

By: Representative Roberson

To: Education

HOUSE BILL NO. 1630
(As Passed the House)

1 AN ACT TO AMEND SECTIONS 37-151-201, 37-151-203, 37-151-205,
2 37-151-207, 37-151-211, 37-151-213, 37-57-104, 37-57-105,
3 37-57-107, 37-61-33, 7-7-211, 19-9-157, 19-9-171, 27-39-317,
4 37-3-83, 37-15-38, 37-16-3, 37-17-6, 37-22-5, 37-28-55, 37-61-3,
5 37-61-5, 37-61-7, 37-61-35, 37-61-37, 37-151-81, 37-151-85,
6 37-151-95, 37-151-97, 41-79-5, 43-17-5, 27-104-351, 25-11-126,
7 37-61-33, 37-159-7, 37-23-31, 37-23-33 AND 37-23-35, MISSISSIPPI
8 CODE OF 1972, TO CLARIFY VARIOUS PROVISIONS OF THE MISSISSIPPI
9 STUDENT FUNDING FORMULA AND REMOVE OBSOLETE REFERENCES TO THE
10 PREDECESSOR FUNDING PROGRAM KNOWN AS THE MISSISSIPPI ADEQUATE
11 EDUCATION PROGRAM; TO BRING FORWARD SECTIONS 37-151-200,
12 37-151-209, 37-151-215, 37-57-1, 27-65-75, 1-3-26, 25-4-29,
13 27-25-706, 27-33-3, 29-3-47, 29-3-49, 29-3-113, 29-3-137, 31-7-9,
14 31-7-10, 37-1-3, 37-3-11, 37-7-208, 37-7-301, 37-7-302, 37-7-303,
15 37-7-307, 37-7-319, 37-7-333, 37-7-419, 37-9-17, 37-9-23, 37-9-25,
16 37-9-33, 37-9-35, 37-9-37, 37-9-77, 37-11-11, 37-13-63, 37-13-64,
17 37-13-69, 37-19-7, 37-21-6, 37-21-7, 37-23-1, 37-23-15, 37-23-69,
18 37-23-109, 37-23-179, 37-27-55, 37-27-57, 37-28-5, 37-28-53,
19 37-29-1, 37-29-272, 37-29-303, 37-31-13, 37-31-75, 37-35-3,
20 37-37-3, 37-41-7, 37-45-49, 37-47-9, 37-47-25, 37-47-33, 37-61-19,
21 37-61-29, 37-68-7, 37-131-7, 37-131-9, 37-131-11, 37-151-9,
22 37-151-87, 37-151-89, 37-151-91, 37-151-93, 37-151-99, 37-151-101,
23 37-151-103, 37-151-105, 37-151-107, 37-173-9, 37-173-13,
24 37-175-13, 37-179-3, 37-181-7 AND 65-26-9, MISSISSIPPI CODE OF
25 1972, FOR PURPOSES OF POSSIBLE AMENDMENTS; AND FOR RELATED
26 PURPOSES.

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

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



30 37-151-200. (1) Sections 37-151-200 through 37-151-215
31 shall be known, and may be cited as the "Mississippi Student
32 Funding Formula."

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

38 **SECTION 2.** Section 37-151-201, Mississippi Code of 1972, is
39 amended as follows:

40 37-151-201. The following words and phrases have the
41 meanings ascribed in this section unless the context clearly
42 indicates otherwise:

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

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

51 (c) "Charter school" means a public school that is
52 established and operating under the terms of a charter contract
53 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 for students in kindergarten through Grade 12 of a school district or charter school on the last day of



months two (2) and three (3) of the * * * relevant 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.



127 (o) "Sparsely populated district or charter school"
128 means a school district or charter school with a density of less
129 than eight (8) students per square mile, as determined by dividing
130 the net enrollment of a district or charter school by the square
131 mileage within its geographic boundaries. For the purpose of
132 determining the sparsity of a charter school, the square mileage
133 of a charter school is equivalent to the square mileage within the
134 geographic boundaries of the school district in which the charter
135 school is located.

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

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

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

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

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



151 **SECTION 3.** Section 37-151-203, Mississippi Code of 1972, is
152 amended as follows:

153 37-151-203. (1) In fiscal year 2025, the student base
154 amount shall be Six Thousand Six Hundred Ninety-five Dollars and
155 Thirty-four Cents (\$6,695.34) per student. In fiscal years 2026,
156 2027 and 2028, the inflationary adjustment described in this
157 section shall be applied to derive the total funding formula. In
158 fiscal year 2029, and every fourth fiscal year thereafter, the
159 State Board of Education, on or before August 1, with an adjusted
160 estimate no later than January 2, shall submit to the Legislative
161 Budget Office, the Chairmen of the Senate and House of
162 Representatives Appropriations and Education Committees,
163 respectively, the Lieutenant Governor and the Speaker of the House
164 a new proposed student base amount calculation using the following
165 formula:

166 (a) Instructional cost. To determine the instructional
167 cost, the department shall first calculate the state's student to
168 teacher ratio. Such ratio shall be determined by dividing the net
169 enrollment for public schools and charter schools in the state by
170 the total number of teachers in such schools, as determined by the
171 department, in months two (2) and three (3) of the school year
172 preceding the year funds are to be appropriated. The student to
173 teacher ratio shall be rounded up to the nearest whole number.
174 After determining the student to teacher ratio, the average
175 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.

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

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



2430 Functions 2600-2699, Objects 100-699 and Objects 800-999.

* * *

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

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

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

(5) Base student cost shall not be lower than the previous year; provided, however, the base student cost may be lowered when



the State Fiscal Officer provides notice to the Legislative Budget Office of a revenue shortfall in accordance with Section 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 amended 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 or charter school that are identified as the applicable weight shall be calculated as a percentage of the students in the school district or charter school. 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 or charter school 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 or charter school 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 or charter school 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 or charter school 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 or charter school 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 amended 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 * * * use the school district's net enrollment for months two (2) and three (3) for the * * * preceding school * * * 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.

* * *

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

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

37-151-209. Allocations to school districts or charter schools made by the State Department of Education on the basis of the count of students in student categories established for the purpose of applying various weights under Sections 37-151-200 through 37-151-215 are intended only to generate total appropriation amounts for school funding. Except as otherwise



required by applicable state or federal law or by applicable rules, regulations, policies, or order of the State Board of Education and the State Department of Education, a school district or charter school may exercise full autonomy in the spending of all funds allocated under the formula to the district or charter school so long as funds are expended in the manner determined by the school board or governing board to best meet the needs of the student population of the school district or charter school.

SECTION 7. Section 37-151-211, Mississippi Code of 1972, is amended as follows:

37-151-211. (1) (a) Before February 1 of each year, the tax assessor of each county shall file reports with the State Department of Education which provide information essential to the department in determining the local contribution that each school 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 * * * and any charter 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.



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

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

480 (ii) For school districts in which there is
481 located one or more charter schools, the local contribution of the
482 school district is the product of multiplying the local pro rata
483 amount by the net enrollment of the school district. The
484 department will calculate the local pro rata amount by dividing
485 the school district's minimum local tax effort by the sum of the
486 net enrollment of the school district, as determined by Section
487 37-151-207, and the projected enrollment of charter school
488 students, as specified in Section 37-151-207, who reside or are
489 estimated to reside in the district, but excluding from this
490 projected enrollment any resident students who are projected to
491 transfer from the district to a charter school after the
492 calculation of the district's net enrollment, so as not to
493 double-count those students.

494 (iii) For each charter school, the local
495 contribution is the sum of the local pro rata amount for each
496 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 amended as follows:

37-151-213. (1) To qualify for state funds under this chapter, a school district or charter school 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 or charter school 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 or charter school must be reduced by the percentage variance that the actual student-teacher ratios in the school district or charter school 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 or charter school 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 or charter school 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 or charter school from the maximum student-teacher ratio required under this section.

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



572 **SECTION 9.** Section 37-151-215, Mississippi Code of 1972, is
573 brought forward as follows:

574 37-151-215. (1) Notwithstanding the provisions of Section
575 37-151-211(3), the state share in support of the funding formula
576 for a school district or charter school for fiscal year 2025,
577 fiscal year 2026 and fiscal year 2027 may not be less than an
578 amount equal to the sum of all state funds received by that
579 school district or charter school for fiscal year 2024, as
580 follows:

581 (a) Funds distributed under the Mississippi Adequate
582 Education Program;

583 (b) Funds distributed by the State Department of
584 Education for the purpose of paying teachers' salaries according
585 to the teacher salary schedule prescribed in Section 37-19-7 and
586 assistant teachers, as prescribed in Section 37-21-7 for the
587 2023-2024 school year; and

588 (c) Funds distributed by and based on net enrollment or
589 the total number of students enrolled for each day in each public
590 school district or charter school, divided by the total number of
591 school days, and allowable to be spent on any expenditures
592 necessary to operate a public school district or charter school,
593 excluding salary increases for superintendents, assistant
594 superintendents or principals.

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



596 **SECTION 10.** Section 37-57-1, Mississippi Code of 1972, is
597 brought forward as follows:

598 37-57-1. (1) (a) The boards of supervisors of the counties
599 shall levy and collect all taxes for and on behalf of all school
600 districts which were within the county school system or designated
601 as special municipal separate school districts prior to July 1,
602 1986. Such taxes shall be collected by the county tax collector
603 at the same time and in the same manner as county taxes are
604 collected by him, and the same penalties for delinquency shall be
605 applicable.

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

613 Except as otherwise provided in Section 19-9-171, the county
614 or municipal tax collector, as the case may be, shall pay such tax
615 collections, except for taxes collected for the payment of the
616 principal of and interest on school bonds or notes and except for
617 taxes collected to defray collection costs, into the school
618 depository and report to the school board of the appropriate
619 school district at the same time and in the same manner as the tax



620 collector makes his payments and reports of other taxes collected
621 by him.

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

625 (b) For the purposes of this chapter and any other laws
626 pertaining to taxes levied or bonds or notes issued for and on
627 behalf of school districts, the term "levying authority" means the
628 board of supervisors of the county or the governing authorities of
629 the municipality, whichever levies taxes for and on behalf of the
630 particular school district as provided in paragraphs (a) and (b)
631 of this subsection.

632 (2) The levying authority for the school district shall, at
633 the same time and in the same manner as other taxes are levied by
634 the levying authority, levy a tax of not less than twenty-eight
635 (28) mills for the then current fiscal year or a millage rate
636 equivalent to twenty-seven percent (27%) of the total funding
637 formula under Sections 37-151-200 through 37-151-215, whichever is
638 a lesser amount, as certified to the school district by the State
639 Department of Education, upon all of the taxable property of the
640 school district. However, in no case shall the minimum local ad
641 valorem tax effort for any school district be equal to an amount
642 that would require a millage rate exceeding fifty-five (55) mills
643 in that school district. However, if a levying authority is
644 levying in excess of fifty-five (55) mills on July 1, 1997, the



645 levying authority may levy an additional amount not exceeding
646 three (3) mills in the aggregate for the period beginning July 1,
647 1997, and ending June 30, 2003, subject to the limitation on
648 increased receipts from ad valorem taxes prescribed in Sections
649 37-57-105 and 37-57-107. Nothing in this subsection shall be
650 construed to require any school district that is levying more than
651 fifty-five (55) mills pursuant to Sections 37-57-1 and 37-57-105
652 to decrease its millage rate to fifty-five (55) mills or less. In
653 making such levy, the levying authority shall levy an additional
654 amount sufficient to cover anticipated delinquencies and costs of
655 collection so that the net amount of money to be produced by such
656 levy shall be equal to the amount which the school district is
657 required to contribute as its minimum local ad valorem tax effort.
658 The tax so levied shall be collected by the tax collector at the
659 same time and in the same manner as other ad valorem taxes are
660 collected by him. The amount of taxes so collected as a result of
661 such levy shall be paid into the district maintenance fund of the
662 school district by the tax collector at the same time and in the
663 same manner as reports and payments of other ad valorem taxes are
664 made by the tax collector, except that the amount collected to
665 defray costs of collection may be paid into the county general
666 fund. The levying authority shall have the power and authority to
667 direct and cause warrants to be issued against such fund for the
668 purpose of refunding any amount of taxes erroneously or illegally



669 paid into such fund where such refund has been approved in the
670 manner provided by law.

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

673 37-57-104. (1) Each school board shall submit to the
674 levying authority for the school district a certified copy of an
675 order adopted by the school board requesting an ad valorem tax
676 effort in dollars for the support of the school district and
677 charter schools located in the district. The copy of the order
678 shall be submitted by the school board when the copies of the
679 school district's budget are filed with the levying authority
680 pursuant to Section 37-61-9. Upon receipt of the school board's
681 order requesting the ad valorem tax effort in dollars, the levying
682 authority shall determine the millage rate necessary to generate
683 funds equal to the dollar amount requested by the school board.
684 For the purpose of calculating this millage rate, any additional
685 amount that is levied pursuant to Section 37-57-105(1) to cover
686 anticipated delinquencies and costs of collection or any amount
687 that may be levied for the payment of the principal and interest
688 on school bonds or notes shall be excluded from the limitation of
689 fifty-five (55) mills provided for in subsection (2) of this
690 section.

691 (2) (a) Except as otherwise provided under paragraph (b) or
692 (c) of this subsection, if the millage rate necessary to generate
693 funds equal to the dollar amount requested by the school board is



greater than fifty-five (55) mills, and if this millage rate is higher than the millage then being levied pursuant to the school board's order requesting the ad valorem tax effort for the currently existing fiscal year, then the levying authority shall call a referendum on the question of exceeding, during the next fiscal year, the then existing millage rate being levied for school district and charter school purposes. The referendum shall be scheduled for not more than six (6) weeks after the date on which the levying authority receives the school board's order requesting the ad valorem tax effort.

When a referendum has been called, notice of the referendum shall be published at least five (5) days per week, unless the only newspaper published in the school district is published less than five (5) days per week, for at least three (3) consecutive weeks, in at least one (1) newspaper published in the school district. The notice shall be no less than one-fourth (1/4) page in size, and the type used shall be no smaller than eighteen (18) point and surrounded by a one-fourth-inch solid black border. The notice may not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The first publication of the notice shall be made not less than twenty-one (21) days before the date fixed for the referendum, and the last publication shall be made not more than seven (7) days before that date. If no newspaper is published in the school district, then the notice shall be published in a newspaper having a general



719 circulation in the school district. The referendum shall be held,
720 as far as is practicable, in the same manner as other referendums
721 and elections are held in the county or municipality. At the
722 referendum, all registered, qualified electors of the school
723 district may vote. The ballots used at the referendum shall have
724 printed thereon a brief statement of the amount and purpose of the
725 increased tax levy and the words "FOR INCREASING THE MILLAGE
726 LEVIED FOR SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY
727 LEVIED) MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S
728 ORDER) MILLS," and "AGAINST INCREASING THE MILLAGE LEVIED FOR
729 SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY LEVIED)
730 MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S ORDER)
731 MILLS." The voter shall vote by placing a cross (X) or checkmark
732 (✓) opposite his choice on the proposition.

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

742 Nothing in this subsection shall be construed to require any
743 school district that is levying more than fifty-five (55) mills



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

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

(c) If the levying authority for any school district lawfully has decreased the millage levied for school district and charter school purposes, but subsequently determines that there is a need to increase the millage rate due to a disaster in which the Governor has declared a disaster emergency or the President of the



769 United States has declared an emergency or major disaster, then
770 the levying authority may increase the millage levied for school
771 district purposes up to an amount that does not exceed the millage
772 rate in any one (1) of the immediately preceding ten (10) fiscal
773 years without any referendum that otherwise would be required
774 under this subsection.

775 (3) If the millage rate necessary to generate funds equal to
776 the dollar amount requested by the school board is equal to
777 fifty-five (55) mills or less, but the dollar amount requested by
778 the school board exceeds the next preceding fiscal year's ad
779 valorem tax effort in dollars by more than four percent (4%), but
780 not more than seven percent (7%) (as provided for under subsection
781 (4) of this section), then the school board shall publish notice
782 thereof at least five (5) days per week, unless the only newspaper
783 published in the school district is published less than five (5)
784 days per week, for at least three (3) consecutive weeks in a
785 newspaper published in the school district. The notice shall be
786 no less than one-fourth (1/4) page in size, and the type used
787 shall be no smaller than eighteen (18) point and surrounded by a
788 one-fourth-inch solid black border. The notice may not be placed
789 in that portion of the newspaper where legal notices and
790 classified advertisements appear. The first publication shall be
791 made not less than fifteen (15) days before the final adoption of
792 the budget by the school board. If no newspaper is published in
793 the school district, then the notice shall be published in a



794 newspaper having a general circulation in the school district. If
795 at any time before the adoption of the budget a petition signed by
796 not less than twenty percent (20%) or fifteen hundred (1500),
797 whichever is less, of the registered, qualified electors of the
798 school district is filed with the school board requesting that a
799 referendum be called on the question of exceeding the next
800 preceding fiscal year's ad valorem tax effort in dollars by more
801 than four percent (4%), then the school board shall adopt, not
802 later than the next regular meeting, a resolution calling a
803 referendum to be held within the school district upon the
804 question. The referendum shall be called and held, and notice
805 thereof shall be given, in the same manner provided for in
806 subsection (2) of this section. The ballot shall contain the
807 language "FOR THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)" and
808 "AGAINST THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)." If a
809 majority of the registered, qualified electors of the school
810 district who vote in the referendum vote in favor of the question,
811 then the increase requested by the school board shall be approved.
812 For the purposes of this subsection, the revenue sources excluded
813 from the increase limitation under Section 37-57-107 also shall be
814 excluded from the limitation described in this subsection in the
815 same manner as they are excluded under Section 37-57-107.
816 Provided, however, that any increases requested by the school
817 board as a result of the required local contribution to the total
818 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 and charter school purposes.

(5) The aggregate receipts from ad valorem taxes levied for school district and charter school 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.



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

871 37-57-105. (1) In addition to the taxes levied under
872 Section 37-57-1, the levying authority for the school district, as
873 defined in Section 37-57-1, upon receipt of a certified copy of an
874 order adopted by the school board of the school district
875 requesting an ad valorem tax effort in dollars for the support of
876 the school district and any charter schools located in the
877 district, shall, at the same time and in the same manner as other
878 ad valorem taxes are levied, levy an annual ad valorem tax in the
879 amount fixed in such order upon all of the taxable property of
880 such school district, which shall not be less than the millage
881 rate certified by the State Board of Education as the uniform
882 minimum school district ad valorem tax levy required for the
883 support of the total funding formula as required by Sections
884 37-151-200 through 37-151-215 in such school district under
885 Sections 37-57-1 and 37-151-211. However, any school district
886 levying less than the uniform minimum school district ad valorem
887 tax levy on July 1, 1997, shall only be required to increase its
888 local district maintenance levy in four (4) mill annual increments
889 in order to attain such millage requirements. In making such
890 levy, the levying authority shall levy an additional amount
891 sufficient to cover anticipated delinquencies and costs of
892 collection so that the net amount of money to be produced by such
893 levy shall be equal to the amount which is requested by the school



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

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



919 In any county where there is located a nuclear generating
920 power plant on which a tax is assessed under Section 27-35-309(3),
921 such required levy and revenue produced thereby may be reduced by
922 the levying authority in an amount in proportion to a reduction in
923 the base revenue of any such county from the previous year. Such
924 reduction shall be allowed only if the reduction in base revenue
925 equals or exceeds five percent (5%). "Base revenue" shall mean
926 the revenue received by the county from the ad valorem tax levy
927 plus the revenue received by the county from the tax assessed
928 under Section 27-35-309(3) and authorized to be used for any
929 purposes for which a county is authorized by law to levy an ad
930 valorem tax. For purposes of determining if the reduction equals
931 or exceeds five percent (5%), a levy of millage equal to the prior
932 year's millage shall be hypothetically applied to the current
933 year's ad valorem tax base to determine the amount of revenue to
934 be generated from the ad valorem tax levy. For the purposes of
935 this section and Section 37-57-107, the portion of the base
936 revenue used for the support of any school district shall be
937 deemed to be the aggregate receipts from ad valorem taxes for the
938 support of any school district and any charter school located in
939 the district. This paragraph shall apply to taxes levied for the
940 1987 fiscal year and for each fiscal year thereafter. If the
941 Mississippi Supreme Court or another court finally adjudicates
942 that the tax levied under Section 27-35-309(3) is
943 unconstitutional, then this paragraph shall stand repealed.



944 The State Department of Education shall calculate a local pro
945 rata amount for the aggregate receipts of the tax levied in this
946 section by dividing the aggregate receipts by the sum of the
947 school district's net enrollment, as determined under Section
948 37-151-211, and the net enrollment of any charter school students
949 who reside in the district.

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

961 (3) The aggregate receipts from ad valorem taxes levied for
962 school district and charter school purposes, excluding collection
963 fees, pursuant to this section and Section 37-57-1 shall be
964 subject to the increased limitation under Section 37-57-107;
965 however, if the ad valorem tax effort in dollars requested by the
966 school district for the fiscal year exceeds the next preceding
967 fiscal year's ad valorem tax effort in dollars by more than four
968 percent (4%) but not more than seven percent (7%), then the school



969 board shall publish notice thereof once each week for at least
970 three (3) consecutive weeks in a newspaper having general
971 circulation in the school district involved, with the first
972 publication thereof to be made not less than fifteen (15) days
973 prior to the final adoption of the budget by the school board. If
974 at any time prior to the adoption a petition signed by not less
975 than twenty percent (20%) or fifteen hundred (1500), whichever is
976 less, of the qualified electors of the school district involved
977 shall be filed with the school board requesting that an election
978 be called on the question of exceeding the next preceding fiscal
979 year's ad valorem tax effort in dollars by more than four percent
980 (4%) but not more than seven percent (7%), then the school board
981 shall, not later than the next regular meeting, adopt a resolution
982 calling an election to be held within such school district upon
983 such question. The election shall be called and held, and notice
984 thereof shall be given, in the same manner for elections upon the
985 questions of the issuance of the bonds of school districts, and
986 the results thereof shall be certified to the school board. The
987 ballot shall contain the language "For the School Tax Increase
988 Over Four Percent (4%)" and "Against the School Tax Increase Over
989 Four Percent (4%)." If a majority of the qualified electors of
990 the school district who voted in such election shall vote in favor
991 of the question, then the stated increase requested by the school
992 board shall be approved. For the purposes of this paragraph, the
993 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 13. Section 37-57-107, Mississippi Code of 1972, is amended 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 and charter school 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 shall be excluded from the



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

(2) The seven percent (7%) increase limitation prescribed in this section may be increased an additional amount only when the



1044 school board has determined the need for additional revenues and
1045 has held an election on the question of raising the limitation
1046 prescribed in this section. The limitation may be increased only
1047 if three-fifths (3/5) of those voting in the election shall vote
1048 for the proposed increase. The resolution, notice and manner of
1049 holding the election shall be as prescribed by law for the holding
1050 of elections for the issuance of bonds by the respective school
1051 boards. Revenues collected for the fiscal year in excess of the
1052 seven percent (7%) increase limitation pursuant to an election
1053 shall be included in the tax base for the purpose of determining
1054 aggregate receipts for which the seven percent (7%) increase
1055 limitation applies for subsequent fiscal years.

1056 (3) Except as otherwise provided for excess revenues
1057 generated pursuant to an election, if revenues collected as the
1058 result of the taxes levied for the fiscal year pursuant to this
1059 section and Section 37-57-1 exceed the increase limitation, then
1060 it shall be the mandatory duty of the school board of the school
1061 district to deposit such excess receipts over and above the
1062 increase limitation into a special account and credit it to the
1063 fund for which the levy was made. It will be the further duty of
1064 such board to hold the funds and invest the same as authorized by
1065 law. Such excess funds shall be calculated in the budgets for the
1066 school districts and any charter school located in the districts
1067 for the purpose for which such levies were made, for the
1068 succeeding fiscal year. Taxes imposed for the succeeding year



shall be reduced by the amount of excess funds available. Under no circumstances shall such excess funds be expended during the fiscal year in which such excess funds are collected.

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

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



1093 **SECTION 14.** Section 37-61-33, Mississippi Code of 1972, is
1094 amended as follows:

1095 37-61-33. (1) There is created within the State Treasury a
1096 special fund to be designated the "Education Enhancement Fund"
1097 into which shall be deposited all the revenues collected pursuant
1098 to Sections 27-65-75(5), (7) and (8) and 27-67-31(a) and (b).

1099 (2) Of the amount deposited into the Education Enhancement
1100 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be
1101 appropriated each fiscal year to the State Department of Education
1102 to be distributed to all school districts and charter schools.

1103 Such money shall be distributed to all school districts and
1104 charter schools in the proportion that the net enrollment of each
1105 school district or charter school bears to the net enrollment of
1106 all school districts and charter schools within the state for the
1107 following purposes:

1108 (a) Purchasing, erecting, repairing, equipping,
1109 remodeling and enlarging school buildings and related facilities,
1110 including gymnasiums, auditoriums, lunchrooms, vocational training
1111 buildings, libraries, teachers' homes, school barns,
1112 transportation vehicles (which shall include new and used
1113 transportation vehicles) and garages for transportation vehicles,
1114 and purchasing land therefor;

1115 (b) Establishing and equipping school athletic fields
1116 and necessary facilities connected therewith, and purchasing land
1117 therefor;



1118 (c) Providing necessary water, light, heating,
1119 air-conditioning and sewerage facilities for school buildings, and
1120 purchasing land therefor;

1121 (d) As a pledge to pay all or a portion of the debt
1122 service on debt issued by the school district under Sections
1123 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
1124 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
1125 and 37-41-81, or debt issued by boards of supervisors for
1126 agricultural high schools pursuant to Section 37-27-65, if such
1127 pledge is accomplished pursuant to a written contract or
1128 resolution approved and spread upon the minutes of an official
1129 meeting of the district's school board or board of supervisors.
1130 The annual grant to such district in any subsequent year during
1131 the term of the resolution or contract shall not be reduced below
1132 an amount equal to the district's grant amount for the year in
1133 which the contract or resolution was adopted. The intent of this
1134 provision is to allow school districts to irrevocably pledge a
1135 certain, constant stream of revenue as security for long-term
1136 obligations issued under the code sections enumerated in this
1137 paragraph or as otherwise allowed by law. It is the intent of the
1138 Legislature that the provisions of this paragraph shall be
1139 cumulative and supplemental to any existing funding programs or
1140 other authority conferred upon school districts or school boards.
1141 Debt of a district secured by a pledge of sales tax revenue
1142 pursuant to this paragraph shall not be subject to any debt



1143 limitation contained in the foregoing enumerated code sections;
1144 and

1145 (e) Any other purpose for which the total funding
1146 formula funds as determined by Sections 37-151-200 through
1147 37-151-215 are not sufficient.

1148 (3) The remainder of the money deposited into the Education
1149 Enhancement Fund shall be appropriated as follows:

1150 (a) To the State Department of Education as follows:

1151 (i) Sixteen and sixty-one one-hundredths percent
1152 (16.61%) to the cost of the total funding formula determined under
1153 Sections 37-151-200 through 37-151-215; of the funds generated by
1154 the percentage set forth in this section for the support of
1155 the * * * total funding formula, one and one hundred seventy-eight
1156 one-thousandths percent (1.178%) of the funds shall be
1157 appropriated to be used by the State Department of Education for
1158 the purchase of textbooks to be loaned under Sections 37-43-1
1159 through 37-43-59 to approved nonpublic schools, as described in
1160 Section 37-43-1. The funds to be distributed to each nonpublic
1161 school shall be in the proportion that the average daily
1162 attendance of each nonpublic school bears to the total average
1163 daily attendance of all nonpublic schools;

1164 (ii) Seven and ninety-seven one-hundredths percent
1165 (7.97%) to assist the funding of transportation operations and
1166 maintenance pursuant to Section 37-19-23; and



1167 (iii) Nine and sixty-one one-hundredths percent
1168 (9.61%) for classroom supplies, instructional materials and
1169 equipment, including computers and computer software, to be
1170 distributed to all eligible teachers within the state through the
1171 use of procurement cards or a digital solution capable of
1172 tracking, paying and reporting purchases. Classroom supply funds
1173 shall not be expended for administrative purposes. On a date to
1174 be determined by the State Department of Education, but not later
1175 than July 1 of each year, local school districts and charter
1176 schools shall determine and submit to the State Department of
1177 Education the number of teachers eligible to receive an allocation
1178 for the current year. For purposes of this subparagraph,
1179 "teacher" means any employee of the school board of a school
1180 district, or the Mississippi School for the Arts, the Mississippi
1181 School for Math and Science, the Mississippi School for the Blind,
1182 the Mississippi School for the Deaf or public charter school, who
1183 is required by law to obtain a teacher's license from the State
1184 Department of Education and who is assigned to an instructional
1185 area of work as defined by the department, and shall include any
1186 full- or part-time gifted or special education teacher. It is the
1187 intent of the Legislature that all classroom teachers shall
1188 utilize these funds in a manner that addresses individual
1189 classroom needs and supports the overall goals of the school
1190 regarding supplies, instructional materials, equipment, computers
1191 or computer software under the provisions of this subparagraph,



1192 including the type, quantity and quality of such supplies,
1193 materials and equipment. Classroom supply funds allocated under
1194 this subparagraph shall supplement, not replace, other local and
1195 state funds available for the same purposes. The State Board of
1196 Education shall develop and promulgate rules and regulations for
1197 the administration of this subparagraph consistent with the above
1198 criteria, with particular emphasis on allowing the individual
1199 teachers to expend funds as they deem appropriate. The local
1200 school board shall require each school to issue credentials for a
1201 digital solution selected by or procurement cards provided by the
1202 Department of Finance and Administration under the provisions of
1203 Section 31-7-9(1)(c) for the use of teachers and necessary support
1204 personnel in making instructional supply fund expenditures under
1205 this section, consistent with the regulations of the Mississippi
1206 Department of Finance and Administration pursuant to Section
1207 31-7-9. Such credentials or procurement cards shall be provided
1208 by the State Department of Education to local school districts and
1209 charter schools on a date determined by the State Department of
1210 Education, but not later than August 1 of each year. Local school
1211 districts shall issue such credentials or procurement cards to
1212 classroom teachers at the beginning of the school year, but no
1213 later than August 1 of each year, and shall be issued in equal
1214 amounts per teacher determined by the total number of qualifying
1215 personnel and the current state appropriation for classroom
1216 supplies with the Education Enhancement Fund. After initial cards



1217 are issued under the timeline prescribed by this section, the
1218 State Department of Education may issue cards to districts for any
1219 classroom teacher hired after July 1 under a timeline prescribed
1220 by the State Department of Education. Such credentials or cards
1221 will expire on a predetermined date at the end of each school
1222 year, but not before April 1 of each year;

1223 (b) Twenty-two and nine one-hundredths percent (22.09%)
1224 to the Board of Trustees of State Institutions of Higher Learning
1225 for the purpose of supporting institutions of higher learning; and

1226 (c) Fourteen and forty-one one-hundredths percent
1227 (14.41%) to the Mississippi Community College Board for the
1228 purpose of providing support to community and junior colleges.

1229 (4) The amount remaining in the Education Enhancement Fund
1230 after funds are distributed as provided in subsections (2) and (3)
1231 of this section shall be appropriated for other educational needs.

1232 (5) None of the funds appropriated pursuant to subsection
1233 (3)(a) of this section shall be used to reduce the state's General
1234 Fund appropriation for the categories listed in an amount below
1235 the following amounts:

1236 (a) For subsection (3)(a)(ii) of this section,
1237 Thirty-six Million Seven Hundred Thousand Dollars
1238 (\$36,700,000.00);

1239 (b) For the aggregate of minimum program allotments in
1240 the 1997 fiscal year, formerly provided for in Chapter 19, Title
1241 37, Mississippi Code of 1972, as amended, excluding those funds



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

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

SECTION 15. Section 27-65-75, Mississippi Code of 1972, is brought forward as follows:

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

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



1267 to the municipal corporation. However, in the event the State
1268 Auditor issues a certificate of noncompliance pursuant to Section
1269 21-35-31, the Department of Revenue shall withhold ten percent
1270 (10%) of the allocations and payments to the municipality that
1271 would otherwise be payable to the municipality under this
1272 paragraph (a) until such time that the department receives written
1273 notice of the cancellation of a certificate of noncompliance from
1274 the State Auditor.

1275 A municipal corporation, for the purpose of distributing the
1276 tax under this subsection, shall mean and include all incorporated
1277 cities, towns and villages.

1278 Monies allocated for distribution and credited to a municipal
1279 corporation under this paragraph may be pledged as security for a
1280 loan if the distribution received by the municipal corporation is
1281 otherwise authorized or required by law to be pledged as security
1282 for such a loan.

1283 In any county having a county seat that is not an
1284 incorporated municipality, the distribution provided under this
1285 subsection shall be made as though the county seat was an
1286 incorporated municipality; however, the distribution to the
1287 municipality shall be paid to the county treasury in which the
1288 municipality is located, and those funds shall be used for road,
1289 bridge and street construction or maintenance in the county.

1290 (b) On or before August 15, 2006, and each succeeding
1291 month thereafter, eighteen and one-half percent (18-1/2%) of the



1292 total sales tax revenue collected during the preceding month under
1293 the provisions of this chapter, except that collected under the
1294 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
1295 business activities on the campus of a state institution of higher
1296 learning or community or junior college whose campus is not
1297 located within the corporate limits of a municipality, shall be
1298 allocated for distribution to the state institution of higher
1299 learning or community or junior college and paid to the state
1300 institution of higher learning or community or junior college.

1301 (c) On or before August 15, 2018, and each succeeding
1302 month thereafter until August 14, 2019, two percent (2%) of the
1303 total sales tax revenue collected during the preceding month under
1304 the provisions of this chapter, except that collected under the
1305 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
1306 27-65-24, on business activities within the corporate limits of
1307 the City of Jackson, Mississippi, shall be deposited into the
1308 Capitol Complex Improvement District Project Fund created in
1309 Section 29-5-215. On or before August 15, 2019, and each
1310 succeeding month thereafter until August 14, 2020, four percent
1311 (4%) of the total sales tax revenue collected during the preceding
1312 month under the provisions of this chapter, except that collected
1313 under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21
1314 and 27-65-24, on business activities within the corporate limits
1315 of the City of Jackson, Mississippi, shall be deposited into the
1316 Capitol Complex Improvement District Project Fund created in



1317 Section 29-5-215. On or before August 15, 2020, and each
1318 succeeding month thereafter through July 15, 2023, six percent
1319 (6%) of the total sales tax revenue collected during the preceding
1320 month under the provisions of this chapter, except that collected
1321 under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21
1322 and 27-65-24, on business activities within the corporate limits
1323 of the City of Jackson, Mississippi, shall be deposited into the
1324 Capitol Complex Improvement District Project Fund created in
1325 Section 29-5-215. On or before August 15, 2023, and each
1326 succeeding month thereafter, nine percent (9%) of the total sales
1327 tax revenue collected during the preceding month under the
1328 provisions of this chapter, except that collected under the
1329 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
1330 27-65-24, on business activities within the corporate limits of
1331 the City of Jackson, Mississippi, shall be deposited into the
1332 Capitol Complex Improvement District Project Fund created in
1333 Section 29-5-215.

1334 (d) (i) On or before the fifteenth day of the month
1335 that the diversion authorized by this section begins, and each
1336 succeeding month thereafter, eighteen and one-half percent
1337 (18-1/2%) of the total sales tax revenue collected during the
1338 preceding month under the provisions of this chapter, except that
1339 collected under the provisions of Sections 27-65-15, 27-65-19(3)
1340 and 27-65-21, on business activities within a redevelopment
1341 project area developed under a redevelopment plan adopted under



1342 the Tax Increment Financing Act (Section 21-45-1 et seq.) shall be
1343 allocated for distribution to the county in which the project area
1344 is located if:

1345 1. The county:

1346 a. Borders on the Mississippi Sound and
1347 the State of Alabama, or

1348 b. Is Harrison County, Mississippi, and
1349 the project area is within a radius of two (2) miles from the
1350 intersection of Interstate 10 and Menge Avenue;

1351 2. The county has issued bonds under Section
1352 21-45-9 to finance all or a portion of a redevelopment project in
1353 the redevelopment project area;

1354 3. Any debt service for the indebtedness
1355 incurred is outstanding; and

1356 4. A development with a value of Ten Million
1357 Dollars (\$10,000,000.00) or more is, or will be, located in the
1358 redevelopment area.

1359 (ii) Before any sales tax revenue may be allocated
1360 for distribution to a county under this paragraph, the county
1361 shall certify to the Department of Revenue that the requirements
1362 of this paragraph have been met, the amount of bonded indebtedness
1363 that has been incurred by the county for the redevelopment project
1364 and the expected date the indebtedness incurred by the county will
1365 be satisfied.



1366 (iii) The diversion of sales tax revenue
1367 authorized by this paragraph shall begin the month following the
1368 month in which the Department of Revenue determines that the
1369 requirements of this paragraph have been met. The diversion shall
1370 end the month the indebtedness incurred by the county is
1371 satisfied. All revenue received by the county under this
1372 paragraph shall be deposited in the fund required to be created in
1373 the tax increment financing plan under Section 21-45-11 and be
1374 utilized solely to satisfy the indebtedness incurred by the
1375 county.

1376 (2) On or before September 15, 1987, and each succeeding
1377 month thereafter, from the revenue collected under this chapter
1378 during the preceding month, One Million One Hundred Twenty-five
1379 Thousand Dollars (\$1,125,000.00) shall be allocated for
1380 distribution to municipal corporations as defined under subsection
1381 (1) of this section in the proportion that the number of gallons
1382 of gasoline and diesel fuel sold by distributors to consumers and
1383 retailers in each such municipality during the preceding fiscal
1384 year bears to the total gallons of gasoline and diesel fuel sold
1385 by distributors to consumers and retailers in municipalities
1386 statewide during the preceding fiscal year. The Department of
1387 Revenue shall require all distributors of gasoline and diesel fuel
1388 to report to the department monthly the total number of gallons of
1389 gasoline and diesel fuel sold by them to consumers and retailers
1390 in each municipality during the preceding month. The Department



1391 of Revenue shall have the authority to promulgate such rules and
1392 regulations as is necessary to determine the number of gallons of
1393 gasoline and diesel fuel sold by distributors to consumers and
1394 retailers in each municipality. In determining the percentage
1395 allocation of funds under this subsection for the fiscal year
1396 beginning July 1, 1987, and ending June 30, 1988, the Department
1397 of Revenue may consider gallons of gasoline and diesel fuel sold
1398 for a period of less than one (1) fiscal year. For the purposes
1399 of this subsection, the term "fiscal year" means the fiscal year
1400 beginning July 1 of a year.

1401 (3) On or before September 15, 1987, and on or before the
1402 fifteenth day of each succeeding month, until the date specified
1403 in Section 65-39-35, the proceeds derived from contractors' taxes
1404 levied under Section 27-65-21 on contracts for the construction or
1405 reconstruction of highways designated under the highway program
1406 created under Section 65-3-97 shall, except as otherwise provided
1407 in Section 31-17-127, be deposited into the State Treasury to the
1408 credit of the State Highway Fund to be used to fund that highway
1409 program. The Mississippi Department of Transportation shall
1410 provide to the Department of Revenue such information as is
1411 necessary to determine the amount of proceeds to be distributed
1412 under this subsection.

1413 (4) On or before August 15, 1994, and on or before the
1414 fifteenth day of each succeeding month through July 15, 1999, from
1415 the proceeds of gasoline, diesel fuel or kerosene taxes as



1416 provided in Section 27-5-101(a)(ii)1, Four Million Dollars
1417 (\$4,000,000.00) shall be deposited in the State Treasury to the
1418 credit of a special fund designated as the "State Aid Road Fund,"
1419 created by Section 65-9-17. On or before August 15, 1999, and on
1420 or before the fifteenth day of each succeeding month, from the
1421 total amount of the proceeds of gasoline, diesel fuel or kerosene
1422 taxes apportioned by Section 27-5-101(a)(ii)1, Four Million
1423 Dollars (\$4,000,000.00) or an amount equal to twenty-three and
1424 one-fourth percent (23-1/4%) of those funds, whichever is the
1425 greater amount, shall be deposited in the State Treasury to the
1426 credit of the "State Aid Road Fund," created by Section 65-9-17.
1427 Those funds shall be pledged to pay the principal of and interest
1428 on state aid road bonds heretofore issued under Sections 19-9-51
1429 through 19-9-77, in lieu of and in substitution for the funds
1430 previously allocated to counties under this section. Those funds
1431 may not be pledged for the payment of any state aid road bonds
1432 issued after April 1, 1981; however, this prohibition against the
1433 pledging of any such funds for the payment of bonds shall not
1434 apply to any bonds for which intent to issue those bonds has been
1435 published for the first time, as provided by law before March 29,
1436 1981. From the amount of taxes paid into the special fund under
1437 this subsection and subsection (9) of this section, there shall be
1438 first deducted and paid the amount necessary to pay the expenses
1439 of the Office of State Aid Road Construction, as authorized by the
1440 Legislature for all other general and special fund agencies. The



1441 remainder of the fund shall be allocated monthly to the several
1442 counties in accordance with the following formula:

1443 (a) One-third (1/3) shall be allocated to all counties
1444 in equal shares;

1445 (b) One-third (1/3) shall be allocated to counties
1446 based on the proportion that the total number of rural road miles
1447 in a county bears to the total number of rural road miles in all
1448 counties of the state; and

1449 (c) One-third (1/3) shall be allocated to counties
1450 based on the proportion that the rural population of the county
1451 bears to the total rural population in all counties of the state,
1452 according to the latest federal decennial census.

1453 For the purposes of this subsection, the term "gasoline,
1454 diesel fuel or kerosene taxes" means such taxes as defined in
1455 paragraph (f) of Section 27-5-101.

1456 The amount of funds allocated to any county under this
1457 subsection for any fiscal year after fiscal year 1994 shall not be
1458 less than the amount allocated to the county for fiscal year 1994.

1459 Any reference in the general laws of this state or the
1460 Mississippi Code of 1972 to Section 27-5-105 shall mean and be
1461 construed to refer and apply to subsection (4) of Section
1462 27-65-75.

1463 (5) On or before August 15, 2024, and each succeeding month
1464 thereafter, One Million Six Hundred Sixty-six Thousand Six Hundred
1465 Sixty-six Dollars (\$1,666,666.00) shall be paid into the special



1466 fund known as the Education Enhancement Fund created and existing
1467 under the provisions of Section 37-61-33.

1468 (6) An amount each month beginning August 15, 1983, through
1469 November 15, 1986, as specified in Section 6, Chapter 542, Laws of
1470 1983, shall be paid into the special fund known as the
1471 Correctional Facilities Construction Fund created in Section 6,
1472 Chapter 542, Laws of 1983.

1473 (7) On or before August 15, 1992, and each succeeding month
1474 thereafter through July 15, 2000, two and two hundred sixty-six
1475 one-thousandths percent (2.266%) of the total sales tax revenue
1476 collected during the preceding month under the provisions of this
1477 chapter, except that collected under the provisions of Section
1478 27-65-17(2), shall be deposited by the department into the School
1479 Ad Valorem Tax Reduction Fund created under Section 37-61-35. On
1480 or before August 15, 2000, and each succeeding month thereafter,
1481 two and two hundred sixty-six one-thousandths percent (2.266%) of
1482 the total sales tax revenue collected during the preceding month
1483 under the provisions of this chapter, except that collected under
1484 the provisions of Section 27-65-17(2), shall be deposited into the
1485 School Ad Valorem Tax Reduction Fund created under Section
1486 37-61-35 until such time that the total amount deposited into the
1487 fund during a fiscal year equals Forty-two Million Dollars
1488 (\$42,000,000.00). Thereafter, the amounts diverted under this
1489 subsection (7) during the fiscal year in excess of Forty-two
1490 Million Dollars (\$42,000,000.00) shall be deposited into the



1491 Education Enhancement Fund created under Section 37-61-33 for
1492 appropriation by the Legislature as other education needs and
1493 shall not be subject to the percentage appropriation requirements
1494 set forth in Section 37-61-33.

1495 (8) On or before August 15, 1992, and each succeeding month
1496 thereafter, nine and seventy-three one-thousandths percent
1497 (9.073%) of the total sales tax revenue collected during the
1498 preceding month under the provisions of this chapter, except that
1499 collected under the provisions of Section 27-65-17(2), shall be
1500 deposited into the Education Enhancement Fund created under
1501 Section 37-61-33.

1502 (9) On or before August 15, 1994, and each succeeding month
1503 thereafter, from the revenue collected under this chapter during
1504 the preceding month, Two Hundred Fifty Thousand Dollars
1505 (\$250,000.00) shall be paid into the State Aid Road Fund.

1506 (10) On or before August 15, 1994, and each succeeding month
1507 thereafter through August 15, 1995, from the revenue collected
1508 under this chapter during the preceding month, Two Million Dollars
1509 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad
1510 Valorem Tax Reduction Fund established in Section 27-51-105.

1511 (11) Notwithstanding any other provision of this section to
1512 the contrary, on or before February 15, 1995, and each succeeding
1513 month thereafter, the sales tax revenue collected during the
1514 preceding month under the provisions of Section 27-65-17(2) and
1515 the corresponding levy in Section 27-65-23 on the rental or lease



1516 of private carriers of passengers and light carriers of property
1517 as defined in Section 27-51-101 shall be deposited, without
1518 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund
1519 established in Section 27-51-105.

1520 (12) Notwithstanding any other provision of this section to
1521 the contrary, on or before August 15, 1995, and each succeeding
1522 month thereafter, the sales tax revenue collected during the
1523 preceding month under the provisions of Section 27-65-17(1) on
1524 retail sales of private carriers of passengers and light carriers
1525 of property, as defined in Section 27-51-101 and the corresponding
1526 levy in Section 27-65-23 on the rental or lease of these vehicles,
1527 shall be deposited, after diversion, into the Motor Vehicle Ad
1528 Valorem Tax Reduction Fund established in Section 27-51-105.

1529 (13) On or before July 15, 1994, and on or before the
1530 fifteenth day of each succeeding month thereafter, that portion of
1531 the avails of the tax imposed in Section 27-65-22 that is derived
1532 from activities held on the Mississippi State Fairgrounds Complex
1533 shall be paid into a special fund that is created in the State
1534 Treasury and shall be expended upon legislative appropriation
1535 solely to defray the costs of repairs and renovation at the Trade
1536 Mart and Coliseum.

1537 (14) On or before August 15, 1998, and each succeeding month
1538 thereafter through July 15, 2005, that portion of the avails of
1539 the tax imposed in Section 27-65-23 that is derived from sales by
1540 cotton compresses or cotton warehouses and that would otherwise be



1541 paid into the General Fund shall be deposited in an amount not to
1542 exceed Two Million Dollars (\$2,000,000.00) into the special fund
1543 created under Section 69-37-39. On or before August 15, 2007, and
1544 each succeeding month thereafter through July 15, 2010, that
1545 portion of the avails of the tax imposed in Section 27-65-23 that
1546 is derived from sales by cotton compresses or cotton warehouses
1547 and that would otherwise be paid into the General Fund shall be
1548 deposited in an amount not to exceed Two Million Dollars
1549 (\$2,000,000.00) into the special fund created under Section
1550 69-37-39 until all debts or other obligations incurred by the
1551 Certified Cotton Growers Organization under the Mississippi Boll
1552 Weevil Management Act before January 1, 2007, are satisfied in
1553 full. On or before August 15, 2010, and each succeeding month
1554 thereafter through July 15, 2011, fifty percent (50%) of that
1555 portion of the avails of the tax imposed in Section 27-65-23 that
1556 is derived from sales by cotton compresses or cotton warehouses
1557 and that would otherwise be paid into the General Fund shall be
1558 deposited into the special fund created under Section 69-37-39
1559 until such time that the total amount deposited into the fund
1560 during a fiscal year equals One Million Dollars (\$1,000,000.00).
1561 On or before August 15, 2011, and each succeeding month
1562 thereafter, that portion of the avails of the tax imposed in
1563 Section 27-65-23 that is derived from sales by cotton compresses
1564 or cotton warehouses and that would otherwise be paid into the
1565 General Fund shall be deposited into the special fund created



1566 under Section 69-37-39 until such time that the total amount
1567 deposited into the fund during a fiscal year equals One Million
1568 Dollars (\$1,000,000.00).

1569 (15) Notwithstanding any other provision of this section to
1570 the contrary, on or before September 15, 2000, and each succeeding
1571 month thereafter, the sales tax revenue collected during the
1572 preceding month under the provisions of Section
1573 27-65-19(1)(d)(i)2, and 27-65-19(1)(d)(i)3 shall be deposited,
1574 without diversion, into the Telecommunications Ad Valorem Tax
1575 Reduction Fund established in Section 27-38-7.

1576 (16) (a) On or before August 15, 2000, and each succeeding
1577 month thereafter, the sales tax revenue collected during the
1578 preceding month under the provisions of this chapter on the gross
1579 proceeds of sales of a project as defined in Section 57-30-1 shall
1580 be deposited, after all diversions except the diversion provided
1581 for in subsection (1) of this section, into the Sales Tax
1582 Incentive Fund created in Section 57-30-3.

1583 (b) On or before August 15, 2007, and each succeeding
1584 month thereafter, eighty percent (80%) of the sales tax revenue
1585 collected during the preceding month under the provisions of this
1586 chapter from the operation of a tourism project under the
1587 provisions of Sections 57-26-1 through 57-26-5, shall be
1588 deposited, after the diversions required in subsections (7) and
1589 (8) of this section, into the Tourism Project Sales Tax Incentive
1590 Fund created in Section 57-26-3.



1591 (17) Notwithstanding any other provision of this section to
1592 the contrary, on or before April 15, 2002, and each succeeding
1593 month thereafter, the sales tax revenue collected during the
1594 preceding month under Section 27-65-23 on sales of parking
1595 services of parking garages and lots at airports shall be
1596 deposited, without diversion, into the special fund created under
1597 Section 27-5-101(d).

1598 (18) [Repealed]

1599 (19) (a) On or before August 15, 2005, and each succeeding
1600 month thereafter, the sales tax revenue collected during the
1601 preceding month under the provisions of this chapter on the gross
1602 proceeds of sales of a business enterprise located within a
1603 redevelopment project area under the provisions of Sections
1604 57-91-1 through 57-91-11, and the revenue collected on the gross
1605 proceeds of sales from sales made to a business enterprise located
1606 in a redevelopment project area under the provisions of Sections
1607 57-91-1 through 57-91-11 (provided that such sales made to a
1608 business enterprise are made on the premises of the business
1609 enterprise), shall, except as otherwise provided in this
1610 subsection (19), be deposited, after all diversions, into the
1611 Redevelopment Project Incentive Fund as created in Section
1612 57-91-9.

1613 (b) For a municipality participating in the Economic
1614 Redevelopment Act created in Sections 57-91-1 through 57-91-11,
1615 the diversion provided for in subsection (1) of this section



1616 attributable to the gross proceeds of sales of a business
1617 enterprise located within a redevelopment project area under the
1618 provisions of Sections 57-91-1 through 57-91-11, and attributable
1619 to the gross proceeds of sales from sales made to a business
1620 enterprise located in a redevelopment project area under the
1621 provisions of Sections 57-91-1 through 57-91-11 (provided that
1622 such sales made to a business enterprise are made on the premises
1623 of the business enterprise), shall be deposited into the
1624 Redevelopment Project Incentive Fund as created in Section
1625 57-91-9, as follows:

1626 (i) For the first six (6) years in which payments
1627 are made to a developer from the Redevelopment Project Incentive
1628 Fund, one hundred percent (100%) of the diversion shall be
1629 deposited into the fund;

1630 (ii) For the seventh year in which such payments
1631 are made to a developer from the Redevelopment Project Incentive
1632 Fund, eighty percent (80%) of the diversion shall be deposited
1633 into the fund;

1634 (iii) For the eighth year in which such payments
1635 are made to a developer from the Redevelopment Project Incentive
1636 Fund, seventy percent (70%) of the diversion shall be deposited
1637 into the fund;

1638 (iv) For the ninth year in which such payments are
1639 made to a developer from the Redevelopment Project Incentive Fund,



1640 sixty percent (60%) of the diversion shall be deposited into the
1641 fund; and

1642 (v) For the tenth year in which such payments are
1643 made to a developer from the Redevelopment Project Incentive Fund,
1644 fifty percent (50%) of the funds shall be deposited into the fund.

1645 (20) On or before January 15, 2007, and each succeeding
1646 month thereafter, eighty percent (80%) of the sales tax revenue
1647 collected during the preceding month under the provisions of this
1648 chapter from the operation of a tourism project under the
1649 provisions of Sections 57-28-1 through 57-28-5 shall be deposited,
1650 after the diversions required in subsections (7) and (8) of this
1651 section, into the Tourism Sales Tax Incentive Fund created in
1652 Section 57-28-3.

1653 (21) (a) On or before April 15, 2007, and each succeeding
1654 month thereafter through June 15, 2013, One Hundred Fifty Thousand
1655 Dollars (\$150,000.00) of the sales tax revenue collected during
1656 the preceding month under the provisions of this chapter shall be
1657 deposited into the MMEIA Tax Incentive Fund created in Section
1658 57-101-3.

1659 (b) On or before July 15, 2013, and each succeeding
1660 month thereafter, One Hundred Fifty Thousand Dollars (\$150,000.00)
1661 of the sales tax revenue collected during the preceding month
1662 under the provisions of this chapter shall be deposited into the
1663 Mississippi Development Authority Job Training Grant Fund created
1664 in Section 57-1-451.



1665 (22) On or before June 1, 2024, and each succeeding month
1666 thereafter until December 31, 2057, an amount determined annually
1667 by the Mississippi Development Authority of the sales tax revenue
1668 collected during the preceding month under the provisions of this
1669 chapter shall be deposited into the MMEIA Tax Incentive Fund
1670 created in Section 57-125-3. This amount shall be based on
1671 estimated payments due within the upcoming year to construction
1672 contractors pursuant to construction contracts subject to the tax
1673 imposed by Section 27-65-21 for construction to be performed on
1674 the project site of a project defined under Section
1675 57-75-5(f)(xxxiii) for the coming year.

1676 (23) Notwithstanding any other provision of this section to
1677 the contrary, on or before August 15, 2009, and each succeeding
1678 month thereafter, the sales tax revenue collected during the
1679 preceding month under the provisions of Section 27-65-201 shall be
1680 deposited, without diversion, into the Motor Vehicle Ad Valorem
1681 Tax Reduction Fund established in Section 27-51-105.

1682 (24) (a) On or before August 15, 2019, and each month
1683 thereafter through July 15, 2020, one percent (1%) of the total
1684 sales tax revenue collected during the preceding month from
1685 restaurants and hotels shall be allocated for distribution to the
1686 Mississippi Development Authority Tourism Advertising Fund
1687 established under Section 57-1-64, to be used exclusively for the
1688 purpose stated therein. On or before August 15, 2020, and each
1689 month thereafter through July 15, 2021, two percent (2%) of the



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

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

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

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



1715 notify the commissioner shall cause the municipality to forfeit
1716 the revenue that it would have been entitled to receive during
1717 this period of time when the commissioner had no knowledge of the
1718 action.

1719 (b) (i) Except as otherwise provided in subparagraph
1720 (ii) of this paragraph, if any funds have been erroneously
1721 disbursed to any municipality or any overpayment of tax is
1722 recovered by the taxpayer, the commissioner may make correction
1723 and adjust the error or overpayment with the municipality by
1724 withholding the necessary funds from any later payment to be made
1725 to the municipality.

1726 (ii) Subject to the provisions of Sections
1727 27-65-51 and 27-65-53, if any funds have been erroneously
1728 disbursed to a municipality under subsection (1) of this section
1729 for a period of three (3) years or more, the maximum amount that
1730 may be recovered or withheld from the municipality is the total
1731 amount of funds erroneously disbursed for a period of three (3)
1732 years beginning with the date of the first erroneous disbursement.
1733 However, if during such period, a municipality provides written
1734 notice to the Department of Revenue indicating the erroneous
1735 disbursement of funds, then the maximum amount that may be
1736 recovered or withheld from the municipality is the total amount of
1737 funds erroneously disbursed for a period of one (1) year beginning
1738 with the date of the first erroneous disbursement.



SECTION 16. Section 1-3-26, Mississippi Code of 1972, is brought forward as follows:

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

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

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

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

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



1764 in the installation of such systems; to revise such systems when
1765 deemed necessary, and to report to the Legislature at periodic
1766 times the extent to which each office is maintaining such systems,
1767 along with such recommendations to the Legislature for improvement
1768 as seem desirable;

1769 (c) To study and analyze existing managerial policies,
1770 methods, procedures, duties and services of the various state
1771 departments and institutions upon written request of the Governor,
1772 the Legislature or any committee or other body empowered by the
1773 Legislature to make such request to determine whether and where
1774 operations can be eliminated, combined, simplified and improved;

1775 (d) To postaudit each year and, when deemed necessary,
1776 preaudit and investigate the financial affairs of the departments,
1777 institutions, boards, commissions, or other agencies of state
1778 government, as part of the publication of a comprehensive annual
1779 financial report for the State of Mississippi, or as deemed
1780 necessary by the State Auditor. In complying with the
1781 requirements of this paragraph, the department shall have the
1782 authority to conduct all necessary audit procedures on an interim
1783 and year-end basis;

1784 (e) To postaudit and, when deemed necessary, preaudit
1785 and investigate separately the financial affairs of (i) the
1786 offices, boards and commissions of county governments and any
1787 departments and institutions thereof and therein; (ii) public
1788 school districts, charter schools, departments of education and



1789 junior college districts; and (iii) any other local offices or
1790 agencies which share revenues derived from taxes or fees imposed
1791 by the State Legislature or receive grants from revenues collected
1792 by governmental divisions of the state; the cost of such audits,
1793 investigations or other services to be paid as follows: Such part
1794 shall be paid by the state from appropriations made by the
1795 Legislature for the operation of the State Department of Audit as
1796 may exceed the sum of Thirty-five Dollars (\$35.00) per man-hour
1797 for the services of each staff person engaged in performing the
1798 audit or other service plus the actual cost of any independent
1799 specialist firm contracted by the State Auditor to assist in the
1800 performance of the audit, which sum shall be paid by the county,
1801 district, department, institution or other agency audited out of
1802 its general fund or any other available funds from which such
1803 payment is not prohibited by law. Costs paid for independent
1804 specialists or firms contracted by the State Auditor shall be paid
1805 by the audited entity through the State Auditor to the specialist
1806 or firm conducting the postaudit.

1807 Each school district and charter school in the state shall
1808 have its financial records audited annually, at the end of each
1809 fiscal year, either by the State Auditor or by a certified public
1810 accountant approved by the State Auditor. Beginning with the
1811 audits of fiscal year 2010 activity, no certified public
1812 accountant shall be selected to perform the annual audit of a
1813 school district or charter school who has audited that district



1814 for three (3) or more consecutive years previously. Certified
1815 public accountants shall be selected in a manner determined by the
1816 State Auditor. The school district or charter school shall have
1817 the responsibility to pay for the audit, including the review by
1818 the State Auditor of audits performed by certified public
1819 accountants;

1820 (f) To postaudit and, when deemed necessary, preaudit
1821 and investigate the financial affairs of the levee boards;
1822 agencies created by the Legislature or by executive order of the
1823 Governor; profit or nonprofit business entities administering
1824 programs financed by funds flowing through the State Treasury or
1825 through any of the agencies of the state, or its subdivisions; and
1826 all other public bodies supported by funds derived in part or
1827 wholly from public funds, except municipalities which annually
1828 submit an audit prepared by a qualified certified public
1829 accountant using methods and procedures prescribed by the
1830 department;

1831 (g) To make written demand, when necessary, for the
1832 recovery of any amounts representing public funds improperly
1833 withheld, misappropriated and/or otherwise illegally expended by
1834 an officer, employee or administrative body of any state, county
1835 or other public office, and/or for the recovery of the value of
1836 any public property disposed of in an unlawful manner by a public
1837 officer, employee or administrative body, such demands to be made
1838 (i) upon the person or persons liable for such amounts and upon



1839 the surety on official bond thereof, and/or (ii) upon any
1840 individual, partnership, corporation or association to whom the
1841 illegal expenditure was made or with whom the unlawful disposition
1842 of public property was made, if such individual, partnership,
1843 corporation or association knew or had reason to know through the
1844 exercising of reasonable diligence that the expenditure was
1845 illegal or the disposition unlawful. Such demand shall be
1846 premised on competent evidence, which shall include at least one
1847 (1) of the following: (i) sworn statements, (ii) written
1848 documentation, (iii) physical evidence, or (iv) reports and
1849 findings of government or other law enforcement agencies. Other
1850 provisions notwithstanding, a demand letter issued pursuant to
1851 this paragraph shall remain confidential by the State Auditor
1852 until the individual against whom the demand letter is being filed
1853 has been served with a copy of such demand letter. If, however,
1854 such individual cannot be notified within fifteen (15) days using
1855 reasonable means and due diligence, such notification shall be
1856 made to the individual's bonding company, if he or she is bonded.
1857 Each such demand shall be paid into the proper treasury of the
1858 state, county or other public body through the office of the
1859 department in the amount demanded within thirty (30) days from the
1860 date thereof, together with interest thereon in the sum of one
1861 percent (1%) per month from the date such amount or amounts were
1862 improperly withheld, misappropriated and/or otherwise illegally
1863 expended. In the event, however, such person or persons or such



1864 surety shall refuse, neglect or otherwise fail to pay the amount
1865 demanded and the interest due thereon within the allotted thirty
1866 (30) days, the State Auditor shall have the authority and it shall
1867 be his duty to institute suit, and the Attorney General shall
1868 prosecute the same in any court of the state to the end that there
1869 shall be recovered the total of such amounts from the person or
1870 persons and surety on official bond named therein; and the amounts
1871 so recovered shall be paid into the proper treasury of the state,
1872 county or other public body through the State Auditor. In any
1873 case where written demand is issued to a surety on the official
1874 bond of such person or persons and the surety refuses, neglects or
1875 otherwise fails within one hundred twenty (120) days to either pay
1876 the amount demanded and the interest due thereon or to give the
1877 State Auditor a written response with specific reasons for
1878 nonpayment, then the surety shall be subject to a civil penalty in
1879 an amount of twelve percent (12%) of the bond, not to exceed Ten
1880 Thousand Dollars (\$10,000.00), to be deposited into the State
1881 General Fund;

1882 (h) To investigate any alleged or suspected violation
1883 of the laws of the state by any officer or employee of the state,
1884 county or other public office in the purchase, sale or the use of
1885 any supplies, services, equipment or other property belonging
1886 thereto; and in such investigation to do any and all things
1887 necessary to procure evidence sufficient either to prove or
1888 disprove the existence of such alleged or suspected violations.



1889 The Division of Investigation of the State Department of Audit may
1890 investigate, for the purpose of prosecution, any suspected
1891 criminal violation of the provisions of this chapter. For the
1892 purpose of administration and enforcement of this chapter, the
1893 enforcement employees of the Division of Investigation of the
1894 State Department of Audit have the powers of a law enforcement
1895 officer of this state, and shall be empowered to make arrests and
1896 to serve and execute search warrants and other valid legal process
1897 anywhere within the State of Mississippi. All enforcement
1898 employees of the Division of Investigation of the State Department
1899 of Audit hired on or after July 1, 1993, shall be required to
1900 complete the Law Enforcement Officers Training Program and shall
1901 meet the standards of the program;

1902 (i) To issue subpoenas, with the approval of, and
1903 returnable to, a judge of a chancery or circuit court, in termtime
1904 or in vacation, to examine the records, documents or other
1905 evidence of persons, firms, corporations or any other entities
1906 insofar as such records, documents or other evidence relate to
1907 dealings with any state, county or other public entity. The
1908 circuit or chancery judge must serve the county in which the
1909 records, documents or other evidence is located; or where all or
1910 part of the transaction or transactions occurred which are the
1911 subject of the subpoena;

1912 (j) In any instances in which the State Auditor is or
1913 shall be authorized or required to examine or audit, whether



1914 preaudit or postaudit, any books, ledgers, accounts or other
1915 records of the affairs of any public hospital owned or owned and
1916 operated by one or more political subdivisions or parts thereof or
1917 any combination thereof, or any school district or charter school,
1918 including activity funds thereof, it shall be sufficient
1919 compliance therewith, in the discretion of the State Auditor, that
1920 such examination or audit be made from the report of any audit or
1921 other examination certified by a certified public accountant and
1922 prepared by or under the supervision of such certified public
1923 accountant. Such audits shall be made in accordance with
1924 generally accepted standards of auditing, with the use of an audit
1925 program prepared by the State Auditor, and final reports of such
1926 audits shall conform to the format prescribed by the State
1927 Auditor. All files, working papers, notes, correspondence and all
1928 other data compiled during the course of the audit shall be
1929 available, without cost, to the State Auditor for examination and
1930 abstracting during the normal business hours of any business day.
1931 The expense of such certified reports shall be borne by the
1932 respective hospital, or any available school district or charter
1933 school funds, subject to examination or audit. The State Auditor
1934 shall not be bound by such certified reports and may, in his or
1935 their discretion, conduct such examination or audit from the
1936 books, ledgers, accounts or other records involved as may be
1937 appropriate and authorized by law;



1938 (k) The State Auditor shall have the authority to
1939 contract with qualified public accounting firms to perform
1940 selected audits required in paragraphs (d), (e), (f) and (j) of
1941 this section, if funds are made available for such contracts by
1942 the Legislature, or if funds are available from the governmental
1943 entity covered by paragraphs (d), (e), (f) and (j). Such audits
1944 shall be made in accordance with generally accepted standards of
1945 auditing. All files, working papers, notes, correspondence and
1946 all other data compiled during the course of the audit shall be
1947 available, without cost, to the State Auditor for examination and
1948 abstracting during the normal business hours of any business day;

1949 (l) The State Auditor shall have the authority to
1950 establish training courses and programs for the personnel of the
1951 various state and local governmental entities under the
1952 jurisdiction of the Office of the State Auditor. The training
1953 courses and programs shall include, but not be limited to, topics
1954 on internal control of funds, property and equipment control and
1955 inventory, governmental accounting and financial reporting, and
1956 internal auditing. The State Auditor is authorized to charge a
1957 fee from the participants of these courses and programs, which fee
1958 shall be deposited into the Department of Audit Special Fund.
1959 State and local governmental entities are authorized to pay such
1960 fee and any travel expenses out of their general funds or any
1961 other available funds from which such payment is not prohibited by
1962 law;



1963 (m) Upon written request by the Governor or any member
1964 of the State Legislature, the State Auditor may audit any state
1965 funds and/or state and federal funds received by any nonprofit
1966 corporation incorporated under the laws of this state;

1967 (n) To conduct performance audits of personal or
1968 professional service contracts by state agencies on a random
1969 sampling basis, or upon request of the State Personal Service
1970 Contract Review Board under Section 25-9-120(3);

1971 (o) At the discretion of the State Auditor, the Auditor
1972 may conduct risk assessments, as well as performance and
1973 compliance audits based on Generally Accepted Government Auditing
1974 Standards (GAGAS) of any state-funded economic development program
1975 authorized under Title 57, Mississippi Code of 1972. After risk
1976 assessments or program audits, the State Auditor may conduct
1977 audits of those projects deemed high-risk, specifically as they
1978 identify any potential wrongdoing or noncompliance based on
1979 objectives of the economic development program. The Auditor is
1980 granted authority to gather, audit and review data and information
1981 from the Mississippi Development Authority or any of its agents,
1982 the Department of Revenue, and when necessary under this
1983 paragraph, the recipient business or businesses or any other
1984 private, public or nonprofit entity with information relevant to
1985 the audit project. The maximum amount the State Auditor may bill
1986 the oversight agency under this paragraph in any fiscal year is



1987 One Hundred Thousand Dollars (\$100,000.00), based on reasonable
1988 and necessary expenses;

1989 (p) To review and approve any independent auditor
1990 selected by the Mississippi Lottery Corporation in accordance with
1991 Section 27-115-89, to conduct an annual audit of the corporation;
1992 and

1993 (q) To conduct audits or investigations of the
1994 Mississippi Lottery Corporation if, in the opinion of the State
1995 Auditor, conditions justify such audits or investigations.

1996 **SECTION 18.** Section 19-9-157, Mississippi Code of 1972, is
1997 amended as follows:

1998 19-9-157. The board of supervisors of the situs county, upon
1999 receipt of the payments pursuant to Section 19-9-151 less the
2000 payment made according to Section 19-9-153, shall pay all such
2001 funds in excess of Five Million Five Hundred Thousand Dollars
2002 (\$5,500,000.00) to the governing authorities of the public school
2003 districts in such county in the proportion that the net enrollment
2004 for the preceding scholastic year of each school district and
2005 charter school bears to the total net enrollment of the county for
2006 the preceding scholastic year. Such funds may be expended only
2007 for the purposes of capital improvements to school facilities and
2008 only after plans therefor have been submitted to and approved by
2009 the State Board of Education. The governing authorities of such
2010 school districts or charter schools may borrow money in
2011 anticipation of receipt of payments pursuant to this section and



the levying authority for the school district or charter school may issue negotiable notes therefor, for the purposes set forth herein. Such loan shall be repaid from the payments received under this section by the governing authorities of the public school district or charter school. However, no public school districts within the situs county shall be entitled to any payments after January 1, 1990.

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

19-9-171. The revenue from ad valorem taxes for school district and charter schools located within the district purposes that are levied upon liquefied natural gas terminals or improvements thereto constructed after July 1, 2007, crude oil refineries constructed after July 1, 2007, and expansions or improvements to existing crude oil refineries constructed after July 1, 2007, shall be distributed to all public school districts and charter schools in the county in which the facilities are located in the proportion that the net enrollment of each school district bears to the total net enrollment of all school districts and charter school in the county. 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 principal of and interest on school bonds or notes and except for taxes collected to defray collection costs, into the appropriate school depository and report to the school board of the appropriate school district



or charter school at the same time and in the same manner as the tax collector makes his or her payments and reports of other taxes collected by him or her.

SECTION 20. Section 25-4-29, Mississippi Code of 1972, is brought forward as follows:

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

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

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

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

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



2061 (e) The commission may, on an individual case basis,
2062 provide for additional time to file a statement upon a showing
2063 that compliance with a filing date set out under paragraph (a),
2064 (b), (c) or (d) above would work an unreasonable hardship.

2065 (2) Any person who fails to file a statement of economic
2066 interest within thirty (30) days of the date the statement is due
2067 shall be deemed delinquent by the commission. The commission
2068 shall give written notice of the delinquency to the person by
2069 United States mail or by personal service of process. If within
2070 fifteen (15) days of receiving written notice of delinquency the
2071 delinquent filer has not filed the statement of economic interest,
2072 a fine of Fifty Dollars (\$50.00) per day, not to exceed a total
2073 fine of One Thousand Dollars (\$1,000.00), shall be assessed
2074 against the delinquent filer for each day thereafter in which the
2075 statement of economic interest is not properly filed. The
2076 commission shall enroll such assessment as a civil judgment with
2077 the circuit clerk in the delinquent filer's county of residence.
2078 The commission may enforce the judgment for the benefit of the
2079 State General Fund for the support of the total funding formula
2080 fund provided for in Sections 37-151-200 through 37-151-215 in the
2081 same manner as is prescribed for other civil judgments.

2082 **SECTION 21.** Section 27-25-706, Mississippi Code of 1972, is
2083 brought forward as follows:

2084 27-25-706. The board of supervisors of any county in the
2085 State of Mississippi bordering on the Pearl River and having a



2086 population according to the 1970 census of not less than forty
2087 thousand (40,000) and not more than fifty thousand (50,000), and
2088 through which Interstate Highway 20 runs, and wherein there is
2089 being constructed or has been constructed a plant for the
2090 extracting of sulphur from natural gas, and the board of
2091 supervisors of any county in the State of Mississippi bordering on
2092 the Pearl River and having a population according to the 1970
2093 census of not less than nineteen thousand (19,000) and not more
2094 than twenty-one thousand (21,000) and wherein U.S. Highway 49 and
2095 Mississippi Highway 28 intersect and wherein there is being
2096 constructed or has been constructed a plant for the extracting of
2097 sulphur from natural gas, are hereby authorized and empowered, in
2098 their discretion, to pledge all or any part of the county's share
2099 of the severance tax on gas extracted, handled or processed
2100 through such extraction plant, as additional security for the
2101 payment of bonds issued for the purpose of constructing,
2102 reconstructing, overlaying and/or repairing, an access road or
2103 roads or publicly owned railroads to and from such sulphur
2104 extraction plant. The amount so pledged for the payment of the
2105 principal of and the interest on such bonds shall be deducted and
2106 set aside by such board of supervisors prior to the distribution
2107 of such severance taxes in the manner provided by law, and only
2108 the amount of such severance taxes remaining after such deduction
2109 shall be subject to such distribution. The board of supervisors
2110 in such counties may pledge only up to fifty percent (50%) of such



2111 severance taxes as their respective county may receive to retire
2112 the bonds and interest pursuant to the authority of this section.
2113 The required local contribution of said counties to the cost of
2114 the total funding formula provided for in Sections 37-151-200
2115 through 37-151-215 shall not be reduced nor shall the obligation
2116 of the state under the total funding formula to said counties be
2117 increased because of this section.

2118 Such bonds shall be issued under the provisions of Sections
2119 19-9-1 through 19-9-19.

2120 **SECTION 22.** Section 27-33-3, Mississippi Code of 1972, is
2121 brought forward as follows:

2122 27-33-3. In order to recognize and give effect to the
2123 principle of tax-free homes as a public policy in Mississippi, to
2124 encourage home building and ownership, and to give additional
2125 security to family groups, it is hereby declared that homes
2126 legally assessed on the land roll, owned and actually occupied as
2127 a home by bona fide residents of this state, who are heads of
2128 families, shall be exempt from the ad valorem taxes herein
2129 enumerated, on not in excess of Seven Thousand Five Hundred
2130 Dollars (\$7,500.00) of the assessed value including an area of
2131 land not in excess of that specified hereinafter in this article.
2132 The exemption from taxes shall be limited to the following:

2133 (a) All homeowners who are heads of families and who
2134 qualify under the provisions of this article shall be exempt from



2135 taxes levied in 1983 and payable in 1984 and from taxes levied in
2136 1984 and payable in 1985 as follows:

2137 (i) The ad valorem taxes levied by counties
2138 pursuant to Section 27-39-329. Amounts so exempted shall not be
2139 reimbursed by the state.

2140 (ii) Ad valorem taxes levied for maintenance and
2141 current expenses by or for a county as authorized by Section
2142 27-39-303, but the levy for such purpose in any year for which
2143 reimbursement is to be made shall not exceed the millage levied
2144 for such purpose for the 1984 fiscal year; or a levy for county
2145 roads or a road district as authorized by Section 27-39-305; or a
2146 levy for constructing and maintaining all bridges and culverts as
2147 authorized by Section 65-15-7, but the levy for either or both of
2148 such purposes for which reimbursement is to be made shall not in
2149 any event exceed seven (7) mills in any year; the levy for the
2150 support of the total funding formula fund to produce the minimum
2151 local ad valorem tax effort required of a school district by
2152 Section 37-57-1, and the supplementary school district tax levy
2153 for the support and maintenance of schools as authorized by
2154 Section 37-57-105; provided, however, that the total of the levies
2155 made under said Sections 37-57-1 and 37-57-105, which shall be
2156 exempt under this article, shall be limited to twenty (20) mills
2157 for any affected property area, and in the event the total of such
2158 levies should exceed twenty (20) mills for any affected property
2159 area, the excess shall not be exempt under this article, and in



2160 such case, the levy for the support of the total funding formula
2161 shall have priority as an exempt levy;

2162 (iii) Ad valorem taxes levied for the support and
2163 maintenance of agricultural high schools within the limits and as
2164 authorized by Section 37-27-3, and ad valorem taxes levied for the
2165 support of community or junior colleges within the limits and as
2166 authorized by subsection (2) of Section 37-29-141; provided,
2167 however, that the exemption from taxation and reimbursement for
2168 tax loss for agricultural high schools and community or junior
2169 colleges, or any combination of same, shall not exceed three (3)
2170 mills in any one (1) year for any one (1) county;

2171 (iv) Ad valorem taxes levied for the support of
2172 the total funding formula provided for in Sections 37-151-200
2173 through 37-151-215 in a municipal separate school district to
2174 produce the minimum local ad valorem tax effort required of such
2175 municipal separate school district as authorized by Section
2176 37-57-1, and the supplementary tax levy for the support and
2177 maintenance of the schools of a municipal separate school district
2178 as authorized by Section 37-57-105; provided, however, the total
2179 of the levies made under said Sections 37-57-1 and 37-57-105 which
2180 shall be exempt under this article shall be limited to fifteen
2181 (15) mills for any affected property area, except in those special
2182 municipal separate school districts as provided by Sections
2183 37-7-701 through 37-7-743, the total of the levies made under
2184 Sections 37-7-739 and 37-57-105 for such special municipal



2185 separate school district which shall be exempt under this article
2186 shall not exceed twenty (20) mills, and in the event the total of
2187 such levies should exceed fifteen (15) mills for any affected
2188 property area, or twenty (20) mills in the case of a special
2189 municipal separate school district, the excess shall not be exempt
2190 under this article, and, in such case, the levy for the support of
2191 the total funding formula in the municipal separate school
2192 district shall have priority as an exempt levy;

2193 (v) In the event any law referred to in this
2194 section is amended so as to authorize an increase in the tax levy
2195 for any purposes, such increase in the levy shall be applied to
2196 and taxes collected from the property owners on the entire
2197 assessed value of exempted homes; and the tax loss resulting from
2198 such increase shall not be reimbursed under the provisions of the
2199 Homestead Exemption Law, unless such law clearly specifies that
2200 the exempted assessed value of homes is exempt from such increase;

2201 (vi) Ad valorem taxes levied under Sections
2202 65-15-7 and 65-15-21 shall be used solely for purposes levied.

2203 (b) Those homeowners who qualify for the exemptions
2204 provided for in subsection (a) of this section and who have
2205 reached the age of sixty-five (65) years on or before January 1 of
2206 the year for which the exemption is claimed; and
2207 service-connected, totally disabled American veterans who were
2208 honorably discharged from military service, upon presentation of
2209 proper proof of eligibility shall be exempt from any and all ad



2210 valorem taxes, including the forest acreage tax authorized by
2211 Section 49-19-115, on homesteads not in excess of Seven Thousand
2212 Five Hundred Dollars (\$7,500.00) of assessed value thereof;
2213 provided, however, that property owned jointly by husband and wife
2214 and property owned in fee simple by either spouse shall be
2215 eligible for this exemption in full if either spouse fulfills the
2216 age or disability requirement. On all other jointly owned
2217 property the amount of the allowable exemption shall be determined
2218 on the basis of each individual joint owner's qualifications and
2219 pro rata share of the property.

2220 (c) Those homeowners who qualify for the exemptions
2221 provided for in subsection (a) of this section and who would be
2222 classified as disabled under the Federal Social Security Act (42
2223 USCS Section 416(i)), upon presentation of proper proof of
2224 eligibility shall be exempt from any and all ad valorem taxes,
2225 including the forest acreage tax authorized by Section 49-19-115,
2226 on homesteads not in excess of Seven Thousand Five Hundred Dollars
2227 (\$7,500.00) of assessed value thereof; provided, however, that
2228 property owned jointly by husband and wife and property owned in
2229 fee simple by either spouse shall be eligible for this exemption
2230 in full if either spouse fulfills the disability requirement. On
2231 all other jointly owned property, the amount of the allowable
2232 exemption shall be determined on the basis of each individual
2233 joint owner's qualifications and pro rata share of the property.



2234 (d) Homeowners who qualify for exemption under
2235 subsection (c) of this section will not be included in the
2236 limitations of Section 27-33-59(e).

2237 Reimbursement by the State of Mississippi to the various
2238 taxing units for the tax losses incurred because of the additional
2239 exemptions provided for under these subsections shall be made in
2240 accordance with the procedures outlined in Section 27-33-41.

2241 This section shall not apply to claims for homestead
2242 exemptions filed in any calendar year subsequent to the 1984
2243 calendar year.

2244 **SECTION 23.** Section 27-39-317, Mississippi Code of 1972, is
2245 amended as follows:

2246 27-39-317. The board of supervisors of each county shall, at
2247 its regular meeting in September of each year, levy the county ad
2248 valorem taxes for the fiscal year, and shall, by order, fix the
2249 tax rate, or levy, for the county, for the road districts, if any,
2250 and for the school districts, if any, and for any other taxing
2251 districts; and the rates, or levies, for the county and for any
2252 district shall be expressed in mills or a decimal fraction of a
2253 mill. Said tax rates, or levies, shall determine the ad valorem
2254 taxes to be collected upon each dollar of valuation, upon the
2255 assessment rolls of the county, including the assessment of motor
2256 vehicles as provided by the Motor Vehicle Ad Valorem Tax Law of
2257 1958, Section 27-51-1 et seq., for county taxes; and upon each
2258 dollar of valuation for the respective districts, as shown upon



2259 the assessment rolls of the county, including the assessment of
2260 motor vehicles as provided by the Motor Vehicle Ad Valorem Tax Law
2261 of 1958, Section 27-51-1 et seq.; except as to such values as
2262 shall be exempt, in whole or in part, from certain tax rates or
2263 levies. If the rate or levy for the county is an increase from
2264 the previous fiscal year, then the proposed rate or levy shall be
2265 advertised in accordance with Section 27-39-203. If the board of
2266 supervisors of any county shall not levy the county taxes and the
2267 district taxes at its regular September meeting, the board shall
2268 levy the same on or before September 15 at an adjourned or special
2269 meeting, or thereafter, provided, however, that if such levy be
2270 not made on or before the fifteenth day of September then the tax
2271 collector or Department of Revenue may issue road and bridge
2272 privilege tax license plates for motor vehicles as defined in the
2273 Motor Vehicle Ad Valorem Tax Law of 1958, Section 27-51-1 et seq.,
2274 without collecting or requiring proof of payment of county ad
2275 valorem taxes, and may continue to so issue such plates until such
2276 levy is duly certified to him, and for twenty-four (24) hours
2277 thereafter.

2278 Notwithstanding the requirements of this section, in the
2279 event the Department of Revenue orders the county to make an
2280 adjustment to the tax roll pursuant to Section 27-35-113, the
2281 county shall have a period of thirty (30) days from the date of
2282 the commission's final determination to adjust the millage in



2283 order to collect the same dollar amount of taxes as originally
2284 levied by the board.

2285 In making the levy of taxes, the board of supervisors shall
2286 specify, in its order, the levy for each purpose, as follows:

2287 (a) For general county purposes (current expense and
2288 maintenance taxes), as authorized by Section 27-39-303.

2289 (b) For roads and bridges, as authorized by Section
2290 27-39-305.

2291 (c) For schools, including the total funding formula
2292 levy and the levy for each school district including special
2293 municipal separate school districts, but not including other
2294 municipal separate school districts, and for an agricultural high
2295 school, county high school or community or junior college (current
2296 expense and maintenance taxes), as authorized by Chapter 57, Title
2297 37, Mississippi Code of 1972, and any other applicable statute.
2298 The levy for schools shall apply to the assessed value of property
2299 in the respective school districts, including special municipal
2300 separate school districts, but not including other municipal
2301 separate school districts, and a distinct and separate levy shall
2302 be made for each school district, and the purpose for each levy
2303 shall be stated.

2304 (d) For road bonds and the interest thereon, separately
2305 for countywide bonds and for the bonds of each road district.



2306 (e) For school bonds and the interest thereon,
2307 separately for countywide bonds and for the bonds of each school
2308 district.

2309 (f) For countywide bonds, and the interest thereon,
2310 other than for road bonds and school bonds.

2311 (g) For loans, notes or any other obligation, and the
2312 interest thereon, if permitted by the law.

2313 (h) For any other purpose for which a levy is lawfully
2314 made.

2315 The order shall state all of the purposes for which the
2316 general county levy is made, using the administrative items
2317 suggested by the State Department of Audit under the county budget
2318 law in its uniform system of accounts for counties, but the rate
2319 or levy for any item or purpose need not be shown; and if a
2320 countywide levy is made for any general or special purpose under
2321 the provisions of any law other than Section 27-39-303, each such
2322 levy shall be separately stated.

2323 During the month of February of each year, if the order or
2324 resolution of the board of trustees of any school district of said
2325 county or partly in said county, is filed with it requesting the
2326 levying of ad valorem taxes for the support and maintenance of
2327 such school district and any charter schools located in the
2328 district for the following fiscal year, then the board of
2329 supervisors of every such county in the state shall notify, in
2330 writing, within thirty (30) days, the county superintendent of



2331 education of such county, the levy or levies it intends to make
2332 for the support and maintenance of such school districts and any
2333 charter schools located in the districts of such county at its
2334 regular meeting in September following, and the county
2335 superintendent of education * * *, the trustees of all such school
2336 districts and charter schools shall be authorized to use such
2337 expressed intention of the board of supervisors in computing the
2338 support and maintenance budget or budgets of such school district
2339 or districts or charter schools located in such districts for the
2340 ensuing fiscal school year.

2341 **SECTION 24.** Section 29-3-47, Mississippi Code of 1972, is
2342 brought forward as follows:

2343 29-3-47. For its services the State Forestry Commission
2344 shall be entitled to receive its actual expenses incurred in the
2345 discharge of the duties herein imposed. In order to provide funds
2346 with which to pay for the general supervision and sale of forest
2347 products, fifteen percent (15%) of all receipts from the sales of
2348 forest products shall be placed by the board in a Forestry Escrow
2349 Fund and reserved to pay for work performed by the State Forestry
2350 Commission. Such payments shall be equal to the actual expenses
2351 incurred by the commission as substantiated by itemized bills
2352 presented to the board.

2353 Money in the Forestry Escrow Fund may be used to pay for any
2354 forestry work authorized during the period of the agreement and



2355 shall not be subject to lapse by reason of county budget
2356 limitations.

2357 In each school district having need of tree planting and
2358 timber stand improvement, the board of education is authorized to
2359 place additional amounts in the Forestry Escrow Fund to reimburse
2360 the State Forestry Commission for actual expenses incurred in
2361 performing this work, or to pay for any work done under private
2362 contract under the supervision of said commission. Such
2363 additional amounts may be made available from forest products
2364 sales receipts, funds borrowed from the sixteenth section
2365 principal fund as is provided for in Section 29-3-113, or any
2366 other funds available to the board of education excluding total
2367 funding formula funds. Expenditures from the Forestry Escrow Fund
2368 for tree planting, timber stand improvement, and other forestry
2369 work will be limited to payment for work recommended by the
2370 Forestry Commission and agreed to by the Board of Education.

2371 When it becomes evident that the amount of money in the
2372 Forestry Escrow Fund is in excess of the amount necessary to
2373 accomplish the work needed to achieve the goals set by the Board
2374 of Education and the Forestry Commission, the State Forestry
2375 Commission shall advise said board to release any part of such
2376 funds as will not be needed, which may then be spent for any
2377 purpose authorized by law.

2378 **SECTION 25.** Section 29-3-49, Mississippi Code of 1972, is
2379 brought forward as follows:



2380 29-3-49. It shall be the duty of the State Forestry
2381 Commission, in the manner provided in Section 29-3-45, to enter
2382 into agreements for timber improvement purposes with the board of
2383 education upon the request of the board. The contract shall
2384 provide for the carrying out of a long-term program of timber
2385 improvement, including any or all of the following: The deadening
2386 of undesirable hardwoods, the planting of trees, the cutting and
2387 maintaining of fire lanes, and the establishment of marked
2388 boundaries on all lands classified as forest lands in the
2389 agreements, which provide for the reimbursement of all current
2390 costs incurred by the State Forestry Commission and the carrying
2391 out of the duties required by such agreements. In the
2392 alternative, the commission, in its discretion, may have the
2393 option to contract with a private contractor, subject to the
2394 approval of the board, to perform this work under the supervision
2395 of the commission. Payment of the reimbursements as hereinabove
2396 set forth to the Forestry Commission, or of compensation due under
2397 any such contract with private contractors shall be made upon
2398 presentation of itemized bills by the commission or the private
2399 contractors, as the case may be, and may be made out of any
2400 sixteenth section funds to the credit of, or accruing to, any
2401 school district in which such work shall be done, or out of any
2402 other funds available to such district, excluding total funding
2403 formula funds.



2404 **SECTION 26.** Section 29-3-113, Mississippi Code of 1972, is
2405 brought forward as follows:

2406 29-3-113. The principal fund shall be a permanent township
2407 fund which shall consist of funds heretofore or hereafter derived
2408 from certain uses or for certain resources of school trust lands
2409 which shall be invested and, except as otherwise provided in this
2410 section, only the interest and income derived from such funds
2411 shall be expendable by the school district.

2412 The principal fund shall consist of:

2413 (a) Funds received for easements and rights-of-way
2414 pursuant to Section 29-3-91;

2415 (b) Funds received for sales of lieu land pursuant to
2416 Sections 29-3-15 through 29-3-25;

2417 (c) Funds received from any permanent damage to the
2418 school trust land;

2419 (d) Funds received from the sale of nonrenewable
2420 resources, including, but not limited to, the sale of sand,
2421 gravel, dirt, clays and royalties received from the sale of
2422 mineral ores, coal, oil and gas;

2423 (e) Funds received from the sale of buildings pursuant
2424 to Section 29-3-77;

2425 (f) Funds received from the sale of timber; and

2426 (g) Funds received pursuant to Section 29-3-23(2).

2427 It shall be the duty of the Board of Education to keep the
2428 principal fund invested in any direct obligation issued by or



2429 guaranteed in full as to principal and interest by the United
2430 States of America or in certificates of deposit issued by a
2431 qualified depository of the State of Mississippi as approved by
2432 the State Treasurer. The certificates of deposit may bear
2433 interest at any rate per annum which may be mutually agreed upon
2434 but in no case shall said rate be less than that paid on passbook
2435 savings.

2436 The Board of Education is authorized to invest the funds in
2437 interest bearing deposits or other obligations of the types
2438 described in Section 27-105-33 or in any other type investment in
2439 which any other political subdivision of the State of Mississippi
2440 may invest, except that one hundred percent (100%) of the funds
2441 are authorized to be invested. For the purposes of investment,
2442 the principal fund of each township may be combined into one or
2443 more district accounts; however, the docket book of the county
2444 superintendent shall at all times reflect the proper source of
2445 such funds. Provided that funds received from the sale of timber
2446 shall be placed in a separate principal fund account, and may be
2447 expended for any of the purposes authorized by law.

2448 The Board of Education shall have authority to borrow such
2449 funds at a rate of interest not less than four percent (4%) per
2450 annum and for a term not exceeding twenty (20) years, for the
2451 erection, equipment or repair of said district schools, to provide
2452 local funds for any building project approved by the State Board
2453 of Education or to provide additional funds for forest stand



2454 improvement as set forth in Section 29-3-47. In addition, the
2455 board may borrow the funds under the same interest restrictions
2456 for a term not exceeding ten (10) years to provide funds for the
2457 purchase of school buses. The Board of Education of any school
2458 district in any county that has an aggregate amount of assets in
2459 its principal fund in excess of Five Million Dollars
2460 (\$5,000,000.00) may deduct an amount not to exceed Five Hundred
2461 Thousand Dollars (\$500,000.00) for the purpose of covering the
2462 cost of asbestos removal from school district buildings. Such
2463 asbestos removal shall be construed to constitute the repair of
2464 school district facilities as prescribed in Section 29-3-115.

2465 No school land trust funds may be expended after the annual
2466 payment date until the payment is made on such loan. Once a
2467 district is current on its loan payments, the district may spend
2468 expendable trust funds earned or accumulated in previous years for
2469 any purpose for which expendable trust funds may be spent. The
2470 annual payment can be made from any funds available to the school
2471 district except total funding formula funds.

2472 It shall be unlawful for the Board of Education to borrow any
2473 sixteenth section school funds in any other manner than that
2474 prescribed herein, and if any such funds shall be borrowed or
2475 invested in any other manner, any officer concerned in making such
2476 loan and investment or suffering the same to be made in violation
2477 of the provisions of this section shall be liable personally and
2478 on his official bond for the safety of the funds so loaned.



2479 **SECTION 27.** Section 29-3-137, Mississippi Code of 1972, is
2480 brought forward as follows:

2481 29-3-137. (1) Beginning with the 1985-1986 fiscal year the
2482 Legislature of the State of Mississippi shall appropriate to the
2483 State Department of Education a sum of One Million Dollars
2484 (\$1,000,000.00) to be disbursed to the Chickasaw counties, and an
2485 additional One Million Dollars (\$1,000,000.00) each succeeding
2486 fiscal year thereafter until a maximum appropriation of Five
2487 Million Dollars (\$5,000,000.00) is made for the fiscal year
2488 1989-1990. Beginning with the appropriation for the 1990-1991
2489 fiscal year, the amount appropriated under the provisions of this
2490 section shall not exceed the total average annual expendable
2491 revenue received by the Choctaw counties from school lands, or
2492 Five Million Dollars (\$5,000,000.00), whichever is the lesser.

2493 (2) The State Department of Education is hereby authorized,
2494 empowered and directed to allocate for distribution such funds
2495 appropriated each year under subsection (1) of this section in
2496 proportion to the amount of funding allotted under the total
2497 funding formula provided for in Sections 37-151-200 through
2498 37-151-215, to such school districts affected by the sale of
2499 Chickasaw cession school lands. School districts not wholly
2500 situated in Chickasaw cession affected territory shall receive a
2501 prorated amount of such allocation based on the percentage of such
2502 lands located within the district. Provided further, that the
2503 State Department of Education shall, in addition, deduct from each



2504 affected school district's allocation the amount such district
2505 shall receive from interest payments from the Chickasaw School
2506 Fund under Section 212, Mississippi Constitution of 1890 for each
2507 fiscal year. The department shall document the foregoing
2508 computation in its annual budget request for the appropriation to
2509 the Chickasaw School Fund, and shall revise its budget request
2510 under such formula as the average annual revenues from sixteenth
2511 section school lands fluctuate.

2512 (3) [Repealed]

2513 **SECTION 28.** Section 31-7-9, Mississippi Code of 1972, is
2514 brought forward as follows:

2515 31-7-9. (1) (a) The Office of Purchasing, Travel and Fleet
2516 Management shall adopt purchasing regulations governing the
2517 purchase by any agency of any commodity or commodities and
2518 establishing standards and specifications for a commodity or
2519 commodities and the maximum fair prices of a commodity or
2520 commodities, subject to the approval of the Public Procurement
2521 Review Board. It shall have the power to amend, add to or
2522 eliminate purchasing regulations. The adoption of, amendment,
2523 addition to or elimination of purchasing regulations shall be
2524 based upon a determination by the Office of Purchasing, Travel and
2525 Fleet Management with the approval of the Public Procurement
2526 Review Board, that such action is reasonable and practicable and
2527 advantageous to promote efficiency and economy in the purchase of
2528 commodities by the agencies of the state. Upon the adoption of



2529 any purchasing regulation, or an amendment, addition or
2530 elimination therein, copies of same shall be furnished to the
2531 State Auditor and to all agencies affected thereby. Thereafter,
2532 and except as otherwise may be provided in subsection (2) of this
2533 section, no agency of the state shall purchase any commodities
2534 covered by existing purchasing regulations unless such commodities
2535 be in conformity with the standards and specifications set forth
2536 in the purchasing regulations and unless the price thereof does
2537 not exceed the maximum fair price established by such purchasing
2538 regulations. The Office of Purchasing, Travel and Fleet
2539 Management shall furnish to any county or municipality or other
2540 local public agency of the state requesting same, copies of
2541 purchasing regulations adopted by the Office of Purchasing, Travel
2542 and Fleet Management and any amendments, changes or eliminations
2543 of same that may be made from time to time.

2544 (b) The Office of Purchasing, Travel and Fleet
2545 Management may adopt purchasing regulations governing the use of
2546 credit cards, procurement cards and purchasing club membership
2547 cards to be used by state agencies, governing authorities of
2548 counties and municipalities, school districts and the Chickasawhay
2549 Natural Gas District. Use of the cards shall be in strict
2550 compliance with the regulations promulgated by the office. Any
2551 amounts due on the cards shall incur interest charges as set forth
2552 in Section 31-7-305 and shall not be considered debt.



2553 (c) Pursuant to the provision of Section 37-61-33(2),
2554 the Office of Purchasing, Travel and Fleet Management of the
2555 Department of Finance and Administration is authorized to issue
2556 procurement cards or credentials for a digital solution to all
2557 public school district classroom teachers, charter school
2558 teachers, full- or part-time gifted or special education teachers
2559 and other necessary direct support personnel at the beginning of
2560 the school year, but no later than August 1 of each year, for the
2561 purchase of instructional supplies using Educational Enhancement
2562 Funds. The cards will be issued in equal amounts per teacher
2563 determined by the total number of qualifying personnel and the
2564 then current state appropriation for classroom instructional
2565 supplies under the Education Enhancement Fund. All purchases
2566 shall be in accordance with state law and teachers are responsible
2567 for verification of capital asset requirements when pooling monies
2568 to purchase equipment. The cards will expire on a predetermined
2569 date at the end of each school year, but not before April 1 of
2570 each year. All unexpended amounts will be carried forward, to be
2571 combined with the following year's instructional supply fund
2572 allocation, and reallocated for the following year. The
2573 Department of Finance and Administration is authorized to loan any
2574 start-up funds at the beginning of the school year to fund this
2575 procurement system for instructional supplies with loan repayment
2576 being made from sales tax receipts earmarked for the Education
2577 Enhancement Fund.



2578 (d) In a sale of goods or services, the seller shall
2579 not impose a surcharge on a buyer who uses a state-issued credit
2580 card, procurement card, travel card, or fuel card. The Department
2581 of Finance and Administration shall have exclusive jurisdiction to
2582 enforce and adopt rules relating to this paragraph. Any rules
2583 adopted under this paragraph shall be consistent with federal laws
2584 and regulations governing credit card transactions described by
2585 this paragraph. This paragraph does not create a cause of action
2586 against an individual for a violation of this paragraph.

2587 (2) The Office of Purchasing, Travel and Fleet Management
2588 shall adopt, subject to the approval of the Public Procurement
2589 Review Board, purchasing regulations governing the purchase of
2590 unmarked vehicles to be used by the Bureau of Narcotics and
2591 Department of Public Safety in official investigations pursuant to
2592 Section 25-1-87. Such regulations shall ensure that purchases of
2593 such vehicles shall be at a fair price and shall take into
2594 consideration the peculiar needs of the Bureau of Narcotics and
2595 Department of Public Safety in undercover operations.

2596 (3) The Office of Purchasing, Travel and Fleet Management
2597 shall adopt, subject to the approval of the Public Procurement
2598 Review Board, regulations governing the certification process for
2599 certified purchasing offices, including the Mississippi Purchasing
2600 Certification Program, which shall be required of all purchasing
2601 agents at state agencies. Such regulations shall require entities
2602 desiring to be classified as certified purchasing offices to



2603 submit applications and applicable documents on an annual basis,
2604 and in the case of a state agency purchasing office, to have one
2605 hundred percent (100%) participation and completion by purchasing
2606 agents in the Mississippi Purchasing Certification Program, at
2607 which time the Office of Purchasing, Travel and Fleet Management
2608 may provide the governing entity with a certification valid for
2609 one (1) year from the date of issuance. The Office of Purchasing,
2610 Travel and Fleet Management shall set a fee in an amount that
2611 recovers its costs to administer the Mississippi Purchasing
2612 Certification Program, which shall be assessed to the
2613 participating state agencies.

2614 (4) The Office of Purchasing, Travel and Fleet Management
2615 shall adopt purchasing regulations authorizing rural water
2616 associations to purchase at the state contract price afforded to
2617 agencies and governing authorities under this chapter.

2618 **SECTION 29.** Section 31-7-10, Mississippi Code of 1972, is
2619 brought forward as follows:

2620 31-7-10. (1) For the purposes of this section, the term
2621 "equipment" shall mean equipment, furniture, and if applicable,
2622 associated software and other applicable direct costs associated
2623 with the acquisition. In addition to its other powers and duties,
2624 the Department of Finance and Administration shall have the
2625 authority to develop a master lease-purchase program and, pursuant
2626 to that program, shall have the authority to execute on behalf of
2627 the state master lease-purchase agreements for equipment to be



2628 used by an agency, as provided in this section. Each agency
2629 electing to acquire equipment by a lease-purchase agreement shall
2630 participate in the Department of Finance and Administration's
2631 master lease-purchase program, unless the Department of Finance
2632 and Administration makes a determination that such equipment
2633 cannot be obtained under the program or unless the equipment can
2634 be obtained elsewhere at an overall cost lower than that for which
2635 the equipment can be obtained under the program. Such
2636 lease-purchase agreements may include the refinancing or
2637 consolidation, or both, of any state agency lease-purchase
2638 agreements entered into after June 30, 1990.

2639 (2) All funds designated by agencies for procurement of
2640 equipment and financing thereof under the master lease-purchase
2641 program shall be paid into a special fund created in the State
2642 Treasury known as the "Master Lease-Purchase Program Fund," which
2643 shall be used by the Department of Finance and Administration for
2644 payment to the lessors for equipment acquired under master
2645 lease-purchase agreements.

2646 (3) Upon final approval of an appropriation bill, each
2647 agency shall submit to the Public Procurement Review Board a
2648 schedule of proposed equipment acquisitions for the master
2649 lease-purchase program. Upon approval of an equipment schedule by
2650 the Public Procurement Review Board with the advice of the
2651 Department of Information Technology Services, the Office of
2652 Purchasing, Travel and Fleet Management, and the Division of



2653 Energy and Transportation of the Mississippi Development Authority
2654 as it pertains to energy efficient climate control systems, the
2655 Public Procurement Review Board shall forward a copy of the
2656 equipment schedule to the Department of Finance and
2657 Administration.

2658 (4) The level of lease-purchase debt recommended by the
2659 Department of Finance and Administration shall be subject to
2660 approval by the State Bond Commission. After such approval, the
2661 Department of Finance and Administration shall be authorized to
2662 advertise and solicit written competitive proposals for a lessor,
2663 who will purchase the equipment pursuant to bid awards made by the
2664 using agency under a given category and then transfer the
2665 equipment to the Department of Finance and Administration as
2666 lessee, pursuant to a master lease-purchase agreement.

2667 The Department of Finance and Administration shall select the
2668 successful proposer for the financing of equipment under the
2669 master lease-purchase program with the approval of the State Bond
2670 Commission.

2671 (5) Each master lease-purchase agreement, and any subsequent
2672 amendments, shall include such terms and conditions as the State
2673 Bond Commission shall determine to be appropriate and in the
2674 public interest, and may include any covenants deemed necessary or
2675 desirable to protect the interests of the lessor, including, but
2676 not limited to, provisions setting forth the interest rate (or
2677 method for computing interest rates) for financing pursuant to



2678 such agreement, covenants concerning application of payments and
2679 funds held in the Master Lease-Purchase Program Fund, covenants to
2680 maintain casualty insurance with respect to equipment subject to
2681 the master lease-purchase agreement (and all state agencies are
2682 specifically authorized to purchase any insurance required by a
2683 master lease-purchase agreement) and covenants precluding or
2684 limiting the right of the lessee or user to acquire equipment
2685 within a specified time (not to exceed five (5) years) after
2686 cancellation on the basis of a failure to appropriate funds for
2687 payment of amounts due under a lease-purchase agreement covering
2688 comparable equipment. The State Bond Commission shall transmit
2689 copies of each such master lease-purchase agreement and each such
2690 amendment to the Joint Legislative Budget Committee. To the
2691 extent provided in any master lease-purchase agreement, title to
2692 equipment leased pursuant thereto shall be deemed to be vested in
2693 the state or the user of the equipment (as specified in such
2694 master lease-purchase agreement), subject to default under or
2695 termination of such master lease-purchase agreement.

2696 A master lease-purchase agreement may provide for payment by
2697 the lessor to the lessee of the purchase price of the equipment to
2698 be acquired pursuant thereto prior to the date on which payment is
2699 due to the vendor for such equipment and that the lease payments
2700 by the lessee shall commence as though the equipment had been
2701 provided on the date of payment. If the lessee, or lessee's
2702 escrow agent, has sufficient funds for payment of equipment



2703 purchases prior to payment due date to vendor of equipment, such
2704 funds shall be held or utilized on an as-needed basis for payment
2705 of equipment purchases either by the State Treasurer (in which
2706 event the master lease-purchase agreement may include provisions
2707 concerning the holding of such funds, the creation of a security
2708 interest for the benefit of the lessor in such funds until
2709 disbursed and other appropriate provisions approved by the Bond
2710 Commission) or by a corporate trustee selected by the Department
2711 of Finance and Administration (in which event the Department of
2712 Finance and Administration shall have the authority to enter into
2713 an agreement with such a corporate trustee containing terms and
2714 conditions approved by the Bond Commission). Earnings on any
2715 amount paid by the lessor prior to the acquisition of the
2716 equipment may be used to make lease payments under the master
2717 lease-purchase agreement or applied to pay costs and expenses
2718 incurred in connection with such lease-purchase agreement. In
2719 such event, the equipment-use agreements with the user agency may
2720 provide for lease payments to commence upon the date of payment by
2721 the lessor and may also provide for a credit against such payments
2722 to the extent that investment receipts from investment of the
2723 purchase price are to be used to make lease-purchase payments.

2724 (6) The annual rate of interest paid under any
2725 lease-purchase agreement authorized under this section shall not
2726 exceed the maximum interest rate to maturity on general obligation
2727 indebtedness permitted under Section 75-17-101.



2728 (7) The Department of Finance and Administration shall
2729 furnish the equipment to the various agencies, also known as the
2730 user, pursuant to an equipment-use agreement developed by the
2731 Department of Finance and Administration. Such agreements shall
2732 require that all monthly payments due from such agency be paid,
2733 transferred or allocated into the Master Lease-Purchase Program
2734 Fund pursuant to a schedule established by the Department of
2735 Finance and Administration. In the event such sums are not paid
2736 by the defined payment period, the Executive Director of the
2737 Department of Finance and Administration shall issue a requisition
2738 for a warrant to draw such amount as may be due from any funds
2739 appropriated for the use of the agency which has failed to make
2740 the payment as agreed.

2741 (8) All master lease-purchase agreements executed under the
2742 authority of this section shall contain the following annual
2743 allocation dependency clause or an annual allocation dependency
2744 clause which is substantially equivalent thereto: "The
2745 continuation of each equipment schedule to this agreement is
2746 contingent in whole or in part upon the appropriation of funds by
2747 the Legislature to make the lease-purchase payments required under
2748 such equipment schedule. If the Legislature fails to appropriate
2749 sufficient funds to provide for the continuation of the
2750 lease-purchase payments under any such equipment schedule, then
2751 the obligations of the lessee and of the agency to make such
2752 lease-purchase payments and the corresponding provisions of any



2753 such equipment schedule to this agreement shall terminate on the
2754 last day of the fiscal year for which appropriations were made."

2755 (9) The maximum lease term for any equipment acquired under
2756 the master lease-purchase program shall not exceed the useful life
2757 of such equipment as determined according to the upper limit of
2758 the asset depreciation range (ADR) guidelines for the Class Life
2759 Asset Depreciation Range System established by the Internal
2760 Revenue Service pursuant to the United States Internal Revenue
2761 Code and Regulations thereunder as in effect on December 31, 1980,
2762 or comparable depreciation guidelines with respect to any
2763 equipment not covered by ADR guidelines. The Department of
2764 Finance and Administration shall be deemed to have met the
2765 requirements of this subsection if the term of a master
2766 lease-purchase agreement does not exceed the weighted average
2767 useful life of all equipment covered by such agreement and the
2768 schedules thereto as determined by the Department of Finance and
2769 Administration. For purposes of this subsection, the "term of a
2770 master lease-purchase agreement" shall be the weighted average
2771 maturity of all principal payments to be made under such master
2772 lease-purchase agreement and all schedules thereto.

2773 (10) Interest paid on any master lease-purchase agreement
2774 under this section shall be exempt from State of Mississippi
2775 income taxation. All equipment, and the purchase thereof by any
2776 lessor, acquired under the master lease-purchase program and all



2777 lease-purchase payments with respect thereto shall be exempt from
2778 all Mississippi sales, use and ad valorem taxes.

2779 (11) The Governor, in his annual executive budget to the
2780 Legislature, shall recommend appropriations sufficient to provide
2781 funds to pay all amounts due and payable during the applicable
2782 fiscal year under master lease-purchase agreements entered into
2783 pursuant to this section.

2784 (12) Any master lease-purchase agreement reciting in
2785 substance that such agreement has been entered into pursuant to
2786 this section shall be conclusively deemed to have been entered
2787 into in accordance with all of the provisions and conditions set
2788 forth in this section. Any defect or irregularity arising with
2789 respect to procedures applicable to the acquisition of any
2790 equipment shall not invalidate or otherwise limit the obligation
2791 of the Department of Finance and Administration, or the state or
2792 any agency of the state, under any master lease-purchase agreement
2793 or any equipment-use agreement.

2794 (13) There shall be maintained by the Department of Finance
2795 and Administration, with respect to each master lease-purchase
2796 agreement, an itemized statement of the cash price, interest
2797 rates, interest costs, commissions, debt service schedules and all
2798 other costs and expenses paid by the state incident to the
2799 lease-purchase of equipment under such agreement.

2800 (14) Lease-purchase agreements entered into by the Board of
2801 Trustees of State Institutions of Higher Learning pursuant to the



2802 authority of Section 37-101-413 or by any other agency which has
2803 specific statutory authority other than pursuant to Section
2804 31-7-13(e) to acquire equipment by lease-purchase shall not be
2805 made pursuant to the master lease-purchase program under this
2806 section, unless the Board of Trustees of State Institutions of
2807 Higher Learning or such other agency elects to participate as to
2808 part or all of its lease-purchase acquisitions in the master
2809 lease-purchase program pursuant to this section.

2810 (15) The Department of Finance and Administration may
2811 develop a master lease-purchase program for school districts and,
2812 pursuant to that program, may execute on behalf of the school
2813 districts master lease-purchase agreements for equipment to be
2814 used by the school districts. The form and structure of this
2815 program shall be substantially the same as set forth in this
2816 section for the master lease-purchase program for state agencies.
2817 If sums due from a school district under the master lease-purchase
2818 program are not paid by the expiration of the defined payment
2819 period, the Executive Director of the Department of Finance and
2820 Administration may withhold such amount that is due from the
2821 school district's allotments of the total funding formula funds as
2822 determined by Sections 37-151-200 through 37-151-215.

2823 (16) The Department of Finance and Administration may
2824 develop a master lease-purchase program for community and junior
2825 college districts and, pursuant to that program, may execute on
2826 behalf of the community and junior college districts master



2827 lease-purchase agreements for equipment to be used by the
2828 community and junior college districts. The form and structure of
2829 this program must be substantially the same as set forth in this
2830 section for the master lease-purchase program for state agencies.
2831 If sums due from a community or junior college district under the
2832 master lease-purchase program are not paid by the expiration of
2833 the defined payment period, the Executive Director of the
2834 Department of Finance and Administration may withhold an amount
2835 equal to the amount due under the program from any funds allocated
2836 for that community or junior college district in the state
2837 appropriations for the use and support of the community and junior
2838 colleges.

2839 (17) From and after July 1, 2016, the expenses of this
2840 agency shall be defrayed by appropriation from the State General
2841 Fund and all user charges and fees authorized under this section
2842 shall be deposited into the State General Fund as authorized by
2843 law.

2844 (18) From and after July 1, 2016, no state agency shall
2845 charge another state agency a fee, assessment, rent or other
2846 charge for services or resources received by authority of this
2847 section.

2848 **SECTION 30.** Section 37-1-3, Mississippi Code of 1972, is
2849 brought forward as follows:

2850 37-1-3. (1) The State Board of Education shall adopt rules
2851 and regulations and set standards and policies for the



organization, operation, management, planning, budgeting and programs of the State Department of Education.

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

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

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

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

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

(f) The board, with recommendations from the superintendent, shall design and maintain a five-year plan and program for educational improvement that shall set forth



2877 objectives for system performance and development and be the basis
2878 for budget requests and legislative initiatives.

2879 (2) (a) The State Board of Education shall adopt and
2880 maintain a curriculum and a course of study to be used in the
2881 public school districts that is designed to prepare the state's
2882 children and youth to be productive, informed, creative citizens,
2883 workers and leaders, and it shall regulate all matters arising in
2884 the practical administration of the school system not otherwise
2885 provided for.

2886 (b) Before the 1999-2000 school year, the State Board
2887 of Education shall develop personal living and finances objectives
2888 that focus on money management skills for individuals and families
2889 for appropriate, existing courses at the secondary level. The
2890 objectives must require the teaching of those skills necessary to
2891 handle personal business and finances and must include instruction
2892 in the following:

- 2893 (i) Opening a bank account and assessing the
2894 quality of a bank's services;
- 2895 (ii) Balancing a checkbook;
- 2896 (iii) Managing debt, including retail and credit
2897 card debt;
- 2898 (iv) Completing a loan application;
- 2899 (v) The implications of an inheritance;
- 2900 (vi) The basics of personal insurance policies;
- 2901 (vii) Consumer rights and responsibilities;



2902 (viii) Dealing with salesmen and merchants;
2903 (ix) Computing state and federal income taxes;
2904 (x) Local tax assessments;
2905 (xi) Computing interest rates by various
2906 mechanisms;
2907 (xii) Understanding simple contracts; and
2908 (xiii) Contesting an incorrect billing statement.

2909 (3) The State Board of Education shall have authority to
2910 expend any available federal funds, or any other funds expressly
2911 designated, to pay training, educational expenses, salary
2912 incentives and salary supplements to licensed teachers employed in
2913 local school districts or schools administered by the State Board
2914 of Education. Such incentive payments shall not be considered
2915 part of a school district's local supplement, nor shall the
2916 incentives be considered part of the local supplement paid to an
2917 individual teacher for the purposes of Section 37-19-7(1).

2918 (4) The State Board of Education shall through its actions
2919 seek to implement the policies set forth in Section 37-1-2.

2920 **SECTION 31.** Section 37-3-11, Mississippi Code of 1972, is
2921 brought forward as follows:

2922 37-3-11. The State Superintendent of Public Education shall
2923 perform the duties assigned to him by the State Board of
2924 Education, and he shall have the following duties:

2925 (a) To serve as secretary for the State Board of
2926 Education;



2927 (b) To be the chief administrative officer of the State
2928 Department of Education;

2929 (c) To recommend to the State Board of Education, for
2930 its consideration, rules and regulations for the supervision of
2931 the public schools and agricultural high schools of the school
2932 districts throughout the state and for the efficient organization
2933 and conduct of the same;

2934 (d) To collect data and make it available to the state
2935 board for determining the proper distribution of the total funding
2936 formula funds;

2937 (e) To keep a complete record of all official acts of
2938 the State Superintendent and the acts of the State Board of
2939 Education;

2940 (f) To prepare, have printed and furnish all officers
2941 charged with the administration of the laws pertaining to the
2942 public schools, such blank forms and books as may be necessary to
2943 the proper discharge of their duties, which printing is to be paid
2944 for out of funds provided by the Legislature;

2945 (g) To have printed in pamphlet form the laws
2946 pertaining to the public schools and publish therein forms for
2947 conducting school business, the rules and regulations for the
2948 government of schools that the State Superintendent or the State
2949 Board of Education may recommend, and such other matters as may be
2950 deemed worthy of public interest pertaining to the public schools,



2951 which printing is to be paid for out of funds provided by the
2952 Legislature;

2953 (h) To meet all superintendents annually at such time
2954 and place as the State Superintendent shall appoint for the
2955 purpose of accumulating facts relative to schools, to review the
2956 educational progress made in the various sections of the state, to
2957 compare views, discuss problems, hear discussions and suggestions
2958 relative to examinations and qualifications of teachers, methods
2959 of instruction, textbooks, summer schools for teachers, visitation
2960 of schools, consolidation of schools, health work in the schools,
2961 vocational education and other matters pertaining to the public
2962 school system;

2963 (i) To advise all superintendents upon all matters
2964 involving the welfare of the schools, and at the request of any
2965 superintendent, to give an opinion upon a written statement of
2966 facts on all questions and controversies arising out of the
2967 interpretation and construction of the school laws, in regard to
2968 rights, powers and duties of school officers and superintendents,
2969 and to keep a record of all such decisions. Before giving any
2970 opinion, the superintendent may submit the statement of facts to
2971 the Attorney General, and it shall be the duty of the Attorney
2972 General forthwith to examine such statement and suggest the proper
2973 decision to be made upon such fact;



2974 (j) To require annually, and as often as the State
2975 Superintendent may deem proper, of all superintendents, detailed
2976 reports on the educational business of the various districts;

2977 (k) On or before January 10 in each year to prepare,
2978 under the direction of the State Board of Education, the annual
2979 information report of the State Department of Education as
2980 described in Section 37-151-97;

2981 (l) To determine the number of educable children in the
2982 several school districts under rules and regulations prescribed by
2983 the State Board of Education; and

2984 (m) To perform such other duties as may be prescribed
2985 by the State Board of Education.

2986 **SECTION 32.** Section 37-3-83, Mississippi Code of 1972, is
2987 amended as follows:

2988 37-3-83. (1) There is established within the State
2989 Department of Education, using only existing staff and resources,
2990 a School Safety Grant Program, available to all eligible public
2991 school districts, to assist in financing programs to provide
2992 school safety. However, no monies from the Temporary Assistance
2993 for Needy Families grant may be used for the School Safety Grant
2994 Program.

2995 (2) The school board of each school district, with the
2996 assistance of the State Department of Education School Safety
2997 Center, shall adopt a comprehensive local school district school
2998 safety plan and shall update the plan on an annual basis.



2999 (3) Subject to the extent of appropriations available, the
3000 School Safety Grant Program shall offer any of the following
3001 specific preventive services, and other additional services
3002 appropriate to the most current school district school safety
3003 plan:

3004 (a) Metal detectors;

3005 (b) Video surveillance cameras, communications
3006 equipment and monitoring equipment for classrooms, school
3007 buildings, school grounds and school buses;

3008 (c) Crisis management/action teams responding to school
3009 violence;

3010 (d) Violence prevention training, conflict resolution
3011 training, behavioral stress training and other appropriate
3012 training designated by the State Department of Education for
3013 faculty and staff; and

3014 (e) School safety personnel.

3015 (4) Each local school district or charter school of this
3016 state may annually apply for school safety grant funds subject to
3017 appropriations by the Legislature. School safety grants shall
3018 include a base grant amount plus an additional amount per student
3019 in net enrollment in the school or school district or charter
3020 school. The base grant amount and amount per student shall be
3021 determined by the State Board of Education, subject to specific
3022 appropriation therefor by the Legislature. In order to be
3023 eligible for such program, each local school board desiring to



3024 participate shall apply to the State Department of Education by
3025 May 31 before the beginning of the applicable fiscal year on forms
3026 provided by the department, and shall be required to establish a
3027 local School Safety Task Force to involve members of the community
3028 in the school safety effort. The State Department of Education
3029 shall determine by July 1 of each succeeding year which local
3030 school districts or charter schools have submitted approved
3031 applications for school safety grants.

3032 (5) As part of the School Safety Grant Program, the State
3033 Department of Education may conduct a pilot program to research
3034 the feasibility of using video camera equipment in the classroom
3035 to address the following:

3036 (a) Determine if video cameras in the classroom reduce
3037 student disciplinary problems;

3038 (b) Enable teachers to present clear and convincing
3039 evidence of a student's disruptive behavior to the student, the
3040 principal, the superintendent and the student's parents; and

3041 (c) Enable teachers to review teaching performance and
3042 receive diagnostic feedback for developmental purposes.

3043 (6) Any local school district or charter school may use
3044 audio/visual-monitoring equipment in classrooms, hallways,
3045 buildings, grounds and buses for the purpose of monitoring school
3046 disciplinary problems.

3047 (7) As a component of the comprehensive local school
3048 district or charter school, school safety plan required under



3049 subsection (2) of this section, the school board of a school
3050 district or charter school governing board may adopt and implement
3051 a policy addressing sexual abuse of children, to be known as
3052 "Erin's Law Awareness." Any policy adopted under this subsection
3053 may include or address, but need not be limited to, the following:

3054 (a) Methods for increasing teacher, student and
3055 parental awareness of issues regarding sexual abuse of children,
3056 including knowledge of likely warning signs indicating that a
3057 child may be a victim of sexual abuse;

3058 (b) Educational information for parents or guardians,
3059 which may be included in the school handbook, on the warning signs
3060 of a child being abused, along with any needed assistance,
3061 referral or resource information;

3062 (c) Training for school personnel on child sexual
3063 abuse;

3064 (d) Age-appropriate curriculum for students in
3065 prekindergarten through fifth grade;

3066 (e) Actions that a child who is a victim of sexual
3067 abuse should take to obtain assistance and intervention;

3068 (f) Counseling and resources available for students
3069 affected by sexual abuse; and

3070 (g) Emotional and educational support for a child who
3071 has been abused to enable the child to be successful in school.

3072 (8) As part of the school safety grant program, the State
3073 Department of Education shall establish three (3) pilot programs



in six (6) school districts utilizing an evidence-based curriculum to provide students in Grades K-5 with skills to manage stress and anxiety in order for them to be better equipped to handle challenges in a healthy way and build resiliency. The Mississippi Department of Mental Health shall be responsible for the selection of the content of the evidence-based curriculum. The results of this pilot program shall be measured and reported, and such results shall be used in consideration of the implementation of this curriculum statewide.

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

SECTION 33. Section 37-7-208, Mississippi Code of 1972, is brought forward as follows:



3098 37-7-208. The board of trustees of any consolidated school
3099 district may pay from funds other than total funding formula funds
3100 the cost and expense of litigation involved by or resulting from
3101 the creation of or litigation to create single member school board
3102 trustee election districts, and pay from funds other than the
3103 total funding formula funds the cost or expense to implement any
3104 plan, decree or reorganization as approved by the court. Said
3105 payments by the board of trustees shall be deemed a "new program"
3106 under the provisions of Section 37-57-107, and any additional
3107 millage levied for such purpose and the revenue generated
3108 therefrom shall be excluded from the tax increase limitation
3109 prescribed in Sections 37-57-105 and 37-57-107. The board of
3110 supervisors of any county in which there is located such
3111 consolidated school district may, in its discretion, contribute
3112 out of county general funds to the cost and expense of such
3113 litigation and/or the cost of implementing such redistricting
3114 plan.

3115 **SECTION 34.** Section 37-7-301, Mississippi Code of 1972, is
3116 brought forward as follows:

3117 37-7-301. The school boards of all school districts shall
3118 have the following powers, authority and duties in addition to all
3119 others imposed or granted by law, to wit:

3120 (a) To organize and operate the schools of the district
3121 and to make such division between the high school grades and



3122 elementary grades as, in their judgment, will serve the best
3123 interests of the school;

3124 (b) To introduce public school music, art, manual
3125 training and other special subjects into either the elementary or
3126 high school grades, as the board shall deem proper;

3127 (c) To be the custodians of real and personal school
3128 property and to manage, control and care for same, both during the
3129 school term and during vacation;

3130 (d) To have responsibility for the erection, repairing
3131 and equipping of school facilities and the making of necessary
3132 school improvements;

3133 (e) To suspend or to expel a pupil or to change the
3134 placement of a pupil to the school district's alternative school
3135 or homebound program for misconduct in the school or on school
3136 property, as defined in Section 37-11-29, on the road to and from
3137 school, or at any school-related activity or event, or for conduct
3138 occurring on property other than school property or other than at
3139 a school-related activity or event when such conduct by a pupil,
3140 in the determination of the school superintendent or principal,
3141 renders that pupil's presence in the classroom a disruption to the
3142 educational environment of the school or a detriment to the best
3143 interest and welfare of the pupils and teacher of such class as a
3144 whole, and to delegate such authority to the appropriate officials
3145 of the school district;



3146 (f) To visit schools in the district, in their
3147 discretion, in a body for the purpose of determining what can be
3148 done for the improvement of the school in a general way;

3149 (g) To support, within reasonable limits, the
3150 superintendent, principal and teachers where necessary for the
3151 proper discipline of the school;

3152 (h) To exclude from the schools students with what
3153 appears to be infectious or contagious diseases; provided,
3154 however, such student may be allowed to return to school upon
3155 presenting a certificate from a public health officer, duly
3156 licensed physician or nurse practitioner that the student is free
3157 from such disease;

3158 (i) To require those vaccinations specified by the
3159 State Health Officer as provided in Section 41-23-37;

3160 (j) To see that all necessary utilities and services
3161 are provided in the schools at all times when same are needed;

3162 (k) To authorize the use of the school buildings and
3163 grounds for the holding of public meetings and gatherings of the
3164 people under such regulations as may be prescribed by said board;

3165 (l) To prescribe and enforce rules and regulations not
3166 inconsistent with law or with the regulations of the State Board
3167 of Education for their own government and for the government of
3168 the schools, and to transact their business at regular and special
3169 meetings called and held in the manner provided by law;



3170 (m) To maintain and operate all of the schools under
3171 their control for such length of time during the year as may be
3172 required;

3173 (n) To enforce in the schools the courses of study and
3174 the use of the textbooks prescribed by the proper authorities;

3175 (o) To make orders directed to the superintendent of
3176 schools for the issuance of pay certificates for lawful purposes
3177 on any available funds of the district and to have full control of
3178 the receipt, distribution, allotment and disbursement of all funds
3179 provided for the support and operation of the schools of such
3180 school district whether such funds be derived from state
3181 appropriations, local ad valorem tax collections, or otherwise.
3182 The local school board shall be authorized and empowered to
3183 promulgate rules and regulations that specify the types of claims
3184 and set limits of the dollar amount for payment of claims by the
3185 superintendent of schools to be ratified by the board at the next
3186 regularly scheduled meeting after payment has been made;

3187 (p) To select all school district personnel in the
3188 manner provided by law, and to provide for such employee fringe
3189 benefit programs, including accident reimbursement plans, as may
3190 be deemed necessary and appropriate by the board;

3191 (q) To provide athletic programs and other school
3192 activities and to regulate the establishment and operation of such
3193 programs and activities;



3194 (r) To join, in their discretion, any association of
3195 school boards and other public school-related organizations, and
3196 to pay from local funds other than total funding formula funds,
3197 any membership dues;

3198 (s) To expend local school activity funds, or other
3199 available school district funds, other than total funding formula
3200 funds, for the purposes prescribed under this paragraph.

3201 "Activity funds" shall mean all funds received by school officials
3202 in all school districts paid or collected to participate in any
3203 school activity, such activity being part of the school program
3204 and partially financed with public funds or supplemented by public
3205 funds. The term "activity funds" shall not include any funds
3206 raised and/or expended by any organization unless commingled in a
3207 bank account with existing activity funds, regardless of whether
3208 the funds were raised by school employees or received by school
3209 employees during school hours or using school facilities, and
3210 regardless of whether a school employee exercises influence over
3211 the expenditure or disposition of such funds. Organizations shall
3212 not be required to make any payment to any school for the use of
3213 any school facility if, in the discretion of the local school
3214 governing board, the organization's function shall be deemed to be
3215 beneficial to the official or extracurricular programs of the
3216 school. For the purposes of this provision, the term
3217 "organization" shall not include any organization subject to the
3218 control of the local school governing board. Activity funds may



3219 only be expended for any necessary expenses or travel costs,
3220 including advances, incurred by students and their chaperons in
3221 attending any in-state or out-of-state school-related programs,
3222 conventions or seminars and/or any commodities, equipment, travel
3223 expenses, purchased services or school supplies which the local
3224 school governing board, in its discretion, shall deem beneficial
3225 to the official or extracurricular programs of the district,
3226 including items which may subsequently become the personal
3227 property of individuals, including yearbooks, athletic apparel,
3228 book covers and trophies. Activity funds may be used to pay
3229 travel expenses of school district personnel. The local school
3230 governing board shall be authorized and empowered to promulgate
3231 rules and regulations specifically designating for what purposes
3232 school activity funds may be expended. The local school governing
3233 board shall provide (i) that such school activity funds shall be
3234 maintained and expended by the principal of the school generating
3235 the funds in individual bank accounts, or (ii) that such school
3236 activity funds shall be maintained and expended by the
3237 superintendent of schools in a central depository approved by the
3238 board. The local school governing board shall provide that such
3239 school activity funds be audited as part of the annual audit
3240 required in Section 37-9-18. The State Department of Education
3241 shall prescribe a uniform system of accounting and financial
3242 reporting for all school activity fund transactions;



3243 (t) To enter into an energy performance contract,
3244 energy services contract, on a shared-savings, lease or
3245 lease-purchase basis, for energy efficiency services and/or
3246 equipment as provided for in Section 31-7-14;

3247 (u) To maintain accounts and issue pay certificates on
3248 school food service bank accounts;

3249 (v) (i) To lease a school building from an individual,
3250 partnership, nonprofit corporation or a private for-profit
3251 corporation for the use of such school district, and to expend
3252 funds therefor as may be available from any sources other than
3253 total funding formula funds as set by Sections 37-151-200 through
3254 37-151-215. The school board of the school district desiring to
3255 lease a school building shall declare by resolution that a need
3256 exists for a school building and that the school district cannot
3257 provide the necessary funds to pay the cost or its proportionate
3258 share of the cost of a school building required to meet the
3259 present needs. The resolution so adopted by the school board
3260 shall be published once each week for three (3) consecutive weeks
3261 in a newspaper having a general circulation in the school district
3262 involved, with the first publication thereof to be made not less
3263 than thirty (30) days prior to the date upon which the school
3264 board is to act on the question of leasing a school building. If
3265 no petition requesting an election is filed prior to such meeting
3266 as hereinafter provided, then the school board may, by resolution
3267 spread upon its minutes, proceed to lease a school building. If



3268 at any time prior to said meeting a petition signed by not less
3269 than twenty percent (20%) or fifteen hundred (1500), whichever is
3270 less, of the qualified electors of the school district involved
3271 shall be filed with the school board requesting that an election
3272 be called on the question, then the school board shall, not later
3273 than the next regular meeting, adopt a resolution calling an
3274 election to be held within such school district upon the question
3275 of authorizing the school board to lease a school building. Such
3276 election shall be called and held, and notice thereof shall be
3277 given, in the same manner for elections upon the questions of the
3278 issuance of the bonds of school districts, and the results thereof
3279 shall be certified to the school board. If at least three-fifths
3280 (3/5) of the qualified electors of the school district who voted
3281 in such election shall vote in favor of the leasing of a school
3282 building, then the school board shall proceed to lease a school
3283 building. The term of the lease contract shall not exceed twenty
3284 (20) years, and the total cost of such lease shall be either the
3285 amount of the lowest and best bid accepted by the school board
3286 after advertisement for bids or an amount not to exceed the
3287 current fair market value of the lease as determined by the
3288 averaging of at least two (2) appraisals by certified general
3289 appraisers licensed by the State of Mississippi. The term "school
3290 building" as used in this paragraph (v) (i) shall be construed to
3291 mean any building or buildings used for classroom purposes in
3292 connection with the operation of schools and shall include the



3293 site therefor, necessary support facilities, and the equipment
3294 thereof and appurtenances thereto such as heating facilities,
3295 water supply, sewage disposal, landscaping, walks, drives and
3296 playgrounds. The term "lease" as used in this paragraph (v) (i)
3297 may include a lease-purchase contract;

3298 (ii) If two (2) or more school districts propose
3299 to enter into a lease contract jointly, then joint meetings of the
3300 school boards having control may be held but no action taken shall
3301 be binding on any such school district unless the question of
3302 leasing a school building is approved in each participating school
3303 district under the procedure hereinabove set forth in paragraph
3304 (v) (i). All of the provisions of paragraph (v) (i) regarding the
3305 term and amount of the lease contract shall apply to the school
3306 boards of school districts acting jointly. Any lease contract
3307 executed by two (2) or more school districts as joint lessees
3308 shall set out the amount of the aggregate lease rental to be paid
3309 by each, which may be agreed upon, but there shall be no right of
3310 occupancy by any lessee unless the aggregate rental is paid as
3311 stipulated in the lease contract. All rights of joint lessees
3312 under the lease contract shall be in proportion to the amount of
3313 lease rental paid by each;

3314 (w) To employ all noninstructional and noncertificated
3315 employees and fix the duties and compensation of such personnel
3316 deemed necessary pursuant to the recommendation of the
3317 superintendent of schools;



3318 (x) To employ and fix the duties and compensation of
3319 such legal counsel as deemed necessary;

3320 (y) Subject to rules and regulations of the State Board
3321 of Education, to purchase, own and operate trucks, vans and other
3322 motor vehicles, which shall bear the proper identification
3323 required by law;

3324 (z) To expend funds for the payment of substitute
3325 teachers and to adopt reasonable regulations for the employment
3326 and compensation of such substitute teachers;

3327 (aa) To acquire in its own name by purchase all real
3328 property which shall be necessary and desirable in connection with
3329 the construction, renovation or improvement of any public school
3330 building or structure. Whenever the purchase price for such real
3331 property is greater than Fifty Thousand Dollars (\$50,000.00), the
3332 school board shall not purchase the property for an amount
3333 exceeding the fair market value of such property as determined by
3334 the average of at least two (2) independent appraisals by
3335 certified general appraisers licensed by the State of Mississippi.
3336 If the board shall be unable to agree with the owner of any such
3337 real property in connection with any such project, the board shall
3338 have the power and authority to acquire any such real property by
3339 condemnation proceedings pursuant to Section 11-27-1 et seq.,
3340 Mississippi Code of 1972, and for such purpose, the right of
3341 eminent domain is hereby conferred upon and vested in said board.
3342 Provided further, that the local school board is authorized to



3343 grant an easement for ingress and egress over sixteenth section
3344 land or lieu land in exchange for a similar easement upon
3345 adjoining land where the exchange of easements affords substantial
3346 benefit to the sixteenth section land; provided, however, the
3347 exchange must be based upon values as determined by a competent
3348 appraiser, with any differential in value to be adjusted by cash
3349 payment. Any easement rights granted over sixteenth section land
3350 under such authority shall terminate when the easement ceases to
3351 be used for its stated purpose. No sixteenth section or lieu land
3352 which is subject to an existing lease shall be burdened by any
3353 such easement except by consent of the lessee or unless the school
3354 district shall acquire the unexpired leasehold interest affected
3355 by the easement;

3356 (bb) To charge reasonable fees related to the
3357 educational programs of the district, in the manner prescribed in
3358 Section 37-7-335;

3359 (cc) Subject to rules and regulations of the State
3360 Board of Education, to purchase relocatable classrooms for the use
3361 of such school district, in the manner prescribed in Section
3362 37-1-13;

3363 (dd) Enter into contracts or agreements with other
3364 school districts, political subdivisions or governmental entities
3365 to carry out one or more of the powers or duties of the school
3366 board, or to allow more efficient utilization of limited resources
3367 for providing services to the public;



3368 (ee) To provide for in-service training for employees
3369 of the district;

3370 (ff) As part of their duties to prescribe the use of
3371 textbooks, to provide that parents and legal guardians shall be
3372 responsible for the textbooks and for the compensation to the
3373 school district for any books which are not returned to the proper
3374 schools upon the withdrawal of their dependent child. If a
3375 textbook is lost or not returned by any student who drops out of
3376 the public school district, the parent or legal guardian shall
3377 also compensate the school district for the fair market value of
3378 the textbooks;

3379 (gg) To conduct fund-raising activities on behalf of
3380 the school district that the local school board, in its
3381 discretion, deems appropriate or beneficial to the official or
3382 extracurricular programs of the district; provided that:

3383 (i) Any proceeds of the fund-raising activities
3384 shall be treated as "activity funds" and shall be accounted for as
3385 are other activity funds under this section; and

3386 (ii) Fund-raising activities conducted or
3387 authorized by the board for the sale of school pictures, the
3388 rental of caps and gowns or the sale of graduation invitations for
3389 which the school board receives a commission, rebate or fee shall
3390 contain a disclosure statement advising that a portion of the
3391 proceeds of the sales or rentals shall be contributed to the
3392 student activity fund;



3393 (hh) To allow individual lessons for music, art and
3394 other curriculum-related activities for academic credit or
3395 nonacademic credit during school hours and using school equipment
3396 and facilities, subject to uniform rules and regulations adopted
3397 by the school board;

3398 (ii) To charge reasonable fees for participating in an
3399 extracurricular activity for academic or nonacademic credit for
3400 necessary and required equipment such as safety equipment, band
3401 instruments and uniforms;

3402 (jj) To conduct or participate in any fund-raising
3403 activities on behalf of or in connection with a tax-exempt
3404 charitable organization;

3405 (kk) To exercise such powers as may be reasonably
3406 necessary to carry out the provisions of this section;

3407 (ll) To expend funds for the services of nonprofit arts
3408 organizations or other such nonprofit organizations who provide
3409 performances or other services for the students of the school
3410 district;

3411 (mm) To expend federal No Child Left Behind Act funds,
3412 or any other available funds that are expressly designated and
3413 authorized for that use, to pay training, educational expenses,
3414 salary incentives and salary supplements to employees of local
3415 school districts; except that incentives shall not be considered
3416 part of the local supplement, nor shall incentives be considered



3417 part of the local supplement paid to an individual teacher for the
3418 purposes of Section 37-19-7(1);

3419 (nn) To use any available funds, not appropriated or
3420 designated for any other purpose, for reimbursement to the
3421 state-licensed employees from both in state and out of state, who
3422 enter into a contract for employment in a school district, for the
3423 expense of moving when the employment necessitates the relocation
3424 of the licensed employee to a different geographical area than
3425 that in which the licensed employee resides before entering into
3426 the contract. The reimbursement shall not exceed One Thousand
3427 Dollars (\$1,000.00) for the documented actual expenses incurred in
3428 the course of relocating, including the expense of any
3429 professional moving company or persons employed to assist with the
3430 move, rented moving vehicles or equipment, mileage in the amount
3431 authorized for county and municipal employees under Section
3432 25-3-41 if the licensed employee used his personal vehicle or
3433 vehicles for the move, meals and such other expenses associated
3434 with the relocation. No licensed employee may be reimbursed for
3435 moving expenses under this section on more than one (1) occasion
3436 by the same school district. Nothing in this section shall be
3437 construed to require the actual residence to which the licensed
3438 employee relocates to be within the boundaries of the school
3439 district that has executed a contract for employment in order for
3440 the licensed employee to be eligible for reimbursement for the
3441 moving expenses. However, the licensed employee must relocate



3442 within the boundaries of the State of Mississippi. Any individual
3443 receiving relocation assistance through the Critical Teacher
3444 Shortage Act as provided in Section 37-159-5 shall not be eligible
3445 to receive additional relocation funds as authorized in this
3446 paragraph;

3447 (oo) To use any available funds, not appropriated or
3448 designated for any other purpose, to reimburse persons who
3449 interview for employment as a licensed employee with the district
3450 for the mileage and other actual expenses incurred in the course
3451 of travel to and from the interview at the rate authorized for
3452 county and municipal employees under Section 25-3-41;

3453 (pp) Consistent with the report of the Task Force to
3454 Conduct a Best Financial Management Practices Review, to improve
3455 school district management and use of resources and identify cost
3456 savings as established in Section 8 of Chapter 610, Laws of 2002,
3457 local school boards are encouraged to conduct independent reviews
3458 of the management and efficiency of schools and school districts.
3459 Such management and efficiency reviews shall provide state and
3460 local officials and the public with the following:

3461 (i) An assessment of a school district's
3462 governance and organizational structure;

3463 (ii) An assessment of the school district's
3464 financial and personnel management;

3465 (iii) An assessment of revenue levels and sources;



3466 (iv) An assessment of facilities utilization,
3467 planning and maintenance;
3468 (v) An assessment of food services, transportation
3469 and safety/security systems;
3470 (vi) An assessment of instructional and
3471 administrative technology;
3472 (vii) A review of the instructional management and
3473 the efficiency and effectiveness of existing instructional
3474 programs; and
3475 (viii) Recommended methods for increasing
3476 efficiency and effectiveness in providing educational services to
3477 the public;
3478 (qq) To enter into agreements with other local school
3479 boards for the establishment of an educational service agency
3480 (ESA) to provide for the cooperative needs of the region in which
3481 the school district is located, as provided in Section 37-7-345;
3482 (rr) To implement a financial literacy program for
3483 students in Grades 10 and 11. The board may review the national
3484 programs and obtain free literature from various nationally
3485 recognized programs. After review of the different programs, the
3486 board may certify a program that is most appropriate for the
3487 school districts' needs. If a district implements a financial
3488 literacy program, then any student in Grade 10 or 11 may
3489 participate in the program. The financial literacy program shall
3490 include, but is not limited to, instruction in the same areas of



3491 personal business and finance as required under Section
3492 37-1-3(2) (b). The school board may coordinate with volunteer
3493 teachers from local community organizations, including, but not
3494 limited to, the following: United States Department of
3495 Agriculture Rural Development, United States Department of Housing
3496 and Urban Development, Junior Achievement, bankers and other
3497 nonprofit organizations. Nothing in this paragraph shall be
3498 construed as to require school boards to implement a financial
3499 literacy program;

3500 (ss) To collaborate with the State Board of Education,
3501 Community Action Agencies or the Department of Human Services to
3502 develop and implement a voluntary program to provide services for
3503 a prekindergarten program that addresses the cognitive, social,
3504 and emotional needs of four-year-old and three-year-old children.
3505 The school board may utilize any source of available revenue to
3506 fund the voluntary program. Effective with the 2013-2014 school
3507 year, to implement voluntary prekindergarten programs under the
3508 Early Learning Collaborative Act of 2013 pursuant to state funds
3509 awarded by the State Department of Education on a matching basis;

3510 (tt) With respect to any lawful, written obligation of
3511 a school district, including, but not limited to, leases
3512 (excluding leases of sixteenth section public school trust land),
3513 bonds, notes, or other agreement, to agree in writing with the
3514 obligee that the Department of Revenue or any state agency,
3515 department or commission created under state law may:



3516 (i) Withhold all or any part (as agreed by the
3517 school board) of any monies which such local school board is
3518 entitled to receive from time to time under any law and which is
3519 in the possession of the Department of Revenue, or any state
3520 agency, department or commission created under state law; and
3521 (ii) Pay the same over to any financial
3522 institution, trustee or other obligee, as directed in writing by
3523 the school board, to satisfy all or part of such obligation of the
3524 school district.

3525 The school board may make such written agreement to withhold
3526 and transfer funds irrevocable for the term of the written
3527 obligation and may include in the written agreement any other
3528 terms and provisions acceptable to the school board. If the
3529 school board files a copy of such written agreement with the
3530 Department of Revenue, or any state agency, department or
3531 commission created under state law then the Department of Revenue
3532 or any state agency, department or commission created under state
3533 law shall immediately make the withholdings provided in such
3534 agreement from the amounts due the local school board and shall
3535 continue to pay the same over to such financial institution,
3536 trustee or obligee for the term of the agreement.

3537 This paragraph (tt) shall not grant any extra authority to a
3538 school board to issue debt in any amount exceeding statutory
3539 limitations on assessed value of taxable property within such
3540 school district or the statutory limitations on debt maturities,



3541 and shall not grant any extra authority to impose, levy or collect
3542 a tax which is not otherwise expressly provided for, and shall not
3543 be construed to apply to sixteenth section public school trust
3544 land;

3545 (uu) With respect to any matter or transaction that is
3546 competitively bid by a school district, to accept from any bidder
3547 as a good-faith deposit or bid bond or bid surety, the same type
3548 of good-faith deposit or bid bond or bid surety that may be
3549 accepted by the state or any other political subdivision on
3550 similar competitively bid matters or transactions. This paragraph
3551 (uu) shall not be construed to apply to sixteenth section public
3552 school trust land. The school board may authorize the investment
3553 of any school district funds in the same kind and manner of
3554 investments, including pooled investments, as any other political
3555 subdivision, including community hospitals;

3556 (vv) To utilize the alternate method for the conveyance
3557 or exchange of unused school buildings and/or land, reserving a
3558 partial or other undivided interest in the property, as
3559 specifically authorized and provided in Section 37-7-485;

3560 (ww) To delegate, privatize or otherwise enter into a
3561 contract with private entities for the operation of any and all
3562 functions of nonacademic school process, procedures and operations
3563 including, but not limited to, cafeteria workers, janitorial
3564 services, transportation, professional development, achievement
3565 and instructional consulting services materials and products,



3566 purchasing cooperatives, insurance, business manager services,
3567 auditing and accounting services, school safety/risk prevention,
3568 data processing and student records, and other staff services;
3569 however, the authority under this paragraph does not apply to the
3570 leasing, management or operation of sixteenth section lands.
3571 Local school districts, working through their regional education
3572 service agency, are encouraged to enter into buying consortia with
3573 other member districts for the purposes of more efficient use of
3574 state resources as described in Section 37-7-345;

3575 (xx) To partner with entities, organizations and
3576 corporations for the purpose of benefiting the school district;

3577 (yy) To borrow funds from the Rural Economic
3578 Development Authority for the maintenance of school buildings;

3579 (zz) To fund and operate voluntary early childhood
3580 education programs, defined as programs for children less than
3581 five (5) years of age on or before September 1, and to use any
3582 source of revenue for such early childhood education programs.
3583 Such programs shall not conflict with the Early Learning
3584 Collaborative Act of 2013;

3585 (aaa) To issue and provide for the use of procurement
3586 cards by school board members, superintendents and licensed school
3587 personnel consistent with the rules and regulations of the
3588 Mississippi Department of Finance and Administration under Section
3589 31-7-9; and



3590 (bbb) To conduct an annual comprehensive evaluation of
3591 the superintendent of schools consistent with the assessment
3592 components of paragraph (pp) of this section and the assessment
3593 benchmarks established by the Mississippi School Board Association
3594 to evaluate the success the superintendent has attained in meeting
3595 district goals and objectives, the superintendent's leadership
3596 skill and whether or not the superintendent has established
3597 appropriate standards for performance, is monitoring success and
3598 is using data for improvement.

3599 **SECTION 35.** Section 37-7-302, Mississippi Code of 1972, is
3600 brought forward as follows:

3601 37-7-302. The board of trustees of any school district shall
3602 be authorized to borrow such funds as may be reasonable and
3603 necessary from the federal government, the State of Mississippi or
3604 any political subdivision or entity thereof, or any other
3605 governmental agency, from any individual, partnership, nonprofit
3606 corporation or private for-profit corporation, to aid such school
3607 districts in asbestos removal, to be repaid out of any funds other
3608 than the total funding formula funds provided for in Sections
3609 37-151-200 through 37-151-215; provided, however, that the grant
3610 of authority shall in no way be construed to require said boards
3611 of trustees to remove asbestos material or substances from any
3612 facilities under their control, nor shall there be any liability
3613 to said school districts or boards for the failure to so remove
3614 such asbestos materials. All indebtedness incurred under the



3615 provisions of this section shall be evidenced by the negotiable
3616 notes or certificates of indebtedness of the school district on
3617 whose behalf the money is borrowed. Said notes or certificates of
3618 indebtedness of the school district on whose behalf the money is
3619 borrowed shall be signed by the president of the school board and
3620 superintendent of schools of such school district. Such notes or
3621 certificates of indebtedness shall not bear a greater overall
3622 maximum interest rate to maturity than the rates now or hereafter
3623 authorized under the provisions of Section 19-9-19. No such notes
3624 or certificates of indebtedness shall be issued and sold for less
3625 than par and accrued interest. All notes or certificates of
3626 indebtedness shall mature in approximately equal installments of
3627 principal and interest over a period not to exceed twenty (20)
3628 years from the dates of the issuance thereof. Principal and
3629 interest shall be payable in such manner as may be determined by
3630 the school board. Such notes or certificates of indebtedness shall
3631 be issued in such form and in such denominations as may be
3632 determined by the school board and same may be made payable at the
3633 office of any bank or trust company selected by the school board
3634 and, in such case, funds for the payment of principal and interest
3635 due thereon shall be provided in the same manner provided by law
3636 for the payment of the principal and interest due on bonds issued
3637 by the taxing districts of this state.

3638 **SECTION 36.** Section 37-7-303, Mississippi Code of 1972, is
3639 brought forward as follows:



3640 37-7-303. (1) The school board of any school district may
3641 insure motor vehicles for any hazard that the board may choose,
3642 and shall insure the school buildings, equipment and other school
3643 property of the district against any and all hazards that the
3644 board may deem necessary to provide insurance against. In
3645 addition, the local school board of any school district shall
3646 purchase and maintain business property insurance and business
3647 personal property insurance on all school district-owned buildings
3648 and/or contents as required by federal law and regulations of the
3649 Federal Emergency Management Agency (FEMA) as is necessary for
3650 receiving public assistance or reimbursement for repair,
3651 reconstruction, replacement or other damage to those buildings
3652 and/or contents caused by the Hurricane Katrina Disaster of 2005
3653 or subsequent disasters. The school district is authorized to
3654 expend funds from any available source for the purpose of
3655 obtaining and maintaining that property insurance. The school
3656 district is authorized to enter into agreements with the
3657 Department of Finance and Administration, other local school
3658 districts, community or junior college districts, state
3659 institutions of higher learning, community hospitals and/or other
3660 state agencies to pool their liabilities to participate in a group
3661 business property and/or business personal property insurance
3662 program, subject to uniform rules and regulations as may be
3663 adopted by the Department of Finance and Administration. Such
3664 school board shall be authorized to contract for such insurance



3665 for a term of not exceeding five (5) years and to obligate the
3666 district for the payment of the premiums thereon. When necessary,
3667 the school board is authorized and empowered, in its discretion,
3668 to borrow money payable in annual installments for a period of not
3669 exceeding five (5) years at a rate of interest not exceeding eight
3670 percent (8%) per annum to provide funds to pay such insurance
3671 premiums. The money so borrowed and the interest thereon shall be
3672 payable from any school funds of the district other than the total
3673 funding formula funds provided for in Sections 37-151-200 through
3674 37-151-215. The school boards of school districts are further
3675 authorized and empowered, in all cases where same may be
3676 necessary, to bring and maintain suits and other actions in any
3677 court of competent jurisdiction for the purpose of collecting the
3678 proceeds of insurance policies issued upon the property of such
3679 school district.

3680 (2) Two (2) or more school districts, together with other
3681 educational entities or agencies, may agree to pool their
3682 liabilities to participate in a group workers' compensation
3683 program. The governing authorities of any school board or other
3684 educational entity or agency may authorize the organization and
3685 operation of, or the participation in such a group self-insurance
3686 program with other school boards and educational entities or
3687 agencies, subject to the requirements of Section 71-3-5. The
3688 Workers' Compensation Commission shall approve such group



self-insurance programs subject to uniform rules and regulations as may be adopted by the commission applicable to all groups.

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

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

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

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



3714 employees and teacher assistants employed in the school district,
3715 and such policy shall include the following minimum provisions for
3716 sick and emergency leave with pay:

3717 (a) Each licensed employee and teacher assistant, at
3718 the beginning of each school year, shall be credited with a
3719 minimum sick leave allowance, with pay, of seven (7) days for
3720 absences caused by illness or physical disability of the employee
3721 during that school year.

3722 (b) Any unused portion of the total sick leave
3723 allowance shall be carried over to the next school year and
3724 credited to such licensed employee and teacher assistant if the
3725 licensed employee or teacher assistant remains employed in the
3726 same school district. In the event any public school licensed
3727 employee or teacher assistant transfers from one public school
3728 district in Mississippi to another, any unused portion of the
3729 total sick leave allowance credited to such licensed employee or
3730 teacher assistant shall be credited to such licensed employee or
3731 teacher assistant in the computation of unused leave for
3732 retirement purposes under Section 25-11-109. Accumulation of sick
3733 leave allowed under this section shall be unlimited.

3734 (c) No deduction from the pay of such licensed employee
3735 or teacher assistant may be made because of absence of such
3736 licensed employee or teacher assistant caused by illness or
3737 physical disability of the licensed employee or teacher assistant



3738 until after all sick leave allowance credited to such licensed
3739 employee or teacher assistant has been used.

3740 (d) For the first ten (10) days of absence of a
3741 licensed employee because of illness or physical disability, in
3742 any school year, in excess of the sick leave allowance credited to
3743 such licensed employee, there shall be deducted from the pay of
3744 such licensed employee the established substitute amount of
3745 licensed employee compensation paid in that local school district,
3746 necessitated because of the absence of the licensed employee as a
3747 result of illness or physical disability. In lieu of deducting
3748 the established substitute amount from the pay of such licensed
3749 employee, the policy may allow the licensed employee to receive
3750 full pay for the first ten (10) days of absence because of illness
3751 or physical disability, in any school year, in excess of the sick
3752 leave allowance credited to such licensed employee. Thereafter,
3753 the regular pay of such absent licensed employee shall be
3754 suspended and withheld in its entirety for any period of absence
3755 because of illness or physical disability during that school year.

3756 (3) (a) Beginning with the school year 1983-1984, each
3757 licensed employee at the beginning of each school year shall be
3758 credited with a minimum personal leave allowance, with pay, of two
3759 (2) days for absences caused by personal reasons during that
3760 school year. Effective for the 2010-2011 and 2011-2012 school
3761 years, licensed employees shall be credited with an additional
3762 one-half (1/2) day of personal leave for every day the licensed



3763 employee is furloughed without pay as provided in Section
3764 37-7-308. Except as otherwise provided in paragraph (b) of this
3765 subsection, such personal leave shall not be taken on the first
3766 day of the school term, the last day of the school term, on a day
3767 previous to a holiday or a day after a holiday. Personal leave
3768 may be used for professional purposes, including absences caused
3769 by attendance of such licensed employee at a seminar, class,
3770 training program, professional association or other functions
3771 designed for educators. No deduction from the pay of such
3772 licensed employee may be made because of absence of such licensed
3773 employee caused by personal reasons until after all personal leave
3774 allowance credited to such licensed employee has been used.
3775 However, the superintendent of a school district, in his
3776 discretion, may allow a licensed employee personal leave in
3777 addition to any minimum personal leave allowance, under the
3778 condition that there shall be deducted from the salary of such
3779 licensed employee the actual amount of any compensation paid to
3780 any person as a substitute, necessitated because of the absence of
3781 the licensed employee. Any unused portion of the total personal
3782 leave allowance up to five (5) days shall be carried over to the
3783 next school year and credited to such licensed employee if the
3784 licensed employee remains employed in the same school district.
3785 Any personal leave allowed for a furlough day shall not be carried
3786 over to the next school year.



3787 (b) Notwithstanding the restrictions on the use of
3788 personal leave prescribed under paragraph (a) of this subsection,
3789 a licensed employee may use personal leave as follows:

3790 (i) Personal leave may be taken on the first day
3791 of the school term, the last day of the school term, on a day
3792 previous to a holiday or a day after a holiday if, on the
3793 applicable day, an immediate family member of the employee is
3794 being deployed for military service.

3795 (ii) Personal leave may be taken on a day previous
3796 to a holiday or a day after a holiday if an employee of a school
3797 district has either a minimum of ten (10) years' experience as an
3798 employee of that school district or a minimum of thirty (30) days
3799 of unused accumulated leave that has been earned while employed in
3800 that school district.

3801 (iii) Personal leave may be taken on the first day
3802 of the school term, the last day of the school term, on a day
3803 previous to a holiday or a day after a holiday if, on the
3804 applicable day, the employee has been summoned to appear for jury
3805 duty or as a witness in court.

3806 (iv) Personal leave may be taken on the first day
3807 of the school term, the last day of the school term, on a day
3808 previous to a holiday or a day after a holiday if, on the
3809 applicable day, an immediate family member of the employee dies or
3810 funeral services are held. Any day of the three (3) bereavement



3811 days may be used at the discretion of the teacher, and are not
3812 required to be taken in consecutive succession.

3813 For the purpose of this subsection (3), the term "immediate
3814 family member" means spouse, parent, stepparent, child or
3815 stepchild, grandparent or sibling, including a stepbrother or
3816 stepsister.

3817 (4) Beginning with the school year 1992-1993, each licensed
3818 employee shall be credited with a professional leave allowance,
3819 with pay, for each day of absence caused by reason of such
3820 employee's statutorily required membership and attendance at a
3821 regular or special meeting held within the State of Mississippi of
3822 the State Board of Education, the Commission on Teacher and
3823 Administrator Education, Certification and Licensure and
3824 Development, the Commission on School Accreditation, the
3825 Mississippi Authority for Educational Television, the meetings of
3826 the state textbook rating committees or other meetings authorized
3827 by local school board policy.

3828 (5) Upon retirement from employment, each licensed and
3829 nonlicensed employee shall be paid for not more than thirty (30)
3830 days of unused accumulated leave earned while employed by the
3831 school district in which the employee is last employed. Such
3832 payment for licensed employees shall be made by the school
3833 district at a rate equal to the amount paid to substitute teachers
3834 and for nonlicensed employees, the payment shall be made by the
3835 school district at a rate equal to the federal minimum wage. The



3836 payment shall be treated in the same manner for retirement
3837 purposes as a lump-sum payment for personal leave as provided in
3838 Section 25-11-103(f). Any remaining lawfully credited unused
3839 leave, for which payment has not been made, shall be certified to
3840 the Public Employees' Retirement System in the same manner and
3841 subject to the same limitations as otherwise provided by law for
3842 unused leave. No payment for unused accumulated leave may be made
3843 to either a licensed or nonlicensed employee at termination or
3844 separation from service for any purpose other than for the purpose
3845 of retirement.

3846 (6) The school board may adopt rules and regulations which
3847 will reasonably aid to implement the policy of sick and personal
3848 leave, including, but not limited to, rules and regulations having
3849 the following general effect:

3850 (a) Requiring the absent employee to furnish the
3851 certificate of a physician or dentist or other medical
3852 practitioner as to the illness of the absent licensed employee,
3853 where the absence is for four (4) or more consecutive school days,
3854 or for two (2) consecutive school days immediately preceding or
3855 following a nonschool day;

3856 (b) Providing penalties, by way of full deduction from
3857 salary, or entry on the work record of the employee, or other
3858 appropriate penalties, for any materially false statement by the
3859 employee as to the cause of absence;



3860 (c) Forfeiture of accumulated or future sick leave, if
3861 the absence of the employee is caused by optional dental or
3862 medical treatment or surgery which could, without medical risk,
3863 have been provided, furnished or performed at a time when school
3864 was not in session;

3865 (d) Enlarging, increasing or providing greater sick or
3866 personal leave allowances than the minimum standards established
3867 by this section in the discretion of the school board of each
3868 school district.

3869 (7) School boards may include in their budgets provisions
3870 for the payment of substitute employees, necessitated because of
3871 the absence of regular licensed employees. All such substitute
3872 employees shall be paid wholly from district funds. Such school
3873 boards, in their discretion, also may pay, from district funds
3874 other than the total funding formula funds provided for in
3875 Sections 37-151-200 through 37-151-215, the whole or any part of
3876 the salaries of all employees granted leaves for the purpose of
3877 special studies or training.

3878 (8) The school board may further adopt rules and regulations
3879 which will reasonably implement such leave policies for all other
3880 nonlicensed and hourly paid school employees as the board deems
3881 appropriate. Effective for the 2010-2011 and 2011-2012 school
3882 years, nonlicensed employees shall be credited with an additional
3883 one-half (1/2) day of personal leave for every day the nonlicensed



3884 employee is furloughed without pay as provided in Section
3885 37-7-308.

3886 (9) Vacation leave granted to either licensed or nonlicensed
3887 employees shall be synonymous with personal leave. Unused
3888 vacation or personal leave accumulated by licensed employees in
3889 excess of the maximum five (5) days which may be carried over from
3890 one year to the next may be converted to sick leave. The annual
3891 conversion of unused vacation or personal leave to sick days for
3892 licensed or unlicensed employees shall not exceed the allowable
3893 number of personal leave days as provided in Section 25-3-93. The
3894 annual total number of converted unused vacation and/or personal
3895 days added to the annual unused sick days for any employee shall
3896 not exceed the combined allowable number of days per year provided
3897 in Sections 25-3-93 and 25-3-95. Local school board policies that
3898 provide for vacation, personal and sick leave for employees shall
3899 not exceed the provisions for leave as provided in Sections
3900 25-3-93 and 25-3-95. Any personal or vacation leave previously
3901 converted to sick leave under a lawfully adopted policy before May
3902 1, 2004, or such personal or vacation leave accumulated and
3903 available for use prior to May 1, 2004, under a lawfully adopted
3904 policy but converted to sick leave after May 1, 2004, shall be
3905 recognized as accrued leave by the local school district and
3906 available for use by the employee. The leave converted under a
3907 lawfully adopted policy prior to May 1, 2004, or such personal and
3908 vacation leave accumulated and available for use as of May 1,



3909 2004, which was subsequently converted to sick leave may be
3910 certified to the Public Employees' Retirement System upon
3911 termination of employment and any such leave previously converted
3912 and certified to the Public Employees' Retirement System shall be
3913 recognized.

3914 (10) (a) For the purposes of this subsection, the following
3915 words and phrases shall have the meaning ascribed in this
3916 paragraph unless the context requires otherwise:

3917 (i) "Catastrophic injury or illness" means a
3918 life-threatening injury or illness of an employee or a member of
3919 an employee's immediate family that totally incapacitates the
3920 employee from work, as verified by a licensed physician, and
3921 forces the employee to exhaust all leave time earned by that
3922 employee, resulting in the loss of compensation from the local
3923 school district for the employee. Conditions that are short-term
3924 in nature, including, but not limited to, common illnesses such as
3925 influenza and the measles, and common injuries, are not
3926 catastrophic. Chronic illnesses or injuries, such as cancer or
3927 major surgery, that result in intermittent absences from work and
3928 that are long-term in nature and require long recuperation periods
3929 may be considered catastrophic.

3930 (ii) "Immediate family" means spouse, parent,
3931 stepparent, sibling, child or stepchild, grandparent, stepbrother
3932 or stepsister.



3933 (b) Any school district employee may donate a portion
3934 of his or her unused accumulated personal leave or sick leave to
3935 another employee of the same school district who is suffering from
3936 a catastrophic injury or illness or who has a member of his or her
3937 immediate family suffering from a catastrophic injury or illness,
3938 in accordance with the following:

3939 (i) The employee donating the leave (the "donor
3940 employee") shall designate the employee who is to receive the
3941 leave (the "recipient employee") and the amount of unused
3942 accumulated personal leave and sick leave that is to be donated,
3943 and shall notify the school district superintendent or his
3944 designee of his or her designation.

3945 (ii) The maximum amount of unused accumulated
3946 personal leave that an employee may donate to any other employee
3947 may not exceed a number of days that would leave the donor
3948 employee with fewer than seven (7) days of personal leave
3949 remaining, and the maximum amount of unused accumulated sick leave
3950 that an employee may donate to any other employee may not exceed
3951 fifty percent (50%) of the unused accumulated sick leave of the
3952 donor employee.

3953 (iii) An employee must have exhausted all of his
3954 or her available leave before he or she will be eligible to
3955 receive any leave donated by another employee. Eligibility for
3956 donated leave shall be based upon review and approval by the donor
3957 employee's supervisor.



3958 (iv) Before an employee may receive donated leave,
3959 he or she must provide the school district superintendent or his
3960 designee with a physician's statement that states that the illness
3961 meets the catastrophic criteria established under this section,
3962 the beginning date of the catastrophic injury or illness, a
3963 description of the injury or illness, and a prognosis for recovery
3964 and the anticipated date that the recipient employee will be able
3965 to return to work.

3966 (v) Before an employee may receive donated leave,
3967 the superintendent of education of the school district shall
3968 appoint a review committee to approve or disapprove the said
3969 donations of leave, including the determination that the illness
3970 is catastrophic within the meaning of this section.

3971 (vi) If the total amount of leave that is donated
3972 to any employee is not used by the recipient employee, the whole
3973 days of donated leave shall be returned to the donor employees on
3974 a pro rata basis, based on the ratio of the number of days of
3975 leave donated by each donor employee to the total number of days
3976 of leave donated by all donor employees.

3977 (vii) Donated leave shall not be used in lieu of
3978 disability retirement.

3979 (11) Effective January 1, 2020, the provisions of this
3980 section shall be fully applicable to any licensed employee of the
3981 Mississippi School of the Arts (MSA).



3982 **SECTION 38.** Section 37-7-319, Mississippi Code of 1972, is
3983 brought forward as follows:

3984 37-7-319. All public school boards may purchase group
3985 insurance coverage for the liability of all of its active
3986 full-time instructional and noninstructional personnel. Such
3987 policy shall be paid for with any funds available other than the
3988 total funding formula funds provided for in Sections 37-151-200
3989 through 37-151-215.

3990 **SECTION 39.** Section 37-7-333, Mississippi Code of 1972, is
3991 brought forward as follows:

3992 37-7-333. The school boards of all school districts shall
3993 have full control of the receipt, distribution, allotment and
3994 disbursement of all funds which may be provided for the support
3995 and maintenance of the schools of such district whether such funds
3996 be allotments from the total funding formula as provided for in
3997 Sections 37-151-200 through 37-151-215, funds derived from
3998 supplementary tax levies as authorized by law, or funds derived
3999 from any other source whatsoever except as may otherwise be
4000 provided by law for control of the proceeds from school bonds or
4001 notes and the taxes levied to pay the principal of and interest on
4002 such bonds or notes. The tax collector of each county shall make
4003 reports, in writing, verified by his affidavit, on or before the
4004 twentieth day of each month to the superintendent of schools of
4005 each school district within such county reflecting all school
4006 district taxes collected by him for the support of said school



4007 district during the preceding month. He shall at the same time
4008 pay over all such school district taxes collected by him for the
4009 support of said school district directly to said superintendent of
4010 schools.

4011 All such allotments or funds shall be placed in the
4012 depository or depositories selected by the school board in the
4013 same manner as provided in Section 27-105-305 for the selection of
4014 county depositories. Provided, however, the annual notice to be
4015 given by the school board to financial institutions may be given
4016 by the school board at any regular meeting subsequent to the
4017 board's regular December meeting but prior to the regular May
4018 meeting. The bids of financial institutions for the privilege of
4019 keeping school funds may be received by the school board at some
4020 subsequent meeting, but no later than the regular June meeting;
4021 and the selection by the school board of the depository or
4022 depositories shall be effective on July 1 of each year. School
4023 boards shall advertise and accept bids for depositories, no less
4024 than once every three (3) years, when such board determines that
4025 it can obtain a more favorable rate of interest and less
4026 administrative processing. Such depository shall place on deposit
4027 with the superintendent of schools the same securities as required
4028 in Section 27-105-315.

4029 In the event a bank submits a bid or offer to a school
4030 district to act as a depository for the district and such bid or
4031 offer, if accepted, would result in a contract in which a member



of the school board would have a direct or indirect interest, the school board should not open or consider any bids received. The superintendent of schools shall submit the matter to the State Treasurer, who shall have the authority to solicit bids, select a depository or depositories, make all decisions and take any action within the authority of the school board under this section relating to the selection of a depository or depositories.

SECTION 40. Section 37-7-419, Mississippi Code of 1972, is brought forward as follows:

37-7-419. The various school districts which may become parties to any such agreement are authorized to appropriate and expend for the purposes thereof any and all funds which may be required to carry out the terms of any such agreement from any funds available to any such party to such an agreement not otherwise appropriated without limitation as to the source of such funds, including total funding formula funds as provided for in Sections 37-151-200 through 37-151-215, sixteenth section funds, funds received from the federal government or other sources by way of grant, donation or otherwise, and funds which may be available 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 41. Section 37-9-17, Mississippi Code of 1972, is brought forward as follows:

37-9-17. (1) On or before April 1 of each year, the principal of each school shall recommend to the superintendent of the local school district the licensed employees or noninstructional employees to be employed for the school involved except those licensed employees or noninstructional employees who have been previously employed and who have a contract valid for



4082 the ensuing scholastic year. If such recommendations meet with
4083 the approval of the superintendent, the superintendent shall
4084 recommend the employment of such licensed employees or
4085 noninstructional employees to the local school board, and, unless
4086 good reason to the contrary exists, the board shall elect the
4087 employees so recommended. If, for any reason, the local school
4088 board shall decline to elect any employee so recommended,
4089 additional recommendations for the places to be filled shall be
4090 made by the principal to the superintendent and then by the
4091 superintendent to the local school board as provided above. The
4092 school board of any local school district shall be authorized to
4093 designate a personnel supervisor or another principal employed by
4094 the school district to recommend to the superintendent licensed
4095 employees or noninstructional employees; however, this
4096 authorization shall be restricted to no more than two (2)
4097 positions for each employment period for each school in the local
4098 school district. Any noninstructional employee employed upon the
4099 recommendation of a personnel supervisor or another principal
4100 employed by the local school district must have been employed by
4101 the local school district at the time the superintendent was
4102 elected or appointed to office; a noninstructional employee
4103 employed under this authorization may not be paid compensation in
4104 excess of the statewide average compensation for such
4105 noninstructional position with comparable experience, as
4106 established by the State Department of Education. The school



4107 board of any local school district shall be authorized to
4108 designate a personnel supervisor or another principal employed by
4109 the school district to accept the recommendations of principals or
4110 their designees for licensed employees or noninstructional
4111 employees and to transmit approved recommendations to the local
4112 school board; however, this authorization shall be restricted to
4113 no more than two (2) positions for each employment period for each
4114 school in the local school district.

4115 When the licensed employees have been elected as provided in
4116 the preceding paragraph, the superintendent of the district shall
4117 enter into a contract with such persons in the manner provided in
4118 this chapter.

4119 If, at the commencement of the scholastic year, any licensed
4120 employee shall present to the superintendent a license of a higher
4121 grade than that specified in such individual's contract, such
4122 individual may, if funds are available from the total funding
4123 formula funds of the district as provided for in Sections
4124 37-151-200 through 37-151-215, or from district funds, be paid
4125 from such funds the amount to which such higher grade license
4126 would have entitled the individual, had the license been held at
4127 the time the contract was executed.

4128 (2) Superintendents/directors of schools under the purview
4129 of the State Board of Education, the superintendent of the local
4130 school district and any private firm under contract with the local
4131 public school district to provide substitute teachers to teach



4132 during the absence of a regularly employed schoolteacher shall
4133 require, through the appropriate governmental authority, that
4134 current criminal records background checks and current child abuse
4135 registry checks are obtained, and that such criminal record
4136 information and registry checks are on file for any new hires
4137 applying for employment as a licensed or nonlicensed employee at a
4138 school and not previously employed in such school under the
4139 purview of the State Board of Education or at such local school
4140 district prior to July 1, 2000. In order to determine the
4141 applicant's suitability for employment, the applicant shall be
4142 fingerprinted. If no disqualifying record is identified at the
4143 state level, the fingerprints shall be forwarded by the Department
4144 of Public Safety to the Federal Bureau of Investigation for a
4145 national criminal history record check. The fee for such
4146 fingerprinting and criminal history record check shall be paid by
4147 the applicant, not to exceed Fifty Dollars (\$50.00); however, the
4148 State Board of Education, the school board of the local school
4149 district or a private firm under contract with a local school
4150 district to provide substitute teachers to teach during the
4151 temporary absence of the regularly employed schoolteacher, in its
4152 discretion, may elect to pay the fee for the fingerprinting and
4153 criminal history record check on behalf of any applicant. Under
4154 no circumstances shall a member of the State Board of Education,
4155 superintendent/director of schools under the purview of the State
4156 Board of Education, local school district superintendent, local



4157 school board member or any individual other than the subject of
4158 the criminal history record checks disseminate information
4159 received through any such checks except insofar as required to
4160 fulfill the purposes of this section. Any nonpublic school which
4161 is accredited or approved by the State Board of Education may
4162 avail itself of the procedures provided for herein and shall be
4163 responsible for the same fee charged in the case of local public
4164 schools of this state. The determination whether the applicant
4165 has a disqualifying crime, as set forth in subsection (3) of this
4166 section, shall be made by the appropriate governmental authority,
4167 and the appropriate governmental authority shall notify the
4168 private firm whether a disqualifying crime exists.

4169 (3) If such fingerprinting or criminal record checks
4170 disclose a felony conviction, guilty plea or plea of nolo
4171 contendere to a felony of possession or sale of drugs, murder,
4172 manslaughter, armed robbery, rape, sexual battery, sex offense
4173 listed in Section 45-33-23(h), child abuse, arson, grand larceny,
4174 burglary, gratification of lust or aggravated assault which has
4175 not been reversed on appeal or for which a pardon has not been
4176 granted, the new hire shall not be eligible to be employed at such
4177 school. Any employment contract for a new hire executed by the
4178 superintendent of the local school district or any employment of a
4179 new hire by a superintendent/director of a new school under the
4180 purview of the State Board of Education or by a private firm shall
4181 be voidable if the new hire receives a disqualifying criminal



record check. However, the State Board of Education or the school board may, in its discretion, allow any applicant aggrieved by the employment decision under this section to appear before the respective board, or before a hearing officer designated for such purpose, to show mitigating circumstances which may exist and allow the new hire to be employed at the school. The State Board of Education or local school board may grant waivers for such mitigating circumstances, which shall include, but not be limited to: (a) age at which the crime was committed; (b) circumstances surrounding the crime; (c) length of time since the conviction and criminal history since the conviction; (d) work history; (e) current employment and character references; (f) other evidence demonstrating the ability of the person to perform the employment responsibilities competently and that the person does not pose a threat to the health or safety of the children at the school.

(4) No local school district, local school district employee, member of the State Board of Education or employee of a school under the purview of the State Board of Education shall be 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 42. 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 funding formula funds as provided for in Sections 37-151-200 through 37-151-215, such salary shall not be less than that required under the provisions of Chapter 19 of this title. Beginning with the 2010-2011 school year, the contract shall include a provision allowing the school district to reduce the



state minimum salary by a pro rata daily amount in order to comply with the school district employee furlough provisions of Section 37-7-308, and shall include a provision which conditions the payment of such salary upon the availability of uniform total funding formula funds. The contract entered into with any person recommended for a licensed position who is anticipating either graduation from an approved teacher education program before September 1 or December 31, as the case may be, or the issuance of a proper license before October 15 or February 15, as the case may be, shall be a conditional contract and shall include a provision stating that the contract will be null and void if, as specified in the contract, the contingency upon which the contract is conditioned has not occurred. If any superintendent, other than those elected, principal, licensed employee or person recommended for a licensed position who has been elected and approved shall not execute and return the contract within ten (10) days after same has been tendered to him for execution, then, at the option of the school board, the election of the licensed employee and the contract tendered to him shall be void and of no effect.

SECTION 43. Section 37-9-25, Mississippi Code of 1972, is brought forward as follows:

37-9-25. The school board shall have the power and authority, in its discretion, to employ the superintendent, unless such superintendent is elected at the November 2015 general election, for not exceeding four (4) scholastic years and the



4256 principals or licensed employees for not exceeding three (3)
4257 scholastic years. In such case, contracts shall be entered into
4258 with such superintendents, principals and licensed employees for
4259 the number of years for which they have been employed. However,
4260 in the event that a vacancy in the office of the superintendent of
4261 schools elected at the November 2015 general election shall occur
4262 before January 1, 2019, the local school board shall then appoint
4263 the superintendent of the school district and enter into contract
4264 with the appointee for a period not to exceed three (3) scholastic
4265 years. All such contracts with licensed employees shall for the
4266 years after the first year thereof be subject to the contingency
4267 that the licensed employee may be released if, during the life of
4268 the contract, the net enrollment should decrease from that
4269 existing during the previous year and thus necessitate a reduction
4270 in the number of licensed employees during any year after the
4271 first year of the contract. However, in all such cases the
4272 licensed employee must be released before July 1 or at least
4273 thirty (30) days prior to the beginning of the school term,
4274 whichever date should occur earlier. The salary to be paid for
4275 the years after the first year of such contract shall be subject
4276 to revision, either upward or downward, in the event of an
4277 increase or decrease in the funds available for the payment
4278 thereof, but, unless such salary is revised prior to the beginning
4279 of a school year, it shall remain for such school year at the
4280 amount fixed in such contract. However, where school district



funds are available during the school year in excess of the amount anticipated at the beginning of the school year, the salary to be paid for such year may be increased to the extent that such additional funds are available, and nothing herein shall be construed to prohibit same.

SECTION 44. Section 37-9-33, Mississippi Code of 1972, is brought forward as follows:

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



from complying with the school district employee furlough provisions of Section 37-7-308.

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

SECTION 45. Section 37-9-35, Mississippi Code of 1972, is brought forward as follows:

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

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

37-9-37. The amount of the salary to be paid any superintendent, principal or licensed employee shall be fixed by the school board, provided that the requirements of this title are met as to superintendents, principals and licensed employees paid, in whole or in part, from total funding formula funds as provided in Sections 37-151-200 through 37-151-215. In employing such



4331 superintendents, principals and licensed employees and in fixing
4332 their salaries, the school boards shall take into consideration
4333 the character, professional training, experience, executive
4334 ability and teaching capacity of the licensed employee,
4335 superintendent or principal. It is the intent of the Legislature
4336 that whenever the salary of the school district superintendent is
4337 set by a school board, the board shall take into consideration the
4338 amount of money that the district spends per pupil, and shall
4339 attempt to insure that the administrative cost of the district and
4340 the amount of the salary of the superintendent are not excessive
4341 in comparison to the per pupil expenditure of the district.

4342 **SECTION 47.** Section 37-9-77, Mississippi Code of 1972, is
4343 brought forward as follows:

4344 37-9-77. (1) There is established the Mississippi School
4345 Administrator Sabbatical Program which shall be available to
4346 licensed teachers employed in Mississippi school districts for not
4347 less than three (3) years, for the purpose of allowing such
4348 teachers to become local school district administrators under the
4349 conditions set forth in this section. The State Board of
4350 Education, in coordination with the Board of Trustees of State
4351 Institutions of Higher Learning, shall develop guidelines for the
4352 program. Application shall be made to the State Department of
4353 Education for the Mississippi School Administrator Sabbatical
4354 Program by qualified teachers meeting the criteria for a
4355 department-approved administration program and who have been



4356 recommended by the local school board. Administration programs
4357 that are eligible for the administrator sabbatical program shall
4358 be limited to those that have been approved by the department by
4359 the January 1 preceding the date of admission to the program.
4360 Admission into the program shall authorize the applicant to take
4361 university course work and training leading to an administrator's
4362 license.

4363 (2) The salaries of the teachers approved for participation
4364 in the administrator sabbatical program shall be paid by the
4365 employing school district from funds other than total funding
4366 formula funds as provided in Sections 37-151-200 through
4367 37-151-215. However, the State Department of Education shall
4368 reimburse the employing school districts for the cost of the
4369 salaries and paid fringe benefits of teachers participating in the
4370 administrator sabbatical program for one (1) contract year.
4371 Reimbursement shall be made in accordance with the then current
4372 salary schedule under Section 37-19-7, except that the maximum
4373 amount of the reimbursement from state funds shall not exceed the
4374 salary prescribed for a teacher holding a Class A license and
4375 having five (5) years' experience. The local school district
4376 shall be responsible for that portion of a participating teacher's
4377 salary attributable to the local supplement and for any portion of
4378 the teacher's salary that exceeds the maximum amount allowed for
4379 reimbursement from state funds as provided in this subsection, and
4380 the school board may not reduce the local supplement payable to



4381 that teacher. Any reimbursements made by the State Department of
4382 Education to local school districts under this section shall be
4383 subject to available appropriations and may be made only to school
4384 districts determined by the State Board of Education as being in
4385 need of administrators.

4386 (3) Such teachers participating in the program on a
4387 full-time basis shall continue to receive teaching experience and
4388 shall receive the salary prescribed in Section 37-19-7. Such
4389 participants shall be fully eligible to continue participation in
4390 the Public Employees' Retirement System and the Public School
4391 Employees Health Insurance Plan during the time they are in the
4392 program on a full-time basis.

4393 (4) As a condition for participation in the School
4394 Administrator Sabbatical Program, such teachers shall agree to
4395 employment as administrators in the sponsoring school district for
4396 not less than five (5) years following completion of administrator
4397 licensure requirements. Any person failing to comply with this
4398 employment commitment in any required school year, unless the
4399 commitment is deferred as provided in subsection (5) of this
4400 section, shall immediately be in breach of contract and become
4401 liable to the State Department of Education for that amount of his
4402 salary and paid fringe benefits paid by the state while the
4403 teacher was on sabbatical, less twenty percent (20%) of the amount
4404 of his salary and paid fringe benefits paid by the state for each
4405 year that the person was employed as an administrator following



4406 completion of the administrator licensure requirements. In
4407 addition, the person shall become liable to the local school
4408 district for any portion of his salary and paid fringe benefits
4409 paid by the local school district while the teacher was on
4410 sabbatical that is attributable to the local salary supplement or
4411 is attributable to the amount that exceeds the maximum amount
4412 allowed for reimbursement from state funds as provided in
4413 subsection (2) of this section, less twenty percent (20%) of the
4414 amount of his salary and paid fringe benefits paid by the school
4415 district for each year that the person was employed as an
4416 administrator following completion of the administrator licensure
4417 requirements. Interest on the amount due shall accrue at the
4418 current Stafford Loan rate at the time the breach occurs. If the
4419 claim for repayment of such salary and fringe benefits is placed
4420 in the hands of an attorney for collection after default, then the
4421 obligor shall be liable for an additional amount equal to a
4422 reasonable attorney's fee.

4423 (5) If there is not an administrator position immediately
4424 available in the sponsoring school district after a person has
4425 completed the administrator licensure requirements, or if the
4426 administrator position in the sponsoring school district in which
4427 the person is employed is no longer needed before the completion
4428 of the five-year employment commitment, the local school board
4429 shall defer any part of the employment commitment that has not
4430 been met until such time as an administrator position becomes



4431 available in the sponsoring school district. If such a deferral
4432 is made, the sponsoring school district shall employ the person as
4433 a teacher in the school district during the period of deferral,
4434 unless the person desires to be released from employment by the
4435 sponsoring school district and the district agrees to release the
4436 person from employment. If the sponsoring school district
4437 releases a person from employment, that person may be employed as
4438 an administrator in another school district in the state that is
4439 in need of administrators as determined by the State Board of
4440 Education, and that employment for the other school district shall
4441 be applied to any remaining portion of the five-year employment
4442 commitment required under this section. Nothing in this
4443 subsection shall prevent a school district from not renewing the
4444 person's contract before the end of the five-year employment
4445 commitment in accordance with the School Employment Procedures Law
4446 (Section 37-9-101 et seq.). However, if the person is not
4447 employed as an administrator by another school district after
4448 being released by the sponsoring school district, or after his
4449 contract was not renewed by the sponsoring school district, he
4450 shall be liable for repayment of the amount of his salary and
4451 fringe benefits as provided in subsection (4) of this section.

4452 (6) All funds received by the State Department of Education
4453 from the repayment of salary and fringe benefits paid by the state
4454 from program participants shall be deposited in the Mississippi
4455 Critical Teacher Shortage Fund.



4456 **SECTION 48.** Section 37-11-11, Mississippi Code of 1972, is
4457 brought forward as follows:

4458 37-11-11. (1) For the purposes of this section, the term
4459 "hospital" shall include community-based programs and facilities
4460 licensed or approved by the Department of Mental Health for
4461 treatment of chemical substance use and abuse.

4462 (2) When five (5) or more children of educable mind between
4463 the ages of six (6) and twenty-one (21) years who are capable of
4464 pursuing courses of instruction at secondary school level or below
4465 shall be confined in a hospital for an extended period of time,
4466 such children shall be eligible for and shall be provided with a
4467 program of education, instruction and training within such
4468 hospital in the manner hereinafter set forth, provided that the
4469 need for hospitalization for an extended period of time shall be
4470 certified by the chief of staff of such hospital and that the
4471 ability of such children to do school work shall be certified by
4472 qualified psychologists and/or educators approved by the State
4473 Board of Education.

4474 (3) When five (5) or more children as set forth herein shall
4475 be confined in the same hospital, then the board of trustees of
4476 the school district in which such hospital is located shall be
4477 authorized and empowered, in its discretion, to provide a program
4478 of education, instruction and training to such children within
4479 such hospital. For such purpose the board shall be authorized and
4480 empowered to employ and contract with teachers, provide textbooks



4481 and other instructional materials, correspondence courses and
4482 instructional equipment and appliances, and otherwise provide for
4483 the furnishing of such program and to administer and supervise the
4484 same. Such program shall be furnished in a manner as prescribed
4485 by rules and regulations adopted by the State Board of Education.
4486 The state board shall have full power to adopt such rules,
4487 regulations, policies and standards as it may deem necessary to
4488 carry out the purpose of this section, including the establishment
4489 of qualifications of any teachers employed under the provisions
4490 hereof. It is expressly provided, however, that no program shall
4491 be furnished under this section except in a hospital licensed for
4492 operation by the State of Mississippi and only in cases where such
4493 hospital shall consent thereto, shall provide any classroom space,
4494 furniture and facilities which may be deemed necessary, and
4495 otherwise shall cooperate in carrying out the provisions of this
4496 section. Before such program of education, instruction and
4497 training shall be provided, the governing authorities of said
4498 hospital shall enter into a contract with the board of trustees of
4499 the school district which stipulates that said hospital agrees to
4500 furnish the necessary classroom space, furniture and facilities
4501 and provide for their upkeep, fuel and such other things as may be
4502 necessary for the successful operation of the program of
4503 education, instruction and training.

4504 (4) In cases when children who are residents of school
4505 districts other than the school district providing such education



4506 program may participate in the program prescribed in this section.
4507 The boards of trustees of the districts of which such children are
4508 residents shall pay to the board of trustees of the school
4509 district furnishing such school program the pro rata part of the
4510 expenses of furnishing such school program within such hospital,
4511 which payments may be made from any funds available for the
4512 operation and maintenance of the schools of the district in which
4513 such child is a resident. The amount so paid shall be based upon,
4514 but shall not exceed, the current per pupil cost of education in
4515 the school district of the child's residence, and the amount to be
4516 so paid by the school district of the child's residence shall be
4517 fixed by the State Board of Education. If the amount to be paid
4518 which has been so fixed shall not be paid upon due demand made by
4519 the school district providing a program therefor, then the State
4520 Board of Education shall deduct any such amounts from the next
4521 allocation of total funding formula funds as provided in Sections
4522 37-151-200 through 37-151-215 attributable to any such district
4523 and shall remit the same to the board of trustees of such school
4524 district which is furnishing such school program. If the amounts
4525 so paid by such school districts of the child's residence shall
4526 not be sufficient to pay the expenses of furnishing such program,
4527 then the remainder of such expenses over and above that so paid by
4528 such school districts shall be paid by the State Board of
4529 Education to the school district providing such school program out
4530 of any funds available to the State Board of Education, including



4531 total funding formula funds. However, such payments shall not
4532 exceed Three Hundred Dollars (\$300.00) per child in net enrollment
4533 in such program. Provided, however, the State Board of Education
4534 shall in its discretion be authorized and empowered to exceed the
4535 said Three Hundred Dollars (\$300.00) per pupil limitation where
4536 such limitation would make it impractical to operate such a
4537 program.

4538 **SECTION 49.** Section 37-13-63, Mississippi Code of 1972, is
4539 brought forward as follows:

4540 37-13-63. (1) Except as otherwise provided, all public
4541 schools in the state shall be kept in session for at least one
4542 hundred eighty (180) days in each scholastic year.

4543 (2) If the school board of any school district shall
4544 determine that it is not economically feasible or practicable to
4545 operate any school within the district for the full one hundred
4546 eighty (180) days required for a scholastic year as contemplated
4547 due to an enemy attack, a man-made, technological or natural
4548 disaster or extreme weather emergency in which the Governor has
4549 declared a disaster or state of emergency under the laws of this
4550 state or the President of the United States has declared an
4551 emergency or major disaster to exist in this state, the school
4552 board may notify the State Department of Education of the disaster
4553 or weather emergency and submit a plan for altering the school
4554 term. If the State Board of Education finds the disaster or
4555 extreme weather emergency to be the cause of the school not



4556 operating for the contemplated school term and that such school
4557 was in a school district covered by the Governor's or President's
4558 disaster or state of emergency declaration, it may permit that
4559 school board to operate the schools in its district for less than
4560 one hundred eighty (180) days; however, in no instance of a
4561 declared disaster or state of emergency under the provisions of
4562 this subsection shall a school board receive payment from the
4563 State Department of Education for per pupil expenditure for pupils
4564 in net enrollment in excess of ten (10) days.

4565 **SECTION 50.** Section 37-13-64, Mississippi Code of 1972, is
4566 brought forward as follows:

4567 37-13-64. (1) Beginning with the 2010-2011 school term, any
4568 school district required to close the operation of its schools by
4569 decision of the superintendent, under the authority provided by
4570 the local school board, due to extreme weather conditions, in the
4571 best interests of the health and safety of the students,
4572 administration and staff of the school district, shall be exempt
4573 from the requirement that schools be kept in session a minimum of
4574 one hundred eighty (180) days. Any school district that closes
4575 its schools for reasons authorized under this section shall
4576 receive payment from the State Department of Education for per
4577 pupil expenditure for pupils in net enrollment not to exceed ten
4578 (10) days.

4579 (2) In the event weather conditions are cause for the
4580 closure of operations of schools in any local school district in



4581 any instance in which a state of emergency has not been declared
4582 pursuant to Section 37-151-211(4), the State Board of Education
4583 may consider, on a case-by-case basis, requests submitted by local
4584 school districts to alter the school calendar consistent with the
4585 provision of that section.

4586 **SECTION 51.** Section 37-13-69, Mississippi Code of 1972, is
4587 brought forward as follows:

4588 37-13-69. All public schools of this state may observe such
4589 legal holidays as may be designated by the local school board, and
4590 no sessions of school shall be held on holidays so designated and
4591 observed. However, all schools shall operate for the full minimum
4592 term required by law exclusive of the holidays authorized by this
4593 section. The holidays thus observed shall not be deducted from
4594 the reports of the superintendents, principals and teachers, and
4595 such superintendents, principals and teachers shall be allowed pay
4596 for full time as though they had taught on those holidays.
4597 However, such holidays shall not be counted or included in any way
4598 in determining the net enrollment of the school.

4599 **SECTION 52.** Section 37-15-38, Mississippi Code of 1972, is
4600 amended as follows:

4601 37-15-38. (1) The following phrases have the meanings
4602 ascribed in this section unless the context clearly requires
4603 otherwise:



4604 (a) A dual enrolled student is a student who is
4605 enrolled in a community or junior college or state institution of
4606 higher learning while enrolled in high school.

4607 (b) A dual credit student is a student who is enrolled
4608 in a community or junior college or state institution of higher
4609 learning while enrolled in high school and who is receiving high
4610 school and college credit for postsecondary coursework.

4611 (2) A local school board, charter school governing board,
4612 the Board of Trustees of State Institutions of Higher Learning and
4613 the Mississippi Community College Board shall establish a dual
4614 enrollment system under which students in the school district or
4615 charter school who meet the prescribed criteria of this section
4616 may be enrolled in a postsecondary institution in Mississippi
4617 while they are still in school.

4618 (3) **Dual credit eligibility.** Before credits earned by a
4619 qualified high school student from a community or junior college
4620 or state institution of higher learning may be transferred to the
4621 student's home school district or charter school, the student must
4622 be properly enrolled in a dual enrollment program.

4623 (4) **Admission criteria for dual enrollment in community and**
4624 **junior college or university programs.** The Mississippi Community
4625 College Board and the Board of Trustees of State Institutions of
4626 Higher Learning may recommend to the State Board of Education
4627 admission criteria for dual enrollment programs under which high
4628 school students may enroll at a community or junior college or



university while they are still attending high school and enrolled in high school courses. Students may be admitted to enroll in community or junior college courses under the dual enrollment programs if they meet that individual institution's stated dual enrollment admission requirements.

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

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

(7) **School district net enrollment credit.** When dually enrolled, the student may be counted, for total funding formula purposes, in the net enrollment of the public school district or charter school 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



4654 credit program must be recorded on the high school student record
4655 and on the college transcript at the university or community or
4656 junior college where the student attends classes. The transcript
4657 of the university or community or junior college coursework may be
4658 released to another institution or applied toward college
4659 graduation requirements.

4660 (9) **Determining factor of prerequisites for dual enrollment**
4661 **courses.** Each university and community or junior college
4662 participating in a dual enrollment program shall determine course
4663 prerequisites. Course prerequisites shall be the same for dual
4664 enrolled students as for regularly enrolled students at that
4665 university or community or junior college.

4666 (10) **Process for determining articulation of curriculum**
4667 **between high school, university, and community and junior college**
4668 **courses.** All dual credit courses must meet the standards
4669 established at the postsecondary level. Postsecondary level
4670 developmental courses may not be considered as meeting the
4671 requirements of the dual credit program. Dual credit memorandum
4672 of understandings must be established between each postsecondary
4673 institution and the school district and charter school
4674 implementing a dual credit program.

4675 (11) [Deleted]

4676 (12) **Eligible courses for dual credit programs.** Courses
4677 eligible for dual credit include, but are not necessarily limited
4678 to, foreign languages, advanced math courses, advanced science



4679 courses, performing arts, advanced business and technology, and
4680 career and technical courses. Distance Learning Collaborative
4681 Program courses approved under Section 37-67-1 shall be fully
4682 eligible for dual credit. All courses being considered for dual
4683 credit must receive unconditional approval from the superintendent
4684 of the local school district or charter school governing board and
4685 the chief instructional officer at the participating community or
4686 junior college or university in order for college credit to be
4687 awarded. A university or community or junior college shall make
4688 the final decision on what courses are eligible for semester hour
4689 credits.

4690 (13) **High school Carnegie unit equivalency.** One (1)
4691 three-hour university or community or junior college course is
4692 equal to one (1) high school Carnegie unit.

4693 (14) **Course alignment.** The universities, community and
4694 junior colleges and the State Department of Education shall
4695 periodically review their respective policies and assess the place
4696 of dual credit courses within the context of their traditional
4697 offerings.

4698 (15) **Maximum dual credits allowed.** It is the intent of the
4699 dual enrollment program to make it possible for every eligible
4700 student who desires to earn a semester's worth of college credit
4701 in high school to do so. A qualified dually enrolled high school
4702 student must be allowed to earn an unlimited number of college or
4703 university credits for dual credit.



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

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

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

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

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

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



4728 personnel have the sole authority in the selection of dual credit
4729 instructors.

4730 A dual credit career and technical education instructor must
4731 meet the requirements set forth by the Mississippi Community
4732 College Board in the qualifications manual for postsecondary
4733 career and technical personnel.

4734 (18) **Guidance on local agreements.** The Chief Academic
4735 Officer of the State Board of Trustees of State Institutions of
4736 Higher Learning and the Chief Instructional Officers of the
4737 Mississippi Community College Board and the State Department of
4738 Education, working collaboratively, shall develop a template to be
4739 used by the individual community and junior colleges and
4740 institutions of higher learning for consistent implementation of
4741 the dual enrollment program throughout the State of Mississippi.

4742 (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**
4743 A local school board and the local community colleges board shall
4744 establish a Mississippi Works Dual Enrollment-Dual Credit Option
4745 Program under which potential or recent student dropouts may
4746 dually enroll in their home school and a local community college
4747 in a dual credit program consisting of high school completion
4748 coursework and a community college credential, certificate or
4749 degree program. Students completing the dual enrollment-credit
4750 option may obtain their high school diploma while obtaining a
4751 community college credential, certificate or degree. The
4752 Mississippi Department of Employment Security shall assist



4753 students who have successfully completed the Mississippi Works
4754 Dual Enrollment-Dual Credit Option in securing a job upon the
4755 application of the student or the participating school or
4756 community college. The Mississippi Works Dual Enrollment-Dual
4757 Credit Option Program will be implemented statewide in the
4758 2012-2013 school year and thereafter. The State Board of
4759 Education, local school board and the local community college
4760 board shall establish criteria for the Dual Enrollment-Dual Credit
4761 Program. Students enrolled in the program will not be eligible to
4762 participate in interscholastic sports or other extracurricular
4763 activities at the home school district. Tuition and costs for
4764 community college courses offered under the Dual Enrollment-Dual
4765 Credit Program shall not be charged to the student, parents or
4766 legal guardians. When dually enrolled, the student shall be
4767 counted, for total funding formula purposes, in the net enrollment
4768 of the public school district or charter school in which the
4769 student attends high school. Any transportation required by the
4770 student to participate in the Dual Enrollment-Dual Credit Program
4771 is the responsibility of the parent or legal guardian of the
4772 student, and transportation costs may be paid from any available
4773 public or private sources, including the local school district or
4774 charter school. Grades and college credits earned by a student
4775 admitted to this Dual Enrollment-Dual Credit Program shall be
4776 recorded on the high school student record and on the college
4777 transcript at the community college and high school where the



4778 student attends classes. The transcript of the community college
4779 coursework may be released to another institution or applied
4780 toward college graduation requirements. Any course that is
4781 required for subject area testing as a requirement for graduation
4782 from a public school in Mississippi is eligible for dual credit,
4783 and courses eligible for dual credit shall also include career,
4784 technical and degree program courses. All courses eligible for
4785 dual credit shall be approved by the superintendent of the local
4786 school district or charter school governing board and the chief
4787 instructional officer at the participating community college in
4788 order for college credit to be awarded. A community college shall
4789 make the final decision on what courses are eligible for semester
4790 hour credits and the local school superintendent, subject to
4791 approval by the Mississippi Department of Education, shall make
4792 the final decision on the transfer of college courses credited to
4793 the student's high school transcript.

4794 **SECTION 53.** Section 37-16-3, Mississippi Code of 1972, is
4795 amended as follows:

4796 37-16-3. (1) The State Department of Education is directed
4797 to implement a program of statewide assessment testing which shall
4798 provide for the improvement of the operation and management of the
4799 public schools. The statewide program shall be timed, as far as
4800 possible, so as not to conflict with ongoing district assessment
4801 programs. As part of the program, the department shall:



4802 (a) Establish, with the approval of the State Board of
4803 Education, minimum performance standards related to the goals for
4804 education contained in the state's plan including, but not limited
4805 to, basic skills in reading, writing and mathematics. The minimum
4806 performance standards shall be approved by April 1 in each year
4807 they are established.

4808 (b) Conduct a uniform statewide testing program in
4809 grades deemed appropriate in the public schools, including charter
4810 schools, which shall include the administration of a
4811 career-readiness assessment, such as, but not limited to, the ACT
4812 WorkKeys Assessment, deemed appropriate by the Mississippi
4813 Department of Education working in coordination with the Office of
4814 Workforce Development, to any students electing to take the
4815 assessment. Each individual school district and charter school
4816 shall determine whether the assessment is administered in the
4817 tenth, eleventh or twelfth grade. The program may test skill
4818 areas, basic skills and high school course content.

4819 (c) Monitor the results of the assessment program and,
4820 at any time the composite student performance of a school or basic
4821 program is found to be below the established minimum standards,
4822 notify the district superintendent or the governing board of the
4823 charter school, as the case may be, the school principal and the
4824 school advisory committee or other existing parent group of the
4825 situation within thirty (30) days of its determination. The
4826 department shall further provide technical assistance to a school



4827 district in the identification of the causes of this deficiency
4828 and shall recommend courses of action for its correction.

4829 (d) Provide technical assistance to the school
4830 districts, when requested, in the development of student
4831 performance standards in addition to the established minimum
4832 statewide standards.

4833 (e) Issue security procedure regulations providing for
4834 the security and integrity of the tests that are administered
4835 under the basic skills assessment program.

4836 (f) In case of an allegation of a testing irregularity
4837 that prompts a need for an investigation by the Department of
4838 Education, the department may, in its discretion, take complete
4839 control of the statewide test administration in a school district
4840 or any part thereof, including, but not limited to, obtaining
4841 control of the test booklets and answer documents. In the case of
4842 any verified testing irregularity that jeopardized the security
4843 and integrity of the test(s), validity or the accuracy of the test
4844 results, the cost of the investigation and any other actual and
4845 necessary costs related to the investigation paid by the
4846 Department of Education shall be reimbursed by the local school
4847 district from funds other than federal funds, total funding
4848 formula funds provided in Sections 37-151-200 through 37-151-215,
4849 or any other state funds within six (6) months from the date of
4850 notice by the department to the school district or charter school
4851 to make reimbursement to the department.



4852 (2) Uniform basic skills tests shall be completed by each
4853 student in the appropriate grade. These tests shall be
4854 administered in such a manner as to preserve the integrity and
4855 validity of the assessment. In the event of excused or unexcused
4856 student absences, make-up tests shall be given. The school
4857 superintendent of every school district in the state and the
4858 principal of each charter school shall annually certify to the
4859 State Department of Education that each student enrolled in the
4860 appropriate grade has completed the required basic skills
4861 assessment test for his or her grade in a valid test
4862 administration.

4863 (3) Within five (5) days of completing the administration of
4864 a statewide test, the principal of the school where the test was
4865 administered shall certify under oath to the State Department of
4866 Education that the statewide test was administered in strict
4867 accordance with the Requirements of the Mississippi Statewide
4868 Assessment System as adopted by the State Board of Education. The
4869 principal's sworn certification shall be set forth on a form
4870 developed and approved by the Department of Education. If,
4871 following the administration of a statewide test, the principal
4872 has reason to believe that the test was not administered in strict
4873 accordance with the Requirements of the Mississippi Statewide
4874 Assessment System as adopted by the State Board of Education, the
4875 principal shall submit a sworn certification to the Department of
4876 Education setting forth all information known or believed by the



4877 principal about all potential violations of the Requirements of
4878 the Mississippi Statewide Assessment System as adopted by the
4879 State Board of Education. The submission of false information or
4880 false certification to the Department of Education by any licensed
4881 educator may result in licensure disciplinary action pursuant to
4882 Section 37-3-2 and criminal prosecution pursuant to Section
4883 37-16-4.

4884 **SECTION 54.** Section 37-17-6, Mississippi Code of 1972, is
4885 amended as follows:

4886 37-17-6. (1) The State Board of Education, acting through
4887 the Commission on School Accreditation, shall establish and
4888 implement a permanent performance-based accreditation system, and
4889 all noncharter public elementary and secondary schools shall be
4890 accredited under this system.

4891 (2) School districts and charter schools shall be required
4892 to provide school classroom space that is air-conditioned as a
4893 minimum requirement for accreditation.

4894 (3) (a) The State Board of Education, acting through the
4895 Commission on School Accreditation, shall require that school
4896 districts employ certified school librarians according to the
4897 following formula:

4898 Number of Students	Number of Certified
4899 Per School Library	School Librarians
4900 0 - 499 Students	1/2 Full-time Equivalent
4901	Certified Librarian



4902 500 or More Students 1 Full-time Certified
4903 Librarian

4904 (b) The State Board of Education, however, may increase
4905 the number of positions beyond the above requirements.

4906 (c) The assignment of certified school librarians to
4907 the particular schools shall be at the discretion of the local
4908 school district. No individual shall be employed as a certified
4909 school librarian without appropriate training and certification as
4910 a school librarian by the State Department of Education.

4911 (d) School librarians in the district shall spend at
4912 least fifty percent (50%) of direct work time in a school library
4913 and shall devote no more than one-fourth (1/4) of the workday to
4914 administrative activities that are library related.

4915 (e) Nothing in this subsection shall prohibit any
4916 school district from employing more certified school librarians
4917 than are provided for in this section.

4918 (f) Any additional millage levied to fund school
4919 librarians required for accreditation under this subsection shall
4920 be included in the tax increase limitation set forth in Sections
4921 37-57-105 and 37-57-107 and shall not be deemed a new program for
4922 purposes of the limitation.

4923 (4) [Deleted]

4924 (5) (a) The State Department of Education, acting through
4925 the Mississippi Commission on School Accreditation, shall
4926 implement a single "A" through "F" school and school district



4927 accountability system complying with applicable federal and state
4928 requirements in order to reach the following educational goals:

4929 (i) To mobilize resources and supplies to ensure
4930 that all students exit third grade reading on grade level;

4931 (ii) To reduce the student dropout rate to ten
4932 percent (10%) by 2015; and

4933 (iii) To have sixty percent (60%) of students
4934 scoring proficient and advanced on assessments.

4935 (b) The State Department of Education shall combine the
4936 state school and school district accountability system with the
4937 federal system in order to have a single system.

4938 (c) The State Department of Education shall establish
4939 five (5) performance categories ("A," "B," "C," "D" and "F") for
4940 the accountability system based on the following criteria:

4941 (i) Student Achievement: the percent of students
4942 proficient and advanced on the current state assessments;

4943 (ii) Individual student growth: the percent of
4944 students making one (1) year's progress in one (1) year's time on
4945 the state assessment, with an emphasis on the progress of the
4946 lowest twenty-five percent (25%) of students in the school or
4947 district;

4948 (iii) Four-year graduation rate: the percent of
4949 students graduating with a standard high school diploma in four
4950 (4) years, as defined by federal regulations;



4951 (iv) The system shall include the federally
4952 compliant four-year graduation rate in school and school district
4953 accountability system calculations. Graduation rate will apply to
4954 high school, charter school and school district accountability
4955 ratings as a compensatory component. The system shall discontinue
4956 the use of the High School Completer Index (HSCI);

4957 (v) The school and school district accountability
4958 system shall incorporate a standards-based growth model, in order
4959 to support improvement of individual student learning;

4960 (vi) The State Department of Education shall
4961 determine feeder patterns of schools that do not earn a school
4962 grade because the grades and subjects taught at the school do not
4963 have statewide standardized assessments needed to calculate a
4964 school grade. Upon determination of the feeder pattern, the
4965 department shall notify schools and school districts prior to the
4966 release of the school grades. Feeder schools will be assigned the
4967 accountability designation of the school to which they provide
4968 students;

4969 (vii) Standards for student, school and school
4970 district performance will be increased when student proficiency is
4971 at a seventy-five percent (75%) and/or when sixty-five percent
4972 (65%) of the schools and/or school districts and charter schools
4973 are earning a grade of "B" or higher, in order to raise the
4974 standard on performance after targets are met; and



4975 (viii) The system shall include student
4976 performance on the administration of a career-readiness
4977 assessment, such as, but not limited to, the ACT WorkKeys
4978 Assessment, deemed appropriate by the State Department of
4979 Education working in coordination with the Office of Workforce
4980 Development.

4981 (6) Nothing in this section shall be deemed to require a
4982 nonpublic school that receives no local, state or federal funds
4983 for support to become accredited by the State Board of Education.

4984 (7) The State Board of Education shall create an
4985 accreditation audit unit under the Commission on School
4986 Accreditation to determine whether schools are complying with
4987 accreditation standards.

4988 (8) The State Board of Education shall be specifically
4989 authorized and empowered to withhold allocations from the total
4990 funding formula funds as provided in Sections 37-151-200 through
4991 37-151-215 to any public school district or charter school for
4992 failure to timely report student, school personnel and fiscal data
4993 necessary to meet state and/or federal requirements.

4994 (9) [Deleted]

4995 (10) The State Board of Education shall establish, for those
4996 school districts and charter schools failing to meet accreditation
4997 standards, a program of development to be complied with in order
4998 to receive state funds, except as otherwise provided in subsection
4999 (15) of this section when the Governor has declared a state of



5000 emergency in a school district or as otherwise provided in Section
5001 206, Mississippi Constitution of 1890. The state board, in
5002 establishing these standards, shall provide for notice to schools
5003 and sufficient time and aid to enable schools to attempt to meet
5004 these standards, unless procedures under subsection (15) of this
5005 section have been invoked.

5006 (11) The State Board of Education shall be charged with the
5007 implementation of the program of development in each applicable
5008 school district as follows:

5009 (a) Develop an impairment report for each district
5010 failing to meet accreditation standards in conjunction with school
5011 district officials;

5012 (b) Notify any applicable school district failing to
5013 meet accreditation standards that it is on probation until
5014 corrective actions are taken or until the deficiencies have been
5015 removed. The local school district shall develop a corrective
5016 action plan to improve its deficiencies. For district academic
5017 deficiencies, the corrective action plan for each such school
5018 district shall be based upon a complete analysis of the following:
5019 student test data, student grades, student attendance reports,
5020 student dropout data, existence and other relevant data. The
5021 corrective action plan shall describe the specific measures to be
5022 taken by the particular school district and school to improve:
5023 (i) instruction; (ii) curriculum; (iii) professional development;
5024 (iv) personnel and classroom organization; (v) student incentives



for performance; (vi) process deficiencies; and (vii) reporting to the local school board, parents and the community. The corrective action plan shall describe the specific individuals responsible for implementing each component of the recommendation and how each will be evaluated. All corrective action plans shall be provided to the State Board of Education as may be required. The decision of the State Board of Education establishing the probationary period of time shall be final;

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

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

(e) Provide for publication of public notice at least one time during the probationary period, in a newspaper published



5050 within the jurisdiction of the school district failing to meet
5051 accreditation standards, or if no newspaper is published therein,
5052 then in a newspaper having a general circulation therein. The
5053 publication shall include the following: declaration of school
5054 system's status as being on probation; all details relating to the
5055 impairment report; and other information as the State Board of
5056 Education deems appropriate. Public notices issued under this
5057 section shall be subject to Section 13-3-31 and not contrary to
5058 other laws regarding newspaper publication.

5059 (12) (a) If the recommendations for corrective action are
5060 not taken by the local school district or if the deficiencies are
5061 not removed by the end of the probationary period, the Commission
5062 on School Accreditation shall conduct a hearing to allow the
5063 affected school district to present evidence or other reasons why
5064 its accreditation should not be withdrawn. Additionally, if the
5065 local school district violates accreditation standards that have
5066 been determined by the policies and procedures of the State Board
5067 of Education to be a basis for withdrawal of school district's
5068 accreditation without a probationary period, the Commission on
5069 School Accreditation shall conduct a hearing to allow the affected
5070 school district to present evidence or other reasons why its
5071 accreditation should not be withdrawn. After its consideration of
5072 the results of the hearing, the Commission on School Accreditation
5073 shall be authorized, with the approval of the State Board of
5074 Education, to withdraw the accreditation of a public school



5075 district, and issue a request to the Governor that a state of
5076 emergency be declared in that district.

5077 (b) (i) If the State Board of Education and the
5078 Commission on School Accreditation determine that an extreme
5079 emergency situation exists in a school district that jeopardizes
5080 the safety, security or educational interests of the children
5081 enrolled in the schools in that district and that emergency
5082 situation is believed to be related to a serious violation or
5083 violations of accreditation standards or state or federal law, the
5084 State Board of Education may request the Governor to declare a
5085 state of emergency in that school district. For purposes of this
5086 paragraph, the declarations of a state of emergency district's
5087 impairments are related to a lack of financial may include the
5088 school district's serious failure to meet minimum academic
5089 standards, as evidenced by a continued pattern of poor student
5090 performance, or impairments related to a lack of financial
5091 resources.

5092 (ii) If the State Board of Education determines
5093 that a public school or district in the state which, during each
5094 of two (2) consecutive school years or during two (2) of three (3)
5095 consecutive school years, receives an "F" designation by the State
5096 Board of Education under the accountability rating system or has
5097 been persistently failing as defined by the State Board of
5098 Education; or if the State Board of Education determines that a
5099 public school or district in the state which, during each of four



5100 (4) consecutive school years, receives a "D" or "F" designation by
5101 the State Board of Education under the accountability rating
5102 system or has been persistently failing as defined by the State
5103 Board of Education; or if more than fifty percent (50%) of the
5104 schools within a school district are designated as Schools-At-Risk
5105 in any one (1) year, then the board may place such school or
5106 district into a District of Transformation. The State Board of
5107 Education shall take over only the number of schools and districts
5108 for which it has the capacity to serve. The State Board of
5109 Education shall adopt rules and regulations governing any
5110 additional requirements for placement into a District of
5111 Transformation and the operation thereof. School districts or
5112 schools that are eligible to be placed into a District of
5113 Transformation due to poor academic performance but are not
5114 absorbed due to the capacity of the State Board of Education,
5115 shall develop and implement a district improvement plan with
5116 prescriptive guidance and support from the Mississippi Department
5117 of Education, with the goal of helping the district improve
5118 student achievement. Failure of the school board, superintendent
5119 and school district staff to implement the plan with fidelity and
5120 participate in the activities provided as support by the
5121 department shall result in the school district retaining its
5122 eligibility for placement into a District of Transformation.

5123 (iii) If the State Board of Education determined
5124 that a school district is impaired with a serious lack of



5125 financial resources, the State Board of Education may place the
5126 school district into a District of Transformation. If a school
5127 district is placed into a District of Transformation for financial
5128 reasons, the school district shall be required to reimburse the
5129 state for any costs incurred by the state on behalf of the school
5130 district.

5131 (c) Whenever the Governor declares a state of emergency
5132 in a school district in response to a request made under paragraph
5133 (a) or (b) of this subsection, or when the State Board of
5134 Education places a school district into a District of
5135 Transformation due to poor academic performance or financial
5136 reasons, the State Board of Education may take one or more of the
5137 following actions:

5138 (i) Declare a state of emergency, under which some
5139 or all of state funds can be escrowed except as otherwise provided
5140 in Section 206, Constitution of 1890, until the board determines
5141 corrective actions are being taken or the deficiencies have been
5142 removed, or that the needs of students warrant the release of
5143 funds. The funds may be released from escrow for any program
5144 which the board determines to have been restored to standard even
5145 though the state of emergency may not as yet be terminated for the
5146 district as a whole;

5147 (ii) Override any decision of the local school
5148 board or superintendent of education, or both, concerning the
5149 management and operation of the school district, or initiate and



5150 make decisions concerning the management and operation of the
5151 school district;

5152 (iii) Assign an interim superintendent, or in its
5153 discretion, contract with a private entity with experience in the
5154 academic, finance and other operational functions of schools and
5155 school districts, who will have those powers and duties prescribed
5156 in subsection (15) of this section;

5157 (iv) Grant transfers to students who attend this
5158 school district so that they may attend other accredited schools
5159 or districts in a manner that is not in violation of state or
5160 federal law;

5161 (v) For states of emergency declared under
5162 paragraph (a) only, if the accreditation deficiencies are related
5163 to the fact that the school district is too small, with too few
5164 resources, to meet the required standards and if another school
5165 district is willing to accept those students, abolish that
5166 district and assign that territory to another school district or
5167 districts. If the school district has proposed a voluntary
5168 consolidation with another school district or districts, then if
5169 the State Board of Education finds that it is in the best interest
5170 of the pupils of the district for the consolidation to proceed,
5171 the voluntary consolidation shall have priority over any such
5172 assignment of territory by the State Board of Education;

5173 (vi) For actions taken pursuant to paragraph (b)
5174 only, reduce local supplements paid to school district employees,



including, but not limited to, instructional personnel, assistant teachers and extracurricular activities personnel, if the district's impairment is related to a lack of financial resources, but only to an extent that will result in the salaries being comparable to districts similarly situated, as determined by the State Board of Education;

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

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

(e) The parent or legal guardian of a school-age child who is enrolled in a school district whose accreditation has been withdrawn by the Commission on School Accreditation and without approval of that school district may file a petition in writing to a school district accredited by the Commission on School Accreditation for a legal transfer. The school district accredited by the Commission on School Accreditation may grant the transfer according to the procedures of Section 37-15-31(1)(b). In the event the accreditation of the student's home district is restored after a transfer has been approved, the student may continue to attend the transferee school district. The per pupil



5200 amount of the total funding formula allotment for the student's
5201 home school district shall be transferred monthly to the school
5202 district accredited by the Commission on School Accreditation that
5203 has granted the transfer of the school-age child.

5204 (f) Upon the declaration of a state of emergency for
5205 any school district in which the Governor has previously declared
5206 a state of emergency, the State Board of Education may either:

5207 (i) Place the school district into district
5208 transformation, in which the school district shall remain until it
5209 has fulfilled all conditions related to district transformation.

5210 If the district was assigned an accreditation rating of "D" or "F"
5211 when placed into district transformation, the district shall be
5212 eligible to return to local control when the school district has
5213 attained a "C" rating or higher for three (3) consecutive years;

5214 (ii) Abolish the school district and
5215 administratively consolidate the school district with one or more
5216 existing school districts;

5217 (iii) Reduce the size of the district and
5218 administratively consolidate parts of the district, as determined
5219 by the State Board of Education. However, no school district
5220 which is not in district transformation shall be required to
5221 accept additional territory over the objection of the district; or

5222 (iv) Require the school district to develop and
5223 implement a district improvement plan with prescriptive guidance
5224 and support from the State Department of Education, with the goal



5225 of helping the district improve student achievement. Failure of
5226 the school board, superintendent and school district staff to
5227 implement the plan with fidelity and participate in the activities
5228 provided as support by the department shall result in the school
5229 district retaining its eligibility for district transformation.

5230 (13) Upon the declaration of a state of emergency in a
5231 school district under subsection (12) of this section, or upon the
5232 State Board of Education's placement of a school district into a
5233 District of Transformation for academic or financial reasons, the
5234 Commission on School Accreditation shall be responsible for public
5235 notice at least once a week for at least three (3) consecutive
5236 weeks in a newspaper published within the jurisdiction of the
5237 school district failing to meet accreditation standards, or if no
5238 newspaper is published therein, then in a newspaper having a
5239 general circulation therein. The size of the notice shall be no
5240 smaller than one-fourth (1/4) of a standard newspaper page and
5241 shall be printed in bold print. If an interim superintendent has
5242 been appointed for the school district, the notice shall begin as
5243 follows: "By authority of Section 37-17-6, Mississippi Code of
5244 1972, as amended, adopted by the Mississippi Legislature during
5245 the 1991 Regular Session, this school district (name of school
5246 district) is hereby placed under the jurisdiction of the State
5247 Department of Education acting through its appointed interim
5248 superintendent (name of interim superintendent)."



5249 The notice also shall include, in the discretion of the State
5250 Board of Education, any or all details relating to the school
5251 district's emergency status, including the declaration of a state
5252 of emergency in the school district and a description of the
5253 district's impairment deficiencies, conditions of any district
5254 transformation status and corrective actions recommended and being
5255 taken. Public notices issued under this section shall be subject
5256 to Section 13-3-31 and not contrary to other laws regarding
5257 newspaper publication.

5258 Upon termination of a school district in a District of
5259 Transformation, the Commission on School Accreditation shall cause
5260 notice to be published in the school district in the same manner
5261 provided in this section, to include any or all details relating
5262 to the corrective action taken in the school district that
5263 resulted in the termination of the state of emergency.

5264 (14) The State Board of Education or the Commission on
5265 School Accreditation shall have the authority to require school
5266 districts to produce the necessary reports, correspondence,
5267 financial statements, and any other documents and information
5268 necessary to fulfill the requirements of this section.

5269 Nothing in this section shall be construed to grant any
5270 individual, corporation, board or interim superintendent the
5271 authority to levy taxes except in accordance with presently
5272 existing statutory provisions.



5273 (15) (a) Whenever the Governor declares a state of
5274 emergency in a school district in response to a request made under
5275 subsection (12) of this section, or when the State Board of
5276 Education places a school district into a District of
5277 Transformation for academic or financial reasons, the State Board
5278 of Education, in its discretion, may assign an interim
5279 superintendent to the school district, or in its discretion, may
5280 contract with an appropriate private entity with experience in the
5281 academic, finance and other operational functions of schools and
5282 school districts, who will be responsible for the administration,
5283 management and operation of the school district, including, but
5284 not limited to, the following activities:

5285 (i) Approving or disapproving all financial
5286 obligations of the district, including, but not limited to, the
5287 employment, termination, nonrenewal and reassignment of all
5288 licensed and nonlicensed personnel, contractual agreements and
5289 purchase orders, and approving or disapproving all claim dockets
5290 and the issuance of checks; in approving or disapproving
5291 employment contracts of superintendents, assistant superintendents
5292 or principals, the interim superintendent shall not be required to
5293 comply with the time limitations prescribed in Sections 37-9-15
5294 and 37-9-105;

5295 (ii) Supervising the day-to-day activities of the
5296 district's staff, including reassigning the duties and
5297 responsibilities of personnel in a manner which, in the



5298 determination of the interim superintendent, will best suit the
5299 needs of the district;

5300 (iii) Reviewing the district's total financial
5301 obligations and operations and making recommendations to the
5302 district for cost savings, including, but not limited to,
5303 reassigning the duties and responsibilities of staff;

5304 (iv) Attending all meetings of the district's
5305 school board and administrative staff;

5306 (v) Approving or disapproving all athletic, band
5307 and other extracurricular activities and any matters related to
5308 those activities;

5309 (vi) Maintaining a detailed account of
5310 recommendations made to the district and actions taken in response
5311 to those recommendations;

5312 (vii) Reporting periodically to the State Board of
5313 Education on the progress or lack of progress being made in the
5314 district to improve the district's impairments during the state of
5315 emergency; and

5316 (viii) Appointing a parent advisory committee,
5317 comprised of parents of students in the school district that may
5318 make recommendations to the interim superintendent concerning the
5319 administration, management and operation of the school district.

5320 The cost of the salary of the interim superintendent and any
5321 other actual and necessary costs related to district
5322 transformation status paid by the State Department of Education



5323 shall be reimbursed by the local school district from funds other
5324 than total funding formula funds as provided in Sections
5325 37-151-200 through 37-151-215. In the alternative, the local
5326 school district may pay the cost of the salary of the interim
5327 superintendent. The department shall submit an itemized statement
5328 to the superintendent of the local school district for
5329 reimbursement purposes, and any unpaid balance may be withheld
5330 from the district's funding formula funds.

5331 At the time that the Governor, in accordance with the request
5332 of the State Board of Education, declares that the state of
5333 emergency no longer exists in a school district, the interim
5334 superintendent assigned to the district shall remain in place for
5335 a period of two (2) years and shall work alongside the newly
5336 reconstituted school board. A new superintendent may be hired by
5337 the newly reconstituted board after the one (1) year state of
5338 emergency no longer exists, but he or she shall serve as deputy to
5339 the interim superintendent while the interim superintendent is
5340 assigned to the district.

5341 (b) In order to provide loans to school districts under
5342 a state of emergency or in district transformation status that
5343 have impairments related to a lack of financial resources, the
5344 School District Emergency Assistance Fund is created as a special
5345 fund in the State Treasury into which monies may be transferred or
5346 appropriated by the Legislature from any available public
5347 education funds. Funds in the School District Emergency



5348 Assistance Fund up to a maximum balance of Three Million Dollars
5349 (\$3,000,000.00) annually shall not lapse but shall be available
5350 for expenditure in subsequent years subject to approval of the
5351 State Board of Education. Any amount in the fund in excess of
5352 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
5353 year shall lapse into the State General Fund or the Education
5354 Enhancement Fund, depending on the source of the fund.

5355 The State Board of Education may loan monies from the School
5356 District Emergency Assistance Fund to a school district that is
5357 under a state of emergency or in district transformation status,
5358 in those amounts, as determined by the board, that are necessary
5359 to correct the district's impairments related to a lack of
5360 financial resources. The loans shall be evidenced by an agreement
5361 between the school district and the State Board of Education and
5362 shall be repayable in principal, without necessity of interest, to
5363 the School District Emergency Assistance Fund by the school
5364 district from any allowable funds that are available. The total
5365 amount loaned to the district shall be due and payable within five
5366 (5) years after the impairments related to a lack of financial
5367 resources are corrected. If a school district fails to make
5368 payments on the loan in accordance with the terms of the agreement
5369 between the district and the State Board of Education, the State
5370 Department of Education, in accordance with rules and regulations
5371 established by the State Board of Education, may withhold that
5372 district's total funding formula funds in an amount and manner



5373 that will effectuate repayment consistent with the terms of the
5374 agreement; the funds withheld by the department shall be deposited
5375 into the School District Emergency Assistance Fund.

5376 The State Board of Education shall develop a protocol that
5377 will outline the performance standards and requisite timeline
5378 deemed necessary for extreme emergency measures. If the State
5379 Board of Education determines that an extreme emergency exists,
5380 simultaneous with the powers exercised in this subsection, it
5381 shall take immediate action against all parties responsible for
5382 the affected school districts having been determined to be in an
5383 extreme emergency. The action shall include, but not be limited
5384 to, initiating civil actions to recover funds and criminal actions
5385 to account for criminal activity. Any funds recovered by the
5386 State Auditor or the State Board of Education from the surety
5387 bonds of school officials or from any civil action brought under
5388 this subsection shall be applied toward the repayment of any loan
5389 made to a school district hereunder.

5390 (16) [Deleted]

5391 (17) [Deleted]

5392 (18) The State Board of Education, acting through the
5393 Commission on School Accreditation, shall require each school
5394 district to comply with standards established by the State
5395 Department of Audit for the verification of fixed assets and the
5396 auditing of fixed assets records as a minimum requirement for
5397 accreditation.



5398 (19) [Deleted]

5399 (20) [Deleted]

5400 (21) If a local school district is determined as failing and
5401 placed into district transformation status for reasons authorized
5402 by the provisions of this section, the interim superintendent
5403 appointed to the district shall, within forty-five (45) days after
5404 being appointed, present a detailed and structured corrective
5405 action plan to move the local school district out of district
5406 transformation status to the deputy superintendent. A copy of the
5407 interim superintendent's corrective action plan shall also be
5408 filed with the State Board of Education.

5409 **SECTION 55.** Section 37-19-7, Mississippi Code of 1972, is
5410 brought forward as follows:

5411 37-19-7. (1) Teachers' salaries in each public school
5412 district shall be determined and paid in accordance with the scale
5413 for teachers' salaries as provided in this subsection. For
5414 teachers holding the following types of licenses or the equivalent
5415 as determined by the State Board of Education, and the following
5416 number of years of teaching experience, the scale shall be as
5417 follows:

5418 **2022-2023 AND SUBSEQUENT SCHOOL YEARS MINIMUM SALARY SCHEDULE**

5419	Exp.	AAAA	AAA	AA	A
5420	0	45,500.00	44,000.00	43,000.00	41,500.00
5421	1	46,100.00	44,550.00	43,525.00	41,900.00
5422	2	46,700.00	45,100.00	44,050.00	42,300.00



5423	3	47,300.00	45,650.00	44,575.00	42,700.00
5424	4	47,900.00	46,200.00	45,100.00	43,100.00
5425	5	49,250.00	47,500.00	46,350.00	44,300.00
5426	6	49,850.00	48,050.00	46,875.00	44,700.00
5427	7	50,450.00	48,600.00	47,400.00	45,100.00
5428	8	51,050.00	49,150.00	47,925.00	45,500.00
5429	9	51,650.00	49,700.00	48,450.00	45,900.00
5430	10	53,000.00	51,000.00	49,700.00	47,100.00
5431	11	53,600.00	51,550.00	50,225.00	47,500.00
5432	12	54,200.00	52,100.00	50,750.00	47,900.00
5433	13	54,800.00	52,650.00	51,275.00	48,300.00
5434	14	55,400.00	53,200.00	51,800.00	48,700.00
5435	15	56,750.00	54,500.00	53,050.00	49,900.00
5436	16	57,350.00	55,050.00	53,575.00	50,300.00
5437	17	57,950.00	55,600.00	54,100.00	50,700.00
5438	18	58,550.00	56,150.00	54,625.00	51,100.00
5439	19	59,150.00	56,700.00	55,150.00	51,500.00
5440	20	60,500.00	58,000.00	56,400.00	52,700.00
5441	21	61,100.00	58,550.00	56,925.00	53,100.00
5442	22	61,700.00	59,100.00	57,450.00	53,500.00
5443	23	62,300.00	59,650.00	57,975.00	53,900.00
5444	24	62,900.00	60,200.00	58,500.00	54,300.00
5445	25	65,400.00	62,700.00	61,000.00	56,800.00
5446	26	66,000.00	63,250.00	61,525.00	57,200.00
5447	27	66,600.00	63,800.00	62,050.00	57,600.00



5448	28	67,200.00	64,350.00	62,575.00	58,000.00
5449	29	67,800.00	64,900.00	63,100.00	58,400.00
5450	30	68,400.00	65,450.00	63,625.00	58,800.00
5451	31	69,000.00	66,000.00	64,150.00	59,200.00
5452	32	69,600.00	66,550.00	64,675.00	59,600.00
5453	33	70,200.00	67,100.00	65,200.00	60,000.00
5454	34	70,800.00	67,650.00	65,725.00	60,400.00
5455	35				
5456	& above	71,400.00	68,200.00	66,250.00	60,800.00

5457 **2024-2025 AND SUBSEQUENT SCHOOL YEARS MINIMUM SALARY SCHEDULE**

5458 The school district, with assistance from the Department of
5459 Education, shall consider the teacher's years of service and
5460 license type and determine the corresponding salary for the
5461 retired teacher. After determining the retired teacher's
5462 corresponding salary, the school district may allocate up to one
5463 hundred twenty-five percent (125%) of the amount provided under
5464 the salary schedule for such teacher, as applicable, as salary and
5465 assessment under the program.

5466 After determining the retired teacher's salary, the school
5467 district may pay no more than fifty percent (50%) of the retired
5468 teacher's compensation as salary to the retired teacher. The
5469 remaining fifty percent (50%) of the retired teacher's
5470 compensation as salary shall be paid by the school district to
5471 PERS as a pension liability participation assessment.



5472 It is the intent of the Legislature that any state funds made
5473 available for salaries of licensed personnel in excess of the
5474 funds paid for such salaries for the 1986-1987 school year shall
5475 be paid to licensed personnel pursuant to a personnel appraisal
5476 and compensation system implemented by the State Board of
5477 Education. The State Board of Education shall have the authority
5478 to adopt and amend rules and regulations as are necessary to
5479 establish, administer and maintain the system.

5480 All teachers employed on a full-time basis shall be paid a
5481 minimum salary in accordance with the above scale. However, no
5482 school district shall receive any funds under this section for any
5483 school year during which the local supplement paid to any
5484 individual teacher shall have been reduced to a sum less than that
5485 paid to that individual teacher for performing the same duties
5486 from local supplement during the immediately preceding school
5487 year. The amount actually spent for the purposes of group health
5488 and/or life insurance shall be considered as a part of the
5489 aggregate amount of local supplement but shall not be considered a
5490 part of the amount of individual local supplement.

5491 The level of professional training of each teacher to be used
5492 in establishing the salary for the teacher for each year shall be
5493 determined by the type of valid teacher's license issued to that
5494 teacher on or before October 1 of the current school year.
5495 However, school districts are authorized, in their discretion, to
5496 negotiate the salary levels applicable to licensed employees who



5497 are receiving retirement benefits from the retirement system of
5498 another state.

5499 (2) (a) The following employees shall receive an annual
5500 salary supplement in the amount of Six Thousand Dollars
5501 (\$6,000.00), plus fringe benefits, in addition to any other
5502 compensation to which the employee may be entitled:

5503 (i) Any licensed teacher or retired teacher
5504 employed by a school district under the authority of Section
5505 25-11-126 who has met the requirements and acquired a Master
5506 Teacher certificate from the National Board for Professional
5507 Teaching Standards and who is employed by a local school board or
5508 the State Board of Education as a teacher and not as an
5509 administrator. Such teacher shall submit documentation to the
5510 State Department of Education that the certificate was received
5511 prior to October 15 in order to be eligible for the full salary
5512 supplement in the current school year, or the teacher shall submit
5513 such documentation to the State Department of Education prior to
5514 February 15 in order to be eligible for a prorated salary
5515 supplement beginning with the second term of the school year.

5516 (ii) A licensed nurse who has met the requirements
5517 and acquired a certificate from the National Board for
5518 Certification of School Nurses, Inc., and who is employed by a
5519 local school board or the State Board of Education as a school
5520 nurse and not as an administrator. The licensed school nurse
5521 shall submit documentation to the State Department of Education



5522 that the certificate was received before October 15 in order to be
5523 eligible for the full salary supplement in the current school
5524 year, or the licensed school nurse shall submit the documentation
5525 to the State Department of Education before February 15 in order
5526 to be eligible for a prorated salary supplement beginning with the
5527 second term of the school year.

5528 (iii) Any licensed school counselor who has met
5529 the requirements and acquired a National Certified School
5530 Counselor (NCSC) endorsement from the National Board of Certified
5531 Counselors and who is employed by a local school board or the
5532 State Board of Education as a counselor and not as an
5533 administrator. Such licensed school counselor shall submit
5534 documentation to the State Department of Education that the
5535 endorsement was received prior to October 15 in order to be
5536 eligible for the full salary supplement in the current school
5537 year, or the licensed school counselor shall submit such
5538 documentation to the State Department of Education prior to
5539 February 15 in order to be eligible for a prorated salary
5540 supplement beginning with the second term of the school year.
5541 However, any school counselor who started the National Board for
5542 Professional Teaching Standards process for school counselors
5543 between June 1, 2003, and June 30, 2004, and completes the
5544 requirements and acquires the Master Teacher certificate shall be
5545 entitled to the master teacher supplement, and those counselors
5546 who complete the process shall be entitled to a one-time



5547 reimbursement for the actual cost of the process as outlined in
5548 paragraph (b) of this subsection.

5549 (iv) Any licensed speech-language pathologist and
5550 audiologist who has met the requirements and acquired a
5551 Certificate of Clinical Competence from the American
5552 Speech-Language-Hearing Association and any certified academic
5553 language therapist (CALT) who has met the certification
5554 requirements of the Academic Language Therapy Association and who
5555 is employed by a local school board. The licensed speech-language
5556 pathologist and audiologist and certified academic language
5557 therapist shall submit documentation to the State Department of
5558 Education that the certificate or endorsement was received before
5559 October 15 in order to be eligible for the full salary supplement
5560 in the current school year, or the licensed speech-language
5561 pathologist and audiologist and certified academic language
5562 therapist shall submit the documentation to the State Department
5563 of Education before February 15 in order to be eligible for a
5564 prorated salary supplement beginning with the second term of the
5565 school year.

5566 (v) Any licensed athletic trainer who has met the
5567 requirements and acquired Board Certification for the Athletic
5568 Trainer from the Board of Certification, Inc., and who is employed
5569 by a local school board or the State Board of Education as an
5570 athletic trainer and not as an administrator. The licensed
5571 athletic trainer shall submit documentation to the State



5572 Department of Education that the certificate was received before
5573 October 15 in order to be eligible for the full salary supplement
5574 in the current school year, or the licensed athletic trainer shall
5575 submit the documentation to the State Department of Education
5576 before February 15 in order to be eligible for a prorated salary
5577 supplement beginning with the second term of the school year.

5578 (b) An employee shall be reimbursed for the actual cost
5579 of completing each component of acquiring the certificate or
5580 endorsement, excluding any costs incurred for postgraduate
5581 courses, not to exceed Five Hundred Dollars (\$500.00) for each
5582 component, not to exceed four (4) components, for a teacher,
5583 school counselor or speech-language pathologist and audiologist,
5584 regardless of whether or not the process resulted in the award of
5585 the certificate or endorsement. A local school district or any
5586 private individual or entity may pay the cost of completing the
5587 process of acquiring the certificate or endorsement for any
5588 employee of the school district described under paragraph (a), and
5589 the State Department of Education shall reimburse the school
5590 district for such cost, regardless of whether or not the process
5591 resulted in the award of the certificate or endorsement. If a
5592 private individual or entity has paid the cost of completing the
5593 process of acquiring the certificate or endorsement for an
5594 employee, the local school district may agree to directly
5595 reimburse the individual or entity for such cost on behalf of the
5596 employee.



5597 (c) All salary supplements, fringe benefits and process
5598 reimbursement authorized under this subsection shall be paid
5599 directly by the State Department of Education to the local school
5600 district and shall be in addition to its allotments from the total
5601 funding formula provided in Sections 37-151-200 through 37-151-215
5602 and not a part thereof in accordance with regulations promulgated
5603 by the State Board of Education. Local school districts shall not
5604 reduce the local supplement paid to any employee receiving such
5605 salary supplement, and the employee shall receive any local
5606 supplement to which employees with similar training and experience
5607 otherwise are entitled. However, an educational employee shall
5608 receive the salary supplement in the amount of Six Thousand
5609 Dollars (\$6,000.00) for only one (1) of the qualifying
5610 certifications authorized under paragraph (a) of this subsection.
5611 No school district shall provide more than one (1) annual salary
5612 supplement under the provisions of this subsection to any one (1)
5613 individual employee holding multiple qualifying national
5614 certifications.

5615 (d) If an employee for whom such cost has been paid, in
5616 full or in part, by a local school district or private individual
5617 or entity fails to complete the certification or endorsement
5618 process, the employee shall be liable to the school district or
5619 individual or entity for all amounts paid by the school district
5620 or individual or entity on behalf of that employee toward his or
5621 her certificate or endorsement.



(3) The following employees shall receive an annual salary supplement in the amount of Four Thousand Dollars (\$4,000.00), plus fringe benefits, in addition to any other compensation to which the employee may be entitled:

Effective July 1, 2016, if funds are available for that purpose, any licensed teacher or retired teacher employed by a local school district under the authority of Section 25-11-126 who has met the requirements and acquired a Master Teacher Certificate from the National Board for Professional Teaching Standards and who is employed in a public school district located in one (1) of the following counties: Claiborne, Adams, Jefferson, Wilkinson, Amite, Bolivar, Coahoma, Leflore, Quitman, Sharkey, Issaquena, Sunflower, Washington, Holmes, Yazoo and Tallahatchie. The salary supplement awarded under the provisions of this subsection (3) shall be in addition to the salary supplement awarded under the provisions of subsection (2) of this section.

Teachers who meet the qualifications for a salary supplement under this subsection (3) who are assigned for less than one (1) full year or less than full time for the school year shall receive the salary supplement in a prorated manner, with the portion of the teacher's assignment to the critical geographic area to be determined as of June 15th of the school year.

(4) (a) This subsection shall be known and may be cited as the "Mississippi Performance-Based Pay (MPBP)" plan. In addition to the minimum base pay described in this section, only if funds



5647 are available for that purpose, the State of Mississippi may
5648 provide monies from state funds to school districts for the
5649 purposes of rewarding licensed teachers, administrators and
5650 nonlicensed personnel at individual schools showing improvement in
5651 student test scores. The MPBP plan shall be developed by the
5652 State Department of Education based on the following criteria:

5653 (i) It is the express intent of this legislation
5654 that the MPBP plan shall utilize only existing standards of
5655 accreditation and assessment as established by the State Board of
5656 Education.

5657 (ii) To ensure that all of Mississippi's teachers,
5658 administrators and nonlicensed personnel at all schools have equal
5659 access to the monies set aside in this section, the MPBP program
5660 shall be designed to calculate each school's performance as
5661 determined by the school's increase in scores from the prior
5662 school year. The MPBP program shall be based on a standardized
5663 scores rating where all levels of schools can be judged in a
5664 statistically fair and reasonable way upon implementation. At the
5665 end of each year, after all student achievement scores have been
5666 standardized, the State Department of Education shall implement
5667 the MPBP plan.

5668 (iii) To ensure all teachers cooperate in the
5669 spirit of teamwork, individual schools shall submit a plan to the
5670 local school district to be approved before the beginning of each
5671 school year. The plan shall include, but not be limited to, how



all teachers, regardless of subject area, and administrators will be responsible for improving student achievement for their individual school.

(b) The State Board of Education shall develop the processes and procedures for designating schools eligible to participate in the MPBP. State assessment results, growth in student achievement at individual schools and other measures deemed appropriate in designating successful student achievement shall be used in establishing MPBP criteria.

(5) (a) If funds are available for that purpose, each school in Mississippi shall have mentor teachers, as defined by Sections 37-9-201 through 37-9-213, who shall receive additional base compensation provided for by the State Legislature in the amount of One Thousand Dollars (\$1,000.00) per each beginning teacher that is being mentored. The additional state compensation shall be limited to those mentor teachers that provide mentoring services to beginning teachers. For the purposes of such funding, a beginning teacher shall be defined as any teacher in any school in Mississippi that has less than one (1) year of classroom experience teaching in a public school. For the purposes of such funding, no full-time academic teacher shall mentor more than two (2) beginning teachers.

(b) To be eligible for this state funding, the individual school must have a classroom management program 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 56. 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 57. 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



5722 classes in the district in a manner that will promote the maximum
5723 efficiency, as determined by the superintendent, in the
5724 instruction of skills such as verbal and linguistic skills,
5725 logical and mathematical skills, and social skills.

5726 (b) If a licensed teacher to whom an assistant teacher
5727 has been assigned is required to be absent from the classroom, the
5728 assistant teacher may assume responsibility for the classroom in
5729 lieu of a substitute teacher. However, no assistant teacher shall
5730 assume sole responsibility of the classroom for more than three
5731 (3) consecutive school days. Further, in no event shall any
5732 assistant teacher be assigned to serve as a substitute teacher for
5733 any teacher other than the licensed teacher to whom that assistant
5734 teacher has been assigned.

5735 (3) Assistant teachers shall have, at a minimum, a high
5736 school diploma or a High School Equivalency Diploma equivalent,
5737 and shall show demonstratable proficiency in reading and writing
5738 skills. The State Department of Education shall develop a testing
5739 procedure for assistant teacher applicants to be used in all
5740 school districts in the state.

5741 (4) (a) In order to receive funding, each school district
5742 shall:

5743 (i) Submit a plan on the implementation of a
5744 reading improvement program to the State Department of Education;
5745 and



5746 (ii) Develop a plan of educational accountability
5747 and assessment of performance, including pretests and posttests,
5748 for reading in Grades 1 through 6.

5749 (b) Additionally, each school district shall:

5750 (i) Provide annually a mandatory preservice
5751 orientation session, using an existing in-school service day, for
5752 administrators and teachers on the effective use of assistant
5753 teachers as part of a team in the classroom setting and on the
5754 role of assistant teachers, with emphasis on program goals;

5755 (ii) Hold periodic workshops for administrators
5756 and teachers on the effective use and supervision of assistant
5757 teachers;

5758 (iii) Provide training annually on specific
5759 instructional skills for assistant teachers;

5760 (iv) Annually evaluate their program in accordance
5761 with their educational accountability and assessment of
5762 performance plan; and

5763 (v) Designate the necessary personnel to supervise
5764 and report on their program.

5765 (5) The State Department of Education shall:

5766 (a) Develop and assist in the implementation of a
5767 statewide uniform training module, subject to the availability of
5768 funds specifically appropriated therefor by the Legislature, which
5769 shall be used in all school districts for training administrators,
5770 teachers and assistant teachers. The module shall provide for the



5771 consolidated training of each assistant teacher and teacher to
5772 whom the assistant teacher is assigned, working together as a
5773 team, and shall require further periodic training for
5774 administrators, teachers and assistant teachers regarding the role
5775 of assistant teachers;

5776 (b) Annually evaluate the program on the district and
5777 state level. Subject to the availability of funds specifically
5778 appropriated therefor by the Legislature, the department shall
5779 develop: (i) uniform evaluation reports, to be performed by the
5780 principal or assistant principal, to collect data for the annual
5781 overall program evaluation conducted by the department; or (ii) a
5782 program evaluation model that, at a minimum, addresses process
5783 evaluation; and

5784 (c) Promulgate rules, regulations and such other
5785 standards deemed necessary to effectuate the purposes of this
5786 section. Noncompliance with the provisions of this section and
5787 any rules, regulations or standards adopted by the department may
5788 result in a violation of compulsory accreditation standards as
5789 established by the State Board of Education and the Commission on
5790 School Accreditation.

5791 (6) Each school district shall be allotted sufficient
5792 funding under the total funding formula provided in Sections
5793 37-151-200 through 37-151-215 for the purpose of employing
5794 assistant teachers. No assistant teacher shall be paid less than
5795 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;



5821 however, no school district shall be authorized to use the funding
5822 for assistant teachers for the purpose of employing licensed
5823 teachers unless the district has established that the employment
5824 of licensed teachers using such funds will reduce the
5825 teacher:student ratio in the kindergarten, first-, second- and
5826 third-grade classes. All state funds for assistant teachers shall
5827 be applied to reducing teacher:student ratio in Grades K-3.

5828 It is the intent of the Legislature that no school district
5829 shall dismiss any assistant teacher for the purpose of using the
5830 assistant teacher funding to employ licensed teachers. School
5831 districts may rely only upon normal attrition to reduce the number
5832 of assistant teachers employed in that district.

5833 (b) Districts meeting the highest levels of
5834 accreditation standards, as defined by the State Board of
5835 Education, shall be exempted from the provisions of subsection (4)
5836 of this section.

5837 **SECTION 58.** Section 37-22-5, Mississippi Code of 1972, is
5838 amended as follows:

5839 37-22-5. There is created an Emergency Fund Loss Assistance
5840 Program to provide temporary grants to eligible school districts
5841 and charter schools. The purpose of the program shall be to
5842 provide relief to school districts suffering losses of financial
5843 assistance under federal programs, such as the IMPACT Program,
5844 designed to serve the educational needs of children of government
5845 employees and Choctaw Indian children. Any school district or



5846 charter school which has sustained losses in direct payments from
5847 the federal government for the purpose of educating the children
5848 of federal government employees and Choctaw Indian children living
5849 on United States government owned reservation land shall be
5850 entitled to an Emergency Fund Loss Assistance Grant, in the amount
5851 of the reduction of the grant funds received from the federal
5852 government from prior years. This grant shall be limited to
5853 losses resulting from reductions in the level of federal funding
5854 allocated to school districts or charter schools from prior years
5855 and not from reductions resulting from a loss of students served
5856 by the school districts or charter schools. * * * There is hereby
5857 established an Emergency Fund Loss Assistance Fund in the State
5858 Treasury which shall be used to distribute the emergency grants to
5859 school districts and charter schools. Expenditures from this fund
5860 shall not exceed One Million Dollars (\$1,000,000.00) in any fiscal
5861 year. If the total of all grant entitlements from local school
5862 districts and charter schools exceeds such sum, then the grants to
5863 the school districts and charter schools shall be prorated
5864 accordingly.

5865 **SECTION 59.** Section 37-23-1, Mississippi Code of 1972, is
5866 brought forward as follows:

5867 37-23-1. The purpose of Sections 37-23-1 through 37-23-159
5868 is to mandate free appropriate public educational services and
5869 equipment for exceptional children in the age range three (3)
5870 through twenty (20) for whom the regular school programs are not



5871 adequate and to provide, on a permissive basis, a free appropriate
5872 public education, as a part of the state's early intervention
5873 system in accordance with regulations developed in collaboration
5874 with the agency designated as "lead agency" under Part C of the
5875 Individuals with Disabilities Education Act. The portion of the
5876 regulations developed in collaboration with the lead agency which
5877 are necessary to implement the programs under the authority of the
5878 State Board of Education shall be presented to the State Board of
5879 Education for adoption. This specifically includes, but shall not
5880 be limited to, provision for day schools for the deaf and blind of
5881 an age under six (6) years, where early training is in accordance
5882 with the most advanced and best approved scientific methods of
5883 instruction, always taking into consideration the best interests
5884 of the child and his improvement at a time during which he is most
5885 susceptible of improvement. Educational programs to exceptional
5886 children under the age of three (3) years shall be eligible for
5887 total funding formula funds provided in Sections 37-151-200
5888 through 37-151-215.

5889 All references in the laws of this state to the "Individuals
5890 with Disabilities Education Act" or to the "IDEA" shall be
5891 construed to include any subsequent amendments to that act.

5892 The educational programs and services provided for
5893 exceptional children in Sections 37-23-1 through 37-23-15,
5894 37-23-31 through 37-23-35, 37-23-61 through 37-23-75 and 37-23-77
5895 shall be designed to provide individualized appropriate special



5896 education and related services that enable a child to reach his or
5897 her appropriate and uniquely designed goals for success. The
5898 State Board of Education shall establish an accountability system
5899 for special education programs and students with disabilities.
5900 The system shall establish accountability standards for services
5901 provided to improve the educational skills designed to prepare
5902 children for life after their years in school. These standards
5903 shall be a part of the accreditation system and shall be
5904 implemented before July 1, 1996.

5905 The State Department of Education shall establish goals for
5906 the performance of children with disabilities that will promote
5907 the purpose of IDEA and are consistent, to the maximum extent
5908 appropriate, with other goals and standards for children
5909 established by the State Department of Education. Performance
5910 indicators used to assess progress toward achieving those goals
5911 that, at a minimum, address the performance of children with
5912 disabilities on assessments, drop-out rates, and graduation rates
5913 shall be developed. Every two (2) years, the progress toward
5914 meeting the established performance goals shall be reported to the
5915 public.

5916 **SECTION 60.** Section 37-23-15, Mississippi Code of 1972, is
5917 brought forward as follows:

5918 37-23-15. (1) The State Department of Education, in
5919 accordance with Sections 37-23-1 through 37-23-75, and any
5920 additional authority granted in this chapter, shall:



5921 (a) Adopt pilot programs under which certain students
5922 enrolled or enrolling in public schools in this state shall be
5923 tested for dyslexia and related disorders as may be necessary.
5924 The pilot programs shall provide that upon the request of a
5925 parent, student, school nurse, classroom teacher or other school
5926 personnel who has reason to believe that a student has a need to
5927 be tested for dyslexia, such student shall be reviewed for
5928 appropriate services. However, a student shall not be tested for
5929 dyslexia whose parent or guardian objects thereto on grounds that
5930 such testing conflicts with his conscientiously held religious
5931 beliefs.

5932 (b) In accordance with the pilot programs adopted by
5933 the State Department of Education, such school boards shall
5934 provide remediation in an appropriate multi-sensory, systematic
5935 language-based regular education program or programs, as
5936 determined by the school district, such as the Texas Scottish Rite
5937 Hospital Dyslexia Training Program, pertinent to the child's
5938 physical and educational disorders or the sensory area in need of
5939 remediation for those students who do not qualify for special
5940 education services.

5941 (c) The State Department of Education, by not later
5942 than January 1, 1997, shall make recommendations to the school
5943 boards designated for the pilot programs for the delivery of
5944 services to students who are identified as dyslexic.

5945 (d) For the purposes of this section:



5946 (i) "Dyslexia" means a language processing
5947 disorder which may be manifested by difficulty processing
5948 expressive or receptive, oral or written language despite adequate
5949 intelligence, educational exposure and cultural opportunity.
5950 Specific manifestations may occur in one or more areas, including
5951 difficulty with the alphabet, reading comprehension, writing and
5952 spelling.

5953 (ii) "Related disorders" shall include disorders
5954 similar to or related to dyslexia such as developmental auditory
5955 imperception, dysphasia, specific developmental dyslexia,
5956 dyspraxia, developmental dysgraphia and developmental spelling
5957 disability.

5958 (e) Local school districts designated for the pilot
5959 programs may utilize any source of funds other than the total
5960 funding formula funds provided in Sections 37-151-200 through
5961 37-151-215 to provide any services under this section.

5962 (f) Nothing in this section shall be construed to
5963 require any school district to implement this section unless the
5964 local school board, by resolution spread on its minutes,
5965 voluntarily agrees to comply with this section and any regulations
5966 promulgated under this section. Any local school board may
5967 withdraw from participation in the program authorized under this
5968 section by providing written notice of its determination to
5969 withdraw to the State Department of Education no later than June 1
5970 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 61. 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



5996 (6) years of age, and no program appropriate for the child exists
5997 in the public schools of his domicile, then the reimbursement
5998 shall be one hundred percent (100%) of the first Six Hundred
5999 Dollars (\$600.00) in educational costs charged by the school or
6000 clinic, and fifty percent (50%) of the next Eight Hundred Dollars
6001 (\$800.00) in educational costs charged by the school or clinic;

6002 (b) A public school district shall be reimbursed for
6003 the educational costs of an applicant up to an annual maximum
6004 based on a cost factor determined by the State Board of Education
6005 if the following conditions are met: (i) an applicant in the age
6006 range six (6) through twenty (20) requests the public school
6007 district where he resides to provide an education for him and the
6008 nature of the applicant's educational problem is such that,
6009 according to best educational practices, it cannot be met in the
6010 public school district where the child resides; (ii) the public
6011 school district decides to provide the applicant a free
6012 appropriate education by placing him in a private school, a
6013 parochial school or a speech, hearing and/or language clinic
6014 having an appropriate program for the applicant; (iii) the program
6015 meets federal and state regulations; and (iv) the applicant is
6016 approved for financial assistance by a State Level Review Board
6017 established by the State Board of Education. The Review Board
6018 will act on financial assistance requests within five (5) working
6019 days of receipt. Nothing in this paragraph shall prevent two (2)
6020 or more public school districts from forming a cooperative to meet



6021 the needs of low incidence exceptional children, nor shall the
6022 public school be relieved of its responsibility to provide an
6023 education for all children. If state monies are not sufficient to
6024 fund all applicants, there will be a ratable reduction for all
6025 recipients receiving state funds under this section. School
6026 districts may pay additional educational costs from available
6027 federal, state and local funds.

6028 If an exceptional child, as defined in Section 37-23-3, is
6029 placed in a therapeutic or other group home licensed or approved
6030 by the state that has no educational program associated with it,
6031 the local school district in which the home is located shall offer
6032 an appropriate educational program to that child.

6033 At any time that the Individualized Education Program (IEP)
6034 Committee in the district where the home is located determines
6035 that an exceptional child, as defined in Section 37-23-3, residing
6036 in that home can no longer be provided a free appropriate public
6037 education in that school district, and the State Department of
6038 Education agrees with that decision, then the State Department of
6039 Education shall recommend to the Department of Human Services
6040 placement of the child by the Department of Human Services, which
6041 shall take appropriate action. The placement of the exceptional
6042 child in the facility shall be at no cost to the local school
6043 district. Funds available under Sections 37-23-61 through
6044 37-23-77, as well as any available federal funds, may be used to
6045 provide the educational costs of the placement. If the



6046 exceptional child is under the guardianship of the Department of
6047 Human Services or another state agency, the State Department of
6048 Education shall pay only for the educational costs of that
6049 placement, and the other agency shall be responsible for the room,
6050 board and any other costs. The special education and related
6051 services provided to the child shall be in compliance with State
6052 Department of Education and any related federal regulations. The
6053 State Board of Education may promulgate regulations that are
6054 necessary to implement this section; and

6055 (c) If an appropriate local or regional system of care,
6056 including a free appropriate public education, is available for
6057 exceptional children who are currently being served in
6058 out-of-district or Department of Human Services placements under
6059 paragraph (b) of this section or Section 37-23-77, then the state
6060 funds from the State Department of Education that would have been
6061 used for those placements may be paid into a pool of funds with
6062 funds from other state agencies to be used for the implementation
6063 of the individualized plans of care for those children. If there
6064 are sufficient funds to serve additional exceptional children
6065 because of cost savings as a result of serving these students at
6066 home and/or matching the pooled funds with federal dollars, the
6067 funds may be used to implement individualized plans of care for
6068 those additional exceptional children. Each local or regional
6069 provider of services included in the individualized plans of care
6070 shall comply with all appropriate state and federal regulations.



The State Board of Education may promulgate regulations that are necessary to implement this section.

The State Department of Education may also provide for the payment of that financial assistance in installments and for proration of that financial assistance in the case of children attending a school or clinic for less than a full school session and, if available funds are insufficient, may allocate the available funds among the qualified applicants and local school districts by reducing the maximum assistance provided for in this section.

Any monies provided an applicant under Sections 37-23-61 through 37-23-75 shall be applied by the receiving educational institution as a reduction in the amount of the educational costs paid by the applicant, and the total educational costs paid by the applicant shall not exceed the total educational costs paid by any other child in similar circumstances enrolled in the same program in that institution. However, this limitation shall not prohibit the waiving of all or part of the educational costs for a limited number of children based upon demonstrated financial need, and the State Department of Education may adopt and enforce reasonable rules and regulations to carry out the intent of these provisions.

SECTION 62. Section 37-23-109, Mississippi Code of 1972, is brought forward as follows:

37-23-109. Any child development center created under the provisions of Sections 37-23-91 through 37-23-111 shall be



6096 entitled to receive all contributions and benefits allowed to the
6097 other school districts from the federal and state governments
6098 including, but not limited to, contributions on the basis of the
6099 net enrollment per child, school textbooks and school lunch
6100 program.

6101 **SECTION 63.** Section 37-23-179, Mississippi Code of 1972, is
6102 brought forward as follows:

6103 37-23-179. (1) The board shall specifically promulgate
6104 rules, regulations and guidelines which establish model programs
6105 of gifted education and also establish minimum criteria for gifted
6106 education programs. In providing programs of gifted education,
6107 the local district may use the model programs prepared by the
6108 board or may itself develop programs of gifted education which,
6109 prior to being implemented, shall be approved by the board,
6110 provided, that no such plan or program shall be approved or
6111 continued unless it meets the minimum criteria established by the
6112 board.

6113 (2) There is hereby created within the department an office
6114 for gifted education which shall be staffed by such professional,
6115 support and clerical personnel as may be necessary to implement
6116 the provisions of Sections 37-23-171 through 37-23-181.

6117 (3) All local school districts may have programs of gifted
6118 education for intellectually, creatively and/or artistically
6119 gifted students in Grades 2 through 12 and for academically gifted
6120 students in Grades 9 through 12 approved by the board. Beginning



6121 with the 1993-1994 school year, all local school districts shall
6122 have programs of gifted education for intellectually gifted
6123 students in Grade 2, subject to the approval of the State Board of
6124 Education and the availability of funds appropriated therefor by
6125 line-item. Beginning with the 1994-1995 school year, all local
6126 school districts shall have programs of gifted education for
6127 intellectually gifted students in Grades 2 and 3, subject to the
6128 approval of the State Board of Education. Beginning with the
6129 1995-1996 school year, all local school districts shall have
6130 programs of gifted education for intellectually gifted students in
6131 Grades 2, 3 and 4 subject to the approval of the State Board of
6132 Education. Beginning with the 1996-1997 school year, all local
6133 school districts shall have programs of gifted education for
6134 intellectually gifted students in Grades 2, 3, 4 and 5, subject to
6135 the approval of the State Board of Education. Beginning with the
6136 1997-1998 school year, all local school districts shall have
6137 programs of gifted education for intellectually gifted students in
6138 Grades 2, 3, 4, 5 and 6, subject to the approval of the State
6139 Board of Education. Each local school district shall include as a
6140 part of its five-year plan a description of any proposed gifted
6141 education programs of the district.

6142 **SECTION 64.** Section 37-27-55, Mississippi Code of 1972, is
6143 brought forward as follows:

6144 37-27-55. When any pupils shall attend any agricultural high
6145 school or community or junior college under the provisions of



6146 Section 37-27-51, such pupils shall be reported and accounted for
6147 the allocation of total funding formula funds provided in Sections
6148 37-151-200 through 37-151-215 and building funds just as though
6149 such pupils were attending the regular schools of the district in
6150 which they reside. For this purpose reports shall be made to the
6151 board of trustees of the school district involved by the
6152 agricultural high school or community or junior college of the
6153 number of children in net enrollment, and the net enrollment of
6154 such pupils shall thereupon be included in reports made to the
6155 county or school district. The allocation of total funding
6156 formula funds and state public school building funds shall be made
6157 for such children just as though such children were attending the
6158 regular schools of the district. However, all total funding
6159 formula funds which accrue to any district as a result of the
6160 pupils who are in attendance at such agricultural high school or
6161 community or junior college shall be paid by the board of trustees
6162 of the municipal separate school district or the county board of
6163 education, as the case may be, to the agricultural high school or
6164 community or junior college at which the pupils are in attendance,
6165 and shall be expended by said agricultural high school or
6166 community or junior college for the instruction of said pupils.
6167 Funds allotted to the school district for building purposes under
6168 Chapter 47 of this title, shall, however, be retained by the
6169 school district entitled thereto. The term "school district" as
6170 used in Sections 37-27-51 through 37-27-59 shall be defined as



6171 including all public school districts in this state and also all
6172 agricultural high schools not located on the campus of a community
6173 or junior college.

6174 **SECTION 65.** Section 37-27-57, Mississippi Code of 1972, is
6175 brought forward as follows:

6176 37-27-57. Any additional or supplemental expenses incurred
6177 by the agricultural high school or community or junior college in
6178 the instruction of such pupils above that defrayed by total
6179 funding formula funds as provided in Section 37-27-55, shall be
6180 paid either from the amounts received from the state appropriation
6181 for the support of agricultural high schools or from the tax levy
6182 for the support of such agricultural high school or community or
6183 junior college or from any other funds which such agricultural
6184 high school or community or junior college may have available for
6185 such purpose.

6186 **SECTION 66.** Section 37-28-5, Mississippi Code of 1972, is
6187 brought forward as follows:

6188 37-28-5. As used in this chapter, the following words and
6189 phrases have the meanings ascribed in this section unless the
6190 context clearly indicates otherwise:

6191 (a) "Applicant" means any person or group that develops
6192 and submits an application for a charter school to the authorizer.

6193 (b) "Application" means a proposal from an applicant to
6194 the authorizer to enter into a charter contract whereby the
6195 proposed school obtains charter school status.



6196 (c) "Authorizer" means the Mississippi Charter School
6197 Authorizer Board established under Section 37-28-7 to review
6198 applications, decide whether to approve or reject applications,
6199 enter into charter contracts with applicants, oversee charter
6200 schools, and decide whether to renew, not renew, or revoke charter
6201 contracts.

6202 (d) "Charter contract" means a fixed-term, renewable
6203 contract between a charter school and the authorizer which
6204 outlines the roles, powers, responsibilities and performance
6205 expectations for each party to the contract.

6206 (e) "Charter school" means a public school that is
6207 established and operating under the terms of charter contract
6208 between the school's governing board and the authorizer. The term
6209 "charter school" includes a conversion charter school and start-up
6210 charter school.

6211 (f) "Conversion charter school" means a charter school
6212 that existed as a noncharter public school before becoming a
6213 charter school.

6214 (g) "Education service provider" means a charter
6215 management organization, school design provider or any other
6216 partner entity with which a charter school intends to contract for
6217 educational design, implementation or comprehensive management.

6218 (h) "Governing board" means the independent board of a
6219 charter school which is party to the charter contract with the



6220 authorizer and whose members have been elected or selected
6221 pursuant to the school's application.

6222 (i) "Noncharter public school" means a public school
6223 that is under the direct management, governance and control of a
6224 school board or the state.

6225 (j) "Parent" means a parent, guardian or other person
6226 or entity having legal custody of a child.

6227 (k) "School board" means a school board exercising
6228 management and control over a local school district and the
6229 schools of that district pursuant to the State Constitution and
6230 state statutes.

6231 (l) "School district" means a governmental entity that
6232 establishes and supervises one or more public schools within its
6233 geographical limits pursuant to state statutes.

6234 (m) "Start-up charter school" means a charter school
6235 that did not exist as a noncharter public school before becoming a
6236 charter school.

6237 (n) "Student" means any child who is eligible for
6238 attendance in a public school in the state.

6239 (o) "Underserved students" means students qualifying as
6240 low-income or qualifying for a special education program under
6241 Section 37-151-201.

6242 **SECTION 67.** Section 37-28-53, Mississippi Code of 1972, is
6243 brought forward as follows:



6244 37-28-53. (1) Each charter school shall certify annually to
6245 the State Department of Education its student enrollment, net
6246 enrollment and student participation in federal programs.

6247 (2) Each charter school shall certify annually to the school
6248 board of the school district in which the charter school is
6249 located the number of enrolled charter school students residing in
6250 the school district.

6251 **SECTION 68.** Section 37-28-55, Mississippi Code of 1972, is
6252 amended as follows:

6253 37-28-55. (1) (a) The State Department of Education shall
6254 make payments to charter schools for each student in net
6255 enrollment at the charter school, as determined under Section
6256 37-151-207, equal to the state share of total funding formula
6257 payments for each student, as determined under Section 37-151-211.

6258 (b) Payments made pursuant to this subsection by the
6259 State Department of Education must be made at the same time and in
6260 the same manner as total funding formula payments are made to
6261 school districts under Sections 37-151-101 and 37-151-103.
6262 Amounts payable to a charter school must be determined by the
6263 State Department of Education pursuant to this section and the
6264 total funding formula. Enrollment projections made under Section
6265 37-151-207 to determine the net enrollment of a charter school for
6266 calculating the state share payment must be reconciled with a
6267 charter school's net enrollment using months two (2) and three (3)
6268 for the year for which total funding formula funds are being



6269 appropriated, and any necessary adjustments must be made to
6270 payments during the school's following year of operation, provided
6271 that such adjustments made for reconciliation of payments shall
6272 not be less than an amount equal to the sum of all state funds
6273 received for fiscal year 2024 during fiscal year 2026 and fiscal
6274 year 2027. Any necessary adjustment must be based on the state
6275 share of the per pupil amount in effect for the year for which net
6276 membership did not meet enrollment projections and not any new
6277 amount appropriated for the year in which the adjustment will be
6278 made. If a charter school is closed by the authorizer before the
6279 following year, it must pay to the state any amounts due before
6280 completion of the closure.

6281 (2) (a) For students attending a charter school located in
6282 the school district in which the student resides, the school
6283 district in which the charter school is located shall pay directly
6284 to the charter school an amount as follows: the sum of the local
6285 pro rata amount, as calculated by the State Department of
6286 Education in accordance with Section 37-151-211(2) (b) (local
6287 contribution), and the local pro rata amount, as calculated by the
6288 State Department of Education in accordance with Section 37-57-105
6289 (school district operational levy), multiplied by the number of
6290 resident students enrolled in the charter school, based on the
6291 charter school's months two (2) and three (3) net enrollment of
6292 resident students for the current school year. However, the
6293 amount to the charter school may not include any taxes levied for



6294 the retirement of the local school district's bonded indebtedness
6295 or short-term notes or any taxes levied for the support of
6296 vocational-technical education programs.

6297 (b) The amount must be paid by the school district to
6298 the charter school before January 16 of the current fiscal year.
6299 If the local school district does not pay the required amount to
6300 the charter school before January 16, the State Department of
6301 Education shall reduce the local school district's January
6302 transfer of total funding formula funds by the amount owed to the
6303 charter school and shall redirect that amount to the charter
6304 school. Any such payments made under this paragraph by the State
6305 Department of Education to a charter school must be made at the
6306 same time and in the same manner as total funding formula payments
6307 are made to school districts under Sections 37-151-101 and
6308 37-151-103.

6309 (3) (a) For students attending a charter school located in
6310 a school district in which the student does not reside, the State
6311 Department of Education shall pay to the charter school in which
6312 the students are enrolled an amount as follows: the sum of the
6313 local pro rata amount, as calculated by the State Department of
6314 Education in accordance with Section 37-151-211(2) (b) (local
6315 contribution), and the local pro rata amount, as calculated by the
6316 State Department of Education in accordance with Section 37-57-105
6317 (school district operational levy), multiplied by the number of
6318 students enrolled in the charter school but residing in that



6319 district, based on the charter school's months two (2) and three
6320 (3) net enrollment of these students for the current school year.
6321 However, the amount to the charter school may not include any
6322 taxes levied for the retirement of the local school district's
6323 bonded indebtedness or short-term notes or any taxes levied for
6324 the support of vocational-technical education programs.

6325 (b) The State Department of Education shall reduce the
6326 school district's January transfer of total funding formula funds
6327 by the amount owed to the charter school and shall redirect that
6328 amount to the charter school. Any such payments made under this
6329 subsection (3) by the State Department of Education to a charter
6330 school must be made at the same time and in the same manner as
6331 total funding formula payments are made to school districts under
6332 Sections 37-151-101 and 37-151-103.

6333 (4) (a) The State Department of Education shall direct the
6334 proportionate share of monies generated under federal programs,
6335 including, but not limited to, special education, vocational,
6336 English Language Learner, and other programs, to charter schools
6337 serving students eligible for such funding. The department shall
6338 ensure that charter schools with rapidly expanding enrollments are
6339 treated equitably in the calculation and disbursement of all
6340 federal program dollars. Each charter school that serves students
6341 who may be eligible to receive services provided through such
6342 programs shall comply with all reporting requirements to receive
6343 the aid.



6344 (b) A charter school shall pay to a local school
6345 district any federal or state aid attributable to a student with a
6346 disability attending the charter school in proportion to the level
6347 of services for that student which the local school district
6348 provides directly or indirectly.

6349 (c) Subject to the approval of the authorizer, a
6350 charter school and a local school district may negotiate and enter
6351 into a contract for the provision of and payment for special
6352 education services, including, but not necessarily limited to, a
6353 reasonable reserve not to exceed five percent (5%) of the local
6354 school district's total budget for providing special education
6355 services. The reserve may be used by the local school district
6356 only to offset excess costs of providing services to students with
6357 disabilities enrolled in the charter school.

6358 (5) (a) The State Department of Education shall disburse
6359 state transportation funding to a charter school on the same basis
6360 and in the same manner as it is paid to school districts.

6361 (b) A charter school may enter into a contract with a
6362 school district or private provider to provide transportation to
6363 the school's students.

6364 (6) The State Department of Education shall disburse
6365 Education Enhancement Funds for classroom supplies, instructional
6366 materials and equipment, including computers and computer software
6367 to all eligible charter school teachers on the same basis and in
6368 the same manner as it is paid to school districts under Section



37-61-33(3)(a)(iii) for the purpose of issuing procurement cards or credentials for a digital solution to eligible teachers.

SECTION 69. Section 37-29-1, Mississippi Code of 1972, is brought forward as follows:

37-29-1. (1) The creation, establishment, maintenance and operation of community colleges is authorized. Community colleges may admit students if they have earned one (1) unit less than the number of units required for high school graduation established by State Board of Education policy or have earned a High School Equivalency Diploma in courses correlated to those of senior colleges or professional schools. Subject to the provisions of Section 75-76-34, they shall offer, without limitation, education and training preparatory for occupations such as agriculture, industry of all kinds, business, homemaking and for other occupations on the semiprofessional and vocational-technical level. They may offer courses and services to students regardless of their previous educational attainment or further academic plans.

(2) The boards of trustees of the community college districts are authorized to establish an early admission program under which applicants having a minimum ACT composite score of twenty-six (26) or the equivalent SAT score may be admitted as full-time college students if the principal or guidance counselor of the student recommends in writing that it is in the best educational interest of the student. Such recommendation shall



6394 also state that the student's age will not keep him from being a
6395 successful full-time college student. Students admitted in the
6396 early admission program shall not be counted for total funding
6397 formula purposes in the net enrollment of the school district in
6398 which they reside, and transportation required by a student to
6399 participate in the early admission program shall be the
6400 responsibility of the parents or legal guardians of the student.
6401 Grades and college credits earned by students admitted to the
6402 early admission program shall be recorded on the college
6403 transcript at the community college where the student attends
6404 classes, and may be released to another institution or used for
6405 college graduation requirements only after the student has
6406 successfully completed one (1) full semester of course work.

6407 (3) The community colleges shall provide, through courses or
6408 other acceptable educational measures, the general education
6409 necessary to individuals and groups which will tend to make them
6410 capable of living satisfactory lives consistent with the ideals of
6411 a democratic society.

6412 **SECTION 70.** Section 37-29-272, Mississippi Code of 1972, is
6413 brought forward as follows:

6414 37-29-272. The board of trustees of any community college
6415 district in the state maintaining and operating an agricultural
6416 high school on July 1, 1994, is hereby authorized to transfer the
6417 control, maintenance and operation of said agricultural high
6418 school, including the transfer of title to all real and personal



6419 property used for agricultural high school purposes, to the county
6420 board of education of the county in which the school is located.
6421 Upon the acceptance by the county board of education and before an
6422 order authorizing such transfer shall be entered, the board of
6423 trustees of the community college district and the county board of
6424 education in which such school is located shall by joint
6425 resolution agree in writing on the terms of such transfer, the
6426 extent of the rights of use and occupancy of the school and
6427 grounds, and the control, management, preservation and
6428 responsibility of transportation of students to such premises, to
6429 be spread upon the minutes of each governing authority. Upon such
6430 transfer, the county board of education may abolish the
6431 agricultural high school as a distinct school, and merge its
6432 activities, programs and students into the regular high school
6433 curricula of the school district. When a community college has
6434 transferred operation of an agricultural high school as provided
6435 herein, the pupils attending such school shall be reported,
6436 accounted for allocation of total funding formula funds and
6437 entitled to school transportation as though such pupils were
6438 attending the schools of the school district in which they reside,
6439 as provided in Sections 37-27-53 and 37-27-55. When any
6440 agricultural high school is transferred by the board of trustees
6441 of a community college to the county board of education as
6442 provided in this section, all laws relating to agricultural high
6443 school tax levies for the support or retirement of bonded



indebtedness for agricultural high schools shall continue in full force and effect for the transferring community college district until current obligations on all bonded indebtednesses related to agriculture high schools have been satisfied and retired.

SECTION 71. Section 37-29-303, Mississippi Code of 1972, is brought forward as follows:

37-29-303. As used in Sections 37-29-301 through 37-29-305, the following terms shall be defined as provided in this section:

(a) "Full-time equivalent (FTE) enrollment" means the process by which the Southern Regional Education Board (SREB) calculates FTE by taking total undergraduate semester credit hours divided by thirty (30); total undergraduate quarter hours divided by forty-five (45); total graduate semester credit hours divided by twenty-four (24); and total graduate quarter hours divided by thirty-six (36).

(b) "State funds" means all funds appropriated by the Legislature including funds from the State General Fund, Education Enhancement Fund, Budget Contingency Fund and Health Care Expendable Fund.

(c) "E & G operations" means education and general expenses of the colleges and universities.

(d) "Net enrollment" has the same meaning as ascribed to that term under Section 37-151-201.

SECTION 72. Section 37-31-13, Mississippi Code of 1972, is brought forward as follows:



6469 37-31-13. (1) Any appropriation that may be made under the
6470 provisions of Sections 37-31-1 through 37-31-15 shall be used by
6471 the board for the promotion of vocational education as provided
6472 for in the "Smith-Hughes Act" and for the purpose set forth in
6473 Sections 37-31-1 through 37-31-15. The state appropriation shall
6474 not be used for payments to high schools which are now receiving
6475 other state funds, except in lieu of not more than one-half (1/2)
6476 the amount that may be due such high schools from federal funds.
6477 Only such portion of the state appropriation shall be used as may
6478 be absolutely necessary to carry out the provisions of Sections
6479 37-31-1 through 37-31-15, and to meet the federal requirements.
6480 Except as provided in subsection (2) of this section, the state
6481 appropriation shall not be used for payments to high schools for
6482 conducting vocational programs for more than ten (10) months in
6483 any school year, and only funds other than total funding formula
6484 funds may be expended for such purpose.

6485 (2) Subject to annual approval by the State Board of
6486 Education, extended contracts for vocational agriculture education
6487 services and other related vocational education services which
6488 contribute to economic development may be conducted by local
6489 school districts, and state appropriations may be used for
6490 payments to school districts providing such services. The board
6491 of trustees of each school district shall determine whether any
6492 proposed services contribute to the economic development of the
6493 area. Local districts may apply to the Division of Vocational and



6494 Technical Education of the State Department of Education for any
6495 state funds available for these extended contracts. The State
6496 Board of Education shall establish the application process and the
6497 selection criteria for this program. The number of state funded
6498 extended contracts approved by the State Board of Education will
6499 be determined by the availability of funds specified for this
6500 purpose. The State Board of Education's decision shall be final.
6501 Payments under this subsection shall only be available to those
6502 high schools whose teachers of vocational programs are responsible
6503 for the following programs of instruction during those months
6504 between the academic years: (a) supervision and instruction of
6505 students in agricultural or other vocational experience programs;
6506 (b) group and individual instruction of farmers and
6507 agribusinessmen; (c) supervision of student members of youth
6508 groups who are involved in leadership training or other activity
6509 required by state or federal law; or (d) any program of vocational
6510 agriculture or other vocational-related services established by
6511 the Division of Vocational and Technical Education of the State
6512 Department of Education that contribute to the economic
6513 development of the geographic area.

6514 **SECTION 73.** Section 37-31-75, Mississippi Code of 1972, is
6515 brought forward as follows:

6516 37-31-75. The various counties, municipalities, school
6517 districts and community and junior college districts which may
6518 become parties to any agreement authorized by Sections 37-31-71



6519 through 37-31-79 are authorized to appropriate and expend any and
6520 all funds which may be required to carry out the terms of the
6521 agreement from any funds available to any party to the agreement
6522 not otherwise appropriated without limitation as to the source of
6523 the funds, including total funding formula funds, sixteenth
6524 section funds, funds received from the federal government or other
6525 sources by way of grant, donation or otherwise, and funds which
6526 may be available to any such party through the State Department of
6527 Education or any other agency of the state, regardless of the
6528 party to the agreement designated by the agreement to be primarily
6529 responsible for the construction or operation of the regional
6530 education center and regardless of the limitation on the
6531 expenditure of any funds imposed by any other statute. However,
6532 no funds whose use was originally limited to the construction of
6533 capital improvements shall be utilized for the purpose of
6534 defraying the administrative or operating costs of any regional
6535 education center. Any one or more of the parties to an agreement
6536 may be designated as the fiscal agent or contracting party in
6537 carrying out any of the purposes of the agreement, and any and all
6538 funds authorized to be spent by any of the parties may be paid
6539 over to the fiscal agent or contracting party for disbursement by
6540 the fiscal agent or contracting party. Disbursements shall be
6541 made and contracted for under the laws and regulations applicable
6542 to the fiscal or disbursing agent, except to the extent they may
6543 be extended or modified by the provisions of Sections 37-31-71



6544 through 37-31-79. All of the parties to the agreement may issue
6545 bonds, negotiable notes or other evidences of indebtedness for the
6546 purpose of providing funds for the acquisition of land and for the
6547 construction of buildings and permanent improvements under the
6548 terms of the agreement under any existing laws authorizing the
6549 issuance or sale of bonds, negotiable notes or other evidences of
6550 indebtedness to provide funds for any capital improvement.

6551 **SECTION 74.** Section 37-35-3, Mississippi Code of 1972, is
6552 brought forward as follows:

6553 37-35-3. (1) The board of trustees of any school district,
6554 including any community or junior college, may establish and
6555 maintain classes for adults, including general educational
6556 development classes, under the regulations authorized in this
6557 chapter and pursuant to the standards prescribed in subsection
6558 (3). The property and facilities of the public school districts
6559 may be used for this purpose where such use does not conflict with
6560 uses already established.

6561 (2) The trustees of any school district desiring to
6562 establish such program may request the taxing authority of the
6563 district to levy additional ad valorem taxes for the support of
6564 this program. The board of supervisors, in the case of a county
6565 school district, a special municipal separate school district, or
6566 a community or junior college district, and the governing
6567 authority of any municipality, in the case of a municipal separate
6568 school district, is authorized, in its discretion, to levy a tax



6569 not exceeding one (1) mill upon all the taxable property of the
6570 district for the support of this program. The tax shall be in
6571 addition to all other taxes authorized by law to be levied. In
6572 addition to the funds realized from any such levy, the board of
6573 trustees of any school district is authorized to use any surplus
6574 funds that it may have or that may be made available to it from
6575 local sources to supplement this program.

6576 (3) (a) Any student participating in an approved High
6577 School Equivalency Diploma Option program administered by a local
6578 school district or a local school district with an approved
6579 contractual agreement with a community or junior college or other
6580 local entity shall not be considered a dropout. Students in such
6581 a program administered by a local school district shall be
6582 considered as enrolled within the school district of origin for
6583 the purpose of enrollment for total funding formula funds only.
6584 Such students shall not be considered as enrolled in the regular
6585 school program for academic or programmatic purposes.

6586 (b) Students participating in an approved High School
6587 Equivalency Diploma Option program shall have an individual career
6588 plan developed at the time of placement to ensure that the
6589 student's academic and job skill needs will be met. The
6590 Individual Career Plan will address, but is not limited to, the
6591 following:

6592 (i) Academic and instructional needs of the
6593 student;



6594 (ii) Job readiness needs of the student; and
6595 (iii) Work experience program options available
6596 for the student.

6597 (c) Students participating in an approved High School
6598 Equivalency Diploma Option program may participate in existing job
6599 and skills development programs or in similar programs developed
6600 in conjunction with the High School Equivalency Diploma Option
6601 program and the vocational director.

6602 (d) High School Equivalency Diploma Option programs may
6603 be operated by local school districts or may be operated by two
6604 (2) or more adjacent school districts, pursuant to a contract
6605 approved by the State Board of Education. When two (2) or more
6606 school districts contract to operate a High School Equivalency
6607 Diploma Option program, the school board of a district designated
6608 to be the lead district shall serve as the governing board of the
6609 High School Equivalency Diploma Option program. Transportation
6610 for students placed in the High School Equivalency Diploma Option
6611 program shall be the responsibility of the school district of
6612 origin. The expense of establishing, maintaining and operating
6613 such High School Equivalency Diploma Option programs may be paid
6614 from funds made available to the school district through
6615 contributions, total funding formula funds or from local district
6616 maintenance funds.

6617 (e) The State Department of Education will develop
6618 procedures and criteria for placement of a student in the High



6619 School Equivalency Diploma Option programs. Students placed in
6620 High School Equivalency Diploma Option programs shall have
6621 parental approval for such placement and must meet the following
6622 criteria:

6623 (i) The student must be at least sixteen (16)
6624 years of age;

6625 (ii) The student must be at least one (1) full
6626 grade level behind his or her ninth grade cohort or must have
6627 acquired less than four (4) Carnegie units;

6628 (iii) The student must have taken every
6629 opportunity to continue to participate in coursework leading to a
6630 diploma; and

6631 (iv) The student must be certified to be eligible
6632 to participate in the GED course by the school district
6633 superintendent, based on the developed criteria.

6634 (f) Students participating in an approved High School
6635 Equivalency Diploma Option program, who are enrolled in subject
6636 area courses through January 31 in a school with a traditional
6637 class schedule or who are enrolled in subject area courses through
6638 October 31 or through March 31 in a school on a block schedule,
6639 shall be required to take the end-of-course subject area tests for
6640 those courses in which they are enrolled.

6641 **SECTION 75.** Section 37-37-3, Mississippi Code of 1972, is
6642 brought forward as follows:



6643 37-37-3. In addition to all auditors and other employees now
6644 or hereafter provided by law, the State Auditor may appoint and
6645 employ examiners in the Department of Audit. The examiners shall
6646 make such audits as may be necessary to determine the correctness
6647 and accuracy of all reports made to the State Department of
6648 Education by any school district or school official concerning the
6649 number of educable students in any school district, the number of
6650 students enrolled in any school district, the number of students
6651 in net enrollment in any school district, and the number of
6652 students being transported or entitled to transportation to any of
6653 the public schools of this state.

6654 **SECTION 76.** Section 37-41-7, Mississippi Code of 1972, is
6655 brought forward as follows:

6656 37-41-7. The local school board is hereby authorized,
6657 empowered and directed to lay out all transportation routes and
6658 provide transportation for all school children who are entitled to
6659 transportation within their respective counties and school
6660 districts.

6661 Any school district may, in the discretion of the school
6662 board, expend funds from any funds available to the school
6663 district, including the amounts derived from district tax levies,
6664 sixteenth section funds, and all other available funds, for the
6665 purpose of supplementing funds available to the school board for
6666 paying transportation costs not covered by total funding formula
6667 funds as provided in Sections 37-151-200 through 37-151-215.



SECTION 77. Section 37-45-49, Mississippi Code of 1972, is brought forward as follows:

37-45-49. Any cost or fees provided by this chapter to be paid by any county board of education or board of trustees of a municipal separate school district may be paid by the county board of education from any school funds of the district other than total funding formula funds, and by the municipal separate school district from the maintenance funds of the district, other than total funding formula funds. Any fees or costs provided by this chapter to be paid by the department may be paid from the funds appropriated for its operation.

SECTION 78. Section 37-47-9, Mississippi Code of 1972, is brought forward as follows:

37-47-9. It is found and determined that the state should make an annual grant of Twenty-four Dollars (\$24.00) for each child in net enrollment in the public schools of the various school districts of this state during each school year, and that such monies should be applied for the purpose of establishing and maintaining adequate physical facilities for the public school district and/or the payment of existing debt therefor.

The grant to which each public school is entitled under the provisions of this section shall be credited to the school district of which such school is part. If any change is made in the operation or boundaries of any such school district, equitable reallocations shall be made by the department of all balances to



6693 the credit of such school district, and all debits charged against
6694 the districts affected by the change in the boundaries or system
6695 of operation. The obligation of the state to make remittance of
6696 the sums appropriated or otherwise provided to make the annual
6697 grants provided by this section shall be subordinate to the pledge
6698 made to secure the state school bonds authorized under this
6699 chapter and the sinking fund created for their retirement. The
6700 grants shall be computed annually as soon as practicable after the
6701 end of the school year, and shall be based on the net enrollment
6702 for such school year in all of the public schools operated by each
6703 school district as determined by the State Department of
6704 Education.

6705 **SECTION 79.** Section 37-47-25, Mississippi Code of 1972, is
6706 brought forward as follows:

6707 37-47-25. Whenever the State Department of Education shall
6708 determine that any school district is in need of capital
6709 improvements to an extent in excess of that which may be financed
6710 by the credit then due such school district by the department, the
6711 department shall be empowered to advance or lend the school
6712 district such sums as in the opinion of the department are
6713 necessary to be expended for capital improvements by that school
6714 district. Such loans or advances shall be evidenced by
6715 appropriate agreements, and shall be repayable in principal by the
6716 school district from the annual grants to which the school
6717 district shall become entitled and from such other funds as may be



6718 available. Such loans or advances shall not constitute a debt of
6719 the school district within the meaning of any provision or
6720 limitation of the Constitution or statutes of the State of
6721 Mississippi. The department shall not advance or lend to any
6722 school district any sum in excess of seventy-five percent (75%) of
6723 the estimated sum which will accrue to the school district on
6724 account of grants to be made to the school district within the
6725 twenty (20) years next following the date of the loan or advance.
6726 In determining the maximum allowable advance or loan, the
6727 department shall assume that the net enrollment in the schools of
6728 the school district for the past preceding scholastic year, as
6729 confirmed by the audit of net enrollment made by the State
6730 Department of Audit, will continue for the period during which the
6731 loan is to be repaid.

6732 **SECTION 80.** Section 37-47-33, Mississippi Code of 1972, is
6733 brought forward as follows:

6734 37-47-33. For the purpose of: (a) providing funds to enable
6735 the State Board of Education to make loans or advances to school
6736 districts as provided by Section 37-47-25; (b) providing funds for
6737 the payment and redemption of certificates of credit issued to
6738 school districts under Section 37-47-23, when such funds are not
6739 otherwise available; or (c) providing funds in an amount not
6740 exceeding Twenty Million Dollars (\$20,000,000.00) for the payment
6741 of allocations of total funding formula funds to school districts
6742 for capital expenditures approved under Sections 37-151-200



6743 through 37-151-215 by the State Board of Education which have not
6744 been pledged for debt by the school district, when such funds are
6745 not otherwise available, the State Bond Commission is authorized
6746 and empowered to issue state school bonds under the conditions
6747 prescribed in this chapter. The aggregate principal amount of
6748 such bonds outstanding at any one (1) time, after deducting the
6749 amount of the sinking fund provided for the retirement of bonds
6750 issued for such purposes, shall never exceed the sum of One
6751 Hundred Million Dollars (\$100,000,000.00). Within such limits,
6752 however, state school bonds may be issued from time to time under
6753 the conditions prescribed in this chapter. None of such bonds so
6754 issued shall have a maturity date later than July 1, 2021.

6755 **SECTION 81.** Section 37-61-3, Mississippi Code of 1972, is
6756 amended as follows:

6757 37-61-3. The total funding formula allotments to the public
6758 school districts and charter school and the funds derived from the
6759 supplemental school district tax levies authorized by law shall be
6760 used exclusively for the support, maintenance and operation of the
6761 schools in the manner provided by law for the fiscal years for
6762 which such funds were appropriated, collected or otherwise made
6763 available, and no part of said funds or allotments shall be used
6764 in paying any expenses incurred during any preceding fiscal year.
6765 However, this shall not be construed to prohibit the payment of
6766 expenses incurred during the fiscal year after the close of such
6767 fiscal year from amounts remaining on hand at the end of such



6768 fiscal year, provided that such expenses were properly payable
6769 from such amounts. Moreover, this shall not be construed to
6770 prohibit the payment of the salaries of superintendents,
6771 principals and teachers and other school employees whose salaries
6772 are payable in twelve (12) monthly installments after the close of
6773 the fiscal year from amounts on hand for such purpose at the end
6774 of the fiscal year.

6775 **SECTION 82.** Section 37-61-5, Mississippi Code of 1972, is
6776 amended as follows:

6777 37-61-5. If in any year there should remain a balance in the
6778 total funding formula funds of any school district or charter
6779 school on June 30 which amount is not to be used or is not needed
6780 in the payment of expenses for the preceding fiscal year properly
6781 payable out of such total funding formula funds, then such balance
6782 on hand to the credit of such funds of the school district or
6783 charter school shall be carried forward as a part of such total
6784 funding formula funds for the next succeeding fiscal year. The
6785 proper pro rata part of the amount so carried forward, to be
6786 determined by the percentage which the state total funding formula
6787 funds during the year bore to the entire amount of the school
6788 district's or charter schools total funding formula funds, shall
6789 be charged against and deducted from the amount which the school
6790 district or charter school is allotted from state total funding
6791 formula funds for the succeeding fiscal year, in a manner
6792 prescribed by the State Auditor. The remainder of the amount so



6793 carried forward may be deducted from the amount which the school
6794 district or charter school is required to produce as its local
6795 minimum ad valorem tax effort for the support of the total funding
6796 formula for the succeeding fiscal year.

6797 **SECTION 83.** Section 37-61-7, Mississippi Code of 1972, is
6798 amended as follows:

6799 37-61-7. If at the end of any fiscal year there should
6800 remain a balance in the school district or charter school fund of
6801 any school district or charter school which is not needed and is
6802 not to be used for paying the expenses properly payable out of
6803 such district and charter school fund for the preceding fiscal
6804 year, such balance shall be carried forward as a part of the
6805 school district or charter school fund for the next fiscal year
6806 and used and expended in the manner otherwise provided by law.
6807 Nothing in this section shall be construed as applying to balances
6808 of total funding formula funds of a school district or charter
6809 school, and balances remaining in such funds shall be governed by
6810 Section 37-61-5.

6811 **SECTION 84.** Section 37-61-19, Mississippi Code of 1972, is
6812 brought forward as follows:

6813 37-61-19. It shall be the duty of the superintendents of
6814 schools and the school boards of all school districts to limit the
6815 expenditure of school funds during the fiscal year to the
6816 resources available. It shall be unlawful for any school district
6817 to budget expenditures from a fund in excess of the resources



6818 available within that fund. Furthermore, it shall be unlawful for
6819 any contract to be entered into or any obligation incurred or
6820 expenditure made in excess of the resources available for such
6821 fiscal year. Any member of the school board, superintendent of
6822 schools, or other school official, who shall knowingly enter into
6823 any contract, incur any obligation, or make any expenditure in
6824 excess of the amount available for the fiscal year shall be
6825 personally liable for the amount of such excess. However, no
6826 school board member, superintendent or other school official shall
6827 be personally liable: (a) in the event of any reduction in total
6828 funding formula payments by action of the Governor acting through
6829 the Department of Finance and Administration; or (b) for claims,
6830 damages, awards or judgments, on account of any wrongful or
6831 tortious act or omission or breach of implied term or condition of
6832 any warranty or contract. However, the foregoing immunity
6833 provisions shall not be a defense in cases of fraud, criminal
6834 action or an intentional breach of fiduciary obligations imposed
6835 by statute.

6836 **SECTION 85.** Section 37-61-29, Mississippi Code of 1972, is
6837 brought forward as follows:

6838 37-61-29. The State Department of Audit is hereby authorized
6839 and empowered to post-audit and investigate the financial affairs
6840 and all transactions involving the school funds of the school
6841 district including the total funding formula funds and
6842 supplementary district school funds, and to make separate and



6843 special audits thereof, as now provided by Sections 7-7-201
6844 through 7-7-215.

6845 **SECTION 86.** Section 37-61-35, Mississippi Code of 1972, is
6846 amended as follows:

6847 37-61-35. There is hereby created a special fund in the
6848 State Treasury to be designated School Ad Valorem Tax Reduction
6849 Fund into which proceeds collected pursuant to Sections
6850 27-65-75(7) and 27-67-31(a) shall be deposited. Beginning with
6851 the 1994 state fiscal year, the entire amount of monies in such
6852 special fund shall be appropriated annually to the State
6853 Department of Education which shall distribute the appropriated
6854 amount to the various school districts and charter schools in the
6855 proportion that the net enrollment of each school district and
6856 charter school bears to the net enrollment of all school districts
6857 and charter schools within the state. On or before June 1 of each
6858 year, the State Department of Education shall notify each school
6859 district and charter school of the amount to which such district
6860 or charter school is entitled pursuant to this section.

6861 **SECTION 87.** Section 37-61-37, Mississippi Code of 1972, is
6862 amended as follows:

6863 37-61-37. There is established in the State Treasury a fund
6864 known as the "Mississippi Public Education Support Fund"
6865 (hereinafter referred to as "fund"). The fund shall consist of
6866 monies as the Legislature may authorize or direct to be deposited
6867 into the fund. Monies in the fund, upon appropriation by the



6868 Legislature, may be expended by the State Department of Education
6869 for classroom supplies, instructional materials and equipment,
6870 including computers and computer software, to be distributed to
6871 all school districts in the proportion that the net enrollment of
6872 each school district and charter school bears to the net
6873 enrollment of all school districts within the state. Unexpended
6874 amounts remaining in the fund at the end of the fiscal year shall
6875 not lapse into the State General Fund, and any interest earned or
6876 investment earnings on amounts in the fund shall be deposited to
6877 the credit of the fund.

6878 **SECTION 88.** Section 37-68-7, Mississippi Code of 1972, is
6879 brought forward as follows:

6880 37-68-7. (1) There is established the Equity in Distance
6881 Learning Grant Program which shall be administered by the
6882 department for the purpose of reimbursing schools for eligible
6883 expenses incurred in funding their distance learning plans, and in
6884 facilitating safe classroom and remote instruction.

6885 (2) Subject to appropriations by the Legislature,
6886 allocations to schools shall be made based on net enrollment, as
6887 defined in Section 37-151-201. For any school not funded under
6888 the total funding formula, the department shall calculate the net
6889 enrollment equivalent or fund the school based on enrollment.

6890 (3) Subject to the provisions of this chapter, and other
6891 applicable federal law and regulations, schools shall have the
6892 authority to use the funds provided in this grant program in a way



6893 which best facilitates their distance learning plan, and safe
6894 classroom or remote instruction.

6895 (4) Schools are highly encouraged to commit a portion of
6896 their federal ESSER funds, above the amount required by Section
6897 37-68-11(b), as supplemental matching funds to offset the total
6898 cost of purchasing sufficient electronic devices, technological
6899 supports and systems of service for its distance learning plan.

6900 **SECTION 89.** Section 37-131-7, Mississippi Code of 1972, is
6901 brought forward as follows:

6902 37-131-7. When any pupils shall attend any demonstration or
6903 practice school under the provisions of Section 37-131-3, such
6904 children shall be reported and accounted for the allocation of
6905 total funding formula funds and state public school building funds
6906 just as though such children were attending the regular schools of
6907 the district in which they reside. For this purpose, reports
6908 shall be made to the school district involved by the demonstration
6909 or practice school of the number of pupils in net enrollment, and
6910 the net enrollment of such children shall thereupon be included in
6911 reports made to the State Board of Education by the school
6912 district.

6913 Allocation of the total funding formula funds shall be made
6914 by the State Board of Education for such children just as though
6915 such children were attending the regular schools of the district.
6916 All total funding formula funds which accrue to any district as a
6917 result of such children who are in attendance at a demonstration



6918 or practice school shall be paid by the board of trustees of the
6919 municipal separate school district or by the county board of
6920 education to the demonstration or practice school, and shall be
6921 used to defray the cost and expense of maintaining, operating and
6922 conducting such demonstration or practice school.

6923 All state public school building funds which accrue as a
6924 result of such children in attendance at a demonstration or
6925 practice school shall be credited directly to such demonstration
6926 or practice school, and all of the provisions of Chapter 47 of
6927 this title shall be fully applicable thereto.

6928 **SECTION 90.** Section 37-131-9, Mississippi Code of 1972, is
6929 brought forward as follows:

6930 37-131-9. In addition to the amounts paid to the
6931 demonstration or practice school from total funding formula funds,
6932 as provided in Section 37-131-7, the board of trustees of the
6933 school district involved may contract with the demonstration or
6934 practice school for the payment of additional amounts thereto to
6935 defray expenses over and above those defrayed by the total funding
6936 formula funds, which additional amounts shall be paid from any
6937 funds available to the school district other than total funding
6938 formula funds, whether produced by a supplemental district tax
6939 levy or otherwise.

6940 If the total funds paid to the demonstration or practice
6941 school by the school district are inadequate to defray the cost
6942 and expense of maintaining and operating such demonstration or



6943 practice school then the president or executive head of the
6944 institution may, subject to the approval of the Board of Trustees
6945 of State Institutions of Higher Learning, require the payment of
6946 additional fees or tuition in an amount to be fixed by the
6947 president or executive head of the institution, subject to the
6948 approval of the Board of Trustees of State Institutions of Higher
6949 Learning, which amount shall be paid by and collected from the
6950 student or his parents.

6951 Boards of trustees of school districts involved may designate
6952 an area within the jurisdiction of the board as an attendance
6953 center as provided by law, and may require students in such area
6954 to attend demonstration or practice schools, subject to a
6955 satisfactory contract between the school board and the president
6956 or executive head of the institution operating the demonstration
6957 or practice school. In such event, all fees and tuition must be
6958 borne by the school district and in no case shall the child or the
6959 parents of the child assigned to such demonstration or practice
6960 school be required to pay any fees or tuition.

6961 The president or executive head of the institution, subject
6962 to the approval of the Board of Trustees of State Institutions of
6963 Higher Learning, may also fix the amount of fees and tuition to be
6964 paid by students desiring to attend such demonstration or practice
6965 school in cases where there is no contract with the board of
6966 trustees of the school district in which the students reside
6967 therefor.



6968 All funds received by an institution, under the provisions of
6969 this section, shall be deposited in a special fund and shall be
6970 used and expended solely for the purpose of defraying and paying
6971 the cost and expense of operating, maintaining and conducting such
6972 teachers demonstration and practice school. Such funds may be
6973 supplemented by and used in connection with any other funds
6974 available to the institutions for such purpose whether made
6975 available by legislative appropriation or otherwise.

6976 **SECTION 91.** Section 37-131-11, Mississippi Code of 1972, is
6977 brought forward as follows:

6978 37-131-11. All demonstration or practice schools established
6979 under the provisions of Section 37-131-1 shall, as far as may be
6980 practicable, be subject to and governed by the same laws as other
6981 public schools of the State of Mississippi, and shall make all
6982 reports required by law to be made by public schools to the State
6983 Board of Education at the same time and in the same manner as such
6984 reports are made by other public schools. However, for the
6985 purpose of the allocation of total funding formula funds, the
6986 reports of children in net enrollment shall be made to the school
6987 district involved by the demonstration or practice school, and a
6988 copy thereof shall be filed with the State Board of Education.
6989 The school district shall use the reports so filed with it in
6990 making its reports to the State Board of Education for the purpose
6991 of the allocation of total funding formula funds, but the net
6992 enrollment of the pupils attending such demonstration or practice



6993 school shall be segregated and separated in such reports from the
6994 net enrollment in the regular schools of the district.

6995 **SECTION 92.** Section 37-151-9, Mississippi Code of 1972, is
6996 brought forward as follows:

6997 37-151-9. (1) The State Board of Education and State
6998 Superintendent of Education shall establish within the State
6999 Department of Education a special unit at the division level
7000 called the Office of Educational Accountability. The Director of
7001 the Office of Educational Accountability shall hold a position
7002 comparable to a deputy superintendent and shall be appointed by
7003 the State Board of Education with the advice and consent of the
7004 Senate. He shall serve at the will and pleasure of the State
7005 Board of Education and may employ necessary professional,
7006 administrative and clerical staff. The Director of the Office of
7007 Educational Accountability shall provide all reports to the
7008 Legislature, Governor, Mississippi Commission on School
7009 Accreditation and State Board of Education and respond to any
7010 inquiries for information.

7011 (2) The Office of Educational Accountability is responsible
7012 for monitoring and reviewing programs developed under the
7013 Education Reform Act, the Mississippi Adequate Education Program
7014 Act of 1994, the Education Enhancement Fund, the Mississippi
7015 Student Funding Formula, and subsequent education initiatives, and
7016 shall provide information, recommendations and an annual
7017 assessment to the Legislature, Governor, Mississippi Commission on



School Accreditation and the State Board of Education. The annual assessment of education reform programs shall be performed by the 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 93. Section 37-151-81, Mississippi Code of 1972, is amended as follows:

37-151-81. (1) For each student with a disability who is being educated by a public school district, charter school 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



7043 be reimbursed from funds appropriated for the fiscal year
7044 beginning July 1 of that summer. If sufficient funds are not made
7045 available to finance all of the required educational services, the
7046 State Department of Education shall expend available funds in such
7047 a manner that it does not limit the availability of appropriate
7048 education to students with disabilities more severely than it does
7049 to students without disabilities.

7050 (2) The State Department of Education is hereby authorized
7051 to match the total funding formula funds provided in Sections
7052 37-151-200 through 37-151-215 and other funds allocated for
7053 provision of services to students with disabilities with Division
7054 of Medicaid funds to provide language-speech services, physical
7055 therapy and occupational therapy to students with disabilities who
7056 meet State Department of Education or Division of Medicaid
7057 standards and who are Medicaid eligible. Provided further, that
7058 the State Department of Education is authorized to pay such funds
7059 as may be required as a match directly to the Division of Medicaid
7060 pursuant to an agreement to be developed between the State
7061 Department of Education and the Division of Medicaid.

7062 (3) When any children who are residents of the State of
7063 Mississippi and qualify under the provisions of Section 37-23-31
7064 shall be provided a program of education, instruction and training
7065 within a school under the provisions of said section, the State
7066 Department of Education shall allocate funds equivalent to the
7067 full base student cost and all qualifying weighted adjustments as



7068 prescribed in Section 37-151-205. The university or college shall
7069 be eligible for state and federal funds for such programs on the
7070 same basis as local school districts and charter schools. The
7071 university or college shall be responsible for providing for the
7072 additional costs of the program.

7073 (4) A school district or charter school may provide a
7074 program of education and instruction to children ages five (5)
7075 years through twenty-one (21) years, who are resident citizens of
7076 the State of Mississippi, who cannot have their educational needs
7077 met in a regular public school program and who have not finished
7078 or graduated from high school, if those children are determined by
7079 competent medical authorities and psychologists to need placement
7080 in a state licensed facility for inpatient treatment, day
7081 treatment or residential treatment or a therapeutic group home.
7082 Such program shall operate under rules, regulations, policies and
7083 standards of school districts or charter schools as determined by
7084 the State Board of Education. If a private school approved by the
7085 State Board of Education is operated as an integral part of the
7086 state licensed facility that provides for the treatment of such
7087 children, the private school within the facility may provide a
7088 program of education, instruction and training to such children by
7089 requesting the State Department of Education to allocate funds
7090 equivalent to the full base student cost and all qualifying
7091 weighted adjustments as prescribed in Section 37-151-205 for each
7092 student placed in such facility for each approved class. The



7093 facility shall be responsible for providing any additional costs
7094 of the program.

7095 **SECTION 94.** Section 37-151-85, Mississippi Code of 1972, is
7096 amended as follows:

7097 37-151-85. (1) Using those funds appropriated by the
7098 Legislature for transportation purposes, the amount to be allotted
7099 by the State Board of Education for transportation shall be
7100 determined as follows:

7101 The State Department of Education shall calculate the cost of
7102 transportation in school districts and charter schools by
7103 ascertaining the average cost per pupil in net enrollment of
7104 transported pupils in school districts classified in different
7105 density groups, as determined by the State Department of
7106 Education. Based on these calculations, the State Department of
7107 Education shall develop a scale for determining the allowable cost
7108 per pupil in different density groups, which scale shall provide
7109 greatest allowance per pupil transported in school districts and
7110 charter schools with lowest densities and smallest allowance per
7111 pupil in school districts and charter schools with highest
7112 densities. The total allowance under this section for transported
7113 children for any school district or charter school for the current
7114 year shall be the net enrollment of the transported children for
7115 months two (2) and three (3) of the prior year, multiplied by the
7116 allowance per transported pupil as provided herein. However, the
7117 State Department of Education is authorized and empowered to make



7118 proper adjustments in allotments, under rules and regulations of
7119 the State Board of Education, in cases where major changes in the
7120 number of children in net enrollment transported occur from one
7121 (1) year to another as a result of changes or alterations in the
7122 boundaries of school districts, a change in or relocation of
7123 attendance centers, or for other reasons which would result in
7124 major decrease or increase in the number of children in net
7125 enrollment transported during the current school year as compared
7126 with the preceding year. Moreover, the State Board of Education
7127 is hereby authorized and empowered to make such payments to all
7128 districts and/or university-based programs as deemed necessary in
7129 connection with transporting exceptional children as defined in
7130 Section 37-23-3. The State Board of Education shall establish and
7131 implement all necessary rules and regulations to allot
7132 transportation payments to university-based programs. In
7133 developing density classifications under the provisions hereof,
7134 the State Department of Education may give consideration to the
7135 length of the route, the sparsity of the population, the lack of
7136 adequate roads, highways and bridges, and the presence of large
7137 streams or other geographic obstacles. In addition to funds
7138 allotted under the above provisions, funds shall be allotted to
7139 each school district or charter school that transports students
7140 from their assigned school or attendance center to classes in an
7141 approved vocational-technical center at a rate per mile not to
7142 exceed the average statewide cost per mile of school bus



7143 transportation during the preceding year exclusive of bus
7144 replacement. All such transportation must have prior approval by
7145 the State Department of Education.

7146 (2) The net enrollment of transported children shall be
7147 reported by the school district or charter school in which such
7148 children attend school. If children living in a school district
7149 are transported at the expense of such school district or charter
7150 school located in that school district to another school district,
7151 the net enrollment of such transported children shall be deducted
7152 by the State Department of Education from the aggregate net
7153 enrollment of transported children in the school district in which
7154 they attend school and shall be added to the aggregate net
7155 enrollment of transported children of the school district from
7156 which they come for the purpose of calculating transportation
7157 allotments. However, such deduction shall not be made for the
7158 purpose of calculating total funding formula funding.

7159 (3) The State Department of Education shall include in the
7160 allowance for transportation for each school district and charter
7161 school an amount for the replacement of school buses or the
7162 purchase of new buses, which amount shall be calculated upon the
7163 estimated useful life of all school buses being used for the
7164 transportation of children in such school district or charter
7165 school, whether such buses be publicly or privately owned.

7166 (4) The school boards of all districts operating school bus
7167 transportation are authorized and directed to establish a salary



7168 schedule for school bus drivers. No school district shall be
7169 entitled to receive the funds herein allotted for transportation
7170 unless it pays each of its nonstudent adult school bus drivers
7171 paid from such transportation allotments a minimum of One Hundred
7172 Ninety Dollars (\$190.00) per month. In addition, local school
7173 boards may compensate school bus drivers, to include temporary or
7174 substitute bus drivers, for actual expenses incurred when
7175 acquiring an initial commercial license or any renewal of a
7176 commercial license in order to drive a school bus. In addition,
7177 local school boards may compensate school bus drivers, to include
7178 temporary or substitute bus drivers, for expenses, not to exceed
7179 One Hundred Dollars (\$100.00), when acquiring an initial medical
7180 exam or any renewal of a medical exam, in order to qualify for a
7181 commercial driver's license.

7182 (5) The State Board of Education shall be authorized and
7183 empowered to use such part of the funds appropriated for
7184 transportation as may be necessary to finance driver training
7185 courses as provided for in Section 37-41-1.

7186 (6) The State Board of Education, acting through the
7187 Department of Education, may compensate school bus drivers, to
7188 include temporary or substitute bus drivers, who are providing
7189 driving services to the various state operated schools, such as
7190 the Mississippi School for the Deaf, the Mississippi School for
7191 the Blind, the Mississippi School of the Arts, the Mississippi
7192 School for Math and Science and any other similar state operated



7193 schools, for actual expenses incurred when acquiring an initial
7194 commercial license or any renewal of a commercial license in order
7195 to drive a school bus, to include the expense, not to exceed One
7196 Hundred Dollars (\$100.00), of acquiring an initial medical exam or
7197 any renewal of a medical exam in order to qualify for a commercial
7198 driver's license.

7199 **SECTION 95.** Section 37-151-87, Mississippi Code of 1972, is
7200 brought forward as follows:

7201 37-151-87. No school district shall pay any teacher less
7202 than the state minimum salary. However, school districts are
7203 authorized to reduce the state minimum salary by a pro rata daily
7204 amount in order to comply with the school district employee
7205 furlough provisions of Section 37-7-308. From and after July 1,
7206 2012, no school district shall receive any funds under the
7207 provisions of this chapter for any school year during which the
7208 aggregate amount of local supplement is reduced below such amount
7209 for the previous year. However, (a) where there has been a
7210 reduction in total funding formula allocations for such district
7211 in such year, (b) where there has been a reduction in the amount
7212 of federal funds to such district below the previous year, or (c)
7213 where there has been a reduction in ad valorem taxes to such
7214 school district for the 1986-1987 school year below the amount for
7215 the previous year due to the exemption of nuclear generating
7216 plants from ad valorem taxation pursuant to Section 27-35-309, the
7217 aggregate amount of local supplement in such district may be



7218 reduced in the discretion of the local school board without loss
7219 of funds under this chapter. No school district may receive any
7220 funds under the provisions of this chapter for any school year if
7221 the aggregate amount of support from ad valorem taxation shall be
7222 reduced during such school year below such amount for the previous
7223 year; however, where there is a loss in total funding formula
7224 allocations, or where there is or heretofore has been a decrease
7225 in the total assessed value of taxable property within a school
7226 district, the aggregate amount of such support may be reduced
7227 proportionately. Nothing herein contained shall prohibit any
7228 school district from adopting or continuing a program or plan
7229 whereby teachers are paid varying salaries according to the
7230 teaching ability, classroom performance and other similar
7231 standards.

7232 For purposes of this section, the term "local supplement"
7233 means the additional amount paid to an individual teacher over and
7234 above the salary schedule prescribed in Section 37-19-7 for the
7235 performance of regular teaching duties by that teacher.

7236 **SECTION 96.** Section 37-151-89, Mississippi Code of 1972, is
7237 brought forward as follows:

7238 37-151-89. The minimum base pay for all classroom teachers
7239 may be increased by the district from any funds available to it.

7240 **SECTION 97.** Section 37-151-91, Mississippi Code of 1972, is
7241 brought forward as follows:



7242 37-151-91. The school boards of all school districts may
7243 establish salary schedules based on training, experience and other
7244 such factors as may be incorporated therein, including student
7245 progress and performance as developed by the State Board of
7246 Education, paying teachers greater amounts than the scale provided
7247 in Section 37-19-7, but no teacher may be paid less than the
7248 amount based upon the minimum scale of pay provided in Section
7249 37-19-7, and all supplements paid from local funds shall be based
7250 upon the salary schedules so established. The school boards may
7251 call upon the State Department of Education for aid and assistance
7252 in formulating and establishing such salary schedules, and it
7253 shall be the duty of the State Department of Education, when so
7254 called upon, to render such aid and assistance. The amount
7255 actually paid to each teacher shall be based upon and determined
7256 by the type of license held by such teacher.

7257 **SECTION 98.** Section 37-151-93, Mississippi Code of 1972, is
7258 brought forward as follows:

7259 37-151-93. (1) Legally transferred students going from one
7260 school district to another shall be counted for total funding
7261 formula allotments by the school district wherein the pupils
7262 attend school, but shall be counted for transportation allotment
7263 purposes in the school district which furnishes or provides the
7264 transportation. The school boards of the school districts which
7265 approve the transfer of a student under the provisions of Section
7266 37-15-31 shall enter into an agreement and contract for the



7267 payment or nonpayment of any portion of their local maintenance
7268 funds which they deem fair and equitable in support of any
7269 transferred student. Except as provided in subsection (2) of this
7270 section, local maintenance funds shall be transferred only to the
7271 extent specified in the agreement and contract entered into by the
7272 affected school districts. The terms of any local maintenance
7273 fund payment transfer contract shall be spread upon the minutes of
7274 both of the affected school district school boards. The school
7275 district accepting any transfer students shall be authorized to
7276 accept tuition from such students under the provisions of Section
7277 37-15-31(1) and such agreement may remain in effect for any length
7278 of time designated in the contract. The terms of such student
7279 transfer contracts and the amounts of any tuition charged any
7280 transfer student shall be spread upon the minutes of both of the
7281 affected school boards. No school district accepting any transfer
7282 students under the provisions of Section 37-15-31(2), which
7283 provides for the transfer of certain school district employee
7284 dependents, shall be authorized to charge such transfer students
7285 any tuition fees.

7286 (2) Local maintenance funds shall be paid by the home school
7287 district to the transferee school district for students granted
7288 transfers under the provisions of Sections 37-15-29(3) and
7289 37-15-31(3), not to exceed the student base amount, as defined in
7290 Section 37-151-201, multiplied by the number of such legally
7291 transferred students.



7292 **SECTION 99.** Section 37-151-95, Mississippi Code of 1972, is
7293 amended as follows:

7294 37-151-95. Total funding formula funds shall cover one
7295 hundred percent (100%) of the cost of the State and School
7296 Employees' Life and Health Insurance Plan created under Article 7,
7297 Chapter 15, Title 25, Mississippi Code of 1972, for all district
7298 employees who work no less than twenty (20) hours during each week
7299 and regular nonstudent school bus drivers employed by the
7300 district.

7301 Where the use of federal funding is allowable to defray, in
7302 full or in part, the cost of participation in the insurance plan
7303 by district employees who work no less than twenty (20) hours
7304 during each week and regular nonstudent school bus drivers, whose
7305 salaries are paid, in full or in part, by federal funds, the use
7306 of total funding formula funds as required under this section
7307 shall be reduced to the extent of the federal funding. Where the
7308 use of federal funds is allowable but not available, it is the
7309 intent of the Legislature that school districts contribute the
7310 cost of participation for such employees from local funds, except
7311 that parent fees for child nutrition programs shall not be
7312 increased to cover such cost.

7313 The State Department of Education, in accordance with rules
7314 and regulations established by the State Board of Education, may
7315 withhold a school district's or charter school's total funding
7316 formula funds for failure of the district to timely report



7317 student, fiscal and personnel data necessary to meet state and/or
7318 federal requirements. The rules and regulations promulgated by
7319 the State Board of Education shall require the withholding of
7320 total funding formula funds for those districts that fail to remit
7321 premiums, interest penalties and/or late charges under the State
7322 and School Employees' Life and Health Insurance Plan.

7323 Noncompliance with such rules and regulations shall result in a
7324 violation of compulsory accreditation standards as established by
7325 the State Board of Education and Commission on School
7326 Accreditation.

7327 **SECTION 100.** Section 37-151-97, Mississippi Code of 1972, is
7328 amended as follows:

7329 37-151-97. The State Department of Education shall develop
7330 an annual reporting process to inform the Legislature, local
7331 district personnel and the general public as to the ongoing and
7332 future plans for the state's educational programs. The annual
7333 reporting process will include those vital statistics that are
7334 commonly reported by schools and districts and that can provide
7335 clear demographic, strategic and educational information to
7336 constituencies such as, but not limited to, the following
7337 information:

7338 (a) Student enrollment and attendance reported in the
7339 aggregate and specifically for each student population that is
7340 subject to weighting under Sections 37-151-200 through 37-151-215,
7341 and drop-out and graduation data;



7342 (b) Overall student and district achievement;
7343 (c) Budget, administrative costs and other pertinent
7344 fiscal information, including:
7345 (i) The receipts and disbursements of all school
7346 funds handled by the board;
7347 (ii) Reports of expenditures for public schools,
7348 which, upon request must be made available on an individual
7349 district basis by the State Department of Education;
7350 1. Total Student Expenditures:
7351 a. Instruction (1000s);
7352 b. Other Student Instructional
7353 Expenditures (2100s, 2200s);
7354 2. General Administration (2300s and 2500s);
7355 3. School Administration (2400s);
7356 4. Other Expenditures (2600s, 2700s, 2800s,
7357 3100s, 3200s); and
7358 5. Nonoperational Expenditures (4000s, 5000s,
7359 6000s);
7360 (iii) The number of school districts, charter
7361 schools, school teachers employed, school administrators employed,
7362 pupils taught and the attendance record of pupils therein;
7363 (iv) County and district levies for each school
7364 district and agricultural high school;
7365 (v) The condition of vocational education, a list
7366 of schools to which federal and state aid has been given, and a



7367 detailed statement of the expenditures of federal funds and the
7368 state funds that may be provided, and the ranking of subjects
7369 taught as compared with the state's needs.

7370 (d) Other as directed by the State Board of Education.

7371 Further, the reporting process will include an annual report
7372 developed specifically to relate the mission and goals of the
7373 State Board of Education, state superintendent and departments.
7374 This document will become the method through which the strategic
7375 planning and management process of the department is articulated
7376 to the public. It will explain and inform the public of the major
7377 initiatives of the department and clearly identify rationale for
7378 program development and/or elimination. The report will establish
7379 benchmarks, future plans and discuss the effectiveness of
7380 educational programs.

7381 In addition to the information specified herein, the State
7382 Board of Education shall have full and plenary authority and power
7383 to require the furnishing of such further, additional and
7384 supplementary information as it may deem necessary for the purpose
7385 of determining the cost of the total funding formula in such
7386 school district or charter school for the succeeding fiscal year,
7387 the amount of the total funding formula funds to be allotted to
7388 each school district and charter school for the succeeding fiscal
7389 year, and for any other purpose authorized by law or deemed
7390 necessary by said State Board of Education.



7391 It shall be the duty of the State Department of Education to
7392 prescribe the forms for the reports provided for in this section.

7393 **SECTION 101.** Section 37-151-99, Mississippi Code of 1972, is
7394 brought forward as follows:

7395 37-151-99. Based upon the information obtained pursuant to
7396 Section 37-151-207(3) and upon such other and further information
7397 as provided by law, the State Department of Education shall, on or
7398 before June 1 of each year, or as soon thereafter as is practical,
7399 furnish each school board and charter school the preliminary
7400 estimate of the amount each will receive from the total funding
7401 formula provided in Sections 37-151-200 through 37-151-215 for the
7402 succeeding scholastic year, and at the same time shall furnish
7403 each such school board with a tentative estimate of the cost of
7404 the local minimum tax effort for the total funding formula in the
7405 school district and the local contribution for the school district
7406 and each charter school for such succeeding fiscal year.

7407 **SECTION 102.** Section 37-151-101, Mississippi Code of 1972,
7408 is brought forward as follows:

7409 37-151-101. It shall be the duty of the State Department of
7410 Education to file with the State Treasurer and the State Fiscal
7411 Officer such data and information as may be required to enable the
7412 said State Treasurer and State Fiscal Officer to distribute the
7413 total funding formula funds provided in Sections 37-151-200
7414 through 37-151-215 by electronic funds transfer to the several
7415 school districts and charter schools at the time required and



7416 provided under the provisions of this chapter. Such data and
7417 information so filed shall show in detail the amount of funds to
7418 which each school district and charter school is entitled under
7419 the total funding formula. Such data and information so filed may
7420 be revised from time to time as necessitated by law. At the time
7421 provided by law, the State Treasurer and the State Fiscal Officer
7422 shall distribute to the several school districts and charter
7423 schools the amounts to which they are entitled under the total
7424 funding formula as provided by this chapter. Such distribution
7425 shall be made by electronic funds transfer to the depositories of
7426 the several school districts and charter schools designated in
7427 writing to the State Treasurer based upon the data and information
7428 supplied by the State Department of Education for such
7429 distribution. In such instances, the State Treasurer shall submit
7430 a request for an electronic funds transfer to the State Fiscal
7431 Officer, which shall set forth the purpose, amount and payees, and
7432 shall be in such form as may be approved by the State Fiscal
7433 Officer so as to provide the necessary information as would be
7434 required for a requisition and issuance of a warrant. A copy of
7435 the record of the electronic funds transfers shall be transmitted
7436 by the school district and charter school depositories to the
7437 Treasurer, who shall file duplicates with the State Fiscal
7438 Officer. The Treasurer and State Fiscal Officer shall jointly
7439 promulgate regulations for the utilization of electronic funds
7440 transfers to school districts and charter schools.



7441 **SECTION 103.** Section 37-151-103, Mississippi Code of 1972,
7442 is brought forward as follows:

7443 37-151-103. (1) Funds due each school district and charter
7444 school under the total funding formula provided in Sections
7445 37-151-200 through 37-151-215 shall be paid in the following
7446 manner: Two (2) business days prior to the last working day of
7447 each month there shall be paid to each school district and charter
7448 school, by electronic funds transfer, one-twelfth (1/12) of the
7449 funds to which the district or charter school is entitled from
7450 funds appropriated for total funding formula. However, in
7451 December those payments shall be made on December 15 or the next
7452 business day after that date. All school districts shall process
7453 a single monthly or a bimonthly payroll for employees, in the
7454 discretion of the local school board, with electronic settlement
7455 of payroll checks secured through direct deposit of net pay for
7456 all school district employees. In addition, the State Department
7457 of Education may pay school districts and charter schools under
7458 the total funding formula on a date earlier than provided for by
7459 this section if it is determined that it is in the best interest
7460 of school districts and charter schools to do so.

7461 However, if the cash balance in the State General Fund is
7462 not adequate on the due date to pay the amounts due to all school
7463 districts and charter schools in the state as determined by the
7464 State Superintendent of Public Education, the State Fiscal Officer
7465 shall not transfer the funds payable to any school district or



7466 districts or charter schools until money is available to pay the
7467 amount due to all districts and charter schools.

7468 (2) Notwithstanding any provision of this chapter or any
7469 other law requiring the number of children in net enrollment or
7470 the net enrollment of transported children to be determined on the
7471 basis of the preceding year, the State Board of Education is
7472 hereby authorized and empowered to make proper adjustments in
7473 allotments in cases where major changes in the number of children
7474 in net enrollment or the net enrollment of transported children
7475 occurs from one (1) year to another as a result of changes or
7476 alterations in the boundaries of school districts, the sending of
7477 children from one (1) county or district to another upon a
7478 contract basis, the termination or discontinuance of a contract
7479 for the sending of children from one (1) county or district to
7480 another, a change in or relocation of attendance centers, or for
7481 any other reason which would result in a major decrease or
7482 increase in the number of children in net enrollment or the net
7483 enrollment of transported children during the current school year
7484 as compared with the preceding year.

7485 **SECTION 104.** Section 37-151-105, Mississippi Code of 1972,
7486 is brought forward as follows:

7487 37-151-105. The State Board of Education shall have the
7488 authority to make such regulations not inconsistent with law which
7489 it deems necessary for the administration of this chapter. The
7490 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 105. 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 106. Section 37-173-9, Mississippi Code of 1972, is brought forward as follows:

37-173-9. (1) (a) The parent or legal guardian is not required to accept the offer of enrolling in another public school in lieu of requesting a Mississippi Dyslexia Therapy Scholarship to a nonpublic school. However, if the parent or legal guardian chooses the public school option, the student may continue attending a public school chosen by the parent or legal guardian until the student completes Grade 12.

(b) If the parent or legal guardian chooses a public school within the district, the school district shall provide transportation to the public school selected by the parent or legal guardian. However, if the parent or legal guardian chooses a public school in another district, the parent or legal guardian is responsible to provide transportation to the school of choice.

These provisions do not prohibit a parent or legal guardian of a student diagnosed with dyslexia, at any time, from choosing the option of a Mississippi Dyslexia Therapy Scholarship which



would allow the student to attend another public school or nonpublic special purpose school.

(2) If the parent or legal guardian chooses the nonpublic school option and the student is accepted by the nonpublic school pending the availability of a space for the student, the parent or legal guardian of the student must notify the department thirty (30) days before the first scholarship payment and before entering the nonpublic school in order to be eligible for the scholarship when a space becomes available for the student in the nonpublic school.

(3) The parent or legal guardian of a student may choose, as an alternative, to enroll the student in and transport the student to a public school in an adjacent school district which has available space and has a program with dyslexia services that provide daily dyslexia therapy sessions delivered by a department licensed dyslexia therapist, and that school district shall accept the student and report the student for purposes of the district's funding under the total funding formula provided in Sections 37-151-200 through 37-151-215.

SECTION 107. Section 37-173-13, Mississippi Code of 1972, is brought forward as follows:

37-173-13. (1) The maximum scholarship granted per eligible student with dyslexia shall be an amount equivalent to the student base amount under the total funding formula provided in Sections 37-151-200 through 37-151-215.



7565 (2) (a) The nonpublic school under this program shall
7566 report to the State Department of Education the number of students
7567 with dyslexia who are enrolled in nonpublic schools on the
7568 Mississippi Dyslexia Therapy Scholarships as of September 30 of
7569 each year in order to determine funding for the subsequent year.
7570 Funds may not be transferred from any funding provided to the
7571 Mississippi School for the Deaf and the Blind for program
7572 participants who are eligible under Section 37-173-5.

7573 (b) The State Department of Education will disburse
7574 payments to nonpublic schools under this program in twelve (12)
7575 substantially equal installments. The initial payment shall be
7576 made after department verification of admission acceptance, and
7577 subsequent payments shall be made upon verification of continued
7578 enrollment and attendance at the nonpublic school.

7579 **SECTION 108.** Section 37-175-13, Mississippi Code of 1972, is
7580 brought forward as follows:

7581 37-175-13. (1) The maximum scholarship granted per eligible
7582 student with speech-language impairment shall be an amount
7583 equivalent to the state share of per student funding under the
7584 total funding formula provided in Sections 37-151-200 through
7585 37-151-215 in the school district in which a student resides.

7586 (2) (a) Any nonpublic school under this program shall
7587 report to the State Department of Education the number of students
7588 with speech-language impairment who are enrolled in nonpublic
7589 schools on the Mississippi Speech-Language Therapy Scholarships as



of September 30 of each year in order to determine funding for the subsequent year. Funds may not be transferred from any funding provided to the Mississippi School for the Deaf and the Blind for program participants who are eligible under Section 37-175-5.

(b) The State Department of Education shall make payments to nonpublic schools for each student at the nonpublic school equal to the state share of the total funding formula payments for each student in net enrollment at the school district from which the student transferred. In calculating the local contribution for purposes of determining the state share of the total funding formula payments, the department shall deduct the pro rata local contribution of the school district in which the student resides, to be determined as provided in Section 37-151-211(2).

(c) Payments made pursuant to this subsection by the State Department of Education must be made at the same time and in the same manner as the total funding formula payments are made to school districts under Sections 37-151-101 and 37-151-103. Amounts payable to a nonpublic school must be determined by the State Department of Education.

(3) If the parent opts to remove a child from a public school to a nonpublic special purpose school and to receive a scholarship under this chapter, then transportation shall be provided at the parent's or guardian's expense.



7614 **SECTION 109.** Section 37-179-3, Mississippi Code of 1972, is
7615 brought forward as follows:

7616 37-179-3. (1) A district which is an applicant to be
7617 designated as a district of innovation under Section 37-179-1
7618 shall:

7619 (a) Establish goals and performance targets for the
7620 district of innovation proposal, which may include:

7621 (i) Reducing achievement gaps among groups of
7622 public school students by expanding learning experiences for
7623 students who are identified as academically low-achieving;

7624 (ii) Increasing pupil learning through the
7625 implementation of high, rigorous standards for pupil performance;

7626 (iii) Increasing the participation of students in
7627 various curriculum components and instructional components within
7628 selected schools to enhance at each grade level;

7629 (iv) Increasing the number of students who are
7630 college and career-ready;

7631 (v) Motivating students at different grade levels
7632 by offering more curriculum choices and student learning
7633 opportunities to parents and students within the district;

7634 (b) Identify changes needed in the district and schools
7635 to lead to better prepared students for success in life and work;

7636 (c) Have a district wide plan of innovation that
7637 describes and justifies which schools and innovative practices
7638 will be incorporated;



7639 (d) Provide documentation of community, educator,
7640 parental, and the local board's support of the proposed
7641 innovations;

7642 (e) Provide detailed information regarding the
7643 rationale of requests for waivers from Title 37, Mississippi Code
7644 of 1972, which relate to the elementary and secondary education of
7645 public school students, and administrative regulations, and
7646 exemptions for selected schools regarding waivers of local school
7647 board policies;

7648 (f) Document the fiscal and human resources the board
7649 will provide throughout the term of the implementation of the
7650 innovations within its plan; and

7651 (g) Provide other materials as required by the
7652 department in compliance with the board's administrative
7653 regulations and application procedures.

7654 (2) The district and all schools participating in a
7655 district's innovation plan shall:

7656 (a) Ensure the same health, safety, civil rights, and
7657 disability rights requirements as are applied to all public
7658 schools;

7659 (b) Ensure students meet compulsory attendance
7660 requirements under Sections 37-13-91 and 37-13-92;

7661 (c) Ensure that high school course offerings meet or
7662 exceed the minimum required under Sections 37-16-7 and 37-3-49,



7663 for high school graduation or meet early graduation requirements
7664 that may be enacted by the Mississippi Legislature;

7665 (d) Ensure the student performance standards meet or
7666 exceed those adopted by the State Board of Education as required
7667 by Sections 37-3-49, 37-16-3 and 37-17-6, including compliance
7668 with the statewide assessment system specified in Chapter 16,
7669 Title 37, Mississippi Code of 1972;

7670 (e) Adhere to the same financial audits, audit
7671 procedures, and audit requirements as are applied under Section
7672 7-7-211(e);

7673 (f) Require state and criminal background checks for
7674 staff and volunteers as required of all public school employees
7675 and volunteers within the public schools and specified in Section
7676 37-9-17;

7677 (g) Comply with open records and open meeting
7678 requirements under Sections 25-41-1 et seq. and 25-61-1 et seq.;

7679 (h) Comply with purchasing requirements and limitations
7680 under Chapter 39, Title 37, Mississippi Code of 1972;

7681 (i) Provide overall instructional time that is
7682 equivalent to or greater than that required under Sections 37-1-11
7683 and 37-13-67, but which may include on-site instruction, distance
7684 learning, online courses, and work-based learning on
7685 nontraditional school days or hours; and

7686 (j) Provide data to the department as deemed necessary
7687 to generate school and district reports.



7688 (3) (a) Only schools that choose to be designated as
7689 schools of innovation shall be included in a district's
7690 application;

7691 (b) As used in this paragraph, "eligible employees"
7692 means employees that are regularly employed at the school and
7693 those employees whose primary job duties will be affected by the
7694 plan; and

7695 (c) Notwithstanding the provisions of paragraph (a) of
7696 this subsection, a local school board may require a school that
7697 has been identified as a persistently low-achieving school under
7698 provisions of Section 37-17-6 to participate in the district's
7699 plan of innovation.

7700 (4) Notwithstanding any statutes to the contrary, the board
7701 may approve the requests of districts of innovation to:

7702 (a) Use capital outlay funds for operational costs;

7703 (b) Hire persons for classified positions in
7704 nontraditional school and district assignments who have bachelors
7705 and advanced degrees from postsecondary education institutions
7706 accredited by a regional accrediting association (Southern
7707 Association of Colleges and Schools) or by an organization
7708 affiliated with the National Commission on Accrediting;

7709 (c) Employ teachers on extended employment contracts or
7710 extra duty contracts and compensate them on a salary schedule
7711 other than the single salary schedule;



7712 (d) Extend the school days as is appropriate within the
7713 district with compensation for the employees as determined
7714 locally;

7715 (e) Establish alternative education programs and
7716 services that are delivered in nontraditional hours and which may
7717 be jointly provided in cooperation with another school district or
7718 consortia of districts;

7719 (f) Establish online classes within the district for
7720 delivering alternative classes in a blended environment to meet
7721 high school graduation requirements;

7722 (g) Use a flexible school calendar;

7723 (h) Convert existing schools into schools of
7724 innovation; and

7725 (i) Modify the formula under Chapter 151, Title 37,
7726 Mississippi Code of 1972, for distributing total funding formula
7727 funds for students in net enrollment in nontraditional programming
7728 time, including alternative programs and virtual programs. Funds
7729 granted to a district shall not exceed those that would have
7730 otherwise been distributed based on net enrollment during regular
7731 instructional days.

7732 **SECTION 110.** Section 37-181-7, Mississippi Code of 1972, is
7733 brought forward as follows:

7734 37-181-7. (1) New enrollment in the ESA program created in
7735 this chapter shall be limited to five hundred (500) additional
7736 students each year. Subject to appropriation from the General



7737 Fund, each student's ESA shall be funded at Six Thousand Five
7738 Hundred Dollars (\$6,500.00) for school year 2015-2016. For each
7739 subsequent year, this amount shall increase or decrease by the
7740 same proportion as the student base amount under Section
7741 37-151-203 is increased or decreased.

7742 (2) Subject to appropriation, eligible students shall be
7743 approved for participation in the ESA program as follows:

7744 (a) Students shall be approved on a first-come,
7745 first-served basis, with applications being reviewed on a rolling
7746 basis;

7747 (b) After participation reaches fifty percent (50%) of
7748 the annual enrollment limits in subsection (1) of this section,
7749 the department shall set annual application deadlines for the
7750 remaining number of available ESAs and begin to maintain a waiting
7751 list of eligible students. The waitlist shall only include
7752 eligible students who have certified to the department that they
7753 have been accepted into an eligible school qualified to provide
7754 services for the participating student's disability or special
7755 education needs, or provide services addressing a participating
7756 student's IEP. The waitlist will be maintained in the
7757 chronological order in which applications are received. The
7758 department shall award ESA program applications in chronological
7759 order according to the waitlist; and

7760 (c) Participating students who remain eligible for the
7761 ESA program are automatically approved for participation for the



7762 following year and are not subject to the random selection
7763 process.

7764 (3) No funds for an ESA may be expended from the total
7765 funding formula funds provided in this chapter, nor shall any
7766 school district be required to provide funding for an ESA.

7767 **SECTION 111.** Section 41-79-5, Mississippi Code of 1972, is
7768 amended as follows:

7769 41-79-5. (1) There is hereby established within the State
7770 Department of Health a school nurse intervention program,
7771 available to all public school districts and charter schools in
7772 the state.

7773 (2) By the school year 1998-1999, each public school
7774 district shall have employed a school nurse, to be known as a
7775 Health Service Coordinator, pursuant to the school nurse
7776 intervention program prescribed under this section. The school
7777 nurse intervention program shall offer any of the following
7778 specific preventive services, and other additional services
7779 appropriate to each grade level and the age and maturity of the
7780 pupils:

7781 (a) Reproductive health education and referral to
7782 prevent teen pregnancy and sexually transmitted diseases, which
7783 education shall include abstinence;

7784 (b) Child abuse and neglect identification;



7785 (c) Hearing and vision screening to detect problems
7786 which can lead to serious sensory losses and behavioral and
7787 academic problems;
7788 (d) Alcohol, tobacco and drug abuse education to reduce
7789 abuse of these substances;
7790 (e) Scoliosis screening to detect this condition so
7791 that costly and painful surgery and lifelong disability can be
7792 prevented;
7793 (f) Coordination of services for handicapped children
7794 to ensure that these children receive appropriate medical
7795 assistance and are able to remain in public school;
7796 (g) Nutrition education and counseling to prevent
7797 obesity and/or other eating disorders which may lead to
7798 life-threatening conditions, for example, hypertension;
7799 (h) Early detection and treatment of head lice to
7800 prevent the spread of the parasite and to reduce absenteeism;
7801 (i) Emergency treatment of injury and illness to
7802 include controlling bleeding, managing fractures, bruises or
7803 contusions and cardiopulmonary resuscitation (CPR);
7804 (j) Applying appropriate theory as the basis for
7805 decision making in nursing practice;
7806 (k) Establishing and maintaining a comprehensive school
7807 health program;
7808 (l) Developing individualized health plans;



7809 (m) Assessing, planning, implementing and evaluating
7810 programs and other school health activities, in collaboration with
7811 other professionals;

7812 (n) Providing health education to assist students,
7813 families and groups to achieve optimal levels of wellness;

7814 (o) Participating in peer review and other means of
7815 evaluation to assure quality of nursing care provided for students
7816 and assuming responsibility for continuing education and
7817 professional development for self while contributing to the
7818 professional growth of others;

7819 (p) Participating with other key members of the
7820 community responsible for assessing, planning, implementing and
7821 evaluating school health services and community services that
7822 include the broad continuum or promotion of primary, secondary and
7823 tertiary prevention; and

7824 (q) Contributing to nursing and school health through
7825 innovations in theory and practice and participation in research.

7826 (3) Public school nurses shall be specifically prohibited
7827 from providing abortion counseling to any student or referring any
7828 student to abortion counseling or abortion clinics. Any violation
7829 of this subsection shall disqualify the school district employing
7830 such public school nurse from receiving any state administered
7831 funds under this section.

7832 (4) Repealed.



7833 (5) Beginning with the 1997-1998 school year, to the extent
7834 that federal or state funds are available therefor and pursuant to
7835 appropriation therefor by the Legislature, in addition to the
7836 school nurse intervention program funds administered under
7837 subsection (4), the State Department of Health shall establish and
7838 implement a Prevention of Teen Pregnancy Pilot Program to be
7839 located in the public school districts with the highest numbers of
7840 teen pregnancies. The Teen Pregnancy Pilot Program shall provide
7841 the following education services directly through public school
7842 nurses in the pilot school districts: health education sessions
7843 in local schools, where contracted for or invited to provide,
7844 which target issues including reproductive health, teen pregnancy
7845 prevention and sexually transmitted diseases, including syphilis,
7846 HIV and AIDS. When these services are provided by a school nurse,
7847 training and counseling on abstinence shall be included.

7848 (6) In addition to the school nurse intervention program
7849 funds administered under subsection (4) and the Teen Pregnancy
7850 Pilot Program funds administered under subsection (5), to the
7851 extent that federal or state funds are available therefor and
7852 pursuant to appropriation therefor by the Legislature, the State
7853 Department of Health shall establish and implement an Abstinence
7854 Education Pilot Program to provide abstinence education,
7855 mentoring, counseling and adult supervision to promote abstinence
7856 from sexual activity, with a focus on those groups which are most
7857 likely to bear children out of wedlock. Such abstinence education



7858 services shall be provided by the State Department of Health
7859 through its clinics, public health nurses, school nurses and
7860 through contracts with rural and community health centers in order
7861 to reach a larger number of targeted clients. For purposes of
7862 this subsection, the term "abstinence education" means an
7863 educational or motivational program which:

7864 (a) Has as its exclusive purpose, teaching the social,
7865 psychological and health gains to be realized by abstaining from
7866 sexual activity;

7867 (b) Teaches abstinence from sexual activity outside
7868 marriage as the expected standard for all school-age children;

7869 (c) Teaches that abstinence from sexual activity is the
7870 only certain way to avoid out-of-wedlock pregnancy, sexually
7871 transmitted diseases and other associated health problems;

7872 (d) Teaches that a mutually faithful monogamous
7873 relationship in context of marriage is the expected standard of
7874 human sexual activity;

7875 (e) Teaches that sexual activity outside of the context
7876 of marriage is likely to have harmful psychological and physical
7877 effects;

7878 (f) Teaches that bearing children out of wedlock is
7879 likely to have harmful consequences for the child, the child's
7880 parents and society;



7881 (g) Teaches young people how to reject sexual advances
7882 and how alcohol and drug use increase vulnerability to sexual
7883 advances; and

7884 (h) Teaches the importance of attaining
7885 self-sufficiency before engaging in sexual activity.

7886 (7) Pursuant to appropriation therefor by the Legislature,
7887 in addition to funds allotted under the total funding formula
7888 provided in Sections 37-151-200 through 37-151-215, each school
7889 district shall be allotted an amount for the purpose of employing
7890 qualified public school nurses in such school district, which in
7891 no event shall be less than one (1) nurse per school district, for
7892 such purpose. In the event the Legislature provides less funds
7893 than the total state funds needed for the public school nurse
7894 allotment, those school districts with fewer nurses per the number
7895 of students in net enrollment shall be the first funded for such
7896 purpose, to the extent of funds available.

7897 (8) Prior to the 1998-1999 school year, nursing staff
7898 assigned to the program shall be employed through the local county
7899 health department and shall be subject to the supervision of the
7900 State Department of Health with input from local school officials.
7901 Local county health departments may contract with any
7902 comprehensive private primary health care facilities within their
7903 county to employ and utilize additional nursing staff. Beginning
7904 with the 1998-1999 school year, nursing staff assigned to the
7905 program shall be employed by the local school district and shall



7906 be designated as "health service coordinators," and shall be
7907 required to possess a bachelor's degree in nursing as a minimum
7908 qualification.

7909 (9) Upon each student's enrollment, the parent or guardian
7910 shall be provided with information regarding the scope of the
7911 school nurse intervention program. The parent or guardian may
7912 provide the school administration with a written statement
7913 refusing all or any part of the nursing service. No child shall
7914 be required to undergo hearing and vision or scoliosis screening
7915 or any other physical examination or tests whose parent objects
7916 thereto on the grounds such screening, physical examination or
7917 tests are contrary to his sincerely held religious beliefs.

7918 (10) A consent form for reproductive health education shall
7919 be sent to the parent or guardian of each student upon his
7920 enrollment. If a response from the parent or guardian is not
7921 received within seven (7) days after the consent form is sent, the
7922 school shall send a letter to the student's home notifying the
7923 parent or guardian of the consent form. If the parent or guardian
7924 fails to respond to the letter within ten (10) days after it is
7925 sent, then the school principal shall be authorized to allow the
7926 student to receive reproductive health education. Reproductive
7927 health education shall include the teaching of total abstinence
7928 from premarital sex and, wherever practicable, reproductive health
7929 education should be taught in classes divided according to gender.
7930 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 maintenance or implementation of a school nurse intervention program in a public school system of this state.

SECTION 112. Section 43-17-5, Mississippi Code of 1972, is amended as follows:

43-17-5. (1) The amount of Temporary Assistance for Needy Families (TANF) benefits which may be granted for any dependent child and a needy caretaker relative shall be determined by the county department with due regard to the resources and necessary expenditures of the family and the conditions existing in each case, and in accordance with the rules and regulations made by the Department of Human Services which shall not be less than the Standard of Need in effect for 1988, and shall be sufficient when added to all other income (except that any income specified in the federal Social Security Act, as amended, may be disregarded) and support available to the child to provide such child with a



7956 reasonable subsistence compatible with decency and health. The
7957 first family member in the dependent child's budget may receive an
7958 amount not to exceed Two Hundred Dollars (\$200.00) per month; the
7959 second family member in the dependent child's budget may receive
7960 an amount not to exceed Thirty-six Dollars (\$36.00) per month; and
7961 each additional family member in the dependent child's budget an
7962 amount not to exceed Twenty-four Dollars (\$24.00) per month. The
7963 maximum for any individual family member in the dependent child's
7964 budget may be exceeded for foster or medical care or in cases of
7965 children with an intellectual disability or a physical disability.
7966 TANF benefits granted shall be specifically limited only (a) to
7967 children existing or conceived at the time the caretaker relative
7968 initially applies and qualifies for such assistance, unless this
7969 limitation is specifically waived by the department, or (b) to a
7970 child born following a twelve-consecutive-month period of
7971 discontinued benefits by the caretaker relative.

7972 (2) TANF benefits in Mississippi shall be provided to the
7973 recipient family by an online electronic benefits transfer system.

7974 (3) The Department of Human Services shall deny TANF
7975 benefits to the following categories of individuals, except for
7976 individuals and families specifically exempt or excluded for good
7977 cause as allowed by federal statute or regulation:

7978 (a) Families without a minor child residing with the
7979 custodial parent or other adult caretaker relative of the child;



7980 (b) Families which include an adult who has received
7981 TANF assistance for sixty (60) months after the commencement of
7982 the Mississippi TANF program, whether or not such period of time
7983 is consecutive;

7984 (c) Families not assigning to the state any rights a
7985 family member may have, on behalf of the family member or of any
7986 other person for whom the family member has applied for or is
7987 receiving such assistance, to support from any other person, as
7988 required by law;

7989 (d) Families who fail to cooperate in establishing
7990 paternity or obtaining child support, as required by law;

7991 (e) Any individual who has not attained eighteen (18)
7992 years of age, is not married to the head of household, has a minor
7993 child at least twelve (12) weeks of age in his or her care, and
7994 has not successfully completed a high school education or its
7995 equivalent, if such individual does not participate in educational
7996 activities directed toward the attainment of a high school diploma
7997 or its equivalent, or an alternative educational or training
7998 program approved by the department;

7999 (f) Any individual who has not attained eighteen (18)
8000 years of age, is not married, has a minor child in his or her
8001 care, and does not reside in a place or residence maintained by a
8002 parent, legal guardian or other adult relative or the individual
8003 as such parent's, guardian's or adult relative's own home;



8004 (g) Any minor child who has been, or is expected by a
8005 parent or other caretaker relative of the child to be, absent from
8006 the home for a period of more than thirty (30) days;

8007 (h) Any individual who is a parent or other caretaker
8008 relative of a minor child who fails to notify the department of
8009 the absence of the minor child from the home for the thirty-day
8010 period specified in paragraph (g), by the end of the five-day
8011 period that begins with the date that it becomes clear to the
8012 individual that the minor child will be absent for the thirty-day
8013 period;

8014 (i) Any individual who fails to comply with the
8015 provisions of the Employability Development Plan signed by the
8016 individual which prescribe those activities designed to help the
8017 individual become and remain employed, or to participate
8018 satisfactorily in the assigned work activity, as authorized under
8019 subsection (6)(c) and (d), or who does not engage in applicant job
8020 search activities within the thirty-day period for TANF
8021 application approval after receiving the advice and consultation
8022 of eligibility workers and/or caseworkers of the department
8023 providing a detailed description of available job search venues in
8024 the individual's county of residence or the surrounding counties;

8025 (j) A parent or caretaker relative who has not engaged
8026 in an allowable work activity once the department determines the
8027 parent or caretaker relative is ready to engage in work, or once
8028 the parent or caretaker relative has received TANF assistance



8029 under the program for twenty-four (24) months, whether or not
8030 consecutive, whichever is earlier;

8031 (k) Any individual who is fleeing to avoid prosecution,
8032 or custody or confinement after conviction, under the laws of the
8033 jurisdiction from which the individual flees, for a crime, or an
8034 attempt to commit a crime, which is a felony under the laws of the
8035 place from which the individual flees, or who is violating a
8036 condition of probation or parole imposed under federal or state
8037 law;

8038 (l) Aliens who are not qualified under federal law;

8039 (m) For a period of ten (10) years following
8040 conviction, individuals convicted in federal or state court of
8041 having made a fraudulent statement or representation with respect
8042 to the individual's place of residence in order to receive TANF,
8043 food stamps or Supplemental Security Income (SSI) assistance under
8044 Title XVI or Title XIX simultaneously from two (2) or more states;

8045 (n) Individuals who are recipients of federal
8046 Supplemental Security Income (SSI) assistance; and

8047 (o) Individuals who are eighteen (18) years of age or
8048 older who are not in compliance with the drug testing and
8049 substance use disorder treatment requirements of Section 43-17-6.

8050 (4) (a) Any person who is otherwise eligible for TANF
8051 benefits, including custodial and noncustodial parents, shall be
8052 required to attend school and meet the monthly attendance



8053 requirement as provided in this subsection if all of the following
8054 apply:

8055 (i) The person is under age twenty (20);

8056 (ii) The person has not graduated from a public or
8057 private high school or obtained a High School Equivalency Diploma
8058 equivalent;

8059 (iii) The person is physically able to attend
8060 school and is not excused from attending school; and

8061 (iv) If the person is a parent or caretaker
8062 relative with whom a dependent child is living, child care is
8063 available for the child.

8064 The monthly attendance requirement under this subsection
8065 shall be attendance at the school in which the person is enrolled
8066 for each day during a month that the school conducts classes in
8067 which the person is enrolled, with not more than two (2) absences
8068 during the month for reasons other than the reasons listed in
8069 paragraph (e)(iv) of this subsection. Persons who fail to meet
8070 participation requirements in this subsection shall be subject to
8071 sanctions as provided in paragraph (f) of this subsection.

8072 (b) As used in this subsection, "school" means any one
8073 (1) of the following:

8074 (i) A school as defined in Section 37-13-91(2);

8075 (ii) A vocational, technical and adult education
8076 program; or



8077 (iii) A course of study meeting the standards
8078 established by the State Department of Education for the granting
8079 of a declaration of equivalency of high school graduation.

8080 (c) If any compulsory-school-age child, as defined in
8081 Section 37-13-91(2), to which TANF eligibility requirements apply
8082 is not in compliance with the compulsory school attendance
8083 requirements of Section 37-13-91(6), the superintendent of schools
8084 of the school district or charter school in which the child is
8085 enrolled or eligible to attend shall notify the county department
8086 of human services of the child's noncompliance. The Department of
8087 Human Services shall review school attendance information as
8088 provided under this paragraph at all initial eligibility
8089 determinations and upon subsequent report of unsatisfactory
8090 attendance.

8091 (d) The signature of a person on an application for
8092 TANF benefits constitutes permission for the release of school
8093 attendance records for that person or for any child residing with
8094 that person. The department shall request information from the
8095 child's school district or charter school about the child's
8096 attendance in the school district's most recently completed
8097 semester of attendance. If information about the child's previous
8098 school attendance is not available or cannot be verified, the
8099 department shall require the child to meet the monthly attendance
8100 requirement for one (1) semester or until the information is
8101 obtained. The department shall use the attendance information



8102 provided by a school district or charter school to verify
8103 attendance for a child. The department shall review with the
8104 parent or caretaker relative a child's claim that he or she has a
8105 good cause for not attending school.

8106 A school district or charter school shall provide information
8107 to the department about the attendance of a child who is enrolled
8108 in a public school in the district or charter school within five
8109 (5) working days of the receipt of a written request for that
8110 information from the department. The school district or charter
8111 school shall define how many hours of attendance count as a full
8112 day and shall provide that information, upon request, to the
8113 department. In reporting attendance, the school district or
8114 charter school may add partial days' absence together to
8115 constitute a full day's absence.

8116 If a school district or charter school fails to provide to
8117 the department the information about the school attendance of any
8118 child within fifteen (15) working days after a written request,
8119 the department shall notify the Department of Audit within three
8120 (3) working days of the school district's or charter school's
8121 failure to comply with that requirement. The Department of Audit
8122 shall begin audit proceedings within five (5) working days of
8123 notification by the Department of Human Services to determine the
8124 school district's or charter school's compliance with the
8125 requirements of this subsection (4). If the Department of Audit
8126 finds that the school district or charter school is not in



8127 compliance with the requirements of this subsection, the school
8128 district or charter school shall be penalized as follows: The
8129 Department of Audit shall notify the State Department of Education
8130 of the school district's or charter school's noncompliance, and
8131 the Department of Education shall reduce the calculation of the
8132 school district's or charter school's net enrollment that is used
8133 to determine the allocation of total funding formula funds by the
8134 number of children for which the district has failed to provide to
8135 the Department of Human Services the required information about
8136 the school attendance of those children. The reduction in the
8137 calculation of the school district's or charter school's net
8138 enrollment under this paragraph shall be effective for a period of
8139 one (1) year.

8140 (e) A child who is required to attend school to meet
8141 the requirements under this subsection shall comply except when
8142 there is good cause, which shall be demonstrated by any of the
8143 following circumstances:

8144 (i) The minor parent is the caretaker of a child
8145 less than twelve (12) weeks old; or

8146 (ii) The department determines that child care
8147 services are necessary for the minor parent to attend school and
8148 there is no child care available; or

8149 (iii) The child is prohibited by the school
8150 district from attending school and an expulsion is pending. This
8151 exemption no longer applies once the teenager has been expelled;



8152 however, a teenager who has been expelled and is making
8153 satisfactory progress towards obtaining a High School Equivalency
8154 Diploma equivalent shall be eligible for TANF benefits; or

8155 (iv) The child failed to attend school for one or
8156 more of the following reasons:

8157 1. Illness, injury or incapacity of the child
8158 or the minor parent's child;

8159 2. Court-required appearances or temporary
8160 incarceration;

8161 3. Medical or dental appointments for the
8162 child or minor parent's child;

8163 4. Death of a close relative;

8164 5. Observance of a religious holiday;

8165 6. Family emergency;

8166 7. Breakdown in transportation;

8167 8. Suspension; or

8168 9. Any other circumstance beyond the control
8169 of the child, as defined in regulations of the department.

8170 (f) Upon determination that a child has failed without
8171 good cause to attend school as required, the department shall
8172 provide written notice to the parent or caretaker relative
8173 (whoever is the primary recipient of the TANF benefits) that
8174 specifies:

8175 (i) That the family will be sanctioned in the next
8176 possible payment month because the child who is required to attend



8177 school has failed to meet the attendance requirement of this
8178 subsection;

8179 (ii) The beginning date of the sanction, and the
8180 child to whom the sanction applies;

8181 (iii) The right of the child's parents or
8182 caretaker relative (whoever is the primary recipient of the TANF
8183 benefits) to request a fair hearing under this subsection.

8184 The child's parent or caretaker relative (whoever is the
8185 primary recipient of the TANF benefits) may request a fair hearing
8186 on the department's determination that the child has not been
8187 attending school. If the child's parents or caretaker relative
8188 does not request a fair hearing under this subsection, or if,
8189 after a fair hearing has been held, the hearing officer finds that
8190 the child without good cause has failed to meet the monthly
8191 attendance requirement, the department shall discontinue or deny
8192 TANF benefits to the child thirteen (13) years old, or older, in
8193 the next possible payment month. The department shall discontinue
8194 or deny twenty-five percent (25%) of the family grant when a child
8195 six (6) through twelve (12) years of age without good cause has
8196 failed to meet the monthly attendance requirement. Both the child
8197 and family sanction may apply when children in both age groups
8198 fail to meet the attendance requirement without good cause. A
8199 sanction applied under this subsection shall be effective for one
8200 (1) month for each month that the child failed to meet the monthly
8201 attendance requirement. In the case of a dropout, the sanction



8202 shall remain in force until the parent or caretaker relative
8203 provides written proof from the school district or charter school
8204 that the child has reenrolled and met the monthly attendance
8205 requirement for one (1) calendar month. Any month in which school
8206 is in session for at least ten (10) days during the month may be
8207 used to meet the attendance requirement under this subsection.
8208 This includes attendance at summer school. The sanction shall be
8209 removed the next possible payment month.

8210 (5) All parents or caretaker relatives shall have their
8211 dependent children receive vaccinations and booster vaccinations
8212 against those diseases specified by the State Health Officer under
8213 Section 41-23-37 in accordance with the vaccination and booster
8214 vaccination schedule prescribed by the State Health Officer for
8215 children of that age, in order for the parents or caretaker
8216 relatives to be eligible or remain eligible to receive TANF
8217 benefits. Proof of having received such vaccinations and booster
8218 vaccinations shall be given by presenting the certificates of
8219 vaccination issued by any health care provider licensed to
8220 administer vaccinations, and submitted on forms specified by the
8221 State Board of Health. If the parents without good cause do not
8222 have their dependent children receive the vaccinations and booster
8223 vaccinations as required by this subsection and they fail to
8224 comply after thirty (30) days' notice, the department shall
8225 sanction the family's TANF benefits by twenty-five percent (25%)



8226 for the next payment month and each subsequent payment month until
8227 the requirements of this subsection are met.

8228 (6) (a) If the parent or caretaker relative applying for
8229 TANF assistance is work eligible, as determined by the Department
8230 of Human Services, the person shall be required to engage in an
8231 allowable work activity once the department determines the parent
8232 or caretaker relative is determined work eligible, or once the
8233 parent or caretaker relative has received TANF assistance under
8234 the program for twenty-four (24) months, whether or not
8235 consecutive, whichever is earlier. No TANF benefits shall be
8236 given to any person to whom this section applies who fails without
8237 good cause to comply with the Employability Development Plan
8238 prepared by the department for the person, or who has refused to
8239 accept a referral or offer of employment, training or education in
8240 which he or she is able to engage, subject to the penalties
8241 prescribed in paragraph (e) of this subsection. A person shall be
8242 deemed to have refused to accept a referral or offer of
8243 employment, training or education if he or she:

8244 (i) Willfully fails to report for an interview
8245 with respect to employment when requested to do so by the
8246 department; or

8247 (ii) Willfully fails to report to the department
8248 the result of a referral to employment; or



8249 (iii) Willfully fails to report for allowable work
8250 activities as prescribed in paragraphs (c) and (d) of this
8251 subsection.

8252 (b) The Department of Human Services shall operate a
8253 statewide work program for TANF recipients to provide work
8254 activities and supportive services to enable families to become
8255 self-sufficient and improve their competitive position in the
8256 workforce in accordance with the requirements of the federal
8257 Personal Responsibility and Work Opportunity Reconciliation Act of
8258 1996 (Public Law 104-193), as amended, and the regulations
8259 promulgated thereunder, and the Deficit Reduction Act of 2005
8260 (Public Law 109-171), as amended. Within sixty (60) days after
8261 the initial application for TANF benefits, the TANF recipient must
8262 participate in a job search skills training workshop or a job
8263 readiness program, which shall include resume writing, job search
8264 skills, employability skills and, if available at no charge, the
8265 General Aptitude Test Battery or its equivalent. All adults who
8266 are not specifically exempt shall be referred by the department
8267 for allowable work activities. An adult may be exempt from the
8268 mandatory work activity requirement for the following reasons:

8269 (i) Incapacity;

8270 (ii) Temporary illness or injury, verified by
8271 physician's certificate;

8272 (iii) Is in the third trimester of pregnancy, and
8273 there are complications verified by the certificate of a



8274 physician, nurse practitioner, physician assistant, or any other
8275 licensed health care professional practicing under a protocol with
8276 a licensed physician;

8277 (iv) Caretaker of a child under twelve (12)
8278 months, for not more than twelve (12) months of the sixty-month
8279 maximum benefit period;

8280 (v) Caretaker of an ill or incapacitated person,
8281 as verified by physician's certificate;

8282 (vi) Age, if over sixty (60) or under eighteen
8283 (18) years of age;

8284 (vii) Receiving treatment for substance abuse, if
8285 the person is in compliance with the substance abuse treatment
8286 plan;

8287 (viii) In a two-parent family, the caretaker of a
8288 severely disabled child, as verified by a physician's certificate;
8289 or

8290 (ix) History of having been a victim of domestic
8291 violence, which has been reported as required by state law and is
8292 substantiated by police reports or court records, and being at
8293 risk of further domestic violence, shall be exempt for a period as
8294 deemed necessary by the department but not to exceed a total of
8295 twelve (12) months, which need not be consecutive, in the
8296 sixty-month maximum benefit period. For the purposes of this
8297 subparagraph (ix), "domestic violence" means that an individual
8298 has been subjected to:



8299 1. Physical acts that resulted in, or
8300 threatened to result in, physical injury to the individual;
8301 2. Sexual abuse;
8302 3. Sexual activity involving a dependent
8303 child;
8304 4. Being forced as the caretaker relative of
8305 a dependent child to engage in nonconsensual sexual acts or
8306 activities;
8307 5. Threats of, or attempts at, physical or
8308 sexual abuse;
8309 6. Mental abuse; or
8310 7. Neglect or deprivation of medical care.
8311 (c) For all families, all adults who are not
8312 specifically exempt shall be required to participate in work
8313 activities for at least the minimum average number of hours per
8314 week specified by federal law or regulation, not fewer than twenty
8315 (20) hours per week (thirty-five (35) hours per week for
8316 two-parent families) of which are attributable to the following
8317 allowable work activities:
8318 (i) Unsubsidized employment;
8319 (ii) Subsidized private employment;
8320 (iii) Subsidized public employment;
8321 (iv) Work experience (including work associated
8322 with the refurbishing of publicly assisted housing), if sufficient
8323 private employment is not available;



8324 (v) On-the-job training;
8325 (vi) Job search and job readiness assistance
8326 consistent with federal TANF regulations;
8327 (vii) Community service programs;
8328 (viii) Vocational educational training (not to
8329 exceed twelve (12) months with respect to any individual);
8330 (ix) The provision of child care services to an
8331 individual who is participating in a community service program;
8332 (x) Satisfactory attendance at high school or in a
8333 course of study leading to a high school equivalency certificate,
8334 for heads of household under age twenty (20) who have not
8335 completed high school or received such certificate;
8336 (xi) Education directly related to employment, for
8337 heads of household under age twenty (20) who have not completed
8338 high school or received such equivalency certificate.
8339 (d) The following are allowable work activities which
8340 may be attributable to hours in excess of the minimum specified in
8341 paragraph (c) of this subsection:
8342 (i) Job skills training directly related to
8343 employment;
8344 (ii) Education directly related to employment for
8345 individuals who have not completed high school or received a high
8346 school equivalency certificate;
8347 (iii) Satisfactory attendance at high school or in
8348 a course of study leading to a high school equivalency, for



8349 individuals who have not completed high school or received such
8350 equivalency certificate;

8351 (iv) Job search and job readiness assistance
8352 consistent with federal TANF regulations.

8353 (e) If any adult or caretaker relative refuses to
8354 participate in allowable work activity as required under this
8355 subsection (6), the following full family TANF benefit penalty
8356 will apply, subject to due process to include notification,
8357 conciliation and a hearing if requested by the recipient:

8358 (i) For the first violation, the department shall
8359 terminate the TANF assistance otherwise payable to the family for
8360 a two-month period or until the person has complied with the
8361 required work activity, whichever is longer;

8362 (ii) For the second violation, the department
8363 shall terminate the TANF assistance otherwise payable to the
8364 family for a six-month period or until the person has complied
8365 with the required work activity, whichever is longer;

8366 (iii) For the third violation, the department
8367 shall terminate the TANF assistance otherwise payable to the
8368 family for a twelve-month period or until the person has complied
8369 with the required work activity, whichever is longer;

8370 (iv) For the fourth violation, the person shall be
8371 permanently disqualified.

8372 For a two-parent family, unless prohibited by state or
8373 federal law, Medicaid assistance shall be terminated only for the



8374 person whose failure to participate in allowable work activity
8375 caused the family's TANF assistance to be sanctioned under this
8376 paragraph (e), unless an individual is pregnant, but shall not be
8377 terminated for any other person in the family who is meeting that
8378 person's applicable work requirement or who is not required to
8379 work. Minor children shall continue to be eligible for Medicaid
8380 benefits regardless of the disqualification of their parent or
8381 caretaker relative for TANF assistance under this subsection (6),
8382 unless prohibited by state or federal law.

8383 (f) Any person enrolled in a two-year or four-year
8384 college program who meets the eligibility requirements to receive
8385 TANF benefits, and who is meeting the applicable work requirements
8386 and all other applicable requirements of the TANF program, shall
8387 continue to be eligible for TANF benefits while enrolled in the
8388 college program for as long as the person meets the requirements
8389 of the TANF program, unless prohibited by federal law.

8390 (g) No adult in a work activity required under this
8391 subsection (6) shall be employed or assigned (i) when any other
8392 individual is on layoff from the same or any substantially
8393 equivalent job within six (6) months before the date of the TANF
8394 recipient's employment or assignment; or (ii) if the employer has
8395 terminated the employment of any regular employee or otherwise
8396 caused an involuntary reduction of its workforce in order to fill
8397 the vacancy so created with an adult receiving TANF assistance.
8398 The Mississippi Department of Employment Security, established



8399 under Section 71-5-101, shall appoint one or more impartial
8400 hearing officers to hear and decide claims by employees of
8401 violations of this paragraph (g). The hearing officer shall hear
8402 all the evidence with respect to any claim made hereunder and such
8403 additional evidence as he may require and shall make a
8404 determination and the reason therefor. The claimant shall be
8405 promptly notified of the decision of the hearing officer and the
8406 reason therefor. Within ten (10) days after the decision of the
8407 hearing officer has become final, any party aggrieved thereby may
8408 secure judicial review thereof by commencing an action, in the
8409 circuit court of the county in which the claimant resides, against
8410 the department for the review of such decision, in which action
8411 any other party to the proceeding before the hearing officer shall
8412 be made a defendant. Any such appeal shall be on the record which
8413 shall be certified to the court by the department in the manner
8414 provided in Section 71-5-531, and the jurisdiction of the court
8415 shall be confined to questions of law which shall render its
8416 decision as provided in that section.

8417 (7) The Department of Human Services may provide child care
8418 for eligible participants who require such care so that they may
8419 accept employment or remain employed. The department may also
8420 provide child care for those participating in the TANF program
8421 when it is determined that they are satisfactorily involved in
8422 education, training or other allowable work activities. The
8423 department may contract with Head Start agencies to provide child



8424 care services to TANF recipients. The department may also arrange
8425 for child care by use of contract or vouchers, provide vouchers in
8426 advance to a caretaker relative, reimburse a child care provider,
8427 or use any other arrangement deemed appropriate by the department,
8428 and may establish different reimbursement rates for child care
8429 services depending on the category of the facility or home. Any
8430 center-based or group home child care facility under this
8431 subsection shall be licensed by the State Department of Health
8432 pursuant to law. When child care is being provided in the child's
8433 own home, in the home of a relative of the child, or in any other
8434 unlicensed setting, the provision of such child care may be
8435 monitored on a random basis by the Department of Human Services or
8436 the State Department of Health. Transitional child care
8437 assistance may be continued if it is necessary for parents to
8438 maintain employment once support has ended, unless prohibited
8439 under state or federal law. Transitional child care assistance
8440 may be provided for up to twenty-four (24) months after the last
8441 month during which the family was eligible for TANF assistance, if
8442 federal funds are available for such child care assistance.

8443 (8) The Department of Human Services may provide
8444 transportation or provide reasonable reimbursement for
8445 transportation expenses that are necessary for individuals to be
8446 able to participate in allowable work activity under the TANF
8447 program.



8448 (9) Medicaid assistance shall be provided to a family of
8449 TANF program participants for up to twenty-four (24) consecutive
8450 calendar months following the month in which the participating
8451 family would be ineligible for TANF benefits because of increased
8452 income, expiration of earned income disregards, or increased hours
8453 of employment of the caretaker relative; however, Medicaid
8454 assistance for more than twelve (12) months may be provided only
8455 if a federal waiver is obtained to provide such assistance for
8456 more than twelve (12) months and federal and state funds are
8457 available to provide such assistance.

8458 (10) The department shall require applicants for and
8459 recipients of public assistance from the department to sign a
8460 personal responsibility contract that will require the applicant
8461 or recipient to acknowledge his or her responsibilities to the
8462 state.

8463 (11) The department shall enter into an agreement with the
8464 State Personnel Board and other state agencies that will allow
8465 those TANF participants who qualify for vacant jobs within state
8466 agencies to be placed in state jobs. State agencies participating
8467 in the TANF work program shall receive any and all benefits
8468 received by employers in the private sector for hiring TANF
8469 recipients. This subsection (11) shall be effective only if the
8470 state obtains any necessary federal waiver or approval and if
8471 federal funds are available therefor. Not later than September 1,
8472 2021, the department shall prepare a report, which shall be



8473 provided to the Chairmen of the House and Senate Public Health
8474 Committees and to any other member of the Legislature upon
8475 request, on the history, status, outcomes and effectiveness of the
8476 agreements required under this subsection.

8477 (12) Any unspent TANF funds remaining from the prior fiscal
8478 year may be expended for any TANF allowable activities.

8479 (13) The Mississippi Department of Human Services shall
8480 provide TANF applicants information and referral to programs that
8481 provide information about birth control, prenatal health care,
8482 abstinence education, marriage education, family preservation and
8483 fatherhood. Not later than September 1, 2021, the department
8484 shall prepare a report, which shall be provided to the Chairmen of
8485 the House and Senate Public Health Committees and to any other
8486 member of the Legislature upon request, on the history, status,
8487 outcomes and effectiveness of the information and referral
8488 requirements under this subsection.

8489 (14) No new TANF program requirement or restriction
8490 affecting a person's eligibility for TANF assistance, or allowable
8491 work activity, which is not mandated by federal law or regulation
8492 may be implemented by the Department of Human Services after July
8493 1, 2004, unless such is specifically authorized by an amendment to
8494 this section by the Legislature.

8495 **SECTION 113.** Section 65-26-9, Mississippi Code of 1972, is
8496 brought forward as follows:



8497 65-26-9. (1) There is hereby created in the State Treasury
8498 a special fund to be known as the Tennessee-Tombigbee Waterway
8499 Bridge Bond Retirement Fund. All revenues pledged for the payment
8500 of the principal of and interest on the bonds authorized to be
8501 issued by this chapter shall be deposited into the bond retirement
8502 fund. Expenditures from the bond retirement fund shall be made
8503 only in accordance with this section.

8504 (2) Subject to the provisions of subsection (3) of this
8505 section, amounts on deposit in the bond retirement fund and not
8506 immediately required for the making of any payments therefrom
8507 shall be invested in interest-bearing certificates of deposit in
8508 accordance with the provisions of Section 27-105-33, except
8509 interest so earned shall be credited to the bond retirement fund.

8510 (3) (a) There is hereby established within the bond
8511 retirement fund two (2) separate accounts as follows: (i) the
8512 "Tennessee-Tombigbee General Account"; and (ii) the
8513 "Tennessee-Tombigbee Principal and Interest Account."

8514 (b) (i) All amounts held in the bond retirement fund
8515 on April 23, 1986, and all amounts thereafter deposited in the
8516 bond retirement fund, shall be credited to the Tennessee-Tombigbee
8517 General Account.

8518 (ii) Until such time as the transfer of funds from
8519 the Tennessee-Tombigbee General Account to the Tennessee-Tombigbee
8520 Principal and Interest Account occurs as provided in paragraph
8521 (b)(iii) of this subsection, amounts in the general account shall



8522 be applied to the following purposes and in the following order of
8523 priority: first, to the extent required, to the payment, the
8524 principal of, redemption premium, if any, and interest on general
8525 obligation bonds; second, to the extent required, to the General
8526 Fund of the state to reimburse the state for expenditures in
8527 excess of twenty-five percent (25%) of the total costs of the
8528 principal and interest on bonds issued under authority of
8529 subsection (1) of Section 65-26-15 and for all expenditures for
8530 costs of the principal of and interest on bonds issued under
8531 authority of subsection (2) of Section 65-26-15; and third, to the
8532 extent required, if any, to the bridge construction fund created
8533 in Section 65-26-25 to make current payments to meet contractual
8534 obligations for bridge construction.

8535 (iii) Upon certification of the State Treasurer,
8536 filed with and approved by the State Bond Commission, that the
8537 amount on deposit in the Tennessee-Tombigbee General Account,
8538 together with earnings on investments to accrue to it, is equal to
8539 or greater than the aggregate of the entire principal, redemption
8540 premium, if any, and interest due and to become due, until the
8541 final maturity date or earlier scheduled redemption date thereof,
8542 on all general obligation bonds outstanding as of the date of such
8543 certification, then the State Treasurer shall transfer from the
8544 Tennessee-Tombigbee General Account to the Tennessee-Tombigbee
8545 Principal and Interest Account an amount equal to the entire
8546 principal, redemption premium, if any, and interest due and to



8547 become due, until the final maturity date or scheduled redemption
8548 date thereof, on all general obligation bonds outstanding as of
8549 the date of such transfer. The State of Mississippi hereby
8550 covenants with the holders from time to time of general obligation
8551 bonds that amounts deposited in the Tennessee-Tombigbee Principal
8552 and Interest Account will be applied solely to the payment of the
8553 principal of, redemption premium, if any, and interest on general
8554 obligation bonds.

8555 (iv) After the date of the transfer from the
8556 general account to the principal and interest account contemplated
8557 by paragraph (b)(iii) of this subsection, amounts from time to
8558 time on deposit in the Tennessee-Tombigbee General Account shall
8559 be applied monthly to the following purposes and in the following
8560 order of priority: first, to the extent required, to the payment
8561 of the principal of, redemption premium, if any, and interest on
8562 general obligation bonds issued under this chapter; second, to the
8563 extent required, to the General Fund of the state to reimburse the
8564 state for expenditures in excess of twenty-five percent (25%) of
8565 the total costs of the principal and interest on bonds issued
8566 under authority of subsection (1) of Section 65-26-15 and for all
8567 expenditures for costs of the principal of and interest on bonds
8568 issued under authority of subsection (2) of Section 65-26-15; and
8569 third, to the extent required, if any, to the bridge construction
8570 fund created in Section 65-26-25 to make current payments to meet
8571 contractual obligations for bridge construction.



8572 (4) It is the intent of the Legislature that all outstanding
8573 general obligation bonds issued under this chapter shall be
8574 retired by the State Bond Commission on the earliest scheduled
8575 redemption date thereof, provided that there are sufficient funds
8576 in the bond retirement fund together with earnings on investments
8577 to accrue to it. When the principal of, redemption premium, if
8578 any, and interest on all such outstanding general obligation bonds
8579 are paid in full, then any amounts remaining in the bond
8580 retirement fund, or separate accounts therein, together with
8581 earnings on investments to accrue to it, shall be apportioned and
8582 paid as follows:

8583 (a) Three Million Five Hundred Thousand Dollars
8584 (\$3,500,000.00) of such funds shall be paid into the appropriate
8585 fund for use by the Yellow Creek State Inland Port Authority for
8586 equipment or facilities necessary to the operation of the port.

8587 (b) Three Million Five Hundred Thousand Dollars
8588 (\$3,500,000.00) shall be paid into the State General Fund.

8589 (c) Seven Million Five Hundred Thousand Dollars
8590 (\$7,500,000.00) shall be paid to Tishomingo County. Of the Seven
8591 Million Five Hundred Thousand Dollars (\$7,500,000.00), (i) Two
8592 Million Five Hundred Thousand Dollars (\$2,500,000.00) shall be
8593 placed by the county in a special trust fund, the principal of
8594 which shall remain inviolate and the interest on which shall be
8595 expended solely for improvement of elementary and secondary
8596 education in Tishomingo County and distributed among the school



8597 districts therein based on the net enrollment in each, and (ii)
8598 Five Million Dollars (\$5,000,000.00) shall be placed in the county
8599 general fund and may be expended for general county purposes.

8600 (d) The balance of such funds shall be paid to the
8601 counties of Alcorn, Chickasaw, Clay, Itawamba, Lee, Lowndes,
8602 Monroe, Noxubee, Kemper, Pontotoc, Prentiss and Tishomingo. Such
8603 funds shall be paid to such counties in the proportion that each
8604 county's contribution to the bridge bond fund bears to the total
8605 contribution from all twelve (12) counties; however, no county
8606 shall be paid more than Five Million Dollars (\$5,000,000.00) under
8607 this paragraph (d). Such funds shall be deposited by the county
8608 into a special account to be expended solely for economic
8609 development purposes. No expenditure of funds from the special
8610 account shall be made unless the amount to be expended from the
8611 special account is matched by other county funds in an amount
8612 equal to fifteen percent (15%) of the special account funds to be
8613 expended and until the Mississippi Development Authority, upon
8614 application by the board of supervisors, has certified that the
8615 proposed expenditure is for economic development purposes and has
8616 approved the expenditure for such purposes; provided, however, the
8617 fifteen percent (15%) match hereinabove imposed shall not be
8618 required when the proposed expenditure for economic development
8619 purposes is on land owned or leased by the federal, state, county
8620 or municipal government.



8621 **SECTION 114.** Section 27-104-351, Mississippi Code of 1972,
8622 is amended as follows:

8623 27-104-351. (1) This section shall be known and may be
8624 cited as the "Line-Item Appropriation Transparency Act."

8625 (2) As used in this section, unless the context clearly
8626 indicates otherwise:

8627 (a) "Local government entity" means any county,
8628 municipality, school district, charter school, public hospital or
8629 other political subdivision of the state.

8630 (b) "Pass-through funding" means a line-item
8631 appropriation by the Legislature to a state agency that is
8632 itemized on a separate line in a state agency's appropriation bill
8633 and that is intended to be passed through the state agency to one
8634 or more:

8635 (i) Local government entities;

8636 (ii) Private organizations, including
8637 not-for-profit organizations; or

8638 (iii) Persons in the form of a loan or grant.

8639 "Pass-through funding" may be general funds, dedicated
8640 credits, or any combination of state funding sources, and may be
8641 ongoing or one-time.

8642 (c) "Recipient entity" means a local government entity
8643 or private entity, including a nonprofit entity, that receives
8644 money by way of pass-through funding from a state agency.



8645 (d) "State agency" shall have the same meaning as
8646 provided in Section 27-103-103, and shall include any other
8647 subagency or board under the supervision of that state agency.

8648 (e) "State money" means funds in the State General Fund
8649 and all state-support special funds which are in the Budget
8650 Contingency Fund, Capital Expense Fund, Working-Cash Stabilization
8651 Reserve Fund, Education Enhancement Fund, Healthcare Expendable
8652 Fund, Tobacco Control Program Fund, BP Settlement Fund, Gulf Coast
8653 Restoration Fund and any other special funds that are determined
8654 by the Joint Legislative Budget Committee to be a state-support
8655 special fund. "State money" does not include contributions or
8656 donations received by a state agency.

8657 (f) "Department" means the Department of Finance and
8658 Administration.

8659 (3) A state agency may not provide a recipient entity state
8660 money from pass-through funding unless:

8661 (a) The state agency enters into a written agreement
8662 with the recipient entity, which details the criteria and
8663 reporting requirements as provided in this section; and

8664 (b) The written agreement described in paragraph (a) of
8665 this subsection requires the recipient entity to provide to the
8666 state agency the following:

8667 (i) A written description and an itemized report
8668 detailing the expenditure of state money or the intended
8669 expenditure of any state money that has not been spent. Such



8670 report shall be submitted at least quarterly on dates determined
8671 by the department; and

8672 (ii) A final written itemized report when all the
8673 state money is spent.

8674 Disbursements shall only be made after the written agreement
8675 described in paragraph (a) of this subsection has been signed and
8676 shall be contingent upon the recipient entity complying with the
8677 quarterly reporting requirements required by paragraph (b) of this
8678 subsection.

8679 (4) On or before June 30 of each year or a date determined
8680 by the department, a state agency shall provide to the department
8681 a copy of the written agreements, written descriptions, and
8682 reports of itemized expenditures required under subsection (3) of
8683 this section.

8684 (5) The department is responsible for obtaining the written
8685 agreements, written descriptions, and itemized reports required by
8686 subsection (3) of this section from state agencies. The
8687 department is further responsible for consolidating and presenting
8688 a report on the previous fiscal year's pass-through expenditures
8689 and providing it to the Joint Legislative Budget Committee by
8690 October 1 of each year.

8691 (6) The department shall create all of the following
8692 documents which shall be in such form and contain such information
8693 as the department prescribes:



8694 (a) Written agreement as described in subsection (3)(a)
8695 of this section;

8696 (b) Written description and itemized report as
8697 described in subsection (3)(b) of this section; and

8698 (c) Final itemized report as described in subsection
8699 (3)(b) of this section.

8700 A state agency shall utilize these documents when complying
8701 with the criteria set forth in this section.

8702 (7) Notwithstanding subsection (3) of this section, a state
8703 agency is not required to comply with this section to the extent
8704 that the pass-through funding is issued:

8705 (a) Under a competitive award process;

8706 (b) In accordance with a formula enacted in statute;

8707 (c) In accordance with a state program under parameters
8708 in statute or rule that guides the distribution of the
8709 pass-through funding;

8710 (d) Under the authority of Sections 37-151-200 through
8711 37-151-215; or

8712 (e) In accordance with an appropriations act of the
8713 Legislature that specifically provides an exemption from the
8714 provisions of this section.

8715 (8) Unless a recipient entity is required to comply with
8716 Section 31-7-1 et seq. because it is an agency or public body, the
8717 fact that it is a recipient entity does not create such an
8718 obligation.



8719 **SECTION 115.** Section 25-11-126, Mississippi Code of 1972, is
8720 amended as follows:

8721 25-11-126. (1) Any person who has at least thirty (30)
8722 years of creditable service, who was employed as a public school
8723 teacher at the time of his or her retirement, has been retired at
8724 least ninety (90) days and is receiving a retirement allowance,
8725 and holds a standard teaching license in Mississippi, may be
8726 employed as a teacher in a public school district after
8727 retirement, and choose to continue receiving the retirement
8728 allowance under this article during his or her employment as a
8729 teacher after retirement in addition to receiving the salary
8730 authorized under this section, along with the local contribution
8731 of the school district in which the retiree is employed, at the
8732 discretion of the school district. Any teacher who has retired
8733 with at least twenty-five (25) years of creditable service as of
8734 July 1, 2024, may also participate in this program if the teacher
8735 otherwise qualifies under this section.

8736 (2) A retired teacher may only be hired to teach in a school
8737 district designated by the Department of Education as having
8738 critical shortages and/or critical subject-area shortages, and
8739 shall hold the related standard teaching license and/or
8740 endorsements to teach in the subject area. The base compensation
8741 authorized for returning retired teachers under Section 37-19-7
8742 shall not be graduated annually in the same manner as teachers who
8743 are employed by a school district under traditional employment



8744 guidelines, but shall remain static for the entirety of his or her
8745 eligible teaching period as a retired teacher.

8746 (3) (a) A retired teacher may be employed as a teacher,
8747 continue receiving his or her retirement allowance and be a
8748 contributing member of the system without accruing additional
8749 retirement benefits for a total of five (5) years, which may be
8750 performed consecutively or intermittently. This method is
8751 designed specifically to provide funding for the system to
8752 actuarially offset any pension liability created by this section.
8753 Each school district hiring retired teachers under the authority
8754 of this section, shall make a direct payment to PERS, which shall
8755 serve as pension liability participation assessment. The pension
8756 liability participation assessment and the retired teacher's
8757 salary for returning to work shall be determined as follows:

8758 (i) A school district shall rely on the salary
8759 schedule in Section 37-19-7 in considering the salary for a
8760 retired teacher; provided, however, that the school district may
8761 allocate up to one hundred and twenty-five percent (125%) of the
8762 amount provided under the salary schedule comparable to the
8763 teacher's years of service and license type as salary and
8764 assessment under the program.

8765 (ii) After determining the retired teacher's
8766 compensation, the school district may pay no more than fifty
8767 percent (50%) of the retired teacher's compensation as salary to
8768 the retired teacher; and



8769 (iii) The remaining fifty percent (50%) of the
8770 retired teacher's compensation as salary shall be paid by the
8771 school district to PERS as a pension liability participation
8772 assessment.

8773 (b) If a retired teacher, reemployed under the
8774 authority of this section, works in a school district for any
8775 portion of a scholastic year less than a full contractual term of
8776 traditional teachers, the time worked by the retired teacher shall
8777 constitute one (1) of the five (5) years of post retirement
8778 teaching eligibility. A retired teacher, under the authority of
8779 this section, shall be entitled to work in any applicable school
8780 district and shall not be obligated to remain in any one (1)
8781 school district for the entirety of his or her post retirement
8782 teaching eligibility, but shall be cumulative in nature so as not
8783 to exceed five (5) years. The salary authorized under Section
8784 37-19-7 for retired teachers shall be prorated for any period
8785 worked by the retired teacher that is less than one (1) full
8786 academic year.

8787 (c) The State Department of Education shall transfer to
8788 the system the * * * total funding formula funds of local school
8789 districts that on or after July 1, 2024, hire retired members as
8790 teachers under this section and other funds that otherwise would
8791 have been payable to the districts if the districts had not taken
8792 advantage of this section. The crediting of assets and financing
8793 shall follow the provisions of Section 25-11-123.



8794 (d) Local educational agencies shall transfer to the
8795 system * * * the total funding formula funds of local school
8796 districts that on or after July 1, 2024, hire retired members as
8797 teachers under this section and other funds that otherwise would
8798 have been payable to the districts if the districts had not taken
8799 advantage of this section. The crediting of assets and financing
8800 must follow the provisions of Section 25-11-123.

8801 (4) Under the authority of this section, school districts
8802 may employ retired teachers based on criteria established by the
8803 department of education for critical teacher shortage areas and
8804 critical subject-matter areas. A school district that is not
8805 within a critical teacher shortage area may employ teachers for
8806 critical subject-matter areas.

8807 (5) A person may be hired under this section subject to the
8808 following conditions:

8809 (a) The retired member holds any teacher's professional
8810 license or certificate as may be required in Section 37-3-2, and
8811 holds the related standard teaching license and/or endorsements to
8812 teach in the applicable subject area;

8813 (b) The superintendent of the employing school district
8814 certifies in writing to the State Department of Education that the
8815 retired member has the requisite experience, training and
8816 expertise for the position to be filled;



8817 (c) The superintendent of the school district certifies
8818 or the principal of the school certifies that there was no
8819 preexisting arrangement for the person to be hired;

8820 (d) The person had a satisfactory performance review
8821 for the most recent period before retirement; and

8822 (e) The person is hired to teach in a critical
8823 subject-matter area or in a critical teacher shortage area.

8824 (6) The State Superintendent of Public Education shall
8825 report the persons who are employed under this section to the
8826 Executive Director of the Public Employees' Retirement System.

8827 (7) The department of education shall promulgate regulations
8828 that prescribe a salary schedule that reflects the provisions of
8829 this section. Each school district shall create a policy,
8830 approved by the local school board, related to the hiring of
8831 retired teachers and including, but not limited to, the hiring of
8832 full- and part-time retired teacher employees under this section
8833 and Section 25-11-127.

8834 (8) Any retired teacher who returns to work in accordance
8835 with this section shall not be eligible to return to work under
8836 the provisions of Section 25-11-127.

8837 **SECTION 116.** Section 37-159-7, Mississippi Code of 1972, is
8838 amended as follows:

8839 37-159-7. The school board of any school district situated
8840 within a geographical area of the state where there exists a
8841 critical shortage of teachers, as designated by the State Board of



8842 Education, in its discretion, may reimburse persons who interview
8843 for employment as a licensed teacher with the district for the
8844 mileage and other actual expenses incurred in the course of travel
8845 to and from the interview by such persons at the rate authorized
8846 for county and municipal employees under Section 25-3-41. Any
8847 reimbursement by a school board under this section shall be paid
8848 from funds other than * * * total funding formula funds.

8849 **SECTION 117.** Section 37-23-31, Mississippi Code of 1972, is
8850 amended as follows:

8851 37-23-31. (1) (a) When five (5) or more children under
8852 twenty-one (21) years of age who, because of significant
8853 developmental disabilities, complex communication needs,
8854 significant language or learning deficits or any combination of
8855 either, are unable to have their educational needs met
8856 appropriately in a regular or special education public school
8857 program within their local public school districts, a
8858 state-supported university or college shall be authorized and
8859 empowered, in its discretion, to provide a program of education,
8860 instruction and training to such children, provided that such
8861 program shall operate under rules, regulations, policies and
8862 standards adopted by the State Department of Education, as
8863 provided for in Section 37-23-33. The opinion of a parent or
8864 guardian in regard to the provision of an appropriate special
8865 education program in or by their respective local public school
8866 district shall be considered before a placement decision is



8867 finalized. Parents of students enrolled in a local education
8868 agency (LEA) shall have any and all rights as provided in the
8869 Individuals with Disabilities Education Act, including, but not
8870 limited to, the right to equal participation in their child's
8871 Individualized Education Program (IEP), the right to require
8872 review of their child's IEP, and the right to appeal an IEP
8873 Committee decision immediately. The parent or guardian or local
8874 educational agency shall have the right to audio record the
8875 proceedings of individualized education program team meetings.
8876 The parent or guardian or local educational agency shall notify
8877 the members of the individualized education program team of his,
8878 her, or its intent to audio record a meeting at least twenty-four
8879 (24) hours prior to the meeting.

8880 (b) Instructors, including speech-language
8881 pathologists, educational audiologists and special and early
8882 childhood educators are qualified and empowered to serve as the
8883 lead teacher for children enrolled within the state-supported
8884 university's or college's university-based program (UBP) through
8885 the IDEA-Part C and IDEA-Part B eligibility and placement process
8886 upon completing instructional licensure requirements * * *.

8887 (c) Due to the significance of the needs of the
8888 children served through the UBP, general education setting
8889 requirements may not be applicable as the least restrictive
8890 environment. Students enrolled in a UBP by a LEA shall meet all
8891 state educational requirements, including participation in



8892 statewide assessments. Justification for placement decisions is
8893 determined in conjunction with the LEA through each child's IEP
8894 for ages three (3) to twenty-one (21). The UBP shall submit to
8895 the local education agency and the parents of the student in the
8896 program a progress report each semester on all IEP goals and
8897 objectives. The UBP and local education agency shall confer
8898 annually to develop the IEP for each student enrolled in the UBP.

8899 (2) Any state-supported university or college conducting a
8900 full-time medical teaching program acceptable to the State Board
8901 of Education may, at its discretion, enter into such contracts or
8902 agreements with any private school or nonprofit
8903 corporation-supported institution, the Mississippi School for the
8904 Deaf, or any state-supported institution, providing the special
8905 education contemplated by this section for such services, provided
8906 the private school or institution offering such services shall
8907 have conducted a program of such services at standards acceptable
8908 to the State Department of Education for a period of at least one
8909 (1) year prior to the date at which the university or college
8910 proposes to enter into an agreement or contract for special
8911 educational services as described above.

8912 **SECTION 118.** Section 37-23-33, Mississippi Code of 1972, is
8913 amended as follows:

8914 37-23-33. (1) Such program of education, instruction and
8915 training as is provided for in Section 37-23-31 shall be furnished
8916 in such manner as shall be provided by rules and regulations



8917 adopted by the State Board of Education, which for such purposes
8918 shall have the full power to adopt such rules, regulations,
8919 policies and standards as it may deem necessary to carry out the
8920 purpose of Sections 37-23-31 through 37-23-35, including the
8921 establishment of qualifications consistent with the requirements
8922 of subsection (2) of this section for any teachers employed under
8923 the provisions thereof. It is expressly provided, however, that
8924 no program of education, instruction and training shall be
8925 furnished except in a university or college supported by the State
8926 of Mississippi and only in cases where such university or college
8927 shall consent thereto and shall provide any classroom space,
8928 furniture and facilities which may be deemed necessary in carrying
8929 out the provisions of those sections.

8930 (2) Speech-language pathologists, educational audiologists,
8931 and special and early childhood educators are qualified and
8932 authorized to serve as the lead teacher for children enrolled in a
8933 university or college-based program through the IDEA-Part C and
8934 IDEA-Part B eligibility and placement process. Whenever
8935 communication is a primary area of concern on a child's
8936 Individualized Family Service Plan (IFSP) or Individualized
8937 Education Program (IEP), a speech-language pathologist or
8938 educational audiologist may serve as the lead instructor with an
8939 educator serving as a related service provider as necessary to
8940 meet the educational needs of the child. Speech-language
8941 pathologists and educational audiologists must undergo extensive



8942 college coursework in communication-based disorders impacting
8943 multiple areas of development, including cognition. The content
8944 of the college coursework must include typical and atypical
8945 development for ages birth through death. In addition to
8946 completing the college coursework, these instructional providers
8947 must meet all instructional licensure requirements as set forth by
8948 the State Department of Education * * *.

8949 (3) The State Department of Education through its general
8950 supervision responsibilities set forth by the Office of Special
8951 Education Programs at the United States Department of Education,
8952 shall require that the program of education, instruction and
8953 training be designed to provide individualized appropriate special
8954 education and related services that enable a child to reach his or
8955 her appropriate and uniquely designed goals for success.

8956 (4) A university- or college-based program must submit all
8957 reports and data required by the State Department of Education on
8958 the same or similar time schedule and in the same or similar
8959 manner that same or similar reports and data must be submitted to
8960 the department by local educational agencies.

8961 **SECTION 119.** Section 37-23-35, Mississippi Code of 1972, is
8962 amended as follows:

8963 37-23-35. (1) When any children who are residents of the
8964 State of Mississippi and qualify under the provisions of Section
8965 37-23-31, are provided a program of education, instruction and
8966 training within a * * * university-based program (UBP), the State



8967 Department of Education shall allocate * * * funds equivalent to
8968 the full base student cost and all qualifying weighted adjustments
8969 as prescribed in Section 37-151-205. The university or college
8970 shall be eligible for state and federal funds for such programs in
8971 accordance with IDEA. The university or college shall be
8972 responsible for providing for the additional costs of the program.

8973 (2) IDEA-Part B and preschool allocations for each LEA shall
8974 be determined and calculated by the State Department of Education
8975 with notification provided to the UBP of the total amount of funds
8976 being distributed to the LEA. The LEA and UBP shall enter into a
8977 collaborative agreement that describes the services provided and
8978 the funds required for such services.

8979 (3) State funds for transportation, extended school
8980 year * * * and the total funding formula funds, including National
8981 Board Certification/Speech-Language Pathology Supplements, shall
8982 be distributed by the State Department of Education directly to
8983 the state-supported university or college for students placed
8984 either through the Individualized Education Program (IEP) process
8985 or who are parentally placed. The university-based program (UBP)
8986 shall submit this information directly to the State Department of
8987 Education.

8988 **SECTION 120.** This act shall take effect and be in force from
8989 and after July 1, 2025, and shall stand repealed on June 30, 2025.

