

By: Representative Karriem

To: Education; Ways and  
Means

## HOUSE BILL NO. 1592

1 AN ACT TO PROVIDE FOR THE REMOVAL OF SCHOOL BOARD MEMBERS FOR  
2 MALFEASANCE, MISFEASANCE OR NONFEASANCE IN OFFICE OR FOR OTHER  
3 JUST CAUSE, INCLUDING, NEGLECT TO PERFORM OFFICIAL DUTIES  
4 ASSOCIATED WITH THE CONDUCT OF PUBLIC SCHOOLS AND PROGRAMS, BREACH  
5 OF PUBLIC TRUST OR ABUSE OF AUTHORITY; TO REQUIRE THE LOCAL SCHOOL  
6 BOARD TO MAKE AN OFFICIAL RECOMMENDATION FOR REMOVAL TO THE  
7 APPROPRIATE LOCAL GOVERNING AUTHORITY; TO PRESCRIBE THE MANNER FOR  
8 NOTICE AND ADMINISTRATIVE PROCEEDINGS PROVIDED TO THE ACCUSED  
9 SCHOOL BOARD MEMBER RECOMMENDED FOR REMOVAL; TO PROVIDE THAT THE  
10 LOCAL GOVERNING AUTHORITY SHALL ACT AS THE REVIEWING BODY WHICH  
11 SHALL VOTE UPON ITS FINDINGS UPON THE CONCLUSION OF THE HEARING;  
12 TO PROVIDE THAT THE REMOVAL OR NONREMOVAL OF AN ACCUSED SCHOOL  
13 BOARD MEMBER SHALL REQUIRE A MAJORITY VOTE OF THE LOCAL GOVERNING  
14 AUTHORITY; TO PROVIDE AN APPEALS PROCESS FOR AN AGGRIEVED PARTY;  
15 TO AMEND SECTION 37-6-13, MISSISSIPPI CODE OF 1972, TO PROVIDE  
16 THAT CHRONIC ABSENTEEISM FROM ATTENDING MEETINGS OF THE SCHOOL  
17 BOARD MAY CONSTITUTE GROUNDS FOR REMOVAL FOR NEGLECT TO PERFORM  
18 OFFICIAL DUTIES ASSOCIATED WITH THE CONDUCT OF PUBLIC SCHOOLS; TO  
19 AMEND SECTIONS 37-57-104, 37-57-105 AND 37-57-107, MISSISSIPPI  
20 CODE OF 1972, TO DELETE THE AUTHORITY OF SCHOOL BOARDS TO INCREASE  
21 AD VALOREM TAXES LEVIED FOR SCHOOL DISTRICT PURPOSES BY MORE THAN  
22 TWO PERCENT OVER THE AMOUNT LEVIED IN THE PRECEDING YEAR ABSENT  
23 APPROVAL BY A MAJORITY VOTE IN A REFERENDUM ON THE PROPOSED TAX  
24 INCREASE; TO AMEND SECTION 27-39-207, MISSISSIPPI CODE OF 1972, IN  
25 CONFORMITY TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

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

27 **SECTION 1.** (1) (a) Upon the official recommendation of  
28 removal by the local school board, duly spread upon the minutes  
29 and presented by the president of the board to the appropriate



30 local governing authority, any school board member may be removed  
31 for any of the following reasons, given just cause:

32 (i) Acts of misfeasance, malfeasance and  
33 nonfeasance that are directly related to the office and duties of  
34 school board members;

35 (ii) Failure to perform official duties associated  
36 with the conduct of public schools and programs under the  
37 provisions of Title 37, Mississippi Code of 1972, for which an  
38 oath to faithfully discharge such duties have been administered,  
39 which result in an adverse and detrimental effect on the  
40 district's function;

41 (iii) Breach of public trust or abuse of  
42 authority;

43 (iv) Committing any act that results in a  
44 conviction, guilty plea, plea of nolo contendere, or the receipt  
45 of probation or post-release supervision that would result in a  
46 licensed teacher or administrator's license being suspended or  
47 revoked under the provisions of Section 37-3-2; or

48 (v) Failing to attend more than fifty percent  
49 (50%) of the scheduled meetings of the school board for which  
50 public notice is required during a calendar year, except for  
51 absences caused by required military duty.

52 (b) Upon receipt of the school board's recommendation  
53 for removal under any grounds of violation specified in paragraph  
54 (a), the local governing authority shall act as the reviewing



body. The governing authority shall send a copy of the recommendation and any supporting documents to the accused school board member along with a summons requiring the accused to respond to the allegations within thirty (30) days. The notification shall be accomplished by any of the methods provided for in Rule 4 of the Mississippi Rules of Civil Procedure or by certified mail. If the accused does not respond within the thirty-day period, he or she shall be considered to be in default. Upon receipt of the response and any supporting documents from the accused, the local governing authority shall determine the merits of the complaint. The local governing authority may meet informally with the accused and discuss the alleged violation.

(2) (a) If the local governing authority determines that the recommendation for removal lacks merit, it may dismiss the recommendation.

(b) If the local governing authority determines that there is substantial evidence that a violation has occurred or if the accused admits to the truth of the allegations upon which the recommendation for removal is based, the governing authority shall set a date within fifteen (15) days of such determination upon which a hearing shall be held in connection with the vote upon the question of whether or not the accused school board member shall be removed.

(c) A court reporter shall be in attendance and shall record the proceedings. The local governing authority shall have



80 the right and duty to impose reasonable restrictions as it may  
81 deem necessary or appropriate to ensure an orderly, expeditious  
82 and impartial proceeding. The parties may offer oral testimony  
83 through witnesses and shall have the right of cross-examination.  
84 The rules of evidence shall be relaxed.

85 (d) At the conclusion of the hearing, the local  
86 governing authority shall take a vote upon its findings. A  
87 majority vote of the governing authority shall be required to  
88 affirm the removal or nonremoval of the accused school board  
89 member.

90 (3) (a) Any individual aggrieved by a final decision of the  
91 local governing authority shall be entitled to judicial review.

92 (b) An appeal from the decision of the hearing  
93 committee shall be made by filing a written notice of appeal with  
94 the circuit court clerk of the county where the accused resides.  
95 The notice of appeal and the payment of costs must be filed and  
96 paid with the circuit clerk, within thirty (30) days of the entry  
97 of the order being appealed. The appeal shall otherwise be  
98 conducted in accordance with existing laws and rules.

99 (c) Any party aggrieved by the action of the circuit  
100 court may appeal to the Mississippi Supreme Court in the manner  
101 provided by law and rules.

102 (4) If it is determined after all matter of appeal have been  
103 exhausted that the board member shall be removed from the



respective school board, the vacancy thereby created shall be filled in the time and manner prescribed in Section 37-7-203.

(5) For purposes of this section, the following terms shall have the meanings ascribed herein:

(a) "Malfeasance in office" means the intentional and unlawful conduct that causes harm to someone else.

(b) "Misfeasance in office" means the improper execution of a lawful act while acting in an official capacity.

(c) "Nonfeasance in office" means the failure to perform a legal duty or obligation.

(d) "Breach of public trust" means a public official or government figure abuses his or her position by acting in a way that violates the faith and confidence the public has placed in them, often by prioritizing personal gain over the public interest.

(e) "Abuse of authority" means an individual's improper use of power and authority inherent in the position held, by means of intimidation, threats, blackmail or coercion. However, it does not include the legitimate exercise of an individual's supervisory power or authority.

**SECTION 2.** Section 37-6-13, Mississippi Code of 1972, is amended as follows:

37-6-13. (1) Each person serving as a member of the school board 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);

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

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

This choice shall remain in force for all successive terms or periods of service of that member. The receipt of the compensation shall not entitle any member of a school board to receive or be eligible for any state employee group insurance, retirement or other fringe benefits. Each member shall be reimbursed for the necessary expenses and mileage in attending



meetings of the school board. In addition to the foregoing, all members may be reimbursed for mileage and actual expenses incurred in the further performance of their duties, including attendance at any mandatory school board training session or at regional and national education meetings, when such mileage and other expenses are authorized by the board prior to the date on which they occur. Detailed vouchers shall be submitted for reimbursement for all expenses authorized by this section. Such reimbursement shall be in accordance with Section 25-3-41.

Such expenses shall be paid on order of the school board by pay certificates issued by the superintendent of the school district involved against the funds available for payment of the administrative expense of the district.

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

Failure of a member to regularly attend meetings of the school board so as to constitute chronic absenteeism, as indicated by missing twenty percent (20%) or more of the meetings, shall



179 subject such member to recommendation for removal from the board  
180 for neglect to perform official duties as prescribed in Section 1  
181 of this act.

182 (b) Before February 1 of each year, the president of  
183 each local school board shall submit a report to the State Board  
184 of Education containing the names of any members of the school  
185 board who missed twenty percent (20%) or more of the school board  
186 meetings during the preceding calendar year.

187 (c) Any member of the local school board who misses  
188 more than fifty percent (50%) of the regularly scheduled meetings  
189 of the board, for which public notice is required, except for  
190 absences caused by required military duty, shall be removed by the  
191 local governing authority without a formal recommendation of the  
192 school board, as authorized in Section 1 of this act, upon being  
193 notified by the school board president that the frequency of said  
194 board member's absences has exceeded fifty percent (50%).

195 **SECTION 3.** Section 37-57-104, Mississippi Code of 1972, is  
196 amended as follows:

197 37-57-104. (1) Each school board shall submit to the  
198 levying authority for the school district a certified copy of an  
199 order adopted by the school board requesting an ad valorem tax  
200 effort in dollars for the support of the school district. The  
201 copy of the order shall be submitted by the school board when the  
202 copies of the school district's budget are filed with the levying  
203 authority pursuant to Section 37-61-9. Upon receipt of the school





board's order requesting the ad valorem tax effort in dollars, the levying authority shall determine the millage rate necessary to generate funds equal to the dollar amount requested by the school board. For the purpose of calculating this millage rate, any additional amount that is levied pursuant to Section 37-57-105(1) to cover anticipated delinquencies and costs of collection or any amount that may be levied for the payment of the principal and interest on school bonds or notes shall be excluded from the limitation of fifty-five (55) mills provided for in subsection (2) of this section.

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

When a referendum has been called, notice of the referendum shall be published at least five (5) days per week, unless the



229 only newspaper published in the school district is published less  
230 than five (5) days per week, for at least three (3) consecutive  
231 weeks, in at least one (1) newspaper published in the school  
232 district. The notice shall be no less than one-fourth (1/4) page  
233 in size, and the type used shall be no smaller than eighteen (18)  
234 point and surrounded by a one-fourth-inch solid black border. The  
235 notice may not be placed in that portion of the newspaper where  
236 legal notices and classified advertisements appear. The first  
237 publication of the notice shall be made not less than twenty-one  
238 (21) days before the date fixed for the referendum, and the last  
239 publication shall be made not more than seven (7) days before that  
240 date. If no newspaper is published in the school district, then  
241 the notice shall be published in a newspaper having a general  
242 circulation in the school district. The referendum shall be held,  
243 as far as is practicable, in the same manner as other referendums  
244 and elections are held in the county or municipality. At the  
245 referendum, all registered, qualified electors of the school  
246 district may vote. The ballots used at the referendum shall have  
247 printed thereon a brief statement of the amount and purpose of the  
248 increased tax levy and the words "FOR INCREASING THE MILLAGE  
249 LEVIED FOR SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY  
250 LEVIED) MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S  
251 ORDER) MILLS," and "AGAINST INCREASING THE MILLAGE LEVIED FOR  
252 SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY LEVIED)  
253 MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S ORDER)



MILLS." The voter shall vote by placing a cross (X) or checkmark (✓) opposite his choice on the proposition.

If a majority of the registered, qualified electors of the school district who vote in the referendum vote in favor of the question, then the ad valorem tax effort in dollars requested by the school board shall be approved. However, if a majority of the registered, qualified electors who vote in the referendum vote against the question, the millage rate levied by the levying authority shall not exceed the millage then being levied pursuant to the school board's order requesting the ad valorem tax effort for the then currently existing fiscal year.

Nothing in this subsection shall be construed to require any school district that is levying more than fifty-five (55) mills pursuant to Sections 37-57-1 and 37-57-105 to decrease its millage rate to fifty-five (55) mills or less. Further, nothing in this subsection shall be construed to require a referendum in a school district where the requested ad valorem tax effort in dollars requires a millage rate of greater than fifty-five (55) mills but the requested dollar amount does not require any increase in the then existing millage rate. Further, nothing in this subsection shall be construed to require a referendum in a school district where, because of a decrease in the assessed valuation of the district, a millage rate of greater than fifty-five (55) mills is necessary to generate funds equal to the dollar amount generated



by the ad valorem tax effort for the currently existing fiscal year.

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

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

(3) \* \* \* If the millage rate necessary to generate funds equal to the dollar amount requested by the school board is equal to fifty-five (55) mills or less, but the dollar amount requested by the school board exceeds the \* \* \* two percent (2%) increase limitation provided for in Section 37-57-107, the school board may



303 exceed the \* \* \* two percent (2%) increase limitation only after  
304 the school board has determined the need for additional revenues  
305 and \* \* \* a majority of the registered, qualified electors voting  
306 in a referendum called by the levying authority have voted in  
307 favor of the increase. The notice and manner of holding the  
308 referendum shall be as prescribed in subsection (2) of this  
309 section for a referendum on the question of increasing the millage  
310 rate in school districts levying more than fifty-five (55) mills  
311 for school district purposes. The ballot shall contain the  
312 language "FOR THE SCHOOL TAX INCREASE OVER TWO PERCENT (2%)" and  
313 "AGAINST THE SCHOOL TAX INCREASE OVER TWO PERCENT (2%)." If a  
314 majority of the registered, qualified electors of the school  
315 district who vote in the referendum vote in favor of the question,  
316 then the increase requested by the school board shall be approved.  
317 For the purposes of this subsection, the revenue sources excluded  
318 from the increase limitation under Section 37-57-107 also shall be  
319 excluded from the limitation described in this subsection in the  
320 same manner as they are excluded under Section 37-57-107.

321 ( \* \* \* 4) The aggregate receipts from ad valorem taxes  
322 levied for school district purposes pursuant to Sections 37-57-1  
323 and 37-57-105, excluding collection fees, additional revenue from  
324 the ad valorem tax on any newly constructed properties or any  
325 existing properties added to the tax rolls or any properties  
326 previously exempt which were not assessed in the next preceding  
327 year, and amounts received by school districts from the School Ad



Valorem Tax Reduction Fund pursuant to Section 37-61-35, shall be subject to the increase limitation under this section and Section 37-57-107.

( \* \* \*5) The school board shall pay to the levying authority all costs that are incurred by the levying authority in the calling and holding of any election under this section.

( \* \* \*6) The provisions of this section shall not be construed to affect in any manner the authority of school boards to levy millage for the following purposes:

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

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

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

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

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

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



353           **SECTION 4.** Section 37-57-105, Mississippi Code of 1972, is  
354 amended as follows:

355           37-57-105. (1) In addition to the taxes levied under  
356 Section 37-57-1, the levying authority for the school district, as  
357 defined in Section 37-57-1, upon receipt of a certified copy of an  
358 order adopted by the school board of the school district  
359 requesting an ad valorem tax effort in dollars for the support of  
360 the school district and any charter schools located in the  
361 district, shall, at the same time and in the same manner as other  
362 ad valorem taxes are levied, levy an annual ad valorem tax in the  
363 amount fixed in such order upon all of the taxable property of  
364 such school district, which shall not be less than the millage  
365 rate certified by the State Board of Education as the uniform  
366 minimum school district ad valorem tax levy required for the  
367 support of the total funding formula as required by Sections  
368 37-151-200 through 37-151-215 in such school district under  
369 Sections 37-57-1 and 37-151-211. However, any school district  
370 levying less than the uniform minimum school district ad valorem  
371 tax levy on July 1, 1997, shall only be required to increase its  
372 local district maintenance levy in four (4) mill annual increments  
373 in order to attain such millage requirements. In making such  
374 levy, the levying authority shall levy an additional amount  
375 sufficient to cover anticipated delinquencies and costs of  
376 collection so that the net amount of money to be produced by such  
377 levy shall be equal to the amount which is requested by the school



board. The proceeds of such tax levy, excluding levies for the payment of the principal of and interest on school bonds or notes and excluding levies for costs of collection, shall be placed in the school depository to the credit of the school district and shall be expended in the manner provided by law for the purpose of supplementing teachers' salaries, extending school terms, purchasing furniture, supplies and materials, and for all other lawful operating and incidental expenses of such school district.

The monies authorized to be received by school districts from the School Ad Valorem Tax Reduction Fund pursuant to Section 37-61-35 shall be included as ad valorem tax receipts. The levying authority for the school district, as defined in Section 37-57-1, shall reduce the ad valorem tax levy for such school district in an amount equal to the amount distributed to such school district from the School Ad Valorem Tax Reduction Fund each calendar year pursuant to Section 37-61-35. Such reduction shall not be less than the millage rate necessary to generate a reduction in ad valorem tax receipts equal to the funds distributed to such school district from the School Ad Valorem Tax Reduction Fund pursuant to Section 37-61-35. The millage levy certified by the State Board of Education as the minimum tax levy shall be subject to the provisions of this paragraph.

In any county where there is located a nuclear generating power plant on which a tax is assessed under Section 27-35-309(3), such required levy and revenue produced thereby may be reduced by





the levying authority in an amount in proportion to a reduction in the base revenue of any such county from the previous year. Such reduction shall be allowed only if the reduction in base revenue equals or exceeds five percent (5%). "Base revenue" shall mean the revenue received by the county from the ad valorem tax levy plus the revenue received by the county from the tax assessed under Section 27-35-309(3) and authorized to be used for any purposes for which a county is authorized by law to levy an ad valorem tax. For purposes of determining if the reduction equals or exceeds five percent (5%), a levy of millage equal to the prior year's millage shall be hypothetically applied to the current year's ad valorem tax base to determine the amount of revenue to be generated from the ad valorem tax levy. For the purposes of this section and Section 37-57-107, the portion of the base revenue used for the support of any school district shall be deemed to be the aggregate receipts from ad valorem taxes for the support of any school district. This paragraph shall apply to taxes levied for the 1987 fiscal year and for each fiscal year thereafter. If the Mississippi Supreme Court or another court finally adjudicates that the tax levied under Section 27-35-309(3) is unconstitutional, then this paragraph shall stand repealed.

The State Department of Education shall calculate a local pro rata amount for the aggregate receipts of the tax levied in this section by dividing the aggregate receipts by the sum of the school district's net enrollment, as determined under Section



37-151-211, and the net enrollment of any charter school students who reside in the district.

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

(3) The aggregate receipts from ad valorem taxes levied for school district purposes, excluding collection fees, pursuant to this section and Section 37-57-1 shall be subject to the increased limitation under Section 37-57-107 \* \* \*.

**SECTION 5.** Section 37-57-107, Mississippi Code of 1972, is amended as follows:

37-57-107. (1) Beginning with the tax levy for the \* \* \* 2025 fiscal year and for each fiscal year thereafter, the aggregate receipts from taxes levied for school district purposes pursuant to Sections 37-57-105 and 37-57-1 shall not exceed the aggregate receipts from those sources during any one (1) of the immediately preceding three (3) fiscal years, as determined by the



453 school board, plus an increase not to exceed \* \* \* two percent  
454 (2%). For the purpose of this limitation, the term "aggregate  
455 receipts" when used in connection with the amount of funds  
456 generated in a preceding fiscal year shall not include excess  
457 receipts required by law to be deposited into a special account.  
458 However, the term "aggregate receipts" includes any receipts  
459 required by law to be paid to a charter school. The additional  
460 revenue from the ad valorem tax on any newly constructed  
461 properties or any existing properties added to the tax rolls or  
462 any properties previously exempt which were not assessed in the  
463 next preceding year may be excluded from the \* \* \* two percent  
464 (2%) increase limitation set forth herein. Taxes levied for  
465 payment of principal of and interest on general obligation school  
466 bonds issued heretofore or hereafter shall be excluded from  
467 the \* \* \* two percent (2%) increase limitation set forth herein.  
468 Any additional millage levied to fund any new program mandated by  
469 the Legislature shall be excluded from the limitation for the  
470 first year of the levy and included within such limitation in any  
471 year thereafter. For the purposes of this section, the term "new  
472 program" shall include, but shall not be limited to \* \* \* :  
473 (a) \* \* \* any additional millage levied and the revenue generated  
474 therefrom, which is excluded from the limitation for the first  
475 year of the levy, to support the \* \* \* Early Childhood Education  
476 Program shall be specified on the minutes of the school board and  
477 of the governing body making such tax levy; (b) any additional



478 millage levied and the revenue generated therefrom, which shall be  
479 excluded from the limitation for the first year of the levy, for  
480 the purpose of generating additional local contribution funds  
481 required for the total funding formula as required by Sections  
482 37-151-200 through 37-151-215; and (c) any additional millage  
483 levied and the revenue generated therefrom which shall be excluded  
484 from the limitation for the first year of the levy, for the  
485 purpose of support and maintenance of any agricultural high school  
486 which has been transferred to the control, operation and  
487 maintenance of the school board by the board of trustees of the  
488 community college district under provisions of Section 37-29-272.

489       (2) The \* \* \* two percent (2%) increase limitation  
490 prescribed in this section may be increased an additional amount  
491 only when the school board has determined the need for additional  
492 revenues and has held an election on the question of raising the  
493 limitation prescribed in this section. The limitation may be  
494 increased only if \* \* \* a majority of those voting in the election  
495 shall vote for the proposed increase. The resolution, notice and  
496 manner of holding the election shall be as prescribed \* \* \* under  
497 Section 37-57-104. Revenues collected for the fiscal year in  
498 excess of the \* \* \* two percent (2%) increase limitation pursuant  
499 to an election shall be included in the tax base for the purpose  
500 of determining aggregate receipts for which the \* \* \* two percent  
501 (2%) increase limitation applies for subsequent fiscal years.



(3) Except as otherwise provided for excess revenues generated pursuant to an election, if revenues collected as the result of the taxes levied for the fiscal year pursuant to this section and Section 37-57-1 exceed the increase limitation, then it shall be the mandatory duty of the school board of the school district to deposit such excess receipts over and above the increase limitation into a special account and credit it to the fund for which the levy was made. It will be the further duty of such board to hold the funds and invest the same as authorized by law. Such excess funds shall be calculated in the budgets for the school districts for the purpose for which such levies were made, for the succeeding fiscal year. Taxes imposed for the succeeding year shall be reduced by the amount of excess funds available. Under no circumstances shall such excess funds be expended during the fiscal year in which such excess funds are collected.

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

(5) Beginning with the 2013-2014 school year, each school district in which a charter school is located shall pay to the charter school an amount for each student enrolled in the charter school equal to the ad valorem taxes levied per pupil for the support of the school district in which the charter school is located. The pro rata ad valorem taxes to be transferred to the



charter school must include all levies for the support of the school district under Sections 37-57-1 (local contribution to the total funding formula as required by Sections 37-151-200 through 37-151-215) and 37-57-105 (school district operational levy) but may not include any taxes levied for the retirement of school district bonded indebtedness or short-term notes or any taxes levied for the support of vocational-technical education programs. Payments made pursuant to this subsection by a school district to a charter school must be made before the expiration of three (3) business days after the funds are distributed to the school district.

**SECTION 6.** Section 27-39-207, Mississippi Code of 1972, is amended as follows:

27-39-207. (1) Unless the increased revenue in a budget is derived solely from the expansion of a school district's ad valorem tax base, a school district shall not budget an increase in an ad valorem tax effort in dollars for support of the school district unless it first advertises its intention to do so at the same time that it advertises its intention to fix its budget for the next fiscal year.

(2) A request for an increase in ad valorem tax effort in dollars for the support of the school district pursuant to Sections 37-57-104, 37-57-105 and 37-57-107 shall not be levied until an order has been approved by the school board of the school district in accordance with the following procedure:



(a) The school board of the school district shall advertise its intent to increase its ad valorem tax effort in dollars in a newspaper of general circulation in the county. The advertisement shall be no less than one-fourth (1/4) page in size and the type used shall be no smaller than eighteen (18) point and surrounded by a one-fourth-inch solid black border. The advertisement shall not be placed in any portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall appear in a newspaper that is published at least five (5) days a week, unless the only newspaper in the county is published less than five (5) days a week. The newspaper selected shall be one of general interest, readership and circulation in all areas of the community. The advertisement shall be published once each week for the two-week period preceding the adoption of the final budget. The advertisement shall provide that the school board of the school district will meet on a certain day, date, time and place fixed in the advertisement, which shall be no less than seven (7) days after the day the first advertisement is published. The meeting on the proposed increase may coincide with the hearing on the proposed budget of the school board of the school district.

(b) Except as provided for in subsection (1) of this section, if a school district is requesting an increase in ad valorem tax effort in dollars pursuant to Sections 37-57-105 and 37-57-107, it shall be in the following form:



577                   **"NOTICE OF PROPOSED AD VALOREM TAX EFFORT**

578                   **(Name of the school district)**

579           The (name of the school district) will hold a public hearing  
580 on its proposed school district budget for fiscal year (insert the  
581 year) on (date and time) at (meeting place). At this meeting, a  
582 proposed ad valorem tax effort will be considered.

583           The (name of the school district) is now operating with a  
584 projected total budget revenue of \$\_\_\_\_\_. Of that amount,  
585 \_\_\_\_ percent or \$\_\_\_\_\_ of such revenue is obtained through ad  
586 valorem taxes. For next fiscal year, the proposed budget has  
587 total projected revenue of \$\_\_\_\_\_. Of that amount, \_\_\_\_  
588 percent or \$\_\_\_\_\_ is proposed to be financed through a total  
589 ad valorem tax levy.

590           For the next fiscal year, the proposed increase in ad valorem  
591 tax effort by (name of the school district) may result in an  
592 increase in the ad valorem tax millage rate. Ad valorem taxes are  
593 paid on homes, automobile tags, business fixtures and equipment,  
594 and rental real property.

595           Any citizen of (name of the school district) is invited to  
596 attend this public hearing on the proposed ad valorem tax effort,  
597 and will be allowed to speak for a reasonable amount of time and  
598 offer tangible evidence before any vote is taken."

599           (3) The school board of the school district, after the  
600 hearing has been held in accordance with the above procedures, may  
601 adopt an order requesting the levying of an ad valorem tax effort





602 in dollars in excess of the certified tax rate. If such order is  
603 not adopted on the day of the public hearing, the scheduled date,  
604 time and place for consideration and adoption of the order shall  
605 be announced at the public hearing.

606 (4) All hearings shall be open to the public. The school  
607 board of the school district shall permit all interested parties  
608 desiring to be heard an opportunity to present oral testimony  
609 within reasonable time limits and offer tangible evidence.

610 (5) Each school board of a school district shall notify the  
611 taxing entity of the date, time and place of its public hearing.  
612 No school board of a school district may schedule its hearing at  
613 the same time as another overlapping school district in the same  
614 county.

615 **SECTION 7.** This act shall take effect and be in force from  
616 and after July 1, 2025.

