Mississippi School Board
1171 Association to evaluate the success the superintendent has
1172 attained in meeting district goals and objectives, the
1173 superintendent's leadership skill and whether or not the
1174 superintendent has established appropriate standards for
1175 performance, is monitoring success and is using data for
1176 improvement.

1177 **SECTION 17.** Section 37-57-1, Mississippi Code of 1972, is
1178 amended as follows:

1179 37-57-1. (1) (a) From and after July 1, 2025, the boards
1180 of supervisors of the counties shall levy and collect all taxes



1181 for and on behalf of all school districts * * *. * * * The taxes
1182 shall be collected by the county tax collector at the same time
1183 and in the same manner as county taxes are collected by him, and
1184 the same penalties for delinquency shall be applicable.

1185 * * *

1186 * * * The county * * * tax collector * * * shall pay * * *
1187 the tax collections, except for taxes collected for the payment of
1188 the principal of and interest on school bonds or notes and except
1189 for taxes collected to defray collection costs, into the school
1190 depository and report to the * * * county board of * * * education
1191 at the same time and in the same manner as the tax collector makes
1192 his payments and reports of other taxes collected by him.

1193 * * *

1194 (b) For the purposes of this chapter and any other laws
1195 pertaining to taxes levied or bonds or notes issued for and on
1196 behalf of school districts, the term "levying authority" means the
1197 board of supervisors of the county * * * of the particular school
1198 district * * *.

1199 (2) The levying authority for the school district shall, at
1200 the same time and in the same manner as other taxes are levied by
1201 the levying authority, levy a tax of not less than twenty-eight
1202 (28) mills for the then current fiscal year or a millage rate
1203 equivalent to twenty-seven percent (27%) of the total funding
1204 formula under Sections 37-151-200 through 37-151-215, whichever is
1205 a lesser amount, as certified to the school district by the State



1206 Department of Education, upon all of the taxable property of the
1207 county school district. However, in no case shall the minimum
1208 local ad valorem tax effort for any school district be equal to an
1209 amount that would require a millage rate exceeding fifty-five (55)
1210 mills in that school district. However, if a levying authority is
1211 levying in excess of fifty-five (55) mills on July 1, 1997, the
1212 levying authority may levy an additional amount not exceeding
1213 three (3) mills in the aggregate for the period beginning July 1,
1214 1997, and ending June 30, 2003, subject to the limitation on
1215 increased receipts from ad valorem taxes prescribed in Sections
1216 37-57-105 and 37-57-107. Nothing in this subsection shall be
1217 construed to require any school district that is levying more than
1218 fifty-five (55) mills * * * under Sections 37-57-1 and 37-57-105
1219 to decrease its millage rate to fifty-five (55) mills or less. In
1220 making * * * the levy, the levying authority shall levy an
1221 additional amount sufficient to cover anticipated delinquencies
1222 and costs of collection so that the net amount of money to be
1223 produced by * * * the levy shall be equal to the amount * * * that
1224 the school district is required to contribute as its minimum local
1225 ad valorem tax effort. The tax so levied shall be collected by
1226 the tax collector at the same time and in the same manner as other
1227 ad valorem taxes are collected by him. The amount of taxes so
1228 collected as a result of * * * the levy shall be paid into the
1229 district maintenance fund of the school district by the tax
1230 collector at the same time and in the same manner as reports and



1231 payments of other ad valorem taxes are made by the tax collector,
1232 except that the amount collected to defray costs of collection may
1233 be paid into the county general fund. The levying authority shall
1234 have the power and authority to direct and cause warrants to be
1235 issued against * * * the fund for the purpose of refunding any
1236 amount of taxes erroneously or illegally paid into * * * the fund
1237 where * * * the refund has been approved in the manner provided by
1238 law.

1239 **SECTION 18.** Effective July 1, 2026, Sections 37-7-105,
1240 37-7-107, 37-7-109, 37-7-111, 37-7-113 and 37-7-115, Mississippi
1241 Code of 1972, which provide procedures for the abolition,
1242 alteration and creation of public school districts by local school
1243 boards and by petition of the electorate, are repealed.

1244 **SECTION 19.** Effective July 1, 2026, Section 37-5-3,
1245 Mississippi Code of 1972, which provides certain residency
1246 restrictions for members of county boards of education, and
1247 Section 37-5-18, Mississippi Code of 1972, which provides for the
1248 election of members of county boards of education from special
1249 districts, are repealed.

1250 **SECTION 20.** Effective July 1, 2026, Sections 37-7-201,
1251 37-7-203, 37-7-204, 37-7-207, 37-7-208, 37-7-209, 37-7-211,
1252 37-7-215, 37-7-217, 37-7-219, 37-7-221, 37-7-223, 37-7-225,
1253 37-7-227, 37-7-229, 37-7-701, 37-7-703, 37-7-705, 37-7-707,
1254 37-7-709, 37-7-711, 37-7-713, 37-7-715, 37-7-717, 37-7-723 and
1255 37-7-725, Mississippi Code of 1972, which provide qualifications,



1256 election procedures, terms of office, petition procedures, vacancy
1257 procedures and optional selection methods for boards of trustees
1258 of municipal separate school districts, consolidated school
1259 districts, line consolidated school districts and special
1260 municipal separate school districts, are repealed.

1261 **SECTION 21.** This act shall take effect and be in force from
1262 and after July 1, 2025.

