

By: Senator(s) Hewes

To: Education;
Appropriations

SENATE BILL NO. 2024

1 AN ACT TO PROVIDE FOR THE REORGANIZATION OF ALL PUBLIC SCHOOL
2 DISTRICTS IN THE STATE OF MISSISSIPPI INTO A SYSTEM WITH ONE
3 COUNTYWIDE SCHOOL DISTRICT PER EACH COUNTY; TO ABOLISH OTHER TYPES
4 OF SCHOOL DISTRICTS AND RECONSTITUTE COUNTYWIDE SCHOOL DISTRICTS
5 AS IS NECESSARY TO EFFECT SAID REORGANIZATION; TO PROVIDE THAT THE
6 TERRITORY OF ANY SCHOOL DISTRICT LOCATED IN TWO OR MORE COUNTIES
7 SHALL BECOME ADDED TERRITORY TO THE COUNTY SCHOOL DISTRICT IN
8 WHICH THE SCHOOL BUILDINGS ARE LOCATED; TO PROVIDE THAT COUNTIES
9 WITH LESS THAN 3,000 POPULATION SHALL FORM A TWO-COUNTY SCHOOL
10 DISTRICT WITH AN ADJOINING COUNTY, AND PROVIDE FOR A SPECIAL
11 SCHOOL BOARD IN SUCH SITUATIONS; TO REQUIRE ALL SCHOOL BOARDS
12 AFFECTED BY SAID REORGANIZATION TO FILE A TRANSITION PLAN WITH THE
13 STATE BOARD OF EDUCATION ON JULY 1, 2012; TO AMEND SECTIONS
14 37-5-1, 37-5-7 AND 37-5-9, MISSISSIPPI CODE OF 1972, TO REQUIRE
15 NEW COUNTY BOARD OF EDUCATION ELECTIONS IN ALL COUNTIES IN
16 NOVEMBER 2012; TO REPEAL SECTION 37-5-3, MISSISSIPPI CODE OF 1972,
17 WHICH PROHIBITS RESIDENTS OF MUNICIPAL SEPARATE SCHOOL DISTRICTS
18 FROM QUALIFYING FOR THE COUNTY BOARD OF EDUCATION, AND SECTION
19 37-5-18, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE ELECTION
20 OF SCHOOL BOARD MEMBERS FROM SPECIAL DISTRICTS; TO REPEAL SECTIONS
21 37-7-103 THROUGH 37-7-115, MISSISSIPPI CODE OF 1972, WHICH PROVIDE
22 FOR THE ABOLITION, ALTERATION OR CREATION OF SCHOOL DISTRICTS BY
23 LOCAL SCHOOL GOVERNING BOARDS OR PETITION FILED BY THE ELECTORATE,
24 AND SECTIONS 37-7-501 THROUGH 37-7-511, MISSISSIPPI CODE OF 1972,
25 WHICH PROVIDE FOR THE DISPOSITION OF PROPERTY ON DISSOLUTION OF A
26 SCHOOL DISTRICT; TO REPEAL SECTIONS 37-7-201 THROUGH 37-7-229,
27 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE SELECTION OF
28 BOARDS OF TRUSTEES OF MUNICIPAL SEPARATE AND CONSOLIDATED SCHOOL
29 DISTRICTS; TO REPEAL SECTIONS 37-6-5 AND 37-6-7, MISSISSIPPI CODE
30 OF 1972, WHICH PROVIDE FOR THE TITLE OF PUBLIC SCHOOL DISTRICTS
31 AND THE COMPOSITION OF SCHOOL BOARDS; TO AMEND SECTION 37-7-301,
32 MISSISSIPPI CODE OF 1972, TO EMPOWER COUNTY BOARDS OF EDUCATION TO
33 GOVERN REORGANIZED SCHOOL DISTRICTS, AND TO AMEND SECTIONS 37-6-3,
34 37-6-9, 37-6-11, 37-6-13, 37-6-15, 37-7-301, 37-7-303, 37-7-305,
35 37-7-307, 37-7-311, 37-7-315 THROUGH 37-7-323, 37-7-327, 37-7-329,
36 37-7-333, 37-7-401, 37-7-405, 37-7-409, 37-7-411, 37-7-431,
37 37-7-433, 37-7-435, 37-7-451, 37-7-455, 37-7-471, 37-7-475,
38 37-7-477, 37-7-479 AND 37-7-481, MISSISSIPPI CODE OF 1972, IN
39 CONFORMITY THERETO; TO AMEND SECTION 37-9-13, MISSISSIPPI CODE OF
40 1972, TO PROVIDE FOR THE SELECTION OF THE COUNTY SUPERINTENDENT OF
41 EDUCATION BY THE COUNTY BOARD OF EDUCATION; TO AMEND SECTIONS
42 37-9-3, 37-9-14, 37-9-15, 37-9-17, 37-9-21 THROUGH 37-9-27,
43 37-9-33, 37-9-37 THROUGH 37-9-43, 37-9-49, 37-9-55 THROUGH
44 37-9-59, 37-9-70 AND 37-9-71, MISSISSIPPI CODE OF 1972, TO
45 PRESCRIBE THE DUTIES OF THE COUNTY SUPERINTENDENT OF EDUCATION; TO
46 REPEAL SECTIONS 37-5-61 THROUGH 37-5-71, MISSISSIPPI CODE OF 1972,
47 WHICH PROVIDE FOR THE ELECTIVE OFFICE OF COUNTY SUPERINTENDENT OF
48 EDUCATION, AND SECTION 37-9-16, MISSISSIPPI CODE OF 1972, WHICH
49 PRESCRIBES THE POWERS AND RESPONSIBILITIES OF ADMINISTRATIVE
50 SUPERINTENDENTS; TO AMEND SECTIONS 37-15-2, 37-15-3, 37-15-4,
51 37-15-8, 37-15-13, 37-15-15, 37-15-17, 37-15-21 AND 37-15-31,
52 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR PERMANENT PUPIL RECORDS



53 AND ASSIGNMENT OF PUPILS TO SCHOOLS BY THE NEWLY RECONSTITUTED
54 SCHOOL BOARDS; TO AMEND SECTIONS 37-57-1, 37-57-105, 37-57-107,
55 37-59-3, 37-59-11, 37-59-13, 37-59-17, 37-59-19, 37-59-23,
56 37-59-27 THROUGH 37-59-31, 37-59-35, 37-59-37, 37-59-43, 37-59-101
57 THROUGH 37-59-107, 37-59-109 AND 37-59-111, MISSISSIPPI CODE OF
58 1972, IN CONFORMITY THERETO; TO REPEAL SECTIONS 37-57-131 AND
59 37-57-133, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE LEVY
60 AND COLLECTION OF AD VALOREM TAXES BY MUNICIPAL GOVERNING
61 AUTHORITIES IN ANNEXED TERRITORY; TO AMEND SECTION 29-3-1.1,
62 MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND SECTIONS
63 37-61-3, 37-61-9, 37-61-17, 37-61-19, 37-61-21, 37-61-23 AND
64 37-61-27, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND
65 SECTION 37-151-5, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR
66 RELATED PURPOSES.

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

68 **SECTION 1.** This act shall be known and may be cited as the
69 "Mississippi School District Reorganization Act of 2011."

70 **SECTION 2.** (1) From and after July 1, 2014, there shall be
71 no more than eighty-one (81) public school districts in the State
72 of Mississippi. Each county in the State of Mississippi shall
73 constitute a school district and shall be known as the school
74 district of _____ County, Mississippi. Each county school
75 district shall constitute a unit for the control, organization and
76 administration of schools. All the other type of school
77 districts, whether they be consolidated or line consolidated
78 districts, municipal separate districts or special municipal
79 separate districts, shall cease to exist on June 30, 2014. All
80 county school districts created or reconstituted according to the
81 provisions of this act shall have the same prerogatives, powers,
82 duties and privileges as provided in this act. On June 30, 2014,
83 every board of trustees of every municipal separate, special
84 municipal separate, consolidated or line consolidated school
85 district or agricultural high school shall cease to exist; and the
86 newly created or reconstituted county school districts in this
87 state shall be governed by the county boards of education selected
88 as provided for by law. On June 30, 2014, every county
89 superintendent of education and every superintendent of every
90 municipal separate, special municipal separate, consolidated or
91 line consolidated school district or agricultural high school
92 shall cease to exist; and the newly created or reconstituted



93 school districts in this state shall be administered by the
94 superintendents selected as provided for in this act.

95 (2) Notwithstanding the provisions of subsection (1) of this
96 section, the territory of any school district which on July 1,
97 2011, is located in two (2) or more counties shall become added
98 territory to the reconstituted county school district in which the
99 majority of the school buildings of the former line school
100 district are located. In such event, the members of the county
101 board of education for such succeeding school district may be
102 elected from special single member districts as provided in
103 Section 37-5-1(2), Mississippi Code of 1972. Provided, however,
104 that the county board of education of the county in which less
105 than a majority of the school buildings of the former line school
106 district are located may petition the State Board of Education for
107 an order declaring the territory of such former line school
108 district to be added to the county under their jurisdiction. The
109 State Board of Education shall act upon such petition within
110 ninety (90) days, and shall make such determination based upon the
111 geographical location of the school buildings in the added
112 territory, the access of such facilities to the residences of the
113 pupils attending the schools, and other factors directly related
114 to the educational needs of the pupils in such territory. Any
115 such order of the State Board of Education shall be final.

116 **SECTION 3.** Notwithstanding the provisions of Section 2 of
117 this act, any county having a population of less than three
118 thousand (3,000) according to the latest federal decennial census
119 shall combine with an adjoining county to form a two-county school
120 district. In any such two-county school district, each member of
121 the board of education shall be elected from and shall be a
122 resident and qualified elector in a special district determined in
123 the following manner: The boards of supervisors of both counties
124 shall apportion the territory in both counties into five (5) board
125 of education districts which shall be divided as nearly as



126 possible according to population, and other factors heretofore
127 pronounced by the courts consistent with the provisions of the
128 Voting Rights Act of 1965, as amended. The boards of supervisors
129 of both counties shall place upon its minutes the boundaries
130 determined for the new five (5) board of education districts. The
131 said boards shall thereafter publish the same in a newspaper of
132 general circulation within both counties for at least three (3)
133 consecutive weeks and after having given notice of publication and
134 recording the same upon the minutes of the boards of said
135 counties, the new district lines shall thereafter be effective.

136 Any vacancies in the office shall be filled in the manner
137 presently provided by law for the filling of vacancies. All
138 two-county school districts and their governing boards shall have
139 the same prerogatives, powers, duties and privileges as provided
140 under law for county school districts and county boards of
141 education. As used in this act, the term county school district
142 or county board of education shall be construed to include any
143 two-county school districts created hereunder.

144 **SECTION 4.** (1) When any school district in existence on
145 June 30, 2014, including agricultural high schools, has
146 outstanding long-term or short-term indebtedness which is due
147 after June 30, 2014, such indebtedness shall become a debt of the
148 county school district into which the indebted territory is
149 consolidated, and it shall be the duty of the board of supervisors
150 of the county in which the reorganized district is situated to
151 levy taxes on the property of said reorganized district from year
152 to year according to the terms of such indebtedness until same
153 shall be fully paid. Any dispute regarding the assumption of such
154 indebtedness shall be resolved by the State Board of Education.

155 (2) When any school district is abolished and consolidated
156 under the provisions of this act, title to any real or personal
157 property of the school district so abolished shall be vested in
158 the school district into which said territory was consolidated.



159 **SECTION 5.** (1) On or before July 1, 2012, the school boards
160 in any county having more than one (1) school district shall adopt
161 a plan for the transition of all administrative functions into one
162 (1) school district for such county. Said transition plan shall
163 include a detailed description of the placement of all personnel,
164 personal property and real property of the various school
165 districts in such county involved in administrative functions,
166 which shall be reorganized and consolidated into one (1)
167 countywide school district. Said transition plan shall be adopted
168 and spread upon the minutes of all school boards in such county.

169 (2) After the order of the local school boards adopting a
170 transition plan becomes final, it shall be submitted to and
171 considered by the State Board of Education. If approved by the
172 State Board of Education, the consolidation plan shall be
173 submitted by the local school boards to the appropriate federal
174 agencies for approval. After all preclearance has been received,
175 the State Board of Education shall declare all territory within
176 the county to be the new boundaries of the school district on July
177 1, 2014.

178 (3) Upon preclearance of such consolidation, all school
179 boards in the county shall approve a joint resolution for the
180 election of five (5) new board members from supervisors districts
181 as provided by Section 37-5-1, Mississippi Code of 1972.

182 (4) The superintendent of the new countywide district
183 created through consolidation shall be appointed by the newly
184 elected school board after their election, and the superintendent
185 shall begin work as the superintendent on July 1, 2014, when the
186 consolidation becomes effective. The order to consolidate shall
187 invalidate the contracts of the superintendents of the preceding
188 districts and shall terminate the term of the superintendent if
189 that person was elected. The order to consolidate shall
190 invalidate the term of any school board member in such county
191 beyond July 1, 2014, whether they are elected or appointed. Any



192 school board member from the preceding school district(s) may be
193 eligible to run for election to the new county school board, if he
194 or she is otherwise qualified for such office.

195 (5) Each school board shall be responsible for executing the
196 contracts for teachers and principals for the 2014-2015 school
197 year with the consultation of the new county school board. The
198 selection of any administrator in the central administration
199 office shall be the responsibility of the new county school board.
200 No existing dates for renewal of contracts shall invalidate the
201 authority of the new county school board in taking such action.
202 The new county school board may enter into these contracts at any
203 time following their election, but no later than July 1, 2014.

204 (6) It shall also be the responsibility of the new county
205 school board to prepare and approve the budget of the new
206 countywide district. The new county school board may use staff
207 from the existing districts to prepare the budget. The school
208 board shall have authority to approve the budget prior to the July
209 1 date and shall follow the time line established for budget
210 preparation under the law.

211 **SECTION 6.** Section 37-5-1, Mississippi Code of 1972, is
212 amended as follows:

213 37-5-1. (1) Effective July 1, 2014, there shall be
214 established a county board of education in each county of the
215 State of Mississippi. Said county board of education shall
216 consist of five (5) members, one (1) of which, subject to the
217 further provisions of this chapter and except as is otherwise
218 provided in Section 37-5-1(2), shall be elected by the qualified
219 electors of each board of education district of the county.
220 Except as is otherwise provided in Section 37-5-3, each member so
221 elected shall be a resident and qualified elector of the district
222 from which he is elected.

223 (2) The county board of education shall apportion the county
224 school district into five (5) single member board of education



225 districts. The county board of education shall place upon its
226 minutes the boundaries determined for the new five (5) board of
227 education districts. The board of education of said county shall
228 thereafter publish the same in some newspaper of general
229 circulation within said county for at least three (3) consecutive
230 weeks and after having given notice of publication and recording
231 the same upon the minutes of the board of education of said
232 county, said new district lines will thereafter be effective. The
233 board of education of said county shall reapportion the board of
234 education districts in accordance with the procedure described
235 herein for the original apportionment of districts as soon as
236 practicable after the results of the 2000 decennial census are
237 published and as soon as practicable after every decennial census
238 thereafter.

239 **SECTION 7.** Section 37-5-7, Mississippi Code of 1972, is
240 amended as follows:

241 37-5-7. (1) On the first Tuesday after the first Monday in
242 November 2013, an election shall be held in each county in this
243 state in the same manner as general state and county elections are
244 held and conducted, which election shall be held for the purpose
245 of electing the county boards of education established under the
246 provisions of this chapter. At such election, the member of the
247 said board from District One shall be elected for a term of one
248 (1) year, the member from District Two shall be elected for a term
249 of two (2) years, the member from District Three shall be elected
250 for a term of three (3) years, the member from District Four shall
251 be elected for a term of four (4) years, and the member from
252 District Five shall be elected for a term of five (5) years.
253 Thereafter, members shall be elected at general elections as
254 vacancies occur for terms of five (5) years each. All members of
255 the county board of education as herein constituted, shall take
256 office on the first Monday of January following the date of their
257 election.



258 (2) On the first Tuesday after the first Monday in November,
259 in any year in which any county shall elect to utilize the
260 authority contained in Section 37-5-1(2), an election shall be
261 held in each such county in this state for the purpose of electing
262 the county boards of education in such counties. At said election
263 the members of the said county board of education from Districts
264 One and Two shall be elected for a term of four (4) years, the
265 members from Districts Three and Four shall be elected for a term
266 of six (6) years, and the member from District Five shall be
267 elected for a term of (2) years. Thereafter, members shall be
268 elected at general elections as vacancies occur for terms of six
269 (6) years each. All members of the county board of education
270 shall take office on the first Monday of January following the
271 date of their election.

272 **SECTION 8.** Section 37-5-9, Mississippi Code of 1972, is
273 amended as follows:

274 **[Until the date Section 1, Chapter 470, Laws of 2009, is**
275 **effectuated under Section 5 of the Voting Rights Act of 1965, as**
276 **amended and extended, this section shall read as follows:]**

277 37-5-9. The name of any qualified elector who is a candidate
278 for the county board of education shall be placed on the ballot
279 used in the general elections by the county election
280 commissioners, provided that the candidate files with the county
281 election commissioners, not more than ninety (90) days and not
282 less than sixty (60) days prior to the date of such general
283 election, a petition of nomination signed by not less than fifty
284 (50) qualified electors of the county residing within each
285 supervisors district. Where there are less than one hundred (100)
286 qualified electors in said supervisors district, it shall only be
287 required that said petition of nomination be signed by at least
288 twenty percent (20%) of the qualified electors of such supervisors
289 district. The candidate in each supervisors district who receives



290 the highest number of votes cast in the district shall be declared
291 elected.

292 When any member of the county board of education is to be
293 elected from the county at large under the provisions of this
294 chapter, then the petition required by the preceding paragraph
295 hereof shall be signed by the required number of qualified
296 electors residing in any part of the county * * *. The candidate
297 who receives the highest number of votes cast in the election
298 shall be declared elected.

299 * * *

300 **[From and after the date Section 1, Chapter 470, Laws of**
301 **2009, is effectuated under Section 5 of the Voting Rights Act of**
302 **1965, as amended and extended, this section shall read as**
303 **follows:]**

304 37-5-9. (1) The name of any qualified elector who is a
305 candidate for the county board of education shall be placed on the
306 ballot used in the general elections by the county election
307 commissioners, provided that the candidate files with the county
308 election commissioners, not more than ninety (90) days and not
309 less than sixty (60) days prior to the date of such general
310 election, a petition of nomination signed by not less than fifty
311 (50) qualified electors of the county residing within each
312 supervisors district. Where there are less than one hundred (100)
313 qualified electors in the supervisors district, it shall only be
314 required that the petition of nomination be signed by at least
315 twenty percent (20%) of the qualified electors of such supervisors
316 district. The candidate in each supervisors district who receives
317 a majority of the votes cast in the district must be declared
318 elected. If no candidate receives a majority of the votes cast in
319 the general election, then the two (2) candidates who receive the
320 highest number of votes cast in the district shall have their
321 names submitted as candidates in a runoff election three (3) weeks
322 after the date of the general election, and the candidate who



323 receives a majority of the votes cast in the district in the
324 runoff election must be declared elected.

325 (2) When any member of the county board of education is to
326 be elected from the county at large under the provisions of this
327 chapter, then the petition required by subsection (1) of this
328 section shall be signed by the required number of qualified
329 electors residing in any part of the county * * *. The candidate
330 who receives a majority of the votes cast in the county must be
331 declared elected. If no candidate receives a majority of the
332 votes cast in the general election, then the two (2) candidates
333 who receive the highest number of votes cast in the county shall
334 have their names submitted as candidates in a runoff election
335 three (3) weeks after the date of the general election, and the
336 candidate who receives a majority of the votes cast in the county
337 in the runoff election must be declared elected.

338 * * *

339 **SECTION 9.** Section 37-5-3, Mississippi Code of 1972, which
340 prohibits residents of municipal separate school districts from
341 running for the county board of education, and Section 37-5-18,
342 Mississippi Code of 1972, which provides for the election of
343 school board members from special districts, are hereby repealed.

344 **SECTION 10.** Sections 37-7-103, 37-7-105, 37-7-107, 37-7-109,
345 37-7-111, 37-7-113 and 37-7-115, Mississippi Code of 1972, which
346 provide for the abolition, alteration or creation of school
347 districts by local board action or petition filed by the
348 electorate, are hereby repealed.

349 **SECTION 11.** Sections 37-7-501, 37-7-503, 37-7-505, 37-7-507,
350 37-7-509 and 37-7-511, Mississippi Code of 1972, which provide for
351 the disposition of property on dissolution of a school district,
352 are hereby repealed.

353 **SECTION 12.** Sections 37-7-201, 37-7-203, 37-7-207, 37-7-209,
354 37-7-211, 37-7-213, 37-7-215, 37-7-217, 37-7-219, 37-7-221,
355 37-7-223, 37-7-225, 37-7-227 and 37-7-229, Mississippi Code of



356 1972, which provide for the selection of boards of trustees of
357 municipal separate and consolidated school districts, are hereby
358 repealed.

359 **SECTION 13.** Section 37-6-3, Mississippi Code of 1972, is
360 amended as follows:

361 37-6-3. (1) From and after July 1, 2014, all school
362 districts in the State of Mississippi shall have the same
363 prerogatives, powers, duties and privileges as provided in this
364 chapter.

365 (2) As used in this chapter, the term "school board" shall
366 mean * * * the county board of education * * *.

367 (3) As used in this chapter, the term "superintendent" or
368 "superintendent of schools" shall mean * * * the county
369 superintendent of education * * *.

370 * * *

371 **SECTION 14.** Sections 37-6-5 and 37-6-7, Mississippi Code of
372 1972, which provide for the title of public school districts and
373 the composition of school boards, are hereby repealed.

374 **SECTION 15.** Section 37-6-9, Mississippi Code of 1972, is
375 amended as follows:

376 37-6-9. The county board of education shall organize by the
377 election of a president and a secretary from its membership whose
378 duty it shall be to make reports and to perform all other duties
379 required by law. A majority of the members of the county board of
380 education shall constitute a quorum for the transaction of
381 business. Minutes shall be kept of all meetings of the county
382 board of education showing (a) the members present and absent; (b)
383 the date, time and place of the meeting; (c) an accurate recording
384 of any final actions taken at such meeting; (d) a record by
385 individual member of any votes taken at such meeting; and (e) any
386 other information that the county board of education requests to
387 be reflected in the minutes. Each member of the county board of
388 education present shall either vote or abstain on every question



389 upon which a vote is taken at such meeting. All action taken by a
390 county board of education shall become official at the time it is
391 taken. All minutes of the county board of education shall be
392 signed by the president of the board, shall be attested by the
393 secretary of the board and shall be adopted by the board at the
394 next regular meeting, or within thirty (30) working days,
395 whichever occurs later.

396 **SECTION 16.** Section 37-6-11, Mississippi Code of 1972, is
397 amended as follows:

398 37-6-11. The county boards of education shall meet regularly
399 at such time and at such place as shall be designated by an order
400 entered upon the minutes thereof. Special meetings of such boards
401 shall be held upon the call of the president thereof, or upon the
402 call of a majority of the members thereof.

403 **SECTION 17.** Section 37-6-13, Mississippi Code of 1972, is
404 amended as follows:

405 37-6-13. (1) Each person serving as a member of the county
406 board of education shall receive per diem in the amount of
407 Sixty-seven Dollars (\$67.00) for no more than thirty-six (36)
408 meetings of the county board of education during any one (1)
409 fiscal year or, in his or her discretion, irrevocably may choose
410 to receive as compensation for his or her services an annual
411 salary in the amount of Two Thousand Four Hundred Dollars
412 (\$2,400.00), which choice shall remain in force for all successive
413 terms or periods of service of that member. The receipt of the
414 compensation shall not entitle any member of a county board of
415 education to receive or be eligible for any state employee group
416 insurance, retirement or other fringe benefits. Each member shall
417 be reimbursed for the necessary expenses and mileage in attending
418 meetings of the county board of education. In addition to the
419 foregoing, all members may be reimbursed for mileage and actual
420 expenses incurred in the further performance of their duties,
421 including attendance at any mandatory county board of education



422 training session or at regional and national education meetings,
423 when such mileage and other expenses are authorized by the board
424 prior to the date on which they occur. Detailed vouchers shall be
425 submitted for reimbursement for all expenses authorized by this
426 section. Such reimbursement shall be in accordance with Section
427 25-3-41.

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

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

442 (b) Before February 1 of each year, the president of
443 each local county board of education shall submit a report to the
444 State Board of Education containing the names of any members of
445 the county board of education who missed twenty percent (20%) or
446 more of the county board of education meetings during the
447 preceding calendar year.

448 **SECTION 18.** Section 37-6-15, Mississippi Code of 1972, is
449 amended as follows:

450 37-6-15. (1) Before entering upon the discharge of the
451 duties of his office, each member of the county board of education
452 shall give a surety bond in the penal sum of Fifty Thousand
453 Dollars (\$50,000.00), with sufficient surety, to be payable,
454 conditioned and approved in the manner provided by law.



455 (2) The county board of education may execute a blanket
456 surety bond for each school district official and employee
457 (including school business managers and any other employee who
458 receipts and/or disburses school district funds) in the penalty of
459 Fifty Thousand Dollars (\$50,000.00), unless a different penalty is
460 prescribed by statute, to be payable, conditioned and approved in
461 the manner provided by law. The premium on said bond shall be
462 paid out of the school district maintenance fund.

463 **SECTION 19.** Section 37-7-301, Mississippi Code of 1972, is
464 amended as follows:

465 37-7-301. The county boards of education of all counties
466 shall have the following powers, authority and duties in addition
467 to all others imposed or granted by law, to wit:

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

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

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

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

481 (e) To suspend or to expel a pupil or to change the
482 placement of a pupil to the school district's alternative school
483 or homebound program for misconduct in the school or on school
484 property, as defined in Section 37-11-29, on the road to and from
485 school, or at any school-related activity or event, or for conduct
486 occurring on property other than school property or other than at
487 a school-related activity or event when such conduct by a pupil,



488 in the determination of the school superintendent or principal,
489 renders that pupil's presence in the classroom a disruption to the
490 educational environment of the school or a detriment to the best
491 interest and welfare of the pupils and teacher of such class as a
492 whole, and to delegate such authority to the appropriate officials
493 of the school district;

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

497 (g) To support, within reasonable limits, the
498 superintendent, principal and teachers where necessary for the
499 proper discipline of the school;

500 (h) To exclude from the schools students with what
501 appears to be infectious or contagious diseases; provided,
502 however, such student may be allowed to return to school upon
503 presenting a certificate from a public health officer, duly
504 licensed physician or nurse practitioner that the student is free
505 from such disease;

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

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

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

513 (l) To prescribe and enforce rules and regulations not
514 inconsistent with law or with the regulations of the State Board
515 of Education for their own government and for the government of
516 the schools, and to transact their business at regular and special
517 meetings called and held in the manner provided by law;

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



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

523 (o) To make orders directed to the county
524 superintendent of education for the issuance of pay certificates
525 for lawful purposes on any available funds of the district and to
526 have full control of the receipt, distribution, allotment and
527 disbursement of all funds provided for the support and operation
528 of the schools of such school district whether such funds be
529 derived from state appropriations, local ad valorem tax
530 collections, or otherwise. The county board of education shall be
531 authorized and empowered to promulgate rules and regulations that
532 specify the types of claims and set limits of the dollar amount
533 for payment of claims by the county superintendent of education to
534 be ratified by the board at the next regularly scheduled meeting
535 after payment has been made;

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

540 (q) To provide athletic programs and other school
541 activities and to regulate the establishment and operation of such
542 programs and activities;

543 (r) To join, in their discretion, any association of
544 school boards and other public school-related organizations, and
545 to pay from local funds other than minimum foundation funds, any
546 membership dues;

547 (s) To expend local school activity funds, or other
548 available school district funds, other than minimum education
549 program funds, for the purposes prescribed under this paragraph.
550 "Activity funds" shall mean all funds received by school officials
551 in all school districts paid or collected to participate in any
552 school activity, such activity being part of the school program
553 and partially financed with public funds or supplemented by public



554 funds. The term "activity funds" shall not include any funds
555 raised and/or expended by any organization unless commingled in a
556 bank account with existing activity funds, regardless of whether
557 the funds were raised by school employees or received by school
558 employees during school hours or using school facilities, and
559 regardless of whether a school employee exercises influence over
560 the expenditure or disposition of such funds. Organizations shall
561 not be required to make any payment to any school for the use of
562 any school facility if, in the discretion of the local school
563 governing board, the organization's function shall be deemed to be
564 beneficial to the official or extracurricular programs of the
565 school. For the purposes of this provision, the term
566 "organization" shall not include any organization subject to the
567 control of the local school governing board. Activity funds may
568 only be expended for any necessary expenses or travel costs,
569 including advances, incurred by students and their chaperons in
570 attending any in-state or out-of-state school-related programs,
571 conventions or seminars and/or any commodities, equipment, travel
572 expenses, purchased services or school supplies which the local
573 school governing board, in its discretion, shall deem beneficial
574 to the official or extracurricular programs of the district,
575 including items which may subsequently become the personal
576 property of individuals, including yearbooks, athletic apparel,
577 book covers and trophies. Activity funds may be used to pay
578 travel expenses of school district personnel. The local school
579 governing board shall be authorized and empowered to promulgate
580 rules and regulations specifically designating for what purposes
581 school activity funds may be expended. The local school governing
582 board shall provide (i) that such school activity funds shall be
583 maintained and expended by the principal of the school generating
584 the funds in individual bank accounts, or (ii) that such school
585 activity funds shall be maintained and expended by the county
586 superintendent of education in a central depository approved by



587 the board. The local school governing board shall provide that
588 such school activity funds be audited as part of the annual audit
589 required in Section 37-9-18. The State Department of Education
590 shall prescribe a uniform system of accounting and financial
591 reporting for all school activity fund transactions;

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

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

598 (v) (i) To lease a school building from an individual,
599 partnership, nonprofit corporation or a private for-profit
600 corporation for the use of such school district, and to expend
601 funds therefor as may be available from any nonminimum program
602 sources. The county board of education desiring to lease a school
603 building shall declare by resolution that a need exists for a
604 school building and that the school district cannot provide the
605 necessary funds to pay the cost or its proportionate share of the
606 cost of a school building required to meet the present needs. The
607 resolution so adopted by the county board of education shall be
608 published once each week for three (3) consecutive weeks in a
609 newspaper having a general circulation in the school district
610 involved, with the first publication thereof to be made not less
611 than thirty (30) days prior to the date upon which the county
612 board of education is to act on the question of leasing a school
613 building. If no petition requesting an election is filed prior to
614 such meeting as hereinafter provided, then the county board of
615 education may, by resolution spread upon its minutes, proceed to
616 lease a school building. If at any time prior to said meeting a
617 petition signed by not less than twenty percent (20%) or fifteen
618 hundred (1500), whichever is less, of the qualified electors of
619 the school district involved shall be filed with the county board



620 of education requesting that an election be called on the
621 question, then the county board of education shall, not later than
622 the next regular meeting, adopt a resolution calling an election
623 to be held within such school district upon the question of
624 authorizing the county board of education to lease a school
625 building. Such election shall be called and held, and notice
626 thereof shall be given, in the same manner for elections upon the
627 questions of the issuance of the bonds of school districts, and
628 the results thereof shall be certified to the county board of
629 education. If at least three-fifths (3/5) of the qualified
630 electors of the school district who voted in such election shall
631 vote in favor of the leasing of a school building, then the county
632 board of education shall proceed to lease a school building. The
633 term of the lease contract shall not exceed twenty (20) years, and
634 the total cost of such lease shall be either the amount of the
635 lowest and best bid accepted by the county board of education
636 after advertisement for bids or an amount not to exceed the
637 current fair market value of the lease as determined by the
638 averaging of at least two (2) appraisals by certified general
639 appraisers licensed by the State of Mississippi. The term "school
640 building" as used in this paragraph (v) (i) shall be construed to
641 mean any building or buildings used for classroom purposes in
642 connection with the operation of schools and shall include the
643 site therefor, necessary support facilities, and the equipment
644 thereof and appurtenances thereto such as heating facilities,
645 water supply, sewage disposal, landscaping, walks, drives and
646 playgrounds. The term "lease" as used in this paragraph (v) (i)
647 may include a lease/purchase contract;

648 (ii) If two (2) or more school districts propose
649 to enter into a lease contract jointly, then joint meetings of the
650 county boards of education having control may be held but no
651 action taken shall be binding on any such school district unless
652 the question of leasing a school building is approved in each



653 participating school district under the procedure hereinabove set
654 forth in paragraph (v) (i). All of the provisions of paragraph
655 (v) (i) regarding the term and amount of the lease contract shall
656 apply to the county boards of education acting jointly. Any lease
657 contract executed by two (2) or more school districts as joint
658 lessees shall set out the amount of the aggregate lease rental to
659 be paid by each, which may be agreed upon, but there shall be no
660 right of occupancy by any lessee unless the aggregate rental is
661 paid as stipulated in the lease contract. All rights of joint
662 lessees under the lease contract shall be in proportion to the
663 amount of lease rental paid by each;

664 (w) To employ all noninstructional and noncertificated
665 employees and fix the duties and compensation of such personnel
666 deemed necessary pursuant to the recommendation of the county
667 superintendent of education;

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

670 (y) Subject to rules and regulations of the State Board
671 of Education, to purchase, own and operate trucks, vans and other
672 motor vehicles, which shall bear the proper identification
673 required by law;

674 (z) To expend funds for the payment of substitute
675 teachers and to adopt reasonable regulations for the employment
676 and compensation of such substitute teachers;

677 (aa) To acquire in its own name by purchase all real
678 property which shall be necessary and desirable in connection with
679 the construction, renovation or improvement of any public school
680 building or structure. Whenever the purchase price for such real
681 property is greater than Fifty Thousand Dollars (\$50,000.00), the
682 county board of education shall not purchase the property for an
683 amount exceeding the fair market value of such property as
684 determined by the average of at least two (2) independent
685 appraisals by certified general appraisers licensed by the State



686 of Mississippi. If the board shall be unable to agree with the
687 owner of any such real property in connection with any such
688 project, the board shall have the power and authority to acquire
689 any such real property by condemnation proceedings pursuant to
690 Section 11-27-1 et seq., Mississippi Code of 1972, and for such
691 purpose, the right of eminent domain is hereby conferred upon and
692 vested in said board. Provided further, that the county board of
693 education is authorized to grant an easement for ingress and
694 egress over sixteenth section land or lieu land in exchange for a
695 similar easement upon adjoining land where the exchange of
696 easements affords substantial benefit to the sixteenth section
697 land; provided, however, the exchange must be based upon values as
698 determined by a competent appraiser, with any differential in
699 value to be adjusted by cash payment. Any easement rights granted
700 over sixteenth section land under such authority shall terminate
701 when the easement ceases to be used for its stated purpose. No
702 sixteenth section or lieu land which is subject to an existing
703 lease shall be burdened by any such easement except by consent of
704 the lessee or unless the school district shall acquire the
705 unexpired leasehold interest affected by the easement;

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

709 (cc) Subject to rules and regulations of the State
710 Board of Education, to purchase relocatable classrooms for the use
711 of such school district, in the manner prescribed in Section
712 37-1-13;

713 (dd) Enter into contracts or agreements with other
714 school districts, political subdivisions or governmental entities
715 to carry out one or more of the powers or duties of the county
716 board of education, or to allow more efficient utilization of
717 limited resources for providing services to the public;



718 (ee) To provide for in-service training for employees
719 of the district;

720 (ff) As part of their duties to prescribe the use of
721 textbooks, to provide that parents and legal guardians shall be
722 responsible for the textbooks and for the compensation to the
723 school district for any books which are not returned to the proper
724 schools upon the withdrawal of their dependent child. If a
725 textbook is lost or not returned by any student who drops out of
726 the public school district, the parent or legal guardian shall
727 also compensate the school district for the fair market value of
728 the textbooks;

729 (gg) To conduct fund-raising activities on behalf of
730 the school district that the county board of education, in its
731 discretion, deems appropriate or beneficial to the official or
732 extracurricular programs of the district; provided that:

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

736 (ii) Fund-raising activities conducted or
737 authorized by the board for the sale of school pictures, the
738 rental of caps and gowns or the sale of graduation invitations for
739 which the county board of education receives a commission, rebate
740 or fee shall contain a disclosure statement advising that a
741 portion of the proceeds of the sales or rentals shall be
742 contributed to the student activity fund;

743 (hh) To allow individual lessons for music, art and
744 other curriculum-related activities for academic credit or
745 nonacademic credit during school hours and using school equipment
746 and facilities, subject to uniform rules and regulations adopted
747 by the county board of education;

748 (ii) To charge reasonable fees for participating in an
749 extracurricular activity for academic or nonacademic credit for



750 necessary and required equipment such as safety equipment, band
751 instruments and uniforms;

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

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

757 (ll) To expend funds for the services of nonprofit arts
758 organizations or other such nonprofit organizations who provide
759 performances or other services for the students of the school
760 district;

761 (mm) To expend federal No Child Left Behind Act funds,
762 or any other available funds that are expressly designated and
763 authorized for that use, to pay training, educational expenses,
764 salary incentives and salary supplements to employees of local
765 school districts; except that incentives shall not be considered
766 part of the local supplement as defined in Section 37-151-5(o),
767 nor shall incentives be considered part of the local supplement
768 paid to an individual teacher for the purposes of Section
769 37-19-7(1). Mississippi Adequate Education Program funds or any
770 other state funds may not be used for salary incentives or salary
771 supplements as provided in this paragraph (mm);

772 (nn) To use any available funds, not appropriated or
773 designated for any other purpose, for reimbursement to the
774 state-licensed employees from both in state and out of state, who
775 enter into a contract for employment in a school district, for the
776 expense of moving when the employment necessitates the relocation
777 of the licensed employee to a different geographical area than
778 that in which the licensed employee resides before entering into
779 the contract. The reimbursement shall not exceed One Thousand
780 Dollars (\$1,000.00) for the documented actual expenses incurred in
781 the course of relocating, including the expense of any
782 professional moving company or persons employed to assist with the



783 move, rented moving vehicles or equipment, mileage in the amount
784 authorized for county and municipal employees under Section
785 25-3-41 if the licensed employee used his personal vehicle or
786 vehicles for the move, meals and such other expenses associated
787 with the relocation. No licensed employee may be reimbursed for
788 moving expenses under this section on more than one (1) occasion
789 by the same school district. Nothing in this section shall be
790 construed to require the actual residence to which the licensed
791 employee relocates to be within the boundaries of the school
792 district that has executed a contract for employment in order for
793 the licensed employee to be eligible for reimbursement for the
794 moving expenses. However, the licensed employee must relocate
795 within the boundaries of the State of Mississippi. Any individual
796 receiving relocation assistance through the Critical Teacher
797 Shortage Act as provided in Section 37-159-5 shall not be eligible
798 to receive additional relocation funds as authorized in this
799 paragraph;

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

806 (pp) Consistent with the report of the Task Force to
807 Conduct a Best Financial Management Practices Review, to improve
808 school district management and use of resources and identify cost
809 savings as established in Section 8 of Chapter 610, Laws of 2002,
810 county boards of education are encouraged to conduct independent
811 reviews of the management and efficiency of schools and school
812 districts. Such management and efficiency reviews shall provide
813 state and local officials and the public with the following:

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



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

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

819 (iv) An assessment of facilities utilization,
820 planning and maintenance;

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

823 (vi) An assessment of instructional and
824 administrative technology;

825 (vii) A review of the instructional management and
826 the efficiency and effectiveness of existing instructional
827 programs; and

828 (viii) Recommended methods for increasing
829 efficiency and effectiveness in providing educational services to
830 the public;

831 (qq) To enter into agreements with other county boards
832 of education for the establishment of an educational service
833 agency (ESA) to provide for the cooperative needs of the region in
834 which the school district is located, as provided in Section
835 37-7-345;

836 (rr) To implement a financial literacy program for
837 students in Grades 10 and 11. The board may review the national
838 programs and obtain free literature from various nationally
839 recognized programs. After review of the different programs, the
840 board may certify a program that is most appropriate for the
841 school districts' needs. If a district implements a financial
842 literacy program, then any student in Grade 10 or 11 may
843 participate in the program. The financial literacy program shall
844 include, but is not limited to, instruction in the same areas of
845 personal business and finance as required under Section
846 37-1-3(2) (b). The county board of education may coordinate with
847 volunteer teachers from local community organizations, including,
848 but not limited to, the following: United States Department of



849 Agriculture Rural Development, United States Department of Housing
850 and Urban Development, Junior Achievement, bankers and other
851 nonprofit organizations. Nothing in this paragraph shall be
852 construed as to require county boards of education to implement a
853 financial literacy program;

854 (ss) To collaborate with the State Board of Education,
855 Community Action Agencies or the Department of Human Services to
856 develop and implement a voluntary program to provide services for
857 a prekindergarten program that addresses the cognitive, social,
858 and emotional needs of four-year-old and three-year-old children.
859 The county board of education may utilize any source of available
860 revenue to fund the voluntary program;

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

867 (i) Withhold all or any part (as agreed by the
868 county board of education) of any monies which such county board
869 of education is entitled to receive from time to time under any
870 law and which is in the possession of the Department of Revenue,
871 or any state agency, department or commission created under state
872 law; and

873 (ii) Pay the same over to any financial
874 institution, trustee or other obligee, as directed in writing by
875 the county board of education, to satisfy all or part of such
876 obligation of the school district.

877 The county board of education may make such written agreement
878 to withhold and transfer funds irrevocable for the term of the
879 written obligation and may include in the written agreement any
880 other terms and provisions acceptable to the county board of
881 education. If the county board of education files a copy of such



882 written agreement with the Department of Revenue, or any state
883 agency, department or commission created under state law then the
884 Department of Revenue or any state agency, department or
885 commission created under state law shall immediately make the
886 withholdings provided in such agreement from the amounts due the
887 county board of education and shall continue to pay the same over
888 to such financial institution, trustee or obligee for the term of
889 the agreement.

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

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

909 (vv) To utilize the alternate method for the conveyance
910 or exchange of unused school buildings and/or land, reserving a
911 partial or other undivided interest in the property, as
912 specifically authorized and provided in Section 37-7-485,
913 Mississippi Code of 1972;



914 (ww) To delegate, privatize or otherwise enter into a
915 contract with private entities for the operation of any and all
916 functions of nonacademic school process, procedures and operations
917 including, but not limited to, cafeteria workers, janitorial
918 services, transportation, professional development, achievement
919 and instructional consulting services materials and products,
920 purchasing cooperatives, insurance, business manager services,
921 auditing and accounting services, school safety/risk prevention,
922 data processing and student records, and other staff services;
923 however, the authority under this paragraph does not apply to the
924 leasing, management or operation of sixteenth section lands.
925 Local school districts, working through their regional education
926 service agency, are encouraged to enter into buying consortia with
927 other member districts for the purposes of more efficient use of
928 state resources as described in Section 37-7-345;

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

931 (yy) To borrow funds from the Rural Economic
932 Development Authority for the maintenance of school buildings; and

933 (zz) To fund and operate voluntary early childhood
934 education programs, defined as programs for children less than
935 five (5) years of age on or before September 1, and to use any
936 source of revenue for such early childhood education programs.
937 Such programs shall not conflict with the Early Learning
938 Collaborative Act of 2007.

939 **SECTION 20.** Section 37-7-303, Mississippi Code of 1972, is
940 amended as follows:

941 37-7-303. (1) The county board of education may insure
942 motor vehicles for any hazard that the board may choose, and shall
943 insure the school buildings, equipment and other school property
944 of the district against any and all hazards that the board may
945 deem necessary to provide insurance against. In addition, the
946 local county board of education shall purchase and maintain



947 business property insurance and business personal property
948 insurance on all school district-owned buildings and/or contents
949 as required by federal law and regulations of the Federal
950 Emergency Management Agency (FEMA) as is necessary for receiving
951 public assistance or reimbursement for repair, reconstruction,
952 replacement or other damage to those buildings and/or contents
953 caused by the Hurricane Katrina Disaster of 2005 or subsequent
954 disasters. The school district is authorized to expend funds from
955 any available source for the purpose of obtaining and maintaining
956 that property insurance. The school district is authorized to
957 enter into agreements with the Department of Finance and
958 Administration, other local school districts, community/junior
959 college districts, state institutions of higher learning,
960 community hospitals and/or other state agencies to pool their
961 liabilities to participate in a group business property and/or
962 business personal property insurance program, subject to uniform
963 rules and regulations as may be adopted by the Department of
964 Finance and Administration. Such county board of education shall
965 be authorized to contract for such insurance for a term of not
966 exceeding five (5) years and to obligate the district for the
967 payment of the premiums thereon. When necessary, the county board
968 of education is authorized and empowered, in its discretion, to
969 borrow money payable in annual installments for a period of not
970 exceeding five (5) years at a rate of interest not exceeding eight
971 percent (8%) per annum to provide funds to pay such insurance
972 premiums. The money so borrowed and the interest thereon shall be
973 payable from any school funds of the district other than minimum
974 education program funds. The county boards of education are
975 further authorized and empowered, in all cases where same may be
976 necessary, to bring and maintain suits and other actions in any
977 court of competent jurisdiction for the purpose of collecting the
978 proceeds of insurance policies issued upon the property of such
979 school district.



980 (2) Two (2) or more school districts, together with other
981 educational entities or agencies, may agree to pool their
982 liabilities to participate in a group workers' compensation
983 program. The governing authorities of any county board of
984 education or other educational entity or agency may authorize the
985 organization and operation of, or the participation in such a
986 group self-insurance program with other county boards of education
987 and educational entities or agencies, subject to the requirements
988 of Section 71-3-5. The Workers' Compensation Commission shall
989 approve such group self-insurance programs subject to uniform
990 rules and regulations as may be adopted by the commission
991 applicable to all groups.

992 **SECTION 21.** Section 37-7-305, Mississippi Code of 1972, is
993 amended as follows:

994 37-7-305. The county board of education is hereby authorized
995 and empowered, in its discretion, to lease lands owned by the
996 school district, or any land the title to which is in the county
997 board of education in its trust capacity, for oil, gas and mineral
998 exploration and development upon such terms and conditions and for
999 such considerations as the county board of education, in its
1000 discretion, shall deem proper and advisable. However, no oil, gas
1001 or mineral lease shall be for a primary term of more than ten (10)
1002 years and said lease or leases shall provide for annual rentals of
1003 not less than One Dollar (\$1.00) per acre and shall provide for
1004 royalties of not less than three-sixteenths (3/16ths) of all oil,
1005 gas and other minerals produced, including sulphur. Every such
1006 lease so executed shall empower the lessee to enter upon the
1007 premises leased and to explore and develop such premises for oil
1008 or gas, or either, or for such other minerals as may be included
1009 in the terms of said lease, and to do all things necessary or
1010 expedient for the production or preservation of any such products.
1011 All rentals, royalties or other revenue payable under any lease
1012 executed under the provisions of this section shall be paid to and



1013 collected by the county board of education and shall be deposited
1014 in the school district fund and used and expended in the same
1015 manner and subject to the same restrictions as provided by law in
1016 the case of other money on deposit in such fund. All leases
1017 executed pursuant to this section shall inure to the benefit of
1018 the lessee named therein and his heirs or assigns and in case the
1019 lessee be a corporation, to such lessee and its assigns. Said
1020 leases shall specifically provide that no damages shall be
1021 permitted to existing school buildings or facilities thereto.

1022 **SECTION 22.** Section 37-7-307, Mississippi Code of 1972, is
1023 amended as follows:

1024 37-7-307. (1) For purposes of this section, the term
1025 "licensed employee" means any employee of a public school district
1026 required to hold a valid license by the Commission on Teacher and
1027 Administrator Education, Certification and Licensure and
1028 Development.

1029 (2) The county board of education shall establish by rules
1030 and regulations a policy of sick leave with pay for licensed
1031 employees and teacher assistants employed in the school district,
1032 and such policy shall include the following minimum provisions for
1033 sick and emergency leave with pay:

1034 (a) Each licensed employee and teacher assistant, at
1035 the beginning of each school year, shall be credited with a
1036 minimum sick leave allowance, with pay, of seven (7) days for
1037 absences caused by illness or physical disability of the employee
1038 during that school year.

1039 (b) Any unused portion of the total sick leave
1040 allowance shall be carried over to the next school year and
1041 credited to such licensed employee and teacher assistant if the
1042 licensed employee or teacher assistant remains employed in the
1043 same school district. In the event any public school licensed
1044 employee or teacher assistant transfers from one (1) public school
1045 district in Mississippi to another, any unused portion of the



1046 total sick leave allowance credited to such licensed employee or
1047 teacher assistant shall be credited to such licensed employee or
1048 teacher assistant in the computation of unused leave for
1049 retirement purposes under Section 25-11-109. Accumulation of sick
1050 leave allowed under this section shall be unlimited.

1051 (c) No deduction from the pay of such licensed employee
1052 or teacher assistant may be made because of absence of such
1053 licensed employee or teacher assistant caused by illness or
1054 physical disability of the licensed employee or teacher assistant
1055 until after all sick leave allowance credited to such licensed
1056 employee or teacher assistant has been used.

1057 (d) For the first ten (10) days of absence of a
1058 licensed employee because of illness or physical disability, in
1059 any school year, in excess of the sick leave allowance credited to
1060 such licensed employee, there may be deducted from the pay of such
1061 licensed employee the established substitute amount of licensed
1062 employee compensation paid in that local school district,
1063 necessitated because of the absence of the licensed employee as a
1064 result of illness or physical disability. Thereafter, the regular
1065 pay of such absent licensed employee may be suspended and withheld
1066 in its entirety for any period of absence because of illness or
1067 physical disability during that school year.

1068 (3) Beginning with the school year 1983-1984, each licensed
1069 employee at the beginning of each school year shall be credited
1070 with a minimum personal leave allowance, with pay, of two (2) days
1071 for absences caused by personal reasons during that school year.
1072 Effective for the 2010-2011 and 2011-2012 school years, licensed
1073 employees shall be credited with an additional one-half (1/2) day
1074 of personal leave for every day the licensed employee is
1075 furloughed without pay as provided in Section 37-7-308. Such
1076 personal leave shall not be taken on the first day of the school
1077 term, the last day of the school term, on a day previous to a
1078 holiday or a day after a holiday, unless on such days an immediate



1079 family member of the employee is being deployed for military
1080 service. Personal leave may be used for professional purposes,
1081 including absences caused by attendance of such licensed employee
1082 at a seminar, class, training program, professional association or
1083 other functions designed for educators. No deduction from the pay
1084 of such licensed employee may be made because of absence of such
1085 licensed employee caused by personal reasons until after all
1086 personal leave allowance credited to such licensed employee has
1087 been used. However, the superintendent of a school district, in
1088 his discretion, may allow a licensed employee personal leave in
1089 addition to any minimum personal leave allowance, under the
1090 condition that there shall be deducted from the salary of such
1091 licensed employee the actual amount of any compensation paid to
1092 any person as a substitute, necessitated because of the absence of
1093 the licensed employee. Any unused portion of the total personal
1094 leave allowance up to five (5) days shall be carried over to the
1095 next school year and credited to such licensed employee if the
1096 licensed employee remains employed in the same school district.
1097 Any personal leave allowed for a furlough day shall not be carried
1098 over to the next school year.

1099 (4) Beginning with the school year 1992-1993, each licensed
1100 employee shall be credited with a professional leave allowance,
1101 with pay, for each day of absence caused by reason of such
1102 employee's statutorily required membership and attendance at a
1103 regular or special meeting held within the State of Mississippi of
1104 the State Board of Education, the Commission on Teacher and
1105 Administrator Education, Certification and Licensure and
1106 Development, the Commission on School Accreditation, the
1107 Mississippi Authority for Educational Television, the meetings of
1108 the state textbook rating committees or other meetings authorized
1109 by county board of education policy.

1110 (5) Upon retirement from employment, each licensed and
1111 nonlicensed employee shall be paid for not more than thirty (30)



1112 days of unused accumulated leave earned while employed by the
1113 school district in which the employee is last employed. Such
1114 payment for licensed employees shall be made by the school
1115 district at a rate equal to the amount paid to substitute teachers
1116 and for nonlicensed employees, the payment shall be made by the
1117 school district at a rate equal to the federal minimum wage. The
1118 payment shall be treated in the same manner for retirement
1119 purposes as a lump-sum payment for personal leave as provided in
1120 Section 25-11-103(e). Any remaining lawfully credited unused
1121 leave, for which payment has not been made, shall be certified to
1122 the Public Employees' Retirement System in the same manner and
1123 subject to the same limitations as otherwise provided by law for
1124 unused leave. No payment for unused accumulated leave may be made
1125 to either a licensed or nonlicensed employee at termination or
1126 separation from service for any purpose other than for the purpose
1127 of retirement.

1128 (6) The county board of education may adopt rules and
1129 regulations which will reasonably aid to implement the policy of
1130 sick and personal leave, including, but not limited to, rules and
1131 regulations having the following general effect:

1132 (a) Requiring the absent employee to furnish the
1133 certificate of a physician or dentist or other medical
1134 practitioner as to the illness of the absent licensed employee,
1135 where the absence is for four (4) or more consecutive school days,
1136 or for two (2) consecutive school days immediately preceding or
1137 following a nonschool day;

1138 (b) Providing penalties, by way of full deduction from
1139 salary, or entry on the work record of the employee, or other
1140 appropriate penalties, for any materially false statement by the
1141 employee as to the cause of absence;

1142 (c) Forfeiture of accumulated or future sick leave, if
1143 the absence of the employee is caused by optional dental or
1144 medical treatment or surgery which could, without medical risk,



1145 have been provided, furnished or performed at a time when school
1146 was not in session;

1147 (d) Enlarging, increasing or providing greater sick or
1148 personal leave allowances than the minimum standards established
1149 by this section in the discretion of the county board of education
1150 of each county.

1151 (7) County boards of education may include in their budgets
1152 provisions for the payment of substitute employees, necessitated
1153 because of the absence of regular licensed employees. All such
1154 substitute employees shall be paid wholly from district funds,
1155 except as otherwise provided for long-term substitute teachers in
1156 Section 37-19-20. Such county boards of education, in their
1157 discretion, also may pay, from district funds other than adequate
1158 education program funds, the whole or any part of the salaries of
1159 all employees granted leaves for the purpose of special studies or
1160 training.

1161 (8) The county board of education may further adopt rules
1162 and regulations which will reasonably implement such leave
1163 policies for all other nonlicensed and hourly paid school
1164 employees as the board deems appropriate. Effective for the
1165 2010-2011 and 2011-2012 school years, nonlicensed employees shall
1166 be credited with an additional one-half (1/2) day of personal
1167 leave for every day the nonlicensed employee is furloughed without
1168 pay as provided in Section 37-7-308.

1169 (9) Vacation leave granted to either licensed or nonlicensed
1170 employees shall be synonymous with personal leave. Unused
1171 vacation or personal leave accumulated by licensed employees in
1172 excess of the maximum five (5) days which may be carried over from
1173 one year to the next may be converted to sick leave. The annual
1174 conversion of unused vacation or personal leave to sick days for
1175 licensed or unlicensed employees shall not exceed the allowable
1176 number of personal leave days as provided in Section 25-3-93. The
1177 annual total number of converted unused vacation and/or personal



1178 days added to the annual unused sick days for any employee shall
1179 not exceed the combined allowable number of days per year provided
1180 in Sections 25-3-93 and 25-3-95. County board of education
1181 policies that provide for vacation, personal and sick leave for
1182 employees shall not exceed the provisions for leave as provided in
1183 Sections 25-3-93 and 25-3-95. Any personal or vacation leave
1184 previously converted to sick leave under a lawfully adopted policy
1185 before May 1, 2004, or such personal or vacation leave accumulated
1186 and available for use prior to May 1, 2004, under a lawfully
1187 adopted policy but converted to sick leave after May 1, 2004,
1188 shall be recognized as accrued leave by the local school district
1189 and available for use by the employee. The leave converted under
1190 a lawfully adopted policy prior to May 1, 2004, or such personal
1191 and vacation leave accumulated and available for use as of May 1,
1192 2004, which was subsequently converted to sick leave may be
1193 certified to the Public Employees' Retirement System upon
1194 termination of employment and any such leave previously converted
1195 and certified to the Public Employees' Retirement System shall be
1196 recognized.

1197 (10) (a) For the purposes of this subsection, the following
1198 words and phrases shall have the meaning ascribed in this
1199 paragraph unless the context requires otherwise:

1200 (i) "Catastrophic injury or illness" means a
1201 life-threatening injury or illness of an employee or a member of
1202 an employee's immediate family that totally incapacitates the
1203 employee from work, as verified by a licensed physician, and
1204 forces the employee to exhaust all leave time earned by that
1205 employee, resulting in the loss of compensation from the local
1206 school district for the employee. Conditions that are short-term
1207 in nature, including, but not limited to, common illnesses such as
1208 influenza and the measles, and common injuries, are not
1209 catastrophic. Chronic illnesses or injuries, such as cancer or
1210 major surgery, that result in intermittent absences from work and



1211 that are long-term in nature and require long recuperation periods
1212 may be considered catastrophic.

1213 (ii) "Immediate family" means spouse, parent,
1214 stepparent, sibling, child or stepchild.

1215 (b) Any school district employee may donate a portion
1216 of his or her unused accumulated personal leave or sick leave to
1217 another employee of the same or another school district who is
1218 suffering from a catastrophic injury or illness or who has a
1219 member of his or her immediate family suffering from a
1220 catastrophic injury or illness, in accordance with the following:

1221 (i) The employee donating the leave (the "donor
1222 employee") shall designate the employee who is to receive the
1223 leave (the "recipient employee") and the amount of unused
1224 accumulated personal leave and sick leave that is to be donated,
1225 and shall notify the county superintendent of education or his
1226 designee of his or her designation.

1227 (ii) The maximum amount of unused accumulated
1228 personal leave that an employee may donate to any other employee
1229 may not exceed a number of days that would leave the donor
1230 employee with fewer than seven (7) days of personal leave
1231 remaining, and the maximum amount of unused accumulated sick leave
1232 that an employee may donate to any other employee may not exceed
1233 fifty percent (50%) of the unused accumulated sick leave of the
1234 donor employee.

1235 (iii) An employee must have exhausted all of his
1236 or her available leave before he or she will be eligible to
1237 receive any leave donated by another employee. Eligibility for
1238 donated leave shall be based upon review and approval by the donor
1239 employee's supervisor.

1240 (iv) Before an employee may receive donated leave,
1241 he or she must provide the county superintendent of education or
1242 his designee with a physician's statement that states the
1243 beginning date of the catastrophic injury or illness, a



1244 description of the injury or illness, and a prognosis for recovery
1245 and the anticipated date that the recipient employee will be able
1246 to return to work.

1247 (v) If the total amount of leave that is donated
1248 to any employee is not used by the recipient employee, the whole
1249 days of donated leave shall be returned to the donor employees on
1250 a pro rata basis, based on the ratio of the number of days of
1251 leave donated by each donor employee to the total number of days
1252 of leave donated by all donor employees.

1253 (vi) Donated leave shall not be used in lieu of
1254 disability retirement.

1255 **SECTION 23.** Section 37-7-311, Mississippi Code of 1972, is
1256 amended as follows:

1257 37-7-311. The county board of education shall organize a
1258 school so as to avoid unnecessary duplication and shall determine
1259 what grades shall be taught at each school and shall have the
1260 power to specify attendance areas and to designate the school each
1261 pupil shall attend.

1262 **SECTION 24.** Section 37-7-315, Mississippi Code of 1972, is
1263 amended as follows:

1264 37-7-315. In creating school districts under the provisions
1265 of Article 1 of this chapter, it shall not be necessary that the
1266 county board of education, in the order creating such districts,
1267 specify or designate the location of the school houses or
1268 attendance centers therein, and existing school buildings shall be
1269 retained as places of attendance until changed in the manner
1270 hereinafter set forth. Where any existing facilities or buildings
1271 shall not be used as attendance centers, the county board of
1272 education may utilize such facilities and buildings in connection
1273 with any related school activity which said county board of
1274 education may deem advisable.

1275 The county board of education shall have the power and
1276 authority to designate the locations for school buildings and



1277 attendance centers in the school district subject to its
1278 jurisdiction and to change, alter or abolish the location of such
1279 school buildings and attendance centers from time to time as may
1280 be required by the educational needs of such school district.
1281 Where students from three (3) or more school districts are in
1282 attendance at one (1) attendance center by order of the respective
1283 county boards of education, the use of the attendance center shall
1284 not be changed, altered or abolished except upon order of a
1285 majority of each of the county boards of education of the county
1286 from which pupils have been in attendance at the attendance center
1287 for the scholastic year; any acts, decisions, orders or
1288 resolutions by the county board of education of any such county
1289 in conflict with this provision shall be null and void. If any
1290 change or alteration of the location of a school building or
1291 attendance center shall involve the construction of new school
1292 facilities, or the making of additions to, or the major repair,
1293 alteration or renovation of existing facilities, then such change
1294 or alteration shall not be effective until same shall have been
1295 submitted to and approved by the State Board of Education. There
1296 may be located and established in any school district as many
1297 school buildings and attendance centers as the educational needs
1298 of such district shall require. The county board of education of
1299 the county shall have the power and authority to specify the
1300 attendance areas which shall be served by each school building or
1301 attendance center, and to change or alter same from time to time
1302 as necessity requires.

1303 **SECTION 25.** Section 37-7-317, Mississippi Code of 1972, is
1304 amended as follows:

1305 37-7-317. The county board of education is hereby
1306 authorized, in its discretion, to transfer jurisdiction and
1307 control of any recreational property or part thereof under its
1308 dominion to the governing authorities of any municipality or
1309 county in which such property is located, provided, such transfer



1310 is temporary and commences not sooner than the day following the
1311 last school day of the academic year and ends not later than the
1312 day prior to the beginning of the next succeeding academic year.
1313 Any such transfer shall be made only with the concurrence of the
1314 governing authorities of any such municipality or county, and any
1315 agreement therefor shall be on such terms and conditions as said
1316 governing authorities and said county board of education shall
1317 provide. Any such agreement may include a provision that while
1318 such land is in the possession of said governing authorities, the
1319 municipality or the county, as the case may be, shall be liable
1320 for the upkeep, maintenance and repair of such property, the cost
1321 of which shall be paid out of any funds available to any such
1322 municipality or county.

1323 **SECTION 26.** Section 37-7-319, Mississippi Code of 1972, is
1324 amended as follows:

1325 37-7-319. All county boards of education may purchase group
1326 insurance coverage for the liability of all of its active
1327 full-time instructional and noninstructional personnel. Such
1328 policy shall be paid for with any funds available other than state
1329 minimum education program funds.

1330 **SECTION 27.** Section 37-7-321, Mississippi Code of 1972, is
1331 amended as follows:

1332 37-7-321. (1) The county board of education within the
1333 State of Mississippi, in its discretion, may employ one or more
1334 persons as security personnel and may designate such persons as
1335 peace officers in or on any property operated for school purposes
1336 by such board upon their taking such oath and making such bond as
1337 required of a constable of the county in which the school district
1338 is situated.

1339 (2) Any person employed by a county board of education as a
1340 security guard or school resource officer or in any other position
1341 that has the powers of a peace officer must receive a minimum
1342 level of basic law enforcement training, as jointly determined and



1343 prescribed by the Board on Law Enforcement Officer Standards and
1344 Training and the State Board of Education, within two (2) years of
1345 the person's initial employment in such position. Upon the
1346 failure of any person employed in such position to receive the
1347 required training within the designated time, the person may not
1348 exercise the powers of a peace officer in or on the property of
1349 the school district.

1350 (3) The county board of education is authorized and
1351 empowered, in its discretion, and subject to the approval of the
1352 Federal Communications Commission, to install and operate a
1353 noncommercial radio broadcasting and transmission station for
1354 educational and vocational educational purposes.

1355 (4) If a law enforcement officer is duly appointed to be a
1356 peace officer by a school district under this section, the county
1357 board of education may enter into an interlocal agreement with
1358 other law enforcement entities for the provision of equipment or
1359 traffic control duties, however, the duty to enforce traffic
1360 regulations and to enforce the laws of the state or municipality
1361 off of school property lies with the local police or sheriff's
1362 department which cannot withhold its services solely because of
1363 the lack of such an agreement.

1364 **SECTION 28.** Section 37-7-323, Mississippi Code of 1972, is
1365 amended as follows:

1366 37-7-323. Any act which, if committed within the limits of a
1367 city, town or village, or in any public place, would be a
1368 violation of the general laws of this state, shall be criminal and
1369 punishable if done on the campus, grounds or roads of any of the
1370 public schools of this state. The peace officers duly appointed
1371 by the county board of education are vested with the powers and
1372 subjected to the duties of a constable for the purpose of
1373 preventing all violations of law on school property within the
1374 district, and for preserving order and decorum thereon. The peace
1375 officers duly appointed by the county board of education of any



1376 county are also vested with the powers and subjected to the duties
1377 of a constable for the purpose of preventing all violations of law
1378 that occur within five hundred (500) feet of any property owned by
1379 the school district, if reasonably determined to have a possible
1380 impact on the safety of students, faculty or staff of the school
1381 district while on said property. Provided, however, that nothing
1382 in this section shall be interpreted to require action by any such
1383 peace officer appointed by a school district to events occurring
1384 outside the boundaries of school property, nor shall any such
1385 school district or its employees be liable for any failure to act
1386 to any event occurring outside the boundaries of property owned by
1387 the school district.

1388 **SECTION 29.** Section 37-7-327, Mississippi Code of 1972, is
1389 amended as follows:

1390 37-7-327. The county board of education in any county in
1391 which is located an orphanage with fifty (50) or more children of
1392 educable age residing therein, at any regular or called meeting,
1393 may in its discretion establish an orphanage public school, said
1394 school to embrace only such territory owned and occupied by such
1395 orphanage, for such orphanage children, provided that a majority
1396 of the board of trustees or directors of such orphanage first
1397 petition the county board of education in writing to so establish
1398 a public school. Such school when established shall be designated
1399 as an orphanage public school.

1400 After such school is established and before a public school
1401 is opened, the management of such orphanage must first tender to
1402 the county superintendent of education a satisfactory building and
1403 educational equipment for said school and enter into a contract
1404 with the county superintendent of education agreeing to furnish
1405 such building and equipment and to provide for its upkeep, fuel
1406 and such other things necessary for the successful operation of
1407 the school plant.



1408 When an orphanage public school is established under this
1409 section and the conditions as set forth above are met, the county
1410 superintendent of education shall have all children of educable
1411 age residing in such orphanage enumerated in the manner as is now
1412 prescribed by law. Said orphanage public school shall receive
1413 financial support from any and all sources from which public
1414 school districts now receive support under the law except from
1415 funds derived from local tax levies. Said funds shall be paid
1416 into the school district depository to the credit of that
1417 orphanage public school fund and the same are to be paid out upon
1418 presentation of the superintendent's pay certificate.

1419 An orphanage public school shall be under the direct control
1420 of the county board of education.

1421 This section shall not be construed to repeal any other law
1422 or to abridge the rights and privileges heretofore exercised by
1423 the children of any orphanage.

1424 **SECTION 30.** Section 37-7-329, Mississippi Code of 1972, is
1425 amended as follows:

1426 37-7-329. In a school district where there are Indian
1427 children, or children of any race not otherwise provided for by
1428 law with educational advantages, sufficient to form a school, the
1429 county board of education may locate one or more schools
1430 exclusively for Indians, or children of such other race, and pay
1431 salaries of teachers for same, and provide for the transportation
1432 of the children, under rules and regulations prescribed by the
1433 State Board of Education. Special licenses may be provided by the
1434 director of the division of instruction for teachers of Indian
1435 schools and other schools mentioned in this section.

1436 **SECTION 31.** Section 37-7-333, Mississippi Code of 1972, is
1437 amended as follows:

1438 37-7-333. The county boards of education shall have full
1439 control of the receipt, distribution, allotment and disbursement
1440 of all funds which may be provided for the support and maintenance



1441 of the schools of such district whether such funds be minimum
1442 education program allotments, funds derived from supplementary tax
1443 levies as authorized by law, or funds derived from any other
1444 source whatsoever except as may otherwise be provided by law for
1445 control of the proceeds from school bonds or notes and the taxes
1446 levied to pay the principal of and interest on such bonds or
1447 notes. The tax collector of each county shall make reports, in
1448 writing, verified by his affidavit, on or before the twentieth day
1449 of each month to the county superintendent of education of each
1450 school district within such county reflecting all school district
1451 taxes collected by him for the support of said school district
1452 during the preceding month. He shall at the same time pay over
1453 all such school district taxes collected by him for the support of
1454 said school district directly to said county superintendent of
1455 education.

1456 All such allotments or funds shall be placed in the
1457 depository or depositories selected by the county board of
1458 education in the same manner as provided in Section 27-105-305 for
1459 the selection of county depositories. Provided, however, the
1460 annual notice to be given by the county board of education to
1461 financial institutions may be given by the county board of
1462 education at any regular meeting subsequent to the board's regular
1463 December meeting but prior to the regular May meeting. The bids
1464 of financial institutions for the privilege of keeping school
1465 funds may be received by the county board of education at some
1466 subsequent meeting, but no later than the regular June meeting;
1467 and the selection by the county board of education of the
1468 depository or depositories shall be effective on July 1 of each
1469 year. County boards of education shall advertise and accept bids
1470 for depositories, no less than once every three (3) years, when
1471 such board determines that it can obtain a more favorable rate of
1472 interest and less administrative processing. Such depository



1473 shall place on deposit with the county superintendent of education
1474 the same securities as required in Section 27-105-315.

1475 In the event a bank submits a bid or offer to a school
1476 district to act as a depository for the district and such bid or
1477 offer, if accepted, would result in a contract in which a member
1478 of the county board of education would have a direct or indirect
1479 interest, the county board of education should not open or
1480 consider any bids received. The county superintendent of
1481 education shall submit the matter to the State Treasurer, who
1482 shall have the authority to solicit bids, select a depository or
1483 depositories, make all decisions and take any action within the
1484 authority of the county board of education under this section
1485 relating to the selection of a depository or depositories.

1486 **SECTION 32.** Section 37-7-401, Mississippi Code of 1972, is
1487 amended as follows:

1488 37-7-401. In all cases where the same shall be necessary,
1489 advantageous or desirable from the standpoint of transportation,
1490 the efficiency of operating schools, or other pertinent
1491 considerations, any school district which has been reconstituted,
1492 reorganized or created under the provisions of Article 1 of this
1493 chapter may, with the prior consent and approval of the State
1494 Board of Education, acquire land outside of the boundaries of said
1495 school district and thereon construct, erect and equip any needed
1496 school building or other school facility of such school district.
1497 Any available state public school building funds, or any available
1498 funds derived from bonds issued by the school district for such
1499 purpose, or any other funds which are available to said school
1500 district for such purpose, may be expended for the construction,
1501 erecting and equipping of such a school building or school
1502 facility, all, however, subject to the prior consent and approval
1503 of the State Board of Education. Any school building or school
1504 facility so constructed outside of the boundaries of the school
1505 district owning same shall be operated, managed and supervised by



1506 the county board of education of the county owning same in the
1507 same manner as though the building or facility were located within
1508 the school district, and all the laws of this state concerning the
1509 operation of schools shall be fully applicable thereto, and the
1510 county board of education shall have the power to specify the
1511 grades which shall be taught therein.

1512 **SECTION 33.** Section 37-7-405, Mississippi Code of 1972, is
1513 amended as follows:

1514 37-7-405. When any two (2) or more adjoining school
1515 districts shall desire and propose to join, unite and cooperate in
1516 the construction, erecting and equipping of a joint school
1517 building or for the joint operation of a school or other school
1518 facility which has been or may be constructed, erected or equipped
1519 wholly by one of such districts, as authorized by Section
1520 37-7-403, the county boards of education of all counties concerned
1521 shall enter into an appropriate agreement as to the location and
1522 site of said school building, the manner of providing funds to
1523 defray the operating expenses thereof, the grades to be taught
1524 therein, the proportion or amount of funds for the construction,
1525 erecting and equipping of said school building to be paid or
1526 contributed by each district, the proportionate ownership of such
1527 building by each district, and all other material and pertinent
1528 considerations. In the event the school building or facility
1529 involved has been or is to be constructed, erected and equipped
1530 entirely by one of such districts, acting alone, the contract may
1531 provide that the entire ownership of the building and equipment
1532 therein shall be in the school district so constructing, erecting
1533 and equipping same.

1534 **SECTION 34.** Section 37-7-409, Mississippi Code of 1972, is
1535 amended as follows:

1536 37-7-409. (1) When any school districts shall be authorized
1537 to unite, join and cooperate in the construction, erecting and
1538 equipping of a joint school building or school facility or in the



1539 joint operation of a school erected, constructed and equipped
1540 entirely by one of such districts, any school district so
1541 authorized may, with the prior consent and approval of the State
1542 Board of Education, expend in the construction, erecting and
1543 equipping of such joint school building or the school building
1544 which is to be jointly operated any available state public school
1545 building funds, or any available funds derived from bonds issued
1546 by such school district for such purpose, or any other funds which
1547 are otherwise available to such school district for such purpose,
1548 as is set forth and stipulated in the agreement entered into
1549 between the school districts involved. Except as is herein
1550 specifically provided all provisions of law relative to the
1551 construction, erecting and equipping of school buildings, the
1552 acquisition of land therefor, and the expenditure of funds for
1553 such purposes, shall be fully applicable to any joint school
1554 building which has been or is to be constructed, erected and
1555 equipped or which is to be operated jointly pursuant to an
1556 agreement entered into under the provisions of Section 37-7-405.

1557 (2) When a contract is made and entered into for the
1558 construction, erecting and equipping of joint school facilities or
1559 the joint operation of school facilities erected, constructed and
1560 equipped entirely by one of such districts, as provided in Section
1561 37-7-405, and where such contract has been approved by the State
1562 Board of Education, then any funds which are available for the
1563 lawful operating and incidental expenses of a school district may
1564 be expended by such school district as provided and stipulated in
1565 the agreement entered into between the school districts involved
1566 (including, but not limited to, funds for payment of tuition,
1567 funds payable as a rental upon the use of the building and
1568 equipment, and funds for maintenance and incidental costs of
1569 operation). The board of supervisors * * *, upon receipt of a
1570 certified copy of an order adopted by the county board of
1571 education requesting same, shall at the same time and in the same



1572 manner as other ad valorem taxes are levied, levy an annual tax in
1573 the amount fixed in such order as may be required to meet any
1574 monetary obligation incurred under such contract. Notwithstanding
1575 any statute to the contrary, such number of mills as is necessary
1576 to defray any such contractual obligation shall be levied.
1577 However, this provision shall in no way be construed to increase
1578 the number of mills now reimbursable under the homestead exemption
1579 laws of the State of Mississippi.

1580 (3) Before levying any taxes under the provisions of this
1581 section, which levy would exceed the limitations otherwise
1582 provided for school purposes, the board of supervisors * * * shall
1583 adopt a resolution declaring its intention so to do, stating the
1584 amount of millage to be levied and the purpose for which the
1585 proceeds are to be used, and the date upon which it proposes to
1586 make such levy. Such resolution shall be published once a week
1587 for not less than three (3) consecutive weeks, in at least one (1)
1588 newspaper having general circulation in the school district. The
1589 first publication of such resolution shall be made not less than
1590 twenty-one (21) days prior to the date fixed in such resolution
1591 for the levying of taxes, and the last publication shall be made
1592 not more than seven (7) days prior to such date. If within
1593 fifteen (15) days after the final publication of said resolution,
1594 a petition signed by the lesser of fifteen hundred (1500) or
1595 twenty percent (20%) of the qualified electors of said school
1596 district, requesting an election on the proposition of levying
1597 such additional taxes for school purposes is filed with the clerk
1598 of the board of supervisors or the clerk of the municipality, as
1599 the case may be, such levy shall not be made until an election
1600 shall be held to determine whether or not three-fifths (3/5) of
1601 qualified electors of said school district shall favor the
1602 additional levy for school purposes. If three-fifths (3/5) of the
1603 qualified electors of said school district voting in such election
1604 approves the levying of the additional taxes, then the levy shall



1605 be made within the manner, form and time as required by law. If
1606 no such petition is filed with the clerk as herein provided, then
1607 said levy shall be made by the board of supervisors in the manner,
1608 form and time as required by law. If any election is held under
1609 the provisions of this section, said election shall be under the
1610 supervision of the county or municipal election commission, as the
1611 case may be, in the manner, form and time as required by law for
1612 conducting general elections in this state.

1613 **SECTION 35.** Section 37-7-411, Mississippi Code of 1972, is
1614 amended as follows:

1615 37-7-411. Subject to the prior consent and approval of the
1616 State Board of Education, the county boards of education of all
1617 school districts involved shall be authorized to agree as to which
1618 of the county boards of education shall have the power to operate,
1619 manage, govern and control any joint school or school building,
1620 constructed, erected and equipped or which is to be operated
1621 jointly under the provisions of Section 37-7-403, or, in the
1622 alternative, such boards may agree that all of such boards, acting
1623 jointly, or a joint board established and constituted in such
1624 manner as shall be agreed upon, shall have the power to operate,
1625 manage, govern and control any such school or school building.
1626 The county board of education so agreed upon and constituted shall
1627 have the full power and authority to govern, supervise, manage and
1628 control such joint school building in the same manner and to the
1629 same extent as though said school was a regular school of such
1630 school district. All pertinent provisions of the school laws of
1631 this state shall be fully applicable to joint schools established,
1632 constructed, erected and equipped or which are to be jointly
1633 operated under the provisions of Section 37-7-403, except that the
1634 eligible children of all school districts joining and cooperating
1635 in the establishment and/or operation of such joint school who are
1636 assigned to such school by the county board of education of the



1637 county in which they reside shall be eligible to and shall attend
1638 such school.

1639 **SECTION 36.** Section 37-7-431, Mississippi Code of 1972, is
1640 amended as follows:

1641 37-7-431. Whenever the county board of education shall find
1642 and determine, by resolution duly and lawfully adopted and spread
1643 upon its minutes, (a) that it shall need other lands located
1644 within the school district for school purposes, (b) that the
1645 district owns lands of equal value to such needed lands which
1646 could be exchanged for such needed lands, (c) that the value of
1647 the two (2) tracts is equal according to qualified appraisals, and
1648 (d) that the owners of the other lands are agreeable to such
1649 exchange, the county board of education shall be authorized and
1650 empowered, in its discretion, to negotiate a trade of lands upon
1651 such terms and conditions as the county board of education may, in
1652 its discretion, deem proper in consideration of the needs of the
1653 district and of the benefits which will inure to the said school
1654 district.

1655 Any such trade of lands shall be subject to approval by the
1656 chancery court of the county in which the school lands lie.
1657 Notice of the hearing before the chancery court shall be published
1658 in a newspaper of general circulation in the school district for
1659 three (3) consecutive weeks, the first notice to be at least
1660 thirty (30) days prior to the hearing.

1661 **SECTION 37.** Section 37-7-433, Mississippi Code of 1972, is
1662 amended as follows:

1663 37-7-433. Upon being authorized by a resolution of the
1664 county board of education as is provided by Section 37-7-431, the
1665 president and secretary shall be authorized and empowered to
1666 execute, for and on behalf of the school district, a conveyance of
1667 the school property for the purposes, upon the terms and
1668 conditions provided and specified by the county board of
1669 education, and for the consideration of the execution of a deed to



1670 the lands exchanged. It shall not be necessary or requisite that
1671 competitive bids be advertised for or received in connection with
1672 such exchange of property.

1673 **SECTION 38.** Section 37-7-435, Mississippi Code of 1972, is
1674 amended as follows:

1675 37-7-435. The lands shall be conveyed by warranty deed to
1676 the county board of education members or their successors in
1677 office of the school district. Said lands shall be conveyed by
1678 fee simple absolute.

1679 **SECTION 39.** Section 37-7-451, Mississippi Code of 1972, is
1680 amended as follows:

1681 37-7-451. When any school district shall own any land,
1682 buildings or other property that is not used for school or related
1683 school purposes and not needed in the operation of the schools of
1684 the district, the county board of education may sell and convey
1685 such land, buildings or other property in the manner provided in
1686 Sections 37-7-453 through 37-7-457.

1687 **SECTION 40.** Section 37-7-455, Mississippi Code of 1972, is
1688 amended as follows:

1689 37-7-455. (1) Except as otherwise provided in subsections
1690 (2) and (3) of this section, all such land, buildings or other
1691 property shall be sold only after the receipt of sealed bids
1692 therefor after the time and place of making such sale has been
1693 duly advertised in some newspaper having a general circulation in
1694 the county in which the property is located once each week for
1695 three (3) consecutive weeks with the first publication to be made
1696 not less than fifteen (15) days prior to the date upon which such
1697 bids are to be received and opened. The property shall be sold to
1698 the highest and best bidder for cash, but the county board of
1699 education shall have the right to reject any and all bids. If the
1700 property is not sold pursuant to such advertisement, the county
1701 board of education, by resolution, may set a date for an open
1702 meeting of the county board of education to be held within sixty



1703 (60) days after the date upon which the bids were opened. At the
1704 meeting held pursuant to such resolution, the county board of
1705 education may sell by auction the property for a consideration not
1706 less than the highest sealed bid previously received pursuant to
1707 the advertisement. At the meeting, any interested party may bid
1708 for cash, and the property shall be sold to the highest and best
1709 bidder for cash, but the county board of education shall have the
1710 right to reject any and all bids. The county board of education
1711 may require a written confirmation of bids received at such called
1712 meeting before selling the property at auction, but it shall not
1713 be necessary that sealed bids be received before conducting the
1714 auction.

1715 (2) As an alternative to the procedures established under
1716 subsection (1) of this section, the county board of education of a
1717 county may elect, in its discretion, to sell by public auction any
1718 property, other than real property or buildings of the school
1719 district, which is not used for school or related school purposes
1720 and not needed in the operation of the schools. Before such
1721 auction, the county board of education shall adopt a resolution
1722 calling for the auction and shall advertise the auction in some
1723 newspaper having a general circulation in the county in which the
1724 property is located once each week for two (2) consecutive weeks,
1725 with the first publication to be made not less than fifteen (15)
1726 days before the date upon which the auction shall be held. The
1727 advertisement shall include a general description of the property
1728 to be sold at the auction and the date, time and place that such
1729 auction shall be held. At the auction, any interested party may
1730 bid for cash. The property shall be sold to the highest and best
1731 bidder; however, the county board of education may reject any and
1732 all bids. When selling property under this subsection, a county
1733 board of education is not required to advertise for or receive
1734 competitive bids in connection with the sale of the property. Any
1735 items not sold at such auctions or any other property, other than



1736 real property or buildings of the district, not classified as
1737 fixed assets for school purposes pursuant to regulations of the
1738 State Department of Audit, which no longer have useful value to
1739 the school district, in the discretion of the county board of
1740 education or its designated representative, may be destroyed or
1741 disposed of in any manner whatsoever, provided that no school
1742 official or employee derives any personal economic benefit from
1743 such disposal.

1744 (3) As an alternative to the procedures established under
1745 subsection (1) or (2) of this section, the county board of
1746 education of a county having a population in excess of ten
1747 thousand (10,000) according to the 2000 decennial census and in
1748 which U.S. Highway 45 intersects with Mississippi Highway 16, may
1749 elect, in its discretion, to transfer and sell the buildings of
1750 the school district and the real property upon which the buildings
1751 are located which are not used as school facilities or for
1752 school-related purposes and not needed in the operation of the
1753 schools, after advertising for and receiving competitive bids for
1754 the sale of such property. If any bid is offered by a nonprofit
1755 501(c)(3) entity which has made substantial improvements to the
1756 buildings, the fair market value of the improvements shall be
1757 deemed to be consideration for, a part of, the bid offered by the
1758 entity. In this case, the county board of education shall enter a
1759 finding on its minutes that the nonprofit entity has made
1760 substantial improvements to the property and the property is no
1761 longer needed for school district purposes.

1762 (4) When the sale of such property is authorized and
1763 approved by the county board of education, the president of the
1764 county board of education shall be authorized and empowered to
1765 execute a conveyance of the property upon the terms and for the
1766 consideration fixed by the board. The county board of education
1767 shall reserve unto the district all oil, gas and minerals in, on
1768 or under the land, and all proceeds derived from royalties upon



1769 the reserved mineral interests shall be used as provided by
1770 Section 37-7-457.

1771 **SECTION 41.** Section 37-7-471, Mississippi Code of 1972, is
1772 amended as follows:

1773 37-7-471. Whenever the county board of education shall find
1774 and determine, by resolution duly and lawfully adopted and spread
1775 upon its minutes:

1776 (a) That any school building, land, property or other
1777 school facility is no longer needed for school or related purposes
1778 and is not to be used in the operation of the schools of the
1779 district, or that such school building, land, property or other
1780 school facility may yield a higher long-term economic value to the
1781 district, in the discretion of the county board of education;

1782 (b) That the sale of the property in the manner
1783 otherwise provided by law is not necessary or desirable for the
1784 financial welfare of the school district; and

1785 (c) That the use of the school building, land, property
1786 or other school facility for the purpose for which it is to be
1787 sold, conveyed or leased will promote and foster the development
1788 and improvement of the community in which it is located and the
1789 civic, social, educational, cultural, moral, economic or
1790 industrial welfare thereof, the county board of education of such
1791 school district shall be authorized and empowered, in its
1792 discretion, and upon the terms and conditions set forth in Section
1793 37-7-477, to sell, convey, lease or otherwise dispose of same for
1794 any of the purposes set forth herein. Such sale, conveyance,
1795 lease or other disposition, including retention of partial
1796 interest, or undivided interest or other ownership interest, shall
1797 be made upon such terms and conditions and for such consideration,
1798 nominal or otherwise, as the county board of education may, in its
1799 discretion, deem proper in consideration of the benefits which
1800 will inure to the school district or the community in which the
1801 school building, property or other facility is located by the use



1802 thereof for the purpose for which it is to be sold, conveyed,
1803 leased or otherwise disposed of. The authority conferred by
1804 Sections 37-7-471 through 37-7-483 may be exercised by a county
1805 board of education in the sale, conveyance or lease of relocatable
1806 classrooms to the county board of education of another county.
1807 Said sections without reference to another statute shall be deemed
1808 full and complete power for the exercise of the authority
1809 conferred hereby.

1810 **SECTION 42.** Section 37-7-475, Mississippi Code of 1972, is
1811 amended as follows:

1812 37-7-475. Upon being authorized by a resolution of the
1813 county board of education as is provided by Section 37-7-471, the
1814 president and secretary shall be authorized and empowered to
1815 execute, for and on behalf of the school district, a conveyance or
1816 lease of the property for the purposes, upon the terms and
1817 conditions, and for the consideration provided and specified by
1818 the county board of education, including retention of a partial
1819 interest, or undivided interest or other ownership interest in the
1820 property, in the discretion of the county board of education. It
1821 shall not be necessary or requisite that competitive bids be
1822 advertised for or received in connection with such sale,
1823 conveyance, leasing or other disposition of property.

1824 **SECTION 43.** Section 37-7-477, Mississippi Code of 1972, is
1825 amended as follows:

1826 37-7-477. Unless a county board of education retains a
1827 partial interest, or undivided interest or other ownership
1828 interest in the school property being conveyed, any instrument
1829 conveying or leasing any school property under the provisions of
1830 Sections 37-7-471 through 37-7-483, shall provide that the title
1831 to such property shall automatically revert to the school
1832 district, if such property shall cease to be used for the purpose
1833 for which it is conveyed or leased. Said instrument shall also
1834 contain the condition that the grantee or lessee shall keep and



1835 maintain said property in a good state of repair and shall keep
1836 said property insured in a reasonable amount against loss by fire,
1837 windstorm and other hazards. Upon breach of any of said
1838 conditions, the county board of education shall have the right of
1839 reentry upon said property as for condition broken and shall have
1840 the power and authority to bring and maintain such actions as
1841 shall be necessary and appropriate for such purpose in its own
1842 name. However, the provisions of this section shall not be
1843 mandatory in the event that the county board of education retains
1844 a partial interest, or undivided interest or other ownership
1845 interest in the school property being conveyed.

1846 **SECTION 44.** Section 37-7-479, Mississippi Code of 1972, is
1847 amended as follows:

1848 37-7-479. Any group of persons, any association, club or
1849 corporation, or any county, municipality or other political
1850 subdivision having acquired school buildings, land, property or
1851 related facilities under the provisions of Sections 37-7-471
1852 through 37-7-483, may, by resolution duly adopted at a regular or
1853 special meeting called and convened for such purpose, determine
1854 that such school buildings, land, property or related facilities,
1855 or any portion thereof, are no longer needed or used for the
1856 purpose for which such was acquired, and may by such resolution
1857 provide for the sale of such school buildings, land, property or
1858 related facilities, or any portion thereof. Said resolution shall
1859 be forwarded to the county board of education involved, and if the
1860 said board shall adopt a resolution determining that such school
1861 buildings, land, property or related facilities, or such portion
1862 thereof as is sought to be sold, is no longer needed or used by
1863 the school district involved, then such school buildings, land,
1864 property or related facilities, or any portion thereof, may be
1865 sold in accordance with the procedure set forth in Section
1866 37-7-455.



1867 The county board of education shall by order entered on its
1868 minutes, provide for the distribution of the proceeds received
1869 from the sale of such property in such proportions as the said
1870 county board of education may, in its discretion, determine
1871 reasonable as the interests may appear between the district and
1872 the group of persons, association, club, corporation, county,
1873 municipality or other political subdivision having an interest in
1874 such property at the time of such sale.

1875 However, the provisions of this section shall not be
1876 mandatory if the school board retains a partial interest, or
1877 undivided interest or other ownership interest in the school
1878 property being conveyed.

1879 **SECTION 45.** Section 37-7-481, Mississippi Code of 1972, is
1880 amended as follows:

1881 37-7-481. The authority conferred by Sections 37-7-471
1882 through 37-7-483 may be exercised by the existing county board of
1883 education of any county in which any such school building, land,
1884 property or other school facility is located or situated. Such
1885 county board of education may contract with any other county board
1886 of education, or any other governmental entity, to assign and
1887 transfer its rights and duties under this chapter, under such
1888 terms and conditions as the county board of education may
1889 determine, in its discretion, to further the public interest. The
1890 sections, without reference to any other statute, shall be deemed
1891 full, complete and exclusive power for the exercise of the
1892 authority conferred hereby.

1893 **SECTION 46.** Section 37-9-13, Mississippi Code of 1972, is
1894 amended as follows:

1895 37-9-13. (1) In all countywide school districts, the county
1896 board of education shall, on or before January 15 of each year,
1897 select the county superintendent of education of such county,
1898 except in those cases where the superintendent has been previously
1899 selected and has a contract which is valid for the ensuing



1900 scholastic year. No person shall be eligible to the office of
1901 superintendent of schools unless such person shall hold a valid
1902 administrator's license issued by the State Department of
1903 Education and shall have had not less than four (4) years of
1904 classroom or administrative experience.

1905 (2) The provisions of subsection (1) of this section shall
1906 not apply to elected county superintendents of education prior to
1907 the expiration of the term for which they were elected in 2011;
1908 which term would expire in 2015. Provided, however, that if a
1909 vacancy shall occur in the office of county superintendent of
1910 education, the qualifications prescribed in subsection (1) of this
1911 section shall apply to any person filling such vacancy.

1912 **SECTION 47.** Section 37-9-14, Mississippi Code of 1972, is
1913 amended as follows:

1914 37-9-14. (1) It shall be the duty of the county
1915 superintendent of education to administer the schools within his
1916 district and to implement the decisions of the county board of
1917 education.

1918 (2) In addition to all other powers, authority and duties
1919 imposed or granted by law, the county superintendent of education
1920 shall have the following powers, authority and duties:

1921 (a) To enter into contracts in the manner provided by
1922 law with each assistant superintendent, principal and teacher of
1923 the public schools under his supervision, after such assistant
1924 superintendent, principal and teachers have been selected and
1925 approved in the manner provided by law.

1926 (b) To enforce in the public schools of the school
1927 district the courses of study provided by law or the rules and
1928 regulations of the State Board of Education, and to comply with
1929 the law with reference to the use and distribution of free
1930 textbooks.

1931 (c) To administer oaths in all cases to persons
1932 testifying before him relative to disputes relating to the schools



1933 submitted to him for determination, and to take testimony in such
1934 cases as provided by law.

1935 (d) To examine the monthly and annual reports submitted
1936 to him by principals and teachers for the purpose of determining
1937 and verifying the accuracy thereof.

1938 (e) To preserve all reports of superintendents,
1939 principals, teachers and other school officers, and to deliver to
1940 his successor or clerk of the board of supervisors all money,
1941 property, books, effects and papers.

1942 (f) To prepare and keep in his office a map or maps
1943 showing the territory embraced in his school district, to furnish
1944 the county assessor with a copy of such map or maps, and to revise
1945 and correct same from time to time as changes in or alterations of
1946 school districts may necessitate.

1947 (g) To keep an accurate record of the names of all of
1948 the members of the county board of education showing the districts
1949 for which each was elected or appointed, the post office address
1950 of each, and the date of the expiration of his term of office.
1951 All official correspondence shall be addressed to the county board
1952 of education, and notice to such members shall be regarded as
1953 notice to the residents of the district, and it shall be the duty
1954 of the members to notify such residents.

1955 (h) To deliver in proper time to the assistant
1956 superintendents, principals, teachers and board members such
1957 forms, records and other supplies which will be needed during the
1958 school year as provided by law or any applicable rules and
1959 regulations, and to give to such individuals such information with
1960 regard to their duties as may be required.

1961 (i) To make to the county board of education reports
1962 for each scholastic month in such form as the county board of
1963 education may require.



1964 (j) To distribute promptly all reports, letters, forms,
1965 circulars and instructions which he may receive for the use of
1966 school officials.

1967 (k) To keep on file and preserve in his office all
1968 appropriate information concerning the affairs of the school
1969 district.

1970 (l) To visit the schools of his school district in his
1971 discretion, and to require the assistant superintendents,
1972 principals and teachers thereof to perform their duties as
1973 prescribed by law.

1974 (m) To observe such instructions and regulations as the
1975 county board of education and other public officials may
1976 prescribe, and to make special reports to these officers whenever
1977 required.

1978 (n) To keep his office open for the transaction of
1979 business upon the days and during the hours to be designated by
1980 the county board of education.

1981 (o) To make such reports as are required by the State
1982 Board of Education.

1983 (p) To make an enumeration of educable children in his
1984 school district as prescribed by law.

1985 (q) To keep in his office and carefully preserve the
1986 public school record provided, to enter therein the proceedings of
1987 the county board of education and his decision upon cases and his
1988 other official acts, to record therein the data required from the
1989 monthly and term reports of principals and teachers, and from the
1990 summaries of records thus kept.

1991 (r) To delegate student disciplinary matters to
1992 appropriate school personnel.

1993 (s) To make assignments to the various schools in the
1994 district of all noninstructional and nonlicensed employees and all
1995 licensed employees, as provided in Sections 37-9-15 and 37-9-17,
1996 and to make reassignments of such employees from time to time;



1997 however, a reassignment of a licensed employee may only be to an
1998 area in which the employee has a valid license issued by the State
1999 Department of Education. Upon request from any employee
2000 transferred, such assignment shall be subject to review by the
2001 county board of education.

2002 (t) To employ substitutes for licensed employees,
2003 regardless of whether or not such substitute holds the proper
2004 license, subject to such reasonable rules and regulations as may
2005 be adopted by the State Board of Education.

2006 (u) To comply in a timely manner with the compulsory
2007 education reporting requirements prescribed in Section
2008 37-13-91(6).

2009 (v) To perform such other duties as may be required of
2010 him by law.

2011 (w) To notify, in writing, the parent, guardian or
2012 custodian, the youth court and local law enforcement of any
2013 expulsion of a student for criminal activity as defined in Section
2014 37-11-29.

2015 (x) To notify the youth court and local law enforcement
2016 agencies, by affidavit, of the occurrence of any crime committed
2017 by a student or students upon school property or during any
2018 school-related activity, regardless of location and the identity
2019 of the student or students committing the crime.

2020 (y) To employ and dismiss noninstructional and
2021 nonlicensed employees as provided by law.

2022 (z) To temporarily employ licensed and nonlicensed
2023 employees to fill vacancies which may occur from time to time
2024 without prior approval of the board of trustees, provided that the
2025 board of trustees is notified of such employment and the action is
2026 ratified by the board at the next regular meeting of the board. A
2027 school district may pay a licensed employee based on the same
2028 salary schedule as other contracted licensed employees in the
2029 district until county board of education action, at which time a



2030 licensed employee approved by the county board of education enters
2031 a contract. If the board, within thirty (30) days of the date of
2032 employment of such employee under this subsection, takes action to
2033 disapprove of the employment by the superintendent, then the
2034 employment shall be immediately terminated without further
2035 compensation, notice or other employment rights with the district.
2036 The terminated employee shall be paid such salary and fringe
2037 benefits that such employee would otherwise be entitled to from
2038 the date of employment to the date of termination for days
2039 actually worked.

2040 (3) All funds to the credit of a school district shall be
2041 paid out on pay certificates issued by the superintendent upon
2042 order of the county board of education properly entered upon the
2043 minutes thereof, and all such orders shall be supported by
2044 properly itemized invoices from the vendors covering the materials
2045 and supplies purchased. All such orders and the itemized invoices
2046 supporting same shall be filed as a public record in the office of
2047 the superintendent for a period of five (5) years. The
2048 superintendent shall be liable upon his official bond for the
2049 amount of any pay certificate issued in violation of the
2050 provisions of this section. The county board of education shall
2051 have the power and authority to direct and cause warrants to be
2052 issued against such district funds for the purpose of refunding
2053 any amount of taxes erroneously or illegally paid into such fund
2054 when such refund has been approved in the manner provided by law.

2055 (4) The county superintendent of education shall be special
2056 accounting officer and treasurer with respect to any and all
2057 district school funds for his school district. He or his designee
2058 shall issue all warrants without the necessity of registration
2059 thereof by the chancery clerk. Transactions with the depositories
2060 and with the various tax collecting agencies which involve school
2061 funds for such school district shall be with the county
2062 superintendent of education, or his designee.



2063 (5) The county superintendent of education will have no
2064 responsibility with regard to agricultural high school and junior
2065 college funds.

2066 All agricultural high school and junior college funds shall
2067 be handled and expended in the manner provided for in Sections
2068 37-29-31 through 37-29-39.

2069 (6) It shall be the duty of the county superintendent of
2070 education to keep and preserve the minutes of the proceedings of
2071 the county board of education.

2072 (7) The county superintendent of education shall maintain as
2073 a record in his office a book or a computer printout in which he
2074 shall enter all demands, claims and accounts paid from any funds
2075 of the school district. The record shall be in a form to be
2076 prescribed by the State Auditor. All demands, claims and accounts
2077 filed shall be preserved by the county superintendent of education
2078 as a public record for a period of five (5) years. All claims
2079 found by the county board of education to be illegal shall be
2080 rejected or disallowed. To the extent allowed by board policy,
2081 all claims which are found to be legal and proper may be paid and
2082 then ratified by the county board of education at the next
2083 regularly scheduled board meeting, as paid by the county
2084 superintendent of education. All claims as to which a continuance
2085 is requested by the claimant and those found to be defective but
2086 which may be perfected by amendment shall be continued. The
2087 county superintendent of education shall issue a pay certificate
2088 against any legal and proper fund of the school district in favor
2089 of the claimant in payment of claims. The provisions of this
2090 section, however, shall not be applicable to the payment of
2091 salaries and applicable benefits, travel advances, amounts due
2092 private contractors or other obligations where the amount thereof
2093 has been previously approved by a contract or by an order of the
2094 county board of education entered upon its minutes, or paid by
2095 board policy, or by inclusion in the current fiscal year budget,



2096 and all such amounts may be paid by the county superintendent of
2097 education by pay certificates issued by him against the legal and
2098 proper fund without allowance of a specific claim therefor as
2099 provided in this section, provided that the payment thereof is
2100 otherwise in conformity with law.

2101 **SECTION 48.** Section 37-9-16, Mississippi Code of 1972, which
2102 prescribes the powers and responsibilities of administrative
2103 superintendents, is hereby repealed.

2104 **SECTION 49.** Section 37-9-70, Mississippi Code of 1972, is
2105 amended as follows:

2106 37-9-70. (1) The superintendent shall keep and maintain an
2107 office as necessary for the discharge of his or her duties and
2108 responsibilities in office. The cost of the operation of said
2109 office shall be paid out of such funds as may be available to the
2110 county board of education from all sources, except as provided for
2111 in the following subsection.

2112 (2) In all school districts in which the superintendent or
2113 the administrative superintendent was, prior to July 1, 1986,
2114 known and referred to as county superintendent of education under
2115 the statutes of the State of Mississippi or as district
2116 superintendent of a special municipal separate school district
2117 which embraces all of the territory of a county, the board of
2118 supervisors shall be responsible for providing an office for the
2119 superintendent of schools, together with all necessary furniture
2120 and water, gas, electricity, and other utilities necessary and
2121 required for the operation of his said office, which shall be paid
2122 for out of the general fund of the county upon allowance of the
2123 board of supervisors.

2124 **SECTION 50.** Section 37-9-3, Mississippi Code of 1972, is
2125 amended as follows:

2126 37-9-3. Except as otherwise provided in Section 37-167-1,
2127 within the limits of the available funds, the county
2128 superintendent of education * * * shall recommend to the county



2129 board of education thereof all noninstructional employees to be
2130 employed and may prescribe the duties thereof. Compensation for
2131 such employees may be paid from any lawful funds.

2132 **SECTION 51.** Section 37-9-15, Mississippi Code of 1972, is
2133 amended as follows:

2134 37-9-15. No later than February 15 of each year, the county
2135 superintendent of education * * * shall recommend to the county
2136 board of education thereof the assistant superintendents and
2137 principals to be employed for each of the schools of the districts
2138 except in the case of those assistant superintendents and
2139 principals who have been previously employed and who have a
2140 contract valid for the ensuing scholastic year. Unless good
2141 reason to the contrary exists, the county board of education shall
2142 approve and authorize the employment of the assistant
2143 superintendents and principals so recommended. If, for any
2144 reason, the county board of education shall decline to approve an
2145 assistant superintendent or principal so recommended, the
2146 superintendent or the board's designee shall make additional
2147 recommendations for the place or places to be filled.

2148 When the assistant superintendents and principals of the
2149 schools have been recommended and approved as provided in the
2150 preceding paragraph, the county superintendent of education of
2151 such county shall enter into proper contracts with them. At a
2152 subsequent meeting he shall report same to the county board of
2153 education and such shall be entered in the minutes.

2154 An interim conservator appointed pursuant to the provisions
2155 of Section 37-17-6(14) (a) shall not be required to comply with the
2156 time limitations prescribed in this section for recommending and
2157 employing assistant superintendents and principals.

2158 **SECTION 52.** Section 37-9-17, Mississippi Code of 1972, is
2159 amended as follows:

2160 37-9-17. (1) On or before April 1 of each year, the
2161 principal of each school shall recommend to the county



2162 superintendent of education the licensed employees or
2163 noninstructional employees to be employed for the school involved
2164 except those licensed employees or noninstructional employees who
2165 have been previously employed and who have a contract valid for
2166 the ensuing scholastic year. If such recommendations meet with
2167 the approval of the superintendent, the superintendent shall
2168 recommend the employment of such licensed employees or
2169 noninstructional employees to the county board of education, and,
2170 unless good reason to the contrary exists, the board shall elect
2171 the employees so recommended. If, for any reason, the county
2172 board of education shall decline to elect any employee so
2173 recommended, additional recommendations for the places to be
2174 filled shall be made by the principal to the superintendent and
2175 then by the superintendent to the county board of education as
2176 provided above. The county board of education of any county shall
2177 be authorized to designate a personnel supervisor or another
2178 principal employed by the school district to recommend to the
2179 superintendent licensed employees or noninstructional employees;
2180 however, this authorization shall be restricted to no more than
2181 two (2) positions for each employment period for each school in
2182 the local school district. Any noninstructional employee employed
2183 upon the recommendation of a personnel supervisor or another
2184 principal employed by the local school district must have been
2185 employed by the local school district at the time the
2186 superintendent was elected or appointed to office; a
2187 noninstructional employee employed under this authorization may
2188 not be paid compensation in excess of the statewide average
2189 compensation for such noninstructional position with comparable
2190 experience, as established by the State Department of Education.
2191 The county board of education of any county shall be authorized to
2192 designate a personnel supervisor or another principal employed by
2193 the school district to accept the recommendations of principals or
2194 their designees for licensed employees or noninstructional



2195 employees and to transmit approved recommendations to the county
2196 board of education; however, this authorization shall be
2197 restricted to no more than two (2) positions for each employment
2198 period for each school in the local school district.

2199 When the licensed employees have been elected as provided in
2200 the preceding paragraph, the county superintendent of education of
2201 the county shall enter into a contract with such persons in the
2202 manner provided in this chapter.

2203 If, at the commencement of the scholastic year, any licensed
2204 employee shall present to the superintendent a license of a higher
2205 grade than that specified in such individual's contract, such
2206 individual may, if funds are available from adequate education
2207 program funds of the district, or from district funds, be paid
2208 from such funds the amount to which such higher grade license
2209 would have entitled the individual, had the license been held at
2210 the time the contract was executed.

2211 (2) Superintendents/directors of schools under the purview
2212 of the State Board of Education, the county superintendent of
2213 education of the county and any private firm under contract with
2214 the local public school district to provide substitute teachers to
2215 teach during the absence of a regularly employed schoolteacher
2216 shall require, through the appropriate governmental authority,
2217 that current criminal records background checks and current child
2218 abuse registry checks are obtained, and that such criminal record
2219 information and registry checks are on file for any new hires
2220 applying for employment as a licensed or nonlicensed employee at a
2221 school and not previously employed in such school under the
2222 purview of the State Board of Education or at such local school
2223 district prior to July 1, 2000. In order to determine the
2224 applicant's suitability for employment, the applicant shall be
2225 fingerprinted. If no disqualifying record is identified at the
2226 state level, the fingerprints shall be forwarded by the Department
2227 of Public Safety to the Federal Bureau of Investigation for a



2228 national criminal history record check. The fee for such
2229 fingerprinting and criminal history record check shall be paid by
2230 the applicant, not to exceed Fifty Dollars (\$50.00); however, the
2231 State Board of Education, the county board of education of the
2232 county or a private firm under contract with a local school
2233 district to provide substitute teachers to teach during the
2234 temporary absence of the regularly employed schoolteacher, in its
2235 discretion, may elect to pay the fee for the fingerprinting and
2236 criminal history record check on behalf of any applicant. Under
2237 no circumstances shall a member of the State Board of Education,
2238 superintendent/director of schools under the purview of the State
2239 Board of Education, local school district superintendent, county
2240 board of education member or any individual other than the subject
2241 of the criminal history record checks disseminate information
2242 received through any such checks except insofar as required to
2243 fulfill the purposes of this section. Any nonpublic school which
2244 is accredited or approved by the State Board of Education may
2245 avail itself of the procedures provided for herein and shall be
2246 responsible for the same fee charged in the case of local public
2247 schools of this state. The determination whether the applicant
2248 has a disqualifying crime, as set forth in subsection (3) of this
2249 section, shall be made by the appropriate governmental authority,
2250 and the appropriate governmental authority shall notify the
2251 private firm whether a disqualifying crime exists.

2252 (3) If such fingerprinting or criminal record checks
2253 disclose a felony conviction, guilty plea or plea of nolo
2254 contendere to a felony of possession or sale of drugs, murder,
2255 manslaughter, armed robbery, rape, sexual battery, sex offense
2256 listed in Section 45-33-23(g), child abuse, arson, grand larceny,
2257 burglary, gratification of lust or aggravated assault which has
2258 not been reversed on appeal or for which a pardon has not been
2259 granted, the new hire shall not be eligible to be employed at such
2260 school. Any employment contract for a new hire executed by the



2261 county superintendent of education the county or any employment of
2262 a new hire by a superintendent/director of a new school under the
2263 purview of the State Board of Education or by a private firm shall
2264 be voidable if the new hire receives a disqualifying criminal
2265 record check. However, the State Board of Education or the county
2266 board of education may, in its discretion, allow any applicant
2267 aggrieved by the employment decision under this section to appear
2268 before the respective board, or before a hearing officer
2269 designated for such purpose, to show mitigating circumstances
2270 which may exist and allow the new hire to be employed at the
2271 school. The State Board of Education or county board of education
2272 may grant waivers for such mitigating circumstances, which shall
2273 include, but not be limited to: (a) age at which the crime was
2274 committed; (b) circumstances surrounding the crime; (c) length of
2275 time since the conviction and criminal history since the
2276 conviction; (d) work history; (e) current employment and character
2277 references; (f) other evidence demonstrating the ability of the
2278 person to perform the employment responsibilities competently and
2279 that the person does not pose a threat to the health or safety of
2280 the children at the school.

2281 (4) No local school district, local school district
2282 employee, member of the State Board of Education or employee of a
2283 school under the purview of the State Board of Education shall be
2284 held liable in any employment discrimination suit in which an
2285 allegation of discrimination is made regarding an employment
2286 decision authorized under this Section 37-9-17.

2287 **SECTION 53.** Section 37-9-21, Mississippi Code of 1972, is
2288 amended as follows:

2289 37-9-21. It shall be illegal for any superintendent,
2290 principal or other licensed employee to be elected by the county
2291 board of education if such superintendent, principal or licensed
2292 employee is related within the third degree by blood or marriage
2293 according to the common law to a majority of the members of the



2294 county board of education. No member of the county board of
2295 education shall vote for any person as a superintendent, principal
2296 or licensed employee who is related to him within the third degree
2297 by blood or marriage or who is dependent upon him in a financial
2298 way. Any contract entered into in violation of the provisions of
2299 this section shall be null and void.

2300 **SECTION 54.** Section 37-9-23, Mississippi Code of 1972, is
2301 amended as follows:

2302 37-9-23. The county superintendent of education shall enter
2303 into a contract with each assistant superintendent, principal,
2304 licensed employee and person anticipating graduation from an
2305 approved teacher education program or the issuance of a proper
2306 license before October 15 or February 15, as the case may be, who
2307 is elected and approved for employment by the county board of
2308 education. Such contracts shall be in such form as shall be
2309 prescribed by the State Board of Education and shall be executed
2310 in duplicate with one (1) copy to be retained by the appropriate
2311 superintendent and one (1) copy to be retained by the principal,
2312 licensed employee or person recommended for a licensed position
2313 contracted with. The contract shall show the name of the
2314 district, the length of the school term, the position held
2315 (whether an assistant superintendent, principal or licensed
2316 employee), the scholastic years which it covers, the total amount
2317 of the annual salary and how same is payable. The amount of
2318 salary to be shown in such contract shall be the amount which
2319 shall have been fixed and determined by the county board of
2320 education, but, as to the licensed employees paid, in whole or in
2321 part, with adequate education program funds, such salary shall not
2322 be less than that required under the provisions of Chapter 19 of
2323 this title. Beginning with the 2010-2011 school year, the
2324 contract shall include a provision allowing the school district to
2325 reduce the state minimum salary by a pro rata daily amount in
2326 order to comply with the school district employee furlough



2327 provisions of Section 37-7-308, and shall include a provision
2328 which conditions the payment of such salary upon the availability
2329 of adequate education funds provided for salaries. The contract
2330 entered into with any person recommended for a licensed position
2331 who is anticipating either graduation from an approved teacher
2332 education program before September 1 or December 31, as the case
2333 may be, or the issuance of a proper license before October 15 or
2334 February 15, as the case may be, shall be a conditional contract
2335 and shall include a provision stating that the contract will be
2336 null and void if, as specified in the contract, the contingency
2337 upon which the contract is conditioned has not occurred. If any
2338 superintendent, other than those elected, principal, licensed
2339 employee or person recommended for a licensed position who has
2340 been elected and approved shall not execute and return the
2341 contract within ten (10) days after same has been tendered to him
2342 for execution, then, at the option of the county board of
2343 education, the election of the licensed employee and the contract
2344 tendered to him shall be void and of no effect.

2345 **SECTION 55.** Section 37-9-25, Mississippi Code of 1972, is
2346 amended as follows:

2347 37-9-25. The county board of education shall have the power
2348 and authority, in its discretion, to employ the superintendent,
2349 unless such superintendent is elected, for not exceeding four (4)
2350 scholastic years and the principals or licensed employees for not
2351 exceeding three (3) scholastic years. In such case, contracts
2352 shall be entered into with such superintendents, principals and
2353 licensed employees for the number of years for which they have
2354 been employed. All such contracts with licensed employees shall
2355 for the years after the first year thereof be subject to the
2356 contingency that the licensed employee may be released if, during
2357 the life of the contract, the average daily attendance should
2358 decrease from that existing during the previous year and thus
2359 necessitate a reduction in the number of licensed employees during



2360 any year after the first year of the contract. However, in all
2361 such cases the licensed employee must be released before July 1 or
2362 at least thirty (30) days prior to the beginning of the school
2363 term, whichever date should occur earlier. The salary to be paid
2364 for the years after the first year of such contract shall be
2365 subject to revision, either upward or downward, in the event of an
2366 increase or decrease in the funds available for the payment
2367 thereof, but, unless such salary is revised prior to the beginning
2368 of a school year, it shall remain for such school year at the
2369 amount fixed in such contract. However, where school district
2370 funds, other than minimum education program funds, are available
2371 during the school year in excess of the amount anticipated at the
2372 beginning of the school year the salary to be paid for such year
2373 may be increased to the extent that such additional funds are
2374 available and nothing herein shall be construed to prohibit same.

2375 **SECTION 56.** Section 37-9-27, Mississippi Code of 1972, is
2376 amended as follows:

2377 37-9-27. The county superintendent of education, before
2378 entering upon the duties of his office, shall furnish a good and
2379 sufficient surety bond in the penal sum of One Hundred Thousand
2380 Dollars (\$100,000.00), with sufficient surety. Such bond shall be
2381 filed and recorded in the office of the clerk of the chancery
2382 court in which the school district is located, and shall be
2383 payable, conditioned and approved in the manner provided by law.
2384 The premium on said bond shall be paid out of the school district
2385 maintenance fund.

2386 **SECTION 57.** Section 37-9-33, Mississippi Code of 1972, is
2387 amended as follows:

2388 37-9-33. (1) In employing and contracting with appointed
2389 superintendents, principals and certificated employees, the county
2390 board of education shall in all cases determine whether the amount
2391 of salary to be paid such superintendent, principals and
2392 certificated employees is in compliance with the provisions of the



2393 adequate education program. No contract shall be entered into
2394 where the salary of a superintendent, principal or certificated
2395 employee is to be paid, in whole or in part, from adequate
2396 education program funds except where the requirements of said
2397 chapter as to the amount of such salary are fully met. Nothing
2398 herein shall be construed, however, to prohibit any school
2399 district from increasing the salaries of appointed
2400 superintendents, principals and certificated employees above the
2401 amounts fixed by said chapter, provided that the amount of such
2402 increase is paid from funds available to such district other than
2403 adequate program funds. Provided further, that school districts
2404 are authorized, in their discretion, to negotiate the salary
2405 levels applicable to certificated employees employed after July 1,
2406 2009, who are receiving retirement benefits from the retirement
2407 system of another state, and the annual experience increment
2408 provided in Section 37-19-7 shall not be applicable to any such
2409 retired certificated employee. Nothing herein shall be construed
2410 to prohibit any school district from complying with the school
2411 district employee furlough provisions of Section 37-7-308.

2412 (2) Each school district shall provide an annual report to
2413 the State Department of Education on the number of certificated
2414 and noncertificated employees receiving a salary from the school
2415 district who are also receiving retirement benefits from the
2416 Public Employees' Retirement System. This report shall include
2417 the name of the employee(s), the hours per week for which the
2418 employee is under contract and the services for which the employee
2419 is under contract. Said required annual report shall be in a form
2420 and deadline promulgated by the State Board of Education.

2421 **SECTION 58.** Section 37-9-37, Mississippi Code of 1972, is
2422 amended as follows:

2423 37-9-37. The amount of the salary to be paid any
2424 superintendent, principal or licensed employee shall be fixed by
2425 the county board of education, provided that the requirements of



2426 Chapter 19 of this title are met as to superintendents, principals
2427 and licensed employees paid in whole or in part from minimum
2428 education program funds. In employing such superintendents,
2429 principals and licensed employees and in fixing their salaries,
2430 the county boards of education shall take into consideration the
2431 character, professional training, experience, executive ability
2432 and teaching capacity of the licensed employee, superintendent or
2433 principal. It is the intent of the Legislature that whenever the
2434 salary of the school district superintendent is set by a county
2435 board of education, the board shall take into consideration the
2436 amount of money that the district spends per pupil, and shall
2437 attempt to insure that the administrative cost of the district and
2438 the amount of the salary of the superintendent are not excessive
2439 in comparison to the per pupil expenditure of the district.

2440 **SECTION 59.** Section 37-9-39, Mississippi Code of 1972, is
2441 amended as follows:

2442 37-9-39. Salary or wages paid to any employee of any school
2443 shall be paid on a basis as determined by the county board of
2444 education, except for December, when salaries or wages shall be
2445 paid by the last working day. Salaries or wages shall be paid at
2446 a minimum on a monthly basis. Any school employee whose
2447 employment ends during a school term, regardless of the reason(s)
2448 the employment ended, shall be paid salary or wages only for that
2449 portion of the school term that employee actually worked. Nothing
2450 in this section shall be construed to entitle any employee to
2451 payment of salary or wages when no work has been performed.

2452 **SECTION 60.** Section 37-9-41, Mississippi Code of 1972, is
2453 amended as follows:

2454 37-9-41. The salaries of superintendents, principals and
2455 licensed employees shall be paid by pay certificates issued by the
2456 county superintendent of education. Such pay certificates may be
2457 issued without additional authorization of the county board of
2458 education where the amount of salary has been fixed and a contract



2459 entered into as is provided in this chapter. All pay certificates
2460 shall be preserved by him as a part of the official records of his
2461 office for the same time and in the same manner as other records
2462 are preserved. Except as is herein provided, the said warrants
2463 shall be governed in all respects by the same laws regulating the
2464 issuance of other warrants for other purposes. All pay
2465 certificates and warrants issued shall show the gross amount of
2466 the salary and all authorized deductions therefrom for income
2467 taxes, social security, retirement contributions and other lawful
2468 purposes.

2469 **SECTION 61.** Section 37-9-43, Mississippi Code of 1972, is
2470 amended as follows:

2471 37-9-43. It shall be unlawful for any appointed
2472 superintendent, principal or licensed employee to be paid for any
2473 services as such until a written contract has been executed as is
2474 provided and required by this chapter. If any school district
2475 superintendent shall make any such payment prior to the execution
2476 of the contract he shall be civilly liable for the amount thereof,
2477 and, in addition, shall be liable upon his bond. If any licensed
2478 employee, appointed superintendent or principal shall willfully
2479 and without just cause breach his contract and abandon his
2480 employment he shall not be entitled to any further salary payments
2481 either for services rendered prior to such breach or for services
2482 which were thereafter to have been rendered. Nothing in this
2483 section, however, shall prevent the employment and payment of
2484 substitute teachers without a written contract.

2485 **SECTION 62.** Section 37-9-49, Mississippi Code of 1972, is
2486 amended as follows:

2487 37-9-49. It shall be unlawful for the county superintendent
2488 of education to deduct or permit to be deducted from the salary of
2489 any superintendent, principal or licensed employee any dues, fines
2490 or penalties payable or alleged to be payable because of the
2491 membership of such superintendent, principal or licensed employee



2492 in any organization or association. However, dues or premiums in
2493 health associations or corporations and tax sheltered annuity
2494 deductions authorized by the United States Internal Revenue Code
2495 may be deducted upon written authorization from the
2496 superintendent, principal or licensed employee involved. Any
2497 county superintendent of education who shall make any such
2498 deduction or permit any such deduction to be made, except those
2499 herein provided, shall be guilty of a misdemeanor and upon
2500 conviction shall be punished by a fine of not more than
2501 Twenty-five Dollars (\$25.00) for each such deduction.

2502 **SECTION 63.** Section 37-9-55, Mississippi Code of 1972, is
2503 amended as follows:

2504 37-9-55. Any appointed superintendent, principal or licensed
2505 employee in any public school who is under contract to teach or
2506 perform other duties and who desires to be released from such
2507 contract shall make application in writing to the county board of
2508 education of the school district for release therefrom, in which
2509 application the reasons for such release shall be clearly stated.
2510 If the board acts favorably upon such application for release,
2511 such superintendent, principal or licensed employee shall be
2512 released from his contract, and said contract shall be null and
2513 void on the date specified in the county board of education's
2514 order.

2515 **SECTION 64.** Section 37-9-57, Mississippi Code of 1972, is
2516 amended as follows:

2517 37-9-57. If any appointed superintendent, principal or
2518 licensed employee in any public school of this state shall
2519 arbitrarily or willfully breach his or her contract and abandon
2520 his or her employment without being released therefrom as provided
2521 in Section 37-9-55, the contract of such superintendent, principal
2522 or licensed employee shall be null and void. In addition thereto
2523 the license of such superintendent, principal or licensed employee
2524 may be suspended by the State Board of Education for a period of



2525 one (1) school year as provided in Section 37-3-2(8) upon written
2526 recommendation of the majority of the members of the county board
2527 of education of the school district involved.

2528 **SECTION 65.** Section 37-9-59, Mississippi Code of 1972, is
2529 amended as follows:

2530 37-9-59. For incompetence, neglect of duty, immoral conduct,
2531 intemperance, brutal treatment of a pupil or other good cause the
2532 county superintendent of education may dismiss or suspend any
2533 licensed employee in any school district. Before being so
2534 dismissed or suspended any licensed employee shall be notified of
2535 the charges against him and he shall be advised that he is
2536 entitled to a public hearing upon said charges. In the event the
2537 continued presence of said employee on school premises poses a
2538 potential threat or danger to the health, safety or general
2539 welfare of the students, or, in the discretion of the
2540 superintendent, may interfere with or cause a disruption of normal
2541 school operations, the superintendent may immediately release said
2542 employee of all duties pending a hearing if one is requested by
2543 the employee. In the event a licensed employee is arrested,
2544 indicted or otherwise charged with a felony by a recognized law
2545 enforcement official, the continued presence of the licensed
2546 employee on school premises shall be deemed to constitute a
2547 disruption of normal school operations. The county board of
2548 education, upon a request for a hearing by the person so suspended
2549 or removed shall set a date, time and place for such hearing which
2550 shall be not sooner than five (5) days nor later than thirty (30)
2551 days from the date of the request. The procedure for such hearing
2552 shall be as prescribed for hearings before the board or hearing
2553 officer in Section 37-9-111. From the decision made at said
2554 hearing, any licensed employee shall be allowed an appeal to the
2555 chancery court in the same manner as appeals are authorized in
2556 Section 37-9-113. Any party aggrieved by action of the chancery
2557 court may appeal to the Mississippi Supreme Court as provided by



2558 law. In the event that a licensed employee is immediately
2559 relieved of duties pending a hearing, as provided in this section,
2560 said employee shall be entitled to compensation for a period up to
2561 and including the date that the initial hearing is set by the
2562 county board of education, in the event that there is a request
2563 for such a hearing by the employee. In the event that an employee
2564 does not request a hearing within five (5) calendar days of the
2565 date of the notice of discharge or suspension, it shall constitute
2566 a waiver of all rights by said employee and such discharge or
2567 suspension shall be effective on the date set out in the notice to
2568 the employee.

2569 The county board of education is hereby prohibited from
2570 denying employment or reemployment to any person as a
2571 superintendent, principal or licensed employee, as defined in
2572 Section 37-19-1, or as a noninstructional personnel, as defined in
2573 Section 37-9-1, for the single reason that any eligible child of
2574 such person does not attend the school system in which such
2575 superintendent, principal, licensed employee or noninstructional
2576 personnel is employed.

2577 **SECTION 66.** Section 37-9-71, Mississippi Code of 1972, is
2578 amended as follows:

2579 37-9-71. The county superintendent of education and the
2580 principal of a school shall have the power to suspend a pupil for
2581 good cause, including misconduct in the school or on school
2582 property, as defined in Section 37-11-29, on the road to and from
2583 school, or at any school-related activity or event, or for conduct
2584 occurring on property other than school property or other than at
2585 a school-related activity or event when such conduct by a pupil,
2586 in the determination of the superintendent or principal, renders
2587 that pupil's presence in the classroom a disruption to the
2588 educational environment of the school or a detriment to the best
2589 interest and welfare of the pupils and teacher of such class as a
2590 whole, or for any reason for which such pupil might be suspended,



2591 dismissed or expelled by the county board of education under state
2592 or federal law or any rule, regulation or policy of the local
2593 school district. However, such action of the superintendent or
2594 principal shall be subject to review by and the approval or
2595 disapproval of the county board of education. If the parent,
2596 guardian or other person having custody of any child shall feel
2597 aggrieved by the suspension or dismissal of that child, then such
2598 parent, guardian or other person shall have the right to a due
2599 process hearing. The parent or guardian of the child shall be
2600 advised of this right to a hearing by the appropriate
2601 superintendent or principal and the proper form shall be provided
2602 for requesting such a hearing.

2603 **SECTION 67.** Sections 37-5-61, 37-5-63, 37-5-65, 37-5-67,
2604 37-5-69 and 37-5-71, Mississippi Code of 1972, which provide for
2605 the elective office of county superintendent of education, and
2606 Section 37-9-16, Mississippi Code of 1972, which prescribes the
2607 powers and responsibilities of administrative superintendents, are
2608 hereby repealed.

2609 **SECTION 68.** Section 37-15-2, Mississippi Code of 1972, is
2610 amended as follows:

2611 37-15-2. The permanent record provided for in Section
2612 37-15-1 shall be kept, while it is active, in the attendance
2613 center office in a fire resistant container.

2614 The permanent record shall be considered active: (a) if the
2615 student is enrolled in the school; or (b) if he has withdrawn or
2616 has been expelled and the students of the class of which he was a
2617 member shall not have reached the time of graduation.

2618 At the point of the student's graduation or at the time when
2619 the student would normally have graduated had he not withdrawn or
2620 been expelled from school, the student's permanent record shall
2621 become a part of the permanent binder in the central fire
2622 resistant depository as designated and provided by the county
2623 board of education or, as an alternative method, the records may



2624 be maintained in fire resistant storage at the school last
2625 attended by the student. The permanent binding and preservation
2626 of the inactive records shall be the duty of the county
2627 superintendent of education of the county who shall maintain a
2628 central depository of the records.

2629 **SECTION 69.** Section 37-15-3, Mississippi Code of 1972, is
2630 amended as follows:

2631 37-15-3. Such cumulative folders as are provided for in
2632 Section 37-15-1 shall be kept in the school wherein the pupils are
2633 in attendance. Both the permanent records and the cumulative
2634 folders shall be available to school officials, including teachers
2635 within the school district who have been determined by the school
2636 district to have legitimate educational interests. In no case,
2637 however, shall such records be available to the general public.
2638 Transcripts of courses and grades may be furnished when requested
2639 by the parent or guardian or eligible pupil as prescribed in the
2640 Family Educational Rights and Privacy Act of 1974, as amended, 20
2641 USC Section 1232. Such records shall be kept for each pupil
2642 throughout his entire public school enrollment period. In the
2643 event a pupil transfers to a public school, then the cumulative
2644 folder shall be furnished to the head of the school to which the
2645 pupil transfers; if a pupil transfers to a private school, then a
2646 copy of the cumulative folder shall be furnished to the head of
2647 the school to which the pupil transfers. The permanent record
2648 shall be kept permanently by the school district from which the
2649 pupil transferred.

2650 At no time may a permanent record of a student be destroyed,
2651 but cumulative folders may be destroyed by order of the county
2652 board of education in not less than five (5) years after the
2653 permanent record of the pupil has become inactive and has been
2654 transferred to the central depository of the district. Provided,
2655 however, that where a school district makes complete copies of
2656 inactive permanent records on photographic film, microfilm, or any



2657 other acceptable form of medium for storage which may be
2658 reproduced as needed, such permanent records may be destroyed
2659 after the photographic film or microfilm copy has been stored in
2660 the central depository of the district.

2661 **SECTION 70.** Section 37-15-4, Mississippi Code of 1972, is
2662 amended as follows:

2663 37-15-4. The county board of education of every county, as
2664 created and empowered by law, shall keep and preserve permanently
2665 a copy of all district-wide reports required by the State Board of
2666 Education to be filed on an annual basis.

2667 Copies of those district-wide reports required by the State
2668 Board of Education on less than an annual basis may be destroyed
2669 after five (5) years upon approval of the county board of
2670 education.

2671 All supporting documents necessary to compile such
2672 district-wide reports, except as delineated in Section 37-15-8 may
2673 be destroyed after three (3) years following the academic year for
2674 which the report was made upon approval of the county board of
2675 education.

2676 **SECTION 71.** Section 37-15-8, Mississippi Code of 1972, is
2677 amended as follows:

2678 37-15-8. The county superintendent of education of the
2679 county shall have the authority, with the approval of the county
2680 board of education spread upon its minutes, to dispose of the
2681 following records:

- 2682 (a) After five (5) years:
- 2683 (1) Bank statements;
 - 2684 (2) Cancelled warrants and pay certificates;
 - 2685 (3) County board of education paid bills;
 - 2686 (4) Bids received, either accepted or rejected,
2687 for supplies, materials, equipment and construction;
 - 2688 (5) Depository receipt warrants;



2689 (6) County board of education claims dockets,
2690 where claims are recorded on the minutes of the board;

2691 (7) Original of county board of education's orders
2692 after such orders have been recorded in the minute book;

2693 (8) Cancelled bonds and coupons;

2694 (9) Tax collector's reports of tax collection to
2695 county superintendent of education;

2696 (10) Transportation records.

2697 (b) After three (3) years:

2698 (1) Teacher contracts, computed from the
2699 expiration date thereof;

2700 (2) Bus purchase documents;

2701 (3) Teachers' registers, principals' reports and
2702 other evidence necessary to prepare the reports to the State Board
2703 of Education.

2704 (c) After period to be set by the State Board of
2705 Education such other documents of a temporary or transitory nature
2706 as the State Board of Education by regulation shall designate.

2707 Notwithstanding any of the provisions of Sections 37-15-1
2708 through 37-15-4, 37-15-8 and 37-15-10 to the contrary, no records
2709 which are in the process of being audited by the State Department
2710 of Audit, or which are the basis of litigation, shall be destroyed
2711 until at least twelve (12) months after final completion of said
2712 audits and litigation.

2713 **SECTION 72.** Section 37-15-13, Mississippi Code of 1972, is
2714 amended as follows:

2715 37-15-13. When any child qualified under the requirements of
2716 Section 37-15-9 shall apply or present himself for enrollment in
2717 or admission to the public schools of any school district of this
2718 state, the county board of education shall have the power and
2719 authority to designate the particular school or attendance center
2720 of the district in which such child shall be enrolled and which he
2721 shall attend; no enrollment of a child in a school shall be final



2722 or permanent until such designation shall be made by said county
2723 board of education. No child shall be entitled to attend any
2724 school or attendance center except that to which he has been
2725 assigned by the county board of education; however, the principal
2726 of a school or county superintendent of education of the county
2727 may, in proper cases, permit a child to attend a school
2728 temporarily until a permanent assignment is made by the county
2729 board of education.

2730 **SECTION 73.** Section 37-15-15, Mississippi Code of 1972, is
2731 amended as follows:

2732 37-15-15. In making assignments of children to schools or
2733 attendance centers, the county board of education shall take into
2734 consideration the educational needs and welfare of the child
2735 involved, the welfare and best interest of all the pupils
2736 attending the school or schools involved, the availability of
2737 school facilities, sanitary conditions and facilities at the
2738 school or schools involved, health and moral factors at the school
2739 or schools, and in the community involved, and all other factors
2740 which the county board of education may consider pertinent,
2741 relevant or material in their effect on the welfare and best
2742 interest of the school district and the particular school or
2743 schools involved. All such assignments shall be on an individual
2744 basis as to the particular child involved and, in making such
2745 assignment, the county board of education shall not be limited or
2746 circumscribed by the boundaries of any attendance areas which may
2747 have been established by such board.

2748 **SECTION 74.** Section 37-15-17, Mississippi Code of 1972, is
2749 amended as follows:

2750 37-15-17. If the parent, guardian or other person having
2751 custody of any child shall feel aggrieved by the assignment of
2752 such child to a school or attendance center by the county board of
2753 education, then such parent, guardian or other person may, at any
2754 time within thirty (30) days after such assignment, make



2755 application in writing to the county board of education for a
2756 review or reconsideration of such assignment. Upon receiving any
2757 such application, the county board of education shall set a time
2758 and place for the hearing thereof which time shall be not more
2759 than fifteen (15) days after the regular meeting of said board
2760 next succeeding the date of the filing of said application. At
2761 the time and place so fixed, the person filing such application
2762 shall have the right to appear and present evidence in support of
2763 said application. After hearing said evidence, the county board
2764 of education shall determine whether said application is well
2765 taken and supported by the evidence and shall enter an order
2766 either affirming its previous action or modifying or changing same
2767 as said county board of education shall find proper.

2768 **SECTION 75.** Section 37-15-21, Mississippi Code of 1972, is
2769 amended as follows:

2770 37-15-21. If any parent, guardian or other person having
2771 custody of any child affected by the assignment of such child to a
2772 school or attendance center by the county board of education shall
2773 feel aggrieved at the order of the county board of education
2774 provided for in Section 37-15-17, such person may, at any time
2775 within thirty (30) days from the date of such order, appeal
2776 therefrom by filing a petition for appeal in the circuit court of
2777 the county in which the school district involved is located. Upon
2778 the filing of such petition for an appeal, process shall be issued
2779 for and served upon the president of the county board of education
2780 involved. Upon being served with process, it shall be the duty of
2781 the county board of education to transmit promptly to the court a
2782 certified copy of the entire record of the proceedings as shown by
2783 the file of the county board of education. From the judgment of
2784 the circuit court, an appeal may be taken to the Supreme Court in
2785 the same manner as other appeals are taken from other judgments of
2786 such court.



2787 **SECTION 76.** Section 37-15-31, Mississippi Code of 1972, is
2788 amended as follows:

2789 37-15-31. (1) (a) Except as provided in subsections (2)
2790 through (5) of this section, upon the petition in writing of a
2791 parent or guardian resident of the school district of an
2792 individual student filed or lodged with the president or secretary
2793 of the county board of education of a school district in which the
2794 pupil has been enrolled or is qualified to be enrolled as a
2795 student under Section 37-15-9, or upon the aforesaid petition or
2796 the initiative of the county board of education of a school
2797 district as to the transfer of a grade or grades, individual
2798 students living in one school district or a grade or grades of a
2799 school within the districts may be legally transferred to another
2800 school district, by the mutual consent of the county boards of
2801 education of all school districts concerned, which consent must be
2802 given in writing and spread upon the minutes of such boards.

2803 (b) The county board of education of the transferring
2804 school district to which such petition may be addressed shall act
2805 thereon not later than its next regular meeting subsequent to the
2806 filing or lodging of the petition, and a failure to act within
2807 that time shall constitute a rejection of such request. The
2808 county board of education of the other school district involved
2809 (the transferee board) shall act on such request for transfer as
2810 soon as possible after the transferor board shall have approved or
2811 rejected such transfer and no later than the next regular meeting
2812 of the transferee board, and a failure of such transferee board to
2813 act within such time shall constitute a rejection of such request.
2814 If such a transfer is approved by the transferee board, then such
2815 decision shall be final. If such a transfer should be refused by
2816 the county board of education of either school district, then such
2817 decision shall be final.



2818 (c) Any legal guardianship formed for the purpose of
2819 establishing residency for school district attendance purposes
2820 shall not be recognized by the affected county board of education.

2821 (2) (a) Upon the petition in writing of any parent or
2822 guardian who is a resident of Mississippi and is an instructional
2823 or licensed employee of a school district, but not a resident of
2824 such district, the county board of education of the employer
2825 school district shall consent to the transfer of such employee's
2826 dependent school-age children to its district and shall spread the
2827 same upon the minutes of the board. Upon the petition in writing
2828 of any parent or guardian who is not a resident of Mississippi and
2829 who is an instructional or licensed employee of a school district
2830 in Mississippi, the county board of education of the employer
2831 school district shall consent to the transfer of such employee's
2832 dependent school-age children to its district and shall spread the
2833 same upon the minutes of the board.

2834 (b) The county board of education of any county, in its
2835 discretion, may adopt a uniform policy to allow the enrollment and
2836 attendance of the dependent children of noninstructional and
2837 nonlicensed employees, who are residents of Mississippi but are
2838 not residents of their district. Such policy shall be based upon
2839 the employment needs of the district, implemented according to job
2840 classification groups and renewed each school year.

2841 (c) The employer transferee school district shall
2842 notify in writing the school district from which the pupil or
2843 pupils are transferring, and the county board of education of the
2844 transferor school district shall spread the same upon its minutes.

2845 (d) Any such agreement by county boards of education
2846 for the legal transfer of a student shall include a provision
2847 providing for the transportation of the student. In the absence
2848 of such a provision the responsibility for transporting the
2849 student to the transferee school district shall be that of the
2850 parent or guardian.



2851 (e) Any school district which accepts a student under
2852 the provisions of this subsection shall not assess any tuition
2853 fees upon such transferring student in accordance with the
2854 provisions of Section 37-19-27.

2855 (3) Upon the petition in writing of any parent or legal
2856 guardian of a school-age child who is a resident of an adjacent
2857 school district residing in the geographical situation described
2858 in Section 37-15-29(3), the county board of education of the
2859 county operating the school located in closer proximity to the
2860 residence of the child shall consent to the transfer of the child
2861 to its district, and shall spread the same upon the minutes of the
2862 board. Any such agreement by county boards of education for the
2863 legal transfer of a student under this subsection shall include a
2864 provision for the transportation of the student by either the
2865 transferor or the transferee school district. In the event that
2866 either the county board of education of the transferee or the
2867 transferor school district shall object to the transfer, it shall
2868 have the right to appeal to the State Board of Education whose
2869 decision shall be final. However, if the school boards agreeing
2870 on the legal transfer of any student shall fail to agree on which
2871 district shall provide transportation, the responsibility for
2872 transporting the student to the transferee school district shall
2873 be that of the parent or guardian.

2874 (4) Upon the petition in writing of any parent or legal
2875 guardian of a school-age child who was lawfully transferred to
2876 another school district prior to July 1, 1992, as described in
2877 Section 37-15-29(4), the county board of education of the
2878 transferee school district shall consent to the transfer of such
2879 child and the transfer of any school-age brother and sister of
2880 such child to its district, and shall spread the same upon the
2881 minutes of the board.

2882 (5) (a) If the board of trustees of a municipal separate
2883 school district with added territory does not have a member who is



2884 a resident of the added territory outside the corporate limits,
2885 upon the petition in writing of any parent or legal guardian of a
2886 school-age child who is a resident of the added territory outside
2887 the corporate limits, the board of trustees of the municipal
2888 separate school district and the county board of education of the
2889 county adjacent to the added territory shall consent to the
2890 transfer of the child from the municipal separate school district
2891 to the adjacent school district. The agreement must be spread
2892 upon the minutes of the board of trustees of the municipal
2893 separate school district and the county board of education of the
2894 adjacent county. The agreement must provide for the
2895 transportation of the student. In the absence of such a
2896 provision, the parent or legal guardian shall be responsible for
2897 transporting the student to the adjacent school district. Any
2898 school district that accepts a student under this subsection may
2899 not assess any tuition fees against the transferring student.

2900 (b) Before September 1 of each year, the board of
2901 trustees of the municipal separate school district shall certify
2902 to the State Department of Education the number of students in the
2903 added territory of the municipal separate school district who are
2904 transferred to the adjacent school district under this subsection.
2905 The municipal separate school district also shall certify the
2906 total number of students in the school district residing in the
2907 added territory plus the number of those students who are
2908 transferred to the adjacent school district. Based upon these
2909 figures, the department shall calculate the percentage of the
2910 total number of students in the added territory who are
2911 transferred to the adjacent school district and shall certify this
2912 percentage to the levying authority for the municipal separate
2913 school district. The levying authority shall remit to the county
2914 board of education of the adjacent county, from the proceeds of
2915 the ad valorem taxes collected for the support of the municipal
2916 separate school district from the added territory of the municipal



2917 separate school district, an amount equal to the percentage of the
2918 total number of students in the added territory who are
2919 transferred to the adjacent school district.

2920 **SECTION 77.** Section 37-57-1, Mississippi Code of 1972, is
2921 amended as follows:

2922 37-57-1. (1) (a) The boards of supervisors of the counties
2923 shall levy and collect all taxes for and on behalf of all school
2924 districts which were within the county school system or designated
2925 as special municipal separate school districts prior to July 1,
2926 1986. Such taxes shall be collected by the county tax collector
2927 at the same time and in the same manner as county taxes are
2928 collected by him, and the same penalties for delinquency shall be
2929 applicable.

2930 The governing authorities of the municipalities shall levy
2931 and collect all taxes for and on behalf of all school districts
2932 which were designated as municipal separate school districts prior
2933 to July 1, 1986. Such taxes shall be collected by the municipal
2934 tax collector at the same time and in the same manner as municipal
2935 taxes are collected by him, and the same penalties for delinquency
2936 shall be applicable.

2937 Except as otherwise provided in Section 19-9-171, the county
2938 or municipal tax collector, as the case may be, shall pay such tax
2939 collections, except for taxes collected for the payment of the
2940 principal of and interest on school bonds or notes and except for
2941 taxes collected to defray collection costs, into the school
2942 depository and report to the county board of education of the
2943 appropriate county at the same time and in the same manner as the
2944 tax collector makes his payments and reports of other taxes
2945 collected by him.

2946 Provided, however, the State Board of Education shall
2947 determine the appropriate levying authority for any school
2948 district created or reorganized after July 1, 1987.



2949 (b) For the purposes of this chapter and any other laws
2950 pertaining to taxes levied or bonds or notes issued for and on
2951 behalf of school districts, the term "levying authority" means the
2952 board of supervisors of the county or the governing authorities of
2953 the municipality, whichever levies taxes for and on behalf of the
2954 particular school district as provided in paragraphs (a) and (b)
2955 of this subsection.

2956 (2) The levying authority for the school district shall, at
2957 the same time and in the same manner as other taxes are levied by
2958 the levying authority, levy a tax of not less than twenty-eight
2959 (28) mills for the then current fiscal year, less the estimated
2960 amount of the yield of the School Ad Valorem Tax Reduction Fund
2961 grant to the school district as determined by the State Department
2962 of Education or twenty-seven percent (27%) of the basic adequate
2963 education program cost for such school district, whichever is a
2964 lesser amount, upon all of the taxable property of the school
2965 district, as required under Section 37-151-7(2)(a). However, in
2966 no case shall the minimum local ad valorem tax effort for any
2967 school district be equal to an amount that would require a millage
2968 rate exceeding fifty-five (55) mills in that school district.
2969 Provided, however, that if a levying authority is levying in
2970 excess of fifty-five (55) mills on July 1, 1997, the levying
2971 authority may levy an additional amount not exceeding three (3)
2972 mills in the aggregate for the period beginning July 1, 1997, and
2973 ending June 30, 2003, subject to the limitation on increased
2974 receipts from ad valorem taxes prescribed in Sections 37-57-105
2975 and 37-57-107. Nothing in this subsection shall be construed to
2976 require any school district that is levying more than fifty-five
2977 (55) mills pursuant to Sections 37-57-1 and 37-57-105 to decrease
2978 its millage rate to fifty-five (55) mills or less. In making such
2979 levy, the levying authority shall levy an additional amount
2980 sufficient to cover anticipated delinquencies and costs of
2981 collection so that the net amount of money to be produced by such



2982 levy shall be equal to the amount which the school district is
2983 required to contribute as its said minimum local ad valorem tax
2984 effort. The tax so levied shall be collected by the tax collector
2985 at the same time and in the same manner as other ad valorem taxes
2986 are collected by him. The amount of taxes so collected as a
2987 result of such levy shall be paid into the district maintenance
2988 fund of the school district by the tax collector at the same time
2989 and in the same manner as reports and payments of other ad valorem
2990 taxes are made by said tax collector, except that the amount
2991 collected to defray costs of collection may be paid into the
2992 county general fund. The levying authority shall have the power
2993 and authority to direct and cause warrants to be issued against
2994 such fund for the purpose of refunding any amount of taxes
2995 erroneously or illegally paid into such fund where such refund has
2996 been approved in the manner provided by law.

2997 **SECTION 78.** Section 37-57-105, Mississippi Code of 1972, is
2998 amended as follows:

2999 37-57-105. (1) In addition to the taxes levied under
3000 Section 37-57-1, the board of supervisors * * *, upon receipt of a
3001 certified copy of an order adopted by the county board of
3002 education requesting an ad valorem tax effort in dollars for the
3003 support of the school district, shall, at the same time and in the
3004 same manner as other ad valorem taxes are levied, levy an annual
3005 ad valorem tax in the amount fixed in such order upon all of the
3006 taxable property of such county, which shall not be less than the
3007 millage rate certified by the State Board of Education as the
3008 uniform minimum school district ad valorem tax levy for the
3009 support of the adequate education program in such school district
3010 under Section 37-57-1. Provided, however, that any school
3011 district levying less than the uniform minimum school district ad
3012 valorem tax levy on July 1, 1997, shall only be required to
3013 increase its local district maintenance levy in four (4) mill
3014 annual increments in order to attain such millage requirements.



3015 In making such levy, the board of supervisors shall levy an
3016 additional amount sufficient to cover anticipated delinquencies
3017 and costs of collection so that the net amount of money to be
3018 produced by such levy shall be equal to the amount which is
3019 requested by said county board of education. The proceeds of such
3020 tax levy, excluding levies for the payment of the principal of and
3021 interest on school bonds or notes and excluding levies for costs
3022 of collection, shall be placed in the school depository to the
3023 credit of the school district and shall be expended in the manner
3024 provided by law for the purpose of supplementing teachers'
3025 salaries, extending school terms, purchasing furniture, supplies
3026 and materials, and for all other lawful operating and incidental
3027 expenses of such school district, funds for which are not provided
3028 by adequate education program fund allotments.

3029 The monies authorized to be received by school districts from
3030 the School Ad Valorem Tax Reduction Fund pursuant to Section
3031 37-61-35 shall be included as ad valorem tax receipts. The
3032 levying authority for the school district, as defined in Section
3033 37-57-1, shall reduce the ad valorem tax levy for such school
3034 district in an amount equal to the amount distributed to such
3035 school district from the School Ad Valorem Tax Reduction Fund each
3036 calendar year pursuant to said Section 37-61-35. Such reduction
3037 shall not be less than the millage rate necessary to generate a
3038 reduction in ad valorem tax receipts equal to the funds
3039 distributed to such school district from the School Ad Valorem Tax
3040 Reduction Fund pursuant to Section 37-61-35. Such reduction shall
3041 not be deemed to be a reduction in the aggregate amount of support
3042 from ad valorem taxation for purposes of Section 37-19-11. The
3043 millage levy certified by the State Board of Education as the
3044 uniform minimum ad valorem tax levy or the millage levy that would
3045 generate funds in an amount equal to a school district's district
3046 entitlement, as defined in Section 37-22-1(2)(e), shall be subject
3047 to the provisions of this paragraph.



3048 In any county where there is located a nuclear generating
3049 power plant on which a tax is assessed under Section 27-35-309(3),
3050 such required levy and revenue produced thereby may be reduced by
3051 the levying authority in an amount in proportion to a reduction in
3052 the base revenue of any such county from the previous year. Such
3053 reduction shall be allowed only if the reduction in base revenue
3054 equals or exceeds five percent (5%). "Base revenue" shall mean
3055 the revenue received by the county from the ad valorem tax levy
3056 plus the revenue received by the county from the tax assessed
3057 under Section 27-35-309(3) and authorized to be used for any
3058 purposes for which a county is authorized by law to levy an ad
3059 valorem tax. For purposes of determining if the reduction equals
3060 or exceeds five percent (5%), a levy of millage equal to the prior
3061 year's millage shall be hypothetically applied to the current
3062 year's ad valorem tax base to determine the amount of revenue to
3063 be generated from the ad valorem tax levy. For the purposes of
3064 this section and Section 37-57-107, the portion of the base
3065 revenue used for the support of any school district shall be
3066 deemed to be the aggregate receipts from ad valorem taxes for the
3067 support of any school district. This paragraph shall apply to
3068 taxes levied for the 1987 fiscal year and for each fiscal year
3069 thereafter. If the Mississippi Supreme Court or another court
3070 finally adjudicates that the tax levied under Section 27-35-309(3)
3071 is unconstitutional, then this paragraph shall stand repealed.

3072 (2) When the tax is levied upon the territory of any school
3073 district located in two (2) or more counties, the order of the
3074 county board of education requesting the levying of such tax shall
3075 be certified to the boards of supervisors of each of the counties
3076 involved, and each of the boards of supervisors shall levy the tax
3077 in the manner specified herein. The taxes so levied shall be
3078 collected by the tax collector of the county involved and remitted
3079 by the tax collector to the school depository of the home county
3080 to the credit of the school district involved as provided above,



3081 except that taxes for collection fees may be retained by the
3082 levying authority for deposit into its general fund.

3083 (3) The aggregate receipts from ad valorem taxes levied for
3084 school district purposes, excluding collection fees, pursuant to
3085 this section and Section 37-57-1 shall be subject to the increased
3086 limitation under Section 37-57-107; however, if the ad valorem tax
3087 effort in dollars requested by the school district for the fiscal
3088 year exceeds the next preceding fiscal year's ad valorem tax
3089 effort in dollars by more than four percent (4%) but not more than
3090 seven percent (7%), then the county board of education shall
3091 publish notice thereof once each week for at least three (3)
3092 consecutive weeks in a newspaper having general circulation in the
3093 school district involved, with the first publication thereof to be
3094 made not less than fifteen (15) days prior to the final adoption
3095 of the budget by the county board of education. If at any time
3096 prior to said adoption a petition signed by not less than twenty
3097 percent (20%) or fifteen hundred (1500), whichever is less, of the
3098 qualified electors of the school district involved shall be filed
3099 with the county board of education requesting that an election be
3100 called on the question of exceeding the next preceding fiscal
3101 year's ad valorem tax effort in dollars by more than four percent
3102 (4%) but not more than seven percent (7%), then the county board
3103 of education shall, not later than the next regular meeting, adopt
3104 a resolution calling an election to be held within such school
3105 district upon such question. The election shall be called and
3106 held, and notice thereof shall be given, in the same manner for
3107 elections upon the questions of the issuance of the bonds of
3108 school districts, and the results thereof shall be certified to
3109 the county board of education. The ballot shall contain the
3110 language "For the School Tax Increase Over Four Percent (4%)" and
3111 "Against the School Tax Increase Over Four Percent (4%)." If a
3112 majority of the qualified electors of the school district who
3113 voted in such election shall vote in favor of the question, then



3114 the stated increase requested by the county board of education
3115 shall be approved. For the purposes of this paragraph, the
3116 revenue sources excluded from the increased limitation under
3117 Section 37-57-107 shall also be excluded from the limitation
3118 described herein in the same manner as they are excluded under
3119 Section 37-57-107.

3120 **SECTION 79.** Section 37-57-107, Mississippi Code of 1972, is
3121 amended as follows:

3122 37-57-107. Beginning with the tax levy for the 1997 fiscal
3123 year and for each fiscal year thereafter, the aggregate receipts
3124 from taxes levied for school district purposes pursuant to
3125 Sections 37-57-105 and 37-57-1 shall not exceed the aggregate
3126 receipts from those sources during any one (1) of the immediately
3127 preceding three (3) fiscal years, as determined by the county
3128 board of education, plus an increase not to exceed seven percent
3129 (7%). For the purpose of this limitation, the term "aggregate
3130 receipts" when used in connection with the amount of funds
3131 generated in a preceding fiscal year shall not include excess
3132 receipts required by law to be deposited into a special account.
3133 The additional revenue from the ad valorem tax on any newly
3134 constructed properties or any existing properties added to the tax
3135 rolls or any properties previously exempt which were not assessed
3136 in the next preceding year may be excluded from the seven percent
3137 (7%) increase limitation set forth herein. Taxes levied for
3138 payment of principal of and interest on general obligation school
3139 bonds issued heretofore or hereafter shall be excluded from the
3140 seven percent (7%) increase limitation set forth herein. Any
3141 additional millage levied to fund any new program mandated by the
3142 Legislature shall be excluded from the limitation for the first
3143 year of the levy and included within such limitation in any year
3144 thereafter. For the purposes of this section, the term "new
3145 program" shall include, but shall not be limited to, (a) the Early
3146 Childhood Education Program required to commence with the



3147 1986-1987 school year as provided by Section 37-21-7 and any
3148 additional millage levied and the revenue generated therefrom,
3149 which is excluded from the limitation for the first year of the
3150 levy, to support the mandated Early Childhood Education Program
3151 shall be specified on the minutes of the county board of education
3152 and of the governing body making such tax levy; (b) any additional
3153 millage levied and the revenue generated therefrom which shall be
3154 excluded from the limitation for the first year of the levy, for
3155 the purpose of generating additional local contribution funds
3156 required for the adequate education program for the 2003 fiscal
3157 year and for each fiscal year thereafter under Section
3158 37-151-7(2); and (c) any additional millage levied and the revenue
3159 generated therefrom which shall be excluded from the limitation
3160 for the first year of the levy, for the purpose of support and
3161 maintenance of any agricultural high school which has been
3162 transferred to the control, operation and maintenance of the
3163 county board of education by the board of trustees of the
3164 community college district under provisions of Section 37-29-272.

3165 The seven percent (7%) increase limitation prescribed in this
3166 section may be increased an additional amount only when the county
3167 board of education has determined the need for additional revenues
3168 and has held an election on the question of raising the limitation
3169 prescribed in this section. The limitation may be increased only
3170 if three-fifths (3/5) of those voting in the election shall vote
3171 for the proposed increase. The resolution, notice and manner of
3172 holding the election shall be as prescribed by law for the holding
3173 of elections for the issuance of bonds by the respective county
3174 boards of education. Revenues collected for the fiscal year in
3175 excess of the seven percent (7%) increase limitation pursuant to
3176 an election shall be included in the tax base for the purpose of
3177 determining aggregate receipts for which the seven percent (7%)
3178 increase limitation applies for subsequent fiscal years.



3179 Except as otherwise provided for excess revenues generated
3180 pursuant to an election, if revenues collected as the result of
3181 the taxes levied for the fiscal year pursuant to this section and
3182 Section 37-57-1 exceed the increase limitation, then it shall be
3183 the mandatory duty of the county board of education to deposit
3184 such excess receipts over and above the increase limitation into a
3185 special account and credit it to the fund for which the levy was
3186 made. It will be the further duty of such board to hold said
3187 funds and invest the same as authorized by law. Such excess funds
3188 shall be calculated in the budgets for the school districts for
3189 the purpose for which such levies were made, for the succeeding
3190 fiscal year. Taxes imposed for the succeeding year shall be
3191 reduced by the amount of excess funds available. Under no
3192 circumstances shall such excess funds be expended during the
3193 fiscal year in which such excess funds are collected.

3194 For the purposes of determining ad valorem tax receipts for a
3195 preceding fiscal year under this section, the term "fiscal year"
3196 means the fiscal year beginning October 1 and ending September 30.

3197 **SECTION 80.** Section 37-59-3, Mississippi Code of 1972, is
3198 amended as follows:

3199 37-59-3. The county board of education is authorized to
3200 issue negotiable bonds of such school district to raise money for
3201 the following purposes:

3202 (a) Purchasing, erecting, repairing, equipping,
3203 remodeling and enlarging school buildings and related facilities,
3204 including gymnasiums, auditoriums, lunch rooms, vocational
3205 training buildings, libraries, teachers' homes, school barns,
3206 transportation vehicles and garages for transportation vehicles,
3207 and purchasing land therefor.

3208 (b) Establishing and equipping school athletic fields
3209 and necessary facilities connected therewith, and purchasing land
3210 therefor.



3211 (c) Providing necessary water, light, heating, air
3212 conditioning and sewerage facilities for school buildings, and
3213 purchasing land therefor.

3214 (d) Paying part of the costs to be incurred in
3215 erecting, repairing, equipping, remodeling and enlarging school
3216 buildings and related facilities which are owned and operated by
3217 state-supported institutions of higher education as a
3218 demonstration or practice school attended by pupils, grades, or
3219 one or more, or parts of grades from the educable children of such
3220 school district pursuant to a contract or agreement between said
3221 institution and said school district.

3222 The authority to issue the bonds hereinabove set forth shall
3223 include the authority for the county board of education of such
3224 school district to spend the money for the purposes for which said
3225 money is raised.

3226 **SECTION 81.** Section 37-59-11, Mississippi Code of 1972, is
3227 amended as follows:

3228 37-59-11. (1) Before any money shall be borrowed under the
3229 provisions of this chapter, the county board of education shall
3230 adopt a resolution declaring the necessity for borrowing such
3231 money, declaring its intention to borrow such money and to issue
3232 the negotiable bonds of the school district as evidence of same,
3233 specifying the approximate amount to be so borrowed, and how such
3234 indebtedness is to be evidenced. Such resolution shall also set
3235 forth the nature and approximate cost of the alterations,
3236 additions and repairs to be made, and shall declare in said
3237 resolution that no funds are available in the school funds of the
3238 district or from any other source with which to make such repairs,
3239 alterations, additions, purchases, erections or improvements.

3240 (2) Whenever a resolution is adopted by the county board of
3241 education as provided in subsection (1), or a petition signed by
3242 not less than ten percent (10%) of the qualified electors of a
3243 school district, fixing the maximum amount of such school bonds



3244 and the purpose or purposes for which they are to be issued, the
3245 county board of education shall adopt a resolution calling an
3246 election to be held within such school district for the purpose of
3247 submitting to the qualified electors thereof the question of the
3248 issuance of bonds in the amount and for the purpose or purposes as
3249 set forth in such resolution or petition. The resolution calling
3250 such election shall designate the date upon which the election
3251 shall be held and the place or places within such district at
3252 which such election shall be held, which place or places may or
3253 may not be the schoolhouse or schoolhouses in such district.

3254 (3) Provided, however, anything herein to the contrary
3255 notwithstanding, no election shall be required for approval of
3256 bonds issued after July 1, 1987, and prior to July 1, 1988, or
3257 within one (1) year after the final favorable termination of any
3258 litigation affecting the issuance of such bonds, and as to which
3259 the resolution of necessity and intent to issue by the county
3260 board of education is passed and publication thereof commenced on
3261 or before June 30, 1987, unless a petition calling for such
3262 election is filed meeting the requirements and within the time
3263 provided by this Section 37-59-11 as in effect between April 15,
3264 1986, and June 30, 1987.

3265 **SECTION 82.** Section 37-59-13, Mississippi Code of 1972, is
3266 amended as follows:

3267 37-59-13. Where an election has been called, as provided in
3268 Section 37-59-11, notice of such election shall be signed by the
3269 president of the county board of education and shall be published
3270 once a week for at least three (3) consecutive weeks, in at least
3271 one (1) newspaper published in such school district. The first
3272 publication of such notice shall be made not less than twenty-one
3273 (21) days prior to the date fixed for such election, and the last
3274 publication shall be made not more than seven (7) days prior to
3275 such date. If no newspaper is published in such school district,
3276 then such notice shall be given by publishing the same for the



3277 required time in some newspaper having a general circulation in
3278 such school district.

3279 **SECTION 83.** Section 37-59-17, Mississippi Code of 1972, is
3280 amended as follows:

3281 37-59-17. When the results of the election on the question
3282 of the issuance of such bonds shall have been canvassed by the
3283 election commissioners of such county or municipality, and
3284 certified by them to the county board of education, it shall be
3285 the duty of such county board of education to determine and
3286 adjudicate whether or not three-fifths (3/5) of the qualified
3287 electors who voted in such election voted in favor of the issuance
3288 of such bonds. Unless three-fifths (3/5) of the qualified
3289 electors who voted in such election shall have voted in favor of
3290 the issuance of such bonds, then such bonds shall not be issued.
3291 Should three-fifths (3/5) of the qualified electors who vote in
3292 such election vote in favor of the issuance of such bonds, then
3293 the county board of education shall issue such bonds, either in
3294 whole or in part, within two (2) years from the date of such
3295 election, or within two (2) years after the final favorable
3296 termination of any litigation affecting the issuance of such
3297 bonds, as such county board of education shall deem best.

3298 **SECTION 84.** Section 37-59-19, Mississippi Code of 1972, is
3299 amended as follows:

3300 37-59-19. When a petition signed by a majority of the
3301 qualified electors residing within the school district on behalf
3302 of which bonds are to be issued, fixing the maximum amount of such
3303 bonds, such maximum amount not to exceed Ten Thousand Dollars
3304 (\$10,000.00), and the purpose or purposes for which they are to be
3305 issued, shall be filed with the county board of education, praying
3306 for the issuance of bonds for any of the purposes enumerated in
3307 Section 37-59-3, the county board of education shall issue the
3308 bonds of such school district in the manner provided in this
3309 article, in the amount and for the purpose or purposes set forth



3310 in such petition, without the necessity of calling an election
3311 upon the question of whether or not such bonds shall be issued.
3312 The finding of the county board of education as to the sufficiency
3313 of any such petition shall be final and conclusive, unless such
3314 finding be appealed from in the manner provided by law.

3315 **SECTION 85.** Section 37-59-23, Mississippi Code of 1972, is
3316 amended as follows:

3317 37-59-23. The board of supervisors * * *, acting for and on
3318 behalf of the countywide school district, shall annually levy a
3319 special tax upon all of the taxable property within such county,
3320 which shall be sufficient to provide for the payment of the
3321 principal of and the interest on school bonds issued under the
3322 provisions of this article according to the terms thereof.

3323 In the case of school bonds issued under the provisions of
3324 Section 37-59-21, it shall be the duty of the board of supervisors
3325 of the county having the greater assessed valuation of taxable
3326 property within such district to annually levy upon all of the
3327 taxable property within such district, without regard to county
3328 lines, a special tax, which shall be sufficient to provide for the
3329 payment of the principal of and interest on such bonds according
3330 to the terms thereof. Such board shall annually certify to the
3331 board of supervisors of the other county or counties in which a
3332 portion of the district is situated the rate of taxation so fixed,
3333 and it shall be the duty of such other board or boards to cause
3334 such rate of taxation to be levied upon all of the taxable
3335 property within the boundaries of such district situated within
3336 their respective counties. Said taxes shall be collected and
3337 deposited as other taxes are collected and deposited in such
3338 county or counties, and the tax collector thereof shall thereupon
3339 cause such taxes to be remitted to the county depository of the
3340 county for which the bonds were issued.

3341 **SECTION 86.** Section 37-59-27, Mississippi Code of 1972, is
3342 amended as follows:



3343 37-59-27. All bonds issued by a school district shall mature
3344 annually, with all maturities not longer than twenty (20) years.
3345 Not less than one-fiftieth (1/50) of the total issue shall mature
3346 each year during the first five (5) years of the life of such
3347 bonds, and not less than one-twenty-fifth (1/25) of the total
3348 issue shall mature each year during the succeeding period of ten
3349 (10) years of the life of such bonds, and the remainder shall be
3350 amortized, as to principal and interest, into approximately equal
3351 annual payments, one (1) payment to mature each year for the
3352 remaining life of such bonds. However, in cases where bonds shall
3353 be issued or dated subsequent to the date fixed for making the
3354 school tax levy in the year in which such bonds are to be issued,
3355 the first maturity date of not less than one-fiftieth (1/50) of
3356 the total issue may be fixed for any period not exceeding two (2)
3357 years from the date of the bonds with the same schedule of
3358 subsequent maturities as hereinabove set forth. Such bonds shall
3359 not bear a greater overall maximum interest rate to maturity than
3360 that allowed in Section 75-17-101, Mississippi Code of 1972. No
3361 bond shall bear more than one (1) rate of interest. Each bond
3362 shall bear interest from its date to its stated maturity date at
3363 the interest rate specified in the bid. All bonds of the same
3364 maturity shall bear the same rate of interest from date to
3365 maturity. All interest accruing on such bonds so issued shall be
3366 payable semiannually or annually, except that the first interest
3367 coupon attached to any such bond may be for any period not
3368 exceeding one (1) year.

3369 No interest payment shall be evidenced by more than one (1)
3370 coupon and neither cancelled nor supplemental coupons shall be
3371 permitted. The lowest interest rate specified for any bonds
3372 issued shall not be less than seventy percent (70%) of the highest
3373 interest rate specified for the same bond issue. The interest
3374 rate of any one (1) interest coupon shall not exceed the maximum
3375 interest rate allowed on such bonds. Each interest rate specified



3376 in any bid must be in multiples of one-eighth of one percent (1/8
3377 of 1%) or in multiples of one-tenth of one percent (1/10 of 1%),
3378 and a zero rate of interest cannot be named.

3379 The form and place or places of payment of such bonds shall
3380 be fixed in the resolution or order of the county board of
3381 education issuing such bonds. Such bonds shall be executed by the
3382 manual or facsimile signature of the president of the county board
3383 of education and the county superintendent of education, with the
3384 official seal or facsimile thereof of such school district affixed
3385 thereto. At least one (1) signature on each bond shall be a
3386 manual signature, as specified in the issuing resolution. The
3387 coupons may bear only the facsimile signatures of such president
3388 of the county board of education and county superintendent of
3389 education. However, if so provided in the issuing resolution, if
3390 the manual signature of the trustee or other fiduciary or agent
3391 charged with authenticating and issuing the bonds is required to
3392 be thereon, both the signatures of the president of the county
3393 board of education and the county superintendent of education may
3394 be by facsimile. No bonds shall be issued and sold under the
3395 provisions of this article for less than par and accrued interest.

3396 The bond register for all outstanding bond issues of such
3397 school district shall be maintained by the county board of
3398 education.

3399 **SECTION 87.** Section 37-59-29, Mississippi Code of 1972, is
3400 amended as follows:

3401 37-59-29. The proceeds of any bonds issued by a school
3402 district shall be placed in the county or municipal treasury or
3403 depository, as the case may be, if there be one, as a special
3404 fund, and shall be used for no other purpose than that for which
3405 such bonds were authorized to be issued. If the county board of
3406 education or any member thereof, or any other officer, shall
3407 willfully divert or aid or assist in diverting any such fund, or
3408 any part thereof, to any purpose other than that for which such



3409 bonds were authorized to be issued, then such person shall be
3410 guilty of a felony and, upon conviction, shall be punished by
3411 imprisonment in the state penitentiary for a term not exceeding
3412 five (5) years. In addition, he shall be liable personally and on
3413 his official bond for the amount so diverted. Any member of such
3414 county board of education may escape the penalty provided for
3415 above by requesting and having his vote recorded in the negative
3416 on any illegal diversion of the proceeds of such bonds. Nothing
3417 contained in this section shall be construed to prevent the
3418 payment or rebate of a portion of the earnings derived from the
3419 investment of the bond proceeds to the federal government to the
3420 extent required by the federal laws applicable to such bonds or
3421 the interest income thereon in order to maintain their tax exempt
3422 status.

3423 **SECTION 88.** Section 37-59-31, Mississippi Code of 1972, is
3424 amended as follows:

3425 37-59-31. In any case where the issuance of the bonds of a
3426 school district has been authorized pursuant to referendum of the
3427 qualified electors of the school district under the provisions of
3428 this article, and at any time prior to the actual issuance and
3429 sale of said bonds, there should be a resolution adopted by the
3430 county board of education on whose behalf the bonds are to be
3431 issued requesting either that the authority to issue said bonds be
3432 withdrawn and revoked or that the purpose or purposes for which
3433 the bonds are to be issued be amended, altered and changed, in
3434 which latter case the resolution shall specify distinctly the
3435 amendment, alteration and change proposed, the county board of
3436 education shall, within sixty (60) days after the adoption of such
3437 resolution, call an election to be held within the school district
3438 involved for the purpose of submitting to the qualified electors
3439 thereof the question of whether the authority to issue the bonds
3440 should be withdrawn and revoked or whether the purpose or purposes
3441 for which the bonds are to be issued should be amended, altered



3442 and changed, as the case may be. The resolution calling said
3443 election shall designate the date upon which the election will be
3444 held and the place or places within such district at which same
3445 will be held, which place or places may or may not be the school
3446 house or school houses of such district. In all respects, notice
3447 of the election shall be given for the time and in the manner
3448 otherwise provided in this article with respect to elections upon
3449 the question of the issuance of bonds of the school district. The
3450 results of the election shall be canvassed, returned and
3451 determined as is otherwise provided in this article with respect
3452 to elections upon the question of the issuance of school district
3453 bonds. The ballots used at said election shall have printed
3454 thereon a brief statement of the proposal that the authority to
3455 issue the bonds be withdrawn and revoked, or of the proposal that
3456 the purpose or purposes for which the bonds are to be issued be
3457 amended, altered and changed, as the case may be and in the event
3458 the proposal be to amend, alter and change the purpose or purposes
3459 of the proposed issue of bonds, a brief statement of the
3460 amendments, alterations and changes proposed. There shall also be
3461 printed on the ballot the words "FOR THE PROPOSITION" and the
3462 words "AGAINST THE PROPOSITION" and the voter shall vote by
3463 placing a cross (x) or check mark (v) opposite his choice. If a
3464 majority of the qualified electors who vote in said election shall
3465 vote in favor of the proposition, and the proposition be to
3466 withdraw or revoke the authority to issue said bonds, then the
3467 authority to issue such bonds shall terminate; otherwise, the
3468 county board of education shall continue to have the power and
3469 authority to issue said bonds to the same extent as though such
3470 election shall not have been held. If a majority of the qualified
3471 electors who vote in said election shall vote in favor of the
3472 proposition, and the proposition be to amend, alter or change the
3473 purpose or purposes for which the bonds shall be issued, then the
3474 county board of education shall be authorized to issue said bonds



3475 for the purpose or purposes as amended, altered and changed;
3476 otherwise, the bonds shall be issued for the purpose or purposes
3477 originally specified.

3478 **SECTION 89.** Section 37-59-35, Mississippi Code of 1972, is
3479 amended as follows:

3480 37-59-35. Whenever there shall be on hand in any bond and
3481 interest fund an amount in excess of the amount which will be
3482 required for expenditure therefrom within the then next succeeding
3483 twelve (12) months, the county board of education may use such
3484 excess amount to purchase the outstanding bonds of such school
3485 district which are payable from such fund whenever, in the
3486 judgment of such county board of education, the best interest of
3487 the district would be served thereby. When such bonds are
3488 purchased, they shall be cancelled and retired and shall not
3489 thereafter be resold or reissued. Nothing contained in this
3490 section shall be construed to prevent the payment of a portion of
3491 the earnings derived from the investment of the amounts in the
3492 bond and interest fund to the federal government to the extent
3493 required by the federal laws applicable to such bonds or the
3494 interest income thereon in order to maintain their tax exempt
3495 status.

3496 **SECTION 90.** Section 37-59-37, Mississippi Code of 1972, is
3497 amended as follows:

3498 37-59-37. The county board of education shall have the power
3499 and authority to borrow money for the anticipated current year's
3500 expenses of such school district in anticipation of the collection
3501 of ad valorem taxes and other revenues of such school district for
3502 the then current fiscal year. The money so borrowed shall bear
3503 interest at a rate not greater than that allowed in Section
3504 75-17-105 and shall be repaid within fourteen (14) months from the
3505 date of such borrowing out of the taxes and revenues in
3506 anticipation of which such money is borrowed. Such money shall be
3507 used for no other purpose than the payment of the current year's



3508 expenses of such school district. Pending the expenditure of
3509 funds borrowed under the provisions of this section, such funds
3510 may be invested in any manner in which any school district,
3511 municipality, county, state agency or other public body may invest
3512 surplus funds.

3513 The amount borrowed under the provisions of this section
3514 shall in no event exceed the estimated amount of taxes and
3515 revenues collected or to be collected during the last preceding
3516 fiscal year, unless the tax levy for the current fiscal year has
3517 been made, then the amount borrowed under the provisions of this
3518 section shall in no event exceed the estimated amount of taxes and
3519 revenues collected or to be collected during the current fiscal
3520 year. Revenue anticipation notes issued under the provisions of
3521 this section shall be issued within the same fiscal year during
3522 which the tax levy is or will be made and other revenues received
3523 which it is anticipated will produce the funds from which the said
3524 notes will be repaid.

3525 In borrowing money under the provisions of this section, it
3526 shall not be necessary to publish notice of intention so to do or
3527 to secure the consent of the qualified electors of such school
3528 district, either by election or otherwise. Such borrowing shall
3529 be authorized by order or resolution of the county board of
3530 education and may be evidenced by negotiable note or notes, signed
3531 and executed in such form as may be prescribed in such order or
3532 resolution. Such note or notes may be sold at a negotiated sale.
3533 Money may be borrowed in anticipation of ad valorem taxes and
3534 other revenues under the provisions of this section, regardless of
3535 whether or not such borrowing shall create an indebtedness in
3536 excess of statutory limitations.

3537 Money may likewise be borrowed by any such school district,
3538 as herein provided, for the purpose of paying current interest
3539 maturities on any bonded indebtedness of such school district in



3540 anticipation of the collection of taxes for the retirement of such
3541 bonded indebtedness and the payment of any interest thereon.

3542 **SECTION 91.** Section 37-59-43, Mississippi Code of 1972, is
3543 amended as follows:

3544 37-59-43. (1) Whenever any countywide school district * * *
3545 shall have on hand any bond and interest funds, any funds derived
3546 from the sale of bonds, or any other funds in excess of the sums
3547 which will be required for payment of current obligations and
3548 expenses as they come due, and which are not needed or cannot by
3549 law be used for the payment of the current obligations or expenses
3550 of the school district, the county board of education shall have
3551 the power and authority to invest such excess funds in any bonds
3552 or other direct obligations of the United States of America or the
3553 State of Mississippi, or of any county or municipality of this
3554 state, which such county or municipal bonds have been approved by
3555 a reputable bond attorney or have been validated by a decree of
3556 the chancery court; or in interest-bearing time certificates of
3557 deposit or interest-bearing accounts with or through any financial
3558 institution approved for the deposit of state funds; and such
3559 institution shall be eligible to hold school district funds to the
3560 extent that it is qualified as a depository for state funds; or in
3561 any type of investment permitted by Sections 27-105-33(d) and
3562 27-105-33(e). The rate of interest on such time certificates of
3563 deposit and interest-bearing accounts may be negotiated. The
3564 negotiated rate of interest shall be at the highest rate possible
3565 at the date of purchase or investment for such time certificates
3566 of deposit or interest-bearing accounts. In any event, the bonds
3567 or obligations in which such funds are invested shall mature or be
3568 redeemable prior to the time the funds so invested will be needed
3569 for expenditure. When bonds or other obligations have been so
3570 purchased, the same may be sold or surrendered for redemption at
3571 any time, except certificates of deposit which must mature, by
3572 order or resolution of such county board of education, and the



3573 president of the county board of education, when authorized by
3574 such order or resolution, shall have the power and authority to
3575 execute all instruments and take such other action as may be
3576 necessary to effectuate the sale or redemption thereof. In
3577 addition to the foregoing, any county board of education may
3578 invest any such funds in the same manner as provided for the
3579 investment of sixteenth section principal funds pursuant to
3580 Section 29-3-113.

3581 (2) The provisions of subsection (1) of this section shall
3582 also apply to funds of community and junior college districts, and
3583 the governing authorities of such districts are vested with all
3584 power and authority with respect to such funds and matters herein
3585 mentioned as are vested in the other boards mentioned above with
3586 respect to such matters.

3587 (3) All earnings from funds other than bond funds or bond
3588 sinking funds in excess of One Hundred Dollars (\$100.00) in any
3589 fiscal year, invested according to the provisions of subsections
3590 (1) and (2) of this section shall be deposited in the district
3591 fund from which the investment was made, or the treasury of the
3592 junior college, as the case may be. Earnings from such school
3593 district funds which are less than One Hundred Dollars (\$100.00)
3594 in any fiscal year may be deposited in the school district
3595 maintenance fund, or in the district fund from which the
3596 investment was made, in the discretion of the county board of
3597 education. Earnings from funds invested out of bond funds or bond
3598 sinking funds, together with the principal thereof, shall be
3599 deposited in the fund from which the investment was made.

3600 (4) Nothing contained in this section shall be construed to
3601 prevent the payment of a portion of the earnings derived from the
3602 investment of bond proceeds or any other amounts in the bond fund
3603 or related reserve or sinking funds to the federal government to
3604 the extent required by the federal laws applicable to such bonds



3605 or the interest income thereon in order to maintain their tax
3606 exempt status.

3607 **SECTION 92.** Section 37-59-101, Mississippi Code of 1972, is
3608 amended as follows:

3609 37-59-101. The county board of education in the county is
3610 authorized and empowered, in its discretion, to borrow money under
3611 the terms and conditions specified in this article for the purpose
3612 of making repairs, alterations and additions to school buildings
3613 of such school districts, for the purpose of erecting school
3614 buildings and other buildings used for school purposes, for the
3615 purpose of purchasing heating plants, air conditioning, fixtures
3616 and equipment for such buildings, for the purpose of purchasing
3617 land for school purposes, school buses and transportation
3618 equipment, and for the purpose of improving and equipping such
3619 lands for school recreational and athletic purposes.

3620 **SECTION 93.** Section 37-59-103, Mississippi Code of 1972, is
3621 amended as follows:

3622 37-59-103. Before any money shall be borrowed under the
3623 provisions of this article, the county board of education shall
3624 adopt a resolution declaring the necessity for and its intention
3625 of borrowing such money, specifying the amount to be so borrowed,
3626 the date or dates of the maturity thereof, and how such
3627 indebtedness is to be evidenced. Such resolution shall also set
3628 forth the nature and approximate cost of the alterations,
3629 additions, and repairs to be made, or of the erections
3630 contemplated, or of the heating plant, fixtures and equipment
3631 necessary to be purchased, or of the land to be purchased,
3632 improved or equipped, or of the school buses and transportation
3633 equipment to be purchased, as the case may be, and shall declare
3634 in said resolution that no funds are available in the school funds
3635 of the district or from any other source with which to make such
3636 repairs, alterations, additions, purchases, erections or
3637 improvements.



3638 **SECTION 94.** Section 37-59-105, Mississippi Code of 1972, is
3639 amended as follows:

3640 37-59-105. The said resolution adopted by the county board
3641 of education pursuant to Section 37-59-103 shall be published once
3642 each week for two (2) consecutive weeks in a newspaper having a
3643 general circulation in the school district involved, with the
3644 first publication thereof to be made not less than fifteen (15)
3645 days prior to the date upon which the county board of education is
3646 to take final action upon the question of authorizing the
3647 borrowing of said money. If no petition requesting an election is
3648 filed prior to such meeting, then the county board of education
3649 shall, at said meeting, by resolution spread upon its minutes,
3650 give final approval to the borrowing of said money and shall
3651 authorize the issuance of negotiable notes or certificates of
3652 indebtedness of the school district therefor in accordance with
3653 the provisions of this article.

3654 If at any time prior to said meeting a petition signed by not
3655 less than twenty percent (20%) of the qualified electors of the
3656 school district involved shall be filed with the county board of
3657 education requesting that an election be called on the question of
3658 incurring said indebtedness, then the county board of education
3659 shall, not later than the next regular meeting, adopt a resolution
3660 calling an election to be held within such school district upon
3661 the question of the incurring of said indebtedness for the
3662 purposes and in the amount requested. Such election shall be
3663 called and held, and notice thereof shall be given, in the same
3664 manner provided in Article 1 of this chapter for elections upon
3665 the question of the issuance of the bonds of school districts, and
3666 the results thereof shall be certified to the county board of
3667 education. If three-fifths (3/5) of the qualified electors voting
3668 in said election shall vote in favor of incurring said
3669 indebtedness, then the county board of education shall proceed to
3670 issue said negotiable notes or certificates of indebtedness as



3671 prayed for in the original resolution of the county board of
3672 education; however, if less than three-fifths (3/5) of the
3673 qualified electors voting in said election vote in favor of
3674 incurring said indebtedness, then said notes or certificates of
3675 indebtedness shall not be issued.

3676 Money may be borrowed under the provisions of this article
3677 and the negotiable notes or certificates of indebtedness
3678 evidencing same may be issued as provided in this article (1)
3679 without the necessity of being authorized in an election called
3680 for that purpose, except where a petition requesting an election
3681 is filed as provided herein and (2) without the necessity of
3682 giving notice thereof except as specifically provided herein, and
3683 specifically without the necessity of complying with the
3684 requirements of Section 31-19-25.

3685 **SECTION 95.** Section 37-59-107, Mississippi Code of 1972, is
3686 amended as follows:

3687 37-59-107. The board of supervisors shall annually levy a
3688 special tax on all of the taxable property of the school district
3689 on whose behalf the notes or certificates of indebtedness are
3690 issued in an amount which shall be sufficient to pay the principal
3691 of and interest upon such negotiable notes or certificates of
3692 indebtedness as the same shall respectively mature and accrue.
3693 Said tax shall be levied and collected at the same time and in the
3694 same manner as other taxes are collected and said tax shall be in
3695 addition to all other taxes authorized by law. It is expressly
3696 provided, however, that such annual tax levy shall not exceed
3697 three (3) mills on the dollar for the payment of all notes issued
3698 under the provisions of this article and all notes previously
3699 issued under the statutes hereby repealed. The special tax so
3700 levied shall be collected by the tax collector of the county at
3701 the same time and in the same manner as other taxes are collected,
3702 and the proceeds thereof shall be paid to the school district and
3703 shall be used exclusively for the payment of principal of and

3704 interest upon such negotiable notes or certificates of
3705 indebtedness.

3706 **SECTION 96.** Section 37-59-109, Mississippi Code of 1972, is
3707 amended as follows:

3708 37-59-109. If the school district on whose behalf money is
3709 to be borrowed under the provisions of this article shall lie in
3710 two (2) or more counties, said county board of education shall
3711 take all steps required by this article in the issuance of the
3712 negotiable notes or certificates of indebtedness of the district
3713 without regard to county lines. The negotiable notes or
3714 certificates of indebtedness shall be general obligations of the
3715 entire school district without regard to county lines and shall
3716 constitute a lien upon all of the taxable property thereof.

3717 The board of supervisors of the county which furnishes the
3718 largest assessed valuation of the property in the district shall
3719 annually certify to the board of supervisors of each county in
3720 which the district is located the amount of the annual tax levy
3721 required for the payment of the principal of and interest upon
3722 said notes or certificates of indebtedness, and each such board of
3723 supervisors shall annually levy such tax at the same time and in
3724 the same manner as other taxes are levied by such board in the
3725 amount so fixed. The taxes so levied shall be collected by the
3726 tax collector of each county in the same manner as other taxes are
3727 collected and shall be remitted to the school district depository.
3728 Such school district depository shall deposit said funds to the
3729 credit of the special fund provided for in Section 37-59-107 for
3730 the payment of the principal of and interest upon such notes or
3731 certificates of indebtedness.

3732 **SECTION 97.** Section 37-59-111, Mississippi Code of 1972, is
3733 amended as follows:

3734 37-59-111. All indebtedness incurred under the provisions of
3735 this article shall be evidenced by the negotiable notes or
3736 certificates of indebtedness of the school district on whose



3737 behalf the money is borrowed. Said notes or certificates of
3738 indebtedness shall be signed by the president of the county board
3739 of education and county superintendent of education * * *. Such
3740 notes or certificates of indebtedness shall not bear a greater
3741 overall maximum interest rate to maturity than the rates now or
3742 hereafter authorized under the provisions of Section 19-9-19. No
3743 such notes or certificates of indebtedness shall be issued and
3744 sold for less than par and accrued interest. All such notes or
3745 certificates of indebtedness shall mature according to the
3746 following:

3747 (a) All notes or certificates of indebtedness issued
3748 for purposes authorized under Section 37-59-101, with the
3749 exception of the financing of school buses and transportation
3750 equipment, shall mature in approximately equal installments of
3751 principal and interest over a period not to exceed twenty (20)
3752 years from the date of issuance thereof. Provided, however, that
3753 if negotiable notes used to finance other such capital
3754 improvements are outstanding from not more than one (1) previous
3755 issue authorized under the provisions of this article, then the
3756 schedule of payments for a new or supplementary issue may be so
3757 adjusted that the schedule of maturities of all notes or series of
3758 notes hereunder shall, when combined, mature in approximately
3759 equal installments of principal and interest over a period of
3760 twenty (20) years from the date of the new or supplementary issue,
3761 or if a lower interest rate will be secured on notes previously
3762 issued and outstanding, a portion of the proceeds of any issue
3763 authorized hereunder may be used to refund the balance of the
3764 indebtedness previously issued under the authority of this
3765 article.

3766 (b) All notes or certificates of indebtedness for
3767 purposes of financing of school buses and transportation equipment
3768 shall mature in approximately equal installments of principal and
3769 interest over a period not to exceed ten (10) years from the date



3770 of issuance thereof. Provided, however, that if negotiable notes
3771 used to finance such noncapital improvements are outstanding from
3772 not more than one (1) previous issue authorized under the
3773 provisions of this article, then the schedule of payments for a
3774 new or supplementary issue may be so adjusted that the schedule of
3775 maturities of all notes or series of notes hereunder shall, when
3776 combined, mature in approximately equal installments of principal
3777 and interest over a period of ten (10) years from the date of the
3778 new or supplementary issue, or if a lower interest rate will
3779 thereby be secured on notes previously issued and outstanding, a
3780 portion of the proceeds of any issue authorized hereunder may be
3781 used to refund the balance of the indebtedness previously issued
3782 under the authority of this article.

3783 Such notes or certificates of indebtedness shall be issued in
3784 such form and in such denominations as may be determined by the
3785 county board of education, and same may be made payable at the
3786 office of any bank or trust company selected by the county board
3787 of education, and, in such case, funds for the payment of
3788 principal and interest due thereon shall be provided in the same
3789 manner provided by law for the payment of the principal and
3790 interest due on bonds issued by the taxing districts of this
3791 state.

3792 Any school district in Mississippi may borrow money from the
3793 United States Department of Agriculture Rural Development agency
3794 under any provision of state or federal law that provides for the
3795 borrowing of money by school districts.

3796 **SECTION 98.** Sections 37-57-131 and 37-57-133, Mississippi
3797 Code of 1972, which provide for the levy and collection of ad
3798 valorem taxes in annexed territory, are hereby repealed.

3799 **SECTION 99.** Section 29-3-1.1, Mississippi Code of 1972, is
3800 amended as follows:



3801 29-3-1.1. For purposes of this chapter, the following terms
3802 shall have the meaning ascribed herein, unless the context shall
3803 otherwise require:

3804 (a) "Board of education" shall mean that county board
3805 of education of the county in whose present jurisdiction (i) is
3806 situated a sixteenth section of land, or (ii) was originally
3807 situated a sixteenth section of land for which land has been
3808 granted in lieu thereof. Provided, however, that in the event a
3809 sixteenth section is situated within two (2) or more counties, the
3810 term "board of education" shall mean that county board of
3811 education whose school district embraces the greatest land area
3812 within the township in which said sixteenth section is located.

3813 (b) "Superintendent of education" shall mean that
3814 county superintendent of education of a county whose board of
3815 education has control and jurisdiction over any sixteenth section
3816 lands or lands granted in lieu thereof.

3817 **SECTION 100.** Section 37-61-3, Mississippi Code of 1972, is
3818 amended as follows:

3819 37-61-3. The adequate education program allotments of the
3820 public school districts and the funds derived from the
3821 supplemental school district tax levies authorized by law shall be
3822 used exclusively for the support, maintenance and operation of the
3823 schools in the manner provided by law for the fiscal years for
3824 which such funds were appropriated, collected or otherwise made
3825 available, and no part of said funds or allotments shall be used
3826 in paying any expenses incurred during any preceding fiscal year.
3827 However, this shall not be construed to prohibit the payment of
3828 expenses incurred during the fiscal year after the close of such
3829 fiscal year from amounts remaining on hand at the end of such
3830 fiscal year, provided that such expenses were properly payable
3831 from such amounts. Moreover, this shall not be construed to
3832 prohibit the payment of the salaries of superintendents,
3833 principals and teachers and other school employees whose salaries



3834 are payable in twelve (12) monthly installments after the close of
3835 the fiscal year from amounts on hand for such purpose at the end
3836 of the fiscal year.

3837 **SECTION 101.** Section 37-61-9, Mississippi Code of 1972, is
3838 amended as follows:

3839 37-61-9. (1) On or before the fifteenth day of August of
3840 each year, the county board of education, with the assistance of
3841 the county superintendent of education, shall prepare and file
3842 with the board of supervisors of the county * * * at least two (2)
3843 copies of a budget of estimated expenditures for the support,
3844 maintenance and operation of the public schools of the school
3845 district for the fiscal year commencing on July 1 of such year.
3846 Such budget shall be prepared on forms prescribed and provided by
3847 the State Auditor and shall contain such information as the State
3848 Auditor may require.

3849 (2) In addition, on or before the fifteenth day of August of
3850 each year, the county board of education, with the assistance of
3851 the county superintendent of education, shall prepare and file
3852 with the State Department of Education such budgetary information
3853 as the State Board of Education may require. The State Board of
3854 Education shall prescribe and provide forms to each school
3855 district for this purpose.

3856 (3) Prior to the adoption of a budget pursuant to this
3857 section, the county board of education shall hold at least one (1)
3858 public hearing to provide the general public with an opportunity
3859 to comment on the taxing and spending plan incorporated in the
3860 proposed budget. The public hearing shall be held at least one
3861 (1) week prior to the adoption of the budget with advance notice.
3862 After final adoption of the budget, a synopsis of such budget in a
3863 form prescribed by the State Department of Audit shall be
3864 published in a newspaper having general circulation in the school
3865 district on a date different from the date on which the county or
3866 any municipality therein may publish its budget.



3867 (4) There shall be imposed limitations on budgeted
3868 expenditures for certain administration costs, as defined
3869 hereinafter, in an amount not greater than One Hundred Fifty
3870 Thousand Dollars (\$150,000.00) plus four percent (4%) of the
3871 expenditures of all school districts each year. For purposes of
3872 this subsection, "administration costs" shall be defined as
3873 expenditures for salaries and fringe benefits paid for central
3874 administration costs from all sources of revenue in the following
3875 expenditure functions as defined in the MISSISSIPPI PUBLIC SCHOOL
3876 DISTRICT FINANCIAL ACCOUNTING MANUAL:

3877 2300 = Support Services - General Administration
3878 2310 = Board of Education Services
3879 2320 = Executive Administration Services
3880 2330 = Special Area Administration Services
3881 2500 = Business Services
3882 2510 = Fiscal Services
3883 2520 = Purchasing Services
3884 2530 = Warehousing and Distributing Services
3885 2540 = Printing, Publishing and Duplicating Services
3886 2590 = Other Support Services - Business

3887 Any costs classified as "administration costs" for purposes
3888 of this subsection which can be demonstrated by the local school
3889 district to be an expenditure that results in a net cost savings
3890 to the district that may otherwise require budget expenditures for
3891 functions not covered under the definition of administration costs
3892 herein may be excluded from the limitations imposed herein. The
3893 county board of education shall make a specific finding of such
3894 costs and spread such finding upon its minutes, which shall be
3895 subject to the approval of the Office of Educational
3896 Accountability of the State Department of Education. Any school
3897 district required to make expenditure cuts, as a result of
3898 application of this subsection, shall not be required to reduce



3899 such expenditures more than twenty-five percent (25%) in any year
3900 in order to comply with this mandate.

3901 The State Auditor shall ensure that functions in all
3902 expenditure categories to which this administrative limitation
3903 applies shall be properly classified.

3904 This section shall not apply to central administration with
3905 five (5) or less full-time employees, or to those school districts
3906 which can substantiate that comparable reductions have occurred in
3907 administrative costs for the five-year period immediately prior to
3908 school year 1993-1994. In the event the application of this
3909 section may jeopardize the fiscal integrity or operations of the
3910 school district, have an adverse impact on the ability of the
3911 district to deliver educational services, or otherwise restrict
3912 the district from achieving or maintaining a quality education
3913 program, the State Board of Education shall be authorized to
3914 exempt the application of this section to such school district
3915 pursuant to rules and regulations of the State Board of Education
3916 consistent with the intent of this section.

3917 **SECTION 102.** Section 37-61-17, Mississippi Code of 1972, is
3918 amended as follows:

3919 37-61-17. It shall be the duty of the State Auditor to
3920 prescribe the forms for the budgets provided for in this chapter.
3921 It shall be the duty of such county superintendents of education
3922 and county boards of education to use such forms in preparing said
3923 budgets. No distribution of school funds shall be made to any
3924 school district until the budgets required by this chapter shall
3925 be filed.

3926 **SECTION 103.** Section 37-61-19, Mississippi Code of 1972, is
3927 amended as follows:

3928 37-61-19. It shall be the duty of the county superintendents
3929 of education and the county boards of education to limit the
3930 expenditure of school funds during the fiscal year to the
3931 resources available. It shall be unlawful for any school district



3932 to budget expenditures from a fund in excess of the resources
3933 available within that fund. Furthermore, it shall be unlawful for
3934 any contract to be entered into or any obligation incurred or
3935 expenditure made in excess of the resources available for such
3936 fiscal year. Any member of the county board of education, county
3937 superintendent of education, or other school official, who shall
3938 knowingly enter into any contract, incur any obligation, or make
3939 any expenditure in excess of the amount available for the fiscal
3940 year shall be personally liable for the amount of such excess.
3941 However, no county board of education member, superintendent or
3942 other school official shall be personally liable (a) in the event
3943 of any reduction in adequate education program payments by action
3944 of the Governor acting through the Department of Finance and
3945 Administration, or (b) for claims, damages, awards or judgments,
3946 on account of any wrongful or tortious act or omission or breach
3947 of implied term or condition of any warranty or contract;
3948 provided, however, that the foregoing immunity provisions shall
3949 not be a defense in cases of fraud, criminal action or an
3950 intentional breach of fiduciary obligations imposed by statute.

3951 **SECTION 104.** Section 37-61-21, Mississippi Code of 1972, is
3952 amended as follows:

3953 37-61-21. (1) If it should appear to the county
3954 superintendent of education or the county board of education that
3955 the amounts to be received from state appropriations, taxation or
3956 any other source will be more than the amount estimated in the
3957 budget filed and approved, or if it should appear that such
3958 amounts shall be less than the amount estimated, the county board
3959 of education * * * may revise the budget at any time during the
3960 fiscal year by increasing or decreasing the fund budget, in
3961 proportion to the increase or decrease in the estimated amounts.
3962 If it should appear to the county superintendent of education or
3963 the county board of education that some function of the budget as
3964 filed is in excess of the requirement of that function and that



3965 the entire amount budgeted for such function will not be needed
3966 for expenditures therefor during the fiscal year, the county
3967 superintendent of education or the county board of education * * *
3968 may transfer resources to and from functions and funds within the
3969 budget when and where needed; however, no such transfer shall be
3970 made from fund to fund or from function to function which will
3971 result in the expenditure of any money for any purpose different
3972 from that for which the money was appropriated, allotted,
3973 collected or otherwise made available or for a purpose which is
3974 not authorized by law. No revision of any budget under the
3975 provisions hereof shall be made which will permit a fund
3976 expenditure in excess of the resources available for such purpose.
3977 The revised portions of the budgets shall be incorporated in the
3978 minutes of the county board of education by spreading them on the
3979 minutes or by attaching them as an addendum. Final budget
3980 revisions, pertinent to a fiscal year, shall be approved on or
3981 before the date set by the State Board of Education for the school
3982 district to submit its financial information for that fiscal year.

3983 (2) On or before the fifteenth day of October of each year,
3984 the county board of education of each county, with the assistance
3985 of the school district superintendent, shall prepare and file with
3986 the State Department of Education year-end financial statements
3987 and any other budgetary information that the State Board of
3988 Education may require. The State Board of Education shall
3989 prescribe and provide forms to each school district for this
3990 purpose. No additional changes may be made to the financial
3991 statements after October 15 of each year.

3992 **SECTION 105.** Section 37-61-23, Mississippi Code of 1972, is
3993 amended as follows:

3994 37-61-23. The county superintendent of education of each
3995 school district shall open and keep regular sets of books, as
3996 prescribed by the State Department of Education, which shall be
3997 subject to inspection during office hours by any citizen so



3998 desiring to inspect the same. The books for each fiscal year
3999 shall be kept separately and same shall be safely preserved by the
4000 county superintendent of education.

4001 **SECTION 106.** Section 37-61-27, Mississippi Code of 1972, is
4002 amended as follows:

4003 37-61-27. If any member of the county board of education or
4004 the county superintendent of education disbursing and handling
4005 school funds shall fail, refuse or neglect to comply with the
4006 provisions of Section 37-61-9, he shall, upon conviction, be
4007 guilty of a misdemeanor and shall be fined not more than Five
4008 Hundred Dollars (\$500.00) for such failure, refusal or neglect for
4009 each offense. In addition thereto, he shall be liable to a
4010 penalty of Five Hundred Dollars (\$500.00) recoverable on his
4011 official bond by suit filed by any county or district attorney or
4012 any interested citizen, upon his official bond.

4013 **SECTION 107.** Section 37-151-5, Mississippi Code of 1972, is
4014 amended as follows:

4015 37-151-5. As used in Sections 37-151-5 and 37-151-7:

4016 (a) "Adequate program" or "adequate education program"
4017 or "Mississippi Adequate Education Program (MAEP)" shall mean the
4018 program to establish adequate current operation funding levels
4019 necessary for the programs of such school district to meet at
4020 least a successful Level III rating of the accreditation system as
4021 established by the State Board of Education using current
4022 statistically relevant state assessment data.

4023 (b) "Educational programs or elements of programs not
4024 included in the adequate education program calculations, but which
4025 may be included in appropriations and transfers to school
4026 districts" shall mean:

4027 (i) "Capital outlay" shall mean those funds used
4028 for the constructing, improving, equipping, renovating or major
4029 repairing of school buildings or other school facilities, or the



4030 cost of acquisition of land whereon to construct or establish such
4031 school facilities.

4032 (ii) "Pilot programs" shall mean programs of a
4033 pilot or experimental nature usually designed for special purposes
4034 and for a specified period of time other than those included in
4035 the adequate education program.

4036 (iii) "Adult education" shall mean public
4037 education dealing primarily with students above eighteen (18)
4038 years of age not enrolled as full-time public school students and
4039 not classified as students of technical schools, colleges or
4040 universities of the state.

4041 (iv) "Food service programs" shall mean those
4042 programs dealing directly with the nutritional welfare of the
4043 student, such as the school lunch and school breakfast programs.

4044 (c) "Base student" shall mean that student
4045 classification that represents the most economically educated
4046 pupil in a school system meeting the definition of successful, as
4047 determined by the State Board of Education.

4048 (d) "Base student cost" shall mean the funding level
4049 necessary for providing an adequate education program for one (1)
4050 base student, subject to any minimum amounts prescribed in Section
4051 37-151-7(1).

4052 (e) "Add-on program costs" shall mean those items which
4053 are included in the adequate education program appropriations and
4054 are outside of the program calculations:

4055 (i) "Transportation" shall mean transportation to
4056 and from public schools for the students of Mississippi's public
4057 schools provided for under law and funded from state funds.

4058 (ii) "Vocational or technical education program"
4059 shall mean a secondary vocational or technical program approved by
4060 the State Department of Education and provided for from state
4061 funds.



4062 (iii) "Special education program" shall mean a
4063 program for exceptional children as defined and authorized by
4064 Sections 37-23-1 through 37-23-9, and approved by the State
4065 Department of Education and provided from state funds.

4066 (iv) "Gifted education program" shall mean those
4067 programs for the instruction of intellectually or academically
4068 gifted children as defined and provided for in Section 37-23-175
4069 et seq.

4070 (v) "Alternative school program" shall mean those
4071 programs for certain compulsory-school-age students as defined and
4072 provided for in Sections 37-13-92 and 37-19-22.

4073 (vi) "Extended school year programs" shall mean
4074 those programs authorized by law which extend beyond the normal
4075 school year.

4076 (vii) "University-based programs" shall mean those
4077 university-based programs for handicapped children as defined and
4078 provided for in Section 37-23-131 et seq.

4079 (viii) "Bus driver training" programs shall mean
4080 those driver training programs as provided for in Section 37-41-1.

4081 (f) "Teacher" shall include any employee of a local
4082 school who is required by law to obtain a teacher's license from
4083 the State Board of Education and who is assigned to an
4084 instructional area of work as defined by the State Department of
4085 Education.

4086 (g) "Principal" shall mean the head of an attendance
4087 center or division thereof.

4088 (h) "Superintendent" shall mean the head of a school
4089 district.

4090 (i) "School district" shall mean any countywide school
4091 district in the State of Mississippi, and shall include
4092 agricultural high schools.

4093 (j) "Minimum school term" shall mean a term of at least
4094 one hundred eighty (180) days of school in which both teachers and



4095 pupils are in regular attendance for scheduled classroom
4096 instruction for not less than sixty percent (60%) of the normal
4097 school day. It is the intent of the Legislature that any tax
4098 levies generated to produce additional local funds required by any
4099 school district to operate school terms in excess of one hundred
4100 seventy-five (175) days shall not be construed to constitute a new
4101 program for the purposes of exemption from the limitation on tax
4102 revenues as allowed under Sections 27-39-321 and 37-57-107 for new
4103 programs mandated by the Legislature.

4104 (k) The term "transportation density" shall mean the
4105 number of transported children in average daily attendance per
4106 square mile of area served in a school district, as determined by
4107 the State Department of Education.

4108 (l) The term "transported children" shall mean children
4109 being transported to school who live within legal limits for
4110 transportation and who are otherwise qualified for being
4111 transported to school at public expense as fixed by Mississippi
4112 state law.

4113 (m) The term "year of teaching experience" shall mean
4114 nine (9) months of actual teaching in the public or private
4115 schools. In no case shall more than one (1) year of teaching
4116 experience be given for all services in one (1) calendar or school
4117 year. In determining a teacher's experience, no deduction shall
4118 be made because of the temporary absence of the teacher because of
4119 illness or other good cause, and the teacher shall be given credit
4120 therefor. Beginning with the 2003-2004 school year, the State
4121 Board of Education shall fix a number of days, not to exceed
4122 forty-five (45) consecutive school days, during which a teacher
4123 may not be under contract of employment during any school year and
4124 still be considered to have been in full-time employment for a
4125 regular scholastic term. If a teacher exceeds the number of days
4126 established by the State Board of Education that a teacher may not
4127 be under contract but may still be employed, that teacher shall



4128 not be credited with a year of teaching experience. In
4129 determining the experience of school librarians, each complete
4130 year of continuous, full-time employment as a professional
4131 librarian in a public library in this or some other state shall be
4132 considered a year of teaching experience. If a full-time school
4133 administrator returns to actual teaching in the public schools,
4134 the term "year of teaching experience" shall include the period of
4135 time he or she served as a school administrator. In determining
4136 the salaries of teachers who have experience in any branch of the
4137 military, the term "year of teaching experience" shall include
4138 each complete year of actual classroom instruction while serving
4139 in the military. In determining the experience of speech-language
4140 pathologists and audiologists, each complete year of continuous
4141 full-time post master's degree employment in an educational
4142 setting in this or some other state shall be considered a year of
4143 teaching experience. Provided, however, that school districts are
4144 authorized, in their discretion, to negotiate the salary levels
4145 applicable to certificated employees employed after July 1, 2009,
4146 who are receiving retirement benefits from the retirement system
4147 of another state, and the annual experience increment provided in
4148 Section 37-19-7 shall not be applicable to any such retired
4149 certificated employee.

4150 (n) The term "average daily attendance" shall be the
4151 figure which results when the total aggregate attendance during
4152 the period or months counted is divided by the number of days
4153 during the period or months counted upon which both teachers and
4154 pupils are in regular attendance for scheduled classroom
4155 instruction less the average daily attendance for self-contained
4156 special education classes and, prior to full implementation of the
4157 adequate education program the department shall deduct the average
4158 daily attendance for the alternative school program provided for
4159 in Section 37-19-22.



4160 (o) The term "local supplement" shall mean the amount
4161 paid to an individual teacher over and above the adequate
4162 education program salary schedule for regular teaching duties.

4163 (p) The term "aggregate amount of support from ad
4164 valorem taxation" shall mean the amounts produced by the
4165 district's total tax levies for operations.

4166 (q) The term "adequate education program funds" shall
4167 mean all funds, both state and local, constituting the
4168 requirements for meeting the cost of the adequate program as
4169 provided for in Section 37-151-7.

4170 (r) "Department" shall mean the State Department of
4171 Education.

4172 (s) "Commission" shall mean the Mississippi Commission
4173 on School Accreditation created under Section 37-17-3.

4174 (t) The term "successful school district" shall mean a
4175 Level III school district as designated by the State Board of
4176 Education using current statistically relevant state assessment
4177 data.

4178 **SECTION 108.** (1) All references in the Mississippi Code of
4179 1972 to "consolidated school district," "line consolidated school
4180 district," "municipal separate school district" or "special
4181 municipal separate school district" shall be construed to mean the
4182 single type of countywide school district authorized under this
4183 act.

4184 (2) All references in the Mississippi Code of 1972 to
4185 "board(s) of trustees of consolidated, line consolidated,
4186 municipal separate or special municipal separate school districts"
4187 shall be construed to mean "county board(s) of education."

4188 (3) All references in the Mississippi Code of 1972 to
4189 "superintendent of education of a consolidated, line consolidated,
4190 municipal separate or special municipal separate school district"
4191 shall be construed to mean the "county superintendent of
4192 education."



4193 **SECTION 109.** The Attorney General of the State of
4194 Mississippi shall submit this act, immediately upon approval by
4195 the Governor, or upon approval by the Legislature subsequent to a
4196 veto, to the Attorney General of the United States or to the
4197 United States District Court for the District of Columbia in
4198 accordance with the provisions of the Voting Rights Act of 1965,
4199 as amended and extended.

4200 **SECTION 110.** This act shall take effect and be in force from
4201 and after the date it is effectuated under Section 5 of the Voting
4202 Rights Act of 1965, as amended and extended.

