

By: Representatives Roberson, McCarty,
McLean, Owen

To: Education

HOUSE BILL NO. 1453

1 AN ACT RELATING TO THE FUNDING OF PUBLIC EDUCATION IN THE
2 STATE OF MISSISSIPPI; TO CREATE NEW SECTION 37-151-201,
3 MISSISSIPPI CODE OF 1972, TO ESTABLISH A NEW FUNDING FORMULA TO BE
4 KNOWN AS THE "INVESTING IN THE NEEDS OF STUDENTS TO PRIORITIZE,
5 IMPACT AND REFORM EDUCATION (INSPIRE) ACT OF 2024"; TO CREATE NEW
6 SECTION 37-151-203, MISSISSIPPI CODE OF 1972, TO DEFINE CERTAIN
7 TERMS; TO CREATE NEW SECTION 37-151-205, MISSISSIPPI CODE OF 1972,
8 TO REQUIRE THE UNIFORM FUNDING FORMULA TO BE USED IN CALCULATING
9 SCHOOL DISTRICT AND CHARTER SCHOOL FUNDING BEGINNING WITH THE
10 2024-2025 SCHOOL YEAR AND TO PRESCRIBE THE FORMULA; TO CREATE NEW
11 SECTION 37-151-207, MISSISSIPPI CODE OF 1972, TO PRESCRIBE THE
12 STUDENT BASE AMOUNT; TO CREATE NEW SECTION 37-151-209, MISSISSIPPI
13 CODE OF 1972, TO ESTABLISH VARIOUS WEIGHTS TO BE APPLIED TO THE
14 BASE AMOUNT FOR STUDENTS WHO ARE LOW INCOME STUDENTS, ENGLISH
15 LANGUAGE LEARNERS, ELIGIBLE FOR SPECIAL EDUCATION SERVICES,
16 GIFTED, ENROLLED IN CAREER AND TECHNICAL EDUCATION, AND RESIDING
17 IN SPARSELY POPULATED SCHOOL DISTRICTS; TO CREATE NEW SECTION
18 37-151-211, MISSISSIPPI CODE OF 1972, TO REQUIRE STUDENT
19 ENROLLMENT AND ATTENDANCE FIGURES TO BE DETERMINED ON THE BASIS OF
20 AVERAGE DAILY MEMBERSHIP; TO CREATE NEW SECTION 37-151-213,
21 MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE DEPARTMENT OF
22 EDUCATION TO REVIEW THE SPECIAL EDUCATION DISABILITY TIERS AND
23 MAKE RECOMMENDATIONS RELATING TO THE USE OF AN IEP-BASED FUNDING
24 MODEL FOR SPECIAL EDUCATION SERVICES; TO REQUIRE THE DEPARTMENT TO
25 REPORT DATA REGARDING ENGLISH LANGUAGE LEARNERS TO CERTAIN
26 LEGISLATIVE COMMITTEES; TO REQUIRE THE STATE BOARD OF EDUCATION TO
27 MAKE PERIODIC RECOMMENDATIONS TO THE LEGISLATURE RELATING TO THE
28 STUDENT BASE AMOUNT AND THE FUNDING FORMULA; TO CREATE NEW SECTION
29 37-151-215, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT A SCHOOL
30 DISTRICT OR CHARTER SCHOOL HAS AUTONOMY, SUBJECT TO REGULATORY AND
31 STATUTORY RESTRICTIONS, IN THE SPENDING OF ALL FUNDS ALLOCATED TO
32 THAT SCHOOL DISTRICT OR CHARTER SCHOOL REGARDLESS OF THE COUNT OF
33 STUDENTS IN WEIGHTED STUDENT CATEGORIES; TO CREATE NEW SECTION
34 37-151-217, MISSISSIPPI CODE OF 1972, TO REQUIRE TAX ASSESSORS TO



35 FILE CERTAIN REPORTS WITH THE STATE DEPARTMENT OF EDUCATION AND TO
36 REQUIRE THE DEPARTMENT TO CALCULATE DISTRICTS' REQUIRED MINIMUM
37 MILLAGE AND THE CONTRIBUTION TO THE COST OF THE FUNDING FORMULA
38 REQUIRED OF EACH SCHOOL DISTRICT AND CHARTER SCHOOL; TO CREATE NEW
39 SECTION 37-151-219, MISSISSIPPI CODE OF 1972, TO REQUIRE SCHOOL
40 DISTRICTS TO ADHERE TO STUDENT-TEACHER RATIOS DETERMINED ACCORDING
41 TO STATE ACCREDITATION STANDARDS; TO CREATE NEW SECTION
42 37-151-221, MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE
43 DEPARTMENT OF EDUCATION TO REVIEW RULES AND REGULATIONS OF THE
44 DEPARTMENT AND STATE BOARD OF EDUCATION WHICH INDIRECTLY CREATE A
45 FISCAL IMPACT ON SCHOOL DISTRICTS AND TO REVISE SUCH RULES AND
46 REGULATIONS AS APPROPRIATE TO FURTHER DISTRICT AUTONOMY; TO
47 REQUIRE THE DEPARTMENT TO MAKE RECOMMENDATIONS TO THE LEGISLATURE
48 FOR RELATED STATUTORY REVISIONS; TO CREATE NEW SECTION 37-151-223,
49 MISSISSIPPI CODE OF 1972, TO ESTABLISH LIMITATIONS ON STATE
50 FUNDING INCREASES AND DECREASES FOR SCHOOL DISTRICTS UNDER THE
51 FUNDING FORMULA DURING EACH OF THE NEXT THREE FISCAL YEARS; TO
52 CREATE A TASK FORCE TO EXAMINE WHETHER DISTRICTS HELD HARMLESS AND
53 "F" RATED DISTRICTS WOULD BENEFIT FROM CONSOLIDATION; TO AMEND
54 SECTIONS 37-57-1, 37-57-104, 37-57-105 AND 37-57-107, MISSISSIPPI
55 CODE OF 1972, WHICH RELATE TO SCHOOL DISTRICT TAXATION, IN
56 CONFORMITY TO THE PROVISIONS OF THIS ACT; TO AMEND SECTION
57 37-61-33, MISSISSIPPI CODE OF 1972, TO DELETE THE REQUIREMENT THAT
58 A PORTION OF EDUCATION ENHANCEMENT FUNDS BE DISTRIBUTED TO SCHOOL
59 DISTRICTS TO FUND CAPITAL IMPROVEMENTS PROJECTS; TO AMEND SECTION
60 27-65-75, MISSISSIPPI CODE OF 1972, TO DELETE THE REQUIRED DEPOSIT
61 OF SALES TAX REVENUE INTO THE EDUCATIONAL FACILITIES REVOLVING
62 LOAN FUND; TO BRING FORWARD SECTION 27-67-31, MISSISSIPPI CODE OF
63 1972, WHICH REQUIRES A PORTION OF THE STATE USE TAXES TO BE
64 DEPOSITED INTO THE SCHOOL AD VALOREM TAX REDUCTION FUND AND THE
65 EDUCATION ENHANCEMENT FUND, FOR PURPOSES OF POSSIBLE AMENDMENT; TO
66 BRING FORWARD SECTION 27-115-85, MISSISSIPPI CODE OF 1972, WHICH
67 REQUIRES A PORTION OF THE FUNDS IN THE LOTTERY PROCEEDS FUND TO BE
68 PAID INTO THE EDUCATION ENHANCEMENT FUND, FOR PURPOSES OF POSSIBLE
69 AMENDMENT; TO AMEND SECTIONS 1-3-26, 7-7-211, 19-9-157, 19-9-171,
70 25-4-29, 27-25-706, 27-33-3, 27-39-317, 29-3-47, 29-3-49,
71 29-3-113, 29-3-137, 31-7-9, 31-7-10, 37-1-3, 37-3-11, 37-3-83,
72 37-7-208, 37-7-301, 37-7-302, 37-7-303, 37-7-307, 37-7-319,
73 37-7-333, 37-7-339, 37-7-419, 37-9-17, 37-9-18, 37-9-23, 37-9-25,
74 37-9-33, 37-9-35, 37-9-37, 37-9-77, 37-11-11, 37-13-63, 37-13-64,
75 37-13-69, 37-15-38, 37-16-3, 37-17-6, 37-17-17, 37-19-7, 37-21-6,
76 37-21-7, 37-22-5, 37-23-1, 37-23-15, 37-23-69, 37-23-109,
77 37-23-179, 37-27-55, 37-27-57, 37-28-5, 37-28-53, 37-28-55,
78 37-29-1, 37-29-272, 37-29-303, 37-31-13, 37-31-75, 37-35-3,
79 37-37-3, 37-41-7, 37-45-49, 37-47-9, 37-47-24, 37-47-25, 37-47-33,
80 37-61-3, 37-61-5, 37-61-7, 37-61-19, 37-61-29, 37-61-35, 37-61-37,
81 37-68-7, 37-131-7, 37-131-9, 37-131-11, 37-151-9, 37-151-85,
82 37-151-87, 37-151-89, 37-151-91, 37-151-93, 37-151-95, 37-151-97,
83 37-151-99, 37-151-101, 37-151-103, 37-151-105, 37-151-107,
84 37-173-9, 37-173-13, 37-175-13, 37-179-3, 37-181-7, 41-79-5,
85 43-17-5 AND 65-26-9, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO



86 THE PROVISIONS OF THIS ACT; TO REPEAL SECTION 37-13-153,
87 MISSISSIPPI CODE OF 1972, WHICH REQUIRED STATE FUNDING FOR HOME
88 ECONOMICS TEACHERS TO BE INCLUDED AS A LINE ITEM IN THE EDUCATION
89 APPROPRIATIONS BILLS FOR CERTAIN PRIOR FISCAL YEARS; TO REPEAL
90 SECTIONS 37-151-1, 37-151-5, 37-151-6, 37-151-7, 37-151-7.1,
91 37-151-8, 37-151-10, 37-151-77, 37-151-79, 37-151-81 AND
92 37-151-83, MISSISSIPPI CODE OF 1972, WHICH DEFINE CERTAIN TERMS
93 AND PRESCRIBE THE FORMULA AND CERTAIN REQUIREMENTS UNDER THE
94 MISSISSIPPI ADEQUATE EDUCATION PROGRAM (MAEP); TO REPEAL SECTION
95 37-152-1, MISSISSIPPI CODE OF 1972, WHICH CREATES THE COMMISSION
96 ON RESTRUCTURING THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM
97 (MAEP); TO AMEND SECTION 37-13-81, 37-13-83, 37-13-85, 37-13-87
98 AND 37-13-89, MISSISSIPPI CODE OF 1972, TO CLARIFY THE NAME OF THE
99 OFFICE OF COMPULSORY SCHOOL ATTENDANCE ENFORCEMENT AND DROPOUT
100 PREVENTION WITHIN THE STATE DEPARTMENT OF EDUCATION; TO PROVIDE
101 FOR THE APPOINTMENT OF AN EXECUTIVE DIRECTOR OF THE OFFICE BY THE
102 STATE SUPERINTENDENT OF PUBLIC EDUCATION; TO TRANSFER THE
103 RESPONSIBILITY FOR EMPLOYING AND ESTABLISHING THE DUTIES OF SCHOOL
104 ATTENDANCE OFFICERS FROM THE STATE DEPARTMENT OF EDUCATION TO
105 LOCAL SCHOOL DISTRICTS; TO ABOLISH THE THREE REGIONAL SCHOOL
106 ATTENDANCE OFFICER POSITIONS AND REPLACE THOSE POSITIONS WITH
107 REGIONAL COORDINATORS WHO SHALL BE RESPONSIBLE FOR ENFORCEMENT OF
108 THE MISSISSIPPI COMPULSORY SCHOOL ATTENDANCE LAW WITHIN THEIR
109 REGION; TO PROVIDE THAT THE STATE SUPERINTENDENT OF PUBLIC
110 EDUCATION SHALL SET THE SALARY OF REGIONAL COORDINATORS; TO
111 CLARIFY THE MINIMUM QUALIFICATIONS NECESSARY FOR SCHOOL ATTENDANCE
112 OFFICERS AND REMOVE THE REQUIREMENT OF THE STATE PERSONNEL BOARD
113 TO ESTABLISH ADDITIONAL QUALIFICATIONS FOR SCHOOL ATTENDANCE
114 OFFICERS; TO PROVIDE THAT SCHOOL ATTENDANCE OFFICERS EMPLOYED BY
115 THE STATE DEPARTMENT OF EDUCATION ON JULY 1, 2024, SHALL BE
116 TRANSFERRED TO EMPLOYMENT STATUS AS EMPLOYEES OF THEIR RESPECTIVE
117 SCHOOL DISTRICTS WITH WORK LOCATIONS THEREIN AND SHALL ENFORCE
118 ATTENDANCE AT CHARTER SCHOOLS LOCATED WITHIN THE SCHOOL DISTRICT;
119 TO PROVIDE FOR THE SHARING OF ADMINISTRATIVE AND COSTS SHARING
120 RESPONSIBILITIES OF TWO OR MORE SCHOOL DISTRICTS WHICH WERE
121 SIMULTANEOUSLY SERVED BY THE SAME SCHOOL ATTENDANCE OFFICER; TO
122 PROVIDE FOR THE TRANSFER OF ANY UNUSED ACCUMULATED LEAVE; TO
123 REQUIRE THE STATE TO PROVIDE FUNDING FOR ONE SCHOOL ATTENDANCE
124 OFFICER FOR EVERY 3,000 COMPULSORY-SCHOOL-AGE CHILDREN IN
125 ENROLLMENT IN THE PUBLIC SCHOOLS OF A COUNTY; TO ESTABLISH THE
126 MINIMUM SALARY OF NEWLY HIRED SCHOOL ATTENDANCE OFFICERS BEGINNING
127 JULY 1, 2024, AND AUTHORIZE LOCAL SCHOOL BOARDS TO PAY ADDITIONAL
128 COMPENSATION ABOVE THE MINIMUM SALARY ON A SCALE ESTABLISHED BY
129 THE LOCAL SCHOOL BOARD; TO PROVIDE THAT SCHOOL ATTENDANCE OFFICERS
130 TRANSFERRED TO THE LOCAL SCHOOL DISTRICT FROM THE STATE DEPARTMENT
131 OF EDUCATION SHALL BE COMPENSATED AT THE SAME SALARY RECEIVED
132 FISCAL YEAR 2024 RATE PLUS AN ADDITIONAL 25%; TO PROVIDE THAT
133 SCHOOL ATTENDANCE OFFICERS SHALL NOT EXPERIENCE ANY INTERRUPTION
134 OF SERVICE WITH THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE
135 SCHOOL EMPLOYEES' HEALTH INSURANCE PLAN AS A RESULT OF THE
136 TRANSFER OF EMPLOYMENT RESPONSIBILITY; TO AMEND SECTIONS 37-13-91



137 AND 37-13-107, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE
138 PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

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

140 **SECTION 1.** This following shall be codified as Section
141 37-151-201, Mississippi Code of 1972:

142 37-151-201. This chapter shall be known and may be cited as
143 the "Investing in the Needs of Students to Prioritize, Impact and
144 Reform Education (INSPIRE) Act of 2024."

145 **SECTION 2.** The following shall be codified as Section
146 37-151-203, Mississippi Code of 1972:

147 37-151-203. The following words and phrases have the
148 meanings ascribed in this section unless the context clearly
149 indicates otherwise:

150 (a) "Average daily membership" or "ADM" means the
151 figure that results when the total aggregate student enrollment of
152 a school district or charter school during the period counted is
153 divided by the number of days during the period counted upon which
154 both teachers and students are in regular attendance for scheduled
155 classroom instruction for not less than sixty percent (60%) of the
156 normal school day. However, if a local school board or the
157 governing board of a charter school adopts a class schedule that
158 operates throughout the year for any or all schools in the
159 district or the charter school, average daily membership must be
160 computed by the State Department of Education so that the
161 resulting average daily membership will not be higher or lower



162 than if the local school board or the governing board had not
163 adopted a year-round schedule.

164 (b) "Base amount" or "student base amount" means the
165 student base funding level that is established in the funding
166 formula as the estimated cost of educating a student with no
167 additional measured needs or special factors.

168 (c) "Career and technical education course" or "CTE
169 course" means a credit-bearing course that has been approved and
170 classified by the department as a career and technical education,
171 or CTE, course.

172 (d) "Charter school" means a public school that is
173 established and operating under the terms of a charter contract
174 pursuant to Chapter 28, Title 37, Mississippi Code of 1972.

175 (e) "Department" means the State Department of
176 Education.

177 (f) "English Language Learner" or "ELL" means a student
178 identified in accordance with federal law as entitled to English
179 as a second language or bilingual services on the basis of the
180 student's English language proficiency.

181 (g) "Final weighted enrollment" means the final product
182 of applying weights to the average daily membership of a school
183 district or charter school after accounting for the sparsity of a
184 school district or charter school, as determined in Section
185 37-151-209.



186 (h) "Gifted student" means a student identified as
187 eligible to participate in a gifted education program for the
188 instruction of intellectually or academically gifted children, as
189 defined and provided for in Sections 37-23-171 through 37-23-181.

190 (i) "Local contribution" means the amount of local tax
191 money that school districts or charter schools must contribute to
192 the cost of the funding formula for their district or charter
193 school in a given fiscal year, as determined under Section
194 37-151-217.

195 (j) "Local minimum tax effort" means the amount in
196 taxes that the local levying authority for each school district
197 must raise on behalf of the school districts and charter schools
198 in its geographic boundaries, as determined under Section
199 37-151-217.

200 (k) "Low income student" means a student who has been
201 identified by the department, through direct certification, as a
202 homeless, foster, runaway or migrant student, or a student who is
203 participating in, or belonging to a household that is
204 participating in, a means-tested program, including, but not
205 limited to, direct family certification of income-based
206 eligibility for free lunch under the National School Lunch
207 Program, Head Start, Medicaid, the Supplemental Nutrition
208 Assistance Program (SNAP), Temporary Assistance for Needy Families
209 (TANF), or Food Distribution Program on Indian Reservations
210 (FDPIR).



211 (1) "Investing in the Needs of Students to Prioritize,
212 Impact and Reform Education (INSPIRE)," "funding formula," or
213 "formula" means the formula used to determine annual operating
214 funding for public schools on a per student basis, as prescribed
215 in this chapter.

216 (m) "Preliminary weighted enrollment" means the initial
217 product of applying weights to the average daily membership of a
218 school district or charter school, as determined in Section
219 37-151-209.

220 (n) "School board" means a governmental board
221 exercising management and control over a school district and the
222 schools of that district pursuant to the Mississippi Constitution
223 of 1890 and state statutes.

224 (o) "School district" or "district" means a
225 governmental entity that establishes and supervises one or more
226 public schools within its geographical limits pursuant to state
227 statutes.

228 (p) "Sparsely populated district or charter school"
229 means a school district or charter school with a density of less
230 than eight (8) students per square mile, as determined by dividing
231 the square mileage within the geographic boundaries of the
232 district or charter school by its average daily membership. For
233 the purpose of determining the sparsity of a charter school, the
234 square mileage of a charter school is equivalent to the square



235 mileage within the geographic boundaries of the school district in
236 which the charter school is located.

237 (q) "Special education program" means a program that
238 provides services for exceptional children, as defined and
239 authorized by Chapter 23, Title 37, Mississippi Code of 1972.

240 (r) "State share" means the amount the state
241 contributes to the funding formula for the annual operating
242 funding of each school district or charter school.

243 (s) "Superintendent" means the administrative head of a
244 school district.

245 (t) "Uniform funding formula funds," "formula funding"
246 or "formula funds" means all funds, both state and local,
247 constituting the requirements for meeting the cost of the formula
248 as established pursuant to this chapter.

249 (u) "Weight" or "weighting" means a multiplier used to
250 adjust the preliminary weighted enrollment and final weighted
251 enrollment to support the additional costs of educating students
252 in defined student populations or in a defined geographic context.

253 **SECTION 3.** The following shall be codified as Section
254 37-151-205, Mississippi Code of 1972:

255 37-151-205. (1) Beginning with the 2025 fiscal year, the
256 annual computation of the total amount of operational funding,
257 both state and local, for the cost of educating students enrolled
258 in the public schools in the State of Mississippi is determined in
259 accordance with Investing in the Needs of Students to Prioritize,



260 Impact and Reform Education (INSPIRE) established under this
261 chapter.

262 (2) The annual amount of funding for the operation of each
263 school district and charter school under INSPIRE is determined by
264 multiplying the student base amount, as determined under Section
265 37-151-207, by the final weighted enrollment of the school
266 district or charter school, as determined under Section
267 37-151-209.

268 **SECTION 4.** The following shall be codified as Section
269 37-151-207, Mississippi Code of 1972:

270 37-151-207. Beginning with the 2025 fiscal year, the student
271 base amount may be no less than Six Thousand Six Hundred Fifty
272 Dollars (\$6,650.00) per student. The base amount must be set
273 annually in the appropriation bill. The minimum base amount may
274 be revised in subsequent years in accordance with provisions for
275 periodic review and revision of the funding formula pursuant to
276 Section 37-151-213.

277 **SECTION 5.** The following shall be codified as Section
278 37-151-209, Mississippi Code of 1972:

279 37-151-209. (1) The preliminary weighted enrollment of each
280 school district and charter school under Investing in the Needs of
281 Students to Prioritize, Impact and Reform Education (INSPIRE) is
282 determined by applying the weights prescribed in this section,
283 none of which is mutually exclusive of another, to each applicable



284 student counted in the school district or charter school's average
285 daily membership, as determined by Section 37-151-111.

286 (2) A weight of thirty percent (30%) is applied to each
287 student identified as low income, as defined in Section
288 37-151-203: the total number of students identified in this
289 subsection is multiplied by thirty one-hundredths (30/100).

290 (3) A weight of twenty percent (20%) is applied to each
291 student identified as an English Language Learner, as defined in
292 Section 37-151-203: the total number of students identified in
293 this subsection is multiplied by twenty one-hundredths (20/100).

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

297 (a) Tier I: A weight of sixty percent (60%) is applied
298 to each student diagnosed with a specific learning disability,
299 speech and language impairment, or developmental delay: the total
300 number of students identified in this paragraph is multiplied by
301 sixty one-hundredths (60/100).

302 (b) Tier II: A weight of one hundred twenty-five
303 percent (125%) is applied to each student diagnosed with autism,
304 hearing impairment, emotional disability, orthopedic impairment,
305 intellectual disability, or other health impairment: the total
306 number of students identified in this paragraph is multiplied by
307 one and twenty-five one-hundredths (1-25/100).



308 (c) Tier III: A weight of one hundred seventy percent
309 (170%) is applied to each student diagnosed with visual
310 impairment, deaf-blindness, multiple disabilities, or traumatic
311 brain injury: the total number of students identified in this
312 paragraph is multiplied by one and seventy one-hundredths
313 (1-70/100).

314 For the purpose of student counts, a student entitled to and
315 receiving special education services may not be included under
316 more than one (1) tier prescribed in paragraphs (a), (b) and (c)
317 of this subsection. A student having multiple diagnoses must be
318 counted under the highest tier applicable to that student.

319 (5) A weight of five percent (5%) is applied to five percent
320 (5%) of a school district or charter school's average daily
321 membership for the purpose of providing gifted education,
322 regardless of the number of students in a school district or
323 charter school that have been identified as gifted students: the
324 total number of students in average daily membership in a school
325 district or charter school, as determined by Section 37-151-111,
326 is multiplied by five one-hundredths (5/100), which is again
327 multiplied by five one-hundredths (5/100).

328 (6) A weight of ten percent (10%) is applied to each student
329 enrolled in a career and technical education course, as defined in
330 Section 37-151-203. A student enrolled in multiple career and
331 technical education courses is counted once. The total number of



332 students identified in this subsection is multiplied by ten
333 one-hundredths (10/100).

334 (7) In each school district or charter school where the
335 number of students identified as low income, as defined in Section
336 37-151-203, exceeds thirty-five percent (35%) of the school
337 district or charter school's average daily membership, a weight of
338 ten percent (10%) is applied only to the number of low income
339 students in excess of the number of low income students which
340 constitute thirty-five percent (35%) of average daily membership.
341 The number of students eligible for this weight is calculated by
342 subtracting the number of students equivalent to thirty-five
343 percent (35%) of the average daily membership of that school
344 district or charter school from the total number of students in
345 that school district or charter school identified as low income:
346 if the total number of students identified in subsection (2)
347 exceeds thirty-five percent (35%) of the school district or
348 charter school's total average daily membership, as determined in
349 Section 37-151-111, the difference between the total number of
350 students identified in subsection (2) and thirty-five percent
351 (35%) of the school district or charter school's total average
352 daily membership is multiplied by ten one-hundredths (10/100).

353 (8) The final weighted enrollment of each school district
354 and charter school under INSPIRE is determined as follows:

355 (a) The final weighted enrollment for each school
356 district or charter school that is not classified as a sparsely



357 populated district or charter school, as defined in Section
358 37-151-203, is equivalent to the preliminary weighted enrollment
359 of that school district or charter school, as determined in
360 subsections (1) through (7) of this section: the State Department
361 of Education shall add to the school district or charter school's
362 average daily membership, as determined under Section 37-151-111,
363 each of the additional figures calculated in accordance with
364 subsections (2) through (7), and this total is the final weighted
365 enrollment.

366 (b) The final weighted enrollment for each sparsely
367 populated district or charter school, as defined in Section
368 37-151-203, is determined by multiplying the sparsity weight by
369 the preliminary weighted enrollment, as determined in subsections
370 (1) through (7) of this section, and then adding that figure to
371 the preliminary weighted enrollment. To calculate the final
372 weighted enrollment, the State Department of Education shall add
373 to the school district or charter school's average daily
374 membership, as determined under Section 37-151-111, each of the
375 additional figures calculated in accordance with subsections (2)
376 through (7) to determine the preliminary weighted enrollment,
377 multiply this figure by the sparsity weight as determined below,
378 and add this resulting number to the preliminary weighted
379 enrollment to find the final weighted enrollment. To calculate
380 the sparsity weight, the State Department of Education shall find
381 the difference between the number of students per square mile in



382 that district or charter school and a sparsity threshold of eight
383 (8) students per square mile, and then shall divide the resulting
384 figure by one hundred percent (100%) to create a percentage: for
385 example, if the number of students per square mile in a district
386 is three (3), the difference is five (5) (eight (8) minus three
387 (3)), and the sparsity weight is five percent (5%), or five
388 one-hundredths (5/100).

389 **SECTION 6.** The following shall be codified as Section
390 37-151-211, Mississippi Code of 1972:

391 37-151-211. (1) A school district or charter school's
392 average daily membership for the purposes of calculating the cost
393 of Investing in the Needs of Students to Prioritize, Impact and
394 Reform Education (INSPIRE) must be based on the number of students
395 projected to be in enrollment in Mississippi public schools during
396 the fiscal year for which an appropriation is made. The average
397 daily membership of a school district or charter school for use in
398 the funding formula must be computed and currently maintained by
399 the State Board of Education in accordance with the following:

400 (a) Determination of school district average daily
401 membership for use in the funding formula. Effective with fiscal
402 year 2025, the State Department of Education shall determine the
403 percentage change from the prior year of each school district's
404 average of months two (2) and three (3) average daily membership
405 (ADM) for the three (3) immediately preceding school years of the
406 year for which funds are being appropriated. For any school



407 district that experiences growth in the average of months two (2)
408 and three (3) ADM each year of the three (3) years, the average
409 percentage growth over the three-year period must be multiplied
410 times the school district's average of months two (2) and three
411 (3) ADM for the year immediately preceding the year for which
412 formula funds are being appropriated. The resulting amount must
413 be added to the school district's average of months two (2) and
414 three (3) ADM for the year immediately preceding the year for
415 which formula funds are being appropriated to arrive at the ADM to
416 be used in determining a school district's funding formula
417 allocation. Otherwise, months two (2) and three (3) ADM for the
418 year immediately preceding the year for which formula funds are
419 being appropriated will be used in determining a school district's
420 funding formula allocation.

421 (b) Determination of charter school average daily
422 membership for use in the funding formula. Effective with fiscal
423 year 2025, the department shall base a charter school's average
424 daily membership (ADM) on the enrollment projections for the
425 relevant year set forth over the term of the charter contract.

426 (c) Should the annual average daily attendance of a
427 school district or charter school decline below a threshold of
428 ninety percent (90%) of the district or charter school's average
429 daily membership, the district or charter school must be funded
430 based on its average daily attendance until average daily
431 attendance exceeds ninety percent (90%). Average daily attendance



432 for a school district or charter school is the figure which
433 results when the total aggregate student attendance during months
434 two (2) and three (3) of a school year is divided by the number of
435 days during the months counted upon which both teachers and pupils
436 are in regular attendance for scheduled classroom instruction for
437 not less than sixty percent (60%) of the normal school day.

438 (d) The average daily membership of a school district
439 used for funding formula calculations, as determined in paragraph
440 (a) of this subsection, must be reconciled with the school
441 district's average daily membership using months two (2) and three
442 (3) for the year for which INSPIRE funds are being appropriated,
443 and any necessary adjustments must be made to payments during the
444 school district's following year of operation. Any necessary
445 adjustment for a school district must be based on the state share
446 of the per pupil amount in effect for the year for which actual
447 average daily membership did not meet expectations and not any new
448 amount appropriated for the year in which the adjustment will be
449 made. Reconciliation of average daily membership for charter
450 schools must be based on requirements set forth in Section
451 37-28-55.

452 (2) The ADM of a school district or charter school must
453 include any student enrolled in a dual enrollment-dual credit
454 program as defined and provided for in Section 37-15-38. The
455 State Department of Education shall make payments for dual
456 enrollment-dual credit programs to the home school district or



457 charter school in which the student is enrolled, in accordance
458 with regulations promulgated by the State Board of Education. All
459 state funding under the formula must cease upon completion of high
460 school graduation requirements.

461 (3) The State Board of Education shall promulgate such rules
462 and regulations as may be necessary for the counting and reporting
463 of student enrollment by school districts and charter schools to
464 the department in a manner that enables the provisions of this
465 chapter to be carried out. The rules and regulations must require
466 school districts and charter schools to submit data that includes,
467 at a minimum, numbers for the specific student populations that
468 are subject to weighting under the INSPIRE as well as the
469 aggregate amount of students in enrollment when each calculation
470 is made.

471 **SECTION 7.** The following shall be codified as Section
472 37-151-213, Mississippi Code of 1972:

473 37-151-213. (1) As soon as practical following the
474 effective date of this act, but no later than January 1, 2026, and
475 each year thereafter, the department shall review the disability
476 tiers established under this chapter to ensure that the various
477 diagnoses and weightings are matched and classified appropriately.
478 The department shall verify that the distribution of weights meets
479 the Maintenance of Effort (MOE) requirements of the Individuals
480 with Disabilities Education Act (IDEA) and that the total funding
481 by the state dedicated to special education is sufficient to meet



482 annual MOE requirements. The department also shall determine if
483 the diagnoses are categorized appropriately based on the average
484 costs of educating students in the state who are in special
485 education programs. Before September 1 of each year, the
486 department shall submit an annual report to the Education and
487 Appropriations Committees of the House of Representatives and
488 Senate recommending any revisions that are necessary in order for
489 the state to comply with federal requirements under IDEA or which
490 may be desirable to improve the delivery and funding of special
491 education services throughout the state. The department may
492 include any recommendations for transitioning to service-based, or
493 Individual Education Plan (IEP)-based, tiers for funding special
494 education services rather than diagnosis-based tiers.

495 (2) Before January 1, 2027, and each year thereafter, the
496 department shall submit a detailed report to the Education and
497 Appropriations Committees of the House of Representatives and
498 Senate on the status of English Language Learners in the public
499 schools. The report must include data demonstrating the progress
500 that is being made through programs and services aimed at
501 improving English language mastery in non-English-proficient
502 students and an assessment of the sufficiency of the supplemental
503 allocation for those programs and services, along with any
504 recommendations for adjustments to the weight prescribed under
505 this chapter for English Language Learners. In order to create
506 this report, the department may require each school district and



507 charter school to submit an annual report to the department
508 relating to the education of English Language Learners that
509 includes the following:

510 (a) The number of English Language Learners who are
511 being provided additional supports aimed at bringing
512 non-English-proficient students to English language mastery;

513 (b) A detailed description of the programs and services
514 being provided to English Language Learners;

515 (c) Detailed information relating to the expenditures
516 of each English Language Learner program and service in the school
517 district or charter school and the source of funding (federal,
518 state, or local) for those programs and services; and

519 (d) Such other information relating to the education of
520 English Language Learners which may be required by the department
521 in order to meet legislative requirements.

522 (3) Before January 1, 2027, and every four (4) years
523 thereafter, the State Board of Education, in consultation with the
524 Mississippi Charter School Authorizer Board, shall submit to the
525 Legislature a report that reviews the formula and the student base
526 amount and includes recommendations for revisions based upon
527 considerations which may include the effects of inflation, studies
528 of the actual costs of education in the State of Mississippi,
529 research in education and education finance, and public comment.
530 Any study of actual costs of education pursuant to this subsection
531 may include, but need not be limited to, the following:



- 532 (a) The relation of funding levels to student outcomes;
533 (b) Maintenance of effort in specified areas of focus
534 to promote continuity of effective practices;
535 (c) Improved techniques for determining specific levels
536 of funding needed to provide adequate special education services;
537 (d) Improved measures of change in the cost of
538 education; and
539 (e) A review of the costs associated with serving low
540 income students and how low income students are identified.

541 (4) The State Superintendent of Public Education is
542 responsible for the development of the report required under
543 subsection (3) and shall convene a working group to solicit input
544 and recommendations regarding revisions to the formula or student
545 base amount. The working group must be comprised of, at a
546 minimum, representatives from school districts, charter schools
547 and the general public.

548 **SECTION 8.** The following shall be codified as Section
549 37-151-215, Mississippi Code of 1972:

550 37-151-215. Allocations to school districts or charter
551 schools made by the State Department of Education on the basis of
552 the count of students in certain grade levels and in student
553 categories established for the purpose of applying various weights
554 under this chapter are intended only to generate total
555 appropriation amounts on a per student basis. Except as otherwise
556 required by applicable state or federal law or by applicable



557 rules, regulations, policies, or order of the State Board of
558 Education and the State Department of Education, a school district
559 or charter school may exercise full autonomy in the spending of
560 all funds allocated under the formula to the district or charter
561 school so long as funds are expended in the manner determined by
562 the school board or governing board to best meet the needs of the
563 student population of the school district or charter school.

564 **SECTION 9.** The following shall be codified as Section
565 37-151-217, Mississippi Code of 1972:

566 37-151-217. (1) (a) Before February 1 of each year, the
567 tax assessor of each county shall file reports with the State
568 Department of Education which provide information essential to the
569 department in determining the local contribution that each school
570 district or charter school is required to provide toward the cost
571 of Investing in the Needs of Students to Prioritize, Impact and
572 Reform Education (INSPIRE). A separate report must be filed for
573 each school district or part of a school district situated in the
574 county and must include the following information:

575 (i) The total assessed valuation of nonexempt
576 property for school purposes in each school district;

577 (ii) Assessed value of exempt property owned by
578 homeowners aged sixty-five (65) or older or disabled, as defined
579 in Section 27-33-67(2);



580 (iii) The school district's tax loss from
581 exemptions provided to applicants under the age of sixty-five (65)
582 and not disabled, as defined in Section 27-33-67(1); and

583 (iv) The school district's homestead reimbursement
584 revenues.

585 (b) The State Department of Education shall prepare and
586 make available to the tax assessor of each county a form for the
587 reports required under subsection (1)(a).

588 (2) (a) The department shall use the information submitted
589 pursuant to subsection (1) to calculate and certify to each school
590 district the millage required to raise its minimum local tax
591 effort, which must be the value of not less than twenty-eight (28)
592 mills for the then current fiscal year or a millage rate
593 equivalent to twenty-seven percent (27%) of the total INSPIRE
594 funds for the school district, any charter schools, and any
595 Mississippi Achievement School District Schools located in its
596 boundaries, whichever is a lesser amount as certified to the
597 school district by the department, upon all of the taxable
598 property of the school district, including the following sources:

599 (i) One hundred percent (100%) of Grand Gulf
600 income, as prescribed in Section 27-35-309; and

601 (ii) One hundred percent (100%) of any fees in
602 lieu of taxes, as prescribed in Section 27-31-104, in accordance
603 with Section 37-57-1.



604 (b) The department shall determine the local
605 contribution of each school district or charter school based on
606 the minimum local tax effort, as determined under paragraph (a),
607 and shall certify this required local contribution to each school
608 district or charter school, as follows:

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

612 (ii) For school districts in which there is
613 located one or more charter schools, the local contribution of the
614 school district is the product of multiplying the local pro rata
615 amount by the average daily membership of the school district.
616 The department will calculate the local pro rata amount by
617 dividing the school district's minimum local tax effort by the sum
618 of the average daily membership of the school district, as
619 determined by Section 37-151-211, and the projected enrollment of
620 charter school students, as specified in Section 37-151-211, who
621 reside or are estimated to reside in the district, but excluding
622 from this projected enrollment any resident students who are
623 projected to transfer from the district to a charter school after
624 the calculation of the district's average daily membership, so as
625 not to double-count those students.

626 (iii) For each charter school, the local
627 contribution is the sum of the local pro rata amount for each
628 charter school student, as determined by Section 37-151-211, based



629 on each student's district of residence. The department will
630 calculate a local pro rata amount for each school district in
631 which a student projected to attend the charter school resides or
632 is estimated to reside using the methodology in subparagraph (ii)
633 of this paragraph (b).

634 (iv) In the case of an agricultural high school,
635 the local contribution is based on an equitable amount per pupil,
636 as be determined by the State Board of Education. The State Board
637 of Education shall set the millage requirement to generate such an
638 amount and will certify this amount and millage requirement to
639 agricultural high schools in the same manner as for all other
640 school districts under this subsection.

641 (v) In the case of a district in which a school or
642 schools are absorbed by the Mississippi Achievement School
643 District but not the entire district, the local contribution of
644 the school district is the product of multiplying the local pro
645 rata amount by the average daily membership of the school
646 district. The department will calculate the local pro rata amount
647 by dividing the school district's minimum local tax effort by the
648 sum of the average daily membership of the school district, the
649 average daily membership of the school or schools so absorbed by
650 the Mississippi Achievement School District, and the projected
651 enrollment of any charter school students, as specified in Section
652 37-151-211, who reside or are estimated to reside in the district,
653 but excluding from this projected enrollment any resident students



654 who are projected to transfer from the district to a charter
655 school after the calculation of the district's average daily
656 membership so as not to double-count those students.

657 (vi) In the case of a school or schools or an entire
658 district absorbed by the Mississippi Achievement School District,
659 the local contribution of the school or schools or the former
660 district is the product of multiplying the local pro rata amount,
661 as determined by subparagraph (v) of this paragraph, by the
662 average daily membership of the absorbed school or schools or
663 former district.

664 (3) Except as otherwise provided in Section 37-151-223(1) or
665 37-151-219(2), the required state share in support of Investing in
666 the Needs of Students to Prioritize, Impact and Reform Education
667 (INSPIRE) for each school district and charter school is
668 determined by subtracting the required local contribution, which
669 total amount may not exceed twenty-seven percent (27%) of the
670 total projected funding formula cost, from the total projected
671 INSPIRE cost, as determined under this chapter, for the school
672 district or charter school.

673 (4) If the school board of any school district determines
674 that it is not economically feasible or practicable to operate any
675 school within the district for the full one hundred eighty (180)
676 days required for the school term of a scholastic year under
677 Section 37-13-63, due to an enemy attack, man-made, technological,
678 or natural disaster in which the Governor has declared a disaster



679 emergency under the laws of this state or the President of the
680 United States has declared an emergency or major disaster to exist
681 in this state, the school board may notify the State Department of
682 Education of the disaster and submit a plan for altering the
683 school term. If the State Board of Education finds the disaster
684 to be the cause of the school not operating for the contemplated
685 school term and that the school is in a school district covered by
686 the Governor's or President's disaster declaration, the board may
687 permit the schools in that district to be operated for less than
688 one hundred eighty (180) days and, in such case, the State
689 Department of Education may not reduce the state share in support
690 of the funding formula for that district because of the failure to
691 operate those schools for one hundred eighty (180) days.

692 **SECTION 10.** The following shall be codified as Section
693 37-151-219, Mississippi Code of 1972:

694 37-151-219. (1) To qualify for state funds under this
695 chapter, a school district may not exceed a student-teacher ratio
696 determined in accordance with appropriate accreditation standards
697 developed by the Mississippi Commission on School Accreditation.
698 However, a local district may apply to the State Board of
699 Education for approval of a waiver to this section by submitting
700 and justifying an alternative educational program to serve the
701 needs of enrollment. The State Board of Education must approve or
702 disapprove of the waiver no later than forty-five (45) days after
703 the receipt of the application.



704 (2) If a school district violates a required student-teacher
705 ratio, the state share in support of the funding formula for the
706 next succeeding fiscal year to that school district must be
707 reduced by the percentage variance that the actual student-teacher
708 ratios in the school district is to the required student-teacher
709 ratios established under accreditation standards.

710 (3) Notwithstanding the provisions of this section, the
711 State Board of Education may waive the student-teacher
712 requirements upon a finding that a good faith effort is being made
713 by a school district to comply with the ratio provision but, due
714 to a lack of classroom space which is beyond the district's
715 control, it is physically impossible for the district to comply,
716 and the cost of temporary classroom space cannot be justified.

717 (4) If a school district meets the highest levels of
718 performance classification, as determined by the State Board of
719 Education in the state's accountability standards, the State Board
720 of Education, in its discretion, may exempt the school district
721 from the maximum student-teacher ratio required under this
722 section.

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

724 **SECTION 11.** The following shall be codified as Section
725 37-151-221, Mississippi Code of 1972:

726 37-151-221. (1) The State Department of Education shall
727 conduct a comprehensive review of all rules, regulations, orders
728 and policies of the department and State Board of Education to



729 identify all process standards used in the assignment of a
730 district's accreditation status established by rule, regulation,
731 order or policy which create a fiscal impact on school districts
732 to determine if such standards are critical to student success.
733 The department shall examine those rules, regulations, orders and
734 policies to assess whether compliance with the administrative
735 requirements causes a fiscal impact that has the effect of
736 earmarking state funds before those funds are allocated to a
737 school district and forcing inefficient spending while restricting
738 innovation by the district. The study must identify those areas
739 in which school districts are required to follow a prescribed or
740 assumed investment of resources rather than be held to an expected
741 outcome. The department also shall examine any rules,
742 regulations, orders, policies or laws that prohibit or restrict
743 the use of state funds or the use of local funds for certain
744 expenditures to ascertain whether those provisions are necessary
745 or desirable under Investing in the Needs of Students to
746 Prioritize, Impact and Reform Education (INSPIRE). Based on the
747 results of the review, the State Board of Education or the
748 department shall consider making any necessary or desirable
749 revision to any rule, regulation, order or policy deemed
750 inconsistent with the intent of the funding formula and shall
751 submit to the Legislature, on or before January 1, 2026, a report
752 of any recommended legislation for statutory revisions deemed



753 necessary or desirable by the department or board in furthering
754 the intent of the funding formula.

755 (2) It is the intent of the Legislature that the performance
756 standards and classifications of the state accountability
757 standards reflect the goals and intentions of Investing in the
758 Needs of Students to Prioritize, Impact and Reform Education
759 (INSPIRE).

760 **SECTION 12.** The following shall be codified as Section
761 37-151-223, Mississippi Code of 1972:

762 37-151-223. (1) Notwithstanding the provisions of Section
763 37-151-217(3) or 37-151-219(2), the state share in support of the
764 funding formula for a school district or charter school for fiscal
765 year 2025 may not be less than an amount equal to the sum of all
766 state funds received by that school district or charter school for
767 fiscal year 2024, as follows:

768 (a) Funds distributed under the Mississippi Adequate
769 Education Program;

770 (b) Funds distributed by the State Department of
771 Education for the purpose of paying teachers' salaries according
772 to the teacher salary schedule prescribed in Section 37-19-7 and
773 assistant teachers, as prescribed in Section 37-21-7 for the
774 2023-2024 school year; and

775 (c) Funds distributed by and based on average daily
776 enrollment or the total number of students enrolled for each day
777 in each public school district or charter school, divided by the



778 total number of school days, and allowable to be spent on any
779 expenditures necessary to operate a public school district or
780 charter school, excluding salary increases for superintendents,
781 assistant superintendents or principals.

782 (2) Notwithstanding any other provision of this chapter, the
783 state share in support of the funding formula for a school
784 district or charter school for fiscal year 2026 and fiscal year
785 2027 may not be less than an amount equal to ninety-seven percent
786 (97%), nor greater than an amount equal to one hundred three
787 percent (103%), of the state funds received by that school
788 district or charter school under Investing in the Needs of
789 Students to Prioritize, Impact and Reform Education (INSPIRE) in
790 the immediately preceding fiscal year; however, the limitations
791 prescribed in this subsection do not apply to the extent that any
792 portion of such a decrease or increase, as the case may be, in the
793 required state share for a school district is attributable solely
794 to a projected change in the school district's or charter school's
795 average daily membership in the year for which funds are being
796 allocated.

797 (3) Before the December 1, 2028, a taskforce shall meet to
798 examine whether school districts qualifying for the hold harmless
799 provisions in subsections (1) and (2) of this section, as well as
800 districts rated "F" at the time of review, would benefit from
801 school district consolidation or other legislative action to
802 increase the financial sustainability, operational efficiency, or



803 educational quality in the affected school districts. The task
804 force shall make recommendations for consideration by the House
805 and Senate Education Committees during the 2029 Regular Session of
806 the Legislature. The taskforce shall be composed of the chairs
807 and vice-chairs of the House and Senate Education committees, two
808 (2) members appointed by the Governor, two (2) members appointed
809 by the Lieutenant Governor, two (2) members appointed by the
810 Speaker of the House, and two (2) members, who may be employees of
811 the State Department of Education, appointed by the State
812 Superintendent of Public Education. The taskforce shall meet upon
813 the call of the House and Senate Education chairs and shall listen
814 to the input of affected school districts, parents, community
815 members and other persons with knowledge and expertise in school
816 management, financial management or other relevant expertise.

817 (4) This section shall stand repealed on July 1, 2029.

818 **SECTION 13.** Section 37-57-1, Mississippi Code of 1972, is
819 amended as follows:

820 37-57-1. (1) (a) The boards of supervisors of the counties
821 shall levy and collect all taxes for and on behalf of all school
822 districts which were within the county school system or designated
823 as special municipal separate school districts prior to July 1,
824 1986. Such taxes shall be collected by the county tax collector
825 at the same time and in the same manner as county taxes are
826 collected by him, and the same penalties for delinquency shall be
827 applicable.



828 The governing authorities of the municipalities shall levy
829 and collect all taxes for and on behalf of all school districts
830 which were designated as municipal separate school districts prior
831 to July 1, 1986. Such taxes shall be collected by the municipal
832 tax collector at the same time and in the same manner as municipal
833 taxes are collected by him, and the same penalties for delinquency
834 shall be applicable.

835 Except as otherwise provided in Section 19-9-171, the county
836 or municipal tax collector, as the case may be, shall pay such tax
837 collections, except for taxes collected for the payment of the
838 principal of and interest on school bonds or notes and except for
839 taxes collected to defray collection costs, into the school
840 depository and report to the school board of the appropriate
841 school district at the same time and in the same manner as the tax
842 collector makes his payments and reports of other taxes collected
843 by him.

844 * * * However, the State Board of Education shall determine
845 the appropriate levying authority for any school district created
846 or reorganized after July 1, 1987.

847 (b) For the purposes of this chapter and any other laws
848 pertaining to taxes levied or bonds or notes issued for and on
849 behalf of school districts, the term "levying authority" means the
850 board of supervisors of the county or the governing authorities of
851 the municipality, whichever levies taxes for and on behalf of the



852 particular school district as provided in paragraphs (a) and (b)
853 of this subsection.

854 (2) The levying authority for the school district shall, at
855 the same time and in the same manner as other taxes are levied by
856 the levying authority, levy a tax of not less than twenty-eight
857 (28) mills for the then current fiscal year * * * or a millage
858 rate equivalent to twenty-seven percent (27%) of the * * * total
859 Investing in the Needs of Students to Prioritize, Impact and
860 Reform Education (INSPIRE), whichever is a lesser amount, as
861 certified to the school district by the State Department of
862 Education, upon all of the taxable property of the school
863 district, * * *. However, in no case shall the minimum local ad
864 valorem tax effort for any school district be equal to an amount
865 that would require a millage rate exceeding fifty-five (55) mills
866 in that school district. * * * However, * * * if a levying
867 authority is levying in excess of fifty-five (55) mills on July 1,
868 1997, the levying authority may levy an additional amount not
869 exceeding three (3) mills in the aggregate for the period
870 beginning July 1, 1997, and ending June 30, 2003, subject to the
871 limitation on increased receipts from ad valorem taxes prescribed
872 in Sections 37-57-105 and 37-57-107. Nothing in this subsection
873 shall be construed to require any school district that is levying
874 more than fifty-five (55) mills pursuant to Sections 37-57-1 and
875 37-57-105 to decrease its millage rate to fifty-five (55) mills or
876 less. In making such levy, the levying authority shall levy an



877 additional amount sufficient to cover anticipated delinquencies
878 and costs of collection so that the net amount of money to be
879 produced by such levy shall be equal to the amount which the
880 school district is required to contribute as its * * * minimum
881 local ad valorem tax effort. The tax so levied shall be collected
882 by the tax collector at the same time and in the same manner as
883 other ad valorem taxes are collected by him. The amount of taxes
884 so collected as a result of such levy shall be paid into the
885 district maintenance fund of the school district by the tax
886 collector at the same time and in the same manner as reports and
887 payments of other ad valorem taxes are made by * * * the tax
888 collector, except that the amount collected to defray costs of
889 collection may be paid into the county general fund. The levying
890 authority shall have the power and authority to direct and cause
891 warrants to be issued against such fund for the purpose of
892 refunding any amount of taxes erroneously or illegally paid into
893 such fund where such refund has been approved in the manner
894 provided by law.

895 **SECTION 14.** Section 37-57-104, Mississippi Code of 1972, is
896 amended as follows:

897 37-57-104. (1) Each school board shall submit to the
898 levying authority for the school district a certified copy of an
899 order adopted by the school board requesting an ad valorem tax
900 effort in dollars for the support of the school district. The
901 copy of the order shall be submitted by the school board when the



902 copies of the school district's budget are filed with the levying
903 authority pursuant to Section 37-61-9. Upon receipt of the school
904 board's order requesting the ad valorem tax effort in dollars, the
905 levying authority shall determine the millage rate necessary to
906 generate funds equal to the dollar amount requested by the school
907 board. For the purpose of calculating this millage rate, any
908 additional amount that is levied pursuant to Section 37-57-105(1)
909 to cover anticipated delinquencies and costs of collection or any
910 amount that may be levied for the payment of the principal and
911 interest on school bonds or notes shall be excluded from the
912 limitation of fifty-five (55) mills provided for in subsection (2)
913 of this section.

914 (2) (a) Except as otherwise provided under paragraph (b) or
915 (c) of this subsection, if the millage rate necessary to generate
916 funds equal to the dollar amount requested by the school board is
917 greater than fifty-five (55) mills, and if this millage rate is
918 higher than the millage then being levied pursuant to the school
919 board's order requesting the ad valorem tax effort for the
920 currently existing fiscal year, then the levying authority shall
921 call a referendum on the question of exceeding, during the next
922 fiscal year, the then existing millage rate being levied for
923 school district purposes. The referendum shall be scheduled for
924 not more than six (6) weeks after the date on which the levying
925 authority receives the school board's order requesting the ad
926 valorem tax effort.



927 When a referendum has been called, notice of the referendum
928 shall be published at least five (5) days per week, unless the
929 only newspaper published in the school district is published less
930 than five (5) days per week, for at least three (3) consecutive
931 weeks, in at least one (1) newspaper published in the school
932 district. The notice shall be no less than one-fourth (1/4) page
933 in size, and the type used shall be no smaller than eighteen (18)
934 point and surrounded by a one-fourth-inch solid black border. The
935 notice may not be placed in that portion of the newspaper where
936 legal notices and classified advertisements appear. The first
937 publication of the notice shall be made not less than twenty-one
938 (21) days before the date fixed for the referendum, and the last
939 publication shall be made not more than seven (7) days before that
940 date. If no newspaper is published in the school district, then
941 the notice shall be published in a newspaper having a general
942 circulation in the school district. The referendum shall be held,
943 as far as is practicable, in the same manner as other referendums
944 and elections are held in the county or municipality. At the
945 referendum, all registered, qualified electors of the school
946 district may vote. The ballots used at the referendum shall have
947 printed thereon a brief statement of the amount and purpose of the
948 increased tax levy and the words "FOR INCREASING THE MILLAGE
949 LEVIED FOR SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY
950 LEVIED) MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S
951 ORDER) MILLS," and "AGAINST INCREASING THE MILLAGE LEVIED FOR



952 SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY LEVIED)
953 MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S ORDER)
954 MILLS." The voter shall vote by placing a cross (X) or checkmark
955 (√) opposite his choice on the proposition.

956 If a majority of the registered, qualified electors of the
957 school district who vote in the referendum vote in favor of the
958 question, then the ad valorem tax effort in dollars requested by
959 the school board shall be approved. However, if a majority of the
960 registered, qualified electors who vote in the referendum vote
961 against the question, the millage rate levied by the levying
962 authority shall not exceed the millage then being levied pursuant
963 to the school board's order requesting the ad valorem tax effort
964 for the then currently existing fiscal year.

965 Nothing in this subsection shall be construed to require any
966 school district that is levying more than fifty-five (55) mills
967 pursuant to Sections 37-57-1 and 37-57-105 to decrease its millage
968 rate to fifty-five (55) mills or less. Further, nothing in this
969 subsection shall be construed to require a referendum in a school
970 district where the requested ad valorem tax effort in dollars
971 requires a millage rate of greater than fifty-five (55) mills but
972 the requested dollar amount does not require any increase in the
973 then existing millage rate. Further, nothing in this subsection
974 shall be construed to require a referendum in a school district
975 where, because of a decrease in the assessed valuation of the
976 district, a millage rate of greater than fifty-five (55) mills is



977 necessary to generate funds equal to the dollar amount generated
978 by the ad valorem tax effort for the currently existing fiscal
979 year.

980 (b) * * * However, * * * if a levying authority is
981 levying in excess of fifty-five (55) mills on July 1, 1997, the
982 levying authority may levy an additional amount not exceeding
983 three (3) mills in the aggregate for the period beginning July 1,
984 1997, and ending June 30, 2003, subject to the limitation on
985 increased receipts from ad valorem taxes prescribed in Sections
986 37-57-105 and 37-57-107.

987 (c) If the levying authority for any school district
988 lawfully has decreased the millage levied for school district
989 purposes, but subsequently determines that there is a need to
990 increase the millage rate due to a disaster in which the Governor
991 has declared a disaster emergency or the President of the United
992 States has declared an emergency or major disaster, then the
993 levying authority may increase the millage levied for school
994 district purposes up to an amount that does not exceed the millage
995 rate in any one (1) of the immediately preceding ten (10) fiscal
996 years without any referendum that otherwise would be required
997 under this subsection.

998 (3) If the millage rate necessary to generate funds equal to
999 the dollar amount requested by the school board is equal to
1000 fifty-five (55) mills or less, but the dollar amount requested by
1001 the school board exceeds the next preceding fiscal year's ad



1002 valorem tax effort in dollars by more than four percent (4%), but
1003 not more than seven percent (7%) (as provided for under subsection
1004 (4) of this section), then the school board shall publish notice
1005 thereof at least five (5) days per week, unless the only newspaper
1006 published in the school district is published less than five (5)
1007 days per week, for at least three (3) consecutive weeks in a
1008 newspaper published in the school district. The notice shall be
1009 no less than one-fourth (1/4) page in size, and the type used
1010 shall be no smaller than eighteen (18) point and surrounded by a
1011 one-fourth-inch solid black border. The notice may not be placed
1012 in that portion of the newspaper where legal notices and
1013 classified advertisements appear. The first publication shall be
1014 made not less than fifteen (15) days before the final adoption of
1015 the budget by the school board. If no newspaper is published in
1016 the school district, then the notice shall be published in a
1017 newspaper having a general circulation in the school district. If
1018 at any time before the adoption of the budget a petition signed by
1019 not less than twenty percent (20%) or fifteen hundred (1500),
1020 whichever is less, of the registered, qualified electors of the
1021 school district is filed with the school board requesting that a
1022 referendum be called on the question of exceeding the next
1023 preceding fiscal year's ad valorem tax effort in dollars by more
1024 than four percent (4%), then the school board shall adopt, not
1025 later than the next regular meeting, a resolution calling a
1026 referendum to be held within the school district upon the



1027 question. The referendum shall be called and held, and notice
1028 thereof shall be given, in the same manner provided for in
1029 subsection (2) of this section. The ballot shall contain the
1030 language "FOR THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)" and
1031 "AGAINST THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)." If a
1032 majority of the registered, qualified electors of the school
1033 district who vote in the referendum vote in favor of the question,
1034 then the increase requested by the school board shall be approved.
1035 For the purposes of this subsection, the revenue sources excluded
1036 from the increase limitation under Section 37-57-107 also shall be
1037 excluded from the limitation described in this subsection in the
1038 same manner as they are excluded under Section 37-57-107.
1039 Provided, however, that any increases requested by the school
1040 board as a result of the required local contribution to * * *
1041 Investing in the Needs of Students to Prioritize, Impact and
1042 Reform Education (INSPIRE), as certified to the local school
1043 district by the State Board of Education under Section * * *
1044 37-151-217, shall not be subject to the four percent (4%) and/or
1045 seven percent (7%) tax increase limitations provided in this
1046 section.

1047 (4) If the millage rate necessary to generate funds equal to
1048 the dollar amount requested by the school board is equal to
1049 fifty-five (55) mills or less, but the dollar amount requested by
1050 the school board exceeds the seven percent (7%) increase
1051 limitation provided for in Section 37-57-107, the school board may



1052 exceed the seven percent (7%) increase limitation only after the
1053 school board has determined the need for additional revenues and
1054 three-fifths (3/5) of the registered, qualified electors voting in
1055 a referendum called by the levying authority have voted in favor
1056 of the increase. The notice and manner of holding the referendum
1057 shall be as prescribed in subsection (2) of this section for a
1058 referendum on the question of increasing the millage rate in
1059 school districts levying more than fifty-five (55) mills for
1060 school district purposes.

1061 (5) The aggregate receipts from ad valorem taxes levied for
1062 school district purposes pursuant to Sections 37-57-1 and
1063 37-57-105, excluding collection fees, additional revenue from the
1064 ad valorem tax on any newly constructed properties or any existing
1065 properties added to the tax rolls or any properties previously
1066 exempt which were not assessed in the next preceding year, and
1067 amounts received by school districts from the School Ad Valorem
1068 Tax Reduction Fund pursuant to Section 37-61-35, shall be subject
1069 to the increase limitation under this section and Section
1070 37-57-107.

1071 (6) The school board shall pay to the levying authority all
1072 costs that are incurred by the levying authority in the calling
1073 and holding of any election under this section.

1074 (7) The provisions of this section shall not be construed to
1075 affect in any manner the authority of school boards to levy
1076 millage for the following purposes:



1077 (a) The issuance of bonds, notes and certificates of
1078 indebtedness, as authorized in Sections 37-59-1 through 37-59-45
1079 and Sections 37-59-101 through 37-59-115;

1080 (b) The lease of property for school purposes, as
1081 authorized under the Emergency School Leasing Authority Act of
1082 1986 (Sections 37-7-351 through 37-7-359);

1083 (c) The lease or lease-purchase of school buildings, as
1084 authorized under Section 37-7-301;

1085 (d) The issuance of promissory notes in the event of a
1086 shortfall of ad valorem taxes and/or revenue from local sources,
1087 as authorized under Section 27-39-333; and

1088 (e) The construction of school buildings outside the
1089 school district, as authorized under Section 37-7-401.

1090 Any millage levied for the purposes specified in this
1091 subsection shall be excluded from the millage limitations
1092 established under this section.

1093 **SECTION 15.** Section 37-57-105, Mississippi Code of 1972, is
1094 amended as follows:

1095 37-57-105. (1) * * * In addition to the taxes levied under
1096 Section 37-57-1, the levying authority for the school district, as
1097 defined in Section 37-57-1, upon receipt of a certified copy of an
1098 order adopted by the school board of the school district
1099 requesting an ad valorem tax effort in dollars for the support of
1100 the school district and any charter schools located in the
1101 district, shall, at the same time and in the same manner as other



1102 ad valorem taxes are levied, levy an annual ad valorem tax in the
1103 amount fixed in such order upon all of the taxable property of
1104 such school district, which shall not be less than the millage
1105 rate certified by the State Board of Education as the uniform
1106 minimum school district ad valorem tax levy required for the
1107 support of * * * Investing in the Needs of Students to Prioritize,
1108 Impact and Reform Education (INSPIRE) in such school district
1109 under Sections 37-57-1 and 37-151-217. * * * However, * * * any
1110 school district levying less than the uniform minimum school
1111 district ad valorem tax levy on July 1, 1997, shall only be
1112 required to increase its local district maintenance levy in four
1113 (4) mill annual increments in order to attain such millage
1114 requirements. In making such levy, the levying authority shall
1115 levy an additional amount sufficient to cover anticipated
1116 delinquencies and costs of collection so that the net amount of
1117 money to be produced by such levy shall be equal to the amount
1118 which is requested by * * * the school board. The proceeds of
1119 such tax levy, excluding levies for the payment of the principal
1120 of and interest on school bonds or notes and excluding levies for
1121 costs of collection, shall be placed in the school depository to
1122 the credit of the school district and shall be expended in the
1123 manner provided by law for the purpose of supplementing teachers'
1124 salaries, extending school terms, purchasing furniture, supplies
1125 and materials, and for all other lawful operating and incidental
1126 expenses of such school district * * *.



1127 The monies authorized to be received by school districts from
1128 the School Ad Valorem Tax Reduction Fund pursuant to Section
1129 37-61-35 shall be included as ad valorem tax receipts. The
1130 levying authority for the school district, as defined in Section
1131 37-57-1, shall reduce the ad valorem tax levy for such school
1132 district in an amount equal to the amount distributed to such
1133 school district from the School Ad Valorem Tax Reduction Fund each
1134 calendar year pursuant to * * * Section 37-61-35. Such reduction
1135 shall not be less than the millage rate necessary to generate a
1136 reduction in ad valorem tax receipts equal to the funds
1137 distributed to such school district from the School Ad Valorem Tax
1138 Reduction Fund pursuant to Section 37-61-35. * * * The millage
1139 levy certified by the State Board of Education as the * * *
1140 minimum * * * tax levy * * * shall be subject to the provisions of
1141 this paragraph.

1142 In any county where there is located a nuclear generating
1143 power plant on which a tax is assessed under Section 27-35-309(3),
1144 such required levy and revenue produced thereby may be reduced by
1145 the levying authority in an amount in proportion to a reduction in
1146 the base revenue of any such county from the previous year. Such
1147 reduction shall be allowed only if the reduction in base revenue
1148 equals or exceeds five percent (5%). "Base revenue" shall mean
1149 the revenue received by the county from the ad valorem tax levy
1150 plus the revenue received by the county from the tax assessed
1151 under Section 27-35-309(3) and authorized to be used for any



1152 purposes for which a county is authorized by law to levy an ad
1153 valorem tax. For purposes of determining if the reduction equals
1154 or exceeds five percent (5%), a levy of millage equal to the prior
1155 year's millage shall be hypothetically applied to the current
1156 year's ad valorem tax base to determine the amount of revenue to
1157 be generated from the ad valorem tax levy. For the purposes of
1158 this section and Section 37-57-107, the portion of the base
1159 revenue used for the support of any school district shall be
1160 deemed to be the aggregate receipts from ad valorem taxes for the
1161 support of any school district. This paragraph shall apply to
1162 taxes levied for the 1987 fiscal year and for each fiscal year
1163 thereafter. If the Mississippi Supreme Court or another court
1164 finally adjudicates that the tax levied under Section 27-35-309(3)
1165 is unconstitutional, then this paragraph shall stand repealed.

1166 (b) The State Department of Education shall calculate a
1167 local pro rata amount for the aggregate receipts of the tax levied
1168 in this section by dividing the aggregate receipts by the sum of
1169 the school district's average daily membership, as determined
1170 under Section 37-151-211, and the average daily membership of any
1171 charter school students who reside in the district.

1172 (2) When the tax is levied upon the territory of any school
1173 district located in two (2) or more counties, the order of the
1174 school board requesting the levying of such tax shall be certified
1175 to the levying authority of each of the counties involved, and
1176 each of the levying authorities shall levy the tax in the manner



1177 specified herein. The taxes so levied shall be collected by the
1178 tax collector of the levying authority involved and remitted by
1179 the tax collector to the school depository of the home county to
1180 the credit of the school district involved as provided above,
1181 except that taxes for collection fees may be retained by the
1182 levying authority for deposit into its general fund.

1183 (3) The aggregate receipts from ad valorem taxes levied for
1184 school district purposes, excluding collection fees, pursuant to
1185 this section and Section 37-57-1 shall be subject to the increased
1186 limitation under Section 37-57-107; however, if the ad valorem tax
1187 effort in dollars requested by the school district for the fiscal
1188 year exceeds the next preceding fiscal year's ad valorem tax
1189 effort in dollars by more than four percent (4%) but not more than
1190 seven percent (7%), then the school board shall publish notice
1191 thereof once each week for at least three (3) consecutive weeks in
1192 a newspaper having general circulation in the school district
1193 involved, with the first publication thereof to be made not less
1194 than fifteen (15) days prior to the final adoption of the budget
1195 by the school board. If at any time prior to * * * the adoption a
1196 petition signed by not less than twenty percent (20%) or fifteen
1197 hundred (1500), whichever is less, of the qualified electors of
1198 the school district involved shall be filed with the school board
1199 requesting that an election be called on the question of exceeding
1200 the next preceding fiscal year's ad valorem tax effort in dollars
1201 by more than four percent (4%) but not more than seven percent



1202 (7%), then the school board shall, not later than the next regular
1203 meeting, adopt a resolution calling an election to be held within
1204 such school district upon such question. The election shall be
1205 called and held, and notice thereof shall be given, in the same
1206 manner for elections upon the questions of the issuance of the
1207 bonds of school districts, and the results thereof shall be
1208 certified to the school board. The ballot shall contain the
1209 language "For the School Tax Increase Over Four Percent (4%)" and
1210 "Against the School Tax Increase Over Four Percent (4%)." If a
1211 majority of the qualified electors of the school district who
1212 voted in such election shall vote in favor of the question, then
1213 the stated increase requested by the school board shall be
1214 approved. For the purposes of this paragraph, the revenue sources
1215 excluded from the increased limitation under Section 37-57-107
1216 shall also be excluded from the limitation described herein in the
1217 same manner as they are excluded under Section 37-57-107.

1218 **SECTION 16.** Section 37-57-107, Mississippi Code of 1972, is
1219 amended as follows:

1220 37-57-107. (1) Beginning with the tax levy for the 1997
1221 fiscal year and for each fiscal year thereafter, the aggregate
1222 receipts from taxes levied for school district purposes pursuant
1223 to Sections 37-57-105 and 37-57-1 shall not exceed the aggregate
1224 receipts from those sources during any one (1) of the immediately
1225 preceding three (3) fiscal years, as determined by the school
1226 board, plus an increase not to exceed seven percent (7%). For the



1227 purpose of this limitation, the term "aggregate receipts" when
1228 used in connection with the amount of funds generated in a
1229 preceding fiscal year shall not include excess receipts required
1230 by law to be deposited into a special account. However, the term
1231 "aggregate receipts" includes any receipts required by law to be
1232 paid to a charter school. The additional revenue from the ad
1233 valorem tax on any newly constructed properties or any existing
1234 properties added to the tax rolls or any properties previously
1235 exempt which were not assessed in the next preceding year may be
1236 excluded from the seven percent (7%) increase limitation set forth
1237 herein. Taxes levied for payment of principal of and interest on
1238 general obligation school bonds issued heretofore or hereafter
1239 shall be excluded from the seven percent (7%) increase limitation
1240 set forth herein. Any additional millage levied to fund any new
1241 program mandated by the Legislature shall be excluded from the
1242 limitation for the first year of the levy and included within such
1243 limitation in any year thereafter. For the purposes of this
1244 section, the term "new program" shall include, but shall not be
1245 limited to, (a) the Early Childhood Education Program * * *l as
1246 provided by Section 37-21-7,l and any additional millage levied and
1247 the revenue generated therefrom, which is excluded from the
1248 limitation for the first year of the levy, to support the mandated
1249 Early Childhood Education Program shall be specified on the
1250 minutes of the school board and of the governing body making such
1251 tax levy; (b) any additional millage levied and the revenue



1252 generated therefrom, which shall be excluded from the limitation
1253 for the first year of the levy, for the purpose of generating
1254 additional local contribution funds required for * * * Investing
1255 in the Needs of Students to Prioritize, Impact and Reform
1256 Education (INSPIRE); and (c) any additional millage levied and the
1257 revenue generated therefrom which shall be excluded from the
1258 limitation for the first year of the levy, for the purpose of
1259 support and maintenance of any agricultural high school which has
1260 been transferred to the control, operation and maintenance of the
1261 school board by the board of trustees of the community college
1262 district under provisions of Section 37-29-272.

1263 (2) The seven percent (7%) increase limitation prescribed in
1264 this section may be increased an additional amount only when the
1265 school board has determined the need for additional revenues and
1266 has held an election on the question of raising the limitation
1267 prescribed in this section. The limitation may be increased only
1268 if three-fifths (3/5) of those voting in the election shall vote
1269 for the proposed increase. The resolution, notice and manner of
1270 holding the election shall be as prescribed by law for the holding
1271 of elections for the issuance of bonds by the respective school
1272 boards. Revenues collected for the fiscal year in excess of the
1273 seven percent (7%) increase limitation pursuant to an election
1274 shall be included in the tax base for the purpose of determining
1275 aggregate receipts for which the seven percent (7%) increase
1276 limitation applies for subsequent fiscal years.



1277 (3) Except as otherwise provided for excess revenues
1278 generated pursuant to an election, if revenues collected as the
1279 result of the taxes levied for the fiscal year pursuant to this
1280 section and Section 37-57-1 exceed the increase limitation, then
1281 it shall be the mandatory duty of the school board of the school
1282 district to deposit such excess receipts over and above the
1283 increase limitation into a special account and credit it to the
1284 fund for which the levy was made. It will be the further duty of
1285 such board to hold * * * the funds and invest the same as
1286 authorized by law. Such excess funds shall be calculated in the
1287 budgets for the school districts for the purpose for which such
1288 levies were made, for the succeeding fiscal year. Taxes imposed
1289 for the succeeding year shall be reduced by the amount of excess
1290 funds available. Under no circumstances shall such excess funds
1291 be expended during the fiscal year in which such excess funds are
1292 collected.

1293 (4) For the purposes of determining ad valorem tax receipts
1294 for a preceding fiscal year under this section, the term "fiscal
1295 year" means the fiscal year beginning October 1 and ending
1296 September 30.

1297 (5) Beginning with the 2013-2014 school year, each school
1298 district in which a charter school is located shall pay to the
1299 charter school an amount for each student enrolled in the charter
1300 school equal to the ad valorem taxes levied per pupil for the
1301 support of the school district in which the charter school is



1302 located. The pro rata ad valorem taxes to be transferred to the
1303 charter school must include all levies for the support of the
1304 school district under Sections 37-57-1 (local contribution to the
1305 adequate education program) and 37-57-105 (school district
1306 operational levy) but may not include any taxes levied for the
1307 retirement of school district bonded indebtedness or short-term
1308 notes or any taxes levied for the support of vocational-technical
1309 education programs. Payments made pursuant to this subsection by
1310 a school district to a charter school must be made before the
1311 expiration of three (3) business days after the funds are
1312 distributed to the school district.

1313 **SECTION 17.** Section 37-61-33, Mississippi Code of 1972, is
1314 amended as follows:

1315 37-61-33. (1) There is created within the State Treasury a
1316 special fund to be designated the "Education Enhancement Fund"
1317 into which shall be deposited all the revenues collected pursuant
1318 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

1319 (2) * * * The * * * money deposited into the Education
1320 Enhancement Fund shall be appropriated as follows:

1321 (a) To the State Department of Education as follows:

1322 (i) Sixteen and sixty-one one-hundredths percent

1323 (16.61%) to the cost of * * * Investing in the Needs of Students

1324 to Prioritize, Impact and Reform Education (INSPIRE), as

1325 determined under * * * Chapter 151, Title 37, Mississippi Code of

1326 1972; of the funds generated by the percentage set forth in this



1327 section for the support of the * * * funding formula, one and one
1328 hundred seventy-eight one-thousandths percent (1.178%) of the
1329 funds shall be appropriated to be used by the State Department of
1330 Education for the purchase of textbooks to be loaned under
1331 Sections 37-43-1 through 37-43-59 to approved nonpublic schools,
1332 as described in Section 37-43-1. The funds to be distributed to
1333 each nonpublic school shall be in the proportion that the average
1334 daily * * * membership of each nonpublic school bears to the total
1335 average daily * * * membership of all nonpublic schools;

1336 (ii) Seven and ninety-seven one-hundredths percent
1337 (7.97%) to assist the funding of transportation operations and
1338 maintenance pursuant to Section 37-19-23; and

1339 (iii) Nine and sixty-one one-hundredths percent
1340 (9.61%) for classroom supplies, instructional materials and
1341 equipment, including computers and computer software, to be
1342 distributed to all eligible teachers within the state through the
1343 use of procurement cards or a digital solution capable of
1344 tracking, paying and reporting purchases. Classroom supply funds
1345 shall not be expended for administrative purposes. On a date to
1346 be determined by the State Department of Education, but not later
1347 than July 1 of each year, local school districts shall determine
1348 and submit to the State Department of Education the number of
1349 teachers eligible to receive an allocation for the current year.
1350 For purposes of this subparagraph, "teacher" means any employee of
1351 the school board of a school district, or the Mississippi School



1352 for the Arts, the Mississippi School for Math and Science, the
1353 Mississippi School for the Blind, the Mississippi School for the
1354 Deaf or a public charter school, who is required by law to obtain
1355 a teacher's license from the State Department of Education and who
1356 is assigned to an instructional area of work as defined by the
1357 department, and shall include any full- or part-time gifted or
1358 special education teacher. It is the intent of the Legislature
1359 that all classroom teachers shall utilize these funds in a manner
1360 that addresses individual classroom needs and supports the overall
1361 goals of the school regarding supplies, instructional materials,
1362 equipment, computers or computer software under the provisions of
1363 this subparagraph, including the type, quantity and quality of
1364 such supplies, materials and equipment. Classroom supply funds
1365 allocated under this subparagraph shall supplement, not replace,
1366 other local and state funds available for the same purposes. The
1367 State Board of Education shall develop and promulgate rules and
1368 regulations for the administration of this subparagraph consistent
1369 with the above criteria, with particular emphasis on allowing the
1370 individual teachers to expend funds as they deem appropriate. The
1371 local school board shall require each school to issue credentials
1372 for a digital solution selected by or procurement cards provided
1373 by the Department of Finance and Administration under the
1374 provisions of Section 31-7-9(1)(c) for the use of teachers and
1375 necessary support personnel in making instructional supply fund
1376 expenditures under this section, consistent with the regulations



1377 of the Mississippi Department of Finance and Administration
1378 pursuant to Section 31-7-9. Such credentials or procurement cards
1379 shall be provided by the State Department of Education to local
1380 school districts on a date determined by the State Department of
1381 Education, but not later than August 1 of each year. Local school
1382 districts shall issue such credentials or procurement cards to
1383 classroom teachers at the beginning of the school year, but no
1384 later than August 1 of each year, and shall be issued in equal
1385 amounts per teacher determined by the total number of qualifying
1386 personnel and the current state appropriation for classroom
1387 supplies with the Education Enhancement Fund. After initial cards
1388 are issued under the timeline prescribed by this section, the
1389 State Department of Education may issue cards to districts for any
1390 classroom teacher hired after July 1 under a timeline prescribed
1391 by the State Department of Education. Such credentials or cards
1392 will expire on a predetermined date at the end of each school
1393 year, but not before April 1 of each year. All unexpended amounts
1394 will be carried forward, combined with the following year's
1395 allocation of Education Enhancement Fund instructional supplies
1396 funds and reallocated for the following year;

1397 (b) Twenty-two and nine one-hundredths percent (22.09%)
1398 to the Board of Trustees of State Institutions of Higher Learning
1399 for the purpose of supporting institutions of higher learning; and



1400 (c) Fourteen and forty-one one-hundredths percent
1401 (14.41%) to the Mississippi Community College Board for the
1402 purpose of providing support to community and junior colleges.

1403 (* * *3) The amount remaining in the Education Enhancement
1404 Fund after funds are distributed as provided in * * * subsection
1405 (2) * * * of this section shall be appropriated for other
1406 educational needs.

1407 (* * *4) None of the funds appropriated pursuant to
1408 subsection (* * *2) (a) of this section shall be used to reduce
1409 the state's General Fund appropriation * * * pursuant to
1410 subsection (* * *2) (a) (ii) of this section * * * in the amount of
1411 Thirty-six Million Seven Hundred Thousand Dollars
1412 (\$36,700,000.00) * * *.

1413 * * *

1414 (* * *5) Any funds appropriated from the Education
1415 Enhancement Fund that are unexpended at the end of a fiscal year
1416 shall lapse into the Education Enhancement Fund, except as
1417 otherwise provided in subsection (* * *2) (a) (iii) of this
1418 section.

1419 **SECTION 18.** Section 27-65-75, Mississippi Code of 1972, is
1420 amended as follows:

1421 27-65-75. On or before the fifteenth day of each month, the
1422 revenue collected under the provisions of this chapter during the
1423 preceding month shall be paid and distributed as follows:



1424 (1) (a) On or before August 15, 1992, and each succeeding
1425 month thereafter through July 15, 1993, eighteen percent (18%) of
1426 the total sales tax revenue collected during the preceding month
1427 under the provisions of this chapter, except that collected under
1428 the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
1429 business activities within a municipal corporation shall be
1430 allocated for distribution to the municipality and paid to the
1431 municipal corporation. Except as otherwise provided in this
1432 paragraph (a), on or before August 15, 1993, and each succeeding
1433 month thereafter, eighteen and one-half percent (18-1/2%) of the
1434 total sales tax revenue collected during the preceding month under
1435 the provisions of this chapter, except that collected under the
1436 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
1437 27-65-24, on business activities within a municipal corporation
1438 shall be allocated for distribution to the municipality and paid
1439 to the municipal corporation. However, in the event the State
1440 Auditor issues a certificate of noncompliance pursuant to Section
1441 21-35-31, the Department of Revenue shall withhold ten percent
1442 (10%) of the allocations and payments to the municipality that
1443 would otherwise be payable to the municipality under this
1444 paragraph (a) until such time that the department receives written
1445 notice of the cancellation of a certificate of noncompliance from
1446 the State Auditor.



1447 A municipal corporation, for the purpose of distributing the
1448 tax under this subsection, shall mean and include all incorporated
1449 cities, towns and villages.

1450 Monies allocated for distribution and credited to a municipal
1451 corporation under this paragraph may be pledged as security for a
1452 loan if the distribution received by the municipal corporation is
1453 otherwise authorized or required by law to be pledged as security
1454 for such a loan.

1455 In any county having a county seat that is not an
1456 incorporated municipality, the distribution provided under this
1457 subsection shall be made as though the county seat was an
1458 incorporated municipality; however, the distribution to the
1459 municipality shall be paid to the county treasury in which the
1460 municipality is located, and those funds shall be used for road,
1461 bridge and street construction or maintenance in the county.

1462 (b) On or before August 15, 2006, and each succeeding
1463 month thereafter, eighteen and one-half percent (18-1/2%) of the
1464 total sales tax revenue collected during the preceding month under
1465 the provisions of this chapter, except that collected under the
1466 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
1467 business activities on the campus of a state institution of higher
1468 learning or community or junior college whose campus is not
1469 located within the corporate limits of a municipality, shall be
1470 allocated for distribution to the state institution of higher



1471 learning or community or junior college and paid to the state
1472 institution of higher learning or community or junior college.

1473 (c) On or before August 15, 2018, and each succeeding
1474 month thereafter until August 14, 2019, two percent (2%) of the
1475 total sales tax revenue collected during the preceding month under
1476 the provisions of this chapter, except that collected under the
1477 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
1478 27-65-24, on business activities within the corporate limits of
1479 the City of Jackson, Mississippi, shall be deposited into the
1480 Capitol Complex Improvement District Project Fund created in
1481 Section 29-5-215. On or before August 15, 2019, and each
1482 succeeding month thereafter until August 14, 2020, four percent
1483 (4%) of the total sales tax revenue collected during the preceding
1484 month under the provisions of this chapter, except that collected
1485 under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21
1486 and 27-65-24, on business activities within the corporate limits
1487 of the City of Jackson, Mississippi, shall be deposited into the
1488 Capitol Complex Improvement District Project Fund created in
1489 Section 29-5-215. On or before August 15, 2020, and each
1490 succeeding month thereafter through July 15, 2023, six percent
1491 (6%) of the total sales tax revenue collected during the preceding
1492 month under the provisions of this chapter, except that collected
1493 under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21
1494 and 27-65-24, on business activities within the corporate limits
1495 of the City of Jackson, Mississippi, shall be deposited into the



1496 Capitol Complex Improvement District Project Fund created in
1497 Section 29-5-215. On or before August 15, 2023, and each
1498 succeeding month thereafter, nine percent (9%) of the total sales
1499 tax revenue collected during the preceding month under the
1500 provisions of this chapter, except that collected under the
1501 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
1502 27-65-24, on business activities within the corporate limits of
1503 the City of Jackson, Mississippi, shall be deposited into the
1504 Capitol Complex Improvement District Project Fund created in
1505 Section 29-5-215.

1506 (d) (i) On or before the fifteenth day of the month
1507 that the diversion authorized by this section begins, and each
1508 succeeding month thereafter, eighteen and one-half percent
1509 (18-1/2%) of the total sales tax revenue collected during the
1510 preceding month under the provisions of this chapter, except that
1511 collected under the provisions of Sections 27-65-15, 27-65-19(3)
1512 and 27-65-21, on business activities within a redevelopment
1513 project area developed under a redevelopment plan adopted under
1514 the Tax Increment Financing Act (Section 21-45-1 et seq.) shall be
1515 allocated for distribution to the county in which the project area
1516 is located if:

- 1517 1. The county:
- 1518 a. Borders on the Mississippi Sound and
1519 the State of Alabama, or



1520 b. Is Harrison County, Mississippi, and
1521 the project area is within a radius of two (2) miles from the
1522 intersection of Interstate 10 and Menge Avenue;

1523 2. The county has issued bonds under Section
1524 21-45-9 to finance all or a portion of a redevelopment project in
1525 the redevelopment project area;

1526 3. Any debt service for the indebtedness
1527 incurred is outstanding; and

1528 4. A development with a value of Ten Million
1529 Dollars (\$10,000,000.00) or more is, or will be, located in the
1530 redevelopment area.

1531 (ii) Before any sales tax revenue may be allocated
1532 for distribution to a county under this paragraph, the county
1533 shall certify to the Department of Revenue that the requirements
1534 of this paragraph have been met, the amount of bonded indebtedness
1535 that has been incurred by the county for the redevelopment project
1536 and the expected date the indebtedness incurred by the county will
1537 be satisfied.

1538 (iii) The diversion of sales tax revenue
1539 authorized by this paragraph shall begin the month following the
1540 month in which the Department of Revenue determines that the
1541 requirements of this paragraph have been met. The diversion shall
1542 end the month the indebtedness incurred by the county is
1543 satisfied. All revenue received by the county under this
1544 paragraph shall be deposited in the fund required to be created in



1545 the tax increment financing plan under Section 21-45-11 and be
1546 utilized solely to satisfy the indebtedness incurred by the
1547 county.

1548 (2) On or before September 15, 1987, and each succeeding
1549 month thereafter, from the revenue collected under this chapter
1550 during the preceding month, One Million One Hundred Twenty-five
1551 Thousand Dollars (\$1,125,000.00) shall be allocated for
1552 distribution to municipal corporations as defined under subsection
1553 (1) of this section in the proportion that the number of gallons
1554 of gasoline and diesel fuel sold by distributors to consumers and
1555 retailers in each such municipality during the preceding fiscal
1556 year bears to the total gallons of gasoline and diesel fuel sold
1557 by distributors to consumers and retailers in municipalities
1558 statewide during the preceding fiscal year. The Department of
1559 Revenue shall require all distributors of gasoline and diesel fuel
1560 to report to the department monthly the total number of gallons of
1561 gasoline and diesel fuel sold by them to consumers and retailers
1562 in each municipality during the preceding month. The Department
1563 of Revenue shall have the authority to promulgate such rules and
1564 regulations as is necessary to determine the number of gallons of
1565 gasoline and diesel fuel sold by distributors to consumers and
1566 retailers in each municipality. In determining the percentage
1567 allocation of funds under this subsection for the fiscal year
1568 beginning July 1, 1987, and ending June 30, 1988, the Department
1569 of Revenue may consider gallons of gasoline and diesel fuel sold



1570 for a period of less than one (1) fiscal year. For the purposes
1571 of this subsection, the term "fiscal year" means the fiscal year
1572 beginning July 1 of a year.

1573 (3) On or before September 15, 1987, and on or before the
1574 fifteenth day of each succeeding month, until the date specified
1575 in Section 65-39-35, the proceeds derived from contractors' taxes
1576 levied under Section 27-65-21 on contracts for the construction or
1577 reconstruction of highways designated under the highway program
1578 created under Section 65-3-97 shall, except as otherwise provided
1579 in Section 31-17-127, be deposited into the State Treasury to the
1580 credit of the State Highway Fund to be used to fund that highway
1581 program. The Mississippi Department of Transportation shall
1582 provide to the Department of Revenue such information as is
1583 necessary to determine the amount of proceeds to be distributed
1584 under this subsection.

1585 (4) On or before August 15, 1994, and on or before the
1586 fifteenth day of each succeeding month through July 15, 1999, from
1587 the proceeds of gasoline, diesel fuel or kerosene taxes as
1588 provided in Section 27-5-101(a)(ii)1, Four Million Dollars
1589 (\$4,000,000.00) shall be deposited in the State Treasury to the
1590 credit of a special fund designated as the "State Aid Road Fund,"
1591 created by Section 65-9-17. On or before August 15, 1999, and on
1592 or before the fifteenth day of each succeeding month, from the
1593 total amount of the proceeds of gasoline, diesel fuel or kerosene
1594 taxes apportioned by Section 27-5-101(a)(ii)1, Four Million



1595 Dollars (\$4,000,000.00) or an amount equal to twenty-three and
1596 one-fourth percent (23-1/4%) of those funds, whichever is the
1597 greater amount, shall be deposited in the State Treasury to the
1598 credit of the "State Aid Road Fund," created by Section 65-9-17.
1599 Those funds shall be pledged to pay the principal of and interest
1600 on state aid road bonds heretofore issued under Sections 19-9-51
1601 through 19-9-77, in lieu of and in substitution for the funds
1602 previously allocated to counties under this section. Those funds
1603 may not be pledged for the payment of any state aid road bonds
1604 issued after April 1, 1981; however, this prohibition against the
1605 pledging of any such funds for the payment of bonds shall not
1606 apply to any bonds for which intent to issue those bonds has been
1607 published for the first time, as provided by law before March 29,
1608 1981. From the amount of taxes paid into the special fund under
1609 this subsection and subsection (9) of this section, there shall be
1610 first deducted and paid the amount necessary to pay the expenses
1611 of the Office of State Aid Road Construction, as authorized by the
1612 Legislature for all other general and special fund agencies. The
1613 remainder of the fund shall be allocated monthly to the several
1614 counties in accordance with the following formula:

1615 (a) One-third (1/3) shall be allocated to all counties
1616 in equal shares;

1617 (b) One-third (1/3) shall be allocated to counties
1618 based on the proportion that the total number of rural road miles



1619 in a county bears to the total number of rural road miles in all
1620 counties of the state; and

1621 (c) One-third (1/3) shall be allocated to counties
1622 based on the proportion that the rural population of the county
1623 bears to the total rural population in all counties of the state,
1624 according to the latest federal decennial census.

1625 For the purposes of this subsection, the term "gasoline,
1626 diesel fuel or kerosene taxes" means such taxes as defined in
1627 paragraph (f) of Section 27-5-101.

1628 The amount of funds allocated to any county under this
1629 subsection for any fiscal year after fiscal year 1994 shall not be
1630 less than the amount allocated to the county for fiscal year 1994.

1631 Any reference in the general laws of this state or the
1632 Mississippi Code of 1972 to Section 27-5-105 shall mean and be
1633 construed to refer and apply to subsection (4) of Section
1634 27-65-75.

1635 (5) * * * [Deleted]

1636 (6) An amount each month beginning August 15, 1983, through
1637 November 15, 1986, as specified in Section 6, Chapter 542, Laws of
1638 1983, shall be paid into the special fund known as the
1639 Correctional Facilities Construction Fund created in Section 6,
1640 Chapter 542, Laws of 1983.

1641 (7) On or before August 15, 1992, and each succeeding month
1642 thereafter through July 15, 2000, two and two hundred sixty-six
1643 one-thousandths percent (2.266%) of the total sales tax revenue



1644 collected during the preceding month under the provisions of this
1645 chapter, except that collected under the provisions of Section
1646 27-65-17(2), shall be deposited by the department into the School
1647 Ad Valorem Tax Reduction Fund created under Section 37-61-35. On
1648 or before August 15, 2000, and each succeeding month thereafter,
1649 two and two hundred sixty-six one-thousandths percent (2.266%) of
1650 the total sales tax revenue collected during the preceding month
1651 under the provisions of this chapter, except that collected under
1652 the provisions of Section 27-65-17(2), shall be deposited into the
1653 School Ad Valorem Tax Reduction Fund created under Section
1654 37-61-35 until such time that the total amount deposited into the
1655 fund during a fiscal year equals Forty-two Million Dollars
1656 (\$42,000,000.00). Thereafter, the amounts diverted under this
1657 subsection (7) during the fiscal year in excess of Forty-two
1658 Million Dollars (\$42,000,000.00) shall be deposited into the
1659 Education Enhancement Fund created under Section 37-61-33 for
1660 appropriation by the Legislature as other education needs and
1661 shall not be subject to the percentage appropriation requirements
1662 set forth in Section 37-61-33.

1663 (8) On or before August 15, 1992, and each succeeding month
1664 thereafter, nine and seventy-three one-thousandths percent
1665 (9.073%) of the total sales tax revenue collected during the
1666 preceding month under the provisions of this chapter, except that
1667 collected under the provisions of Section 27-65-17(2), shall be



1668 deposited into the Education Enhancement Fund created under
1669 Section 37-61-33.

1670 (9) On or before August 15, 1994, and each succeeding month
1671 thereafter, from the revenue collected under this chapter during
1672 the preceding month, Two Hundred Fifty Thousand Dollars
1673 (\$250,000.00) shall be paid into the State Aid Road Fund.

1674 (10) On or before August 15, 1994, and each succeeding month
1675 thereafter through August 15, 1995, from the revenue collected
1676 under this chapter during the preceding month, Two Million Dollars
1677 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad
1678 Valorem Tax Reduction Fund established in Section 27-51-105.

1679 (11) Notwithstanding any other provision of this section to
1680 the contrary, on or before February 15, 1995, and each succeeding
1681 month thereafter, the sales tax revenue collected during the
1682 preceding month under the provisions of Section 27-65-17(2) and
1683 the corresponding levy in Section 27-65-23 on the rental or lease
1684 of private carriers of passengers and light carriers of property
1685 as defined in Section 27-51-101 shall be deposited, without
1686 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund
1687 established in Section 27-51-105.

1688 (12) Notwithstanding any other provision of this section to
1689 the contrary, on or before August 15, 1995, and each succeeding
1690 month thereafter, the sales tax revenue collected during the
1691 preceding month under the provisions of Section 27-65-17(1) on
1692 retail sales of private carriers of passengers and light carriers



1693 of property, as defined in Section 27-51-101 and the corresponding
1694 levy in Section 27-65-23 on the rental or lease of these vehicles,
1695 shall be deposited, after diversion, into the Motor Vehicle Ad
1696 Valorem Tax Reduction Fund established in Section 27-51-105.

1697 (13) On or before July 15, 1994, and on or before the
1698 fifteenth day of each succeeding month thereafter, that portion of
1699 the avails of the tax imposed in Section 27-65-22 that is derived
1700 from activities held on the Mississippi State Fairgrounds Complex
1701 shall be paid into a special fund that is created in the State
1702 Treasury and shall be expended upon legislative appropriation
1703 solely to defray the costs of repairs and renovation at the Trade
1704 Mart and Coliseum.

1705 (14) On or before August 15, 1998, and each succeeding month
1706 thereafter through July 15, 2005, that portion of the avails of
1707 the tax imposed in Section 27-65-23 that is derived from sales by
1708 cotton compresses or cotton warehouses and that would otherwise be
1709 paid into the General Fund shall be deposited in an amount not to
1710 exceed Two Million Dollars (\$2,000,000.00) into the special fund
1711 created under Section 69-37-39. On or before August 15, 2007, and
1712 each succeeding month thereafter through July 15, 2010, that
1713 portion of the avails of the tax imposed in Section 27-65-23 that
1714 is derived from sales by cotton compresses or cotton warehouses
1715 and that would otherwise be paid into the General Fund shall be
1716 deposited in an amount not to exceed Two Million Dollars
1717 (\$2,000,000.00) into the special fund created under Section



1718 69-37-39 until all debts or other obligations incurred by the
1719 Certified Cotton Growers Organization under the Mississippi Boll
1720 Weevil Management Act before January 1, 2007, are satisfied in
1721 full. On or before August 15, 2010, and each succeeding month
1722 thereafter through July 15, 2011, fifty percent (50%) of that
1723 portion of the avails of the tax imposed in Section 27-65-23 that
1724 is derived from sales by cotton compresses or cotton warehouses
1725 and that would otherwise be paid into the General Fund shall be
1726 deposited into the special fund created under Section 69-37-39
1727 until such time that the total amount deposited into the fund
1728 during a fiscal year equals One Million Dollars (\$1,000,000.00).
1729 On or before August 15, 2011, and each succeeding month
1730 thereafter, that portion of the avails of the tax imposed in
1731 Section 27-65-23 that is derived from sales by cotton compresses
1732 or cotton warehouses and that would otherwise be paid into the
1733 General Fund shall be deposited into the special fund created
1734 under Section 69-37-39 until such time that the total amount
1735 deposited into the fund during a fiscal year equals One Million
1736 Dollars (\$1,000,000.00).

1737 (15) Notwithstanding any other provision of this section to
1738 the contrary, on or before September 15, 2000, and each succeeding
1739 month thereafter, the sales tax revenue collected during the
1740 preceding month under the provisions of Section
1741 27-65-19(1) (d) (i)2, and 27-65-19(1) (d) (i)3 shall be deposited,



1742 without diversion, into the Telecommunications Ad Valorem Tax
1743 Reduction Fund established in Section 27-38-7.

1744 (16) (a) On or before August 15, 2000, and each succeeding
1745 month thereafter, the sales tax revenue collected during the
1746 preceding month under the provisions of this chapter on the gross
1747 proceeds of sales of a project as defined in Section 57-30-1 shall
1748 be deposited, after all diversions except the diversion provided
1749 for in subsection (1) of this section, into the Sales Tax
1750 Incentive Fund created in Section 57-30-3.

1751 (b) On or before August 15, 2007, and each succeeding
1752 month thereafter, eighty percent (80%) of the sales tax revenue
1753 collected during the preceding month under the provisions of this
1754 chapter from the operation of a tourism project under the
1755 provisions of Sections 57-26-1 through 57-26-5, shall be
1756 deposited, after the diversions required in subsections (7) and
1757 (8) of this section, into the Tourism Project Sales Tax Incentive
1758 Fund created in Section 57-26-3.

1759 (17) Notwithstanding any other provision of this section to
1760 the contrary, on or before April 15, 2002, and each succeeding
1761 month thereafter, the sales tax revenue collected during the
1762 preceding month under Section 27-65-23 on sales of parking
1763 services of parking garages and lots at airports shall be
1764 deposited, without diversion, into the special fund created under
1765 Section 27-5-101(d).

1766 (18) [Repealed]



1767 (19) (a) On or before August 15, 2005, and each succeeding
1768 month thereafter, the sales tax revenue collected during the
1769 preceding month under the provisions of this chapter on the gross
1770 proceeds of sales of a business enterprise located within a
1771 redevelopment project area under the provisions of Sections
1772 57-91-1 through 57-91-11, and the revenue collected on the gross
1773 proceeds of sales from sales made to a business enterprise located
1774 in a redevelopment project area under the provisions of Sections
1775 57-91-1 through 57-91-11 (provided that such sales made to a
1776 business enterprise are made on the premises of the business
1777 enterprise), shall, except as otherwise provided in this
1778 subsection (19), be deposited, after all diversions, into the
1779 Redevelopment Project Incentive Fund as created in Section
1780 57-91-9.

1781 (b) For a municipality participating in the Economic
1782 Redevelopment Act created in Sections 57-91-1 through 57-91-11,
1783 the diversion provided for in subsection (1) of this section
1784 attributable to the gross proceeds of sales of a business
1785 enterprise located within a redevelopment project area under the
1786 provisions of Sections 57-91-1 through 57-91-11, and attributable
1787 to the gross proceeds of sales from sales made to a business
1788 enterprise located in a redevelopment project area under the
1789 provisions of Sections 57-91-1 through 57-91-11 (provided that
1790 such sales made to a business enterprise are made on the premises
1791 of the business enterprise), shall be deposited into the



1792 Redevelopment Project Incentive Fund as created in Section
1793 57-91-9, as follows:

1794 (i) For the first six (6) years in which payments
1795 are made to a developer from the Redevelopment Project Incentive
1796 Fund, one hundred percent (100%) of the diversion shall be
1797 deposited into the fund;

1798 (ii) For the seventh year in which such payments
1799 are made to a developer from the Redevelopment Project Incentive
1800 Fund, eighty percent (80%) of the diversion shall be deposited
1801 into the fund;

1802 (iii) For the eighth year in which such payments
1803 are made to a developer from the Redevelopment Project Incentive
1804 Fund, seventy percent (70%) of the diversion shall be deposited
1805 into the fund;

1806 (iv) For the ninth year in which such payments are
1807 made to a developer from the Redevelopment Project Incentive Fund,
1808 sixty percent (60%) of the diversion shall be deposited into the
1809 fund; and

1810 (v) For the tenth year in which such payments are
1811 made to a developer from the Redevelopment Project Incentive Fund,
1812 fifty percent (50%) of the funds shall be deposited into the fund.

1813 (20) On or before January 15, 2007, and each succeeding
1814 month thereafter, eighty percent (80%) of the sales tax revenue
1815 collected during the preceding month under the provisions of this
1816 chapter from the operation of a tourism project under the



1817 provisions of Sections 57-28-1 through 57-28-5 shall be deposited,
1818 after the diversions required in subsections (7) and (8) of this
1819 section, into the Tourism Sales Tax Incentive Fund created in
1820 Section 57-28-3.

1821 (21) (a) On or before April 15, 2007, and each succeeding
1822 month thereafter through June 15, 2013, One Hundred Fifty Thousand
1823 Dollars (\$150,000.00) of the sales tax revenue collected during
1824 the preceding month under the provisions of this chapter shall be
1825 deposited into the MMEIA Tax Incentive Fund created in Section
1826 57-101-3.

1827 (b) On or before July 15, 2013, and each succeeding
1828 month thereafter, One Hundred Fifty Thousand Dollars (\$150,000.00)
1829 of the sales tax revenue collected during the preceding month
1830 under the provisions of this chapter shall be deposited into the
1831 Mississippi Development Authority Job Training Grant Fund created
1832 in Section 57-1-451.

1833 (22) On or before June 1, 2024, and each succeeding month
1834 thereafter until December 31, 2057, an amount determined annually
1835 by the Mississippi Development Authority of the sales tax revenue
1836 collected during the preceding month under the provisions of this
1837 chapter shall be deposited into the MMEIA Tax Incentive Fund
1838 created in Section 18 of * * * Senate Bill No. 2001, 2024 Second
1839 Extraordinary Session. This amount shall be based on estimated
1840 payments due within the upcoming year to construction contractors
1841 pursuant to construction contracts subject to the tax imposed by



1842 Section 27-65-21 for construction to be performed on the project
1843 site of a project defined under Section 57-75-5(f) (xxxiii) for the
1844 coming year.

1845 (23) Notwithstanding any other provision of this section to
1846 the contrary, on or before August 15, 2009, and each succeeding
1847 month thereafter, the sales tax revenue collected during the
1848 preceding month under the provisions of Section 27-65-201 shall be
1849 deposited, without diversion, into the Motor Vehicle Ad Valorem
1850 Tax Reduction Fund established in Section 27-51-105.

1851 (24) (a) On or before August 15, 2019, and each month
1852 thereafter through July 15, 2020, one percent (1%) of the total
1853 sales tax revenue collected during the preceding month from
1854 restaurants and hotels shall be allocated for distribution to the
1855 Mississippi Development Authority Tourism Advertising Fund
1856 established under Section 57-1-64, to be used exclusively for the
1857 purpose stated therein. On or before August 15, 2020, and each
1858 month thereafter through July 15, 2021, two percent (2%) of the
1859 total sales tax revenue collected during the preceding month from
1860 restaurants and hotels shall be allocated for distribution to the
1861 Mississippi Development Authority Tourism Advertising Fund
1862 established under Section 57-1-64, to be used exclusively for the
1863 purpose stated therein. On or before August 15, 2021, and each
1864 month thereafter, three percent (3%) of the total sales tax
1865 revenue collected during the preceding month from restaurants and
1866 hotels shall be allocated for distribution to the Mississippi



1867 Development Authority Tourism Advertising Fund established under
1868 Section 57-1-64, to be used exclusively for the purpose stated
1869 therein. The revenue diverted pursuant to this subsection shall
1870 not be available for expenditure until February 1, 2020.

1871 (b) The Joint Legislative Committee on Performance
1872 Evaluation and Expenditure Review (PEER) must provide an annual
1873 report to the Legislature indicating the amount of funds deposited
1874 into the Mississippi Development Authority Tourism Advertising
1875 Fund established under Section 57-1-64, and a detailed record of
1876 how the funds are spent.

1877 (25) The remainder of the amounts collected under the
1878 provisions of this chapter shall be paid into the State Treasury
1879 to the credit of the General Fund.

1880 (26) (a) It shall be the duty of the municipal officials of
1881 any municipality that expands its limits, or of any community that
1882 incorporates as a municipality, to notify the commissioner of that
1883 action thirty (30) days before the effective date. Failure to so
1884 notify the commissioner shall cause the municipality to forfeit
1885 the revenue that it would have been entitled to receive during
1886 this period of time when the commissioner had no knowledge of the
1887 action.

1888 (b) (i) Except as otherwise provided in subparagraph
1889 (ii) of this paragraph, if any funds have been erroneously
1890 disbursed to any municipality or any overpayment of tax is
1891 recovered by the taxpayer, the commissioner may make correction



1892 and adjust the error or overpayment with the municipality by
1893 withholding the necessary funds from any later payment to be made
1894 to the municipality.

1895 (ii) Subject to the provisions of Sections
1896 27-65-51 and 27-65-53, if any funds have been erroneously
1897 disbursed to a municipality under subsection (1) of this section
1898 for a period of three (3) years or more, the maximum amount that
1899 may be recovered or withheld from the municipality is the total
1900 amount of funds erroneously disbursed for a period of three (3)
1901 years beginning with the date of the first erroneous disbursement.
1902 However, if during such period, a municipality provides written
1903 notice to the Department of Revenue indicating the erroneous
1904 disbursement of funds, then the maximum amount that may be
1905 recovered or withheld from the municipality is the total amount of
1906 funds erroneously disbursed for a period of one (1) year beginning
1907 with the date of the first erroneous disbursement.

1908 **SECTION 19.** Section 27-67-31, Mississippi Code of 1972, is
1909 brought forward as follows:

1910 27-67-31. All administrative provisions of the sales tax
1911 law, and amendments thereto, including those which fix damages,
1912 penalties and interest for failure to comply with the provisions
1913 of said sales tax law, and all other requirements and duties
1914 imposed upon taxpayer, shall apply to all persons liable for use
1915 taxes under the provisions of this article. The commissioner
1916 shall exercise all power and authority and perform all duties with



1917 respect to taxpayers under this article as are provided in said
1918 sales tax law, except where there is conflict, then the provisions
1919 of this article shall control.

1920 The commissioner may require transportation companies to
1921 permit the examination of waybills, freight bills, or other
1922 documents covering shipments of tangible personal property into
1923 this state.

1924 On or before the fifteenth day of each month, the amount
1925 received from taxes, damages and interest under the provisions of
1926 this article during the preceding month shall be paid and
1927 distributed as follows:

1928 (a) On or before July 15, 1994, through July 15, 2000,
1929 and each succeeding month thereafter, two and two hundred
1930 sixty-six one-thousandths percent (2.266%) of the total use tax
1931 revenue collected during the preceding month under the provisions
1932 of this article shall be deposited in the School Ad Valorem Tax
1933 Reduction Fund created pursuant to Section 37-61-35. On or before
1934 August 15, 2000, and each succeeding month thereafter, two and two
1935 hundred sixty-six one-thousandths percent (2.266%) of the total
1936 use tax revenue collected during the preceding month under the
1937 provisions of this chapter shall be deposited into the School Ad
1938 Valorem Tax Reduction Fund created under Section 37-61-35 until
1939 such time that the total amount deposited into the fund during a
1940 fiscal year equals Four Million Dollars (\$4,000,000.00).
1941 Thereafter, the amounts diverted under this paragraph (a) during



1942 the fiscal year in excess of Four Million Dollars (\$4,000,000.00)
1943 shall be deposited into the Education Enhancement Fund created
1944 under Section 37-61-33 for appropriation by the Legislature as
1945 other education needs and shall not be subject to the percentage
1946 appropriation requirements set forth in Section 37-61-33.

1947 (b) On or before July 15, 1994, and each succeeding
1948 month thereafter, nine and seventy-three one-thousandths percent
1949 (9.073%) of the total use tax revenue collected during the
1950 preceding month under the provisions of this article shall be
1951 deposited into the Education Enhancement Fund created pursuant to
1952 Section 37-61-33.

1953 (c) On or before July 15, 1997, and on or before the
1954 fifteenth day of each succeeding month thereafter, the revenue
1955 collected under the provisions of this article imposed and levied
1956 as a result of Section 27-65-17(2) and the corresponding levy in
1957 Section 27-65-23 on the rental or lease of private carriers of
1958 passengers and light carriers of property as defined in Section
1959 27-51-101 shall be deposited into the Motor Vehicle Ad Valorem Tax
1960 Reduction Fund created pursuant to Section 27-51-105.

1961 (d) On or before July 15, 1997, and on or before the
1962 fifteenth day of each succeeding month thereafter and after the
1963 deposits required by paragraphs (a) and (b) of this section are
1964 made, the remaining revenue collected under the provisions of this
1965 article imposed and levied as a result of Section 27-65-17(1) and
1966 the corresponding levy in Section 27-65-23 on the rental or lease



1967 of private carriers of passengers and light carriers of property
1968 as defined in Section 27-51-101 shall be deposited into the Motor
1969 Vehicle Ad Valorem Tax Reduction Fund created pursuant to Section
1970 27-51-105.

1971 (e) On or before August 15, 2019, and each succeeding
1972 month thereafter through July 15, 2020, three and three-fourths
1973 percent (3-3/4%) of the total use tax revenue collected during the
1974 preceding month under the provisions of this article shall be
1975 deposited into the special fund created in Section 27-67-35(1).
1976 On or before August 15, 2020, and each succeeding month thereafter
1977 through July 15, 2021, seven and one-half percent (7-1/2%) of the
1978 total use tax revenue collected during the preceding month under
1979 the provisions of this article shall be deposited into the special
1980 fund created in Section 27-67-35(1). On or before August 15,
1981 2021, and each succeeding month thereafter through July 15, 2022,
1982 eleven and one-fourth percent (11-1/4%) of the total use tax
1983 revenue collected during the preceding month under the provisions
1984 of this article shall be deposited into the special fund created
1985 in Section 27-67-35(1). On or before August 15, 2022, and each
1986 succeeding month thereafter, fifteen percent (15%) of the total
1987 use tax revenue collected during the preceding month under the
1988 provisions of this article shall be deposited into the special
1989 fund created in Section 27-67-35(1).

1990 (f) On or before August 15, 2019, and each succeeding
1991 month thereafter through July 15, 2020, three and three-fourths



1992 percent (3-3/4%) of the total use tax revenue collected during the
1993 preceding month under the provisions of this article shall be
1994 deposited into the special fund created in Section 27-67-35(2).
1995 On or before August 15, 2020, and each succeeding month thereafter
1996 through July 15, 2021, seven and one-half percent (7-1/2%) of the
1997 total use tax revenue collected during the preceding month under
1998 the provisions of this article shall be deposited into the special
1999 fund created in Section 27-67-35(2). On or before August 15,
2000 2021, and each succeeding month thereafter through July 15, 2022,
2001 eleven and one-fourth percent (11-1/4%) of the total use tax
2002 revenue collected during the preceding month under the provisions
2003 of this article shall be deposited into the special fund created
2004 in Section 27-67-35(2). On or before August 15, 2022, and each
2005 succeeding month thereafter, fifteen percent (15%) of the total
2006 use tax revenue collected during the preceding month under the
2007 provisions of this article shall be deposited into the special
2008 fund created in Section 27-67-35(2).

2009 (g) On or before August 15, 2019, and each succeeding
2010 month thereafter through July 15, 2020, Four Hundred Sixteen
2011 Thousand Six Hundred Sixty-six Dollars and Sixty-seven Cents
2012 (\$416,666.67) or one and one-fourth percent (1-1/4%) of the total
2013 use tax revenue collected during the preceding month under the
2014 provisions of this article, whichever is the greater amount, shall
2015 be deposited into the Local System Bridge Replacement and
2016 Rehabilitation Fund created in Section 65-37-13. On or before



2017 August 15, 2020, and each succeeding month thereafter through July
2018 15, 2021, Eight Hundred Thirty-three Thousand Three Hundred
2019 Thirty-three Dollars and Thirty-four Cents (\$833,333.34) or two
2020 and one-half percent (2-1/2%) of the total use tax revenue
2021 collected during the preceding month under the provisions of this
2022 article, whichever is the greater amount, shall be deposited into
2023 the Local System Bridge Replacement and Rehabilitation Fund
2024 created in Section 65-37-13. On or before August 15, 2021, and
2025 each succeeding month thereafter through July 15, 2022, One
2026 Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00) or
2027 three and three-fourths percent (3-3/4%) of the total use tax
2028 revenue collected during the preceding month under the provisions
2029 of this article, whichever is the greater amount, shall be
2030 deposited into the Local System Bridge Replacement and
2031 Rehabilitation Fund created in Section 65-37-13. On or before
2032 August 15, 2022, and each succeeding month thereafter through July
2033 15, 2023, One Million Six Hundred Sixty-six Thousand Six Hundred
2034 Sixty-six Dollars and Sixty-seven Cents (\$1,666,666.67) or five
2035 percent (5%) of the total use tax revenue collected during the
2036 preceding month under the provisions of this article, whichever is
2037 the greater amount, shall be deposited into the Local System
2038 Bridge Replacement and Rehabilitation Fund created in Section
2039 65-37-13. On or before August 15, 2023, and each succeeding month
2040 thereafter, (i) One Million Six Hundred Sixty-six Thousand Six
2041 Hundred Sixty-six Dollars and Sixty-seven Cents (\$1,666,666.67) or



2042 two and one-half percent (2-1/2%) of the total use tax revenue
2043 collected during the preceding month under the provisions of this
2044 article, whichever is the greater amount, shall be deposited into
2045 the Local System Bridge Replacement and Rehabilitation Fund
2046 created in Section 65-37-13, and (ii) One Million Six Hundred
2047 Sixty-six Thousand Six Hundred Sixty-six Dollars and Sixty-seven
2048 Cents (\$1,666,666.67) or two and one-half percent (2-1/2%) of the
2049 total use tax revenue collected during the preceding month under
2050 the provisions of this article, whichever is the greater amount,
2051 shall be deposited into the State Aid Road Fund created in Section
2052 65-9-17.

2053 (h) On or before August 15, 2020, and each succeeding
2054 month thereafter through July 15, 2022, One Million Dollars
2055 (\$1,000,000.00) of the total use tax revenue collected during the
2056 preceding month under the provisions of this article shall be
2057 deposited into the Local System Bridge Replacement and
2058 Rehabilitation Fund created in Section 65-37-13. Amounts
2059 deposited into the Local System Bridge Replacement and
2060 Rehabilitation Fund under this paragraph (h) shall be in addition
2061 to amounts deposited into the fund under paragraph (g) of this
2062 section.

2063 (i) The remainder of the amount received from taxes,
2064 damages and interest under the provisions of this article shall be
2065 paid into the General Fund of the State Treasury by the
2066 commissioner.



2067 **SECTION 20.** Section 27-115-85, Mississippi Code of 1972, is
2068 brought forward as follows:

2069 27-115-85. Until June 30, 2028, net proceeds generated by
2070 the Alyce G. Clarke Mississippi Lottery Law, created pursuant to
2071 this chapter and deposited into the Lottery Proceeds Fund under
2072 Section 27-115-51(2), except as otherwise provided in this
2073 section, shall be paid into the State Highway Fund by warrant
2074 issued by the State Fiscal Officer upon requisition of the State
2075 Transportation Commission as needed to provide funds to repair,
2076 renovate and maintain highways and bridges of the state; however,
2077 funds paid into the State Highway Fund under this section shall be
2078 first used for matching federal funds authorized to the state
2079 pursuant to any federal highway infrastructure program implemented
2080 after September 1, 2018. However, all such monies deposited into
2081 the Lottery Proceeds Fund over Eighty Million Dollars
2082 (\$80,000,000.00) in a fiscal year shall be transferred into the
2083 Education Enhancement Fund for the purposes of funding the Early
2084 Childhood Learning Collaborative, the Classroom Supply Fund and/or
2085 other educational purposes. From and after July 1, 2028, the net
2086 proceeds shall be deposited into the Lottery Proceeds Fund and
2087 shall be transferred to the State General Fund, except for the
2088 amounts over Eighty Million Dollars (\$80,000,000.00) which shall
2089 continue to be deposited in the Education Enhancement Fund as
2090 provided above.



2091 **SECTION 21.** Section 1-3-26, Mississippi Code of 1972, is
2092 amended as follows:

2093 1-3-26. Wherever the phrase "minimum education program,"
2094 "minimum program," * * * "minimum foundation program,"
2095 "Mississippi Adequate Education Program," "adequate education
2096 program," or "MAEP" shall appear in the laws of this state, it
2097 shall be construed to mean * * * "Investing in the Needs of
2098 Students to Prioritize, Impact and Reform Education (INSPIRE)"
2099 created under * * * Chapter 151, Title 37, Mississippi Code of
2100 1972.

2101 **SECTION 22.** Section 7-7-211, Mississippi Code of 1972, is
2102 amended as follows:

2103 7-7-211. The department shall have the power and it shall be
2104 its duty:

2105 (a) To identify and define for all public offices of
2106 the state and its subdivisions generally accepted accounting
2107 principles or other accounting principles as promulgated by
2108 nationally recognized professional organizations and to consult
2109 with the State Fiscal Officer in the prescription and
2110 implementation of accounting rules and regulations;

2111 (b) To provide best practices, for all public offices
2112 of regional and local subdivisions of the state, systems of
2113 accounting, budgeting and reporting financial facts relating to
2114 said offices in conformity with legal requirements and with
2115 generally accepted accounting principles or other accounting



2116 principles as promulgated by nationally recognized professional
2117 organizations; to assist such subdivisions in need of assistance
2118 in the installation of such systems; to revise such systems when
2119 deemed necessary, and to report to the Legislature at periodic
2120 times the extent to which each office is maintaining such systems,
2121 along with such recommendations to the Legislature for improvement
2122 as seem desirable;

2123 (c) To study and analyze existing managerial policies,
2124 methods, procedures, duties and services of the various state
2125 departments and institutions upon written request of the Governor,
2126 the Legislature or any committee or other body empowered by the
2127 Legislature to make such request to determine whether and where
2128 operations can be eliminated, combined, simplified and improved;

2129 (d) To postaudit each year and, when deemed necessary,
2130 preaudit and investigate the financial affairs of the departments,
2131 institutions, boards, commissions, or other agencies of state
2132 government, as part of the publication of a comprehensive annual
2133 financial report for the State of Mississippi, or as deemed
2134 necessary by the State Auditor. In complying with the
2135 requirements of this paragraph, the department shall have the
2136 authority to conduct all necessary audit procedures on an interim
2137 and year-end basis;

2138 (e) To postaudit and, when deemed necessary, preaudit
2139 and investigate separately the financial affairs of (i) the
2140 offices, boards and commissions of county governments and any



2141 departments and institutions thereof and therein; (ii) public
2142 school districts, departments of education and junior college
2143 districts; and (iii) any other local offices or agencies which
2144 share revenues derived from taxes or fees imposed by the State
2145 Legislature or receive grants from revenues collected by
2146 governmental divisions of the state; the cost of such audits,
2147 investigations or other services to be paid as follows: Such part
2148 shall be paid by the state from appropriations made by the
2149 Legislature for the operation of the State Department of Audit as
2150 may exceed the sum of Thirty-five Dollars (\$35.00) per man-hour
2151 for the services of each staff person engaged in performing the
2152 audit or other service plus the actual cost of any independent
2153 specialist firm contracted by the State Auditor to assist in the
2154 performance of the audit, which sum shall be paid by the county,
2155 district, department, institution or other agency audited out of
2156 its general fund or any other available funds from which such
2157 payment is not prohibited by law. Costs paid for independent
2158 specialists or firms contracted by the State Auditor shall be paid
2159 by the audited entity through the State Auditor to the specialist
2160 or firm conducting the postaudit.

2161 Each school district in the state shall have its financial
2162 records audited annually, at the end of each fiscal year, either
2163 by the State Auditor or by a certified public accountant approved
2164 by the State Auditor. Beginning with the audits of fiscal year
2165 2010 activity, no certified public accountant shall be selected to



2166 perform the annual audit of a school district who has audited that
2167 district for three (3) or more consecutive years previously.
2168 Certified public accountants shall be selected in a manner
2169 determined by the State Auditor. The school district shall have
2170 the responsibility to pay for the audit, including the review by
2171 the State Auditor of audits performed by certified public
2172 accountants;

2173 (f) To postaudit and, when deemed necessary, preaudit
2174 and investigate the financial affairs of the levee boards;
2175 agencies created by the Legislature or by executive order of the
2176 Governor; profit or nonprofit business entities administering
2177 programs financed by funds flowing through the State Treasury or
2178 through any of the agencies of the state, or its subdivisions; and
2179 all other public bodies supported by funds derived in part or
2180 wholly from public funds, except municipalities which annually
2181 submit an audit prepared by a qualified certified public
2182 accountant using methods and procedures prescribed by the
2183 department;

2184 (g) To make written demand, when necessary, for the
2185 recovery of any amounts representing public funds improperly
2186 withheld, misappropriated and/or otherwise illegally expended by
2187 an officer, employee or administrative body of any state, county
2188 or other public office, and/or for the recovery of the value of
2189 any public property disposed of in an unlawful manner by a public
2190 officer, employee or administrative body, such demands to be made



2191 (i) upon the person or persons liable for such amounts and upon
2192 the surety on official bond thereof, and/or (ii) upon any
2193 individual, partnership, corporation or association to whom the
2194 illegal expenditure was made or with whom the unlawful disposition
2195 of public property was made, if such individual, partnership,
2196 corporation or association knew or had reason to know through the
2197 exercising of reasonable diligence that the expenditure was
2198 illegal or the disposition unlawful. Such demand shall be
2199 premised on competent evidence, which shall include at least one
2200 (1) of the following: (i) sworn statements, (ii) written
2201 documentation, (iii) physical evidence, or (iv) reports and
2202 findings of government or other law enforcement agencies. Other
2203 provisions notwithstanding, a demand letter issued pursuant to
2204 this paragraph shall remain confidential by the State Auditor
2205 until the individual against whom the demand letter is being filed
2206 has been served with a copy of such demand letter. If, however,
2207 such individual cannot be notified within fifteen (15) days using
2208 reasonable means and due diligence, such notification shall be
2209 made to the individual's bonding company, if he or she is bonded.
2210 Each such demand shall be paid into the proper treasury of the
2211 state, county or other public body through the office of the
2212 department in the amount demanded within thirty (30) days from the
2213 date thereof, together with interest thereon in the sum of one
2214 percent (1%) per month from the date such amount or amounts were
2215 improperly withheld, misappropriated and/or otherwise illegally



2216 expended. In the event, however, such person or persons or such
2217 surety shall refuse, neglect or otherwise fail to pay the amount
2218 demanded and the interest due thereon within the allotted thirty
2219 (30) days, the State Auditor shall have the authority and it shall
2220 be his duty to institute suit, and the Attorney General shall
2221 prosecute the same in any court of the state to the end that there
2222 shall be recovered the total of such amounts from the person or
2223 persons and surety on official bond named therein; and the amounts
2224 so recovered shall be paid into the proper treasury of the state,
2225 county or other public body through the State Auditor. In any
2226 case where written demand is issued to a surety on the official
2227 bond of such person or persons and the surety refuses, neglects or
2228 otherwise fails within one hundred twenty (120) days to either pay
2229 the amount demanded and the interest due thereon or to give the
2230 State Auditor a written response with specific reasons for
2231 nonpayment, then the surety shall be subject to a civil penalty in
2232 an amount of twelve percent (12%) of the bond, not to exceed Ten
2233 Thousand Dollars (\$10,000.00), to be deposited into the State
2234 General Fund;

2235 (h) To investigate any alleged or suspected violation
2236 of the laws of the state by any officer or employee of the state,
2237 county or other public office in the purchase, sale or the use of
2238 any supplies, services, equipment or other property belonging
2239 thereto; and in such investigation to do any and all things
2240 necessary to procure evidence sufficient either to prove or



2241 disprove the existence of such alleged or suspected violations.
2242 The * * * Division of Investigation of the State Department of
2243 Audit may investigate, for the purpose of prosecution, any
2244 suspected criminal violation of the provisions of this chapter.
2245 For the purpose of administration and enforcement of this chapter,
2246 the enforcement employees of the * * * Division of Investigation
2247 of the State Department of Audit have the powers of a law
2248 enforcement officer of this state, and shall be empowered to make
2249 arrests and to serve and execute search warrants and other valid
2250 legal process anywhere within the State of Mississippi. All
2251 enforcement employees of the * * * Division of Investigation of
2252 the State Department of Audit hired on or after July 1, 1993,
2253 shall be required to complete the Law Enforcement Officers
2254 Training Program and shall meet the standards of the program;
2255 (i) To issue subpoenas, with the approval of, and
2256 returnable to, a judge of a chancery or circuit court, in termtime
2257 or in vacation, to examine the records, documents or other
2258 evidence of persons, firms, corporations or any other entities
2259 insofar as such records, documents or other evidence relate to
2260 dealings with any state, county or other public entity. The
2261 circuit or chancery judge must serve the county in which the
2262 records, documents or other evidence is located; or where all or
2263 part of the transaction or transactions occurred which are the
2264 subject of the subpoena;



2265 (j) In any instances in which the State Auditor is or
2266 shall be authorized or required to examine or audit, whether
2267 preaudit or postaudit, any books, ledgers, accounts or other
2268 records of the affairs of any public hospital owned or owned and
2269 operated by one or more political subdivisions or parts thereof or
2270 any combination thereof, or any school district, including
2271 activity funds thereof, it shall be sufficient compliance
2272 therewith, in the discretion of the State Auditor, that such
2273 examination or audit be made from the report of any audit or other
2274 examination certified by a certified public accountant and
2275 prepared by or under the supervision of such certified public
2276 accountant. Such audits shall be made in accordance with
2277 generally accepted standards of auditing, with the use of an audit
2278 program prepared by the State Auditor, and final reports of such
2279 audits shall conform to the format prescribed by the State
2280 Auditor. All files, working papers, notes, correspondence and all
2281 other data compiled during the course of the audit shall be
2282 available, without cost, to the State Auditor for examination and
2283 abstracting during the normal business hours of any business day.
2284 The expense of such certified reports shall be borne by the
2285 respective hospital, or any available school district funds * * *,
2286 subject to examination or audit. The State Auditor shall not be
2287 bound by such certified reports and may, in his or their
2288 discretion, conduct such examination or audit from the books,



2289 ledgers, accounts or other records involved as may be appropriate
2290 and authorized by law;

2291 (k) The State Auditor shall have the authority to
2292 contract with qualified public accounting firms to perform
2293 selected audits required in paragraphs (d), (e), (f) and (j) of
2294 this section, if funds are made available for such contracts by
2295 the Legislature, or if funds are available from the governmental
2296 entity covered by paragraphs (d), (e), (f) and (j). Such audits
2297 shall be made in accordance with generally accepted standards of
2298 auditing. All files, working papers, notes, correspondence and
2299 all other data compiled during the course of the audit shall be
2300 available, without cost, to the State Auditor for examination and
2301 abstracting during the normal business hours of any business day;

2302 (l) The State Auditor shall have the authority to
2303 establish training courses and programs for the personnel of the
2304 various state and local governmental entities under the
2305 jurisdiction of the Office of the State Auditor. The training
2306 courses and programs shall include, but not be limited to, topics
2307 on internal control of funds, property and equipment control and
2308 inventory, governmental accounting and financial reporting, and
2309 internal auditing. The State Auditor is authorized to charge a
2310 fee from the participants of these courses and programs, which fee
2311 shall be deposited into the Department of Audit Special Fund.
2312 State and local governmental entities are authorized to pay such
2313 fee and any travel expenses out of their general funds or any



2314 other available funds from which such payment is not prohibited by
2315 law;

2316 (m) Upon written request by the Governor or any member
2317 of the State Legislature, the State Auditor may audit any state
2318 funds and/or state and federal funds received by any nonprofit
2319 corporation incorporated under the laws of this state;

2320 (n) To conduct performance audits of personal or
2321 professional service contracts by state agencies on a random
2322 sampling basis, or upon request of the State Personal Service
2323 Contract Review Board under Section 25-9-120(3);

2324 (o) At the discretion of the State Auditor, the Auditor
2325 may conduct risk assessments, as well as performance and
2326 compliance audits based on Generally Accepted Government Auditing
2327 Standards (GAGAS) of any state-funded economic development program
2328 authorized under Title 57, Mississippi Code of 1972. After risk
2329 assessments or program audits, the State Auditor may conduct
2330 audits of those projects deemed high-risk, specifically as they
2331 identify any potential wrongdoing or noncompliance based on
2332 objectives of the economic development program. The Auditor is
2333 granted authority to gather, audit and review data and information
2334 from the Mississippi Development Authority or any of its agents,
2335 the Department of Revenue, and when necessary under this
2336 paragraph, the recipient business or businesses or any other
2337 private, public or nonprofit entity with information relevant to
2338 the audit project. The maximum amount the State Auditor may bill



2339 the oversight agency under this paragraph in any fiscal year is
2340 One Hundred Thousand Dollars (\$100,000.00), based on reasonable
2341 and necessary expenses;

2342 (p) To review and approve any independent auditor
2343 selected by the Mississippi Lottery Corporation in accordance with
2344 Section 27-115-89, to conduct an annual audit of the corporation;
2345 and

2346 (q) To conduct audits or investigations of the
2347 Mississippi Lottery Corporation if, in the opinion of the State
2348 Auditor, conditions justify such audits or investigations.

2349 **SECTION 23.** Section 19-9-157, Mississippi Code of 1972, is
2350 amended as follows:

2351 19-9-157. The board of supervisors of the situs county, upon
2352 receipt of the payments pursuant to Section 19-9-151 less the
2353 payment made according to Section 19-9-153, shall pay all such
2354 funds in excess of Five Million Five Hundred Thousand Dollars
2355 (\$5,500,000.00) to the governing authorities of the public school
2356 districts in such county in the proportion that the average daily
2357 * * * membership for the preceding scholastic year of each school
2358 district bears to the total average daily * * * membership of the
2359 county for the preceding scholastic year. Such funds may be
2360 expended only for the purposes of capital improvements to school
2361 facilities and only after plans therefor have been submitted to
2362 and approved by the * * * State Board of Education. The governing
2363 authorities of such school districts may borrow money in



2364 anticipation of receipt of payments pursuant to this section and
2365 the levying authority for the school district may issue negotiable
2366 notes therefor, for the purposes set forth herein. Such loan
2367 shall be repaid from the payments received under this section by
2368 the governing authorities of the public school district. However,
2369 no public school districts within the situs county shall be
2370 entitled to any payments after January 1, 1990.

2371 **SECTION 24.** Section 19-9-171, Mississippi Code of 1972, is
2372 amended as follows:

2373 19-9-171. The revenue from ad valorem taxes for school
2374 district purposes that are levied upon liquefied natural gas
2375 terminals or improvements thereto constructed after July 1, 2007,
2376 crude oil refineries constructed after July 1, 2007, and
2377 expansions or improvements to existing crude oil refineries
2378 constructed after July 1, 2007, shall be distributed to all public
2379 school districts in the county in which the facilities are located
2380 in the proportion that the average daily * * * membership of each
2381 school district bears to the total average daily * * * membership
2382 of all school districts in the county. The county or municipal
2383 tax collector, as the case may be, shall pay such tax collections,
2384 except for taxes collected for the payment of the principal of and
2385 interest on school bonds or notes and except for taxes collected
2386 to defray collection costs, into the appropriate school depository
2387 and report to the school board of the appropriate school district



2388 at the same time and in the same manner as the tax collector makes
2389 his payments and reports of other taxes collected by him.

2390 **SECTION 25.** Section 25-4-29, Mississippi Code of 1972, is
2391 amended as follows:

2392 25-4-29. (1) Required statements hereunder shall be filed
2393 as follows:

2394 (a) Every incumbent public official required by
2395 paragraphs (a), (b), (d) and (e) of Section 25-4-25 to file a
2396 statement of economic interest shall file such statement with the
2397 commission on or before May 1 of each year that such official
2398 holds office, regardless of duration;

2399 (b) Candidates for office required to file a statement
2400 hereunder shall file such statement within fifteen (15) days after
2401 the deadline for qualification for that public office;

2402 (c) Persons who are required to file a statement
2403 because of appointment to fill a vacancy in an office or required
2404 to file under Section 25-4-25(d) and (e) shall file such statement
2405 within thirty (30) days of their appointment;

2406 (d) No person by reason of successful candidacy or
2407 assuming additional offices shall be required to file more than
2408 one (1) statement of economic interest in any calendar year,
2409 except such official shall notify the commission as soon as
2410 practicable of additional offices not previously reported; and

2411 (e) The commission may, on an individual case basis,
2412 provide for additional time to file a statement upon a showing



2413 that compliance with a filing date set out under paragraph (a),
2414 (b), (c) or (d) above would work an unreasonable hardship.

2415 (2) Any person who fails to file a statement of economic
2416 interest within thirty (30) days of the date the statement is due
2417 shall be deemed delinquent by the commission. The commission
2418 shall give written notice of the delinquency to the person by
2419 United States mail or by personal service of process. If within
2420 fifteen (15) days of receiving written notice of delinquency the
2421 delinquent filer has not filed the statement of economic interest,
2422 a fine of Fifty Dollars (\$50.00) per day, not to exceed a total
2423 fine of One Thousand Dollars (\$1,000.00), shall be assessed
2424 against the delinquent filer for each day thereafter in which the
2425 statement of economic interest is not properly filed. The
2426 commission shall enroll such assessment as a civil judgment with
2427 the circuit clerk in the delinquent filer's county of residence.
2428 The commission may enforce the judgment for the benefit of the
2429 State General Fund for the support of * * * Investing in the Needs
2430 of Students to Prioritize, Impact and Reform Education (INSPIRE)
2431 in the same manner as is prescribed for other civil judgments.

2432 **SECTION 26.** Section 27-25-706, Mississippi Code of 1972, is
2433 amended as follows:

2434 27-25-706. The board of supervisors of any county in the
2435 State of Mississippi bordering on the Pearl River and having a
2436 population according to the 1970 census of not less than forty
2437 thousand (40,000) and not more than fifty thousand (50,000), and



2438 through which Interstate Highway 20 runs, and wherein there is
2439 being constructed or has been constructed a plant for the
2440 extracting of sulphur from natural gas, and the board of
2441 supervisors of any county in the State of Mississippi bordering on
2442 the Pearl River and having a population according to the 1970
2443 census of not less than nineteen thousand (19,000) and not more
2444 than twenty-one thousand (21,000) and wherein U.S. Highway 49 and
2445 Mississippi Highway 28 intersect and wherein there is being
2446 constructed or has been constructed a plant for the extracting of
2447 sulphur from natural gas, are hereby authorized and empowered, in
2448 their discretion, to pledge all or any part of the county's share
2449 of the severance tax on gas extracted, handled or processed
2450 through such extraction plant, as additional security for the
2451 payment of bonds issued for the purpose of constructing,
2452 reconstructing, overlaying and/or repairing, an access road or
2453 roads or publicly owned railroads to and from such sulphur
2454 extraction plant. The amount so pledged for the payment of the
2455 principal of and the interest on such bonds shall be deducted and
2456 set aside by such board of supervisors prior to the distribution
2457 of such severance taxes in the manner provided by law, and only
2458 the amount of such severance taxes remaining after such deduction
2459 shall be subject to such distribution. The board of supervisors
2460 in such counties may pledge only up to fifty percent (50%) of such
2461 severance taxes as their respective county may receive to retire
2462 the bonds and interest pursuant to the authority of this section.



2463 The required local contribution of said counties to the cost
2464 of * * * Investing in the Needs of Students to Prioritize, Impact
2465 and Reform Education (INSPIRE) shall not be reduced nor shall the
2466 obligation of the state under * * * the funding formula to said
2467 counties be increased because * * * of this section.

2468 Such bonds shall be issued under the provisions of Sections
2469 19-9-1 through * * * 19-9-19.

2470 **SECTION 27.** Section 27-33-3, Mississippi Code of 1972, is
2471 amended as follows:

2472 27-33-3. In order to recognize and give effect to the
2473 principle of tax-free homes as a public policy in Mississippi, to
2474 encourage home building and ownership, and to give additional
2475 security to family groups, it is hereby declared that homes
2476 legally assessed on the land roll, owned and actually occupied as
2477 a home by bona fide residents of this state, who are heads of
2478 families, shall be exempt from the ad valorem taxes herein
2479 enumerated, on not in excess of Seven Thousand Five Hundred
2480 Dollars (\$7,500.00) of the assessed value including an area of
2481 land not in excess of that specified hereinafter in this article.
2482 The exemption from taxes shall be limited to the following:

2483 (a) All homeowners who are heads of families and who
2484 qualify under the provisions of this article shall be exempt from
2485 taxes levied in 1983 and payable in 1984 and from taxes levied in
2486 1984 and payable in 1985 as follows:



2487 (i) The ad valorem taxes levied by counties
2488 pursuant to Section 27-39-329. Amounts so exempted shall not be
2489 reimbursed by the state.

2490 (ii) Ad valorem taxes levied for maintenance and
2491 current expenses by or for a county as authorized by Section
2492 27-39-303, but the levy for such purpose in any year for which
2493 reimbursement is to be made shall not exceed the millage levied
2494 for such purpose for the 1984 fiscal year; or a levy for county
2495 roads or a road district as authorized by Section 27-39-305; or a
2496 levy for constructing and maintaining all bridges and culverts as
2497 authorized by Section 65-15-7, but the levy for either or both of
2498 such purposes for which reimbursement is to be made shall not in
2499 any event exceed seven (7) mills in any year; the * * * levy for
2500 the support of * * * INSPIRE to produce the minimum local ad
2501 valorem tax effort required * * * of a school district by Section
2502 37-57-1, and the supplementary school district tax levy for the
2503 support and maintenance of * * * schools as authorized by Section
2504 37-57-105; provided, however, that the total of the levies made
2505 under said Sections 37-57-1 and 37-57-105, which shall be exempt
2506 under this article, shall be limited to twenty (20) mills for any
2507 affected property area, and in the event the total of such levies
2508 should exceed twenty (20) mills for any affected property area,
2509 the excess shall not be exempt under this article, and in such
2510 case, the levy for the support of the * * * funding formula shall
2511 have priority as an exempt levy;



2512 (iii) Ad valorem taxes levied for the support and
2513 maintenance of agricultural high schools within the limits and as
2514 authorized by Section 37-27-3, and ad valorem taxes levied for the
2515 support of community or junior colleges within the limits and as
2516 authorized by subsection (2) of Section 37-29-141; provided,
2517 however, that the exemption from taxation and reimbursement for
2518 tax loss for agricultural high schools and community or junior
2519 colleges, or any combination of same, shall not exceed three (3)
2520 mills in any one (1) year for any one (1) county;

2521 (iv) Ad valorem taxes levied for the support
2522 of * * * INSPIRE in a municipal separate school district to
2523 produce the minimum local ad valorem tax effort required of such
2524 municipal separate school district as authorized by Section * * *
2525 37-57-1, and the supplementary tax levy for the support and
2526 maintenance of the schools of a municipal separate school district
2527 as authorized by Section 37-57-105; provided, however, the total
2528 of the levies made under said Sections * * * 37-57-1 and 37-57-105
2529 which shall be exempt under this article shall be limited to
2530 fifteen (15) mills for any affected property area, except in those
2531 special municipal separate school districts as provided by
2532 Sections 37-7-701 through 37-7-743, the total of the levies made
2533 under Sections 37-7-739 and 37-57-105 for such special municipal
2534 separate school district which shall be exempt under this article
2535 shall not exceed twenty (20) mills, and in the event the total of
2536 such levies should exceed fifteen (15) mills for any affected



2537 property area, or twenty (20) mills in the case of a special
2538 municipal separate school district, the excess shall not be exempt
2539 under this article, and, in such case, the levy for the support of
2540 the * * * funding formula in the municipal separate school
2541 district shall have priority as an exempt levy;

2542 (v) In the event any law referred to in this
2543 section is amended so as to authorize an increase in the tax levy
2544 for any purposes, such increase in the levy shall be applied to
2545 and taxes collected from the property owners on the entire
2546 assessed value of exempted homes; and the tax loss resulting from
2547 such increase shall not be reimbursed under the provisions of the
2548 Homestead Exemption Law, unless such law clearly specifies that
2549 the exempted assessed value of homes is exempt from such increase;

2550 (vi) Ad valorem taxes levied under Sections
2551 65-15-7 and 65-15-21 shall be used solely for purposes levied.

2552 (b) Those homeowners who qualify for the exemptions
2553 provided for in subsection (a) of this section and who have
2554 reached the age of sixty-five (65) years on or before January 1 of
2555 the year for which the exemption is claimed; and
2556 service-connected, totally disabled American veterans who were
2557 honorably discharged from military service, upon presentation of
2558 proper proof of eligibility shall be exempt from any and all ad
2559 valorem taxes, including the forest acreage tax authorized by
2560 Section 49-19-115, on homesteads not in excess of Seven Thousand
2561 Five Hundred Dollars (\$7,500.00) of assessed value thereof;



2562 provided, however, that property owned jointly by husband and wife
2563 and property owned in fee simple by either spouse shall be
2564 eligible for this exemption in full if either spouse fulfills the
2565 age or disability requirement. On all other jointly owned
2566 property the amount of the allowable exemption shall be determined
2567 on the basis of each individual joint owner's qualifications and
2568 pro rata share of the property.

2569 (c) Those homeowners who qualify for the exemptions
2570 provided for in subsection (a) of this section and who would be
2571 classified as disabled under the Federal Social Security Act (42
2572 USCS Section 416(i)), upon presentation of proper proof of
2573 eligibility shall be exempt from any and all ad valorem taxes,
2574 including the forest acreage tax authorized by Section 49-19-115,
2575 on homesteads not in excess of Seven Thousand Five Hundred Dollars
2576 (\$7,500.00) of assessed value thereof; provided, however, that
2577 property owned jointly by husband and wife and property owned in
2578 fee simple by either spouse shall be eligible for this exemption
2579 in full if either spouse fulfills the disability requirement. On
2580 all other jointly owned property, the amount of the allowable
2581 exemption shall be determined on the basis of each individual
2582 joint owner's qualifications and pro rata share of the property.

2583 (d) Homeowners who qualify for exemption under
2584 subsection (c) of this section will not be included in the
2585 limitations of Section 27-33-59(e).



2586 Reimbursement by the State of Mississippi to the various
2587 taxing units for the tax losses incurred because of the additional
2588 exemptions provided for under these subsections shall be made in
2589 accordance with the procedures outlined in Section 27-33-41.

2590 This section shall not apply to claims for homestead
2591 exemptions filed in any calendar year subsequent to the 1984
2592 calendar year.

2593 **SECTION 28.** Section 27-39-317, Mississippi Code of 1972, is
2594 amended as follows:

2595 27-39-317. The board of supervisors of each county shall, at
2596 its regular meeting in September of each year, levy the county ad
2597 valorem taxes for the fiscal year, and shall, by order, fix the
2598 tax rate, or levy, for the county, for the road districts, if any,
2599 and for the school districts, if any, and for any other taxing
2600 districts; and the rates, or levies, for the county and for any
2601 district shall be expressed in mills or a decimal fraction of a
2602 mill. Said tax rates, or levies, shall determine the ad valorem
2603 taxes to be collected upon each dollar of valuation, upon the
2604 assessment rolls of the county, including the assessment of motor
2605 vehicles as provided by the Motor Vehicle Ad Valorem Tax Law of
2606 1958, Section 27-51-1 et seq., for county taxes; and upon each
2607 dollar of valuation for the respective districts, as shown upon
2608 the assessment rolls of the county, including the assessment of
2609 motor vehicles as provided by the Motor Vehicle Ad Valorem Tax Law
2610 of 1958, Section 27-51-1 et seq.; except as to such values as



2611 shall be exempt, in whole or in part, from certain tax rates or
2612 levies. If the rate or levy for the county is an increase from
2613 the previous fiscal year, then the proposed rate or levy shall be
2614 advertised in accordance with Section 27-39-203. If the board of
2615 supervisors of any county shall not levy the county taxes and the
2616 district taxes at its regular September meeting, the board shall
2617 levy the same on or before September 15 at an adjourned or special
2618 meeting, or thereafter, provided, however, that if such levy be
2619 not made on or before the fifteenth day of September then the tax
2620 collector or Department of Revenue may issue road and bridge
2621 privilege tax license plates for motor vehicles as defined in the
2622 Motor Vehicle Ad Valorem Tax Law of 1958, Section 27-51-1 et seq.,
2623 without collecting or requiring proof of payment of county ad
2624 valorem taxes, and may continue to so issue such plates until such
2625 levy is duly certified to him, and for twenty-four (24) hours
2626 thereafter.

2627 Notwithstanding the requirements of this section, in the
2628 event the Department of Revenue orders the county to make an
2629 adjustment to the tax roll pursuant to Section 27-35-113, the
2630 county shall have a period of thirty (30) days from the date of
2631 the commission's final determination to adjust the millage in
2632 order to collect the same dollar amount of taxes as originally
2633 levied by the board.

2634 In making the levy of taxes, the board of supervisors shall
2635 specify, in its order, the levy for each purpose, as follows:



2636 (a) For general county purposes (current expense and
2637 maintenance taxes), as authorized by Section 27-39-303.

2638 (b) For roads and bridges, as authorized by Section
2639 27-39-305.

2640 (c) For schools, including the * * * Investing in the
2641 Needs of Students to Prioritize, Impact and Reform Education
2642 (INSPIRE) levy and the levy for each school district including
2643 special municipal separate school districts, but not including
2644 other municipal separate school districts, and for an agricultural
2645 high school, county high school or community or junior college
2646 (current expense and maintenance taxes), as authorized by Chapter
2647 57, Title 37, Mississippi Code of 1972, and any other applicable
2648 statute. The levy for schools shall apply to the assessed value
2649 of property in the respective school districts, including special
2650 municipal separate school districts, but not including other
2651 municipal separate school districts, and a distinct and separate
2652 levy shall be made for each school district, and the purpose for
2653 each levy shall be stated.

2654 (d) For road bonds and the interest thereon, separately
2655 for countywide bonds and for the bonds of each road district.

2656 (e) For school bonds and the interest thereon,
2657 separately for countywide bonds and for the bonds of each school
2658 district.

2659 (f) For countywide bonds, and the interest thereon,
2660 other than for road bonds and school bonds.



2661 (g) For loans, notes or any other obligation, and the
2662 interest thereon, if permitted by the law.

2663 (h) For any other purpose for which a levy is lawfully
2664 made.

2665 The order shall state all of the purposes for which the
2666 general county levy is made, using the administrative items
2667 suggested by the State Department of Audit * * * under the county
2668 budget law in its uniform system of accounts for counties, but the
2669 rate or levy for any item or purpose need not be shown; and if a
2670 countywide levy is made for any general or special purpose under
2671 the provisions of any law other than Section 27-39-303, each such
2672 levy shall be separately stated.

2673 During the month of February of each year, if the order or
2674 resolution of the board of trustees of any school district of said
2675 county or partly in said county, is filed with it requesting the
2676 levying of ad valorem taxes for the support and maintenance of
2677 such school district for the following fiscal year, then the board
2678 of supervisors of every such county in the state shall notify, in
2679 writing, within thirty (30) days, the county superintendent of
2680 education of such county, the levy or levies it intends to make
2681 for the support and maintenance of such school districts of such
2682 county at its regular meeting in September following, and the
2683 county superintendent of education and the trustees of all such
2684 school districts shall be authorized to use such expressed
2685 intention of the board of supervisors in computing the support and



2686 maintenance budget or budgets of such school district or districts
2687 for the ensuing fiscal school year.

2688 **SECTION 29.** Section 29-3-47, Mississippi Code of 1972, is
2689 amended as follows:

2690 29-3-47. For its services the State Forestry Commission
2691 shall be entitled to receive its actual expenses incurred in the
2692 discharge of the duties herein imposed. In order to provide funds
2693 with which to pay for the general supervision and sale of forest
2694 products, fifteen percent (15%) of all receipts from the sales of
2695 forest products shall be placed by the board in a Forestry Escrow
2696 Fund and reserved to pay for work performed by the State Forestry
2697 Commission. Such payments shall be equal to the actual expenses
2698 incurred by the commission as substantiated by itemized bills
2699 presented to the board.

2700 Money in the Forestry Escrow Fund may be used to pay for any
2701 forestry work authorized during the period of the agreement and
2702 shall not be subject to lapse by reason of county budget
2703 limitations.

2704 In each school district having need of tree planting and
2705 timber stand improvement, the board of education is authorized to
2706 place additional amounts in the Forestry Escrow Fund to reimburse
2707 the State Forestry Commission for actual expenses incurred in
2708 performing this work, or to pay for any work done under private
2709 contract under the supervision of said commission. Such
2710 additional amounts may be made available from forest products



2711 sales receipts, funds borrowed from the sixteenth section
2712 principal fund as is provided for in Section 29-3-113, or any
2713 other funds available to the board of education excluding * * *
2714 Investing in the Needs of Students to Prioritize, Impact and
2715 Reform Education (INSPIRE) funds. Expenditures from the Forestry
2716 Escrow Fund for tree planting, timber stand improvement, and other
2717 forestry work will be limited to payment for work recommended by
2718 the Forestry Commission and agreed to by the board of education.

2719 When it becomes evident that the amount of money in the
2720 Forestry Escrow Fund is in excess of the amount necessary to
2721 accomplish the work needed to achieve the goals set by the board
2722 of education and the Forestry Commission, the State Forestry
2723 Commission shall advise said board to release any part of such
2724 funds as will not be needed, which may then be spent for any
2725 purpose authorized by law.

2726 **SECTION 30.** Section 29-3-49, Mississippi Code of 1972, is
2727 amended as follows:

2728 29-3-49. It shall be the duty of the State Forestry
2729 Commission, in the manner provided in Section 29-3-45, to enter
2730 into agreements for timber improvement purposes with the board of
2731 education upon the request of the board. The contract shall
2732 provide for the carrying out of a long-term program of timber
2733 improvement, including any or all of the following: The deadening
2734 of undesirable hardwoods, the planting of trees, the cutting and
2735 maintaining of fire lanes, and the establishment of marked



2736 boundaries on all lands classified as forest lands in the
2737 agreements, which provide for the reimbursement of all current
2738 costs incurred by the State Forestry Commission and the carrying
2739 out of the duties required by such agreements. In the
2740 alternative, the commission, in its discretion, may have the
2741 option to contract with a private contractor, subject to the
2742 approval of the board, to perform this work under the supervision
2743 of the commission. Payment of the reimbursements as hereinabove
2744 set forth to the Forestry Commission, or of compensation due under
2745 any such contract with private contractors shall be made upon
2746 presentation of itemized bills by the commission or the private
2747 contractors, as the case may be, and may be made out of any
2748 sixteenth section funds to the credit of, or accruing to, any
2749 school district in which such work shall be done, or out of any
2750 other funds available to such district, excluding * * * Investing
2751 in the Needs of Students to Prioritize, Impact and Reform
2752 Education (INSPIRE) funds.

2753 **SECTION 31.** Section 29-3-113, Mississippi Code of 1972, is
2754 amended as follows:

2755 29-3-113. The principal fund shall be a permanent township
2756 fund which shall consist of funds heretofore or hereafter derived
2757 from certain uses or for certain resources of school trust lands
2758 which shall be invested and, except as otherwise provided in this
2759 section, only the interest and income derived from such funds
2760 shall be expendable by the school district.



2761 The principal fund shall consist of:

2762 (a) Funds received for easements and rights-of-way
2763 pursuant to Section 29-3-91;

2764 (b) Funds received for sales of lieu land pursuant to
2765 Sections 29-3-15 through 29-3-25;

2766 (c) Funds received from any permanent damage to the
2767 school trust land;

2768 (d) Funds received from the sale of nonrenewable
2769 resources, including, but not limited to, the sale of sand,
2770 gravel, dirt, clays and royalties received from the sale of
2771 mineral ores, coal, oil and gas;

2772 (e) Funds received from the sale of buildings pursuant
2773 to Section 29-3-77;

2774 (f) Funds received from the sale of timber; and
2775 (g) Funds received pursuant to Section 29-3-23(2).

2776 It shall be the duty of the Board of Education to keep the
2777 principal fund invested in any direct obligation issued by or
2778 guaranteed in full as to principal and interest by the United
2779 States of America or in certificates of deposit issued by a
2780 qualified depository of the State of Mississippi as approved by
2781 the State Treasurer. The certificates of deposit may bear
2782 interest at any rate per annum which may be mutually agreed upon
2783 but in no case shall said rate be less than that paid on passbook
2784 savings.



2785 The Board of Education is authorized to invest the funds in
2786 interest bearing deposits or other obligations of the types
2787 described in Section 27-105-33 or in any other type investment in
2788 which any other political subdivision of the State of Mississippi
2789 may invest, except that one hundred percent (100%) of the funds
2790 are authorized to be invested. For the purposes of investment,
2791 the principal fund of each township may be combined into one or
2792 more district accounts; however, the docket book of the county
2793 superintendent shall at all times reflect the proper source of
2794 such funds. Provided that funds received from the sale of timber
2795 shall be placed in a separate principal fund account, and may be
2796 expended for any of the purposes authorized by law.

2797 The Board of Education shall have authority to borrow such
2798 funds at a rate of interest not less than four percent (4%) per
2799 annum and for a term not exceeding twenty (20) years, for the
2800 erection, equipment or repair of said district schools, to provide
2801 local funds for any building project approved by the State Board
2802 of Education or to provide additional funds for forest stand
2803 improvement as set forth in Section 29-3-47. In addition, the
2804 board may borrow the funds under the same interest restrictions
2805 for a term not exceeding ten (10) years to provide funds for the
2806 purchase of school buses. The Board of Education of any school
2807 district in any county that has an aggregate amount of assets in
2808 its principal fund in excess of Five Million Dollars
2809 (\$5,000,000.00) may deduct an amount not to exceed Five Hundred



2810 Thousand Dollars (\$500,000.00) for the purpose of covering the
2811 cost of asbestos removal from school district buildings. Such
2812 asbestos removal shall be construed to constitute the repair of
2813 school district facilities as prescribed in Section 29-3-115.

2814 No school land trust funds may be expended after the annual
2815 payment date until the payment is made on such loan. Once a
2816 district is current on its loan payments, the district may spend
2817 expendable trust funds earned or accumulated in previous years for
2818 any purpose for which expendable trust funds may be spent. The
2819 annual payment can be made from any funds available to the school
2820 district except * * * Investing in the Needs of Students to
2821 Prioritize, Impact and Reform Education (INSPIRE) funds.

2822 It shall be unlawful for the Board of Education to borrow any
2823 sixteenth section school funds in any other manner than that
2824 prescribed herein, and if any such funds shall be borrowed or
2825 invested in any other manner, any officer concerned in making such
2826 loan and investment or suffering the same to be made in violation
2827 of the provisions of this section shall be liable personally and
2828 on his official bond for the safety of the funds so loaned.

2829 **SECTION 32.** Section 29-3-137, Mississippi Code of 1972, is
2830 amended as follows:

2831 29-3-137. (1) Beginning with the 1985-1986 fiscal year the
2832 Legislature of the State of Mississippi shall appropriate to the
2833 State Department of Education a sum of One Million Dollars
2834 (\$1,000,000.00) to be disbursed to the Chickasaw counties, and an



2835 additional One Million Dollars (\$1,000,000.00) each succeeding
2836 fiscal year thereafter until a maximum appropriation of Five
2837 Million Dollars (\$5,000,000.00) is made for the fiscal year
2838 1989-1990. Beginning with the appropriation for the 1990-1991
2839 fiscal year, the amount appropriated under the provisions of this
2840 section shall not exceed the total average annual expendable
2841 revenue * * * received by the Choctaw counties from school lands,
2842 or Five Million Dollars (\$5,000,000.00), whichever is the lesser.

2843 (2) The State Department of Education is hereby authorized,
2844 empowered and directed to allocate for distribution such funds
2845 appropriated each year under subsection (1) of this section in
2846 proportion to the * * * amount of funding allotted under * * *
2847 Investing in the Needs of Students to Prioritize, Impact and
2848 Reform Education (INSPIRE) to such school districts affected by
2849 the sale of Chickasaw cession school lands. School districts not
2850 wholly situated in Chickasaw cession affected territory shall
2851 receive a prorated amount of such allocation based on the
2852 percentage of such lands located within the district. Provided
2853 further, that the State Department of Education shall, in
2854 addition, deduct from each affected school district's allocation
2855 the amount such district shall receive from interest payments from
2856 the Chickasaw School Fund under Section 212, Mississippi
2857 Constitution of 1890 for each fiscal year. * * * The department
2858 shall document the foregoing computation in its annual budget
2859 request for the appropriation to the Chickasaw School Fund, and



2860 shall revise its budget request under such formula as the average
2861 annual revenues from sixteenth section school lands fluctuate.

2862 (3) [Repealed]

2863 **SECTION 33.** Section 31-7-9, Mississippi Code of 1972, is
2864 amended as follows:

2865 31-7-9. (1) (a) The Office of Purchasing, Travel and Fleet
2866 Management shall adopt purchasing regulations governing the
2867 purchase by any agency of any commodity or commodities and
2868 establishing standards and specifications for a commodity or
2869 commodities and the maximum fair prices of a commodity or
2870 commodities, subject to the approval of the Public Procurement
2871 Review Board. It shall have the power to amend, add to or
2872 eliminate purchasing regulations. The adoption of, amendment,
2873 addition to or elimination of purchasing regulations shall be
2874 based upon a determination by the Office of Purchasing, Travel and
2875 Fleet Management with the approval of the Public Procurement
2876 Review Board, that such action is reasonable and practicable and
2877 advantageous to promote efficiency and economy in the purchase of
2878 commodities by the agencies of the state. Upon the adoption of
2879 any purchasing regulation, or an amendment, addition or
2880 elimination therein, copies of same shall be furnished to the
2881 State Auditor and to all agencies affected thereby. Thereafter,
2882 and except as otherwise may be provided in subsection (2) of this
2883 section, no agency of the state shall purchase any commodities
2884 covered by existing purchasing regulations unless such commodities



2885 be in conformity with the standards and specifications set forth
2886 in the purchasing regulations and unless the price thereof does
2887 not exceed the maximum fair price established by such purchasing
2888 regulations. The Office of Purchasing, Travel and Fleet
2889 Management shall furnish to any county or municipality or other
2890 local public agency of the state requesting same, copies of
2891 purchasing regulations adopted by the Office of Purchasing, Travel
2892 and Fleet Management and any amendments, changes or eliminations
2893 of same that may be made from time to time.

2894 (b) The Office of Purchasing, Travel and Fleet
2895 Management may adopt purchasing regulations governing the use of
2896 credit cards, procurement cards and purchasing club membership
2897 cards to be used by state agencies, governing authorities of
2898 counties and municipalities, school districts and the Chickasawhay
2899 Natural Gas District. Use of the cards shall be in strict
2900 compliance with the regulations promulgated by the office. Any
2901 amounts due on the cards shall incur interest charges as set forth
2902 in Section 31-7-305 and shall not be considered debt.

2903 (c) Pursuant to the provision of Section
2904 37-61-33(* * *2), the Office of Purchasing, Travel and Fleet
2905 Management of the Department of Finance and Administration is
2906 authorized to issue procurement cards or credentials for a digital
2907 solution to all public school district classroom teachers, charter
2908 school teachers, full- or part-time gifted or special education
2909 teachers and other necessary direct support personnel at the



2910 beginning of the school year, but no later than August 1 of each
2911 year, for the purchase of instructional supplies using Educational
2912 Enhancement Funds. The cards will be issued in equal amounts per
2913 teacher determined by the total number of qualifying personnel and
2914 the then current state appropriation for classroom instructional
2915 supplies under the Education Enhancement Fund. All purchases
2916 shall be in accordance with state law and teachers are responsible
2917 for verification of capital asset requirements when pooling monies
2918 to purchase equipment. The cards will expire on a predetermined
2919 date at the end of each school year, but not before April 1 of
2920 each year. All unexpended amounts will be carried forward, to be
2921 combined with the following year's instructional supply fund
2922 allocation, and reallocated for the following year. The
2923 Department of Finance and Administration is authorized to loan any
2924 start-up funds at the beginning of the school year to fund this
2925 procurement system for instructional supplies with loan repayment
2926 being made from sales tax receipts earmarked for the Education
2927 Enhancement Fund.

2928 (d) In a sale of goods or services, the seller shall
2929 not impose a surcharge on a buyer who uses a state-issued credit
2930 card, procurement card, travel card, or fuel card. The Department
2931 of Finance and Administration shall have exclusive jurisdiction to
2932 enforce and adopt rules relating to this paragraph. Any rules
2933 adopted under this paragraph shall be consistent with federal laws
2934 and regulations governing credit card transactions described by



2935 this paragraph. This paragraph does not create a cause of action
2936 against an individual for a violation of this paragraph.

2937 (2) The Office of Purchasing, Travel and Fleet Management
2938 shall adopt, subject to the approval of the Public Procurement
2939 Review Board, purchasing regulations governing the purchase of
2940 unmarked vehicles to be used by the Bureau of Narcotics and
2941 Department of Public Safety in official investigations pursuant to
2942 Section 25-1-87. Such regulations shall ensure that purchases of
2943 such vehicles shall be at a fair price and shall take into
2944 consideration the peculiar needs of the Bureau of Narcotics and
2945 Department of Public Safety in undercover operations.

2946 (3) The Office of Purchasing, Travel and Fleet Management
2947 shall adopt, subject to the approval of the Public Procurement
2948 Review Board, regulations governing the certification process for
2949 certified purchasing offices, including the Mississippi Purchasing
2950 Certification Program, which shall be required of all purchasing
2951 agents at state agencies. Such regulations shall require entities
2952 desiring to be classified as certified purchasing offices to
2953 submit applications and applicable documents on an annual basis,
2954 and in the case of a state agency purchasing office, to have one
2955 hundred percent (100%) participation and completion by purchasing
2956 agents in the Mississippi Purchasing Certification Program, at
2957 which time the Office of Purchasing, Travel and Fleet Management
2958 may provide the governing entity with a certification valid for
2959 one (1) year from the date of issuance. The Office of Purchasing,



2960 Travel and Fleet Management shall set a fee in an amount that
2961 recovers its costs to administer the Mississippi Purchasing
2962 Certification Program, which shall be assessed to the
2963 participating state agencies.

2964 (4) The Office of Purchasing, Travel and Fleet Management
2965 shall adopt purchasing regulations authorizing rural water
2966 associations to purchase at the state contract price afforded to
2967 agencies and governing authorities under this chapter.

2968 **SECTION 34.** Section 31-7-10, Mississippi Code of 1972, is
2969 amended as follows:

2970 31-7-10. (1) For the purposes of this section, the term
2971 "equipment" shall mean equipment, furniture, and if applicable,
2972 associated software and other applicable direct costs associated
2973 with the acquisition. In addition to its other powers and duties,
2974 the Department of Finance and Administration shall have the
2975 authority to develop a master lease-purchase program and, pursuant
2976 to that program, shall have the authority to execute on behalf of
2977 the state master lease-purchase agreements for equipment to be
2978 used by an agency, as provided in this section. Each agency
2979 electing to acquire equipment by a lease-purchase agreement shall
2980 participate in the Department of Finance and Administration's
2981 master lease-purchase program, unless the Department of Finance
2982 and Administration makes a determination that such equipment
2983 cannot be obtained under the program or unless the equipment can
2984 be obtained elsewhere at an overall cost lower than that for which



2985 the equipment can be obtained under the program. Such
2986 lease-purchase agreements may include the refinancing or
2987 consolidation, or both, of any state agency lease-purchase
2988 agreements entered into after June 30, 1990.

2989 (2) All funds designated by agencies for procurement of
2990 equipment and financing thereof under the master lease-purchase
2991 program shall be paid into a special fund created in the State
2992 Treasury known as the "Master Lease-Purchase Program Fund," which
2993 shall be used by the Department of Finance and Administration for
2994 payment to the lessors for equipment acquired under master
2995 lease-purchase agreements.

2996 (3) Upon final approval of an appropriation bill, each
2997 agency shall submit to the Public Procurement Review Board a
2998 schedule of proposed equipment acquisitions for the master
2999 lease-purchase program. Upon approval of an equipment schedule by
3000 the Public Procurement Review Board with the advice of the
3001 Department of Information Technology Services, the Office of
3002 Purchasing, Travel and Fleet Management, and the Division of
3003 Energy and Transportation of the Mississippi Development Authority
3004 as it pertains to energy efficient climate control systems, the
3005 Public Procurement Review Board shall forward a copy of the
3006 equipment schedule to the Department of Finance and
3007 Administration.

3008 (4) The level of lease-purchase debt recommended by the
3009 Department of Finance and Administration shall be subject to



3010 approval by the State Bond Commission. After such approval, the
3011 Department of Finance and Administration shall be authorized to
3012 advertise and solicit written competitive proposals for a lessor,
3013 who will purchase the equipment pursuant to bid awards made by the
3014 using agency under a given category and then transfer the
3015 equipment to the Department of Finance and Administration as
3016 lessee, pursuant to a master lease-purchase agreement.

3017 The Department of Finance and Administration shall select the
3018 successful proposer for the financing of equipment under the
3019 master lease-purchase program with the approval of the State Bond
3020 Commission.

3021 (5) Each master lease-purchase agreement, and any subsequent
3022 amendments, shall include such terms and conditions as the State
3023 Bond Commission shall determine to be appropriate and in the
3024 public interest, and may include any covenants deemed necessary or
3025 desirable to protect the interests of the lessor, including, but
3026 not limited to, provisions setting forth the interest rate (or
3027 method for computing interest rates) for financing pursuant to
3028 such agreement, covenants concerning application of payments and
3029 funds held in the Master Lease-Purchase Program Fund, covenants to
3030 maintain casualty insurance with respect to equipment subject to
3031 the master lease-purchase agreement (and all state agencies are
3032 specifically authorized to purchase any insurance required by a
3033 master lease-purchase agreement) and covenants precluding or
3034 limiting the right of the lessee or user to acquire equipment



3035 within a specified time (not to exceed five (5) years) after
3036 cancellation on the basis of a failure to appropriate funds for
3037 payment of amounts due under a lease-purchase agreement covering
3038 comparable equipment. The State Bond Commission shall transmit
3039 copies of each such master lease-purchase agreement and each such
3040 amendment to the Joint Legislative Budget Committee. To the
3041 extent provided in any master lease-purchase agreement, title to
3042 equipment leased pursuant thereto shall be deemed to be vested in
3043 the state or the user of the equipment (as specified in such
3044 master lease-purchase agreement), subject to default under or
3045 termination of such master lease-purchase agreement.

3046 A master lease-purchase agreement may provide for payment by
3047 the lessor to the lessee of the purchase price of the equipment to
3048 be acquired pursuant thereto prior to the date on which payment is
3049 due to the vendor for such equipment and that the lease payments
3050 by the lessee shall commence as though the equipment had been
3051 provided on the date of payment. If the lessee, or lessee's
3052 escrow agent, has sufficient funds for payment of equipment
3053 purchases prior to payment due date to vendor of equipment, such
3054 funds shall be held or utilized on an as-needed basis for payment
3055 of equipment purchases either by the State Treasurer (in which
3056 event the master lease-purchase agreement may include provisions
3057 concerning the holding of such funds, the creation of a security
3058 interest for the benefit of the lessor in such funds until
3059 disbursed and other appropriate provisions approved by the Bond



3060 Commission) or by a corporate trustee selected by the Department
3061 of Finance and Administration (in which event the Department of
3062 Finance and Administration shall have the authority to enter into
3063 an agreement with such a corporate trustee containing terms and
3064 conditions approved by the Bond Commission). Earnings on any
3065 amount paid by the lessor prior to the acquisition of the
3066 equipment may be used to make lease payments under the master
3067 lease-purchase agreement or applied to pay costs and expenses
3068 incurred in connection with such lease-purchase agreement. In
3069 such event, the equipment-use agreements with the user agency may
3070 provide for lease payments to commence upon the date of payment by
3071 the lessor and may also provide for a credit against such payments
3072 to the extent that investment receipts from investment of the
3073 purchase price are to be used to make lease-purchase payments.

3074 (6) The annual rate of interest paid under any
3075 lease-purchase agreement authorized under this section shall not
3076 exceed the maximum interest rate to maturity on general obligation
3077 indebtedness permitted under Section 75-17-101.

3078 (7) The Department of Finance and Administration shall
3079 furnish the equipment to the various agencies, also known as the
3080 user, pursuant to an equipment-use agreement developed by the
3081 Department of Finance and Administration. Such agreements shall
3082 require that all monthly payments due from such agency be paid,
3083 transferred or allocated into the Master Lease-Purchase Program
3084 Fund pursuant to a schedule established by the Department of



3085 Finance and Administration. In the event such sums are not paid
3086 by the defined payment period, the Executive Director of the
3087 Department of Finance and Administration shall issue a requisition
3088 for a warrant to draw such amount as may be due from any funds
3089 appropriated for the use of the agency which has failed to make
3090 the payment as agreed.

3091 (8) All master lease-purchase agreements executed under the
3092 authority of this section shall contain the following annual
3093 allocation dependency clause or an annual allocation dependency
3094 clause which is substantially equivalent thereto: "The
3095 continuation of each equipment schedule to this agreement is
3096 contingent in whole or in part upon the appropriation of funds by
3097 the Legislature to make the lease-purchase payments required under
3098 such equipment schedule. If the Legislature fails to appropriate
3099 sufficient funds to provide for the continuation of the
3100 lease-purchase payments under any such equipment schedule, then
3101 the obligations of the lessee and of the agency to make such
3102 lease-purchase payments and the corresponding provisions of any
3103 such equipment schedule to this agreement shall terminate on the
3104 last day of the fiscal year for which appropriations were made."

3105 (9) The maximum lease term for any equipment acquired under
3106 the master lease-purchase program shall not exceed the useful life
3107 of such equipment as determined according to the upper limit of
3108 the asset depreciation range (ADR) guidelines for the Class Life
3109 Asset Depreciation Range System established by the Internal



3110 Revenue Service pursuant to the United States Internal Revenue
3111 Code and Regulations thereunder as in effect on December 31, 1980,
3112 or comparable depreciation guidelines with respect to any
3113 equipment not covered by ADR guidelines. The Department of
3114 Finance and Administration shall be deemed to have met the
3115 requirements of this subsection if the term of a master
3116 lease-purchase agreement does not exceed the weighted average
3117 useful life of all equipment covered by such agreement and the
3118 schedules thereto as determined by the Department of Finance and
3119 Administration. For purposes of this subsection, the "term of a
3120 master lease-purchase agreement" shall be the weighted average
3121 maturity of all principal payments to be made under such master
3122 lease-purchase agreement and all schedules thereto.

3123 (10) Interest paid on any master lease-purchase agreement
3124 under this section shall be exempt from State of Mississippi
3125 income taxation. All equipment, and the purchase thereof by any
3126 lessor, acquired under the master lease-purchase program and all
3127 lease-purchase payments with respect thereto shall be exempt from
3128 all Mississippi sales, use and ad valorem taxes.

3129 (11) The Governor, in his annual executive budget to the
3130 Legislature, shall recommend appropriations sufficient to provide
3131 funds to pay all amounts due and payable during the applicable
3132 fiscal year under master lease-purchase agreements entered into
3133 pursuant to this section.



3134 (12) Any master lease-purchase agreement reciting in
3135 substance that such agreement has been entered into pursuant to
3136 this section shall be conclusively deemed to have been entered
3137 into in accordance with all of the provisions and conditions set
3138 forth in this section. Any defect or irregularity arising with
3139 respect to procedures applicable to the acquisition of any
3140 equipment shall not invalidate or otherwise limit the obligation
3141 of the Department of Finance and Administration, or the state or
3142 any agency of the state, under any master lease-purchase agreement
3143 or any equipment-use agreement.

3144 (13) There shall be maintained by the Department of Finance
3145 and Administration, with respect to each master lease-purchase
3146 agreement, an itemized statement of the cash price, interest
3147 rates, interest costs, commissions, debt service schedules and all
3148 other costs and expenses paid by the state incident to the
3149 lease-purchase of equipment under such agreement.

3150 (14) Lease-purchase agreements entered into by the Board of
3151 Trustees of State Institutions of Higher Learning pursuant to the
3152 authority of Section 37-101-413 or by any other agency which has
3153 specific statutory authority other than pursuant to Section
3154 31-7-13(e) to acquire equipment by lease-purchase shall not be
3155 made pursuant to the master lease-purchase program under this
3156 section, unless the Board of Trustees of State Institutions of
3157 Higher Learning or such other agency elects to participate as to



3158 part or all of its lease-purchase acquisitions in the master
3159 lease-purchase program pursuant to this section.

3160 (15) The Department of Finance and Administration may
3161 develop a master lease-purchase program for school districts and,
3162 pursuant to that program, may execute on behalf of the school
3163 districts master lease-purchase agreements for equipment to be
3164 used by the school districts. The form and structure of this
3165 program shall be substantially the same as set forth in this
3166 section for the master lease-purchase program for state agencies.
3167 If sums due from a school district under the master lease-purchase
3168 program are not paid by the expiration of the defined payment
3169 period, the Executive Director of the Department of Finance and
3170 Administration may withhold such amount that is due from the
3171 school district's * * * Investing in the Needs of Students to
3172 Prioritize, Impact and Reform Education (INSPIRE) allotments.

3173 (16) The Department of Finance and Administration may
3174 develop a master lease-purchase program for community and junior
3175 college districts and, pursuant to that program, may execute on
3176 behalf of the community and junior college districts master
3177 lease-purchase agreements for equipment to be used by the
3178 community and junior college districts. The form and structure of
3179 this program must be substantially the same as set forth in this
3180 section for the master lease-purchase program for state agencies.
3181 If sums due from a community or junior college district under the
3182 master lease-purchase program are not paid by the expiration of



3183 the defined payment period, the Executive Director of the
3184 Department of Finance and Administration may withhold an amount
3185 equal to the amount due under the program from any funds allocated
3186 for that community or junior college district in the state
3187 appropriations for the use and support of the community and junior
3188 colleges.

3189 (17) From and after July 1, 2016, the expenses of this
3190 agency shall be defrayed by appropriation from the State General
3191 Fund and all user charges and fees authorized under this section
3192 shall be deposited into the State General Fund as authorized by
3193 law.

3194 (18) From and after July 1, 2016, no state agency shall
3195 charge another state agency a fee, assessment, rent or other
3196 charge for services or resources received by authority of this
3197 section.

3198 **SECTION 35.** Section 37-1-3, Mississippi Code of 1972, is
3199 amended as follows:

3200 37-1-3. (1) The State Board of Education shall adopt rules
3201 and regulations and set standards and policies for the
3202 organization, operation, management, planning, budgeting and
3203 programs of the State Department of Education.

3204 (a) The board is directed to identify all functions of
3205 the department that contribute to or comprise a part of the state
3206 system of educational accountability and to establish and maintain
3207 within the department the necessary organizational structure,



3208 policies and procedures for effectively coordinating such
3209 functions. Such policies and procedures shall clearly fix and
3210 delineate responsibilities for various aspects of the system and
3211 for overall coordination of the total system and its effective
3212 management.

3213 (b) The board shall establish and maintain a
3214 system-wide plan of performance, policy and directions of public
3215 education not otherwise provided for.

3216 (c) The board shall effectively use the personnel and
3217 resources of the department to enhance technical assistance to
3218 school districts in instruction and management therein.

3219 (d) The board shall establish and maintain a central
3220 budget policy.

3221 (e) The board shall establish and maintain within the
3222 State Department of Education a central management capacity under
3223 the direction of the State Superintendent of Public Education.

3224 (f) The board, with recommendations from the
3225 superintendent, shall design and maintain a five-year plan and
3226 program for educational improvement that shall set forth
3227 objectives for system performance and development and be the basis
3228 for budget requests and legislative initiatives.

3229 (2) (a) The State Board of Education shall adopt and
3230 maintain a curriculum and a course of study to be used in the
3231 public school districts that is designed to prepare the state's
3232 children and youth to be productive, informed, creative citizens,



3233 workers and leaders, and it shall regulate all matters arising in
3234 the practical administration of the school system not otherwise
3235 provided for.

3236 (b) Before the 1999-2000 school year, the State Board
3237 of Education shall develop personal living and finances objectives
3238 that focus on money management skills for individuals and families
3239 for appropriate, existing courses at the secondary level. The
3240 objectives must require the teaching of those skills necessary to
3241 handle personal business and finances and must include instruction
3242 in the following:

- 3243 (i) Opening a bank account and assessing the
3244 quality of a bank's services;
- 3245 (ii) Balancing a checkbook;
- 3246 (iii) Managing debt, including retail and credit
3247 card debt;
- 3248 (iv) Completing a loan application;
- 3249 (v) The implications of an inheritance;
- 3250 (vi) The basics of personal insurance policies;
- 3251 (vii) Consumer rights and responsibilities;
- 3252 (viii) Dealing with salesmen and merchants;
- 3253 (ix) Computing state and federal income taxes;
- 3254 (x) Local tax assessments;
- 3255 (xi) Computing interest rates by various
3256 mechanisms;
- 3257 (xii) Understanding simple contracts; and



3258 (xiii) Contesting an incorrect billing statement.

3259 (3) The State Board of Education shall have authority to
3260 expend any available federal funds, or any other funds expressly
3261 designated, to pay training, educational expenses, salary
3262 incentives and salary supplements to licensed teachers employed in
3263 local school districts or schools administered by the State Board
3264 of Education. Such incentive payments shall not be considered
3265 part of a school district's local supplement * * *, nor shall the
3266 incentives be considered part of the local supplement paid to an
3267 individual teacher for the purposes of Section 37-19-7(1). * * *

3268 (4) The State Board of Education shall through its actions
3269 seek to implement the policies set forth in Section 37-1-2.

3270 **SECTION 36.** Section 37-3-11, Mississippi Code of 1972, is
3271 amended as follows:

3272 37-3-11. The State Superintendent of Public Education shall
3273 perform the duties assigned to him by the State Board of
3274 Education, and he shall have the following duties:

3275 (a) To serve as secretary for the State Board of
3276 Education;

3277 (b) To be the chief administrative officer of the State
3278 Department of Education;

3279 (c) To recommend to the State Board of Education, for
3280 its consideration, rules and regulations for the supervision of
3281 the public schools and agricultural high schools of the school



3282 districts throughout the state and for the efficient organization
3283 and conduct of the same;

3284 (d) To collect data and make it available to the state
3285 board for determining the proper distribution of the * * *
3286 Investing in the Needs of Students to Prioritize, Impact and
3287 Reform Education (INSPIRE) funds;

3288 (e) To keep a complete record of all official acts of
3289 the State Superintendent and the acts of the State Board of
3290 Education;

3291 (f) To prepare, have printed and furnish all officers
3292 charged with the administration of the laws pertaining to the
3293 public schools, such blank forms and books as may be necessary to
3294 the proper discharge of their duties, which printing is to be paid
3295 for out of funds provided by the Legislature;

3296 (g) To have printed in pamphlet form the laws
3297 pertaining to the public schools and publish therein forms for
3298 conducting school business, the rules and regulations for the
3299 government of schools that the State Superintendent or the State
3300 Board of Education may recommend, and such other matters as may be
3301 deemed worthy of public interest pertaining to the public schools,
3302 which printing is to be paid for out of funds provided by the
3303 Legislature;

3304 (h) To meet all superintendents annually at such time
3305 and place as the State Superintendent shall appoint for the
3306 purpose of accumulating facts relative to schools, to review the



3307 educational progress made in the various sections of the state, to
3308 compare views, discuss problems, hear discussions and suggestions
3309 relative to examinations and qualifications of teachers, methods
3310 of instruction, textbooks, summer schools for teachers, visitation
3311 of schools, consolidation of schools, health work in the schools,
3312 vocational education and other matters pertaining to the public
3313 school system;

3314 (i) To advise all superintendents upon all matters
3315 involving the welfare of the schools, and at the request of any
3316 superintendent, to give an opinion upon a written statement of
3317 facts on all questions and controversies arising out of the
3318 interpretation and construction of the school laws, in regard to
3319 rights, powers and duties of school officers and superintendents,
3320 and to keep a record of all such decisions. Before giving any
3321 opinion, the superintendent may submit the statement of facts to
3322 the Attorney General, and it shall be the duty of the Attorney
3323 General forthwith to examine such statement and suggest the proper
3324 decision to be made upon such fact;

3325 (j) To require annually, and as often as the State
3326 Superintendent may deem proper, of all superintendents, detailed
3327 reports on the educational business of the various districts;

3328 (k) On or before January 10 in each year to prepare,
3329 under the direction of the State Board of Education, the annual
3330 information report of the State Department of Education as
3331 described in Section 37-151-97;



3332 (1) To determine the number of educable children in the
3333 several school districts under rules and regulations prescribed by
3334 the State Board of Education; and

3335 (m) To perform such other duties as may be prescribed
3336 by the State Board of Education.

3337 **SECTION 37.** Section 37-3-83, Mississippi Code of 1972, is
3338 amended as follows:

3339 37-3-83. (1) There is established within the State
3340 Department of Education, using only existing staff and resources,
3341 a School Safety Grant Program, available to all eligible public
3342 school districts, to assist in financing programs to provide
3343 school safety. However, no monies from the Temporary Assistance
3344 for Needy Families grant may be used for the School Safety Grant
3345 Program.

3346 (2) The school board of each school district, with the
3347 assistance of the State Department of Education School Safety
3348 Center, shall adopt a comprehensive local school district school
3349 safety plan and shall update the plan on an annual basis.

3350 (3) Subject to the extent of appropriations available, the
3351 School Safety Grant Program shall offer any of the following
3352 specific preventive services, and other additional services
3353 appropriate to the most current school district school safety
3354 plan:

3355 (a) Metal detectors;



3356 (b) Video surveillance cameras, communications
3357 equipment and monitoring equipment for classrooms, school
3358 buildings, school grounds and school buses;
3359 (c) Crisis management/action teams responding to school
3360 violence;
3361 (d) Violence prevention training, conflict resolution
3362 training, behavioral stress training and other appropriate
3363 training designated by the State Department of Education for
3364 faculty and staff; and
3365 (e) School safety personnel.

3366 (4) Each local school district of this state may annually
3367 apply for school safety grant funds subject to appropriations by
3368 the Legislature. School safety grants shall include a base grant
3369 amount plus an additional amount per student in average
3370 daily * * * membership in the school or school district. The base
3371 grant amount and amount per student shall be determined by the
3372 State Board of Education, subject to specific appropriation
3373 therefor by the Legislature. In order to be eligible for such
3374 program, each local school board desiring to participate shall
3375 apply to the State Department of Education by May 31 before the
3376 beginning of the applicable fiscal year on forms provided by the
3377 department, and shall be required to establish a local School
3378 Safety Task Force to involve members of the community in the
3379 school safety effort. The State Department of Education shall
3380 determine by July 1 of each succeeding year which local school



3381 districts have submitted approved applications for school safety
3382 grants.

3383 (5) As part of the School Safety Grant Program, the State
3384 Department of Education may conduct a pilot program to research
3385 the feasibility of using video camera equipment in the classroom
3386 to address the following:

3387 (a) Determine if video cameras in the classroom reduce
3388 student disciplinary problems;

3389 (b) Enable teachers to present clear and convincing
3390 evidence of a student's disruptive behavior to the student, the
3391 principal, the superintendent and the student's parents; and

3392 (c) Enable teachers to review teaching performance and
3393 receive diagnostic feedback for developmental purposes.

3394 (6) Any local school district may use
3395 audio/visual-monitoring equipment in classrooms, hallways,
3396 buildings, grounds and buses for the purpose of monitoring school
3397 disciplinary problems.

3398 (7) As a component of the comprehensive local school
3399 district school safety plan required under subsection (2) of this
3400 section, the school board of a school district may adopt and
3401 implement a policy addressing sexual abuse of children, to be
3402 known as "Erin's Law Awareness." Any policy adopted under this
3403 subsection may include or address, but need not be limited to, the
3404 following:



3405 (a) Methods for increasing teacher, student and
3406 parental awareness of issues regarding sexual abuse of children,
3407 including knowledge of likely warning signs indicating that a
3408 child may be a victim of sexual abuse;

3409 (b) Educational information for parents or guardians,
3410 which may be included in the school handbook, on the warning signs
3411 of a child being abused, along with any needed assistance,
3412 referral or resource information;

3413 (c) Training for school personnel on child sexual
3414 abuse;

3415 (d) Age-appropriate curriculum for students in
3416 prekindergarten through fifth grade;

3417 (e) Actions that a child who is a victim of sexual
3418 abuse should take to obtain assistance and intervention;

3419 (f) Counseling and resources available for students
3420 affected by sexual abuse; and

3421 (g) Emotional and educational support for a child who
3422 has been abused to enable the child to be successful in school.

3423 (8) As part of the school safety grant program, the State
3424 Department of Education shall establish three (3) pilot programs
3425 in six (6) school districts utilizing an evidence-based curriculum
3426 to provide students in Grades K-5 with skills to manage stress and
3427 anxiety in order for them to be better equipped to handle
3428 challenges in a healthy way and build resiliency. The Mississippi
3429 Department of Mental Health shall be responsible for the selection



3430 of the content of the evidence-based curriculum. The results of
3431 this pilot program shall be measured and reported, and such
3432 results shall be used in consideration of the implementation of
3433 this curriculum statewide.

3434 (9) As a component of the comprehensive local school
3435 district safety plan required under subsection (2) of this
3436 section, beginning in the 2019-2020 school year, the State
3437 Department of Education shall require local school districts to
3438 conduct, every two (2) years, refresher training on mental health
3439 and suicide prevention for all school employees and personnel,
3440 including all cafeteria workers, custodians, teachers and
3441 administrators. The Mississippi Department of Mental Health shall
3442 be responsible for the development and/or selection of the content
3443 of the training, which training shall be provided at no cost to
3444 school employees. School districts shall report completion of the
3445 training to the State Department of Education.

3446 **SECTION 38.** Section 37-7-208, Mississippi Code of 1972, is
3447 amended as follows:

3448 37-7-208. The board of trustees of any consolidated school
3449 district may pay from * * * funds other than Investing in the
3450 Needs of Students to Prioritize, Impact and Reform Education
3451 (INSPIRE) funds the cost and expense of litigation involved by or
3452 resulting from the creation of or litigation to create single
3453 member school board trustee election districts, and pay from * * *
3454 funds other than the funding formula funds the cost or expense to



3455 implement any plan, decree or reorganization as approved by the
3456 court. Said payments by the board of trustees shall be deemed a
3457 "new program" under the provisions of Section 37-57-107, * * * and
3458 any additional millage levied for such purpose and the revenue
3459 generated therefrom shall be excluded from the tax increase
3460 limitation prescribed in Sections 37-57-105 and 37-57-107. The
3461 board of supervisors of any county in which there is located such
3462 consolidated school district may, in its discretion, contribute
3463 out of county general funds to the cost and expense of such
3464 litigation and/or the cost of implementing such redistricting
3465 plan.

3466 **SECTION 39.** Section 37-7-301, Mississippi Code of 1972, is
3467 amended as follows:

3468 37-7-301. The school boards of all school districts shall
3469 have the following powers, authority and duties in addition to all
3470 others imposed or granted by law, to wit:

3471 (a) To organize and operate the schools of the district
3472 and to make such division between the high school grades and
3473 elementary grades as, in their judgment, will serve the best
3474 interests of the school;

3475 (b) To introduce public school music, art, manual
3476 training and other special subjects into either the elementary or
3477 high school grades, as the board shall deem proper;



3478 (c) To be the custodians of real and personal school
3479 property and to manage, control and care for same, both during the
3480 school term and during vacation;

3481 (d) To have responsibility for the erection, repairing
3482 and equipping of school facilities and the making of necessary
3483 school improvements;

3484 (e) To suspend or to expel a pupil or to change the
3485 placement of a pupil to the school district's alternative school
3486 or homebound program for misconduct in the school or on school
3487 property, as defined in Section 37-11-29, on the road to and from
3488 school, or at any school-related activity or event, or for conduct
3489 occurring on property other than school property or other than at
3490 a school-related activity or event when such conduct by a pupil,
3491 in the determination of the school superintendent or principal,
3492 renders that pupil's presence in the classroom a disruption to the
3493 educational environment of the school or a detriment to the best
3494 interest and welfare of the pupils and teacher of such class as a
3495 whole, and to delegate such authority to the appropriate officials
3496 of the school district;

3497 (f) To visit schools in the district, in their
3498 discretion, in a body for the purpose of determining what can be
3499 done for the improvement of the school in a general way;

3500 (g) To support, within reasonable limits, the
3501 superintendent, principal and teachers where necessary for the
3502 proper discipline of the school;



3503 (h) To exclude from the schools students with what
3504 appears to be infectious or contagious diseases; provided,
3505 however, such student may be allowed to return to school upon
3506 presenting a certificate from a public health officer, duly
3507 licensed physician or nurse practitioner that the student is free
3508 from such disease;

3509 (i) To require those vaccinations specified by the
3510 State Health Officer as provided in Section 41-23-37;

3511 (j) To see that all necessary utilities and services
3512 are provided in the schools at all times when same are needed;

3513 (k) To authorize the use of the school buildings and
3514 grounds for the holding of public meetings and gatherings of the
3515 people under such regulations as may be prescribed by said board;

3516 (l) To prescribe and enforce rules and regulations not
3517 inconsistent with law or with the regulations of the State Board
3518 of Education for their own government and for the government of
3519 the schools, and to transact their business at regular and special
3520 meetings called and held in the manner provided by law;

3521 (m) To maintain and operate all of the schools under
3522 their control for such length of time during the year as may be
3523 required;

3524 (n) To enforce in the schools the courses of study and
3525 the use of the textbooks prescribed by the proper authorities;

3526 (o) To make orders directed to the superintendent of
3527 schools for the issuance of pay certificates for lawful purposes



3528 on any available funds of the district and to have full control of
3529 the receipt, distribution, allotment and disbursement of all funds
3530 provided for the support and operation of the schools of such
3531 school district whether such funds be derived from state
3532 appropriations, local ad valorem tax collections, or otherwise.
3533 The local school board shall be authorized and empowered to
3534 promulgate rules and regulations that specify the types of claims
3535 and set limits of the dollar amount for payment of claims by the
3536 superintendent of schools to be ratified by the board at the next
3537 regularly scheduled meeting after payment has been made;

3538 (p) To select all school district personnel in the
3539 manner provided by law, and to provide for such employee fringe
3540 benefit programs, including accident reimbursement plans, as may
3541 be deemed necessary and appropriate by the board;

3542 (q) To provide athletic programs and other school
3543 activities and to regulate the establishment and operation of such
3544 programs and activities;

3545 (r) To join, in their discretion, any association of
3546 school boards and other public school-related organizations, and
3547 to pay from local funds other than * * * Investing in the Needs of
3548 Students to Prioritize, Impact and Reform Education (INSPIRE)
3549 funds, any membership dues;

3550 (s) To expend local school activity funds, or other
3551 available school district funds, other than * * * INSPIRE funds,
3552 for the purposes prescribed under this paragraph. "Activity



3553 funds" shall mean all funds received by school officials in all
3554 school districts paid or collected to participate in any school
3555 activity, such activity being part of the school program and
3556 partially financed with public funds or supplemented by public
3557 funds. The term "activity funds" shall not include any funds
3558 raised and/or expended by any organization unless commingled in a
3559 bank account with existing activity funds, regardless of whether
3560 the funds were raised by school employees or received by school
3561 employees during school hours or using school facilities, and
3562 regardless of whether a school employee exercises influence over
3563 the expenditure or disposition of such funds. Organizations shall
3564 not be required to make any payment to any school for the use of
3565 any school facility if, in the discretion of the local school
3566 governing board, the organization's function shall be deemed to be
3567 beneficial to the official or extracurricular programs of the
3568 school. For the purposes of this provision, the term
3569 "organization" shall not include any organization subject to the
3570 control of the local school governing board. Activity funds may
3571 only be expended for any necessary expenses or travel costs,
3572 including advances, incurred by students and their chaperons in
3573 attending any in-state or out-of-state school-related programs,
3574 conventions or seminars and/or any commodities, equipment, travel
3575 expenses, purchased services or school supplies which the local
3576 school governing board, in its discretion, shall deem beneficial
3577 to the official or extracurricular programs of the district,



3578 including items which may subsequently become the personal
3579 property of individuals, including yearbooks, athletic apparel,
3580 book covers and trophies. Activity funds may be used to pay
3581 travel expenses of school district personnel. The local school
3582 governing board shall be authorized and empowered to promulgate
3583 rules and regulations specifically designating for what purposes
3584 school activity funds may be expended. The local school governing
3585 board shall provide (i) that such school activity funds shall be
3586 maintained and expended by the principal of the school generating
3587 the funds in individual bank accounts, or (ii) that such school
3588 activity funds shall be maintained and expended by the
3589 superintendent of schools in a central depository approved by the
3590 board. The local school governing board shall provide that such
3591 school activity funds be audited as part of the annual audit
3592 required in Section 37-9-18. The State Department of Education
3593 shall prescribe a uniform system of accounting and financial
3594 reporting for all school activity fund transactions;

3595 (t) To enter into an energy performance contract,
3596 energy services contract, on a shared-savings, lease or
3597 lease-purchase basis, for energy efficiency services and/or
3598 equipment as provided for in Section 31-7-14;

3599 (u) To maintain accounts and issue pay certificates on
3600 school food service bank accounts;

3601 (v) (i) To lease a school building from an individual,
3602 partnership, nonprofit corporation or a private for-profit



3603 corporation for the use of such school district, and to expend
3604 funds therefor as may be available from any * * * sources other
3605 than INSPIRE funds. The school board of the school district
3606 desiring to lease a school building shall declare by resolution
3607 that a need exists for a school building and that the school
3608 district cannot provide the necessary funds to pay the cost or its
3609 proportionate share of the cost of a school building required to
3610 meet the present needs. The resolution so adopted by the school
3611 board shall be published once each week for three (3) consecutive
3612 weeks in a newspaper having a general circulation in the school
3613 district involved, with the first publication thereof to be made
3614 not less than thirty (30) days prior to the date upon which the
3615 school board is to act on the question of leasing a school
3616 building. If no petition requesting an election is filed prior to
3617 such meeting as hereinafter provided, then the school board may,
3618 by resolution spread upon its minutes, proceed to lease a school
3619 building. If at any time prior to said meeting a petition signed
3620 by not less than twenty percent (20%) or fifteen hundred (1500),
3621 whichever is less, of the qualified electors of the school
3622 district involved shall be filed with the school board requesting
3623 that an election be called on the question, then the school board
3624 shall, not later than the next regular meeting, adopt a resolution
3625 calling an election to be held within such school district upon
3626 the question of authorizing the school board to lease a school
3627 building. Such election shall be called and held, and notice



3628 thereof shall be given, in the same manner for elections upon the
3629 questions of the issuance of the bonds of school districts, and
3630 the results thereof shall be certified to the school board. If at
3631 least three-fifths (3/5) of the qualified electors of the school
3632 district who voted in such election shall vote in favor of the
3633 leasing of a school building, then the school board shall proceed
3634 to lease a school building. The term of the lease contract shall
3635 not exceed twenty (20) years, and the total cost of such lease
3636 shall be either the amount of the lowest and best bid accepted by
3637 the school board after advertisement for bids or an amount not to
3638 exceed the current fair market value of the lease as determined by
3639 the averaging of at least two (2) appraisals by certified general
3640 appraisers licensed by the State of Mississippi. The term "school
3641 building" as used in this paragraph (v) (i) shall be construed to
3642 mean any building or buildings used for classroom purposes in
3643 connection with the operation of schools and shall include the
3644 site therefor, necessary support facilities, and the equipment
3645 thereof and appurtenances thereto such as heating facilities,
3646 water supply, sewage disposal, landscaping, walks, drives and
3647 playgrounds. The term "lease" as used in this paragraph (v) (i)
3648 may include a lease-purchase contract;

3649 (ii) If two (2) or more school districts propose
3650 to enter into a lease contract jointly, then joint meetings of the
3651 school boards having control may be held but no action taken shall
3652 be binding on any such school district unless the question of



3653 leasing a school building is approved in each participating school
3654 district under the procedure hereinabove set forth in paragraph
3655 (v) (i). All of the provisions of paragraph (v) (i) regarding the
3656 term and amount of the lease contract shall apply to the school
3657 boards of school districts acting jointly. Any lease contract
3658 executed by two (2) or more school districts as joint lessees
3659 shall set out the amount of the aggregate lease rental to be paid
3660 by each, which may be agreed upon, but there shall be no right of
3661 occupancy by any lessee unless the aggregate rental is paid as
3662 stipulated in the lease contract. All rights of joint lessees
3663 under the lease contract shall be in proportion to the amount of
3664 lease rental paid by each;

3665 (w) To employ all noninstructional and noncertificated
3666 employees and fix the duties and compensation of such personnel
3667 deemed necessary pursuant to the recommendation of the
3668 superintendent of schools;

3669 (x) To employ and fix the duties and compensation of
3670 such legal counsel as deemed necessary;

3671 (y) Subject to rules and regulations of the State Board
3672 of Education, to purchase, own and operate trucks, vans and other
3673 motor vehicles, which shall bear the proper identification
3674 required by law;

3675 (z) To expend funds for the payment of substitute
3676 teachers and to adopt reasonable regulations for the employment
3677 and compensation of such substitute teachers;



3678 (aa) To acquire in its own name by purchase all real
3679 property which shall be necessary and desirable in connection with
3680 the construction, renovation or improvement of any public school
3681 building or structure. Whenever the purchase price for such real
3682 property is greater than Fifty Thousand Dollars (\$50,000.00), the
3683 school board shall not purchase the property for an amount
3684 exceeding the fair market value of such property as determined by
3685 the average of at least two (2) independent appraisals by
3686 certified general appraisers licensed by the State of Mississippi.
3687 If the board shall be unable to agree with the owner of any such
3688 real property in connection with any such project, the board shall
3689 have the power and authority to acquire any such real property by
3690 condemnation proceedings pursuant to Section 11-27-1 et seq.,
3691 Mississippi Code of 1972, and for such purpose, the right of
3692 eminent domain is hereby conferred upon and vested in said board.
3693 Provided further, that the local school board is authorized to
3694 grant an easement for ingress and egress over sixteenth section
3695 land or lieu land in exchange for a similar easement upon
3696 adjoining land where the exchange of easements affords substantial
3697 benefit to the sixteenth section land; provided, however, the
3698 exchange must be based upon values as determined by a competent
3699 appraiser, with any differential in value to be adjusted by cash
3700 payment. Any easement rights granted over sixteenth section land
3701 under such authority shall terminate when the easement ceases to
3702 be used for its stated purpose. No sixteenth section or lieu land



3703 which is subject to an existing lease shall be burdened by any
3704 such easement except by consent of the lessee or unless the school
3705 district shall acquire the unexpired leasehold interest affected
3706 by the easement;

3707 (bb) To charge reasonable fees related to the
3708 educational programs of the district, in the manner prescribed in
3709 Section 37-7-335;

3710 (cc) Subject to rules and regulations of the State
3711 Board of Education, to purchase relocatable classrooms for the use
3712 of such school district, in the manner prescribed in Section
3713 37-1-13;

3714 (dd) Enter into contracts or agreements with other
3715 school districts, political subdivisions or governmental entities
3716 to carry out one or more of the powers or duties of the school
3717 board, or to allow more efficient utilization of limited resources
3718 for providing services to the public;

3719 (ee) To provide for in-service training for employees
3720 of the district;

3721 (ff) As part of their duties to prescribe the use of
3722 textbooks, to provide that parents and legal guardians shall be
3723 responsible for the textbooks and for the compensation to the
3724 school district for any books which are not returned to the proper
3725 schools upon the withdrawal of their dependent child. If a
3726 textbook is lost or not returned by any student who drops out of
3727 the public school district, the parent or legal guardian shall



3728 also compensate the school district for the fair market value of
3729 the textbooks;

3730 (gg) To conduct fund-raising activities on behalf of
3731 the school district that the local school board, in its
3732 discretion, deems appropriate or beneficial to the official or
3733 extracurricular programs of the district; provided that:

3734 (i) Any proceeds of the fund-raising activities
3735 shall be treated as "activity funds" and shall be accounted for as
3736 are other activity funds under this section; and

3737 (ii) Fund-raising activities conducted or
3738 authorized by the board for the sale of school pictures, the
3739 rental of caps and gowns or the sale of graduation invitations for
3740 which the school board receives a commission, rebate or fee shall
3741 contain a disclosure statement advising that a portion of the
3742 proceeds of the sales or rentals shall be contributed to the
3743 student activity fund;

3744 (hh) To allow individual lessons for music, art and
3745 other curriculum-related activities for academic credit or
3746 nonacademic credit during school hours and using school equipment
3747 and facilities, subject to uniform rules and regulations adopted
3748 by the school board;

3749 (ii) To charge reasonable fees for participating in an
3750 extracurricular activity for academic or nonacademic credit for
3751 necessary and required equipment such as safety equipment, band
3752 instruments and uniforms;



3753 (jj) To conduct or participate in any fund-raising
3754 activities on behalf of or in connection with a tax-exempt
3755 charitable organization;

3756 (kk) To exercise such powers as may be reasonably
3757 necessary to carry out the provisions of this section;

3758 (ll) To expend funds for the services of nonprofit arts
3759 organizations or other such nonprofit organizations who provide
3760 performances or other services for the students of the school
3761 district;

3762 (mm) To expend federal No Child Left Behind Act funds,
3763 or any other available funds that are expressly designated and
3764 authorized for that use, to pay training, educational expenses,
3765 salary incentives and salary supplements to employees of local
3766 school districts; except that incentives shall not be considered
3767 part of the local supplement * * *, nor shall incentives be
3768 considered part of the local supplement paid to an individual
3769 teacher for the purposes of Section 37-19-7(1) * * *;

3770 (nn) To use any available funds, not appropriated or
3771 designated for any other purpose, for reimbursement to the
3772 state-licensed employees from both in state and out of state, who
3773 enter into a contract for employment in a school district, for the
3774 expense of moving when the employment necessitates the relocation
3775 of the licensed employee to a different geographical area than
3776 that in which the licensed employee resides before entering into
3777 the contract. The reimbursement shall not exceed One Thousand



3778 Dollars (\$1,000.00) for the documented actual expenses incurred in
3779 the course of relocating, including the expense of any
3780 professional moving company or persons employed to assist with the
3781 move, rented moving vehicles or equipment, mileage in the amount
3782 authorized for county and municipal employees under Section
3783 25-3-41 if the licensed employee used his personal vehicle or
3784 vehicles for the move, meals and such other expenses associated
3785 with the relocation. No licensed employee may be reimbursed for
3786 moving expenses under this section on more than one (1) occasion
3787 by the same school district. Nothing in this section shall be
3788 construed to require the actual residence to which the licensed
3789 employee relocates to be within the boundaries of the school
3790 district that has executed a contract for employment in order for
3791 the licensed employee to be eligible for reimbursement for the
3792 moving expenses. However, the licensed employee must relocate
3793 within the boundaries of the State of Mississippi. Any individual
3794 receiving relocation assistance through the Critical Teacher
3795 Shortage Act as provided in Section 37-159-5 shall not be eligible
3796 to receive additional relocation funds as authorized in this
3797 paragraph;

3798 (oo) To use any available funds, not appropriated or
3799 designated for any other purpose, to reimburse persons who
3800 interview for employment as a licensed employee with the district
3801 for the mileage and other actual expenses incurred in the course



3802 of travel to and from the interview at the rate authorized for
3803 county and municipal employees under Section 25-3-41;

3804 (pp) Consistent with the report of the Task Force to
3805 Conduct a Best Financial Management Practices Review, to improve
3806 school district management and use of resources and identify cost
3807 savings as established in Section 8 of Chapter 610, Laws of 2002,
3808 local school boards are encouraged to conduct independent reviews
3809 of the management and efficiency of schools and school districts.
3810 Such management and efficiency reviews shall provide state and
3811 local officials and the public with the following:

3812 (i) An assessment of a school district's
3813 governance and organizational structure;

3814 (ii) An assessment of the school district's
3815 financial and personnel management;

3816 (iii) An assessment of revenue levels and sources;

3817 (iv) An assessment of facilities utilization,
3818 planning and maintenance;

3819 (v) An assessment of food services, transportation
3820 and safety/security systems;

3821 (vi) An assessment of instructional and
3822 administrative technology;

3823 (vii) A review of the instructional management and
3824 the efficiency and effectiveness of existing instructional
3825 programs; and



3826 (viii) Recommended methods for increasing
3827 efficiency and effectiveness in providing educational services to
3828 the public;

3829 (qq) To enter into agreements with other local school
3830 boards for the establishment of an educational service agency
3831 (ESA) to provide for the cooperative needs of the region in which
3832 the school district is located, as provided in Section 37-7-345;

3833 (rr) To implement a financial literacy program for
3834 students in Grades 10 and 11. The board may review the national
3835 programs and obtain free literature from various nationally
3836 recognized programs. After review of the different programs, the
3837 board may certify a program that is most appropriate for the
3838 school districts' needs. If a district implements a financial
3839 literacy program, then any student in Grade 10 or 11 may
3840 participate in the program. The financial literacy program shall
3841 include, but is not limited to, instruction in the same areas of
3842 personal business and finance as required under Section
3843 37-1-3(2) (b). The school board may coordinate with volunteer
3844 teachers from local community organizations, including, but not
3845 limited to, the following: United States Department of
3846 Agriculture Rural Development, United States Department of Housing
3847 and Urban Development, Junior Achievement, bankers and other
3848 nonprofit organizations. Nothing in this paragraph shall be
3849 construed as to require school boards to implement a financial
3850 literacy program;



3851 (ss) To collaborate with the State Board of Education,
3852 Community Action Agencies or the Department of Human Services to
3853 develop and implement a voluntary program to provide services for
3854 a prekindergarten program that addresses the cognitive, social,
3855 and emotional needs of four-year-old and three-year-old children.
3856 The school board may utilize any source of available revenue to
3857 fund the voluntary program. Effective with the 2013-2014 school
3858 year, to implement voluntary prekindergarten programs under the
3859 Early Learning Collaborative Act of 2013 pursuant to state funds
3860 awarded by the State Department of Education on a matching basis;

3861 (tt) With respect to any lawful, written obligation of
3862 a school district, including, but not limited to, leases
3863 (excluding leases of sixteenth section public school trust land),
3864 bonds, notes, or other agreement, to agree in writing with the
3865 obligee that the Department of Revenue or any state agency,
3866 department or commission created under state law may:

3867 (i) Withhold all or any part (as agreed by the
3868 school board) of any monies which such local school board is
3869 entitled to receive from time to time under any law and which is
3870 in the possession of the Department of Revenue, or any state
3871 agency, department or commission created under state law; and

3872 (ii) Pay the same over to any financial
3873 institution, trustee or other obligee, as directed in writing by
3874 the school board, to satisfy all or part of such obligation of the
3875 school district.



3876 The school board may make such written agreement to withhold
3877 and transfer funds irrevocable for the term of the written
3878 obligation and may include in the written agreement any other
3879 terms and provisions acceptable to the school board. If the
3880 school board files a copy of such written agreement with the
3881 Department of Revenue, or any state agency, department or
3882 commission created under state law then the Department of Revenue
3883 or any state agency, department or commission created under state
3884 law shall immediately make the withholdings provided in such
3885 agreement from the amounts due the local school board and shall
3886 continue to pay the same over to such financial institution,
3887 trustee or obligee for the term of the agreement.

3888 This paragraph (tt) shall not grant any extra authority to a
3889 school board to issue debt in any amount exceeding statutory
3890 limitations on assessed value of taxable property within such
3891 school district or the statutory limitations on debt maturities,
3892 and shall not grant any extra authority to impose, levy or collect
3893 a tax which is not otherwise expressly provided for, and shall not
3894 be construed to apply to sixteenth section public school trust
3895 land;

3896 (uu) With respect to any matter or transaction that is
3897 competitively bid by a school district, to accept from any bidder
3898 as a good-faith deposit or bid bond or bid surety, the same type
3899 of good-faith deposit or bid bond or bid surety that may be
3900 accepted by the state or any other political subdivision on



3901 similar competitively bid matters or transactions. This paragraph
3902 (uu) shall not be construed to apply to sixteenth section public
3903 school trust land. The school board may authorize the investment
3904 of any school district funds in the same kind and manner of
3905 investments, including pooled investments, as any other political
3906 subdivision, including community hospitals;

3907 (vv) To utilize the alternate method for the conveyance
3908 or exchange of unused school buildings and/or land, reserving a
3909 partial or other undivided interest in the property, as
3910 specifically authorized and provided in Section 37-7-485;

3911 (ww) To delegate, privatize or otherwise enter into a
3912 contract with private entities for the operation of any and all
3913 functions of nonacademic school process, procedures and operations
3914 including, but not limited to, cafeteria workers, janitorial
3915 services, transportation, professional development, achievement
3916 and instructional consulting services materials and products,
3917 purchasing cooperatives, insurance, business manager services,
3918 auditing and accounting services, school safety/risk prevention,
3919 data processing and student records, and other staff services;

3920 however, the authority under this paragraph does not apply to the
3921 leasing, management or operation of sixteenth section lands.

3922 Local school districts, working through their regional education
3923 service agency, are encouraged to enter into buying consortia with
3924 other member districts for the purposes of more efficient use of
3925 state resources as described in Section 37-7-345;



3926 (xx) To partner with entities, organizations and
3927 corporations for the purpose of benefiting the school district;

3928 (yy) To borrow funds from the Rural Economic
3929 Development Authority for the maintenance of school buildings;

3930 (zz) To fund and operate voluntary early childhood
3931 education programs, defined as programs for children less than
3932 five (5) years of age on or before September 1, and to use any
3933 source of revenue for such early childhood education programs.
3934 Such programs shall not conflict with the Early Learning
3935 Collaborative Act of 2013;

3936 (aaa) To issue and provide for the use of procurement
3937 cards by school board members, superintendents and licensed school
3938 personnel consistent with the rules and regulations of the
3939 Mississippi Department of Finance and Administration under Section
3940 31-7-9; and

3941 (bbb) To conduct an annual comprehensive evaluation of
3942 the superintendent of schools consistent with the assessment
3943 components of paragraph (pp) of this section and the assessment
3944 benchmarks established by the Mississippi School Board Association
3945 to evaluate the success the superintendent has attained in meeting
3946 district goals and objectives, the superintendent's leadership
3947 skill and whether or not the superintendent has established
3948 appropriate standards for performance, is monitoring success and
3949 is using data for improvement.



3950 **SECTION 40.** Section 37-7-302, Mississippi Code of 1972, is
3951 amended as follows:

3952 37-7-302. The board of trustees of any school district shall
3953 be authorized to borrow such funds as may be reasonable and
3954 necessary from the federal government, the State of Mississippi or
3955 any political subdivision or entity thereof, or any other
3956 governmental agency, from any individual, partnership, nonprofit
3957 corporation or private for-profit corporation, to aid such school
3958 districts in asbestos removal, to be repaid out of any * * * funds
3959 other than Investing in the Needs of Students to Prioritize,
3960 Impact and Reform Education (INSPIRE) funds; provided, however,
3961 that the grant of authority shall in no way be construed to
3962 require said boards of trustees to remove asbestos material or
3963 substances from any facilities under their control, nor shall
3964 there be any liability to said school districts or boards for the
3965 failure to so remove such asbestos materials. All indebtedness
3966 incurred under the provisions of this section shall be evidenced
3967 by the negotiable notes or certificates of indebtedness of the
3968 school district on whose behalf the money is borrowed. Said notes
3969 or certificates of indebtedness of the school district on whose
3970 behalf the money is borrowed shall be signed by the president of
3971 the school board and superintendent of schools of such school
3972 district. Such notes or certificates of indebtedness shall not
3973 bear a greater overall maximum interest rate to maturity than the
3974 rates now or hereafter authorized under the provisions of Section



3975 19-9-19. No such notes or certificates of indebtedness shall be
3976 issued and sold for less than par and accrued interest. All notes
3977 or certificates of indebtedness shall mature in approximately
3978 equal installments of principal and interest over a period not to
3979 exceed twenty (20) years from the dates of the issuance thereof.
3980 Principal and interest shall be payable in such manner as may be
3981 determined by the school board. Such notes or certificates of
3982 indebtedness shall be issued in such form and in such
3983 denominations as may be determined by the school board and same
3984 may be made payable at the office of any bank or trust company
3985 selected by the school board and, in such case, funds for the
3986 payment of principal and interest due thereon shall be provided in
3987 the same manner provided by law for the payment of the principal
3988 and interest due on bonds issued by the taxing districts of this
3989 state.

3990 **SECTION 41.** Section 37-7-303, Mississippi Code of 1972, is
3991 amended as follows:

3992 37-7-303. (1) The school board of any school district may
3993 insure motor vehicles for any hazard that the board may choose,
3994 and shall insure the school buildings, equipment and other school
3995 property of the district against any and all hazards that the
3996 board may deem necessary to provide insurance against. In
3997 addition, the local school board of any school district shall
3998 purchase and maintain business property insurance and business
3999 personal property insurance on all school district-owned buildings



4000 and/or contents as required by federal law and regulations of the
4001 Federal Emergency Management Agency (FEMA) as is necessary for
4002 receiving public assistance or reimbursement for repair,
4003 reconstruction, replacement or other damage to those buildings
4004 and/or contents caused by the Hurricane Katrina Disaster of 2005
4005 or subsequent disasters. The school district is authorized to
4006 expend funds from any available source for the purpose of
4007 obtaining and maintaining that property insurance. The school
4008 district is authorized to enter into agreements with the
4009 Department of Finance and Administration, other local school
4010 districts, community or junior college districts, state
4011 institutions of higher learning, community hospitals and/or other
4012 state agencies to pool their liabilities to participate in a group
4013 business property and/or business personal property insurance
4014 program, subject to uniform rules and regulations as may be
4015 adopted by the Department of Finance and Administration. Such
4016 school board shall be authorized to contract for such insurance
4017 for a term of not exceeding five (5) years and to obligate the
4018 district for the payment of the premiums thereon. When necessary,
4019 the school board is authorized and empowered, in its discretion,
4020 to borrow money payable in annual installments for a period of not
4021 exceeding five (5) years at a rate of interest not exceeding eight
4022 percent (8%) per annum to provide funds to pay such insurance
4023 premiums. The money so borrowed and the interest thereon shall be
4024 payable from any school funds of the district other than * * *



4025 Investing in the Needs of Students to Prioritize, Impact and
4026 Reform Education (INSPIRE) funds. The school boards of school
4027 districts are further authorized and empowered, in all cases where
4028 same may be necessary, to bring and maintain suits and other
4029 actions in any court of competent jurisdiction for the purpose of
4030 collecting the proceeds of insurance policies issued upon the
4031 property of such school district.

4032 (2) Two (2) or more school districts, together with other
4033 educational entities or agencies, may agree to pool their
4034 liabilities to participate in a group workers' compensation
4035 program. The governing authorities of any school board or other
4036 educational entity or agency may authorize the organization and
4037 operation of, or the participation in such a group self-insurance
4038 program with other school boards and educational entities or
4039 agencies, subject to the requirements of Section 71-3-5. The
4040 Workers' Compensation Commission shall approve such group
4041 self-insurance programs subject to uniform rules and regulations
4042 as may be adopted by the commission applicable to all groups.

4043 **SECTION 42.** Section 37-7-307, Mississippi Code of 1972, is
4044 amended as follows:

4045 37-7-307. (1) For purposes of this section, the term
4046 "licensed employee" means any employee of a public school district
4047 required to hold a valid license by the Commission on Teacher and
4048 Administrator Education, Certification and Licensure and
4049 Development.



4050 (2) The school board of a school district shall establish by
4051 rules and regulations a policy of sick leave with pay for licensed
4052 employees and teacher assistants employed in the school district,
4053 and such policy shall include the following minimum provisions for
4054 sick and emergency leave with pay:

4055 (a) Each licensed employee and teacher assistant, at
4056 the beginning of each school year, shall be credited with a
4057 minimum sick leave allowance, with pay, of seven (7) days for
4058 absences caused by illness or physical disability of the employee
4059 during that school year.

4060 (b) Any unused portion of the total sick leave
4061 allowance shall be carried over to the next school year and
4062 credited to such licensed employee and teacher assistant if the
4063 licensed employee or teacher assistant remains employed in the
4064 same school district. In the event any public school licensed
4065 employee or teacher assistant transfers from one public school
4066 district in Mississippi to another, any unused portion of the
4067 total sick leave allowance credited to such licensed employee or
4068 teacher assistant shall be credited to such licensed employee or
4069 teacher assistant in the computation of unused leave for
4070 retirement purposes under Section 25-11-109. Accumulation of sick
4071 leave allowed under this section shall be unlimited.

4072 (c) No deduction from the pay of such licensed employee
4073 or teacher assistant may be made because of absence of such
4074 licensed employee or teacher assistant caused by illness or



4075 physical disability of the licensed employee or teacher assistant
4076 until after all sick leave allowance credited to such licensed
4077 employee or teacher assistant has been used.

4078 (d) For the first ten (10) days of absence of a
4079 licensed employee because of illness or physical disability, in
4080 any school year, in excess of the sick leave allowance credited to
4081 such licensed employee, there shall be deducted from the pay of
4082 such licensed employee the established substitute amount of
4083 licensed employee compensation paid in that local school district,
4084 necessitated because of the absence of the licensed employee as a
4085 result of illness or physical disability. In lieu of deducting
4086 the established substitute amount from the pay of such licensed
4087 employee, the policy may allow the licensed employee to receive
4088 full pay for the first ten (10) days of absence because of illness
4089 or physical disability, in any school year, in excess of the sick
4090 leave allowance credited to such licensed employee. Thereafter,
4091 the regular pay of such absent licensed employee shall be
4092 suspended and withheld in its entirety for any period of absence
4093 because of illness or physical disability during that school year.

4094 (3) (a) Beginning with the school year 1983-1984, each
4095 licensed employee at the beginning of each school year shall be
4096 credited with a minimum personal leave allowance, with pay, of two
4097 (2) days for absences caused by personal reasons during that
4098 school year. Effective for the 2010-2011 and 2011-2012 school
4099 years, licensed employees shall be credited with an additional



4100 one-half (1/2) day of personal leave for every day the licensed
4101 employee is furloughed without pay as provided in Section
4102 37-7-308. Except as otherwise provided in paragraph (b) of this
4103 subsection, such personal leave shall not be taken on the first
4104 day of the school term, the last day of the school term, on a day
4105 previous to a holiday or a day after a holiday. Personal leave
4106 may be used for professional purposes, including absences caused
4107 by attendance of such licensed employee at a seminar, class,
4108 training program, professional association or other functions
4109 designed for educators. No deduction from the pay of such
4110 licensed employee may be made because of absence of such licensed
4111 employee caused by personal reasons until after all personal leave
4112 allowance credited to such licensed employee has been used.
4113 However, the superintendent of a school district, in his
4114 discretion, may allow a licensed employee personal leave in
4115 addition to any minimum personal leave allowance, under the
4116 condition that there shall be deducted from the salary of such
4117 licensed employee the actual amount of any compensation paid to
4118 any person as a substitute, necessitated because of the absence of
4119 the licensed employee. Any unused portion of the total personal
4120 leave allowance up to five (5) days shall be carried over to the
4121 next school year and credited to such licensed employee if the
4122 licensed employee remains employed in the same school district.
4123 Any personal leave allowed for a furlough day shall not be carried
4124 over to the next school year.



4125 (b) Notwithstanding the restrictions on the use of
4126 personal leave prescribed under paragraph (a) of this subsection,
4127 a licensed employee may use personal leave as follows:

4128 (i) Personal leave may be taken on the first day
4129 of the school term, the last day of the school term, on a day
4130 previous to a holiday or a day after a holiday if, on the
4131 applicable day, an immediate family member of the employee is
4132 being deployed for military service.

4133 (ii) Personal leave may be taken on a day previous
4134 to a holiday or a day after a holiday if an employee of a school
4135 district has either a minimum of ten (10) years' experience as an
4136 employee of that school district or a minimum of thirty (30) days
4137 of unused accumulated leave that has been earned while employed in
4138 that school district.

4139 (iii) Personal leave may be taken on the first day
4140 of the school term, the last day of the school term, on a day
4141 previous to a holiday or a day after a holiday if, on the
4142 applicable day, the employee has been summoned to appear for jury
4143 duty or as a witness in court.

4144 (iv) Personal leave may be taken on the first day
4145 of the school term, the last day of the school term, on a day
4146 previous to a holiday or a day after a holiday if, on the
4147 applicable day, an immediate family member of the employee dies or
4148 funeral services are held. Any day of the three (3) bereavement



4149 days may be used at the discretion of the teacher, and are not
4150 required to be taken in consecutive succession.

4151 For the purpose of this subsection (3), the term "immediate
4152 family member" means spouse, parent, stepparent, child or
4153 stepchild, grandparent or sibling, including a stepbrother or
4154 stepsister.

4155 (4) Beginning with the school year 1992-1993, each licensed
4156 employee shall be credited with a professional leave allowance,
4157 with pay, for each day of absence caused by reason of such
4158 employee's statutorily required membership and attendance at a
4159 regular or special meeting held within the State of Mississippi of
4160 the State Board of Education, the Commission on Teacher and
4161 Administrator Education, Certification and Licensure and
4162 Development, the Commission on School Accreditation, the
4163 Mississippi Authority for Educational Television, the meetings of
4164 the state textbook rating committees or other meetings authorized
4165 by local school board policy.

4166 (5) Upon retirement from employment, each licensed and
4167 nonlicensed employee shall be paid for not more than thirty (30)
4168 days of unused accumulated leave earned while employed by the
4169 school district in which the employee is last employed. Such
4170 payment for licensed employees shall be made by the school
4171 district at a rate equal to the amount paid to substitute teachers
4172 and for nonlicensed employees, the payment shall be made by the
4173 school district at a rate equal to the federal minimum wage. The



4174 payment shall be treated in the same manner for retirement
4175 purposes as a lump-sum payment for personal leave as provided in
4176 Section 25-11-103(f). Any remaining lawfully credited unused
4177 leave, for which payment has not been made, shall be certified to
4178 the Public Employees' Retirement System in the same manner and
4179 subject to the same limitations as otherwise provided by law for
4180 unused leave. No payment for unused accumulated leave may be made
4181 to either a licensed or nonlicensed employee at termination or
4182 separation from service for any purpose other than for the purpose
4183 of retirement.

4184 (6) The school board may adopt rules and regulations which
4185 will reasonably aid to implement the policy of sick and personal
4186 leave, including, but not limited to, rules and regulations having
4187 the following general effect:

4188 (a) Requiring the absent employee to furnish the
4189 certificate of a physician or dentist or other medical
4190 practitioner as to the illness of the absent licensed employee,
4191 where the absence is for four (4) or more consecutive school days,
4192 or for two (2) consecutive school days immediately preceding or
4193 following a nonschool day;

4194 (b) Providing penalties, by way of full deduction from
4195 salary, or entry on the work record of the employee, or other
4196 appropriate penalties, for any materially false statement by the
4197 employee as to the cause of absence;



4198 (c) Forfeiture of accumulated or future sick leave, if
4199 the absence of the employee is caused by optional dental or
4200 medical treatment or surgery which could, without medical risk,
4201 have been provided, furnished or performed at a time when school
4202 was not in session;

4203 (d) Enlarging, increasing or providing greater sick or
4204 personal leave allowances than the minimum standards established
4205 by this section in the discretion of the school board of each
4206 school district.

4207 (7) School boards may include in their budgets provisions
4208 for the payment of substitute employees, necessitated because of
4209 the absence of regular licensed employees. All such substitute
4210 employees shall be paid wholly from district funds * * *. Such
4211 school boards, in their discretion, also may pay, from district
4212 funds other than * * * Investing in the Needs of Students to
4213 Prioritize, Impact and Reform Education (INSPIRE) funds, the whole
4214 or any part of the salaries of all employees granted leaves for
4215 the purpose of special studies or training.

4216 (8) The school board may further adopt rules and regulations
4217 which will reasonably implement such leave policies for all other
4218 nonlicensed and hourly paid school employees as the board deems
4219 appropriate. Effective for the 2010-2011 and 2011-2012 school
4220 years, nonlicensed employees shall be credited with an additional
4221 one-half (1/2) day of personal leave for every day the nonlicensed



4222 employee is furloughed without pay as provided in Section
4223 37-7-308.

4224 (9) Vacation leave granted to either licensed or nonlicensed
4225 employees shall be synonymous with personal leave. Unused
4226 vacation or personal leave accumulated by licensed employees in
4227 excess of the maximum five (5) days which may be carried over from
4228 one year to the next may be converted to sick leave. The annual
4229 conversion of unused vacation or personal leave to sick days for
4230 licensed or unlicensed employees shall not exceed the allowable
4231 number of personal leave days as provided in Section 25-3-93. The
4232 annual total number of converted unused vacation and/or personal
4233 days added to the annual unused sick days for any employee shall
4234 not exceed the combined allowable number of days per year provided
4235 in Sections 25-3-93 and 25-3-95. Local school board policies that
4236 provide for vacation, personal and sick leave for employees shall
4237 not exceed the provisions for leave as provided in Sections
4238 25-3-93 and 25-3-95. Any personal or vacation leave previously
4239 converted to sick leave under a lawfully adopted policy before May
4240 1, 2004, or such personal or vacation leave accumulated and
4241 available for use prior to May 1, 2004, under a lawfully adopted
4242 policy but converted to sick leave after May 1, 2004, shall be
4243 recognized as accrued leave by the local school district and
4244 available for use by the employee. The leave converted under a
4245 lawfully adopted policy prior to May 1, 2004, or such personal and
4246 vacation leave accumulated and available for use as of May 1,



4247 2004, which was subsequently converted to sick leave may be
4248 certified to the Public Employees' Retirement System upon
4249 termination of employment and any such leave previously converted
4250 and certified to the Public Employees' Retirement System shall be
4251 recognized.

4252 (10) (a) For the purposes of this subsection, the following
4253 words and phrases shall have the meaning ascribed in this
4254 paragraph unless the context requires otherwise:

4255 (i) "Catastrophic injury or illness" means a
4256 life-threatening injury or illness of an employee or a member of
4257 an employee's immediate family that totally incapacitates the
4258 employee from work, as verified by a licensed physician, and
4259 forces the employee to exhaust all leave time earned by that
4260 employee, resulting in the loss of compensation from the local
4261 school district for the employee. Conditions that are short-term
4262 in nature, including, but not limited to, common illnesses such as
4263 influenza and the measles, and common injuries, are not
4264 catastrophic. Chronic illnesses or injuries, such as cancer or
4265 major surgery, that result in intermittent absences from work and
4266 that are long-term in nature and require long recuperation periods
4267 may be considered catastrophic.

4268 (ii) "Immediate family" means spouse, parent,
4269 stepparent, sibling, child or stepchild, grandparent, stepbrother
4270 or stepsister.



4271 (b) Any school district employee may donate a portion
4272 of his or her unused accumulated personal leave or sick leave to
4273 another employee of the same school district who is suffering from
4274 a catastrophic injury or illness or who has a member of his or her
4275 immediate family suffering from a catastrophic injury or illness,
4276 in accordance with the following:

4277 (i) The employee donating the leave (the "donor
4278 employee") shall designate the employee who is to receive the
4279 leave (the "recipient employee") and the amount of unused
4280 accumulated personal leave and sick leave that is to be donated,
4281 and shall notify the school district superintendent or his
4282 designee of his or her designation.

4283 (ii) The maximum amount of unused accumulated
4284 personal leave that an employee may donate to any other employee
4285 may not exceed a number of days that would leave the donor
4286 employee with fewer than seven (7) days of personal leave
4287 remaining, and the maximum amount of unused accumulated sick leave
4288 that an employee may donate to any other employee may not exceed
4289 fifty percent (50%) of the unused accumulated sick leave of the
4290 donor employee.

4291 (iii) An employee must have exhausted all of his
4292 or her available leave before he or she will be eligible to
4293 receive any leave donated by another employee. Eligibility for
4294 donated leave shall be based upon review and approval by the donor
4295 employee's supervisor.



4296 (iv) Before an employee may receive donated leave,
4297 he or she must provide the school district superintendent or his
4298 designee with a physician's statement that states that the illness
4299 meets the catastrophic criteria established under this section,
4300 the beginning date of the catastrophic injury or illness, a
4301 description of the injury or illness, and a prognosis for recovery
4302 and the anticipated date that the recipient employee will be able
4303 to return to work.

4304 (v) Before an employee may receive donated leave,
4305 the superintendent of education of the school district shall
4306 appoint a review committee to approve or disapprove the said
4307 donations of leave, including the determination that the illness
4308 is catastrophic within the meaning of this section.

4309 (vi) If the total amount of leave that is donated
4310 to any employee is not used by the recipient employee, the whole
4311 days of donated leave shall be returned to the donor employees on
4312 a pro rata basis, based on the ratio of the number of days of
4313 leave donated by each donor employee to the total number of days
4314 of leave donated by all donor employees.

4315 (vii) Donated leave shall not be used in lieu of
4316 disability retirement.

4317 (11) Effective January 1, 2020, the provisions of this
4318 section shall be fully applicable to any licensed employee of the
4319 Mississippi School of the Arts (MSA).



4320 **SECTION 43.** Section 37-7-319, Mississippi Code of 1972, is
4321 amended as follows:

4322 37-7-319. All public school boards may purchase group
4323 insurance coverage for the liability of all of its active
4324 full-time instructional and noninstructional personnel. Such
4325 policy shall be paid for with any funds available other than * * *
4326 Investing in the Needs of Students to Prioritize, Impact and
4327 Reform Education (INSPIRE) funds.

4328 **SECTION 44.** Section 37-7-333, Mississippi Code of 1972, is
4329 amended as follows:

4330 37-7-333. The school boards of all school districts shall
4331 have full control of the receipt, distribution, allotment and
4332 disbursement of all funds which may be provided for the support
4333 and maintenance of the schools of such district whether such funds
4334 be * * * Investing in the Needs of Students to Prioritize, Impact
4335 and Reform Education (INSPIRE) allotments, funds derived from
4336 supplementary tax levies as authorized by law, or funds derived
4337 from any other source whatsoever except as may otherwise be
4338 provided by law for control of the proceeds from school bonds or
4339 notes and the taxes levied to pay the principal of and interest on
4340 such bonds or notes. The tax collector of each county shall make
4341 reports, in writing, verified by his affidavit, on or before the
4342 twentieth day of each month to the superintendent of schools of
4343 each school district within such county reflecting all school
4344 district taxes collected by him for the support of said school



4345 district during the preceding month. He shall at the same time
4346 pay over all such school district taxes collected by him for the
4347 support of said school district directly to said superintendent of
4348 schools.

4349 All such allotments or funds shall be placed in the
4350 depository or depositories selected by the school board in the
4351 same manner as provided in Section 27-105-305 for the selection of
4352 county depositories. Provided, however, the annual notice to be
4353 given by the school board to financial institutions may be given
4354 by the school board at any regular meeting subsequent to the
4355 board's regular December meeting but prior to the regular May
4356 meeting. The bids of financial institutions for the privilege of
4357 keeping school funds may be received by the school board at some
4358 subsequent meeting, but no later than the regular June meeting;
4359 and the selection by the school board of the depository or
4360 depositories shall be effective on July 1 of each year. School
4361 boards shall advertise and accept bids for depositories, no less
4362 than once every three (3) years, when such board determines that
4363 it can obtain a more favorable rate of interest and less
4364 administrative processing. Such depository shall place on deposit
4365 with the superintendent of schools the same securities as required
4366 in Section 27-105-315.

4367 In the event a bank submits a bid or offer to a school
4368 district to act as a depository for the district and such bid or
4369 offer, if accepted, would result in a contract in which a member



4370 of the school board would have a direct or indirect interest, the
4371 school board should not open or consider any bids received. The
4372 superintendent of schools shall submit the matter to the State
4373 Treasurer, who shall have the authority to solicit bids, select a
4374 depository or depositories, make all decisions and take any action
4375 within the authority of the school board under this section
4376 relating to the selection of a depository or depositories.

4377 **SECTION 45.** Section 37-7-339, Mississippi Code of 1972, is
4378 amended as follows:

4379 37-7-339. (1) The school board of any local school
4380 district, in its discretion, may provide extended day and extended
4381 school year programs for kindergarten or compulsory-school-age
4382 students, or both, and may expend any funds for these purposes
4383 which are available from sources other than * * * Investing in the
4384 Needs of Students to Prioritize, Impact and Reform Education
4385 (INSPIRE). It is not the intent of the Legislature, in enacting
4386 this section, to interfere with the Headstart program. School
4387 boards, in their discretion, may charge participants a reasonable
4388 fee for such programs.

4389 (2) The school board of any school district may adopt any
4390 orders, policies, rules or regulations with respect to instruction
4391 within that school district for which no specific provision has
4392 been made by general law and which are not inconsistent with the
4393 Mississippi Constitution of 1890, the Mississippi Code of 1972, or
4394 any order, policy, rule or regulation of the State Board of



4395 Education; those school boards also may alter, modify and repeal
4396 any orders, policies, rules or regulations enacted under this
4397 subsection. Any such program pertaining to reading must further
4398 the goal that Mississippi students will demonstrate a growing
4399 proficiency in reading and will reach or exceed the national
4400 average within the next decade.

4401 **SECTION 46.** Section 37-7-419, Mississippi Code of 1972, is
4402 amended as follows:

4403 37-7-419. The various school districts which may become
4404 parties to any such agreement are authorized to appropriate and
4405 expend for the purposes thereof any and all funds which may be
4406 required to carry out the terms of any such agreement from any
4407 funds available to any such party to such an agreement not
4408 otherwise appropriated without limitation as to the source of such
4409 funds, including * * * Investing in the Needs of Students to
4410 Prioritize, Impact and Reform Education (INSPIRE) funds, sixteenth
4411 section funds, funds received from the federal government or other
4412 sources by way of grant, donation or otherwise, and funds which
4413 may be available to any such party through the State Department of
4414 Education or any other agency of the state, regardless of the
4415 party to such agreement designated thereby to be primarily
4416 responsible for the construction or operation of any such regional
4417 high school center and regardless of the limitation on the
4418 expenditure of any such funds imposed by any other statute.
4419 However, no such funds whose use was originally limited to the



4420 construction of capital improvements shall be utilized for the
4421 purpose of defraying the administrative or operating costs of any
4422 such center. Any one or more of the parties to such an agreement
4423 may be designated as the fiscal agent or contracting party in
4424 carrying out any of the purposes of such agreement, and any and
4425 all funds authorized to be spent therefor by any of the said
4426 parties may be paid over to the fiscal agent or contracting party
4427 for disbursement by such fiscal agent or contracting party. Such
4428 disbursements shall be made and contracted for under the laws and
4429 regulations applicable to such fiscal or disbursing agent. All of
4430 the school district parties to any such agreement may issue bonds,
4431 negotiable notes or other evidences of indebtedness for the
4432 purpose of providing funds for the acquisition of land and for the
4433 construction of buildings and permanent improvements under the
4434 terms of any such agreement under any existing laws authorizing
4435 the issuance or sale thereof to provide funds for any capital
4436 improvement.

4437 **SECTION 47.** Section 37-9-17, Mississippi Code of 1972, is
4438 amended as follows:

4439 37-9-17. (1) On or before April 1 of each year, the
4440 principal of each school shall recommend to the superintendent of
4441 the local school district the licensed employees or
4442 noninstructional employees to be employed for the school involved
4443 except those licensed employees or noninstructional employees who
4444 have been previously employed and who have a contract valid for



4445 the ensuing scholastic year. If such recommendations meet with
4446 the approval of the superintendent, the superintendent shall
4447 recommend the employment of such licensed employees or
4448 noninstructional employees to the local school board, and, unless
4449 good reason to the contrary exists, the board shall elect the
4450 employees so recommended. If, for any reason, the local school
4451 board shall decline to elect any employee so recommended,
4452 additional recommendations for the places to be filled shall be
4453 made by the principal to the superintendent and then by the
4454 superintendent to the local school board as provided above. The
4455 school board of any local school district shall be authorized to
4456 designate a personnel supervisor or another principal employed by
4457 the school district to recommend to the superintendent licensed
4458 employees or noninstructional employees; however, this
4459 authorization shall be restricted to no more than two (2)
4460 positions for each employment period for each school in the local
4461 school district. Any noninstructional employee employed upon the
4462 recommendation of a personnel supervisor or another principal
4463 employed by the local school district must have been employed by
4464 the local school district at the time the superintendent was
4465 elected or appointed to office; a noninstructional employee
4466 employed under this authorization may not be paid compensation in
4467 excess of the statewide average compensation for such
4468 noninstructional position with comparable experience, as
4469 established by the State Department of Education. The school



4470 board of any local school district shall be authorized to
4471 designate a personnel supervisor or another principal employed by
4472 the school district to accept the recommendations of principals or
4473 their designees for licensed employees or noninstructional
4474 employees and to transmit approved recommendations to the local
4475 school board; however, this authorization shall be restricted to
4476 no more than two (2) positions for each employment period for each
4477 school in the local school district.

4478 When the licensed employees have been elected as provided in
4479 the preceding paragraph, the superintendent of the district shall
4480 enter into a contract with such persons in the manner provided in
4481 this chapter.

4482 If, at the commencement of the scholastic year, any licensed
4483 employee shall present to the superintendent a license of a higher
4484 grade than that specified in such individual's contract, such
4485 individual may, if funds are available from * * * Investing in the
4486 Needs of Students to Prioritize, Impact and Reform Education
4487 (INSPIRE) funds of the district, or from district funds, be paid
4488 from such funds the amount to which such higher grade license
4489 would have entitled the individual, had the license been held at
4490 the time the contract was executed.

4491 (2) Superintendents/directors of schools under the purview
4492 of the State Board of Education, the superintendent of the local
4493 school district and any private firm under contract with the local
4494 public school district to provide substitute teachers to teach



4495 during the absence of a regularly employed schoolteacher shall
4496 require, through the appropriate governmental authority, that
4497 current criminal records background checks and current child abuse
4498 registry checks are obtained, and that such criminal record
4499 information and registry checks are on file for any new hires
4500 applying for employment as a licensed or nonlicensed employee at a
4501 school and not previously employed in such school under the
4502 purview of the State Board of Education or at such local school
4503 district prior to July 1, 2000. In order to determine the
4504 applicant's suitability for employment, the applicant shall be
4505 fingerprinted. If no disqualifying record is identified at the
4506 state level, the fingerprints shall be forwarded by the Department
4507 of Public Safety to the Federal Bureau of Investigation for a
4508 national criminal history record check. The fee for such
4509 fingerprinting and criminal history record check shall be paid by
4510 the applicant, not to exceed Fifty Dollars (\$50.00); however, the
4511 State Board of Education, the school board of the local school
4512 district or a private firm under contract with a local school
4513 district to provide substitute teachers to teach during the
4514 temporary absence of the regularly employed schoolteacher, in its
4515 discretion, may elect to pay the fee for the fingerprinting and
4516 criminal history record check on behalf of any applicant. Under
4517 no circumstances shall a member of the State Board of Education,
4518 superintendent/director of schools under the purview of the State
4519 Board of Education, local school district superintendent, local



4520 school board member or any individual other than the subject of
4521 the criminal history record checks disseminate information
4522 received through any such checks except insofar as required to
4523 fulfill the purposes of this section. Any nonpublic school which
4524 is accredited or approved by the State Board of Education may
4525 avail itself of the procedures provided for herein and shall be
4526 responsible for the same fee charged in the case of local public
4527 schools of this state. The determination whether the applicant
4528 has a disqualifying crime, as set forth in subsection (3) of this
4529 section, shall be made by the appropriate governmental authority,
4530 and the appropriate governmental authority shall notify the
4531 private firm whether a disqualifying crime exists.

4532 (3) If such fingerprinting or criminal record checks
4533 disclose a felony conviction, guilty plea or plea of nolo
4534 contendere to a felony of possession or sale of drugs, murder,
4535 manslaughter, armed robbery, rape, sexual battery, sex offense
4536 listed in Section 45-33-23(h), child abuse, arson, grand larceny,
4537 burglary, gratification of lust or aggravated assault which has
4538 not been reversed on appeal or for which a pardon has not been
4539 granted, the new hire shall not be eligible to be employed at such
4540 school. Any employment contract for a new hire executed by the
4541 superintendent of the local school district or any employment of a
4542 new hire by a superintendent/director of a new school under the
4543 purview of the State Board of Education or by a private firm shall
4544 be voidable if the new hire receives a disqualifying criminal



4545 record check. However, the State Board of Education or the school
4546 board may, in its discretion, allow any applicant aggrieved by the
4547 employment decision under this section to appear before the
4548 respective board, or before a hearing officer designated for such
4549 purpose, to show mitigating circumstances which may exist and
4550 allow the new hire to be employed at the school. The State Board
4551 of Education or local school board may grant waivers for such
4552 mitigating circumstances, which shall include, but not be limited
4553 to: (a) age at which the crime was committed; (b) circumstances
4554 surrounding the crime; (c) length of time since the conviction and
4555 criminal history since the conviction; (d) work history; (e)
4556 current employment and character references; (f) other evidence
4557 demonstrating the ability of the person to perform the employment
4558 responsibilities competently and that the person does not pose a
4559 threat to the health or safety of the children at the school.

4560 (4) No local school district, local school district
4561 employee, member of the State Board of Education or employee of a
4562 school under the purview of the State Board of Education shall be
4563 held liable in any employment discrimination suit in which an
4564 allegation of discrimination is made regarding an employment
4565 decision authorized under this Section 37-9-17.

4566 (5) The provisions of this section shall be fully applicable
4567 to licensed employees of the Mississippi School of the Arts (MSA),
4568 established in Section * * * 37-140-3.



4569 **SECTION 48.** Section 37-9-18, Mississippi Code of 1972, is
4570 amended as follows:

4571 37-9-18. (1) (a) The State Board of Education shall
4572 promulgate rules and regulations concerning the type of financial
4573 reports required to be submitted by the superintendent of schools
4574 to the local school board, and the frequency with which the
4575 reports shall be submitted. The rules and regulations promulgated
4576 by the board shall include:

4577 (i) A requirement that the reports be listed as an
4578 agenda item for discussion at a regularly scheduled meeting of the
4579 board;

4580 (ii) A requirement that the minutes of the board
4581 meeting reflect that the reports were discussed;

4582 (iii) A requirement that each board member present
4583 be provided a copy of all required reports; and

4584 (iv) A requirement that a copy of all required
4585 reports be included in the official minutes of the board meeting
4586 at which the reports were discussed.

4587 (b) The State Board of Education is authorized to
4588 require school districts to submit any of the required reports to
4589 the State Department of Education on a basis determined by the
4590 department.

4591 (c) Failure to comply with any of the rules and
4592 regulations established by the State Board of Education with



4593 regard to reporting requirements shall constitute a violation of
4594 the Mississippi Public School Accountability Standards.

4595 (2) The State Auditor shall audit the financial records of
4596 school districts in accordance with Section 7-7-211(e). The State
4597 Auditor shall give reasonable notice to school districts regarding
4598 the times during which the State Auditor will perform such audits.
4599 In any fiscal year in which the State Auditor is not scheduled to
4600 perform an audit, the school board shall cause all the financial
4601 records of the superintendent of schools to be audited in
4602 accordance with Section 7-7-211(e). If the school board so elects
4603 by resolution adopted each year, the audit shall be performed by
4604 the State Auditor. Contracts for the audit of public school
4605 districts shall be let by the school board in the manner
4606 prescribed by the State Auditor. The audit shall be conducted in
4607 accordance with generally accepted auditing standards and
4608 generally accepted accounting principles, and the report presented
4609 thereon shall be in accordance with generally accepted accounting
4610 principles. If the Auditor's opinion on the general purpose
4611 financial statements is a disclaimer, as that term is defined by
4612 generally accepted auditing standards, or if the State Auditor
4613 determines the existence of serious financial conditions in the
4614 district, the State Auditor shall immediately notify the State
4615 Board of Education. Upon receiving the notice, the State
4616 Superintendent of Public Education shall direct the school
4617 district to immediately cease all expenditures until a financial



4618 advisor is appointed by the state superintendent. However, if the
4619 disclaimer is a result of conditions caused by Hurricane Katrina
4620 2005 and applies to fiscal years 2005 and/or 2006, then the
4621 Superintendent of Education may appoint a financial advisor, and
4622 may direct the school district to immediately cease all
4623 expenditures until a financial advisor is appointed. The
4624 financial advisor shall be an agent of the State Board of
4625 Education and shall be a certified public accountant or a
4626 qualified business officer. Unless the financial advisor is an
4627 employee of the State of Mississippi, they shall be deemed an
4628 independent contractor. The financial advisor shall, with the
4629 approval of the State Board of Education:

4630 (a) Approve or disapprove all expenditures and all
4631 financial obligations of the district;

4632 (b) Ensure compliance with any statutes and State Board
4633 of Education rules or regulations concerning expenditures by
4634 school districts;

4635 (c) Review salaries and the number of all district
4636 personnel and make recommendations to the local school board of
4637 any needed adjustments. Should such recommendations necessitate
4638 the reduction in local salary supplement, such recommended
4639 reductions shall be only to the extent which will result in the
4640 salaries being comparable to districts similarly situated, as
4641 determined by the State Board of Education. The local school
4642 board, in considering either a reduction in personnel or a



4643 reduction in local supplements, shall not be required to comply
4644 with the time limitations prescribed in Sections 37-9-15 and
4645 37-9-105 and, further, shall not be required to comply with
4646 Sections 37-19-11 and 37-19-7(1) in regard to reducing local
4647 supplements and the number of personnel;

4648 (d) Work with the school district's business office to
4649 correct all inappropriate accounting procedures and/or uses of
4650 school district funds and to prepare the school district's budget
4651 for the next fiscal year;

4652 (e) Report frequently to the State Board of Education
4653 on the corrective actions being taken and the progress being made
4654 in the school district. The financial advisor shall serve until
4655 such time as corrective action and progress is being made in such
4656 school district as determined by the State Board of Education with
4657 the concurrence of the State Auditor, or until such time as an
4658 interim conservator is assigned to such district by the State
4659 Board of Education under Section 37-17-6. The school district
4660 shall be responsible for all expenses associated with the use of
4661 the financial advisor. If the audit report reflects a failure by
4662 the school district to meet accreditation standards, the State
4663 Board of Education shall proceed under Section 37-17-6; and

4664 (f) If a financial advisor is appointed to a school
4665 district in accordance with this subsection and it is determined
4666 by the financial advisor and/or any other official of the school
4667 district that an audit by a certified public accountant for that



4668 district was deficient in any manner, the financial advisor and/or
4669 any other official of the school district shall, within thirty
4670 (30) days, refer the matter to the State Board of Public
4671 Accountancy for follow-up and possible disciplinary action. Any
4672 disciplinary action by the State Board of Public Accountancy with
4673 regard to the certified public accountant shall, within thirty
4674 (30) days after notifying such certified public accountant, be
4675 reported to the Office of State Auditor.

4676 (3) (a) When conducting an audit of a public school
4677 district, the State Auditor shall test to insure that the school
4678 district is complying with the requirements of Section
4679 37-61-33(* * *2) (a) (iii) relating to classroom supply funds. The
4680 audit must include a report of all classroom supply funds carried
4681 over from previous years. Based upon the audit report, the State
4682 Auditor shall compile a report on the compliance or noncompliance
4683 by all school districts with the requirements of Section
4684 37-61-33(* * *2) (a) (iii), which report must be submitted to the
4685 Chairmen of the Education and Appropriations Committees of the
4686 House of Representatives and Senate.

4687 (b) When conducting an audit of a public school
4688 district, the State Auditor shall test to insure correct and
4689 appropriate coding at the function level. The audit must include
4690 a report showing correct and appropriate functional level
4691 expenditure codes in expenditures by the school district.
4692 Compliance standards for this audit provision shall be established



4693 by the Office of the State Auditor. Based upon the audit report,
4694 the State Auditor shall compile a report on the compliance or
4695 noncompliance by all public school districts with correct and
4696 appropriate coding at the function level, which report must be
4697 submitted to the Chairmen of the Education and Appropriations
4698 Committees of the House of Representatives and Senate.

4699 (4) In the event the State Auditor does not perform the
4700 audit examination, then the audit report of the school district
4701 shall be reviewed by the State Auditor for compliance with
4702 applicable state laws before final payment is made on the audit by
4703 the school board. All financial records, books, vouchers,
4704 cancelled checks and other financial records required by law to be
4705 kept and maintained in the case of municipalities shall be
4706 faithfully kept and maintained in the office of the superintendent
4707 of schools under the same provisions and penalties provided by law
4708 in the case of municipal officials.

4709 **SECTION 49.** Section 37-9-23, Mississippi Code of 1972, is
4710 amended as follows:

4711 37-9-23. The superintendent shall enter into a contract with
4712 each assistant superintendent, principal, licensed employee and
4713 person anticipating graduation from an approved teacher education
4714 program or the issuance of a proper license before October 15 or
4715 February 15, as the case may be, who is elected and approved for
4716 employment by the school board. Such contracts shall be in such
4717 form as shall be prescribed by the State Board of Education and



4718 shall be executed in duplicate with one (1) copy to be retained by
4719 the appropriate superintendent and one (1) copy to be retained by
4720 the principal, licensed employee or person recommended for a
4721 licensed position contracted with. The contract shall show the
4722 name of the district, the length of the school term, the position
4723 held (whether an assistant superintendent, principal or licensed
4724 employee), the scholastic years which it covers, the total amount
4725 of the annual salary and how same is payable. The amount of
4726 salary to be shown in such contract shall be the amount which
4727 shall have been fixed and determined by the school board, but, as
4728 to the licensed employees paid, in whole or in part, with * * *
4729 Investing in the Needs of Students to Prioritize, Impact and
4730 Reform Education (INSPIRE) funds, such salary shall not be less
4731 than that required under the provisions of Chapter 19 of this
4732 title. Beginning with the 2010-2011 school year, the contract
4733 shall include a provision allowing the school district to reduce
4734 the state minimum salary by a pro rata daily amount in order to
4735 comply with the school district employee furlough provisions of
4736 Section 37-7-308, and shall include a provision which conditions
4737 the payment of such salary upon the availability of * * * uniform
4738 funding formula funds * * *. The contract entered into with any
4739 person recommended for a licensed position who is anticipating
4740 either graduation from an approved teacher education program
4741 before September 1 or December 31, as the case may be, or the
4742 issuance of a proper license before October 15 or February 15, as



4743 the case may be, shall be a conditional contract and shall include
4744 a provision stating that the contract will be null and void if, as
4745 specified in the contract, the contingency upon which the contract
4746 is conditioned has not occurred. If any superintendent, other
4747 than those elected, principal, licensed employee or person
4748 recommended for a licensed position who has been elected and
4749 approved shall not execute and return the contract within ten (10)
4750 days after same has been tendered to him for execution, then, at
4751 the option of the school board, the election of the licensed
4752 employee and the contract tendered to him shall be void and of no
4753 effect.

4754 **SECTION 50.** Section 37-9-25, Mississippi Code of 1972, is
4755 amended as follows:

4756 37-9-25. The school board shall have the power and
4757 authority, in its discretion, to employ the superintendent, unless
4758 such superintendent is elected at the November 2015 general
4759 election, for not exceeding four (4) scholastic years and the
4760 principals or licensed employees for not exceeding three (3)
4761 scholastic years. In such case, contracts shall be entered into
4762 with such superintendents, principals and licensed employees for
4763 the number of years for which they have been employed. However,
4764 in the event that a vacancy in the office of the superintendent of
4765 schools elected at the November 2015 general election shall occur
4766 before January 1, 2019, the local school board shall then appoint
4767 the superintendent of the school district and enter into contract



4768 with the appointee for a period not to exceed three (3) scholastic
4769 years. All such contracts with licensed employees shall for the
4770 years after the first year thereof be subject to the contingency
4771 that the licensed employee may be released if, during the life of
4772 the contract, the average daily * * * membership should decrease
4773 from that existing during the previous year and thus necessitate a
4774 reduction in the number of licensed employees during any year
4775 after the first year of the contract. However, in all such cases
4776 the licensed employee must be released before July 1 or at least
4777 thirty (30) days prior to the beginning of the school term,
4778 whichever date should occur earlier. The salary to be paid for
4779 the years after the first year of such contract shall be subject
4780 to revision, either upward or downward, in the event of an
4781 increase or decrease in the funds available for the payment
4782 thereof, but, unless such salary is revised prior to the beginning
4783 of a school year, it shall remain for such school year at the
4784 amount fixed in such contract. However, where school district
4785 funds * * * are available during the school year in excess of the
4786 amount anticipated at the beginning of the school year, the salary
4787 to be paid for such year may be increased to the extent that such
4788 additional funds are available, and nothing herein shall be
4789 construed to prohibit same.

4790 **SECTION 51.** Section 37-9-33, Mississippi Code of 1972, is
4791 amended as follows:



4792 37-9-33. (1) In employing and contracting with appointed
4793 superintendents, principals and * * * licensed employees, the
4794 school board shall in all cases determine whether the amount of
4795 salary to be paid such superintendent, principals and * * *
4796 licensed employees is in compliance with the provisions of * * *
4797 this chapter and Section 37-19-7. No contract shall be entered
4798 into where the salary of a superintendent, principal or * * *
4799 licensed employee is to be paid, in whole or in part, from * * *
4800 Investing in the Needs of Students to Prioritize, Impact and
4801 Reform Education (INSPIRE) funds except where the statutory
4802 requirements * * * as to the amount of such salary are fully met.
4803 Nothing herein shall be construed, however, to prohibit any school
4804 district from increasing the salaries of appointed
4805 superintendents, principals and * * * licensed employees above the
4806 amounts fixed by Section 37-19-7 * * *. Provided further, that
4807 school districts are authorized, in their discretion, to negotiate
4808 the salary levels applicable to * * * licensed employees employed
4809 after July 1, 2009, who are receiving retirement benefits from the
4810 retirement system of another state * * *. Nothing herein shall be
4811 construed to prohibit any school district from complying with the
4812 school district employee furlough provisions of Section 37-7-308.

4813 (2) Each school district shall provide an annual report to
4814 the State Department of Education on the number of * * * licensed
4815 and * * * nonlicensed employees receiving a salary from the school
4816 district who are also receiving retirement benefits from the



4817 Public Employees' Retirement System. This report shall include
4818 the name of the employee(s), the hours per week for which the
4819 employee is under contract and the services for which the employee
4820 is under contract. Said required annual report shall be in a form
4821 and deadline promulgated by the State Board of Education.

4822 **SECTION 52.** Section 37-9-35, Mississippi Code of 1972, is
4823 amended as follows:

4824 37-9-35. * * * A reduction in the average daily * * *
4825 membership during a current year from that existing in the
4826 preceding year shall not authorize the discharge or release of a
4827 teacher or teachers during such current year. * * *

4828 **SECTION 53.** Section 37-9-37, Mississippi Code of 1972, is
4829 amended as follows:

4830 37-9-37. The amount of the salary to be paid any
4831 superintendent, principal or licensed employee shall be fixed by
4832 the school board, provided that the requirements of * * * this
4833 title are met as to superintendents, principals and licensed
4834 employees paid, in whole or in part, from * * * Investing in the
4835 Needs of Students to Prioritize, Impact and Reform Education
4836 (INSPIRE) funds. In employing such superintendents, principals
4837 and licensed employees and in fixing their salaries, the school
4838 boards shall take into consideration the character, professional
4839 training, experience, executive ability and teaching capacity of
4840 the licensed employee, superintendent or principal. It is the
4841 intent of the Legislature that whenever the salary of the school



4842 district superintendent is set by a school board, the board shall
4843 take into consideration the amount of money that the district
4844 spends per pupil, and shall attempt to insure that the
4845 administrative cost of the district and the amount of the salary
4846 of the superintendent are not excessive in comparison to the per
4847 pupil expenditure of the district.

4848 **SECTION 54.** Section 37-9-77, Mississippi Code of 1972, is
4849 amended as follows:

4850 37-9-77. (1) There is established the Mississippi School
4851 Administrator Sabbatical Program which shall be available to
4852 licensed teachers employed in Mississippi school districts for not
4853 less than three (3) years, for the purpose of allowing such
4854 teachers to become local school district administrators under the
4855 conditions set forth in this section. The State Board of
4856 Education, in coordination with the Board of Trustees of State
4857 Institutions of Higher Learning, shall develop guidelines for the
4858 program. Application shall be made to the State Department of
4859 Education for the Mississippi School Administrator Sabbatical
4860 Program by qualified teachers meeting the criteria for a
4861 department-approved administration program and who have been
4862 recommended by the local school board. Administration programs
4863 that are eligible for the administrator sabbatical program shall
4864 be limited to those that have been approved by the department by
4865 the January 1 preceding the date of admission to the program.
4866 Admission into the program shall authorize the applicant to take



4867 university course work and training leading to an administrator's
4868 license.

4869 (2) The salaries of the teachers approved for participation
4870 in the administrator sabbatical program shall be paid by the
4871 employing school district from * * * funds other than Investing in
4872 the Needs of Students to Prioritize, Impact and Reform Education
4873 (INSPIRE) funds. However, the State Department of Education shall
4874 reimburse the employing school districts for the cost of the
4875 salaries and paid fringe benefits of teachers participating in the
4876 administrator sabbatical program for one (1) contract year.
4877 Reimbursement shall be made in accordance with the then
4878 current * * * salary schedule under Section 37-19-7, except that
4879 the maximum amount of the reimbursement from state funds shall not
4880 exceed the * * * salary prescribed for a teacher holding a Class A
4881 license and having five (5) years' experience. The local school
4882 district shall be responsible for that portion of a participating
4883 teacher's salary attributable to the local supplement and for any
4884 portion of the teacher's salary that exceeds the maximum amount
4885 allowed for reimbursement from state funds as provided in this
4886 subsection, and the school board may not reduce the local
4887 supplement payable to that teacher. Any reimbursements made by
4888 the State Department of Education to local school districts under
4889 this section shall be subject to available appropriations and may
4890 be made only to school districts determined by the State Board of
4891 Education as being in need of administrators.



4892 (3) Such teachers participating in the program on a
4893 full-time basis shall continue to receive teaching experience and
4894 shall receive the salary prescribed in Section 37-19-7 * * *.
4895 Such participants shall be fully eligible to continue
4896 participation in the Public Employees' Retirement System and the
4897 Public School Employees Health Insurance Plan during the time they
4898 are in the program on a full-time basis.

4899 (4) As a condition for participation in the School
4900 Administrator Sabbatical Program, such teachers shall agree to
4901 employment as administrators in the sponsoring school district for
4902 not less than five (5) years following completion of administrator
4903 licensure requirements. Any person failing to comply with this
4904 employment commitment in any required school year, unless the
4905 commitment is deferred as provided in subsection (5) of this
4906 section, shall immediately be in breach of contract and become
4907 liable to the State Department of Education for that amount of his
4908 salary and paid fringe benefits paid by the state while the
4909 teacher was on sabbatical, less twenty percent (20%) of the amount
4910 of his salary and paid fringe benefits paid by the state for each
4911 year that the person was employed as an administrator following
4912 completion of the administrator licensure requirements. In
4913 addition, the person shall become liable to the local school
4914 district for any portion of his salary and paid fringe benefits
4915 paid by the local school district while the teacher was on
4916 sabbatical that is attributable to the local salary supplement or



4917 is attributable to the amount that exceeds the maximum amount
4918 allowed for reimbursement from state funds as provided in
4919 subsection (2) of this section, less twenty percent (20%) of the
4920 amount of his salary and paid fringe benefits paid by the school
4921 district for each year that the person was employed as an
4922 administrator following completion of the administrator licensure
4923 requirements. Interest on the amount due shall accrue at the
4924 current Stafford Loan rate at the time the breach occurs. If the
4925 claim for repayment of such salary and fringe benefits is placed
4926 in the hands of an attorney for collection after default, then the
4927 obligor shall be liable for an additional amount equal to a
4928 reasonable attorney's fee.

4929 (5) If there is not an administrator position immediately
4930 available in the sponsoring school district after a person has
4931 completed the administrator licensure requirements, or if the
4932 administrator position in the sponsoring school district in which
4933 the person is employed is no longer needed before the completion
4934 of the five-year employment commitment, the local school board
4935 shall defer any part of the employment commitment that has not
4936 been met until such time as an administrator position becomes
4937 available in the sponsoring school district. If such a deferral
4938 is made, the sponsoring school district shall employ the person as
4939 a teacher in the school district during the period of deferral,
4940 unless the person desires to be released from employment by the
4941 sponsoring school district and the district agrees to release the



4942 person from employment. If the sponsoring school district
4943 releases a person from employment, that person may be employed as
4944 an administrator in another school district in the state that is
4945 in need of administrators as determined by the State Board of
4946 Education, and that employment for the other school district shall
4947 be applied to any remaining portion of the five-year employment
4948 commitment required under this section. Nothing in this
4949 subsection shall prevent a school district from not renewing the
4950 person's contract before the end of the five-year employment
4951 commitment in accordance with the School Employment Procedures Law
4952 (Section 37-9-101 et seq.). However, if the person is not
4953 employed as an administrator by another school district after
4954 being released by the sponsoring school district, or after his
4955 contract was not renewed by the sponsoring school district, he
4956 shall be liable for repayment of the amount of his salary and
4957 fringe benefits as provided in subsection (4) of this section.

4958 (6) All funds received by the State Department of Education
4959 from the repayment of salary and fringe benefits paid by the state
4960 from program participants shall be deposited in the Mississippi
4961 Critical Teacher Shortage Fund.

4962 **SECTION 55.** Section 37-11-11, Mississippi Code of 1972, is
4963 amended as follows:

4964 37-11-11. (1) For the purposes of this section, the term
4965 "hospital" shall include community-based programs and facilities



4966 licensed or approved by the Department of Mental Health for
4967 treatment of chemical substance use and abuse.

4968 (2) When five (5) or more children of educable mind between
4969 the ages of six (6) and twenty-one (21) years who are capable of
4970 pursuing courses of instruction at secondary school level or below
4971 shall be confined in a hospital for an extended period of time,
4972 such children shall be eligible for and shall be provided with a
4973 program of education, instruction and training within such
4974 hospital in the manner hereinafter set forth, provided that the
4975 need for hospitalization for an extended period of time shall be
4976 certified by the chief of staff of such hospital and that the
4977 ability of such children to do school work shall be certified by
4978 qualified psychologists and/or educators approved by the State
4979 Board of Education.

4980 (3) When five (5) or more children as set forth herein shall
4981 be confined in the same hospital, then the board of trustees of
4982 the school district in which such hospital is located shall be
4983 authorized and empowered, in its discretion, to provide a program
4984 of education, instruction and training to such children within
4985 such hospital. For such purpose the board shall be authorized and
4986 empowered to employ and contract with teachers, provide textbooks
4987 and other instructional materials, correspondence courses and
4988 instructional equipment and appliances, and otherwise provide for
4989 the furnishing of such program and to administer and supervise the
4990 same. Such program shall be furnished in a manner as prescribed



4991 by rules and regulations adopted by the State Board of Education.
4992 The state board shall have full power to adopt such rules,
4993 regulations, policies and standards as it may deem necessary to
4994 carry out the purpose of this section, including the establishment
4995 of qualifications of any teachers employed under the provisions
4996 hereof. It is expressly provided, however, that no program shall
4997 be furnished under this section except in a hospital licensed for
4998 operation by the State of Mississippi and only in cases where such
4999 hospital shall consent thereto, shall provide any classroom space,
5000 furniture and facilities which may be deemed necessary, and
5001 otherwise shall cooperate in carrying out the provisions of this
5002 section. Before such program of education, instruction and
5003 training shall be provided, the governing authorities of said
5004 hospital shall enter into a contract with the board of trustees of
5005 the school district which stipulates that said hospital agrees to
5006 furnish the necessary classroom space, furniture and facilities
5007 and provide for their upkeep, fuel and such other things as may be
5008 necessary for the successful operation of the program of
5009 education, instruction and training.

5010 (4) In cases when children who are residents of school
5011 districts other than the school district providing such education
5012 program may participate in the program prescribed in this section.
5013 The boards of trustees of the districts of which such children are
5014 residents shall pay to the board of trustees of the school
5015 district furnishing such school program the pro rata part of the



5016 expenses of furnishing such school program within such hospital,
5017 which payments may be made from any funds available for the
5018 operation and maintenance of the schools of the district in which
5019 such child is a resident. The amount so paid shall be based upon,
5020 but shall not exceed, the current per pupil cost of education in
5021 the school district of the child's residence, and the amount to be
5022 so paid by the school district of the child's residence shall be
5023 fixed by the State Board of Education. If the amount to be paid
5024 which has been so fixed shall not be paid upon due demand made by
5025 the school district providing a program therefor, then the State
5026 Board of Education shall deduct any such amounts from the next
5027 allocation of * * * Investing in the Needs of Students to
5028 Prioritize, Impact and Reform Education (INSPIRE) funds
5029 attributable to any such district and shall remit the same to the
5030 board of trustees of such school district which is furnishing such
5031 school program. If the amounts so paid by such school districts
5032 of the child's residence shall not be sufficient to pay the
5033 expenses of furnishing such program, then the remainder of such
5034 expenses over and above that so paid by such school districts
5035 shall be paid by the State Board of Education to the school
5036 district providing such school program out of any funds available
5037 to the State Board of Education, including * * * Investing in the
5038 Needs of Students to Prioritize, Impact and Reform Education
5039 (INSPIRE) funds. However, such payments shall not exceed Three
5040 Hundred Dollars (\$300.00) per child in average daily * * *



5041 membership in such program. Provided, however, the State Board of
5042 Education shall in its discretion be authorized and empowered to
5043 exceed the said Three Hundred Dollars (\$300.00) per pupil
5044 limitation where such limitation would make it impractical to
5045 operate such a program.

5046 **SECTION 56.** Section 37-13-63, Mississippi Code of 1972, is
5047 amended as follows:

5048 37-13-63. (1) Except as otherwise provided, all public
5049 schools in the state shall be kept in session for at least one
5050 hundred eighty (180) days in each scholastic year.

5051 (2) If the school board of any school district shall
5052 determine that it is not economically feasible or practicable to
5053 operate any school within the district for the full one hundred
5054 eighty (180) days required for a scholastic year as contemplated
5055 due to an enemy attack, a man-made, technological or natural
5056 disaster or extreme weather emergency in which the Governor has
5057 declared a disaster or state of emergency under the laws of this
5058 state or the President of the United States has declared an
5059 emergency or major disaster to exist in this state, the school
5060 board may notify the State Department of Education of the disaster
5061 or weather emergency and submit a plan for altering the school
5062 term. If the State Board of Education finds the disaster or
5063 extreme weather emergency to be the cause of the school not
5064 operating for the contemplated school term and that such school
5065 was in a school district covered by the Governor's or President's



5066 disaster or state of emergency declaration, it may permit that
5067 school board to operate the schools in its district for less than
5068 one hundred eighty (180) days; however, in no instance of a
5069 declared disaster or state of emergency under the provisions of
5070 this subsection shall a school board receive payment from the
5071 State Department of Education for per pupil expenditure for pupils
5072 in average daily * * * membership in excess of ten (10) days.

5073 **SECTION 57.** Section 37-13-64, Mississippi Code of 1972, is
5074 amended as follows:

5075 37-13-64. (1) Beginning with the 2010-2011 school term, any
5076 school district required to close the operation of its schools by
5077 decision of the superintendent, under the authority provided by
5078 the local school board, due to extreme weather conditions, in the
5079 best interests of the health and safety of the students,
5080 administration and staff of the school district, shall be exempt
5081 from the requirement that schools be kept in session a minimum of
5082 one hundred eighty (180) days. Any school district that closes
5083 its schools for reasons authorized under this section shall
5084 receive payment from the State Department of Education for per
5085 pupil expenditure for pupils in average daily * * * membership not
5086 to exceed ten (10) days.

5087 (2) In the event weather conditions are cause for the
5088 closure of operations of schools in any local school district in
5089 any instance in which a state of emergency has not been declared
5090 pursuant to Section * * * 37-151-217(4), the State Board of



5091 Education may consider, on a case-by-case basis, requests
5092 submitted by local school districts to alter the school calendar
5093 consistent with the provision of that section.

5094 **SECTION 58.** Section 37-13-69, Mississippi Code of 1972, is
5095 amended as follows:

5096 37-13-69. All public schools of this state may observe such
5097 legal holidays as may be designated by the local school board, and
5098 no sessions of school shall be held on holidays so designated and
5099 observed. However, all schools shall operate for the full minimum
5100 term required by law exclusive of the holidays authorized by this
5101 section. The holidays thus observed shall not be deducted from
5102 the reports of the superintendents, principals and teachers, and
5103 such superintendents, principals and teachers shall be allowed pay
5104 for full time as though they had taught on those holidays.
5105 However, such holidays shall not be counted or included in any way
5106 in determining the average daily * * * membership of the school.

5107 **SECTION 59.** Section 37-15-38, Mississippi Code of 1972, is
5108 amended as follows:

5109 37-15-38. (1) The following phrases have the meanings
5110 ascribed in this section unless the context clearly requires
5111 otherwise:

5112 (a) A dual enrolled student is a student who is
5113 enrolled in a community or junior college or state institution of
5114 higher learning while enrolled in high school.



5115 (b) A dual credit student is a student who is enrolled
5116 in a community or junior college or state institution of higher
5117 learning while enrolled in high school and who is receiving high
5118 school and college credit for postsecondary coursework.

5119 (2) A local school board, the Board of Trustees of State
5120 Institutions of Higher Learning and the Mississippi Community
5121 College Board shall establish a dual enrollment system under which
5122 students in the school district who meet the prescribed criteria
5123 of this section may be enrolled in a postsecondary institution in
5124 Mississippi while they are still in school.

5125 (3) **Dual credit eligibility.** Before credits earned by a
5126 qualified high school student from a community or junior college
5127 or state institution of higher learning may be transferred to the
5128 student's home school district, the student must be properly
5129 enrolled in a dual enrollment program.

5130 (4) **Admission criteria for dual enrollment in community and**
5131 **junior college or university programs.** The Mississippi Community
5132 College Board and the Board of Trustees of State Institutions of
5133 Higher Learning may recommend to the State Board of Education
5134 admission criteria for dual enrollment programs under which high
5135 school students may enroll at a community or junior college or
5136 university while they are still attending high school and enrolled
5137 in high school courses. Students may be admitted to enroll in
5138 community or junior college courses under the dual enrollment



5139 programs if they meet that individual institution's stated dual
5140 enrollment admission requirements.

5141 (5) **Tuition and cost responsibility.** Tuition and costs for
5142 university-level courses and community and junior college courses
5143 offered under a dual enrollment program may be paid for by the
5144 postsecondary institution, the local school district, the parents
5145 or legal guardians of the student, or by grants, foundations or
5146 other private or public sources. Payment for tuition and any
5147 other costs must be made directly to the credit-granting
5148 institution.

5149 (6) **Transportation responsibility.** Any transportation
5150 required by a student to participate in the dual enrollment
5151 program is the responsibility of the parent, custodian or legal
5152 guardian of the student. Transportation costs may be paid from
5153 any available public or private sources, including the local
5154 school district.

5155 (7) **School district average daily * * * membership credit.**
5156 When dually enrolled, the student may be counted, for * * *
5157 Investing in the Needs of Students to Prioritize, Impact and
5158 Reform Education (INSPIRE) purposes, in the average daily * * *
5159 membership of the public school district in which the student
5160 attends high school.

5161 (8) **High school student transcript transfer requirements.**
5162 Grades and college credits earned by a student admitted to a dual
5163 credit program must be recorded on the high school student record



5164 and on the college transcript at the university or community or
5165 junior college where the student attends classes. The transcript
5166 of the university or community or junior college coursework may be
5167 released to another institution or applied toward college
5168 graduation requirements.

5169 (9) **Determining factor of prerequisites for dual enrollment**
5170 **courses.** Each university and community or junior college
5171 participating in a dual enrollment program shall determine course
5172 prerequisites. Course prerequisites shall be the same for dual
5173 enrolled students as for regularly enrolled students at that
5174 university or community or junior college.

5175 (10) **Process for determining articulation of curriculum**
5176 **between high school, university, and community and junior college**
5177 **courses.** All dual credit courses must meet the standards
5178 established at the postsecondary level. Postsecondary level
5179 developmental courses may not be considered as meeting the
5180 requirements of the dual credit program. Dual credit memorandum
5181 of understandings must be established between each postsecondary
5182 institution and the school district implementing a dual credit
5183 program.

5184 (11) [Deleted]

5185 (12) **Eligible courses for dual credit programs.** Courses
5186 eligible for dual credit include, but are not necessarily limited
5187 to, foreign languages, advanced math courses, advanced science
5188 courses, performing arts, advanced business and technology, and



5189 career and technical courses. Distance Learning Collaborative
5190 Program courses approved under Section 37-67-1 shall be fully
5191 eligible for dual credit. All courses being considered for dual
5192 credit must receive unconditional approval from the superintendent
5193 of the local school district and the chief instructional officer
5194 at the participating community or junior college or university in
5195 order for college credit to be awarded. A university or community
5196 or junior college shall make the final decision on what courses
5197 are eligible for semester hour credits.

5198 (13) **High school Carnegie unit equivalency.** One (1)
5199 three-hour university or community or junior college course is
5200 equal to one (1) high school Carnegie unit.

5201 (14) **Course alignment.** The universities, community and
5202 junior colleges and the State Department of Education shall
5203 periodically review their respective policies and assess the place
5204 of dual credit courses within the context of their traditional
5205 offerings.

5206 (15) **Maximum dual credits allowed.** It is the intent of the
5207 dual enrollment program to make it possible for every eligible
5208 student who desires to earn a semester's worth of college credit
5209 in high school to do so. A qualified dually enrolled high school
5210 student must be allowed to earn an unlimited number of college or
5211 university credits for dual credit.

5212 (16) **Dual credit program allowances.** A student may be
5213 granted credit delivered through the following means:



5214 (a) Examination preparation taught at a high school by
5215 a qualified teacher. A student may receive credit at the
5216 secondary level after completion of an approved course and passing
5217 the standard examination, such as an Advanced Placement or
5218 International Baccalaureate course through which a high school
5219 student is allowed CLEP credit by making a three (3) or higher on
5220 the end-of-course examination.

5221 (b) College or university courses taught at a high
5222 school or designated postsecondary site by a qualified teacher who
5223 is an employee of the school district and approved as an
5224 instructor by the collaborating college or university.

5225 (c) College or university courses taught at a college,
5226 university or high school by an instructor employed by the college
5227 or university and approved by the collaborating school district.

5228 (d) Online courses of any public university, community
5229 or junior college in Mississippi.

5230 (17) **Qualifications of dual credit instructors.** A dual
5231 credit academic instructor must meet the requirements set forth by
5232 the regional accrediting association (Southern Association of
5233 College and Schools). University and community and junior college
5234 personnel have the sole authority in the selection of dual credit
5235 instructors.

5236 A dual credit career and technical education instructor must
5237 meet the requirements set forth by the Mississippi Community



5238 College Board in the qualifications manual for postsecondary
5239 career and technical personnel.

5240 (18) **Guidance on local agreements.** The Chief Academic
5241 Officer of the State Board of Trustees of State Institutions of
5242 Higher Learning and the Chief Instructional Officers of the
5243 Mississippi Community College Board and the State Department of
5244 Education, working collaboratively, shall develop a template to be
5245 used by the individual community and junior colleges and
5246 institutions of higher learning for consistent implementation of
5247 the dual enrollment program throughout the State of Mississippi.

5248 (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**
5249 A local school board and the local community colleges board shall
5250 establish a Mississippi Works Dual Enrollment-Dual Credit Option
5251 Program under which potential or recent student dropouts may
5252 dually enroll in their home school and a local community college
5253 in a dual credit program consisting of high school completion
5254 coursework and a community college credential, certificate or
5255 degree program. Students completing the dual enrollment-credit
5256 option may obtain their high school diploma while obtaining a
5257 community college credential, certificate or degree. The
5258 Mississippi Department of Employment Security shall assist
5259 students who have successfully completed the Mississippi Works
5260 Dual Enrollment-Dual Credit Option in securing a job upon the
5261 application of the student or the participating school or
5262 community college. The Mississippi Works Dual Enrollment-Dual



5263 Credit Option Program will be implemented statewide in the
5264 2012-2013 school year and thereafter. The State Board of
5265 Education, local school board and the local community college
5266 board shall establish criteria for the Dual Enrollment-Dual Credit
5267 Program. Students enrolled in the program will not be eligible to
5268 participate in interscholastic sports or other extracurricular
5269 activities at the home school district. Tuition and costs for
5270 community college courses offered under the Dual Enrollment-Dual
5271 Credit Program shall not be charged to the student, parents or
5272 legal guardians. When dually enrolled, the student shall be
5273 counted, for * * * Investing in the Needs of Students to
5274 Prioritize, Impact and Reform Education (INSPIRE) purposes, in the
5275 average daily * * * membership of the public school district in
5276 which the student attends high school * * *. Any transportation
5277 required by the student to participate in the Dual Enrollment-Dual
5278 Credit Program is the responsibility of the parent or legal
5279 guardian of the student, and transportation costs may be paid from
5280 any available public or private sources, including the local
5281 school district. Grades and college credits earned by a student
5282 admitted to this Dual Enrollment-Dual Credit Program shall be
5283 recorded on the high school student record and on the college
5284 transcript at the community college and high school where the
5285 student attends classes. The transcript of the community college
5286 coursework may be released to another institution or applied
5287 toward college graduation requirements. Any course that is



5288 required for subject area testing as a requirement for graduation
5289 from a public school in Mississippi is eligible for dual credit,
5290 and courses eligible for dual credit shall also include career,
5291 technical and degree program courses. All courses eligible for
5292 dual credit shall be approved by the superintendent of the local
5293 school district and the chief instructional officer at the
5294 participating community college in order for college credit to be
5295 awarded. A community college shall make the final decision on
5296 what courses are eligible for semester hour credits and the local
5297 school superintendent, subject to approval by the Mississippi
5298 Department of Education, shall make the final decision on the
5299 transfer of college courses credited to the student's high school
5300 transcript.

5301 **SECTION 60.** Section 37-16-3, Mississippi Code of 1972, is
5302 amended as follows:

5303 37-16-3. (1) The State Department of Education is directed
5304 to implement a program of statewide assessment testing which shall
5305 provide for the improvement of the operation and management of the
5306 public schools. The statewide program shall be timed, as far as
5307 possible, so as not to conflict with ongoing district assessment
5308 programs. As part of the program, the department shall:

5309 (a) Establish, with the approval of the State Board of
5310 Education, minimum performance standards related to the goals for
5311 education contained in the state's plan including, but not limited
5312 to, basic skills in reading, writing and mathematics. The minimum



5313 performance standards shall be approved by April 1 in each year
5314 they are established.

5315 (b) Conduct a uniform statewide testing program in
5316 grades deemed appropriate in the public schools, including charter
5317 schools, which shall include the administration of a
5318 career-readiness assessment, such as, but not limited to, the ACT
5319 WorkKeys Assessment, deemed appropriate by the Mississippi
5320 Department of Education working in coordination with the Office of
5321 Workforce Development, to any students electing to take the
5322 assessment. Each individual school district shall determine
5323 whether the assessment is administered in the tenth, eleventh or
5324 twelfth grade. The program may test skill areas, basic skills and
5325 high school course content.

5326 (c) Monitor the results of the assessment program and,
5327 at any time the composite student performance of a school or basic
5328 program is found to be below the established minimum standards,
5329 notify the district superintendent or the governing board of the
5330 charter school, as the case may be, the school principal and the
5331 school advisory committee or other existing parent group of the
5332 situation within thirty (30) days of its determination. The
5333 department shall further provide technical assistance to a school
5334 district in the identification of the causes of this deficiency
5335 and shall recommend courses of action for its correction.

5336 (d) Provide technical assistance to the school
5337 districts, when requested, in the development of student



5338 performance standards in addition to the established minimum
5339 statewide standards.

5340 (e) Issue security procedure regulations providing for
5341 the security and integrity of the tests that are administered
5342 under the basic skills assessment program.

5343 (f) In case of an allegation of a testing irregularity
5344 that prompts a need for an investigation by the Department of
5345 Education, the department may, in its discretion, take complete
5346 control of the statewide test administration in a school district
5347 or any part thereof, including, but not limited to, obtaining
5348 control of the test booklets and answer documents. In the case of
5349 any verified testing irregularity that jeopardized the security
5350 and integrity of the test(s), validity or the accuracy of the test
5351 results, the cost of the investigation and any other actual and
5352 necessary costs related to the investigation paid by the
5353 Department of Education shall be reimbursed by the local school
5354 district from funds other than federal funds, * * * Investing in
5355 the Needs of Students to Prioritize, Impact and Reform Education
5356 (INSPIRE) funds, or any other state funds within six (6) months
5357 from the date of notice by the department to the school district
5358 to make reimbursement to the department.

5359 (2) Uniform basic skills tests shall be completed by each
5360 student in the appropriate grade. These tests shall be
5361 administered in such a manner as to preserve the integrity and
5362 validity of the assessment. In the event of excused or unexcused



5363 student absences, make-up tests shall be given. The school
5364 superintendent of every school district in the state and the
5365 principal of each charter school shall annually certify to the
5366 State Department of Education that each student enrolled in the
5367 appropriate grade has completed the required basic skills
5368 assessment test for his or her grade in a valid test
5369 administration.

5370 (3) Within five (5) days of completing the administration of
5371 a statewide test, the principal of the school where the test was
5372 administered shall certify under oath to the State Department of
5373 Education that the statewide test was administered in strict
5374 accordance with the Requirements of the Mississippi Statewide
5375 Assessment System as adopted by the State Board of Education. The
5376 principal's sworn certification shall be set forth on a form
5377 developed and approved by the Department of Education. If,
5378 following the administration of a statewide test, the principal
5379 has reason to believe that the test was not administered in strict
5380 accordance with the Requirements of the Mississippi Statewide
5381 Assessment System as adopted by the State Board of Education, the
5382 principal shall submit a sworn certification to the Department of
5383 Education setting forth all information known or believed by the
5384 principal about all potential violations of the Requirements of
5385 the Mississippi Statewide Assessment System as adopted by the
5386 State Board of Education. The submission of false information or
5387 false certification to the Department of Education by any licensed



5388 educator may result in licensure disciplinary action pursuant to
5389 Section 37-3-2 and criminal prosecution pursuant to Section
5390 37-16-4.

5391 **SECTION 61.** Section 37-17-6, Mississippi Code of 1972, is
5392 amended as follows:

5393 37-17-6. (1) The State Board of Education, acting through
5394 the Commission on School Accreditation, shall establish and
5395 implement a permanent performance-based accreditation system, and
5396 all noncharter public elementary and secondary schools shall be
5397 accredited under this system.

5398 (2) * * * The State Board of Education, acting through the
5399 Commission on School Accreditation, shall require school districts
5400 to provide school classroom space that is air-conditioned as a
5401 minimum requirement for accreditation.

5402 (3) (a) * * * The State Board of Education, acting through
5403 the Commission on School Accreditation, shall require that school
5404 districts employ certified school librarians according to the
5405 following formula:

5406	Number of Students	Number of Certified
5407	Per School Library	School Librarians
5408	0 - 499 Students	1/2 Full-time Equivalent
5409		Certified Librarian
5410	500 or More Students	1 Full-time Certified
5411		Librarian



5412 (b) The State Board of Education, however, may increase
5413 the number of positions beyond the above requirements.

5414 (c) The assignment of certified school librarians to
5415 the particular schools shall be at the discretion of the local
5416 school district. No individual shall be employed as a certified
5417 school librarian without appropriate training and certification as
5418 a school librarian by the State Department of Education.

5419 (d) School librarians in the district shall spend at
5420 least fifty percent (50%) of direct work time in a school library
5421 and shall devote no more than one-fourth (1/4) of the workday to
5422 administrative activities that are library related.

5423 (e) Nothing in this subsection shall prohibit any
5424 school district from employing more certified school librarians
5425 than are provided for in this section.

5426 (f) Any additional millage levied to fund school
5427 librarians required for accreditation under this subsection shall
5428 be included in the tax increase limitation set forth in Sections
5429 37-57-105 and 37-57-107 and shall not be deemed a new program for
5430 purposes of the limitation.

5431 (4) On or before December 31, 2002, the State Board of
5432 Education shall implement the performance-based accreditation
5433 system for school districts and for individual noncharter public
5434 schools which shall include the following:

5435 (a) High expectations for students and high standards
5436 for all schools, with a focus on the basic curriculum;



5437 (b) Strong accountability for results with appropriate
5438 local flexibility for local implementation;

5439 (c) A process to implement accountability at both the
5440 school district level and the school level;

5441 (d) Individual schools shall be held accountable for
5442 student growth and performance;

5443 (e) Set annual performance standards for each of the
5444 schools of the state and measure the performance of each school
5445 against itself through the standard that has been set for it;

5446 (f) A determination of which schools exceed their
5447 standards and a plan for providing recognition and rewards to
5448 those schools;

5449 (g) A determination of which schools are failing to
5450 meet their standards and a determination of the appropriate role
5451 of the State Board of Education and the State Department of
5452 Education in providing assistance and initiating possible
5453 intervention. A failing district is a district that fails to meet
5454 both the absolute student achievement standards and the rate of
5455 annual growth expectation standards as set by the State Board of
5456 Education for two (2) consecutive years. The State Board of
5457 Education shall establish the level of benchmarks by which
5458 absolute student achievement and growth expectations shall be
5459 assessed. In setting the benchmarks for school districts, the
5460 State Board of Education may also take into account such factors
5461 as graduation rates, dropout rates, completion rates, the extent



5462 to which the school or district employs qualified teachers in
5463 every classroom, and any other factors deemed appropriate by the
5464 State Board of Education. The State Board of Education, acting
5465 through the State Department of Education, shall apply a simple
5466 "A," "B," "C," "D" and "F" designation to the current school and
5467 school district statewide accountability performance
5468 classification labels beginning with the State Accountability
5469 Results for the 2011-2012 school year and following, and in the
5470 school, district and state report cards required under state and
5471 federal law. Under the new designations, a school or school
5472 district that has earned a "Star" rating shall be designated an
5473 "A" school or school district; a school or school district that
5474 has earned a "High-Performing" rating shall be designated a "B"
5475 school or school district; a school or school district that has
5476 earned a "Successful" rating shall be designated a "C" school or
5477 school district; a school or school district that has earned an
5478 "Academic Watch" rating shall be designated a "D" school or school
5479 district; a school or school district that has earned a
5480 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
5481 be designated an "F" school or school district. Effective with
5482 the implementation of any new curriculum and assessment standards,
5483 the State Board of Education, acting through the State Department
5484 of Education, is further authorized and directed to change the
5485 school and school district accreditation rating system to a simple
5486 "A," "B," "C," "D," and "F" designation based on a combination of



5487 student achievement scores and student growth as measured by the
5488 statewide testing programs developed by the State Board of
5489 Education pursuant to Chapter 16, Title 37, Mississippi Code of
5490 1972. In any statute or regulation containing the former
5491 accreditation designations, the new designations shall be
5492 applicable;

5493 (h) Development of a comprehensive student assessment
5494 system to implement these requirements; and

5495 (i) The State Board of Education may, based on a
5496 written request that contains specific reasons for requesting a
5497 waiver from the school districts affected by Hurricane Katrina of
5498 2005, hold harmless school districts from assignment of district
5499 and school level accountability ratings for the 2005-2006 school
5500 year. The State Board of Education upon finding an extreme
5501 hardship in the school district may grant the request. It is the
5502 intent of the Legislature that all school districts maintain the
5503 highest possible academic standards and instructional programs in
5504 all schools as required by law and the State Board of Education.

5505 (5) (a) Effective with the 2013-2014 school year, the State
5506 Department of Education, acting through the Mississippi Commission
5507 on School Accreditation, shall revise and implement a single "A"
5508 through "F" school and school district accountability system
5509 complying with applicable federal and state requirements in order
5510 to reach the following educational goals:



5511 (i) To mobilize resources and supplies to ensure
5512 that all students exit third grade reading on grade level by 2015;

5513 (ii) To reduce the student dropout rate to
5514 thirteen percent (13%) by 2015; and

5515 (iii) To have sixty percent (60%) of students
5516 scoring proficient and advanced on the assessments of the Common
5517 Core State Standards by 2016 with incremental increases of three
5518 percent (3%) each year thereafter.

5519 (b) The State Department of Education shall combine the
5520 state school and school district accountability system with the
5521 federal system in order to have a single system.

5522 (c) The State Department of Education shall establish
5523 five (5) performance categories ("A," "B," "C," "D" and "F") for
5524 the accountability system based on the following criteria:

5525 (i) Student Achievement: the percent of students
5526 proficient and advanced on the current state assessments;

5527 (ii) Individual student growth: the percent of
5528 students making one (1) year's progress in one (1) year's time on
5529 the state assessment, with an emphasis on the progress of the
5530 lowest twenty-five percent (25%) of students in the school or
5531 district;

5532 (iii) Four-year graduation rate: the percent of
5533 students graduating with a standard high school diploma in four
5534 (4) years, as defined by federal regulations;



5535 (iv) Categories shall identify schools as Reward
5536 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If
5537 at least five percent (5%) of schools in the state are not graded
5538 as "F" schools, the lowest five percent (5%) of school grade point
5539 designees will be identified as Priority schools. If at least ten
5540 percent (10%) of schools in the state are not graded as "D"
5541 schools, the lowest ten percent (10%) of school grade point
5542 designees will be identified as Focus schools;

5543 (v) The State Department of Education shall
5544 discontinue the use of Star School, High-Performing, Successful,
5545 Academic Watch, Low-Performing, At-Risk of Failing and Failing
5546 school accountability designations;

5547 (vi) The system shall include the federally
5548 compliant four-year graduation rate in school and school district
5549 accountability system calculations. Graduation rate will apply to
5550 high school and school district accountability ratings as a
5551 compensatory component. The system shall discontinue the use of
5552 the High School Completer Index (HSCI);

5553 (vii) The school and school district
5554 accountability system shall incorporate a standards-based growth
5555 model, in order to support improvement of individual student
5556 learning;

5557 (viii) The State Department of Education shall
5558 discontinue the use of the Quality Distribution Index (QDI);



5559 (ix) The State Department of Education shall
5560 determine feeder patterns of schools that do not earn a school
5561 grade because the grades and subjects taught at the school do not
5562 have statewide standardized assessments needed to calculate a
5563 school grade. Upon determination of the feeder pattern, the
5564 department shall notify schools and school districts prior to the
5565 release of the school grades beginning in 2013. Feeder schools
5566 will be assigned the accountability designation of the school to
5567 which they provide students;

5568 (x) Standards for student, school and school
5569 district performance will be increased when student proficiency is
5570 at a seventy-five percent (75%) and/or when sixty-five percent
5571 (65%) of the schools and/or school districts are earning a grade
5572 of "B" or higher, in order to raise the standard on performance
5573 after targets are met;

5574 (xi) The system shall include student performance
5575 on the administration of a career-readiness assessment, such as,
5576 but not limited to, the ACT WorkKeys Assessment, deemed
5577 appropriate by the * * * State Department of Education working in
5578 coordination with the Office of Workforce Development.

5579 (6) Nothing in this section shall be deemed to require a
5580 nonpublic school that receives no local, state or federal funds
5581 for support to become accredited by the State Board of Education.

5582 (7) The State Board of Education shall create an
5583 accreditation audit unit under the Commission on School



5584 Accreditation to determine whether schools are complying with
5585 accreditation standards.

5586 (8) The State Board of Education shall be specifically
5587 authorized and empowered to withhold * * * Investing in the Needs
5588 of Students to Prioritize, Impact and Reform Education (INSPIRE)
5589 allocations * * * to any public school district for failure to
5590 timely report student, school personnel and fiscal data necessary
5591 to meet state and/or federal requirements.

5592 (9) [Deleted]

5593 (10) The State Board of Education shall establish, for those
5594 school districts failing to meet accreditation standards, a
5595 program of development to be complied with in order to receive
5596 state funds, except as otherwise provided in subsection (15) of
5597 this section when the Governor has declared a state of emergency
5598 in a school district or as otherwise provided in Section 206,
5599 Mississippi Constitution of 1890. The state board, in
5600 establishing these standards, shall provide for notice to schools
5601 and sufficient time and aid to enable schools to attempt to meet
5602 these standards, unless procedures under subsection (15) of this
5603 section have been invoked.

5604 (11) * * * The State Board of Education shall be charged
5605 with the implementation of the program of development in each
5606 applicable school district as follows:



5607 (a) Develop an impairment report for each district
5608 failing to meet accreditation standards in conjunction with school
5609 district officials;

5610 (b) Notify any applicable school district failing to
5611 meet accreditation standards that it is on probation until
5612 corrective actions are taken or until the deficiencies have been
5613 removed. The local school district shall develop a corrective
5614 action plan to improve its deficiencies. For district academic
5615 deficiencies, the corrective action plan for each such school
5616 district shall be based upon a complete analysis of the following:
5617 student test data, student grades, student attendance reports,
5618 student dropout data, existence and other relevant data. The
5619 corrective action plan shall describe the specific measures to be
5620 taken by the particular school district and school to improve:
5621 (i) instruction; (ii) curriculum; (iii) professional development;
5622 (iv) personnel and classroom organization; (v) student incentives
5623 for performance; (vi) process deficiencies; and (vii) reporting to
5624 the local school board, parents and the community. The corrective
5625 action plan shall describe the specific individuals responsible
5626 for implementing each component of the recommendation and how each
5627 will be evaluated. All corrective action plans shall be provided
5628 to the State Board of Education as may be required. The decision
5629 of the State Board of Education establishing the probationary
5630 period of time shall be final;



5631 (c) Offer, during the probationary period, technical
5632 assistance to the school district in making corrective actions.

5633 * * * Subject to the availability of funds, the State Department
5634 of Education shall provide technical and/or financial assistance
5635 to all such school districts in order to implement each measure
5636 identified in that district's corrective action plan through
5637 professional development and on-site assistance. Each such school
5638 district shall apply for and utilize all available federal funding
5639 in order to support its corrective action plan in addition to
5640 state funds made available under this paragraph;

5641 (d) Assign department personnel or contract, in its
5642 discretion, with the institutions of higher learning or other
5643 appropriate private entities with experience in the academic,
5644 finance and other operational functions of schools to assist
5645 school districts;

5646 (e) Provide for publication of public notice at least
5647 one time during the probationary period, in a newspaper published
5648 within the jurisdiction of the school district failing to meet
5649 accreditation standards, or if no newspaper is published therein,
5650 then in a newspaper having a general circulation therein. The
5651 publication shall include the following: declaration of school
5652 system's status as being on probation; all details relating to the
5653 impairment report; and other information as the State Board of
5654 Education deems appropriate. Public notices issued under this



5655 section shall be subject to Section 13-3-31 and not contrary to
5656 other laws regarding newspaper publication.

5657 (12) (a) If the recommendations for corrective action are
5658 not taken by the local school district or if the deficiencies are
5659 not removed by the end of the probationary period, the Commission
5660 on School Accreditation shall conduct a hearing to allow the
5661 affected school district to present evidence or other reasons why
5662 its accreditation should not be withdrawn. Additionally, if the
5663 local school district violates accreditation standards that have
5664 been determined by the policies and procedures of the State Board
5665 of Education to be a basis for withdrawal of school district's
5666 accreditation without a probationary period, the Commission on
5667 School Accreditation shall conduct a hearing to allow the affected
5668 school district to present evidence or other reasons why its
5669 accreditation should not be withdrawn. After its consideration of
5670 the results of the hearing, the Commission on School Accreditation
5671 shall be authorized, with the approval of the State Board of
5672 Education, to withdraw the accreditation of a public school
5673 district, and issue a request to the Governor that a state of
5674 emergency be declared in that district.

5675 (b) If the State Board of Education and the Commission
5676 on School Accreditation determine that an extreme emergency
5677 situation exists in a school district that jeopardizes the safety,
5678 security or educational interests of the children enrolled in the
5679 schools in that district and that emergency situation is believed



5680 to be related to a serious violation or violations of
5681 accreditation standards or state or federal law, or when a school
5682 district meets the State Board of Education's definition of a
5683 failing school district for two (2) consecutive full school years,
5684 or if more than fifty percent (50%) of the schools within the
5685 school district are designated as Schools At-Risk in any one (1)
5686 year, the State Board of Education may request the Governor to
5687 declare a state of emergency in that school district. For
5688 purposes of this paragraph, the declarations of a state of
5689 emergency shall not be limited to those instances when a school
5690 district's impairments are related to a lack of financial
5691 resources, but also shall include serious failure to meet minimum
5692 academic standards, as evidenced by a continued pattern of poor
5693 student performance.

5694 (c) Whenever the Governor declares a state of emergency
5695 in a school district in response to a request made under paragraph
5696 (a) or (b) of this subsection, the State Board of Education may
5697 take one or more of the following actions:

5698 (i) Declare a state of emergency, under which some
5699 or all of state funds can be escrowed except as otherwise provided
5700 in Section 206, Constitution of 1890, until the board determines
5701 corrective actions are being taken or the deficiencies have been
5702 removed, or that the needs of students warrant the release of
5703 funds. The funds may be released from escrow for any program
5704 which the board determines to have been restored to standard even



5705 though the state of emergency may not as yet be terminated for the
5706 district as a whole;

5707 (ii) Override any decision of the local school
5708 board or superintendent of education, or both, concerning the
5709 management and operation of the school district, or initiate and
5710 make decisions concerning the management and operation of the
5711 school district;

5712 (iii) Assign an interim superintendent, or in its
5713 discretion, contract with a private entity with experience in the
5714 academic, finance and other operational functions of schools and
5715 school districts, who will have those powers and duties prescribed
5716 in subsection (15) of this section;

5717 (iv) Grant transfers to students who attend this
5718 school district so that they may attend other accredited schools
5719 or districts in a manner that is not in violation of state or
5720 federal law;

5721 (v) For states of emergency declared under
5722 paragraph (a) only, if the accreditation deficiencies are related
5723 to the fact that the school district is too small, with too few
5724 resources, to meet the required standards and if another school
5725 district is willing to accept those students, abolish that
5726 district and assign that territory to another school district or
5727 districts. If the school district has proposed a voluntary
5728 consolidation with another school district or districts, then if
5729 the State Board of Education finds that it is in the best interest



5730 of the pupils of the district for the consolidation to proceed,
5731 the voluntary consolidation shall have priority over any such
5732 assignment of territory by the State Board of Education;

5733 (vi) For states of emergency declared under
5734 paragraph (b) only, reduce local supplements paid to school
5735 district employees, including, but not limited to, instructional
5736 personnel, assistant teachers and extracurricular activities
5737 personnel, if the district's impairment is related to a lack of
5738 financial resources, but only to an extent that will result in the
5739 salaries being comparable to districts similarly situated, as
5740 determined by the State Board of Education;

5741 (vii) For states of emergency declared under
5742 paragraph (b) only, the State Board of Education may take any
5743 action as prescribed in Section 37-17-13.

5744 (d) At the time that satisfactory corrective action has
5745 been taken in a school district in which a state of emergency has
5746 been declared, the State Board of Education may request the
5747 Governor to declare that the state of emergency no longer exists
5748 in the district.

5749 (e) The parent or legal guardian of a school-age child
5750 who is enrolled in a school district whose accreditation has been
5751 withdrawn by the Commission on School Accreditation and without
5752 approval of that school district may file a petition in writing to
5753 a school district accredited by the Commission on School
5754 Accreditation for a legal transfer. The school district



5755 accredited by the Commission on School Accreditation may grant the
5756 transfer according to the procedures of Section 37-15-31(1)(b).
5757 In the event the accreditation of the student's home district is
5758 restored after a transfer has been approved, the student may
5759 continue to attend the transferee school district. The * * * per
5760 student allocation under Investing in the Needs of Students to
5761 Prioritize, Impact and Reform Education (INSPIRE) for the
5762 student's home school district shall be transferred monthly to the
5763 school district accredited by the Commission on School
5764 Accreditation that has granted the transfer of the school-age
5765 child.

5766 (f) Upon the declaration of a state of emergency for
5767 any school district in which the Governor has previously declared
5768 a state of emergency, the State Board of Education may either:

5769 (i) Place the school district into district
5770 transformation, in which the school district shall remain until it
5771 has fulfilled all conditions related to district transformation.
5772 If the district was assigned an accreditation rating of "D" or "F"
5773 when placed into district transformation, the district shall be
5774 eligible to return to local control when the school district has
5775 attained a "C" rating or higher for five (5) consecutive years,
5776 unless the State Board of Education determines that the district
5777 is eligible to return to local control in less than the five-year
5778 period;



5779 (ii) Abolish the school district and
5780 administratively consolidate the school district with one or more
5781 existing school districts;

5782 (iii) Reduce the size of the district and
5783 administratively consolidate parts of the district, as determined
5784 by the State Board of Education. However, no school district
5785 which is not in district transformation shall be required to
5786 accept additional territory over the objection of the district; or

5787 (iv) Require the school district to develop and
5788 implement a district improvement plan with prescriptive guidance
5789 and support from the State Department of Education, with the goal
5790 of helping the district improve student achievement. Failure of
5791 the school board, superintendent and school district staff to
5792 implement the plan with fidelity and participate in the activities
5793 provided as support by the department shall result in the school
5794 district retaining its eligibility for district transformation.

5795 (g) There is established a Mississippi Recovery School
5796 District within the State Department of Education under the
5797 supervision of a deputy superintendent appointed by the State
5798 Superintendent of Public Education, who is subject to the approval
5799 by the State Board of Education. The Mississippi Recovery School
5800 District shall provide leadership and oversight of all school
5801 districts that are subject to district transformation status, as
5802 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,
5803 and shall have all the authority granted under these two (2)



5804 chapters. The * * * State Department of Education, with the
5805 approval of the State Board of Education, shall develop policies
5806 for the operation and management of the Mississippi Recovery
5807 School District. The deputy state superintendent is responsible
5808 for the Mississippi Recovery School District and shall be
5809 authorized to oversee the administration of the Mississippi
5810 Recovery School District, oversee the interim superintendent
5811 assigned by the State Board of Education to a local school
5812 district, hear appeals that would normally be filed by students,
5813 parents or employees and heard by a local school board, which
5814 hearings on appeal shall be conducted in a prompt and timely
5815 manner in the school district from which the appeal originated in
5816 order to ensure the ability of appellants, other parties and
5817 witnesses to appeal without undue burden of travel costs or loss
5818 of time from work, and perform other related duties as assigned by
5819 the State Superintendent of Public Education. The deputy state
5820 superintendent is responsible for the Mississippi Recovery School
5821 District and shall determine, based on rigorous professional
5822 qualifications set by the State Board of Education, the
5823 appropriate individuals to be engaged to be interim
5824 superintendents and financial advisors, if applicable, of all
5825 school districts subject to district transformation status. After
5826 State Board of Education approval, these individuals shall be
5827 deemed independent contractors.



5828 (13) Upon the declaration of a state of emergency in a
5829 school district under subsection (12) of this section, the
5830 Commission on School Accreditation shall be responsible for public
5831 notice at least once a week for at least three (3) consecutive
5832 weeks in a newspaper published within the jurisdiction of the
5833 school district failing to meet accreditation standards, or if no
5834 newspaper is published therein, then in a newspaper having a
5835 general circulation therein. The size of the notice shall be no
5836 smaller than one-fourth (1/4) of a standard newspaper page and
5837 shall be printed in bold print. If an interim superintendent has
5838 been appointed for the school district, the notice shall begin as
5839 follows: "By authority of Section 37-17-6, Mississippi Code of
5840 1972, as amended, adopted by the Mississippi Legislature during
5841 the 1991 Regular Session, this school district (name of school
5842 district) is hereby placed under the jurisdiction of the State
5843 Department of Education acting through its appointed interim
5844 superintendent (name of interim superintendent)."

5845 The notice also shall include, in the discretion of the State
5846 Board of Education, any or all details relating to the school
5847 district's emergency status, including the declaration of a state
5848 of emergency in the school district and a description of the
5849 district's impairment deficiencies, conditions of any district
5850 transformation status and corrective actions recommended and being
5851 taken. Public notices issued under this section shall be subject



5852 to Section 13-3-31 and not contrary to other laws regarding
5853 newspaper publication.

5854 Upon termination of the state of emergency in a school
5855 district, the Commission on School Accreditation shall cause
5856 notice to be published in the school district in the same manner
5857 provided in this section, to include any or all details relating
5858 to the corrective action taken in the school district that
5859 resulted in the termination of the state of emergency.

5860 (14) The State Board of Education or the Commission on
5861 School Accreditation shall have the authority to require school
5862 districts to produce the necessary reports, correspondence,
5863 financial statements, and any other documents and information
5864 necessary to fulfill the requirements of this section.

5865 Nothing in this section shall be construed to grant any
5866 individual, corporation, board or interim superintendent the
5867 authority to levy taxes except in accordance with presently
5868 existing statutory provisions.

5869 (15) (a) Whenever the Governor declares a state of
5870 emergency in a school district in response to a request made under
5871 subsection (12) of this section, the State Board of Education, in
5872 its discretion, may assign an interim superintendent to the school
5873 district, or in its discretion, may contract with an appropriate
5874 private entity with experience in the academic, finance and other
5875 operational functions of schools and school districts, who will be
5876 responsible for the administration, management and operation of



5877 the school district, including, but not limited to, the following
5878 activities:

5879 (i) Approving or disapproving all financial
5880 obligations of the district, including, but not limited to, the
5881 employment, termination, nonrenewal and reassignment of all
5882 licensed and nonlicensed personnel, contractual agreements and
5883 purchase orders, and approving or disapproving all claim dockets
5884 and the issuance of checks; in approving or disapproving
5885 employment contracts of superintendents, assistant superintendents
5886 or principals, the interim superintendent shall not be required to
5887 comply with the time limitations prescribed in Sections 37-9-15
5888 and 37-9-105;

5889 (ii) Supervising the day-to-day activities of the
5890 district's staff, including reassigning the duties and
5891 responsibilities of personnel in a manner which, in the
5892 determination of the interim superintendent, will best suit the
5893 needs of the district;

5894 (iii) Reviewing the district's total financial
5895 obligations and operations and making recommendations to the
5896 district for cost savings, including, but not limited to,
5897 reassigning the duties and responsibilities of staff;

5898 (iv) Attending all meetings of the district's
5899 school board and administrative staff;



5900 (v) Approving or disapproving all athletic, band
5901 and other extracurricular activities and any matters related to
5902 those activities;

5903 (vi) Maintaining a detailed account of
5904 recommendations made to the district and actions taken in response
5905 to those recommendations;

5906 (vii) Reporting periodically to the State Board of
5907 Education on the progress or lack of progress being made in the
5908 district to improve the district's impairments during the state of
5909 emergency; and

5910 (viii) Appointing a parent advisory committee,
5911 comprised of parents of students in the school district that may
5912 make recommendations to the interim superintendent concerning the
5913 administration, management and operation of the school district.

5914 The cost of the salary of the interim superintendent and any
5915 other actual and necessary costs related to district
5916 transformation status paid by the State Department of Education
5917 shall be reimbursed by the local school district from funds other
5918 than * * * Investing in the Needs of Students to Prioritize,
5919 Impact and Reform Education (INSPIRE) funds. The department shall
5920 submit an itemized statement to the superintendent of the local
5921 school district for reimbursement purposes, and any unpaid balance
5922 may be withheld from the district's * * * funding formula funds.

5923 At the time that the Governor, in accordance with the request
5924 of the State Board of Education, declares that the state of



5925 emergency no longer exists in a school district, the powers and
5926 responsibilities of the interim superintendent assigned to the
5927 district shall cease.

5928 (b) In order to provide loans to school districts under
5929 a state of emergency or in district transformation status that
5930 have impairments related to a lack of financial resources, the
5931 School District Emergency Assistance Fund is created as a special
5932 fund in the State Treasury into which monies may be transferred or
5933 appropriated by the Legislature from any available public
5934 education funds. Funds in the School District Emergency
5935 Assistance Fund up to a maximum balance of Three Million Dollars
5936 (\$3,000,000.00) annually shall not lapse but shall be available
5937 for expenditure in subsequent years subject to approval of the
5938 State Board of Education. Any amount in the fund in excess of
5939 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
5940 year shall lapse into the State General Fund or the Education
5941 Enhancement Fund, depending on the source of the fund.

5942 The State Board of Education may loan monies from the School
5943 District Emergency Assistance Fund to a school district that is
5944 under a state of emergency or in district transformation status,
5945 in those amounts, as determined by the board, that are necessary
5946 to correct the district's impairments related to a lack of
5947 financial resources. The loans shall be evidenced by an agreement
5948 between the school district and the State Board of Education and
5949 shall be repayable in principal, without necessity of interest, to



5950 the School District Emergency Assistance Fund by the school
5951 district from any allowable funds that are available. The total
5952 amount loaned to the district shall be due and payable within five
5953 (5) years after the impairments related to a lack of financial
5954 resources are corrected. If a school district fails to make
5955 payments on the loan in accordance with the terms of the agreement
5956 between the district and the State Board of Education, the State
5957 Department of Education, in accordance with rules and regulations
5958 established by the State Board of Education, may withhold that
5959 district's * * * INSPIRE funds in an amount and manner that will
5960 effectuate repayment consistent with the terms of the agreement;
5961 the funds withheld by the department shall be deposited into the
5962 School District Emergency Assistance Fund.

5963 The State Board of Education shall develop a protocol that
5964 will outline the performance standards and requisite timeline
5965 deemed necessary for extreme emergency measures. If the State
5966 Board of Education determines that an extreme emergency exists,
5967 simultaneous with the powers exercised in this subsection, it
5968 shall take immediate action against all parties responsible for
5969 the affected school districts having been determined to be in an
5970 extreme emergency. The action shall include, but not be limited
5971 to, initiating civil actions to recover funds and criminal actions
5972 to account for criminal activity. Any funds recovered by the
5973 State Auditor or the State Board of Education from the surety
5974 bonds of school officials or from any civil action brought under



5975 this subsection shall be applied toward the repayment of any loan
5976 made to a school district hereunder.

5977 (16) If a majority of the membership of the school board of
5978 any school district resigns from office, the State Board of
5979 Education shall be authorized to assign an interim superintendent,
5980 who shall be responsible for the administration, management and
5981 operation of the school district until the time as new board
5982 members are selected or the Governor declares a state of emergency
5983 in that school district under subsection (12), whichever occurs
5984 first. In that case, the State Board of Education, acting through
5985 the interim superintendent, shall have all powers which were held
5986 by the previously existing school board, and may take any action
5987 as prescribed in Section 37-17-13 and/or one or more of the
5988 actions authorized in this section.

5989 (17) (a) If the Governor declares a state of emergency in a
5990 school district, the State Board of Education may take all such
5991 action pertaining to that school district as is authorized under
5992 subsection (12) or (15) of this section, including the appointment
5993 of an interim superintendent. The State Board of Education shall
5994 also have the authority to issue a written request with
5995 documentation to the Governor asking that the office of the
5996 superintendent of the school district be subject to recall. If
5997 the Governor declares that the office of the superintendent of the
5998 school district is subject to recall, the local school board or



5999 the county election commission, as the case may be, shall take the
6000 following action:

6001 (i) If the office of superintendent is an elected
6002 office, in those years in which there is no general election, the
6003 name shall be submitted by the State Board of Education to the
6004 county election commission, and the county election commission
6005 shall submit the question at a special election to the voters
6006 eligible to vote for the office of superintendent within the
6007 county, and the special election shall be held within sixty (60)
6008 days from notification by the State Board of Education. The
6009 ballot shall read substantially as follows:

6010 "Shall County Superintendent of Education _____ (here the
6011 name of the superintendent shall be inserted) of the _____
6012 (here the title of the school district shall be inserted) be
6013 retained in office? Yes _____ No _____"

6014 If a majority of those voting on the question votes against
6015 retaining the superintendent in office, a vacancy shall exist
6016 which shall be filled in the manner provided by law; otherwise,
6017 the superintendent shall remain in office for the term of that
6018 office, and at the expiration of the term shall be eligible for
6019 qualification and election to another term or terms.

6020 (ii) If the office of superintendent is an
6021 appointive office, the name of the superintendent shall be
6022 submitted by the president of the local school board at the next
6023 regular meeting of the school board for retention in office or



6024 dismissal from office. If a majority of the school board voting
6025 on the question vote against retaining the superintendent in
6026 office, a vacancy shall exist which shall be filled as provided by
6027 law, otherwise the superintendent shall remain in office for the
6028 duration of his employment contract.

6029 (b) The State Board of Education may issue a written
6030 request with documentation to the Governor asking that the
6031 membership of the school board of the school district shall be
6032 subject to recall. Whenever the Governor declares that the
6033 membership of the school board is subject to recall, the county
6034 election commission or the local governing authorities, as the
6035 case may be, shall take the following action:

6036 (i) If the members of the local school board are
6037 elected to office, in those years in which the specific member's
6038 office is not up for election, the name of the school board member
6039 shall be submitted by the State Board of Education to the county
6040 election commission, and the county election commission at a
6041 special election shall submit the question to the voters eligible
6042 to vote for the particular member's office within the county or
6043 school district, as the case may be, and the special election
6044 shall be held within sixty (60) days from notification by the
6045 State Board of Education. The ballot shall read substantially as
6046 follows:

6047 "Members of the _____ (here the title of the school
6048 district shall be inserted) School Board who are not up for



6049 election this year are subject to recall because of the school
6050 district's failure to meet critical accountability standards as
6051 defined in the letter of notification to the Governor from the
6052 State Board of Education. Shall the member of the school board
6053 representing this area, _____ (here the name of the school
6054 board member holding the office shall be inserted), be retained in
6055 office? Yes _____ No _____"

6056 If a majority of those voting on the question vote against
6057 retaining the member of the school board in office, a vacancy in
6058 that board member's office shall exist, which shall be filled in
6059 the manner provided by law; otherwise, the school board member
6060 shall remain in office for the term of that office, and at the
6061 expiration of the term of office, the member shall be eligible for
6062 qualification and election to another term or terms of office.
6063 However, if a majority of the school board members are recalled in
6064 the special election, the Governor shall authorize the board of
6065 supervisors of the county in which the school district is situated
6066 to appoint members to fill the offices of the members recalled.
6067 The board of supervisors shall make those appointments in the
6068 manner provided by law for filling vacancies on the school board,
6069 and the appointed members shall serve until the office is filled
6070 at the next regular special election or general election.

6071 (ii) If the local school board is an appointed
6072 school board, the name of all school board members shall be
6073 submitted as a collective board by the president of the municipal



6074 or county governing authority, as the case may be, at the next
6075 regular meeting of the governing authority for retention in office
6076 or dismissal from office. If a majority of the governing
6077 authority voting on the question vote against retaining the board
6078 in office, a vacancy shall exist in each school board member's
6079 office, which shall be filled as provided by law; otherwise, the
6080 members of the appointed school board shall remain in office for
6081 the duration of their term of appointment, and those members may
6082 be reappointed.

6083 (iii) If the local school board is comprised of
6084 both elected and appointed members, the elected members shall be
6085 subject to recall in the manner provided in subparagraph (i) of
6086 this paragraph (b), and the appointed members shall be subject to
6087 recall in the manner provided in subparagraph (ii).

6088 (18) * * * The State Board of Education, acting through the
6089 Commission on School Accreditation, shall require each school
6090 district to comply with standards established by the State
6091 Department of Audit for the verification of fixed assets and the
6092 auditing of fixed assets records as a minimum requirement for
6093 accreditation.

6094 (19) * * * The State Superintendent of Public Education and
6095 the State Board of Education * * * shall develop a comprehensive
6096 accountability plan to ensure that local school boards,
6097 superintendents, principals and teachers are held accountable for
6098 student achievement. * * *



6099 (20) Before January 1, 2008, the State Board of Education
6100 shall evaluate and submit a recommendation to the Education
6101 Committees of the House of Representatives and the Senate on
6102 inclusion of graduation rate and dropout rate in the school level
6103 accountability system.

6104 (21) If a local school district is determined as failing and
6105 placed into district transformation status for reasons authorized
6106 by the provisions of this section, the interim superintendent
6107 appointed to the district shall, within forty-five (45) days after
6108 being appointed, present a detailed and structured corrective
6109 action plan to move the local school district out of district
6110 transformation status to the deputy superintendent. A copy of the
6111 interim superintendent's corrective action plan shall also be
6112 filed with the State Board of Education.

6113 **SECTION 62.** Section 37-17-17, Mississippi Code of 1972, is
6114 amended as follows:

6115 37-17-17. (1) There is created the Mississippi Achievement
6116 School District for the purpose of transforming persistently
6117 failing public schools and districts throughout the state into
6118 quality educational institutions. The Mississippi Achievement
6119 School District shall be a statewide school district, separate and
6120 distinct from all other school districts but not confined to any
6121 specified geographic boundaries, and may be comprised of any
6122 public schools or school districts in the state which, during two
6123 (2) consecutive school years, are designated an "F" school or



6124 district by the State Board of Education under the accountability
6125 rating system or which have been persistently failing and
6126 chronically underperforming.

6127 (2) The Mississippi Achievement School District shall be
6128 governed by the State Board of Education.

6129 (3) The State Board of Education shall obtain suitable
6130 office space to serve as the administrative office of the school
6131 district.

6132 (4) The State Board of Education shall select an individual
6133 to serve as superintendent of the Mississippi Achievement School
6134 District. The superintendent must be deemed by the board to be
6135 highly qualified with a demonstrable track record for producing
6136 results in a context relevant to that of Mississippi Achievement
6137 School District schools. The superintendent of the Mississippi
6138 Achievement School District shall exercise powers and duties that
6139 would afford significant autonomy but are bound by the governance
6140 of the State Board of Education.

6141 (5) (a) Each public school or district in the state which,
6142 during each of two (2) consecutive school years or during two (2)
6143 of three (3) consecutive school years, receives an "F" designation
6144 by the State Board of Education under the accountability rating
6145 system or has been persistently failing as defined by the State
6146 Board of Education may be absorbed into and become a part of the
6147 Mississippi Achievement School District. All eligible public
6148 schools and districts shall be prioritized by the Mississippi



6149 Achievement School District according to criteria set by the
6150 Mississippi Achievement School District and publicized prior to
6151 the annual release of accountability rating data. The Mississippi
6152 Achievement School District shall takeover only the number of
6153 schools and districts for which it has the capacity to serve. The
6154 transfer of the school's/district's governance from the local
6155 school district to the Mississippi Achievement School District
6156 shall take effect upon the approval of the State Board of
6157 Education unless, in the sole determination of the Mississippi
6158 Achievement School District, the transition may be more smoothly
6159 accomplished through a gradual transfer of control. If the
6160 Mississippi Achievement School District elects not to assume
6161 complete control of a school or district immediately after that
6162 school receives an "F" designation during each of two (2)
6163 consecutive school years or during two (2) of the three (3)
6164 consecutive school years, the State Board of Education shall
6165 prescribe the process and timetable by which the school or
6166 district shall be absorbed; however, in no event may the transfer
6167 of the school or district to the Mississippi Achievement School
6168 District be completed later than the beginning of the school year
6169 next succeeding the year during which the school or district
6170 receives the "F" designation. School districts that are eligible
6171 to be absorbed by the Achievement School District, but are not
6172 absorbed due to the capacity of the Achievement School District,
6173 shall develop and implement a district improvement plan with



6174 prescriptive guidance and support from the Mississippi Department
6175 of Education, with the goal of helping the district improve
6176 student achievement. Failure of the school board, superintendent
6177 and school district staff to implement the plan with fidelity and
6178 participate in the activities provided as support by the
6179 department shall result in the school district retaining its
6180 eligibility for the Mississippi Achievement School District.

6181 (b) The State Board of Education shall adopt rules and
6182 regulations governing the operation of the Mississippi Achievement
6183 School District.

6184 (c) Designations assigned to schools or districts under
6185 the accountability rating system by the State Board of Education
6186 before the 2015-2016 school year may not be considered in
6187 determining whether a particular school or district is subject to
6188 being absorbed by the Mississippi Achievement School District.
6189 During the 2017-2018 school year, any school or district receiving
6190 an "F" designation after also being designated an "F" school or
6191 district in the 2015-2016 and 2016-2017 school years may be
6192 absorbed immediately by the Mississippi Achievement School
6193 District, upon approval of the State Board of Education.

6194 (d) The school district from which an "F" school or
6195 district is being absorbed must cooperate fully with the
6196 Mississippi Achievement School District and the State Board of
6197 Education in order to provide as smooth a transition as possible
6198 in the school's/district's governance and operations for the



6199 students enrolled in the school or district. Upon completion of
6200 the transfer of a school or district to the Mississippi
6201 Achievement School District, the school or district shall be
6202 governed by the rules, regulations, policies and procedures
6203 established by the State Board of Education specifically for the
6204 Mississippi Achievement School District, and the school or
6205 district shall no longer be under the purview of the school board
6206 of the local school district. In the event of the transfer of
6207 governance and operations of a school district, the State Board of
6208 Education shall abolish the district as prescribed in Section
6209 37-17-13.

6210 (e) Upon the transfer of the school or school district
6211 to the Mississippi Achievement School District, the individual
6212 appointed by the State Board of Education to serve as
6213 superintendent for the Mississippi Achievement School District
6214 shall be responsible for the administration, management and
6215 operation of the school or school district, including the
6216 following activities: (i) approving or denying all financial
6217 obligations of the school or school district; (ii) approving or
6218 denying the employment, termination, nonrenewal and reassignment
6219 of all licensed and nonlicensed personnel; (iii) approving or
6220 denying contractual agreements and purchase orders; (iv)
6221 approving or denying all claim dockets and the issuance of checks;
6222 (v) supervising the day-to-day activities of the school or school
6223 district's staff in a manner which in the determination of the



6224 Mississippi Achievement School District will best suit the needs
6225 of the school or school district; (vi) approving or denying all
6226 athletic, band and other extracurricular activities and any
6227 matters related to those activities; (vii) honoring any reasonable
6228 financial commitment of the district being absorbed; and (viii)
6229 reporting periodically to the State Board of Education on the
6230 progress or lack of progress being made in the school or school
6231 district to improve the school or school district's impairments.

6232 (f) Upon attaining and maintaining a school or district
6233 accountability rating of "C" or better under the State Department
6234 of Education's accountability rating system for five (5)
6235 consecutive years, the State Board of Education may decide to
6236 revert the absorbed school or district back to local governance,
6237 provided the school or school(s) in question are not conversion
6238 charter schools. "Local governance" may include a traditional
6239 school board model of governance or other new form of governance
6240 such as mayoral control, or other type of governance. The State
6241 Board of Education shall determine the best form of local
6242 governance and school board composition after soliciting the input
6243 of local citizens and shall outline a process for establishing the
6244 type of governance selected. The manner and timeline for
6245 reverting a school or district back to local control shall be at
6246 the discretion of the State School Board, but in no case shall it
6247 exceed five (5) years.



6248 (6) The Superintendent of the Mississippi Achievement School
6249 District shall hire those persons to be employed as principals,
6250 teachers and noninstructional personnel in schools or districts
6251 absorbed into the Mississippi Achievement School District. Only
6252 highly qualified individuals having a demonstrable record of
6253 success may be selected by the superintendent for such positions
6254 in the Mississippi Achievement School District. The
6255 superintendent may choose to continue the employment of any person
6256 employed in an "F" rated school when the school or district is
6257 absorbed into the Mississippi Achievement School District;
6258 alternatively, the superintendent may elect not to offer continued
6259 employment to a person formerly employed at a school or district
6260 that is absorbed into the Mississippi Achievement School District.
6261 Any persons employed by the Mississippi Achievement School
6262 District shall not be subject to Sections 37-9-101 through
6263 37-9-113.

6264 (7) (a) The Mississippi Achievement School District may use
6265 a school building and all facilities and property that is a part
6266 of a school and recognized as part of the facilities or assets of
6267 the school before it is absorbed into the Mississippi Achievement
6268 School District. In addition, the Mississippi Achievement School
6269 District shall have access to those additional facilities that
6270 typically were available to that school or district, its students,
6271 faculty and staff before its absorption by the Mississippi
6272 Achievement School District. Use of facilities by a school or



6273 district in the Mississippi Achievement School District must be
6274 unrestricted and free of charge. However, the Mississippi
6275 Achievement School District shall be responsible for providing
6276 routine maintenance and repairs necessary to maintain the
6277 facilities in as good a condition as when the right of use was
6278 acquired by the Mississippi Achievement School District. The
6279 Mississippi Achievement School District shall be responsible for
6280 paying all utilities at the facilities used for the absorbed
6281 school. Any fixtures, improvements and tangible assets added to a
6282 school building or facility by the Mississippi Achievement School
6283 District must remain at the school or district building or
6284 facility if the school or district is returned to local
6285 governance.

6286 (b) The State Board of Education shall include in the
6287 rules and regulations adopted pursuant to subsection (5) of this
6288 section specific provisions addressing the rights and
6289 responsibilities of the Mississippi Achievement School District
6290 relating to the real and personal property of a school or district
6291 that is absorbed into the Mississippi Achievement School District.

6292 (8) (a) The Mississippi Achievement School District shall
6293 certify annually to the State Board of Education in which a
6294 Mississippi Achievement School District school or district is
6295 located the number of students residing in the school district
6296 which are enrolled in that school or district.



6297 (b) Whenever an increase in funding is requested by the
6298 school board for the support of schools within a particular school
6299 district absorbed into the Mississippi Achievement School
6300 District, the State Board of Education and the superintendent for
6301 the Mississippi Achievement School District shall hold a public
6302 meeting in the local municipality having jurisdiction of the
6303 absorbed school district to allow input of local residents on the
6304 matter, and subsequent to the conclusion of such meeting, the
6305 board of the Mississippi Achievement School District shall submit
6306 its request for ad valorem increase in dollars to the local
6307 governing authority having jurisdiction over the absorbed school
6308 district for approval of the request for increase in ad valorem
6309 tax effort. In a district in which a school or schools but not
6310 the entire district is absorbed into the Mississippi Achievement
6311 School District, the local school district shall pay directly to
6312 the Mississippi Achievement School District an amount for each
6313 student enrolled in that school equal to the ad valorem tax
6314 receipts and in-lieu payments received per pupil for the support
6315 of the local school district in which the student resides. The
6316 pro rata ad valorem receipts and in-lieu receipts to be
6317 transferred to the Mississippi Achievement School District shall
6318 include all levies for the support of the local school district
6319 under Sections 37-57-1 (local contribution to * * * Investing in
6320 the Needs of Students to Prioritize, Impact and Reform Education
6321 (INSPIRE)) and 37-57-105 (school district operational levy) and



6322 may not include any taxes levied for the retirement of the local
6323 school district's bonded indebtedness or short-term notes or any
6324 taxes levied for the support of vocational-technical education
6325 programs, unless the school or schools absorbed include a high
6326 school at which vocational-technical education programs are
6327 offered. In no event may the payment exceed the pro rata amount
6328 of the local ad valorem payment to * * * INSPIRE under Section
6329 37-57-1 for the school district in which the student resides.
6330 Payments made under this section by a school district to the
6331 Mississippi Achievement School District must be made before the
6332 expiration of three (3) business days after the funds are
6333 distributed to the local school district by the tax collector.

6334 (c) If an entire school district is absorbed into the
6335 Mississippi Achievement School District, the tax collector shall
6336 pay the amounts as described in paragraph (b) of this subsection,
6337 with the exception that all funds should transfer, including taxes
6338 levied for the retirement of the local school district's bonded
6339 indebtedness or short-term notes and any taxes levied for the
6340 support of vocational-technical education programs. The
6341 Mississippi Achievement School District shall pay funds raised to
6342 retire the district's debts to the appropriate creditors on behalf
6343 of the former district.

6344 (9) (a) The State Department of Education shall make
6345 payments to the Mississippi Achievement School District for each
6346 student in average daily membership at a Mississippi Achievement



6347 School District school equal to the state share of the * * *
6348 INSPIRE payments for each student in average daily * * *
6349 membership at the local school district or former local school
6350 district in which that school is located. In calculating the
6351 local contribution for purposes of determining the state share of
6352 the * * * funding formula payments, the department shall deduct
6353 the pro rata local contribution of the school district or former
6354 school district in which the student resides * * *.

6355 (b) Payments made pursuant to this subsection by the
6356 State Department of Education must be made at the same time and in
6357 the same manner as * * * INSPIRE payments are made to all other
6358 school districts under Sections 37-151-101 and 37-151-103.
6359 Amounts payable to the Mississippi Achievement School District
6360 must be determined by the State Department of Education in the
6361 same manner that such amounts are calculated for all other school
6362 districts under the * * * funding formula.

6363 (10) The Mississippi Achievement School District shall be
6364 considered a local educational agency for the same purposes and to
6365 the same extent that all other school districts in the state are
6366 deemed local educational agencies under applicable federal laws.

6367 (11) The Mississippi Achievement School District may receive
6368 donations or grants from any public or private source, including
6369 any federal funding that may be available to the school district
6370 or individual schools within the Mississippi Achievement School
6371 District.



6372 (12) The Legislature may appropriate sufficient funding to
6373 the State Department of Education for the 2017 fiscal year for the
6374 specific purpose of funding the start-up, operational and any
6375 other required costs of the Mississippi Achievement School
6376 District during the 2017-2018 school year.

6377 **SECTION 63.** Section 37-19-7, Mississippi Code of 1972, is
6378 amended as follows:

6379 37-19-7. (1) * * * Teachers' salaries in each public school
6380 district shall be determined and paid in accordance with the scale
6381 for teachers' salaries as provided in this subsection. For
6382 teachers holding the following types of licenses or the equivalent
6383 as determined by the State Board of Education, and the following
6384 number of years of teaching experience, the scale shall be as
6385 follows:

6386 **2022-2023 AND SUBSEQUENT SCHOOL YEARS MINIMUM SALARY SCHEDULE**

6387	Exp.	AAAA	AAA	AA	A
6388	0	45,500.00	44,000.00	43,000.00	41,500.00
6389	1	46,100.00	44,550.00	43,525.00	41,900.00
6390	2	46,700.00	45,100.00	44,050.00	42,300.00
6391	3	47,300.00	45,650.00	44,575.00	42,700.00
6392	4	47,900.00	46,200.00	45,100.00	43,100.00
6393	5	49,250.00	47,500.00	46,350.00	44,300.00
6394	6	49,850.00	48,050.00	46,875.00	44,700.00
6395	7	50,450.00	48,600.00	47,400.00	45,100.00
6396	8	51,050.00	49,150.00	47,925.00	45,500.00



6397	9	51,650.00	49,700.00	48,450.00	45,900.00
6398	10	53,000.00	51,000.00	49,700.00	47,100.00
6399	11	53,600.00	51,550.00	50,225.00	47,500.00
6400	12	54,200.00	52,100.00	50,750.00	47,900.00
6401	13	54,800.00	52,650.00	51,275.00	48,300.00
6402	14	55,400.00	53,200.00	51,800.00	48,700.00
6403	15	56,750.00	54,500.00	53,050.00	49,900.00
6404	16	57,350.00	55,050.00	53,575.00	50,300.00
6405	17	57,950.00	55,600.00	54,100.00	50,700.00
6406	18	58,550.00	56,150.00	54,625.00	51,100.00
6407	19	59,150.00	56,700.00	55,150.00	51,500.00
6408	20	60,500.00	58,000.00	56,400.00	52,700.00
6409	21	61,100.00	58,550.00	56,925.00	53,100.00
6410	22	61,700.00	59,100.00	57,450.00	53,500.00
6411	23	62,300.00	59,650.00	57,975.00	53,900.00
6412	24	62,900.00	60,200.00	58,500.00	54,300.00
6413	25	65,400.00	62,700.00	61,000.00	56,800.00
6414	26	66,000.00	63,250.00	61,525.00	57,200.00
6415	27	66,600.00	63,800.00	62,050.00	57,600.00
6416	28	67,200.00	64,350.00	62,575.00	58,000.00
6417	29	67,800.00	64,900.00	63,100.00	58,400.00
6418	30	68,400.00	65,450.00	63,625.00	58,800.00
6419	31	69,000.00	66,000.00	64,150.00	59,200.00
6420	32	69,600.00	66,550.00	64,675.00	59,600.00
6421	33	70,200.00	67,100.00	65,200.00	60,000.00



6422	34	70,800.00	67,650.00	65,725.00	60,400.00
6423	35				
6424	& above	71,400.00	68,200.00	66,250.00	60,800.00

6425 It is the intent of the Legislature that any state funds made
6426 available for salaries of licensed personnel in excess of the
6427 funds paid for such salaries for the 1986-1987 school year shall
6428 be paid to licensed personnel pursuant to a personnel appraisal
6429 and compensation system implemented by the State Board of
6430 Education. The State Board of Education shall have the authority
6431 to adopt and amend rules and regulations as are necessary to
6432 establish, administer and maintain the system.

6433 All teachers employed on a full-time basis shall be paid a
6434 minimum salary in accordance with the above scale. However, no
6435 school district shall receive any funds under this section for any
6436 school year during which the local supplement paid to any
6437 individual teacher shall have been reduced to a sum less than that
6438 paid to that individual teacher for performing the same duties
6439 from local supplement during the immediately preceding school
6440 year. The amount actually spent for the purposes of group health
6441 and/or life insurance shall be considered as a part of the
6442 aggregate amount of local supplement but shall not be considered a
6443 part of the amount of individual local supplement.

6444 The level of professional training of each teacher to be used
6445 in establishing the salary * * * for the * * * teacher for each
6446 year shall be determined by the type of valid teacher's license



6447 issued to * * * that teacher on or before October 1 of the current
6448 school year. However, school districts are authorized, in their
6449 discretion, to negotiate the salary levels applicable to licensed
6450 employees who are receiving retirement benefits from the
6451 retirement system of another state * * *.

6452 (2) (a) The following employees shall receive an annual
6453 salary supplement in the amount of Six Thousand Dollars
6454 (\$6,000.00), plus fringe benefits, in addition to any other
6455 compensation to which the employee may be entitled:

6456 (i) Any licensed teacher who has met the
6457 requirements and acquired a Master Teacher certificate from the
6458 National Board for Professional Teaching Standards and who is
6459 employed by a local school board or the State Board of Education
6460 as a teacher and not as an administrator. Such teacher shall
6461 submit documentation to the State Department of Education that the
6462 certificate was received prior to October 15 in order to be
6463 eligible for the full salary supplement in the current school
6464 year, or the teacher shall submit such documentation to the State
6465 Department of Education prior to February 15 in order to be
6466 eligible for a prorated salary supplement beginning with the
6467 second term of the school year.

6468 (ii) A licensed nurse who has met the requirements
6469 and acquired a certificate from the National Board for
6470 Certification of School Nurses, Inc., and who is employed by a
6471 local school board or the State Board of Education as a school



6472 nurse and not as an administrator. The licensed school nurse
6473 shall submit documentation to the State Department of Education
6474 that the certificate was received before October 15 in order to be
6475 eligible for the full salary supplement in the current school
6476 year, or the licensed school nurse shall submit the documentation
6477 to the State Department of Education before February 15 in order
6478 to be eligible for a prorated salary supplement beginning with the
6479 second term of the school year.

6480 (iii) Any licensed school counselor who has met
6481 the requirements and acquired a National Certified School
6482 Counselor (NCSC) endorsement from the National Board of Certified
6483 Counselors and who is employed by a local school board or the
6484 State Board of Education as a counselor and not as an
6485 administrator. Such licensed school counselor shall submit
6486 documentation to the State Department of Education that the
6487 endorsement was received prior to October 15 in order to be
6488 eligible for the full salary supplement in the current school
6489 year, or the licensed school counselor shall submit such
6490 documentation to the State Department of Education prior to
6491 February 15 in order to be eligible for a prorated salary
6492 supplement beginning with the second term of the school year.
6493 However, any school counselor who started the National Board for
6494 Professional Teaching Standards process for school counselors
6495 between June 1, 2003, and June 30, 2004, and completes the
6496 requirements and acquires the Master Teacher certificate shall be



6497 entitled to the master teacher supplement, and those counselors
6498 who complete the process shall be entitled to a one-time
6499 reimbursement for the actual cost of the process as outlined in
6500 paragraph (b) of this subsection.

6501 (iv) Any licensed speech-language pathologist and
6502 audiologist who has met the requirements and acquired a
6503 Certificate of Clinical Competence from the American
6504 Speech-Language-Hearing Association and any certified academic
6505 language therapist (CALT) who has met the certification
6506 requirements of the Academic Language Therapy Association and who
6507 is employed by a local school board. The licensed speech-language
6508 pathologist and audiologist and certified academic language
6509 therapist shall submit documentation to the State Department of
6510 Education that the certificate or endorsement was received before
6511 October 15 in order to be eligible for the full salary supplement
6512 in the current school year, or the licensed speech-language
6513 pathologist and audiologist and certified academic language
6514 therapist shall submit the documentation to the State Department
6515 of Education before February 15 in order to be eligible for a
6516 prorated salary supplement beginning with the second term of the
6517 school year.

6518 (v) Any licensed athletic trainer who has met the
6519 requirements and acquired Board Certification for the Athletic
6520 Trainer from the Board of Certification, Inc., and who is employed
6521 by a local school board or the State Board of Education as an



6522 athletic trainer and not as an administrator. The licensed
6523 athletic trainer shall submit documentation to the State
6524 Department of Education that the certificate was received before
6525 October 15 in order to be eligible for the full salary supplement
6526 in the current school year, or the licensed athletic trainer shall
6527 submit the documentation to the State Department of Education
6528 before February 15 in order to be eligible for a prorated salary
6529 supplement beginning with the second term of the school year.

6530 (b) An employee shall be reimbursed for the actual cost
6531 of completing each component of acquiring the certificate or
6532 endorsement, excluding any costs incurred for postgraduate
6533 courses, not to exceed Five Hundred Dollars (\$500.00) for each
6534 component, not to exceed four (4) components, for a teacher,
6535 school counselor or speech-language pathologist and audiologist,
6536 regardless of whether or not the process resulted in the award of
6537 the certificate or endorsement. A local school district or any
6538 private individual or entity may pay the cost of completing the
6539 process of acquiring the certificate or endorsement for any
6540 employee of the school district described under paragraph (a), and
6541 the State Department of Education shall reimburse the school
6542 district for such cost, regardless of whether or not the process
6543 resulted in the award of the certificate or endorsement. If a
6544 private individual or entity has paid the cost of completing the
6545 process of acquiring the certificate or endorsement for an
6546 employee, the local school district may agree to directly



6547 reimburse the individual or entity for such cost on behalf of the
6548 employee.

6549 (c) All salary supplements, fringe benefits and process
6550 reimbursement authorized under this subsection shall be paid
6551 directly by the State Department of Education to the local school
6552 district and shall be in addition to its * * * Investing in the
6553 Needs of Students to Prioritize, Impact and Reform Education
6554 (INSPIRE) allotments and not a part thereof in accordance with
6555 regulations promulgated by the State Board of Education. Local
6556 school districts shall not reduce the local supplement paid to any
6557 employee receiving such salary supplement, and the employee shall
6558 receive any local supplement to which employees with similar
6559 training and experience otherwise are entitled. However, an
6560 educational employee shall receive the salary supplement in the
6561 amount of Six Thousand Dollars (\$6,000.00) for only one (1) of the
6562 qualifying certifications authorized under paragraph (a) of this
6563 subsection. No school district shall provide more than one (1)
6564 annual salary supplement under the provisions of this subsection
6565 to any one (1) individual employee holding multiple qualifying
6566 national certifications.

6567 (d) If an employee for whom such cost has been paid, in
6568 full or in part, by a local school district or private individual
6569 or entity fails to complete the certification or endorsement
6570 process, the employee shall be liable to the school district or
6571 individual or entity for all amounts paid by the school district



6572 or individual or entity on behalf of that employee toward his or
6573 her certificate or endorsement.

6574 (3) The following employees shall receive an annual salary
6575 supplement in the amount of Four Thousand Dollars (\$4,000.00),
6576 plus fringe benefits, in addition to any other compensation to
6577 which the employee may be entitled:

6578 Effective July 1, 2016, if funds are available for that
6579 purpose, any licensed teacher who has met the requirements and
6580 acquired a Master Teacher Certificate from the National Board for
6581 Professional Teaching Standards and who is employed in a public
6582 school district located in one (1) of the following counties:
6583 Claiborne, Adams, Jefferson, Wilkinson, Amite, Bolivar, Coahoma,
6584 Leflore, Quitman, Sharkey, Issaquena, Sunflower, Washington,
6585 Holmes, Yazoo and Tallahatchie. The salary supplement awarded
6586 under the provisions of this subsection (3) shall be in addition
6587 to the salary supplement awarded under the provisions of
6588 subsection (2) of this section.

6589 Teachers who meet the qualifications for a salary supplement
6590 under this subsection (3) who are assigned for less than one (1)
6591 full year or less than full time for the school year shall receive
6592 the salary supplement in a prorated manner, with the portion of
6593 the teacher's assignment to the critical geographic area to be
6594 determined as of June 15th of the school year.

6595 (4) (a) This subsection shall be known and may be cited as
6596 the "Mississippi Performance-Based Pay (MPBP)" plan. In addition



6597 to the minimum base pay described in this section, only * * * if
6598 funds are available for that purpose, the State of Mississippi may
6599 provide monies from state funds to school districts for the
6600 purposes of rewarding licensed teachers, administrators and
6601 nonlicensed personnel at individual schools showing improvement in
6602 student test scores. The MPBP plan shall be developed by the
6603 State Department of Education based on the following criteria:

6604 (i) It is the express intent of this legislation
6605 that the MPBP plan shall utilize only existing standards of
6606 accreditation and assessment as established by the State Board of
6607 Education.

6608 (ii) To ensure that all of Mississippi's teachers,
6609 administrators and nonlicensed personnel at all schools have equal
6610 access to the monies set aside in this section, the MPBP program
6611 shall be designed to calculate each school's performance as
6612 determined by the school's increase in scores from the prior
6613 school year. The MPBP program shall be based on a standardized
6614 scores rating where all levels of schools can be judged in a
6615 statistically fair and reasonable way upon implementation. At the
6616 end of each year, after all student achievement scores have been
6617 standardized, the State Department of Education shall implement
6618 the MPBP plan.

6619 (iii) To ensure all teachers cooperate in the
6620 spirit of teamwork, individual schools shall submit a plan to the
6621 local school district to be approved before the beginning of each



6622 school year * * *. The plan shall include, but not be limited to,
6623 how all teachers, regardless of subject area, and administrators
6624 will be responsible for improving student achievement for their
6625 individual school.

6626 (b) The State Board of Education shall develop the
6627 processes and procedures for designating schools eligible to
6628 participate in the MPBP. State assessment results, growth in
6629 student achievement at individual schools and other measures
6630 deemed appropriate in designating successful student achievement
6631 shall be used in establishing MPBP criteria.

6632 (5) (a) If funds are available for that purpose, each
6633 school in Mississippi shall have mentor teachers, as defined by
6634 Sections 37-9-201 through 37-9-213, who shall receive additional
6635 base compensation provided for by the State Legislature in the
6636 amount of One Thousand Dollars (\$1,000.00) per each beginning
6637 teacher that is being mentored. The additional state compensation
6638 shall be limited to those mentor teachers that provide mentoring
6639 services to beginning teachers. For the purposes of such funding,
6640 a beginning teacher shall be defined as any teacher in any school
6641 in Mississippi that has less than one (1) year of classroom
6642 experience teaching in a public school. For the purposes of such
6643 funding, no full-time academic teacher shall mentor more than two
6644 (2) beginning teachers.



6645 (b) To be eligible for this state funding, the
6646 individual school must have a classroom management program
6647 approved by the local school board.

6648 (6) Effective with the 2014-2015 school year, the school
6649 districts participating in the Pilot Performance-Based
6650 Compensation System pursuant to Section 37-19-9 may award
6651 additional teacher and administrator pay based thereon.

6652 **SECTION 64.** Section 37-21-6, Mississippi Code of 1972, is
6653 amended as follows:

6654 37-21-6. The Mississippi Early Childhood Education Program
6655 shall be the kindergarten program implemented by local school
6656 districts * * *.

6657 **SECTION 65.** Section 37-21-7, Mississippi Code of 1972, is
6658 amended as follows:

6659 37-21-7. (1) This section shall be referred to as the
6660 "Mississippi Elementary Schools Assistant Teacher Program," the
6661 purpose of which shall be to provide an early childhood education
6662 program that assists in the instruction of basic skills. The
6663 State Board of Education is authorized, empowered and directed to
6664 implement a statewide system of assistant teachers in kindergarten
6665 classes and in the first, second and third grades. The assistant
6666 teacher shall assist pupils in actual instruction under the strict
6667 supervision of a licensed teacher.

6668 (2) (a) Except as otherwise authorized under subsection
6669 (7), each school district shall employ the total number of



6670 assistant teachers funded under subsection (6) of this section.
6671 The superintendent of each district shall assign the assistant
6672 teachers to the kindergarten, first-, second- and third-grade
6673 classes in the district in a manner that will promote the maximum
6674 efficiency, as determined by the superintendent, in the
6675 instruction of skills such as verbal and linguistic skills,
6676 logical and mathematical skills, and social skills.

6677 (b) If a licensed teacher to whom an assistant teacher
6678 has been assigned is required to be absent from the classroom, the
6679 assistant teacher may assume responsibility for the classroom in
6680 lieu of a substitute teacher. However, no assistant teacher shall
6681 assume sole responsibility of the classroom for more than three
6682 (3) consecutive school days. Further, in no event shall any
6683 assistant teacher be assigned to serve as a substitute teacher for
6684 any teacher other than the licensed teacher to whom that assistant
6685 teacher has been assigned.

6686 (3) Assistant teachers shall have, at a minimum, a high
6687 school diploma or a High School Equivalency Diploma equivalent,
6688 and shall show demonstratable proficiency in reading and writing
6689 skills. The State Department of Education shall develop a testing
6690 procedure for assistant teacher applicants to be used in all
6691 school districts in the state.

6692 (4) (a) In order to receive funding, each school district
6693 shall:



6694 (i) Submit a plan on the implementation of a
6695 reading improvement program to the State Department of Education;
6696 and

6697 (ii) Develop a plan of educational accountability
6698 and assessment of performance, including pretests and posttests,
6699 for reading in Grades 1 through 6.

6700 (b) Additionally, each school district shall:

6701 (i) Provide annually a mandatory preservice
6702 orientation session, using an existing in-school service day, for
6703 administrators and teachers on the effective use of assistant
6704 teachers as part of a team in the classroom setting and on the
6705 role of assistant teachers, with emphasis on program goals;

6706 (ii) Hold periodic workshops for administrators
6707 and teachers on the effective use and supervision of assistant
6708 teachers;

6709 (iii) Provide training annually on specific
6710 instructional skills for assistant teachers;

6711 (iv) Annually evaluate their program in accordance
6712 with their educational accountability and assessment of
6713 performance plan; and

6714 (v) Designate the necessary personnel to supervise
6715 and report on their program.

6716 (5) The State Department of Education shall:

6717 (a) Develop and assist in the implementation of a
6718 statewide uniform training module, subject to the availability of



6719 funds specifically appropriated therefor by the Legislature, which
6720 shall be used in all school districts for training administrators,
6721 teachers and assistant teachers. The module shall provide for the
6722 consolidated training of each assistant teacher and teacher to
6723 whom the assistant teacher is assigned, working together as a
6724 team, and shall require further periodic training for
6725 administrators, teachers and assistant teachers regarding the role
6726 of assistant teachers;

6727 (b) Annually evaluate the program on the district and
6728 state level. Subject to the availability of funds specifically
6729 appropriated therefor by the Legislature, the department shall
6730 develop: (i) uniform evaluation reports, to be performed by the
6731 principal or assistant principal, to collect data for the annual
6732 overall program evaluation conducted by the department; or (ii) a
6733 program evaluation model that, at a minimum, addresses process
6734 evaluation; and

6735 (c) Promulgate rules, regulations and such other
6736 standards deemed necessary to effectuate the purposes of this
6737 section. Noncompliance with the provisions of this section and
6738 any rules, regulations or standards adopted by the department may
6739 result in a violation of compulsory accreditation standards as
6740 established by the State Board of Education and the Commission on
6741 School Accreditation.

6742 (6) * * * Each school district shall be allotted sufficient
6743 funding under Investing in the Needs of Students to Prioritize,



6744 Impact and Reform Education (INSPIRE) for the purpose of employing
6745 assistant teachers. No assistant teacher shall be paid less than
6746 the amount he or she received in the prior school year. No school
6747 district shall receive any funds under this section for any school
6748 year during which the aggregate amount of the local contribution
6749 to the salaries of assistant teachers by the district shall have
6750 been reduced below such amount for the previous year.

6751 For assistant teachers, the minimum annual salary shall be as
6752 follows:

6753 2022-2023 and Subsequent Years Minimum Salary.....\$17,000.00

6754 In addition, for each one percent (1%) that the Sine Die
6755 General Fund Revenue Estimate Growth exceeds five percent (5%) in
6756 fiscal year 2006, as certified by the Legislative Budget Office to
6757 the State Board of Education and subject to the specific
6758 appropriation therefor by the Legislature, the State Board of
6759 Education shall revise the salary scale in the appropriate year to
6760 provide an additional one percent (1%) across-the-board increase
6761 in the base salaries for assistant teachers. The State Board of
6762 Education shall revise the salaries prescribed above for assistant
6763 teachers to conform to any adjustments made in prior fiscal years
6764 due to revenue growth over and above five percent (5%). The
6765 assistant teachers shall not be restricted to working only in the
6766 grades for which the funds were allotted, but may be assigned to
6767 other classes as provided in subsection (2) (a) of this section.



6768 (7) (a) As an alternative to employing assistant teachers,
6769 any school district may use the * * * funding provided under
6770 subsection (6) of this section for the purpose of employing
6771 licensed teachers for kindergarten, first-, second- and
6772 third-grade classes; however, no school district shall be
6773 authorized to use the * * * funding for assistant teachers for the
6774 purpose of employing licensed teachers unless the district has
6775 established that the employment of licensed teachers using such
6776 funds will reduce the teacher:student ratio in the kindergarten,
6777 first-, second- and third-grade classes. All state funds for
6778 assistant teachers shall be applied to reducing teacher:student
6779 ratio in Grades K-3.

6780 It is the intent of the Legislature that no school district
6781 shall dismiss any assistant teacher for the purpose of using the
6782 assistant teacher * * * funding to employ licensed teachers.
6783 School districts may rely only upon normal attrition to reduce the
6784 number of assistant teachers employed in that district.

6785 (b) Districts meeting the highest levels of
6786 accreditation standards, as defined by the State Board of
6787 Education, shall be exempted from the provisions of subsection (4)
6788 of this section.

6789 **SECTION 66.** Section 37-22-5, Mississippi Code of 1972, is
6790 amended as follows:

6791 37-22-5. There is * * * created an Emergency Fund Loss
6792 Assistance Program to provide temporary grants to eligible school



6793 districts. The purpose of the program shall be to provide relief
6794 to school districts suffering losses of financial assistance under
6795 federal programs, such as the IMPACT Program, designed to serve
6796 the educational needs of children of government employees and
6797 Choctaw Indian children. Any school district which has sustained
6798 losses in direct payments from the federal government for the
6799 purpose of educating the children of federal government employees
6800 and Choctaw Indian children living on United States government
6801 owned reservation land shall be entitled to an Emergency Fund Loss
6802 Assistance Grant, in the amount of the reduction of the grant
6803 funds received from the federal government from prior years. This
6804 grant shall be limited to losses resulting from reductions in the
6805 level of federal funding allocated to school districts from prior
6806 years and not from reductions resulting from a loss of students
6807 served by the school districts. Losses incurred prior to July 1,
6808 1987, shall not be considered for purposes of determining the
6809 amount of the grant. There is hereby established an Emergency
6810 Fund Loss Assistance Fund in the State Treasury which shall be
6811 used to distribute the emergency grants to school districts.
6812 Expenditures from this fund shall not exceed One Million Dollars
6813 (\$1,000,000.00) in any fiscal year. If the total of all grant
6814 entitlements from local school districts exceeds such sum, then
6815 the grants to the school districts shall be prorated accordingly.
6816 * * *



6817 **SECTION 67.** Section 37-23-1, Mississippi Code of 1972, is
6818 amended as follows:

6819 37-23-1. The purpose of Sections 37-23-1 through 37-23-159
6820 is to mandate free appropriate public educational services and
6821 equipment for exceptional children in the age range three (3)
6822 through twenty (20) for whom the regular school programs are not
6823 adequate and to provide, on a permissive basis, a free appropriate
6824 public education, as a part of the state's early intervention
6825 system in accordance with regulations developed in collaboration
6826 with the agency designated as "lead agency" under Part C of the
6827 Individuals with Disabilities Education Act. The portion of the
6828 regulations developed in collaboration with the lead agency which
6829 are necessary to implement the programs under the authority of the
6830 State Board of Education shall be presented to the State Board of
6831 Education for adoption. This specifically includes, but shall not
6832 be limited to, provision for day schools for the deaf and blind of
6833 an age under six (6) years, where early training is in accordance
6834 with the most advanced and best approved scientific methods of
6835 instruction, always taking into consideration the best interests
6836 of the child and his improvement at a time during which he is most
6837 susceptible of improvement. Educational programs to exceptional
6838 children under the age of three (3) years shall be eligible
6839 for * * * Investing in the Needs of Students to Prioritize, Impact
6840 and Reform Education (INSPIRE) funds.



6841 All references in the laws of this state to the "Individuals
6842 with Disabilities Education Act" or to the "IDEA" shall be
6843 construed to include any subsequent amendments to that act.

6844 The educational programs and services provided for
6845 exceptional children in Sections 37-23-1 through 37-23-15,
6846 37-23-31 through 37-23-35, 37-23-61 through 37-23-75 and 37-23-77
6847 shall be designed to provide individualized appropriate special
6848 education and related services that enable a child to reach his or
6849 her appropriate and uniquely designed goals for success. The
6850 State Board of Education shall establish an accountability system
6851 for special education programs and students with disabilities.
6852 The system shall establish accountability standards for services
6853 provided to improve the educational skills designed to prepare
6854 children for life after their years in school. These standards
6855 shall be a part of the accreditation system and shall be
6856 implemented before July 1, 1996.

6857 The State Department of Education shall establish goals for
6858 the performance of children with disabilities that will promote
6859 the purpose of IDEA and are consistent, to the maximum extent
6860 appropriate, with other goals and standards for children
6861 established by the State Department of Education. Performance
6862 indicators used to assess progress toward achieving those goals
6863 that, at a minimum, address the performance of children with
6864 disabilities on assessments, drop-out rates, and graduation rates
6865 shall be developed. Every two (2) years, the progress toward



6866 meeting the established performance goals shall be reported to the
6867 public.

6868 **SECTION 68.** Section 37-23-15, Mississippi Code of 1972, is
6869 amended as follows:

6870 37-23-15. (1) The State Department of Education, in
6871 accordance with Sections 37-23-1 through 37-23-75, and any
6872 additional authority granted in this chapter, shall:

6873 (a) Adopt pilot programs under which certain students
6874 enrolled or enrolling in public schools in this state shall be
6875 tested for dyslexia and related disorders as may be necessary.
6876 The pilot programs shall provide that upon the request of a
6877 parent, student, school nurse, classroom teacher or other school
6878 personnel who has reason to believe that a student has a need to
6879 be tested for dyslexia, such student shall be reviewed for
6880 appropriate services. However, a student shall not be tested for
6881 dyslexia whose parent or guardian objects thereto on grounds that
6882 such testing conflicts with his conscientiously held religious
6883 beliefs.

6884 (b) In accordance with the pilot programs adopted by
6885 the State Department of Education, such school boards shall
6886 provide remediation in an appropriate multi-sensory, systematic
6887 language-based regular education program or programs, as
6888 determined by the school district, such as the Texas Scottish Rite
6889 Hospital Dyslexia Training Program, pertinent to the child's
6890 physical and educational disorders or the sensory area in need of



6891 remediation for those students who do not qualify for special
6892 education services.

6893 (c) The State Department of Education, by not later
6894 than January 1, 1997, shall make recommendations to the school
6895 boards designated for the pilot programs for the delivery of
6896 services to students who are identified as dyslexic.

6897 (d) For the purposes of this section:

6898 (i) "Dyslexia" means a language processing
6899 disorder which may be manifested by difficulty processing
6900 expressive or receptive, oral or written language despite adequate
6901 intelligence, educational exposure and cultural opportunity.
6902 Specific manifestations may occur in one or more areas, including
6903 difficulty with the alphabet, reading comprehension, writing and
6904 spelling.

6905 (ii) "Related disorders" shall include disorders
6906 similar to or related to dyslexia such as developmental auditory
6907 imperception, dysphasia, specific developmental dyslexia,
6908 dyspraxia, developmental dysgraphia and developmental spelling
6909 disability.

6910 (e) Local school districts designated for the pilot
6911 programs may utilize any source of funds other than * * *
6912 Investing in the Needs of Students to Prioritize, Impact and
6913 Reform Education (INSPIRE) funds to provide any services under
6914 this section.



6915 (f) Nothing in this section shall be construed to
6916 require any school district to implement this section unless the
6917 local school board, by resolution spread on its minutes,
6918 voluntarily agrees to comply with this section and any regulations
6919 promulgated under this section. Any local school board may
6920 withdraw from participation in the program authorized under this
6921 section by providing written notice of its determination to
6922 withdraw to the State Department of Education no later than June 1
6923 of the preceding fiscal year.

6924 (2) State funding for the pilot programs for testing
6925 students for dyslexia shall be subject to the availability of
6926 funds specifically appropriated therefor by the Legislature.

6927 * * *

6928 **SECTION 69.** Section 37-23-69, Mississippi Code of 1972, is
6929 amended as follows:

6930 37-23-69. The State Department of Education may determine
6931 and pay the amount of the financial assistance to be made
6932 available to each applicant, and see that all applicants and the
6933 programs for them meet the requirements of the program for
6934 exceptional children. No financial assistance shall exceed the
6935 obligation actually incurred by the applicant for educational
6936 costs, which shall include special education and related services
6937 as defined by the Mississippi Department of Education Policies and
6938 Procedures Regarding Children with Disabilities under the federal
6939 Individuals with Disabilities Education Act (IDEA). Within the



6940 amount of available state funds * * * for that purpose, each such
6941 applicant may receive assistance according to the following
6942 allowances:

6943 (a) If the applicant chooses to attend a private
6944 school, a parochial school or a speech, hearing and/or language
6945 clinic having an appropriate program for the applicant, and if the
6946 school or clinic meets federal and state regulations, then the
6947 educational costs reimbursement will be one hundred percent (100%)
6948 of the first Six Hundred Dollars (\$600.00) in educational costs
6949 charged by the school or clinic; or, if the applicant is under six
6950 (6) years of age, and no program appropriate for the child exists
6951 in the public schools of his domicile, then the reimbursement
6952 shall be one hundred percent (100%) of the first Six Hundred
6953 Dollars (\$600.00) in educational costs charged by the school or
6954 clinic, and fifty percent (50%) of the next Eight Hundred Dollars
6955 (\$800.00) in educational costs charged by the school or clinic;

6956 (b) A public school district shall be reimbursed for
6957 the educational costs of an applicant up to an annual maximum
6958 based on a * * * cost factor * * * determined by the State Board
6959 of Education if the following conditions are met: (i) an
6960 applicant in the age range six (6) through twenty (20) requests
6961 the public school district where he resides to provide an
6962 education for him and the nature of the applicant's educational
6963 problem is such that, according to best educational practices, it
6964 cannot be met in the public school district where the child



6965 resides; (ii) the public school district decides to provide the
6966 applicant a free appropriate education by placing him in a private
6967 school, a parochial school or a speech, hearing and/or language
6968 clinic having an appropriate program for the applicant; (iii) the
6969 program meets federal and state regulations; and (iv) the
6970 applicant is approved for financial assistance by a State Level
6971 Review Board established by the State Board of Education. The
6972 Review Board will act on financial assistance requests within five
6973 (5) working days of receipt. Nothing in this paragraph shall
6974 prevent two (2) or more public school districts from forming a
6975 cooperative to meet the needs of low incidence exceptional
6976 children, nor shall the public school be relieved of its
6977 responsibility to provide an education for all children. If state
6978 monies are not sufficient to fund all applicants, there will be a
6979 ratable reduction for all recipients receiving state funds under
6980 this section. School districts may pay additional educational
6981 costs from available federal, state and local funds.

6982 If an exceptional child, as defined in Section 37-23-3, is
6983 placed in a therapeutic or other group home licensed or approved
6984 by the state that has no educational program associated with it,
6985 the local school district in which the home is located shall offer
6986 an appropriate educational program to that child.

6987 At any time that the Individualized Education Program (IEP)
6988 Committee in the district where the home is located determines
6989 that an exceptional child, as defined in Section 37-23-3, residing



6990 in that home can no longer be provided a free appropriate public
6991 education in that school district, and the State Department of
6992 Education agrees with that decision, then the State Department of
6993 Education shall recommend to the Department of Human Services
6994 placement of the child by the Department of Human Services, which
6995 shall take appropriate action. The placement of the exceptional
6996 child in the facility shall be at no cost to the local school
6997 district. Funds available under Sections 37-23-61 through
6998 37-23-77, as well as any available federal funds, may be used to
6999 provide the educational costs of the placement. If the
7000 exceptional child is under the guardianship of the Department of
7001 Human Services or another state agency, the State Department of
7002 Education shall pay only for the educational costs of that
7003 placement, and the other agency shall be responsible for the room,
7004 board and any other costs. The special education and related
7005 services provided to the child shall be in compliance with State
7006 Department of Education and any related federal regulations. The
7007 State Board of Education may promulgate regulations that are
7008 necessary to implement this section; and

7009 (c) If an appropriate local or regional system of care,
7010 including a free appropriate public education, is available for
7011 exceptional children who are currently being served in
7012 out-of-district or Department of Human Services placements
7013 under * * * paragraph (b) of this section or Section 37-23-77,
7014 then the state funds from the State Department of Education that



7015 would have been used for those placements may be paid into a pool
7016 of funds with funds from other state agencies to be used for the
7017 implementation of the individualized plans of care for those
7018 children. If there are sufficient funds to serve additional
7019 exceptional children because of cost savings as a result of
7020 serving these students at home and/or matching the pooled funds
7021 with federal dollars, the funds may be used to implement
7022 individualized plans of care for those additional exceptional
7023 children. Each local or regional provider of services included in
7024 the individualized plans of care shall comply with all appropriate
7025 state and federal regulations. The State Board of Education may
7026 promulgate regulations that are necessary to implement this
7027 section.

7028 The State Department of Education may also provide for the
7029 payment of that financial assistance in installments and for
7030 proration of that financial assistance in the case of children
7031 attending a school or clinic for less than a full school session
7032 and, if available funds are insufficient, may allocate the
7033 available funds among the qualified applicants and local school
7034 districts by reducing the maximum assistance provided for in this
7035 section.

7036 Any monies provided an applicant under Sections 37-23-61
7037 through 37-23-75 shall be applied by the receiving educational
7038 institution as a reduction in the amount of the educational costs
7039 paid by the applicant, and the total educational costs paid by the



7040 applicant shall not exceed the total educational costs paid by any
7041 other child in similar circumstances enrolled in the same program
7042 in that institution. However, this limitation shall not prohibit
7043 the waiving of all or part of the educational costs for a limited
7044 number of children based upon demonstrated financial need, and the
7045 State Department of Education may adopt and enforce reasonable
7046 rules and regulations to carry out the intent of these provisions.

7047 **SECTION 70.** Section 37-23-109, Mississippi Code of 1972, is
7048 amended as follows:

7049 37-23-109. Any child development center created under the
7050 provisions of Sections 37-23-91 through 37-23-111 shall be
7051 entitled to receive all contributions and benefits allowed to the
7052 other school districts from the federal and state governments
7053 including, but not limited to, contributions on the basis of the
7054 average daily * * * membership per child, school textbooks and
7055 school lunch program.

7056 **SECTION 71.** Section 37-23-179, Mississippi Code of 1972, is
7057 amended as follows:

7058 37-23-179. (1) The board shall specifically promulgate
7059 rules, regulations and guidelines which establish model programs
7060 of gifted education and also establish minimum criteria for gifted
7061 education programs. In providing programs of gifted education,
7062 the local district may use the model programs prepared by the
7063 board or may itself develop programs of gifted education which,
7064 prior to being implemented, shall be approved by the board,



7065 provided, that no such plan or program shall be approved or
7066 continued unless it meets the minimum criteria established by the
7067 board.

7068 (2) There is hereby created within the department an office
7069 for gifted education which shall be staffed by such professional,
7070 support and clerical personnel as may be necessary to implement
7071 the provisions of Sections 37-23-171 through 37-23-181.

7072 (3) All local school districts may have programs of gifted
7073 education for intellectually, creatively and/or artistically
7074 gifted students in Grades 2 through 12 and for academically gifted
7075 students in Grades 9 through 12 approved by the board. Beginning
7076 with the 1993-1994 school year, all local school districts shall
7077 have programs of gifted education for intellectually gifted
7078 students in Grade 2, subject to the approval of the State Board of
7079 Education and the availability of funds appropriated therefor by
7080 line-item. Beginning with the 1994-1995 school year, all local
7081 school districts shall have programs of gifted education for
7082 intellectually gifted students in Grades 2 and 3, subject to the
7083 approval of the State Board of Education. Beginning with the
7084 1995-1996 school year, all local school districts shall have
7085 programs of gifted education for intellectually gifted students in
7086 Grades 2, 3 and 4 subject to the approval of the State Board of
7087 Education. Beginning with the 1996-1997 school year, all local
7088 school districts shall have programs of gifted education for
7089 intellectually gifted students in Grades 2, 3, 4 and 5, subject to



7090 the approval of the State Board of Education. Beginning with the
7091 1997-1998 school year, all local school districts shall have
7092 programs of gifted education for intellectually gifted students in
7093 Grades 2, 3, 4, 5 and 6, subject to the approval of the State
7094 Board of Education. * * * Each local school district shall
7095 include as a part of its five-year plan a description of any
7096 proposed gifted education programs of the district. * * *

7097 **SECTION 72.** Section 37-27-55, Mississippi Code of 1972, is
7098 amended as follows:

7099 37-27-55. When any pupils shall attend any agricultural high
7100 school or community or junior college under the provisions of
7101 Section 37-27-51, such pupils shall be reported and accounted for
7102 the allocation of * * * Investing in the Needs of Students to
7103 Prioritize, Impact and Reform Education (INSPIRE) funds and
7104 building funds just as though such pupils were attending the
7105 regular schools of the district in which they reside. For this
7106 purpose reports shall be made to the board of trustees of the
7107 school district involved by the agricultural high school or
7108 community or junior college of the number of children in average
7109 daily * * * membership, and the average daily * * * membership of
7110 such pupils shall thereupon be included in reports made to the
7111 county or school district * * *. The allocation of * * *
7112 Investing in the Needs of Students to Prioritize, Impact and
7113 Reform Education (INSPIRE) funds and state public school building
7114 funds shall be made for such children just as though such children



7115 were attending the regular schools of the district. However,
7116 all * * * funding formula funds which accrue to any district as a
7117 result of the pupils who are in attendance at such agricultural
7118 high school or community or junior college * * * shall be paid by
7119 the board of trustees of the municipal separate school district or
7120 the county board of education, as the case may be, to the
7121 agricultural high school or community or junior college at which
7122 the pupils are in attendance, and shall be expended by said
7123 agricultural high school or community or junior college for the
7124 instruction of said pupils * * *. Funds allotted to the school
7125 district for building purposes under Chapter 47 of this title,
7126 shall, however, be retained by the school district entitled
7127 thereto. The term "school district" as used in Sections 37-27-51
7128 through 37-27-59 shall be defined as including all public school
7129 districts in this state and also all agricultural high schools not
7130 located on the campus of a community or junior college.

7131 **SECTION 73.** Section 37-27-57, Mississippi Code of 1972, is
7132 amended as follows:

7133 37-27-57. Any additional or supplemental expenses incurred
7134 by the agricultural high school or community or junior college in
7135 the instruction of such pupils above that defrayed by * * *
7136 Investing in the Needs of Students to Prioritize, Impact and
7137 Reform Education (INSPIRE) funds as provided in Section 37-27-55,
7138 shall be paid either from the amounts received from the state
7139 appropriation for the support of agricultural high schools or from



7140 the tax levy for the support of such agricultural high school or
7141 community or junior college or from any other funds which such
7142 agricultural high school or community or junior college may have
7143 available for such purpose.

7144 **SECTION 74.** Section 37-28-5, Mississippi Code of 1972, is
7145 amended as follows:

7146 37-28-5. As used in this chapter, the following words and
7147 phrases have the meanings ascribed in this section unless the
7148 context clearly indicates otherwise:

7149 (a) "Applicant" means any person or group that develops
7150 and submits an application for a charter school to the authorizer.

7151 (b) "Application" means a proposal from an applicant to
7152 the authorizer to enter into a charter contract whereby the
7153 proposed school obtains charter school status.

7154 (c) "Authorizer" means the Mississippi Charter School
7155 Authorizer Board established under Section 37-28-7 to review
7156 applications, decide whether to approve or reject applications,
7157 enter into charter contracts with applicants, oversee charter
7158 schools, and decide whether to renew, not renew, or revoke charter
7159 contracts.

7160 (d) "Charter contract" means a fixed-term, renewable
7161 contract between a charter school and the authorizer which
7162 outlines the roles, powers, responsibilities and performance
7163 expectations for each party to the contract.



7164 (e) "Charter school" means a public school that is
7165 established and operating under the terms of charter contract
7166 between the school's governing board and the authorizer. The term
7167 "charter school" includes a conversion charter school and start-up
7168 charter school.

7169 (f) "Conversion charter school" means a charter school
7170 that existed as a noncharter public school before becoming a
7171 charter school.

7172 (g) "Education service provider" means a charter
7173 management organization, school design provider or any other
7174 partner entity with which a charter school intends to contract for
7175 educational design, implementation or comprehensive management.

7176 (h) "Governing board" means the independent board of a
7177 charter school which is party to the charter contract with the
7178 authorizer and whose members have been elected or selected
7179 pursuant to the school's application.

7180 (i) "Noncharter public school" means a public school
7181 that is under the direct management, governance and control of a
7182 school board or the state.

7183 (j) "Parent" means a parent, guardian or other person
7184 or entity having legal custody of a child.

7185 (k) "School board" means a school board exercising
7186 management and control over a local school district and the
7187 schools of that district pursuant to the State Constitution and
7188 state statutes.



7189 (l) "School district" means a governmental entity that
7190 establishes and supervises one or more public schools within its
7191 geographical limits pursuant to state statutes.

7192 (m) "Start-up charter school" means a charter school
7193 that did not exist as a noncharter public school before becoming a
7194 charter school.

7195 (n) "Student" means any child who is eligible for
7196 attendance in a public school in the state.

7197 (o) "Underserved students" means students participating
7198 in the federal free lunch program * * * and students who are
7199 identified as having special educational needs.

7200 **SECTION 75.** Section 37-28-53, Mississippi Code of 1972, is
7201 amended as follows:

7202 37-28-53. (1) Each charter school shall certify annually to
7203 the State Department of Education its student enrollment, average
7204 daily * * * membership and student participation in the national
7205 school lunch program, special education, vocational education,
7206 gifted education, alternative school program and federal programs
7207 in the same manner as school districts.

7208 (2) Each charter school shall certify annually to the school
7209 board of the school district in which the charter school is
7210 located the number of enrolled charter school students residing in
7211 the school district.

7212 **SECTION 76.** Section 37-28-55, Mississippi Code of 1972, is
7213 amended as follows:



7214 37-28-55. (1) (a) The State Department of Education shall
7215 make payments to charter schools for each student in average
7216 daily * * * membership at the charter school, as determined under
7217 Section 37-151-211, equal to the state share of * * * Investing in
7218 the Needs of Students to Prioritize, Impact and Reform Education
7219 (INSPIRE) payments for each student * * *, as determined under
7220 Section 37-151-217.

7221 (b) Payments made pursuant to this subsection by the
7222 State Department of Education must be made at the same time and in
7223 the same manner as * * * INSPIRE payments are made to school
7224 districts under Sections 37-151-101 and 37-151-103. Amounts
7225 payable to a charter school must be determined by the State
7226 Department of Education pursuant to this section and the funding
7227 formula. * * * Enrollment projections made under Section
7228 37-151-211 to determine the average daily membership of a charter
7229 school for calculating the state share payment must be reconciled
7230 with * * * a charter school's average daily * * * membership using
7231 months two (2) and three (3) * * * for the * * * year for
7232 which * * * INSPIRE funds are being appropriated, and any
7233 necessary adjustments must be made to payments during the school's
7234 following year of operation. Any necessary adjustment must be
7235 based on the state share of the per pupil amount in effect for the
7236 year for which average daily membership did not meet enrollment
7237 projections and not any new amount appropriated for the year in
7238 which the adjustment will be made. If a charter school is closed



7239 by the authorizer before the following year, it must pay to the
7240 state any amounts due before completion of the closure.

7241 (2) (a) For students attending a charter school located in
7242 the school district in which the student resides, the school
7243 district in which * * * the charter school is located shall pay
7244 directly to the charter school an amount * * * as follows: the
7245 sum of the local pro rata amount, as calculated by the State
7246 Department of Education in accordance with Section
7247 37-151-217(2)(b) (local contribution), and the local pro rata
7248 amount, as calculated by the State Department of Education in
7249 accordance with Section 37-57-105 (school district operational
7250 levy), multiplied by the number of resident students enrolled in
7251 the charter school, based on the charter school's months two (2)
7252 and three (3) average daily membership of resident students for
7253 the current school year. However, the amount to the charter
7254 school may not include any taxes levied for the retirement of the
7255 local school district's bonded indebtedness or short-term notes or
7256 any taxes levied for the support of vocational-technical education
7257 programs. * * *

7258 (b) The amount must be paid by the school district to the
7259 charter school before January 16 of the current fiscal year. If
7260 the local school district does not pay the required amount to the
7261 charter school before January 16, the State Department of
7262 Education shall reduce the local school district's January
7263 transfer of * * * INSPIRE funds by the amount owed to the charter



7264 school and shall redirect that amount to the charter school. Any
7265 such payments made under this * * * paragraph by the State
7266 Department of Education to a charter school must be made at the
7267 same time and in the same manner as * * * funding formula payments
7268 are made to school districts under Sections 37-151-101 and
7269 37-151-103.

7270 (3) (a) For students attending a charter school located in
7271 a school district in which the student does not reside, the State
7272 Department of Education shall pay to the charter school in which
7273 the students * * * are enrolled an amount as follows: the sum of
7274 the local pro rata amount, as calculated by the State Department
7275 of Education in accordance with Section 37-151-217(2)(b) (local
7276 contribution), and the local pro rata amount, as calculated by the
7277 State Department of Education in accordance with Section 37-57-105
7278 (school district operational levy), multiplied by the number of
7279 students enrolled in the charter school but residing in that
7280 district, based on the charter school's months two (2) and three
7281 (3) average daily membership of these students for the current
7282 school year. However, the amount to the charter school may not
7283 include * * * any taxes levied for the retirement of the local
7284 school district's bonded indebtedness or short-term notes or any
7285 taxes levied for the support of vocational-technical education
7286 programs.

7287 (b) * * * The State Department of Education shall
7288 reduce the school district's January transfer of * * * INSPIRE



7289 funds by the amount owed to the charter school and shall redirect
7290 that amount to the charter school. Any such payments made under
7291 this subsection (3) by the State Department of Education to a
7292 charter school must be made at the same time and in the same
7293 manner as * * * funding formula payments are made to school
7294 districts under Sections 37-151-101 and 37-151-103.

7295 (4) * * * The State Department of Education shall direct the
7296 proportionate share of monies generated under federal * * *
7297 programs, including, but not limited to, special education,
7298 vocational, * * * English Language Learner, and other programs, to
7299 charter schools serving students eligible for such * * * funding.
7300 The department shall ensure that charter schools with rapidly
7301 expanding enrollments are treated equitably in the calculation and
7302 disbursement of all federal * * * program dollars. Each charter
7303 school that serves students who may be eligible to receive
7304 services provided through such programs shall comply with all
7305 reporting requirements to receive the aid.

7306 * * *

7307 (5) * * * The State Department of Education shall disburse
7308 state transportation funding to a charter school on the same basis
7309 and in the same manner as it is paid to school districts * * *.

7310 * * *

7311 (6) The State Department of Education shall disburse
7312 Education Enhancement Funds for classroom supplies, instructional
7313 materials and equipment, including computers and computer software



7314 to all eligible charter school teachers on the same basis and in
7315 the same manner as it is paid to school districts under Section
7316 37-61-33(* * *2) (a) (iii) for the purpose of issuing procurement
7317 cards or credentials for a digital solution to eligible teachers.

7318 **SECTION 77.** Section 37-29-1, Mississippi Code of 1972, is
7319 amended as follows:

7320 37-29-1. (1) The creation, establishment, maintenance and
7321 operation of community colleges is authorized. Community colleges
7322 may admit students if they have earned one (1) unit less than the
7323 number of units required for high school graduation established by
7324 State Board of Education policy or have earned a High School
7325 Equivalency Diploma in courses correlated to those of senior
7326 colleges or professional schools. Subject to the provisions of
7327 Section 75-76-34, they shall offer, without limitation, education
7328 and training preparatory for occupations such as agriculture,
7329 industry of all kinds, business, homemaking and for other
7330 occupations on the semiprofessional and vocational-technical
7331 level. They may offer courses and services to students regardless
7332 of their previous educational attainment or further academic
7333 plans.

7334 (2) The boards of trustees of the community college
7335 districts are authorized to establish an early admission program
7336 under which applicants having a minimum ACT composite score of
7337 twenty-six (26) or the equivalent SAT score may be admitted as
7338 full-time college students if the principal or guidance counselor



7339 of the student recommends in writing that it is in the best
7340 educational interest of the student. Such recommendation shall
7341 also state that the student's age will not keep him from being a
7342 successful full-time college student. Students admitted in the
7343 early admission program shall not be counted for * * * Investing
7344 in the Needs of Students to Prioritize, Impact and Reform
7345 Education (INSPIRE) purposes in the average daily * * * membership
7346 of the school district in which they reside, and transportation
7347 required by a student to participate in the early admission
7348 program shall be the responsibility of the parents or legal
7349 guardians of the student. Grades and college credits earned by
7350 students admitted to the early admission program shall be recorded
7351 on the college transcript at the community college where the
7352 student attends classes, and may be released to another
7353 institution or used for college graduation requirements only after
7354 the student has successfully completed one (1) full semester of
7355 course work.

7356 (3) The community colleges shall provide, through courses or
7357 other acceptable educational measures, the general education
7358 necessary to individuals and groups which will tend to make them
7359 capable of living satisfactory lives consistent with the ideals of
7360 a democratic society.

7361 **SECTION 78.** Section 37-29-272, Mississippi Code of 1972, is
7362 amended as follows:



7363 37-29-272. The board of trustees of any community college
7364 district in the state maintaining and operating an agricultural
7365 high school on July 1, 1994, is hereby authorized to transfer the
7366 control, maintenance and operation of said agricultural high
7367 school, including the transfer of title to all real and personal
7368 property used for agricultural high school purposes, to the county
7369 board of education of the county in which the school is located.
7370 Upon the acceptance by the county board of education and before an
7371 order authorizing such transfer shall be entered, the board of
7372 trustees of the community college district and the county board of
7373 education in which such school is located shall by joint
7374 resolution agree in writing on the terms of such transfer, the
7375 extent of the rights of use and occupancy of the school and
7376 grounds, and the control, management, preservation and
7377 responsibility of transportation of students to such premises, to
7378 be spread upon the minutes of each governing authority. Upon such
7379 transfer, the county board of education may abolish the
7380 agricultural high school as a distinct school, and merge its
7381 activities, programs and students into the regular high school
7382 curricula of the school district. When a community college has
7383 transferred operation of an agricultural high school as provided
7384 herein, the pupils attending such school shall be reported,
7385 accounted for allocation of * * * Investing in the Needs of
7386 Students to Prioritize, Impact and Reform Education (INSPIRE)
7387 funds and entitled to school transportation as though such pupils



7388 were attending the schools of the school district in which they
7389 reside, as provided in Sections 37-27-53 and 37-27-55 * * *. When
7390 any agricultural high school is transferred by the board of
7391 trustees of a community college to the county board of education
7392 as provided in this section, all laws relating to agricultural
7393 high school tax levies for the support or retirement of bonded
7394 indebtedness for agricultural high schools shall continue in full
7395 force and effect for the transferring community college district
7396 until current obligations on all bonded indebtednesses related to
7397 agriculture high schools have been satisfied and retired.

7398 **SECTION 79.** Section 37-29-303, Mississippi Code of 1972, is
7399 amended as follows:

7400 37-29-303. As used in Sections 37-29-301 through 37-29-305,
7401 the following terms shall be defined as provided in this section:

7402 (a) "Full-time equivalent (FTE) enrollment" means the
7403 process by which the Southern Regional Education Board (SREB)
7404 calculates FTE by taking total undergraduate semester credit hours
7405 divided by thirty (30); total undergraduate quarter hours divided
7406 by forty-five (45); total graduate semester credit hours divided
7407 by twenty-four (24); and total graduate quarter hours divided by
7408 thirty-six (36).

7409 (b) "State funds" means all funds appropriated by the
7410 Legislature including funds from the State General Fund, Education
7411 Enhancement Fund, Budget Contingency Fund and Health Care
7412 Expendable Fund.



7413 (c) "E & G operations" means education and general
7414 expenses of the colleges and universities.

7415 (d) * * * "Average daily membership (ADM)" has the same
7416 meaning as ascribed to that term under Section 37-151-203.

7417 **SECTION 80.** Section 37-31-13, Mississippi Code of 1972, is
7418 amended as follows:

7419 37-31-13. (1) Any appropriation that may be made under the
7420 provisions of Sections 37-31-1 through 37-31-15 shall be used by
7421 the board for the promotion of vocational education as provided
7422 for in the "Smith-Hughes Act" and for the purpose set forth in
7423 Sections 37-31-1 through 37-31-15. The state appropriation shall
7424 not be used for payments to high schools which are now receiving
7425 other state funds, except in lieu of not more than one-half (1/2)
7426 the amount that may be due such high schools from federal funds.
7427 Only such portion of the state appropriation shall be used as may
7428 be absolutely necessary to carry out the provisions of Sections
7429 37-31-1 through 37-31-15, and to meet the federal requirements.
7430 Except as provided in subsection (2) of this section, the state
7431 appropriation shall not be used for payments to high schools for
7432 conducting vocational programs for more than ten (10) months in
7433 any school year, and only funds other than * * * Investing in the
7434 Needs of Students to Prioritize, Impact and Reform Education
7435 (INSPIRE) funds may be expended for such purpose.

7436 (2) Subject to annual approval by the State Board of
7437 Education, extended contracts for vocational agriculture education



7438 services and other related vocational education services which
7439 contribute to economic development may be conducted by local
7440 school districts, and state appropriations may be used for
7441 payments to school districts providing such services. The board
7442 of trustees of each school district shall determine whether any
7443 proposed services contribute to the economic development of the
7444 area. Local districts may apply to the Division of Vocational and
7445 Technical Education of the State Department of Education for any
7446 state funds available for these extended contracts. The State
7447 Board of Education shall establish the application process and the
7448 selection criteria for this program. The number of state funded
7449 extended contracts approved by the State Board of Education will
7450 be determined by the availability of funds specified for this
7451 purpose. The State Board of Education's decision shall be final.
7452 Payments under this subsection shall only be available to those
7453 high schools whose teachers of vocational programs are responsible
7454 for the following programs of instruction during those months
7455 between the academic years: (a) supervision and instruction of
7456 students in agricultural or other vocational experience programs;
7457 (b) group and individual instruction of farmers and
7458 agribusinessmen; (c) supervision of student members of youth
7459 groups who are involved in leadership training or other activity
7460 required by state or federal law; or (d) any program of vocational
7461 agriculture or other vocational-related services established by
7462 the Division of Vocational and Technical Education of the State



7463 Department of Education that contribute to the economic
7464 development of the geographic area.

7465 **SECTION 81.** Section 37-31-75, Mississippi Code of 1972, is
7466 amended as follows:

7467 37-31-75. The various counties, municipalities, school
7468 districts and community and junior college districts which may
7469 become parties to any agreement authorized by Sections 37-31-71
7470 through 37-31-79 are authorized to appropriate and expend any and
7471 all funds which may be required to carry out the terms of the
7472 agreement from any funds available to any party to the agreement
7473 not otherwise appropriated without limitation as to the source of
7474 the funds, including * * * Investing in the Needs of Students to
7475 Prioritize, Impact and Reform Education (INSPIRE) funds, sixteenth
7476 section funds, funds received from the federal government or other
7477 sources by way of grant, donation or otherwise, and funds which
7478 may be available to any such party through the State Department of
7479 Education or any other agency of the state, regardless of the
7480 party to the agreement designated by the agreement to be primarily
7481 responsible for the construction or operation of the regional
7482 education center and regardless of the limitation on the
7483 expenditure of any funds imposed by any other statute. However,
7484 no funds whose use was originally limited to the construction of
7485 capital improvements shall be utilized for the purpose of
7486 defraying the administrative or operating costs of any regional
7487 education center. Any one or more of the parties to an agreement



7488 may be designated as the fiscal agent or contracting party in
7489 carrying out any of the purposes of the agreement, and any and all
7490 funds authorized to be spent by any of the parties may be paid
7491 over to the fiscal agent or contracting party for disbursement by
7492 the fiscal agent or contracting party. Disbursements shall be
7493 made and contracted for under the laws and regulations applicable
7494 to the fiscal or disbursing agent, except to the extent they may
7495 be extended or modified by the provisions of Sections 37-31-71
7496 through 37-31-79. All of the parties to the agreement may issue
7497 bonds, negotiable notes or other evidences of indebtedness for the
7498 purpose of providing funds for the acquisition of land and for the
7499 construction of buildings and permanent improvements under the
7500 terms of the agreement under any existing laws authorizing the
7501 issuance or sale of bonds, negotiable notes or other evidences of
7502 indebtedness to provide funds for any capital improvement.

7503 **SECTION 82.** Section 37-35-3, Mississippi Code of 1972, is
7504 amended as follows:

7505 37-35-3. (1) The board of trustees of any school district,
7506 including any community or junior college, may establish and
7507 maintain classes for adults, including general educational
7508 development classes, under the regulations authorized in this
7509 chapter and pursuant to the standards prescribed in subsection
7510 (3). The property and facilities of the public school districts
7511 may be used for this purpose where such use does not conflict with
7512 uses already established.



7513 (2) The trustees of any school district desiring to
7514 establish such program may request the taxing authority of the
7515 district to levy additional ad valorem taxes for the support of
7516 this program. The board of supervisors, in the case of a county
7517 school district, a special municipal separate school district, or
7518 a community or junior college district, and the governing
7519 authority of any municipality, in the case of a municipal separate
7520 school district, is authorized, in its discretion, to levy a tax
7521 not exceeding one (1) mill upon all the taxable property of the
7522 district for the support of this program. The tax shall be in
7523 addition to all other taxes authorized by law to be levied. In
7524 addition to the funds realized from any such levy, the board of
7525 trustees of any school district is authorized to use any surplus
7526 funds that it may have or that may be made available to it from
7527 local sources to supplement this program.

7528 (3) (a) Any student participating in an approved High
7529 School Equivalency Diploma Option program administered by a local
7530 school district or a local school district with an approved
7531 contractual agreement with a community or junior college or other
7532 local entity shall not be considered a dropout. Students in such
7533 a program administered by a local school district shall be
7534 considered as enrolled within the school district of origin only
7535 for the purpose of enrollment for * * * Investing in the Needs of
7536 Students to Prioritize, Impact and Reform Education (INSPIRE)



7537 only. Such students shall not be considered as enrolled in the
7538 regular school program for academic or programmatic purposes.

7539 (b) Students participating in an approved High School
7540 Equivalency Diploma Option program shall have an individual career
7541 plan developed at the time of placement to insure that the
7542 student's academic and job skill needs will be met. The
7543 Individual Career Plan will address, but is not limited to, the
7544 following:

7545 (i) Academic and instructional needs of the
7546 student;

7547 (ii) Job readiness needs of the student; and

7548 (iii) Work experience program options available
7549 for the student.

7550 (c) Students participating in an approved High School
7551 Equivalency Diploma Option program may participate in existing job
7552 and skills development programs or in similar programs developed
7553 in conjunction with the High School Equivalency Diploma Option
7554 program and the vocational director.

7555 (d) High School Equivalency Diploma Option programs may
7556 be operated by local school districts or may be operated by two
7557 (2) or more adjacent school districts, pursuant to a contract
7558 approved by the State Board of Education. When two (2) or more
7559 school districts contract to operate a High School Equivalency
7560 Diploma Option program, the school board of a district designated
7561 to be the lead district shall serve as the governing board of the



7562 High School Equivalency Diploma Option program. Transportation
7563 for students placed in the High School Equivalency Diploma Option
7564 program shall be the responsibility of the school district of
7565 origin. The expense of establishing, maintaining and operating
7566 such High School Equivalency Diploma Option programs may be paid
7567 from funds made available to the school district through
7568 contributions, * * * Investing in the Needs of Students to
7569 Prioritize, Impact and Reform Education (INSPIRE) funds or from
7570 local district maintenance funds.

7571 (e) The State Department of Education will develop
7572 procedures and criteria for placement of a student in the High
7573 School Equivalency Diploma Option programs. Students placed in
7574 High School Equivalency Diploma Option programs shall have
7575 parental approval for such placement and must meet the following
7576 criteria:

7577 (i) The student must be at least sixteen (16)
7578 years of age;

7579 (ii) The student must be at least one (1) full
7580 grade level behind his or her ninth grade cohort or must have
7581 acquired less than four (4) Carnegie units;

7582 (iii) The student must have taken every
7583 opportunity to continue to participate in coursework leading to a
7584 diploma; and



7585 (iv) The student must be certified to be eligible
7586 to participate in the GED course by the school district
7587 superintendent, based on the developed criteria.

7588 (f) Students participating in an approved High School
7589 Equivalency Diploma Option program, who are enrolled in subject
7590 area courses through January 31 in a school with a traditional
7591 class schedule or who are enrolled in subject area courses through
7592 October 31 or through March 31 in a school on a block schedule,
7593 shall be required to take the end-of-course subject area tests for
7594 those courses in which they are enrolled.

7595 **SECTION 83.** Section 37-37-3, Mississippi Code of 1972, is
7596 amended as follows:

7597 37-37-3. In addition to all auditors and other employees now
7598 or hereafter provided by law, the State Auditor may appoint and
7599 employ examiners in the Department of Audit. The examiners shall
7600 make such audits as may be necessary to determine the correctness
7601 and accuracy of all reports made to the State Department of
7602 Education by any school district or school official concerning the
7603 number of educable students in any school district, the number of
7604 students enrolled in any school district, and the number of
7605 students in average daily * * * membership in any school
7606 district * * *.

7607 **SECTION 84.** Section 37-41-7, Mississippi Code of 1972, is
7608 amended as follows:



7609 37-41-7. The local school board is hereby authorized,
7610 empowered and directed to lay out all transportation routes and
7611 provide transportation for all school children who are entitled to
7612 transportation within their respective counties and school
7613 districts.

7614 Any school district may, in the discretion of the school
7615 board, expend funds from any funds available to the school
7616 district * * *, including the amounts derived from district tax
7617 levies, sixteenth section funds, and all other available funds,
7618 for the purpose of supplementing funds available to the school
7619 board for paying transportation costs * * * not covered by * * *
7620 Investing in the Needs of Students to Prioritize, Impact and
7621 Reform Education (INSPIRE) funds.

7622 **SECTION 85.** Section 37-45-49, Mississippi Code of 1972, is
7623 amended as follows:

7624 37-45-49. Any cost or fees provided by this chapter to be
7625 paid by any county board of education or board of trustees of a
7626 municipal separate school district may be paid by the county board
7627 of education from * * * any school funds of the district other
7628 than * * * Investing in the Needs of Students to Prioritize,
7629 Impact and Reform Education (INSPIRE) funds, and by the municipal
7630 separate school district from the maintenance funds of the
7631 district, other than * * * Investing in the Needs of Students to
7632 Prioritize, Impact and Reform Education (INSPIRE) funds. Any fees
7633 or costs provided by this chapter to be paid by the * * *



7634 department may be paid from the funds appropriated for its
7635 operation.

7636 **SECTION 86.** Section 37-47-9, Mississippi Code of 1972, is
7637 amended as follows:

7638 37-47-9. It is found and determined that the state should
7639 make an annual grant of Twenty-four Dollars (\$24.00) for each
7640 child in average daily * * * membership in the public schools of
7641 the various school districts of this state during each school
7642 year, and that such monies should be applied for the purpose of
7643 establishing and maintaining adequate physical facilities for the
7644 public school district and/or the payment of existing debt
7645 therefor.

7646 The grant to which each public school is entitled under the
7647 provisions of this section shall be credited to the school
7648 district of which such school is part. If any change is made in
7649 the operation or boundaries of any such school district, equitable
7650 reallocations shall be made by the * * * department of all
7651 balances to the credit of such school district, and all debits
7652 charged against the districts affected by the change in the
7653 boundaries or system of operation. The obligation of the state to
7654 make remittance of the sums appropriated or otherwise provided to
7655 make the annual grants provided by this section shall be
7656 subordinate to the pledge made to secure the state school bonds
7657 authorized under this chapter and the sinking fund created for
7658 their retirement. The grants shall be computed annually as soon



7659 as practicable after the end of the school year, and shall be
7660 based on the average daily * * * membership for such school year
7661 in all of the public schools operated by each school district as
7662 determined by the State Department of Education.

7663 **SECTION 87.** Section 37-47-24, Mississippi Code of 1972, is
7664 amended as follows:

7665 37-47-24. (1) There is established the Educational
7666 Facilities Revolving Loan Fund Program to be administered by the
7667 State Department of Education for the purpose of improving
7668 educational facilities in the State of Mississippi by assisting
7669 public schools in procuring funds for making certain capital
7670 improvements.

7671 (2) There is created a special fund in the State Treasury
7672 designated as the "Educational Facilities Revolving Loan Fund,"
7673 which shall consist of monies transferred from the State Public
7674 School Building Fund and other monies that the Legislature may
7675 make available. The revolving loan fund must be maintained in
7676 perpetuity for the purposes established in this section.
7677 Unexpended amounts remaining in the fund at the end of a fiscal
7678 year may not lapse into the State General Fund. Payments on the
7679 principal of and, when applicable, interest on loans procured from
7680 the fund and any interest earned on amounts in the fund must be
7681 deposited to the credit of the fund. Monies in the Educational
7682 Facilities Revolving Loan Fund may not be used or expended for any
7683 purpose except as authorized under this section.



7684 (3) Of the funds deposited into the Educational Facilities
7685 Revolving Loan Fund, up to ninety-five percent (95%) must be made
7686 available for the purpose of making interest-free loans to
7687 qualified public school districts. The State Department of
7688 Education shall accept requests for loans under this subsection
7689 for the following purposes:

7690 (a) Repairs and renovations to existing school
7691 buildings and related facilities used in the operation of the
7692 schools of a public school district;

7693 (b) Construction of new facilities or repairs and
7694 renovations to existing school facilities for the purpose of
7695 establishing, improving or expanding prekindergarten programs in a
7696 public school district; and

7697 (c) Construction of new career and technical education
7698 facilities or repairs and renovations to existing school
7699 facilities for the purpose of upgrading or expanding a school
7700 district's career and technical education program.

7701 (4) An educational entity that receives a loan from the
7702 Educational Facilities Revolving Loan Fund shall not use the funds
7703 for athletic facilities.

7704 (5) Each fiscal year, the State Department of Education may
7705 set aside an amount not to exceed three percent (3%) of the
7706 balance of the Educational Facilities Revolving Loan Fund to cover
7707 the administrative and fiscal management costs associated with the
7708 fund.



7709 (6) The State Department of Education shall accept and make
7710 determinations on applications for loans and shall disburse funds
7711 and receive repayments on approved loans. Before October 1, 2022,
7712 the department shall establish rules and regulations for the
7713 implementation and administration of the revolving loan program.
7714 The rules and regulations must include, at a minimum, provisions
7715 addressing the following:

7716 (a) An application process by which public school
7717 districts may request a loan from the Educational Facilities
7718 Revolving Loan Fund, including the deadline by which the
7719 department must receive applications;

7720 (b) The factors to be considered by the State
7721 Department of Education in determining whether an educational
7722 entity will be awarded the full or a partial amount of a loan
7723 requested. The maximum total amount of outstanding loans an
7724 applicant may receive in a fiscal year shall be limited to One
7725 Million Dollars (\$1,000,000.00). The maximum total amount of a
7726 loan an applicant may receive for a single project shall not
7727 exceed One Million Dollars (\$1,000,000.00) per fiscal year. A
7728 loan may not exceed one hundred percent (100%) of the cost of the
7729 project for which the loan is requested;

7730 (c) The rates of interest on loans and terms of
7731 repayment. Approved loans under this program must be interest
7732 free and payable over a term of no more than ten (10) years
7733 commencing on the date the loan is received;



7734 (d) A process by which the department determines if an
7735 entity receiving a loan is required to pledge monies for the
7736 repayment of the loan and sources of revenue that are acceptable
7737 whenever the department requires a pledge, which, for a school
7738 district receiving a loan, may not include * * * Investing in the
7739 Needs of Students to Prioritize, Impact and Reform Education
7740 (INSPIRE) funds;

7741 (e) The actions that may be taken if an entity is in
7742 arrears on loan repayments, which may include, in the case of a
7743 school district, the withholding of future payments of * * *
7744 uniform funding formula funds to the district, the withholding of
7745 state funds due to the school or district;

7746 (f) Applicants demonstrating emergency or other
7747 critical infrastructure needs, as defined by the State Department
7748 of Education, shall receive first priority in receiving loans from
7749 the fund; and

7750 (g) All other matters that the State Department of
7751 Education determines are necessary to establish and maintain the
7752 Educational Facilities Revolving Loan Fund Program as an
7753 accessible and perpetual source of funding for making facility
7754 improvements at all levels of education in the state.

7755 (7) School districts may use funds from the Educational
7756 Facilities Revolving Loan Fund Program to pay the principal and
7757 interest of school district indebtedness represented by bonds or
7758 notes issued after July 1, 2017, but before July 1, 2022, for



7759 capital improvements. School districts shall be limited to a
7760 maximum loan amount of Five-hundred Thousand Dollars (\$500,000.00)
7761 per year from the Educational Facilities Revolving Loan Fund
7762 Program for this purpose.

7763 (8) The State Department of Education shall promulgate such
7764 rules and regulations as may be necessary for participation in the
7765 Educational Facilities Revolving Loan Program by a public
7766 educational entity.

7767 **SECTION 88.** Section 37-47-25, Mississippi Code of 1972, is
7768 amended as follows:

7769 37-47-25. Whenever the State Department of Education shall
7770 determine that any school district is in need of capital
7771 improvements to an extent in excess of that which may be financed
7772 by the credit then due such school district by the department, the
7773 department shall be empowered to advance or lend * * * the school
7774 district such sums as in the opinion of the department are
7775 necessary to be expended for capital improvements by * * * that
7776 school district. Such loans or advances shall be evidenced by
7777 appropriate agreements, and shall be repayable in principal by the
7778 school district from the annual grants to which the school
7779 district shall become entitled and from such other funds as may be
7780 available. Such loans or advances shall not constitute a debt of
7781 the school district within the meaning of any provision or
7782 limitation of the Constitution or statutes of the State of
7783 Mississippi. The department shall not advance or lend to any



7784 school district any sum in excess of seventy-five percent (75%) of
7785 the estimated sum which will accrue to the * * * school district
7786 on account of grants to be made to the * * * school district
7787 within the twenty (20) years next following the date of the loan
7788 or advance. In determining the maximum allowable advance or loan,
7789 the department shall assume that the average daily * * *
7790 membership in the schools of the school district for the past
7791 preceding scholastic year, as confirmed by the audit of average
7792 daily * * * membership made by the State Department of Audit, will
7793 continue for the period during which the loan is to be repaid.

7794 **SECTION 89.** Section 37-47-33, Mississippi Code of 1972, is
7795 amended as follows:

7796 37-47-33. For the purpose of: (a) providing funds to enable
7797 the State Board of Education to make loans or advances to school
7798 districts as provided by Section 37-47-25 * * *; (b) providing
7799 funds for the payment and redemption of certificates of credit
7800 issued to school districts under Section 37-47-23, when such funds
7801 are not otherwise available * * *; or (c) providing funds in an
7802 amount not exceeding Twenty Million Dollars (\$20,000,000.00) for
7803 the payment of allocations of Mississippi Adequate Education
7804 Program funds to school districts for capital expenditures
7805 approved under Section 37-151-7(4) by the State Board of Education
7806 which have not been pledged for debt by the school district, when
7807 such funds are not otherwise available * * *, the State Bond
7808 Commission is authorized and empowered to issue state school bonds



7809 under the conditions prescribed in this chapter. The aggregate
7810 principal amount of such bonds outstanding at any one (1) time,
7811 after deducting the amount of the sinking fund provided for the
7812 retirement of bonds issued for such purposes, shall never exceed
7813 the sum of One Hundred Million Dollars (\$100,000,000.00). Within
7814 such limits, however, state school bonds may be issued from time
7815 to time under the conditions prescribed in this chapter. None of
7816 such bonds so issued shall have a maturity date later than July 1,
7817 2021.

7818 **SECTION 90.** Section 37-61-3, Mississippi Code of 1972, is
7819 amended as follows:

7820 37-61-3. The * * * Investing in the Needs of Students to
7821 Prioritize, Impact and Reform Education (INSPIRE) allotments * * *
7822 to the public school districts and the funds derived from the
7823 supplemental school district tax levies authorized by law shall be
7824 used exclusively for the support, maintenance and operation of the
7825 schools in the manner provided by law for the fiscal years for
7826 which such funds were appropriated, collected or otherwise made
7827 available, and no part of said funds or allotments shall be used
7828 in paying any expenses incurred during any preceding fiscal year.
7829 However, this shall not be construed to prohibit the payment of
7830 expenses incurred during the fiscal year after the close of such
7831 fiscal year from amounts remaining on hand at the end of such
7832 fiscal year, provided that such expenses were properly payable
7833 from such amounts. Moreover, this shall not be construed to



7834 prohibit the payment of the salaries of superintendents,
7835 principals and teachers and other school employees whose salaries
7836 are payable in twelve (12) monthly installments after the close of
7837 the fiscal year from amounts on hand for such purpose at the end
7838 of the fiscal year.

7839 **SECTION 91.** Section 37-61-5, Mississippi Code of 1972, is
7840 amended as follows:

7841 37-61-5. If in any year there should remain a balance in
7842 the * * * Investing in the Needs of Students to Prioritize, Impact
7843 and Reform Education (INSPIRE) funds of any school district on
7844 June 30 which amount is not to be used or is not needed in the
7845 payment of expenses for the preceding fiscal year properly payable
7846 out of such * * * funding formula funds, then such balance on hand
7847 to the credit of such * * * Investing in the Needs of Students to
7848 Prioritize, Impact and Reform Education (INSPIRE) funds of the
7849 school district shall be carried forward as a part of such * * *
7850 funding formula funds for the next succeeding fiscal year. The
7851 proper pro rata part of the amount so carried forward, to be
7852 determined by the percentage which the state * * * funding formula
7853 funds * * * during the year bore to the entire amount * * * of the
7854 school district's funding formula funds, shall be charged against
7855 and deducted from the amount which the school district is allotted
7856 from state * * * Investing in the Needs of Students to Prioritize,
7857 Impact and Reform Education (INSPIRE) funds for the succeeding
7858 fiscal year, in a manner prescribed by the State Auditor. The



7859 remainder of the amount so carried forward may be deducted from
7860 the amount which the school district is required to produce as its
7861 local minimum ad valorem tax effort for the support of the * * *
7862 funding formula for the succeeding fiscal year * * *.

7863 **SECTION 92.** Section 37-61-7, Mississippi Code of 1972, is
7864 amended as follows:

7865 37-61-7. If at the end of any fiscal year there should
7866 remain a balance in the school district fund of any school
7867 district which is not needed and is not to be used for paying the
7868 expenses properly payable out of such district fund for the
7869 preceding fiscal year, such balance shall be carried forward as a
7870 part of the school district fund for the next fiscal year and used
7871 and expended in the manner otherwise provided by law. Nothing in
7872 this section shall be construed as applying to balances * * * of
7873 Investing in the Needs of Students to Prioritize, Impact and
7874 Reform Education (INSPIRE) funds of a school district, and
7875 balances remaining in such funds shall be governed by Section
7876 37-61-5.

7877 **SECTION 93.** Section 37-61-19, Mississippi Code of 1972, is
7878 amended as follows:

7879 37-61-19. It shall be the duty of the superintendents of
7880 schools and the school boards of all school districts to limit the
7881 expenditure of school funds during the fiscal year to the
7882 resources available. It shall be unlawful for any school district
7883 to budget expenditures from a fund in excess of the resources



7884 available within that fund. Furthermore, it shall be unlawful for
7885 any contract to be entered into or any obligation incurred or
7886 expenditure made in excess of the resources available for such
7887 fiscal year. Any member of the school board, superintendent of
7888 schools, or other school official, who shall knowingly enter into
7889 any contract, incur any obligation, or make any expenditure in
7890 excess of the amount available for the fiscal year shall be
7891 personally liable for the amount of such excess. However, no
7892 school board member, superintendent or other school official shall
7893 be personally liable: (a) in the event of any reduction in * * *
7894 Investing in the Needs of Students to Prioritize, Impact and
7895 Reform Education (INSPIRE) payments by action of the Governor
7896 acting through the Department of Finance and Administration * * *;
7897 or (b) for claims, damages, awards or judgments, on account of any
7898 wrongful or tortious act or omission or breach of implied term or
7899 condition of any warranty or contract * * *. However, * * * the
7900 foregoing immunity provisions shall not be a defense in cases of
7901 fraud, criminal action or an intentional breach of fiduciary
7902 obligations imposed by statute.

7903 **SECTION 94.** Section 37-61-29, Mississippi Code of 1972, is
7904 amended as follows:

7905 37-61-29. The State Department of Audit is hereby authorized
7906 and empowered to post-audit and investigate the financial affairs
7907 and all transactions involving the school funds of the * * *
7908 school district including the * * * Investing in the Needs of



7909 Students to Prioritize, Impact and Reform Education (INSPIRE)
7910 funds and supplementary district school funds, and to make
7911 separate and special audits thereof, as now provided by Sections
7912 7-7-201 through 7-7-215 * * *.

7913 **SECTION 95.** Section 37-61-35, Mississippi Code of 1972, is
7914 amended as follows:

7915 37-61-35. There is hereby created a special fund in the
7916 State Treasury to be designated School Ad Valorem Tax Reduction
7917 Fund into which proceeds collected pursuant to Sections
7918 27-65-75(7) and 27-67-31(a) shall be deposited. Beginning with
7919 the 1994 state fiscal year, the entire amount of monies in such
7920 special fund shall be appropriated annually to the State
7921 Department of Education which shall distribute the appropriated
7922 amount to the various school districts in the proportion that the
7923 average daily * * * membership of each school district bears to
7924 the average daily * * * membership of all school districts within
7925 the state. On or before * * * June 1 of each * * * year, the
7926 State Department of Education shall notify each school district of
7927 the amount to which such district is entitled pursuant to this
7928 section.

7929 **SECTION 96.** Section 37-61-37, Mississippi Code of 1972, is
7930 amended as follows:

7931 37-61-37. There is established in the State Treasury a fund
7932 known as the "Mississippi Public Education Support Fund"
7933 (hereinafter referred to as "fund"). The fund shall consist of



7934 monies required to be deposited therein under Section 27-19-56.34,
7935 and such other monies as the Legislature may authorize or direct
7936 to be deposited into the fund. Monies in the fund, upon
7937 appropriation by the Legislature, may be expended by the * * *
7938 State Department of Education for classroom supplies,
7939 instructional materials and equipment, including computers and
7940 computer software, to be distributed to all school districts in
7941 the proportion that the average daily * * * membership of each
7942 school district bears to the average daily * * * membership of all
7943 school districts within the state. Unexpended amounts remaining
7944 in the fund at the end of the fiscal year shall not lapse into the
7945 State General Fund, and any interest earned or investment earnings
7946 on amounts in the fund shall be deposited to the credit of the
7947 fund.

7948 **SECTION 97.** Section 37-68-7, Mississippi Code of 1972, is
7949 amended as follows:

7950 37-68-7. (1) There is established the Equity in Distance
7951 Learning Grant Program which shall be administered by the
7952 department for the purpose of reimbursing schools for eligible
7953 expenses incurred in funding their distance learning plans, and in
7954 facilitating safe classroom and remote instruction.

7955 (2) Subject to appropriations by the Legislature,
7956 allocations to schools shall be made based on average daily
7957 membership, as defined in Section * * * 37-151-203. For any
7958 school not funded under * * * Investing in the Needs of Students



7959 to Prioritize, Impact and Reform Education (INSPIRE), the
7960 department shall calculate the average-daily-membership equivalent
7961 or fund the school based on enrollment.

7962 (3) Subject to the provisions of this chapter, and other
7963 applicable federal law and regulations, schools shall have the
7964 authority to use the funds provided in this grant program in a way
7965 which best facilitates their distance learning plan, and safe
7966 classroom or remote instruction.

7967 (4) Schools are highly encouraged to commit a portion of
7968 their federal ESSER funds, above the amount required by Section
7969 37-68-11(b), as supplemental matching funds to offset the total
7970 cost of purchasing sufficient electronic devices, technological
7971 supports and systems of service for its distance learning plan.

7972 **SECTION 98.** Section 37-131-7, Mississippi Code of 1972, is
7973 amended as follows:

7974 37-131-7. When any pupils shall attend any demonstration or
7975 practice school under the provisions of Section 37-131-3, such
7976 children shall be reported and accounted for the allocation
7977 of * * * Investing in the Needs of Students to Prioritize, Impact
7978 and Reform Education (INSPIRE) funds and state public school
7979 building funds just as though such children were attending the
7980 regular schools of the district in which they reside. For this
7981 purpose, reports shall be made to the school district involved by
7982 the demonstration or practice school of the number of pupils in
7983 average daily * * * membership, and the average daily * * *



7984 membership of such children shall thereupon be included in reports
7985 made to the State Board of Education * * * by the * * * school
7986 district * * *.

7987 Allocation of * * * the funding formula funds shall be made
7988 by the State Board of Education for such children just as though
7989 such children were attending the regular schools of the district.
7990 All * * * funding formula funds * * * which accrue to any district
7991 as a result of such children who are in attendance at a
7992 demonstration or practice school shall be paid by the board of
7993 trustees of the municipal separate school district or by the
7994 county board of education to the demonstration or practice school,
7995 and shall be used to defray the cost and expense of maintaining,
7996 operating and conducting such demonstration or practice school.

7997 All state public school building funds which accrue as a
7998 result of such children in attendance at a demonstration or
7999 practice school shall be credited directly to such demonstration
8000 or practice school, and all of the provisions of Chapter 47 of
8001 this title shall be fully applicable thereto.

8002 **SECTION 99.** Section 37-131-9, Mississippi Code of 1972, is
8003 amended as follows:

8004 37-131-9. In addition to the amounts paid to the
8005 demonstration or practice school from * * * Investing in the Needs
8006 of Students to Prioritize, Impact and Reform Education (INSPIRE)
8007 funds, as provided in Section 37-131-7, the board of trustees of
8008 the school district involved may contract with the * * *



8009 demonstration or practice school for the payment of additional
8010 amounts thereto to defray expenses over and above those defrayed
8011 by * * * the funding formula funds, which additional amounts shall
8012 be paid from any funds available to the school district other
8013 than * * * funding formula funds, whether produced by a
8014 supplemental district tax levy or otherwise.

8015 If the total funds paid to the demonstration or practice
8016 school by the school district are inadequate to defray the cost
8017 and expense of maintaining and operating such demonstration or
8018 practice school then the president or executive head of the
8019 institution may, subject to the approval of the Board of Trustees
8020 of State Institutions of Higher Learning, require the payment of
8021 additional fees or tuition in an amount to be fixed by the
8022 president or executive head of the institution, subject to the
8023 approval of the Board of Trustees of State Institutions of Higher
8024 Learning, which amount shall be paid by and collected from the
8025 student or his parents.

8026 Boards of trustees of school districts involved may designate
8027 an area within the jurisdiction of the board as an attendance
8028 center as provided by law, and may require students in such area
8029 to attend demonstration or practice schools, subject to a
8030 satisfactory contract between the school board and the president
8031 or executive head of the institution operating the demonstration
8032 or practice school. In such event, all fees and tuition must be
8033 borne by the school district and in no case shall the child or the



8034 parents of the child assigned to such demonstration or practice
8035 school be required to pay any fees or tuition.

8036 The president or executive head of the institution, subject
8037 to the approval of the Board of Trustees of State Institutions of
8038 Higher Learning, may also fix the amount of fees and tuition to be
8039 paid by students desiring to attend such demonstration or practice
8040 school in cases where there is no contract with the board of
8041 trustees of the school district in which the students reside
8042 therefor.

8043 All funds received by an institution, under the provisions of
8044 this section, shall be deposited in a special fund and shall be
8045 used and expended solely for the purpose of defraying and paying
8046 the cost and expense of operating, maintaining and conducting such
8047 teachers demonstration and practice school. Such funds may be
8048 supplemented by and used in connection with any other funds
8049 available to the institutions for such purpose whether made
8050 available by legislative appropriation or otherwise.

8051 **SECTION 100.** Section 37-131-11, Mississippi Code of 1972, is
8052 amended as follows:

8053 37-131-11. All demonstration or practice schools established
8054 under the provisions of Section 37-131-1 shall, as far as may be
8055 practicable, be subject to and governed by the same laws as other
8056 public schools of the State of Mississippi, and shall make all
8057 reports required by law to be made by public schools to the State
8058 Board of Education * * * at the same time and in the same manner



8059 as such reports are made by other public schools. However, for
8060 the purpose of the allocation of * * * Investing in the Needs of
8061 Students to Prioritize, Impact and Reform Education (INSPIRE)
8062 funds, the reports of children in average daily * * * membership
8063 shall be made to the school district involved by * * * the
8064 demonstration or practice school, and a copy thereof shall be
8065 filed with the State Board of Education. The school district
8066 shall use * * * the reports so filed with it in making its reports
8067 to the State Board of Education for the purpose of the allocation
8068 of * * * Investing in the Needs of Students to Prioritize, Impact
8069 and Reform Education (INSPIRE) funds, but the average daily * * *
8070 membership of the pupils attending such demonstration or practice
8071 school shall be segregated and separated in such reports from the
8072 average daily * * * membership in the regular schools of the
8073 district.

8074 **SECTION 101.** Section 37-151-9, Mississippi Code of 1972, is
8075 amended as follows:

8076 37-151-9. (1) The State Board of Education and State
8077 Superintendent of Education shall establish within the State
8078 Department of Education a special unit at the division level
8079 called the Office of Educational Accountability. The Director of
8080 the Office of Educational Accountability shall hold a position
8081 comparable to a deputy superintendent and shall be appointed by
8082 the State Board of Education with the advice and consent of the
8083 Senate. He shall serve at the will and pleasure of the State



8084 Board of Education and may employ necessary professional,
8085 administrative and clerical staff. The Director of the Office of
8086 Educational Accountability shall provide all reports to the
8087 Legislature, Governor, Mississippi Commission on School
8088 Accreditation and State Board of Education and respond to any
8089 inquiries for information.

8090 (2) The Office of Educational Accountability is responsible
8091 for monitoring and reviewing programs developed under the
8092 Education Reform Act, the Mississippi Adequate Education Program
8093 Act of 1994, the Education Enhancement Fund, the "Investing in the
8094 Needs of Students to Prioritize, Impact and Reform Education
8095 (INSPIRE) Act of 2024," and subsequent education initiatives, and
8096 shall provide information, recommendations and an annual
8097 assessment to the Legislature, Governor, Mississippi Commission on
8098 School Accreditation and the State Board of Education. * * * The
8099 annual assessment of education reform programs shall be performed
8100 by the Office of Educational Accountability by December 1 of each
8101 year. * * *

8102 (3) In addition, the Office of Educational Accountability
8103 shall have the following specific duties and responsibilities:

8104 (a) Developing and maintaining a system of
8105 communication with school district personnel;

8106 (b) Provide opportunities for public comment on the
8107 current functions of the State Department of Education's programs,
8108 needed public education services and innovative suggestions; and



8109 (c) Assess both positive and negative impact on school
8110 districts of new education programs, including but not limited to
8111 The Mississippi Report Card and alternative school programs.

8112 **SECTION 102.** Section 37-151-85, Mississippi Code of 1972, is
8113 amended as follows:

8114 37-151-85. (1) * * * Using those funds appropriated by the
8115 Legislature for transportation purposes, the amount to be allotted
8116 by the State Board of Education for transportation shall be
8117 determined as follows:

8118 The State Department of Education shall calculate the cost of
8119 transportation in school districts by ascertaining the average
8120 cost per pupil in average daily * * * membership of transported
8121 pupils in school districts classified in different density groups,
8122 as determined by the State Department of Education. Based on
8123 these calculations, the State Department of Education shall
8124 develop a scale for determining the allowable cost per pupil in
8125 different density groups, which scale shall provide greatest
8126 allowance per pupil transported in school districts and with
8127 lowest densities and smallest allowance per pupil in school
8128 districts with highest densities. The total allowance * * * under
8129 this section for transported children for any school district for
8130 the current year shall be the average daily * * * membership of
8131 the transported children for * * * months two (2) and three (3) of
8132 the prior year, multiplied by the allowance per transported pupil
8133 as provided herein. However, the State Department of Education



8134 is * * * authorized and empowered to make proper adjustments in
8135 allotments, under rules and regulations of the State Board of
8136 Education, in cases where major changes in the number of children
8137 in average daily * * * membership transported occur from one (1)
8138 year to another as a result of changes or alterations in the
8139 boundaries of school districts, a change in or relocation of
8140 attendance centers, or for other reasons which would result in
8141 major decrease or increase in the number of children in average
8142 daily * * * membership transported during the current school year
8143 as compared with the preceding year. Moreover, the State Board of
8144 Education is hereby authorized and empowered to make such payments
8145 to all districts and/or university-based programs as deemed
8146 necessary in connection with transporting exceptional children as
8147 defined in Section 37-23-3. The State Board of Education shall
8148 establish and implement all necessary rules and regulations to
8149 allot transportation payments to university-based programs. In
8150 developing density classifications under the provisions hereof,
8151 the State Department of Education may give consideration to the
8152 length of the route, the sparsity of the population, the lack of
8153 adequate roads, highways and bridges, and the presence of large
8154 streams or other geographic obstacles. In addition to funds
8155 allotted under the above provisions, funds shall be allotted to
8156 each school district that transports students from their assigned
8157 school or attendance center to classes in an approved
8158 vocational-technical center at a rate per mile not to exceed the



8159 average statewide cost per mile of school bus transportation
8160 during the preceding year exclusive of bus replacement. All such
8161 transportation must have prior approval by the State Department of
8162 Education.

8163 (2) The average daily membership of transported children
8164 shall be reported by the school district in which such children
8165 attend school. If children living in a school district are
8166 transported at the expense of such school district to another
8167 school district, the average daily * * * membership of such
8168 transported children shall be deducted by the State Department of
8169 Education from the aggregate average daily attendance of
8170 transported children in the school district in which they attend
8171 school and shall be added to the aggregate average daily * * *
8172 membership of transported children of the school district from
8173 which they come for the purpose of calculating transportation
8174 allotments. However, such deduction shall not be made for the
8175 purpose of calculating * * * Investing in the Needs of Students to
8176 Prioritize, Impact and Reform Education (INSPIRE) funding.

8177 (3) The State Department of Education shall include in the
8178 allowance for transportation for each school district an amount
8179 for the replacement of school buses or the purchase of new buses,
8180 which amount shall be calculated upon the estimated useful life of
8181 all school buses being used for the transportation of children in
8182 such school district, whether such buses be publicly or privately
8183 owned.



8184 (4) The school boards of all districts operating school bus
8185 transportation are authorized and directed to establish a salary
8186 schedule for school bus drivers. No school district shall be
8187 entitled to receive the funds herein allotted for transportation
8188 unless it pays each of its nonstudent adult school bus drivers
8189 paid from such transportation allotments a minimum of One Hundred
8190 Ninety Dollars (\$190.00) per month. In addition, local school
8191 boards may compensate school bus drivers, to include temporary or
8192 substitute bus drivers, for actual expenses incurred when
8193 acquiring an initial commercial license or any renewal of a
8194 commercial license in order to drive a school bus. In addition,
8195 local school boards may compensate school bus drivers, to include
8196 temporary or substitute bus drivers, for expenses, not to exceed
8197 One Hundred Dollars (\$100.00), when acquiring an initial medical
8198 exam or any renewal of a medical exam, in order to qualify for a
8199 commercial driver's license.

8200 (5) The State Board of Education shall be authorized and
8201 empowered to use such part of the funds appropriated for
8202 transportation * * * as may be necessary to finance driver
8203 training courses as provided for in Section 37-41-1 * * *.

8204 (6) The State Board of Education, acting through the
8205 Department of Education, may compensate school bus drivers, to
8206 include temporary or substitute bus drivers, who are providing
8207 driving services to the various state operated schools, such as
8208 the Mississippi School for the Deaf, the Mississippi School for



8209 the Blind, the Mississippi School of the Arts, the Mississippi
8210 School for Math and Science and any other similar state operated
8211 schools, for actual expenses incurred when acquiring an initial
8212 commercial license or any renewal of a commercial license in order
8213 to drive a school bus, to include the expense, not to exceed One
8214 Hundred Dollars (\$100.00), of acquiring an initial medical exam or
8215 any renewal of a medical exam in order to qualify for a commercial
8216 driver's license.

8217 **SECTION 103.** Section 37-151-87, Mississippi Code of 1972, is
8218 amended as follows:

8219 37-151-87. No school district shall pay any teacher less
8220 than the state minimum salary. * * * However, * * * school
8221 districts are authorized to reduce the state minimum salary by a
8222 pro rata daily amount in order to comply with the school district
8223 employee furlough provisions of Section 37-7-308. From and after
8224 July 1, 2012, no school district shall receive any funds under the
8225 provisions of this chapter for any school year during which the
8226 aggregate amount of local supplement * * * is reduced below such
8227 amount for the previous year. However, (a) where there has been a
8228 reduction in * * * Investing in the Needs of Students to
8229 Prioritize, Impact and Reform Education (INSPIRE) allocations for
8230 such district in such year, (b) where there has been a reduction
8231 in the amount of federal funds to such district below the previous
8232 year, or (c) where there has been a reduction in ad valorem taxes
8233 to such school district for the 1986-1987 school year below the



8234 amount for the previous year due to the exemption of nuclear
8235 generating plants from ad valorem taxation pursuant to Section
8236 27-35-309, * * * the aggregate amount of local supplement in such
8237 district may be reduced in the discretion of the local school
8238 board without loss of funds under this chapter. No school
8239 district may receive any funds under the provisions of this
8240 chapter for any school year if the aggregate amount of support
8241 from ad valorem taxation shall be reduced during such school year
8242 below such amount for the previous year; however, where there is a
8243 loss in * * * Investing in the Needs of Students to Prioritize,
8244 Impact and Reform Education (INSPIRE) allocations, or where there
8245 is or heretofore has been a decrease in the total assessed value
8246 of taxable property within a school district, the aggregate amount
8247 of such support may be reduced proportionately. Nothing herein
8248 contained shall prohibit any school district from adopting or
8249 continuing a program or plan whereby teachers are paid varying
8250 salaries according to the teaching ability, classroom performance
8251 and other similar standards.

8252 For purposes of this section, the term "local supplement"
8253 means the additional amount paid to an individual teacher over and
8254 above the salary schedule prescribed in Section 37-19-7 for the
8255 performance of regular teaching duties by that teacher.

8256 **SECTION 104.** Section 37-151-89, Mississippi Code of 1972, is
8257 amended as follows:



8258 37-151-89. The minimum base pay for all classroom teachers
8259 may be increased by the district from any funds available to
8260 it * * *.

8261 **SECTION 105.** Section 37-151-91, Mississippi Code of 1972, is
8262 amended as follows:

8263 37-151-91. The school boards of all school districts may
8264 establish salary schedules based on training, experience and other
8265 such factors as may be incorporated therein, including student
8266 progress and performance as developed by the State Board of
8267 Education, paying teachers greater amounts than the scale
8268 provided * * * in Section 37-19-7, but no teacher may be paid less
8269 than the amount based upon the minimum scale of pay provided
8270 in * * * Section 37-19-7, * * * and all supplements paid from
8271 local funds shall be based upon the salary schedules so
8272 established. The school boards may call upon the State Department
8273 of Education for aid and assistance in formulating and
8274 establishing such salary schedules, and it shall be the duty of
8275 the State Department of Education, when so called upon, to render
8276 such aid and assistance. The amount actually paid to each teacher
8277 shall be based upon and determined by the type of * * * license
8278 held by such teacher.

8279 **SECTION 106.** Section 37-151-93, Mississippi Code of 1972, is
8280 amended as follows:

8281 37-151-93. (1) Legally transferred students going from one
8282 school district to another shall be counted for * * * Investing in



8283 the Needs of Students to Prioritize, Impact and Reform Education
8284 (INSPIRE) allotments by the school district wherein the pupils
8285 attend school * * *. The school boards of the school districts
8286 which approve the transfer of a student under the provisions of
8287 Section 37-15-31 shall enter into an agreement and contract for
8288 the payment or nonpayment of any portion of their local
8289 maintenance funds which they deem fair and equitable in support of
8290 any transferred student. Except as provided in subsection (2) of
8291 this section, local maintenance funds shall be transferred only to
8292 the extent specified in the agreement and contract entered into by
8293 the affected school districts. The terms of any local maintenance
8294 fund payment transfer contract shall be spread upon the minutes of
8295 both of the affected school district school boards. The school
8296 district accepting any transfer students shall be authorized to
8297 accept tuition from such students under the provisions of Section
8298 37-15-31(1) and such agreement may remain in effect for any length
8299 of time designated in the contract. The terms of such student
8300 transfer contracts and the amounts of any tuition charged any
8301 transfer student shall be spread upon the minutes of both of the
8302 affected school boards. No school district accepting any transfer
8303 students under the provisions of Section 37-15-31(2), which
8304 provides for the transfer of certain school district employee
8305 dependents, shall be authorized to charge such transfer students
8306 any tuition fees.



8307 (2) Local maintenance funds shall be paid by the home school
8308 district to the transferee school district for students granted
8309 transfers under the provisions of Sections 37-15-29(3) and
8310 37-15-31(3), * * * not to exceed the * * * student base amount, as
8311 defined in Section * * * 37-151-203, multiplied by the number of
8312 such legally transferred students.

8313 **SECTION 107.** Section 37-151-95, Mississippi Code of 1972, is
8314 amended as follows:

8315 37-151-95. * * * Investing in the Needs of Students to
8316 Prioritize, Impact and Reform Education (INSPIRE) funds
8317 shall * * * cover one hundred percent (100%) of the cost of the
8318 State and School Employees' Life and Health Insurance Plan created
8319 under Article 7, Chapter 15, Title 25, Mississippi Code of 1972,
8320 for all district employees who work no less than twenty (20) hours
8321 during each week and regular nonstudent school bus drivers
8322 employed by the district.

8323 Where the use of federal funding is allowable to defray, in
8324 full or in part, the cost of participation in the insurance plan
8325 by district employees who work no less than twenty (20) hours
8326 during each week and regular nonstudent school bus drivers, whose
8327 salaries are paid, in full or in part, by federal funds, the * * *
8328 use of funding formula funds as required under this section shall
8329 be reduced to the extent of the federal funding. Where the use of
8330 federal funds is allowable but not available, it is the intent of
8331 the Legislature that school districts contribute the cost of



8332 participation for such employees from local funds, except that
8333 parent fees for child nutrition programs shall not be increased to
8334 cover such cost.

8335 The State Department of Education, in accordance with rules
8336 and regulations established by the State Board of Education, may
8337 withhold a school district's * * * INSPIRE funds for failure of
8338 the district to timely report student, fiscal and personnel data
8339 necessary to meet state and/or federal requirements. The rules
8340 and regulations promulgated by the State Board of Education shall
8341 require the withholding of * * * funding formula funds for those
8342 districts that fail to remit premiums, interest penalties and/or
8343 late charges under the State and School Employees' Life and Health
8344 Insurance Plan. Noncompliance with such rules and regulations
8345 shall result in a violation of compulsory accreditation standards
8346 as established by the State Board of Education and Commission on
8347 School Accreditation.

8348 **SECTION 108.** Section 37-151-97, Mississippi Code of 1972, is
8349 amended as follows:

8350 37-151-97. The State Department of Education shall develop
8351 an annual reporting process to inform the Legislature, local
8352 district personnel and the general public as to the ongoing and
8353 future plans for the state's educational programs. The annual
8354 reporting process will include those vital statistics that are
8355 commonly reported by schools and districts and that can provide
8356 clear demographic, strategic and educational information to



8357 constituencies such as, but not limited to, the following
8358 information:

8359 (a) Student enrollment * * * and attendance * * *
8360 reported in the aggregate and specifically for each student
8361 population that is subject to weighting under Investing in the
8362 Needs of Students to Prioritize, Impact and Reform Education
8363 (INSPIRE), and drop-out and graduation data;

8364 (b) Overall student and district achievement;

8365 (c) Budget, administrative costs and other pertinent
8366 fiscal information, including:

8367 (i) The receipts and disbursements of all school
8368 funds handled by the board;

8369 (ii) Reports of expenditures for public schools,
8370 which, upon request must be made available on an individual
8371 district basis by the State Department of Education;

8372 1. Total Student Expenditures:

8373 a. Instruction (1000s);

8374 b. Other Student Instructional

8375 Expenditures (2100s, 2200s);

8376 2. General Administration (2300s and 2500s);

8377 3. School Administration (2400s);

8378 4. Other Expenditures (2600s, 2700s, 2800s,
8379 3100s, 3200s); and

8380 5. Nonoperational Expenditures (4000s, 5000s,
8381 6000s);



8382 (iii) The number of school districts, school
8383 teachers employed, school administrators employed, pupils taught
8384 and the attendance record of pupils therein;

8385 (iv) County and district levies for each school
8386 district and agricultural high school;

8387 (v) The condition of vocational education, a list
8388 of schools to which federal and state aid has been given, and a
8389 detailed statement of the expenditures of federal funds and the
8390 state funds that may be provided, and the ranking of subjects
8391 taught as compared with the state's needs.

8392 (d) Other as directed by the State Board of Education.

8393 Further, the reporting process will include an annual report
8394 developed specifically to relate the mission and goals of the
8395 State Board of Education, state superintendent and departments.
8396 This document will become the method through which the strategic
8397 planning and management process of the department is articulated
8398 to the public. It will explain and inform the public of the major
8399 initiatives of the department and clearly identify rationale for
8400 program development and/or elimination. The report will establish
8401 benchmarks, future plans and discuss the effectiveness of
8402 educational programs.

8403 In addition to the information specified herein, the State
8404 Board of Education shall have full and plenary authority and power
8405 to require the furnishing of such further, additional and
8406 supplementary information as it may deem necessary for the purpose



8407 of determining the cost of * * * Investing in the Needs of
8408 Students to Prioritize, Impact and Reform Education (INSPIRE) in
8409 such school district for the succeeding fiscal year, the amount of
8410 the * * * funding formula funds to be allotted to each school
8411 district for the succeeding fiscal year, and for any other purpose
8412 authorized by law or deemed necessary by said State Board of
8413 Education.

8414 It shall be the duty of the State Department of Education to
8415 prescribe the forms for the reports provided for in this section.

8416 **SECTION 109.** Section 37-151-99, Mississippi Code of 1972, is
8417 amended as follows:

8418 37-151-99. Based upon the information obtained pursuant to
8419 Section * * * 37-151-211(3) and upon such other and further
8420 information as provided by law, the State Department of Education
8421 shall, on or before June 1 of each year, or as soon thereafter as
8422 is practical, furnish each school board and charter school the
8423 preliminary estimate of the amount each will receive from * * *
8424 Investing in the Needs of Students to Prioritize, Impact and
8425 Reform Education (INSPIRE) for the succeeding scholastic year, and
8426 at the same time shall furnish each such school board with a
8427 tentative estimate of the cost of the * * * local minimum tax
8428 effort for the uniform funding formula in the school district and
8429 the local contribution for the school district and each charter
8430 school for such succeeding fiscal year.



8431 **SECTION 110.** Section 37-151-101, Mississippi Code of 1972,
8432 is amended as follows:
8433 37-151-101. It shall be the duty of the State Department of
8434 Education to file with the State Treasurer and the State Fiscal
8435 Officer such data and information as may be required to enable the
8436 said State Treasurer and State Fiscal Officer to distribute
8437 the * * * Investing in the Needs of Students to Prioritize, Impact
8438 and Reform Education (INSPIRE) funds by electronic funds transfer
8439 to the several school districts and charter schools at the time
8440 required and provided under the provisions of this chapter. Such
8441 data and information so filed shall show in detail the amount of
8442 funds to which each school district and charter school is
8443 entitled * * * under the funding formula. Such data and
8444 information so filed may be revised from time to time as
8445 necessitated by law. At the time provided by law, the State
8446 Treasurer and the State Fiscal Officer shall distribute to the
8447 several school districts and charter schools the amounts to which
8448 they are entitled * * * under the funding formula as provided by
8449 this chapter. Such distribution shall be made by electronic funds
8450 transfer to the depositories of the several school districts and
8451 charter schools designated in writing to the State Treasurer based
8452 upon the data and information supplied by the State Department of
8453 Education for such distribution. In such instances, the State
8454 Treasurer shall submit a request for an electronic funds transfer
8455 to the State Fiscal Officer, which shall set forth the purpose,



8456 amount and payees, and shall be in such form as may be approved by
8457 the State Fiscal Officer so as to provide the necessary
8458 information as would be required for a requisition and issuance of
8459 a warrant. A copy of the record of * * * the electronic funds
8460 transfers shall be transmitted by the school district and charter
8461 school depositories to the Treasurer, who shall file duplicates
8462 with the State Fiscal Officer. The Treasurer and State Fiscal
8463 Officer shall jointly promulgate regulations for the utilization
8464 of electronic funds transfers to school districts and charter
8465 schools.

8466 **SECTION 111.** Section 37-151-103, Mississippi Code of 1972,
8467 is amended as follows:

8468 37-151-103. (1) Funds due each school district and charter
8469 school under * * * Investing in the Needs of Students to
8470 Prioritize, Impact and Reform Education (INSPIRE) shall be paid in
8471 the following manner: Two (2) business days prior to the last
8472 working day of each month there shall be paid to each school
8473 district and charter school, by electronic funds transfer,
8474 one-twelfth (1/12) of the funds to which the district or charter
8475 school is entitled from funds appropriated for the * * * funding
8476 formula. However, in December those payments shall be made on
8477 December 15th or the next business day after that date. All
8478 school districts shall process a single monthly or a bimonthly
8479 payroll for employees, in the discretion of the local school
8480 board, with electronic settlement of payroll checks secured



8481 through direct deposit of net pay for all school district
8482 employees. In addition, the State Department of Education may pay
8483 school districts and charter schools * * * under the funding
8484 formula on a date earlier than provided for by this section if it
8485 is determined that it is in the best interest of school districts
8486 and charter schools to do so.

8487 * * * However, * * * if the cash balance in the State
8488 General Fund is not adequate on the due date to pay the amounts
8489 due to all school districts and charter schools in the state as
8490 determined by the State Superintendent of Public Education, the
8491 State Fiscal Officer shall not transfer * * * the funds payable to
8492 any school district or districts or charter schools until money is
8493 available to pay the amount due to all districts and charter
8494 schools.

8495 (2) * * * In the event of an inordinately large number of
8496 absentees in any school district or charter school as a result of
8497 epidemic, natural disaster, or any concerted activity discouraging
8498 school attendance, then in such event school attendance for the
8499 purposes of determining average daily * * * membership under * * *
8500 INSPIRE shall be based upon the average daily * * * membership for
8501 the preceding school year for such school district or charter
8502 school.

8503 (* * *3) The State Department of Education shall hold
8504 school districts harmless for each school district's average daily
8505 attendance calculation for the 2020-2021 scholastic year. For



8506 purposes of determining average daily attendance for the 2020-2021
8507 scholastic year, the State Department of Education shall use each
8508 school district's average daily attendance for the 2019-2020
8509 scholastic year if it is greater than the school's average daily
8510 attendance for the 2020-2021 scholastic year.

8511 **SECTION 112.** Section 37-151-105, Mississippi Code of 1972,
8512 is amended as follows:

8513 37-151-105. The State Board of Education shall have the
8514 authority to make such regulations not inconsistent with law which
8515 it deems necessary for the administration of this chapter. The
8516 State Board of Education, if it deems such practice necessary, may
8517 use reports of the first six (6) months of school for the purpose
8518 of determining average daily * * * membership.

8519 **SECTION 113.** Section 37-151-107, Mississippi Code of 1972,
8520 is amended as follows:

8521 37-151-107. Any superintendent of education, member of the
8522 local school board of any school district, superintendent,
8523 principal, teacher, carrier, bus driver or member or employee of
8524 the State Department of Education or State Board of Education, or
8525 any other person, who shall willfully violate any of the
8526 provisions of this chapter, or who shall willfully make any false
8527 report, list or record, or who shall willfully make use of any
8528 false report, list or record, concerning the number of school
8529 children in average daily * * * membership shall be guilty of a
8530 misdemeanor and upon conviction shall be punished by imprisonment



8531 in the county jail for a period not to exceed sixty (60) days or
8532 by a fine of not less than One Hundred Dollars (\$100.00), nor more
8533 than Three Hundred Dollars (\$300.00), or by both such fine and
8534 imprisonment, in the discretion of the court. In addition, any
8535 such person shall be civilly liable for all amounts of public
8536 funds which are illegally, unlawfully or wrongfully expended or
8537 paid out by virtue of or pursuant to such false report, list or
8538 record, and upon conviction or adjudication of civil liability
8539 hereunder, such person shall forfeit his license to teach for a
8540 period of three (3) years, if such person is the holder of such a
8541 license. Any suit to recover such funds illegally, unlawfully or
8542 wrongfully expended or paid out may be brought in the name of the
8543 State of Mississippi by the Attorney General or the proper
8544 district attorney or county attorney, and, in the event such
8545 suit * * * is brought against a person who is under bond, the
8546 sureties upon such bond shall likewise be liable for such amount
8547 illegally, unlawfully or wrongfully expended or paid out.

8548 **SECTION 114.** Section 37-173-9, Mississippi Code of 1972, is
8549 amended as follows:

8550 37-173-9. (1) (a) The parent or legal guardian is not
8551 required to accept the offer of enrolling in another public school
8552 in lieu of requesting a Mississippi Dyslexia Therapy Scholarship
8553 to a nonpublic school. However, if the parent or legal guardian
8554 chooses the public school option, the student may continue



8555 attending a public school chosen by the parent or legal guardian
8556 until the student completes Grade 12.

8557 (b) If the parent or legal guardian chooses a public
8558 school within the district, the school district shall provide
8559 transportation to the public school selected by the parent or
8560 legal guardian. However, if the parent or legal guardian chooses
8561 a public school in another district, the parent or legal guardian
8562 is responsible to provide transportation to the school of choice.

8563 These provisions do not prohibit a parent or legal guardian
8564 of a student diagnosed with dyslexia, at any time, from choosing
8565 the option of a Mississippi Dyslexia Therapy Scholarship which
8566 would allow the student to attend another public school or
8567 nonpublic special purpose school.

8568 (2) If the parent or legal guardian chooses the nonpublic
8569 school option and the student is accepted by the nonpublic school
8570 pending the availability of a space for the student, the parent or
8571 legal guardian of the student must notify the department thirty
8572 (30) days before the first scholarship payment and before entering
8573 the nonpublic school in order to be eligible for the scholarship
8574 when a space becomes available for the student in the nonpublic
8575 school.

8576 (3) The parent or legal guardian of a student may choose, as
8577 an alternative, to enroll the student in and transport the student
8578 to a public school in an adjacent school district which has
8579 available space and has a program with dyslexia services that



8580 provide daily dyslexia therapy sessions delivered by a department
8581 licensed dyslexia therapist, and that school district shall accept
8582 the student and report the student for purposes of the district's
8583 funding under * * * Investing in the Needs of Students to
8584 Prioritize, Impact and Reform Education (INSPIRE).

8585 **SECTION 115.** Section 37-173-13, Mississippi Code of 1972, is
8586 amended as follows:

8587 37-173-13. (1) The maximum scholarship granted per eligible
8588 student with dyslexia shall be an amount equivalent to the * * *
8589 student base amount under Investing in the Needs of Students to
8590 Prioritize, Impact and Reform Education (INSPIRE).

8591 (2) (a) The nonpublic school under this program shall
8592 report to the * * * State Department of Education the number of
8593 students with dyslexia who are enrolled in nonpublic schools on
8594 the Mississippi Dyslexia Therapy Scholarships as of September 30
8595 of each year in order to determine funding for the subsequent
8596 year. Funds may not be transferred from any funding provided to
8597 the Mississippi School for the Deaf and the Blind for program
8598 participants who are eligible under Section 37-173-5.

8599 (b) The * * * State Department of Education will
8600 disburse payments to nonpublic schools under this program in
8601 twelve (12) substantially equal installments. The initial payment
8602 shall be made after department verification of admission
8603 acceptance, and subsequent payments shall be made upon



8604 verification of continued enrollment and attendance at the
8605 nonpublic school.

8606 **SECTION 116.** Section 37-175-13, Mississippi Code of 1972, is
8607 amended as follows:

8608 37-175-13. (1) The maximum scholarship granted per eligible
8609 student with speech-language impairment shall be an amount
8610 equivalent to the * * * state share of per student funding under
8611 Investing in the Needs of Students to Prioritize, Impact and
8612 Reform Education (INSPIRE) in the school district in which a
8613 student resides.

8614 (2) (a) Any nonpublic school under this program shall
8615 report to the State Department of Education the number of students
8616 with speech-language impairment who are enrolled in nonpublic
8617 schools on the Mississippi Speech-Language Therapy Scholarships as
8618 of September 30 of each year in order to determine funding for the
8619 subsequent year. Funds may not be transferred from any funding
8620 provided to the Mississippi School for the Deaf and the Blind for
8621 program participants who are eligible under Section 37-175-5.

8622 (b) The State Department of Education shall make
8623 payments to nonpublic schools for each student at the nonpublic
8624 school equal to the state share of the * * * Investing in the
8625 Needs of Students to Prioritize, Impact and Reform Education
8626 (INSPIRE) payments for each student in average daily * * *
8627 membership at the school district from which the student
8628 transferred. In calculating the local contribution for purposes



8629 of determining the state share of the * * * funding formula
8630 payments, the department shall deduct the pro rata local
8631 contribution of the school district in which the student resides,
8632 to be determined as provided in Section * * * 37-151-227(1).

8633 (c) Payments made pursuant to this subsection by the
8634 State Department of Education must be made at the same time and in
8635 the same manner as * * * INSPIRE payments are made to school
8636 districts under Sections 37-151-101 and 37-151-103. Amounts
8637 payable to a nonpublic school must be determined by the State
8638 Department of Education.

8639 (3) If the parent opts to remove a child from a public
8640 school to a nonpublic special purpose school and to receive a
8641 scholarship under this chapter, then transportation shall be
8642 provided at the parent's or guardian's expense.

8643 **SECTION 117.** Section 37-179-3, Mississippi Code of 1972, is
8644 amended as follows:

8645 37-179-3. (1) A district which is an applicant to be
8646 designated as a district of innovation under Section 37-179-1
8647 shall:

8648 (a) Establish goals and performance targets for the
8649 district of innovation proposal, which may include:

8650 (i) Reducing achievement gaps among groups of
8651 public school students by expanding learning experiences for
8652 students who are identified as academically low-achieving;



8653 (ii) Increasing pupil learning through the
8654 implementation of high, rigorous standards for pupil performance;
8655 (iii) Increasing the participation of students in
8656 various curriculum components and instructional components within
8657 selected schools to enhance at each grade level;
8658 (iv) Increasing the number of students who are
8659 college and career-ready;
8660 (v) Motivating students at different grade levels
8661 by offering more curriculum choices and student learning
8662 opportunities to parents and students within the district;
8663 (b) Identify changes needed in the district and schools
8664 to lead to better prepared students for success in life and work;
8665 (c) Have a district wide plan of innovation that
8666 describes and justifies which schools and innovative practices
8667 will be incorporated;
8668 (d) Provide documentation of community, educator,
8669 parental, and the local board's support of the proposed
8670 innovations;
8671 (e) Provide detailed information regarding the
8672 rationale of requests for waivers from Title 37, Mississippi Code
8673 of 1972, which relate to the elementary and secondary education of
8674 public school students, and administrative regulations, and
8675 exemptions for selected schools regarding waivers of local school
8676 board policies;



8677 (f) Document the fiscal and human resources the board
8678 will provide throughout the term of the implementation of the
8679 innovations within its plan; and

8680 (g) Provide other materials as required by the
8681 department in compliance with the board's administrative
8682 regulations and application procedures.

8683 (2) The district and all schools participating in a
8684 district's innovation plan shall:

8685 (a) Ensure the same health, safety, civil rights, and
8686 disability rights requirements as are applied to all public
8687 schools;

8688 (b) Ensure students meet compulsory attendance
8689 requirements under Sections 37-13-91 and 37-13-92;

8690 (c) Ensure that high school course offerings meet or
8691 exceed the minimum required under Sections 37-16-7 and 37-3-49,
8692 for high school graduation or meet early graduation requirements
8693 that may be enacted by the Mississippi Legislature;

8694 (d) Ensure the student performance standards meet or
8695 exceed those adopted by the State Board of Education as required
8696 by Sections 37-3-49, 37-16-3 and 37-17-6, including compliance
8697 with the statewide assessment system specified in Chapter 16,
8698 Title 37, Mississippi Code of 1972;

8699 (e) Adhere to the same financial audits, audit
8700 procedures, and audit requirements as are applied under Section
8701 7-7-211(e);



8702 (f) Require state and criminal background checks for
8703 staff and volunteers as required of all public school employees
8704 and volunteers within the public schools and specified in Section
8705 37-9-17;

8706 (g) Comply with open records and open meeting
8707 requirements under Sections 25-41-1 et seq. and 25-61-1 et seq.;

8708 (h) Comply with purchasing requirements and limitations
8709 under Chapter 39, Title 37, Mississippi Code of 1972;

8710 (i) Provide overall instructional time that is
8711 equivalent to or greater than that required under Sections 37-1-11
8712 and 37-13-67, but which may include on-site instruction, distance
8713 learning, online courses, and work-based learning on
8714 nontraditional school days or hours; and

8715 (j) Provide data to the department as deemed necessary
8716 to generate school and district reports.

8717 (3) (a) Only schools that choose to be designated as
8718 schools of innovation shall be included in a district's
8719 application;

8720 (b) As used in this paragraph, "eligible employees"
8721 means employees that are regularly employed at the school and
8722 those employees whose primary job duties will be affected by the
8723 plan; and

8724 (c) Notwithstanding the provisions of paragraph (a) of
8725 this subsection, a local school board may require a school that
8726 has been identified as a persistently low-achieving school under



8727 provisions of Section 37-17-6 to participate in the district's
8728 plan of innovation.

8729 (4) Notwithstanding any statutes to the contrary, the board
8730 may approve the requests of districts of innovation to:

8731 (a) Use capital outlay funds for operational costs;

8732 (b) Hire persons for classified positions in
8733 nontraditional school and district assignments who have bachelors
8734 and advanced degrees from postsecondary education institutions
8735 accredited by a regional accrediting association (Southern
8736 Association of Colleges and Schools) or by an organization
8737 affiliated with the National Commission on Accrediting;

8738 (c) Employ teachers on extended employment contracts or
8739 extra duty contracts and compensate them on a salary schedule
8740 other than the single salary schedule;

8741 (d) Extend the school days as is appropriate within the
8742 district with compensation for the employees as determined
8743 locally;

8744 (e) Establish alternative education programs and
8745 services that are delivered in nontraditional hours and which may
8746 be jointly provided in cooperation with another school district or
8747 consortia of districts;

8748 (f) Establish online classes within the district for
8749 delivering alternative classes in a blended environment to meet
8750 high school graduation requirements;

8751 (g) Use a flexible school calendar;



8752 (h) Convert existing schools into schools of
8753 innovation; and
8754 (i) Modify the formula under * * * Chapter 151, Title
8755 37, Mississippi Code of 1972, for distributing * * * Investing in
8756 the Needs of Students to Prioritize, Impact and Reform Education
8757 (INSPIRE) funds for students in average daily * * * membership in
8758 nontraditional programming time, including alternative programs
8759 and virtual programs. Funds granted to a district shall not
8760 exceed those that would have otherwise been distributed based on
8761 average daily * * * membership during regular instructional days.

8762 **SECTION 118.** Section 37-181-7, Mississippi Code of 1972, is
8763 amended as follows:

8764 37-181-7. (1) The ESA program created in this chapter shall
8765 be limited to five hundred (500) students in the school year
8766 2015-2016, with new enrollment limited to five hundred (500)
8767 additional students each year thereafter. Subject to
8768 appropriation from the General Fund, each student's ESA shall be
8769 funded at Six Thousand Five Hundred Dollars (\$6,500.00) for school
8770 year 2015-2016. For each subsequent year, this amount shall
8771 increase or decrease by the same proportion as the * * * student
8772 base amount under Section * * * 37-151-207 is increased or
8773 decreased.

8774 (2) Subject to appropriation, eligible students shall be
8775 approved for participation in the ESA program as follows:



8776 (a) Until participation in the ESA program reaches
8777 fifty percent (50%) of the annual enrollment limits in subsection
8778 (1) of this section, students shall be approved on a first-come,
8779 first-served basis, with applications being reviewed on a rolling
8780 basis;

8781 (b) After participation reaches fifty percent (50%) of
8782 the annual enrollment limits in subsection (1) of this section,
8783 the department shall set annual application deadlines for the
8784 remaining number of available ESAs and begin to maintain a waiting
8785 list of eligible students. The waitlist will be maintained in the
8786 chronological order in which applications are received. The
8787 department shall award ESA program applications in chronological
8788 order according to the waitlist; and

8789 (c) Participating students who remain eligible for the
8790 ESA program are automatically approved for participation for the
8791 following year and are not subject to the random selection
8792 process.

8793 (3) No funds for an ESA may be expended from * * * Investing
8794 in the Needs of Students to Prioritize, Impact and Reform
8795 Education (INSPIRE), nor shall any school district be required to
8796 provide funding for an ESA.

8797 **SECTION 119.** Section 41-79-5, Mississippi Code of 1972, is
8798 amended as follows:



8799 41-79-5. (1) There is hereby established within the State
8800 Department of Health a school nurse intervention program,
8801 available to all public school districts in the state.

8802 (2) By the school year 1998-1999, each public school
8803 district shall have employed a school nurse, to be known as a
8804 Health Service Coordinator, pursuant to the school nurse
8805 intervention program prescribed under this section. The school
8806 nurse intervention program shall offer any of the following
8807 specific preventive services, and other additional services
8808 appropriate to each grade level and the age and maturity of the
8809 pupils:

8810 (a) Reproductive health education and referral to
8811 prevent teen pregnancy and sexually transmitted diseases, which
8812 education shall include abstinence;

8813 (b) Child abuse and neglect identification;

8814 (c) Hearing and vision screening to detect problems
8815 which can lead to serious sensory losses and behavioral and
8816 academic problems;

8817 (d) Alcohol, tobacco and drug abuse education to reduce
8818 abuse of these substances;

8819 (e) Scoliosis screening to detect this condition so
8820 that costly and painful surgery and lifelong disability can be
8821 prevented;



8822 (f) Coordination of services for handicapped children
8823 to ensure that these children receive appropriate medical
8824 assistance and are able to remain in public school;

8825 (g) Nutrition education and counseling to prevent
8826 obesity and/or other eating disorders which may lead to
8827 life-threatening conditions, for example, hypertension;

8828 (h) Early detection and treatment of head lice to
8829 prevent the spread of the parasite and to reduce absenteeism;

8830 (i) Emergency treatment of injury and illness to
8831 include controlling bleeding, managing fractures, bruises or
8832 contusions and cardiopulmonary resuscitation (CPR);

8833 (j) Applying appropriate theory as the basis for
8834 decision making in nursing practice;

8835 (k) Establishing and maintaining a comprehensive school
8836 health program;

8837 (l) Developing individualized health plans;

8838 (m) Assessing, planning, implementing and evaluating
8839 programs and other school health activities, in collaboration with
8840 other professionals;

8841 (n) Providing health education to assist students,
8842 families and groups to achieve optimal levels of wellness;

8843 (o) Participating in peer review and other means of
8844 evaluation to assure quality of nursing care provided for students
8845 and assuming responsibility for continuing education and



8846 professional development for self while contributing to the
8847 professional growth of others;

8848 (p) Participating with other key members of the
8849 community responsible for assessing, planning, implementing and
8850 evaluating school health services and community services that
8851 include the broad continuum or promotion of primary, secondary and
8852 tertiary prevention; and

8853 (q) Contributing to nursing and school health through
8854 innovations in theory and practice and participation in research.

8855 (3) Public school nurses shall be specifically prohibited
8856 from providing abortion counseling to any student or referring any
8857 student to abortion counseling or abortion clinics. Any violation
8858 of this subsection shall disqualify the school district employing
8859 such public school nurse from receiving any state administered
8860 funds under this section.

8861 (4) Repealed.

8862 (5) Beginning with the 1997-1998 school year, to the extent
8863 that federal or state funds are available therefor and pursuant to
8864 appropriation therefor by the Legislature, in addition to the
8865 school nurse intervention program funds administered under
8866 subsection (4), the State Department of Health shall establish and
8867 implement a Prevention of Teen Pregnancy Pilot Program to be
8868 located in the public school districts with the highest numbers of
8869 teen pregnancies. The Teen Pregnancy Pilot Program shall provide
8870 the following education services directly through public school



8871 nurses in the pilot school districts: health education sessions
8872 in local schools, where contracted for or invited to provide,
8873 which target issues including reproductive health, teen pregnancy
8874 prevention and sexually transmitted diseases, including syphilis,
8875 HIV and AIDS. When these services are provided by a school nurse,
8876 training and counseling on abstinence shall be included.

8877 (6) In addition to the school nurse intervention program
8878 funds administered under subsection (4) and the Teen Pregnancy
8879 Pilot Program funds administered under subsection (5), to the
8880 extent that federal or state funds are available therefor and
8881 pursuant to appropriation therefor by the Legislature, the State
8882 Department of Health shall establish and implement an Abstinence
8883 Education Pilot Program to provide abstinence education,
8884 mentoring, counseling and adult supervision to promote abstinence
8885 from sexual activity, with a focus on those groups which are most
8886 likely to bear children out of wedlock. Such abstinence education
8887 services shall be provided by the State Department of Health
8888 through its clinics, public health nurses, school nurses and
8889 through contracts with rural and community health centers in order
8890 to reach a larger number of targeted clients. For purposes of
8891 this subsection, the term "abstinence education" means an
8892 educational or motivational program which:

8893 (a) Has as its exclusive purpose, teaching the social,
8894 psychological and health gains to be realized by abstaining from
8895 sexual activity;



8896 (b) Teaches abstinence from sexual activity outside
8897 marriage as the expected standard for all school-age children;

8898 (c) Teaches that abstinence from sexual activity is the
8899 only certain way to avoid out-of-wedlock pregnancy, sexually
8900 transmitted diseases and other associated health problems;

8901 (d) Teaches that a mutually faithful monogamous
8902 relationship in context of marriage is the expected standard of
8903 human sexual activity;

8904 (e) Teaches that sexual activity outside of the context
8905 of marriage is likely to have harmful psychological and physical
8906 effects;

8907 (f) Teaches that bearing children out of wedlock is
8908 likely to have harmful consequences for the child, the child's
8909 parents and society;

8910 (g) Teaches young people how to reject sexual advances
8911 and how alcohol and drug use increase vulnerability to sexual
8912 advances; and

8913 (h) Teaches the importance of attaining
8914 self-sufficiency before engaging in sexual activity.

8915 (7) * * * Pursuant to appropriation therefor by the
8916 Legislature, in addition to * * * funds allotted under * * *
8917 Investing in the Needs of Students to Prioritize, Impact and
8918 Reform Education (INSPIRE), each school district shall be allotted
8919 an * * * amount for the purpose of employing qualified public
8920 school nurses in such school district, which in no event shall be



8921 less than one (1) * * * nurse per school district, for such
8922 purpose. In the event the Legislature provides less funds than
8923 the total state funds needed for the public school nurse
8924 allotment, those school districts with fewer * * * nurses per the
8925 number of students in average daily membership shall be the first
8926 funded for such purpose, to the extent of funds available.

8927 (8) Prior to the 1998-1999 school year, nursing staff
8928 assigned to the program shall be employed through the local county
8929 health department and shall be subject to the supervision of the
8930 State Department of Health with input from local school officials.
8931 Local county health departments may contract with any
8932 comprehensive private primary health care facilities within their
8933 county to employ and utilize additional nursing staff. Beginning
8934 with the 1998-1999 school year, nursing staff assigned to the
8935 program shall be employed by the local school district and shall
8936 be designated as "health service coordinators," and shall be
8937 required to possess a bachelor's degree in nursing as a minimum
8938 qualification.

8939 (9) Upon each student's enrollment, the parent or guardian
8940 shall be provided with information regarding the scope of the
8941 school nurse intervention program. The parent or guardian may
8942 provide the school administration with a written statement
8943 refusing all or any part of the nursing service. No child shall
8944 be required to undergo hearing and vision or scoliosis screening
8945 or any other physical examination or tests whose parent objects



8946 thereto on the grounds such screening, physical examination or
8947 tests are contrary to his sincerely held religious beliefs.

8948 (10) A consent form for reproductive health education shall
8949 be sent to the parent or guardian of each student upon his
8950 enrollment. If a response from the parent or guardian is not
8951 received within seven (7) days after the consent form is sent, the
8952 school shall send a letter to the student's home notifying the
8953 parent or guardian of the consent form. If the parent or guardian
8954 fails to respond to the letter within ten (10) days after it is
8955 sent, then the school principal shall be authorized to allow the
8956 student to receive reproductive health education. Reproductive
8957 health education shall include the teaching of total abstinence
8958 from premarital sex and, wherever practicable, reproductive health
8959 education should be taught in classes divided according to gender.
8960 All materials used in the reproductive health education program
8961 shall be placed in a convenient and easily accessible location for
8962 parental inspection. School nurses shall not dispense birth
8963 control pills or contraceptive devices in the school. Dispensing
8964 of such shall be the responsibility of the State Department of
8965 Health on a referral basis only.

8966 (11) No provision of this section shall be construed as
8967 prohibiting local school districts from accepting financial
8968 assistance of any type from the State of Mississippi or any other
8969 governmental entity, or any contribution, donation, gift, decree
8970 or bequest from any source which may be utilized for the



8971 maintenance or implementation of a school nurse intervention
8972 program in a public school system of this state.

8973 **SECTION 120.** Section 43-17-5, Mississippi Code of 1972, is
8974 amended as follows:

8975 43-17-5. (1) The amount of Temporary Assistance for Needy
8976 Families (TANF) benefits which may be granted for any dependent
8977 child and a needy caretaker relative shall be determined by the
8978 county department with due regard to the resources and necessary
8979 expenditures of the family and the conditions existing in each
8980 case, and in accordance with the rules and regulations made by the
8981 Department of Human Services which shall not be less than the
8982 Standard of Need in effect for 1988, and shall be sufficient when
8983 added to all other income (except that any income specified in the
8984 federal Social Security Act, as amended, may be disregarded) and
8985 support available to the child to provide such child with a
8986 reasonable subsistence compatible with decency and health. The
8987 first family member in the dependent child's budget may receive an
8988 amount not to exceed Two Hundred Dollars (\$200.00) per month; the
8989 second family member in the dependent child's budget may receive
8990 an amount not to exceed Thirty-six Dollars (\$36.00) per month; and
8991 each additional family member in the dependent child's budget an
8992 amount not to exceed Twenty-four Dollars (\$24.00) per month. The
8993 maximum for any individual family member in the dependent child's
8994 budget may be exceeded for foster or medical care or in cases of
8995 children with an intellectual disability or a physical disability.



8996 TANF benefits granted shall be specifically limited only (a) to
8997 children existing or conceived at the time the caretaker relative
8998 initially applies and qualifies for such assistance, unless this
8999 limitation is specifically waived by the department, or (b) to a
9000 child born following a twelve-consecutive-month period of
9001 discontinued benefits by the caretaker relative.

9002 (2) TANF benefits in Mississippi shall be provided to the
9003 recipient family by an online electronic benefits transfer system.

9004 (3) The Department of Human Services shall deny TANF
9005 benefits to the following categories of individuals, except for
9006 individuals and families specifically exempt or excluded for good
9007 cause as allowed by federal statute or regulation:

9008 (a) Families without a minor child residing with the
9009 custodial parent or other adult caretaker relative of the child;

9010 (b) Families which include an adult who has received
9011 TANF assistance for sixty (60) months after the commencement of
9012 the Mississippi TANF program, whether or not such period of time
9013 is consecutive;

9014 (c) Families not assigning to the state any rights a
9015 family member may have, on behalf of the family member or of any
9016 other person for whom the family member has applied for or is
9017 receiving such assistance, to support from any other person, as
9018 required by law;

9019 (d) Families who fail to cooperate in establishing
9020 paternity or obtaining child support, as required by law;



9021 (e) Any individual who has not attained eighteen (18)
9022 years of age, is not married to the head of household, has a minor
9023 child at least twelve (12) weeks of age in his or her care, and
9024 has not successfully completed a high school education or its
9025 equivalent, if such individual does not participate in educational
9026 activities directed toward the attainment of a high school diploma
9027 or its equivalent, or an alternative educational or training
9028 program approved by the department;

9029 (f) Any individual who has not attained eighteen (18)
9030 years of age, is not married, has a minor child in his or her
9031 care, and does not reside in a place or residence maintained by a
9032 parent, legal guardian or other adult relative or the individual
9033 as such parent's, guardian's or adult relative's own home;

9034 (g) Any minor child who has been, or is expected by a
9035 parent or other caretaker relative of the child to be, absent from
9036 the home for a period of more than thirty (30) days;

9037 (h) Any individual who is a parent or other caretaker
9038 relative of a minor child who fails to notify the department of
9039 the absence of the minor child from the home for the thirty-day
9040 period specified in paragraph (g), by the end of the five-day
9041 period that begins with the date that it becomes clear to the
9042 individual that the minor child will be absent for the thirty-day
9043 period;

9044 (i) Any individual who fails to comply with the
9045 provisions of the Employability Development Plan signed by the



9046 individual which prescribe those activities designed to help the
9047 individual become and remain employed, or to participate
9048 satisfactorily in the assigned work activity, as authorized under
9049 subsection (6) (c) and (d), or who does not engage in applicant job
9050 search activities within the thirty-day period for TANF
9051 application approval after receiving the advice and consultation
9052 of eligibility workers and/or caseworkers of the department
9053 providing a detailed description of available job search venues in
9054 the individual's county of residence or the surrounding counties;

9055 (j) A parent or caretaker relative who has not engaged
9056 in an allowable work activity once the department determines the
9057 parent or caretaker relative is ready to engage in work, or once
9058 the parent or caretaker relative has received TANF assistance
9059 under the program for twenty-four (24) months, whether or not
9060 consecutive, whichever is earlier;

9061 (k) Any individual who is fleeing to avoid prosecution,
9062 or custody or confinement after conviction, under the laws of the
9063 jurisdiction from which the individual flees, for a crime, or an
9064 attempt to commit a crime, which is a felony under the laws of the
9065 place from which the individual flees, or who is violating a
9066 condition of probation or parole imposed under federal or state
9067 law;

9068 (l) Aliens who are not qualified under federal law;

9069 (m) For a period of ten (10) years following
9070 conviction, individuals convicted in federal or state court of



9071 having made a fraudulent statement or representation with respect
9072 to the individual's place of residence in order to receive TANF,
9073 food stamps or Supplemental Security Income (SSI) assistance under
9074 Title XVI or Title XIX simultaneously from two (2) or more states;

9075 (n) Individuals who are recipients of federal
9076 Supplemental Security Income (SSI) assistance; and

9077 (o) Individuals who are eighteen (18) years of age or
9078 older who are not in compliance with the drug testing and
9079 substance use disorder treatment requirements of Section 43-17-6.

9080 (4) (a) Any person who is otherwise eligible for TANF
9081 benefits, including custodial and noncustodial parents, shall be
9082 required to attend school and meet the monthly attendance
9083 requirement as provided in this subsection if all of the following
9084 apply:

9085 (i) The person is under age twenty (20);

9086 (ii) The person has not graduated from a public or
9087 private high school or obtained a High School Equivalency Diploma
9088 equivalent;

9089 (iii) The person is physically able to attend
9090 school and is not excused from attending school; and

9091 (iv) If the person is a parent or caretaker
9092 relative with whom a dependent child is living, child care is
9093 available for the child.

9094 The monthly attendance requirement under this subsection
9095 shall be attendance at the school in which the person is enrolled



9096 for each day during a month that the school conducts classes in
9097 which the person is enrolled, with not more than two (2) absences
9098 during the month for reasons other than the reasons listed in
9099 paragraph (e)(iv) of this subsection. Persons who fail to meet
9100 participation requirements in this subsection shall be subject to
9101 sanctions as provided in paragraph (f) of this subsection.

9102 (b) As used in this subsection, "school" means any one
9103 (1) of the following:

9104 (i) A school as defined in Section 37-13-91(2);

9105 (ii) A vocational, technical and adult education
9106 program; or

9107 (iii) A course of study meeting the standards
9108 established by the State Department of Education for the granting
9109 of a declaration of equivalency of high school graduation.

9110 (c) If any compulsory-school-age child, as defined in
9111 Section 37-13-91(2), to which TANF eligibility requirements apply
9112 is not in compliance with the compulsory school attendance
9113 requirements of Section 37-13-91(6), the superintendent of schools
9114 of the school district in which the child is enrolled or eligible
9115 to attend shall notify the county department of human services of
9116 the child's noncompliance. The Department of Human Services shall
9117 review school attendance information as provided under this
9118 paragraph at all initial eligibility determinations and upon
9119 subsequent report of unsatisfactory attendance.



9120 (d) The signature of a person on an application for
9121 TANF benefits constitutes permission for the release of school
9122 attendance records for that person or for any child residing with
9123 that person. The department shall request information from the
9124 child's school district about the child's attendance in the school
9125 district's most recently completed semester of attendance. If
9126 information about the child's previous school attendance is not
9127 available or cannot be verified, the department shall require the
9128 child to meet the monthly attendance requirement for one (1)
9129 semester or until the information is obtained. The department
9130 shall use the attendance information provided by a school district
9131 to verify attendance for a child. The department shall review
9132 with the parent or caretaker relative a child's claim that he or
9133 she has a good cause for not attending school.

9134 A school district shall provide information to the department
9135 about the attendance of a child who is enrolled in a public school
9136 in the district within five (5) working days of the receipt of a
9137 written request for that information from the department. The
9138 school district shall define how many hours of attendance count as
9139 a full day and shall provide that information, upon request, to
9140 the department. In reporting attendance, the school district may
9141 add partial days' absence together to constitute a full day's
9142 absence.

9143 If a school district fails to provide to the department the
9144 information about the school attendance of any child within



9145 fifteen (15) working days after a written request, the department
9146 shall notify the Department of Audit within three (3) working days
9147 of the school district's failure to comply with that requirement.
9148 The Department of Audit shall begin audit proceedings within five
9149 (5) working days of notification by the Department of Human
9150 Services to determine the school district's compliance with the
9151 requirements of this subsection (4). If the Department of Audit
9152 finds that the school district is not in compliance with the
9153 requirements of this subsection, the school district shall be
9154 penalized as follows: The Department of Audit shall notify the
9155 State Department of Education of the school district's
9156 noncompliance, and the Department of Education shall reduce the
9157 calculation of the school district's average daily * * *
9158 membership that is used to determine the allocation of * * *
9159 Investing in the Needs of Students to Prioritize, Impact and
9160 Reform Education (INSPIRE) funds by the number of children for
9161 which the district has failed to provide to the Department of
9162 Human Services the required information about the school
9163 attendance of those children. The reduction in the calculation of
9164 the school district's * * * average daily membership under this
9165 paragraph shall be effective for a period of one (1) year.

9166 (e) A child who is required to attend school to meet
9167 the requirements under this subsection shall comply except when
9168 there is good cause, which shall be demonstrated by any of the
9169 following circumstances:



9170 (i) The minor parent is the caretaker of a child
9171 less than twelve (12) weeks old; or

9172 (ii) The department determines that child care
9173 services are necessary for the minor parent to attend school and
9174 there is no child care available; or

9175 (iii) The child is prohibited by the school
9176 district from attending school and an expulsion is pending. This
9177 exemption no longer applies once the teenager has been expelled;
9178 however, a teenager who has been expelled and is making
9179 satisfactory progress towards obtaining a High School Equivalency
9180 Diploma equivalent shall be eligible for TANF benefits; or

9181 (iv) The child failed to attend school for one or
9182 more of the following reasons:

9183 1. Illness, injury or incapacity of the child
9184 or the minor parent's child;

9185 2. Court-required appearances or temporary
9186 incarceration;

9187 3. Medical or dental appointments for the
9188 child or minor parent's child;

9189 4. Death of a close relative;

9190 5. Observance of a religious holiday;

9191 6. Family emergency;

9192 7. Breakdown in transportation;

9193 8. Suspension; or



9194 9. Any other circumstance beyond the control
9195 of the child, as defined in regulations of the department.

9196 (f) Upon determination that a child has failed without
9197 good cause to attend school as required, the department shall
9198 provide written notice to the parent or caretaker relative
9199 (whoever is the primary recipient of the TANF benefits) that
9200 specifies:

9201 (i) That the family will be sanctioned in the next
9202 possible payment month because the child who is required to attend
9203 school has failed to meet the attendance requirement of this
9204 subsection;

9205 (ii) The beginning date of the sanction, and the
9206 child to whom the sanction applies;

9207 (iii) The right of the child's parents or
9208 caretaker relative (whoever is the primary recipient of the TANF
9209 benefits) to request a fair hearing under this subsection.

9210 The child's parent or caretaker relative (whoever is the
9211 primary recipient of the TANF benefits) may request a fair hearing
9212 on the department's determination that the child has not been
9213 attending school. If the child's parents or caretaker relative
9214 does not request a fair hearing under this subsection, or if,
9215 after a fair hearing has been held, the hearing officer finds that
9216 the child without good cause has failed to meet the monthly
9217 attendance requirement, the department shall discontinue or deny
9218 TANF benefits to the child thirteen (13) years old, or older, in



9219 the next possible payment month. The department shall discontinue
9220 or deny twenty-five percent (25%) of the family grant when a child
9221 six (6) through twelve (12) years of age without good cause has
9222 failed to meet the monthly attendance requirement. Both the child
9223 and family sanction may apply when children in both age groups
9224 fail to meet the attendance requirement without good cause. A
9225 sanction applied under this subsection shall be effective for one
9226 (1) month for each month that the child failed to meet the monthly
9227 attendance requirement. In the case of a dropout, the sanction
9228 shall remain in force until the parent or caretaker relative
9229 provides written proof from the school district that the child has
9230 reenrolled and met the monthly attendance requirement for one (1)
9231 calendar month. Any month in which school is in session for at
9232 least ten (10) days during the month may be used to meet the
9233 attendance requirement under this subsection. This includes
9234 attendance at summer school. The sanction shall be removed the
9235 next possible payment month.

9236 (5) All parents or caretaker relatives shall have their
9237 dependent children receive vaccinations and booster vaccinations
9238 against those diseases specified by the State Health Officer under
9239 Section 41-23-37 in accordance with the vaccination and booster
9240 vaccination schedule prescribed by the State Health Officer for
9241 children of that age, in order for the parents or caretaker
9242 relatives to be eligible or remain eligible to receive TANF
9243 benefits. Proof of having received such vaccinations and booster



9244 vaccinations shall be given by presenting the certificates of
9245 vaccination issued by any health care provider licensed to
9246 administer vaccinations, and submitted on forms specified by the
9247 State Board of Health. If the parents without good cause do not
9248 have their dependent children receive the vaccinations and booster
9249 vaccinations as required by this subsection and they fail to
9250 comply after thirty (30) days' notice, the department shall
9251 sanction the family's TANF benefits by twenty-five percent (25%)
9252 for the next payment month and each subsequent payment month until
9253 the requirements of this subsection are met.

9254 (6) (a) If the parent or caretaker relative applying for
9255 TANF assistance is work eligible, as determined by the Department
9256 of Human Services, the person shall be required to engage in an
9257 allowable work activity once the department determines the parent
9258 or caretaker relative is determined work eligible, or once the
9259 parent or caretaker relative has received TANF assistance under
9260 the program for twenty-four (24) months, whether or not
9261 consecutive, whichever is earlier. No TANF benefits shall be
9262 given to any person to whom this section applies who fails without
9263 good cause to comply with the Employability Development Plan
9264 prepared by the department for the person, or who has refused to
9265 accept a referral or offer of employment, training or education in
9266 which he or she is able to engage, subject to the penalties
9267 prescribed in paragraph (e) of this subsection. A person shall be



9268 deemed to have refused to accept a referral or offer of
9269 employment, training or education if he or she:

9270 (i) Willfully fails to report for an interview
9271 with respect to employment when requested to do so by the
9272 department; or

9273 (ii) Willfully fails to report to the department
9274 the result of a referral to employment; or

9275 (iii) Willfully fails to report for allowable work
9276 activities as prescribed in paragraphs (c) and (d) of this
9277 subsection.

9278 (b) The Department of Human Services shall operate a
9279 statewide work program for TANF recipients to provide work
9280 activities and supportive services to enable families to become
9281 self-sufficient and improve their competitive position in the
9282 workforce in accordance with the requirements of the federal
9283 Personal Responsibility and Work Opportunity Reconciliation Act of
9284 1996 (Public Law 104-193), as amended, and the regulations
9285 promulgated thereunder, and the Deficit Reduction Act of 2005
9286 (Public Law 109-171), as amended. Within sixty (60) days after
9287 the initial application for TANF benefits, the TANF recipient must
9288 participate in a job search skills training workshop or a job
9289 readiness program, which shall include resume writing, job search
9290 skills, employability skills and, if available at no charge, the
9291 General Aptitude Test Battery or its equivalent. All adults who
9292 are not specifically exempt shall be referred by the department



9293 for allowable work activities. An adult may be exempt from the
9294 mandatory work activity requirement for the following reasons:

9295 (i) Incapacity;

9296 (ii) Temporary illness or injury, verified by
9297 physician's certificate;

9298 (iii) Is in the third trimester of pregnancy, and
9299 there are complications verified by the certificate of a
9300 physician, nurse practitioner, physician assistant, or any other
9301 licensed health care professional practicing under a protocol with
9302 a licensed physician;

9303 (iv) Caretaker of a child under twelve (12)
9304 months, for not more than twelve (12) months of the sixty-month
9305 maximum benefit period;

9306 (v) Caretaker of an ill or incapacitated person,
9307 as verified by physician's certificate;

9308 (vi) Age, if over sixty (60) or under eighteen
9309 (18) years of age;

9310 (vii) Receiving treatment for substance abuse, if
9311 the person is in compliance with the substance abuse treatment
9312 plan;

9313 (viii) In a two-parent family, the caretaker of a
9314 severely disabled child, as verified by a physician's certificate;
9315 or

9316 (ix) History of having been a victim of domestic
9317 violence, which has been reported as required by state law and is



9318 substantiated by police reports or court records, and being at
9319 risk of further domestic violence, shall be exempt for a period as
9320 deemed necessary by the department but not to exceed a total of
9321 twelve (12) months, which need not be consecutive, in the
9322 sixty-month maximum benefit period. For the purposes of this
9323 subparagraph (ix), "domestic violence" means that an individual
9324 has been subjected to:

9325 1. Physical acts that resulted in, or
9326 threatened to result in, physical injury to the individual;

9327 2. Sexual abuse;

9328 3. Sexual activity involving a dependent
9329 child;

9330 4. Being forced as the caretaker relative of
9331 a dependent child to engage in nonconsensual sexual acts or
9332 activities;

9333 5. Threats of, or attempts at, physical or
9334 sexual abuse;

9335 6. Mental abuse; or

9336 7. Neglect or deprivation of medical care.

9337 (c) For all families, all adults who are not
9338 specifically exempt shall be required to participate in work
9339 activities for at least the minimum average number of hours per
9340 week specified by federal law or regulation, not fewer than twenty
9341 (20) hours per week (thirty-five (35) hours per week for



9342 two-parent families) of which are attributable to the following
9343 allowable work activities:

- 9344 (i) Unsubsidized employment;
- 9345 (ii) Subsidized private employment;
- 9346 (iii) Subsidized public employment;
- 9347 (iv) Work experience (including work associated
9348 with the refurbishing of publicly assisted housing), if sufficient
9349 private employment is not available;
- 9350 (v) On-the-job training;
- 9351 (vi) Job search and job readiness assistance
9352 consistent with federal TANF regulations;
- 9353 (vii) Community service programs;
- 9354 (viii) Vocational educational training (not to
9355 exceed twelve (12) months with respect to any individual);
- 9356 (ix) The provision of child care services to an
9357 individual who is participating in a community service program;
- 9358 (x) Satisfactory attendance at high school or in a
9359 course of study leading to a high school equivalency certificate,
9360 for heads of household under age twenty (20) who have not
9361 completed high school or received such certificate;
- 9362 (xi) Education directly related to employment, for
9363 heads of household under age twenty (20) who have not completed
9364 high school or received such equivalency certificate.



9365 (d) The following are allowable work activities which
9366 may be attributable to hours in excess of the minimum specified in
9367 paragraph (c) of this subsection:

9368 (i) Job skills training directly related to
9369 employment;

9370 (ii) Education directly related to employment for
9371 individuals who have not completed high school or received a high
9372 school equivalency certificate;

9373 (iii) Satisfactory attendance at high school or in
9374 a course of study leading to a high school equivalency, for
9375 individuals who have not completed high school or received such
9376 equivalency certificate;

9377 (iv) Job search and job readiness assistance
9378 consistent with federal TANF regulations.

9379 (e) If any adult or caretaker relative refuses to
9380 participate in allowable work activity as required under this
9381 subsection (6), the following full family TANF benefit penalty
9382 will apply, subject to due process to include notification,
9383 conciliation and a hearing if requested by the recipient:

9384 (i) For the first violation, the department shall
9385 terminate the TANF assistance otherwise payable to the family for
9386 a two-month period or until the person has complied with the
9387 required work activity, whichever is longer;

9388 (ii) For the second violation, the department
9389 shall terminate the TANF assistance otherwise payable to the



9390 family for a six-month period or until the person has complied
9391 with the required work activity, whichever is longer;

9392 (iii) For the third violation, the department
9393 shall terminate the TANF assistance otherwise payable to the
9394 family for a twelve-month period or until the person has complied
9395 with the required work activity, whichever is longer;

9396 (iv) For the fourth violation, the person shall be
9397 permanently disqualified.

9398 For a two-parent family, unless prohibited by state or
9399 federal law, Medicaid assistance shall be terminated only for the
9400 person whose failure to participate in allowable work activity
9401 caused the family's TANF assistance to be sanctioned under this
9402 paragraph (e), unless an individual is pregnant, but shall not be
9403 terminated for any other person in the family who is meeting that
9404 person's applicable work requirement or who is not required to
9405 work. Minor children shall continue to be eligible for Medicaid
9406 benefits regardless of the disqualification of their parent or
9407 caretaker relative for TANF assistance under this subsection (6),
9408 unless prohibited by state or federal law.

9409 (f) Any person enrolled in a two-year or four-year
9410 college program who meets the eligibility requirements to receive
9411 TANF benefits, and who is meeting the applicable work requirements
9412 and all other applicable requirements of the TANF program, shall
9413 continue to be eligible for TANF benefits while enrolled in the



9414 college program for as long as the person meets the requirements
9415 of the TANF program, unless prohibited by federal law.

9416 (g) No adult in a work activity required under this
9417 subsection (6) shall be employed or assigned (i) when any other
9418 individual is on layoff from the same or any substantially
9419 equivalent job within six (6) months before the date of the TANF
9420 recipient's employment or assignment; or (ii) if the employer has
9421 terminated the employment of any regular employee or otherwise
9422 caused an involuntary reduction of its workforce in order to fill
9423 the vacancy so created with an adult receiving TANF assistance.
9424 The Mississippi Department of Employment Security, established
9425 under Section 71-5-101, shall appoint one or more impartial
9426 hearing officers to hear and decide claims by employees of
9427 violations of this paragraph (g). The hearing officer shall hear
9428 all the evidence with respect to any claim made hereunder and such
9429 additional evidence as he may require and shall make a
9430 determination and the reason therefor. The claimant shall be
9431 promptly notified of the decision of the hearing officer and the
9432 reason therefor. Within ten (10) days after the decision of the
9433 hearing officer has become final, any party aggrieved thereby may
9434 secure judicial review thereof by commencing an action, in the
9435 circuit court of the county in which the claimant resides, against
9436 the department for the review of such decision, in which action
9437 any other party to the proceeding before the hearing officer shall
9438 be made a defendant. Any such appeal shall be on the record which



9439 shall be certified to the court by the department in the manner
9440 provided in Section 71-5-531, and the jurisdiction of the court
9441 shall be confined to questions of law which shall render its
9442 decision as provided in that section.

9443 (7) The Department of Human Services may provide child care
9444 for eligible participants who require such care so that they may
9445 accept employment or remain employed. The department may also
9446 provide child care for those participating in the TANF program
9447 when it is determined that they are satisfactorily involved in
9448 education, training or other allowable work activities. The
9449 department may contract with Head Start agencies to provide child
9450 care services to TANF recipients. The department may also arrange
9451 for child care by use of contract or vouchers, provide vouchers in
9452 advance to a caretaker relative, reimburse a child care provider,
9453 or use any other arrangement deemed appropriate by the department,
9454 and may establish different reimbursement rates for child care
9455 services depending on the category of the facility or home. Any
9456 center-based or group home child care facility under this
9457 subsection shall be licensed by the State Department of Health
9458 pursuant to law. When child care is being provided in the child's
9459 own home, in the home of a relative of the child, or in any other
9460 unlicensed setting, the provision of such child care may be
9461 monitored on a random basis by the Department of Human Services or
9462 the State Department of Health. Transitional child care
9463 assistance may be continued if it is necessary for parents to



9464 maintain employment once support has ended, unless prohibited
9465 under state or federal law. Transitional child care assistance
9466 may be provided for up to twenty-four (24) months after the last
9467 month during which the family was eligible for TANF assistance, if
9468 federal funds are available for such child care assistance.

9469 (8) The Department of Human Services may provide
9470 transportation or provide reasonable reimbursement for
9471 transportation expenses that are necessary for individuals to be
9472 able to participate in allowable work activity under the TANF
9473 program.

9474 (9) Medicaid assistance shall be provided to a family of
9475 TANF program participants for up to twenty-four (24) consecutive
9476 calendar months following the month in which the participating
9477 family would be ineligible for TANF benefits because of increased
9478 income, expiration of earned income disregards, or increased hours
9479 of employment of the caretaker relative; however, Medicaid
9480 assistance for more than twelve (12) months may be provided only
9481 if a federal waiver is obtained to provide such assistance for
9482 more than twelve (12) months and federal and state funds are
9483 available to provide such assistance.

9484 (10) The department shall require applicants for and
9485 recipients of public assistance from the department to sign a
9486 personal responsibility contract that will require the applicant
9487 or recipient to acknowledge his or her responsibilities to the
9488 state.



9489 (11) The department shall enter into an agreement with the
9490 State Personnel Board and other state agencies that will allow
9491 those TANF participants who qualify for vacant jobs within state
9492 agencies to be placed in state jobs. State agencies participating
9493 in the TANF work program shall receive any and all benefits
9494 received by employers in the private sector for hiring TANF
9495 recipients. This subsection (11) shall be effective only if the
9496 state obtains any necessary federal waiver or approval and if
9497 federal funds are available therefor. Not later than September 1,
9498 2021, the department shall prepare a report, which shall be
9499 provided to the Chairmen of the House and Senate Public Health
9500 Committees and to any other member of the Legislature upon
9501 request, on the history, status, outcomes and effectiveness of the
9502 agreements required under this subsection.

9503 (12) Any unspent TANF funds remaining from the prior fiscal
9504 year may be expended for any TANF allowable activities.

9505 (13) The Mississippi Department of Human Services shall
9506 provide TANF applicants information and referral to programs that
9507 provide information about birth control, prenatal health care,
9508 abstinence education, marriage education, family preservation and
9509 fatherhood. Not later than September 1, 2021, the department
9510 shall prepare a report, which shall be provided to the Chairmen of
9511 the House and Senate Public Health Committees and to any other
9512 member of the Legislature upon request, on the history, status,



9513 outcomes and effectiveness of the information and referral
9514 requirements under this subsection.

9515 (14) No new TANF program requirement or restriction
9516 affecting a person's eligibility for TANF assistance, or allowable
9517 work activity, which is not mandated by federal law or regulation
9518 may be implemented by the Department of Human Services after July
9519 1, 2004, unless such is specifically authorized by an amendment to
9520 this section by the Legislature.

9521 **SECTION 121.** Section 65-26-9, Mississippi Code of 1972, is
9522 amended as follows:

9523 65-26-9. (1) There is hereby created in the State Treasury
9524 a special fund to be known as the Tennessee-Tombigbee Waterway
9525 Bridge Bond Retirement Fund. All revenues pledged for the payment
9526 of the principal of and interest on the bonds authorized to be
9527 issued by this chapter shall be deposited into the bond retirement
9528 fund. Expenditures from the bond retirement fund shall be made
9529 only in accordance with this section.

9530 (2) Subject to the provisions of subsection (3) of this
9531 section, amounts on deposit in the bond retirement fund and not
9532 immediately required for the making of any payments therefrom
9533 shall be invested in interest-bearing certificates of deposit in
9534 accordance with the provisions of Section 27-105-33, except
9535 interest so earned shall be credited to the bond retirement fund.

9536 (3) (a) There is hereby established within the bond
9537 retirement fund two (2) separate accounts as follows: (i) the



9538 "Tennessee-Tombigbee General Account"; and (ii) the
9539 "Tennessee-Tombigbee Principal and Interest Account."

9540 (b) (i) All amounts held in the bond retirement fund
9541 on April 23, 1986, and all amounts thereafter deposited in the
9542 bond retirement fund, shall be credited to the Tennessee-Tombigbee
9543 General Account.

9544 (ii) Until such time as the transfer of funds from
9545 the Tennessee-Tombigbee General Account to the Tennessee-Tombigbee
9546 Principal and Interest Account occurs as provided in paragraph
9547 (b)(iii) of this subsection, amounts in the general account shall
9548 be applied to the following purposes and in the following order of
9549 priority: first, to the extent required, to the payment, the
9550 principal of, redemption premium, if any, and interest on general
9551 obligation bonds; second, to the extent required, to the General
9552 Fund of the state to reimburse the state for expenditures in
9553 excess of twenty-five percent (25%) of the total costs of the
9554 principal and interest on bonds issued under authority of
9555 subsection (1) of Section 65-26-15 and for all expenditures for
9556 costs of the principal of and interest on bonds issued under
9557 authority of subsection (2) of Section 65-26-15; and third, to the
9558 extent required, if any, to the bridge construction fund created
9559 in Section 65-26-25 to make current payments to meet contractual
9560 obligations for bridge construction.

9561 (iii) Upon certification of the State Treasurer,
9562 filed with and approved by the State Bond Commission, that the



9563 amount on deposit in the Tennessee-Tombigbee General Account,
9564 together with earnings on investments to accrue to it, is equal to
9565 or greater than the aggregate of the entire principal, redemption
9566 premium, if any, and interest due and to become due, until the
9567 final maturity date or earlier scheduled redemption date thereof,
9568 on all general obligation bonds outstanding as of the date of such
9569 certification, then the State Treasurer shall transfer from the
9570 Tennessee-Tombigbee General Account to the Tennessee-Tombigbee
9571 Principal and Interest Account an amount equal to the entire
9572 principal, redemption premium, if any, and interest due and to
9573 become due, until the final maturity date or scheduled redemption
9574 date thereof, on all general obligation bonds outstanding as of
9575 the date of such transfer. The State of Mississippi hereby
9576 covenants with the holders from time to time of general obligation
9577 bonds that amounts deposited in the Tennessee-Tombigbee Principal
9578 and Interest Account will be applied solely to the payment of the
9579 principal of, redemption premium, if any, and interest on general
9580 obligation bonds.

9581 (iv) After the date of the transfer from the
9582 general account to the principal and interest account contemplated
9583 by paragraph (b)(iii) of this subsection, amounts from time to
9584 time on deposit in the Tennessee-Tombigbee General Account shall
9585 be applied monthly to the following purposes and in the following
9586 order of priority: first, to the extent required, to the payment
9587 of the principal of, redemption premium, if any, and interest on



9588 general obligation bonds issued under this chapter; second, to the
9589 extent required, to the General Fund of the state to reimburse the
9590 state for expenditures in excess of twenty-five percent (25%) of
9591 the total costs of the principal and interest on bonds issued
9592 under authority of subsection (1) of Section 65-26-15 and for all
9593 expenditures for costs of the principal of and interest on bonds
9594 issued under authority of subsection (2) of Section 65-26-15; and
9595 third, to the extent required, if any, to the bridge construction
9596 fund created in Section 65-26-25 to make current payments to meet
9597 contractual obligations for bridge construction.

9598 (4) It is the intent of the Legislature that all outstanding
9599 general obligation bonds issued under this chapter shall be
9600 retired by the State Bond Commission on the earliest scheduled
9601 redemption date thereof, provided that there are sufficient funds
9602 in the bond retirement fund together with earnings on investments
9603 to accrue to it. When the principal of, redemption premium, if
9604 any, and interest on all such outstanding general obligation bonds
9605 are paid in full, then any amounts remaining in the bond
9606 retirement fund, or separate accounts therein, together with
9607 earnings on investments to accrue to it, shall be apportioned and
9608 paid as follows:

9609 (a) Three Million Five Hundred Thousand Dollars
9610 (\$3,500,000.00) of such funds shall be paid into the appropriate
9611 fund for use by the Yellow Creek State Inland Port Authority for
9612 equipment or facilities necessary to the operation of the port.



9613 (b) Three Million Five Hundred Thousand Dollars
9614 (\$3,500,000.00) shall be paid into the State General Fund.

9615 (c) Seven Million Five Hundred Thousand Dollars
9616 (\$7,500,000.00) shall be paid to Tishomingo County. Of the Seven
9617 Million Five Hundred Thousand Dollars (\$7,500,000.00), (i) Two
9618 Million Five Hundred Thousand Dollars (\$2,500,000.00) shall be
9619 placed by the county in a special trust fund, the principal of
9620 which shall remain inviolate and the interest on which shall be
9621 expended solely for improvement of elementary and secondary
9622 education in Tishomingo County and distributed among the school
9623 districts therein based on the average daily * * * membership in
9624 each, and (ii) Five Million Dollars (\$5,000,000.00) shall be
9625 placed in the county general fund and may be expended for general
9626 county purposes.

9627 (d) The balance of such funds shall be paid to the
9628 counties of Alcorn, Chickasaw, Clay, Itawamba, Lee, Lowndes,
9629 Monroe, Noxubee, Kemper, Pontotoc, Prentiss and Tishomingo. Such
9630 funds shall be paid to such counties in the proportion that each
9631 county's contribution to the bridge bond fund bears to the total
9632 contribution from all twelve (12) counties; however, no county
9633 shall be paid more than Five Million Dollars (\$5,000,000.00) under
9634 this paragraph (d). Such funds shall be deposited by the county
9635 into a special account to be expended solely for economic
9636 development purposes. No expenditure of funds from the special
9637 account shall be made unless the amount to be expended from the



9638 special account is matched by other county funds in an amount
9639 equal to fifteen percent (15%) of the special account funds to be
9640 expended and until the Mississippi * * * Development Authority,
9641 upon application by the board of supervisors, has certified that
9642 the proposed expenditure is for economic development purposes and
9643 has approved the expenditure for such purposes; provided, however,
9644 the fifteen percent (15%) match hereinabove imposed shall not be
9645 required when the proposed expenditure for economic development
9646 purposes is on land owned or leased by the federal, state, county
9647 or municipal government.

9648 **SECTION 122.** Section 37-13-153, Mississippi Code of 1972,
9649 which required state funding for home economics teachers to be
9650 included as a line item in the education appropriations bills for
9651 fiscal years 1995, 1996 and 1997, is repealed.

9652 **SECTION 123.** Sections 37-151-1, 37-151-5, 37-151-6,
9653 37-151-7, 37-151-7.1, 37-151-8, 37-151-10, 37-151-77, 37-151-79,
9654 37-151-81 and 37-151-83, Mississippi Code of 1972, which define
9655 certain terms and establish the formula to be used in determining
9656 the annual allocation of funds to each school district under the
9657 Mississippi Adequate Education Program (MAEP), are repealed.

9658 **SECTION 124.** Section 37-152-1, Mississippi Code of 1972,
9659 which creates the Commission on Restructuring the Mississippi
9660 Adequate Education Program (MAEP), is repealed.

9661 **SECTION 125.** Section 37-13-81, Mississippi Code of 1972, is
9662 amended as follows:



9663 37-13-81. There is created the Office of Compulsory School
9664 Attendance Enforcement * * * and Dropout Prevention * * * within
9665 the State Department of Education. The office shall be
9666 responsible for the administration of a statewide system of
9667 enforcement of the Mississippi Compulsory School Attendance Law
9668 (Section 37-13-91) * * *.

9669 **SECTION 126.** Section 37-13-83, Mississippi Code of 1972, is
9670 amended as follows:

9671 37-13-83. The State Superintendent of Public Education shall
9672 appoint * * * an executive director for the Office of Compulsory
9673 School Attendance Enforcement and Dropout Prevention, who shall
9674 meet all qualifications established for * * * regional
9675 coordinators and any additional qualifications that may be
9676 established by the State Superintendent of Public Education or
9677 State Personnel Board. The executive director shall be
9678 responsible for the proper administration of the Office of
9679 Compulsory School Attendance Enforcement and Dropout Prevention in
9680 conformity with the Mississippi Compulsory School Attendance Law
9681 and any other regulations or policies that may be adopted by the
9682 State Board of Education. * * *

9683 **SECTION 127.** Section 37-13-85, Mississippi Code of 1972, is
9684 amended as follows:

9685 37-13-85. The Office of Compulsory School Attendance
9686 Enforcement and Dropout Prevention shall have the following powers
9687 and duties, in addition to all others imposed or granted by law:



9688 (a) To establish any policies or guidelines * * * to be
9689 used by local school districts for the employment of school
9690 attendance officers which serve to effectuate a uniform system of
9691 enforcement under the Mississippi Compulsory School Attendance Law
9692 throughout the state * * *;

9693 (b) To * * * provide oversight and assistance to
9694 regional coordinators in the performance of their duties;

9695 (c) To establish minimum standards for enrollment and
9696 attendance for the state and each individual school district, and
9697 to monitor the success of the state and districts in achieving the
9698 required levels of performance;

9699 (d) To provide to school districts failing to meet the
9700 established standards for enrollment and attendance assistance in
9701 reducing absenteeism or the dropout rates in those districts;

9702 (e) To establish any qualifications, in addition to
9703 those required under Section 37-13-89, for school attendance
9704 officers as the office deems necessary to further the purposes of
9705 the Mississippi Compulsory School Attendance Law;

9706 (f) To develop and implement a system under which
9707 school districts are required to maintain accurate records that
9708 document enrollment and attendance in such a manner that the
9709 records reflect all changes in enrollment and attendance, and to
9710 require school attendance officers to submit information
9711 concerning public school attendance on a monthly basis to the
9712 office;



9713 (g) To prepare the form of the certificate of
9714 enrollment required under the Mississippi Compulsory School
9715 Attendance Law and to furnish a sufficient number of the
9716 certificates of enrollment to each school attendance officer in
9717 the state;

9718 (h) To provide to the State Board of Education
9719 statistical information concerning absenteeism, dropouts and other
9720 attendance-related problems as requested by the State Board of
9721 Education;

9722 (i) To provide for the certification of school
9723 attendance officers;

9724 (j) To provide for a course of training and education
9725 for school attendance officers, and to require successful
9726 completion of the course as a prerequisite to certification by the
9727 office as school attendance officers;

9728 (k) To adopt any guidelines or policies the office
9729 deems necessary to effectuate an orderly transition from the
9730 supervision of school attendance officers by * * * State
9731 Department of Education to the supervision by the local
9732 school * * * district;

9733 * * *

9734 (* * *1) To adopt policies or guidelines to assist
9735 local school districts with linking the duties of school
9736 attendance officers to the appropriate courts, law enforcement
9737 agencies and community service providers; * * *



9738 (* * *m) To adopt any other policies or guidelines
9739 that the office deems necessary for the enforcement of the
9740 Mississippi Compulsory School Attendance Law; however, the
9741 policies or guidelines shall not add to or contradict with the
9742 requirements of Section 37-13-91 * * *; and

9743 (n) To transfer all funds appropriated to the State
9744 Department of Education for school attendance officers to local
9745 school districts on the same schedule as MAEP disbursements in
9746 accordance with Section 37-151-103.

9747 **SECTION 128.** Section 37-13-87, Mississippi Code of 1972, is
9748 amended as follows:

9749 37-13-87. (1) The Executive Director of the Office of
9750 Compulsory School Attendance Enforcement and Dropout Prevention
9751 shall employ * * * regional coordinators, each * * * of whom shall
9752 be responsible for the enforcement of the Mississippi Compulsory
9753 School Attendance Law within his * * * or her region and
9754 shall * * * support and provide technical assistance and
9755 professional development to the school attendance officers in
9756 the * * * region. The * * * regional coordinators shall assist
9757 the school attendance officers in the performance of their duties
9758 as established by law or otherwise. The regional coordinators may
9759 also perform any such other duties within the Office of Compulsory
9760 School Attendance Enforcement and Dropout Prevention as may be
9761 assigned by the State Superintendent of Public Education.



9762 (2) No person having less than eight (8) years combined
9763 actual experience as a school attendance officer, school teacher,
9764 school administrator, law enforcement officer possessing a college
9765 degree with a major in a behavioral science or a related field,
9766 and/or social worker in the state shall be employed as a * * *
9767 regional coordinator. Further, a * * * regional coordinator shall
9768 possess a college degree with a major in a behavioral science or a
9769 related field or shall have actual experience as a school teacher,
9770 school administrator, law enforcement officer possessing such
9771 degree or social worker; however, these requirements shall not
9772 apply to persons employed as school attendance officers before
9773 January 1, 1987. * * * The * * * regional coordinators shall
9774 receive an annual salary to be set by the State Superintendent of
9775 Public Education, subject to the approval of the State Personnel
9776 Board.

9777 **SECTION 129.** Section 37-13-89, Mississippi Code of 1972, is
9778 amended as follows:

9779 37-13-89. (1) (a) In each school district within the
9780 state, there shall be employed the number of school attendance
9781 officers determined by the local school district, in consultation
9782 with the Office of Compulsory School Attendance Enforcement and
9783 Dropout Prevention to be necessary to adequately enforce the
9784 provisions of the Mississippi Compulsory School Attendance
9785 Law * * *. In any school district where charter schools operate,
9786 the school district's school attendance officer shall also enforce



9787 the provisions of the Mississippi Compulsory School Attendance Law
9788 for those charter schools. From and after July 1, * * * 2024, all
9789 school attendance officers employed pursuant to this section shall
9790 be employees of the * * * local school district. * * * Local
9791 school districts shall employ all persons employed as school
9792 attendance officers by * * * the State Department of Education
9793 before July 1, * * * 2024, and shall assign them to school
9794 attendance responsibilities in the school district in which they
9795 were employed before July 1, * * * 2024. * * *

9796 (b) If a school attendance officer employed by the
9797 State Department of Education performed services in two (2) or
9798 more school districts during the 2023-2024 school year, that
9799 school attendance officer shall continue to serve the same two (2)
9800 or more school districts for the 2024-2025 school year. For
9801 purposes of employment, the school attendance officer shall be
9802 assigned to the school district with the largest student
9803 enrollment, and that school district shall serve as the fiscal
9804 agent, with funding shared with the partnering districts.
9805 Effective on July 1, 2025, if two (2) or more school districts
9806 fall below a certain number of students enrolled, to be determined
9807 by the State Department of Education, or are only provided funding
9808 for one-half (1/2) of the salary of the school attendance officer,
9809 those school districts are authorized, in the discretion of their
9810 respective local school board, to enter into an agreement for the
9811 purposes of sharing a school attendance officer. The agreement



9812 shall designate which district shall serve as the fiscal agent and
9813 the mutually agreed upon salary for the school attendance officer.
9814 The agreement shall be duly adopted by resolution of the
9815 participating school boards as reflected in the minutes of each
9816 school board and approved by the Office of Compulsory School
9817 Attendance Enforcement and Dropout Prevention.

9818 (2) (a) The * * * local school districts shall * * *
9819 conduct criminal records background checks and current child abuse
9820 registry checks on all persons applying for the position of school
9821 attendance officer after July * * * 1, 2024. The criminal records
9822 information and registry checks must be kept on file for any new
9823 hires. * * * To determine an applicant's suitability for
9824 employment as a school attendance officer, the applicant must be
9825 fingerprinted. If no disqualifying record is identified at the
9826 state level, the Department of Public Safety shall forward the
9827 fingerprints to the Federal Bureau of Investigation (FBI) for a
9828 national criminal history record check. The applicant shall pay
9829 the fee, not to exceed Fifty Dollars (\$50.00), for the
9830 fingerprinting and criminal records background check; however,
9831 the * * * local school district, in its discretion, may pay the
9832 fee for the fingerprinting and criminal records background check
9833 on behalf of any applicant. Under no circumstances may a member
9834 of the * * * local school board of trustees, employee of the * * *
9835 local school district or any person other than the subject of the
9836 criminal records background check disseminate information received



9837 through any such checks except insofar as required to fulfill the
9838 purposes of this subsection.

9839 (b) If the fingerprinting or criminal records check
9840 discloses a felony conviction, guilty plea or plea of nolo
9841 contendere to a felony of possession or sale of drugs, murder,
9842 manslaughter, armed robbery, rape, sexual battery, sex offense
9843 listed in Section 45-33-23(h), child abuse, arson, grand larceny,
9844 burglary, gratification of lust or aggravated assault which has
9845 not been reversed on appeal or for which a pardon has not been
9846 granted, the applicant is not eligible to be employed as a school
9847 attendance officer. Any employment of an applicant pending the
9848 results of the fingerprinting and criminal records check is
9849 voidable if the new hire receives a disqualifying criminal records
9850 check. However, the * * * local school board, in its discretion,
9851 may allow an applicant aggrieved by an employment decision under
9852 this subsection to appear before the board, or before a hearing
9853 officer designated for that purpose, to show mitigating
9854 circumstances that may exist and allow the new hire to be employed
9855 as a school attendance officer. The * * * local school board may
9856 grant waivers for mitigating circumstances, which may include, but
9857 are not necessarily limited to:

- 9858 (i) Age at which the crime was committed;
9859 (ii) Circumstances surrounding the crime;
9860 (iii) Length of time since the conviction and
9861 criminal history since the conviction;



9862 (iv) Work history;
9863 (v) Current employment and character references;

9864 and

9865 (vi) Other evidence demonstrating the ability of
9866 the person to perform the responsibilities of a school attendance
9867 officer competently and that the person does not pose a threat to
9868 the health or safety of children.

9869 (c) * * * No local school district, school district
9870 employee, member of the State Board of Education or employee of a
9871 school under the purview of the State * * * Board of
9872 Education * * * shall be held liable in any employment
9873 discrimination suit in which an allegation of discrimination is
9874 made regarding an employment decision authorized under this
9875 section.

9876 (3) Each school attendance officer shall possess a college
9877 degree with a major in a behavioral science or a related field or
9878 shall have no less than three (3) years combined actual experience
9879 as a school teacher, school administrator, law enforcement officer
9880 possessing such degree, and/or social worker; however, these
9881 requirements shall not apply to persons employed as school
9882 attendance officers before January 1, 1987. School attendance
9883 officers also shall satisfy any additional requirements that may
9884 be established by the * * * hiring local school district.

9885 (4) It shall be the duty of each school attendance officer
9886 to:



9887 (a) Cooperate with any public agency to locate and
9888 identify all compulsory-school-age children who are not attending
9889 school;

9890 (b) Cooperate with all courts of competent
9891 jurisdiction;

9892 (c) Investigate all cases of nonattendance and unlawful
9893 absences by compulsory-school-age children not enrolled in a
9894 nonpublic school;

9895 (d) Provide appropriate counseling to encourage all
9896 school-age children to attend school until they have completed
9897 high school;

9898 (e) Attempt to secure the provision of social or
9899 welfare services that may be required to enable any child to
9900 attend school;

9901 (f) Contact the home or place of residence of a
9902 compulsory-school-age child and any other place in which the
9903 officer is likely to find any compulsory-school-age child when the
9904 child is absent from school during school hours without a valid
9905 written excuse from school officials, and when the child is found,
9906 the officer shall notify the parents and school officials as to
9907 where the child was physically located;

9908 (g) Contact promptly the home of each
9909 compulsory-school-age child in the school district within the
9910 officer's jurisdiction who is not enrolled in school or is not in
9911 attendance at public school and is without a valid written excuse



9912 from school officials; if no valid reason is found for the
9913 nonenrollment or absence from the school, the school attendance
9914 officer shall give written notice to the parent, guardian or
9915 custodian of the requirement for the child's enrollment or
9916 attendance;

9917 (h) Collect and maintain information concerning
9918 absenteeism, dropouts and other attendance-related problems, as
9919 may be required by law, the local school district or the Office of
9920 Compulsory School Attendance Enforcement and Dropout Prevention;
9921 and

9922 (i) Perform all other duties relating to compulsory
9923 school attendance established by the * * * local school district.

9924 (5) While engaged in the performance of his duties, each
9925 school attendance officer shall carry on his person a badge
9926 identifying him as a school attendance officer * * *. Neither the
9927 badge nor the identification card shall bear the name of any
9928 elected public official.

9929 (6) The state shall provide funding for one (1) school
9930 attendance officer employed by a local school district for every
9931 three thousand (3,000) compulsory-school-age children, as defined
9932 by Section 37-13-91(2)(f), in enrollment in the public schools of
9933 the county, for the purpose of employing school attendance
9934 officers as defined in Section 37-13-91(2)(g).

9935 (* * *7) The * * * salary * * * for school attendance
9936 officers * * * shall be based upon factors including, but not



9937 limited to, education, professional certification and licensure,
9938 and number of years of experience. School attendance must meet
9939 the minimum requirements as identified in subsection (3) of this
9940 section. Effective July 1, 2024, any newly hired school
9941 attendance officers shall be paid * * * a minimum salary * * * of
9942 Thirty Thousand Dollars (\$30,000.00). Local school districts may
9943 pay additional compensation above the minimum salary on a schedule
9944 established by the local school board. * * *

9945 * * *

9946 (* * *8) * * * Each school attendance officer employed by
9947 the State Department of Education on June 30, 2024, shall be
9948 transferred from state services under the authority of the State
9949 Personnel Board to employment status as an employee of the
9950 respective school district of assignment and shall be paid at the
9951 salary established for the 2024 fiscal year plus an additional
9952 twenty-five percent (25%). Each school attendance officer shall
9953 have a work location within the school district they serve. Each
9954 school attendance officer who became an employee of the local
9955 school district on July 1, 2024, shall have no interruption of
9956 service with the Public Employees' Retirement System and the State
9957 and School Employees' Health Insurance Plan. Any unused leave
9958 accumulated in state-service employment with the State Department
9959 of Education shall be transferred in accordance with the provision
9960 of Section 37-7-307, unless otherwise provided.

9961 * * *



9962 (* * *9) * * * School attendance officers shall maintain
9963 regular office hours on a year-round basis as determined by the
9964 local school district of employment * * *. However, during the
9965 school term, on those days that teachers in all of the school
9966 districts served by a school attendance officer are not required
9967 to report to work, the school attendance officer also shall not be
9968 required to report to work. (For purposes of this subsection, a
9969 school district's school term is that period of time identified as
9970 the school term in contracts entered into by the district with
9971 licensed personnel.) A school attendance officer shall be
9972 required to report to work on any day recognized as an official
9973 state holiday if teachers in any school district served by that
9974 school attendance officer are required to report to work on that
9975 day * * *.

9976 * * *

9977 (* * *10) The State Department of Education shall provide
9978 all continuing education and training courses that school
9979 attendance officers are required to complete under state law or
9980 rules and regulations of the department.

9981 **SECTION 130.** Section 37-13-91, Mississippi Code of 1972, is
9982 amended as follows:

9983 37-13-91. (1) This section shall be referred to as the
9984 "Mississippi Compulsory School Attendance Law."

9985 (2) The following terms as used in this section are defined
9986 as follows:



9987 (a) "Parent" means the father or mother to whom a child
9988 has been born, or the father or mother by whom a child has been
9989 legally adopted.

9990 (b) "Guardian" means a guardian of the person of a
9991 child, other than a parent, who is legally appointed by a court of
9992 competent jurisdiction.

9993 (c) "Custodian" means any person having the present
9994 care or custody of a child, other than a parent or guardian of the
9995 child.

9996 (d) "School day" means not less than five and one-half
9997 (5-1/2) and not more than eight (8) hours of actual teaching in
9998 which both teachers and pupils are in regular attendance for
9999 scheduled schoolwork.

10000 (e) "School" means any public school, including a
10001 charter school, in this state or any nonpublic school in this
10002 state which is in session each school year for at least one
10003 hundred eighty (180) school days, except that the "nonpublic"
10004 school term shall be the number of days that each school shall
10005 require for promotion from grade to grade.

10006 (f) "Compulsory-school-age child" means a child who has
10007 attained or will attain the age of six (6) years on or before
10008 September 1 of the calendar year and who has not attained the age
10009 of seventeen (17) years on or before September 1 of the calendar
10010 year; and shall include any child who has attained or will attain



10011 the age of five (5) years on or before September 1 and has
10012 enrolled in a full-day public school kindergarten program.

10013 (g) "School attendance officer" means a person employed
10014 by a local school district, wherein they received additional
10015 support and technical assistance from the State Department of
10016 Education's Office of Compulsory School Attendance Enforcement and
10017 Dropout Prevention * * *.

10018 (h) "Appropriate school official" means the
10019 superintendent of the school district, or his designee, or, in the
10020 case of a nonpublic school, the principal or the headmaster.

10021 (i) "Nonpublic school" means an institution for the
10022 teaching of children, consisting of a physical plant, whether
10023 owned or leased, including a home, instructional staff members and
10024 students, and which is in session each school year. This
10025 definition shall include, but not be limited to, private, church,
10026 parochial and home instruction programs.

10027 (j) "Regional coordinator" refers to the regional
10028 coordinators who exercise oversight and provide technical
10029 assistance to school attendance officers in a geographical region.
10030 Each regional coordinator shall be employed by the State
10031 Department of Education.

10032 (3) A parent, guardian or custodian of a
10033 compulsory-school-age child in this state shall cause the child to
10034 enroll in and attend a public school or legitimate nonpublic



10035 school for the period of time that the child is of compulsory
10036 school age, except under the following circumstances:

10037 (a) When a compulsory-school-age child is physically,
10038 mentally or emotionally incapable of attending school as
10039 determined by the appropriate school official based upon
10040 sufficient medical documentation.

10041 (b) When a compulsory-school-age child is enrolled in
10042 and pursuing a course of special education, remedial education or
10043 education for handicapped or physically or mentally disadvantaged
10044 children.

10045 (c) When a compulsory-school-age child is being
10046 educated in a legitimate home instruction program.

10047 The parent, guardian or custodian of a compulsory-school-age
10048 child described in this subsection, or the parent, guardian or
10049 custodian of a compulsory-school-age child attending any charter
10050 school or nonpublic school, or the appropriate school official for
10051 any or all children attending a charter school or nonpublic school
10052 shall complete a "certificate of enrollment" in order to
10053 facilitate the administration of this section.

10054 The form of the certificate of enrollment shall be prepared
10055 by the Office of Compulsory School Attendance Enforcement of the
10056 State Department of Education and shall be designed to obtain the
10057 following information only:

10058 (i) The name, address, telephone number and date
10059 of birth of the compulsory-school-age child;



10060 (ii) The name, address and telephone number of the
10061 parent, guardian or custodian of the compulsory-school-age child;

10062 (iii) The local public school district where the
10063 compulsory-school-age child resides;

10064 (* * *iv) A simple description of the type of
10065 education the compulsory-school-age child is receiving and, if the
10066 child is enrolled in a nonpublic school, the name and address of
10067 the school; and

10068 (* * *y) The signature of the parent, guardian or
10069 custodian of the compulsory-school-age child or, for any or all
10070 compulsory-school-age child or children attending a charter school
10071 or nonpublic school, the signature of the appropriate school
10072 official and the date signed.

10073 The certificate of enrollment shall be returned to the school
10074 attendance officer that serves the local public school district
10075 where the child resides on or before September 15 of each year.
10076 Any parent, guardian or custodian found by the school attendance
10077 officer to be in noncompliance with this section shall comply,
10078 after written notice of the noncompliance by the school attendance
10079 officer, with this subsection within ten (10) days after the
10080 notice or be in violation of this section. However, in the event
10081 the child has been enrolled in a public school within fifteen (15)
10082 calendar days after the first day of the school year as required
10083 in subsection (6), the parent or custodian may, at a later date,
10084 enroll the child in a legitimate nonpublic school or legitimate



10085 home instruction program and send the certificate of enrollment to
10086 the school attendance officer and be in compliance with this
10087 subsection.

10088 For the purposes of this subsection, a legitimate nonpublic
10089 school or legitimate home instruction program shall be those not
10090 operated or instituted for the purpose of avoiding or
10091 circumventing the compulsory attendance law.

10092 (4) An "unlawful absence" is an absence for an entire school
10093 day or during part of a school day by a compulsory-school-age
10094 child, which absence is not due to a valid excuse for temporary
10095 nonattendance. For purposes of reporting absenteeism under
10096 subsection (6) of this section, if a compulsory-school-age child
10097 has an absence that is more than thirty-seven percent (37%) of the
10098 instructional day, as fixed by the school board for the school at
10099 which the compulsory-school-age child is enrolled, the child must
10100 be considered absent the entire school day. Days missed from
10101 school due to disciplinary suspension shall not be considered an
10102 "excused" absence under this section. This subsection shall not
10103 apply to children enrolled in a nonpublic school.

10104 Each of the following shall constitute a valid excuse for
10105 temporary nonattendance of a compulsory-school-age child enrolled
10106 in a noncharter public school, provided satisfactory evidence of
10107 the excuse is provided to the superintendent of the school
10108 district, or his designee:



10109 (a) An absence is excused when the absence results from
10110 the compulsory-school-age child's attendance at an authorized
10111 school activity with the prior approval of the superintendent of
10112 the school district, or his designee. These activities may
10113 include field trips, athletic contests, student conventions,
10114 musical festivals and any similar activity.

10115 (b) An absence is excused when the absence results from
10116 illness or injury which prevents the compulsory-school-age child
10117 from being physically able to attend school.

10118 (c) An absence is excused when isolation of a
10119 compulsory-school-age child is ordered by the county health
10120 officer, by the State Board of Health or appropriate school
10121 official.

10122 (d) An absence is excused when it results from the
10123 death or serious illness of a member of the immediate family of a
10124 compulsory-school-age child. The immediate family members of a
10125 compulsory-school-age child shall include children, spouse,
10126 grandparents, parents, brothers and sisters, including
10127 stepbrothers and stepsisters.

10128 (e) An absence is excused when it results from a
10129 medical or dental appointment of a compulsory-school-age child.

10130 (f) An absence is excused when it results from the
10131 attendance of a compulsory-school-age child at the proceedings of
10132 a court or an administrative tribunal if the child is a party to
10133 the action or under subpoena as a witness.



10134 (g) An absence may be excused if the religion to which
10135 the compulsory-school-age child or the child's parents adheres,
10136 requires or suggests the observance of a religious event. The
10137 approval of the absence is within the discretion of the
10138 superintendent of the school district, or his designee, but
10139 approval should be granted unless the religion's observance is of
10140 such duration as to interfere with the education of the child.

10141 (h) An absence may be excused when it is demonstrated
10142 to the satisfaction of the superintendent of the school district,
10143 or his designee, that the purpose of the absence is to take
10144 advantage of a valid educational opportunity such as travel,
10145 including vacations or other family travel. Approval of the
10146 absence must be gained from the superintendent of the school
10147 district, or his designee, before the absence, but the approval
10148 shall not be unreasonably withheld.

10149 (i) An absence may be excused when it is demonstrated
10150 to the satisfaction of the superintendent of the school district,
10151 or his designee, that conditions are sufficient to warrant the
10152 compulsory-school-age child's nonattendance. However, no absences
10153 shall be excused by the school district superintendent, or his
10154 designee, when any student suspensions or expulsions circumvent
10155 the intent and spirit of the compulsory attendance law.

10156 (j) An absence is excused when it results from the
10157 attendance of a compulsory-school-age child participating in
10158 official organized events sponsored by the 4-H or Future Farmers



10159 of America (FFA). The excuse for the 4-H or FFA event must be
10160 provided in writing to the appropriate school superintendent by
10161 the Extension Agent or High School Agricultural Instructor/FFA
10162 Advisor.

10163 (k) An absence is excused when it results from the
10164 compulsory-school-age child officially being employed to serve as
10165 a page at the State Capitol for the Mississippi House of
10166 Representatives or Senate.

10167 (5) Any parent, guardian or custodian of a
10168 compulsory-school-age child subject to this section who refuses or
10169 willfully fails to perform any of the duties imposed upon him or
10170 her under this section or who intentionally falsifies any
10171 information required to be contained in a certificate of
10172 enrollment, shall be guilty of contributing to the neglect of a
10173 child and, upon conviction, shall be punished in accordance with
10174 Section 97-5-39.

10175 Upon prosecution of a parent, guardian or custodian of a
10176 compulsory-school-age child for violation of this section, the
10177 presentation of evidence by the prosecutor that shows that the
10178 child has not been enrolled in school within eighteen (18)
10179 calendar days after the first day of the school year of the public
10180 school which the child is eligible to attend, or that the child
10181 has accumulated twelve (12) unlawful absences during the school
10182 year at the public school in which the child has been enrolled,
10183 shall establish a prima facie case that the child's parent,



10184 guardian or custodian is responsible for the absences and has
10185 refused or willfully failed to perform the duties imposed upon him
10186 or her under this section. However, no proceedings under this
10187 section shall be brought against a parent, guardian or custodian
10188 of a compulsory-school-age child unless the school attendance
10189 officer has contacted promptly the home of the child and has
10190 provided written notice to the parent, guardian or custodian of
10191 the requirement for the child's enrollment or attendance.

10192 (6) If a compulsory-school-age child has not been enrolled
10193 in a school within fifteen (15) calendar days after the first day
10194 of the school year of the school which the child is eligible to
10195 attend or the child has accumulated five (5) unlawful absences
10196 during the school year of the public school in which the child is
10197 enrolled, the school district superintendent, or his designee,
10198 shall report * * * within five (5) * * * school days, * * * the
10199 absences to the school attendance officer. The * * * local school
10200 district shall prescribe a uniform method for schools to utilize
10201 in reporting the unlawful absences to the school attendance
10202 officer. The superintendent, or his designee, also shall report
10203 any student suspensions or student expulsions to the school
10204 attendance officer when they occur.

10205 (7) When a school attendance officer has made all attempts
10206 to secure enrollment and/or attendance of a compulsory-school-age
10207 child and is unable to * * * verify the enrollment and/or
10208 attendance, the attendance officer shall file a petition with the



10209 youth court under Section 43-21-451 or shall file a petition in a
10210 court of competent jurisdiction as it pertains to parent or child.
10211 Sheriffs, deputy sheriffs and municipal law enforcement officers
10212 shall be fully authorized to investigate all cases of
10213 nonattendance and unlawful absences by compulsory-school-age
10214 children, and shall be authorized to file a petition with the
10215 youth court under Section 43-21-451 or file a petition or
10216 information in the court of competent jurisdiction as it pertains
10217 to parent or child for violation of this section. The youth court
10218 shall expedite a hearing to make an appropriate adjudication and a
10219 disposition to ensure compliance with the Compulsory School
10220 Attendance Law, and may order the child to enroll or re-enroll in
10221 school. The superintendent of the school district to which the
10222 child is ordered may assign, in his discretion, the child to the
10223 alternative school program of the school established pursuant to
10224 Section 37-13-92.

10225 (8) The State Board of Education shall adopt rules and
10226 regulations * * * to sanction school districts that do not adhere
10227 to said policy through findings of noncompliance on the monitoring
10228 process.

10229 (9) Notwithstanding any provision or implication herein to
10230 the contrary, it is not the intention of this section to impair
10231 the primary right and the obligation of the parent or parents, or
10232 person or persons in loco parentis to a child, to choose the
10233 proper education and training for such child, and nothing in this



10234 section shall ever be construed to grant, by implication or
10235 otherwise, to the State of Mississippi, * * * school attendance
10236 officers, agencies or subdivisions any right or authority to
10237 control, manage, supervise or make any suggestion as to the
10238 control, management or supervision of any private or parochial
10239 school or institution for the education or training of children,
10240 of any kind whatsoever that is not a public school according to
10241 the laws of this state; and this section shall never be construed
10242 so as to grant, by implication or otherwise, any right or
10243 authority to any state agency or other entity to control, manage,
10244 supervise, provide for or affect the operation, management,
10245 program, curriculum, admissions policy or discipline of any such
10246 school or home instruction program.

10247 **SECTION 131.** Section 37-13-107, Mississippi Code of 1972, is
10248 amended as follows:

10249 37-13-107. (1) Every school attendance officer shall be
10250 required annually to attend and complete a comprehensive course of
10251 training and education which is provided or approved by the Office
10252 of Compulsory School Attendance Enforcement and Dropout Prevention
10253 of the State Department of Education. Attendance shall be
10254 required beginning with the first training seminar conducted after
10255 the school attendance officer is employed as a school attendance
10256 officer.

10257 (2) The Office of Compulsory School Attendance Enforcement
10258 and Dropout Prevention shall provide or approve a course of



10259 training and education for school attendance officers of the
10260 state. The course shall consist of at least twelve (12) hours of
10261 training per year. The content of the course of training and when
10262 and where it is to be conducted shall be approved by the office.
10263 A certificate of completion shall be furnished by the State
10264 Department of Education to those school attendance officers who
10265 complete the course. Each certificate shall be made a permanent
10266 record of the local school * * * district where the school
10267 attendance officer is employed.

10268 (3) Upon the failure of any person employed as a school
10269 attendance officer to receive the certificate of completion from
10270 the State Department of Education within the first year of his
10271 employment, the person shall not be allowed to carry out any of
10272 the duties of a school attendance officer and shall not be
10273 entitled to compensation for the period of time during which the
10274 certificate has not been obtained.

10275 **SECTION 132.** This act shall take effect and be in force from
10276 and after July 1, 2024.

