

By: Representative Roberson

To: Education

HOUSE BILL NO. 1630

1 AN ACT TO BRING FORWARD SECTIONS 37-151-200, 37-151-201,
2 37-151-203, 37-151-205, 37-151-207, 37-151-209, 37-151-211,
3 37-151-213, 37-57-1, 37-57-104, 37-57-105, 37-57-107, 37-61-33,
4 27-65-75, 1-3-26, 7-7-211, 19-9-157, 19-9-171, 25-4-29, 27-25-706,
5 27-33-3, 27-39-317, 29-3-47, 29-3-49, 29-3-113, 29-3-137, 31-7-9,
6 31-7-10, 37-1-3, 37-3-11, 37-3-83, 37-7-208, 37-7-301, 37-7-302,
7 37-7-303, 37-7-307, 37-7-319, 37-7-333, 37-7-419, 37-9-17,
8 37-9-23, 37-9-25, 37-9-33, 37-9-35, 37-9-37, 37-9-77, 37-11-11,
9 37-13-63, 37-13-64, 37-13-69, 37-15-38, 37-16-3, 37-17-6, 37-19-7,
10 37-21-6, 37-21-7, 37-22-5, 37-23-1, 37-23-15, 37-23-69, 37-23-109,
11 37-23-179, 37-27-55, 37-27-57, 37-28-5, 37-28-53, 37-28-55,
12 37-29-1, 37-29-272, 37-29-303, 37-31-13, 37-31-75, 37-35-3,
13 37-37-3, 37-41-7, 37-45-49, 37-47-9, 37-47-25, 37-47-33, 37-61-3,
14 37-61-5, 37-61-7, 37-61-19, 37-61-29, 37-61-35, 37-61-37, 37-68-7,
15 37-131-7, 37-131-9, 37-131-11, 37-151-9, 37-151-81, 37-151-85,
16 37-151-87, 37-151-89, 37-151-91, 37-151-93, 37-151-95, 37-151-97,
17 37-151-99, 37-151-101, 37-151-103, 37-151-105, 37-151-107,
18 37-173-9, 37-173-13, 37-175-13, 37-179-3, 37-181-7, 41-79-5,
19 43-17-5, 65-26-9 AND 27-104-351, MISSISSIPPI CODE OF 1972, FOR THE
20 PURPOSE OF POSSIBLE AMENDMENTS; AND FOR RELATED PURPOSES.

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

22 **SECTION 1.** Section 37-151-200, Mississippi Code of 1972, is
23 brought forward as follows:

24 37-151-200. (1) Sections 37-151-200 through 37-151-215
25 shall be known, and may be cited as the "Mississippi Student
26 Funding Formula."



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

SECTION 2. Section 37-151-201, Mississippi Code of 1972, is brought forward as follows:

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

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

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

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

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

(e) "English Language Learner" or "ELL" means a student identified in accordance with federal law as entitled to English



as a second language or bilingual services on the basis of the student's English language proficiency.

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

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

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

(i) "Local minimum tax effort" means the amount in taxes that the local levying authority for each school district must raise on behalf of the school districts and charter schools in its geographic boundaries, as determined under Section 37-151-211.

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



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

1. Supplemental Nutrition Assistance Program
(SNAP);

2. Temporary Assistance for Needy Families
(TANF);

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

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

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

(k) "Net enrollment" means the average of the total
aggregate student enrollment of a school district or charter
school on the last day of months two (2) and three (3) of the
previous school year. The total aggregate student enrollment for
each day may be determined by calculating the total number of
students enrolled plus or minus the total number of new student
enrollments or withdrawals, respectively, with the resulting



amount being considered the total aggregate student enrollment on a given day. However, if a local school board or the governing board of a charter school adopts a class schedule that operates throughout the year for any or all schools in the district or the charter school, net enrollment must be computed by the State Department of Education so that the resulting net enrollment will not be higher or lower than if the local school board or the governing board had not adopted a year-round schedule.

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

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

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

(o) "Sparsely populated district or charter school" means a school district or charter school with a density of less than eight (8) students per square mile, as determined by dividing the net enrollment of a district or charter school by the square mileage within its geographic boundaries. For the purpose of determining the sparsity of a charter school, the square mileage



of a charter school is equivalent to the square mileage within the geographic boundaries of the school district in which the charter school is located.

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

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

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

(s) "Total funding formula" means the formula used to determine annual operating funding for public schools, as prescribed in Sections 37-151-200 through 37-151-215.

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

SECTION 3. Section 37-151-203, Mississippi Code of 1972, is brought forward as follows:

37-151-203. (1) In fiscal year 2025, the student base amount shall be Six Thousand Six Hundred Ninety-five Dollars and Thirty-four Cents (\$6,695.34) per student. In fiscal years 2026, 2027 and 2028, the inflationary adjustment described in this section shall be applied to derive the total funding formula. In



fiscal year 2029, and every fourth fiscal year thereafter, the State Board of Education, on or before August 1, with an adjusted estimate no later than January 2, shall submit to the Legislative Budget Office, the Chairmen of the Senate and House of Representatives Appropriations and Education Committees, respectively, the Lieutenant Governor and the Speaker of the House a new proposed student base amount calculation using the following formula:

(a) Instructional cost. To determine the instructional cost, the department shall first calculate the state's student to teacher ratio. Such ratio shall be determined by dividing the net enrollment for public schools and charter schools in the state by the total number of teachers in such schools, as determined by the department, in months two (2) and three (3) of the school year preceding the year funds are to be appropriated. The student to teacher ratio shall be rounded up to the nearest whole number. After determining the student to teacher ratio, the average teacher salary shall be divided by the student-teacher ratio, and the resulting amount shall be considered the instructional cost. The average teacher salary shall be calculated by the department and include district local supplements as provided in Section 37-151-87, but shall not include the highest five percent (5%) and lowest five percent (5%) of district local supplements.

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



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

178 (d) Operation and maintenance of plant. For the plant
179 and maintenance cost component, the State Department of Education
180 shall select districts that have a ratio of plant and maintenance
181 expenditures per one hundred thousand (100,000) square feet of
182 building space and a ratio of maintenance workers per one hundred
183 thousand (100,000) square feet of building space that are both
184 between one (1) standard deviation above the mean and two (2)
185 standard deviations below the mean of the statewide average. The
186 plant and maintenance cost component shall be calculated by
187 dividing the latest available months one (1) through nine (9)
188 average daily attendance of the selected districts into the plant
189 and maintenance expenditures of these selected districts. For the
190 purpose of this calculation, the Department of Education shall use
191 the following funds, functions and objects: Fund 1120 Functions
192 2600-2699, Objects 100-699 and Objects 800-999; Fund 2711
193 Functions 2600-2699, Objects 100-699 and Objects 800-999; Fund
194 2430 Functions 2600-2699, Objects 100-699 and Objects 800-999.
195 Net enrollment means the percentage change from the prior year of
196 each year of each school district's months two (2) and three (3)
197 average of net enrollment for the three (3) immediately preceding
198 school years of the year for which funds are being appropriated.



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

202 (3) For each of the fiscal years between the recalculation
203 of the base student cost, the base student cost shall be increased
204 by an amount equal to twenty-five percent (25%) of the base
205 student cost for the previous fiscal year, multiplied by the
206 twenty year average annual change in the rate of inflation rounded
207 up to the nearest tenth of a percent for the State of Mississippi
208 as determined by the State Economist, plus any adjustments for
209 additional state requirements including, but not limited to,
210 teacher pay raises and health insurance premium increases. The
211 calculation shall be performed annually by the Department of
212 Education, and the resulting amount shall replace base student
213 cost from the previous year.

214 (4) In years when the total revenue of the state does not
215 increase, the Legislature may retain the base student cost from
216 the previous year. If the total revenue increases the following
217 year, the formula shall be recalculated or increased according to
218 inflation as provided in Sections 37-151-200 through 37-151-215.

219 (5) Base student cost shall not be lower than the previous
220 year; provided, however, the base student cost may be lowered when
221 the State Fiscal Officer provides notice to the Legislative Budget
222 Office of a revenue shortfall in accordance with Section
223 27-104-13.



(6) By November 1, 2024, the department shall submit to the Legislative Budget Office, the Chairmen of the Senate and House of Representatives Appropriations and Education Committees, respectively, the Lieutenant Governor and the Speaker of the House, a report on the department's plan for implementation of the funding formula as specified under the provisions of Sections 37-151-200 through 37-151-215, and to recommend any technical amendments necessary for its effective administration before the commencement of the 2025 Regular Session of the Legislature.

(7) The annual amount of funding for the operation of each school district and charter school under the total funding formula as provided under Sections 37-151-200 through 37-151-215 is determined by multiplying the student base amount, as determined under Section 37-151-203, by the final weighted enrollment of the school district or charter school, as determined under Section 37-151-205.

SECTION 4. Section 37-151-205, Mississippi Code of 1972, is brought forward as follows:

37-151-205. (1) The preliminary weighted enrollment of each school district and charter school under Sections 37-151-200 through 37-151-215 is determined by applying the weights prescribed in this section, none of which are mutually exclusive of another, to each applicable school district or charter school's net enrollment, as determined by Section 37-151-207. To determine additional funding authorized under this section, the number of



students in a school district that are identified as the applicable weight shall be calculated as a percentage of the students in the school district. Such amount shall be referred to as the "percentage of applicable students."

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

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

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

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

(b) Tier II: For students diagnosed with autism, hearing impairment, emotional disability, orthopedic impairment, intellectual disability, or other health impairment, the percentage of applicable students in the school district is



multiplied by one hundred ten one-hundredths ($110/100$), and then multiplied by net enrollment.

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

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

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

(6) For Ninth, Tenth, Eleventh and Twelfth Grade students enrolled in a career and technical education course, as defined in Section 37-151-201, the percentage of applicable students in the school district is multiplied by ten one-hundredths ($10/100$), and



then multiplied by net enrollment. Students enrolled in multiple career and technical education courses are counted once.

(7) In each school district or charter school where the number of students identified as low income, as defined in Section 37-151-201, exceeds thirty-five percent (35%) of the school district or charter school's net enrollment, a weight of ten percent (10%) is applied only to the number of low income students in excess of the number of low income students which constitute thirty-five percent (35%) of net enrollment. The number of students eligible for this weight is calculated by subtracting the number of students equivalent to thirty-five percent (35%) of the net enrollment of that school district or charter school from the total number of students in that school district or charter school identified as low income: if the total percentage of applicable students identified in subsection (2) exceeds thirty-five percent (35%) of the school district or charter school's total net enrollment, as determined in Section 37-151-207, the difference between the total percentage of applicable students identified in subsection (2) and thirty-five percent (35%) of the school district or charter school's total net enrollment is multiplied by ten one-hundredths (10/100), and then multiplied by net enrollment.

(8) The final weighted enrollment of each school district and charter school under the total funding formula as provided for



in Sections 37-151-200 through 37-151-215 is determined as follows:

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

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



the sparsity weight, the State Department of Education shall find the difference between the number of students per square mile in that district or charter school and a sparsity threshold of eight (8) students per square mile, and then shall divide the resulting figure by one hundred (100) to create a percentage: for example, if the number of students per square mile in a district is three (3), the difference is five (5) (eight (8) minus three (3)), and the sparsity weight is five percent (5%), or five one-hundredths (5/100).

SECTION 5. Section 37-151-207, Mississippi Code of 1972, is brought forward as follows:

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

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

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



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

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

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



(3) The State Board of Education shall promulgate such rules and regulations as may be necessary for the counting and reporting of student enrollment by school districts and charter schools to the department in a manner that enables the provisions of Sections 37-151-200 through 37-151-215 to be carried out. The rules and regulations must require school districts and charter schools to submit data that includes, at a minimum, numbers for the specific student populations that are subject to weighting under Sections 37-151-200 through 37-151-215 as well as the aggregate amount of students in enrollment when each calculation is made. For the first year of operation of a charter school, the State Board of Education shall use imputed student demographic data based on the traditional district in which the charter school is located to estimate student populations that are subject to weighting under Sections 37-151-200 through 37-151-215.

(4) The superintendent of each school district and the head of school of each charter school, as applicable, shall submit the data required by subsection (3) of this section with a signed affidavit attesting that the data submitted to the department is accurate to the best of the superintendent's knowledge, and any inaccuracies later discovered will be reported to the department. The State Board of Education shall be specifically authorized and empowered to withhold allocations from the total funding formula funds as provided in Sections 37-151-200 through 37-151-215, to any school district or charter school for improperly or



420 inaccurately reporting the student data required by Sections
421 37-151-200 through 37-151-215.

422 **SECTION 6.** Section 37-151-209, Mississippi Code of 1972, is
423 brought forward as follows:

424 37-151-209. Allocations to school districts or charter
425 schools made by the State Department of Education on the basis of
426 the count of students in student categories established for the
427 purpose of applying various weights under Sections 37-151-200
428 through 37-151-215 are intended only to generate total
429 appropriation amounts for school funding. Except as otherwise
430 required by applicable state or federal law or by applicable
431 rules, regulations, policies, or order of the State Board of
432 Education and the State Department of Education, a school district
433 or charter school may exercise full autonomy in the spending of
434 all funds allocated under the formula to the district or charter
435 school so long as funds are expended in the manner determined by
436 the school board or governing board to best meet the needs of the
437 student population of the school district or charter school.

438 **SECTION 7.** Section 37-151-211, Mississippi Code of 1972, is
439 brought forward as follows:

440 37-151-211. (1) (a) Before February 1 of each year, the
441 tax assessor of each county shall file reports with the State
442 Department of Education which provide information essential to the
443 department in determining the local contribution that each school
444 district or charter school is required to provide toward the cost



of local school funding. A separate report must be filed for each school district or part of a school district situated in the county and must include the following information:

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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



Sections 37-151-200 through 37-151-215, for the school district or charter school.

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

SECTION 8. Section 37-151-213, Mississippi Code of 1972, is brought forward as follows:



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

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

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

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



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

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

SECTION 9. Section 37-57-1, Mississippi Code of 1972, is brought forward as follows:

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

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

Except as otherwise provided in Section 19-9-171, the county or municipal tax collector, as the case may be, shall pay such tax collections, except for taxes collected for the payment of the



595 principal of and interest on school bonds or notes and except for
596 taxes collected to defray collection costs, into the school
597 depository and report to the school board of the appropriate
598 school district at the same time and in the same manner as the tax
599 collector makes his payments and reports of other taxes collected
600 by him.

601 However, the State Board of Education shall determine the
602 appropriate levying authority for any school district created or
603 reorganized after July 1, 1987.

604 (b) For the purposes of this chapter and any other laws
605 pertaining to taxes levied or bonds or notes issued for and on
606 behalf of school districts, the term "levying authority" means the
607 board of supervisors of the county or the governing authorities of
608 the municipality, whichever levies taxes for and on behalf of the
609 particular school district as provided in paragraphs (a) and (b)
610 of this subsection.

611 (2) The levying authority for the school district shall, at
612 the same time and in the same manner as other taxes are levied by
613 the levying authority, levy a tax of not less than twenty-eight
614 (28) mills for the then current fiscal year or a millage rate
615 equivalent to twenty-seven percent (27%) of the total funding
616 formula under Sections 37-151-200 through 37-151-215, whichever is
617 a lesser amount, as certified to the school district by the State
618 Department of Education, upon all of the taxable property of the
619 school district. However, in no case shall the minimum local ad



620 valorem tax effort for any school district be equal to an amount
621 that would require a millage rate exceeding fifty-five (55) mills
622 in that school district. However, if a levying authority is
623 levying in excess of fifty-five (55) mills on July 1, 1997, the
624 levying authority may levy an additional amount not exceeding
625 three (3) mills in the aggregate for the period beginning July 1,
626 1997, and ending June 30, 2003, subject to the limitation on
627 increased receipts from ad valorem taxes prescribed in Sections
628 37-57-105 and 37-57-107. Nothing in this subsection shall be
629 construed to require any school district that is levying more than
630 fifty-five (55) mills pursuant to Sections 37-57-1 and 37-57-105
631 to decrease its millage rate to fifty-five (55) mills or less. In
632 making such levy, the levying authority shall levy an additional
633 amount sufficient to cover anticipated delinquencies and costs of
634 collection so that the net amount of money to be produced by such
635 levy shall be equal to the amount which the school district is
636 required to contribute as its minimum local ad valorem tax effort.
637 The tax so levied shall be collected by the tax collector at the
638 same time and in the same manner as other ad valorem taxes are
639 collected by him. The amount of taxes so collected as a result of
640 such levy shall be paid into the district maintenance fund of the
641 school district by the tax collector at the same time and in the
642 same manner as reports and payments of other ad valorem taxes are
643 made by the tax collector, except that the amount collected to
644 defray costs of collection may be paid into the county general



645 fund. The levying authority shall have the power and authority to
646 direct and cause warrants to be issued against such fund for the
647 purpose of refunding any amount of taxes erroneously or illegally
648 paid into such fund where such refund has been approved in the
649 manner provided by law.

650 **SECTION 10.** Section 37-57-104, Mississippi Code of 1972, is
651 brought forward as follows:

652 37-57-104. (1) Each school board shall submit to the
653 levying authority for the school district a certified copy of an
654 order adopted by the school board requesting an ad valorem tax
655 effort in dollars for the support of the school district. The
656 copy of the order shall be submitted by the school board when the
657 copies of the school district's budget are filed with the levying
658 authority pursuant to Section 37-61-9. Upon receipt of the school
659 board's order requesting the ad valorem tax effort in dollars, the
660 levying authority shall determine the millage rate necessary to
661 generate funds equal to the dollar amount requested by the school
662 board. For the purpose of calculating this millage rate, any
663 additional amount that is levied pursuant to Section 37-57-105(1)
664 to cover anticipated delinquencies and costs of collection or any
665 amount that may be levied for the payment of the principal and
666 interest on school bonds or notes shall be excluded from the
667 limitation of fifty-five (55) mills provided for in subsection (2)
668 of this section.



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

682 When a referendum has been called, notice of the referendum
683 shall be published at least five (5) days per week, unless the
684 only newspaper published in the school district is published less
685 than five (5) days per week, for at least three (3) consecutive
686 weeks, in at least one (1) newspaper published in the school
687 district. The notice shall be no less than one-fourth (1/4) page
688 in size, and the type used shall be no smaller than eighteen (18)
689 point and surrounded by a one-fourth-inch solid black border. The
690 notice may not be placed in that portion of the newspaper where
691 legal notices and classified advertisements appear. The first
692 publication of the notice shall be made not less than twenty-one
693 (21) days before the date fixed for the referendum, and the last



694 publication shall be made not more than seven (7) days before that
695 date. If no newspaper is published in the school district, then
696 the notice shall be published in a newspaper having a general
697 circulation in the school district. The referendum shall be held,
698 as far as is practicable, in the same manner as other referendums
699 and elections are held in the county or municipality. At the
700 referendum, all registered, qualified electors of the school
701 district may vote. The ballots used at the referendum shall have
702 printed thereon a brief statement of the amount and purpose of the
703 increased tax levy and the words "FOR INCREASING THE MILLAGE
704 LEVIED FOR SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY
705 LEVIED) MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S
706 ORDER) MILLS," and "AGAINST INCREASING THE MILLAGE LEVIED FOR
707 SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY LEVIED)
708 MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S ORDER)
709 MILLS." The voter shall vote by placing a cross (X) or checkmark
710 (✓) opposite his choice on the proposition.

711 If a majority of the registered, qualified electors of the
712 school district who vote in the referendum vote in favor of the
713 question, then the ad valorem tax effort in dollars requested by
714 the school board shall be approved. However, if a majority of the
715 registered, qualified electors who vote in the referendum vote
716 against the question, the millage rate levied by the levying
717 authority shall not exceed the millage then being levied pursuant



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

720 Nothing in this subsection shall be construed to require any
721 school district that is levying more than fifty-five (55) mills
722 pursuant to Sections 37-57-1 and 37-57-105 to decrease its millage
723 rate to fifty-five (55) mills or less. Further, nothing in this
724 subsection shall be construed to require a referendum in a school
725 district where the requested ad valorem tax effort in dollars
726 requires a millage rate of greater than fifty-five (55) mills but
727 the requested dollar amount does not require any increase in the
728 then existing millage rate. Further, nothing in this subsection
729 shall be construed to require a referendum in a school district
730 where, because of a decrease in the assessed valuation of the
731 district, a millage rate of greater than fifty-five (55) mills is
732 necessary to generate funds equal to the dollar amount generated
733 by the ad valorem tax effort for the currently existing fiscal
734 year.

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



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

753 (3) If the millage rate necessary to generate funds equal to
754 the dollar amount requested by the school board is equal to
755 fifty-five (55) mills or less, but the dollar amount requested by
756 the school board exceeds the next preceding fiscal year's ad
757 valorem tax effort in dollars by more than four percent (4%), but
758 not more than seven percent (7%) (as provided for under subsection
759 (4) of this section), then the school board shall publish notice
760 thereof at least five (5) days per week, unless the only newspaper
761 published in the school district is published less than five (5)
762 days per week, for at least three (3) consecutive weeks in a
763 newspaper published in the school district. The notice shall be
764 no less than one-fourth (1/4) page in size, and the type used
765 shall be no smaller than eighteen (18) point and surrounded by a
766 one-fourth-inch solid black border. The notice may not be placed



767 in that portion of the newspaper where legal notices and
768 classified advertisements appear. The first publication shall be
769 made not less than fifteen (15) days before the final adoption of
770 the budget by the school board. If no newspaper is published in
771 the school district, then the notice shall be published in a
772 newspaper having a general circulation in the school district. If
773 at any time before the adoption of the budget a petition signed by
774 not less than twenty percent (20%) or fifteen hundred (1500),
775 whichever is less, of the registered, qualified electors of the
776 school district is filed with the school board requesting that a
777 referendum be called on the question of exceeding the next
778 preceding fiscal year's ad valorem tax effort in dollars by more
779 than four percent (4%), then the school board shall adopt, not
780 later than the next regular meeting, a resolution calling a
781 referendum to be held within the school district upon the
782 question. The referendum shall be called and held, and notice
783 thereof shall be given, in the same manner provided for in
784 subsection (2) of this section. The ballot shall contain the
785 language "FOR THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)" and
786 "AGAINST THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)." If a
787 majority of the registered, qualified electors of the school
788 district who vote in the referendum vote in favor of the question,
789 then the increase requested by the school board shall be approved.
790 For the purposes of this subsection, the revenue sources excluded
791 from the increase limitation under Section 37-57-107 also shall be



excluded from the limitation described in this subsection in the same manner as they are excluded under Section 37-57-107. Provided, however, that any increases requested by the school board as a result of the required local contribution to the total funding formula as required by Sections 37-151-200 through 37-151-215, as certified to the local school district by the State Board of Education under Section 37-151-211, shall not be subject to the four percent (4%) and/or seven percent (7%) tax increase limitations provided in this section.

(4) 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 seven percent (7%) increase limitation provided for in Section 37-57-107, the school board may exceed the seven percent (7%) increase limitation only after the school board has determined the need for additional revenues and three-fifths (3/5) of the registered, qualified electors voting in a referendum called by the levying authority have voted in favor of the increase. The notice and manner of holding the referendum shall be as prescribed in subsection (2) of this section for a referendum on the question of increasing the millage rate in school districts levying more than fifty-five (55) mills for school district purposes.

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



37-57-105, excluding collection fees, additional revenue from the ad valorem tax on any newly constructed properties or any existing properties added to the tax rolls or any properties previously exempt which were not assessed in the next preceding 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.

(6) 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.

(7) 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.

SECTION 11. Section 37-57-105, Mississippi Code of 1972, is brought forward as follows:

37-57-105. (1) In addition to the taxes levied under Section 37-57-1, the levying authority for the school district, as defined in Section 37-57-1, upon receipt of a certified copy of an order adopted by the school board of the school district requesting an ad valorem tax effort in dollars for the support of the school district and any charter schools located in the district, shall, at the same time and in the same manner as other ad valorem taxes are levied, levy an annual ad valorem tax in the amount fixed in such order upon all of the taxable property of such school district, which shall not be less than the millage rate certified by the State Board of Education as the uniform minimum school district ad valorem tax levy required for the support of the total funding formula as required by Sections 37-151-200 through 37-151-215 in such school district under Sections 37-57-1 and 37-151-211. However, any school district levying less than the uniform minimum school district ad valorem tax levy on July 1, 1997, shall only be required to increase its local district maintenance levy in four (4) mill annual increments



867 in order to attain such millage requirements. In making such
868 levy, the levying authority shall levy an additional amount
869 sufficient to cover anticipated delinquencies and costs of
870 collection so that the net amount of money to be produced by such
871 levy shall be equal to the amount which is requested by the school
872 board. The proceeds of such tax levy, excluding levies for the
873 payment of the principal of and interest on school bonds or notes
874 and excluding levies for costs of collection, shall be placed in
875 the school depository to the credit of the school district and
876 shall be expended in the manner provided by law for the purpose of
877 supplementing teachers' salaries, extending school terms,
878 purchasing furniture, supplies and materials, and for all other
879 lawful operating and incidental expenses of such school district.

880 The monies authorized to be received by school districts from
881 the School Ad Valorem Tax Reduction Fund pursuant to Section
882 37-61-35 shall be included as ad valorem tax receipts. The
883 levying authority for the school district, as defined in Section
884 37-57-1, shall reduce the ad valorem tax levy for such school
885 district in an amount equal to the amount distributed to such
886 school district from the School Ad Valorem Tax Reduction Fund each
887 calendar year pursuant to Section 37-61-35. Such reduction shall
888 not be less than the millage rate necessary to generate a
889 reduction in ad valorem tax receipts equal to the funds
890 distributed to such school district from the School Ad Valorem Tax
891 Reduction Fund pursuant to Section 37-61-35. The millage levy



892 certified by the State Board of Education as the minimum tax levy
893 shall be subject to the provisions of this paragraph.

894 In any county where there is located a nuclear generating
895 power plant on which a tax is assessed under Section 27-35-309(3),
896 such required levy and revenue produced thereby may be reduced by
897 the levying authority in an amount in proportion to a reduction in
898 the base revenue of any such county from the previous year. Such
899 reduction shall be allowed only if the reduction in base revenue
900 equals or exceeds five percent (5%). "Base revenue" shall mean
901 the revenue received by the county from the ad valorem tax levy
902 plus the revenue received by the county from the tax assessed
903 under Section 27-35-309(3) and authorized to be used for any
904 purposes for which a county is authorized by law to levy an ad
905 valorem tax. For purposes of determining if the reduction equals
906 or exceeds five percent (5%), a levy of millage equal to the prior
907 year's millage shall be hypothetically applied to the current
908 year's ad valorem tax base to determine the amount of revenue to
909 be generated from the ad valorem tax levy. For the purposes of
910 this section and Section 37-57-107, the portion of the base
911 revenue used for the support of any school district shall be
912 deemed to be the aggregate receipts from ad valorem taxes for the
913 support of any school district. This paragraph shall apply to
914 taxes levied for the 1987 fiscal year and for each fiscal year
915 thereafter. If the Mississippi Supreme Court or another court



916 finally adjudicates that the tax levied under Section 27-35-309(3)
917 is unconstitutional, then this paragraph shall stand repealed.

918 The State Department of Education shall calculate a local pro
919 rata amount for the aggregate receipts of the tax levied in this
920 section by dividing the aggregate receipts by the sum of the
921 school district's net enrollment, as determined under Section
922 37-151-211, and the net enrollment of any charter school students
923 who reside in the district.

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

935 (3) The aggregate receipts from ad valorem taxes levied for
936 school district purposes, excluding collection fees, pursuant to
937 this section and Section 37-57-1 shall be subject to the increased
938 limitation under Section 37-57-107; however, if the ad valorem tax
939 effort in dollars requested by the school district for the fiscal
940 year exceeds the next preceding fiscal year's ad valorem tax



941 effort in dollars by more than four percent (4%) but not more than
942 seven percent (7%), then the school board shall publish notice
943 thereof once each week for at least three (3) consecutive weeks in
944 a newspaper having general circulation in the school district
945 involved, with the first publication thereof to be made not less
946 than fifteen (15) days prior to the final adoption of the budget
947 by the school board. If at any time prior to the adoption a
948 petition signed by not less than twenty percent (20%) or fifteen
949 hundred (1500), whichever is less, of the qualified electors of
950 the school district involved shall be filed with the school board
951 requesting that an election be called on the question of exceeding
952 the next preceding fiscal year's ad valorem tax effort in dollars
953 by more than four percent (4%) but not more than seven percent
954 (7%), then the school board shall, not later than the next regular
955 meeting, adopt a resolution calling an election to be held within
956 such school district upon such question. The election shall be
957 called and held, and notice thereof shall be given, in the same
958 manner for elections upon the questions of the issuance of the
959 bonds of school districts, and the results thereof shall be
960 certified to the school board. The ballot shall contain the
961 language "For the School Tax Increase Over Four Percent (4%)" and
962 "Against the School Tax Increase Over Four Percent (4%)." If a
963 majority of the qualified electors of the school district who
964 voted in such election shall vote in favor of the question, then
965 the stated increase requested by the school board shall be



approved. For the purposes of this paragraph, the revenue sources excluded from the increased limitation under Section 37-57-107 shall also be excluded from the limitation described herein in the same manner as they are excluded under Section 37-57-107.

SECTION 12. Section 37-57-107, Mississippi Code of 1972, is brought forward as follows:

37-57-107. (1) Beginning with the tax levy for the 1997 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 school board, plus an increase not to exceed seven percent (7%). For the purpose of this limitation, the term "aggregate receipts" when used in connection with the amount of funds generated in a preceding fiscal year shall not include excess receipts required by law to be deposited into a special account. However, the term "aggregate receipts" includes any receipts required by law to be paid to a charter school. The additional revenue from the ad valorem tax on any newly constructed properties or any existing properties added to the tax rolls or any properties previously exempt which were not assessed in the next preceding year may be excluded from the seven percent (7%) increase limitation set forth herein. Taxes levied for payment of principal of and interest on general obligation school bonds issued heretofore or hereafter



991 shall be excluded from the seven percent (7%) increase limitation
992 set forth herein. Any additional millage levied to fund any new
993 program mandated by the Legislature shall be excluded from the
994 limitation for the first year of the levy and included within such
995 limitation in any year thereafter. For the purposes of this
996 section, the term "new program" shall include, but shall not be
997 limited to, (a) the Early Childhood Education Program, as provided
998 by Section 37-21-7, and any additional millage levied and the
999 revenue generated therefrom, which is excluded from the limitation
1000 for the first year of the levy, to support the mandated Early
1001 Childhood Education Program shall be specified on the minutes of
1002 the school board and of the governing body making such tax levy;
1003 (b) any additional millage levied and the revenue generated
1004 therefrom, which shall be excluded from the limitation for the
1005 first year of the levy, for the purpose of generating additional
1006 local contribution funds required for the total funding formula as
1007 required by Sections 37-151-200 through 37-151-215; and (c) any
1008 additional millage levied and the revenue generated therefrom
1009 which shall be excluded from the limitation for the first year of
1010 the levy, for the purpose of support and maintenance of any
1011 agricultural high school which has been transferred to the
1012 control, operation and maintenance of the school board by the
1013 board of trustees of the community college district under
1014 provisions of Section 37-29-272.



1015 (2) The seven percent (7%) increase limitation prescribed in
1016 this section may be increased an additional amount only when the
1017 school board has determined the need for additional revenues and
1018 has held an election on the question of raising the limitation
1019 prescribed in this section. The limitation may be increased only
1020 if three-fifths (3/5) of those voting in the election shall vote
1021 for the proposed increase. The resolution, notice and manner of
1022 holding the election shall be as prescribed by law for the holding
1023 of elections for the issuance of bonds by the respective school
1024 boards. Revenues collected for the fiscal year in excess of the
1025 seven percent (7%) increase limitation pursuant to an election
1026 shall be included in the tax base for the purpose of determining
1027 aggregate receipts for which the seven percent (7%) increase
1028 limitation applies for subsequent fiscal years.

1029 (3) Except as otherwise provided for excess revenues
1030 generated pursuant to an election, if revenues collected as the
1031 result of the taxes levied for the fiscal year pursuant to this
1032 section and Section 37-57-1 exceed the increase limitation, then
1033 it shall be the mandatory duty of the school board of the school
1034 district to deposit such excess receipts over and above the
1035 increase limitation into a special account and credit it to the
1036 fund for which the levy was made. It will be the further duty of
1037 such board to hold the funds and invest the same as authorized by
1038 law. Such excess funds shall be calculated in the budgets for the
1039 school districts for the purpose for which such levies were made,



1040 for the succeeding fiscal year. Taxes imposed for the succeeding
1041 year shall be reduced by the amount of excess funds available.
1042 Under no circumstances shall such excess funds be expended during
1043 the fiscal year in which such excess funds are collected.

1044 (4) For the purposes of determining ad valorem tax receipts
1045 for a preceding fiscal year under this section, the term "fiscal
1046 year" means the fiscal year beginning October 1 and ending
1047 September 30.

1048 (5) Beginning with the 2013-2014 school year, each school
1049 district in which a charter school is located shall pay to the
1050 charter school an amount for each student enrolled in the charter
1051 school equal to the ad valorem taxes levied per pupil for the
1052 support of the school district in which the charter school is
1053 located. The pro rata ad valorem taxes to be transferred to the
1054 charter school must include all levies for the support of the
1055 school district under Sections 37-57-1 (local contribution to the
1056 total funding formula as required by Sections 37-151-200 through
1057 37-151-215) and 37-57-105 (school district operational levy) but
1058 may not include any taxes levied for the retirement of school
1059 district bonded indebtedness or short-term notes or any taxes
1060 levied for the support of vocational-technical education programs.
1061 Payments made pursuant to this subsection by a school district to
1062 a charter school must be made before the expiration of three (3)
1063 business days after the funds are distributed to the school
1064 district.



1065 **SECTION 13.** Section 37-61-33, Mississippi Code of 1972, is
1066 amended as follows:

1067 37-61-33. (1) There is created within the State Treasury a
1068 special fund to be designated the "Education Enhancement Fund"
1069 into which shall be deposited all the revenues collected pursuant
1070 to Sections 27-65-75(5), (7) and (8) and 27-67-31(a) and (b).

1071 (2) Of the amount deposited into the Education Enhancement
1072 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be
1073 appropriated each fiscal year to the State Department of Education
1074 to be distributed to all school districts. Such money shall be
1075 distributed to all school districts in the proportion that the net
1076 enrollment of each school district bears to the net enrollment of
1077 all school districts within the state for the following purposes:

1078 (a) Purchasing, erecting, repairing, equipping,
1079 remodeling and enlarging school buildings and related facilities,
1080 including gymnasiums, auditoriums, lunchrooms, vocational training
1081 buildings, libraries, teachers' homes, school barns,
1082 transportation vehicles (which shall include new and used
1083 transportation vehicles) and garages for transportation vehicles,
1084 and purchasing land therefor;

1085 (b) Establishing and equipping school athletic fields
1086 and necessary facilities connected therewith, and purchasing land
1087 therefor;



1088 (c) Providing necessary water, light, heating,
1089 air-conditioning and sewerage facilities for school buildings, and
1090 purchasing land therefor;

1091 (d) As a pledge to pay all or a portion of the debt
1092 service on debt issued by the school district under Sections
1093 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
1094 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
1095 and 37-41-81, or debt issued by boards of supervisors for
1096 agricultural high schools pursuant to Section 37-27-65, if such
1097 pledge is accomplished pursuant to a written contract or
1098 resolution approved and spread upon the minutes of an official
1099 meeting of the district's school board or board of supervisors.
1100 The annual grant to such district in any subsequent year during
1101 the term of the resolution or contract shall not be reduced below
1102 an amount equal to the district's grant amount for the year in
1103 which the contract or resolution was adopted. The intent of this
1104 provision is to allow school districts to irrevocably pledge a
1105 certain, constant stream of revenue as security for long-term
1106 obligations issued under the code sections enumerated in this
1107 paragraph or as otherwise allowed by law. It is the intent of the
1108 Legislature that the provisions of this paragraph shall be
1109 cumulative and supplemental to any existing funding programs or
1110 other authority conferred upon school districts or school boards.
1111 Debt of a district secured by a pledge of sales tax revenue
1112 pursuant to this paragraph shall not be subject to any debt



1113 limitation contained in the foregoing enumerated code sections;
1114 and

1115 (e) Any other purpose for which the total funding
1116 formula funds as determined by Sections 37-151-200 through
1117 37-151-215 are not sufficient.

1118 (3) The remainder of the money deposited into the Education
1119 Enhancement Fund shall be appropriated as follows:

1120 (a) To the State Department of Education as follows:

1121 (i) Sixteen and sixty-one one-hundredths percent
1122 (16.61%) to the cost of the total funding formula determined under
1123 Sections 37-151-200 through 37-151-215; of the funds generated by
1124 the percentage set forth in this section for the support of the
1125 adequate education program, one and one hundred seventy-eight
1126 one-thousandths percent (1.178%) of the funds shall be
1127 appropriated to be used by the State Department of Education for
1128 the purchase of textbooks to be loaned under Sections 37-43-1
1129 through 37-43-59 to approved nonpublic schools, as described in
1130 Section 37-43-1. The funds to be distributed to each nonpublic
1131 school shall be in the proportion that the average daily
1132 attendance of each nonpublic school bears to the total average
1133 daily attendance of all nonpublic schools;

1134 (ii) Seven and ninety-seven one-hundredths percent
1135 (7.97%) to assist the funding of transportation operations and
1136 maintenance pursuant to Section 37-19-23; and



1137 (iii) Nine and sixty-one one-hundredths percent
1138 (9.61%) for classroom supplies, instructional materials and
1139 equipment, including computers and computer software, to be
1140 distributed to all eligible teachers within the state through the
1141 use of procurement cards or a digital solution capable of
1142 tracking, paying and reporting purchases. Classroom supply funds
1143 shall not be expended for administrative purposes. On a date to
1144 be determined by the State Department of Education, but not later
1145 than July 1 of each year, local school districts shall determine
1146 and submit to the State Department of Education the number of
1147 teachers eligible to receive an allocation for the current year.
1148 For purposes of this subparagraph, "teacher" means any employee of
1149 the school board of a school district, or the Mississippi School
1150 for the Arts, the Mississippi School for Math and Science, the
1151 Mississippi School for the Blind, the Mississippi School for the
1152 Deaf or public charter school, who is required by law to obtain a
1153 teacher's license from the State Department of Education and who
1154 is assigned to an instructional area of work as defined by the
1155 department, and shall include any full- or part-time gifted or
1156 special education teacher. It is the intent of the Legislature
1157 that all classroom teachers shall utilize these funds in a manner
1158 that addresses individual classroom needs and supports the overall
1159 goals of the school regarding supplies, instructional materials,
1160 equipment, computers or computer software under the provisions of
1161 this subparagraph, including the type, quantity and quality of



1162 such supplies, materials and equipment. Classroom supply funds
1163 allocated under this subparagraph shall supplement, not replace,
1164 other local and state funds available for the same purposes. The
1165 State Board of Education shall develop and promulgate rules and
1166 regulations for the administration of this subparagraph consistent
1167 with the above criteria, with particular emphasis on allowing the
1168 individual teachers to expend funds as they deem appropriate. The
1169 local school board shall require each school to issue credentials
1170 for a digital solution selected by or procurement cards provided
1171 by the Department of Finance and Administration under the
1172 provisions of Section 31-7-9(1)(c) for the use of teachers and
1173 necessary support personnel in making instructional supply fund
1174 expenditures under this section, consistent with the regulations
1175 of the Mississippi Department of Finance and Administration
1176 pursuant to Section 31-7-9. Such credentials or procurement cards
1177 shall be provided by the State Department of Education to local
1178 school districts on a date determined by the State Department of
1179 Education, but not later than August 1 of each year. Local school
1180 districts shall issue such credentials or procurement cards to
1181 classroom teachers at the beginning of the school year, but no
1182 later than August 1 of each year, and shall be issued in equal
1183 amounts per teacher determined by the total number of qualifying
1184 personnel and the current state appropriation for classroom
1185 supplies with the Education Enhancement Fund. After initial cards
1186 are issued under the timeline prescribed by this section, the



1187 State Department of Education may issue cards to districts for any
1188 classroom teacher hired after July 1 under a timeline prescribed
1189 by the State Department of Education. Such credentials or cards
1190 will expire on a predetermined date at the end of each school
1191 year, but not before April 1 of each year;

1192 (b) Twenty-two and nine one-hundredths percent (22.09%)
1193 to the Board of Trustees of State Institutions of Higher Learning
1194 for the purpose of supporting institutions of higher learning; and

1195 (c) Fourteen and forty-one one-hundredths percent
1196 (14.41%) to the Mississippi Community College Board for the
1197 purpose of providing support to community and junior colleges.

1198 (4) The amount remaining in the Education Enhancement Fund
1199 after funds are distributed as provided in subsections (2) and (3)
1200 of this section shall be appropriated for other educational needs.

1201 (5) None of the funds appropriated pursuant to subsection
1202 (3)(a) of this section shall be used to reduce the state's General
1203 Fund appropriation for the categories listed in an amount below
1204 the following amounts:

1205 (a) For subsection (3)(a)(ii) of this section,
1206 Thirty-six Million Seven Hundred Thousand Dollars
1207 (\$36,700,000.00);

1208 (b) For the aggregate of minimum program allotments in
1209 the 1997 fiscal year, formerly provided for in Chapter 19, Title
1210 37, Mississippi Code of 1972, as amended, excluding those funds



1211 for transportation as provided for in paragraph (a) of this
1212 subsection.

1213 (6) Any funds appropriated from the Education Enhancement
1214 Fund that are unexpended at the end of a fiscal year shall lapse
1215 into the Education Enhancement Fund.

1216 **SECTION 14.** Section 27-65-75, Mississippi Code of 1972, is
1217 brought forward as follows:

1218 27-65-75. On or before the fifteenth day of each month, the
1219 revenue collected under the provisions of this chapter during the
1220 preceding month shall be paid and distributed as follows:

1221 (1) (a) On or before August 15, 1992, and each succeeding
1222 month thereafter through July 15, 1993, eighteen percent (18%) of
1223 the total sales tax revenue collected during the preceding month
1224 under the provisions of this chapter, except that collected under
1225 the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
1226 business activities within a municipal corporation shall be
1227 allocated for distribution to the municipality and paid to the
1228 municipal corporation. Except as otherwise provided in this
1229 paragraph (a), on or before August 15, 1993, and each succeeding
1230 month thereafter, eighteen and one-half percent (18-1/2%) of the
1231 total sales tax revenue collected during the preceding month under
1232 the provisions of this chapter, except that collected under the
1233 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
1234 27-65-24, on business activities within a municipal corporation
1235 shall be allocated for distribution to the municipality and paid



1236 to the municipal corporation. However, in the event the State
1237 Auditor issues a certificate of noncompliance pursuant to Section
1238 21-35-31, the Department of Revenue shall withhold ten percent
1239 (10%) of the allocations and payments to the municipality that
1240 would otherwise be payable to the municipality under this
1241 paragraph (a) until such time that the department receives written
1242 notice of the cancellation of a certificate of noncompliance from
1243 the State Auditor.

1244 A municipal corporation, for the purpose of distributing the
1245 tax under this subsection, shall mean and include all incorporated
1246 cities, towns and villages.

1247 Monies allocated for distribution and credited to a municipal
1248 corporation under this paragraph may be pledged as security for a
1249 loan if the distribution received by the municipal corporation is
1250 otherwise authorized or required by law to be pledged as security
1251 for such a loan.

1252 In any county having a county seat that is not an
1253 incorporated municipality, the distribution provided under this
1254 subsection shall be made as though the county seat was an
1255 incorporated municipality; however, the distribution to the
1256 municipality shall be paid to the county treasury in which the
1257 municipality is located, and those funds shall be used for road,
1258 bridge and street construction or maintenance in the county.

1259 (b) On or before August 15, 2006, and each succeeding
1260 month thereafter, eighteen and one-half percent (18-1/2%) of the



1261 total sales tax revenue collected during the preceding month under
1262 the provisions of this chapter, except that collected under the
1263 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
1264 business activities on the campus of a state institution of higher
1265 learning or community or junior college whose campus is not
1266 located within the corporate limits of a municipality, shall be
1267 allocated for distribution to the state institution of higher
1268 learning or community or junior college and paid to the state
1269 institution of higher learning or community or junior college.

1270 (c) On or before August 15, 2018, and each succeeding
1271 month thereafter until August 14, 2019, two percent (2%) of the
1272 total sales tax revenue collected during the preceding month under
1273 the provisions of this chapter, except that collected under the
1274 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
1275 27-65-24, on business activities within the corporate limits of
1276 the City of Jackson, Mississippi, shall be deposited into the
1277 Capitol Complex Improvement District Project Fund created in
1278 Section 29-5-215. On or before August 15, 2019, and each
1279 succeeding month thereafter until August 14, 2020, four percent
1280 (4%) of the total sales tax revenue collected during the preceding
1281 month under the provisions of this chapter, except that collected
1282 under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21
1283 and 27-65-24, on business activities within the corporate limits
1284 of the City of Jackson, Mississippi, shall be deposited into the
1285 Capitol Complex Improvement District Project Fund created in



1286 Section 29-5-215. On or before August 15, 2020, and each
1287 succeeding month thereafter through July 15, 2023, six percent
1288 (6%) of the total sales tax revenue collected during the preceding
1289 month under the provisions of this chapter, except that collected
1290 under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21
1291 and 27-65-24, on business activities within the corporate limits
1292 of the City of Jackson, Mississippi, shall be deposited into the
1293 Capitol Complex Improvement District Project Fund created in
1294 Section 29-5-215. On or before August 15, 2023, and each
1295 succeeding month thereafter, nine percent (9%) of the total sales
1296 tax revenue collected during the preceding month under the
1297 provisions of this chapter, except that collected under the
1298 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
1299 27-65-24, on business activities within the corporate limits of
1300 the City of Jackson, Mississippi, shall be deposited into the
1301 Capitol Complex Improvement District Project Fund created in
1302 Section 29-5-215.

1303 (d) (i) On or before the fifteenth day of the month
1304 that the diversion authorized by this section begins, and each
1305 succeeding month thereafter, eighteen and one-half percent
1306 (18-1/2%) of the total sales tax revenue collected during the
1307 preceding month under the provisions of this chapter, except that
1308 collected under the provisions of Sections 27-65-15, 27-65-19(3)
1309 and 27-65-21, on business activities within a redevelopment
1310 project area developed under a redevelopment plan adopted under



1311 the Tax Increment Financing Act (Section 21-45-1 et seq.) shall be
1312 allocated for distribution to the county in which the project area
1313 is located if:

1314 1. The county:

1315 a. Borders on the Mississippi Sound and
1316 the State of Alabama, or

1317 b. Is Harrison County, Mississippi, and
1318 the project area is within a radius of two (2) miles from the
1319 intersection of Interstate 10 and Menge Avenue;

1320 2. The county has issued bonds under Section
1321 21-45-9 to finance all or a portion of a redevelopment project in
1322 the redevelopment project area;

1323 3. Any debt service for the indebtedness
1324 incurred is outstanding; and

1325 4. A development with a value of Ten Million
1326 Dollars (\$10,000,000.00) or more is, or will be, located in the
1327 redevelopment area.

1328 (ii) Before any sales tax revenue may be allocated
1329 for distribution to a county under this paragraph, the county
1330 shall certify to the Department of Revenue that the requirements
1331 of this paragraph have been met, the amount of bonded indebtedness
1332 that has been incurred by the county for the redevelopment project
1333 and the expected date the indebtedness incurred by the county will
1334 be satisfied.



1335 (iii) The diversion of sales tax revenue
1336 authorized by this paragraph shall begin the month following the
1337 month in which the Department of Revenue determines that the
1338 requirements of this paragraph have been met. The diversion shall
1339 end the month the indebtedness incurred by the county is
1340 satisfied. All revenue received by the county under this
1341 paragraph shall be deposited in the fund required to be created in
1342 the tax increment financing plan under Section 21-45-11 and be
1343 utilized solely to satisfy the indebtedness incurred by the
1344 county.

1345 (2) On or before September 15, 1987, and each succeeding
1346 month thereafter, from the revenue collected under this chapter
1347 during the preceding month, One Million One Hundred Twenty-five
1348 Thousand Dollars (\$1,125,000.00) shall be allocated for
1349 distribution to municipal corporations as defined under subsection
1350 (1) of this section in the proportion that the number of gallons
1351 of gasoline and diesel fuel sold by distributors to consumers and
1352 retailers in each such municipality during the preceding fiscal
1353 year bears to the total gallons of gasoline and diesel fuel sold
1354 by distributors to consumers and retailers in municipalities
1355 statewide during the preceding fiscal year. The Department of
1356 Revenue shall require all distributors of gasoline and diesel fuel
1357 to report to the department monthly the total number of gallons of
1358 gasoline and diesel fuel sold by them to consumers and retailers
1359 in each municipality during the preceding month. The Department



1360 of Revenue shall have the authority to promulgate such rules and
1361 regulations as is necessary to determine the number of gallons of
1362 gasoline and diesel fuel sold by distributors to consumers and
1363 retailers in each municipality. In determining the percentage
1364 allocation of funds under this subsection for the fiscal year
1365 beginning July 1, 1987, and ending June 30, 1988, the Department
1366 of Revenue may consider gallons of gasoline and diesel fuel sold
1367 for a period of less than one (1) fiscal year. For the purposes
1368 of this subsection, the term "fiscal year" means the fiscal year
1369 beginning July 1 of a year.

1370 (3) On or before September 15, 1987, and on or before the
1371 fifteenth day of each succeeding month, until the date specified
1372 in Section 65-39-35, the proceeds derived from contractors' taxes
1373 levied under Section 27-65-21 on contracts for the construction or
1374 reconstruction of highways designated under the highway program
1375 created under Section 65-3-97 shall, except as otherwise provided
1376 in Section 31-17-127, be deposited into the State Treasury to the
1377 credit of the State Highway Fund to be used to fund that highway
1378 program. The Mississippi Department of Transportation shall
1379 provide to the Department of Revenue such information as is
1380 necessary to determine the amount of proceeds to be distributed
1381 under this subsection.

1382 (4) On or before August 15, 1994, and on or before the
1383 fifteenth day of each succeeding month through July 15, 1999, from
1384 the proceeds of gasoline, diesel fuel or kerosene taxes as



1385 provided in Section 27-5-101(a)(ii)1, Four Million Dollars
1386 (\$4,000,000.00) shall be deposited in the State Treasury to the
1387 credit of a special fund designated as the "State Aid Road Fund,"
1388 created by Section 65-9-17. On or before August 15, 1999, and on
1389 or before the fifteenth day of each succeeding month, from the
1390 total amount of the proceeds of gasoline, diesel fuel or kerosene
1391 taxes apportioned by Section 27-5-101(a)(ii)1, Four Million
1392 Dollars (\$4,000,000.00) or an amount equal to twenty-three and
1393 one-fourth percent (23-1/4%) of those funds, whichever is the
1394 greater amount, shall be deposited in the State Treasury to the
1395 credit of the "State Aid Road Fund," created by Section 65-9-17.
1396 Those funds shall be pledged to pay the principal of and interest
1397 on state aid road bonds heretofore issued under Sections 19-9-51
1398 through 19-9-77, in lieu of and in substitution for the funds
1399 previously allocated to counties under this section. Those funds
1400 may not be pledged for the payment of any state aid road bonds
1401 issued after April 1, 1981; however, this prohibition against the
1402 pledging of any such funds for the payment of bonds shall not
1403 apply to any bonds for which intent to issue those bonds has been
1404 published for the first time, as provided by law before March 29,
1405 1981. From the amount of taxes paid into the special fund under
1406 this subsection and subsection (9) of this section, there shall be
1407 first deducted and paid the amount necessary to pay the expenses
1408 of the Office of State Aid Road Construction, as authorized by the
1409 Legislature for all other general and special fund agencies. The



1410 remainder of the fund shall be allocated monthly to the several
1411 counties in accordance with the following formula:

1412 (a) One-third (1/3) shall be allocated to all counties
1413 in equal shares;

1414 (b) One-third (1/3) shall be allocated to counties
1415 based on the proportion that the total number of rural road miles
1416 in a county bears to the total number of rural road miles in all
1417 counties of the state; and

1418 (c) One-third (1/3) shall be allocated to counties
1419 based on the proportion that the rural population of the county
1420 bears to the total rural population in all counties of the state,
1421 according to the latest federal decennial census.

1422 For the purposes of this subsection, the term "gasoline,
1423 diesel fuel or kerosene taxes" means such taxes as defined in
1424 paragraph (f) of Section 27-5-101.

1425 The amount of funds allocated to any county under this
1426 subsection for any fiscal year after fiscal year 1994 shall not be
1427 less than the amount allocated to the county for fiscal year 1994.

1428 Any reference in the general laws of this state or the
1429 Mississippi Code of 1972 to Section 27-5-105 shall mean and be
1430 construed to refer and apply to subsection (4) of Section
1431 27-65-75.

1432 (5) On or before August 15, 2024, and each succeeding month
1433 thereafter, One Million Six Hundred Sixty-six Thousand Six Hundred
1434 Sixty-six Dollars (\$1,666,666.00) shall be paid into the special



1435 fund known as the Education Enhancement Fund created and existing
1436 under the provisions of Section 37-61-33.

1437 (6) An amount each month beginning August 15, 1983, through
1438 November 15, 1986, as specified in Section 6, Chapter 542, Laws of
1439 1983, shall be paid into the special fund known as the
1440 Correctional Facilities Construction Fund created in Section 6,
1441 Chapter 542, Laws of 1983.

1442 (7) On or before August 15, 1992, and each succeeding month
1443 thereafter through July 15, 2000, two and two hundred sixty-six
1444 one-thousandths percent (2.266%) of the total sales tax revenue
1445 collected during the preceding month under the provisions of this
1446 chapter, except that collected under the provisions of Section
1447 27-65-17(2), shall be deposited by the department into the School
1448 Ad Valorem Tax Reduction Fund created under Section 37-61-35. On
1449 or before August 15, 2000, and each succeeding month thereafter,
1450 two and two hundred sixty-six one-thousandths percent (2.266%) of
1451 the total sales tax revenue collected during the preceding month
1452 under the provisions of this chapter, except that collected under
1453 the provisions of Section 27-65-17(2), shall be deposited into the
1454 School Ad Valorem Tax Reduction Fund created under Section
1455 37-61-35 until such time that the total amount deposited into the
1456 fund during a fiscal year equals Forty-two Million Dollars
1457 (\$42,000,000.00). Thereafter, the amounts diverted under this
1458 subsection (7) during the fiscal year in excess of Forty-two
1459 Million Dollars (\$42,000,000.00) shall be deposited into the



1460 Education Enhancement Fund created under Section 37-61-33 for
1461 appropriation by the Legislature as other education needs and
1462 shall not be subject to the percentage appropriation requirements
1463 set forth in Section 37-61-33.

1464 (8) On or before August 15, 1992, and each succeeding month
1465 thereafter, nine and seventy-three one-thousandths percent
1466 (9.073%) of the total sales tax revenue collected during the
1467 preceding month under the provisions of this chapter, except that
1468 collected under the provisions of Section 27-65-17(2), shall be
1469 deposited into the Education Enhancement Fund created under
1470 Section 37-61-33.

1471 (9) On or before August 15, 1994, and each succeeding month
1472 thereafter, from the revenue collected under this chapter during
1473 the preceding month, Two Hundred Fifty Thousand Dollars
1474 (\$250,000.00) shall be paid into the State Aid Road Fund.

1475 (10) On or before August 15, 1994, and each succeeding month
1476 thereafter through August 15, 1995, from the revenue collected
1477 under this chapter during the preceding month, Two Million Dollars
1478 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad
1479 Valorem Tax Reduction Fund established in Section 27-51-105.

1480 (11) Notwithstanding any other provision of this section to
1481 the contrary, on or before February 15, 1995, and each succeeding
1482 month thereafter, the sales tax revenue collected during the
1483 preceding month under the provisions of Section 27-65-17(2) and
1484 the corresponding levy in Section 27-65-23 on the rental or lease



1485 of private carriers of passengers and light carriers of property
1486 as defined in Section 27-51-101 shall be deposited, without
1487 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund
1488 established in Section 27-51-105.

1489 (12) Notwithstanding any other provision of this section to
1490 the contrary, on or before August 15, 1995, and each succeeding
1491 month thereafter, the sales tax revenue collected during the
1492 preceding month under the provisions of Section 27-65-17(1) on
1493 retail sales of private carriers of passengers and light carriers
1494 of property, as defined in Section 27-51-101 and the corresponding
1495 levy in Section 27-65-23 on the rental or lease of these vehicles,
1496 shall be deposited, after diversion, into the Motor Vehicle Ad
1497 Valorem Tax Reduction Fund established in Section 27-51-105.

1498 (13) On or before July 15, 1994, and on or before the
1499 fifteenth day of each succeeding month thereafter, that portion of
1500 the avails of the tax imposed in Section 27-65-22 that is derived
1501 from activities held on the Mississippi State Fairgrounds Complex
1502 shall be paid into a special fund that is created in the State
1503 Treasury and shall be expended upon legislative appropriation
1504 solely to defray the costs of repairs and renovation at the Trade
1505 Mart and Coliseum.

1506 (14) On or before August 15, 1998, and each succeeding month
1507 thereafter through July 15, 2005, that portion of the avails of
1508 the tax imposed in Section 27-65-23 that is derived from sales by
1509 cotton compresses or cotton warehouses and that would otherwise be



1510 paid into the General Fund shall be deposited in an amount not to
1511 exceed Two Million Dollars (\$2,000,000.00) into the special fund
1512 created under Section 69-37-39. On or before August 15, 2007, and
1513 each succeeding month thereafter through July 15, 2010, that
1514 portion of the avails of the tax imposed in Section 27-65-23 that
1515 is derived from sales by cotton compresses or cotton warehouses
1516 and that would otherwise be paid into the General Fund shall be
1517 deposited in an amount not to exceed Two Million Dollars
1518 (\$2,000,000.00) into the special fund created under Section
1519 69-37-39 until all debts or other obligations incurred by the
1520 Certified Cotton Growers Organization under the Mississippi Boll
1521 Weevil Management Act before January 1, 2007, are satisfied in
1522 full. On or before August 15, 2010, and each succeeding month
1523 thereafter through July 15, 2011, fifty percent (50%) of that
1524 portion of the avails of the tax imposed in Section 27-65-23 that
1525 is derived from sales by cotton compresses or cotton warehouses
1526 and that would otherwise be paid into the General Fund shall be
1527 deposited into the special fund created under Section 69-37-39
1528 until such time that the total amount deposited into the fund
1529 during a fiscal year equals One Million Dollars (\$1,000,000.00).
1530 On or before August 15, 2011, and each succeeding month
1531 thereafter, that portion of the avails of the tax imposed in
1532 Section 27-65-23 that is derived from sales by cotton compresses
1533 or cotton warehouses and that would otherwise be paid into the
1534 General Fund shall be deposited into the special fund created



1535 under Section 69-37-39 until such time that the total amount
1536 deposited into the fund during a fiscal year equals One Million
1537 Dollars (\$1,000,000.00).

1538 (15) Notwithstanding any other provision of this section to
1539 the contrary, on or before September 15, 2000, and each succeeding
1540 month thereafter, the sales tax revenue collected during the
1541 preceding month under the provisions of Section
1542 27-65-19(1)(d)(i)2, and 27-65-19(1)(d)(i)3 shall be deposited,
1543 without diversion, into the Telecommunications Ad Valorem Tax
1544 Reduction Fund established in Section 27-38-7.

1545 (16) (a) On or before August 15, 2000, and each succeeding
1546 month thereafter, the sales tax revenue collected during the
1547 preceding month under the provisions of this chapter on the gross
1548 proceeds of sales of a project as defined in Section 57-30-1 shall
1549 be deposited, after all diversions except the diversion provided
1550 for in subsection (1) of this section, into the Sales Tax
1551 Incentive Fund created in Section 57-30-3.

1552 (b) On or before August 15, 2007, and each succeeding
1553 month thereafter, eighty percent (80%) of the sales tax revenue
1554 collected during the preceding month under the provisions of this
1555 chapter from the operation of a tourism project under the
1556 provisions of Sections 57-26-1 through 57-26-5, shall be
1557 deposited, after the diversions required in subsections (7) and
1558 (8) of this section, into the Tourism Project Sales Tax Incentive
1559 Fund created in Section 57-26-3.



1560 (17) Notwithstanding any other provision of this section to
1561 the contrary, on or before April 15, 2002, and each succeeding
1562 month thereafter, the sales tax revenue collected during the
1563 preceding month under Section 27-65-23 on sales of parking
1564 services of parking garages and lots at airports shall be
1565 deposited, without diversion, into the special fund created under
1566 Section 27-5-101(d).

1567 (18) [Repealed]

1568 (19) (a) On or before August 15, 2005, and each succeeding
1569 month thereafter, the sales tax revenue collected during the
1570 preceding month under the provisions of this chapter on the gross
1571 proceeds of sales of a business enterprise located within a
1572 redevelopment project area under the provisions of Sections
1573 57-91-1 through 57-91-11, and the revenue collected on the gross
1574 proceeds of sales from sales made to a business enterprise located
1575 in a redevelopment project area under the provisions of Sections
1576 57-91-1 through 57-91-11 (provided that such sales made to a
1577 business enterprise are made on the premises of the business
1578 enterprise), shall, except as otherwise provided in this
1579 subsection (19), be deposited, after all diversions, into the
1580 Redevelopment Project Incentive Fund as created in Section
1581 57-91-9.

1582 (b) For a municipality participating in the Economic
1583 Redevelopment Act created in Sections 57-91-1 through 57-91-11,
1584 the diversion provided for in subsection (1) of this section



1585 attributable to the gross proceeds of sales of a business
1586 enterprise located within a redevelopment project area under the
1587 provisions of Sections 57-91-1 through 57-91-11, and attributable
1588 to the gross proceeds of sales from sales made to a business
1589 enterprise located in a redevelopment project area under the
1590 provisions of Sections 57-91-1 through 57-91-11 (provided that
1591 such sales made to a business enterprise are made on the premises
1592 of the business enterprise), shall be deposited into the
1593 Redevelopment Project Incentive Fund as created in Section
1594 57-91-9, as follows:

1595 (i) For the first six (6) years in which payments
1596 are made to a developer from the Redevelopment Project Incentive
1597 Fund, one hundred percent (100%) of the diversion shall be
1598 deposited into the fund;

1599 (ii) For the seventh year in which such payments
1600 are made to a developer from the Redevelopment Project Incentive
1601 Fund, eighty percent (80%) of the diversion shall be deposited
1602 into the fund;

1603 (iii) For the eighth year in which such payments
1604 are made to a developer from the Redevelopment Project Incentive
1605 Fund, seventy percent (70%) of the diversion shall be deposited
1606 into the fund;

1607 (iv) For the ninth year in which such payments are
1608 made to a developer from the Redevelopment Project Incentive Fund,



1609 sixty percent (60%) of the diversion shall be deposited into the
1610 fund; and

1611 (v) For the tenth year in which such payments are
1612 made to a developer from the Redevelopment Project Incentive Fund,
1613 fifty percent (50%) of the funds shall be deposited into the fund.

1614 (20) On or before January 15, 2007, and each succeeding
1615 month thereafter, eighty percent (80%) of the sales tax revenue
1616 collected during the preceding month under the provisions of this
1617 chapter from the operation of a tourism project under the
1618 provisions of Sections 57-28-1 through 57-28-5 shall be deposited,
1619 after the diversions required in subsections (7) and (8) of this
1620 section, into the Tourism Sales Tax Incentive Fund created in
1621 Section 57-28-3.

1622 (21) (a) On or before April 15, 2007, and each succeeding
1623 month thereafter through June 15, 2013, One Hundred Fifty Thousand
1624 Dollars (\$150,000.00) of the sales tax revenue collected during
1625 the preceding month under the provisions of this chapter shall be
1626 deposited into the MMEIA Tax Incentive Fund created in Section
1627 57-101-3.

1628 (b) On or before July 15, 2013, and each succeeding
1629 month thereafter, One Hundred Fifty Thousand Dollars (\$150,000.00)
1630 of the sales tax revenue collected during the preceding month
1631 under the provisions of this chapter shall be deposited into the
1632 Mississippi Development Authority Job Training Grant Fund created
1633 in Section 57-1-451.



1634 (22) On or before June 1, 2024, and each succeeding month
1635 thereafter until December 31, 2057, an amount determined annually
1636 by the Mississippi Development Authority of the sales tax revenue
1637 collected during the preceding month under the provisions of this
1638 chapter shall be deposited into the MMEIA Tax Incentive Fund
1639 created in Section 57-125-3. This amount shall be based on
1640 estimated payments due within the upcoming year to construction
1641 contractors pursuant to construction contracts subject to the tax
1642 imposed by Section 27-65-21 for construction to be performed on
1643 the project site of a project defined under Section
1644 57-75-5(f)(xxxiii) for the coming year.

1645 (23) Notwithstanding any other provision of this section to
1646 the contrary, on or before August 15, 2009, and each succeeding
1647 month thereafter, the sales tax revenue collected during the
1648 preceding month under the provisions of Section 27-65-201 shall be
1649 deposited, without diversion, into the Motor Vehicle Ad Valorem
1650 Tax Reduction Fund established in Section 27-51-105.

1651 (24) (a) On or before August 15, 2019, and each month
1652 thereafter through July 15, 2020, one percent (1%) of the total
1653 sales tax revenue collected during the preceding month from
1654 restaurants and hotels shall be allocated for distribution to the
1655 Mississippi Development Authority Tourism Advertising Fund
1656 established under Section 57-1-64, to be used exclusively for the
1657 purpose stated therein. On or before August 15, 2020, and each
1658 month thereafter through July 15, 2021, two percent (2%) of the



1659 total sales tax revenue collected during the preceding month from
1660 restaurants and hotels shall be allocated for distribution to the
1661 Mississippi Development Authority Tourism Advertising Fund
1662 established under Section 57-1-64, to be used exclusively for the
1663 purpose stated therein. On or before August 15, 2021, and each
1664 month thereafter, three percent (3%) of the total sales tax
1665 revenue collected during the preceding month from restaurants and
1666 hotels shall be allocated for distribution to the Mississippi
1667 Development Authority Tourism Advertising Fund established under
1668 Section 57-1-64, to be used exclusively for the purpose stated
1669 therein. The revenue diverted pursuant to this subsection shall
1670 not be available for expenditure until February 1, 2020.

1671 (b) The Joint Legislative Committee on Performance
1672 Evaluation and Expenditure Review (PEER) must provide an annual
1673 report to the Legislature indicating the amount of funds deposited
1674 into the Mississippi Development Authority Tourism Advertising
1675 Fund established under Section 57-1-64, and a detailed record of
1676 how the funds are spent.

1677 (25) The remainder of the amounts collected under the
1678 provisions of this chapter shall be paid into the State Treasury
1679 to the credit of the General Fund.

1680 (26) (a) It shall be the duty of the municipal officials of
1681 any municipality that expands its limits, or of any community that
1682 incorporates as a municipality, to notify the commissioner of that
1683 action thirty (30) days before the effective date. Failure to so



1684 notify the commissioner shall cause the municipality to forfeit
1685 the revenue that it would have been entitled to receive during
1686 this period of time when the commissioner had no knowledge of the
1687 action.

1688 (b) (i) Except as otherwise provided in subparagraph
1689 (ii) of this paragraph, if any funds have been erroneously
1690 disbursed to any municipality or any overpayment of tax is
1691 recovered by the taxpayer, the commissioner may make correction
1692 and adjust the error or overpayment with the municipality by
1693 withholding the necessary funds from any later payment to be made
1694 to the municipality.

1695 (ii) Subject to the provisions of Sections
1696 27-65-51 and 27-65-53, if any funds have been erroneously
1697 disbursed to a municipality under subsection (1) of this section
1698 for a period of three (3) years or more, the maximum amount that
1699 may be recovered or withheld from the municipality is the total
1700 amount of funds erroneously disbursed for a period of three (3)
1701 years beginning with the date of the first erroneous disbursement.
1702 However, if during such period, a municipality provides written
1703 notice to the Department of Revenue indicating the erroneous
1704 disbursement of funds, then the maximum amount that may be
1705 recovered or withheld from the municipality is the total amount of
1706 funds erroneously disbursed for a period of one (1) year beginning
1707 with the date of the first erroneous disbursement.



1708 **SECTION 15.** Section 1-3-26, Mississippi Code of 1972, is
1709 brought forward as follows:

1710 1-3-26. Wherever the phrase "minimum education program,"
1711 "minimum program," "minimum foundation program," "Mississippi
1712 Adequate Education Program," "adequate education program," or
1713 "MAEP" shall appear in the laws of this state, it shall be
1714 construed to mean the "total funding formula" created under
1715 Chapter 151, Title 37, Mississippi Code of 1972.

1716 **SECTION 16.** Section 7-7-211, Mississippi Code of 1972, is
1717 brought forward as follows:

1718 7-7-211. The department shall have the power and it shall be
1719 its duty:

1720 (a) To identify and define for all public offices of
1721 the state and its subdivisions generally accepted accounting
1722 principles or other accounting principles as promulgated by
1723 nationally recognized professional organizations and to consult
1724 with the State Fiscal Officer in the prescription and
1725 implementation of accounting rules and regulations;

1726 (b) To provide best practices, for all public offices
1727 of regional and local subdivisions of the state, systems of
1728 accounting, budgeting and reporting financial facts relating to
1729 said offices in conformity with legal requirements and with
1730 generally accepted accounting principles or other accounting
1731 principles as promulgated by nationally recognized professional
1732 organizations; to assist such subdivisions in need of assistance



1733 in the installation of such systems; to revise such systems when
1734 deemed necessary, and to report to the Legislature at periodic
1735 times the extent to which each office is maintaining such systems,
1736 along with such recommendations to the Legislature for improvement
1737 as seem desirable;

1738 (c) To study and analyze existing managerial policies,
1739 methods, procedures, duties and services of the various state
1740 departments and institutions upon written request of the Governor,
1741 the Legislature or any committee or other body empowered by the
1742 Legislature to make such request to determine whether and where
1743 operations can be eliminated, combined, simplified and improved;

1744 (d) To postaudit each year and, when deemed necessary,
1745 preaudit and investigate the financial affairs of the departments,
1746 institutions, boards, commissions, or other agencies of state
1747 government, as part of the publication of a comprehensive annual
1748 financial report for the State of Mississippi, or as deemed
1749 necessary by the State Auditor. In complying with the
1750 requirements of this paragraph, the department shall have the
1751 authority to conduct all necessary audit procedures on an interim
1752 and year-end basis;

1753 (e) To postaudit and, when deemed necessary, preaudit
1754 and investigate separately the financial affairs of (i) the
1755 offices, boards and commissions of county governments and any
1756 departments and institutions thereof and therein; (ii) public
1757 school districts, departments of education and junior college



1758 districts; and (iii) any other local offices or agencies which
1759 share revenues derived from taxes or fees imposed by the State
1760 Legislature or receive grants from revenues collected by
1761 governmental divisions of the state; the cost of such audits,
1762 investigations or other services to be paid as follows: Such part
1763 shall be paid by the state from appropriations made by the
1764 Legislature for the operation of the State Department of Audit as
1765 may exceed the sum of Thirty-five Dollars (\$35.00) per man-hour
1766 for the services of each staff person engaged in performing the
1767 audit or other service plus the actual cost of any independent
1768 specialist firm contracted by the State Auditor to assist in the
1769 performance of the audit, which sum shall be paid by the county,
1770 district, department, institution or other agency audited out of
1771 its general fund or any other available funds from which such
1772 payment is not prohibited by law. Costs paid for independent
1773 specialists or firms contracted by the State Auditor shall be paid
1774 by the audited entity through the State Auditor to the specialist
1775 or firm conducting the postaudit.

1776 Each school district in the state shall have its financial
1777 records audited annually, at the end of each fiscal year, either
1778 by the State Auditor or by a certified public accountant approved
1779 by the State Auditor. Beginning with the audits of fiscal year
1780 2010 activity, no certified public accountant shall be selected to
1781 perform the annual audit of a school district who has audited that
1782 district for three (3) or more consecutive years previously.



1783 Certified public accountants shall be selected in a manner
1784 determined by the State Auditor. The school district shall have
1785 the responsibility to pay for the audit, including the review by
1786 the State Auditor of audits performed by certified public
1787 accountants;

1788 (f) To postaudit and, when deemed necessary, preaudit
1789 and investigate the financial affairs of the levee boards;
1790 agencies created by the Legislature or by executive order of the
1791 Governor; profit or nonprofit business entities administering
1792 programs financed by funds flowing through the State Treasury or
1793 through any of the agencies of the state, or its subdivisions; and
1794 all other public bodies supported by funds derived in part or
1795 wholly from public funds, except municipalities which annually
1796 submit an audit prepared by a qualified certified public
1797 accountant using methods and procedures prescribed by the
1798 department;

1799 (g) To make written demand, when necessary, for the
1800 recovery of any amounts representing public funds improperly
1801 withheld, misappropriated and/or otherwise illegally expended by
1802 an officer, employee or administrative body of any state, county
1803 or other public office, and/or for the recovery of the value of
1804 any public property disposed of in an unlawful manner by a public
1805 officer, employee or administrative body, such demands to be made
1806 (i) upon the person or persons liable for such amounts and upon
1807 the surety on official bond thereof, and/or (ii) upon any



1808 individual, partnership, corporation or association to whom the
1809 illegal expenditure was made or with whom the unlawful disposition
1810 of public property was made, if such individual, partnership,
1811 corporation or association knew or had reason to know through the
1812 exercising of reasonable diligence that the expenditure was
1813 illegal or the disposition unlawful. Such demand shall be
1814 premised on competent evidence, which shall include at least one
1815 (1) of the following: (i) sworn statements, (ii) written
1816 documentation, (iii) physical evidence, or (iv) reports and
1817 findings of government or other law enforcement agencies. Other
1818 provisions notwithstanding, a demand letter issued pursuant to
1819 this paragraph shall remain confidential by the State Auditor
1820 until the individual against whom the demand letter is being filed
1821 has been served with a copy of such demand letter. If, however,
1822 such individual cannot be notified within fifteen (15) days using
1823 reasonable means and due diligence, such notification shall be
1824 made to the individual's bonding company, if he or she is bonded.
1825 Each such demand shall be paid into the proper treasury of the
1826 state, county or other public body through the office of the
1827 department in the amount demanded within thirty (30) days from the
1828 date thereof, together with interest thereon in the sum of one
1829 percent (1%) per month from the date such amount or amounts were
1830 improperly withheld, misappropriated and/or otherwise illegally
1831 expended. In the event, however, such person or persons or such
1832 surety shall refuse, neglect or otherwise fail to pay the amount



1833 demanded and the interest due thereon within the allotted thirty
1834 (30) days, the State Auditor shall have the authority and it shall
1835 be his duty to institute suit, and the Attorney General shall
1836 prosecute the same in any court of the state to the end that there
1837 shall be recovered the total of such amounts from the person or
1838 persons and surety on official bond named therein; and the amounts
1839 so recovered shall be paid into the proper treasury of the state,
1840 county or other public body through the State Auditor. In any
1841 case where written demand is issued to a surety on the official
1842 bond of such person or persons and the surety refuses, neglects or
1843 otherwise fails within one hundred twenty (120) days to either pay
1844 the amount demanded and the interest due thereon or to give the
1845 State Auditor a written response with specific reasons for
1846 nonpayment, then the surety shall be subject to a civil penalty in
1847 an amount of twelve percent (12%) of the bond, not to exceed Ten
1848 Thousand Dollars (\$10,000.00), to be deposited into the State
1849 General Fund;

1850 (h) To investigate any alleged or suspected violation
1851 of the laws of the state by any officer or employee of the state,
1852 county or other public office in the purchase, sale or the use of
1853 any supplies, services, equipment or other property belonging
1854 thereto; and in such investigation to do any and all things
1855 necessary to procure evidence sufficient either to prove or
1856 disprove the existence of such alleged or suspected violations.
1857 The Division of Investigation of the State Department of Audit may



1858 investigate, for the purpose of prosecution, any suspected
1859 criminal violation of the provisions of this chapter. For the
1860 purpose of administration and enforcement of this chapter, the
1861 enforcement employees of the Division of Investigation of the
1862 State Department of Audit have the powers of a law enforcement
1863 officer of this state, and shall be empowered to make arrests and
1864 to serve and execute search warrants and other valid legal process
1865 anywhere within the State of Mississippi. All enforcement
1866 employees of the Division of Investigation of the State Department
1867 of Audit hired on or after July 1, 1993, shall be required to
1868 complete the Law Enforcement Officers Training Program and shall
1869 meet the standards of the program;

1870 (i) To issue subpoenas, with the approval of, and
1871 returnable to, a judge of a chancery or circuit court, in termtime
1872 or in vacation, to examine the records, documents or other
1873 evidence of persons, firms, corporations or any other entities
1874 insofar as such records, documents or other evidence relate to
1875 dealings with any state, county or other public entity. The
1876 circuit or chancery judge must serve the county in which the
1877 records, documents or other evidence is located; or where all or
1878 part of the transaction or transactions occurred which are the
1879 subject of the subpoena;

1880 (j) In any instances in which the State Auditor is or
1881 shall be authorized or required to examine or audit, whether
1882 preaudit or postaudit, any books, ledgers, accounts or other



1883 records of the affairs of any public hospital owned or owned and
1884 operated by one or more political subdivisions or parts thereof or
1885 any combination thereof, or any school district, including
1886 activity funds thereof, it shall be sufficient compliance
1887 therewith, in the discretion of the State Auditor, that such
1888 examination or audit be made from the report of any audit or other
1889 examination certified by a certified public accountant and
1890 prepared by or under the supervision of such certified public
1891 accountant. Such audits shall be made in accordance with
1892 generally accepted standards of auditing, with the use of an audit
1893 program prepared by the State Auditor, and final reports of such
1894 audits shall conform to the format prescribed by the State
1895 Auditor. All files, working papers, notes, correspondence and all
1896 other data compiled during the course of the audit shall be
1897 available, without cost, to the State Auditor for examination and
1898 abstracting during the normal business hours of any business day.
1899 The expense of such certified reports shall be borne by the
1900 respective hospital, or any available school district funds,
1901 subject to examination or audit. The State Auditor shall not be
1902 bound by such certified reports and may, in his or their
1903 discretion, conduct such examination or audit from the books,
1904 ledgers, accounts or other records involved as may be appropriate
1905 and authorized by law;

1906 (k) The State Auditor shall have the authority to
1907 contract with qualified public accounting firms to perform



1908 selected audits required in paragraphs (d), (e), (f) and (j) of
1909 this section, if funds are made available for such contracts by
1910 the Legislature, or if funds are available from the governmental
1911 entity covered by paragraphs (d), (e), (f) and (j). Such audits
1912 shall be made in accordance with generally accepted standards of
1913 auditing. All files, working papers, notes, correspondence and
1914 all other data compiled during the course of the audit shall be
1915 available, without cost, to the State Auditor for examination and
1916 abstracting during the normal business hours of any business day;

1917 (1) The State Auditor shall have the authority to
1918 establish training courses and programs for the personnel of the
1919 various state and local governmental entities under the
1920 jurisdiction of the Office of the State Auditor. The training
1921 courses and programs shall include, but not be limited to, topics
1922 on internal control of funds, property and equipment control and
1923 inventory, governmental accounting and financial reporting, and
1924 internal auditing. The State Auditor is authorized to charge a
1925 fee from the participants of these courses and programs, which fee
1926 shall be deposited into the Department of Audit Special Fund.
1927 State and local governmental entities are authorized to pay such
1928 fee and any travel expenses out of their general funds or any
1929 other available funds from which such payment is not prohibited by
1930 law;

1931 (m) Upon written request by the Governor or any member
1932 of the State Legislature, the State Auditor may audit any state



1933 funds and/or state and federal funds received by any nonprofit
1934 corporation incorporated under the laws of this state;

1935 (n) To conduct performance audits of personal or
1936 professional service contracts by state agencies on a random
1937 sampling basis, or upon request of the State Personal Service
1938 Contract Review Board under Section 25-9-120(3);

1939 (o) At the discretion of the State Auditor, the Auditor
1940 may conduct risk assessments, as well as performance and
1941 compliance audits based on Generally Accepted Government Auditing
1942 Standards (GAGAS) of any state-funded economic development program
1943 authorized under Title 57, Mississippi Code of 1972. After risk
1944 assessments or program audits, the State Auditor may conduct
1945 audits of those projects deemed high-risk, specifically as they
1946 identify any potential wrongdoing or noncompliance based on
1947 objectives of the economic development program. The Auditor is
1948 granted authority to gather, audit and review data and information
1949 from the Mississippi Development Authority or any of its agents,
1950 the Department of Revenue, and when necessary under this
1951 paragraph, the recipient business or businesses or any other
1952 private, public or nonprofit entity with information relevant to
1953 the audit project. The maximum amount the State Auditor may bill
1954 the oversight agency under this paragraph in any fiscal year is
1955 One Hundred Thousand Dollars (\$100,000.00), based on reasonable
1956 and necessary expenses;



1957 (p) To review and approve any independent auditor
1958 selected by the Mississippi Lottery Corporation in accordance with
1959 Section 27-115-89, to conduct an annual audit of the corporation;
1960 and

1961 (q) To conduct audits or investigations of the
1962 Mississippi Lottery Corporation if, in the opinion of the State
1963 Auditor, conditions justify such audits or investigations.

1964 **SECTION 17.** Section 19-9-157, Mississippi Code of 1972, is
1965 brought forward as follows:

1966 19-9-157. The board of supervisors of the situs county, upon
1967 receipt of the payments pursuant to Section 19-9-151 less the
1968 payment made according to Section 19-9-153, shall pay all such
1969 funds in excess of Five Million Five Hundred Thousand Dollars
1970 (\$5,500,000.00) to the governing authorities of the public school
1971 districts in such county in the proportion that the net enrollment
1972 for the preceding scholastic year of each school district bears to
1973 the total net enrollment of the county for the preceding
1974 scholastic year. Such funds may be expended only for the purposes
1975 of capital improvements to school facilities and only after plans
1976 therefor have been submitted to and approved by the State Board of
1977 Education. The governing authorities of such school districts may
1978 borrow money in anticipation of receipt of payments pursuant to
1979 this section and the levying authority for the school district may
1980 issue negotiable notes therefor, for the purposes set forth
1981 herein. Such loan shall be repaid from the payments received



1982 under this section by the governing authorities of the public
1983 school district. However, no public school districts within the
1984 situs county shall be entitled to any payments after January 1,
1985 1990.

1986 **SECTION 18.** Section 19-9-171, Mississippi Code of 1972, is
1987 brought forward as follows:

1988 19-9-171. The revenue from ad valorem taxes for school
1989 district purposes that are levied upon liquefied natural gas
1990 terminals or improvements thereto constructed after July 1, 2007,
1991 crude oil refineries constructed after July 1, 2007, and
1992 expansions or improvements to existing crude oil refineries
1993 constructed after July 1, 2007, shall be distributed to all public
1994 school districts in the county in which the facilities are located
1995 in the proportion that the net enrollment of each school district
1996 bears to the total net enrollment of all school districts in the
1997 county. The county or municipal tax collector, as the case may
1998 be, shall pay such tax collections, except for taxes collected for
1999 the payment of the principal of and interest on school bonds or
2000 notes and except for taxes collected to defray collection costs,
2001 into the appropriate school depository and report to the school
2002 board of the appropriate school district at the same time and in
2003 the same manner as the tax collector makes his or her payments and
2004 reports of other taxes collected by him or her.

2005 **SECTION 19.** Section 25-4-29, Mississippi Code of 1972, is
2006 brought forward as follows:



2007 25-4-29. (1) Required statements hereunder shall be filed
2008 as follows:

2009 (a) Every incumbent public official required by
2010 paragraphs (a), (b), (d) and (e) of Section 25-4-25 to file a
2011 statement of economic interest shall file such statement with the
2012 commission on or before May 1 of each year that such official
2013 holds office, regardless of duration;

2014 (b) Candidates for office required to file a statement
2015 hereunder shall file such statement within fifteen (15) days after
2016 the deadline for qualification for that public office;

2017 (c) Persons who are required to file a statement
2018 because of appointment to fill a vacancy in an office or required
2019 to file under Section 25-4-25(d) and (e) shall file such statement
2020 within thirty (30) days of their appointment;

2021 (d) No person by reason of successful candidacy or
2022 assuming additional offices shall be required to file more than
2023 one (1) statement of economic interest in any calendar year,
2024 except such official shall notify the commission as soon as
2025 practicable of additional offices not previously reported; and

2026 (e) The commission may, on an individual case basis,
2027 provide for additional time to file a statement upon a showing
2028 that compliance with a filing date set out under paragraph (a),
2029 (b), (c) or (d) above would work an unreasonable hardship.

2030 (2) Any person who fails to file a statement of economic
2031 interest within thirty (30) days of the date the statement is due



2032 shall be deemed delinquent by the commission. The commission
2033 shall give written notice of the delinquency to the person by
2034 United States mail or by personal service of process. If within
2035 fifteen (15) days of receiving written notice of delinquency the
2036 delinquent filer has not filed the statement of economic interest,
2037 a fine of Fifty Dollars (\$50.00) per day, not to exceed a total
2038 fine of One Thousand Dollars (\$1,000.00), shall be assessed
2039 against the delinquent filer for each day thereafter in which the
2040 statement of economic interest is not properly filed. The
2041 commission shall enroll such assessment as a civil judgment with
2042 the circuit clerk in the delinquent filer's county of residence.
2043 The commission may enforce the judgment for the benefit of the
2044 State General Fund for the support of the total funding formula
2045 fund provided for in Sections 37-151-200 through 37-151-215 in the
2046 same manner as is prescribed for other civil judgments.

2047 **SECTION 20.** Section 27-25-706, Mississippi Code of 1972, is
2048 brought forward as follows:

2049 27-25-706. The board of supervisors of any county in the
2050 State of Mississippi bordering on the Pearl River and having a
2051 population according to the 1970 census of not less than forty
2052 thousand (40,000) and not more than fifty thousand (50,000), and
2053 through which Interstate Highway 20 runs, and wherein there is
2054 being constructed or has been constructed a plant for the
2055 extracting of sulphur from natural gas, and the board of
2056 supervisors of any county in the State of Mississippi bordering on



2057 the Pearl River and having a population according to the 1970
2058 census of not less than nineteen thousand (19,000) and not more
2059 than twenty-one thousand (21,000) and wherein U.S. Highway 49 and
2060 Mississippi Highway 28 intersect and wherein there is being
2061 constructed or has been constructed a plant for the extracting of
2062 sulphur from natural gas, are hereby authorized and empowered, in
2063 their discretion, to pledge all or any part of the county's share
2064 of the severance tax on gas extracted, handled or processed
2065 through such extraction plant, as additional security for the
2066 payment of bonds issued for the purpose of constructing,
2067 reconstructing, overlaying and/or repairing, an access road or
2068 roads or publicly owned railroads to and from such sulphur
2069 extraction plant. The amount so pledged for the payment of the
2070 principal of and the interest on such bonds shall be deducted and
2071 set aside by such board of supervisors prior to the distribution
2072 of such severance taxes in the manner provided by law, and only
2073 the amount of such severance taxes remaining after such deduction
2074 shall be subject to such distribution. The board of supervisors
2075 in such counties may pledge only up to fifty percent (50%) of such
2076 severance taxes as their respective county may receive to retire
2077 the bonds and interest pursuant to the authority of this section.
2078 The required local contribution of said counties to the cost of
2079 the total funding formula provided for in Sections 37-151-200
2080 through 37-151-215 shall not be reduced nor shall the obligation



2081 of the state under the total funding formula to said counties be
2082 increased because of this section.

2083 Such bonds shall be issued under the provisions of Sections
2084 19-9-1 through 19-9-19.

2085 **SECTION 21.** Section 27-33-3, Mississippi Code of 1972, is
2086 brought forward as follows:

2087 27-33-3. In order to recognize and give effect to the
2088 principle of tax-free homes as a public policy in Mississippi, to
2089 encourage home building and ownership, and to give additional
2090 security to family groups, it is hereby declared that homes
2091 legally assessed on the land roll, owned and actually occupied as
2092 a home by bona fide residents of this state, who are heads of
2093 families, shall be exempt from the ad valorem taxes herein
2094 enumerated, on not in excess of Seven Thousand Five Hundred
2095 Dollars (\$7,500.00) of the assessed value including an area of
2096 land not in excess of that specified hereinafter in this article.
2097 The exemption from taxes shall be limited to the following:

2098 (a) All homeowners who are heads of families and who
2099 qualify under the provisions of this article shall be exempt from
2100 taxes levied in 1983 and payable in 1984 and from taxes levied in
2101 1984 and payable in 1985 as follows:

2102 (i) The ad valorem taxes levied by counties
2103 pursuant to Section 27-39-329. Amounts so exempted shall not be
2104 reimbursed by the state.



2105 (ii) Ad valorem taxes levied for maintenance and
2106 current expenses by or for a county as authorized by Section
2107 27-39-303, but the levy for such purpose in any year for which
2108 reimbursement is to be made shall not exceed the millage levied
2109 for such purpose for the 1984 fiscal year; or a levy for county
2110 roads or a road district as authorized by Section 27-39-305; or a
2111 levy for constructing and maintaining all bridges and culverts as
2112 authorized by Section 65-15-7, but the levy for either or both of
2113 such purposes for which reimbursement is to be made shall not in
2114 any event exceed seven (7) mills in any year; the levy for the
2115 support of the total funding formula fund to produce the minimum
2116 local ad valorem tax effort required of a school district by
2117 Section 37-57-1, and the supplementary school district tax levy
2118 for the support and maintenance of schools as authorized by
2119 Section 37-57-105; provided, however, that the total of the levies
2120 made under said Sections 37-57-1 and 37-57-105, which shall be
2121 exempt under this article, shall be limited to twenty (20) mills
2122 for any affected property area, and in the event the total of such
2123 levies should exceed twenty (20) mills for any affected property
2124 area, the excess shall not be exempt under this article, and in
2125 such case, the levy for the support of the total funding formula
2126 shall have priority as an exempt levy;

2127 (iii) Ad valorem taxes levied for the support and
2128 maintenance of agricultural high schools within the limits and as
2129 authorized by Section 37-27-3, and ad valorem taxes levied for the



2130 support of community or junior colleges within the limits and as
2131 authorized by subsection (2) of Section 37-29-141; provided,
2132 however, that the exemption from taxation and reimbursement for
2133 tax loss for agricultural high schools and community or junior
2134 colleges, or any combination of same, shall not exceed three (3)
2135 mills in any one (1) year for any one (1) county;

2136 (iv) Ad valorem taxes levied for the support of
2137 the total funding formula provided for in Sections 37-151-200
2138 through 37-151-215 in a municipal separate school district to
2139 produce the minimum local ad valorem tax effort required of such
2140 municipal separate school district as authorized by Section
2141 37-57-1, and the supplementary tax levy for the support and
2142 maintenance of the schools of a municipal separate school district
2143 as authorized by Section 37-57-105; provided, however, the total
2144 of the levies made under said Sections 37-57-1 and 37-57-105 which
2145 shall be exempt under this article shall be limited to fifteen
2146 (15) mills for any affected property area, except in those special
2147 municipal separate school districts as provided by Sections
2148 37-7-701 through 37-7-743, the total of the levies made under
2149 Sections 37-7-739 and 37-57-105 for such special municipal
2150 separate school district which shall be exempt under this article
2151 shall not exceed twenty (20) mills, and in the event the total of
2152 such levies should exceed fifteen (15) mills for any affected
2153 property area, or twenty (20) mills in the case of a special
2154 municipal separate school district, the excess shall not be exempt



2155 under this article, and, in such case, the levy for the support of
2156 the total funding formula in the municipal separate school
2157 district shall have priority as an exempt levy;

2158 (v) In the event any law referred to in this
2159 section is amended so as to authorize an increase in the tax levy
2160 for any purposes, such increase in the levy shall be applied to
2161 and taxes collected from the property owners on the entire
2162 assessed value of exempted homes; and the tax loss resulting from
2163 such increase shall not be reimbursed under the provisions of the
2164 Homestead Exemption Law, unless such law clearly specifies that
2165 the exempted assessed value of homes is exempt from such increase;

2166 (vi) Ad valorem taxes levied under Sections
2167 65-15-7 and 65-15-21 shall be used solely for purposes levied.

2168 (b) Those homeowners who qualify for the exemptions
2169 provided for in subsection (a) of this section and who have
2170 reached the age of sixty-five (65) years on or before January 1 of
2171 the year for which the exemption is claimed; and
2172 service-connected, totally disabled American veterans who were
2173 honorably discharged from military service, upon presentation of
2174 proper proof of eligibility shall be exempt from any and all ad
2175 valorem taxes, including the forest acreage tax authorized by
2176 Section 49-19-115, on homesteads not in excess of Seven Thousand
2177 Five Hundred Dollars (\$7,500.00) of assessed value thereof;
2178 provided, however, that property owned jointly by husband and wife
2179 and property owned in fee simple by either spouse shall be



2180 eligible for this exemption in full if either spouse fulfills the
2181 age or disability requirement. On all other jointly owned
2182 property the amount of the allowable exemption shall be determined
2183 on the basis of each individual joint owner's qualifications and
2184 pro rata share of the property.

2185 (c) Those homeowners who qualify for the exemptions
2186 provided for in subsection (a) of this section and who would be
2187 classified as disabled under the Federal Social Security Act (42
2188 USCS Section 416(i)), upon presentation of proper proof of
2189 eligibility shall be exempt from any and all ad valorem taxes,
2190 including the forest acreage tax authorized by Section 49-19-115,
2191 on homesteads not in excess of Seven Thousand Five Hundred Dollars
2192 (\$7,500.00) of assessed value thereof; provided, however, that
2193 property owned jointly by husband and wife and property owned in
2194 fee simple by either spouse shall be eligible for this exemption
2195 in full if either spouse fulfills the disability requirement. On
2196 all other jointly owned property, the amount of the allowable
2197 exemption shall be determined on the basis of each individual
2198 joint owner's qualifications and pro rata share of the property.

2199 (d) Homeowners who qualify for exemption under
2200 subsection (c) of this section will not be included in the
2201 limitations of Section 27-33-59(e).

2202 Reimbursement by the State of Mississippi to the various
2203 taxing units for the tax losses incurred because of the additional



2204 exemptions provided for under these subsections shall be made in
2205 accordance with the procedures outlined in Section 27-33-41.

2206 This section shall not apply to claims for homestead
2207 exemptions filed in any calendar year subsequent to the 1984
2208 calendar year.

2209 **SECTION 22.** Section 27-39-317, Mississippi Code of 1972, is
2210 brought forward as follows:

2211 27-39-317. The board of supervisors of each county shall, at
2212 its regular meeting in September of each year, levy the county ad
2213 valorem taxes for the fiscal year, and shall, by order, fix the
2214 tax rate, or levy, for the county, for the road districts, if any,
2215 and for the school districts, if any, and for any other taxing
2216 districts; and the rates, or levies, for the county and for any
2217 district shall be expressed in mills or a decimal fraction of a
2218 mill. Said tax rates, or levies, shall determine the ad valorem
2219 taxes to be collected upon each dollar of valuation, upon the
2220 assessment rolls of the county, including the assessment of motor
2221 vehicles as provided by the Motor Vehicle Ad Valorem Tax Law of
2222 1958, Section 27-51-1 et seq., for county taxes; and upon each
2223 dollar of valuation for the respective districts, as shown upon
2224 the assessment rolls of the county, including the assessment of
2225 motor vehicles as provided by the Motor Vehicle Ad Valorem Tax Law
2226 of 1958, Section 27-51-1 et seq.; except as to such values as
2227 shall be exempt, in whole or in part, from certain tax rates or
2228 levies. If the rate or levy for the county is an increase from



2229 the previous fiscal year, then the proposed rate or levy shall be
2230 advertised in accordance with Section 27-39-203. If the board of
2231 supervisors of any county shall not levy the county taxes and the
2232 district taxes at its regular September meeting, the board shall
2233 levy the same on or before September 15 at an adjourned or special
2234 meeting, or thereafter, provided, however, that if such levy be
2235 not made on or before the fifteenth day of September then the tax
2236 collector or Department of Revenue may issue road and bridge
2237 privilege tax license plates for motor vehicles as defined in the
2238 Motor Vehicle Ad Valorem Tax Law of 1958, Section 27-51-1 et seq.,
2239 without collecting or requiring proof of payment of county ad
2240 valorem taxes, and may continue to so issue such plates until such
2241 levy is duly certified to him, and for twenty-four (24) hours
2242 thereafter.

2243 Notwithstanding the requirements of this section, in the
2244 event the Department of Revenue orders the county to make an
2245 adjustment to the tax roll pursuant to Section 27-35-113, the
2246 county shall have a period of thirty (30) days from the date of
2247 the commission's final determination to adjust the millage in
2248 order to collect the same dollar amount of taxes as originally
2249 levied by the board.

2250 In making the levy of taxes, the board of supervisors shall
2251 specify, in its order, the levy for each purpose, as follows:

2252 (a) For general county purposes (current expense and
2253 maintenance taxes), as authorized by Section 27-39-303.



2254 (b) For roads and bridges, as authorized by Section
2255 27-39-305.

2256 (c) For schools, including the total funding formula
2257 levy and the levy for each school district including special
2258 municipal separate school districts, but not including other
2259 municipal separate school districts, and for an agricultural high
2260 school, county high school or community or junior college (current
2261 expense and maintenance taxes), as authorized by Chapter 57, Title
2262 37, Mississippi Code of 1972, and any other applicable statute.
2263 The levy for schools shall apply to the assessed value of property
2264 in the respective school districts, including special municipal
2265 separate school districts, but not including other municipal
2266 separate school districts, and a distinct and separate levy shall
2267 be made for each school district, and the purpose for each levy
2268 shall be stated.

2269 (d) For road bonds and the interest thereon, separately
2270 for countywide bonds and for the bonds of each road district.

2271 (e) For school bonds and the interest thereon,
2272 separately for countywide bonds and for the bonds of each school
2273 district.

2274 (f) For countywide bonds, and the interest thereon,
2275 other than for road bonds and school bonds.

2276 (g) For loans, notes or any other obligation, and the
2277 interest thereon, if permitted by the law.



2278 (h) For any other purpose for which a levy is lawfully
2279 made.

2280 The order shall state all of the purposes for which the
2281 general county levy is made, using the administrative items
2282 suggested by the State Department of Audit under the county budget
2283 law in its uniform system of accounts for counties, but the rate
2284 or levy for any item or purpose need not be shown; and if a
2285 countywide levy is made for any general or special purpose under
2286 the provisions of any law other than Section 27-39-303, each such
2287 levy shall be separately stated.

2288 During the month of February of each year, if the order or
2289 resolution of the board of trustees of any school district of said
2290 county or partly in said county, is filed with it requesting the
2291 levying of ad valorem taxes for the support and maintenance of
2292 such school district for the following fiscal year, then the board
2293 of supervisors of every such county in the state shall notify, in
2294 writing, within thirty (30) days, the county superintendent of
2295 education of such county, the levy or levies it intends to make
2296 for the support and maintenance of such school districts of such
2297 county at its regular meeting in September following, and the
2298 county superintendent of education and the trustees of all such
2299 school districts shall be authorized to use such expressed
2300 intention of the board of supervisors in computing the support and
2301 maintenance budget or budgets of such school district or districts
2302 for the ensuing fiscal school year.



2303 **SECTION 23.** Section 29-3-47, Mississippi Code of 1972, is
2304 brought forward as follows:

2305 29-3-47. For its services the State Forestry Commission
2306 shall be entitled to receive its actual expenses incurred in the
2307 discharge of the duties herein imposed. In order to provide funds
2308 with which to pay for the general supervision and sale of forest
2309 products, fifteen percent (15%) of all receipts from the sales of
2310 forest products shall be placed by the board in a Forestry Escrow
2311 Fund and reserved to pay for work performed by the State Forestry
2312 Commission. Such payments shall be equal to the actual expenses
2313 incurred by the commission as substantiated by itemized bills
2314 presented to the board.

2315 Money in the Forestry Escrow Fund may be used to pay for any
2316 forestry work authorized during the period of the agreement and
2317 shall not be subject to lapse by reason of county budget
2318 limitations.

2319 In each school district having need of tree planting and
2320 timber stand improvement, the board of education is authorized to
2321 place additional amounts in the Forestry Escrow Fund to reimburse
2322 the State Forestry Commission for actual expenses incurred in
2323 performing this work, or to pay for any work done under private
2324 contract under the supervision of said commission. Such
2325 additional amounts may be made available from forest products
2326 sales receipts, funds borrowed from the sixteenth section
2327 principal fund as is provided for in Section 29-3-113, or any



2328 other funds available to the board of education excluding total
2329 funding formula funds. Expenditures from the Forestry Escrow Fund
2330 for tree planting, timber stand improvement, and other forestry
2331 work will be limited to payment for work recommended by the
2332 Forestry Commission and agreed to by the Board of Education.

2333 When it becomes evident that the amount of money in the
2334 Forestry Escrow Fund is in excess of the amount necessary to
2335 accomplish the work needed to achieve the goals set by the Board
2336 of Education and the Forestry Commission, the State Forestry
2337 Commission shall advise said board to release any part of such
2338 funds as will not be needed, which may then be spent for any
2339 purpose authorized by law.

2340 **SECTION 24.** Section 29-3-49, Mississippi Code of 1972, is
2341 brought forward as follows:

2342 29-3-49. It shall be the duty of the State Forestry
2343 Commission, in the manner provided in Section 29-3-45, to enter
2344 into agreements for timber improvement purposes with the board of
2345 education upon the request of the board. The contract shall
2346 provide for the carrying out of a long-term program of timber
2347 improvement, including any or all of the following: The deadening
2348 of undesirable hardwoods, the planting of trees, the cutting and
2349 maintaining of fire lanes, and the establishment of marked
2350 boundaries on all lands classified as forest lands in the
2351 agreements, which provide for the reimbursement of all current
2352 costs incurred by the State Forestry Commission and the carrying



2353 out of the duties required by such agreements. In the
2354 alternative, the commission, in its discretion, may have the
2355 option to contract with a private contractor, subject to the
2356 approval of the board, to perform this work under the supervision
2357 of the commission. Payment of the reimbursements as hereinabove
2358 set forth to the Forestry Commission, or of compensation due under
2359 any such contract with private contractors shall be made upon
2360 presentation of itemized bills by the commission or the private
2361 contractors, as the case may be, and may be made out of any
2362 sixteenth section funds to the credit of, or accruing to, any
2363 school district in which such work shall be done, or out of any
2364 other funds available to such district, excluding total funding
2365 formula funds.

2366 **SECTION 25.** Section 29-3-113, Mississippi Code of 1972, is
2367 brought forward as follows:

2368 29-3-113. The principal fund shall be a permanent township
2369 fund which shall consist of funds heretofore or hereafter derived
2370 from certain uses or for certain resources of school trust lands
2371 which shall be invested and, except as otherwise provided in this
2372 section, only the interest and income derived from such funds
2373 shall be expendable by the school district.

2374 The principal fund shall consist of:

2375 (a) Funds received for easements and rights-of-way
2376 pursuant to Section 29-3-91;



2377 (b) Funds received for sales of lieu land pursuant to
2378 Sections 29-3-15 through 29-3-25;

2379 (c) Funds received from any permanent damage to the
2380 school trust land;

2381 (d) Funds received from the sale of nonrenewable
2382 resources, including, but not limited to, the sale of sand,
2383 gravel, dirt, clays and royalties received from the sale of
2384 mineral ores, coal, oil and gas;

2385 (e) Funds received from the sale of buildings pursuant
2386 to Section 29-3-77;

2387 (f) Funds received from the sale of timber; and

2388 (g) Funds received pursuant to Section 29-3-23(2).

2389 It shall be the duty of the Board of Education to keep the
2390 principal fund invested in any direct obligation issued by or
2391 guaranteed in full as to principal and interest by the United
2392 States of America or in certificates of deposit issued by a
2393 qualified depository of the State of Mississippi as approved by
2394 the State Treasurer. The certificates of deposit may bear
2395 interest at any rate per annum which may be mutually agreed upon
2396 but in no case shall said rate be less than that paid on passbook
2397 savings.

2398 The Board of Education is authorized to invest the funds in
2399 interest bearing deposits or other obligations of the types
2400 described in Section 27-105-33 or in any other type investment in
2401 which any other political subdivision of the State of Mississippi



2402 may invest, except that one hundred percent (100%) of the funds
2403 are authorized to be invested. For the purposes of investment,
2404 the principal fund of each township may be combined into one or
2405 more district accounts; however, the docket book of the county
2406 superintendent shall at all times reflect the proper source of
2407 such funds. Provided that funds received from the sale of timber
2408 shall be placed in a separate principal fund account, and may be
2409 expended for any of the purposes authorized by law.

2410 The Board of Education shall have authority to borrow such
2411 funds at a rate of interest not less than four percent (4%) per
2412 annum and for a term not exceeding twenty (20) years, for the
2413 erection, equipment or repair of said district schools, to provide
2414 local funds for any building project approved by the State Board
2415 of Education or to provide additional funds for forest stand
2416 improvement as set forth in Section 29-3-47. In addition, the
2417 board may borrow the funds under the same interest restrictions
2418 for a term not exceeding ten (10) years to provide funds for the
2419 purchase of school buses. The Board of Education of any school
2420 district in any county that has an aggregate amount of assets in
2421 its principal fund in excess of Five Million Dollars
2422 (\$5,000,000.00) may deduct an amount not to exceed Five Hundred
2423 Thousand Dollars (\$500,000.00) for the purpose of covering the
2424 cost of asbestos removal from school district buildings. Such
2425 asbestos removal shall be construed to constitute the repair of
2426 school district facilities as prescribed in Section 29-3-115.



2427 No school land trust funds may be expended after the annual
2428 payment date until the payment is made on such loan. Once a
2429 district is current on its loan payments, the district may spend
2430 expendable trust funds earned or accumulated in previous years for
2431 any purpose for which expendable trust funds may be spent. The
2432 annual payment can be made from any funds available to the school
2433 district except total funding formula funds.

2434 It shall be unlawful for the Board of Education to borrow any
2435 sixteenth section school funds in any other manner than that
2436 prescribed herein, and if any such funds shall be borrowed or
2437 invested in any other manner, any officer concerned in making such
2438 loan and investment or suffering the same to be made in violation
2439 of the provisions of this section shall be liable personally and
2440 on his official bond for the safety of the funds so loaned.

2441 **SECTION 26.** Section 29-3-137, Mississippi Code of 1972, is
2442 brought forward as follows:

2443 29-3-137. (1) Beginning with the 1985-1986 fiscal year the
2444 Legislature of the State of Mississippi shall appropriate to the
2445 State Department of Education a sum of One Million Dollars
2446 (\$1,000,000.00) to be disbursed to the Chickasaw counties, and an
2447 additional One Million Dollars (\$1,000,000.00) each succeeding
2448 fiscal year thereafter until a maximum appropriation of Five
2449 Million Dollars (\$5,000,000.00) is made for the fiscal year
2450 1989-1990. Beginning with the appropriation for the 1990-1991
2451 fiscal year, the amount appropriated under the provisions of this



2452 section shall not exceed the total average annual expendable
2453 revenue received by the Choctaw counties from school lands, or
2454 Five Million Dollars (\$5,000,000.00), whichever is the lesser.

2455 (2) The State Department of Education is hereby authorized,
2456 empowered and directed to allocate for distribution such funds
2457 appropriated each year under subsection (1) of this section in
2458 proportion to the amount of funding allotted under the total
2459 funding formula provided for in Sections 37-151-200 through
2460 37-151-215, to such school districts affected by the sale of
2461 Chickasaw cession school lands. School districts not wholly
2462 situated in Chickasaw cession affected territory shall receive a
2463 prorated amount of such allocation based on the percentage of such
2464 lands located within the district. Provided further, that the
2465 State Department of Education shall, in addition, deduct from each
2466 affected school district's allocation the amount such district
2467 shall receive from interest payments from the Chickasaw School
2468 Fund under Section 212, Mississippi Constitution of 1890 for each
2469 fiscal year. The department shall document the foregoing
2470 computation in its annual budget request for the appropriation to
2471 the Chickasaw School Fund, and shall revise its budget request
2472 under such formula as the average annual revenues from sixteenth
2473 section school lands fluctuate.

2474 (3) [Repealed]

2475 **SECTION 27.** Section 31-7-9, Mississippi Code of 1972, is
2476 brought forward as follows:



2477 31-7-9. (1) (a) The Office of Purchasing, Travel and Fleet
2478 Management shall adopt purchasing regulations governing the
2479 purchase by any agency of any commodity or commodities and
2480 establishing standards and specifications for a commodity or
2481 commodities and the maximum fair prices of a commodity or
2482 commodities, subject to the approval of the Public Procurement
2483 Review Board. It shall have the power to amend, add to or
2484 eliminate purchasing regulations. The adoption of, amendment,
2485 addition to or elimination of purchasing regulations shall be
2486 based upon a determination by the Office of Purchasing, Travel and
2487 Fleet Management with the approval of the Public Procurement
2488 Review Board, that such action is reasonable and practicable and
2489 advantageous to promote efficiency and economy in the purchase of
2490 commodities by the agencies of the state. Upon the adoption of
2491 any purchasing regulation, or an amendment, addition or
2492 elimination therein, copies of same shall be furnished to the
2493 State Auditor and to all agencies affected thereby. Thereafter,
2494 and except as otherwise may be provided in subsection (2) of this
2495 section, no agency of the state shall purchase any commodities
2496 covered by existing purchasing regulations unless such commodities
2497 be in conformity with the standards and specifications set forth
2498 in the purchasing regulations and unless the price thereof does
2499 not exceed the maximum fair price established by such purchasing
2500 regulations. The Office of Purchasing, Travel and Fleet
2501 Management shall furnish to any county or municipality or other



2502 local public agency of the state requesting same, copies of
2503 purchasing regulations adopted by the Office of Purchasing, Travel
2504 and Fleet Management and any amendments, changes or eliminations
2505 of same that may be made from time to time.

2506 (b) The Office of Purchasing, Travel and Fleet
2507 Management may adopt purchasing regulations governing the use of
2508 credit cards, procurement cards and purchasing club membership
2509 cards to be used by state agencies, governing authorities of
2510 counties and municipalities, school districts and the Chickasawhay
2511 Natural Gas District. Use of the cards shall be in strict
2512 compliance with the regulations promulgated by the office. Any
2513 amounts due on the cards shall incur interest charges as set forth
2514 in Section 31-7-305 and shall not be considered debt.

2515 (c) Pursuant to the provision of Section 37-61-33(2),
2516 the Office of Purchasing, Travel and Fleet Management of the
2517 Department of Finance and Administration is authorized to issue
2518 procurement cards or credentials for a digital solution to all
2519 public school district classroom teachers, charter school
2520 teachers, full- or part-time gifted or special education teachers
2521 and other necessary direct support personnel at the beginning of
2522 the school year, but no later than August 1 of each year, for the
2523 purchase of instructional supplies using Educational Enhancement
2524 Funds. The cards will be issued in equal amounts per teacher
2525 determined by the total number of qualifying personnel and the
2526 then current state appropriation for classroom instructional



2527 supplies under the Education Enhancement Fund. All purchases
2528 shall be in accordance with state law and teachers are responsible
2529 for verification of capital asset requirements when pooling monies
2530 to purchase equipment. The cards will expire on a predetermined
2531 date at the end of each school year, but not before April 1 of
2532 each year. All unexpended amounts will be carried forward, to be
2533 combined with the following year's instructional supply fund
2534 allocation, and reallocated for the following year. The
2535 Department of Finance and Administration is authorized to loan any
2536 start-up funds at the beginning of the school year to fund this
2537 procurement system for instructional supplies with loan repayment
2538 being made from sales tax receipts earmarked for the Education
2539 Enhancement Fund.

2540 (d) In a sale of goods or services, the seller shall
2541 not impose a surcharge on a buyer who uses a state-issued credit
2542 card, procurement card, travel card, or fuel card. The Department
2543 of Finance and Administration shall have exclusive jurisdiction to
2544 enforce and adopt rules relating to this paragraph. Any rules
2545 adopted under this paragraph shall be consistent with federal laws
2546 and regulations governing credit card transactions described by
2547 this paragraph. This paragraph does not create a cause of action
2548 against an individual for a violation of this paragraph.

2549 (2) The Office of Purchasing, Travel and Fleet Management
2550 shall adopt, subject to the approval of the Public Procurement
2551 Review Board, purchasing regulations governing the purchase of



2552 unmarked vehicles to be used by the Bureau of Narcotics and
2553 Department of Public Safety in official investigations pursuant to
2554 Section 25-1-87. Such regulations shall ensure that purchases of
2555 such vehicles shall be at a fair price and shall take into
2556 consideration the peculiar needs of the Bureau of Narcotics and
2557 Department of Public Safety in undercover operations.

2558 (3) The Office of Purchasing, Travel and Fleet Management
2559 shall adopt, subject to the approval of the Public Procurement
2560 Review Board, regulations governing the certification process for
2561 certified purchasing offices, including the Mississippi Purchasing
2562 Certification Program, which shall be required of all purchasing
2563 agents at state agencies. Such regulations shall require entities
2564 desiring to be classified as certified purchasing offices to
2565 submit applications and applicable documents on an annual basis,
2566 and in the case of a state agency purchasing office, to have one
2567 hundred percent (100%) participation and completion by purchasing
2568 agents in the Mississippi Purchasing Certification Program, at
2569 which time the Office of Purchasing, Travel and Fleet Management
2570 may provide the governing entity with a certification valid for
2571 one (1) year from the date of issuance. The Office of Purchasing,
2572 Travel and Fleet Management shall set a fee in an amount that
2573 recovers its costs to administer the Mississippi Purchasing
2574 Certification Program, which shall be assessed to the
2575 participating state agencies.



2576 (4) The Office of Purchasing, Travel and Fleet Management
2577 shall adopt purchasing regulations authorizing rural water
2578 associations to purchase at the state contract price afforded to
2579 agencies and governing authorities under this chapter.

2580 **SECTION 28.** Section 31-7-10, Mississippi Code of 1972, is
2581 brought forward as follows:

2582 31-7-10. (1) For the purposes of this section, the term
2583 "equipment" shall mean equipment, furniture, and if applicable,
2584 associated software and other applicable direct costs associated
2585 with the acquisition. In addition to its other powers and duties,
2586 the Department of Finance and Administration shall have the
2587 authority to develop a master lease-purchase program and, pursuant
2588 to that program, shall have the authority to execute on behalf of
2589 the state master lease-purchase agreements for equipment to be
2590 used by an agency, as provided in this section. Each agency
2591 electing to acquire equipment by a lease-purchase agreement shall
2592 participate in the Department of Finance and Administration's
2593 master lease-purchase program, unless the Department of Finance
2594 and Administration makes a determination that such equipment
2595 cannot be obtained under the program or unless the equipment can
2596 be obtained elsewhere at an overall cost lower than that for which
2597 the equipment can be obtained under the program. Such
2598 lease-purchase agreements may include the refinancing or
2599 consolidation, or both, of any state agency lease-purchase
2600 agreements entered into after June 30, 1990.



2601 (2) All funds designated by agencies for procurement of
2602 equipment and financing thereof under the master lease-purchase
2603 program shall be paid into a special fund created in the State
2604 Treasury known as the "Master Lease-Purchase Program Fund," which
2605 shall be used by the Department of Finance and Administration for
2606 payment to the lessors for equipment acquired under master
2607 lease-purchase agreements.

2608 (3) Upon final approval of an appropriation bill, each
2609 agency shall submit to the Public Procurement Review Board a
2610 schedule of proposed equipment acquisitions for the master
2611 lease-purchase program. Upon approval of an equipment schedule by
2612 the Public Procurement Review Board with the advice of the
2613 Department of Information Technology Services, the Office of
2614 Purchasing, Travel and Fleet Management, and the Division of
2615 Energy and Transportation of the Mississippi Development Authority
2616 as it pertains to energy efficient climate control systems, the
2617 Public Procurement Review Board shall forward a copy of the
2618 equipment schedule to the Department of Finance and
2619 Administration.

2620 (4) The level of lease-purchase debt recommended by the
2621 Department of Finance and Administration shall be subject to
2622 approval by the State Bond Commission. After such approval, the
2623 Department of Finance and Administration shall be authorized to
2624 advertise and solicit written competitive proposals for a lessor,
2625 who will purchase the equipment pursuant to bid awards made by the



2626 using agency under a given category and then transfer the
2627 equipment to the Department of Finance and Administration as
2628 lessee, pursuant to a master lease-purchase agreement.

2629 The Department of Finance and Administration shall select the
2630 successful proposer for the financing of equipment under the
2631 master lease-purchase program with the approval of the State Bond
2632 Commission.

2633 (5) Each master lease-purchase agreement, and any subsequent
2634 amendments, shall include such terms and conditions as the State
2635 Bond Commission shall determine to be appropriate and in the
2636 public interest, and may include any covenants deemed necessary or
2637 desirable to protect the interests of the lessor, including, but
2638 not limited to, provisions setting forth the interest rate (or
2639 method for computing interest rates) for financing pursuant to
2640 such agreement, covenants concerning application of payments and
2641 funds held in the Master Lease-Purchase Program Fund, covenants to
2642 maintain casualty insurance with respect to equipment subject to
2643 the master lease-purchase agreement (and all state agencies are
2644 specifically authorized to purchase any insurance required by a
2645 master lease-purchase agreement) and covenants precluding or
2646 limiting the right of the lessee or user to acquire equipment
2647 within a specified time (not to exceed five (5) years) after
2648 cancellation on the basis of a failure to appropriate funds for
2649 payment of amounts due under a lease-purchase agreement covering
2650 comparable equipment. The State Bond Commission shall transmit



2651 copies of each such master lease-purchase agreement and each such
2652 amendment to the Joint Legislative Budget Committee. To the
2653 extent provided in any master lease-purchase agreement, title to
2654 equipment leased pursuant thereto shall be deemed to be vested in
2655 the state or the user of the equipment (as specified in such
2656 master lease-purchase agreement), subject to default under or
2657 termination of such master lease-purchase agreement.

2658 A master lease-purchase agreement may provide for payment by
2659 the lessor to the lessee of the purchase price of the equipment to
2660 be acquired pursuant thereto prior to the date on which payment is
2661 due to the vendor for such equipment and that the lease payments
2662 by the lessee shall commence as though the equipment had been
2663 provided on the date of payment. If the lessee, or lessee's
2664 escrow agent, has sufficient funds for payment of equipment
2665 purchases prior to payment due date to vendor of equipment, such
2666 funds shall be held or utilized on an as-needed basis for payment
2667 of equipment purchases either by the State Treasurer (in which
2668 event the master lease-purchase agreement may include provisions
2669 concerning the holding of such funds, the creation of a security
2670 interest for the benefit of the lessor in such funds until
2671 disbursed and other appropriate provisions approved by the Bond
2672 Commission) or by a corporate trustee selected by the Department
2673 of Finance and Administration (in which event the Department of
2674 Finance and Administration shall have the authority to enter into
2675 an agreement with such a corporate trustee containing terms and



2676 conditions approved by the Bond Commission). Earnings on any
2677 amount paid by the lessor prior to the acquisition of the
2678 equipment may be used to make lease payments under the master
2679 lease-purchase agreement or applied to pay costs and expenses
2680 incurred in connection with such lease-purchase agreement. In
2681 such event, the equipment-use agreements with the user agency may
2682 provide for lease payments to commence upon the date of payment by
2683 the lessor and may also provide for a credit against such payments
2684 to the extent that investment receipts from investment of the
2685 purchase price are to be used to make lease-purchase payments.

2686 (6) The annual rate of interest paid under any
2687 lease-purchase agreement authorized under this section shall not
2688 exceed the maximum interest rate to maturity on general obligation
2689 indebtedness permitted under Section 75-17-101.

2690 (7) The Department of Finance and Administration shall
2691 furnish the equipment to the various agencies, also known as the
2692 user, pursuant to an equipment-use agreement developed by the
2693 Department of Finance and Administration. Such agreements shall
2694 require that all monthly payments due from such agency be paid,
2695 transferred or allocated into the Master Lease-Purchase Program
2696 Fund pursuant to a schedule established by the Department of
2697 Finance and Administration. In the event such sums are not paid
2698 by the defined payment period, the Executive Director of the
2699 Department of Finance and Administration shall issue a requisition
2700 for a warrant to draw such amount as may be due from any funds



2701 appropriated for the use of the agency which has failed to make
2702 the payment as agreed.

2703 (8) All master lease-purchase agreements executed under the
2704 authority of this section shall contain the following annual
2705 allocation dependency clause or an annual allocation dependency
2706 clause which is substantially equivalent thereto: "The
2707 continuation of each equipment schedule to this agreement is
2708 contingent in whole or in part upon the appropriation of funds by
2709 the Legislature to make the lease-purchase payments required under
2710 such equipment schedule. If the Legislature fails to appropriate
2711 sufficient funds to provide for the continuation of the
2712 lease-purchase payments under any such equipment schedule, then
2713 the obligations of the lessee and of the agency to make such
2714 lease-purchase payments and the corresponding provisions of any
2715 such equipment schedule to this agreement shall terminate on the
2716 last day of the fiscal year for which appropriations were made."

2717 (9) The maximum lease term for any equipment acquired under
2718 the master lease-purchase program shall not exceed the useful life
2719 of such equipment as determined according to the upper limit of
2720 the asset depreciation range (ADR) guidelines for the Class Life
2721 Asset Depreciation Range System established by the Internal
2722 Revenue Service pursuant to the United States Internal Revenue
2723 Code and Regulations thereunder as in effect on December 31, 1980,
2724 or comparable depreciation guidelines with respect to any
2725 equipment not covered by ADR guidelines. The Department of



2726 Finance and Administration shall be deemed to have met the
2727 requirements of this subsection if the term of a master
2728 lease-purchase agreement does not exceed the weighted average
2729 useful life of all equipment covered by such agreement and the
2730 schedules thereto as determined by the Department of Finance and
2731 Administration. For purposes of this subsection, the "term of a
2732 master lease-purchase agreement" shall be the weighted average
2733 maturity of all principal payments to be made under such master
2734 lease-purchase agreement and all schedules thereto.

2735 (10) Interest paid on any master lease-purchase agreement
2736 under this section shall be exempt from State of Mississippi
2737 income taxation. All equipment, and the purchase thereof by any
2738 lessor, acquired under the master lease-purchase program and all
2739 lease-purchase payments with respect thereto shall be exempt from
2740 all Mississippi sales, use and ad valorem taxes.

2741 (11) The Governor, in his annual executive budget to the
2742 Legislature, shall recommend appropriations sufficient to provide
2743 funds to pay all amounts due and payable during the applicable
2744 fiscal year under master lease-purchase agreements entered into
2745 pursuant to this section.

2746 (12) Any master lease-purchase agreement reciting in
2747 substance that such agreement has been entered into pursuant to
2748 this section shall be conclusively deemed to have been entered
2749 into in accordance with all of the provisions and conditions set
2750 forth in this section. Any defect or irregularity arising with



2751 respect to procedures applicable to the acquisition of any
2752 equipment shall not invalidate or otherwise limit the obligation
2753 of the Department of Finance and Administration, or the state or
2754 any agency of the state, under any master lease-purchase agreement
2755 or any equipment-use agreement.

2756 (13) There shall be maintained by the Department of Finance
2757 and Administration, with respect to each master lease-purchase
2758 agreement, an itemized statement of the cash price, interest
2759 rates, interest costs, commissions, debt service schedules and all
2760 other costs and expenses paid by the state incident to the
2761 lease-purchase of equipment under such agreement.

2762 (14) Lease-purchase agreements entered into by the Board of
2763 Trustees of State Institutions of Higher Learning pursuant to the
2764 authority of Section 37-101-413 or by any other agency which has
2765 specific statutory authority other than pursuant to Section
2766 31-7-13(e) to acquire equipment by lease-purchase shall not be
2767 made pursuant to the master lease-purchase program under this
2768 section, unless the Board of Trustees of State Institutions of
2769 Higher Learning or such other agency elects to participate as to
2770 part or all of its lease-purchase acquisitions in the master
2771 lease-purchase program pursuant to this section.

2772 (15) The Department of Finance and Administration may
2773 develop a master lease-purchase program for school districts and,
2774 pursuant to that program, may execute on behalf of the school
2775 districts master lease-purchase agreements for equipment to be



2776 used by the school districts. The form and structure of this
2777 program shall be substantially the same as set forth in this
2778 section for the master lease-purchase program for state agencies.
2779 If sums due from a school district under the master lease-purchase
2780 program are not paid by the expiration of the defined payment
2781 period, the Executive Director of the Department of Finance and
2782 Administration may withhold such amount that is due from the
2783 school district's allotments of the total funding formula funds as
2784 determined by Sections 37-151-200 through 37-151-215.

2785 (16) The Department of Finance and Administration may
2786 develop a master lease-purchase program for community and junior
2787 college districts and, pursuant to that program, may execute on
2788 behalf of the community and junior college districts master
2789 lease-purchase agreements for equipment to be used by the
2790 community and junior college districts. The form and structure of
2791 this program must be substantially the same as set forth in this
2792 section for the master lease-purchase program for state agencies.
2793 If sums due from a community or junior college district under the
2794 master lease-purchase program are not paid by the expiration of
2795 the defined payment period, the Executive Director of the
2796 Department of Finance and Administration may withhold an amount
2797 equal to the amount due under the program from any funds allocated
2798 for that community or junior college district in the state
2799 appropriations for the use and support of the community and junior
2800 colleges.



2801 (17) From and after July 1, 2016, the expenses of this
2802 agency shall be defrayed by appropriation from the State General
2803 Fund and all user charges and fees authorized under this section
2804 shall be deposited into the State General Fund as authorized by
2805 law.

2806 (18) From and after July 1, 2016, no state agency shall
2807 charge another state agency a fee, assessment, rent or other
2808 charge for services or resources received by authority of this
2809 section.

2810 **SECTION 29.** Section 37-1-3, Mississippi Code of 1972, is
2811 brought forward as follows:

2812 37-1-3. (1) The State Board of Education shall adopt rules
2813 and regulations and set standards and policies for the
2814 organization, operation, management, planning, budgeting and
2815 programs of the State Department of Education.

2816 (a) The board is directed to identify all functions of
2817 the department that contribute to or comprise a part of the state
2818 system of educational accountability and to establish and maintain
2819 within the department the necessary organizational structure,
2820 policies and procedures for effectively coordinating such
2821 functions. Such policies and procedures shall clearly fix and
2822 delineate responsibilities for various aspects of the system and
2823 for overall coordination of the total system and its effective
2824 management.



2825 (b) The board shall establish and maintain a
2826 system-wide plan of performance, policy and directions of public
2827 education not otherwise provided for.

2828 (c) The board shall effectively use the personnel and
2829 resources of the department to enhance technical assistance to
2830 school districts in instruction and management therein.

2831 (d) The board shall establish and maintain a central
2832 budget policy.

2833 (e) The board shall establish and maintain within the
2834 State Department of Education a central management capacity under
2835 the direction of the State Superintendent of Public Education.

2836 (f) The board, with recommendations from the
2837 superintendent, shall design and maintain a five-year plan and
2838 program for educational improvement that shall set forth
2839 objectives for system performance and development and be the basis
2840 for budget requests and legislative initiatives.

2841 (2) (a) The State Board of Education shall adopt and
2842 maintain a curriculum and a course of study to be used in the
2843 public school districts that is designed to prepare the state's
2844 children and youth to be productive, informed, creative citizens,
2845 workers and leaders, and it shall regulate all matters arising in
2846 the practical administration of the school system not otherwise
2847 provided for.

2848 (b) Before the 1999-2000 school year, the State Board
2849 of Education shall develop personal living and finances objectives



2850 that focus on money management skills for individuals and families
2851 for appropriate, existing courses at the secondary level. The
2852 objectives must require the teaching of those skills necessary to
2853 handle personal business and finances and must include instruction
2854 in the following:

- 2855 (i) Opening a bank account and assessing the
2856 quality of a bank's services;
- 2857 (ii) Balancing a checkbook;
- 2858 (iii) Managing debt, including retail and credit
2859 card debt;
- 2860 (iv) Completing a loan application;
- 2861 (v) The implications of an inheritance;
- 2862 (vi) The basics of personal insurance policies;
- 2863 (vii) Consumer rights and responsibilities;
- 2864 (viii) Dealing with salesmen and merchants;
- 2865 (ix) Computing state and federal income taxes;
- 2866 (x) Local tax assessments;
- 2867 (xi) Computing interest rates by various
2868 mechanisms;
- 2869 (xii) Understanding simple contracts; and
- 2870 (xiii) Contesting an incorrect billing statement.

2871 (3) The State Board of Education shall have authority to
2872 expend any available federal funds, or any other funds expressly
2873 designated, to pay training, educational expenses, salary
2874 incentives and salary supplements to licensed teachers employed in



2875 local school districts or schools administered by the State Board
2876 of Education. Such incentive payments shall not be considered
2877 part of a school district's local supplement, nor shall the
2878 incentives be considered part of the local supplement paid to an
2879 individual teacher for the purposes of Section 37-19-7(1).

2880 (4) The State Board of Education shall through its actions
2881 seek to implement the policies set forth in Section 37-1-2.

2882 **SECTION 30.** Section 37-3-11, Mississippi Code of 1972, is
2883 brought forward as follows:

2884 37-3-11. The State Superintendent of Public Education shall
2885 perform the duties assigned to him by the State Board of
2886 Education, and he shall have the following duties:

2887 (a) To serve as secretary for the State Board of
2888 Education;

2889 (b) To be the chief administrative officer of the State
2890 Department of Education;

2891 (c) To recommend to the State Board of Education, for
2892 its consideration, rules and regulations for the supervision of
2893 the public schools and agricultural high schools of the school
2894 districts throughout the state and for the efficient organization
2895 and conduct of the same;

2896 (d) To collect data and make it available to the state
2897 board for determining the proper distribution of the total funding
2898 formula funds;



2899 (e) To keep a complete record of all official acts of
2900 the State Superintendent and the acts of the State Board of
2901 Education;

2902 (f) To prepare, have printed and furnish all officers
2903 charged with the administration of the laws pertaining to the
2904 public schools, such blank forms and books as may be necessary to
2905 the proper discharge of their duties, which printing is to be paid
2906 for out of funds provided by the Legislature;

2907 (g) To have printed in pamphlet form the laws
2908 pertaining to the public schools and publish therein forms for
2909 conducting school business, the rules and regulations for the
2910 government of schools that the State Superintendent or the State
2911 Board of Education may recommend, and such other matters as may be
2912 deemed worthy of public interest pertaining to the public schools,
2913 which printing is to be paid for out of funds provided by the
2914 Legislature;

2915 (h) To meet all superintendents annually at such time
2916 and place as the State Superintendent shall appoint for the
2917 purpose of accumulating facts relative to schools, to review the
2918 educational progress made in the various sections of the state, to
2919 compare views, discuss problems, hear discussions and suggestions
2920 relative to examinations and qualifications of teachers, methods
2921 of instruction, textbooks, summer schools for teachers, visitation
2922 of schools, consolidation of schools, health work in the schools,



2923 vocational education and other matters pertaining to the public
2924 school system;

2925 (i) To advise all superintendents upon all matters
2926 involving the welfare of the schools, and at the request of any
2927 superintendent, to give an opinion upon a written statement of
2928 facts on all questions and controversies arising out of the
2929 interpretation and construction of the school laws, in regard to
2930 rights, powers and duties of school officers and superintendents,
2931 and to keep a record of all such decisions. Before giving any
2932 opinion, the superintendent may submit the statement of facts to
2933 the Attorney General, and it shall be the duty of the Attorney
2934 General forthwith to examine such statement and suggest the proper
2935 decision to be made upon such fact;

2936 (j) To require annually, and as often as the State
2937 Superintendent may deem proper, of all superintendents, detailed
2938 reports on the educational business of the various districts;

2939 (k) On or before January 10 in each year to prepare,
2940 under the direction of the State Board of Education, the annual
2941 information report of the State Department of Education as
2942 described in Section 37-151-97;

2943 (l) To determine the number of educable children in the
2944 several school districts under rules and regulations prescribed by
2945 the State Board of Education; and

2946 (m) To perform such other duties as may be prescribed
2947 by the State Board of Education.



2948 **SECTION 31.** Section 37-3-83, Mississippi Code of 1972, is
2949 brought forward as follows:

2950 37-3-83. (1) There is established within the State
2951 Department of Education, using only existing staff and resources,
2952 a School Safety Grant Program, available to all eligible public
2953 school districts, to assist in financing programs to provide
2954 school safety. However, no monies from the Temporary Assistance
2955 for Needy Families grant may be used for the School Safety Grant
2956 Program.

2957 (2) The school board of each school district, with the
2958 assistance of the State Department of Education School Safety
2959 Center, shall adopt a comprehensive local school district school
2960 safety plan and shall update the plan on an annual basis.

2961 (3) Subject to the extent of appropriations available, the
2962 School Safety Grant Program shall offer any of the following
2963 specific preventive services, and other additional services
2964 appropriate to the most current school district school safety
2965 plan:

2966 (a) Metal detectors;

2967 (b) Video surveillance cameras, communications
2968 equipment and monitoring equipment for classrooms, school
2969 buildings, school grounds and school buses;

2970 (c) Crisis management/action teams responding to school
2971 violence;



2972 (d) Violence prevention training, conflict resolution
2973 training, behavioral stress training and other appropriate
2974 training designated by the State Department of Education for
2975 faculty and staff; and

2976 (e) School safety personnel.

2977 (4) Each local school district of this state may annually
2978 apply for school safety grant funds subject to appropriations by
2979 the Legislature. School safety grants shall include a base grant
2980 amount plus an additional amount per student in net enrollment in
2981 the school or school district. The base grant amount and amount
2982 per student shall be determined by the State Board of Education,
2983 subject to specific appropriation therefor by the Legislature. In
2984 order to be eligible for such program, each local school board
2985 desiring to participate shall apply to the State Department of
2986 Education by May 31 before the beginning of the applicable fiscal
2987 year on forms provided by the department, and shall be required to
2988 establish a local School Safety Task Force to involve members of
2989 the community in the school safety effort. The State Department
2990 of Education shall determine by July 1 of each succeeding year
2991 which local school districts have submitted approved applications
2992 for school safety grants.

2993 (5) As part of the School Safety Grant Program, the State
2994 Department of Education may conduct a pilot program to research
2995 the feasibility of using video camera equipment in the classroom
2996 to address the following:



2997 (a) Determine if video cameras in the classroom reduce
2998 student disciplinary problems;

2999 (b) Enable teachers to present clear and convincing
3000 evidence of a student's disruptive behavior to the student, the
3001 principal, the superintendent and the student's parents; and

3002 (c) Enable teachers to review teaching performance and
3003 receive diagnostic feedback for developmental purposes.

3004 (6) Any local school district may use
3005 audio/visual-monitoring equipment in classrooms, hallways,
3006 buildings, grounds and buses for the purpose of monitoring school
3007 disciplinary problems.

3008 (7) As a component of the comprehensive local school
3009 district school safety plan required under subsection (2) of this
3010 section, the school board of a school district may adopt and
3011 implement a policy addressing sexual abuse of children, to be
3012 known as "Erin's Law Awareness." Any policy adopted under this
3013 subsection may include or address, but need not be limited to, the
3014 following:

3015 (a) Methods for increasing teacher, student and
3016 parental awareness of issues regarding sexual abuse of children,
3017 including knowledge of likely warning signs indicating that a
3018 child may be a victim of sexual abuse;

3019 (b) Educational information for parents or guardians,
3020 which may be included in the school handbook, on the warning signs



3021 of a child being abused, along with any needed assistance,
3022 referral or resource information;

3023 (c) Training for school personnel on child sexual
3024 abuse;

3025 (d) Age-appropriate curriculum for students in
3026 prekindergarten through fifth grade;

3027 (e) Actions that a child who is a victim of sexual
3028 abuse should take to obtain assistance and intervention;

3029 (f) Counseling and resources available for students
3030 affected by sexual abuse; and

3031 (g) Emotional and educational support for a child who
3032 has been abused to enable the child to be successful in school.

3033 (8) As part of the school safety grant program, the State
3034 Department of Education shall establish three (3) pilot programs
3035 in six (6) school districts utilizing an evidence-based curriculum
3036 to provide students in Grades K-5 with skills to manage stress and
3037 anxiety in order for them to be better equipped to handle
3038 challenges in a healthy way and build resiliency. The Mississippi
3039 Department of Mental Health shall be responsible for the selection
3040 of the content of the evidence-based curriculum. The results of
3041 this pilot program shall be measured and reported, and such
3042 results shall be used in consideration of the implementation of
3043 this curriculum statewide.

3044 (9) As a component of the comprehensive local school
3045 district safety plan required under subsection (2) of this



3046 section, beginning in the 2019-2020 school year, the State
3047 Department of Education shall require local school districts to
3048 conduct, every two (2) years, refresher training on mental health
3049 and suicide prevention for all school employees and personnel,
3050 including all cafeteria workers, custodians, teachers and
3051 administrators. The Mississippi Department of Mental Health shall
3052 be responsible for the development and/or selection of the content
3053 of the training, which training shall be provided at no cost to
3054 school employees. School districts shall report completion of the
3055 training to the State Department of Education.

3056 **SECTION 32.** Section 37-7-208, Mississippi Code of 1972, is
3057 brought forward as follows:

3058 37-7-208. The board of trustees of any consolidated school
3059 district may pay from funds other than total funding formula funds
3060 the cost and expense of litigation involved by or resulting from
3061 the creation of or litigation to create single member school board
3062 trustee election districts, and pay from funds other than the
3063 total funding formula funds the cost or expense to implement any
3064 plan, decree or reorganization as approved by the court. Said
3065 payments by the board of trustees shall be deemed a "new program"
3066 under the provisions of Section 37-57-107, and any additional
3067 millage levied for such purpose and the revenue generated
3068 therefrom shall be excluded from the tax increase limitation
3069 prescribed in Sections 37-57-105 and 37-57-107. The board of
3070 supervisors of any county in which there is located such



3071 consolidated school district may, in its discretion, contribute
3072 out of county general funds to the cost and expense of such
3073 litigation and/or the cost of implementing such redistricting
3074 plan.

3075 **SECTION 33.** Section 37-7-301, Mississippi Code of 1972, is
3076 brought forward as follows:

3077 37-7-301. The school boards of all school districts shall
3078 have the following powers, authority and duties in addition to all
3079 others imposed or granted by law, to wit:

3080 (a) To organize and operate the schools of the district
3081 and to make such division between the high school grades and
3082 elementary grades as, in their judgment, will serve the best
3083 interests of the school;

3084 (b) To introduce public school music, art, manual
3085 training and other special subjects into either the elementary or
3086 high school grades, as the board shall deem proper;

3087 (c) To be the custodians of real and personal school
3088 property and to manage, control and care for same, both during the
3089 school term and during vacation;

3090 (d) To have responsibility for the erection, repairing
3091 and equipping of school facilities and the making of necessary
3092 school improvements;

3093 (e) To suspend or to expel a pupil or to change the
3094 placement of a pupil to the school district's alternative school
3095 or homebound program for misconduct in the school or on school



3096 property, as defined in Section 37-11-29, on the road to and from
3097 school, or at any school-related activity or event, or for conduct
3098 occurring on property other than school property or other than at
3099 a school-related activity or event when such conduct by a pupil,
3100 in the determination of the school superintendent or principal,
3101 renders that pupil's presence in the classroom a disruption to the
3102 educational environment of the school or a detriment to the best
3103 interest and welfare of the pupils and teacher of such class as a
3104 whole, and to delegate such authority to the appropriate officials
3105 of the school district;

3106 (f) To visit schools in the district, in their
3107 discretion, in a body for the purpose of determining what can be
3108 done for the improvement of the school in a general way;

3109 (g) To support, within reasonable limits, the
3110 superintendent, principal and teachers where necessary for the
3111 proper discipline of the school;

3112 (h) To exclude from the schools students with what
3113 appears to be infectious or contagious diseases; provided,
3114 however, such student may be allowed to return to school upon
3115 presenting a certificate from a public health officer, duly
3116 licensed physician or nurse practitioner that the student is free
3117 from such disease;

3118 (i) To require those vaccinations specified by the
3119 State Health Officer as provided in Section 41-23-37;



3120 (j) To see that all necessary utilities and services
3121 are provided in the schools at all times when same are needed;

3122 (k) To authorize the use of the school buildings and
3123 grounds for the holding of public meetings and gatherings of the
3124 people under such regulations as may be prescribed by said board;

3125 (l) To prescribe and enforce rules and regulations not
3126 inconsistent with law or with the regulations of the State Board
3127 of Education for their own government and for the government of
3128 the schools, and to transact their business at regular and special
3129 meetings called and held in the manner provided by law;

3130 (m) To maintain and operate all of the schools under
3131 their control for such length of time during the year as may be
3132 required;

3133 (n) To enforce in the schools the courses of study and
3134 the use of the textbooks prescribed by the proper authorities;

3135 (o) To make orders directed to the superintendent of
3136 schools for the issuance of pay certificates for lawful purposes
3137 on any available funds of the district and to have full control of
3138 the receipt, distribution, allotment and disbursement of all funds
3139 provided for the support and operation of the schools of such
3140 school district whether such funds be derived from state
3141 appropriations, local ad valorem tax collections, or otherwise.
3142 The local school board shall be authorized and empowered to
3143 promulgate rules and regulations that specify the types of claims
3144 and set limits of the dollar amount for payment of claims by the



3145 superintendent of schools to be ratified by the board at the next
3146 regularly scheduled meeting after payment has been made;

3147 (p) To select all school district personnel in the
3148 manner provided by law, and to provide for such employee fringe
3149 benefit programs, including accident reimbursement plans, as may
3150 be deemed necessary and appropriate by the board;

3151 (q) To provide athletic programs and other school
3152 activities and to regulate the establishment and operation of such
3153 programs and activities;

3154 (r) To join, in their discretion, any association of
3155 school boards and other public school-related organizations, and
3156 to pay from local funds other than total funding formula funds,
3157 any membership dues;

3158 (s) To expend local school activity funds, or other
3159 available school district funds, other than total funding formula
3160 funds, for the purposes prescribed under this paragraph.

3161 "Activity funds" shall mean all funds received by school officials
3162 in all school districts paid or collected to participate in any
3163 school activity, such activity being part of the school program
3164 and partially financed with public funds or supplemented by public
3165 funds. The term "activity funds" shall not include any funds
3166 raised and/or expended by any organization unless commingled in a
3167 bank account with existing activity funds, regardless of whether
3168 the funds were raised by school employees or received by school
3169 employees during school hours or using school facilities, and



3170 regardless of whether a school employee exercises influence over
3171 the expenditure or disposition of such funds. Organizations shall
3172 not be required to make any payment to any school for the use of
3173 any school facility if, in the discretion of the local school
3174 governing board, the organization's function shall be deemed to be
3175 beneficial to the official or extracurricular programs of the
3176 school. For the purposes of this provision, the term
3177 "organization" shall not include any organization subject to the
3178 control of the local school governing board. Activity funds may
3179 only be expended for any necessary expenses or travel costs,
3180 including advances, incurred by students and their chaperons in
3181 attending any in-state or out-of-state school-related programs,
3182 conventions or seminars and/or any commodities, equipment, travel
3183 expenses, purchased services or school supplies which the local
3184 school governing board, in its discretion, shall deem beneficial
3185 to the official or extracurricular programs of the district,
3186 including items which may subsequently become the personal
3187 property of individuals, including yearbooks, athletic apparel,
3188 book covers and trophies. Activity funds may be used to pay
3189 travel expenses of school district personnel. The local school
3190 governing board shall be authorized and empowered to promulgate
3191 rules and regulations specifically designating for what purposes
3192 school activity funds may be expended. The local school governing
3193 board shall provide (i) that such school activity funds shall be
3194 maintained and expended by the principal of the school generating



3195 the funds in individual bank accounts, or (ii) that such school
3196 activity funds shall be maintained and expended by the
3197 superintendent of schools in a central depository approved by the
3198 board. The local school governing board shall provide that such
3199 school activity funds be audited as part of the annual audit
3200 required in Section 37-9-18. The State Department of Education
3201 shall prescribe a uniform system of accounting and financial
3202 reporting for all school activity fund transactions;

3203 (t) To enter into an energy performance contract,
3204 energy services contract, on a shared-savings, lease or
3205 lease-purchase basis, for energy efficiency services and/or
3206 equipment as provided for in Section 31-7-14;

3207 (u) To maintain accounts and issue pay certificates on
3208 school food service bank accounts;

3209 (v) (i) To lease a school building from an individual,
3210 partnership, nonprofit corporation or a private for-profit
3211 corporation for the use of such school district, and to expend
3212 funds therefor as may be available from any sources other than
3213 total funding formula funds as set by Sections 37-151-200 through
3214 37-151-215. The school board of the school district desiring to
3215 lease a school building shall declare by resolution that a need
3216 exists for a school building and that the school district cannot
3217 provide the necessary funds to pay the cost or its proportionate
3218 share of the cost of a school building required to meet the
3219 present needs. The resolution so adopted by the school board



3220 shall be published once each week for three (3) consecutive weeks
3221 in a newspaper having a general circulation in the school district
3222 involved, with the first publication thereof to be made not less
3223 than thirty (30) days prior to the date upon which the school
3224 board is to act on the question of leasing a school building. If
3225 no petition requesting an election is filed prior to such meeting
3226 as hereinafter provided, then the school board may, by resolution
3227 spread upon its minutes, proceed to lease a school building. If
3228 at any time prior to said meeting a petition signed by not less
3229 than twenty percent (20%) or fifteen hundred (1500), whichever is
3230 less, of the qualified electors of the school district involved
3231 shall be filed with the school board requesting that an election
3232 be called on the question, then the school board shall, not later
3233 than the next regular meeting, adopt a resolution calling an
3234 election to be held within such school district upon the question
3235 of authorizing the school board to lease a school building. Such
3236 election shall be called and held, and notice thereof shall be
3237 given, in the same manner for elections upon the questions of the
3238 issuance of the bonds of school districts, and the results thereof
3239 shall be certified to the school board. If at least three-fifths
3240 (3/5) of the qualified electors of the school district who voted
3241 in such election shall vote in favor of the leasing of a school
3242 building, then the school board shall proceed to lease a school
3243 building. The term of the lease contract shall not exceed twenty
3244 (20) years, and the total cost of such lease shall be either the



3245 amount of the lowest and best bid accepted by the school board
3246 after advertisement for bids or an amount not to exceed the
3247 current fair market value of the lease as determined by the
3248 averaging of at least two (2) appraisals by certified general
3249 appraisers licensed by the State of Mississippi. The term "school
3250 building" as used in this paragraph (v) (i) shall be construed to
3251 mean any building or buildings used for classroom purposes in
3252 connection with the operation of schools and shall include the
3253 site therefor, necessary support facilities, and the equipment
3254 thereof and appurtenances thereto such as heating facilities,
3255 water supply, sewage disposal, landscaping, walks, drives and
3256 playgrounds. The term "lease" as used in this paragraph (v) (i)
3257 may include a lease-purchase contract;

3258 (ii) If two (2) or more school districts propose
3259 to enter into a lease contract jointly, then joint meetings of the
3260 school boards having control may be held but no action taken shall
3261 be binding on any such school district unless the question of
3262 leasing a school building is approved in each participating school
3263 district under the procedure hereinabove set forth in paragraph
3264 (v) (i). All of the provisions of paragraph (v) (i) regarding the
3265 term and amount of the lease contract shall apply to the school
3266 boards of school districts acting jointly. Any lease contract
3267 executed by two (2) or more school districts as joint lessees
3268 shall set out the amount of the aggregate lease rental to be paid
3269 by each, which may be agreed upon, but there shall be no right of



3270 occupancy by any lessee unless the aggregate rental is paid as
3271 stipulated in the lease contract. All rights of joint lessees
3272 under the lease contract shall be in proportion to the amount of
3273 lease rental paid by each;

3274 (w) To employ all noninstructional and noncertificated
3275 employees and fix the duties and compensation of such personnel
3276 deemed necessary pursuant to the recommendation of the
3277 superintendent of schools;

3278 (x) To employ and fix the duties and compensation of
3279 such legal counsel as deemed necessary;

3280 (y) Subject to rules and regulations of the State Board
3281 of Education, to purchase, own and operate trucks, vans and other
3282 motor vehicles, which shall bear the proper identification
3283 required by law;

3284 (z) To expend funds for the payment of substitute
3285 teachers and to adopt reasonable regulations for the employment
3286 and compensation of such substitute teachers;

3287 (aa) To acquire in its own name by purchase all real
3288 property which shall be necessary and desirable in connection with
3289 the construction, renovation or improvement of any public school
3290 building or structure. Whenever the purchase price for such real
3291 property is greater than Fifty Thousand Dollars (\$50,000.00), the
3292 school board shall not purchase the property for an amount
3293 exceeding the fair market value of such property as determined by
3294 the average of at least two (2) independent appraisals by



3295 certified general appraisers licensed by the State of Mississippi.
3296 If the board shall be unable to agree with the owner of any such
3297 real property in connection with any such project, the board shall
3298 have the power and authority to acquire any such real property by
3299 condemnation proceedings pursuant to Section 11-27-1 et seq.,
3300 Mississippi Code of 1972, and for such purpose, the right of
3301 eminent domain is hereby conferred upon and vested in said board.
3302 Provided further, that the local school board is authorized to
3303 grant an easement for ingress and egress over sixteenth section
3304 land or lieu land in exchange for a similar easement upon
3305 adjoining land where the exchange of easements affords substantial
3306 benefit to the sixteenth section land; provided, however, the
3307 exchange must be based upon values as determined by a competent
3308 appraiser, with any differential in value to be adjusted by cash
3309 payment. Any easement rights granted over sixteenth section land
3310 under such authority shall terminate when the easement ceases to
3311 be used for its stated purpose. No sixteenth section or lieu land
3312 which is subject to an existing lease shall be burdened by any
3313 such easement except by consent of the lessee or unless the school
3314 district shall acquire the unexpired leasehold interest affected
3315 by the easement;

3316 (bb) To charge reasonable fees related to the
3317 educational programs of the district, in the manner prescribed in
3318 Section 37-7-335;



3319 (cc) Subject to rules and regulations of the State
3320 Board of Education, to purchase relocatable classrooms for the use
3321 of such school district, in the manner prescribed in Section
3322 37-1-13;

3323 (dd) Enter into contracts or agreements with other
3324 school districts, political subdivisions or governmental entities
3325 to carry out one or more of the powers or duties of the school
3326 board, or to allow more efficient utilization of limited resources
3327 for providing services to the public;

3328 (ee) To provide for in-service training for employees
3329 of the district;

3330 (ff) As part of their duties to prescribe the use of
3331 textbooks, to provide that parents and legal guardians shall be
3332 responsible for the textbooks and for the compensation to the
3333 school district for any books which are not returned to the proper
3334 schools upon the withdrawal of their dependent child. If a
3335 textbook is lost or not returned by any student who drops out of
3336 the public school district, the parent or legal guardian shall
3337 also compensate the school district for the fair market value of
3338 the textbooks;

3339 (gg) To conduct fund-raising activities on behalf of
3340 the school district that the local school board, in its
3341 discretion, deems appropriate or beneficial to the official or
3342 extracurricular programs of the district; provided that:



3343 (i) Any proceeds of the fund-raising activities
3344 shall be treated as "activity funds" and shall be accounted for as
3345 are other activity funds under this section; and

3346 (ii) Fund-raising activities conducted or
3347 authorized by the board for the sale of school pictures, the
3348 rental of caps and gowns or the sale of graduation invitations for
3349 which the school board receives a commission, rebate or fee shall
3350 contain a disclosure statement advising that a portion of the
3351 proceeds of the sales or rentals shall be contributed to the
3352 student activity fund;

3353 (hh) To allow individual lessons for music, art and
3354 other curriculum-related activities for academic credit or
3355 nonacademic credit during school hours and using school equipment
3356 and facilities, subject to uniform rules and regulations adopted
3357 by the school board;

3358 (ii) To charge reasonable fees for participating in an
3359 extracurricular activity for academic or nonacademic credit for
3360 necessary and required equipment such as safety equipment, band
3361 instruments and uniforms;

3362 (jj) To conduct or participate in any fund-raising
3363 activities on behalf of or in connection with a tax-exempt
3364 charitable organization;

3365 (kk) To exercise such powers as may be reasonably
3366 necessary to carry out the provisions of this section;



3367 (11) To expend funds for the services of nonprofit arts
3368 organizations or other such nonprofit organizations who provide
3369 performances or other services for the students of the school
3370 district;

3371 (mm) To expend federal No Child Left Behind Act funds,
3372 or any other available funds that are expressly designated and
3373 authorized for that use, to pay training, educational expenses,
3374 salary incentives and salary supplements to employees of local
3375 school districts; except that incentives shall not be considered
3376 part of the local supplement, nor shall incentives be considered
3377 part of the local supplement paid to an individual teacher for the
3378 purposes of Section 37-19-7(1);

3379 (nn) To use any available funds, not appropriated or
3380 designated for any other purpose, for reimbursement to the
3381 state-licensed employees from both in state and out of state, who
3382 enter into a contract for employment in a school district, for the
3383 expense of moving when the employment necessitates the relocation
3384 of the licensed employee to a different geographical area than
3385 that in which the licensed employee resides before entering into
3386 the contract. The reimbursement shall not exceed One Thousand
3387 Dollars (\$1,000.00) for the documented actual expenses incurred in
3388 the course of relocating, including the expense of any
3389 professional moving company or persons employed to assist with the
3390 move, rented moving vehicles or equipment, mileage in the amount
3391 authorized for county and municipal employees under Section



3392 25-3-41 if the licensed employee used his personal vehicle or
3393 vehicles for the move, meals and such other expenses associated
3394 with the relocation. No licensed employee may be reimbursed for
3395 moving expenses under this section on more than one (1) occasion
3396 by the same school district. Nothing in this section shall be
3397 construed to require the actual residence to which the licensed
3398 employee relocates to be within the boundaries of the school
3399 district that has executed a contract for employment in order for
3400 the licensed employee to be eligible for reimbursement for the
3401 moving expenses. However, the licensed employee must relocate
3402 within the boundaries of the State of Mississippi. Any individual
3403 receiving relocation assistance through the Critical Teacher
3404 Shortage Act as provided in Section 37-159-5 shall not be eligible
3405 to receive additional relocation funds as authorized in this
3406 paragraph;

3407 (oo) To use any available funds, not appropriated or
3408 designated for any other purpose, to reimburse persons who
3409 interview for employment as a licensed employee with the district
3410 for the mileage and other actual expenses incurred in the course
3411 of travel to and from the interview at the rate authorized for
3412 county and municipal employees under Section 25-3-41;

3413 (pp) Consistent with the report of the Task Force to
3414 Conduct a Best Financial Management Practices Review, to improve
3415 school district management and use of resources and identify cost
3416 savings as established in Section 8 of Chapter 610, Laws of 2002,



3417 local school boards are encouraged to conduct independent reviews
3418 of the management and efficiency of schools and school districts.
3419 Such management and efficiency reviews shall provide state and
3420 local officials and the public with the following:

- 3421 (i) An assessment of a school district's
3422 governance and organizational structure;
- 3423 (ii) An assessment of the school district's
3424 financial and personnel management;
- 3425 (iii) An assessment of revenue levels and sources;
- 3426 (iv) An assessment of facilities utilization,
3427 planning and maintenance;
- 3428 (v) An assessment of food services, transportation
3429 and safety/security systems;
- 3430 (vi) An assessment of instructional and
3431 administrative technology;
- 3432 (vii) A review of the instructional management and
3433 the efficiency and effectiveness of existing instructional
3434 programs; and
- 3435 (viii) Recommended methods for increasing
3436 efficiency and effectiveness in providing educational services to
3437 the public;
- 3438 (qq) To enter into agreements with other local school
3439 boards for the establishment of an educational service agency
3440 (ESA) to provide for the cooperative needs of the region in which
3441 the school district is located, as provided in Section 37-7-345;



3442 (rr) To implement a financial literacy program for
3443 students in Grades 10 and 11. The board may review the national
3444 programs and obtain free literature from various nationally
3445 recognized programs. After review of the different programs, the
3446 board may certify a program that is most appropriate for the
3447 school districts' needs. If a district implements a financial
3448 literacy program, then any student in Grade 10 or 11 may
3449 participate in the program. The financial literacy program shall
3450 include, but is not limited to, instruction in the same areas of
3451 personal business and finance as required under Section
3452 37-1-3(2) (b). The school board may coordinate with volunteer
3453 teachers from local community organizations, including, but not
3454 limited to, the following: United States Department of
3455 Agriculture Rural Development, United States Department of Housing
3456 and Urban Development, Junior Achievement, bankers and other
3457 nonprofit organizations. Nothing in this paragraph shall be
3458 construed as to require school boards to implement a financial
3459 literacy program;

3460 (ss) To collaborate with the State Board of Education,
3461 Community Action Agencies or the Department of Human Services to
3462 develop and implement a voluntary program to provide services for
3463 a prekindergarten program that addresses the cognitive, social,
3464 and emotional needs of four-year-old and three-year-old children.
3465 The school board may utilize any source of available revenue to
3466 fund the voluntary program. Effective with the 2013-2014 school



3467 year, to implement voluntary prekindergarten programs under the
3468 Early Learning Collaborative Act of 2013 pursuant to state funds
3469 awarded by the State Department of Education on a matching basis;

3470 (tt) With respect to any lawful, written obligation of
3471 a school district, including, but not limited to, leases
3472 (excluding leases of sixteenth section public school trust land),
3473 bonds, notes, or other agreement, to agree in writing with the
3474 obligee that the Department of Revenue or any state agency,
3475 department or commission created under state law may:

3476 (i) Withhold all or any part (as agreed by the
3477 school board) of any monies which such local school board is
3478 entitled to receive from time to time under any law and which is
3479 in the possession of the Department of Revenue, or any state
3480 agency, department or commission created under state law; and

3481 (ii) Pay the same over to any financial
3482 institution, trustee or other obligee, as directed in writing by
3483 the school board, to satisfy all or part of such obligation of the
3484 school district.

3485 The school board may make such written agreement to withhold
3486 and transfer funds irrevocable for the term of the written
3487 obligation and may include in the written agreement any other
3488 terms and provisions acceptable to the school board. If the
3489 school board files a copy of such written agreement with the
3490 Department of Revenue, or any state agency, department or
3491 commission created under state law then the Department of Revenue



3492 or any state agency, department or commission created under state
3493 law shall immediately make the withholdings provided in such
3494 agreement from the amounts due the local school board and shall
3495 continue to pay the same over to such financial institution,
3496 trustee or obligee for the term of the agreement.

3497 This paragraph (tt) shall not grant any extra authority to a
3498 school board to issue debt in any amount exceeding statutory
3499 limitations on assessed value of taxable property within such
3500 school district or the statutory limitations on debt maturities,
3501 and shall not grant any extra authority to impose, levy or collect
3502 a tax which is not otherwise expressly provided for, and shall not
3503 be construed to apply to sixteenth section public school trust
3504 land;

3505 (uu) With respect to any matter or transaction that is
3506 competitively bid by a school district, to accept from any bidder
3507 as a good-faith deposit or bid bond or bid surety, the same type
3508 of good-faith deposit or bid bond or bid surety that may be
3509 accepted by the state or any other political subdivision on
3510 similar competitively bid matters or transactions. This paragraph
3511 (uu) shall not be construed to apply to sixteenth section public
3512 school trust land. The school board may authorize the investment
3513 of any school district funds in the same kind and manner of
3514 investments, including pooled investments, as any other political
3515 subdivision, including community hospitals;



3516 (vv) To utilize the alternate method for the conveyance
3517 or exchange of unused school buildings and/or land, reserving a
3518 partial or other undivided interest in the property, as
3519 specifically authorized and provided in Section 37-7-485;

3520 (wv) To delegate, privatize or otherwise enter into a
3521 contract with private entities for the operation of any and all
3522 functions of nonacademic school process, procedures and operations
3523 including, but not limited to, cafeteria workers, janitorial
3524 services, transportation, professional development, achievement
3525 and instructional consulting services materials and products,
3526 purchasing cooperatives, insurance, business manager services,
3527 auditing and accounting services, school safety/risk prevention,
3528 data processing and student records, and other staff services;
3529 however, the authority under this paragraph does not apply to the
3530 leasing, management or operation of sixteenth section lands.
3531 Local school districts, working through their regional education
3532 service agency, are encouraged to enter into buying consortia with
3533 other member districts for the purposes of more efficient use of
3534 state resources as described in Section 37-7-345;

3535 (xx) To partner with entities, organizations and
3536 corporations for the purpose of benefiting the school district;

3537 (yy) To borrow funds from the Rural Economic
3538 Development Authority for the maintenance of school buildings;

3539 (zz) To fund and operate voluntary early childhood
3540 education programs, defined as programs for children less than



3541 five (5) years of age on or before September 1, and to use any
3542 source of revenue for such early childhood education programs.
3543 Such programs shall not conflict with the Early Learning
3544 Collaborative Act of 2013;

3545 (aaa) To issue and provide for the use of procurement
3546 cards by school board members, superintendents and licensed school
3547 personnel consistent with the rules and regulations of the
3548 Mississippi Department of Finance and Administration under Section
3549 31-7-9; and

3550 (bbb) To conduct an annual comprehensive evaluation of
3551 the superintendent of schools consistent with the assessment
3552 components of paragraph (pp) of this section and the assessment
3553 benchmarks established by the Mississippi School Board Association
3554 to evaluate the success the superintendent has attained in meeting
3555 district goals and objectives, the superintendent's leadership
3556 skill and whether or not the superintendent has established
3557 appropriate standards for performance, is monitoring success and
3558 is using data for improvement.

3559 **SECTION 34.** Section 37-7-302, Mississippi Code of 1972, is
3560 brought forward as follows:

3561 37-7-302. The board of trustees of any school district shall
3562 be authorized to borrow such funds as may be reasonable and
3563 necessary from the federal government, the State of Mississippi or
3564 any political subdivision or entity thereof, or any other
3565 governmental agency, from any individual, partnership, nonprofit



3566 corporation or private for-profit corporation, to aid such school
3567 districts in asbestos removal, to be repaid out of any funds other
3568 than the total funding formula funds provided for in Sections
3569 37-151-200 through 37-151-215; provided, however, that the grant
3570 of authority shall in no way be construed to require said boards
3571 of trustees to remove asbestos material or substances from any
3572 facilities under their control, nor shall there be any liability
3573 to said school districts or boards for the failure to so remove
3574 such asbestos materials. All indebtedness incurred under the
3575 provisions of this section shall be evidenced by the negotiable
3576 notes or certificates of indebtedness of the school district on
3577 whose behalf the money is borrowed. Said notes or certificates of
3578 indebtedness of the school district on whose behalf the money is
3579 borrowed shall be signed by the president of the school board and
3580 superintendent of schools of such school district. Such notes or
3581 certificates of indebtedness shall not bear a greater overall
3582 maximum interest rate to maturity than the rates now or hereafter
3583 authorized under the provisions of Section 19-9-19. No such notes
3584 or certificates of indebtedness shall be issued and sold for less
3585 than par and accrued interest. All notes or certificates of
3586 indebtedness shall mature in approximately equal installments of
3587 principal and interest over a period not to exceed twenty (20)
3588 years from the dates of the issuance thereof. Principal and
3589 interest shall be payable in such manner as may be determined by
3590 the school board. Such notes or certificates of indebtedness shall



3591 be issued in such form and in such denominations as may be
3592 determined by the school board and same may be made payable at the
3593 office of any bank or trust company selected by the school board
3594 and, in such case, funds for the payment of principal and interest
3595 due thereon shall be provided in the same manner provided by law
3596 for the payment of the principal and interest due on bonds issued
3597 by the taxing districts of this state.

3598 **SECTION 35.** Section 37-7-303, Mississippi Code of 1972, is
3599 brought forward as follows:

3600 37-7-303. (1) The school board of any school district may
3601 insure motor vehicles for any hazard that the board may choose,
3602 and shall insure the school buildings, equipment and other school
3603 property of the district against any and all hazards that the
3604 board may deem necessary to provide insurance against. In
3605 addition, the local school board of any school district shall
3606 purchase and maintain business property insurance and business
3607 personal property insurance on all school district-owned buildings
3608 and/or contents as required by federal law and regulations of the
3609 Federal Emergency Management Agency (FEMA) as is necessary for
3610 receiving public assistance or reimbursement for repair,
3611 reconstruction, replacement or other damage to those buildings
3612 and/or contents caused by the Hurricane Katrina Disaster of 2005
3613 or subsequent disasters. The school district is authorized to
3614 expend funds from any available source for the purpose of
3615 obtaining and maintaining that property insurance. The school



3616 district is authorized to enter into agreements with the
3617 Department of Finance and Administration, other local school
3618 districts, community or junior college districts, state
3619 institutions of higher learning, community hospitals and/or other
3620 state agencies to pool their liabilities to participate in a group
3621 business property and/or business personal property insurance
3622 program, subject to uniform rules and regulations as may be
3623 adopted by the Department of Finance and Administration. Such
3624 school board shall be authorized to contract for such insurance
3625 for a term of not exceeding five (5) years and to obligate the
3626 district for the payment of the premiums thereon. When necessary,
3627 the school board is authorized and empowered, in its discretion,
3628 to borrow money payable in annual installments for a period of not
3629 exceeding five (5) years at a rate of interest not exceeding eight
3630 percent (8%) per annum to provide funds to pay such insurance
3631 premiums. The money so borrowed and the interest thereon shall be
3632 payable from any school funds of the district other than the total
3633 funding formula funds provided for in Sections 37-151-200 through
3634 37-151-215. The school boards of school districts are further
3635 authorized and empowered, in all cases where same may be
3636 necessary, to bring and maintain suits and other actions in any
3637 court of competent jurisdiction for the purpose of collecting the
3638 proceeds of insurance policies issued upon the property of such
3639 school district.



3640 (2) Two (2) or more school districts, together with other
3641 educational entities or agencies, may agree to pool their
3642 liabilities to participate in a group workers' compensation
3643 program. The governing authorities of any school board or other
3644 educational entity or agency may authorize the organization and
3645 operation of, or the participation in such a group self-insurance
3646 program with other school boards and educational entities or
3647 agencies, subject to the requirements of Section 71-3-5. The
3648 Workers' Compensation Commission shall approve such group
3649 self-insurance programs subject to uniform rules and regulations
3650 as may be adopted by the commission applicable to all groups.

3651 (3) The governing board of any county, municipality,
3652 municipal separate school district, other school district or
3653 community/junior college district, and the governing board or head
3654 of any other political subdivision or entity may negotiate for,
3655 secure and pool their risks under this section and may provide for
3656 the purchase of any one or more policies of property insurance, or
3657 the establishment of a self-insurance fund or self-insurance
3658 reserves, or any combination thereof. The governing board of any
3659 political subdivision or other entity set forth in this section is
3660 authorized to expend funds from any available source for the
3661 purpose of obtaining and maintaining that property insurance. The
3662 administration and service of any such self-insurance program
3663 shall be contracted to a third party and approved by the
3664 Commissioner of Insurance.



3665 **SECTION 36.** Section 37-7-307, Mississippi Code of 1972, is
3666 brought forward as follows:

3667 37-7-307. (1) For purposes of this section, the term
3668 "licensed employee" means any employee of a public school district
3669 required to hold a valid license by the Commission on Teacher and
3670 Administrator Education, Certification and Licensure and
3671 Development.

3672 (2) The school board of a school district shall establish by
3673 rules and regulations a policy of sick leave with pay for licensed
3674 employees and teacher assistants employed in the school district,
3675 and such policy shall include the following minimum provisions for
3676 sick and emergency leave with pay:

3677 (a) Each licensed employee and teacher assistant, at
3678 the beginning of each school year, shall be credited with a
3679 minimum sick leave allowance, with pay, of seven (7) days for
3680 absences caused by illness or physical disability of the employee
3681 during that school year.

3682 (b) Any unused portion of the total sick leave
3683 allowance shall be carried over to the next school year and
3684 credited to such licensed employee and teacher assistant if the
3685 licensed employee or teacher assistant remains employed in the
3686 same school district. In the event any public school licensed
3687 employee or teacher assistant transfers from one public school
3688 district in Mississippi to another, any unused portion of the
3689 total sick leave allowance credited to such licensed employee or



3690 teacher assistant shall be credited to such licensed employee or
3691 teacher assistant in the computation of unused leave for
3692 retirement purposes under Section 25-11-109. Accumulation of sick
3693 leave allowed under this section shall be unlimited.

3694 (c) No deduction from the pay of such licensed employee
3695 or teacher assistant may be made because of absence of such
3696 licensed employee or teacher assistant caused by illness or
3697 physical disability of the licensed employee or teacher assistant
3698 until after all sick leave allowance credited to such licensed
3699 employee or teacher assistant has been used.

3700 (d) For the first ten (10) days of absence of a
3701 licensed employee because of illness or physical disability, in
3702 any school year, in excess of the sick leave allowance credited to
3703 such licensed employee, there shall be deducted from the pay of
3704 such licensed employee the established substitute amount of
3705 licensed employee compensation paid in that local school district,
3706 necessitated because of the absence of the licensed employee as a
3707 result of illness or physical disability. In lieu of deducting
3708 the established substitute amount from the pay of such licensed
3709 employee, the policy may allow the licensed employee to receive
3710 full pay for the first ten (10) days of absence because of illness
3711 or physical disability, in any school year, in excess of the sick
3712 leave allowance credited to such licensed employee. Thereafter,
3713 the regular pay of such absent licensed employee shall be



3714 suspended and withheld in its entirety for any period of absence
3715 because of illness or physical disability during that school year.

3716 (3) (a) Beginning with the school year 1983-1984, each
3717 licensed employee at the beginning of each school year shall be
3718 credited with a minimum personal leave allowance, with pay, of two
3719 (2) days for absences caused by personal reasons during that
3720 school year. Effective for the 2010-2011 and 2011-2012 school
3721 years, licensed employees shall be credited with an additional
3722 one-half (1/2) day of personal leave for every day the licensed
3723 employee is furloughed without pay as provided in Section
3724 37-7-308. Except as otherwise provided in paragraph (b) of this
3725 subsection, such personal leave shall not be taken on the first
3726 day of the school term, the last day of the school term, on a day
3727 previous to a holiday or a day after a holiday. Personal leave
3728 may be used for professional purposes, including absences caused
3729 by attendance of such licensed employee at a seminar, class,
3730 training program, professional association or other functions
3731 designed for educators. No deduction from the pay of such
3732 licensed employee may be made because of absence of such licensed
3733 employee caused by personal reasons until after all personal leave
3734 allowance credited to such licensed employee has been used.
3735 However, the superintendent of a school district, in his
3736 discretion, may allow a licensed employee personal leave in
3737 addition to any minimum personal leave allowance, under the
3738 condition that there shall be deducted from the salary of such



3739 licensed employee the actual amount of any compensation paid to
3740 any person as a substitute, necessitated because of the absence of
3741 the licensed employee. Any unused portion of the total personal
3742 leave allowance up to five (5) days shall be carried over to the
3743 next school year and credited to such licensed employee if the
3744 licensed employee remains employed in the same school district.
3745 Any personal leave allowed for a furlough day shall not be carried
3746 over to the next school year.

3747 (b) Notwithstanding the restrictions on the use of
3748 personal leave prescribed under paragraph (a) of this subsection,
3749 a licensed employee may use personal leave as follows:

3750 (i) Personal leave may be taken on the first day
3751 of the school term, the last day of the school term, on a day
3752 previous to a holiday or a day after a holiday if, on the
3753 applicable day, an immediate family member of the employee is
3754 being deployed for military service.

3755 (ii) Personal leave may be taken on a day previous
3756 to a holiday or a day after a holiday if an employee of a school
3757 district has either a minimum of ten (10) years' experience as an
3758 employee of that school district or a minimum of thirty (30) days
3759 of unused accumulated leave that has been earned while employed in
3760 that school district.

3761 (iii) Personal leave may be taken on the first day
3762 of the school term, the last day of the school term, on a day
3763 previous to a holiday or a day after a holiday if, on the



3764 applicable day, the employee has been summoned to appear for jury
3765 duty or as a witness in court.

3766 (iv) Personal leave may be taken on the first day
3767 of the school term, the last day of the school term, on a day
3768 previous to a holiday or a day after a holiday if, on the
3769 applicable day, an immediate family member of the employee dies or
3770 funeral services are held. Any day of the three (3) bereavement
3771 days may be used at the discretion of the teacher, and are not
3772 required to be taken in consecutive succession.

3773 For the purpose of this subsection (3), the term "immediate
3774 family member" means spouse, parent, stepparent, child or
3775 stepchild, grandparent or sibling, including a stepbrother or
3776 stepsister.

3777 (4) Beginning with the school year 1992-1993, each licensed
3778 employee shall be credited with a professional leave allowance,
3779 with pay, for each day of absence caused by reason of such
3780 employee's statutorily required membership and attendance at a
3781 regular or special meeting held within the State of Mississippi of
3782 the State Board of Education, the Commission on Teacher and
3783 Administrator Education, Certification and Licensure and
3784 Development, the Commission on School Accreditation, the
3785 Mississippi Authority for Educational Television, the meetings of
3786 the state textbook rating committees or other meetings authorized
3787 by local school board policy.



3788 (5) Upon retirement from employment, each licensed and
3789 nonlicensed employee shall be paid for not more than thirty (30)
3790 days of unused accumulated leave earned while employed by the
3791 school district in which the employee is last employed. Such
3792 payment for licensed employees shall be made by the school
3793 district at a rate equal to the amount paid to substitute teachers
3794 and for nonlicensed employees, the payment shall be made by the
3795 school district at a rate equal to the federal minimum wage. The
3796 payment shall be treated in the same manner for retirement
3797 purposes as a lump-sum payment for personal leave as provided in
3798 Section 25-11-103(f). Any remaining lawfully credited unused
3799 leave, for which payment has not been made, shall be certified to
3800 the Public Employees' Retirement System in the same manner and
3801 subject to the same limitations as otherwise provided by law for
3802 unused leave. No payment for unused accumulated leave may be made
3803 to either a licensed or nonlicensed employee at termination or
3804 separation from service for any purpose other than for the purpose
3805 of retirement.

3806 (6) The school board may adopt rules and regulations which
3807 will reasonably aid to implement the policy of sick and personal
3808 leave, including, but not limited to, rules and regulations having
3809 the following general effect:

3810 (a) Requiring the absent employee to furnish the
3811 certificate of a physician or dentist or other medical
3812 practitioner as to the illness of the absent licensed employee,



3813 where the absence is for four (4) or more consecutive school days,
3814 or for two (2) consecutive school days immediately preceding or
3815 following a nonschool day;

3816 (b) Providing penalties, by way of full deduction from
3817 salary, or entry on the work record of the employee, or other
3818 appropriate penalties, for any materially false statement by the
3819 employee as to the cause of absence;

3820 (c) Forfeiture of accumulated or future sick leave, if
3821 the absence of the employee is caused by optional dental or
3822 medical treatment or surgery which could, without medical risk,
3823 have been provided, furnished or performed at a time when school
3824 was not in session;

3825 (d) Enlarging, increasing or providing greater sick or
3826 personal leave allowances than the minimum standards established
3827 by this section in the discretion of the school board of each
3828 school district.

3829 (7) School boards may include in their budgets provisions
3830 for the payment of substitute employees, necessitated because of
3831 the absence of regular licensed employees. All such substitute
3832 employees shall be paid wholly from district funds. Such school
3833 boards, in their discretion, also may pay, from district funds
3834 other than the total funding formula funds provided for in
3835 Sections 37-151-200 through 37-151-215, the whole or any part of
3836 the salaries of all employees granted leaves for the purpose of
3837 special studies or training.



3838 (8) The school board may further adopt rules and regulations
3839 which will reasonably implement such leave policies for all other
3840 nonlicensed and hourly paid school employees as the board deems
3841 appropriate. Effective for the 2010-2011 and 2011-2012 school
3842 years, nonlicensed employees shall be credited with an additional
3843 one-half (1/2) day of personal leave for every day the nonlicensed
3844 employee is furloughed without pay as provided in Section
3845 37-7-308.

3846 (9) Vacation leave granted to either licensed or nonlicensed
3847 employees shall be synonymous with personal leave. Unused
3848 vacation or personal leave accumulated by licensed employees in
3849 excess of the maximum five (5) days which may be carried over from
3850 one year to the next may be converted to sick leave. The annual
3851 conversion of unused vacation or personal leave to sick days for
3852 licensed or unlicensed employees shall not exceed the allowable
3853 number of personal leave days as provided in Section 25-3-93. The
3854 annual total number of converted unused vacation and/or personal
3855 days added to the annual unused sick days for any employee shall
3856 not exceed the combined allowable number of days per year provided
3857 in Sections 25-3-93 and 25-3-95. Local school board policies that
3858 provide for vacation, personal and sick leave for employees shall
3859 not exceed the provisions for leave as provided in Sections
3860 25-3-93 and 25-3-95. Any personal or vacation leave previously
3861 converted to sick leave under a lawfully adopted policy before May
3862 1, 2004, or such personal or vacation leave accumulated and



3863 available for use prior to May 1, 2004, under a lawfully adopted
3864 policy but converted to sick leave after May 1, 2004, shall be
3865 recognized as accrued leave by the local school district and
3866 available for use by the employee. The leave converted under a
3867 lawfully adopted policy prior to May 1, 2004, or such personal and
3868 vacation leave accumulated and available for use as of May 1,
3869 2004, which was subsequently converted to sick leave may be
3870 certified to the Public Employees' Retirement System upon
3871 termination of employment and any such leave previously converted
3872 and certified to the Public Employees' Retirement System shall be
3873 recognized.

3874 (10) (a) For the purposes of this subsection, the following
3875 words and phrases shall have the meaning ascribed in this
3876 paragraph unless the context requires otherwise:

3877 (i) "Catastrophic injury or illness" means a
3878 life-threatening injury or illness of an employee or a member of
3879 an employee's immediate family that totally incapacitates the
3880 employee from work, as verified by a licensed physician, and
3881 forces the employee to exhaust all leave time earned by that
3882 employee, resulting in the loss of compensation from the local
3883 school district for the employee. Conditions that are short-term
3884 in nature, including, but not limited to, common illnesses such as
3885 influenza and the measles, and common injuries, are not
3886 catastrophic. Chronic illnesses or injuries, such as cancer or
3887 major surgery, that result in intermittent absences from work and



3888 that are long-term in nature and require long recuperation periods
3889 may be considered catastrophic.

3890 (ii) "Immediate family" means spouse, parent,
3891 stepparent, sibling, child or stepchild, grandparent, stepbrother
3892 or stepsister.

3893 (b) Any school district employee may donate a portion
3894 of his or her unused accumulated personal leave or sick leave to
3895 another employee of the same school district who is suffering from
3896 a catastrophic injury or illness or who has a member of his or her
3897 immediate family suffering from a catastrophic injury or illness,
3898 in accordance with the following:

3899 (i) The employee donating the leave (the "donor
3900 employee") shall designate the employee who is to receive the
3901 leave (the "recipient employee") and the amount of unused
3902 accumulated personal leave and sick leave that is to be donated,
3903 and shall notify the school district superintendent or his
3904 designee of his or her designation.

3905 (ii) The maximum amount of unused accumulated
3906 personal leave that an employee may donate to any other employee
3907 may not exceed a number of days that would leave the donor
3908 employee with fewer than seven (7) days of personal leave
3909 remaining, and the maximum amount of unused accumulated sick leave
3910 that an employee may donate to any other employee may not exceed
3911 fifty percent (50%) of the unused accumulated sick leave of the
3912 donor employee.



3913 (iii) An employee must have exhausted all of his
3914 or her available leave before he or she will be eligible to
3915 receive any leave donated by another employee. Eligibility for
3916 donated leave shall be based upon review and approval by the donor
3917 employee's supervisor.

3918 (iv) Before an employee may receive donated leave,
3919 he or she must provide the school district superintendent or his
3920 designee with a physician's statement that states that the illness
3921 meets the catastrophic criteria established under this section,
3922 the beginning date of the catastrophic injury or illness, a
3923 description of the injury or illness, and a prognosis for recovery
3924 and the anticipated date that the recipient employee will be able
3925 to return to work.

3926 (v) Before an employee may receive donated leave,
3927 the superintendent of education of the school district shall
3928 appoint a review committee to approve or disapprove the said
3929 donations of leave, including the determination that the illness
3930 is catastrophic within the meaning of this section.

3931 (vi) If the total amount of leave that is donated
3932 to any employee is not used by the recipient employee, the whole
3933 days of donated leave shall be returned to the donor employees on
3934 a pro rata basis, based on the ratio of the number of days of
3935 leave donated by each donor employee to the total number of days
3936 of leave donated by all donor employees.



3937 (vii) Donated leave shall not be used in lieu of
3938 disability retirement.

3939 (11) Effective January 1, 2020, the provisions of this
3940 section shall be fully applicable to any licensed employee of the
3941 Mississippi School of the Arts (MSA).

3942 **SECTION 37.** Section 37-7-319, Mississippi Code of 1972, is
3943 brought forward as follows:

3944 37-7-319. All public school boards may purchase group
3945 insurance coverage for the liability of all of its active
3946 full-time instructional and noninstructional personnel. Such
3947 policy shall be paid for with any funds available other than the
3948 total funding formula funds provided for in Sections 37-151-200
3949 through 37-151-215.

3950 **SECTION 38.** Section 37-7-333, Mississippi Code of 1972, is
3951 brought forward as follows:

3952 37-7-333. The school boards of all school districts shall
3953 have full control of the receipt, distribution, allotment and
3954 disbursement of all funds which may be provided for the support
3955 and maintenance of the schools of such district whether such funds
3956 be allotments from the total funding formula as provided for in
3957 Sections 37-151-200 through 37-151-215, funds derived from
3958 supplementary tax levies as authorized by law, or funds derived
3959 from any other source whatsoever except as may otherwise be
3960 provided by law for control of the proceeds from school bonds or
3961 notes and the taxes levied to pay the principal of and interest on



3962 such bonds or notes. The tax collector of each county shall make
3963 reports, in writing, verified by his affidavit, on or before the
3964 twentieth day of each month to the superintendent of schools of
3965 each school district within such county reflecting all school
3966 district taxes collected by him for the support of said school
3967 district during the preceding month. He shall at the same time
3968 pay over all such school district taxes collected by him for the
3969 support of said school district directly to said superintendent of
3970 schools.

3971 All such allotments or funds shall be placed in the
3972 depository or depositories selected by the school board in the
3973 same manner as provided in Section 27-105-305 for the selection of
3974 county depositories. Provided, however, the annual notice to be
3975 given by the school board to financial institutions may be given
3976 by the school board at any regular meeting subsequent to the
3977 board's regular December meeting but prior to the regular May
3978 meeting. The bids of financial institutions for the privilege of
3979 keeping school funds may be received by the school board at some
3980 subsequent meeting, but no later than the regular June meeting;
3981 and the selection by the school board of the depository or
3982 depositories shall be effective on July 1 of each year. School
3983 boards shall advertise and accept bids for depositories, no less
3984 than once every three (3) years, when such board determines that
3985 it can obtain a more favorable rate of interest and less
3986 administrative processing. Such depository shall place on deposit



3987 with the superintendent of schools the same securities as required
3988 in Section 27-105-315.

3989 In the event a bank submits a bid or offer to a school
3990 district to act as a depository for the district and such bid or
3991 offer, if accepted, would result in a contract in which a member
3992 of the school board would have a direct or indirect interest, the
3993 school board should not open or consider any bids received. The
3994 superintendent of schools shall submit the matter to the State
3995 Treasurer, who shall have the authority to solicit bids, select a
3996 depository or depositories, make all decisions and take any action
3997 within the authority of the school board under this section
3998 relating to the selection of a depository or depositories.

3999 **SECTION 39.** Section 37-7-419, Mississippi Code of 1972, is
4000 brought forward as follows:

4001 37-7-419. The various school districts which may become
4002 parties to any such agreement are authorized to appropriate and
4003 expend for the purposes thereof any and all funds which may be
4004 required to carry out the terms of any such agreement from any
4005 funds available to any such party to such an agreement not
4006 otherwise appropriated without limitation as to the source of such
4007 funds, including total funding formula funds as provided for in
4008 Sections 37-151-200 through 37-151-215, sixteenth section funds,
4009 funds received from the federal government or other sources by way
4010 of grant, donation or otherwise, and funds which may be available
4011 to any such party through the State Department of Education or any



other agency of the state, regardless of the party to such agreement designated thereby to be primarily responsible for the construction or operation of any such regional high school center and regardless of the limitation on the expenditure of any such funds imposed by any other statute. However, no such funds whose use was originally limited to the construction of capital improvements shall be utilized for the purpose of defraying the administrative or operating costs of any such center. Any one or more of the parties to such an agreement may be designated as the fiscal agent or contracting party in carrying out any of the purposes of such agreement, and any and all funds authorized to be spent therefor by any of the said parties may be paid over to the fiscal agent or contracting party for disbursement by such fiscal agent or contracting party. Such disbursements shall be made and contracted for under the laws and regulations applicable to such fiscal or disbursing agent. All of the school district parties to any such agreement may issue bonds, negotiable notes or other evidences of indebtedness for the purpose of providing funds for the acquisition of land and for the construction of buildings and permanent improvements under the terms of any such agreement under any existing laws authorizing the issuance or sale thereof to provide funds for any capital improvement.

SECTION 40. Section 37-9-17, Mississippi Code of 1972, is brought forward as follows:



4036 37-9-17. (1) On or before April 1 of each year, the
4037 principal of each school shall recommend to the superintendent of
4038 the local school district the licensed employees or
4039 noninstructional employees to be employed for the school involved
4040 except those licensed employees or noninstructional employees who
4041 have been previously employed and who have a contract valid for
4042 the ensuing scholastic year. If such recommendations meet with
4043 the approval of the superintendent, the superintendent shall
4044 recommend the employment of such licensed employees or
4045 noninstructional employees to the local school board, and, unless
4046 good reason to the contrary exists, the board shall elect the
4047 employees so recommended. If, for any reason, the local school
4048 board shall decline to elect any employee so recommended,
4049 additional recommendations for the places to be filled shall be
4050 made by the principal to the superintendent and then by the
4051 superintendent to the local school board as provided above. The
4052 school board of any local school district shall be authorized to
4053 designate a personnel supervisor or another principal employed by
4054 the school district to recommend to the superintendent licensed
4055 employees or noninstructional employees; however, this
4056 authorization shall be restricted to no more than two (2)
4057 positions for each employment period for each school in the local
4058 school district. Any noninstructional employee employed upon the
4059 recommendation of a personnel supervisor or another principal
4060 employed by the local school district must have been employed by



4061 the local school district at the time the superintendent was
4062 elected or appointed to office; a noninstructional employee
4063 employed under this authorization may not be paid compensation in
4064 excess of the statewide average compensation for such
4065 noninstructional position with comparable experience, as
4066 established by the State Department of Education. The school
4067 board of any local school district shall be authorized to
4068 designate a personnel supervisor or another principal employed by
4069 the school district to accept the recommendations of principals or
4070 their designees for licensed employees or noninstructional
4071 employees and to transmit approved recommendations to the local
4072 school board; however, this authorization shall be restricted to
4073 no more than two (2) positions for each employment period for each
4074 school in the local school district.

4075 When the licensed employees have been elected as provided in
4076 the preceding paragraph, the superintendent of the district shall
4077 enter into a contract with such persons in the manner provided in
4078 this chapter.

4079 If, at the commencement of the scholastic year, any licensed
4080 employee shall present to the superintendent a license of a higher
4081 grade than that specified in such individual's contract, such
4082 individual may, if funds are available from the total funding
4083 formula funds of the district as provided for in Sections
4084 37-151-200 through 37-151-215, or from district funds, be paid
4085 from such funds the amount to which such higher grade license



4086 would have entitled the individual, had the license been held at
4087 the time the contract was executed.

4088 (2) Superintendents/directors of schools under the purview
4089 of the State Board of Education, the superintendent of the local
4090 school district and any private firm under contract with the local
4091 public school district to provide substitute teachers to teach
4092 during the absence of a regularly employed schoolteacher shall
4093 require, through the appropriate governmental authority, that
4094 current criminal records background checks and current child abuse
4095 registry checks are obtained, and that such criminal record
4096 information and registry checks are on file for any new hires
4097 applying for employment as a licensed or nonlicensed employee at a
4098 school and not previously employed in such school under the
4099 purview of the State Board of Education or at such local school
4100 district prior to July 1, 2000. In order to determine the
4101 applicant's suitability for employment, the applicant shall be
4102 fingerprinted. If no disqualifying record is identified at the
4103 state level, the fingerprints shall be forwarded by the Department
4104 of Public Safety to the Federal Bureau of Investigation for a
4105 national criminal history record check. The fee for such
4106 fingerprinting and criminal history record check shall be paid by
4107 the applicant, not to exceed Fifty Dollars (\$50.00); however, the
4108 State Board of Education, the school board of the local school
4109 district or a private firm under contract with a local school
4110 district to provide substitute teachers to teach during the



4111 temporary absence of the regularly employed schoolteacher, in its
4112 discretion, may elect to pay the fee for the fingerprinting and
4113 criminal history record check on behalf of any applicant. Under
4114 no circumstances shall a member of the State Board of Education,
4115 superintendent/director of schools under the purview of the State
4116 Board of Education, local school district superintendent, local
4117 school board member or any individual other than the subject of
4118 the criminal history record checks disseminate information
4119 received through any such checks except insofar as required to
4120 fulfill the purposes of this section. Any nonpublic school which
4121 is accredited or approved by the State Board of Education may
4122 avail itself of the procedures provided for herein and shall be
4123 responsible for the same fee charged in the case of local public
4124 schools of this state. The determination whether the applicant
4125 has a disqualifying crime, as set forth in subsection (3) of this
4126 section, shall be made by the appropriate governmental authority,
4127 and the appropriate governmental authority shall notify the
4128 private firm whether a disqualifying crime exists.

4129 (3) If such fingerprinting or criminal record checks
4130 disclose a felony conviction, guilty plea or plea of nolo
4131 contendere to a felony of possession or sale of drugs, murder,
4132 manslaughter, armed robbery, rape, sexual battery, sex offense
4133 listed in Section 45-33-23(h), child abuse, arson, grand larceny,
4134 burglary, gratification of lust or aggravated assault which has
4135 not been reversed on appeal or for which a pardon has not been



4136 granted, the new hire shall not be eligible to be employed at such
4137 school. Any employment contract for a new hire executed by the
4138 superintendent of the local school district or any employment of a
4139 new hire by a superintendent/director of a new school under the
4140 purview of the State Board of Education or by a private firm shall
4141 be voidable if the new hire receives a disqualifying criminal
4142 record check. However, the State Board of Education or the school
4143 board may, in its discretion, allow any applicant aggrieved by the
4144 employment decision under this section to appear before the
4145 respective board, or before a hearing officer designated for such
4146 purpose, to show mitigating circumstances which may exist and
4147 allow the new hire to be employed at the school. The State Board
4148 of Education or local school board may grant waivers for such
4149 mitigating circumstances, which shall include, but not be limited
4150 to: (a) age at which the crime was committed; (b) circumstances
4151 surrounding the crime; (c) length of time since the conviction and
4152 criminal history since the conviction; (d) work history; (e)
4153 current employment and character references; (f) other evidence
4154 demonstrating the ability of the person to perform the employment
4155 responsibilities competently and that the person does not pose a
4156 threat to the health or safety of the children at the school.

4157 (4) No local school district, local school district
4158 employee, member of the State Board of Education or employee of a
4159 school under the purview of the State Board of Education shall be
4160 held liable in any employment discrimination suit in which an



allegation of discrimination is made regarding an employment decision authorized under this Section 37-9-17.

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

SECTION 41. Section 37-9-23, Mississippi Code of 1972, is brought forward as follows:

37-9-23. The superintendent shall enter into a contract with each assistant superintendent, principal, licensed employee and person anticipating graduation from an approved teacher education program or the issuance of a proper license before October 15 or February 15, as the case may be, who is elected and approved for employment by the school board. Such contracts shall be in such form as shall be prescribed by the State Board of Education and shall be executed in duplicate with one (1) copy to be retained by the appropriate superintendent and one (1) copy to be retained by the principal, licensed employee or person recommended for a licensed position contracted with. The contract shall show the name of the district, the length of the school term, the position held (whether an assistant superintendent, principal or licensed employee), the scholastic years which it covers, the total amount of the annual salary and how same is payable. The amount of salary to be shown in such contract shall be the amount which shall have been fixed and determined by the school board, but, as to the licensed employees paid, in whole or in part, with total



4186 funding formula funds as provided for in Sections 37-151-200
4187 through 37-151-215, such salary shall not be less than that
4188 required under the provisions of Chapter 19 of this title.
4189 Beginning with the 2010-2011 school year, the contract shall
4190 include a provision allowing the school district to reduce the
4191 state minimum salary by a pro rata daily amount in order to comply
4192 with the school district employee furlough provisions of Section
4193 37-7-308, and shall include a provision which conditions the
4194 payment of such salary upon the availability of uniform total
4195 funding formula funds. The contract entered into with any person
4196 recommended for a licensed position who is anticipating either
4197 graduation from an approved teacher education program before
4198 September 1 or December 31, as the case may be, or the issuance of
4199 a proper license before October 15 or February 15, as the case may
4200 be, shall be a conditional contract and shall include a provision
4201 stating that the contract will be null and void if, as specified
4202 in the contract, the contingency upon which the contract is
4203 conditioned has not occurred. If any superintendent, other than
4204 those elected, principal, licensed employee or person recommended
4205 for a licensed position who has been elected and approved shall
4206 not execute and return the contract within ten (10) days after
4207 same has been tendered to him for execution, then, at the option
4208 of the school board, the election of the licensed employee and the
4209 contract tendered to him shall be void and of no effect.



4210 **SECTION 42.** Section 37-9-25, Mississippi Code of 1972, is
4211 brought forward as follows:

4212 37-9-25. The school board shall have the power and
4213 authority, in its discretion, to employ the superintendent, unless
4214 such superintendent is elected at the November 2015 general
4215 election, for not exceeding four (4) scholastic years and the
4216 principals or licensed employees for not exceeding three (3)
4217 scholastic years. In such case, contracts shall be entered into
4218 with such superintendents, principals and licensed employees for
4219 the number of years for which they have been employed. However,
4220 in the event that a vacancy in the office of the superintendent of
4221 schools elected at the November 2015 general election shall occur
4222 before January 1, 2019, the local school board shall then appoint
4223 the superintendent of the school district and enter into contract
4224 with the appointee for a period not to exceed three (3) scholastic
4225 years. All such contracts with licensed employees shall for the
4226 years after the first year thereof be subject to the contingency
4227 that the licensed employee may be released if, during the life of
4228 the contract, the net enrollment should decrease from that
4229 existing during the previous year and thus necessitate a reduction
4230 in the number of licensed employees during any year after the
4231 first year of the contract. However, in all such cases the
4232 licensed employee must be released before July 1 or at least
4233 thirty (30) days prior to the beginning of the school term,
4234 whichever date should occur earlier. The salary to be paid for



4235 the years after the first year of such contract shall be subject
4236 to revision, either upward or downward, in the event of an
4237 increase or decrease in the funds available for the payment
4238 thereof, but, unless such salary is revised prior to the beginning
4239 of a school year, it shall remain for such school year at the
4240 amount fixed in such contract. However, where school district
4241 funds are available during the school year in excess of the amount
4242 anticipated at the beginning of the school year, the salary to be
4243 paid for such year may be increased to the extent that such
4244 additional funds are available, and nothing herein shall be
4245 construed to prohibit same.

4246 **SECTION 43.** Section 37-9-33, Mississippi Code of 1972, is
4247 brought forward as follows:

4248 37-9-33. (1) In employing and contracting with appointed
4249 superintendents, principals and licensed employees, the school
4250 board shall in all cases determine whether the amount of salary to
4251 be paid such superintendent, principals and licensed employees is
4252 in compliance with the provisions of this chapter and Section
4253 37-19-7. No contract shall be entered into where the salary of a
4254 superintendent, principal or licensed employee is to be paid, in
4255 whole or in part, from the total funding formula funds provided in
4256 this act except where the statutory requirements as to the amount
4257 of such salary are fully met. Nothing herein shall be construed,
4258 however, to prohibit any school district from increasing the
4259 salaries of appointed superintendents, principals and licensed



4260 employees above the amounts fixed by Section 37-19-7. Provided
4261 further, that school districts are authorized, in their
4262 discretion, to negotiate the salary levels applicable to licensed
4263 employees employed after July 1, 2009, who are receiving
4264 retirement benefits from the retirement system of another state.
4265 Nothing herein shall be construed to prohibit any school district
4266 from complying with the school district employee furlough
4267 provisions of Section 37-7-308.

4268 (2) Each school district shall provide an annual report to
4269 the State Department of Education on the number of licensed and
4270 nonlicensed employees receiving a salary from the school district
4271 who are also receiving retirement benefits from the Public
4272 Employees' Retirement System. This report shall include the name
4273 of the employee(s), the hours per week for which the employee is
4274 under contract and the services for which the employee is under
4275 contract. Said required annual report shall be in a form and
4276 deadline promulgated by the State Board of Education.

4277 **SECTION 44.** Section 37-9-35, Mississippi Code of 1972, is
4278 brought forward as follows:

4279 37-9-35. A reduction in the net enrollment during a current
4280 year from that existing in the preceding year shall not authorize
4281 the discharge or release of a teacher or teachers during such
4282 current year.

4283 **SECTION 45.** Section 37-9-37, Mississippi Code of 1972, is
4284 brought forward as follows:



4285 37-9-37. The amount of the salary to be paid any
4286 superintendent, principal or licensed employee shall be fixed by
4287 the school board, provided that the requirements of this title are
4288 met as to superintendents, principals and licensed employees paid,
4289 in whole or in part, from total funding formula funds as provided
4290 in Sections 37-151-200 through 37-151-215. In employing such
4291 superintendents, principals and licensed employees and in fixing
4292 their salaries, the school boards shall take into consideration
4293 the character, professional training, experience, executive
4294 ability and teaching capacity of the licensed employee,
4295 superintendent or principal. It is the intent of the Legislature
4296 that whenever the salary of the school district superintendent is
4297 set by a school board, the board shall take into consideration the
4298 amount of money that the district spends per pupil, and shall
4299 attempt to insure that the administrative cost of the district and
4300 the amount of the salary of the superintendent are not excessive
4301 in comparison to the per pupil expenditure of the district.

4302 **SECTION 46.** Section 37-9-77, Mississippi Code of 1972, is
4303 brought forward as follows:

4304 37-9-77. (1) There is established the Mississippi School
4305 Administrator Sabbatical Program which shall be available to
4306 licensed teachers employed in Mississippi school districts for not
4307 less than three (3) years, for the purpose of allowing such
4308 teachers to become local school district administrators under the
4309 conditions set forth in this section. The State Board of



4310 Education, in coordination with the Board of Trustees of State
4311 Institutions of Higher Learning, shall develop guidelines for the
4312 program. Application shall be made to the State Department of
4313 Education for the Mississippi School Administrator Sabbatical
4314 Program by qualified teachers meeting the criteria for a
4315 department-approved administration program and who have been
4316 recommended by the local school board. Administration programs
4317 that are eligible for the administrator sabbatical program shall
4318 be limited to those that have been approved by the department by
4319 the January 1 preceding the date of admission to the program.
4320 Admission into the program shall authorize the applicant to take
4321 university course work and training leading to an administrator's
4322 license.

4323 (2) The salaries of the teachers approved for participation
4324 in the administrator sabbatical program shall be paid by the
4325 employing school district from funds other than total funding
4326 formula funds as provided in Sections 37-151-200 through
4327 37-151-215. However, the State Department of Education shall
4328 reimburse the employing school districts for the cost of the
4329 salaries and paid fringe benefits of teachers participating in the
4330 administrator sabbatical program for one (1) contract year.
4331 Reimbursement shall be made in accordance with the then current
4332 salary schedule under Section 37-19-7, except that the maximum
4333 amount of the reimbursement from state funds shall not exceed the
4334 salary prescribed for a teacher holding a Class A license and



4335 having five (5) years' experience. The local school district
4336 shall be responsible for that portion of a participating teacher's
4337 salary attributable to the local supplement and for any portion of
4338 the teacher's salary that exceeds the maximum amount allowed for
4339 reimbursement from state funds as provided in this subsection, and
4340 the school board may not reduce the local supplement payable to
4341 that teacher. Any reimbursements made by the State Department of
4342 Education to local school districts under this section shall be
4343 subject to available appropriations and may be made only to school
4344 districts determined by the State Board of Education as being in
4345 need of administrators.

4346 (3) Such teachers participating in the program on a
4347 full-time basis shall continue to receive teaching experience and
4348 shall receive the salary prescribed in Section 37-19-7. Such
4349 participants shall be fully eligible to continue participation in
4350 the Public Employees' Retirement System and the Public School
4351 Employees Health Insurance Plan during the time they are in the
4352 program on a full-time basis.

4353 (4) As a condition for participation in the School
4354 Administrator Sabbatical Program, such teachers shall agree to
4355 employment as administrators in the sponsoring school district for
4356 not less than five (5) years following completion of administrator
4357 licensure requirements. Any person failing to comply with this
4358 employment commitment in any required school year, unless the
4359 commitment is deferred as provided in subsection (5) of this



4360 section, shall immediately be in breach of contract and become
4361 liable to the State Department of Education for that amount of his
4362 salary and paid fringe benefits paid by the state while the
4363 teacher was on sabbatical, less twenty percent (20%) of the amount
4364 of his salary and paid fringe benefits paid by the state for each
4365 year that the person was employed as an administrator following
4366 completion of the administrator licensure requirements. In
4367 addition, the person shall become liable to the local school
4368 district for any portion of his salary and paid fringe benefits
4369 paid by the local school district while the teacher was on
4370 sabbatical that is attributable to the local salary supplement or
4371 is attributable to the amount that exceeds the maximum amount
4372 allowed for reimbursement from state funds as provided in
4373 subsection (2) of this section, less twenty percent (20%) of the
4374 amount of his salary and paid fringe benefits paid by the school
4375 district for each year that the person was employed as an
4376 administrator following completion of the administrator licensure
4377 requirements. Interest on the amount due shall accrue at the
4378 current Stafford Loan rate at the time the breach occurs. If the
4379 claim for repayment of such salary and fringe benefits is placed
4380 in the hands of an attorney for collection after default, then the
4381 obligor shall be liable for an additional amount equal to a
4382 reasonable attorney's fee.

4383 (5) If there is not an administrator position immediately
4384 available in the sponsoring school district after a person has



4385 completed the administrator licensure requirements, or if the
4386 administrator position in the sponsoring school district in which
4387 the person is employed is no longer needed before the completion
4388 of the five-year employment commitment, the local school board
4389 shall defer any part of the employment commitment that has not
4390 been met until such time as an administrator position becomes
4391 available in the sponsoring school district. If such a deferral
4392 is made, the sponsoring school district shall employ the person as
4393 a teacher in the school district during the period of deferral,
4394 unless the person desires to be released from employment by the
4395 sponsoring school district and the district agrees to release the
4396 person from employment. If the sponsoring school district
4397 releases a person from employment, that person may be employed as
4398 an administrator in another school district in the state that is
4399 in need of administrators as determined by the State Board of
4400 Education, and that employment for the other school district shall
4401 be applied to any remaining portion of the five-year employment
4402 commitment required under this section. Nothing in this
4403 subsection shall prevent a school district from not renewing the
4404 person's contract before the end of the five-year employment
4405 commitment in accordance with the School Employment Procedures Law
4406 (Section 37-9-101 et seq.). However, if the person is not
4407 employed as an administrator by another school district after
4408 being released by the sponsoring school district, or after his
4409 contract was not renewed by the sponsoring school district, he



4410 shall be liable for repayment of the amount of his salary and
4411 fringe benefits as provided in subsection (4) of this section.

4412 (6) All funds received by the State Department of Education
4413 from the repayment of salary and fringe benefits paid by the state
4414 from program participants shall be deposited in the Mississippi
4415 Critical Teacher Shortage Fund.

4416 **SECTION 47.** Section 37-11-11, Mississippi Code of 1972, is
4417 brought forward as follows:

4418 37-11-11. (1) For the purposes of this section, the term
4419 "hospital" shall include community-based programs and facilities
4420 licensed or approved by the Department of Mental Health for
4421 treatment of chemical substance use and abuse.

4422 (2) When five (5) or more children of educable mind between
4423 the ages of six (6) and twenty-one (21) years who are capable of
4424 pursuing courses of instruction at secondary school level or below
4425 shall be confined in a hospital for an extended period of time,
4426 such children shall be eligible for and shall be provided with a
4427 program of education, instruction and training within such
4428 hospital in the manner hereinafter set forth, provided that the
4429 need for hospitalization for an extended period of time shall be
4430 certified by the chief of staff of such hospital and that the
4431 ability of such children to do school work shall be certified by
4432 qualified psychologists and/or educators approved by the State
4433 Board of Education.



4434 (3) When five (5) or more children as set forth herein shall
4435 be confined in the same hospital, then the board of trustees of
4436 the school district in which such hospital is located shall be
4437 authorized and empowered, in its discretion, to provide a program
4438 of education, instruction and training to such children within
4439 such hospital. For such purpose the board shall be authorized and
4440 empowered to employ and contract with teachers, provide textbooks
4441 and other instructional materials, correspondence courses and
4442 instructional equipment and appliances, and otherwise provide for
4443 the furnishing of such program and to administer and supervise the
4444 same. Such program shall be furnished in a manner as prescribed
4445 by rules and regulations adopted by the State Board of Education.
4446 The state board shall have full power to adopt such rules,
4447 regulations, policies and standards as it may deem necessary to
4448 carry out the purpose of this section, including the establishment
4449 of qualifications of any teachers employed under the provisions
4450 hereof. It is expressly provided, however, that no program shall
4451 be furnished under this section except in a hospital licensed for
4452 operation by the State of Mississippi and only in cases where such
4453 hospital shall consent thereto, shall provide any classroom space,
4454 furniture and facilities which may be deemed necessary, and
4455 otherwise shall cooperate in carrying out the provisions of this
4456 section. Before such program of education, instruction and
4457 training shall be provided, the governing authorities of said
4458 hospital shall enter into a contract with the board of trustees of



4459 the school district which stipulates that said hospital agrees to
4460 furnish the necessary classroom space, furniture and facilities
4461 and provide for their upkeep, fuel and such other things as may be
4462 necessary for the successful operation of the program of
4463 education, instruction and training.

4464 (4) In cases when children who are residents of school
4465 districts other than the school district providing such education
4466 program may participate in the program prescribed in this section.
4467 The boards of trustees of the districts of which such children are
4468 residents shall pay to the board of trustees of the school
4469 district furnishing such school program the pro rata part of the
4470 expenses of furnishing such school program within such hospital,
4471 which payments may be made from any funds available for the
4472 operation and maintenance of the schools of the district in which
4473 such child is a resident. The amount so paid shall be based upon,
4474 but shall not exceed, the current per pupil cost of education in
4475 the school district of the child's residence, and the amount to be
4476 so paid by the school district of the child's residence shall be
4477 fixed by the State Board of Education. If the amount to be paid
4478 which has been so fixed shall not be paid upon due demand made by
4479 the school district providing a program therefor, then the State
4480 Board of Education shall deduct any such amounts from the next
4481 allocation of total funding formula funds as provided in Sections
4482 37-151-200 through 37-151-215 attributable to any such district
4483 and shall remit the same to the board of trustees of such school



4484 district which is furnishing such school program. If the amounts
4485 so paid by such school districts of the child's residence shall
4486 not be sufficient to pay the expenses of furnishing such program,
4487 then the remainder of such expenses over and above that so paid by
4488 such school districts shall be paid by the State Board of
4489 Education to the school district providing such school program out
4490 of any funds available to the State Board of Education, including
4491 total funding formula funds. However, such payments shall not
4492 exceed Three Hundred Dollars (\$300.00) per child in net enrollment
4493 in such program. Provided, however, the State Board of Education
4494 shall in its discretion be authorized and empowered to exceed the
4495 said Three Hundred Dollars (\$300.00) per pupil limitation where
4496 such limitation would make it impractical to operate such a
4497 program.

4498 **SECTION 48.** Section 37-13-63, Mississippi Code of 1972, is
4499 brought forward as follows:

4500 37-13-63. (1) Except as otherwise provided, all public
4501 schools in the state shall be kept in session for at least one
4502 hundred eighty (180) days in each scholastic year.

4503 (2) If the school board of any school district shall
4504 determine that it is not economically feasible or practicable to
4505 operate any school within the district for the full one hundred
4506 eighty (180) days required for a scholastic year as contemplated
4507 due to an enemy attack, a man-made, technological or natural
4508 disaster or extreme weather emergency in which the Governor has



4509 declared a disaster or state of emergency under the laws of this
4510 state or the President of the United States has declared an
4511 emergency or major disaster to exist in this state, the school
4512 board may notify the State Department of Education of the disaster
4513 or weather emergency and submit a plan for altering the school
4514 term. If the State Board of Education finds the disaster or
4515 extreme weather emergency to be the cause of the school not
4516 operating for the contemplated school term and that such school
4517 was in a school district covered by the Governor's or President's
4518 disaster or state of emergency declaration, it may permit that
4519 school board to operate the schools in its district for less than
4520 one hundred eighty (180) days; however, in no instance of a
4521 declared disaster or state of emergency under the provisions of
4522 this subsection shall a school board receive payment from the
4523 State Department of Education for per pupil expenditure for pupils
4524 in net enrollment in excess of ten (10) days.

4525 **SECTION 49.** Section 37-13-64, Mississippi Code of 1972, is
4526 brought forward as follows:

4527 37-13-64. (1) Beginning with the 2010-2011 school term, any
4528 school district required to close the operation of its schools by
4529 decision of the superintendent, under the authority provided by
4530 the local school board, due to extreme weather conditions, in the
4531 best interests of the health and safety of the students,
4532 administration and staff of the school district, shall be exempt
4533 from the requirement that schools be kept in session a minimum of



4534 one hundred eighty (180) days. Any school district that closes
4535 its schools for reasons authorized under this section shall
4536 receive payment from the State Department of Education for per
4537 pupil expenditure for pupils in net enrollment not to exceed ten
4538 (10) days.

4539 (2) In the event weather conditions are cause for the
4540 closure of operations of schools in any local school district in
4541 any instance in which a state of emergency has not been declared
4542 pursuant to Section 37-151-211(4), the State Board of Education
4543 may consider, on a case-by-case basis, requests submitted by local
4544 school districts to alter the school calendar consistent with the
4545 provision of that section.

4546 **SECTION 50.** Section 37-13-69, Mississippi Code of 1972, is
4547 brought forward as follows:

4548 37-13-69. All public schools of this state may observe such
4549 legal holidays as may be designated by the local school board, and
4550 no sessions of school shall be held on holidays so designated and
4551 observed. However, all schools shall operate for the full minimum
4552 term required by law exclusive of the holidays authorized by this
4553 section. The holidays thus observed shall not be deducted from
4554 the reports of the superintendents, principals and teachers, and
4555 such superintendents, principals and teachers shall be allowed pay
4556 for full time as though they had taught on those holidays.
4557 However, such holidays shall not be counted or included in any way
4558 in determining the net enrollment of the school.



4559 **SECTION 51.** Section 37-15-38, Mississippi Code of 1972, is
4560 brought forward as follows:

4561 37-15-38. (1) The following phrases have the meanings
4562 ascribed in this section unless the context clearly requires
4563 otherwise:

4564 (a) A dual enrolled student is a student who is
4565 enrolled in a community or junior college or state institution of
4566 higher learning while enrolled in high school.

4567 (b) A dual credit student is a student who is enrolled
4568 in a community or junior college or state institution of higher
4569 learning while enrolled in high school and who is receiving high
4570 school and college credit for postsecondary coursework.

4571 (2) A local school board, the Board of Trustees of State
4572 Institutions of Higher Learning and the Mississippi Community
4573 College Board shall establish a dual enrollment system under which
4574 students in the school district who meet the prescribed criteria
4575 of this section may be enrolled in a postsecondary institution in
4576 Mississippi while they are still in school.

4577 (3) **Dual credit eligibility.** Before credits earned by a
4578 qualified high school student from a community or junior college
4579 or state institution of higher learning may be transferred to the
4580 student's home school district, the student must be properly
4581 enrolled in a dual enrollment program.

4582 (4) **Admission criteria for dual enrollment in community and**
4583 **junior college or university programs.** The Mississippi Community



4584 College Board and the Board of Trustees of State Institutions of
4585 Higher Learning may recommend to the State Board of Education
4586 admission criteria for dual enrollment programs under which high
4587 school students may enroll at a community or junior college or
4588 university while they are still attending high school and enrolled
4589 in high school courses. Students may be admitted to enroll in
4590 community or junior college courses under the dual enrollment
4591 programs if they meet that individual institution's stated dual
4592 enrollment admission requirements.

4593 (5) **Tuition and cost responsibility.** Tuition and costs for
4594 university-level courses and community and junior college courses
4595 offered under a dual enrollment program may be paid for by the
4596 postsecondary institution, the local school district, the parents
4597 or legal guardians of the student, or by grants, foundations or
4598 other private or public sources. Payment for tuition and any
4599 other costs must be made directly to the credit-granting
4600 institution.

4601 (6) **Transportation responsibility.** Any transportation
4602 required by a student to participate in the dual enrollment
4603 program is the responsibility of the parent, custodian or legal
4604 guardian of the student. Transportation costs may be paid from
4605 any available public or private sources, including the local
4606 school district.

4607 (7) **School district net enrollment credit.** When dually
4608 enrolled, the student may be counted, for total funding formula



purposes, in the net enrollment of the public school district in which the student attends high school.

(8) **High school student transcript transfer requirements.**

Grades and college credits earned by a student admitted to a dual credit program must be recorded on the high school student record and on the college transcript at the university or community or junior college where the student attends classes. The transcript of the university or community or junior college coursework may be released to another institution or applied toward college graduation requirements.

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

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



4634 (11) [Deleted]

4635 (12) **Eligible courses for dual credit programs.** Courses
4636 eligible for dual credit include, but are not necessarily limited
4637 to, foreign languages, advanced math courses, advanced science
4638 courses, performing arts, advanced business and technology, and
4639 career and technical courses. Distance Learning Collaborative
4640 Program courses approved under Section 37-67-1 shall be fully
4641 eligible for dual credit. All courses being considered for dual
4642 credit must receive unconditional approval from the superintendent
4643 of the local school district and the chief instructional officer
4644 at the participating community or junior college or university in
4645 order for college credit to be awarded. A university or community
4646 or junior college shall make the final decision on what courses
4647 are eligible for semester hour credits.

4648 (13) **High school Carnegie unit equivalency.** One (1)
4649 three-hour university or community or junior college course is
4650 equal to one (1) high school Carnegie unit.

4651 (14) **Course alignment.** The universities, community and
4652 junior colleges and the State Department of Education shall
4653 periodically review their respective policies and assess the place
4654 of dual credit courses within the context of their traditional
4655 offerings.

4656 (15) **Maximum dual credits allowed.** It is the intent of the
4657 dual enrollment program to make it possible for every eligible
4658 student who desires to earn a semester's worth of college credit



4659 in high school to do so. A qualified dually enrolled high school
4660 student must be allowed to earn an unlimited number of college or
4661 university credits for dual credit.

4662 (16) **Dual credit program allowances.** A student may be
4663 granted credit delivered through the following means:

4664 (a) Examination preparation taught at a high school by
4665 a qualified teacher. A student may receive credit at the
4666 secondary level after completion of an approved course and passing
4667 the standard examination, such as an Advanced Placement or
4668 International Baccalaureate course through which a high school
4669 student is allowed CLEP credit by making a three (3) or higher on
4670 the end-of-course examination.

4671 (b) College or university courses taught at a high
4672 school or designated postsecondary site by a qualified teacher who
4673 is an employee of the school district and approved as an
4674 instructor by the collaborating college or university.

4675 (c) College or university courses taught at a college,
4676 university or high school by an instructor employed by the college
4677 or university and approved by the collaborating school district.

4678 (d) Online courses of any public university, community
4679 or junior college in Mississippi.

4680 (17) **Qualifications of dual credit instructors.** A dual
4681 credit academic instructor must meet the requirements set forth by
4682 the regional accrediting association (Southern Association of
4683 College and Schools). University and community and junior college



4684 personnel have the sole authority in the selection of dual credit
4685 instructors.

4686 A dual credit career and technical education instructor must
4687 meet the requirements set forth by the Mississippi Community
4688 College Board in the qualifications manual for postsecondary
4689 career and technical personnel.

4690 (18) **Guidance on local agreements.** The Chief Academic
4691 Officer of the State Board of Trustees of State Institutions of
4692 Higher Learning and the Chief Instructional Officers of the
4693 Mississippi Community College Board and the State Department of
4694 Education, working collaboratively, shall develop a template to be
4695 used by the individual community and junior colleges and
4696 institutions of higher learning for consistent implementation of
4697 the dual enrollment program throughout the State of Mississippi.

4698 (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**
4699 A local school board and the local community colleges board shall
4700 establish a Mississippi Works Dual Enrollment-Dual Credit Option
4701 Program under which potential or recent student dropouts may
4702 dually enroll in their home school and a local community college
4703 in a dual credit program consisting of high school completion
4704 coursework and a community college credential, certificate or
4705 degree program. Students completing the dual enrollment-credit
4706 option may obtain their high school diploma while obtaining a
4707 community college credential, certificate or degree. The
4708 Mississippi Department of Employment Security shall assist



4709 students who have successfully completed the Mississippi Works
4710 Dual Enrollment-Dual Credit Option in securing a job upon the
4711 application of the student or the participating school or
4712 community college. The Mississippi Works Dual Enrollment-Dual
4713 Credit Option Program will be implemented statewide in the
4714 2012-2013 school year and thereafter. The State Board of
4715 Education, local school board and the local community college
4716 board shall establish criteria for the Dual Enrollment-Dual Credit
4717 Program. Students enrolled in the program will not be eligible to
4718 participate in interscholastic sports or other extracurricular
4719 activities at the home school district. Tuition and costs for
4720 community college courses offered under the Dual Enrollment-Dual
4721 Credit Program shall not be charged to the student, parents or
4722 legal guardians. When dually enrolled, the student shall be
4723 counted, for total funding formula purposes, in the net enrollment
4724 of the public school district in which the student attends high
4725 school. Any transportation required by the student to participate
4726 in the Dual Enrollment-Dual Credit Program is the responsibility
4727 of the parent or legal guardian of the student, and transportation
4728 costs may be paid from any available public or private sources,
4729 including the local school district. Grades and college credits
4730 earned by a student admitted to this Dual Enrollment-Dual Credit
4731 Program shall be recorded on the high school student record and on
4732 the college transcript at the community college and high school
4733 where the student attends classes. The transcript of the



4734 community college coursework may be released to another
4735 institution or applied toward college graduation requirements.
4736 Any course that is required for subject area testing as a
4737 requirement for graduation from a public school in Mississippi is
4738 eligible for dual credit, and courses eligible for dual credit
4739 shall also include career, technical and degree program courses.
4740 All courses eligible for dual credit shall be approved by the
4741 superintendent of the local school district and the chief
4742 instructional officer at the participating community college in
4743 order for college credit to be awarded. A community college shall
4744 make the final decision on what courses are eligible for semester
4745 hour credits and the local school superintendent, subject to
4746 approval by the Mississippi Department of Education, shall make
4747 the final decision on the transfer of college courses credited to
4748 the student's high school transcript.

4749 **SECTION 52.** Section 37-16-3, Mississippi Code of 1972, is
4750 brought forward as follows:

4751 37-16-3. (1) The State Department of Education is directed
4752 to implement a program of statewide assessment testing which shall
4753 provide for the improvement of the operation and management of the
4754 public schools. The statewide program shall be timed, as far as
4755 possible, so as not to conflict with ongoing district assessment
4756 programs. As part of the program, the department shall:

4757 (a) Establish, with the approval of the State Board of
4758 Education, minimum performance standards related to the goals for



4759 education contained in the state's plan including, but not limited
4760 to, basic skills in reading, writing and mathematics. The minimum
4761 performance standards shall be approved by April 1 in each year
4762 they are established.

4763 (b) Conduct a uniform statewide testing program in
4764 grades deemed appropriate in the public schools, including charter
4765 schools, which shall include the administration of a
4766 career-readiness assessment, such as, but not limited to, the ACT
4767 WorkKeys Assessment, deemed appropriate by the Mississippi
4768 Department of Education working in coordination with the Office of
4769 Workforce Development, to any students electing to take the
4770 assessment. Each individual school district shall determine
4771 whether the assessment is administered in the tenth, eleventh or
4772 twelfth grade. The program may test skill areas, basic skills and
4773 high school course content.

4774 (c) Monitor the results of the assessment program and,
4775 at any time the composite student performance of a school or basic
4776 program is found to be below the established minimum standards,
4777 notify the district superintendent or the governing board of the
4778 charter school, as the case may be, the school principal and the
4779 school advisory committee or other existing parent group of the
4780 situation within thirty (30) days of its determination. The
4781 department shall further provide technical assistance to a school
4782 district in the identification of the causes of this deficiency
4783 and shall recommend courses of action for its correction.



4784 (d) Provide technical assistance to the school
4785 districts, when requested, in the development of student
4786 performance standards in addition to the established minimum
4787 statewide standards.

4788 (e) Issue security procedure regulations providing for
4789 the security and integrity of the tests that are administered
4790 under the basic skills assessment program.

4791 (f) In case of an allegation of a testing irregularity
4792 that prompts a need for an investigation by the Department of
4793 Education, the department may, in its discretion, take complete
4794 control of the statewide test administration in a school district
4795 or any part thereof, including, but not limited to, obtaining
4796 control of the test booklets and answer documents. In the case of
4797 any verified testing irregularity that jeopardized the security
4798 and integrity of the test(s), validity or the accuracy of the test
4799 results, the cost of the investigation and any other actual and
4800 necessary costs related to the investigation paid by the
4801 Department of Education shall be reimbursed by the local school
4802 district from funds other than federal funds, total funding
4803 formula funds provided in Sections 37-151-200 through 37-151-215,
4804 or any other state funds within six (6) months from the date of
4805 notice by the department to the school district to make
4806 reimbursement to the department.

4807 (2) Uniform basic skills tests shall be completed by each
4808 student in the appropriate grade. These tests shall be



4809 administered in such a manner as to preserve the integrity and
4810 validity of the assessment. In the event of excused or unexcused
4811 student absences, make-up tests shall be given. The school
4812 superintendent of every school district in the state and the
4813 principal of each charter school shall annually certify to the
4814 State Department of Education that each student enrolled in the
4815 appropriate grade has completed the required basic skills
4816 assessment test for his or her grade in a valid test
4817 administration.

4818 (3) Within five (5) days of completing the administration of
4819 a statewide test, the principal of the school where the test was
4820 administered shall certify under oath to the State Department of
4821 Education that the statewide test was administered in strict
4822 accordance with the Requirements of the Mississippi Statewide
4823 Assessment System as adopted by the State Board of Education. The
4824 principal's sworn certification shall be set forth on a form
4825 developed and approved by the Department of Education. If,
4826 following the administration of a statewide test, the principal
4827 has reason to believe that the test was not administered in strict
4828 accordance with the Requirements of the Mississippi Statewide
4829 Assessment System as adopted by the State Board of Education, the
4830 principal shall submit a sworn certification to the Department of
4831 Education setting forth all information known or believed by the
4832 principal about all potential violations of the Requirements of
4833 the Mississippi Statewide Assessment System as adopted by the



4834 State Board of Education. The submission of false information or
4835 false certification to the Department of Education by any licensed
4836 educator may result in licensure disciplinary action pursuant to
4837 Section 37-3-2 and criminal prosecution pursuant to Section
4838 37-16-4.

4839 **SECTION 53.** Section 37-17-6, Mississippi Code of 1972, is
4840 brought forward as follows:

4841 37-17-6. (1) The State Board of Education, acting through
4842 the Commission on School Accreditation, shall establish and
4843 implement a permanent performance-based accreditation system, and
4844 all noncharter public elementary and secondary schools shall be
4845 accredited under this system.

4846 (2) School districts shall be required to provide school
4847 classroom space that is air-conditioned as a minimum requirement
4848 for accreditation.

4849 (3) (a) The State Board of Education, acting through the
4850 Commission on School Accreditation, shall require that school
4851 districts employ certified school librarians according to the
4852 following formula:

4853	Number of Students	Number of Certified
4854	Per School Library	School Librarians
4855	0 - 499 Students	1/2 Full-time Equivalent
4856		Certified Librarian
4857	500 or More Students	1 Full-time Certified
4858		Librarian



4859 (b) The State Board of Education, however, may increase
4860 the number of positions beyond the above requirements.

4861 (c) The assignment of certified school librarians to
4862 the particular schools shall be at the discretion of the local
4863 school district. No individual shall be employed as a certified
4864 school librarian without appropriate training and certification as
4865 a school librarian by the State Department of Education.

4866 (d) School librarians in the district shall spend at
4867 least fifty percent (50%) of direct work time in a school library
4868 and shall devote no more than one-fourth (1/4) of the workday to
4869 administrative activities that are library related.

4870 (e) Nothing in this subsection shall prohibit any
4871 school district from employing more certified school librarians
4872 than are provided for in this section.

4873 (f) Any additional millage levied to fund school
4874 librarians required for accreditation under this subsection shall
4875 be included in the tax increase limitation set forth in Sections
4876 37-57-105 and 37-57-107 and shall not be deemed a new program for
4877 purposes of the limitation.

4878 (4) [Deleted]

4879 (5) (a) The State Department of Education, acting through
4880 the Mississippi Commission on School Accreditation, shall
4881 implement a single "A" through "F" school and school district
4882 accountability system complying with applicable federal and state
4883 requirements in order to reach the following educational goals:



4884 (i) To mobilize resources and supplies to ensure
4885 that all students exit third grade reading on grade level;

4886 (ii) To reduce the student dropout rate to ten
4887 percent (10%) by 2015; and

4888 (iii) To have sixty percent (60%) of students
4889 scoring proficient and advanced on assessments.

4890 (b) The State Department of Education shall combine the
4891 state school and school district accountability system with the
4892 federal system in order to have a single system.

4893 (c) The State Department of Education shall establish
4894 five (5) performance categories ("A," "B," "C," "D" and "F") for
4895 the accountability system based on the following criteria:

4896 (i) Student Achievement: the percent of students
4897 proficient and advanced on the current state assessments;

4898 (ii) Individual student growth: the percent of
4899 students making one (1) year's progress in one (1) year's time on
4900 the state assessment, with an emphasis on the progress of the
4901 lowest twenty-five percent (25%) of students in the school or
4902 district;

4903 (iii) Four-year graduation rate: the percent of
4904 students graduating with a standard high school diploma in four
4905 (4) years, as defined by federal regulations;

4906 (iv) The system shall include the federally
4907 compliant four-year graduation rate in school and school district
4908 accountability system calculations. Graduation rate will apply to



4909 high school and school district accountability ratings as a
4910 compensatory component. The system shall discontinue the use of
4911 the High School Completer Index (HSCI);

4912 (v) The school and school district accountability
4913 system shall incorporate a standards-based growth model, in order
4914 to support improvement of individual student learning;

4915 (vi) The State Department of Education shall
4916 determine feeder patterns of schools that do not earn a school
4917 grade because the grades and subjects taught at the school do not
4918 have statewide standardized assessments needed to calculate a
4919 school grade. Upon determination of the feeder pattern, the
4920 department shall notify schools and school districts prior to the
4921 release of the school grades. Feeder schools will be assigned the
4922 accountability designation of the school to which they provide
4923 students;

4924 (vii) Standards for student, school and school
4925 district performance will be increased when student proficiency is
4926 at a seventy-five percent (75%) and/or when sixty-five percent
4927 (65%) of the schools and/or school districts are earning a grade
4928 of "B" or higher, in order to raise the standard on performance
4929 after targets are met; and

4930 (viii) The system shall include student
4931 performance on the administration of a career-readiness
4932 assessment, such as, but not limited to, the ACT WorkKeys
4933 Assessment, deemed appropriate by the State Department of



4934 Education working in coordination with the Office of Workforce
4935 Development.

4936 (6) Nothing in this section shall be deemed to require a
4937 nonpublic school that receives no local, state or federal funds
4938 for support to become accredited by the State Board of Education.

4939 (7) The State Board of Education shall create an
4940 accreditation audit unit under the Commission on School
4941 Accreditation to determine whether schools are complying with
4942 accreditation standards.

4943 (8) The State Board of Education shall be specifically
4944 authorized and empowered to withhold allocations from the total
4945 funding formula funds as provided in Sections 37-151-200 through
4946 37-151-215 to any public school district for failure to timely
4947 report student, school personnel and fiscal data necessary to meet
4948 state and/or federal requirements.

4949 (9) [Deleted]

4950 (10) The State Board of Education shall establish, for those
4951 school districts failing to meet accreditation standards, a
4952 program of development to be complied with in order to receive
4953 state funds, except as otherwise provided in subsection (15) of
4954 this section when the Governor has declared a state of emergency
4955 in a school district or as otherwise provided in Section 206,
4956 Mississippi Constitution of 1890. The state board, in
4957 establishing these standards, shall provide for notice to schools
4958 and sufficient time and aid to enable schools to attempt to meet



4959 these standards, unless procedures under subsection (15) of this
4960 section have been invoked.

4961 (11) The State Board of Education shall be charged with the
4962 implementation of the program of development in each applicable
4963 school district as follows:

4964 (a) Develop an impairment report for each district
4965 failing to meet accreditation standards in conjunction with school
4966 district officials;

4967 (b) Notify any applicable school district failing to
4968 meet accreditation standards that it is on probation until
4969 corrective actions are taken or until the deficiencies have been
4970 removed. The local school district shall develop a corrective
4971 action plan to improve its deficiencies. For district academic
4972 deficiencies, the corrective action plan for each such school
4973 district shall be based upon a complete analysis of the following:
4974 student test data, student grades, student attendance reports,
4975 student dropout data, existence and other relevant data. The
4976 corrective action plan shall describe the specific measures to be
4977 taken by the particular school district and school to improve:
4978 (i) instruction; (ii) curriculum; (iii) professional development;
4979 (iv) personnel and classroom organization; (v) student incentives
4980 for performance; (vi) process deficiencies; and (vii) reporting to
4981 the local school board, parents and the community. The corrective
4982 action plan shall describe the specific individuals responsible
4983 for implementing each component of the recommendation and how each



4984 will be evaluated. All corrective action plans shall be provided
4985 to the State Board of Education as may be required. The decision
4986 of the State Board of Education establishing the probationary
4987 period of time shall be final;

4988 (c) Offer, during the probationary period, technical
4989 assistance to the school district in making corrective actions.
4990 Subject to appropriations, the State Department of Education shall
4991 provide technical and/or financial assistance to all such school
4992 districts in order to implement each measure identified in that
4993 district's corrective action plan through professional development
4994 and on-site assistance. Each such school district shall apply for
4995 and utilize all available federal funding in order to support its
4996 corrective action plan in addition to state funds made available
4997 under this paragraph;

4998 (d) Assign department personnel or contract, in its
4999 discretion, with the institutions of higher learning or other
5000 appropriate private entities with experience in the academic,
5001 finance and other operational functions of schools to assist
5002 school districts;

5003 (e) Provide for publication of public notice at least
5004 one time during the probationary period, in a newspaper published
5005 within the jurisdiction of the school district failing to meet
5006 accreditation standards, or if no newspaper is published therein,
5007 then in a newspaper having a general circulation therein. The
5008 publication shall include the following: declaration of school



5009 system's status as being on probation; all details relating to the
5010 impairment report; and other information as the State Board of
5011 Education deems appropriate. Public notices issued under this
5012 section shall be subject to Section 13-3-31 and not contrary to
5013 other laws regarding newspaper publication.

5014 (12) (a) If the recommendations for corrective action are
5015 not taken by the local school district or if the deficiencies are
5016 not removed by the end of the probationary period, the Commission
5017 on School Accreditation shall conduct a hearing to allow the
5018 affected school district to present evidence or other reasons why
5019 its accreditation should not be withdrawn. Additionally, if the
5020 local school district violates accreditation standards that have
5021 been determined by the policies and procedures of the State Board
5022 of Education to be a basis for withdrawal of school district's
5023 accreditation without a probationary period, the Commission on
5024 School Accreditation shall conduct a hearing to allow the affected
5025 school district to present evidence or other reasons why its
5026 accreditation should not be withdrawn. After its consideration of
5027 the results of the hearing, the Commission on School Accreditation
5028 shall be authorized, with the approval of the State Board of
5029 Education, to withdraw the accreditation of a public school
5030 district, and issue a request to the Governor that a state of
5031 emergency be declared in that district.

5032 (b) (i) If the State Board of Education and the
5033 Commission on School Accreditation determine that an extreme



5034 emergency situation exists in a school district that jeopardizes
5035 the safety, security or educational interests of the children
5036 enrolled in the schools in that district and that emergency
5037 situation is believed to be related to a serious violation or
5038 violations of accreditation standards or state or federal law, the
5039 State Board of Education may request the Governor to declare a
5040 state of emergency in that school district. For purposes of this
5041 paragraph, the declarations of a state of emergency district's
5042 impairments are related to a lack of financial may include the
5043 school district's serious failure to meet minimum academic
5044 standards, as evidenced by a continued pattern of poor student
5045 performance, or impairments related to a lack of financial
5046 resources.

5047 (ii) If the State Board of Education determines
5048 that a public school or district in the state which, during each
5049 of two (2) consecutive school years or during two (2) of three (3)
5050 consecutive school years, receives an "F" designation by the State
5051 Board of Education under the accountability rating system or has
5052 been persistently failing as defined by the State Board of
5053 Education; or if the State Board of Education determines that a
5054 public school or district in the state which, during each of four
5055 (4) consecutive school years, receives a "D" or "F" designation by
5056 the State Board of Education under the accountability rating
5057 system or has been persistently failing as defined by the State
5058 Board of Education; or if more than fifty percent (50%) of the



5059 schools within a school district are designated as Schools-At-Risk
5060 in any one (1) year, then the board may place such school or
5061 district into a District of Transformation. The State Board of
5062 Education shall take over only the number of schools and districts
5063 for which it has the capacity to serve. The State Board of
5064 Education shall adopt rules and regulations governing any
5065 additional requirements for placement into a District of
5066 Transformation and the operation thereof. School districts or
5067 schools that are eligible to be placed into a District of
5068 Transformation due to poor academic performance but are not
5069 absorbed due to the capacity of the State Board of Education,
5070 shall develop and implement a district improvement plan with
5071 prescriptive guidance and support from the Mississippi Department
5072 of Education, with the goal of helping the district improve
5073 student achievement. Failure of the school board, superintendent
5074 and school district staff to implement the plan with fidelity and
5075 participate in the activities provided as support by the
5076 department shall result in the school district retaining its
5077 eligibility for placement into a District of Transformation.

5078 (iii) If the State Board of Education determined
5079 that a school district is impaired with a serious lack of
5080 financial resources, the State Board of Education may place the
5081 school district into a District of Transformation. If a school
5082 district is placed into a District of Transformation for financial
5083 reasons, the school district shall be required to reimburse the



5084 state for any costs incurred by the state on behalf of the school
5085 district.

5086 (c) Whenever the Governor declares a state of emergency
5087 in a school district in response to a request made under paragraph
5088 (a) or (b) of this subsection, or when the State Board of
5089 Education places a school district into a District of
5090 Transformation due to poor academic performance or financial
5091 reasons, the State Board of Education may take one or more of the
5092 following actions:

5093 (i) Declare a state of emergency, under which some
5094 or all of state funds can be escrowed except as otherwise provided
5095 in Section 206, Constitution of 1890, until the board determines
5096 corrective actions are being taken or the deficiencies have been
5097 removed, or that the needs of students warrant the release of
5098 funds. The funds may be released from escrow for any program
5099 which the board determines to have been restored to standard even
5100 though the state of emergency may not as yet be terminated for the
5101 district as a whole;

5102 (ii) Override any decision of the local school
5103 board or superintendent of education, or both, concerning the
5104 management and operation of the school district, or initiate and
5105 make decisions concerning the management and operation of the
5106 school district;

5107 (iii) Assign an interim superintendent, or in its
5108 discretion, contract with a private entity with experience in the



5109 academic, finance and other operational functions of schools and
5110 school districts, who will have those powers and duties prescribed
5111 in subsection (15) of this section;

5112 (iv) Grant transfers to students who attend this
5113 school district so that they may attend other accredited schools
5114 or districts in a manner that is not in violation of state or
5115 federal law;

5116 (v) For states of emergency declared under
5117 paragraph (a) only, if the accreditation deficiencies are related
5118 to the fact that the school district is too small, with too few
5119 resources, to meet the required standards and if another school
5120 district is willing to accept those students, abolish that
5121 district and assign that territory to another school district or
5122 districts. If the school district has proposed a voluntary
5123 consolidation with another school district or districts, then if
5124 the State Board of Education finds that it is in the best interest
5125 of the pupils of the district for the consolidation to proceed,
5126 the voluntary consolidation shall have priority over any such
5127 assignment of territory by the State Board of Education;

5128 (vi) For actions taken pursuant to paragraph (b)
5129 only, reduce local supplements paid to school district employees,
5130 including, but not limited to, instructional personnel, assistant
5131 teachers and extracurricular activities personnel, if the
5132 district's impairment is related to a lack of financial resources,
5133 but only to an extent that will result in the salaries being



5134 comparable to districts similarly situated, as determined by the
5135 State Board of Education;

5136 (vii) For actions taken pursuant to paragraph (b)
5137 only, the State Board of Education may take any action as
5138 prescribed in Section 37-17-13.

5139 (d) At the time that satisfactory corrective action has
5140 been taken in a school district in which a state of emergency has
5141 been declared, the State Board of Education may request the
5142 Governor to declare that the state of emergency no longer exists
5143 in the district.

5144 (e) The parent or legal guardian of a school-age child
5145 who is enrolled in a school district whose accreditation has been
5146 withdrawn by the Commission on School Accreditation and without
5147 approval of that school district may file a petition in writing to
5148 a school district accredited by the Commission on School
5149 Accreditation for a legal transfer. The school district
5150 accredited by the Commission on School Accreditation may grant the
5151 transfer according to the procedures of Section 37-15-31(1)(b).
5152 In the event the accreditation of the student's home district is
5153 restored after a transfer has been approved, the student may
5154 continue to attend the transferee school district. The per pupil
5155 amount of the total funding formula allotment for the student's
5156 home school district shall be transferred monthly to the school
5157 district accredited by the Commission on School Accreditation that
5158 has granted the transfer of the school-age child.



5159 (f) Upon the declaration of a state of emergency for
5160 any school district in which the Governor has previously declared
5161 a state of emergency, the State Board of Education may either:
5162 (i) Place the school district into district
5163 transformation, in which the school district shall remain until it
5164 has fulfilled all conditions related to district transformation.
5165 If the district was assigned an accreditation rating of "D" or "F"
5166 when placed into district transformation, the district shall be
5167 eligible to return to local control when the school district has
5168 attained a "C" rating or higher for three (3) consecutive years;
5169 (ii) Abolish the school district and
5170 administratively consolidate the school district with one or more
5171 existing school districts;
5172 (iii) Reduce the size of the district and
5173 administratively consolidate parts of the district, as determined
5174 by the State Board of Education. However, no school district
5175 which is not in district transformation shall be required to
5176 accept additional territory over the objection of the district; or
5177 (iv) Require the school district to develop and
5178 implement a district improvement plan with prescriptive guidance
5179 and support from the State Department of Education, with the goal
5180 of helping the district improve student achievement. Failure of
5181 the school board, superintendent and school district staff to
5182 implement the plan with fidelity and participate in the activities



provided as support by the department shall result in the school district retaining its eligibility for district transformation.

(13) Upon the declaration of a state of emergency in a school district under subsection (12) of this section, or upon the State Board of Education's placement of a school district into a District of Transformation for academic or financial reasons, the Commission on School Accreditation shall be responsible for public notice at least once a week for at least three (3) consecutive weeks in a newspaper published within the jurisdiction of the school district failing to meet accreditation standards, or if no newspaper is published therein, then in a newspaper having a general circulation therein. The size of the notice shall be no smaller than one-fourth (1/4) of a standard newspaper page and shall be printed in bold print. If an interim superintendent has been appointed for the school district, the notice shall begin as follows: "By authority of Section 37-17-6, Mississippi Code of 1972, as amended, adopted by the Mississippi Legislature during the 1991 Regular Session, this school district (name of school district) is hereby placed under the jurisdiction of the State Department of Education acting through its appointed interim superintendent (name of interim superintendent)."

The notice also shall include, in the discretion of the State Board of Education, any or all details relating to the school district's emergency status, including the declaration of a state of emergency in the school district and a description of the



5208 district's impairment deficiencies, conditions of any district
5209 transformation status and corrective actions recommended and being
5210 taken. Public notices issued under this section shall be subject
5211 to Section 13-3-31 and not contrary to other laws regarding
5212 newspaper publication.

5213 Upon termination of a school district in a District of
5214 Transformation, the Commission on School Accreditation shall cause
5215 notice to be published in the school district in the same manner
5216 provided in this section, to include any or all details relating
5217 to the corrective action taken in the school district that
5218 resulted in the termination of the state of emergency.

5219 (14) The State Board of Education or the Commission on
5220 School Accreditation shall have the authority to require school
5221 districts to produce the necessary reports, correspondence,
5222 financial statements, and any other documents and information
5223 necessary to fulfill the requirements of this section.

5224 Nothing in this section shall be construed to grant any
5225 individual, corporation, board or interim superintendent the
5226 authority to levy taxes except in accordance with presently
5227 existing statutory provisions.

5228 (15) (a) Whenever the Governor declares a state of
5229 emergency in a school district in response to a request made under
5230 subsection (12) of this section, or when the State Board of
5231 Education places a school district into a District of
5232 Transformation for academic or financial reasons, the State Board



5233 of Education, in its discretion, may assign an interim
5234 superintendent to the school district, or in its discretion, may
5235 contract with an appropriate private entity with experience in the
5236 academic, finance and other operational functions of schools and
5237 school districts, who will be responsible for the administration,
5238 management and operation of the school district, including, but
5239 not limited to, the following activities:

5240 (i) Approving or disapproving all financial
5241 obligations of the district, including, but not limited to, the
5242 employment, termination, nonrenewal and reassignment of all
5243 licensed and nonlicensed personnel, contractual agreements and
5244 purchase orders, and approving or disapproving all claim dockets
5245 and the issuance of checks; in approving or disapproving
5246 employment contracts of superintendents, assistant superintendents
5247 or principals, the interim superintendent shall not be required to
5248 comply with the time limitations prescribed in Sections 37-9-15
5249 and 37-9-105;

5250 (ii) Supervising the day-to-day activities of the
5251 district's staff, including reassigning the duties and
5252 responsibilities of personnel in a manner which, in the
5253 determination of the interim superintendent, will best suit the
5254 needs of the district;

5255 (iii) Reviewing the district's total financial
5256 obligations and operations and making recommendations to the



5257 district for cost savings, including, but not limited to,
5258 reassigning the duties and responsibilities of staff;
5259 (iv) Attending all meetings of the district's
5260 school board and administrative staff;
5261 (v) Approving or disapproving all athletic, band
5262 and other extracurricular activities and any matters related to
5263 those activities;
5264 (vi) Maintaining a detailed account of
5265 recommendations made to the district and actions taken in response
5266 to those recommendations;
5267 (vii) Reporting periodically to the State Board of
5268 Education on the progress or lack of progress being made in the
5269 district to improve the district's impairments during the state of
5270 emergency; and
5271 (viii) Appointing a parent advisory committee,
5272 comprised of parents of students in the school district that may
5273 make recommendations to the interim superintendent concerning the
5274 administration, management and operation of the school district.
5275 The cost of the salary of the interim superintendent and any
5276 other actual and necessary costs related to district
5277 transformation status paid by the State Department of Education
5278 shall be reimbursed by the local school district from funds other
5279 than total funding formula funds as provided in Sections
5280 37-151-200 through 37-151-215. In the alternative, the local
5281 school district may pay the cost of the salary of the interim



5282 superintendent. The department shall submit an itemized statement
5283 to the superintendent of the local school district for
5284 reimbursement purposes, and any unpaid balance may be withheld
5285 from the district's funding formula funds.

5286 At the time that the Governor, in accordance with the request
5287 of the State Board of Education, declares that the state of
5288 emergency no longer exists in a school district, the interim
5289 superintendent assigned to the district shall remain in place for
5290 a period of two (2) years and shall work alongside the newly
5291 reconstituted school board. A new superintendent may be hired by
5292 the newly reconstituted board after the one (1) year state of
5293 emergency no longer exists, but he or she shall serve as deputy to
5294 the interim superintendent while the interim superintendent is
5295 assigned to the district.

5296 (b) In order to provide loans to school districts under
5297 a state of emergency or in district transformation status that
5298 have impairments related to a lack of financial resources, the
5299 School District Emergency Assistance Fund is created as a special
5300 fund in the State Treasury into which monies may be transferred or
5301 appropriated by the Legislature from any available public
5302 education funds. Funds in the School District Emergency
5303 Assistance Fund up to a maximum balance of Three Million Dollars
5304 (\$3,000,000.00) annually shall not lapse but shall be available
5305 for expenditure in subsequent years subject to approval of the
5306 State Board of Education. Any amount in the fund in excess of



5307 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
5308 year shall lapse into the State General Fund or the Education
5309 Enhancement Fund, depending on the source of the fund.

5310 The State Board of Education may loan monies from the School
5311 District Emergency Assistance Fund to a school district that is
5312 under a state of emergency or in district transformation status,
5313 in those amounts, as determined by the board, that are necessary
5314 to correct the district's impairments related to a lack of
5315 financial resources. The loans shall be evidenced by an agreement
5316 between the school district and the State Board of Education and
5317 shall be repayable in principal, without necessity of interest, to
5318 the School District Emergency Assistance Fund by the school
5319 district from any allowable funds that are available. The total
5320 amount loaned to the district shall be due and payable within five
5321 (5) years after the impairments related to a lack of financial
5322 resources are corrected. If a school district fails to make
5323 payments on the loan in accordance with the terms of the agreement
5324 between the district and the State Board of Education, the State
5325 Department of Education, in accordance with rules and regulations
5326 established by the State Board of Education, may withhold that
5327 district's total funding formula funds in an amount and manner
5328 that will effectuate repayment consistent with the terms of the
5329 agreement; the funds withheld by the department shall be deposited
5330 into the School District Emergency Assistance Fund.



5331 The State Board of Education shall develop a protocol that
5332 will outline the performance standards and requisite timeline
5333 deemed necessary for extreme emergency measures. If the State
5334 Board of Education determines that an extreme emergency exists,
5335 simultaneous with the powers exercised in this subsection, it
5336 shall take immediate action against all parties responsible for
5337 the affected school districts having been determined to be in an
5338 extreme emergency. The action shall include, but not be limited
5339 to, initiating civil actions to recover funds and criminal actions
5340 to account for criminal activity. Any funds recovered by the
5341 State Auditor or the State Board of Education from the surety
5342 bonds of school officials or from any civil action brought under
5343 this subsection shall be applied toward the repayment of any loan
5344 made to a school district hereunder.

5345 (16) [Deleted]

5346 (17) [Deleted]

5347 (18) The State Board of Education, acting through the
5348 Commission on School Accreditation, shall require each school
5349 district to comply with standards established by the State
5350 Department of Audit for the verification of fixed assets and the
5351 auditing of fixed assets records as a minimum requirement for
5352 accreditation.

5353 (19) [Deleted]

5354 (20) [Deleted]



5355 (21) If a local school district is determined as failing and
5356 placed into district transformation status for reasons authorized
5357 by the provisions of this section, the interim superintendent
5358 appointed to the district shall, within forty-five (45) days after
5359 being appointed, present a detailed and structured corrective
5360 action plan to move the local school district out of district
5361 transformation status to the deputy superintendent. A copy of the
5362 interim superintendent's corrective action plan shall also be
5363 filed with the State Board of Education.

5364 **SECTION 54.** Section 37-19-7, Mississippi Code of 1972, is
5365 brought forward as follows:

5366 37-19-7. (1) Teachers' salaries in each public school
5367 district shall be determined and paid in accordance with the scale
5368 for teachers' salaries as provided in this subsection. For
5369 teachers holding the following types of licenses or the equivalent
5370 as determined by the State Board of Education, and the following
5371 number of years of teaching experience, the scale shall be as
5372 follows:

5373 **2022-2023 AND SUBSEQUENT SCHOOL YEARS MINIMUM SALARY SCHEDULE**

5374	Exp.	AAAA	AAA	AA	A
5375	0	45,500.00	44,000.00	43,000.00	41,500.00
5376	1	46,100.00	44,550.00	43,525.00	41,900.00
5377	2	46,700.00	45,100.00	44,050.00	42,300.00
5378	3	47,300.00	45,650.00	44,575.00	42,700.00
5379	4	47,900.00	46,200.00	45,100.00	43,100.00



5380	5	49,250.00	47,500.00	46,350.00	44,300.00
5381	6	49,850.00	48,050.00	46,875.00	44,700.00
5382	7	50,450.00	48,600.00	47,400.00	45,100.00
5383	8	51,050.00	49,150.00	47,925.00	45,500.00
5384	9	51,650.00	49,700.00	48,450.00	45,900.00
5385	10	53,000.00	51,000.00	49,700.00	47,100.00
5386	11	53,600.00	51,550.00	50,225.00	47,500.00
5387	12	54,200.00	52,100.00	50,750.00	47,900.00
5388	13	54,800.00	52,650.00	51,275.00	48,300.00
5389	14	55,400.00	53,200.00	51,800.00	48,700.00
5390	15	56,750.00	54,500.00	53,050.00	49,900.00
5391	16	57,350.00	55,050.00	53,575.00	50,300.00
5392	17	57,950.00	55,600.00	54,100.00	50,700.00
5393	18	58,550.00	56,150.00	54,625.00	51,100.00
5394	19	59,150.00	56,700.00	55,150.00	51,500.00
5395	20	60,500.00	58,000.00	56,400.00	52,700.00
5396	21	61,100.00	58,550.00	56,925.00	53,100.00
5397	22	61,700.00	59,100.00	57,450.00	53,500.00
5398	23	62,300.00	59,650.00	57,975.00	53,900.00
5399	24	62,900.00	60,200.00	58,500.00	54,300.00
5400	25	65,400.00	62,700.00	61,000.00	56,800.00
5401	26	66,000.00	63,250.00	61,525.00	57,200.00
5402	27	66,600.00	63,800.00	62,050.00	57,600.00
5403	28	67,200.00	64,350.00	62,575.00	58,000.00
5404	29	67,800.00	64,900.00	63,100.00	58,400.00



5405	30	68,400.00	65,450.00	63,625.00	58,800.00
5406	31	69,000.00	66,000.00	64,150.00	59,200.00
5407	32	69,600.00	66,550.00	64,675.00	59,600.00
5408	33	70,200.00	67,100.00	65,200.00	60,000.00
5409	34	70,800.00	67,650.00	65,725.00	60,400.00
5410	35				
5411	& above	71,400.00	68,200.00	66,250.00	60,800.00

5412 **2024-2025 AND SUBSEQUENT SCHOOL YEARS MINIMUM SALARY SCHEDULE**

5413 The school district, with assistance from the Department of
5414 Education, shall consider the teacher's years of service and
5415 license type and determine the corresponding salary for the
5416 retired teacher. After determining the retired teacher's
5417 corresponding salary, the school district may allocate up to one
5418 hundred twenty-five percent (125%) of the amount provided under
5419 the salary schedule for such teacher, as applicable, as salary and
5420 assessment under the program.

5421 After determining the retired teacher's salary, the school
5422 district may pay no more than fifty percent (50%) of the retired
5423 teacher's compensation as salary to the retired teacher. The
5424 remaining fifty percent (50%) of the retired teacher's
5425 compensation as salary shall be paid by the school district to
5426 PERS as a pension liability participation assessment.

5427 It is the intent of the Legislature that any state funds made
5428 available for salaries of licensed personnel in excess of the
5429 funds paid for such salaries for the 1986-1987 school year shall



5430 be paid to licensed personnel pursuant to a personnel appraisal
5431 and compensation system implemented by the State Board of
5432 Education. The State Board of Education shall have the authority
5433 to adopt and amend rules and regulations as are necessary to
5434 establish, administer and maintain the system.

5435 All teachers employed on a full-time basis shall be paid a
5436 minimum salary in accordance with the above scale. However, no
5437 school district shall receive any funds under this section for any
5438 school year during which the local supplement paid to any
5439 individual teacher shall have been reduced to a sum less than that
5440 paid to that individual teacher for performing the same duties
5441 from local supplement during the immediately preceding school
5442 year. The amount actually spent for the purposes of group health
5443 and/or life insurance shall be considered as a part of the
5444 aggregate amount of local supplement but shall not be considered a
5445 part of the amount of individual local supplement.

5446 The level of professional training of each teacher to be used
5447 in establishing the salary for the teacher for each year shall be
5448 determined by the type of valid teacher's license issued to that
5449 teacher on or before October 1 of the current school year.
5450 However, school districts are authorized, in their discretion, to
5451 negotiate the salary levels applicable to licensed employees who
5452 are receiving retirement benefits from the retirement system of
5453 another state.



5454 (2) (a) The following employees shall receive an annual
5455 salary supplement in the amount of Six Thousand Dollars
5456 (\$6,000.00), plus fringe benefits, in addition to any other
5457 compensation to which the employee may be entitled:

5458 (i) Any licensed teacher or retired teacher
5459 employed by a school district under the authority of Section
5460 25-11-126 who has met the requirements and acquired a Master
5461 Teacher certificate from the National Board for Professional
5462 Teaching Standards and who is employed by a local school board or
5463 the State Board of Education as a teacher and not as an
5464 administrator. Such teacher shall submit documentation to the
5465 State Department of Education that the certificate was received
5466 prior to October 15 in order to be eligible for the full salary
5467 supplement in the current school year, or the teacher shall submit
5468 such documentation to the State Department of Education prior to
5469 February 15 in order to be eligible for a prorated salary
5470 supplement beginning with the second term of the school year.

5471 (ii) A licensed nurse who has met the requirements
5472 and acquired a certificate from the National Board for
5473 Certification of School Nurses, Inc., and who is employed by a
5474 local school board or the State Board of Education as a school
5475 nurse and not as an administrator. The licensed school nurse
5476 shall submit documentation to the State Department of Education
5477 that the certificate was received before October 15 in order to be
5478 eligible for the full salary supplement in the current school



5479 year, or the licensed school nurse shall submit the documentation
5480 to the State Department of Education before February 15 in order
5481 to be eligible for a prorated salary supplement beginning with the
5482 second term of the school year.

5483 (iii) Any licensed school counselor who has met
5484 the requirements and acquired a National Certified School
5485 Counselor (NCSC) endorsement from the National Board of Certified
5486 Counselors and who is employed by a local school board or the
5487 State Board of Education as a counselor and not as an
5488 administrator. Such licensed school counselor shall submit
5489 documentation to the State Department of Education that the
5490 endorsement was received prior to October 15 in order to be
5491 eligible for the full salary supplement in the current school
5492 year, or the licensed school counselor shall submit such
5493 documentation to the State Department of Education prior to
5494 February 15 in order to be eligible for a prorated salary
5495 supplement beginning with the second term of the school year.
5496 However, any school counselor who started the National Board for
5497 Professional Teaching Standards process for school counselors
5498 between June 1, 2003, and June 30, 2004, and completes the
5499 requirements and acquires the Master Teacher certificate shall be
5500 entitled to the master teacher supplement, and those counselors
5501 who complete the process shall be entitled to a one-time
5502 reimbursement for the actual cost of the process as outlined in
5503 paragraph (b) of this subsection.



5504 (iv) Any licensed speech-language pathologist and
5505 audiologist who has met the requirements and acquired a
5506 Certificate of Clinical Competence from the American
5507 Speech-Language-Hearing Association and any certified academic
5508 language therapist (CALT) who has met the certification
5509 requirements of the Academic Language Therapy Association and who
5510 is employed by a local school board. The licensed speech-language
5511 pathologist and audiologist and certified academic language
5512 therapist shall submit documentation to the State Department of
5513 Education that the certificate or endorsement was received before
5514 October 15 in order to be eligible for the full salary supplement
5515 in the current school year, or the licensed speech-language
5516 pathologist and audiologist and certified academic language
5517 therapist shall submit the documentation to the State Department
5518 of Education before February 15 in order to be eligible for a
5519 prorated salary supplement beginning with the second term of the
5520 school year.

5521 (v) Any licensed athletic trainer who has met the
5522 requirements and acquired Board Certification for the Athletic
5523 Trainer from the Board of Certification, Inc., and who is employed
5524 by a local school board or the State Board of Education as an
5525 athletic trainer and not as an administrator. The licensed
5526 athletic trainer shall submit documentation to the State
5527 Department of Education that the certificate was received before
5528 October 15 in order to be eligible for the full salary supplement



5529 in the current school year, or the licensed athletic trainer shall
5530 submit the documentation to the State Department of Education
5531 before February 15 in order to be eligible for a prorated salary
5532 supplement beginning with the second term of the school year.

5533 (b) An employee shall be reimbursed for the actual cost
5534 of completing each component of acquiring the certificate or
5535 endorsement, excluding any costs incurred for postgraduate
5536 courses, not to exceed Five Hundred Dollars (\$500.00) for each
5537 component, not to exceed four (4) components, for a teacher,
5538 school counselor or speech-language pathologist and audiologist,
5539 regardless of whether or not the process resulted in the award of
5540 the certificate or endorsement. A local school district or any
5541 private individual or entity may pay the cost of completing the
5542 process of acquiring the certificate or endorsement for any
5543 employee of the school district described under paragraph (a), and
5544 the State Department of Education shall reimburse the school
5545 district for such cost, regardless of whether or not the process
5546 resulted in the award of the certificate or endorsement. If a
5547 private individual or entity has paid the cost of completing the
5548 process of acquiring the certificate or endorsement for an
5549 employee, the local school district may agree to directly
5550 reimburse the individual or entity for such cost on behalf of the
5551 employee.

5552 (c) All salary supplements, fringe benefits and process
5553 reimbursement authorized under this subsection shall be paid



5554 directly by the State Department of Education to the local school
5555 district and shall be in addition to its allotments from the total
5556 funding formula provided in Sections 37-151-200 through 37-151-215
5557 and not a part thereof in accordance with regulations promulgated
5558 by the State Board of Education. Local school districts shall not
5559 reduce the local supplement paid to any employee receiving such
5560 salary supplement, and the employee shall receive any local
5561 supplement to which employees with similar training and experience
5562 otherwise are entitled. However, an educational employee shall
5563 receive the salary supplement in the amount of Six Thousand
5564 Dollars (\$6,000.00) for only one (1) of the qualifying
5565 certifications authorized under paragraph (a) of this subsection.
5566 No school district shall provide more than one (1) annual salary
5567 supplement under the provisions of this subsection to any one (1)
5568 individual employee holding multiple qualifying national
5569 certifications.

5570 (d) If an employee for whom such cost has been paid, in
5571 full or in part, by a local school district or private individual
5572 or entity fails to complete the certification or endorsement
5573 process, the employee shall be liable to the school district or
5574 individual or entity for all amounts paid by the school district
5575 or individual or entity on behalf of that employee toward his or
5576 her certificate or endorsement.

5577 (3) The following employees shall receive an annual salary
5578 supplement in the amount of Four Thousand Dollars (\$4,000.00),



5579 plus fringe benefits, in addition to any other compensation to
5580 which the employee may be entitled:

5581 Effective July 1, 2016, if funds are available for that
5582 purpose, any licensed teacher or retired teacher employed by a
5583 local school district under the authority of Section 25-11-126 who
5584 has met the requirements and acquired a Master Teacher Certificate
5585 from the National Board for Professional Teaching Standards and
5586 who is employed in a public school district located in one (1) of
5587 the following counties: Claiborne, Adams, Jefferson, Wilkinson,
5588 Amite, Bolivar, Coahoma, Leflore, Quitman, Sharkey, Issaquena,
5589 Sunflower, Washington, Holmes, Yazoo and Tallahatchie. The salary
5590 supplement awarded under the provisions of this subsection (3)
5591 shall be in addition to the salary supplement awarded under the
5592 provisions of subsection (2) of this section.

5593 Teachers who meet the qualifications for a salary supplement
5594 under this subsection (3) who are assigned for less than one (1)
5595 full year or less than full time for the school year shall receive
5596 the salary supplement in a prorated manner, with the portion of
5597 the teacher's assignment to the critical geographic area to be
5598 determined as of June 15th of the school year.

5599 (4) (a) This subsection shall be known and may be cited as
5600 the "Mississippi Performance-Based Pay (MPBP)" plan. In addition
5601 to the minimum base pay described in this section, only if funds
5602 are available for that purpose, the State of Mississippi may
5603 provide monies from state funds to school districts for the



5604 purposes of rewarding licensed teachers, administrators and
5605 nonlicensed personnel at individual schools showing improvement in
5606 student test scores. The MPBP plan shall be developed by the
5607 State Department of Education based on the following criteria:

5608 (i) It is the express intent of this legislation
5609 that the MPBP plan shall utilize only existing standards of
5610 accreditation and assessment as established by the State Board of
5611 Education.

5612 (ii) To ensure that all of Mississippi's teachers,
5613 administrators and nonlicensed personnel at all schools have equal
5614 access to the monies set aside in this section, the MPBP program
5615 shall be designed to calculate each school's performance as
5616 determined by the school's increase in scores from the prior
5617 school year. The MPBP program shall be based on a standardized
5618 scores rating where all levels of schools can be judged in a
5619 statistically fair and reasonable way upon implementation. At the
5620 end of each year, after all student achievement scores have been
5621 standardized, the State Department of Education shall implement
5622 the MPBP plan.

5623 (iii) To ensure all teachers cooperate in the
5624 spirit of teamwork, individual schools shall submit a plan to the
5625 local school district to be approved before the beginning of each
5626 school year. The plan shall include, but not be limited to, how
5627 all teachers, regardless of subject area, and administrators will



5628 be responsible for improving student achievement for their
5629 individual school.

5630 (b) The State Board of Education shall develop the
5631 processes and procedures for designating schools eligible to
5632 participate in the MPBP. State assessment results, growth in
5633 student achievement at individual schools and other measures
5634 deemed appropriate in designating successful student achievement
5635 shall be used in establishing MPBP criteria.

5636 (5) (a) If funds are available for that purpose, each
5637 school in Mississippi shall have mentor teachers, as defined by
5638 Sections 37-9-201 through 37-9-213, who shall receive additional
5639 base compensation provided for by the State Legislature in the
5640 amount of One Thousand Dollars (\$1,000.00) per each beginning
5641 teacher that is being mentored. The additional state compensation
5642 shall be limited to those mentor teachers that provide mentoring
5643 services to beginning teachers. For the purposes of such funding,
5644 a beginning teacher shall be defined as any teacher in any school
5645 in Mississippi that has less than one (1) year of classroom
5646 experience teaching in a public school. For the purposes of such
5647 funding, no full-time academic teacher shall mentor more than two
5648 (2) beginning teachers.

5649 (b) To be eligible for this state funding, the
5650 individual school must have a classroom management program
5651 approved by the local school board.



(6) Effective with the 2014-2015 school year, the school districts participating in the Pilot Performance-Based Compensation System pursuant to Section 37-19-9 may award additional teacher and administrator pay based thereon.

SECTION 55. Section 37-21-6, Mississippi Code of 1972, is brought forward as follows:

37-21-6. The Mississippi Early Childhood Education Program shall be the kindergarten program implemented by local school districts.

SECTION 56. Section 37-21-7, Mississippi Code of 1972, is brought forward as follows:

37-21-7. (1) This section shall be referred to as the "Mississippi Elementary Schools Assistant Teacher Program," the purpose of which shall be to provide an early childhood education program that assists in the instruction of basic skills. The State Board of Education is authorized, empowered and directed to implement a statewide system of assistant teachers in kindergarten classes and in the first, second and third grades. The assistant teacher shall assist pupils in actual instruction under the strict supervision of a licensed teacher.

(2) (a) Except as otherwise authorized under subsection (7), each school district shall employ the total number of assistant teachers funded under subsection (6) of this section. The superintendent of each district shall assign the assistant teachers to the kindergarten, first-, second- and third-grade



5677 classes in the district in a manner that will promote the maximum
5678 efficiency, as determined by the superintendent, in the
5679 instruction of skills such as verbal and linguistic skills,
5680 logical and mathematical skills, and social skills.

5681 (b) If a licensed teacher to whom an assistant teacher
5682 has been assigned is required to be absent from the classroom, the
5683 assistant teacher may assume responsibility for the classroom in
5684 lieu of a substitute teacher. However, no assistant teacher shall
5685 assume sole responsibility of the classroom for more than three
5686 (3) consecutive school days. Further, in no event shall any
5687 assistant teacher be assigned to serve as a substitute teacher for
5688 any teacher other than the licensed teacher to whom that assistant
5689 teacher has been assigned.

5690 (3) Assistant teachers shall have, at a minimum, a high
5691 school diploma or a High School Equivalency Diploma equivalent,
5692 and shall show demonstratable proficiency in reading and writing
5693 skills. The State Department of Education shall develop a testing
5694 procedure for assistant teacher applicants to be used in all
5695 school districts in the state.

5696 (4) (a) In order to receive funding, each school district
5697 shall:

5698 (i) Submit a plan on the implementation of a
5699 reading improvement program to the State Department of Education;
5700 and



5701 (ii) Develop a plan of educational accountability
5702 and assessment of performance, including pretests and posttests,
5703 for reading in Grades 1 through 6.

5704 (b) Additionally, each school district shall:

5705 (i) Provide annually a mandatory preservice
5706 orientation session, using an existing in-school service day, for
5707 administrators and teachers on the effective use of assistant
5708 teachers as part of a team in the classroom setting and on the
5709 role of assistant teachers, with emphasis on program goals;

5710 (ii) Hold periodic workshops for administrators
5711 and teachers on the effective use and supervision of assistant
5712 teachers;

5713 (iii) Provide training annually on specific
5714 instructional skills for assistant teachers;

5715 (iv) Annually evaluate their program in accordance
5716 with their educational accountability and assessment of
5717 performance plan; and

5718 (v) Designate the necessary personnel to supervise
5719 and report on their program.

5720 (5) The State Department of Education shall:

5721 (a) Develop and assist in the implementation of a
5722 statewide uniform training module, subject to the availability of
5723 funds specifically appropriated therefor by the Legislature, which
5724 shall be used in all school districts for training administrators,
5725 teachers and assistant teachers. The module shall provide for the



5726 consolidated training of each assistant teacher and teacher to
5727 whom the assistant teacher is assigned, working together as a
5728 team, and shall require further periodic training for
5729 administrators, teachers and assistant teachers regarding the role
5730 of assistant teachers;

5731 (b) Annually evaluate the program on the district and
5732 state level. Subject to the availability of funds specifically
5733 appropriated therefor by the Legislature, the department shall
5734 develop: (i) uniform evaluation reports, to be performed by the
5735 principal or assistant principal, to collect data for the annual
5736 overall program evaluation conducted by the department; or (ii) a
5737 program evaluation model that, at a minimum, addresses process
5738 evaluation; and

5739 (c) Promulgate rules, regulations and such other
5740 standards deemed necessary to effectuate the purposes of this
5741 section. Noncompliance with the provisions of this section and
5742 any rules, regulations or standards adopted by the department may
5743 result in a violation of compulsory accreditation standards as
5744 established by the State Board of Education and the Commission on
5745 School Accreditation.

5746 (6) Each school district shall be allotted sufficient
5747 funding under the total funding formula provided in Sections
5748 37-151-200 through 37-151-215 for the purpose of employing
5749 assistant teachers. No assistant teacher shall be paid less than
5750 the amount he or she received in the prior school year. No school



district shall receive any funds under this section for any school year during which the aggregate amount of the local contribution to the salaries of assistant teachers by the district shall have been reduced below such amount for the previous year.

For assistant teachers, the minimum annual salary shall be as follows:

2022-2023 and Subsequent Years Minimum Salary.....\$17,000.00

In addition, for each one percent (1%) that the Sine Die General Fund Revenue Estimate Growth exceeds five percent (5%) in fiscal year 2006, as certified by the Legislative Budget Office to the State Board of Education and subject to the specific appropriation therefor by the Legislature, the State Board of Education shall revise the salary scale in the appropriate year to provide an additional one percent (1%) across-the-board increase in the base salaries for assistant teachers. The State Board of Education shall revise the salaries prescribed above for assistant teachers to conform to any adjustments made in prior fiscal years due to revenue growth over and above five percent (5%). The assistant teachers shall not be restricted to working only in the grades for which the funds were allotted, but may be assigned to other classes as provided in subsection (2)(a) of this section.

(7) (a) As an alternative to employing assistant teachers, any school district may use the funding provided under subsection (6) of this section for the purpose of employing licensed teachers for kindergarten, first-, second- and third-grade classes;



5776 however, no school district shall be authorized to use the funding
5777 for assistant teachers for the purpose of employing licensed
5778 teachers unless the district has established that the employment
5779 of licensed teachers using such funds will reduce the
5780 teacher:student ratio in the kindergarten, first-, second- and
5781 third-grade classes. All state funds for assistant teachers shall
5782 be applied to reducing teacher:student ratio in Grades K-3.

5783 It is the intent of the Legislature that no school district
5784 shall dismiss any assistant teacher for the purpose of using the
5785 assistant teacher funding to employ licensed teachers. School
5786 districts may rely only upon normal attrition to reduce the number
5787 of assistant teachers employed in that district.

5788 (b) Districts meeting the highest levels of
5789 accreditation standards, as defined by the State Board of
5790 Education, shall be exempted from the provisions of subsection (4)
5791 of this section.

5792 **SECTION 57.** Section 37-22-5, Mississippi Code of 1972, is
5793 brought forward as follows:

5794 37-22-5. There is created an Emergency Fund Loss Assistance
5795 Program to provide temporary grants to eligible school districts.
5796 The purpose of the program shall be to provide relief to school
5797 districts suffering losses of financial assistance under federal
5798 programs, such as the IMPACT Program, designed to serve the
5799 educational needs of children of government employees and Choctaw
5800 Indian children. Any school district which has sustained losses



5801 in direct payments from the federal government for the purpose of
5802 educating the children of federal government employees and Choctaw
5803 Indian children living on United States government owned
5804 reservation land shall be entitled to an Emergency Fund Loss
5805 Assistance Grant, in the amount of the reduction of the grant
5806 funds received from the federal government from prior years. This
5807 grant shall be limited to losses resulting from reductions in the
5808 level of federal funding allocated to school districts from prior
5809 years and not from reductions resulting from a loss of students
5810 served by the school districts. Losses incurred prior to July 1,
5811 1987, shall not be considered for purposes of determining the
5812 amount of the grant. There is hereby established an Emergency
5813 Fund Loss Assistance Fund in the State Treasury which shall be
5814 used to distribute the emergency grants to school districts.
5815 Expenditures from this fund shall not exceed One Million Dollars
5816 (\$1,000,000.00) in any fiscal year. If the total of all grant
5817 entitlements from local school districts exceeds such sum, then
5818 the grants to the school districts shall be prorated accordingly.

5819 **SECTION 58.** Section 37-23-1, Mississippi Code of 1972, is
5820 brought forward as follows:

5821 37-23-1. The purpose of Sections 37-23-1 through 37-23-159
5822 is to mandate free appropriate public educational services and
5823 equipment for exceptional children in the age range three (3)
5824 through twenty (20) for whom the regular school programs are not
5825 adequate and to provide, on a permissive basis, a free appropriate



5826 public education, as a part of the state's early intervention
5827 system in accordance with regulations developed in collaboration
5828 with the agency designated as "lead agency" under Part C of the
5829 Individuals with Disabilities Education Act. The portion of the
5830 regulations developed in collaboration with the lead agency which
5831 are necessary to implement the programs under the authority of the
5832 State Board of Education shall be presented to the State Board of
5833 Education for adoption. This specifically includes, but shall not
5834 be limited to, provision for day schools for the deaf and blind of
5835 an age under six (6) years, where early training is in accordance
5836 with the most advanced and best approved scientific methods of
5837 instruction, always taking into consideration the best interests
5838 of the child and his improvement at a time during which he is most
5839 susceptible of improvement. Educational programs to exceptional
5840 children under the age of three (3) years shall be eligible for
5841 total funding formula funds provided in Sections 37-151-200
5842 through 37-151-215.

5843 All references in the laws of this state to the "Individuals
5844 with Disabilities Education Act" or to the "IDEA" shall be
5845 construed to include any subsequent amendments to that act.

5846 The educational programs and services provided for
5847 exceptional children in Sections 37-23-1 through 37-23-15,
5848 37-23-31 through 37-23-35, 37-23-61 through 37-23-75 and 37-23-77
5849 shall be designed to provide individualized appropriate special
5850 education and related services that enable a child to reach his or



5851 her appropriate and uniquely designed goals for success. The
5852 State Board of Education shall establish an accountability system
5853 for special education programs and students with disabilities.
5854 The system shall establish accountability standards for services
5855 provided to improve the educational skills designed to prepare
5856 children for life after their years in school. These standards
5857 shall be a part of the accreditation system and shall be
5858 implemented before July 1, 1996.

5859 The State Department of Education shall establish goals for
5860 the performance of children with disabilities that will promote
5861 the purpose of IDEA and are consistent, to the maximum extent
5862 appropriate, with other goals and standards for children
5863 established by the State Department of Education. Performance
5864 indicators used to assess progress toward achieving those goals
5865 that, at a minimum, address the performance of children with
5866 disabilities on assessments, drop-out rates, and graduation rates
5867 shall be developed. Every two (2) years, the progress toward
5868 meeting the established performance goals shall be reported to the
5869 public.

5870 **SECTION 59.** Section 37-23-15, Mississippi Code of 1972, is
5871 brought forward as follows:

5872 37-23-15. (1) The State Department of Education, in
5873 accordance with Sections 37-23-1 through 37-23-75, and any
5874 additional authority granted in this chapter, shall:



5875 (a) Adopt pilot programs under which certain students
5876 enrolled or enrolling in public schools in this state shall be
5877 tested for dyslexia and related disorders as may be necessary.
5878 The pilot programs shall provide that upon the request of a
5879 parent, student, school nurse, classroom teacher or other school
5880 personnel who has reason to believe that a student has a need to
5881 be tested for dyslexia, such student shall be reviewed for
5882 appropriate services. However, a student shall not be tested for
5883 dyslexia whose parent or guardian objects thereto on grounds that
5884 such testing conflicts with his conscientiously held religious
5885 beliefs.

5886 (b) In accordance with the pilot programs adopted by
5887 the State Department of Education, such school boards shall
5888 provide remediation in an appropriate multi-sensory, systematic
5889 language-based regular education program or programs, as
5890 determined by the school district, such as the Texas Scottish Rite
5891 Hospital Dyslexia Training Program, pertinent to the child's
5892 physical and educational disorders or the sensory area in need of
5893 remediation for those students who do not qualify for special
5894 education services.

5895 (c) The State Department of Education, by not later
5896 than January 1, 1997, shall make recommendations to the school
5897 boards designated for the pilot programs for the delivery of
5898 services to students who are identified as dyslexic.

5899 (d) For the purposes of this section:



5900 (i) "Dyslexia" means a language processing
5901 disorder which may be manifested by difficulty processing
5902 expressive or receptive, oral or written language despite adequate
5903 intelligence, educational exposure and cultural opportunity.
5904 Specific manifestations may occur in one or more areas, including
5905 difficulty with the alphabet, reading comprehension, writing and
5906 spelling.

5907 (ii) "Related disorders" shall include disorders
5908 similar to or related to dyslexia such as developmental auditory
5909 imperception, dysphasia, specific developmental dyslexia,
5910 dyspraxia, developmental dysgraphia and developmental spelling
5911 disability.

5912 (e) Local school districts designated for the pilot
5913 programs may utilize any source of funds other than the total
5914 funding formula funds provided in Sections 37-151-200 through
5915 37-151-215 to provide any services under this section.

5916 (f) Nothing in this section shall be construed to
5917 require any school district to implement this section unless the
5918 local school board, by resolution spread on its minutes,
5919 voluntarily agrees to comply with this section and any regulations
5920 promulgated under this section. Any local school board may
5921 withdraw from participation in the program authorized under this
5922 section by providing written notice of its determination to
5923 withdraw to the State Department of Education no later than June 1
5924 of the preceding fiscal year.



(2) State funding for the pilot programs for testing students for dyslexia shall be subject to the availability of funds specifically appropriated therefor by the Legislature.

SECTION 60. Section 37-23-69, Mississippi Code of 1972, is brought forward as follows:

37-23-69. The State Department of Education may determine and pay the amount of the financial assistance to be made available to each applicant, and see that all applicants and the programs for them meet the requirements of the program for exceptional children. No financial assistance shall exceed the obligation actually incurred by the applicant for educational costs, which shall include special education and related services as defined by the Mississippi Department of Education Policies and Procedures Regarding Children with Disabilities under the federal Individuals with Disabilities Education Act (IDEA). Within the amount of available state funds for that purpose, each such applicant may receive assistance according to the following allowances:

(a) If the applicant chooses to attend a private school, a parochial school or a speech, hearing and/or language clinic having an appropriate program for the applicant, and if the school or clinic meets federal and state regulations, then the educational costs reimbursement will be one hundred percent (100%) of the first Six Hundred Dollars (\$600.00) in educational costs charged by the school or clinic; or, if the applicant is under six



5950 (6) years of age, and no program appropriate for the child exists
5951 in the public schools of his domicile, then the reimbursement
5952 shall be one hundred percent (100%) of the first Six Hundred
5953 Dollars (\$600.00) in educational costs charged by the school or
5954 clinic, and fifty percent (50%) of the next Eight Hundred Dollars
5955 (\$800.00) in educational costs charged by the school or clinic;

5956 (b) A public school district shall be reimbursed for
5957 the educational costs of an applicant up to an annual maximum
5958 based on a cost factor determined by the State Board of Education
5959 if the following conditions are met: (i) an applicant in the age
5960 range six (6) through twenty (20) requests the public school
5961 district where he resides to provide an education for him and the
5962 nature of the applicant's educational problem is such that,
5963 according to best educational practices, it cannot be met in the
5964 public school district where the child resides; (ii) the public
5965 school district decides to provide the applicant a free
5966 appropriate education by placing him in a private school, a
5967 parochial school or a speech, hearing and/or language clinic
5968 having an appropriate program for the applicant; (iii) the program
5969 meets federal and state regulations; and (iv) the applicant is
5970 approved for financial assistance by a State Level Review Board
5971 established by the State Board of Education. The Review Board
5972 will act on financial assistance requests within five (5) working
5973 days of receipt. Nothing in this paragraph shall prevent two (2)
5974 or more public school districts from forming a cooperative to meet



5975 the needs of low incidence exceptional children, nor shall the
5976 public school be relieved of its responsibility to provide an
5977 education for all children. If state monies are not sufficient to
5978 fund all applicants, there will be a ratable reduction for all
5979 recipients receiving state funds under this section. School
5980 districts may pay additional educational costs from available
5981 federal, state and local funds.

5982 If an exceptional child, as defined in Section 37-23-3, is
5983 placed in a therapeutic or other group home licensed or approved
5984 by the state that has no educational program associated with it,
5985 the local school district in which the home is located shall offer
5986 an appropriate educational program to that child.

5987 At any time that the Individualized Education Program (IEP)
5988 Committee in the district where the home is located determines
5989 that an exceptional child, as defined in Section 37-23-3, residing
5990 in that home can no longer be provided a free appropriate public
5991 education in that school district, and the State Department of
5992 Education agrees with that decision, then the State Department of
5993 Education shall recommend to the Department of Human Services
5994 placement of the child by the Department of Human Services, which
5995 shall take appropriate action. The placement of the exceptional
5996 child in the facility shall be at no cost to the local school
5997 district. Funds available under Sections 37-23-61 through
5998 37-23-77, as well as any available federal funds, may be used to
5999 provide the educational costs of the placement. If the



6000 exceptional child is under the guardianship of the Department of
6001 Human Services or another state agency, the State Department of
6002 Education shall pay only for the educational costs of that
6003 placement, and the other agency shall be responsible for the room,
6004 board and any other costs. The special education and related
6005 services provided to the child shall be in compliance with State
6006 Department of Education and any related federal regulations. The
6007 State Board of Education may promulgate regulations that are
6008 necessary to implement this section; and

6009 (c) If an appropriate local or regional system of care,
6010 including a free appropriate public education, is available for
6011 exceptional children who are currently being served in
6012 out-of-district or Department of Human Services placements under
6013 paragraph (b) of this section or Section 37-23-77, then the state
6014 funds from the State Department of Education that would have been
6015 used for those placements may be paid into a pool of funds with
6016 funds from other state agencies to be used for the implementation
6017 of the individualized plans of care for those children. If there
6018 are sufficient funds to serve additional exceptional children
6019 because of cost savings as a result of serving these students at
6020 home and/or matching the pooled funds with federal dollars, the
6021 funds may be used to implement individualized plans of care for
6022 those additional exceptional children. Each local or regional
6023 provider of services included in the individualized plans of care
6024 shall comply with all appropriate state and federal regulations.



6025 The State Board of Education may promulgate regulations that are
6026 necessary to implement this section.

6027 The State Department of Education may also provide for the
6028 payment of that financial assistance in installments and for
6029 proration of that financial assistance in the case of children
6030 attending a school or clinic for less than a full school session
6031 and, if available funds are insufficient, may allocate the
6032 available funds among the qualified applicants and local school
6033 districts by reducing the maximum assistance provided for in this
6034 section.

6035 Any monies provided an applicant under Sections 37-23-61
6036 through 37-23-75 shall be applied by the receiving educational
6037 institution as a reduction in the amount of the educational costs
6038 paid by the applicant, and the total educational costs paid by the
6039 applicant shall not exceed the total educational costs paid by any
6040 other child in similar circumstances enrolled in the same program
6041 in that institution. However, this limitation shall not prohibit
6042 the waiving of all or part of the educational costs for a limited
6043 number of children based upon demonstrated financial need, and the
6044 State Department of Education may adopt and enforce reasonable
6045 rules and regulations to carry out the intent of these provisions.

6046 **SECTION 61.** Section 37-23-109, Mississippi Code of 1972, is
6047 brought forward as follows:

6048 37-23-109. Any child development center created under the
6049 provisions of Sections 37-23-91 through 37-23-111 shall be



6050 entitled to receive all contributions and benefits allowed to the
6051 other school districts from the federal and state governments
6052 including, but not limited to, contributions on the basis of the
6053 net enrollment per child, school textbooks and school lunch
6054 program.

6055 **SECTION 62.** Section 37-23-179, Mississippi Code of 1972, is
6056 brought forward as follows:

6057 37-23-179. (1) The board shall specifically promulgate
6058 rules, regulations and guidelines which establish model programs
6059 of gifted education and also establish minimum criteria for gifted
6060 education programs. In providing programs of gifted education,
6061 the local district may use the model programs prepared by the
6062 board or may itself develop programs of gifted education which,
6063 prior to being implemented, shall be approved by the board,
6064 provided, that no such plan or program shall be approved or
6065 continued unless it meets the minimum criteria established by the
6066 board.

6067 (2) There is hereby created within the department an office
6068 for gifted education which shall be staffed by such professional,
6069 support and clerical personnel as may be necessary to implement
6070 the provisions of Sections 37-23-171 through 37-23-181.

6071 (3) All local school districts may have programs of gifted
6072 education for intellectually, creatively and/or artistically
6073 gifted students in Grades 2 through 12 and for academically gifted
6074 students in Grades 9 through 12 approved by the board. Beginning



6075 with the 1993-1994 school year, all local school districts shall
6076 have programs of gifted education for intellectually gifted
6077 students in Grade 2, subject to the approval of the State Board of
6078 Education and the availability of funds appropriated therefor by
6079 line-item. Beginning with the 1994-1995 school year, all local
6080 school districts shall have programs of gifted education for
6081 intellectually gifted students in Grades 2 and 3, subject to the
6082 approval of the State Board of Education. Beginning with the
6083 1995-1996 school year, all local school districts shall have
6084 programs of gifted education for intellectually gifted students in
6085 Grades 2, 3 and 4 subject to the approval of the State Board of
6086 Education. Beginning with the 1996-1997 school year, all local
6087 school districts shall have programs of gifted education for
6088 intellectually gifted students in Grades 2, 3, 4 and 5, subject to
6089 the approval of the State Board of Education. Beginning with the
6090 1997-1998 school year, all local school districts shall have
6091 programs of gifted education for intellectually gifted students in
6092 Grades 2, 3, 4, 5 and 6, subject to the approval of the State
6093 Board of Education. Each local school district shall include as a
6094 part of its five-year plan a description of any proposed gifted
6095 education programs of the district.

6096 **SECTION 63.** Section 37-27-55, Mississippi Code of 1972, is
6097 brought forward as follows:

6098 37-27-55. When any pupils shall attend any agricultural high
6099 school or community or junior college under the provisions of



6100 Section 37-27-51, such pupils shall be reported and accounted for
6101 the allocation of total funding formula funds provided in Sections
6102 37-151-200 through 37-151-215 and building funds just as though
6103 such pupils were attending the regular schools of the district in
6104 which they reside. For this purpose reports shall be made to the
6105 board of trustees of the school district involved by the
6106 agricultural high school or community or junior college of the
6107 number of children in net enrollment, and the net enrollment of
6108 such pupils shall thereupon be included in reports made to the
6109 county or school district. The allocation of total funding
6110 formula funds and state public school building funds shall be made
6111 for such children just as though such children were attending the
6112 regular schools of the district. However, all total funding
6113 formula funds which accrue to any district as a result of the
6114 pupils who are in attendance at such agricultural high school or
6115 community or junior college shall be paid by the board of trustees
6116 of the municipal separate school district or the county board of
6117 education, as the case may be, to the agricultural high school or
6118 community or junior college at which the pupils are in attendance,
6119 and shall be expended by said agricultural high school or
6120 community or junior college for the instruction of said pupils.
6121 Funds allotted to the school district for building purposes under
6122 Chapter 47 of this title, shall, however, be retained by the
6123 school district entitled thereto. The term "school district" as
6124 used in Sections 37-27-51 through 37-27-59 shall be defined as



6125 including all public school districts in this state and also all
6126 agricultural high schools not located on the campus of a community
6127 or junior college.

6128 **SECTION 64.** Section 37-27-57, Mississippi Code of 1972, is
6129 brought forward as follows:

6130 37-27-57. Any additional or supplemental expenses incurred
6131 by the agricultural high school or community or junior college in
6132 the instruction of such pupils above that defrayed by total
6133 funding formula funds as provided in Section 37-27-55, shall be
6134 paid either from the amounts received from the state appropriation
6135 for the support of agricultural high schools or from the tax levy
6136 for the support of such agricultural high school or community or
6137 junior college or from any other funds which such agricultural
6138 high school or community or junior college may have available for
6139 such purpose.

6140 **SECTION 65.** Section 37-28-5, Mississippi Code of 1972, is
6141 brought forward as follows:

6142 37-28-5. As used in this chapter, the following words and
6143 phrases have the meanings ascribed in this section unless the
6144 context clearly indicates otherwise:

6145 (a) "Applicant" means any person or group that develops
6146 and submits an application for a charter school to the authorizer.

6147 (b) "Application" means a proposal from an applicant to
6148 the authorizer to enter into a charter contract whereby the
6149 proposed school obtains charter school status.



6150 (c) "Authorizer" means the Mississippi Charter School
6151 Authorizer Board established under Section 37-28-7 to review
6152 applications, decide whether to approve or reject applications,
6153 enter into charter contracts with applicants, oversee charter
6154 schools, and decide whether to renew, not renew, or revoke charter
6155 contracts.

6156 (d) "Charter contract" means a fixed-term, renewable
6157 contract between a charter school and the authorizer which
6158 outlines the roles, powers, responsibilities and performance
6159 expectations for each party to the contract.

6160 (e) "Charter school" means a public school that is
6161 established and operating under the terms of charter contract
6162 between the school's governing board and the authorizer. The term
6163 "charter school" includes a conversion charter school and start-up
6164 charter school.

6165 (f) "Conversion charter school" means a charter school
6166 that existed as a noncharter public school before becoming a
6167 charter school.

6168 (g) "Education service provider" means a charter
6169 management organization, school design provider or any other
6170 partner entity with which a charter school intends to contract for
6171 educational design, implementation or comprehensive management.

6172 (h) "Governing board" means the independent board of a
6173 charter school which is party to the charter contract with the



6174 authorizer and whose members have been elected or selected
6175 pursuant to the school's application.

6176 (i) "Noncharter public school" means a public school
6177 that is under the direct management, governance and control of a
6178 school board or the state.

6179 (j) "Parent" means a parent, guardian or other person
6180 or entity having legal custody of a child.

6181 (k) "School board" means a school board exercising
6182 management and control over a local school district and the
6183 schools of that district pursuant to the State Constitution and
6184 state statutes.

6185 (l) "School district" means a governmental entity that
6186 establishes and supervises one or more public schools within its
6187 geographical limits pursuant to state statutes.

6188 (m) "Start-up charter school" means a charter school
6189 that did not exist as a noncharter public school before becoming a
6190 charter school.

6191 (n) "Student" means any child who is eligible for
6192 attendance in a public school in the state.

6193 (o) "Underserved students" means students qualifying as
6194 low-income or qualifying for a special education program under
6195 Section 37-151-201.

6196 **SECTION 66.** Section 37-28-53, Mississippi Code of 1972, is
6197 brought forward as follows:



6198 37-28-53. (1) Each charter school shall certify annually to
6199 the State Department of Education its student enrollment, net
6200 enrollment and student participation in federal programs.

6201 (2) Each charter school shall certify annually to the school
6202 board of the school district in which the charter school is
6203 located the number of enrolled charter school students residing in
6204 the school district.

6205 **SECTION 67.** Section 37-28-55, Mississippi Code of 1972, is
6206 brought forward as follows:

6207 37-28-55. (1) (a) The State Department of Education shall
6208 make payments to charter schools for each student in net
6209 enrollment at the charter school, as determined under Section
6210 37-151-207, equal to the state share of total funding formula
6211 payments for each student, as determined under Section 37-151-211.

6212 (b) Payments made pursuant to this subsection by the
6213 State Department of Education must be made at the same time and in
6214 the same manner as total funding formula payments are made to
6215 school districts under Sections 37-151-101 and 37-151-103.

6216 Amounts payable to a charter school must be determined by the
6217 State Department of Education pursuant to this section and the
6218 total funding formula. Enrollment projections made under Section
6219 37-151-207 to determine the net enrollment of a charter school for
6220 calculating the state share payment must be reconciled with a
6221 charter school's net enrollment using months two (2) and three (3)
6222 for the year for which total funding formula funds are being



6223 appropriated, and any necessary adjustments must be made to
6224 payments during the school's following year of operation. Any
6225 necessary adjustment must be based on the state share of the per
6226 pupil amount in effect for the year for which net membership did
6227 not meet enrollment projections and not any new amount
6228 appropriated for the year in which the adjustment will be made.
6229 If a charter school is closed by the authorizer before the
6230 following year, it must pay to the state any amounts due before
6231 completion of the closure.

6232 (2) (a) For students attending a charter school located in
6233 the school district in which the student resides, the school
6234 district in which the charter school is located shall pay directly
6235 to the charter school an amount as follows: the sum of the local
6236 pro rata amount, as calculated by the State Department of
6237 Education in accordance with Section 37-151-211(2)(b) (local
6238 contribution), and the local pro rata amount, as calculated by the
6239 State Department of Education in accordance with Section 37-57-105
6240 (school district operational levy), multiplied by the number of
6241 resident students enrolled in the charter school, based on the
6242 charter school's months two (2) and three (3) net enrollment of
6243 resident students for the current school year. However, the
6244 amount to the charter school may not include any taxes levied for
6245 the retirement of the local school district's bonded indebtedness
6246 or short-term notes or any taxes levied for the support of
6247 vocational-technical education programs.



6248 (b) The amount must be paid by the school district to
6249 the charter school before January 16 of the current fiscal year.
6250 If the local school district does not pay the required amount to
6251 the charter school before January 16, the State Department of
6252 Education shall reduce the local school district's January
6253 transfer of total funding formula funds by the amount owed to the
6254 charter school and shall redirect that amount to the charter
6255 school. Any such payments made under this paragraph by the State
6256 Department of Education to a charter school must be made at the
6257 same time and in the same manner as total funding formula payments
6258 are made to school districts under Sections 37-151-101 and
6259 37-151-103.

6260 (3) (a) For students attending a charter school located in
6261 a school district in which the student does not reside, the State
6262 Department of Education shall pay to the charter school in which
6263 the students are enrolled an amount as follows: the sum of the
6264 local pro rata amount, as calculated by the State Department of
6265 Education in accordance with Section 37-151-211(2) (b) (local
6266 contribution), and the local pro rata amount, as calculated by the
6267 State Department of Education in accordance with Section 37-57-105
6268 (school district operational levy), multiplied by the number of
6269 students enrolled in the charter school but residing in that
6270 district, based on the charter school's months two (2) and three
6271 (3) net enrollment of these students for the current school year.
6272 However, the amount to the charter school may not include any



6273 taxes levied for the retirement of the local school district's
6274 bonded indebtedness or short-term notes or any taxes levied for
6275 the support of vocational-technical education programs.

6276 (b) The State Department of Education shall reduce the
6277 school district's January transfer of total funding formula funds
6278 by the amount owed to the charter school and shall redirect that
6279 amount to the charter school. Any such payments made under this
6280 subsection (3) by the State Department of Education to a charter
6281 school must be made at the same time and in the same manner as
6282 total funding formula payments are made to school districts under
6283 Sections 37-151-101 and 37-151-103.

6284 (4) (a) The State Department of Education shall direct the
6285 proportionate share of monies generated under federal programs,
6286 including, but not limited to, special education, vocational,
6287 English Language Learner, and other programs, to charter schools
6288 serving students eligible for such funding. The department shall
6289 ensure that charter schools with rapidly expanding enrollments are
6290 treated equitably in the calculation and disbursement of all
6291 federal program dollars. Each charter school that serves students
6292 who may be eligible to receive services provided through such
6293 programs shall comply with all reporting requirements to receive
6294 the aid.

6295 (b) A charter school shall pay to a local school
6296 district any federal or state aid attributable to a student with a
6297 disability attending the charter school in proportion to the level



6298 of services for that student which the local school district
6299 provides directly or indirectly.

6300 (c) Subject to the approval of the authorizer, a
6301 charter school and a local school district may negotiate and enter
6302 into a contract for the provision of and payment for special
6303 education services, including, but not necessarily limited to, a
6304 reasonable reserve not to exceed five percent (5%) of the local
6305 school district's total budget for providing special education
6306 services. The reserve may be used by the local school district
6307 only to offset excess costs of providing services to students with
6308 disabilities enrolled in the charter school.

6309 (5) (a) The State Department of Education shall disburse
6310 state transportation funding to a charter school on the same basis
6311 and in the same manner as it is paid to school districts.

6312 (b) A charter school may enter into a contract with a
6313 school district or private provider to provide transportation to
6314 the school's students.

6315 (6) The State Department of Education shall disburse
6316 Education Enhancement Funds for classroom supplies, instructional
6317 materials and equipment, including computers and computer software
6318 to all eligible charter school teachers on the same basis and in
6319 the same manner as it is paid to school districts under Section
6320 37-61-33(3)(a)(iii) for the purpose of issuing procurement cards
6321 or credentials for a digital solution to eligible teachers.



6322 **SECTION 68.** Section 37-29-1, Mississippi Code of 1972, is
6323 brought forward as follows:

6324 37-29-1. (1) The creation, establishment, maintenance and
6325 operation of community colleges is authorized. Community colleges
6326 may admit students if they have earned one (1) unit less than the
6327 number of units required for high school graduation established by
6328 State Board of Education policy or have earned a High School
6329 Equivalency Diploma in courses correlated to those of senior
6330 colleges or professional schools. Subject to the provisions of
6331 Section 75-76-34, they shall offer, without limitation, education
6332 and training preparatory for occupations such as agriculture,
6333 industry of all kinds, business, homemaking and for other
6334 occupations on the semiprofessional and vocational-technical
6335 level. They may offer courses and services to students regardless
6336 of their previous educational attainment or further academic
6337 plans.

6338 (2) The boards of trustees of the community college
6339 districts are authorized to establish an early admission program
6340 under which applicants having a minimum ACT composite score of
6341 twenty-six (26) or the equivalent SAT score may be admitted as
6342 full-time college students if the principal or guidance counselor
6343 of the student recommends in writing that it is in the best
6344 educational interest of the student. Such recommendation shall
6345 also state that the student's age will not keep him from being a
6346 successful full-time college student. Students admitted in the



6347 early admission program shall not be counted for total funding
6348 formula purposes in the net enrollment of the school district in
6349 which they reside, and transportation required by a student to
6350 participate in the early admission program shall be the
6351 responsibility of the parents or legal guardians of the student.
6352 Grades and college credits earned by students admitted to the
6353 early admission program shall be recorded on the college
6354 transcript at the community college where the student attends
6355 classes, and may be released to another institution or used for
6356 college graduation requirements only after the student has
6357 successfully completed one (1) full semester of course work.

6358 (3) The community colleges shall provide, through courses or
6359 other acceptable educational measures, the general education
6360 necessary to individuals and groups which will tend to make them
6361 capable of living satisfactory lives consistent with the ideals of
6362 a democratic society.

6363 **SECTION 69.** Section 37-29-272, Mississippi Code of 1972, is
6364 brought forward as follows:

6365 37-29-272. The board of trustees of any community college
6366 district in the state maintaining and operating an agricultural
6367 high school on July 1, 1994, is hereby authorized to transfer the
6368 control, maintenance and operation of said agricultural high
6369 school, including the transfer of title to all real and personal
6370 property used for agricultural high school purposes, to the county
6371 board of education of the county in which the school is located.



6372 Upon the acceptance by the county board of education and before an
6373 order authorizing such transfer shall be entered, the board of
6374 trustees of the community college district and the county board of
6375 education in which such school is located shall by joint
6376 resolution agree in writing on the terms of such transfer, the
6377 extent of the rights of use and occupancy of the school and
6378 grounds, and the control, management, preservation and
6379 responsibility of transportation of students to such premises, to
6380 be spread upon the minutes of each governing authority. Upon such
6381 transfer, the county board of education may abolish the
6382 agricultural high school as a distinct school, and merge its
6383 activities, programs and students into the regular high school
6384 curricula of the school district. When a community college has
6385 transferred operation of an agricultural high school as provided
6386 herein, the pupils attending such school shall be reported,
6387 accounted for allocation of total funding formula funds and
6388 entitled to school transportation as though such pupils were
6389 attending the schools of the school district in which they reside,
6390 as provided in Sections 37-27-53 and 37-27-55. When any
6391 agricultural high school is transferred by the board of trustees
6392 of a community college to the county board of education as
6393 provided in this section, all laws relating to agricultural high
6394 school tax levies for the support or retirement of bonded
6395 indebtedness for agricultural high schools shall continue in full
6396 force and effect for the transferring community college district



6397 until current obligations on all bonded indebtednesses related to
6398 agriculture high schools have been satisfied and retired.

6399 **SECTION 70.** Section 37-29-303, Mississippi Code of 1972, is
6400 brought forward as follows:

6401 37-29-303. As used in Sections 37-29-301 through 37-29-305,
6402 the following terms shall be defined as provided in this section:

6403 (a) "Full-time equivalent (FTE) enrollment" means the
6404 process by which the Southern Regional Education Board (SREB)
6405 calculates FTE by taking total undergraduate semester credit hours
6406 divided by thirty (30); total undergraduate quarter hours divided
6407 by forty-five (45); total graduate semester credit hours divided
6408 by twenty-four (24); and total graduate quarter hours divided by
6409 thirty-six (36).

6410 (b) "State funds" means all funds appropriated by the
6411 Legislature including funds from the State General Fund, Education
6412 Enhancement Fund, Budget Contingency Fund and Health Care
6413 Expendable Fund.

6414 (c) "E & G operations" means education and general
6415 expenses of the colleges and universities.

6416 (d) "Net enrollment" has the same meaning as ascribed
6417 to that term under Section 37-151-201.

6418 **SECTION 71.** Section 37-31-13, Mississippi Code of 1972, is
6419 brought forward as follows:

6420 37-31-13. (1) Any appropriation that may be made under the
6421 provisions of Sections 37-31-1 through 37-31-15 shall be used by



6422 the board for the promotion of vocational education as provided
6423 for in the "Smith-Hughes Act" and for the purpose set forth in
6424 Sections 37-31-1 through 37-31-15. The state appropriation shall
6425 not be used for payments to high schools which are now receiving
6426 other state funds, except in lieu of not more than one-half (1/2)
6427 the amount that may be due such high schools from federal funds.
6428 Only such portion of the state appropriation shall be used as may
6429 be absolutely necessary to carry out the provisions of Sections
6430 37-31-1 through 37-31-15, and to meet the federal requirements.
6431 Except as provided in subsection (2) of this section, the state
6432 appropriation shall not be used for payments to high schools for
6433 conducting vocational programs for more than ten (10) months in
6434 any school year, and only funds other than total funding formula
6435 funds may be expended for such purpose.

6436 (2) Subject to annual approval by the State Board of
6437 Education, extended contracts for vocational agriculture education
6438 services and other related vocational education services which
6439 contribute to economic development may be conducted by local
6440 school districts, and state appropriations may be used for
6441 payments to school districts providing such services. The board
6442 of trustees of each school district shall determine whether any
6443 proposed services contribute to the economic development of the
6444 area. Local districts may apply to the Division of Vocational and
6445 Technical Education of the State Department of Education for any
6446 state funds available for these extended contracts. The State



6447 Board of Education shall establish the application process and the
6448 selection criteria for this program. The number of state funded
6449 extended contracts approved by the State Board of Education will
6450 be determined by the availability of funds specified for this
6451 purpose. The State Board of Education's decision shall be final.
6452 Payments under this subsection shall only be available to those
6453 high schools whose teachers of vocational programs are responsible
6454 for the following programs of instruction during those months
6455 between the academic years: (a) supervision and instruction of
6456 students in agricultural or other vocational experience programs;
6457 (b) group and individual instruction of farmers and
6458 agribusinessmen; (c) supervision of student members of youth
6459 groups who are involved in leadership training or other activity
6460 required by state or federal law; or (d) any program of vocational
6461 agriculture or other vocational-related services established by
6462 the Division of Vocational and Technical Education of the State
6463 Department of Education that contribute to the economic
6464 development of the geographic area.

6465 **SECTION 72.** Section 37-31-75, Mississippi Code of 1972, is
6466 brought forward as follows:

6467 37-31-75. The various counties, municipalities, school
6468 districts and community and junior college districts which may
6469 become parties to any agreement authorized by Sections 37-31-71
6470 through 37-31-79 are authorized to appropriate and expend any and
6471 all funds which may be required to carry out the terms of the



6472 agreement from any funds available to any party to the agreement
6473 not otherwise appropriated without limitation as to the source of
6474 the funds, including total funding formula funds, sixteenth
6475 section funds, funds received from the federal government or other
6476 sources by way of grant, donation or otherwise, and funds which
6477 may be available to any such party through the State Department of
6478 Education or any other agency of the state, regardless of the
6479 party to the agreement designated by the agreement to be primarily
6480 responsible for the construction or operation of the regional
6481 education center and regardless of the limitation on the
6482 expenditure of any funds imposed by any other statute. However,
6483 no funds whose use was originally limited to the construction of
6484 capital improvements shall be utilized for the purpose of
6485 defraying the administrative or operating costs of any regional
6486 education center. Any one or more of the parties to an agreement
6487 may be designated as the fiscal agent or contracting party in
6488 carrying out any of the purposes of the agreement, and any and all
6489 funds authorized to be spent by any of the parties may be paid
6490 over to the fiscal agent or contracting party for disbursement by
6491 the fiscal agent or contracting party. Disbursements shall be
6492 made and contracted for under the laws and regulations applicable
6493 to the fiscal or disbursing agent, except to the extent they may
6494 be extended or modified by the provisions of Sections 37-31-71
6495 through 37-31-79. All of the parties to the agreement may issue
6496 bonds, negotiable notes or other evidences of indebtedness for the



6497 purpose of providing funds for the acquisition of land and for the
6498 construction of buildings and permanent improvements under the
6499 terms of the agreement under any existing laws authorizing the
6500 issuance or sale of bonds, negotiable notes or other evidences of
6501 indebtedness to provide funds for any capital improvement.

6502 **SECTION 73.** Section 37-35-3, Mississippi Code of 1972, is
6503 brought forward as follows:

6504 37-35-3. (1) The board of trustees of any school district,
6505 including any community or junior college, may establish and
6506 maintain classes for adults, including general educational
6507 development classes, under the regulations authorized in this
6508 chapter and pursuant to the standards prescribed in subsection
6509 (3). The property and facilities of the public school districts
6510 may be used for this purpose where such use does not conflict with
6511 uses already established.

6512 (2) The trustees of any school district desiring to
6513 establish such program may request the taxing authority of the
6514 district to levy additional ad valorem taxes for the support of
6515 this program. The board of supervisors, in the case of a county
6516 school district, a special municipal separate school district, or
6517 a community or junior college district, and the governing
6518 authority of any municipality, in the case of a municipal separate
6519 school district, is authorized, in its discretion, to levy a tax
6520 not exceeding one (1) mill upon all the taxable property of the
6521 district for the support of this program. The tax shall be in



6522 addition to all other taxes authorized by law to be levied. In
6523 addition to the funds realized from any such levy, the board of
6524 trustees of any school district is authorized to use any surplus
6525 funds that it may have or that may be made available to it from
6526 local sources to supplement this program.

6527 (3) (a) Any student participating in an approved High
6528 School Equivalency Diploma Option program administered by a local
6529 school district or a local school district with an approved
6530 contractual agreement with a community or junior college or other
6531 local entity shall not be considered a dropout. Students in such
6532 a program administered by a local school district shall be
6533 considered as enrolled within the school district of origin for
6534 the purpose of enrollment for total funding formula funds only.
6535 Such students shall not be considered as enrolled in the regular
6536 school program for academic or programmatic purposes.

6537 (b) Students participating in an approved High School
6538 Equivalency Diploma Option program shall have an individual career
6539 plan developed at the time of placement to ensure that the
6540 student's academic and job skill needs will be met. The
6541 Individual Career Plan will address, but is not limited to, the
6542 following:

6543 (i) Academic and instructional needs of the
6544 student;

6545 (ii) Job readiness needs of the student; and



6546 (iii) Work experience program options available
6547 for the student.

6548 (c) Students participating in an approved High School
6549 Equivalency Diploma Option program may participate in existing job
6550 and skills development programs or in similar programs developed
6551 in conjunction with the High School Equivalency Diploma Option
6552 program and the vocational director.

6553 (d) High School Equivalency Diploma Option programs may
6554 be operated by local school districts or may be operated by two
6555 (2) or more adjacent school districts, pursuant to a contract
6556 approved by the State Board of Education. When two (2) or more
6557 school districts contract to operate a High School Equivalency
6558 Diploma Option program, the school board of a district designated
6559 to be the lead district shall serve as the governing board of the
6560 High School Equivalency Diploma Option program. Transportation
6561 for students placed in the High School Equivalency Diploma Option
6562 program shall be the responsibility of the school district of
6563 origin. The expense of establishing, maintaining and operating
6564 such High School Equivalency Diploma Option programs may be paid
6565 from funds made available to the school district through
6566 contributions, total funding formula funds or from local district
6567 maintenance funds.

6568 (e) The State Department of Education will develop
6569 procedures and criteria for placement of a student in the High
6570 School Equivalency Diploma Option programs. Students placed in



6571 High School Equivalency Diploma Option programs shall have
6572 parental approval for such placement and must meet the following
6573 criteria:

6574 (i) The student must be at least sixteen (16)
6575 years of age;

6576 (ii) The student must be at least one (1) full
6577 grade level behind his or her ninth grade cohort or must have
6578 acquired less than four (4) Carnegie units;

6579 (iii) The student must have taken every
6580 opportunity to continue to participate in coursework leading to a
6581 diploma; and

6582 (iv) The student must be certified to be eligible
6583 to participate in the GED course by the school district
6584 superintendent, based on the developed criteria.

6585 (f) Students participating in an approved High School
6586 Equivalency Diploma Option program, who are enrolled in subject
6587 area courses through January 31 in a school with a traditional
6588 class schedule or who are enrolled in subject area courses through
6589 October 31 or through March 31 in a school on a block schedule,
6590 shall be required to take the end-of-course subject area tests for
6591 those courses in which they are enrolled.

6592 **SECTION 74.** Section 37-37-3, Mississippi Code of 1972, is
6593 brought forward as follows:

6594 37-37-3. In addition to all auditors and other employees now
6595 or hereafter provided by law, the State Auditor may appoint and



6596 employ examiners in the Department of Audit. The examiners shall
6597 make such audits as may be necessary to determine the correctness
6598 and accuracy of all reports made to the State Department of
6599 Education by any school district or school official concerning the
6600 number of educable students in any school district, the number of
6601 students enrolled in any school district, the number of students
6602 in net enrollment in any school district, and the number of
6603 students being transported or entitled to transportation to any of
6604 the public schools of this state.

6605 **SECTION 75.** Section 37-41-7, Mississippi Code of 1972, is
6606 brought forward as follows:

6607 37-41-7. The local school board is hereby authorized,
6608 empowered and directed to lay out all transportation routes and
6609 provide transportation for all school children who are entitled to
6610 transportation within their respective counties and school
6611 districts.

6612 Any school district may, in the discretion of the school
6613 board, expend funds from any funds available to the school
6614 district, including the amounts derived from district tax levies,
6615 sixteenth section funds, and all other available funds, for the
6616 purpose of supplementing funds available to the school board for
6617 paying transportation costs not covered by total funding formula
6618 funds as provided in Sections 37-151-200 through 37-151-215.

6619 **SECTION 76.** Section 37-45-49, Mississippi Code of 1972, is
6620 brought forward as follows:



6621 37-45-49. Any cost or fees provided by this chapter to be
6622 paid by any county board of education or board of trustees of a
6623 municipal separate school district may be paid by the county board
6624 of education from any school funds of the district other than
6625 total funding formula funds, and by the municipal separate school
6626 district from the maintenance funds of the district, other than
6627 total funding formula funds. Any fees or costs provided by this
6628 chapter to be paid by the department may be paid from the funds
6629 appropriated for its operation.

6630 **SECTION 77.** Section 37-47-9, Mississippi Code of 1972, is
6631 brought forward as follows:

6632 37-47-9. It is found and determined that the state should
6633 make an annual grant of Twenty-four Dollars (\$24.00) for each
6634 child in net enrollment in the public schools of the various
6635 school districts of this state during each school year, and that
6636 such monies should be applied for the purpose of establishing and
6637 maintaining adequate physical facilities for the public school
6638 district and/or the payment of existing debt therefor.

6639 The grant to which each public school is entitled under the
6640 provisions of this section shall be credited to the school
6641 district of which such school is part. If any change is made in
6642 the operation or boundaries of any such school district, equitable
6643 reallocations shall be made by the department of all balances to
6644 the credit of such school district, and all debits charged against
6645 the districts affected by the change in the boundaries or system



6646 of operation. The obligation of the state to make remittance of
6647 the sums appropriated or otherwise provided to make the annual
6648 grants provided by this section shall be subordinate to the pledge
6649 made to secure the state school bonds authorized under this
6650 chapter and the sinking fund created for their retirement. The
6651 grants shall be computed annually as soon as practicable after the
6652 end of the school year, and shall be based on the net enrollment
6653 for such school year in all of the public schools operated by each
6654 school district as determined by the State Department of
6655 Education.

6656 **SECTION 78.** Section 37-47-25, Mississippi Code of 1972, is
6657 brought forward as follows:

6658 37-47-25. Whenever the State Department of Education shall
6659 determine that any school district is in need of capital
6660 improvements to an extent in excess of that which may be financed
6661 by the credit then due such school district by the department, the
6662 department shall be empowered to advance or lend the school
6663 district such sums as in the opinion of the department are
6664 necessary to be expended for capital improvements by that school
6665 district. Such loans or advances shall be evidenced by
6666 appropriate agreements, and shall be repayable in principal by the
6667 school district from the annual grants to which the school
6668 district shall become entitled and from such other funds as may be
6669 available. Such loans or advances shall not constitute a debt of
6670 the school district within the meaning of any provision or



6671 limitation of the Constitution or statutes of the State of
6672 Mississippi. The department shall not advance or lend to any
6673 school district any sum in excess of seventy-five percent (75%) of
6674 the estimated sum which will accrue to the school district on
6675 account of grants to be made to the school district within the
6676 twenty (20) years next following the date of the loan or advance.
6677 In determining the maximum allowable advance or loan, the
6678 department shall assume that the net enrollment in the schools of
6679 the school district for the past preceding scholastic year, as
6680 confirmed by the audit of net enrollment made by the State
6681 Department of Audit, will continue for the period during which the
6682 loan is to be repaid.

6683 **SECTION 79.** Section 37-47-33, Mississippi Code of 1972, is
6684 brought forward as follows:

6685 37-47-33. For the purpose of: (a) providing funds to enable
6686 the State Board of Education to make loans or advances to school
6687 districts as provided by Section 37-47-25; (b) providing funds for
6688 the payment and redemption of certificates of credit issued to
6689 school districts under Section 37-47-23, when such funds are not
6690 otherwise available; or (c) providing funds in an amount not
6691 exceeding Twenty Million Dollars (\$20,000,000.00) for the payment
6692 of allocations of total funding formula funds to school districts
6693 for capital expenditures approved under Sections 37-151-200
6694 through 37-151-215 by the State Board of Education which have not
6695 been pledged for debt by the school district, when such funds are



6696 not otherwise available, the State Bond Commission is authorized
6697 and empowered to issue state school bonds under the conditions
6698 prescribed in this chapter. The aggregate principal amount of
6699 such bonds outstanding at any one (1) time, after deducting the
6700 amount of the sinking fund provided for the retirement of bonds
6701 issued for such purposes, shall never exceed the sum of One
6702 Hundred Million Dollars (\$100,000,000.00). Within such limits,
6703 however, state school bonds may be issued from time to time under
6704 the conditions prescribed in this chapter. None of such bonds so
6705 issued shall have a maturity date later than July 1, 2021.

6706 **SECTION 80.** Section 37-61-3, Mississippi Code of 1972, is
6707 brought forward as follows:

6708 37-61-3. The total funding formula allotments to the public
6709 school districts and the funds derived from the supplemental
6710 school district tax levies authorized by law shall be used
6711 exclusively for the support, maintenance and operation of the
6712 schools in the manner provided by law for the fiscal years for
6713 which such funds were appropriated, collected or otherwise made
6714 available, and no part of said funds or allotments shall be used
6715 in paying any expenses incurred during any preceding fiscal year.
6716 However, this shall not be construed to prohibit the payment of
6717 expenses incurred during the fiscal year after the close of such
6718 fiscal year from amounts remaining on hand at the end of such
6719 fiscal year, provided that such expenses were properly payable
6720 from such amounts. Moreover, this shall not be construed to



6721 prohibit the payment of the salaries of superintendents,
6722 principals and teachers and other school employees whose salaries
6723 are payable in twelve (12) monthly installments after the close of
6724 the fiscal year from amounts on hand for such purpose at the end
6725 of the fiscal year.

6726 **SECTION 81.** Section 37-61-5, Mississippi Code of 1972, is
6727 brought forward as follows:

6728 37-61-5. If in any year there should remain a balance in the
6729 total funding formula funds of any school district on June 30
6730 which amount is not to be used or is not needed in the payment of
6731 expenses for the preceding fiscal year properly payable out of
6732 such total funding formula funds, then such balance on hand to the
6733 credit of such funds of the school district shall be carried
6734 forward as a part of such total funding formula funds for the next
6735 succeeding fiscal year. The proper pro rata part of the amount so
6736 carried forward, to be determined by the percentage which the
6737 state total funding formula funds during the year bore to the
6738 entire amount of the school district's total funding formula
6739 funds, shall be charged against and deducted from the amount which
6740 the school district is allotted from state total funding formula
6741 funds for the succeeding fiscal year, in a manner prescribed by
6742 the State Auditor. The remainder of the amount so carried forward
6743 may be deducted from the amount which the school district is
6744 required to produce as its local minimum ad valorem tax effort for



6745 the support of the total funding formula for the succeeding fiscal
6746 year.

6747 **SECTION 82.** Section 37-61-7, Mississippi Code of 1972, is
6748 brought forward as follows:

6749 37-61-7. If at the end of any fiscal year there should
6750 remain a balance in the school district fund of any school
6751 district which is not needed and is not to be used for paying the
6752 expenses properly payable out of such district fund for the
6753 preceding fiscal year, such balance shall be carried forward as a
6754 part of the school district fund for the next fiscal year and used
6755 and expended in the manner otherwise provided by law. Nothing in
6756 this section shall be construed as applying to balances of total
6757 funding formula funds of a school district, and balances remaining
6758 in such funds shall be governed by Section 37-61-5.

6759 **SECTION 83.** Section 37-61-19, Mississippi Code of 1972, is
6760 brought forward as follows:

6761 37-61-19. It shall be the duty of the superintendents of
6762 schools and the school boards of all school districts to limit the
6763 expenditure of school funds during the fiscal year to the
6764 resources available. It shall be unlawful for any school district
6765 to budget expenditures from a fund in excess of the resources
6766 available within that fund. Furthermore, it shall be unlawful for
6767 any contract to be entered into or any obligation incurred or
6768 expenditure made in excess of the resources available for such
6769 fiscal year. Any member of the school board, superintendent of



6770 schools, or other school official, who shall knowingly enter into
6771 any contract, incur any obligation, or make any expenditure in
6772 excess of the amount available for the fiscal year shall be
6773 personally liable for the amount of such excess. However, no
6774 school board member, superintendent or other school official shall
6775 be personally liable: (a) in the event of any reduction in total
6776 funding formula payments by action of the Governor acting through
6777 the Department of Finance and Administration; or (b) for claims,
6778 damages, awards or judgments, on account of any wrongful or
6779 tortious act or omission or breach of implied term or condition of
6780 any warranty or contract. However, the foregoing immunity
6781 provisions shall not be a defense in cases of fraud, criminal
6782 action or an intentional breach of fiduciary obligations imposed
6783 by statute.

6784 **SECTION 84.** Section 37-61-29, Mississippi Code of 1972, is
6785 brought forward as follows:

6786 37-61-29. The State Department of Audit is hereby authorized
6787 and empowered to post-audit and investigate the financial affairs
6788 and all transactions involving the school funds of the school
6789 district including the total funding formula funds and
6790 supplementary district school funds, and to make separate and
6791 special audits thereof, as now provided by Sections 7-7-201
6792 through 7-7-215.

6793 **SECTION 85.** Section 37-61-35, Mississippi Code of 1972, is
6794 brought forward as follows:



6795 37-61-35. There is hereby created a special fund in the
6796 State Treasury to be designated School Ad Valorem Tax Reduction
6797 Fund into which proceeds collected pursuant to Sections
6798 27-65-75(7) and 27-67-31(a) shall be deposited. Beginning with
6799 the 1994 state fiscal year, the entire amount of monies in such
6800 special fund shall be appropriated annually to the State
6801 Department of Education which shall distribute the appropriated
6802 amount to the various school districts in the proportion that the
6803 net enrollment of each school district bears to the net enrollment
6804 of all school districts within the state. On or before June 1 of
6805 each year, the State Department of Education shall notify each
6806 school district of the amount to which such district is entitled
6807 pursuant to this section.

6808 **SECTION 86.** Section 37-61-37, Mississippi Code of 1972, is
6809 brought forward as follows:

6810 37-61-37. There is established in the State Treasury a fund
6811 known as the "Mississippi Public Education Support Fund"
6812 (hereinafter referred to as "fund"). The fund shall consist of
6813 monies as the Legislature may authorize or direct to be deposited
6814 into the fund. Monies in the fund, upon appropriation by the
6815 Legislature, may be expended by the State Department of Education
6816 for classroom supplies, instructional materials and equipment,
6817 including computers and computer software, to be distributed to
6818 all school districts in the proportion that the net enrollment of
6819 each school district bears to the net enrollment of all school



6820 districts within the state. Unexpended amounts remaining in the
6821 fund at the end of the fiscal year shall not lapse into the State
6822 General Fund, and any interest earned or investment earnings on
6823 amounts in the fund shall be deposited to the credit of the fund.

6824 **SECTION 87.** Section 37-68-7, Mississippi Code of 1972, is
6825 brought forward as follows:

6826 37-68-7. (1) There is established the Equity in Distance
6827 Learning Grant Program which shall be administered by the
6828 department for the purpose of reimbursing schools for eligible
6829 expenses incurred in funding their distance learning plans, and in
6830 facilitating safe classroom and remote instruction.

6831 (2) Subject to appropriations by the Legislature,
6832 allocations to schools shall be made based on net enrollment, as
6833 defined in Section 37-151-201. For any school not funded under
6834 the total funding formula, the department shall calculate the net
6835 enrollment equivalent or fund the school based on enrollment.

6836 (3) Subject to the provisions of this chapter, and other
6837 applicable federal law and regulations, schools shall have the
6838 authority to use the funds provided in this grant program in a way
6839 which best facilitates their distance learning plan, and safe
6840 classroom or remote instruction.

6841 (4) Schools are highly encouraged to commit a portion of
6842 their federal ESSER funds, above the amount required by Section
6843 37-68-11(b), as supplemental matching funds to offset the total



6844 cost of purchasing sufficient electronic devices, technological
6845 supports and systems of service for its distance learning plan.

6846 **SECTION 88.** Section 37-131-7, Mississippi Code of 1972, is
6847 brought forward as follows:

6848 37-131-7. When any pupils shall attend any demonstration or
6849 practice school under the provisions of Section 37-131-3, such
6850 children shall be reported and accounted for the allocation of
6851 total funding formula funds and state public school building funds
6852 just as though such children were attending the regular schools of
6853 the district in which they reside. For this purpose, reports
6854 shall be made to the school district involved by the demonstration
6855 or practice school of the number of pupils in net enrollment, and
6856 the net enrollment of such children shall thereupon be included in
6857 reports made to the State Board of Education by the school
6858 district.

6859 Allocation of the total funding formula funds shall be made
6860 by the State Board of Education for such children just as though
6861 such children were attending the regular schools of the district.
6862 All total funding formula funds which accrue to any district as a
6863 result of such children who are in attendance at a demonstration
6864 or practice school shall be paid by the board of trustees of the
6865 municipal separate school district or by the county board of
6866 education to the demonstration or practice school, and shall be
6867 used to defray the cost and expense of maintaining, operating and
6868 conducting such demonstration or practice school.



6869 All state public school building funds which accrue as a
6870 result of such children in attendance at a demonstration or
6871 practice school shall be credited directly to such demonstration
6872 or practice school, and all of the provisions of Chapter 47 of
6873 this title shall be fully applicable thereto.

6874 **SECTION 89.** Section 37-131-9, Mississippi Code of 1972, is
6875 brought forward as follows:

6876 37-131-9. In addition to the amounts paid to the
6877 demonstration or practice school from total funding formula funds,
6878 as provided in Section 37-131-7, the board of trustees of the
6879 school district involved may contract with the demonstration or
6880 practice school for the payment of additional amounts thereto to
6881 defray expenses over and above those defrayed by the total funding
6882 formula funds, which additional amounts shall be paid from any
6883 funds available to the school district other than total funding
6884 formula funds, whether produced by a supplemental district tax
6885 levy or otherwise.

6886 If the total funds paid to the demonstration or practice
6887 school by the school district are inadequate to defray the cost
6888 and expense of maintaining and operating such demonstration or
6889 practice school then the president or executive head of the
6890 institution may, subject to the approval of the Board of Trustees
6891 of State Institutions of Higher Learning, require the payment of
6892 additional fees or tuition in an amount to be fixed by the
6893 president or executive head of the institution, subject to the



6894 approval of the Board of Trustees of State Institutions of Higher
6895 Learning, which amount shall be paid by and collected from the
6896 student or his parents.

6897 Boards of trustees of school districts involved may designate
6898 an area within the jurisdiction of the board as an attendance
6899 center as provided by law, and may require students in such area
6900 to attend demonstration or practice schools, subject to a
6901 satisfactory contract between the school board and the president
6902 or executive head of the institution operating the demonstration
6903 or practice school. In such event, all fees and tuition must be
6904 borne by the school district and in no case shall the child or the
6905 parents of the child assigned to such demonstration or practice
6906 school be required to pay any fees or tuition.

6907 The president or executive head of the institution, subject
6908 to the approval of the Board of Trustees of State Institutions of
6909 Higher Learning, may also fix the amount of fees and tuition to be
6910 paid by students desiring to attend such demonstration or practice
6911 school in cases where there is no contract with the board of
6912 trustees of the school district in which the students reside
6913 therefor.

6914 All funds received by an institution, under the provisions of
6915 this section, shall be deposited in a special fund and shall be
6916 used and expended solely for the purpose of defraying and paying
6917 the cost and expense of operating, maintaining and conducting such
6918 teachers demonstration and practice school. Such funds may be



6919 supplemented by and used in connection with any other funds
6920 available to the institutions for such purpose whether made
6921 available by legislative appropriation or otherwise.

6922 **SECTION 90.** Section 37-131-11, Mississippi Code of 1972, is
6923 brought forward as follows:

6924 37-131-11. All demonstration or practice schools established
6925 under the provisions of Section 37-131-1 shall, as far as may be
6926 practicable, be subject to and governed by the same laws as other
6927 public schools of the State of Mississippi, and shall make all
6928 reports required by law to be made by public schools to the State
6929 Board of Education at the same time and in the same manner as such
6930 reports are made by other public schools. However, for the
6931 purpose of the allocation of total funding formula funds, the
6932 reports of children in net enrollment shall be made to the school
6933 district involved by the demonstration or practice school, and a
6934 copy thereof shall be filed with the State Board of Education.
6935 The school district shall use the reports so filed with it in
6936 making its reports to the State Board of Education for the purpose
6937 of the allocation of total funding formula funds, but the net
6938 enrollment of the pupils attending such demonstration or practice
6939 school shall be segregated and separated in such reports from the
6940 net enrollment in the regular schools of the district.

6941 **SECTION 91.** Section 37-151-9, Mississippi Code of 1972, is
6942 brought forward as follows:



6943 37-151-9. (1) The State Board of Education and State
6944 Superintendent of Education shall establish within the State
6945 Department of Education a special unit at the division level
6946 called the Office of Educational Accountability. The Director of
6947 the Office of Educational Accountability shall hold a position
6948 comparable to a deputy superintendent and shall be appointed by
6949 the State Board of Education with the advice and consent of the
6950 Senate. He shall serve at the will and pleasure of the State
6951 Board of Education and may employ necessary professional,
6952 administrative and clerical staff. The Director of the Office of
6953 Educational Accountability shall provide all reports to the
6954 Legislature, Governor, Mississippi Commission on School
6955 Accreditation and State Board of Education and respond to any
6956 inquiries for information.

6957 (2) The Office of Educational Accountability is responsible
6958 for monitoring and reviewing programs developed under the
6959 Education Reform Act, the Mississippi Adequate Education Program
6960 Act of 1994, the Education Enhancement Fund, the Mississippi
6961 Student Funding Formula, and subsequent education initiatives, and
6962 shall provide information, recommendations and an annual
6963 assessment to the Legislature, Governor, Mississippi Commission on
6964 School Accreditation and the State Board of Education. The annual
6965 assessment of education reform programs shall be performed by the
6966 Office of Educational Accountability by December 1 of each year.



(3) In addition, the Office of Educational Accountability shall have the following specific duties and responsibilities:

(a) Developing and maintaining a system of communication with school district personnel;

(b) Provide opportunities for public comment on the current functions of the State Department of Education's programs, needed public education services and innovative suggestions; and

(c) Assess both positive and negative impact on school districts of new education programs, including but not limited to The Mississippi Report Card and alternative school programs.

SECTION 92. Section 37-151-81, Mississippi Code of 1972, is brought forward as follows:

37-151-81. (1) For each student with a disability who is being educated by a public school district or is placed in accord with Section 37-23-77, and whose individualized educational program (IEP) requires an extended school year in accord with the State Department of Education criteria, a sufficient amount of funds shall be allocated for the purpose of providing the educational services the student requires. The State Board of Education shall promulgate such regulations as are required to ensure the equitable distribution of these funds. All costs for the extended school year for a particular summer shall be reimbursed from funds appropriated for the fiscal year beginning July 1 of that summer. If sufficient funds are not made available to finance all of the required educational services, the State



6992 Department of Education shall expend available funds in such a
6993 manner that it does not limit the availability of appropriate
6994 education to students with disabilities more severely than it does
6995 to students without disabilities.

6996 (2) The State Department of Education is hereby authorized
6997 to match the total funding formula funds provided in Sections
6998 37-151-200 through 37-151-215 and other funds allocated for
6999 provision of services to students with disabilities with Division
7000 of Medicaid funds to provide language-speech services, physical
7001 therapy and occupational therapy to students with disabilities who
7002 meet State Department of Education or Division of Medicaid
7003 standards and who are Medicaid eligible. Provided further, that
7004 the State Department of Education is authorized to pay such funds
7005 as may be required as a match directly to the Division of Medicaid
7006 pursuant to an agreement to be developed between the State
7007 Department of Education and the Division of Medicaid.

7008 (3) When any children who are residents of the State of
7009 Mississippi and qualify under the provisions of Section 37-23-31
7010 shall be provided a program of education, instruction and training
7011 within a school under the provisions of said section, the State
7012 Department of Education shall allocate funds equivalent to the
7013 full base student cost and all qualifying weighted adjustments as
7014 prescribed in Section 37-151-205. The university or college shall
7015 be eligible for state and federal funds for such programs on the
7016 same basis as local school districts. The university or college



shall be responsible for providing for the additional costs of the program.

(4) A school district may provide a program of education and instruction to children ages five (5) years through twenty-one (21) years, who are resident citizens of the State of Mississippi, who cannot have their educational needs met in a regular public school program and who have not finished or graduated from high school, if those children are determined by competent medical authorities and psychologists to need placement in a state licensed facility for inpatient treatment, day treatment or residential treatment or a therapeutic group home. Such program shall operate under rules, regulations, policies and standards of school districts as determined by the State Board of Education. If a private school approved by the State Board of Education is operated as an integral part of the state licensed facility that provides for the treatment of such children, the private school within the facility may provide a program of education, instruction and training to such children by requesting the State Department of Education to allocate funds equivalent to the full base student cost and all qualifying weighted adjustments as prescribed in Section 37-151-205 for each student placed in such facility for each approved class. The facility shall be responsible for providing any additional costs of the program.

SECTION 93. Section 37-151-85, Mississippi Code of 1972, is brought forward as follows:



7042 37-151-85. (1) Using those funds appropriated by the
7043 Legislature for transportation purposes, the amount to be allotted
7044 by the State Board of Education for transportation shall be
7045 determined as follows:

7046 The State Department of Education shall calculate the cost of
7047 transportation in school districts by ascertaining the average
7048 cost per pupil in net enrollment of transported pupils in school
7049 districts classified in different density groups, as determined by
7050 the State Department of Education. Based on these calculations,
7051 the State Department of Education shall develop a scale for
7052 determining the allowable cost per pupil in different density
7053 groups, which scale shall provide greatest allowance per pupil
7054 transported in school districts with lowest densities and smallest
7055 allowance per pupil in school districts with highest densities.
7056 The total allowance under this section for transported children
7057 for any school district for the current year shall be the net
7058 enrollment of the transported children for months two (2) and
7059 three (3) of the prior year, multiplied by the allowance per
7060 transported pupil as provided herein. However, the State
7061 Department of Education is authorized and empowered to make proper
7062 adjustments in allotments, under rules and regulations of the
7063 State Board of Education, in cases where major changes in the
7064 number of children in net enrollment transported occur from one
7065 (1) year to another as a result of changes or alterations in the
7066 boundaries of school districts, a change in or relocation of



7067 attendance centers, or for other reasons which would result in
7068 major decrease or increase in the number of children in net
7069 enrollment transported during the current school year as compared
7070 with the preceding year. Moreover, the State Board of Education
7071 is hereby authorized and empowered to make such payments to all
7072 districts and/or university-based programs as deemed necessary in
7073 connection with transporting exceptional children as defined in
7074 Section 37-23-3. The State Board of Education shall establish and
7075 implement all necessary rules and regulations to allot
7076 transportation payments to university-based programs. In
7077 developing density classifications under the provisions hereof,
7078 the State Department of Education may give consideration to the
7079 length of the route, the sparsity of the population, the lack of
7080 adequate roads, highways and bridges, and the presence of large
7081 streams or other geographic obstacles. In addition to funds
7082 allotted under the above provisions, funds shall be allotted to
7083 each school district that transports students from their assigned
7084 school or attendance center to classes in an approved
7085 vocational-technical center at a rate per mile not to exceed the
7086 average statewide cost per mile of school bus transportation
7087 during the preceding year exclusive of bus replacement. All such
7088 transportation must have prior approval by the State Department of
7089 Education.

7090 (2) The net enrollment of transported children shall be
7091 reported by the school district in which such children attend



7092 school. If children living in a school district are transported
7093 at the expense of such school district to another school district,
7094 the net enrollment of such transported children shall be deducted
7095 by the State Department of Education from the aggregate net
7096 enrollment of transported children in the school district in which
7097 they attend school and shall be added to the aggregate net
7098 enrollment of transported children of the school district from
7099 which they come for the purpose of calculating transportation
7100 allotments. However, such deduction shall not be made for the
7101 purpose of calculating total funding formula funding.

7102 (3) The State Department of Education shall include in the
7103 allowance for transportation for each school district an amount
7104 for the replacement of school buses or the purchase of new buses,
7105 which amount shall be calculated upon the estimated useful life of
7106 all school buses being used for the transportation of children in
7107 such school district, whether such buses be publicly or privately
7108 owned.

7109 (4) The school boards of all districts operating school bus
7110 transportation are authorized and directed to establish a salary
7111 schedule for school bus drivers. No school district shall be
7112 entitled to receive the funds herein allotted for transportation
7113 unless it pays each of its nonstudent adult school bus drivers
7114 paid from such transportation allotments a minimum of One Hundred
7115 Ninety Dollars (\$190.00) per month. In addition, local school
7116 boards may compensate school bus drivers, to include temporary or



7117 substitute bus drivers, for actual expenses incurred when
7118 acquiring an initial commercial license or any renewal of a
7119 commercial license in order to drive a school bus. In addition,
7120 local school boards may compensate school bus drivers, to include
7121 temporary or substitute bus drivers, for expenses, not to exceed
7122 One Hundred Dollars (\$100.00), when acquiring an initial medical
7123 exam or any renewal of a medical exam, in order to qualify for a
7124 commercial driver's license.

7125 (5) The State Board of Education shall be authorized and
7126 empowered to use such part of the funds appropriated for
7127 transportation as may be necessary to finance driver training
7128 courses as provided for in Section 37-41-1.

7129 (6) The State Board of Education, acting through the
7130 Department of Education, may compensate school bus drivers, to
7131 include temporary or substitute bus drivers, who are providing
7132 driving services to the various state operated schools, such as
7133 the Mississippi School for the Deaf, the Mississippi School for
7134 the Blind, the Mississippi School of the Arts, the Mississippi
7135 School for Math and Science and any other similar state operated
7136 schools, for actual expenses incurred when acquiring an initial
7137 commercial license or any renewal of a commercial license in order
7138 to drive a school bus, to include the expense, not to exceed One
7139 Hundred Dollars (\$100.00), of acquiring an initial medical exam or
7140 any renewal of a medical exam in order to qualify for a commercial
7141 driver's license.



7142 **SECTION 94.** Section 37-151-87, Mississippi Code of 1972, is
7143 brought forward as follows:

7144 37-151-87. No school district shall pay any teacher less
7145 than the state minimum salary. However, school districts are
7146 authorized to reduce the state minimum salary by a pro rata daily
7147 amount in order to comply with the school district employee
7148 furlough provisions of Section 37-7-308. From and after July 1,
7149 2012, no school district shall receive any funds under the
7150 provisions of this chapter for any school year during which the
7151 aggregate amount of local supplement is reduced below such amount
7152 for the previous year. However, (a) where there has been a
7153 reduction in total funding formula allocations for such district
7154 in such year, (b) where there has been a reduction in the amount
7155 of federal funds to such district below the previous year, or (c)
7156 where there has been a reduction in ad valorem taxes to such
7157 school district for the 1986-1987 school year below the amount for
7158 the previous year due to the exemption of nuclear generating
7159 plants from ad valorem taxation pursuant to Section 27-35-309, the
7160 aggregate amount of local supplement in such district may be
7161 reduced in the discretion of the local school board without loss
7162 of funds under this chapter. No school district may receive any
7163 funds under the provisions of this chapter for any school year if
7164 the aggregate amount of support from ad valorem taxation shall be
7165 reduced during such school year below such amount for the previous
7166 year; however, where there is a loss in total funding formula



7167 allocations, or where there is or heretofore has been a decrease
7168 in the total assessed value of taxable property within a school
7169 district, the aggregate amount of such support may be reduced
7170 proportionately. Nothing herein contained shall prohibit any
7171 school district from adopting or continuing a program or plan
7172 whereby teachers are paid varying salaries according to the
7173 teaching ability, classroom performance and other similar
7174 standards.

7175 For purposes of this section, the term "local supplement"
7176 means the additional amount paid to an individual teacher over and
7177 above the salary schedule prescribed in Section 37-19-7 for the
7178 performance of regular teaching duties by that teacher.

7179 **SECTION 95.** Section 37-151-89, Mississippi Code of 1972, is
7180 brought forward as follows:

7181 37-151-89. The minimum base pay for all classroom teachers
7182 may be increased by the district from any funds available to it.

7183 **SECTION 96.** Section 37-151-91, Mississippi Code of 1972, is
7184 brought forward as follows:

7185 37-151-91. The school boards of all school districts may
7186 establish salary schedules based on training, experience and other
7187 such factors as may be incorporated therein, including student
7188 progress and performance as developed by the State Board of
7189 Education, paying teachers greater amounts than the scale provided
7190 in Section 37-19-7, but no teacher may be paid less than the
7191 amount based upon the minimum scale of pay provided in Section



7192 37-19-7, and all supplements paid from local funds shall be based
7193 upon the salary schedules so established. The school boards may
7194 call upon the State Department of Education for aid and assistance
7195 in formulating and establishing such salary schedules, and it
7196 shall be the duty of the State Department of Education, when so
7197 called upon, to render such aid and assistance. The amount
7198 actually paid to each teacher shall be based upon and determined
7199 by the type of license held by such teacher.

7200 **SECTION 97.** Section 37-151-93, Mississippi Code of 1972, is
7201 brought forward as follows:

7202 37-151-93. (1) Legally transferred students going from one
7203 school district to another shall be counted for total funding
7204 formula allotments by the school district wherein the pupils
7205 attend school, but shall be counted for transportation allotment
7206 purposes in the school district which furnishes or provides the
7207 transportation. The school boards of the school districts which
7208 approve the transfer of a student under the provisions of Section
7209 37-15-31 shall enter into an agreement and contract for the
7210 payment or nonpayment of any portion of their local maintenance
7211 funds which they deem fair and equitable in support of any
7212 transferred student. Except as provided in subsection (2) of this
7213 section, local maintenance funds shall be transferred only to the
7214 extent specified in the agreement and contract entered into by the
7215 affected school districts. The terms of any local maintenance
7216 fund payment transfer contract shall be spread upon the minutes of



both of the affected school district school boards. The school district accepting any transfer students shall be authorized to accept tuition from such students under the provisions of Section 37-15-31(1) and such agreement may remain in effect for any length of time designated in the contract. The terms of such student transfer contracts and the amounts of any tuition charged any transfer student shall be spread upon the minutes of both of the affected school boards. No school district accepting any transfer students under the provisions of Section 37-15-31(2), which provides for the transfer of certain school district employee dependents, shall be authorized to charge such transfer students any tuition fees.

(2) Local maintenance funds shall be paid by the home school district to the transferee school district for students granted transfers under the provisions of Sections 37-15-29(3) and 37-15-31(3), not to exceed the student base amount, as defined in Section 37-151-201, multiplied by the number of such legally transferred students.

SECTION 98. Section 37-151-95, Mississippi Code of 1972, is brought forward as follows:

37-151-95. Total funding formula funds shall cover one hundred percent (100%) of the cost of the State and School Employees' Life and Health Insurance Plan created under Article 7, Chapter 15, Title 25, Mississippi Code of 1972, for all district employees who work no less than twenty (20) hours during each week



7242 and regular nonstudent school bus drivers employed by the
7243 district.

7244 Where the use of federal funding is allowable to defray, in
7245 full or in part, the cost of participation in the insurance plan
7246 by district employees who work no less than twenty (20) hours
7247 during each week and regular nonstudent school bus drivers, whose
7248 salaries are paid, in full or in part, by federal funds, the use
7249 of total funding formula funds as required under this section
7250 shall be reduced to the extent of the federal funding. Where the
7251 use of federal funds is allowable but not available, it is the
7252 intent of the Legislature that school districts contribute the
7253 cost of participation for such employees from local funds, except
7254 that parent fees for child nutrition programs shall not be
7255 increased to cover such cost.

7256 The State Department of Education, in accordance with rules
7257 and regulations established by the State Board of Education, may
7258 withhold a school district's total funding formula funds for
7259 failure of the district to timely report student, fiscal and
7260 personnel data necessary to meet state and/or federal
7261 requirements. The rules and regulations promulgated by the State
7262 Board of Education shall require the withholding of total funding
7263 formula funds for those districts that fail to remit premiums,
7264 interest penalties and/or late charges under the State and School
7265 Employees' Life and Health Insurance Plan. Noncompliance with
7266 such rules and regulations shall result in a violation of



7267 compulsory accreditation standards as established by the State
7268 Board of Education and Commission on School Accreditation.

7269 **SECTION 99.** Section 37-151-97, Mississippi Code of 1972, is
7270 brought forward as follows:

7271 37-151-97. The State Department of Education shall develop
7272 an annual reporting process to inform the Legislature, local
7273 district personnel and the general public as to the ongoing and
7274 future plans for the state's educational programs. The annual
7275 reporting process will include those vital statistics that are
7276 commonly reported by schools and districts and that can provide
7277 clear demographic, strategic and educational information to
7278 constituencies such as, but not limited to, the following
7279 information:

7280 (a) Student enrollment and attendance reported in the
7281 aggregate and specifically for each student population that is
7282 subject to weighting under Sections 37-151-200 through 37-151-215,
7283 and drop-out and graduation data;

7284 (b) Overall student and district achievement;

7285 (c) Budget, administrative costs and other pertinent
7286 fiscal information, including:

7287 (i) The receipts and disbursements of all school
7288 funds handled by the board;

7289 (ii) Reports of expenditures for public schools,
7290 which, upon request must be made available on an individual
7291 district basis by the State Department of Education;



7292 1. Total Student Expenditures:
7293 a. Instruction (1000s);
7294 b. Other Student Instructional
7295 Expenditures (2100s, 2200s);
7296 2. General Administration (2300s and 2500s);
7297 3. School Administration (2400s);
7298 4. Other Expenditures (2600s, 2700s, 2800s,
7299 3100s, 3200s); and
7300 5. Nonoperational Expenditures (4000s, 5000s,
7301 6000s);

7302 (iii) The number of school districts, school
7303 teachers employed, school administrators employed, pupils taught
7304 and the attendance record of pupils therein;

7305 (iv) County and district levies for each school
7306 district and agricultural high school;

7307 (v) The condition of vocational education, a list
7308 of schools to which federal and state aid has been given, and a
7309 detailed statement of the expenditures of federal funds and the
7310 state funds that may be provided, and the ranking of subjects
7311 taught as compared with the state's needs.

7312 (d) Other as directed by the State Board of Education.

7313 Further, the reporting process will include an annual report
7314 developed specifically to relate the mission and goals of the
7315 State Board of Education, state superintendent and departments.
7316 This document will become the method through which the strategic



7317 planning and management process of the department is articulated
7318 to the public. It will explain and inform the public of the major
7319 initiatives of the department and clearly identify rationale for
7320 program development and/or elimination. The report will establish
7321 benchmarks, future plans and discuss the effectiveness of
7322 educational programs.

7323 In addition to the information specified herein, the State
7324 Board of Education shall have full and plenary authority and power
7325 to require the furnishing of such further, additional and
7326 supplementary information as it may deem necessary for the purpose
7327 of determining the cost of the total funding formula in such
7328 school district for the succeeding fiscal year, the amount of the
7329 total funding formula funds to be allotted to each school district
7330 for the succeeding fiscal year, and for any other purpose
7331 authorized by law or deemed necessary by said State Board of
7332 Education.

7333 It shall be the duty of the State Department of Education to
7334 prescribe the forms for the reports provided for in this section.

7335 **SECTION 100.** Section 37-151-99, Mississippi Code of 1972, is
7336 brought forward as follows:

7337 37-151-99. Based upon the information obtained pursuant to
7338 Section 37-151-207(3) and upon such other and further information
7339 as provided by law, the State Department of Education shall, on or
7340 before June 1 of each year, or as soon thereafter as is practical,
7341 furnish each school board and charter school the preliminary



estimate of the amount each will receive from the total funding formula provided in Sections 37-151-200 through 37-151-215 for the succeeding scholastic year, and at the same time shall furnish each such school board with a tentative estimate of the cost of the local minimum tax effort for the total funding formula in the school district and the local contribution for the school district and each charter school for such succeeding fiscal year.

SECTION 101. Section 37-151-101, Mississippi Code of 1972, is brought forward as follows:

37-151-101. It shall be the duty of the State Department of Education to file with the State Treasurer and the State Fiscal Officer such data and information as may be required to enable the said State Treasurer and State Fiscal Officer to distribute the total funding formula funds provided in Sections 37-151-200 through 37-151-215 by electronic funds transfer to the several school districts and charter schools at the time required and provided under the provisions of this chapter. Such data and information so filed shall show in detail the amount of funds to which each school district and charter school is entitled under the total funding formula. Such data and information so filed may be revised from time to time as necessitated by law. At the time provided by law, the State Treasurer and the State Fiscal Officer shall distribute to the several school districts and charter schools the amounts to which they are entitled under the total funding formula as provided by this chapter. Such distribution



7367 shall be made by electronic funds transfer to the depositories of
7368 the several school districts and charter schools designated in
7369 writing to the State Treasurer based upon the data and information
7370 supplied by the State Department of Education for such
7371 distribution. In such instances, the State Treasurer shall submit
7372 a request for an electronic funds transfer to the State Fiscal
7373 Officer, which shall set forth the purpose, amount and payees, and
7374 shall be in such form as may be approved by the State Fiscal
7375 Officer so as to provide the necessary information as would be
7376 required for a requisition and issuance of a warrant. A copy of
7377 the record of the electronic funds transfers shall be transmitted
7378 by the school district and charter school depositories to the
7379 Treasurer, who shall file duplicates with the State Fiscal
7380 Officer. The Treasurer and State Fiscal Officer shall jointly
7381 promulgate regulations for the utilization of electronic funds
7382 transfers to school districts and charter schools.

7383 **SECTION 102.** Section 37-151-103, Mississippi Code of 1972,
7384 is brought forward as follows:

7385 37-151-103. (1) Funds due each school district and charter
7386 school under the total funding formula provided in Sections
7387 37-151-200 through 37-151-215 shall be paid in the following
7388 manner: Two (2) business days prior to the last working day of
7389 each month there shall be paid to each school district and charter
7390 school, by electronic funds transfer, one-twelfth (1/12) of the
7391 funds to which the district or charter school is entitled from



7392 funds appropriated for total funding formula. However, in
7393 December those payments shall be made on December 15 or the next
7394 business day after that date. All school districts shall process
7395 a single monthly or a bimonthly payroll for employees, in the
7396 discretion of the local school board, with electronic settlement
7397 of payroll checks secured through direct deposit of net pay for
7398 all school district employees. In addition, the State Department
7399 of Education may pay school districts and charter schools under
7400 the total funding formula on a date earlier than provided for by
7401 this section if it is determined that it is in the best interest
7402 of school districts and charter schools to do so.

7403 However, if the cash balance in the State General Fund is
7404 not adequate on the due date to pay the amounts due to all school
7405 districts and charter schools in the state as determined by the
7406 State Superintendent of Public Education, the State Fiscal Officer
7407 shall not transfer the funds payable to any school district or
7408 districts or charter schools until money is available to pay the
7409 amount due to all districts and charter schools.

7410 (2) Notwithstanding any provision of this chapter or any
7411 other law requiring the number of children in net enrollment or
7412 the net enrollment of transported children to be determined on the
7413 basis of the preceding year, the State Board of Education is
7414 hereby authorized and empowered to make proper adjustments in
7415 allotments in cases where major changes in the number of children
7416 in net enrollment or the net enrollment of transported children



occurs from one (1) year to another as a result of changes or alterations in the boundaries of school districts, the sending of children from one (1) county or district to another upon a contract basis, the termination or discontinuance of a contract for the sending of children from one (1) county or district to another, a change in or relocation of attendance centers, or for any other reason which would result in a major decrease or increase in the number of children in net enrollment or the net enrollment of transported children during the current school year as compared with the preceding year.

SECTION 103. Section 37-151-105, Mississippi Code of 1972, is brought forward as follows:

37-151-105. The State Board of Education shall have the authority to make such regulations not inconsistent with law which it deems necessary for the administration of this chapter. The State Board of Education, if it deems such practice necessary, may use reports of the first six (6) months of school for the purpose of determining net enrollment.

SECTION 104. Section 37-151-107, Mississippi Code of 1972, is brought forward as follows:

37-151-107. Any superintendent of education, member of the local school board of any school district, superintendent, principal, teacher, carrier, bus driver or member or employee of the State Department of Education or State Board of Education, or any other person, who shall willfully violate any of the



provisions of this chapter, or who shall willfully make any false report, list or record, or who shall willfully make use of any false report, list or record, concerning the number of school children in net enrollment shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for a period not to exceed sixty (60) days or by a fine of not less than One Hundred Dollars (\$100.00), nor more than Three Hundred Dollars (\$300.00), or by both such fine and imprisonment, in the discretion of the court. In addition, any such person shall be civilly liable for all amounts of public funds which are illegally, unlawfully or wrongfully expended or paid out by virtue of or pursuant to such false report, list or record, and upon conviction or adjudication of civil liability hereunder, such person shall forfeit his license to teach for a period of three (3) years, if such person is the holder of such a license. Any suit to recover such funds illegally, unlawfully or wrongfully expended or paid out may be brought in the name of the State of Mississippi by the Attorney General or the proper district attorney or county attorney, and, in the event such suit is brought against a person who is under bond, the sureties upon such bond shall likewise be liable for such amount illegally, unlawfully or wrongfully expended or paid out.

SECTION 105. Section 37-173-9, Mississippi Code of 1972, is brought forward as follows:



7466 37-173-9. (1) (a) The parent or legal guardian is not
7467 required to accept the offer of enrolling in another public school
7468 in lieu of requesting a Mississippi Dyslexia Therapy Scholarship
7469 to a nonpublic school. However, if the parent or legal guardian
7470 chooses the public school option, the student may continue
7471 attending a public school chosen by the parent or legal guardian
7472 until the student completes Grade 12.

7473 (b) If the parent or legal guardian chooses a public
7474 school within the district, the school district shall provide
7475 transportation to the public school selected by the parent or
7476 legal guardian. However, if the parent or legal guardian chooses
7477 a public school in another district, the parent or legal guardian
7478 is responsible to provide transportation to the school of choice.

7479 These provisions do not prohibit a parent or legal guardian
7480 of a student diagnosed with dyslexia, at any time, from choosing
7481 the option of a Mississippi Dyslexia Therapy Scholarship which
7482 would allow the student to attend another public school or
7483 nonpublic special purpose school.

7484 (2) If the parent or legal guardian chooses the nonpublic
7485 school option and the student is accepted by the nonpublic school
7486 pending the availability of a space for the student, the parent or
7487 legal guardian of the student must notify the department thirty
7488 (30) days before the first scholarship payment and before entering
7489 the nonpublic school in order to be eligible for the scholarship



7490 when a space becomes available for the student in the nonpublic
7491 school.

7492 (3) The parent or legal guardian of a student may choose, as
7493 an alternative, to enroll the student in and transport the student
7494 to a public school in an adjacent school district which has
7495 available space and has a program with dyslexia services that
7496 provide daily dyslexia therapy sessions delivered by a department
7497 licensed dyslexia therapist, and that school district shall accept
7498 the student and report the student for purposes of the district's
7499 funding under the total funding formula provided in Sections
7500 37-151-200 through 37-151-215.

7501 **SECTION 106.** Section 37-173-13, Mississippi Code of 1972, is
7502 brought forward as follows:

7503 37-173-13. (1) The maximum scholarship granted per eligible
7504 student with dyslexia shall be an amount equivalent to the student
7505 base amount under the total funding formula provided in Sections
7506 37-151-200 through 37-151-215.

7507 (2) (a) The nonpublic school under this program shall
7508 report to the State Department of Education the number of students
7509 with dyslexia who are enrolled in nonpublic schools on the
7510 Mississippi Dyslexia Therapy Scholarships as of September 30 of
7511 each year in order to determine funding for the subsequent year.
7512 Funds may not be transferred from any funding provided to the
7513 Mississippi School for the Deaf and the Blind for program
7514 participants who are eligible under Section 37-173-5.



7515 (b) The State Department of Education will disburse
7516 payments to nonpublic schools under this program in twelve (12)
7517 substantially equal installments. The initial payment shall be
7518 made after department verification of admission acceptance, and
7519 subsequent payments shall be made upon verification of continued
7520 enrollment and attendance at the nonpublic school.

7521 **SECTION 107.** Section 37-175-13, Mississippi Code of 1972, is
7522 brought forward as follows:

7523 37-175-13. (1) The maximum scholarship granted per eligible
7524 student with speech-language impairment shall be an amount
7525 equivalent to the state share of per student funding under the
7526 total funding formula provided in Sections 37-151-200 through
7527 37-151-215 in the school district in which a student resides.

7528 (2) (a) Any nonpublic school under this program shall
7529 report to the State Department of Education the number of students
7530 with speech-language impairment who are enrolled in nonpublic
7531 schools on the Mississippi Speech-Language Therapy Scholarships as
7532 of September 30 of each year in order to determine funding for the
7533 subsequent year. Funds may not be transferred from any funding
7534 provided to the Mississippi School for the Deaf and the Blind for
7535 program participants who are eligible under Section 37-175-5.

7536 (b) The State Department of Education shall make
7537 payments to nonpublic schools for each student at the nonpublic
7538 school equal to the state share of the total funding formula
7539 payments for each student in net enrollment at the school district



7540 from which the student transferred. In calculating the local
7541 contribution for purposes of determining the state share of the
7542 total funding formula payments, the department shall deduct the
7543 pro rata local contribution of the school district in which the
7544 student resides, to be determined as provided in Section
7545 37-151-211(2).

7546 (c) Payments made pursuant to this subsection by the
7547 State Department of Education must be made at the same time and in
7548 the same manner as the total funding formula payments are made to
7549 school districts under Sections 37-151-101 and 37-151-103.
7550 Amounts payable to a nonpublic school must be determined by the
7551 State Department of Education.

7552 (3) If the parent opts to remove a child from a public
7553 school to a nonpublic special purpose school and to receive a
7554 scholarship under this chapter, then transportation shall be
7555 provided at the parent's or guardian's expense.

7556 **SECTION 108.** Section 37-179-3, Mississippi Code of 1972, is
7557 brought forward as follows:

7558 37-179-3. (1) A district which is an applicant to be
7559 designated as a district of innovation under Section 37-179-1
7560 shall:

7561 (a) Establish goals and performance targets for the
7562 district of innovation proposal, which may include:



7563 (i) Reducing achievement gaps among groups of
7564 public school students by expanding learning experiences for
7565 students who are identified as academically low-achieving;
7566 (ii) Increasing pupil learning through the
7567 implementation of high, rigorous standards for pupil performance;
7568 (iii) Increasing the participation of students in
7569 various curriculum components and instructional components within
7570 selected schools to enhance at each grade level;
7571 (iv) Increasing the number of students who are
7572 college and career-ready;
7573 (v) Motivating students at different grade levels
7574 by offering more curriculum choices and student learning
7575 opportunities to parents and students within the district;
7576 (b) Identify changes needed in the district and schools
7577 to lead to better prepared students for success in life and work;
7578 (c) Have a district wide plan of innovation that
7579 describes and justifies which schools and innovative practices
7580 will be incorporated;
7581 (d) Provide documentation of community, educator,
7582 parental, and the local board's support of the proposed
7583 innovations;
7584 (e) Provide detailed information regarding the
7585 rationale of requests for waivers from Title 37, Mississippi Code
7586 of 1972, which relate to the elementary and secondary education of
7587 public school students, and administrative regulations, and



7588 exemptions for selected schools regarding waivers of local school
7589 board policies;

7590 (f) Document the fiscal and human resources the board
7591 will provide throughout the term of the implementation of the
7592 innovations within its plan; and

7593 (g) Provide other materials as required by the
7594 department in compliance with the board's administrative
7595 regulations and application procedures.

7596 (2) The district and all schools participating in a
7597 district's innovation plan shall:

7598 (a) Ensure the same health, safety, civil rights, and
7599 disability rights requirements as are applied to all public
7600 schools;

7601 (b) Ensure students meet compulsory attendance
7602 requirements under Sections 37-13-91 and 37-13-92;

7603 (c) Ensure that high school course offerings meet or
7604 exceed the minimum required under Sections 37-16-7 and 37-3-49,
7605 for high school graduation or meet early graduation requirements
7606 that may be enacted by the Mississippi Legislature;

7607 (d) Ensure the student performance standards meet or
7608 exceed those adopted by the State Board of Education as required
7609 by Sections 37-3-49, 37-16-3 and 37-17-6, including compliance
7610 with the statewide assessment system specified in Chapter 16,
7611 Title 37, Mississippi Code of 1972;



7612 (e) Adhere to the same financial audits, audit
7613 procedures, and audit requirements as are applied under Section
7614 7-7-211(e);

7615 (f) Require state and criminal background checks for
7616 staff and volunteers as required of all public school employees
7617 and volunteers within the public schools and specified in Section
7618 37-9-17;

7619 (g) Comply with open records and open meeting
7620 requirements under Sections 25-41-1 et seq. and 25-61-1 et seq.;

7621 (h) Comply with purchasing requirements and limitations
7622 under Chapter 39, Title 37, Mississippi Code of 1972;

7623 (i) Provide overall instructional time that is
7624 equivalent to or greater than that required under Sections 37-1-11
7625 and 37-13-67, but which may include on-site instruction, distance
7626 learning, online courses, and work-based learning on
7627 nontraditional school days or hours; and

7628 (j) Provide data to the department as deemed necessary
7629 to generate school and district reports.

7630 (3) (a) Only schools that choose to be designated as
7631 schools of innovation shall be included in a district's
7632 application;

7633 (b) As used in this paragraph, "eligible employees"
7634 means employees that are regularly employed at the school and
7635 those employees whose primary job duties will be affected by the
7636 plan; and



7637 (c) Notwithstanding the provisions of paragraph (a) of
7638 this subsection, a local school board may require a school that
7639 has been identified as a persistently low-achieving school under
7640 provisions of Section 37-17-6 to participate in the district's
7641 plan of innovation.

7642 (4) Notwithstanding any statutes to the contrary, the board
7643 may approve the requests of districts of innovation to:

7644 (a) Use capital outlay funds for operational costs;

7645 (b) Hire persons for classified positions in
7646 nontraditional school and district assignments who have bachelors
7647 and advanced degrees from postsecondary education institutions
7648 accredited by a regional accrediting association (Southern
7649 Association of Colleges and Schools) or by an organization
7650 affiliated with the National Commission on Accrediting;

7651 (c) Employ teachers on extended employment contracts or
7652 extra duty contracts and compensate them on a salary schedule
7653 other than the single salary schedule;

7654 (d) Extend the school days as is appropriate within the
7655 district with compensation for the employees as determined
7656 locally;

7657 (e) Establish alternative education programs and
7658 services that are delivered in nontraditional hours and which may
7659 be jointly provided in cooperation with another school district or
7660 consortia of districts;



7661 (f) Establish online classes within the district for
7662 delivering alternative classes in a blended environment to meet
7663 high school graduation requirements;
7664 (g) Use a flexible school calendar;
7665 (h) Convert existing schools into schools of
7666 innovation; and
7667 (i) Modify the formula under Chapter 151, Title 37,
7668 Mississippi Code of 1972, for distributing total funding formula
7669 funds for students in net enrollment in nontraditional programming
7670 time, including alternative programs and virtual programs. Funds
7671 granted to a district shall not exceed those that would have
7672 otherwise been distributed based on net enrollment during regular
7673 instructional days.

7674 **SECTION 109.** Section 37-181-7, Mississippi Code of 1972, is
7675 brought forward as follows:

7676 37-181-7. (1) New enrollment in the ESA program created in
7677 this chapter shall be limited to five hundred (500) additional
7678 students each year. Subject to appropriation from the General
7679 Fund, each student's ESA shall be funded at Six Thousand Five
7680 Hundred Dollars (\$6,500.00) for school year 2015-2016. For each
7681 subsequent year, this amount shall increase or decrease by the
7682 same proportion as the student base amount under Section
7683 37-151-203 is increased or decreased.

7684 (2) Subject to appropriation, eligible students shall be
7685 approved for participation in the ESA program as follows:



7686 (a) Students shall be approved on a first-come,
7687 first-served basis, with applications being reviewed on a rolling
7688 basis;

7689 (b) After participation reaches fifty percent (50%) of
7690 the annual enrollment limits in subsection (1) of this section,
7691 the department shall set annual application deadlines for the
7692 remaining number of available ESAs and begin to maintain a waiting
7693 list of eligible students. The waitlist shall only include
7694 eligible students who have certified to the department that they
7695 have been accepted into an eligible school qualified to provide
7696 services for the participating student's disability or special
7697 education needs, or provide services addressing a participating
7698 student's IEP. The waitlist will be maintained in the
7699 chronological order in which applications are received. The
7700 department shall award ESA program applications in chronological
7701 order according to the waitlist; and

7702 (c) Participating students who remain eligible for the
7703 ESA program are automatically approved for participation for the
7704 following year and are not subject to the random selection
7705 process.

7706 (3) No funds for an ESA may be expended from the total
7707 funding formula funds provided in this chapter, nor shall any
7708 school district be required to provide funding for an ESA.

7709 **SECTION 110.** Section 41-79-5, Mississippi Code of 1972, is
7710 brought forward as follows:



7711 41-79-5. (1) There is hereby established within the State
7712 Department of Health a school nurse intervention program,
7713 available to all public school districts in the state.

7714 (2) By the school year 1998-1999, each public school
7715 district shall have employed a school nurse, to be known as a
7716 Health Service Coordinator, pursuant to the school nurse
7717 intervention program prescribed under this section. The school
7718 nurse intervention program shall offer any of the following
7719 specific preventive services, and other additional services
7720 appropriate to each grade level and the age and maturity of the
7721 pupils:

7722 (a) Reproductive health education and referral to
7723 prevent teen pregnancy and sexually transmitted diseases, which
7724 education shall include abstinence;

7725 (b) Child abuse and neglect identification;

7726 (c) Hearing and vision screening to detect problems
7727 which can lead to serious sensory losses and behavioral and
7728 academic problems;

7729 (d) Alcohol, tobacco and drug abuse education to reduce
7730 abuse of these substances;

7731 (e) Scoliosis screening to detect this condition so
7732 that costly and painful surgery and lifelong disability can be
7733 prevented;



7734 (f) Coordination of services for handicapped children
7735 to ensure that these children receive appropriate medical
7736 assistance and are able to remain in public school;
7737 (g) Nutrition education and counseling to prevent
7738 obesity and/or other eating disorders which may lead to
7739 life-threatening conditions, for example, hypertension;
7740 (h) Early detection and treatment of head lice to
7741 prevent the spread of the parasite and to reduce absenteeism;
7742 (i) Emergency treatment of injury and illness to
7743 include controlling bleeding, managing fractures, bruises or
7744 contusions and cardiopulmonary resuscitation (CPR);
7745 (j) Applying appropriate theory as the basis for
7746 decision making in nursing practice;
7747 (k) Establishing and maintaining a comprehensive school
7748 health program;
7749 (l) Developing individualized health plans;
7750 (m) Assessing, planning, implementing and evaluating
7751 programs and other school health activities, in collaboration with
7752 other professionals;
7753 (n) Providing health education to assist students,
7754 families and groups to achieve optimal levels of wellness;
7755 (o) Participating in peer review and other means of
7756 evaluation to assure quality of nursing care provided for students
7757 and assuming responsibility for continuing education and



7758 professional development for self while contributing to the
7759 professional growth of others;

7760 (p) Participating with other key members of the
7761 community responsible for assessing, planning, implementing and
7762 evaluating school health services and community services that
7763 include the broad continuum or promotion of primary, secondary and
7764 tertiary prevention; and

7765 (q) Contributing to nursing and school health through
7766 innovations in theory and practice and participation in research.

7767 (3) Public school nurses shall be specifically prohibited
7768 from providing abortion counseling to any student or referring any
7769 student to abortion counseling or abortion clinics. Any violation
7770 of this subsection shall disqualify the school district employing
7771 such public school nurse from receiving any state administered
7772 funds under this section.

7773 (4) Repealed.

7774 (5) Beginning with the 1997-1998 school year, to the extent
7775 that federal or state funds are available therefor and pursuant to
7776 appropriation therefor by the Legislature, in addition to the
7777 school nurse intervention program funds administered under
7778 subsection (4), the State Department of Health shall establish and
7779 implement a Prevention of Teen Pregnancy Pilot Program to be
7780 located in the public school districts with the highest numbers of
7781 teen pregnancies. The Teen Pregnancy Pilot Program shall provide
7782 the following education services directly through public school



7783 nurses in the pilot school districts: health education sessions
7784 in local schools, where contracted for or invited to provide,
7785 which target issues including reproductive health, teen pregnancy
7786 prevention and sexually transmitted diseases, including syphilis,
7787 HIV and AIDS. When these services are provided by a school nurse,
7788 training and counseling on abstinence shall be included.

7789 (6) In addition to the school nurse intervention program
7790 funds administered under subsection (4) and the Teen Pregnancy
7791 Pilot Program funds administered under subsection (5), to the
7792 extent that federal or state funds are available therefor and
7793 pursuant to appropriation therefor by the Legislature, the State
7794 Department of Health shall establish and implement an Abstinence
7795 Education Pilot Program to provide abstinence education,
7796 mentoring, counseling and adult supervision to promote abstinence
7797 from sexual activity, with a focus on those groups which are most
7798 likely to bear children out of wedlock. Such abstinence education
7799 services shall be provided by the State Department of Health
7800 through its clinics, public health nurses, school nurses and
7801 through contracts with rural and community health centers in order
7802 to reach a larger number of targeted clients. For purposes of
7803 this subsection, the term "abstinence education" means an
7804 educational or motivational program which:

7805 (a) Has as its exclusive purpose, teaching the social,
7806 psychological and health gains to be realized by abstaining from
7807 sexual activity;



7808 (b) Teaches abstinence from sexual activity outside
7809 marriage as the expected standard for all school-age children;
7810 (c) Teaches that abstinence from sexual activity is the
7811 only certain way to avoid out-of-wedlock pregnancy, sexually
7812 transmitted diseases and other associated health problems;
7813 (d) Teaches that a mutually faithful monogamous
7814 relationship in context of marriage is the expected standard of
7815 human sexual activity;
7816 (e) Teaches that sexual activity outside of the context
7817 of marriage is likely to have harmful psychological and physical
7818 effects;
7819 (f) Teaches that bearing children out of wedlock is
7820 likely to have harmful consequences for the child, the child's
7821 parents and society;
7822 (g) Teaches young people how to reject sexual advances
7823 and how alcohol and drug use increase vulnerability to sexual
7824 advances; and
7825 (h) Teaches the importance of attaining
7826 self-sufficiency before engaging in sexual activity.
7827 (7) Pursuant to appropriation therefor by the Legislature,
7828 in addition to funds allotted under the total funding formula
7829 provided in Sections 37-151-200 through 37-151-215, each school
7830 district shall be allotted an amount for the purpose of employing
7831 qualified public school nurses in such school district, which in
7832 no event shall be less than one (1) nurse per school district, for



7833 such purpose. In the event the Legislature provides less funds
7834 than the total state funds needed for the public school nurse
7835 allotment, those school districts with fewer nurses per the number
7836 of students in net enrollment shall be the first funded for such
7837 purpose, to the extent of funds available.

7838 (8) Prior to the 1998-1999 school year, nursing staff
7839 assigned to the program shall be employed through the local county
7840 health department and shall be subject to the supervision of the
7841 State Department of Health with input from local school officials.
7842 Local county health departments may contract with any
7843 comprehensive private primary health care facilities within their
7844 county to employ and utilize additional nursing staff. Beginning
7845 with the 1998-1999 school year, nursing staff assigned to the
7846 program shall be employed by the local school district and shall
7847 be designated as "health service coordinators," and shall be
7848 required to possess a bachelor's degree in nursing as a minimum
7849 qualification.

7850 (9) Upon each student's enrollment, the parent or guardian
7851 shall be provided with information regarding the scope of the
7852 school nurse intervention program. The parent or guardian may
7853 provide the school administration with a written statement
7854 refusing all or any part of the nursing service. No child shall
7855 be required to undergo hearing and vision or scoliosis screening
7856 or any other physical examination or tests whose parent objects



thereto on the grounds such screening, physical examination or tests are contrary to his sincerely held religious beliefs.

(10) A consent form for reproductive health education shall be sent to the parent or guardian of each student upon his enrollment. If a response from the parent or guardian is not received within seven (7) days after the consent form is sent, the school shall send a letter to the student's home notifying the parent or guardian of the consent form. If the parent or guardian fails to respond to the letter within ten (10) days after it is sent, then the school principal shall be authorized to allow the student to receive reproductive health education. Reproductive health education shall include the teaching of total abstinence from premarital sex and, wherever practicable, reproductive health education should be taught in classes divided according to gender. All materials used in the reproductive health education program shall be placed in a convenient and easily accessible location for parental inspection. School nurses shall not dispense birth control pills or contraceptive devices in the school. Dispensing of such shall be the responsibility of the State Department of Health on a referral basis only.

(11) No provision of this section shall be construed as prohibiting local school districts from accepting financial assistance of any type from the State of Mississippi or any other governmental entity, or any contribution, donation, gift, decree or bequest from any source which may be utilized for the



7882 maintenance or implementation of a school nurse intervention
7883 program in a public school system of this state.

7884 **SECTION 111.** Section 43-17-5, Mississippi Code of 1972, is
7885 brought forward as follows:

7886 43-17-5. (1) The amount of Temporary Assistance for Needy
7887 Families (TANF) benefits which may be granted for any dependent
7888 child and a needy caretaker relative shall be determined by the
7889 county department with due regard to the resources and necessary
7890 expenditures of the family and the conditions existing in each
7891 case, and in accordance with the rules and regulations made by the
7892 Department of Human Services which shall not be less than the
7893 Standard of Need in effect for 1988, and shall be sufficient when
7894 added to all other income (except that any income specified in the
7895 federal Social Security Act, as amended, may be disregarded) and
7896 support available to the child to provide such child with a
7897 reasonable subsistence compatible with decency and health. The
7898 first family member in the dependent child's budget may receive an
7899 amount not to exceed Two Hundred Dollars (\$200.00) per month; the
7900 second family member in the dependent child's budget may receive
7901 an amount not to exceed Thirty-six Dollars (\$36.00) per month; and
7902 each additional family member in the dependent child's budget an
7903 amount not to exceed Twenty-four Dollars (\$24.00) per month. The
7904 maximum for any individual family member in the dependent child's
7905 budget may be exceeded for foster or medical care or in cases of
7906 children with an intellectual disability or a physical disability.



7907 TANF benefits granted shall be specifically limited only (a) to
7908 children existing or conceived at the time the caretaker relative
7909 initially applies and qualifies for such assistance, unless this
7910 limitation is specifically waived by the department, or (b) to a
7911 child born following a twelve-consecutive-month period of
7912 discontinued benefits by the caretaker relative.

7913 (2) TANF benefits in Mississippi shall be provided to the
7914 recipient family by an online electronic benefits transfer system.

7915 (3) The Department of Human Services shall deny TANF
7916 benefits to the following categories of individuals, except for
7917 individuals and families specifically exempt or excluded for good
7918 cause as allowed by federal statute or regulation:

7919 (a) Families without a minor child residing with the
7920 custodial parent or other adult caretaker relative of the child;

7921 (b) Families which include an adult who has received
7922 TANF assistance for sixty (60) months after the commencement of
7923 the Mississippi TANF program, whether or not such period of time
7924 is consecutive;

7925 (c) Families not assigning to the state any rights a
7926 family member may have, on behalf of the family member or of any
7927 other person for whom the family member has applied for or is
7928 receiving such assistance, to support from any other person, as
7929 required by law;

7930 (d) Families who fail to cooperate in establishing
7931 paternity or obtaining child support, as required by law;



7932 (e) Any individual who has not attained eighteen (18)
7933 years of age, is not married to the head of household, has a minor
7934 child at least twelve (12) weeks of age in his or her care, and
7935 has not successfully completed a high school education or its
7936 equivalent, if such individual does not participate in educational
7937 activities directed toward the attainment of a high school diploma
7938 or its equivalent, or an alternative educational or training
7939 program approved by the department;

7940 (f) Any individual who has not attained eighteen (18)
7941 years of age, is not married, has a minor child in his or her
7942 care, and does not reside in a place or residence maintained by a
7943 parent, legal guardian or other adult relative or the individual
7944 as such parent's, guardian's or adult relative's own home;

7945 (g) Any minor child who has been, or is expected by a
7946 parent or other caretaker relative of the child to be, absent from
7947 the home for a period of more than thirty (30) days;

7948 (h) Any individual who is a parent or other caretaker
7949 relative of a minor child who fails to notify the department of
7950 the absence of the minor child from the home for the thirty-day
7951 period specified in paragraph (g), by the end of the five-day
7952 period that begins with the date that it becomes clear to the
7953 individual that the minor child will be absent for the thirty-day
7954 period;

7955 (i) Any individual who fails to comply with the
7956 provisions of the Employability Development Plan signed by the



7957 individual which prescribe those activities designed to help the
7958 individual become and remain employed, or to participate
7959 satisfactorily in the assigned work activity, as authorized under
7960 subsection (6)(c) and (d), or who does not engage in applicant job
7961 search activities within the thirty-day period for TANF
7962 application approval after receiving the advice and consultation
7963 of eligibility workers and/or caseworkers of the department
7964 providing a detailed description of available job search venues in
7965 the individual's county of residence or the surrounding counties;

7966 (j) A parent or caretaker relative who has not engaged
7967 in an allowable work activity once the department determines the
7968 parent or caretaker relative is ready to engage in work, or once
7969 the parent or caretaker relative has received TANF assistance
7970 under the program for twenty-four (24) months, whether or not
7971 consecutive, whichever is earlier;

7972 (k) Any individual who is fleeing to avoid prosecution,
7973 or custody or confinement after conviction, under the laws of the
7974 jurisdiction from which the individual flees, for a crime, or an
7975 attempt to commit a crime, which is a felony under the laws of the
7976 place from which the individual flees, or who is violating a
7977 condition of probation or parole imposed under federal or state
7978 law;

7979 (l) Aliens who are not qualified under federal law;

7980 (m) For a period of ten (10) years following
7981 conviction, individuals convicted in federal or state court of



7982 having made a fraudulent statement or representation with respect
7983 to the individual's place of residence in order to receive TANF,
7984 food stamps or Supplemental Security Income (SSI) assistance under
7985 Title XVI or Title XIX simultaneously from two (2) or more states;

7986 (n) Individuals who are recipients of federal
7987 Supplemental Security Income (SSI) assistance; and

7988 (o) Individuals who are eighteen (18) years of age or
7989 older who are not in compliance with the drug testing and
7990 substance use disorder treatment requirements of Section 43-17-6.

7991 (4) (a) Any person who is otherwise eligible for TANF
7992 benefits, including custodial and noncustodial parents, shall be
7993 required to attend school and meet the monthly attendance
7994 requirement as provided in this subsection if all of the following
7995 apply:

7996 (i) The person is under age twenty (20);

7997 (ii) The person has not graduated from a public or
7998 private high school or obtained a High School Equivalency Diploma
7999 equivalent;

8000 (iii) The person is physically able to attend
8001 school and is not excused from attending school; and

8002 (iv) If the person is a parent or caretaker
8003 relative with whom a dependent child is living, child care is
8004 available for the child.

8005 The monthly attendance requirement under this subsection
8006 shall be attendance at the school in which the person is enrolled



8007 for each day during a month that the school conducts classes in
8008 which the person is enrolled, with not more than two (2) absences
8009 during the month for reasons other than the reasons listed in
8010 paragraph (e)(iv) of this subsection. Persons who fail to meet
8011 participation requirements in this subsection shall be subject to
8012 sanctions as provided in paragraph (f) of this subsection.

8013 (b) As used in this subsection, "school" means any one
8014 (1) of the following:

8015 (i) A school as defined in Section 37-13-91(2);

8016 (ii) A vocational, technical and adult education
8017 program; or

8018 (iii) A course of study meeting the standards
8019 established by the State Department of Education for the granting
8020 of a declaration of equivalency of high school graduation.

8021 (c) If any compulsory-school-age child, as defined in
8022 Section 37-13-91(2), to which TANF eligibility requirements apply
8023 is not in compliance with the compulsory school attendance
8024 requirements of Section 37-13-91(6), the superintendent of schools
8025 of the school district in which the child is enrolled or eligible
8026 to attend shall notify the county department of human services of
8027 the child's noncompliance. The Department of Human Services shall
8028 review school attendance information as provided under this
8029 paragraph at all initial eligibility determinations and upon
8030 subsequent report of unsatisfactory attendance.



8031 (d) The signature of a person on an application for
8032 TANF benefits constitutes permission for the release of school
8033 attendance records for that person or for any child residing with
8034 that person. The department shall request information from the
8035 child's school district about the child's attendance in the school
8036 district's most recently completed semester of attendance. If
8037 information about the child's previous school attendance is not
8038 available or cannot be verified, the department shall require the
8039 child to meet the monthly attendance requirement for one (1)
8040 semester or until the information is obtained. The department
8041 shall use the attendance information provided by a school district
8042 to verify attendance for a child. The department shall review
8043 with the parent or caretaker relative a child's claim that he or
8044 she has a good cause for not attending school.

8045 A school district shall provide information to the department
8046 about the attendance of a child who is enrolled in a public school
8047 in the district within five (5) working days of the receipt of a
8048 written request for that information from the department. The
8049 school district shall define how many hours of attendance count as
8050 a full day and shall provide that information, upon request, to
8051 the department. In reporting attendance, the school district may
8052 add partial days' absence together to constitute a full day's
8053 absence.

8054 If a school district fails to provide to the department the
8055 information about the school attendance of any child within



8056 fifteen (15) working days after a written request, the department
8057 shall notify the Department of Audit within three (3) working days
8058 of the school district's failure to comply with that requirement.
8059 The Department of Audit shall begin audit proceedings within five
8060 (5) working days of notification by the Department of Human
8061 Services to determine the school district's compliance with the
8062 requirements of this subsection (4). If the Department of Audit
8063 finds that the school district is not in compliance with the
8064 requirements of this subsection, the school district shall be
8065 penalized as follows: The Department of Audit shall notify the
8066 State Department of Education of the school district's
8067 noncompliance, and the Department of Education shall reduce the
8068 calculation of the school district's net enrollment that is used
8069 to determine the allocation of total funding formula funds by the
8070 number of children for which the district has failed to provide to
8071 the Department of Human Services the required information about
8072 the school attendance of those children. The reduction in the
8073 calculation of the school district's net enrollment under this
8074 paragraph shall be effective for a period of one (1) year.

8075 (e) A child who is required to attend school to meet
8076 the requirements under this subsection shall comply except when
8077 there is good cause, which shall be demonstrated by any of the
8078 following circumstances:

8079 (i) The minor parent is the caretaker of a child
8080 less than twelve (12) weeks old; or



8081 (ii) The department determines that child care
8082 services are necessary for the minor parent to attend school and
8083 there is no child care available; or

8084 (iii) The child is prohibited by the school
8085 district from attending school and an expulsion is pending. This
8086 exemption no longer applies once the teenager has been expelled;
8087 however, a teenager who has been expelled and is making
8088 satisfactory progress towards obtaining a High School Equivalency
8089 Diploma equivalent shall be eligible for TANF benefits; or

8090 (iv) The child failed to attend school for one or
8091 more of the following reasons:

8092 1. Illness, injury or incapacity of the child
8093 or the minor parent's child;

8094 2. Court-required appearances or temporary
8095 incarceration;

8096 3. Medical or dental appointments for the
8097 child or minor parent's child;

8098 4. Death of a close relative;

8099 5. Observance of a religious holiday;

8100 6. Family emergency;

8101 7. Breakdown in transportation;

8102 8. Suspension; or

8103 9. Any other circumstance beyond the control
8104 of the child, as defined in regulations of the department.



8105 (f) Upon determination that a child has failed without
8106 good cause to attend school as required, the department shall
8107 provide written notice to the parent or caretaker relative
8108 (whoever is the primary recipient of the TANF benefits) that
8109 specifies:

8110 (i) That the family will be sanctioned in the next
8111 possible payment month because the child who is required to attend
8112 school has failed to meet the attendance requirement of this
8113 subsection;

8114 (ii) The beginning date of the sanction, and the
8115 child to whom the sanction applies;

8116 (iii) The right of the child's parents or
8117 caretaker relative (whoever is the primary recipient of the TANF
8118 benefits) to request a fair hearing under this subsection.

8119 The child's parent or caretaker relative (whoever is the
8120 primary recipient of the TANF benefits) may request a fair hearing
8121 on the department's determination that the child has not been
8122 attending school. If the child's parents or caretaker relative
8123 does not request a fair hearing under this subsection, or if,
8124 after a fair hearing has been held, the hearing officer finds that
8125 the child without good cause has failed to meet the monthly
8126 attendance requirement, the department shall discontinue or deny
8127 TANF benefits to the child thirteen (13) years old, or older, in
8128 the next possible payment month. The department shall discontinue
8129 or deny twenty-five percent (25%) of the family grant when a child



8130 six (6) through twelve (12) years of age without good cause has
8131 failed to meet the monthly attendance requirement. Both the child
8132 and family sanction may apply when children in both age groups
8133 fail to meet the attendance requirement without good cause. A
8134 sanction applied under this subsection shall be effective for one
8135 (1) month for each month that the child failed to meet the monthly
8136 attendance requirement. In the case of a dropout, the sanction
8137 shall remain in force until the parent or caretaker relative
8138 provides written proof from the school district that the child has
8139 reenrolled and met the monthly attendance requirement for one (1)
8140 calendar month. Any month in which school is in session for at
8141 least ten (10) days during the month may be used to meet the
8142 attendance requirement under this subsection. This includes
8143 attendance at summer school. The sanction shall be removed the
8144 next possible payment month.

8145 (5) All parents or caretaker relatives shall have their
8146 dependent children receive vaccinations and booster vaccinations
8147 against those diseases specified by the State Health Officer under
8148 Section 41-23-37 in accordance with the vaccination and booster
8149 vaccination schedule prescribed by the State Health Officer for
8150 children of that age, in order for the parents or caretaker
8151 relatives to be eligible or remain eligible to receive TANF
8152 benefits. Proof of having received such vaccinations and booster
8153 vaccinations shall be given by presenting the certificates of
8154 vaccination issued by any health care provider licensed to



8155 administer vaccinations, and submitted on forms specified by the
8156 State Board of Health. If the parents without good cause do not
8157 have their dependent children receive the vaccinations and booster
8158 vaccinations as required by this subsection and they fail to
8159 comply after thirty (30) days' notice, the department shall
8160 sanction the family's TANF benefits by twenty-five percent (25%)
8161 for the next payment month and each subsequent payment month until
8162 the requirements of this subsection are met.

8163 (6) (a) If the parent or caretaker relative applying for
8164 TANF assistance is work eligible, as determined by the Department
8165 of Human Services, the person shall be required to engage in an
8166 allowable work activity once the department determines the parent
8167 or caretaker relative is determined work eligible, or once the
8168 parent or caretaker relative has received TANF assistance under
8169 the program for twenty-four (24) months, whether or not
8170 consecutive, whichever is earlier. No TANF benefits shall be
8171 given to any person to whom this section applies who fails without
8172 good cause to comply with the Employability Development Plan
8173 prepared by the department for the person, or who has refused to
8174 accept a referral or offer of employment, training or education in
8175 which he or she is able to engage, subject to the penalties
8176 prescribed in paragraph (e) of this subsection. A person shall be
8177 deemed to have refused to accept a referral or offer of
8178 employment, training or education if he or she:



8179 (i) Willfully fails to report for an interview
8180 with respect to employment when requested to do so by the
8181 department; or

8182 (ii) Willfully fails to report to the department
8183 the result of a referral to employment; or

8184 (iii) Willfully fails to report for allowable work
8185 activities as prescribed in paragraphs (c) and (d) of this
8186 subsection.

8187 (b) The Department of Human Services shall operate a
8188 statewide work program for TANF recipients to provide work
8189 activities and supportive services to enable families to become
8190 self-sufficient and improve their competitive position in the
8191 workforce in accordance with the requirements of the federal
8192 Personal Responsibility and Work Opportunity Reconciliation Act of
8193 1996 (Public Law 104-193), as amended, and the regulations
8194 promulgated thereunder, and the Deficit Reduction Act of 2005
8195 (Public Law 109-171), as amended. Within sixty (60) days after
8196 the initial application for TANF benefits, the TANF recipient must
8197 participate in a job search skills training workshop or a job
8198 readiness program, which shall include resume writing, job search
8199 skills, employability skills and, if available at no charge, the
8200 General Aptitude Test Battery or its equivalent. All adults who
8201 are not specifically exempt shall be referred by the department
8202 for allowable work activities. An adult may be exempt from the
8203 mandatory work activity requirement for the following reasons:



8204 (i) Incapacity;
8205 (ii) Temporary illness or injury, verified by
8206 physician's certificate;
8207 (iii) Is in the third trimester of pregnancy, and
8208 there are complications verified by the certificate of a
8209 physician, nurse practitioner, physician assistant, or any other
8210 licensed health care professional practicing under a protocol with
8211 a licensed physician;
8212 (iv) Caretaker of a child under twelve (12)
8213 months, for not more than twelve (12) months of the sixty-month
8214 maximum benefit period;
8215 (v) Caretaker of an ill or incapacitated person,
8216 as verified by physician's certificate;
8217 (vi) Age, if over sixty (60) or under eighteen
8218 (18) years of age;
8219 (vii) Receiving treatment for substance abuse, if
8220 the person is in compliance with the substance abuse treatment
8221 plan;
8222 (viii) In a two-parent family, the caretaker of a
8223 severely disabled child, as verified by a physician's certificate;
8224 or
8225 (ix) History of having been a victim of domestic
8226 violence, which has been reported as required by state law and is
8227 substantiated by police reports or court records, and being at
8228 risk of further domestic violence, shall be exempt for a period as



8229 deemed necessary by the department but not to exceed a total of
8230 twelve (12) months, which need not be consecutive, in the
8231 sixty-month maximum benefit period. For the purposes of this
8232 subparagraph (ix), "domestic violence" means that an individual
8233 has been subjected to:

- 8234 1. Physical acts that resulted in, or
8235 threatened to result in, physical injury to the individual;
- 8236 2. Sexual abuse;
- 8237 3. Sexual activity involving a dependent
8238 child;
- 8239 4. Being forced as the caretaker relative of
8240 a dependent child to engage in nonconsensual sexual acts or
8241 activities;
- 8242 5. Threats of, or attempts at, physical or
8243 sexual abuse;
- 8244 6. Mental abuse; or
- 8245 7. Neglect or deprivation of medical care.

8246 (c) For all families, all adults who are not
8247 specifically exempt shall be required to participate in work
8248 activities for at least the minimum average number of hours per
8249 week specified by federal law or regulation, not fewer than twenty
8250 (20) hours per week (thirty-five (35) hours per week for
8251 two-parent families) of which are attributable to the following
8252 allowable work activities:

- 8253 (i) Unsubsidized employment;



8254 (ii) Subsidized private employment;
8255 (iii) Subsidized public employment;
8256 (iv) Work experience (including work associated
8257 with the refurbishing of publicly assisted housing), if sufficient
8258 private employment is not available;
8259 (v) On-the-job training;
8260 (vi) Job search and job readiness assistance
8261 consistent with federal TANF regulations;
8262 (vii) Community service programs;
8263 (viii) Vocational educational training (not to
8264 exceed twelve (12) months with respect to any individual);
8265 (ix) The provision of child care services to an
8266 individual who is participating in a community service program;
8267 (x) Satisfactory attendance at high school or in a
8268 course of study leading to a high school equivalency certificate,
8269 for heads of household under age twenty (20) who have not
8270 completed high school or received such certificate;
8271 (xi) Education directly related to employment, for
8272 heads of household under age twenty (20) who have not completed
8273 high school or received such equivalency certificate.
8274 (d) The following are allowable work activities which
8275 may be attributable to hours in excess of the minimum specified in
8276 paragraph (c) of this subsection:
8277 (i) Job skills training directly related to
8278 employment;



8279 (ii) Education directly related to employment for
8280 individuals who have not completed high school or received a high
8281 school equivalency certificate;

8282 (iii) Satisfactory attendance at high school or in
8283 a course of study leading to a high school equivalency, for
8284 individuals who have not completed high school or received such
8285 equivalency certificate;

8286 (iv) Job search and job readiness assistance
8287 consistent with federal TANF regulations.

8288 (e) If any adult or caretaker relative refuses to
8289 participate in allowable work activity as required under this
8290 subsection (6), the following full family TANF benefit penalty
8291 will apply, subject to due process to include notification,
8292 conciliation and a hearing if requested by the recipient:

8293 (i) For the first violation, the department shall
8294 terminate the TANF assistance otherwise payable to the family for
8295 a two-month period or until the person has complied with the
8296 required work activity, whichever is longer;

8297 (ii) For the second violation, the department
8298 shall terminate the TANF assistance otherwise payable to the
8299 family for a six-month period or until the person has complied
8300 with the required work activity, whichever is longer;

8301 (iii) For the third violation, the department
8302 shall terminate the TANF assistance otherwise payable to the



8303 family for a twelve-month period or until the person has complied
8304 with the required work activity, whichever is longer;

8305 (iv) For the fourth violation, the person shall be
8306 permanently disqualified.

8307 For a two-parent family, unless prohibited by state or
8308 federal law, Medicaid assistance shall be terminated only for the
8309 person whose failure to participate in allowable work activity
8310 caused the family's TANF assistance to be sanctioned under this
8311 paragraph (e), unless an individual is pregnant, but shall not be
8312 terminated for any other person in the family who is meeting that
8313 person's applicable work requirement or who is not required to
8314 work. Minor children shall continue to be eligible for Medicaid
8315 benefits regardless of the disqualification of their parent or
8316 caretaker relative for TANF assistance under this subsection (6),
8317 unless prohibited by state or federal law.

8318 (f) Any person enrolled in a two-year or four-year
8319 college program who meets the eligibility requirements to receive
8320 TANF benefits, and who is meeting the applicable work requirements
8321 and all other applicable requirements of the TANF program, shall
8322 continue to be eligible for TANF benefits while enrolled in the
8323 college program for as long as the person meets the requirements
8324 of the TANF program, unless prohibited by federal law.

8325 (g) No adult in a work activity required under this
8326 subsection (6) shall be employed or assigned (i) when any other
8327 individual is on layoff from the same or any substantially



8328 equivalent job within six (6) months before the date of the TANF
8329 recipient's employment or assignment; or (ii) if the employer has
8330 terminated the employment of any regular employee or otherwise
8331 caused an involuntary reduction of its workforce in order to fill
8332 the vacancy so created with an adult receiving TANF assistance.
8333 The Mississippi Department of Employment Security, established
8334 under Section 71-5-101, shall appoint one or more impartial
8335 hearing officers to hear and decide claims by employees of
8336 violations of this paragraph (g). The hearing officer shall hear
8337 all the evidence with respect to any claim made hereunder and such
8338 additional evidence as he may require and shall make a
8339 determination and the reason therefor. The claimant shall be
8340 promptly notified of the decision of the hearing officer and the
8341 reason therefor. Within ten (10) days after the decision of the
8342 hearing officer has become final, any party aggrieved thereby may
8343 secure judicial review thereof by commencing an action, in the
8344 circuit court of the county in which the claimant resides, against
8345 the department for the review of such decision, in which action
8346 any other party to the proceeding before the hearing officer shall
8347 be made a defendant. Any such appeal shall be on the record which
8348 shall be certified to the court by the department in the manner
8349 provided in Section 71-5-531, and the jurisdiction of the court
8350 shall be confined to questions of law which shall render its
8351 decision as provided in that section.



8352 (7) The Department of Human Services may provide child care
8353 for eligible participants who require such care so that they may
8354 accept employment or remain employed. The department may also
8355 provide child care for those participating in the TANF program
8356 when it is determined that they are satisfactorily involved in
8357 education, training or other allowable work activities. The
8358 department may contract with Head Start agencies to provide child
8359 care services to TANF recipients. The department may also arrange
8360 for child care by use of contract or vouchers, provide vouchers in
8361 advance to a caretaker relative, reimburse a child care provider,
8362 or use any other arrangement deemed appropriate by the department,
8363 and may establish different reimbursement rates for child care
8364 services depending on the category of the facility or home. Any
8365 center-based or group home child care facility under this
8366 subsection shall be licensed by the State Department of Health
8367 pursuant to law. When child care is being provided in the child's
8368 own home, in the home of a relative of the child, or in any other
8369 unlicensed setting, the provision of such child care may be
8370 monitored on a random basis by the Department of Human Services or
8371 the State Department of Health. Transitional child care
8372 assistance may be continued if it is necessary for parents to
8373 maintain employment once support has ended, unless prohibited
8374 under state or federal law. Transitional child care assistance
8375 may be provided for up to twenty-four (24) months after the last



8376 month during which the family was eligible for TANF assistance, if
8377 federal funds are available for such child care assistance.

8378 (8) The Department of Human Services may provide
8379 transportation or provide reasonable reimbursement for
8380 transportation expenses that are necessary for individuals to be
8381 able to participate in allowable work activity under the TANF
8382 program.

8383 (9) Medicaid assistance shall be provided to a family of
8384 TANF program participants for up to twenty-four (24) consecutive
8385 calendar months following the month in which the participating
8386 family would be ineligible for TANF benefits because of increased
8387 income, expiration of earned income disregards, or increased hours
8388 of employment of the caretaker relative; however, Medicaid
8389 assistance for more than twelve (12) months may be provided only
8390 if a federal waiver is obtained to provide such assistance for
8391 more than twelve (12) months and federal and state funds are
8392 available to provide such assistance.

8393 (10) The department shall require applicants for and
8394 recipients of public assistance from the department to sign a
8395 personal responsibility contract that will require the applicant
8396 or recipient to acknowledge his or her responsibilities to the
8397 state.

8398 (11) The department shall enter into an agreement with the
8399 State Personnel Board and other state agencies that will allow
8400 those TANF participants who qualify for vacant jobs within state



8401 agencies to be placed in state jobs. State agencies participating
8402 in the TANF work program shall receive any and all benefits
8403 received by employers in the private sector for hiring TANF
8404 recipients. This subsection (11) shall be effective only if the
8405 state obtains any necessary federal waiver or approval and if
8406 federal funds are available therefor. Not later than September 1,
8407 2021, the department shall prepare a report, which shall be
8408 provided to the Chairmen of the House and Senate Public Health
8409 Committees and to any other member of the Legislature upon
8410 request, on the history, status, outcomes and effectiveness of the
8411 agreements required under this subsection.

8412 (12) Any unspent TANF funds remaining from the prior fiscal
8413 year may be expended for any TANF allowable activities.

8414 (13) The Mississippi Department of Human Services shall
8415 provide TANF applicants information and referral to programs that
8416 provide information about birth control, prenatal health care,
8417 abstinence education, marriage education, family preservation and
8418 fatherhood. Not later than September 1, 2021, the department
8419 shall prepare a report, which shall be provided to the Chairmen of
8420 the House and Senate Public Health Committees and to any other
8421 member of the Legislature upon request, on the history, status,
8422 outcomes and effectiveness of the information and referral
8423 requirements under this subsection.

8424 (14) No new TANF program requirement or restriction
8425 affecting a person's eligibility for TANF assistance, or allowable



8426 work activity, which is not mandated by federal law or regulation
8427 may be implemented by the Department of Human Services after July
8428 1, 2004, unless such is specifically authorized by an amendment to
8429 this section by the Legislature.

8430 **SECTION 112.** Section 65-26-9, Mississippi Code of 1972, is
8431 brought forward as follows:

8432 65-26-9. (1) There is hereby created in the State Treasury
8433 a special fund to be known as the Tennessee-Tombigbee Waterway
8434 Bridge Bond Retirement Fund. All revenues pledged for the payment
8435 of the principal of and interest on the bonds authorized to be
8436 issued by this chapter shall be deposited into the bond retirement
8437 fund. Expenditures from the bond retirement fund shall be made
8438 only in accordance with this section.

8439 (2) Subject to the provisions of subsection (3) of this
8440 section, amounts on deposit in the bond retirement fund and not
8441 immediately required for the making of any payments therefrom
8442 shall be invested in interest-bearing certificates of deposit in
8443 accordance with the provisions of Section 27-105-33, except
8444 interest so earned shall be credited to the bond retirement fund.

8445 (3) (a) There is hereby established within the bond
8446 retirement fund two (2) separate accounts as follows: (i) the
8447 "Tennessee-Tombigbee General Account"; and (ii) the
8448 "Tennessee-Tombigbee Principal and Interest Account."

8449 (b) (i) All amounts held in the bond retirement fund
8450 on April 23, 1986, and all amounts thereafter deposited in the



8451 bond retirement fund, shall be credited to the Tennessee-Tombigbee
8452 General Account.

8453 (ii) Until such time as the transfer of funds from
8454 the Tennessee-Tombigbee General Account to the Tennessee-Tombigbee
8455 Principal and Interest Account occurs as provided in paragraph
8456 (b)(iii) of this subsection, amounts in the general account shall
8457 be applied to the following purposes and in the following order of
8458 priority: first, to the extent required, to the payment, the
8459 principal of, redemption premium, if any, and interest on general
8460 obligation bonds; second, to the extent required, to the General
8461 Fund of the state to reimburse the state for expenditures in
8462 excess of twenty-five percent (25%) of the total costs of the
8463 principal and interest on bonds issued under authority of
8464 subsection (1) of Section 65-26-15 and for all expenditures for
8465 costs of the principal of and interest on bonds issued under
8466 authority of subsection (2) of Section 65-26-15; and third, to the
8467 extent required, if any, to the bridge construction fund created
8468 in Section 65-26-25 to make current payments to meet contractual
8469 obligations for bridge construction.

8470 (iii) Upon certification of the State Treasurer,
8471 filed with and approved by the State Bond Commission, that the
8472 amount on deposit in the Tennessee-Tombigbee General Account,
8473 together with earnings on investments to accrue to it, is equal to
8474 or greater than the aggregate of the entire principal, redemption
8475 premium, if any, and interest due and to become due, until the



8476 final maturity date or earlier scheduled redemption date thereof,
8477 on all general obligation bonds outstanding as of the date of such
8478 certification, then the State Treasurer shall transfer from the
8479 Tennessee-Tombigbee General Account to the Tennessee-Tombigbee
8480 Principal and Interest Account an amount equal to the entire
8481 principal, redemption premium, if any, and interest due and to
8482 become due, until the final maturity date or scheduled redemption
8483 date thereof, on all general obligation bonds outstanding as of
8484 the date of such transfer. The State of Mississippi hereby
8485 covenants with the holders from time to time of general obligation
8486 bonds that amounts deposited in the Tennessee-Tombigbee Principal
8487 and Interest Account will be applied solely to the payment of the
8488 principal of, redemption premium, if any, and interest on general
8489 obligation bonds.

8490 (iv) After the date of the transfer from the
8491 general account to the principal and interest account contemplated
8492 by paragraph (b)(iii) of this subsection, amounts from time to
8493 time on deposit in the Tennessee-Tombigbee General Account shall
8494 be applied monthly to the following purposes and in the following
8495 order of priority: first, to the extent required, to the payment
8496 of the principal of, redemption premium, if any, and interest on
8497 general obligation bonds issued under this chapter; second, to the
8498 extent required, to the General Fund of the state to reimburse the
8499 state for expenditures in excess of twenty-five percent (25%) of
8500 the total costs of the principal and interest on bonds issued



8501 under authority of subsection (1) of Section 65-26-15 and for all
8502 expenditures for costs of the principal of and interest on bonds
8503 issued under authority of subsection (2) of Section 65-26-15; and
8504 third, to the extent required, if any, to the bridge construction
8505 fund created in Section 65-26-25 to make current payments to meet
8506 contractual obligations for bridge construction.

8507 (4) It is the intent of the Legislature that all outstanding
8508 general obligation bonds issued under this chapter shall be
8509 retired by the State Bond Commission on the earliest scheduled
8510 redemption date thereof, provided that there are sufficient funds
8511 in the bond retirement fund together with earnings on investments
8512 to accrue to it. When the principal of, redemption premium, if
8513 any, and interest on all such outstanding general obligation bonds
8514 are paid in full, then any amounts remaining in the bond
8515 retirement fund, or separate accounts therein, together with
8516 earnings on investments to accrue to it, shall be apportioned and
8517 paid as follows:

8518 (a) Three Million Five Hundred Thousand Dollars
8519 (\$3,500,000.00) of such funds shall be paid into the appropriate
8520 fund for use by the Yellow Creek State Inland Port Authority for
8521 equipment or facilities necessary to the operation of the port.

8522 (b) Three Million Five Hundred Thousand Dollars
8523 (\$3,500,000.00) shall be paid into the State General Fund.

8524 (c) Seven Million Five Hundred Thousand Dollars
8525 (\$7,500,000.00) shall be paid to Tishomingo County. Of the Seven



8526 Million Five Hundred Thousand Dollars (\$7,500,000.00), (i) Two
8527 Million Five Hundred Thousand Dollars (\$2,500,000.00) shall be
8528 placed by the county in a special trust fund, the principal of
8529 which shall remain inviolate and the interest on which shall be
8530 expended solely for improvement of elementary and secondary
8531 education in Tishomingo County and distributed among the school
8532 districts therein based on the net enrollment in each, and (ii)
8533 Five Million Dollars (\$5,000,000.00) shall be placed in the county
8534 general fund and may be expended for general county purposes.

8535 (d) The balance of such funds shall be paid to the
8536 counties of Alcorn, Chickasaw, Clay, Itawamba, Lee, Lowndes,
8537 Monroe, Noxubee, Kemper, Pontotoc, Prentiss and Tishomingo. Such
8538 funds shall be paid to such counties in the proportion that each
8539 county's contribution to the bridge bond fund bears to the total
8540 contribution from all twelve (12) counties; however, no county
8541 shall be paid more than Five Million Dollars (\$5,000,000.00) under
8542 this paragraph (d). Such funds shall be deposited by the county
8543 into a special account to be expended solely for economic
8544 development purposes. No expenditure of funds from the special
8545 account shall be made unless the amount to be expended from the
8546 special account is matched by other county funds in an amount
8547 equal to fifteen percent (15%) of the special account funds to be
8548 expended and until the Mississippi Development Authority, upon
8549 application by the board of supervisors, has certified that the
8550 proposed expenditure is for economic development purposes and has



8551 approved the expenditure for such purposes; provided, however, the
8552 fifteen percent (15%) match hereinabove imposed shall not be
8553 required when the proposed expenditure for economic development
8554 purposes is on land owned or leased by the federal, state, county
8555 or municipal government.

8556 **SECTION 113.** Section 27-104-351, Mississippi Code of 1972,
8557 is brought forward as follows:

8558 27-104-351. (1) This section shall be known and may be
8559 cited as the "Line-Item Appropriation Transparency Act."

8560 (2) As used in this section, unless the context clearly
8561 indicates otherwise:

8562 (a) "Local government entity" means any county,
8563 municipality, school district, public hospital or other political
8564 subdivision of the state.

8565 (b) "Pass-through funding" means a line-item
8566 appropriation by the Legislature to a state agency that is
8567 itemized on a separate line in a state agency's appropriation bill
8568 and that is intended to be passed through the state agency to one
8569 or more:

8570 (i) Local government entities;

8571 (ii) Private organizations, including
8572 not-for-profit organizations; or

8573 (iii) Persons in the form of a loan or grant.



8574 "Pass-through funding" may be general funds, dedicated
8575 credits, or any combination of state funding sources, and may be
8576 ongoing or one-time.

8577 (c) "Recipient entity" means a local government entity
8578 or private entity, including a nonprofit entity, that receives
8579 money by way of pass-through funding from a state agency.

8580 (d) "State agency" shall have the same meaning as
8581 provided in Section 27-103-103, and shall include any other
8582 subagency or board under the supervision of that state agency.

8583 (e) "State money" means funds in the State General Fund
8584 and all state-support special funds which are in the Budget
8585 Contingency Fund, Capital Expense Fund, Working-Cash Stabilization
8586 Reserve Fund, Education Enhancement Fund, Healthcare Expendable
8587 Fund, Tobacco Control Program Fund, BP Settlement Fund, Gulf Coast
8588 Restoration Fund and any other special funds that are determined
8589 by the Joint Legislative Budget Committee to be a state-support
8590 special fund. "State money" does not include contributions or
8591 donations received by a state agency.

8592 (f) "Department" means the Department of Finance and
8593 Administration.

8594 (3) A state agency may not provide a recipient entity state
8595 money from pass-through funding unless:

8596 (a) The state agency enters into a written agreement
8597 with the recipient entity, which details the criteria and
8598 reporting requirements as provided in this section; and



8599 (b) The written agreement described in paragraph (a) of
8600 this subsection requires the recipient entity to provide to the
8601 state agency the following:

8602 (i) A written description and an itemized report
8603 detailing the expenditure of state money or the intended
8604 expenditure of any state money that has not been spent. Such
8605 report shall be submitted at least quarterly on dates determined
8606 by the department; and

8607 (ii) A final written itemized report when all the
8608 state money is spent.

8609 Disbursements shall only be made after the written agreement
8610 described in paragraph (a) of this subsection has been signed and
8611 shall be contingent upon the recipient entity complying with the
8612 quarterly reporting requirements required by paragraph (b) of this
8613 subsection.

8614 (4) On or before June 30 of each year or a date determined
8615 by the department, a state agency shall provide to the department
8616 a copy of the written agreements, written descriptions, and
8617 reports of itemized expenditures required under subsection (3) of
8618 this section.

8619 (5) The department is responsible for obtaining the written
8620 agreements, written descriptions, and itemized reports required by
8621 subsection (3) of this section from state agencies. The
8622 department is further responsible for consolidating and presenting
8623 a report on the previous fiscal year's pass-through expenditures



8624 and providing it to the Joint Legislative Budget Committee by
8625 October 1 of each year.

8626 (6) The department shall create all of the following
8627 documents which shall be in such form and contain such information
8628 as the department prescribes:

8629 (a) Written agreement as described in subsection (3)(a)
8630 of this section;

8631 (b) Written description and itemized report as
8632 described in subsection (3)(b) of this section; and

8633 (c) Final itemized report as described in subsection
8634 (3)(b) of this section.

8635 A state agency shall utilize these documents when complying
8636 with the criteria set forth in this section.

8637 (7) Notwithstanding subsection (3) of this section, a state
8638 agency is not required to comply with this section to the extent
8639 that the pass-through funding is issued:

8640 (a) Under a competitive award process;

8641 (b) In accordance with a formula enacted in statute;

8642 (c) In accordance with a state program under parameters
8643 in statute or rule that guides the distribution of the
8644 pass-through funding;

8645 (d) Under the authority of Sections 37-151-200 through
8646 37-151-215; or



8647 (e) In accordance with an appropriations act of the
8648 Legislature that specifically provides an exemption from the
8649 provisions of this section.

8650 (8) Unless a recipient entity is required to comply with
8651 Section 31-7-1 et seq. because it is an agency or public body, the
8652 fact that it is a recipient entity does not create such an
8653 obligation.

8654 **SECTION 114.** This act shall take effect and be in force from
8655 and after July 1, 2025.

