

By: Representatives Denny, Barnett, Upshaw

To: Education;
Appropriations

HOUSE BILL NO. 65

1 AN ACT TO PROVIDE FOR THE ADMINISTRATIVE REORGANIZATION OF
2 PUBLIC SCHOOL DISTRICTS IN MISSISSIPPI INTO 81 DISTRICTS WITH
3 COUNTYWIDE JURISDICTION; TO AMEND SECTION 37-7-103, MISSISSIPPI
4 CODE OF 1972, TO PROVIDE THAT FROM AND AFTER JULY 1, 2007, ALL
5 MUNICIPAL SEPARATE, CONSOLIDATED, LINE CONSOLIDATED AND SPECIAL
6 MUNICIPAL SCHOOL DISTRICTS IN EACH COUNTY SHALL BE ABOLISHED AND
7 MERGED INTO A COUNTYWIDE SCHOOL DISTRICT WITH ONE COUNTY BOARD OF
8 EDUCATION AND ONE APPOINTED COUNTY SUPERINTENDENT OF EDUCATION, TO
9 DIRECT THE STATE BOARD OF EDUCATION TO PUBLISH A CONSOLIDATION
10 LIST OF DISTRICTS AFFECTED IN ORDER TO CREATE A COUNTYWIDE SCHOOL
11 DISTRICT IN EACH COUNTY AND TO REQUIRE ALL SCHOOL DISTRICTS TO
12 COMPLY WITH ADMINISTRATIVE CONSOLIDATION ORDERS ISSUED BY THE
13 STATE BOARD OF EDUCATION, TO PROVIDE FOR THE TRANSFER OF REAL AND
14 PERSONAL PROPERTY OF AFFECTED SCHOOL DISTRICTS, TO PROVIDE FOR
15 EMPLOYEE CONTRACTS IN SCHOOL DISTRICTS SUBJECT TO ADMINISTRATIVE
16 CONSOLIDATION, TO PROVIDE FOR THE DUTY TO PAY THE OUTSTANDING DEBT
17 OF SCHOOL DISTRICTS AFFECTED BY SUCH CONSOLIDATION, TO PROVIDE
18 THAT SUCH ADMINISTRATIVE CONSOLIDATION SHALL NOT REQUIRE THE
19 CLOSING OF ANY SCHOOL OR FACILITY, TO PROVIDE FOR THE RULEMAKING
20 AUTHORITY OF THE STATE BOARD OF EDUCATION REGARDING SUCH
21 CONSOLIDATION AND THE SUBMISSION OF THE CONSOLIDATION TO THE
22 UNITED STATES JUSTICE DEPARTMENT; TO AMEND SECTION 37-15-13,
23 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT NO CHANGE IN THE
24 ATTENDANCE ZONE OF ANY SCHOOL DISTRICT SHALL BE MADE BY A NEWLY
25 ELECTED COUNTY BOARD OF EDUCATION WHICH SUCCEEDS TO THE TERRITORY
26 OF A SCHOOL DISTRICT WHICH IS ADMINISTRATIVELY CONSOLIDATED; TO
27 AMEND SECTIONS 37-5-1, 37-5-7, 37-5-9 AND 37-5-19, MISSISSIPPI
28 CODE OF 1972, TO PROVIDE FOR THE NEW ELECTION OF MEMBERS OF ALL
29 COUNTY BOARDS OF EDUCATION IN NOVEMBER 2006 FOR ONE-YEAR TERMS AND
30 IN NOVEMBER 2007 AND EVERY 4 YEARS THEREAFTER FOR FOUR-YEAR TERMS,
31 TO PROVIDE THAT SUCH ELECTION IS BY SUPERVISORS DISTRICT WITH ALL
32 ELECTORS RESIDING THEREIN ELIGIBLE TO VOTE IN SUCH ELECTION, TO
33 PROVIDE FOR THE ELECTION OF A MEMBER AT LARGE FROM ANY COUNTY
34 HAVING NO HIGH SCHOOL ATTENDANCE CENTER, AND TO PROVIDE FOR
35 VACANCIES TO SUCH COUNTY BOARD OF EDUCATION; TO AMEND SECTIONS
36 37-9-13, 37-5-61 AND 37-9-25, MISSISSIPPI CODE OF 1972, TO PROVIDE
37 THAT ON JULY 1, 2007, THE NEWLY ELECTED COUNTY BOARD OF EDUCATION
38 IN ALL COUNTIES SHALL APPOINT A COUNTY SUPERINTENDENT OF EDUCATION
39 TO SUPERVISE ALL SCHOOLS IN THE COUNTY AND TO PROVIDE FOR A
40 CONTRACT WITH THE COUNTY SUPERINTENDENT OF EDUCATION FOR UP TO 4
41 SCHOLASTIC YEARS; TO AMEND SECTIONS 37-6-3, 37-6-5, 37-6-7,
42 37-6-9, 37-6-11, 37-6-13, 37-6-15 AND 37-7-301, MISSISSIPPI CODE
43 OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION 37-57-1,
44 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE BOARD OF SUPERVISORS
45 SHALL BE THE LEVYING AUTHORITY FOR ALL AD VALOREM TAXES FOR THE
46 SUPPORT OF SCHOOLS IN THE COUNTY; TO REPEAL SECTIONS 37-7-105
47 THROUGH 37-7-115, MISSISSIPPI CODE OF 1972, WHICH PROVIDE
48 PROCEDURES FOR THE ABOLITION, ALTERATION AND CREATION OF PUBLIC
49 SCHOOL DISTRICTS BY LOCAL SCHOOL BOARDS AND BY PETITION OF THE
50 ELECTORATE; TO REPEAL SECTIONS 37-5-3, MISSISSIPPI CODE OF 1972,
51 WHICH PROVIDES CERTAIN RESIDENCY REQUIREMENTS FOR MEMBERS OF
52 COUNTY BOARDS OF EDUCATION AND 37-5-18, MISSISSIPPI CODE OF 1972,

53 WHICH PROVIDES FOR THE ELECTION OF MEMBERS OF COUNTY BOARDS OF
54 EDUCATION FROM SPECIAL DISTRICTS; TO REPEAL SECTIONS 37-9-12,
55 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR A REFERENDUM ON THE
56 QUESTION OF RETAINING THE ELECTIVE METHOD OF CHOOSING THE COUNTY
57 SUPERINTENDENT OF EDUCATION AND 37-5-63 THROUGH 37-5-75,
58 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE ELECTION OF COUNTY
59 SUPERINTENDENTS OF EDUCATION; TO REPEAL SECTIONS 37-7-201 THROUGH
60 37-7-229 AND 37-7-701 THROUGH 37-7-725, MISSISSIPPI CODE OF 1972,
61 WHICH PROVIDE QUALIFICATIONS, ELECTION PROCEDURES, TERMS OF
62 OFFICE, PETITION PROCEDURES, VACANCY PROCEDURES AND OPTIONAL
63 SELECTION METHODS FOR BOARDS OF TRUSTEES OF MUNICIPAL SEPARATE
64 SCHOOL DISTRICTS, CONSOLIDATED SCHOOL DISTRICTS, LINE CONSOLIDATED
65 SCHOOL DISTRICTS AND SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS;
66 AND FOR RELATED PURPOSES.

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

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

70 37-7-103. (1) From and after July 1, 2007, each county in
71 the State of Mississippi shall constitute a school district and
72 shall be known as the School District of _____County,
73 Mississippi. Each district shall constitute a unit for the
74 control, organization and administration of schools. The
75 responsibility for the actual operation and administration of all
76 schools needed within the districts in conformity with rules and
77 minimum standards prescribed by the state, and also the
78 responsibility for the provision of any desirable and practicable
79 opportunities authorized by the law beyond those required by the
80 state, are delegated by law to the members of the county boards of
81 education, with an appointed county superintendent of education as
82 executive officer for the board.

83 (2) For purposes of this section, the term "administrative
84 consolidation" means the joining of two (2) or more school
85 districts to create a new single school district in the county
86 with one (1) administrative unit, one (1) school board and one (1)
87 school superintendent, and which is not required to close school
88 facilities. No administratively consolidated school district
89 shall have more than one (1) superintendent of schools. By
90 February 1, 2007, the State Department of Education shall publish
91 a consolidation list that includes all school districts in the
92 state which are not countywide school districts embracing an

93 entire county. The county board of education elected in November
94 2005 shall provide for the administrative consolidation of all
95 school districts in the county into one (1) countywide school
96 district embracing the entire county on or before July 1, 2007.
97 Any school district on the consolidation list that does not
98 voluntarily consolidate with the countywide school district shall
99 be administratively consolidated by the State Board of Education
100 with the countywide school district in which such district is
101 located by June 1, 2007, to be effective on July 1, 2007. The
102 State Board of Education shall promptly move on its own motion to
103 administratively consolidate a school district on the
104 consolidation list in order to enable the affected school
105 districts to reasonably accomplish the resulting administrative
106 consolidation into a countywide school district by July 1, 2007.
107 All school districts on the consolidation list shall comply with
108 any consolidation order issued by the county board of education or
109 the State Board of Education, as the case may be, on or before
110 July 1, 2007.

111 (3) On July 1, 2007, the board of trustees of any municipal
112 separate, special municipal separate, consolidated or line
113 consolidated school district on the administrative consolidation
114 list issued by the State Board of Education shall be abolished.
115 All real and personal property which is owned or titled in the
116 name of a school district on the administrative consolidation list
117 issued by the State Board of Education shall be transferred to the
118 countywide school district of the county in which such school
119 district is located. In the event a school district is located in
120 two (2) or more counties, the State Board of Education shall issue
121 an order directing the transfer of real and personal property to
122 the appropriate countywide school district. Each school board
123 shall be responsible for establishing the contracts for teachers
124 and principals for the next school year with the consultation of
125 the newly elected successor county board of education. The

126 selection of the county superintendent of education in the central
127 administration office of the successor countywide school district
128 shall be the responsibility of the successor county board of
129 education. It shall be the responsibility of the successor county
130 board of education to prepare and approve the budget of the new
131 countywide district, and the county board of education may use
132 staff from the existing districts to prepare the budget. Any
133 proposed order of a county board of education directing the
134 transfer of the assets, real or personal property of a school
135 district on the administrative consolidation list issued by the
136 State Board of Education shall be submitted and approved by the
137 State Board of Education. The finding of the State Board of
138 Education shall be final and conclusive for the purposes of the
139 transfer of property required by an administrative consolidation.
140 Any person or school district aggrieved by an order of a school
141 board adopted pursuant to the requirements of this section may
142 appeal therefrom to the State Board of Education within ten (10)
143 days from the date of the adjournment of the meeting at which such
144 order is entered. Such appeal shall be de novo, and the finding
145 of the State Board of Education upon such question shall be final
146 and conclusive for the purpose of the approval or disapproval of
147 the action by said board. Any special municipal school district
148 embracing the territory of an entire county shall be abolished on
149 July 1, 2006, and reconstituted as a countywide school district
150 with a county board of education.

151 (4) When any school district on the administrative
152 consolidation list issued by the State Board of Education is
153 abolished under the provisions of this section, the abolition
154 thereof shall not impair or release the property of such school
155 district from liability for the payment of the bonds or other
156 indebtedness of such district and it shall be the duty of the
157 board of supervisors of said county to levy taxes on the property

158 of said district so abolished from year to year according to the
159 terms of such indebtedness until same shall be fully paid.

160 (5) Nothing in this section shall be construed to require
161 the closing of any school or school facility, unless such facility
162 is an unneeded administrative office. All administrative
163 consolidations under this section shall be accomplished so as not
164 to delay or in any manner negatively affect the desegregation of
165 another school district in the county pursuant to court order.
166 In the administratively consolidated countywide school district
167 created under this section, the ad valorem tax rate shall be
168 determined as set forth under Section 37-57-1 et seq. No school
169 district administratively consolidated with a school district
170 designated by the State Board of Education as being in academic or
171 fiscal distress or under state conservatorship shall be subject to
172 academic or fiscal distress sanctions for a period of three (3)
173 years from the effective date of the required administrative
174 consolidation.

175 (6) The State Board of Education shall promulgate rules and
176 regulations to facilitate the administrative consolidation of
177 school districts required under this section. When the orders of
178 all successor county boards of education adopting the boundaries
179 of the successor countywide school district have been entered and
180 are final, as approved by the State Board of Education, the new
181 district lines shall be submitted by the State Board of Education
182 with the assistance of the Attorney General to the Attorney
183 General of the United States for preclearance or to the United
184 States District Court for the District of Columbia for a
185 declaratory judgment in accordance with the provisions of the
186 Voting Rights Act of 1965, as amended and extended. In the event
187 the change in the school district lines are precleared or
188 approved, the State Board of Education shall formally declare the
189 new lines as the new boundaries of the school districts in the
190 State of Mississippi.

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

193 37-15-13. When any child qualified under the requirements of
194 Section 37-15-9 shall apply or present himself for enrollment in
195 or admission to the public schools of any school district of this
196 state, the county board of education of such school district shall
197 have the power and authority to designate the particular school or
198 attendance center of the district in which such child shall be
199 enrolled and which he shall attend; no enrollment of a child in a
200 school shall be final or permanent until such designation shall be
201 made by said county board of education. No child shall be
202 entitled to attend any school or attendance center except that to
203 which he has been assigned by the county board of education;
204 however, the principal of a school or superintendent of the
205 district may, in proper cases, permit a child to attend a school
206 temporarily until a permanent assignment is made by the county
207 board of education. No change in the attendance zone of any
208 school district shall be made by a newly elected county board of
209 education which succeeds to the territory of a school district
210 which is administratively consolidated under the requirements of
211 Section 37-7-103, Mississippi Code of 1972.

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

214 37-5-1. (1) There is hereby established a county board of
215 education in each county of the State of Mississippi. Said county
216 board of education shall consist of five (5) members, one (1) of
217 which * * * shall be elected by the qualified electors of each
218 supervisors district of the county. * * * Each member so elected
219 shall be a resident and qualified elector of the supervisors
220 district from which he is elected.

221 (2) In the event an entire county is embraced by a line
222 consolidated district on July 1, 2006, and such county does not
223 have a high school within its boundaries, then the qualified

224 electors of such county shall elect one (1) additional member at
225 large to the county board of education of the county in which the
226 high school age students of the county attend school.

227 * * *

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

230 37-5-7. * * * On the first Tuesday after the first Monday in
231 November 2006, November 2007 and every four (4) years thereafter,
232 an election shall be held in each county in this state in the same
233 manner and at the same time as general state and county elections
234 are held and conducted, which elections shall be held for the
235 purpose of electing the county boards of education established
236 under the provisions of this chapter. * * * All * * * members of
237 the board elected in November 2006 shall be elected for a term of
238 one (1) year, and all members of the board elected in November
239 2007 and thereafter shall be elected for a term of four (4) years.
240 All members of the county board of education as herein
241 constituted, shall take office on the first Monday of January
242 following the date of their election.

243 * * *

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

246 37-5-9. The name of any qualified elector who is a candidate
247 for the county board of education shall be placed on the ballot
248 used in the general elections by the county election
249 commissioners, provided that the candidate files with the county
250 election commissioners, not more than ninety (90) days and not
251 less than sixty (60) days prior to the date of such general
252 election, a petition of nomination signed by not less than fifty
253 (50) qualified electors of the county residing within each
254 supervisors district. Where there are less than one hundred (100)
255 qualified electors in said supervisors district, it shall only be
256 required that said petition of nomination be signed by at least

257 twenty percent (20%) of the qualified electors of such supervisors
258 district. The candidate in each supervisors district who receives
259 the highest number of votes cast in the district shall be declared
260 elected.

261 When any member of the county board of education is to be
262 elected from the county at large under the provisions of this
263 chapter, then the petition required by the preceding paragraph
264 hereof shall be signed by the required number of qualified
265 electors residing in any part of the county * * *. The candidate
266 who receives the highest number of votes cast in the election
267 shall be declared elected.

268 * * *

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

271 37-5-19. Vacancies in the membership of the county board of
272 education shall be filled by appointment, within sixty (60) days
273 after the vacancy occurs, by the remaining members of the county
274 board of education. Said appointee shall be selected from the
275 qualified electors of the supervisors district in which the
276 vacancy occurs, and shall serve until the first Monday of January
277 next succeeding the next general election, at which general
278 election a member shall be elected to fill the remainder of the
279 unexpired term in the same manner and with the same qualifications
280 applicable to the election of a member for the full term.

281 In the event the vacancy occurs more than five (5) months
282 prior to the next general election and the remaining members of
283 the county board of education are unable to agree upon an
284 individual to be appointed, any two (2) of the remaining members
285 may certify such disagreement to the county election commission.
286 Upon the receipt of such a certificate by the county election
287 commission, or any member thereof, the commission shall hold a
288 special election to fill the vacancy, which said election, notice
289 thereof and ballot shall be controlled by the laws concerning

290 special elections to fill vacancies in county or county district
291 offices. The person elected at such a special election shall
292 serve for the remainder of the unexpired term.

293 **SECTION 7.** Section 37-9-13, Mississippi Code of 1972, is
294 amended as follows:

295 **[Until July 1, 2007, this section will read as follows:]**

296 37-9-13. Each school district shall have a superintendent of
297 schools, selected in the manner provided by law. No person shall
298 be eligible to the office of superintendent of schools unless such
299 person shall hold a valid administrator's license issued by the
300 State Department of Education and shall have had not less than
301 four (4) years of classroom or administrative experience.

302 **[From and after July 1, 2007, this section will read as**
303 **follows:]**

304 37-9-13. From and after July 1, 2007, each county school
305 district shall have a county superintendent of education,
306 appointed by the newly elected county board of education. No
307 person shall be eligible to the office of county superintendent of
308 education unless such person shall hold a valid administrator's
309 license issued by the State Department of Education and shall have
310 had not less than four (4) years of classroom or administrative
311 experience.

312 **SECTION 8.** Section 37-5-61, Mississippi Code of 1972, is
313 amended as follows:

314 **[Until July 1, 2007, this section shall read as follows:]**

315 37-5-61. (1) There shall be a county superintendent of
316 education in each county.

317 (2) Said superintendent shall serve as the executive
318 secretary of the county board of education, but shall have no vote
319 in the proceedings before the board and no voice in fixing the
320 policies thereof.

321 (3) In addition, said superintendent shall be the director
322 of all schools in the county outside the municipal separate school
323 districts.

324 (4) Said superintendent shall be elected at the same time
325 and in the same manner as other county officers are elected and
326 shall hold office for a term of four (4) years.

327 **[From and after July 1, 2007, this section shall read as**
328 **follows:]**

329 37-5-61. (1) There shall be a county superintendent of
330 education in each county appointed by the county board of
331 education as provided in Section 37-9-25.

332 (2) Said superintendent shall serve as the executive
333 secretary of the county board of education, but shall have no vote
334 in the proceedings before the board and no voice in fixing the
335 policies thereof.

336 (3) In addition, said superintendent shall be the director
337 of all schools in the county * * *.

338 * * *

339 **SECTION 9.** Section 37-9-25, Mississippi Code of 1972, is
340 amended as follows:

341 **[Until July 1, 2007, this section shall read as follows:]**

342 37-9-25. The school board shall have the power and
343 authority, in its discretion, to employ the superintendent, unless
344 such superintendent is elected, for not exceeding four (4)
345 scholastic years and the principals or licensed employees for not
346 exceeding three (3) scholastic years. In such case, contracts
347 shall be entered into with such superintendents, principals and
348 licensed employees for the number of years for which they have
349 been employed. All such contracts with licensed employees shall
350 for the years after the first year thereof be subject to the
351 contingency that the licensed employee may be released if, during
352 the life of the contract, the average daily attendance should
353 decrease from that existing during the previous year and thus

354 necessitate a reduction in the number of licensed employees during
355 any year after the first year of the contract. However, in all
356 such cases the licensed employee must be released before July 1 or
357 at least thirty (30) days prior to the beginning of the school
358 term, whichever date should occur earlier. The salary to be paid
359 for the years after the first year of such contract shall be
360 subject to revision, either upward or downward, in the event of an
361 increase or decrease in the funds available for the payment
362 thereof, but, unless such salary is revised prior to the beginning
363 of a school year, it shall remain for such school year at the
364 amount fixed in such contract. However, where school district
365 funds, other than minimum education program funds, are available
366 during the school year in excess of the amount anticipated at the
367 beginning of the school year the salary to be paid for such year
368 may be increased to the extent that such additional funds are
369 available and nothing herein shall be construed to prohibit same.

370 **[From and after July 1, 2007, this section shall read as**
371 **follows:]**

372 37-9-25. The county board of education shall have the power
373 and authority, in its discretion, to employ the county
374 superintendent of education for not exceeding four (4) scholastic
375 years and the principals or licensed employees for not exceeding
376 three (3) scholastic years. In such case, contracts shall be
377 entered into with such superintendents, principals and licensed
378 employees for the number of years for which they have been
379 employed. All such contracts with licensed employees shall for
380 the years after the first year thereof be subject to the
381 contingency that the licensed employee may be released if, during
382 the life of the contract, the average daily attendance should
383 decrease from that existing during the previous year and thus
384 necessitate a reduction in the number of licensed employees during
385 any year after the first year of the contract. However, in all
386 such cases the licensed employee must be released before July 1 or

387 at least thirty (30) days prior to the beginning of the school
388 term, whichever date should occur earlier. The salary to be paid
389 for the years after the first year of such contract shall be
390 subject to revision, either upward or downward, in the event of an
391 increase or decrease in the funds available for the payment
392 thereof, but, unless such salary is revised prior to the beginning
393 of a school year, it shall remain for such school year at the
394 amount fixed in such contract. However, where school district
395 funds, other than minimum education program funds, are available
396 during the school year in excess of the amount anticipated at the
397 beginning of the school year the salary to be paid for such year
398 may be increased to the extent that such additional funds are
399 available and nothing herein shall be construed to prohibit same.

400 **SECTION 10.** Section 37-6-3, Mississippi Code of 1972, is
401 amended as follows:

402 37-6-3. (1) From and after July 1, 1987, all school
403 districts in the State of Mississippi shall have the same
404 prerogatives, powers, duties and privileges as provided in this
405 chapter. From and after July 1, 2007, each county shall
406 constitute a school district for the control, organization and
407 administration of schools and all other school districts shall be
408 abolished, as provided in Section 37-7-103, Mississippi Code of
409 1972.

410 (2) As used in this chapter and the laws of this state, the
411 term "school board" or "local school board" shall mean * * * the
412 county board of education of any countywide school district in
413 this state * * *.

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

419 * * *

420 **SECTION 11.** Section 37-6-5, Mississippi Code of 1972, is
421 amended as follows:

422 37-6-5. Each county in the state shall constitute a school
423 district and shall be known as the School District of
424 _____County, Mississippi.

425 **SECTION 12.** Section 37-6-7, Mississippi Code of 1972, is
426 amended as follows:

427 37-6-7. Each county school district shall be governed by a
428 county board of education consisting of five (5) members, selected
429 in the manner provided by law.

430 **SECTION 13.** Section 37-6-9, Mississippi Code of 1972, is
431 amended as follows:

432 37-6-9. The county board of education shall organize by the
433 election of a president and a secretary from its membership whose
434 duty it shall be to make reports and to perform all other duties
435 required by law. A majority of the members of the * * * board
436 shall constitute a quorum for the transaction of business.
437 Minutes shall be kept of all meetings of the * * * board showing
438 (a) the members present and absent; (b) the date, time and place
439 of the meeting; (c) an accurate recording of any final actions
440 taken at such meeting; (d) a record by individual member of any
441 votes taken at such meeting; and (e) any other information that
442 the * * * board requests to be reflected in the minutes. Each
443 member of the * * * board present shall either vote or abstain on
444 every question upon which a vote is taken at such meeting. All
445 action taken by a * * * board shall become official at the time it
446 is taken. All minutes of the * * * board shall be signed by the
447 president of the board, shall be attested by the secretary of the
448 board and shall be adopted by the board at the next regular
449 meeting, or within thirty (30) working days, whichever occurs
450 later.

451 **SECTION 14.** Section 37-6-11, Mississippi Code of 1972, is
452 amended as follows:

453 37-6-11. The county boards of education shall meet regularly
454 at such time and at such place as shall be designated by an order
455 entered upon the minutes thereof. Special meetings of such boards
456 shall be held upon the call of the president thereof, or upon the
457 call of a majority of the members thereof.

458 **SECTION 15.** Section 37-6-13, Mississippi Code of 1972, is
459 amended as follows:

460 37-6-13. (1) Each person serving as a member of the county
461 board of education shall receive per diem in the amount of
462 Sixty-seven Dollars (\$67.00) for no more than thirty-six (36)
463 meetings of the school board during any one (1) fiscal year or, in
464 his or her discretion, irrevocably may choose to receive as
465 compensation for his or her services an annual salary in the
466 amount of Two Thousand Four Hundred Dollars (\$2,400.00), which
467 choice shall remain in force for all successive terms or periods
468 of service of that member. The receipt of the compensation shall
469 not entitle any member of a * * * board to receive or be eligible
470 for any state employee group insurance, retirement or other fringe
471 benefits. Each member shall be reimbursed for the necessary
472 expenses and mileage in attending meetings of the * * * board. In
473 addition to the foregoing, all members may be reimbursed for
474 mileage and actual expenses incurred in the further performance of
475 their duties, including attendance at any mandatory * * * board
476 training session or at regional and national education meetings,
477 when such mileage and other expenses are authorized by the board
478 prior to the date on which they occur. Detailed vouchers shall be
479 submitted for reimbursement for all expenses authorized by this
480 section. Such reimbursement shall be in accordance with Section
481 25-3-41.

482 Such expenses shall be paid on order of the * * * board by
483 pay certificates issued by the county superintendent of education
484 involved against the funds available for payment of the
485 administrative expense of the district.

486 (2) (a) If a member of a * * * board misses twenty percent
487 (20%) or more of the meetings of the * * * board during a calendar
488 year, except for absences caused by required military duty, the
489 member must reimburse the school district that portion of the
490 total salary paid to the member that year which is proportionate
491 to the number of meetings missed by the member in relation to the
492 total number of * * * board meetings held during that year. For
493 purposes of this subsection, consideration may be given only to
494 meetings of which public notice is required.

495 (b) Before February 1 of each year, the president of
496 each local school board shall submit a report to the State Board
497 of Education containing the names of any members of the * * *
498 board who missed twenty percent (20%) or more of the * * * board
499 meetings during the preceding calendar year.

500 **SECTION 16.** Section 37-6-15, Mississippi Code of 1972, is
501 amended as follows:

502 37-6-15. (1) Before entering upon the discharge of the
503 duties of his office, each member of the county board of education
504 shall give a surety bond in the penal sum of Fifty Thousand
505 Dollars (\$50,000.00), with sufficient surety, to be payable,
506 conditioned and approved in the manner provided by law.

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

514 **SECTION 17.** Section 37-7-301, Mississippi Code of 1972, is
515 amended as follows:

516 37-7-301. The county boards of education shall have the
517 following powers, authority and duties in addition to all others
518 imposed or granted by law, to wit:

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

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

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

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

532 (e) To suspend or to expel a pupil or to change the
533 placement of a pupil to the school district's alternative school
534 or home-bound program for misconduct in the school or on school
535 property, as defined in Section 37-11-29, on the road to and from
536 school, or at any school-related activity or event, or for conduct
537 occurring on property other than school property or other than at
538 a school-related activity or event when such conduct by a pupil,
539 in the determination of the school superintendent or principal,
540 renders that pupil's presence in the classroom a disruption to the
541 educational environment of the school or a detriment to the best
542 interest and welfare of the pupils and teacher of such class as a
543 whole, and to delegate such authority to the appropriate officials
544 of the school district;

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

548 (g) To support, within reasonable limits, the
549 superintendent, principal and teachers where necessary for the
550 proper discipline of the school;

551 (h) To exclude from the schools students with what
552 appears to be infectious or contagious diseases; provided,
553 however, such student may be allowed to return to school upon
554 presenting a certificate from a public health officer, duly
555 licensed physician or nurse practitioner that the student is free
556 from such disease;

557 (i) To require those vaccinations specified by the
558 State Health Officer as provided in Section 41-23-37, Mississippi
559 Code of 1972;

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

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

565 (l) To prescribe and enforce rules and regulations not
566 inconsistent with law or with the regulations of the State Board
567 of Education for their own government and for the government of
568 the schools, and to transact their business at regular and special
569 meetings called and held in the manner provided by law;

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

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

575 (o) To make orders directed to the superintendent of
576 schools for the issuance of pay certificates for lawful purposes
577 on any available funds of the district and to have full control of
578 the receipt, distribution, allotment and disbursement of all funds
579 provided for the support and operation of the schools of such
580 school district whether such funds be derived from state
581 appropriations, local ad valorem tax collections, or otherwise.
582 The local school board shall be authorized and empowered to
583 promulgate rules and regulations that specify the types of claims

584 and set limits of the dollar amount for payment of claims by the
585 superintendent of schools to be ratified by the board at the next
586 regularly scheduled meeting after payment has been made;

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

591 (q) To provide athletic programs and other school
592 activities and to regulate the establishment and operation of such
593 programs and activities;

594 (r) To join, in their discretion, any association of
595 school boards and other public school-related organizations, and
596 to pay from local funds other than minimum foundation funds, any
597 membership dues;

598 (s) To expend local school activity funds, or other
599 available school district funds, other than minimum education
600 program funds, for the purposes prescribed under this paragraph.
601 "Activity funds" shall mean all funds received by school officials
602 in all school districts paid or collected to participate in any
603 school activity, such activity being part of the school program
604 and partially financed with public funds or supplemented by public
605 funds. The term "activity funds" shall not include any funds
606 raised and/or expended by any organization unless commingled in a
607 bank account with existing activity funds, regardless of whether
608 the funds were raised by school employees or received by school
609 employees during school hours or using school facilities, and
610 regardless of whether a school employee exercises influence over
611 the expenditure or disposition of such funds. Organizations shall
612 not be required to make any payment to any school for the use of
613 any school facility if, in the discretion of the local school
614 governing board, the organization's function shall be deemed to be
615 beneficial to the official or extracurricular programs of the
616 school. For the purposes of this provision, the term

617 "organization" shall not include any organization subject to the
618 control of the local school governing board. Activity funds may
619 only be expended for any necessary expenses or travel costs,
620 including advances, incurred by students and their chaperons in
621 attending any in-state or out-of-state school-related programs,
622 conventions or seminars and/or any commodities, equipment, travel
623 expenses, purchased services or school supplies which the local
624 school governing board, in its discretion, shall deem beneficial
625 to the official or extracurricular programs of the district,
626 including items which may subsequently become the personal
627 property of individuals, including yearbooks, athletic apparel,
628 book covers and trophies. Activity funds may be used to pay
629 travel expenses of school district personnel. The local school
630 governing board shall be authorized and empowered to promulgate
631 rules and regulations specifically designating for what purposes
632 school activity funds may be expended. The local school governing
633 board shall provide (i) that such school activity funds shall be
634 maintained and expended by the principal of the school generating
635 the funds in individual bank accounts, or (ii) that such school
636 activity funds shall be maintained and expended by the
637 superintendent of schools in a central depository approved by the
638 board. The local school governing board shall provide that such
639 school activity funds be audited as part of the annual audit
640 required in Section 37-9-18. The State Auditor shall prescribe a
641 uniform system of accounting and financial reporting for all
642 school activity fund transactions;

643 (t) To contract, on a shared savings, lease or
644 lease-purchase basis, for energy efficiency services and/or
645 equipment as provided for in Section 31-7-14, not to exceed ten
646 (10) years;

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

649 (v) (i) To lease a school building from an individual,
650 partnership, nonprofit corporation or a private for-profit
651 corporation for the use of such school district, and to expend
652 funds therefor as may be available from any nonminimum program
653 sources. The school board of the school district desiring to
654 lease a school building shall declare by resolution that a need
655 exists for a school building and that the school district cannot
656 provide the necessary funds to pay the cost or its proportionate
657 share of the cost of a school building required to meet the
658 present needs. The resolution so adopted by the school board
659 shall be published once each week for three (3) consecutive weeks
660 in a newspaper having a general circulation in the school district
661 involved, with the first publication thereof to be made not less
662 than thirty (30) days prior to the date upon which the school
663 board is to act on the question of leasing a school building. If
664 no petition requesting an election is filed prior to such meeting
665 as hereinafter provided, then the school board may, by resolution
666 spread upon its minutes, proceed to lease a school building. If
667 at any time prior to said meeting a petition signed by not less
668 than twenty percent (20%) or fifteen hundred (1500), whichever is
669 less, of the qualified electors of the school district involved
670 shall be filed with the school board requesting that an election
671 be called on the question, then the school board shall, not later
672 than the next regular meeting, adopt a resolution calling an
673 election to be held within such school district upon the question
674 of authorizing the school board to lease a school building. Such
675 election shall be called and held, and notice thereof shall be
676 given, in the same manner for elections upon the questions of the
677 issuance of the bonds of school districts, and the results thereof
678 shall be certified to the school board. If at least three-fifths
679 (3/5) of the qualified electors of the school district who voted
680 in such election shall vote in favor of the leasing of a school
681 building, then the school board shall proceed to lease a school

682 building. The term of the lease contract shall not exceed twenty
683 (20) years, and the total cost of such lease shall be either the
684 amount of the lowest and best bid accepted by the school board
685 after advertisement for bids or an amount not to exceed the
686 current fair market value of the lease as determined by the
687 averaging of at least two (2) appraisals by certified general
688 appraisers licensed by the State of Mississippi. The term "school
689 building" as used in this paragraph (v) shall be construed to mean
690 any building or buildings used for classroom purposes in
691 connection with the operation of schools and shall include the
692 site therefor, necessary support facilities, and the equipment
693 thereof and appurtenances thereto such as heating facilities,
694 water supply, sewage disposal, landscaping, walks, drives and
695 playgrounds. The term "lease" as used in this paragraph (v)(i)
696 may include a lease/purchase contract;

697 (ii) If two (2) or more school districts propose
698 to enter into a lease contract jointly, then joint meetings of the
699 school boards having control may be held but no action taken shall
700 be binding on any such school district unless the question of
701 leasing a school building is approved in each participating school
702 district under the procedure hereinabove set forth in paragraph
703 (v)(i). All of the provisions of paragraph (v)(i) regarding the
704 term and amount of the lease contract shall apply to the school
705 boards of school districts acting jointly. Any lease contract
706 executed by two (2) or more school districts as joint lessees
707 shall set out the amount of the aggregate lease rental to be paid
708 by each, which may be agreed upon, but there shall be no right of
709 occupancy by any lessee unless the aggregate rental is paid as
710 stipulated in the lease contract. All rights of joint lessees
711 under the lease contract shall be in proportion to the amount of
712 lease rental paid by each;

713 (w) To employ all noninstructional and noncertificated
714 employees and fix the duties and compensation of such personnel

715 deemed necessary pursuant to the recommendation of the
716 superintendent of schools;

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

719 (y) Subject to rules and regulations of the State Board
720 of Education, to purchase, own and operate trucks, vans and other
721 motor vehicles, which shall bear the proper identification
722 required by law;

723 (z) To expend funds for the payment of substitute
724 teachers and to adopt reasonable regulations for the employment
725 and compensation of such substitute teachers;

726 (aa) To acquire in its own name by purchase all real
727 property which shall be necessary and desirable in connection with
728 the construction, renovation or improvement of any public school
729 building or structure. Whenever the purchase price for such real
730 property is greater than Fifty Thousand Dollars (\$50,000.00), the
731 school board shall not purchase the property for an amount
732 exceeding the fair market value of such property as determined by
733 the average of at least two (2) independent appraisals by
734 certified general appraisers licensed by the State of Mississippi.
735 If the board shall be unable to agree with the owner of any such
736 real property in connection with any such project, the board shall
737 have the power and authority to acquire any such real property by
738 condemnation proceedings pursuant to Section 11-27-1 et seq.,
739 Mississippi Code of 1972, and for such purpose, the right of
740 eminent domain is hereby conferred upon and vested in said board.
741 Provided further, that the local school board is authorized to
742 grant an easement for ingress and egress over sixteenth section
743 land or lieu land in exchange for a similar easement upon
744 adjoining land where the exchange of easements affords substantial
745 benefit to the sixteenth section land; provided, however, the
746 exchange must be based upon values as determined by a competent
747 appraiser, with any differential in value to be adjusted by cash

748 payment. Any easement rights granted over sixteenth section land
749 under such authority shall terminate when the easement ceases to
750 be used for its stated purpose. No sixteenth section or lieu land
751 which is subject to an existing lease shall be burdened by any
752 such easement except by consent of the lessee or unless the school
753 district shall acquire the unexpired leasehold interest affected
754 by the easement;

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

758 (cc) Subject to rules and regulations of the State
759 Board of Education, to purchase relocatable classrooms for the use
760 of such school district, in the manner prescribed in Section
761 37-1-13;

762 (dd) Enter into contracts or agreements with other
763 school districts, political subdivisions or governmental entities
764 to carry out one or more of the powers or duties of the school
765 board, or to allow more efficient utilization of limited resources
766 for providing services to the public;

767 (ee) To provide for in-service training for employees
768 of the district. Until June 30, 1994, the school boards may
769 designate two (2) days of the minimum school term, as defined in
770 Section 37-19-1, for employee in-service training for
771 implementation of the new statewide testing system as developed by
772 the State Board of Education. Such designation shall be subject
773 to approval by the State Board of Education pursuant to uniform
774 rules and regulations;

775 (ff) As part of their duties to prescribe the use of
776 textbooks, to provide that parents and legal guardians shall be
777 responsible for the textbooks and for the compensation to the
778 school district for any books which are not returned to the proper
779 schools upon the withdrawal of their dependent child. If a
780 textbook is lost or not returned by any student who drops out of

781 the public school district, the parent or legal guardian shall
782 also compensate the school district for the fair market value of
783 the textbooks;

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

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

791 (ii) Fund-raising activities conducted or
792 authorized by the board for the sale of school pictures, the
793 rental of caps and gowns or the sale of graduation invitations for
794 which the school board receives a commission, rebate or fee shall
795 contain a disclosure statement advising that a portion of the
796 proceeds of the sales or rentals shall be contributed to the
797 student activity fund;

798 (hh) To allow individual lessons for music, art and
799 other curriculum-related activities for academic credit or
800 nonacademic credit during school hours and using school equipment
801 and facilities, subject to uniform rules and regulations adopted
802 by the school board;

803 (ii) To charge reasonable fees for participating in an
804 extracurricular activity for academic or nonacademic credit for
805 necessary and required equipment such as safety equipment, band
806 instruments and uniforms;

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

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

812 (ll) To expend funds for the services of nonprofit arts
813 organizations or other such nonprofit organizations who provide

814 performances or other services for the students of the school
815 district;

816 (mm) To expend federal No Child Left Behind Act funds,
817 or any other available funds that are expressly designated and
818 authorized for that use, to pay training, educational expenses,
819 salary incentives and salary supplements to employees of local
820 school districts; except that incentives shall not be considered
821 part of the local supplement as defined in Section 37-151-5(o),
822 nor shall incentives be considered part of the local supplement
823 paid to an individual teacher for the purposes of Section
824 37-19-7(1). Mississippi Adequate Education Program funds or any
825 other state funds may not be used for salary incentives or salary
826 supplements as provided in this paragraph (mm);

827 (nn) To use any available funds, not appropriated or
828 designated for any other purpose, for reimbursement to the
829 state-licensed employees from both in-state and out-of-state, who
830 enter into a contract for employment in a school district, for the
831 expense of moving when the employment necessitates the relocation
832 of the licensed employee to a different geographical area than
833 that in which the licensed employee resides before entering into
834 the contract. The reimbursement shall not exceed One Thousand
835 Dollars (\$1,000.00) for the documented actual expenses incurred in
836 the course of relocating, including the expense of any
837 professional moving company or persons employed to assist with the
838 move, rented moving vehicles or equipment, mileage in the amount
839 authorized for county and municipal employees under Section
840 25-3-41 if the licensed employee used his personal vehicle or
841 vehicles for the move, meals and such other expenses associated
842 with the relocation. No licensed employee may be reimbursed for
843 moving expenses under this section on more than one (1) occasion
844 by the same school district. Nothing in this section shall be
845 construed to require the actual residence to which the licensed
846 employee relocates to be within the boundaries of the school

847 district that has executed a contract for employment in order for
848 the licensed employee to be eligible for reimbursement for the
849 moving expenses. However, the licensed employee must relocate
850 within the boundaries of the State of Mississippi. Any individual
851 receiving relocation assistance through the Critical Teacher
852 Shortage Act as provided in Section 37-159-5 shall not be eligible
853 to receive additional relocation funds as authorized in this
854 paragraph;

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

861 (pp) Consistent with the report of the Task Force to
862 Conduct a Best Financial Management Practices Review, to improve
863 school district management and use of resources and identify cost
864 savings as established in Section 8 of Chapter 610, Laws of 2002,
865 local school boards are encouraged to conduct independent reviews
866 of the management and efficiency of schools and school districts.
867 Such management and efficiency reviews shall provide state and
868 local officials and the public with the following:

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

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

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

874 (iv) An assessment of facilities utilization,
875 planning and maintenance;

876 (v) An assessment of food services, transportation
877 and safety/security systems;

878 (vi) An assessment of instructional and
879 administrative technology;

880 (vii) A review of the instructional management and
881 the efficiency and effectiveness of existing instructional
882 programs; and

883 (viii) Recommended methods for increasing
884 efficiency and effectiveness in providing educational services to
885 the public;

886 (qq) To enter into agreements with other local school
887 boards for the establishment of an educational service agency
888 (ESA) to provide for the cooperative needs of the region in which
889 the school district is located, as provided in Section 37-7-345.
890 This paragraph shall repeal on July 1, 2007;

891 (rr) To implement a financial literacy program for
892 students in Grades 10 and 11. The board may review the national
893 programs and obtain free literature from various nationally
894 recognized programs. After review of the different programs, the
895 board may certify a program that is most appropriate for the
896 school districts' needs. If a district implements a financial
897 literacy program, then any student in Grade 10 or 11 may
898 participate in the program. The financial literacy program shall
899 include, but is not limited to, instruction in the same areas of
900 personal business and finance as required under Section
901 37-1-3(2)(b). The school board may coordinate with volunteer
902 teachers from local community organizations, including, but not
903 limited to, the following: United States Department of
904 Agriculture Rural Development, United States Department of Housing
905 and Urban Development, Junior Achievement, bankers and other
906 nonprofit organizations. Nothing in this paragraph shall be
907 construed as to require school boards to implement a financial
908 literacy program;

909 (ss) To collaborate with the State Board of Education,
910 Community Action Agencies or the Department of Human Services to
911 develop and implement a voluntary program to provide services for
912 a full-day prekindergarten program that addresses the cognitive,

913 social, and emotional needs of four-year-old and three-year-old
914 children. The school board may utilize nonstate source special
915 funds, grants, donations or gifts to fund the voluntary program;

916 (tt) With respect to any lawful, written obligation of
917 a school district, including, but not limited to, leases
918 (excluding leases of sixteenth section public school trust land),
919 bonds, notes, or other agreement, to agree in writing with the
920 obligee that the State Tax Commission or any state agency,
921 department or commission created under state law may:

922 (i) Withhold all or any part (as agreed by the
923 school board) of any monies which such local school board is
924 entitled to receive from time to time under any law and which is
925 in the possession of the State Tax Commission, or any state
926 agency, department or commission created under state law; and

927 (ii) Pay the same over to any financial
928 institution, trustee or other obligee, as directed in writing by
929 the school board, to satisfy all or part of such obligation of the
930 school district.

931 The school board may make such written agreement to withhold
932 and transfer funds irrevocable for the term of the written
933 obligation and may include in the written agreement any other
934 terms and provisions acceptable to the school board. If the
935 school board files a copy of such written agreement with the State
936 Tax Commission, or any state agency, department or commission
937 created under state law then the State Tax Commission or any state
938 agency, department or commission created under state law shall
939 immediately make the withholdings provided in such agreement from
940 the amounts due the local school board and shall continue to pay
941 the same over to such financial institution, trustee or obligee
942 for the term of the agreement.

943 This paragraph (tt) shall not grant any extra authority to a
944 school board to issue debt in any amount exceeding statutory
945 limitations on assessed value of taxable property within such

946 school district or the statutory limitations on debt maturities,
947 and shall not grant any extra authority to impose, levy or collect
948 a tax which is not otherwise expressly provided for, and shall not
949 be construed to apply to sixteenth section public school trust
950 land;

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

962 (vv) To utilize the alternate method for the conveyance
963 or exchange of unused school buildings and/or land, reserving a
964 partial or other undivided interest in the property, as
965 specifically authorized and provided in Section 37-7-485,
966 Mississippi Code of 1972.

967 **SECTION 18.** Section 37-57-1, Mississippi Code of 1972, is
968 amended as follows:

969 37-57-1. (1) (a) From and after July 1, 2007, the boards
970 of supervisors of the counties shall levy and collect all taxes
971 for and on behalf of all schools which are within the
972 county * * *. Such taxes shall be collected by the county tax
973 collector at the same time and in the same manner as county taxes
974 are collected by him, and the same penalties for delinquency shall
975 be applicable.

976 * * *

977 The county * * * tax collector * * * shall pay such tax
978 collections, except for taxes collected for the payment of the

979 principal of and interest on school bonds or notes and except for
980 taxes collected to defray collection costs, into the school
981 depository and report to the county board of education at the same
982 time and in the same manner as the tax collector makes his
983 payments and reports of other taxes collected by him.

984 * * *

985 (b) For the purposes of this chapter and any other laws
986 pertaining to taxes levied or bonds or notes issued for and on
987 behalf of school districts, the term "levying authority" means the
988 board of supervisors of the county which levies taxes for and on
989 behalf of the particular countywide school district as provided in
990 paragraphs (a) and (b) of this subsection.

991 (2) The levying authority for the school district shall, at
992 the same time and in the same manner as other taxes are levied by
993 the levying authority, levy a tax of not less than twenty-eight
994 (28) mills for the then current fiscal year, less the estimated
995 amount of the yield of the School Ad Valorem Tax Reduction Fund
996 grant to the school district as determined by the State Department
997 of Education or twenty-seven percent (27%) of the basic adequate
998 education program cost for such school district, whichever is a
999 lesser amount, upon all of the taxable property of the county, as
1000 required under Section 37-151-7(2)(a). However, in no case shall
1001 the minimum local ad valorem tax effort for any countywide school
1002 district be equal to an amount that would require a millage rate
1003 exceeding fifty-five (55) mills in that school district.
1004 Provided, however, that if a levying authority is levying in
1005 excess of fifty-five (55) mills on July 1, 1997, the levying
1006 authority may levy an additional amount not exceeding three (3)
1007 mills in the aggregate for the period beginning July 1, 1997, and
1008 ending June 30, 2003, subject to the limitation on increased
1009 receipts from ad valorem taxes prescribed in Sections 37-57-105
1010 and 37-57-107. Nothing in this subsection shall be construed to
1011 require any school district that is levying more than fifty-five

1012 (55) mills pursuant to Sections 37-57-1 and 37-57-105 to decrease
1013 its millage rate to fifty-five (55) mills or less. In making such
1014 levy, the levying authority shall levy an additional amount
1015 sufficient to cover anticipated delinquencies and costs of
1016 collection so that the net amount of money to be produced by such
1017 levy shall be equal to the amount which the school district is
1018 required to contribute as its said minimum local ad valorem tax
1019 effort. The tax so levied shall be collected by the tax collector
1020 at the same time and in the same manner as other ad valorem taxes
1021 are collected by him. The amount of taxes so collected as a
1022 result of such levy shall be paid into the district maintenance
1023 fund of the school district by the tax collector at the same time
1024 and in the same manner as reports and payments of other ad valorem
1025 taxes are made by said tax collector, except that the amount
1026 collected to defray costs of collection may be paid into the
1027 county general fund. The levying authority shall have the power
1028 and authority to direct and cause warrants to be issued against
1029 such fund for the purpose of refunding any amount of taxes
1030 erroneously or illegally paid into such fund where such refund has
1031 been approved in the manner provided by law.

1032 **SECTION 19.** Sections 37-7-105, 37-7-107, 37-7-109, 37-7-111,
1033 37-7-113 and 37-7-115, Mississippi Code of 1972, which provide
1034 procedures for abolition, alteration and creation of public school
1035 districts by local school boards and by petition of the
1036 electorate, are repealed.

1037 **SECTION 20.** Section 37-5-3, Mississippi Code of 1972, which
1038 provides certain residency restrictions for members of county
1039 boards of education, and Section 37-5-18, Mississippi Code of
1040 1972, which provides for the election of members of county boards
1041 of education from special districts, are repealed.

1042 **SECTION 21.** Sections 37-9-12, Mississippi Code of 1972,
1043 which provides for a referendum on the question of retaining the
1044 elective method of choosing the county superintendent of

1045 education, and 37-5-63, 37-5-65, 37-5-67, 37-5-69, 37-5-71 and
1046 37-5-75, Mississippi Code of 1972, which provide for the election
1047 of county superintendents of education, are repealed.

1048 **SECTION 22.** Sections 37-7-201, 37-7-203, 37-7-204, 37-7-205,
1049 37-7-207, 37-7-208, 37-7-209, 37-7-211, 37-7-213, 37-7-215,
1050 37-7-217, 37-7-219, 37-7-221, 37-7-223, 37-7-225, 37-7-227,
1051 37-7-229, 37-7-701, 37-7-703, 37-7-705, 37-7-707, 37-7-709,
1052 37-7-711, 37-7-713, 37-7-715, 37-7-717, 37-7-723 and 37-7-725,
1053 Mississippi Code of 1972, which provide qualifications, election
1054 procedures, terms of office, petition procedures, vacancy
1055 procedures and optional selection methods for boards of trustees
1056 of municipal separate school districts, consolidated school
1057 districts, line consolidated school districts and special
1058 municipal separate school districts, are repealed.

1059 **SECTION 23.** The Attorney General of the State of Mississippi
1060 shall submit this act, immediately upon approval by the Governor,
1061 or upon approval by the Legislature subsequent to a veto, to the
1062 Attorney General of the United States or to the United States
1063 District Court for the District of Columbia in accordance with the
1064 provisions of the Voting Rights Act of 1965, as amended and
1065 extended.

1066 **SECTION 24.** This act shall take effect and be in force from
1067 and after the date it is effectuated under Section 5 of the Voting
1068 Rights Act of 1965, as amended and extended.