

**Replace By Substitute
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1630

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

31 **SECTION 1.** Section 37-23-31, Mississippi Code of 1972, is
32 amended as follows:

33 37-23-31. (1) (a) When five (5) or more children under
34 twenty-one (21) years of age who, because of significant
35 developmental disabilities, complex communication needs,
36 significant language or learning deficits or any combination of
37 either, are unable to have their educational needs met
38 appropriately in a regular or special education public school
39 program within their local public school districts, a
40 state-supported university or college shall be authorized and



41 empowered, in its discretion, to provide a program of education,
42 instruction and training to such children, provided that such
43 program shall operate under rules, regulations, policies and
44 standards adopted by the State Department of Education, as
45 provided for in Section 37-23-33. The opinion of a parent or
46 guardian in regard to the provision of an appropriate special
47 education program in or by their respective local public school
48 district shall be considered before a placement decision is
49 finalized. Parents of students enrolled in a local education
50 agency (LEA) shall have any and all rights as provided in the
51 Individuals with Disabilities Education Act, including, but not
52 limited to, the right to equal participation in their child's
53 Individualized Education Program (IEP), the right to require
54 review of their child's IEP, and the right to appeal an IEP
55 Committee decision immediately. The parent or guardian or local
56 educational agency shall have the right to audio record the
57 proceedings of individualized education program team meetings.
58 The parent or guardian or local educational agency shall notify
59 the members of the individualized education program team of his,
60 her, or its intent to audio record a meeting at least twenty-four
61 (24) hours prior to the meeting.

62 (b) Instructors, including speech-language
63 pathologists, educational audiologists and special and early
64 childhood educators are qualified and empowered to serve as the
65 lead teacher for children enrolled within the state-supported



66 university's or college's university-based program (UBP) through
67 the IDEA-Part C and IDEA-Part B eligibility and placement process
68 upon completing instructional licensure requirements * * *.

69 (c) Due to the significance of the needs of the
70 children served through the UBP, general education setting
71 requirements may not be applicable as the least restrictive
72 environment. Students enrolled in a UBP by a LEA shall meet all
73 state educational requirements, including participation in
74 statewide assessments. Justification for placement decisions is
75 determined in conjunction with the LEA through each child's IEP
76 for ages three (3) to twenty-one (21). The UBP shall submit to
77 the local education agency and the parents of the student in the
78 program a progress report each semester on all IEP goals and
79 objectives. The UBP and local education agency shall confer
80 annually to develop the IEP for each student enrolled in the UBP.

81 (2) Any state-supported university or college conducting a
82 full-time medical teaching program acceptable to the State Board
83 of Education may, at its discretion, enter into such contracts or
84 agreements with any private school or nonprofit
85 corporation-supported institution, the Mississippi School for the
86 Deaf, or any state-supported institution, providing the special
87 education contemplated by this section for such services, provided
88 the private school or institution offering such services shall
89 have conducted a program of such services at standards acceptable
90 to the State Department of Education for a period of at least one



91 (1) year prior to the date at which the university or college
92 proposes to enter into an agreement or contract for special
93 educational services as described above.

94 **SECTION 2.** Section 37-23-33, Mississippi Code of 1972, is
95 amended as follows:

96 37-23-33. (1) Such program of education, instruction and
97 training as is provided for in Section 37-23-31 shall be furnished
98 in such manner as shall be provided by rules and regulations
99 adopted by the State Board of Education, which for such purposes
100 shall have the full power to adopt such rules, regulations,
101 policies and standards as it may deem necessary to carry out the
102 purpose of Sections 37-23-31 through 37-23-35, including the
103 establishment of qualifications consistent with the requirements
104 of subsection (2) of this section for any teachers employed under
105 the provisions thereof. It is expressly provided, however, that
106 no program of education, instruction and training shall be
107 furnished except in a university or college supported by the State
108 of Mississippi and only in cases where such university or college
109 shall consent thereto and shall provide any classroom space,
110 furniture and facilities which may be deemed necessary in carrying
111 out the provisions of those sections.

112 (2) Speech-language pathologists, educational audiologists,
113 and special and early childhood educators are qualified and
114 authorized to serve as the lead teacher for children enrolled in a
115 university or college-based program through the IDEA-Part C and



IDEA-Part B eligibility and placement process. Whenever communication is a primary area of concern on a child's Individualized Family Service Plan (IFSP) or Individualized Education Program (IEP), a speech-language pathologist or educational audiologist may serve as the lead instructor with an educator serving as a related service provider as necessary to meet the educational needs of the child. Speech-language pathologists and educational audiologists must undergo extensive college coursework in communication-based disorders impacting multiple areas of development, including cognition. The content of the college coursework must include typical and atypical development for ages birth through death. In addition to completing the college coursework, these instructional providers must meet all instructional licensure requirements as set forth by the State Department of Education * * *.

(3) The State Department of Education through its general supervision responsibilities set forth by the Office of Special Education Programs at the United States Department of Education, shall require that the program of education, instruction and training be designed to provide individualized appropriate special education and related services that enable a child to reach his or her appropriate and uniquely designed goals for success.

(4) A university- or college-based program must submit all reports and data required by the State Department of Education on the same or similar time schedule and in the same or similar



manner that same or similar reports and data must be submitted to the department by local educational agencies.

SECTION 3. Section 37-61-33, Mississippi Code of 1972, is amended as follows:

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

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

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

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



166 (c) Providing necessary water, light, heating,
167 air-conditioning and sewerage facilities for school buildings, and
168 purchasing land therefor;

169 (d) As a pledge to pay all or a portion of the debt
170 service on debt issued by the school district under Sections
171 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
172 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
173 and 37-41-81, or debt issued by boards of supervisors for
174 agricultural high schools pursuant to Section 37-27-65, if such
175 pledge is accomplished pursuant to a written contract or
176 resolution approved and spread upon the minutes of an official
177 meeting of the district's school board or board of supervisors.
178 The annual grant to such district in any subsequent year during
179 the term of the resolution or contract shall not be reduced below
180 an amount equal to the district's grant amount for the year in
181 which the contract or resolution was adopted. The intent of this
182 provision is to allow school districts to irrevocably pledge a
183 certain, constant stream of revenue as security for long-term
184 obligations issued under the code sections enumerated in this
185 paragraph or as otherwise allowed by law. It is the intent of the
186 Legislature that the provisions of this paragraph shall be
187 cumulative and supplemental to any existing funding programs or
188 other authority conferred upon school districts or school boards.
189 Debt of a district secured by a pledge of sales tax revenue
190 pursuant to this paragraph shall not be subject to any debt



limitation contained in the foregoing enumerated code sections;
and

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

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

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

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

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



215 (iii) Nine and sixty-one one-hundredths percent
216 (9.61%) for classroom supplies, instructional materials and
217 equipment, including computers and computer software, to be
218 distributed to all eligible teachers within the state through the
219 use of procurement cards or a digital solution capable of
220 tracking, paying and reporting purchases. Classroom supply funds
221 shall not be expended for administrative purposes. On a date to
222 be determined by the State Department of Education, but not later
223 than July 1 of each year, local school districts shall determine
224 and submit to the State Department of Education the number of
225 teachers eligible to receive an allocation for the current year.
226 For purposes of this subparagraph, "teacher" means any employee of
227 the school board of a school district, or the Mississippi School
228 for the Arts, the Mississippi School for Math and Science, the
229 Mississippi School for the Blind, the Mississippi School for the
230 Deaf or public charter school, who is required by law to obtain a
231 teacher's license from the State Department of Education and who
232 is assigned to an instructional area of work as defined by the
233 department, and shall include any full- or part-time gifted or
234 special education teacher. It is the intent of the Legislature
235 that all classroom teachers shall utilize these funds in a manner
236 that addresses individual classroom needs and supports the overall
237 goals of the school regarding supplies, instructional materials,
238 equipment, computers or computer software under the provisions of
239 this subparagraph, including the type, quantity and quality of



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



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

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

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

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

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

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

(b) For the aggregate of minimum program allotments in the 1997 fiscal year, formerly provided for in Chapter 19, Title 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 4. 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.

(c) The net enrollment of a school district used for funding formula calculations, as determined in paragraph (a) of this subsection, must be reconciled with the school district's net enrollment using months two (2) and three (3) for the year for



314 which total funding formula funds are being appropriated, and any
315 necessary adjustments must be made to payments during the school
316 district's following year of operation. Any necessary adjustment
317 for a school district must be based on the state share of the per
318 pupil amount in effect for the year for which actual net
319 enrollment did not meet expectations and not any new amount
320 appropriated for the year in which the adjustment will be made.
321 Reconciliation of net enrollment for charter schools must be based
322 on requirements set forth in Section 37-28-55.

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

332 (3) The State Board of Education shall promulgate such rules
333 and regulations as may be necessary for the counting and reporting
334 of student enrollment by school districts and charter schools to
335 the department in a manner that enables the provisions of Sections
336 37-151-200 through 37-151-215 to be carried out. The rules and
337 regulations must require school districts and charter schools to
338 submit data that includes, at a minimum, numbers for the specific



339 student populations that are subject to weighting under Sections
340 37-151-200 through 37-151-215 as well as the aggregate amount of
341 students in enrollment when each calculation is made. For the
342 first year of operation of a charter school, the State Board of
343 Education shall use imputed student demographic data based on the
344 traditional district in which the charter school is located to
345 estimate student populations that are subject to weighting under
346 Sections 37-151-200 through 37-151-215.

347 (4) The superintendent of each school district and the head
348 of school of each charter school, as applicable, shall submit the
349 data required by subsection (3) of this section with a signed
350 affidavit attesting that the data submitted to the department is
351 accurate to the best of the superintendent's knowledge, and any
352 inaccuracies later discovered will be reported to the department.
353 The State Board of Education shall be specifically authorized and
354 empowered to withhold allocations from the total funding formula
355 funds as provided in Sections 37-151-200 through 37-151-215, to
356 any school district or charter school for improperly or
357 inaccurately reporting the student data required by Sections
358 37-151-200 through 37-151-215.

359 **SECTION 5.** Section 37-159-7, Mississippi Code of 1972, is
360 amended as follows:

361 37-159-7. The school board of any school district situated
362 within a geographical area of the state where there exists a
363 critical shortage of teachers, as designated by the State Board of



Education, in its discretion, may reimburse persons who interview for employment as a licensed teacher with the district for the mileage and other actual expenses incurred in the course of travel to and from the interview by such persons at the rate authorized for county and municipal employees under Section 25-3-41. Any reimbursement by a school board under this section shall be paid from funds other than * * * total funding formula funds.

SECTION 6. 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 that are identified as the applicable weight shall be calculated as a percentage of the students in the school district. Such amount shall be referred to as the "percentage of applicable students."

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



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

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

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

(b) Tier II: For students diagnosed with autism, hearing impairment, emotional disability, orthopedic impairment, intellectual disability, or other health impairment, the percentage of applicable students in the school district is multiplied by one hundred ten one-hundredths (110/100), and then multiplied by net enrollment.

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

For the purpose of student counts, a student entitled to and receiving special education services may not be included under



more than one (1) tier prescribed in paragraphs (a), (b) and (c) of this subsection. A student having multiple diagnoses must be counted under the highest tier applicable to that student.

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

(6) For Seventh, Eighth, Ninth, Tenth, Eleventh and Twelfth Grade students enrolled in a career and technical education course, as defined in Section 37-151-201, the percentage of applicable students in the school district is multiplied by ten one-hundredths ($10/100$), and then multiplied by net enrollment. Students enrolled in multiple career and technical education courses are counted once.

(7) In each school district or charter school where the number of students identified as low income, as defined in Section 37-151-201, exceeds thirty-five percent (35%) of the school district or charter school's net enrollment, a weight of ten percent (10%) is applied only to the number of low-income students in excess of the number of low-income students which constitute



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

(8) The final weighted enrollment of each school district and charter school under the total funding formula as provided for in Sections 37-151-200 through 37-151-215 is determined as follows:

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



net enrollment, as determined under Section 37-151-207, each of the additional figures calculated in accordance with subsections (2) through (7), and this total is the final weighted enrollment.

(b) The final weighted enrollment for each sparsely populated district or charter school, as defined in Section 37-151-201, is determined by multiplying the sparsity weight by the preliminary weighted enrollment, as determined in subsections (1) through (7) of this section, and then adding that figure to the preliminary weighted enrollment. To calculate the final weighted enrollment, the State Department of Education shall add to the school district or charter school's net enrollment, each of the additional figures calculated in accordance with subsections (2) through (7) to determine the preliminary weighted enrollment, multiply this figure by the sparsity weight as determined below, and add this resulting number to the preliminary weighted enrollment to find the final weighted enrollment. To calculate the sparsity weight, the State Department of Education shall find the difference between the number of students per square mile in that district or charter school and a sparsity threshold of eight (8) students per square mile, and then shall divide the resulting figure by one hundred (100) to create a percentage: for example, if the number of students per square mile in a district is three (3), the difference is five (5) (eight (8) minus three (3)), and the sparsity weight is five percent (5%), or five one-hundredths (5/100).



488 **SECTION 7.** Section 25-11-126, Mississippi Code of 1972, is
489 amended as follows:

490 25-11-126. (1) Any person * * * who was employed as a
491 public school teacher or administrator at the time of his or her
492 retirement, has been retired at least ninety (90) days and is
493 receiving a retirement allowance, and holds a standard teaching
494 license in Mississippi, may be employed as a teacher in a public
495 school district after retirement, and choose to continue receiving
496 the retirement allowance under this article during his or her
497 employment as a teacher after retirement, in addition to receiving
498 the salary authorized under this section, along with the local
499 contribution of the school district in which the retiree is
500 employed, at the discretion of the school district. * * *

501 (2) A retired teacher or administrator may only be hired to
502 teach in a school district designated by the Department of
503 Education as having critical shortages and/or critical
504 subject-area shortages, and a retiree returning to work as a
505 teacher shall hold the related standard teaching license and/or
506 endorsements to teach in the subject area. The base compensation
507 authorized for returning retired employees working as teachers
508 under Section 37-19-7 shall not be graduated annually in the same
509 manner as teachers who are employed by a school district under
510 traditional employment guidelines, but shall remain static for the
511 entirety of his or her eligible teaching period as a retired
512 employee returning to work as a teacher.



(3) (a) A retired teacher or administrator may be employed as a teacher, continue receiving his or her retirement allowance and be a contributing member of the system without accruing additional retirement benefits for a total of five (5) years, which may be performed consecutively or intermittently. This method is designed specifically to provide funding for the system to actuarially offset any pension liability created by this section. Each school district hiring retired * * * employees under the authority of this section, shall make a direct payment to PERS, which shall serve as pension liability participation assessment. The pension liability participation assessment and the retired * * * employee's salary for returning to work as a teacher shall be determined as follows:

(i) A school district shall rely on the salary schedule in Section 37-19-7 in considering the salary for a retired teacher or administrator returning to work as a teacher; provided, however, that the school district may allocate up to * * * one hundred and fifty percent (150%) of the amount provided under the salary schedule comparable to * * * such teacher's years of service and license type as salary and assessment under the program.

(ii) After determining the retired * * * employee's compensation, the school district may pay no more than fifty percent (50%) of the retired * * * employee's compensation as salary to the retired * * * employee; and



(iii) The remaining fifty percent (50%) of the retired * * * employee's compensation as salary shall be paid by the school district to PERS as a pension liability participation assessment.

(b) If a retired teacher or administrator, reemployed under the authority of this section, works in a school district for any portion of a scholastic year less than a full contractual term of traditional teachers, the time worked by the retired * * * employee shall constitute one (1) of the five (5) years of post retirement * * * working eligibility. A retired * * * employee, under the authority of this section, shall be entitled to work in any applicable school district and shall not be obligated to remain in any one (1) school district for the entirety of his or her post retirement teaching eligibility, but shall be cumulative in nature so as not to exceed five (5) years. The salary authorized under Section 37-19-7 for retired employees returning to work as teachers shall be prorated for any period worked by the retired employee returning to work as a teacher that is less than one (1) full academic year.

(c) The State Department of Education shall transfer to the system the * * * total funding formula funds of local school districts that on or after July 1, 2024, hire retired members as teachers under this section and other funds that otherwise would have been payable to the districts if the districts had not taken



562 advantage of this section. The crediting of assets and financing
563 shall follow the provisions of Section
564 25-11-123.

565 (d) Local educational agencies shall transfer to the
566 system * * * the total funding formula funds of local school
567 districts that on or after July 1, 2024, hire retired members as
568 teachers under this section and other funds that otherwise would
569 have been payable to the districts if the districts had not taken
570 advantage of this section. The crediting of assets and financing
571 must follow the provisions of Section 25-11-123.

572 (e) Local education agencies may pay, from local
573 education funding, all or a portion of the health insurance
574 premiums for retired employees returning to work as teachers under
575 this section.

576 (4) Under the authority of this section, school districts
577 may employ retired teachers or administrators based on criteria
578 established by the department of education for critical teacher
579 shortage areas and critical subject-matter areas. A school
580 district that is not within a critical teacher shortage area may
581 employ teachers for critical subject-matter areas.

582 (5) A person may be hired under this section subject to the
583 following conditions:

584 (a) The retired member holds any teacher's professional
585 license or certificate as may be required in Section 37-3-2, and



holds the related standard teaching license and/or endorsements to teach in the applicable subject area;

(b) The superintendent of the employing school district certifies in writing to the State Department of Education that the retired member has the requisite experience, training and expertise for the position to be filled;

(c) The superintendent of the school district certifies or the principal of the school certifies that there was no preexisting arrangement for the person to be hired;

(d) The person had a satisfactory performance review for the most recent period before retirement; and

(e) The person is hired to teach in a critical subject-matter area or in a critical teacher shortage area.

(6) The State Superintendent of Public Education shall report the persons who are employed under this section to the Executive Director of the Public Employees' Retirement System.

(7) The department of education shall promulgate regulations that prescribe a salary schedule that reflects the provisions of this section. Each school district shall create a policy, approved by the local school board, related to the hiring of retired teachers or administrators and including, but not limited to, the hiring of full- and part-time retired * * * employees to serve as teachers under this section and Section 25-11-127.



609 (8) Any retired * * * employee who returns to work in
610 accordance with this section shall not be eligible to return to
611 work under the provisions of Section 25-11-127.

612 **SECTION 8.** Section 37-19-7, Mississippi Code of 1972, is
613 amended as follows:

614 37-19-7. (1) Teachers' salaries in each public school
615 district shall be determined and paid in accordance with the scale
616 for teachers' salaries as provided in this subsection. For
617 teachers holding the following types of licenses or the equivalent
618 as determined by the State Board of Education, and the following
619 number of years of teaching experience, the scale shall be as
620 follows:

621 **2022-2023 AND SUBSEQUENT SCHOOL YEARS MINIMUM SALARY SCHEDULE**

622	Exp.	AAAA	AAA	AA	A
623	0	45,500.00	44,000.00	43,000.00	41,500.00
624	1	46,100.00	44,550.00	43,525.00	41,900.00
625	2	46,700.00	45,100.00	44,050.00	42,300.00
626	3	47,300.00	45,650.00	44,575.00	42,700.00
627	4	47,900.00	46,200.00	45,100.00	43,100.00
628	5	49,250.00	47,500.00	46,350.00	44,300.00
629	6	49,850.00	48,050.00	46,875.00	44,700.00
630	7	50,450.00	48,600.00	47,400.00	45,100.00
631	8	51,050.00	49,150.00	47,925.00	45,500.00
632	9	51,650.00	49,700.00	48,450.00	45,900.00
633	10	53,000.00	51,000.00	49,700.00	47,100.00



634	11	53,600.00	51,550.00	50,225.00	47,500.00
635	12	54,200.00	52,100.00	50,750.00	47,900.00
636	13	54,800.00	52,650.00	51,275.00	48,300.00
637	14	55,400.00	53,200.00	51,800.00	48,700.00
638	15	56,750.00	54,500.00	53,050.00	49,900.00
639	16	57,350.00	55,050.00	53,575.00	50,300.00
640	17	57,950.00	55,600.00	54,100.00	50,700.00
641	18	58,550.00	56,150.00	54,625.00	51,100.00
642	19	59,150.00	56,700.00	55,150.00	51,500.00
643	20	60,500.00	58,000.00	56,400.00	52,700.00
644	21	61,100.00	58,550.00	56,925.00	53,100.00
645	22	61,700.00	59,100.00	57,450.00	53,500.00
646	23	62,300.00	59,650.00	57,975.00	53,900.00
647	24	62,900.00	60,200.00	58,500.00	54,300.00
648	25	65,400.00	62,700.00	61,000.00	56,800.00
649	26	66,000.00	63,250.00	61,525.00	57,200.00
650	27	66,600.00	63,800.00	62,050.00	57,600.00
651	28	67,200.00	64,350.00	62,575.00	58,000.00
652	29	67,800.00	64,900.00	63,100.00	58,400.00
653	30	68,400.00	65,450.00	63,625.00	58,800.00
654	31	69,000.00	66,000.00	64,150.00	59,200.00
655	32	69,600.00	66,550.00	64,675.00	59,600.00
656	33	70,200.00	67,100.00	65,200.00	60,000.00
657	34	70,800.00	67,650.00	65,725.00	60,400.00
658	35				



659 & above 71,400.00 68,200.00 66,250.00 60,800.00

660 **2024-2025 AND SUBSEQUENT SCHOOL YEARS MINIMUM SALARY SCHEDULE**

661 The school district, with assistance from the Department of
662 Education, shall consider the teacher's years of service and
663 license type and determine the corresponding salary for the
664 retired teacher or administrator returning to work as a teacher.
665 After determining the retired * * * employee's corresponding
666 salary, the school district may allocate up to * * * one hundred
667 and fifty percent (150%) of the amount provided under the salary
668 schedule for such retired employee returning to work as a teacher,
669 as applicable, as salary and assessment under the program.

670 After determining the * * * salary of the retired employee
671 returning to work as a teacher, the school district may pay no
672 more than fifty percent (50%) of the retired * * * employee's
673 compensation as salary to the retired * * * employee. The
674 remaining fifty percent (50%) of the retired * * * employee's
675 compensation as salary shall be paid by the school district to
676 PERS as a pension liability participation assessment.

677 It is the intent of the Legislature that any state funds made
678 available for salaries of licensed personnel in excess of the
679 funds paid for such salaries for the 1986-1987 school year shall
680 be paid to licensed personnel pursuant to a personnel appraisal
681 and compensation system implemented by the State Board of
682 Education. The State Board of Education shall have the authority



to adopt and amend rules and regulations as are necessary to establish, administer and maintain the system.

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

The level of professional training of each teacher to be used in establishing the salary for the teacher for each year shall be determined by the type of valid teacher's license issued to that teacher on or before October 1 of the current school year.

However, school districts are authorized, in their discretion, to negotiate the salary levels applicable to licensed employees who are receiving retirement benefits from the retirement system of another state.

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



708 (i) Any licensed teacher or retired employee
709 returning to work as a teacher employed by a school district under
710 the authority of Section 25-11-126 who has met the requirements
711 and acquired a Master Teacher certificate from the National Board
712 for Professional Teaching Standards and who is employed by a local
713 school board or the State Board of Education as a teacher and not
714 as an administrator. Such teacher shall submit documentation to
715 the State Department of Education that the certificate was
716 received prior to October 15 in order to be eligible for the full
717 salary supplement in the current school year, or the teacher shall
718 submit such documentation to the State Department of Education
719 prior to February 15 in order to be eligible for a prorated salary
720 supplement beginning with the second term of the school year.

721 (ii) A licensed nurse who has met the requirements
722 and acquired a certificate from the National Board for
723 Certification of School Nurses, Inc., and who is employed by a
724 local school board or the State Board of Education as a school
725 nurse and not as an administrator. The licensed school nurse
726 shall submit documentation to the State Department of Education
727 that the certificate was received before October 15 in order to be
728 eligible for the full salary supplement in the current school
729 year, or the licensed school nurse shall submit the documentation
730 to the State Department of Education before February 15 in order
731 to be eligible for a prorated salary supplement beginning with the
732 second term of the school year.



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

(iv) Any licensed speech-language pathologist and audiologist who has met the requirements and acquired a Certificate of Clinical Competence from the American Speech-Language-Hearing Association and any certified academic



758 language therapist (CALT) who has met the certification
759 requirements of the Academic Language Therapy Association and who
760 is employed by a local school board. The licensed speech-language
761 pathologist and audiologist and certified academic language
762 therapist shall submit documentation to the State Department of
763 Education that the certificate or endorsement was received before
764 October 15 in order to be eligible for the full salary supplement
765 in the current school year, or the licensed speech-language
766 pathologist and audiologist and certified academic language
767 therapist shall submit the documentation to the State Department
768 of Education before February 15 in order to be eligible for a
769 prorated salary supplement beginning with the second term of the
770 school year.

771 (v) Any licensed athletic trainer who has met the
772 requirements and acquired Board Certification for the Athletic
773 Trainer from the Board of Certification, Inc., and who is employed
774 by a local school board or the State Board of Education as an
775 athletic trainer and not as an administrator. The licensed
776 athletic trainer shall submit documentation to the State
777 Department of Education that the certificate was received before
778 October 15 in order to be eligible for the full salary supplement
779 in the current school year, or the licensed athletic trainer shall
780 submit the documentation to the State Department of Education
781 before February 15 in order to be eligible for a prorated salary
782 supplement beginning with the second term of the school year.



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

(c) All salary supplements, fringe benefits and process reimbursement authorized under this subsection shall be paid directly by the State Department of Education to the local school district and shall be in addition to its allotments from the total funding formula provided in Sections 37-151-200 through 37-151-215 and not a part thereof in accordance with regulations promulgated



by the State Board of Education. Local school districts shall not reduce the local supplement paid to any employee receiving such salary supplement, and the employee shall receive any local supplement to which employees with similar training and experience otherwise are entitled. However, an educational employee shall receive the salary supplement in the amount of Six Thousand Dollars (\$6,000.00) for only one (1) of the qualifying certifications authorized under paragraph (a) of this subsection. No school district shall provide more than one (1) annual salary supplement under the provisions of this subsection to any one (1) individual employee holding multiple qualifying national certifications.

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



work as a 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 are available for that purpose, the State of Mississippi may provide monies from state funds to school districts for the purposes of rewarding licensed teachers, administrators and nonlicensed personnel at individual schools showing improvement in



student test scores. The MPBP plan shall be developed by the State Department of Education based on the following criteria:

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

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

(iii) To ensure all teachers cooperate in the spirit of teamwork, individual schools shall submit a plan to the local school district to be approved before the beginning of each 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.



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

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

900 (b) To be eligible for this state funding, the
901 individual school must have a classroom management program
902 approved by the local school board.

903 (6) Effective with the 2014-2015 school year, the school
904 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 9. Section 37-7-301, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

(e) To suspend or to expel a pupil or to change the placement of a pupil to the school district's alternative school or homebound program for misconduct in the school or on school property, as defined in Section 37-11-29, on the road to and from school, or at any school-related activity or event, or for conduct



930 occurring on property other than school property or other than at
931 a school-related activity or event when such conduct by a pupil,
932 in the determination of the school superintendent or principal,
933 renders that pupil's presence in the classroom a disruption to the
934 educational environment of the school or a detriment to the best
935 interest and welfare of the pupils and teacher of such class as a
936 whole, and to delegate such authority to the appropriate officials
937 of the school district;

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

941 (g) To support, within reasonable limits, the
942 superintendent, principal and teachers where necessary for the
943 proper discipline of the school;

944 (h) To exclude from the schools students with what
945 appears to be infectious or contagious diseases; provided,
946 however, such student may be allowed to return to school upon
947 presenting a certificate from a public health officer, duly
948 licensed physician or nurse practitioner that the student is free
949 from such disease;

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

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



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

957 (l) To prescribe and enforce rules and regulations not
958 inconsistent with law or with the regulations of the State Board
959 of Education for their own government and for the government of
960 the schools, and to transact their business at regular and special
961 meetings called and held in the manner provided by law;

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

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

967 (o) To make orders directed to the superintendent of
968 schools for the issuance of pay certificates for lawful purposes
969 on any available funds of the district and to have full control of
970 the receipt, distribution, allotment and disbursement of all funds
971 provided for the support and operation of the schools of such
972 school district whether such funds be derived from state
973 appropriations, local ad valorem tax collections, or otherwise.
974 The local school board shall be authorized and empowered to
975 promulgate rules and regulations that specify the types of claims
976 and set limits of the dollar amount for payment of claims by the
977 superintendent of schools to be ratified by the board at the next
978 regularly scheduled meeting after payment has been made;



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

983 (q) To provide athletic programs and other school
984 activities and to regulate the establishment and operation of such
985 programs and activities;

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

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

993 "Activity funds" shall mean all funds received by school officials
994 in all school districts paid or collected to participate in any
995 school activity, such activity being part of the school program
996 and partially financed with public funds or supplemented by public
997 funds. The term "activity funds" shall not include any funds
998 raised and/or expended by any organization unless commingled in a
999 bank account with existing activity funds, regardless of whether
1000 the funds were raised by school employees or received by school
1001 employees during school hours or using school facilities, and
1002 regardless of whether a school employee exercises influence over
1003 the expenditure or disposition of such funds. Organizations shall



1004 not be required to make any payment to any school for the use of
1005 any school facility if, in the discretion of the local school
1006 governing board, the organization's function shall be deemed to be
1007 beneficial to the official or extracurricular programs of the
1008 school. For the purposes of this provision, the term
1009 "organization" shall not include any organization subject to the
1010 control of the local school governing board. Activity funds may
1011 only be expended for any necessary expenses or travel costs,
1012 including advances, incurred by students and their chaperons in
1013 attending any in-state or out-of-state school-related programs,
1014 conventions or seminars and/or any commodities, equipment, travel
1015 expenses, purchased services or school supplies which the local
1016 school governing board, in its discretion, shall deem beneficial
1017 to the official or extracurricular programs of the district,
1018 including items which may subsequently become the personal
1019 property of individuals, including yearbooks, athletic apparel,
1020 book covers and trophies. Activity funds may be used to pay
1021 travel expenses of school district personnel. The local school
1022 governing board shall be authorized and empowered to promulgate
1023 rules and regulations specifically designating for what purposes
1024 school activity funds may be expended. The local school governing
1025 board shall provide (i) that such school activity funds shall be
1026 maintained and expended by the principal of the school generating
1027 the funds in individual bank accounts, or (ii) that such school
1028 activity funds shall be maintained and expended by the



1029 superintendent of schools in a central depository approved by the
1030 board. The local school governing board shall provide that such
1031 school activity funds be audited as part of the annual audit
1032 required in Section 37-9-18. The State Department of Education
1033 shall prescribe a uniform system of accounting and financial
1034 reporting for all school activity fund transactions;

1035 (t) To enter into an energy performance contract,
1036 energy services contract, on a shared-savings, lease or
1037 lease-purchase basis, for energy efficiency services and/or
1038 equipment as provided for in Section 31-7-14;

1039 (u) To maintain accounts and issue pay certificates on
1040 school food service bank accounts;

1041 (v) (i) To lease a school building from an individual,
1042 partnership, nonprofit corporation or a private for-profit
1043 corporation for the use of such school district, and to expend
1044 funds therefor as may be available from any sources other than
1045 total funding formula funds as set by Sections 37-151-200 through
1046 37-151-215. The school board of the school district desiring to
1047 lease a school building shall declare by resolution that a need
1048 exists for a school building and that the school district cannot
1049 provide the necessary funds to pay the cost or its proportionate
1050 share of the cost of a school building required to meet the
1051 present needs. The resolution so adopted by the school board
1052 shall be published once each week for three (3) consecutive weeks
1053 in a newspaper having a general circulation in the school district



1054 involved, with the first publication thereof to be made not less
1055 than thirty (30) days prior to the date upon which the school
1056 board is to act on the question of leasing a school building. If
1057 no petition requesting an election is filed prior to such meeting
1058 as hereinafter provided, then the school board may, by resolution
1059 spread upon its minutes, proceed to lease a school building. If
1060 at any time prior to said meeting a petition signed by not less
1061 than twenty percent (20%) or fifteen hundred (1500), whichever is
1062 less, of the qualified electors of the school district involved
1063 shall be filed with the school board requesting that an election
1064 be called on the question, then the school board shall, not later
1065 than the next regular meeting, adopt a resolution calling an
1066 election to be held within such school district upon the question
1067 of authorizing the school board to lease a school building. Such
1068 election shall be called and held, and notice thereof shall be
1069 given, in the same manner for elections upon the questions of the
1070 issuance of the bonds of school districts, and the results thereof
1071 shall be certified to the school board. If at least three-fifths
1072 (3/5) of the qualified electors of the school district who voted
1073 in such election shall vote in favor of the leasing of a school
1074 building, then the school board shall proceed to lease a school
1075 building. The term of the lease contract shall not exceed twenty
1076 (20) years, and the total cost of such lease shall be either the
1077 amount of the lowest and best bid accepted by the school board
1078 after advertisement for bids or an amount not to exceed the



1079 current fair market value of the lease as determined by the
1080 averaging of at least two (2) appraisals by certified general
1081 appraisers licensed by the State of Mississippi. The term "school
1082 building" as used in this paragraph (v)(i) shall be construed to
1083 mean any building or buildings used for classroom purposes in
1084 connection with the operation of schools and shall include the
1085 site therefor, necessary support facilities, and the equipment
1086 thereof and appurtenances thereto such as heating facilities,
1087 water supply, sewage disposal, landscaping, walks, drives and
1088 playgrounds. The term "lease" as used in this paragraph (v)(i)
1089 may include a lease-purchase contract;

1090 (ii) If two (2) or more school districts propose
1091 to enter into a lease contract jointly, then joint meetings of the
1092 school boards having control may be held but no action taken shall
1093 be binding on any such school district unless the question of
1094 leasing a school building is approved in each participating school
1095 district under the procedure hereinabove set forth in paragraph
1096 (v)(i). All of the provisions of paragraph (v)(i) regarding the
1097 term and amount of the lease contract shall apply to the school
1098 boards of school districts acting jointly. Any lease contract
1099 executed by two (2) or more school districts as joint lessees
1100 shall set out the amount of the aggregate lease rental to be paid
1101 by each, which may be agreed upon, but there shall be no right of
1102 occupancy by any lessee unless the aggregate rental is paid as
1103 stipulated in the lease contract. All rights of joint lessees



1104 under the lease contract shall be in proportion to the amount of
1105 lease rental paid by each;

1106 (w) To employ all noninstructional and noncertificated
1107 employees and fix the duties and compensation of such personnel
1108 deemed necessary pursuant to the recommendation of the
1109 superintendent of schools;

1110 (x) To employ and fix the duties and compensation of
1111 such legal counsel as deemed necessary;

1112 (y) Subject to rules and regulations of the State Board
1113 of Education, to purchase, own and operate trucks, vans and other
1114 motor vehicles, which shall bear the proper identification
1115 required by law;

1116 (z) To expend funds for the payment of substitute
1117 teachers and to adopt reasonable regulations for the employment
1118 and compensation of such substitute teachers;

1119 (aa) To acquire in its own name by purchase all real
1120 property which shall be necessary and desirable in connection with
1121 the construction, renovation or improvement of any public school
1122 building or structure. Whenever the purchase price for such real
1123 property is greater than Fifty Thousand Dollars (\$50,000.00), the
1124 school board shall not purchase the property for an amount
1125 exceeding the fair market value of such property as determined by
1126 the average of at least two (2) independent appraisals by
1127 certified general appraisers licensed by the State of Mississippi.
1128 If the board shall be unable to agree with the owner of any such



1129 real property in connection with any such project, the board shall
1130 have the power and authority to acquire any such real property by
1131 condemnation proceedings pursuant to Section 11-27-1 et seq.,
1132 Mississippi Code of 1972, and for such purpose, the right of
1133 eminent domain is hereby conferred upon and vested in said board.
1134 Provided further, that the local school board is authorized to
1135 grant an easement for ingress and egress over sixteenth section
1136 land or lieu land in exchange for a similar easement upon
1137 adjoining land where the exchange of easements affords substantial
1138 benefit to the sixteenth section land; provided, however, the
1139 exchange must be based upon values as determined by a competent
1140 appraiser, with any differential in value to be adjusted by cash
1141 payment. Any easement rights granted over sixteenth section land
1142 under such authority shall terminate when the easement ceases to
1143 be used for its stated purpose. No sixteenth section or lieu land
1144 which is subject to an existing lease shall be burdened by any
1145 such easement except by consent of the lessee or unless the school
1146 district shall acquire the unexpired leasehold interest affected
1147 by the easement;

1148 (bb) To charge reasonable fees related to the
1149 educational programs of the district, in the manner prescribed in
1150 Section 37-7-335;

1151 (cc) Subject to rules and regulations of the State
1152 Board of Education, to purchase relocatable classrooms for the use



1153 of such school district, in the manner prescribed in Section
1154 37-1-13;

1155 (dd) Enter into contracts or agreements with other
1156 school districts, political subdivisions or governmental entities
1157 to carry out one or more of the powers or duties of the school
1158 board, or to allow more efficient utilization of limited resources
1159 for providing services to the public;

1160 (ee) To provide for in-service training for employees
1161 of the district;

1162 (ff) As part of their duties to prescribe the use of
1163 textbooks, to provide that parents and legal guardians shall be
1164 responsible for the textbooks and for the compensation to the
1165 school district for any books which are not returned to the proper
1166 schools upon the withdrawal of their dependent child. If a
1167 textbook is lost or not returned by any student who drops out of
1168 the public school district, the parent or legal guardian shall
1169 also compensate the school district for the fair market value of
1170 the textbooks;

1171 (gg) To conduct fund-raising activities on behalf of
1172 the school district that the local school board, in its
1173 discretion, deems appropriate or beneficial to the official or
1174 extracurricular programs of the district; provided that:

1175 (i) Any proceeds of the fund-raising activities
1176 shall be treated as "activity funds" and shall be accounted for as
1177 are other activity funds under this section; and



1178 (ii) Fund-raising activities conducted or
1179 authorized by the board for the sale of school pictures, the
1180 rental of caps and gowns or the sale of graduation invitations for
1181 which the school board receives a commission, rebate or fee shall
1182 contain a disclosure statement advising that a portion of the
1183 proceeds of the sales or rentals shall be contributed to the
1184 student activity fund;

1185 (hh) To allow individual lessons for music, art and
1186 other curriculum-related activities for academic credit or
1187 nonacademic credit during school hours and using school equipment
1188 and facilities, subject to uniform rules and regulations adopted
1189 by the school board;

1190 (ii) To charge reasonable fees for participating in an
1191 extracurricular activity for academic or nonacademic credit for
1192 necessary and required equipment such as safety equipment, band
1193 instruments and uniforms;

1194 (jj) To conduct or participate in any fund-raising
1195 activities on behalf of or in connection with a tax-exempt
1196 charitable organization;

1197 (kk) To exercise such powers as may be reasonably
1198 necessary to carry out the provisions of this section;

1199 (ll) To expend funds for the services of nonprofit arts
1200 organizations or other such nonprofit organizations who provide
1201 performances or other services for the students of the school
1202 district;



1203 (mm) To expend federal No Child Left Behind Act funds,
1204 or any other available funds that are expressly designated and
1205 authorized for that use, to pay training, educational expenses,
1206 salary incentives and salary supplements to employees of local
1207 school districts; except that incentives shall not be considered
1208 part of the local supplement, nor shall incentives be considered
1209 part of the local supplement paid to an individual teacher for the
1210 purposes of Section 37-19-7(1);

1211 (nn) To use any available funds, not appropriated or
1212 designated for any other purpose, for reimbursement to the
1213 state-licensed employees from both in state and out of state, who
1214 enter into a contract for employment in a school district, for the
1215 expense of moving when the employment necessitates the relocation
1216 of the licensed employee to a different geographical area than
1217 that in which the licensed employee resides before entering into
1218 the contract. The reimbursement shall not exceed One Thousand
1219 Dollars (\$1,000.00) for the documented actual expenses incurred in
1220 the course of relocating, including the expense of any
1221 professional moving company or persons employed to assist with the
1222 move, rented moving vehicles or equipment, mileage in the amount
1223 authorized for county and municipal employees under Section
1224 25-3-41 if the licensed employee used his personal vehicle or
1225 vehicles for the move, meals and such other expenses associated
1226 with the relocation. No licensed employee may be reimbursed for
1227 moving expenses under this section on more than one (1) occasion



1228 by the same school district. Nothing in this section shall be
1229 construed to require the actual residence to which the licensed
1230 employee relocates to be within the boundaries of the school
1231 district that has executed a contract for employment in order for
1232 the licensed employee to be eligible for reimbursement for the
1233 moving expenses. However, the licensed employee must relocate
1234 within the boundaries of the State of Mississippi. Any individual
1235 receiving relocation assistance through the Critical Teacher
1236 Shortage Act as provided in Section 37-159-5 shall not be eligible
1237 to receive additional relocation funds as authorized in this
1238 paragraph;

1239 (oo) To use any available funds, not appropriated or
1240 designated for any other purpose, to reimburse persons who
1241 interview for employment as a licensed employee with the district
1242 for the mileage and other actual expenses incurred in the course
1243 of travel to and from the interview at the rate authorized for
1244 county and municipal employees under Section 25-3-41;

1245 (pp) Consistent with the report of the Task Force to
1246 Conduct a Best Financial Management Practices Review, to improve
1247 school district management and use of resources and identify cost
1248 savings as established in Section 8 of Chapter 610, Laws of 2002,
1249 local school boards are encouraged to conduct independent reviews
1250 of the management and efficiency of schools and school districts.
1251 Such management and efficiency reviews shall provide state and
1252 local officials and the public with the following:



1253 (i) An assessment of a school district's
1254 governance and organizational structure;
1255 (ii) An assessment of the school district's
1256 financial and personnel management;
1257 (iii) An assessment of revenue levels and sources;
1258 (iv) An assessment of facilities utilization,
1259 planning and maintenance;
1260 (v) An assessment of food services, transportation
1261 and safety/security systems;
1262 (vi) An assessment of instructional and
1263 administrative technology;
1264 (vii) A review of the instructional management and
1265 the efficiency and effectiveness of existing instructional
1266 programs; and
1267 (viii) Recommended methods for increasing
1268 efficiency and effectiveness in providing educational services to
1269 the public;
1270 (qq) To enter into agreements with other local school
1271 boards for the establishment of an educational service agency
1272 (ESA) to provide for the cooperative needs of the region in which
1273 the school district is located, as provided in Section 37-7-345;
1274 (rr) To implement a financial literacy program for
1275 students in Grades 10 and 11. The board may review the national
1276 programs and obtain free literature from various nationally
1277 recognized programs. After review of the different programs, the



1278 board may certify a program that is most appropriate for the
1279 school districts' needs. If a district implements a financial
1280 literacy program, then any student in Grade 10 or 11 may
1281 participate in the program. The financial literacy program shall
1282 include, but is not limited to, instruction in the same areas of
1283 personal business and finance as required under Section
1284 37-1-3(2) (b). The school board may coordinate with volunteer
1285 teachers from local community organizations, including, but not
1286 limited to, the following: United States Department of
1287 Agriculture Rural Development, United States Department of Housing
1288 and Urban Development, Junior Achievement, bankers and other
1289 nonprofit organizations. Nothing in this paragraph shall be
1290 construed as to require school boards to implement a financial
1291 literacy program;

1292 (ss) To collaborate with the State Board of Education,
1293 Community Action Agencies or the Department of Human Services to
1294 develop and implement a voluntary program to provide services for
1295 a prekindergarten program that addresses the cognitive, social,
1296 and emotional needs of four-year-old and three-year-old children.
1297 The school board may utilize any source of available revenue to
1298 fund the voluntary program. Effective with the 2013-2014 school
1299 year, to implement voluntary prekindergarten programs under the
1300 Early Learning Collaborative Act of 2013 pursuant to state funds
1301 awarded by the State Department of Education on a matching basis;



1302 (tt) With respect to any lawful, written obligation of
1303 a school district, including, but not limited to, leases
1304 (excluding leases of sixteenth section public school trust land),
1305 bonds, notes, or other agreement, to agree in writing with the
1306 obligee that the Department of Revenue or any state agency,
1307 department or commission created under state law may:

1308 (i) Withhold all or any part (as agreed by the
1309 school board) of any monies which such local school board is
1310 entitled to receive from time to time under any law and which is
1311 in the possession of the Department of Revenue, or any state
1312 agency, department or commission created under state law; and

1313 (ii) Pay the same over to any financial
1314 institution, trustee or other obligee, as directed in writing by
1315 the school board, to satisfy all or part of such obligation of the
1316 school district.

1317 The school board may make such written agreement to withhold
1318 and transfer funds irrevocable for the term of the written
1319 obligation and may include in the written agreement any other
1320 terms and provisions acceptable to the school board. If the
1321 school board files a copy of such written agreement with the
1322 Department of Revenue, or any state agency, department or
1323 commission created under state law then the Department of Revenue
1324 or any state agency, department or commission created under state
1325 law shall immediately make the withholdings provided in such
1326 agreement from the amounts due the local school board and shall



continue to pay the same over to such financial institution,
trustee or obligee for the term of the agreement.

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

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

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



1352 (wv) To delegate, privatize or otherwise enter into a
1353 contract with private entities for the operation of any and all
1354 functions of nonacademic school process, procedures and operations
1355 including, but not limited to, cafeteria workers, janitorial
1356 services, transportation, professional development, achievement
1357 and instructional consulting services materials and products,
1358 purchasing cooperatives, insurance, business manager services,
1359 auditing and accounting services, school safety/risk prevention,
1360 data processing and student records, and other staff services;
1361 however, the authority under this paragraph does not apply to the
1362 leasing, management or operation of sixteenth section lands.
1363 Local school districts, working through their regional education
1364 service agency, are encouraged to enter into buying consortia with
1365 other member districts for the purposes of more efficient use of
1366 state resources as described in Section 37-7-345;

1367 (wx) To partner with entities, organizations and
1368 corporations for the purpose of benefiting the school district;

1369 (zy) To borrow funds from the Rural Economic
1370 Development Authority for the maintenance of school buildings;

1371 (zz) To fund and operate voluntary early childhood
1372 education programs, defined as programs for children less than
1373 five (5) years of age on or before September 1, and to use any
1374 source of revenue for such early childhood education programs.
1375 Such programs shall not conflict with the Early Learning
1376 Collaborative Act of 2013;



1377 (aaa) To issue and provide for the use of procurement
1378 cards by school board members, superintendents and licensed school
1379 personnel consistent with the rules and regulations of the
1380 Mississippi Department of Finance and Administration under Section
1381 31-7-9; * * *

1382 (* * *aab) To conduct an annual comprehensive
1383 evaluation of the superintendent of schools consistent with the
1384 assessment components of paragraph (pp) of this section and the
1385 assessment benchmarks established by the Mississippi School Board
1386 Association to evaluate the success the superintendent has
1387 attained in meeting district goals and objectives, the
1388 superintendent's leadership skill and whether or not the
1389 superintendent has established appropriate standards for
1390 performance, is monitoring success and is using data for
1391 improvement * * *; and

1392 (aac) To vote to provide school board members and their
1393 eligible dependents with health insurance, provided that such
1394 insurance is paid for with local funds and not state funds.

1395 **SECTION 10.** This act shall take effect and be in force from
1396 and after July 1, 2025.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTIONS 37-23-31, 37-23-33, 37-61-33,
2 37-151-207 AND 37-159-7, MISSISSIPPI CODE OF 1972, TO UPDATE THE
3 STATUTORY LANGUAGE TO REFLECT THE CURRENT TOTAL FUNDING FORMULA;
4 TO AMEND SECTION 37-151-205, MISSISSIPPI CODE OF 1972, TO REVISE



5 THE MISSISSIPPI STUDENT FUNDING FORMULA TO INCLUDE STUDENTS IN THE
6 SEVENTH AND EIGHTH GRADES IN THE MULTIPLIER APPLICABLE TO STUDENTS
7 ENROLLED IN A CAREER AND TECHNICAL EDUCATION COURSE; TO AMEND
8 SECTION 25-11-126, MISSISSIPPI CODE OF 1972, TO CONFORM, AND TO
9 ALLOW ANY PERSON WHO WAS EMPLOYED AS A PUBLIC SCHOOL TEACHER OR
10 ADMINISTRATOR AT THE TIME OF RETIREMENT, HAS BEEN RETIRED AT LEAST
11 90 DAYS AND IS RECEIVING A RETIREMENT ALLOWANCE, AND HOLDS THE
12 APPLICABLE EDUCATOR LICENSE, TO BE EMPLOYED AS A TEACHER IN A
13 SCHOOL DISTRICT AFTER RETIREMENT, AND CHOOSE TO CONTINUE RECEIVING
14 THE RETIREMENT ALLOWANCE IN ADDITION TO A SALARY, ALONG WITH THE
15 LOCAL CONTRIBUTION OF THE DISTRICT IN WHICH THE RETIREE IS
16 EMPLOYED; TO REMOVE THE REQUIREMENT OF HAVING AT LEAST 30 YEARS OF
17 CREDITABLE SERVICE; TO AUTHORIZE THE SCHOOL DISTRICT TO ALLOCATE,
18 AS SALARY AND ASSESSMENT OF A RETIRED TEACHER RETURNING TO WORK AS
19 A TEACHER, UP TO 150% OF THE AMOUNT PROVIDED UNDER THE SALARY
20 SCHEDULE COMPARABLE TO THE YEARS OF SERVICE AND LICENSE TYPE OF
21 THE TEACHER; TO PROVIDE THAT LOCAL EDUCATION AGENCIES MAY PAY,
22 FROM LOCAL EDUCATION FUNDING, ALL OR A PORTION OF THE HEALTH
23 INSURANCE PREMIUMS FOR RETIRED EMPLOYEES RETURNING TO WORK AS
24 TEACHERS; TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972, TO
25 CONFORM; TO AMEND SECTION 37-7-301, MISSISSIPPI CODE OF 1972, TO
26 EMPOWER ALL SCHOOL BOARDS OF ALL SCHOOL DISTRICTS TO VOTE TO
27 PROVIDE SCHOOL BOARD MEMBERS AND THEIR ELIGIBLE DEPENDENTS WITH
28 HEALTH INSURANCE, PROVIDED THAT SUCH INSURANCE IS PAID FOR WITH
29 LOCAL FUNDS AND NOT STATE FUNDS; AND FOR RELATED PURPOSES.

