

By: Representative Young

To: Education

HOUSE BILL NO. 202

1 AN ACT TO CREATE "THE DIGITAL ACCESS LEARNING AND VIRTUAL
2 INSTRUCTION PROGRAM ACT OF 2016"; TO DEFINE CERTAIN TERMS USED IN
3 THIS ACT; TO REQUIRE STATE DEPARTMENT OF EDUCATION TO ANNUALLY
4 PUBLISH A LIST OF APPROVED DIGITAL LEARNING AND VIRTUAL
5 INSTRUCTION PROGRAM PROVIDERS THAT OFFER DIGITAL LEARNING SERVICES
6 AND PROVIDE THE SAME TO THE CHAIRMEN OF THE HOUSE AND SENATE
7 EDUCATION COMMITTEES; TO PRESCRIBE THE REQUIRED COMPONENTS OF
8 DIGITAL ACCESS LEARNING OR VIRTUAL INSTRUCTION ENVIRONMENTS; TO
9 REQUIRE THE STATE DEPARTMENT OF EDUCATION TO ANNUALLY PROVIDE
10 SCHOOL DISTRICTS AND PUBLIC CHARTER SCHOOLS WITH A LIST OF
11 PROVIDERS APPROVED TO OFFER DIGITAL ACCESS LEARNING OR VIRTUAL
12 INSTRUCTION PROGRAMS; TO PRESCRIBE THE CRITERIA NECESSARY FOR
13 DIGITAL ACCESS LEARNING OR VIRTUAL INSTRUCTION PROGRAMS TO BE
14 APPROVED BY THE DEPARTMENT; TO REQUIRE A TWO-YEAR PHASE-IN PERIOD
15 FOR FULL IMPLEMENTATION OF DIGITAL ACCESS LEARNING OR VIRTUAL
16 INSTRUCTION PROGRAMS IN ALL PUBLIC SCHOOL DISTRICTS AND PUBLIC
17 CHARTER SCHOOLS; TO PROVIDE THAT THE 2016-2017 SCHOOL YEAR SHALL
18 BE THE YEAR OF PILOT PROGRAM FOR CERTAIN DISTRICTS AND CHARTER
19 SCHOOLS SELECTED BY THE DEPARTMENT USING ESTABLISHED CRITERIA; TO
20 REQUIRE ALL PUBLIC SCHOOL DISTRICTS AND PUBLIC CHARTER SCHOOLS TO
21 PROVIDE OPPORTUNITIES TO ALL STUDENTS IN GRADES K-12 FOR
22 PARTICIPATION IN PART-TIME AND FULL-TIME DIGITAL ACCESS LEARNING
23 OR VIRTUAL INSTRUCTION PROGRAM OPTIONS BY THE START OF THE
24 2017-2018 SCHOOL YEAR; TO PROVIDE THAT AN APPROVED PROVIDER SHALL
25 RETAIN ITS APPROVED STATUS FOR A PERIOD OF FIVE YEARS AFTER THE
26 DATE OF THE DEPARTMENT'S APPROVAL; TO REQUIRE EACH SCHOOL DISTRICT
27 AND CHARTER SCHOOL TO INCLUDE IN ITS IMPLEMENTATION PERIOD METHODS
28 OF FACILITATING THE TRANSITION TO A PAPERLESS INSTRUCTION MODEL
29 THAT PROVIDES FOR THE INTEGRATION CERTAIN ELECTRONIC DEVICES AND
30 OTHER DIGITAL MOBILE DEVICES CAPABLE OF CONNECTING TO THE
31 DISTRICT'S OR SCHOOL'S WIRELESS TECHNOLOGY INFRASTRUCTURE; TO
32 STIPULATE THAT THE MODEL SHALL REQUIRE DISTRICTS AND CHARTER
33 SCHOOLS TO PROVIDE A WIRELESS TECHNOLOGY INFRASTRUCTURE CAPABLE OF
34 SUPPORTING AGGREGATED SEGREGATED COMMUNICATION OF INSTRUCTIONAL



35 MATERIALS FROM TEACHERS TO EACH STUDENT IN THE EDUCATIONAL COHORT
36 BASED ON GRADE AND CLASSROOM ASSIGNMENT WITH UNRESTRICTED ACCESS
37 TO THE AVAILABLE INFORMATION; TO REQUIRE EACH PUBLIC SCHOOL
38 DISTRICT AND PUBLIC CHARTER SCHOOL TO PROVIDE EACH STUDENT WITH AN
39 ASSIGNED DIGITAL MOBILE DEVICE INSTALLED WITH THE NECESSARY
40 INSTRUCTIONAL MATERIALS ADOPTED BY THE LOCAL SCHOOL DISTRICT AS
41 COMPONENTS OF ITS CURRICULUM STANDARDS FOR PURPOSES OF ACCESSING
42 AND PERFORMING ALL COURSEWORK ASSIGNMENTS; TO REQUIRE EACH PUBLIC
43 SCHOOL DISTRICT AND PUBLIC CHARTER SCHOOL TO PURCHASE LICENSURE
44 AGREEMENTS FROM THE PUBLISHERS OF ELECTRONIC INSTRUCTIONAL
45 MATERIALS FOR USE OF THE PUBLISHED CURRICULUM AND INSTRUCTION
46 MATERIALS BY INSTRUCTIONAL STAFF AND STUDENTS; TO REQUIRE EACH
47 SCHOOL DISTRICT OR PUBLIC CHARTER SCHOOL TO MAINTAIN INSURANCE ON
48 EACH DIGITAL MOBILE DEVICE PURCHASED AND ASSIGNED TO STUDENTS,
49 WHICH SHALL REMAIN THE PROPERTY OF THE SCHOOL DISTRICT OR CHARTER
50 SCHOOL; TO PROVIDE THAT STUDENTS RECEIVING A DIGITAL MOBILE DEVICE
51 AND THEIR PARENTS OR LEGAL GUARDIAN SHALL BE LIABLE FOR THE
52 PAYMENT OF ANY DEDUCTIBLE COSTS REQUIRED FOR LOST, STOLEN, DAMAGED
53 OR DESTROYED DEVICES; TO AMEND SECTIONS 37-161-3, 37-43-1,
54 37-43-19, 37-43-21, 37-43-23, 37-43-31, 37-43-37 AND 37-7-301,
55 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING
56 PROVISIONS; AND FOR RELATED PURPOSES.

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

58 **SECTION 1.** This act shall be known, and may be cited as "The
59 Digital Access Learning and Virtual Instruction Program Act of
60 2016."

61 **SECTION 2.** (1) It is the intent of the Mississippi
62 Legislature to:

63 (a) Provide for the expansion of digital access learning
64 opportunities to all Mississippi public school students; and

65 (b) Remove any impediments to the expansion of digital
66 access learning opportunities.

67 (2) This act does not authorize a government entity to
68 provide directly or indirectly basic local exchange, voice, data,
69 broadband, video or wireless telecommunication service.



70 **SECTION 3.** (1) (a) As used in this act, "digital learning"
71 means a digital technology or Internet-based educational delivery
72 model that does not rely exclusively on compressed interactive
73 video.

74 (b) Digital learning services may be procured from both
75 in-state and out-of-state digital learning providers, including
76 the use of Mississippi Virtual Public School Program established
77 under Section 37-161-3.

78 (2) The State Department of Education shall annually:

79 (a) Publish a list of approved digital learning and
80 virtual instruction program providers that offer digital learning
81 services; and

82 (b) Provide a copy of the list of approved digital
83 learning and virtual instruction program providers to the Chairmen
84 of the Education Committees of the House of Representatives and
85 the Senate no later than June 1 each year.

86 **SECTION 4.** A digital access learning or virtual instruction
87 environment shall be composed of:

88 (a) Access to quality digital learning content and
89 online blended learning courses;

90 (b) Tailored digital content designed to meet the needs
91 of each student;

92 (c) Digital learning content that meets or exceeds the



93 curriculum standards and requirements adopted by the State Board
94 of Education that is capable of being assessed and measured
95 through standardized tests or local assessments; and

96 (d) Infrastructure that is sufficient to handle and
97 facilitate a quality digital access learning or virtual
98 instruction environment and promotes the sharing of information
99 through wireless Internet access points and local intranet.

100 **SECTION 5.** (1) The department shall annually provide public
101 school districts and public charter schools with a list of
102 providers approved to offer digital access learning or virtual
103 instruction programs. To be approved by the department, as a
104 digital access learning or virtual instruction provider, the
105 provider shall submit documented proof that it:

106 (a) Is nonsectarian and nondiscriminatory in its
107 programs, employment practices and operations;

108 (b) Demonstrates or partners with an organization that
109 demonstrates successful experience in furnishing digital access
110 learning or virtual instruction to public school students as
111 demonstrated by student growth in each subject area and grade
112 level for which it proposes to provide digital access learning or
113 virtual instruction;

114 (c) Meets or exceeds the minimum curriculum standards
115 and requirements established by the State Board of Education and
116 ensures instructional and curricular quality through a curriculum
117 and accountability plan that addresses every subject area and



118 grade level for which it agrees to provide digital access learning
119 or virtual instruction;

120 (d) (i) Utilizes highly qualified teachers to deliver
121 digital access learning or virtual instruction to public school
122 students; and

123 (ii) A highly qualified teacher that delivers
124 digital access learning or virtual instruction under this act must
125 meet all qualifications for licensure in the State of Mississippi;

126 (e) Possesses prior, successful experience offering
127 online courses to elementary, middle or high school students, as
128 demonstrated through quantified student performance improvements
129 for each subject area and grade level provided for consideration
130 as instructional program options;

131 (f) Assures instructional and curricular quality
132 through a detailed curriculum and student performance
133 accountability plan that addresses every subject and grade level
134 intended for provision within school district or charter school
135 contracts, including:

136 (i) Courses and programs that meet the nationally
137 recognized standards for K-12 online learning;

138 (ii) Instructional content and services that align
139 with and measure student attainment of proficiency in the
140 state-approved curriculum; and

141 (iii) Mechanisms that determine and ensure that a
142 student has satisfied requirements for grade level promotion and



143 high school graduation with a standard diploma, as appropriate;
144 and

145 (g) Publishes, in accordance with disclosure
146 requirements adopted by the State Board of Education, for the
147 general public, as part of its application as a provider, and in
148 all contracts negotiated under the authority provided by this
149 section:

150 (i) Information and data about each full-time and
151 part-time program regarding its curriculum;

152 (ii) School policies and procedures;

153 (iii) Certification status of all administrative
154 and instructional personnel;

155 (iv) Teacher-student ratios;

156 (v) Student completion and promotion rates; and

157 (vi) Student, educator and school performance
158 accountability outcomes.

159 (2) The State Department of Education or State Board of
160 Education shall not require as a condition of approval of a
161 digital learning provider that the digital learning provider limit
162 the delivery of digital access learning or virtual instruction to
163 public schools that require physical attendance at the public
164 school to successfully complete the credit for which the digital
165 learning course is provided.

166 **SECTION 6.** (1) (a) Beginning in the 2016-2017 school year,
167 the State Department of Education shall select a certain number of



168 public school districts and public charter schools to conduct a
169 pilot program to provide at least one (1) digital access learning
170 course or virtual instruction program to their students as either
171 a primary or supplementary method of instruction. The department
172 shall establish criteria to be used in determining the number and
173 location of school districts and charter schools selected to
174 participate in the pilot program and shall adopt rules to
175 implement the pilot program, the purpose of which shall be to more
176 smoothly implement the requirements under paragraph (b) of this
177 subsection.

178 (b) Beginning with the 2017-2018 school year, all
179 public school districts and public charter schools shall provide
180 opportunities to all students in Grades K-12 for participation in
181 part-time and full-time digital access learning or virtual
182 instruction program options. Written notice of the opportunities,
183 including an open enrollment period for full-time students of at
184 least ninety (90) days and not ending earlier than thirty (30)
185 days before the first day of the school year, shall be provided
186 directly to the parents or legal guardian of all students. The
187 purpose of the program shall be to make quality virtual
188 instruction available to students using online and distance
189 learning technology in the nontraditional classroom. The program
190 shall provide at least three (3) options for:

191 (i) Full-time digital access learning or virtual
192 instruction for students enrolled in Grades K-12; and



193 (ii) Part-time digital access learning or virtual
194 instruction for students enrolled in Grades K-12.

195 A digital access learning or virtual instruction program
196 conducted by a public school district or public charter school
197 shall include specific provision for at least two (2) full-time
198 options and one (1) part-time option for students enrolled in
199 dropout prevention and academic intervention programs or juvenile
200 justice education programs. Each public school district or public
201 charter school offering only a part-time option for digital access
202 learning or virtual instruction shall be required to provide a
203 minimum of ten percent (10%) of its instructional curriculum for
204 all grade levels K-12 through digital access learning or virtual
205 instruction.

206 (2) All digital access learning or virtual instruction
207 provided by public school districts or public charter schools
208 shall:

209 (a) Be of high quality;

210 (b) Meet or exceed the curriculum standards and
211 requirements established by the State Board of Education;

212 (c) Be made available in a blended learning,
213 online-based, or other technology-based format tailored to meet
214 the needs of each participating student; and

215 (d) Be capable of being assessed and measured through
216 standardized tests or local assessments.



217 (3) To provide students with the option of participating in
218 digital access learning or virtual instruction programs as
219 required by subsection (1) of this section, a public school
220 district or public charter school may apply one or all
221 of the following mechanisms:

222 (a) Facilitate enrollment in the Mississippi Virtual
223 School established under Section 37-161-3;

224 (b) Enter into a contract with an approved provider
225 under Section 6 of this act for the provision of a full-time
226 program under subsection (1)(b)(i) of this section or a part-time
227 program under subsection (1)(b)(ii) of this section; or

228 (c) Enter into an agreement with one or more public
229 school districts or public charter schools to allow the
230 participation of its students in an approved digital access
231 learning or virtual instruction program provided by such other
232 public school districts or public charter schools. The agreement
233 shall indicate a process for the transfer of funds.

234 Contracts and agreements entered into pursuant to paragraphs
235 (a) or (b) of this subsection may include multi-district
236 contractual arrangements that may be executed by a regional
237 educational service agency for its member school districts.

238 (4) An approved provider shall retain its approved status
239 for a period of five (5) years after the date of the department's
240 approval under Section 5 of this act as long as the provider
241 continues to comply with all requirements of this section;



242 however, each provider approved by the department for the
243 2016-2017 school year shall reapply for approval to provide a
244 part-time program for students in Grades K-12.

245 (5) Each contract with an approved provider shall at a
246 minimum set forth a detailed curriculum plan that illustrates how
247 students will be provided services for, and be measured for
248 attainment of, proficiency in state curriculum requirements for
249 each grade level and subject.

250 (6) The State Board of Education shall not limit the number
251 of digital access learning or virtual instruction for which a
252 student may receive credit through a public school or a public
253 charter school and shall ensure that digital access learning or
254 virtual instruction may be used as both primary and secondary
255 methods of instruction.

256 **SECTION 7.** (1) In conforming with the timeline of
257 full-scale implementation of the digital access learning and
258 virtual instruction programs in public school districts and public
259 charter schools, each school district and charter school shall
260 also include in its implementation period methods facilitating the
261 transition to a paperless instruction model. This paperless
262 instruction model shall provide for the integration of promethean
263 boards, E-books, iPads, tablets and other digital mobile devices
264 which are capable of connecting to the wireless technology
265 infrastructure and access points throughout locations in the
266 districts' or charter schools' classrooms. This model shall also



267 require districts and charter schools to provide the capability of
268 its wireless technology infrastructure to support both aggregated
269 segregated communication of instructional materials from teachers
270 to each student in the educational cohort based on grade and
271 classroom assignment with unrestricted access to the available
272 information.

273 (2) Beginning with the 2017-2018 school year, instead of
274 traditional textbooks, each public school district and public
275 charter school shall provide each student enrolled therein with an
276 assigned digital mobile device, such as the devices described in
277 subsection (1) of this section, for purposes of accessing and
278 performing all coursework assignments. Each device shall be
279 installed with the necessary instructional materials which have
280 been adopted by the local school district as components of its
281 curriculum standards, and for which licensure agreements have been
282 purchased from the publishers for use of the published curriculum
283 and instruction materials. Each school district or public charter
284 school shall maintain insurance on each digital mobile device
285 purchased and assigned to students, which shall remain the
286 property of the school district or charter school. However, each
287 student and parent or legal guardian of students receiving a
288 digital mobile device under the provisions of the section shall be
289 liable for the payment of any deductible costs required for lost,
290 stolen, damaged or destroyed devices.



291 **SECTION 8.** Section 37-161-3, Mississippi Code of 1972, is
292 amended as follows:

293 37-161-3. (1) The Legislature finds and declares the
294 following:

295 (a) Meeting the educational needs of children in our
296 state's schools is of the greatest importance to the future
297 welfare of the State of Mississippi;

298 (b) Closing the achievement gap between high-performing
299 students, including the achievement gap among at-risk students, is
300 a significant and present challenge;

301 (c) Providing a broader range of educational options to
302 parents and utilizing existing resources, along with technology,
303 may help students in the state improve their academic achievement;
304 and

305 (d) Many of the state's school districts currently lack
306 the capacity to provide other public school choices for students
307 whose schools are low performing.

308 (2) There is created the Mississippi Virtual Public School
309 Program, which is the responsibility of the State Department of
310 Education. It is the intent of the Legislature that the
311 Mississippi Virtual Public School established under this section
312 provides Mississippi families, public school districts and public
313 charter schools with an alternative choice to access additional
314 educational resources in an effort to improve academic
315 achievement. The Mississippi Virtual Public School must be



316 recognized as a public school and provide equitable treatment and
317 resources as are other public schools in the state. Private
318 providers, overseen by the State Department of Education, may be
319 selected by the State Board of Education to administer, manage or
320 operate virtual school programs in this state, including the total
321 operation of the Mississippi Virtual Public School Program. Any
322 private provider chosen to provide services under the provisions
323 of this subsection shall be chosen through a competitive RFP
324 process.

325 (3) Nothing in this section may be interpreted as precluding
326 the use of computer- and Internet-based instruction for students
327 in a virtual or remote setting utilizing the Mississippi Virtual
328 Public School.

329 (4) As used in this section, the following words and phrases
330 have the meanings respectively ascribed unless the context clearly
331 requires otherwise:

332 (a) "Mississippi Virtual Public School" means a public
333 school in which the state uses technology in order to deliver
334 instruction to students via the Internet in a virtual or remote
335 setting.

336 (b) "Sponsor" means the public school district is
337 responsible for the academic process for each student including,
338 but not limited to, enrollment, awarding of credit and monitoring
339 progress.



340 (5) (a) The State Board of Education shall establish the
341 Mississippi Virtual Public School beginning in school year
342 2006-2007.

343 (b) Students who enroll in the Mississippi Virtual
344 Public School may reside anywhere in the State of Mississippi.

345 (6) Subject to appropriation, the Mississippi Virtual Public
346 School shall provide to each student enrolled in the school all
347 necessary instructional materials. Subject to appropriation, the
348 sponsored school must ensure that each student is provided access
349 to the necessary technology, such as a computer and printer, and
350 to an Internet connection for school work purposes.

351 (7) The State Board of Education shall have approval
352 authority for all coursework and policy of the Mississippi Virtual
353 Public School.

354 (8) Each teacher employed by or participating in the
355 delivery of instruction through the Mississippi Virtual Public
356 School must meet all qualifications for licensure in the State of
357 Mississippi.

358 (9) Any student who meets state residency requirements may
359 enroll in the Mississippi Virtual Public School.

360 (10) Enrollment in the Mississippi Virtual Public School
361 must be free of charge to students. The costs associated with the
362 operations of the virtual school must be shared by the State
363 Department of Education, subject to appropriation, and/or the
364 local school districts or public charter schools.



365 **SECTION 9.** Section 37-43-1, Mississippi Code of 1972, is
366 amended as follows:

367 37-43-1. (1) This chapter is intended to furnish a plan for
368 the adoption, purchase, distribution, care and use of free
369 textbooks to be loaned, or electronic textbooks or digital mobile
370 devices to be made available to the pupils in all elementary and
371 high schools, * * * including public charter schools, of
372 Mississippi.

373 (2) The books herein provided by the State Board of
374 Education, which shall be the State Textbook Procurement
375 Commission, shall be distributed and loaned free of cost to the
376 children of the free public school districts of the state and of
377 all other schools located in the state, which maintain educational
378 standards equivalent to the standards established by the State
379 Department of Education for the state schools as outlined in the
380 Approval Requirements of the State Board of Education for
381 Nonpublic Schools.

382 (3) Teachers shall permit all pupils in all grades of any
383 public school in any school district or public charter school to
384 carry to their homes for home study, the free textbooks loaned or
385 the electronic textbooks or digital mobile devices made available
386 to them, and any other regular textbooks whether they be free
387 textbooks or not.

388 (4) For the purposes of this chapter, the term "board" shall
389 mean the State Board of Education.



390 (5) "Textbook" shall be defined as any medium or manual of
391 instruction, printed or electronic, which contains a systematic
392 presentation of the principles of a subject and which constitutes
393 a major instructional vehicle for that subject.

394 (6) In addition to the authority granted in this chapter,
395 local school boards shall make available to the parents or legal
396 guardians of any children of school age who reside in the school
397 district administered by the school board, upon request, any
398 textbooks on the state surplus inventory list. The parent or
399 legal guardian is responsible for the return of the textbook(s),
400 electronic textbook(s) or digital mobile device(s) to the local
401 school district upon completion of the textbook(s), electronic
402 textbook(s) or digital mobile device(s) use. Failure to return
403 the textbook(s), electronic textbook(s) or digital mobile
404 device(s) to the school district will result in the parents or
405 legal guardians being responsible for compensating the school
406 district for the fair market value of the textbook(s), electronic
407 textbook(s) or digital mobile device(s).

408 (7) "Electronic textbook" means any book or book substitutes
409 that a student accesses through the use of a computer, E-reader,
410 electronic device, digital mobile device or other electronic
411 medium that is available through an Internet-based provider of
412 course content, or any other material that contributes to the
413 learning process through electronic means.



414 **SECTION 10.** Section 37-43-19, Mississippi Code of 1972, is
415 amended as follows:

416 37-43-19. The board shall have the power and is hereby
417 authorized:

418 (a) To promulgate rules and regulations for the
419 purchase, care, use, disposal, distribution and accounting for all
420 books to be furnished under the terms of this chapter, and to
421 promulgate such other rules and regulations as may be necessary
422 for the proper administration of this chapter.

423 (b) To adopt, contract for, and make available for
424 purchase, cash or credit, basal, supplementary or alternative
425 textbooks through twelve (12) grades as provided in the school
426 curriculum, or for any other course that it may add thereto.

427 (c) To determine the period of contract for rated and
428 adopted textbooks or licensure agreements for instructional
429 materials or electronic textbooks for use on digital mobile
430 devices, which shall not be for less than four (4) years nor more
431 than five (5) years, with the right of the board, in its
432 discretion, to renew or extend such contract from year to year for
433 a period not exceeding two (2) additional years and to determine
434 the conditions of the approval or forfeiture of a contract and
435 such other terms and conditions as may be necessary and not
436 contrary to law.

437 (d) To have complete power and authority over additions
438 and amendments to textbooks or electronic textbooks, advertising



439 for bids and the contents thereof, including auxiliary materials
440 and workbooks, advertising on the protective covers of textbooks,
441 bids and proposals, prices of textbooks, electronic textbooks,
442 specimen copies, cash deposits, selection and adoption,
443 distribution, fumigation, emergencies, selling to others, return
444 of deposits, forfeiture of deposits, regulations governing
445 deposits, renovation and repair of books, requisition,
446 transportation or shipment of books, and any other acts or
447 regulations, not contrary to law, that may be deemed necessary for
448 furnishing and loaning free textbooks, electronic textbooks or
449 digital mobile devices to the school children, as provided in this
450 chapter.

451 **SECTION 11.** Section 37-43-21, Mississippi Code of 1972, is
452 amended as follows:

453 37-43-21. (1) For the purpose of assisting the board during
454 an adoption, there shall be rating committees in each of the
455 fields in which textbooks or electronic textbooks are considered
456 for adoption. Each committee shall be composed of seven (7)
457 members. The State Superintendent of Public Education shall
458 appoint four (4) members of each of the committees, each of whom
459 shall be a competent, experienced teacher who is currently
460 teaching in the field in which the textbooks or electronic
461 textbooks are considered for adoption. The Governor of the State
462 of Mississippi thereupon shall appoint three (3) members of each
463 of said committees, who shall be persons he deems competent to



464 participate in the appraisal of books offered for adoption, in
465 each field, for use in the public schools of this state.

466 (2) It shall be the duty of said rating committees to
467 appraise the books offered for adoption in each field in which
468 textbooks are offered for adoption and recommend eight (8) books
469 and/or series for each adoption to be made by the board and giving
470 the reasons for or basis of such recommendations. No book shall
471 be recommended which does not receive a majority vote of the
472 members of each committee. Any member dissenting from any
473 majority vote of the committee shall make his appraisal of any
474 book recommended or rejected by the majority of the committee and
475 specify the reasons therefor and make such recommendations as he
476 thinks proper. All appraisals, recommendations, and dissents if
477 any, shall be in writing and filed with the board for its
478 consideration upon the adoption. The travel expenses of such
479 committees shall be reimbursed in the amount as provided in
480 Section 25-3-41 and shall be paid out of the State Textbook Fund.
481 Such rating committees shall be subject to the provisions of
482 Section 37-43-17. The board shall have the power to reject any
483 and all recommendations of the rating committees and to call for
484 further recommendations; in no case shall the board adopt any book
485 not recommended by the rating committees.

486 (3) Any and all sample textbooks or electronic textbooks
487 that may be furnished by the publisher thereof as provided by
488 Section 37-43-59 to any member of the board, the Superintendent of



489 Public Education, and any member of a rating committee shall
490 within one (1) year after receipt of same by said member be turned
491 in to the State School Book Depository without cost to the State
492 of Mississippi, and the same shall thereafter be used without any
493 cost to the State of Mississippi in supplying free textbooks,
494 electronic textbooks or digital mobile devices to the educable
495 children of the State of Mississippi as now provided by law or
496 shall be sold to the highest bidder by the board with the proceeds
497 immediately deposited in the State Treasury to the credit of the
498 State Textbook Fund.

499 (4) No state official, state employee, school board member,
500 school superintendent, principal, teacher or any other individual
501 shall sell or donate sample textbooks or electronic textbooks
502 furnished them by the State School Book Depository as part of the
503 textbook adoption or selection process. * * * The individuals and
504 public officials shall not receive payment by the state
505 depository, any publisher or any other company for sample
506 textbooks or electronic textbooks.

507 (5) School districts may annually utilize any portion of the
508 textbook allotment for the repair of textbooks; * * *
509 however, * * * school districts are authorized and encouraged to
510 utilize the Mississippi Department of Corrections bookbinder for
511 the repair of textbooks.

512 (6) Prices for new textbook, electronic textbook or digital
513 mobile device purchases shall not be higher than the lowest price



514 at which books are sold anywhere in the United States, after all
515 discounts are allowed.

516 **SECTION 12.** Section 37-43-23, Mississippi Code of 1972, is
517 amended as follows:

518 37-43-23. The State Board of Education is hereby authorized,
519 empowered and directed to advertise for and receive sealed bids
520 for textbooks, electronic textbooks or digital mobile devices.
521 Bidders shall quote their lowest net wholesale prices, f.o.b.
522 Central Depository, Jackson, Mississippi; however, the board may,
523 in its discretion, establish a state depository or depositories or
524 inaugurate any other plan for the distribution of books. Such
525 prices shall not be higher than the lowest price at which books
526 are sold anywhere in the United States, after all discounts are
527 allowed. It is the intent of the Legislature that the price paid
528 for a textbook, electronic textbook or digital mobile device shall
529 not exceed the lowest price at which the same book, both having
530 the same copyright date, is sold anywhere in the United States
531 after all discounts are allowed. Every contract entered into
532 under the provisions of this section by the board and any
533 publisher or publishing company shall contain a provision that the
534 publisher covenants and agrees that he is not furnishing under
535 contract executed after the first day of January of the year in
536 which the contract becomes effective, to any state, county or
537 school district in the United States, the textbooks, electronic
538 textbooks or digital mobile devices embraced in the contract at a



539 price below the price stipulated therein. At any time that the
540 board may find that any book or books, in either regular or
541 special editions, are being furnished in any other state at a
542 lower price under contract than it is being furnished in
543 Mississippi, the contract shall be forfeited to the state. Any
544 contractor who violates this provision shall return all money paid
545 out for such book or books and also forfeit such book or books to
546 the state, and suit may be brought on the bond of the contractor
547 for all losses sustained.

548 Successful bidders or contractors shall be required to
549 maintain a depository at a place within the State of Mississippi,
550 to be named by the board, where a stock of books sufficient to
551 meet all reasonable and immediate demands shall be kept. Upon
552 requisition of the board, the depository shall ship books,
553 transportation charges paid, to the various shipping points in
554 Mississippi to be specified by the board. For such service the
555 depository shall make no charge to the board except the actual
556 cost of transportation from the depository to the shipping point
557 designated. The cost of distribution shall not exceed eight
558 percent (8%) of the total appropriation for any fiscal year.

559 All books furnished the State of Mississippi by contractors
560 under this chapter shall continue to measure up to the same
561 standards as are required in the contract, said standards to
562 include printing, binding, cover boards, mechanical makeup, and
563 any other relevant points as set out in the plans and



564 specifications as fixed by the board. Any contractor of any book
565 or books, who fails to keep said books up to said standards, shall
566 forfeit, not only his contract to the state, but shall return all
567 money paid out for such book or books and also forfeit said books
568 to the state.

569 **SECTION 13.** Section 37-43-31, Mississippi Code of 1972, is
570 amended as follows:

571 37-43-31. (1) The State Board of Education shall adopt and
572 furnish textbooks or electronic textbooks only for use in those
573 courses set up in the state course of study as recommended by the
574 State Accreditation Commission and adopted by such board, or
575 courses established by acts of the Legislature. In all subjects
576 the board, in its discretion, may adopt textbooks, electronic
577 textbooks and/or series from those recommended by the textbook
578 rating committees. The board may adopt a plan which permits the
579 local school districts to choose the book or books to be
580 requisitioned from those adopted, provided:

581 (a) That, when a book is furnished by the state, it
582 shall remain in use during the period of its adoption;

583 (b) That the average per pupil cost of textbooks so
584 furnished any unit shall not exceed that allowed for all other
585 units in the state;

586 (c) That nothing herein provided shall be construed as
587 giving any school the authority to discard or replace usable
588 copies of textbooks now being furnished by the state;



589 (d) That the State Department of Education is
590 authorized to disburse the annual textbook appropriation directly
591 to the public school districts in accordance with * * * paragraph
592 (b) of this subsection. The textbooks, electronic textbooks or
593 digital mobile devices procured through this chapter, as well as
594 textbooks which are on hand on June 30, 1994, which were
595 previously purchased through the provisions of this statute, shall
596 become the property of the public school district which purchased
597 them, unless the State Department of Education authorizes the
598 transfer of unneeded textbooks to another location in accordance
599 with rules and regulations promulgated by the State Board of
600 Education;

601 (e) That textbooks, electronic textbooks or digital
602 mobile devices which are on loan to other than public schools as
603 referenced in Section 37-43-1, shall remain the property of the
604 State of Mississippi. All requisitions for textbooks, electronic
605 textbooks or digital mobile devices from these schools shall be
606 submitted to the State Department of Education to be processed and
607 subsequently shipped to the requesting school. No funds shall be
608 disbursed directly from the State Department of Education to the
609 schools in this category for the purpose of procuring textbooks,
610 electronic textbooks or digital mobile devices; and

611 (f) That funds made available through this chapter may
612 be used to purchase any state-adopted or * * * nonadopted textbook
613 from any state depository, directly from the publisher, or in



614 accordance with the provisions of Sections 37-43-21(5) and
615 37-43-31(3). For purchases made directly from the publisher, the
616 public school district, or the State Department of Education when
617 purchasing for other than public schools, shall not pay a higher
618 price for a textbook than that listed on the current state-adopted
619 list.

620 (2) Whenever any book under contract is displaced by a new
621 adoption, the board may continue to require the schools to use the
622 recently purchased books from any previous adoption; however, such
623 period of use shall not exceed four (4) years.

624 (3) If five (5) or more school boards petition the State
625 Board of Education to add a book, or a series of books, to the
626 approved list of state adoptions in a given subject area, then the
627 State Superintendent of Public Education shall have sixty (60)
628 days to show cause to the State Board of Education why the books
629 in question should or should not be purchased with state funds.
630 If the petition is not acted upon within the sixty-day period, the
631 petition shall be deemed to be approved. Once a textbook,
632 electronic textbook or digital mobile device has been approved
633 through the petition process, any public school district or
634 eligible other school may procure the * * * approved textbook,
635 electronic textbook or digital mobile device utilizing funds
636 appropriated through this chapter.

637 (4) If new and innovative textbooks, electronic textbooks or
638 digital mobile devices that would improve a particular course of



639 study become available between adoption cycles, a school board may
640 petition the State Board of Education for permission to purchase
641 these books out of sequence to be paid for with state textbook
642 funds.

643 (5) The State Board of Education shall not allow previously
644 rejected textbooks, electronic textbooks or digital mobile devices
645 to be used if such textbooks, electronic textbooks or digital
646 mobile devices were rejected for any of the following reasons:

- 647 (a) Obscene, lewd, sexist or vulgar material;
648 (b) Advocating prejudicial behavior or actions; or
649 (c) Encouraging acts determined to be * * * antisocial
650 or derogatory to any race, sex or religion.

651 (6) All books or series of books adopted under the petition
652 procedures of this chapter shall be purchased under the provisions
653 for bidding, pricing and distribution as prescribed in Section
654 37-43-23.

655 (7) Petition procedure books or series of books adopted
656 under this section shall be considered only until the date of the
657 next regular adoption series in the applicable subject area.
658 Petition procedure books shall be submitted for formal adoption at
659 the next applicable regular textbook adoption as prescribed under
660 the provisions of Chapter 43, Title 37, Mississippi Code of 1972;
661 otherwise, such books adopted under the petition procedures which
662 do not receive formal adoption approval as recommended by the
663 textbook rating committee shall be dropped from the state textbook



664 petition adoption list. Provided, however, this provision shall
665 in no way prohibit a school district from using other funds,
666 federal or local, for the purchase of such books or digital mobile
667 devices.

668 **SECTION 14.** Section 37-43-37, Mississippi Code of 1972, is
669 amended as follows:

670 37-43-37. All books and digital mobile devices shall have a
671 uniform label printed on the inside cover. Each school shall
672 number all books and digital mobile devices, placing the number on
673 said labels. All teachers shall keep an accurate record of the
674 number and names of all books and digital mobile devices issued to
675 each pupil.

676 **SECTION 15.** Section 37-7-301, Mississippi Code of 1972, is
677 amended as follows:

678 37-7-301. The school boards of all school districts shall
679 have the following powers, authority and duties in addition to all
680 others imposed or granted by law, to wit:

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

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



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

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

694 (e) To suspend or to expel a pupil or to change the
695 placement of a pupil to the school district's alternative school
696 or homebound program for misconduct in the school or on school
697 property, as defined in Section 37-11-29, on the road to and from
698 school, or at any school-related activity or event, or for conduct
699 occurring on property other than school property or other than at
700 a school-related activity or event when such conduct by a pupil,
701 in the determination of the school superintendent or principal,
702 renders that pupil's presence in the classroom a disruption to the
703 educational environment of the school or a detriment to the best
704 interest and welfare of the pupils and teacher of such class as a
705 whole, and to delegate such authority to the appropriate officials
706 of the school district;

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

710 (g) To support, within reasonable limits, the
711 superintendent, principal and teachers where necessary for the
712 proper discipline of the school;



713 (h) To exclude from the schools students with what
714 appears to be infectious or contagious diseases; provided,
715 however, such student may be allowed to return to school upon
716 presenting a certificate from a public health officer, duly
717 licensed physician or nurse practitioner that the student is free
718 from such disease;

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

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

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

726 (l) To prescribe and enforce rules and regulations not
727 inconsistent with law or with the regulations of the State Board
728 of Education for their own government and for the government of
729 the schools, and to transact their business at regular and special
730 meetings called and held in the manner provided by law;

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

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

736 (o) To make orders directed to the superintendent of
737 schools for the issuance of pay certificates for lawful purposes



738 on any available funds of the district and to have full control of
739 the receipt, distribution, allotment and disbursement of all funds
740 provided for the support and operation of the schools of such
741 school district whether such funds be derived from state
742 appropriations, local ad valorem tax collections, or otherwise.
743 The local school board shall be authorized and empowered to
744 promulgate rules and regulations that specify the types of claims
745 and set limits of the dollar amount for payment of claims by the
746 superintendent of schools to be ratified by the board at the next
747 regularly scheduled meeting after payment has been made;

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

752 (q) To provide athletic programs and other school
753 activities and to regulate the establishment and operation of such
754 programs and activities;

755 (r) To join, in their discretion, any association of
756 school boards and other public school-related organizations, and
757 to pay from local funds other than minimum foundation funds, any
758 membership dues;

759 (s) To expend local school activity funds, or other
760 available school district funds, other than minimum education
761 program funds, for the purposes prescribed under this paragraph.

762 "Activity funds" shall mean all funds received by school officials



763 in all school districts paid or collected to participate in any
764 school activity, such activity being part of the school program
765 and partially financed with public funds or supplemented by public
766 funds. The term "activity funds" shall not include any funds
767 raised and/or expended by any organization unless commingled in a
768 bank account with existing activity funds, regardless of whether
769 the funds were raised by school employees or received by school
770 employees during school hours or using school facilities, and
771 regardless of whether a school employee exercises influence over
772 the expenditure or disposition of such funds. Organizations shall
773 not be required to make any payment to any school for the use of
774 any school facility if, in the discretion of the local school
775 governing board, the organization's function shall be deemed to be
776 beneficial to the official or extracurricular programs of the
777 school. For the purposes of this provision, the term
778 "organization" shall not include any organization subject to the
779 control of the local school governing board. Activity funds may
780 only be expended for any necessary expenses or travel costs,
781 including advances, incurred by students and their chaperons in
782 attending any in-state or out-of-state school-related programs,
783 conventions or seminars and/or any commodities, equipment, travel
784 expenses, purchased services or school supplies which the local
785 school governing board, in its discretion, shall deem beneficial
786 to the official or extracurricular programs of the district,
787 including items which may subsequently become the personal



788 property of individuals, including yearbooks, athletic apparel,
789 book covers and trophies. Activity funds may be used to pay
790 travel expenses of school district personnel. The local school
791 governing board shall be authorized and empowered to promulgate
792 rules and regulations specifically designating for what purposes
793 school activity funds may be expended. The local school governing
794 board shall provide (i) that such school activity funds shall be
795 maintained and expended by the principal of the school generating
796 the funds in individual bank accounts, or (ii) that such school
797 activity funds shall be maintained and expended by the
798 superintendent of schools in a central depository approved by the
799 board. The local school governing board shall provide that such
800 school activity funds be audited as part of the annual audit
801 required in Section 37-9-18. The State Department of Education
802 shall prescribe a uniform system of accounting and financial
803 reporting for all school activity fund transactions;

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

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

810 (v) (i) To lease a school building from an individual,
811 partnership, nonprofit corporation or a private for-profit
812 corporation for the use of such school district, and to expend



813 funds therefor as may be available from any nonminimum program
814 sources. The school board of the school district desiring to
815 lease a school building shall declare by resolution that a need
816 exists for a school building and that the school district cannot
817 provide the necessary funds to pay the cost or its proportionate
818 share of the cost of a school building required to meet the
819 present needs. The resolution so adopted by the school board
820 shall be published once each week for three (3) consecutive weeks
821 in a newspaper having a general circulation in the school district
822 involved, with the first publication thereof to be made not less
823 than thirty (30) days prior to the date upon which the school
824 board is to act on the question of leasing a school building. If
825 no petition requesting an election is filed prior to such meeting
826 as hereinafter provided, then the school board may, by resolution
827 spread upon its minutes, proceed to lease a school building. If
828 at any time prior to said meeting a petition signed by not less
829 than twenty percent (20%) or fifteen hundred (1500), whichever is
830 less, of the qualified electors of the school district involved
831 shall be filed with the school board requesting that an election
832 be called on the question, then the school board shall, not later
833 than the next regular meeting, adopt a resolution calling an
834 election to be held within such school district upon the question
835 of authorizing the school board to lease a school building. Such
836 election shall be called and held, and notice thereof shall be
837 given, in the same manner for elections upon the questions of the



838 issuance of the bonds of school districts, and the results thereof
839 shall be certified to the school board. If at least three-fifths
840 (3/5) of the qualified electors of the school district who voted
841 in such election shall vote in favor of the leasing of a school
842 building, then the school board shall proceed to lease a school
843 building. The term of the lease contract shall not exceed twenty
844 (20) years, and the total cost of such lease shall be either the
845 amount of the lowest and best bid accepted by the school board
846 after advertisement for bids or an amount not to exceed the
847 current fair market value of the lease as determined by the
848 averaging of at least two (2) appraisals by certified general
849 appraisers licensed by the State of Mississippi. The term "school
850 building" as used in this paragraph (v) (i) shall be construed to
851 mean any building or buildings used for classroom purposes in
852 connection with the operation of schools and shall include the
853 site therefor, necessary support facilities, and the equipment
854 thereof and appurtenances thereto such as heating facilities,
855 water supply, sewage disposal, landscaping, walks, drives and
856 playgrounds. The term "lease" as used in this paragraph (v) (i)
857 may include a lease-purchase contract;

858 (ii) If two (2) or more school districts propose
859 to enter into a lease contract jointly, then joint meetings of the
860 school boards having control may be held but no action taken shall
861 be binding on any such school district unless the question of
862 leasing a school building is approved in each participating school



863 district under the procedure hereinabove set forth in paragraph
864 (v) (i). All of the provisions of paragraph (v) (i) regarding the
865 term and amount of the lease contract shall apply to the school
866 boards of school districts acting jointly. Any lease contract
867 executed by two (2) or more school districts as joint lessees
868 shall set out the amount of the aggregate lease rental to be paid
869 by each, which may be agreed upon, but there shall be no right of
870 occupancy by any lessee unless the aggregate rental is paid as
871 stipulated in the lease contract. All rights of joint lessees
872 under the lease contract shall be in proportion to the amount of
873 lease rental paid by each;

874 (w) To employ all noninstructional and noncertificated
875 employees and fix the duties and compensation of such personnel
876 deemed necessary pursuant to the recommendation of the
877 superintendent of schools;

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

880 (y) Subject to rules and regulations of the State Board
881 of Education, to purchase, own and operate trucks, vans and other
882 motor vehicles, which shall bear the proper identification
883 required by law;

884 (z) To expend funds for the payment of substitute
885 teachers and to adopt reasonable regulations for the employment
886 and compensation of such substitute teachers;



887 (aa) To acquire in its own name by purchase all real
888 property which shall be necessary and desirable in connection with
889 the construction, renovation or improvement of any public school
890 building or structure. Whenever the purchase price for such real
891 property is greater than Fifty Thousand Dollars (\$50,000.00), the
892 school board shall not purchase the property for an amount
893 exceeding the fair market value of such property as determined by
894 the average of at least two (2) independent appraisals by
895 certified general appraisers licensed by the State of Mississippi.
896 If the board shall be unable to agree with the owner of any such
897 real property in connection with any such project, the board shall
898 have the power and authority to acquire any such real property by
899 condemnation proceedings pursuant to Section 11-27-1 et seq.,
900 Mississippi Code of 1972, and for such purpose, the right of
901 eminent domain is hereby conferred upon and vested in said board.
902 Provided further, that the local school board is authorized to
903 grant an easement for ingress and egress over sixteenth section
904 land or lieu land in exchange for a similar easement upon
905 adjoining land where the exchange of easements affords substantial
906 benefit to the sixteenth section land; provided, however, the
907 exchange must be based upon values as determined by a competent
908 appraiser, with any differential in value to be adjusted by cash
909 payment. Any easement rights granted over sixteenth section land
910 under such authority shall terminate when the easement ceases to
911 be used for its stated purpose. No sixteenth section or lieu land



912 which is subject to an existing lease shall be burdened by any
913 such easement except by consent of the lessee or unless the school
914 district shall acquire the unexpired leasehold interest affected
915 by the easement;

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

919 (cc) Subject to rules and regulations of the State
920 Board of Education, to purchase relocatable classrooms for the use
921 of such school district, in the manner prescribed in Section
922 37-1-13;

923 (dd) Enter into contracts or agreements with other
924 school districts, political subdivisions or governmental entities
925 to carry out one or more of the powers or duties of the school
926 board, or to allow more efficient utilization of limited resources
927 for providing services to the public;

928 (ee) To provide for in-service training for employees
929 of the district;

930 (ff) As part of their duties to prescribe the use of
931 textbooks, electronic textbooks or digital mobile devices, to
932 provide that parents and legal guardians shall be responsible for
933 the textbooks, electronic textbooks or digital mobile devices and
934 for the compensation to the school district for any books which
935 are not returned to the proper schools upon the withdrawal of
936 their dependent child. If a textbook, electronic textbook or



937 digital mobile device is lost or not returned by any student who
938 drops out of the public school district, the parent or legal
939 guardian shall also compensate the school district for the fair
940 market value of the textbooks, electronic textbooks or digital
941 mobile devices;

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

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

949 (ii) Fund-raising activities conducted or
950 authorized by the board for the sale of school pictures, the
951 rental of caps and gowns or the sale of graduation invitations for
952 which the school board receives a commission, rebate or fee shall
953 contain a disclosure statement advising that a portion of the
954 proceeds of the sales or rentals shall be contributed to the
955 student activity fund;

956 (hh) To allow individual lessons for music, art and
957 other curriculum-related activities for academic credit or
958 nonacademic credit during school hours and using school equipment
959 and facilities, subject to uniform rules and regulations adopted
960 by the school board;



961 (ii) To charge reasonable fees for participating in an
962 extracurricular activity for academic or nonacademic credit for
963 necessary and required equipment such as safety equipment, band
964 instruments and uniforms;

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

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

970 (ll) To expend funds for the services of nonprofit arts
971 organizations or other such nonprofit organizations who provide
972 performances or other services for the students of the school
973 district;

974 (mm) To expend federal No Child Left Behind Act funds,
975 or any other available funds that are expressly designated and
976 authorized for that use, to pay training, educational expenses,
977 salary incentives and salary supplements to employees of local
978 school districts; except that incentives shall not be considered
979 part of the local supplement as defined in Section 37-151-5(o),
980 nor shall incentives be considered part of the local supplement
981 paid to an individual teacher for the purposes of Section
982 37-19-7(1). Mississippi Adequate Education Program funds or any
983 other state funds may not be used for salary incentives or salary
984 supplements as provided in this paragraph (mm);



985 (nn) To use any available funds, not appropriated or
986 designated for any other purpose, for reimbursement to the
987 state-licensed employees from both in state and out of state, who
988 enter into a contract for employment in a school district, for the
989 expense of moving when the employment necessitates the relocation
990 of the licensed employee to a different geographical area than
991 that in which the licensed employee resides before entering into
992 the contract. The reimbursement shall not exceed One Thousand
993 Dollars (\$1,000.00) for the documented actual expenses incurred in
994 the course of relocating, including the expense of any
995 professional moving company or persons employed to assist with the
996 move, rented moving vehicles or equipment, mileage in the amount
997 authorized for county and municipal employees under Section
998 25-3-41 if the licensed employee used his personal vehicle or
999 vehicles for the move, meals and such other expenses associated
1000 with the relocation. No licensed employee may be reimbursed for
1001 moving expenses under this section on more than one (1) occasion
1002 by the same school district. Nothing in this section shall be
1003 construed to require the actual residence to which the licensed
1004 employee relocates to be within the boundaries of the school
1005 district that has executed a contract for employment in order for
1006 the licensed employee to be eligible for reimbursement for the
1007 moving expenses. However, the licensed employee must relocate
1008 within the boundaries of the State of Mississippi. Any individual
1009 receiving relocation assistance through the Critical Teacher



1010 Shortage Act as provided in Section 37-159-5 shall not be eligible
1011 to receive additional relocation funds as authorized in this
1012 paragraph;

1013 (oo) To use any available funds, not appropriated or
1014 designated for any other purpose, to reimburse persons who
1015 interview for employment as a licensed employee with the district
1016 for the mileage and other actual expenses incurred in the course
1017 of travel to and from the interview at the rate authorized for
1018 county and municipal employees under Section 25-3-41;

1019 (pp) Consistent with the report of the Task Force to
1020 Conduct a Best Financial Management Practices Review, to improve
1021 school district management and use of resources and identify cost
1022 savings as established in Section 8 of Chapter 610, Laws of 2002,
1023 local school boards are encouraged to conduct independent reviews
1024 of the management and efficiency of schools and school districts.
1025 Such management and efficiency reviews shall provide state and
1026 local officials and the public with the following:

1027 (i) An assessment of a school district's
1028 governance and organizational structure;

1029 (ii) An assessment of the school district's
1030 financial and personnel management;

1031 (iii) An assessment of revenue levels and sources;

1032 (iv) An assessment of facilities utilization,
1033 planning and maintenance;



1034 (v) An assessment of food services, transportation
1035 and safety/security systems;

1036 (vi) An assessment of instructional and
1037 administrative technology;

1038 (vii) A review of the instructional management and
1039 the efficiency and effectiveness of existing instructional
1040 programs; and

1041 (viii) Recommended methods for increasing
1042 efficiency and effectiveness in providing educational services to
1043 the public;

1044 (qq) To enter into agreements with other local school
1045 boards for the establishment of an educational service agency
1046 (ESA) to provide for the cooperative needs of the region in which
1047 the school district is located, as provided in Section 37-7-345;

1048 (rr) To implement a financial literacy program for
1049 students in Grades 10 and 11. The board may review the national
1050 programs and obtain free literature from various nationally
1051 recognized programs. After review of the different programs, the
1052 board may certify a program that is most appropriate for the
1053 school districts' needs. If a district implements a financial
1054 literacy program, then any student in Grade 10 or 11 may
1055 participate in the program. The financial literacy program shall
1056 include, but is not limited to, instruction in the same areas of
1057 personal business and finance as required under Section
1058 37-1-3(2) (b). The school board may coordinate with volunteer



1059 teachers from local community organizations, including, but not
1060 limited to, the following: United States Department of
1061 Agriculture Rural Development, United States Department of Housing
1062 and Urban Development, Junior Achievement, bankers and other
1063 nonprofit organizations. Nothing in this paragraph shall be
1064 construed as to require school boards to implement a financial
1065 literacy program;

1066 (ss) To collaborate with the State Board of Education,
1067 Community Action Agencies or the Department of Human Services to
1068 develop and implement a voluntary program to provide services for
1069 a prekindergarten program that addresses the cognitive, social,
1070 and emotional needs of four-year-old and three-year-old children.
1071 The school board may utilize any source of available revenue to
1072 fund the voluntary program. Effective with the 2013-2014 school
1073 year, to implement voluntary prekindergarten programs under the
1074 Early Learning Collaborative Act of 2013 pursuant to state funds
1075 awarded by the State Department of Education on a matching basis;

1076 (tt) With respect to any lawful, written obligation of
1077 a school district, including, but not limited to, leases
1078 (excluding leases of sixteenth section public school trust land),
1079 bonds, notes, or other agreement, to agree in writing with the
1080 obligee that the Department of Revenue or any state agency,
1081 department or commission created under state law may:

1082 (i) Withhold all or any part (as agreed by the
1083 school board) of any monies which such local school board is



1084 entitled to receive from time to time under any law and which is
1085 in the possession of the Department of Revenue, or any state
1086 agency, department or commission created under state law; and
1087 (ii) Pay the same over to any financial
1088 institution, trustee or other obligee, as directed in writing by
1089 the school board, to satisfy all or part of such obligation of the
1090 school district.

1091 The school board may make such written agreement to withhold
1092 and transfer funds irrevocable for the term of the written
1093 obligation and may include in the written agreement any other
1094 terms and provisions acceptable to the school board. If the
1095 school board files a copy of such written agreement with the
1096 Department of Revenue, or any state agency, department or
1097 commission created under state law then the Department of Revenue
1098 or any state agency, department or commission created under state
1099 law shall immediately make the withholdings provided in such
1100 agreement from the amounts due the local school board and shall
1101 continue to pay the same over to such financial institution,
1102 trustee or obligee for the term of the agreement.

1103 This paragraph (tt) shall not grant any extra authority to a
1104 school board to issue debt in any amount exceeding statutory
1105 limitations on assessed value of taxable property within such
1106 school district or the statutory limitations on debt maturities,
1107 and shall not grant any extra authority to impose, levy or collect
1108 a tax which is not otherwise expressly provided for, and shall not



1109 be construed to apply to sixteenth section public school trust
1110 land;

1111 (uu) With respect to any matter or transaction that is
1112 competitively bid by a school district, to accept from any bidder
1113 as a good-faith deposit or bid bond or bid surety, the same type
1114 of good-faith deposit or bid bond or bid surety that may be
1115 accepted by the state or any other political subdivision on
1116 similar competitively bid matters or transactions. This paragraph
1117 (uu) shall not be construed to apply to sixteenth section public
1118 school trust land. The school board may authorize the investment
1119 of any school district funds in the same kind and manner of
1120 investments, including pooled investments, as any other political
1121 subdivision, including community hospitals;

1122 (vv) To utilize the alternate method for the conveyance
1123 or exchange of unused school buildings and/or land, reserving a
1124 partial or other undivided interest in the property, as
1125 specifically authorized and provided in Section 37-7-485;

1126 (ww) To delegate, privatize or otherwise enter into a
1127 contract with private entities for the operation of any and all
1128 functions of nonacademic school process, procedures and operations
1129 including, but not limited to, cafeteria workers, janitorial
1130 services, transportation, professional development, achievement
1131 and instructional consulting services materials and products,
1132 purchasing cooperatives, insurance, business manager services,
1133 auditing and accounting services, school safety/risk prevention,



1134 data processing and student records, and other staff services;
1135 however, the authority under this paragraph does not apply to the
1136 leasing, management or operation of sixteenth section lands.
1137 Local school districts, working through their regional education
1138 service agency, are encouraged to enter into buying consortia with
1139 other member districts for the purposes of more efficient use of
1140 state resources as described in Section 37-7-345;

1141 (xx) To partner with entities, organizations and
1142 corporations for the purpose of benefiting the school district;

1143 (yy) To borrow funds from the Rural Economic
1144 Development Authority for the maintenance of school buildings;

1145 (zz) To fund and operate voluntary early childhood
1146 education programs, defined as programs for children less than
1147 five (5) years of age on or before September 1, and to use any
1148 source of revenue for such early childhood education programs.
1149 Such programs shall not conflict with the Early Learning
1150 Collaborative Act of 2013;

1151 (aaa) To issue and provide for the use of procurement
1152 cards by school board members, superintendents and licensed school
1153 personnel consistent with the rules and regulations of the
1154 Mississippi Department of Finance and Administration under Section
1155 31-7-9; and

1156 (bbb) To conduct an annual comprehensive evaluation of
1157 the superintendent of schools consistent with the assessment
1158 components of paragraph (pp) of this section and the assessment



1159 benchmarks established by the Mississippi School Board Association
1160 to evaluate the success the superintendent has attained in meeting
1161 district goals and objectives, the superintendent's leadership
1162 skill and whether or not the superintendent has established
1163 appropriate standards for performance, is monitoring success and
1164 is using data for improvement.

1165 **SECTION 16.** This act shall take effect and be in force from
1166 and after July 1, 2016.

