

By: Representatives Roberson, McCarty,
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To: Education

COMMITTEE SUBSTITUTE
FOR
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, 37-151-81,
82 37-151-85, 37-151-87, 37-151-89, 37-151-91, 37-151-93, 37-151-95,
83 37-151-97, 37-151-99, 37-151-101, 37-151-103, 37-151-105,
84 37-151-107, 37-173-9, 37-173-13, 37-175-13, 37-179-3, 37-181-7,
85 41-79-5, 43-17-5 AND 65-26-9, MISSISSIPPI CODE OF 1972, IN



86 CONFORMITY TO THE PROVISIONS OF THIS ACT; TO REPEAL SECTION
87 37-13-153, MISSISSIPPI CODE OF 1972, WHICH REQUIRED STATE FUNDING
88 FOR HOME ECONOMICS TEACHERS TO BE INCLUDED AS A LINE ITEM IN THE
89 EDUCATION APPROPRIATIONS BILLS FOR CERTAIN PRIOR FISCAL YEARS; TO
90 REPEAL SECTIONS 37-151-1, 37-151-5, 37-151-6, 37-151-7,
91 37-151-7.1, 37-151-8, 37-151-10, 37-151-77, 37-151-79 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); AND FOR RELATED PURPOSES.

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

99 **SECTION 1.** This following shall be codified as Section
100 37-151-201, Mississippi Code of 1972:

101 37-151-201. This chapter shall be known and may be cited as
102 the "Investing in the Needs of Students to Prioritize, Impact and
103 Reform Education (INSPIRE) Act of 2024."

104 **SECTION 2.** The following shall be codified as Section
105 37-151-203, Mississippi Code of 1972:

106 37-151-203. The following words and phrases have the
107 meanings ascribed in this section unless the context clearly
108 indicates otherwise:

109 (a) "Average daily membership" or "ADM" means the
110 figure that results when the total aggregate student enrollment of
111 a school district or charter school during the period counted is
112 divided by the number of days during the period counted upon which
113 both teachers and students are in regular attendance for scheduled
114 classroom instruction for not less than sixty percent (60%) of the
115 normal school day. However, if a local school board or the
116 governing board of a charter school adopts a class schedule that



117 operates throughout the year for any or all schools in the
118 district or the charter school, average daily membership must be
119 computed by the State Department of Education so that the
120 resulting average daily membership will not be higher or lower
121 than if the local school board or the governing board had not
122 adopted a year-round schedule.

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

127 (c) "Career and technical education course" or "CTE
128 course" means a credit-bearing course that has been approved and
129 classified by the department as a career and technical education,
130 or CTE, course.

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

134 (e) "Department" means the State Department of
135 Education.

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

140 (g) "Final weighted enrollment" means the final product
141 of applying weights to the average daily membership of a school



142 district or charter school after accounting for the sparsity of a
143 school district or charter school, as determined in Section
144 37-151-209.

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

149 (i) "Local contribution" means the amount of local tax
150 money that school districts or charter schools must contribute to
151 the cost of the funding formula for their district or charter
152 school in a given fiscal year, as determined under Section
153 37-151-217.

154 (j) "Local minimum tax effort" means the amount in
155 taxes that the local levying authority for each school district
156 must raise on behalf of the school districts and charter schools
157 in its geographic boundaries, as determined under Section
158 37-151-217.

159 (k) "Low income student" means a student who has been
160 identified by the department, through direct certification, as a
161 homeless, foster, runaway or migrant student, or a student who is
162 participating in, or belonging to a household that is
163 participating in, a means-tested program, including, but not
164 limited to, direct family certification of income-based
165 eligibility for free lunch under the National School Lunch
166 Program, Head Start, Medicaid, the Supplemental Nutrition



167 Assistance Program (SNAP), Temporary Assistance for Needy Families
168 (TANF), or Food Distribution Program on Indian Reservations
169 (FDPIR).

170 (l) "Investing in the Needs of Students to Prioritize,
171 Impact and Reform Education (INSPIRE)," "funding formula," or
172 "formula" means the formula used to determine annual operating
173 funding for public schools on a per student basis, as prescribed
174 in this chapter.

175 (m) "Preliminary weighted enrollment" means the initial
176 product of applying weights to the average daily membership of a
177 school district or charter school, as determined in Section
178 37-151-209.

179 (n) "School board" means a governmental board
180 exercising management and control over a school district and the
181 schools of that district pursuant to the Mississippi Constitution
182 of 1890 and state statutes.

183 (o) "School district" or "district" means a
184 governmental entity that establishes and supervises one or more
185 public schools within its geographical limits pursuant to state
186 statutes.

187 (p) "Sparsely populated district or charter school"
188 means a school district or charter school with a density of less
189 than eight (8) students per square mile, as determined by dividing
190 the square mileage within the geographic boundaries of the
191 district or charter school by its average daily membership. For



192 the purpose of determining the sparsity of a charter school, the
193 square mileage of a charter school is equivalent to the square
194 mileage within the geographic boundaries of the school district in
195 which the charter school is located.

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

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

202 (s) "Superintendent" means the administrative head of a
203 school district.

204 (t) "Uniform funding formula funds," "formula funding"
205 or "formula funds" means all funds, both state and local,
206 constituting the requirements for meeting the cost of the formula
207 as established pursuant to this chapter.

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

212 **SECTION 3.** The following shall be codified as Section
213 37-151-205, Mississippi Code of 1972:

214 37-151-205. (1) Beginning with the 2025 fiscal year, the
215 annual computation of the total amount of operational funding,
216 both state and local, for the cost of educating students enrolled



217 in the public schools in the State of Mississippi is determined in
218 accordance with Investing in the Needs of Students to Prioritize,
219 Impact and Reform Education (INSPIRE) established under this
220 chapter.

221 (2) The annual amount of funding for the operation of each
222 school district and charter school under INSPIRE is determined by
223 multiplying the student base amount, as determined under Section
224 37-151-207, by the final weighted enrollment of the school
225 district or charter school, as determined under Section
226 37-151-209.

227 **SECTION 4.** The following shall be codified as Section
228 37-151-207, Mississippi Code of 1972:

229 37-151-207. Beginning with the 2025 fiscal year, the student
230 base amount shall not be less than Six Thousand Six Hundred Fifty
231 Dollars (\$6,650.00) per student. Upon the expiration of all hold
232 harmless provisions granted to certain school districts under
233 Section 37-151-223, the base student cost shall be adjusted
234 annually at a rate of twenty percent (20%) multiplied by the
235 consumer price index (CPI) beginning in fiscal year 2028. The
236 calculation shall be performed annually by the Legislative Budget
237 Office, and the resulting amount shall replace the previous year's
238 base student cost.

239 **SECTION 5.** The following shall be codified as Section
240 37-151-209, Mississippi Code of 1972:



241 37-151-209. (1) The preliminary weighted enrollment of each
242 school district and charter school under Investing in the Needs of
243 Students to Prioritize, Impact and Reform Education (INSPIRE) is
244 determined by applying the weights prescribed in this section,
245 none of which is mutually exclusive of another, to each applicable
246 student counted in the school district or charter school's average
247 daily membership, as determined by Section 37-151-111.

248 (2) A weight of thirty percent (30%) is applied to each
249 student identified as low income, as defined in Section
250 37-151-203: the total number of students identified in this
251 subsection is multiplied by thirty one-hundredths (30/100).

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

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

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

264 (b) Tier II: A weight of one hundred twenty-five
265 percent (125%) is applied to each student diagnosed with autism,



266 hearing impairment, emotional disability, orthopedic impairment,
267 intellectual disability, or other health impairment: the total
268 number of students identified in this paragraph is multiplied by
269 one hundred twenty-five one-hundredths (125/100).

270 (c) Tier III: A weight of one hundred seventy percent
271 (170%) is applied to each student diagnosed with visual
272 impairment, deaf-blindness, multiple disabilities, or traumatic
273 brain injury: the total number of students identified in this
274 paragraph is multiplied by one hundred seventy one-hundredths
275 (170/100).

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

281 (5) A weight of five percent (5%) is applied to five percent
282 (5%) of a school district or charter school's average daily
283 membership for the purpose of providing gifted education,
284 regardless of the number of students in a school district or
285 charter school that have been identified as gifted students: the
286 total number of students in average daily membership in a school
287 district or charter school, as determined by Section 37-151-111,
288 is multiplied by five one-hundredths (5/100), which is again
289 multiplied by five one-hundredths (5/100).



290 (6) A weight of ten percent (10%) is applied to each student
291 enrolled in a career and technical education course, as defined in
292 Section 37-151-203. A student enrolled in multiple career and
293 technical education courses is counted once. The total number of
294 students identified in this subsection is multiplied by ten
295 one-hundredths (10/100).

296 (7) In each school district or charter school where the
297 number of students identified as low income, as defined in Section
298 37-151-203, exceeds thirty-five percent (35%) of the school
299 district or charter school's average daily membership, a weight of
300 ten percent (10%) is applied only to the number of low income
301 students in excess of the number of low income students which
302 constitute thirty-five percent (35%) of average daily membership.
303 The number of students eligible for this weight is calculated by
304 subtracting the number of students equivalent to thirty-five
305 percent (35%) of the average daily membership of that school
306 district or charter school from the total number of students in
307 that school district or charter school identified as low income:
308 if the total number of students identified in subsection (2)
309 exceeds thirty-five percent (35%) of the school district or
310 charter school's total average daily membership, as determined in
311 Section 37-151-111, the difference between the total number of
312 students identified in subsection (2) and thirty-five percent
313 (35%) of the school district or charter school's total average
314 daily membership is multiplied by ten one-hundredths (10/100).



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

317 (a) The final weighted enrollment for each school
318 district or charter school that is not classified as a sparsely
319 populated district or charter school, as defined in Section
320 37-151-203, is equivalent to the preliminary weighted enrollment
321 of that school district or charter school, as determined in
322 subsections (1) through (7) of this section: the State Department
323 of Education shall add to the school district or charter school's
324 average daily membership, as determined under Section 37-151-111,
325 each of the additional figures calculated in accordance with
326 subsections (2) through (7), and this total is the final weighted
327 enrollment.

328 (b) The final weighted enrollment for each sparsely
329 populated district or charter school, as defined in Section
330 37-151-203, is determined by multiplying the sparsity weight by
331 the preliminary weighted enrollment, as determined in subsections
332 (1) through (7) of this section, and then adding that figure to
333 the preliminary weighted enrollment. To calculate the final
334 weighted enrollment, the State Department of Education shall add
335 to the school district or charter school's average daily
336 membership, as determined under Section 37-151-111, each of the
337 additional figures calculated in accordance with subsections (2)
338 through (7) to determine the preliminary weighted enrollment,
339 multiply this figure by the sparsity weight as determined below,



340 and add this resulting number to the preliminary weighted
341 enrollment to find the final weighted enrollment. To calculate
342 the sparsity weight, the State Department of Education shall find
343 the difference between the number of students per square mile in
344 that district or charter school and a sparsity threshold of eight
345 (8) students per square mile, and then shall divide the resulting
346 figure by one hundred percent (100%) to create a percentage: for
347 example, if the number of students per square mile in a district
348 is three (3), the difference is five (5) (eight (8) minus three
349 (3)), and the sparsity weight is five percent (5%), or five
350 one-hundredths (5/100).

351 **SECTION 6.** The following shall be codified as Section
352 37-151-211, Mississippi Code of 1972:

353 37-151-211. (1) A school district or charter school's
354 average daily membership for the purposes of calculating the cost
355 of Investing in the Needs of Students to Prioritize, Impact and
356 Reform Education (INSPIRE) must be based on the number of students
357 projected to be in enrollment in Mississippi public schools during
358 the fiscal year for which an appropriation is made. The average
359 daily membership of a school district or charter school for use in
360 the funding formula must be computed and currently maintained by
361 the State Board of Education in accordance with the following:

362 (a) Determination of school district average daily
363 membership for use in the funding formula. Effective with fiscal
364 year 2025, the State Department of Education shall determine the



365 percentage change from the prior year of each school district's
366 average of months two (2) and three (3) average daily membership
367 (ADM) for the three (3) immediately preceding school years of the
368 year for which funds are being appropriated. For any school
369 district that experiences growth in the average of months two (2)
370 and three (3) ADM each year of the three (3) years, the average
371 percentage growth over the three-year period must be multiplied
372 times the school district's average of months two (2) and three
373 (3) ADM for the year immediately preceding the year for which
374 formula funds are being appropriated. The resulting amount must
375 be added to the school district's average of months two (2) and
376 three (3) ADM for the year immediately preceding the year for
377 which formula funds are being appropriated to arrive at the ADM to
378 be used in determining a school district's funding formula
379 allocation. Otherwise, months two (2) and three (3) ADM for the
380 year immediately preceding the year for which formula funds are
381 being appropriated will be used in determining a school district's
382 funding formula allocation.

383 (b) Determination of charter school average daily
384 membership for use in the funding formula. Effective with fiscal
385 year 2025, the department shall base a charter school's average
386 daily membership (ADM) on the enrollment projections for the
387 relevant year set forth over the term of the charter contract.

388 (c) The average daily membership of a school district
389 used for funding formula calculations, as determined in paragraph



390 (a) of this subsection, must be reconciled with the school
391 district's average daily membership using months two (2) and three
392 (3) for the year for which INSPIRE funds are being appropriated,
393 and any necessary adjustments must be made to payments during the
394 school district's following year of operation. Any necessary
395 adjustment for a school district must be based on the state share
396 of the per pupil amount in effect for the year for which actual
397 average daily membership did not meet expectations and not any new
398 amount appropriated for the year in which the adjustment will be
399 made. Reconciliation of average daily membership for charter
400 schools must be based on requirements set forth in Section
401 37-28-55.

402 (2) The ADM of a school district or charter school must
403 include any student enrolled in a dual enrollment-dual credit
404 program as defined and provided for in Section 37-15-38. The
405 State Department of Education shall make payments for dual
406 enrollment-dual credit programs to the home school district or
407 charter school in which the student is enrolled, in accordance
408 with regulations promulgated by the State Board of Education. All
409 state funding under the formula must cease upon completion of high
410 school graduation requirements.

411 (3) The State Board of Education shall promulgate such rules
412 and regulations as may be necessary for the counting and reporting
413 of student enrollment by school districts and charter schools to
414 the department in a manner that enables the provisions of this



415 chapter to be carried out. The rules and regulations must require
416 school districts and charter schools to submit data that includes,
417 at a minimum, numbers for the specific student populations that
418 are subject to weighting under the INSPIRE as well as the
419 aggregate amount of students in enrollment when each calculation
420 is made.

421 **SECTION 7.** The following shall be codified as Section
422 37-151-213, Mississippi Code of 1972:

423 37-151-213. (1) As soon as practical following the
424 effective date of this act, but no later than January 1, 2026, and
425 each year thereafter, the department shall review the disability
426 tiers established under this chapter to ensure that the various
427 diagnoses and weightings are matched and classified appropriately.
428 The department shall verify that the distribution of weights meets
429 the Maintenance of Effort (MOE) requirements of the Individuals
430 with Disabilities Education Act (IDEA) and that the total funding
431 by the state dedicated to special education is sufficient to meet
432 annual MOE requirements. The department also shall determine if
433 the diagnoses are categorized appropriately based on the average
434 costs of educating students in the state who are in special
435 education programs. Before September 1 of each year, the
436 department shall submit an annual report to the Education and
437 Appropriations Committees of the House of Representatives and
438 Senate recommending any revisions that are necessary in order for
439 the state to comply with federal requirements under IDEA or which



440 may be desirable to improve the delivery and funding of special
441 education services throughout the state. The department may
442 include any recommendations for transitioning to service-based, or
443 Individual Education Plan (IEP)-based, tiers for funding special
444 education services rather than diagnosis-based tiers.

445 (2) Before January 1, 2027, and each year thereafter, the
446 department shall submit a detailed report to the Education and
447 Appropriations Committees of the House of Representatives and
448 Senate on the status of English Language Learners in the public
449 schools. The report must include data demonstrating the progress
450 that is being made through programs and services aimed at
451 improving English language mastery in non-English-proficient
452 students and an assessment of the sufficiency of the supplemental
453 allocation for those programs and services, along with any
454 recommendations for adjustments to the weight prescribed under
455 this chapter for English Language Learners. In order to create
456 this report, the department may require each school district and
457 charter school to submit an annual report to the department
458 relating to the education of English Language Learners that
459 includes the following:

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

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



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

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

472 (3) Before January 1, 2027, and every four (4) years
473 thereafter, the State Board of Education shall submit to the
474 Legislature a report that reviews the formula and the student base
475 amount and includes recommendations for revisions based upon
476 considerations which may include the effects of inflation, studies
477 of the actual costs of education in the State of Mississippi,
478 research in education and education finance, and public comment.
479 Any study of actual costs of education pursuant to this subsection
480 may include, but need not be limited to, the following:

481 (a) The relation of funding levels to student outcomes;

482 (b) Maintenance of effort in specified areas of focus
483 to promote continuity of effective practices;

484 (c) Improved techniques for determining specific levels
485 of funding needed to provide adequate special education services;

486 (d) Improved measures of change in the cost of
487 education; and

488 (e) A review of the costs associated with serving low
489 income students and how low income students are identified.



490 (4) (a) The State Superintendent of Public Education is
491 responsible for the development of the report required under
492 subsection (3) and shall convene a working group to solicit input
493 and recommendations regarding revisions to the formula or student
494 base amount, to examine whether school districts qualifying for
495 the hold harmless provisions under subsections (1) and (2) of
496 Section 37-151-223, as well as evaluating how districts designated
497 with "F" accountability ratings, as determined by the State Board
498 of Education, would benefit from school district consolidation or
499 other legislative action to increase the financial sustainability,
500 operational efficiency, and/or educational quality in those
501 affected school districts.

502 (b) The working group shall be comprised of the
503 following thirteen (13) members:

504 (i) The State Superintendent of Public Education;

505 (ii) Three (3) individuals appointed by the State
506 Superintendent of Public Education;

507 (iii) One (1) superintendent from each
508 Congressional district who oversees a school district with a
509 student enrollment exceeding the fiftieth percentile of statewide
510 district enrollment, to be appointed by the State Superintendent
511 of Public Education;

512 (iv) One (1) superintendent from each
513 Congressional district who oversees a school district with a
514 student enrollment at or below the fiftieth percentile of the



515 statewide district enrollment, to be appointed by the State
516 Superintendent of Public Education; and

517 (v) One (1) representative who is the principal or
518 chief administrative officer of a state charter school, to be
519 appointed by the Charter School Authorizer Board.

520 If any of the selected superintendents are unavailable, or
521 otherwise chooses to do so, they may designate his or her
522 district's chief financial officer to serve as designee on their
523 behalf.

524 (c) All appointments to the working group must be made
525 no later than thirty (30) days after the effective date of this
526 act. After the members are appointed, the working group shall
527 conduct its organizational meeting on or before September 1, 2024,
528 upon the call of the State Superintendent of Public Education, who
529 shall serve as chairperson of the group. A majority of the
530 members of the working group shall constitute a quorum.

531 (d) Members of the working group shall serve without
532 compensation but may be reimbursed, subject to the availability of
533 funding, for mileage and actual and necessary expenses incurred in
534 attending meetings of the working group pursuant to Section
535 25-3-41.

536 (e) The Department of Finance and Administration, State
537 Department of Education and the Legislative Budget Office shall
538 provide administrative support to the working group.



539 (f) Before December 1, 2026, the working group shall
540 prepare and submit a report of its findings and recommendations to
541 the Governor, Lieutenant Governor and Speaker of the House of
542 Representatives for consideration during the 2027 Regular Session
543 of the Legislature.

544 **SECTION 8.** The following shall be codified as Section
545 37-151-215, Mississippi Code of 1972:

546 37-151-215. Allocations to school districts or charter
547 schools made by the State Department of Education on the basis of
548 the count of students in student categories established for the
549 purpose of applying various weights under this chapter are
550 intended only to generate total appropriation amounts on a per
551 student basis. Except as otherwise required by applicable state
552 or federal law or by applicable rules, regulations, policies, or
553 order of the State Board of Education and the State Department of
554 Education, a school district or charter school may exercise full
555 autonomy in the spending of all funds allocated under the formula
556 to the district or charter school so long as funds are expended in
557 the manner determined by the school board or governing board to
558 best meet the needs of the student population of the school
559 district or charter school.

560 **SECTION 9.** The following shall be codified as Section
561 37-151-217, Mississippi Code of 1972:

562 37-151-217. (1) (a) Before February 1 of each year, the
563 tax assessor of each county shall file reports with the State



564 Department of Education which provide information essential to the
565 department in determining the local contribution that each school
566 district or charter school is required to provide toward the cost
567 of Investing in the Needs of Students to Prioritize, Impact and
568 Reform Education (INSPIRE). A separate report must be filed for
569 each school district or part of a school district situated in the
570 county and must include the following information:

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

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

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

579 (iv) The school district's homestead reimbursement
580 revenues.

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

584 (2) (a) The department shall use the information submitted
585 pursuant to subsection (1) to calculate and certify to each school
586 district the millage required to raise its minimum local tax
587 effort, which must be the value of not less than twenty-eight (28)
588 mills for the then current fiscal year or a millage rate



589 equivalent to twenty-seven percent (27%) of the total INSPIRE
590 funds for the school district, any charter schools, and any
591 Mississippi Achievement School District Schools located in its
592 boundaries, whichever is a lesser amount as certified to the
593 school district by the department, upon all of the taxable
594 property of the school district, including the following sources:

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

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

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

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

608 (ii) For school districts in which there is
609 located one or more charter schools, the local contribution of the
610 school district is the product of multiplying the local pro rata
611 amount by the average daily membership of the school district.
612 The department will calculate the local pro rata amount by
613 dividing the school district's minimum local tax effort by the sum



614 of the average daily membership of the school district, as
615 determined by Section 37-151-211, and the projected enrollment of
616 charter school students, as specified in Section 37-151-211, who
617 reside or are estimated to reside in the district, but excluding
618 from this projected enrollment any resident students who are
619 projected to transfer from the district to a charter school after
620 the calculation of the district's average daily membership, so as
621 not to double-count those students.

622 (iii) For each charter school, the local
623 contribution is the sum of the local pro rata amount for each
624 charter school student, as determined by Section 37-151-211, based
625 on each student's district of residence. The department will
626 calculate a local pro rata amount for each school district in
627 which a student projected to attend the charter school resides or
628 is estimated to reside using the methodology in subparagraph (ii)
629 of this paragraph (b).

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

637 (v) In the case of a district in which a school or
638 schools are absorbed by the Mississippi Achievement School



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

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

660 (3) Except as otherwise provided in Section 37-151-223(1) or
661 37-151-219(2), the required state share in support of Investing in
662 the Needs of Students to Prioritize, Impact and Reform Education
663 (INSPIRE) for each school district and charter school is



664 determined by subtracting the required local contribution, which
665 total amount may not exceed twenty-seven percent (27%) of the
666 total projected funding formula cost, from the total projected
667 INSPIRE cost, as determined under this chapter, for the school
668 district or charter school.

669 (4) If the school board of any school district or charter
670 school governing board determines that it is not economically
671 feasible or practicable to operate any school within the district
672 or charter school for the full one hundred eighty (180) days
673 required for the school term of a scholastic year under Section
674 37-13-63, due to an enemy attack, man-made, technological, or
675 natural disaster in which the Governor has declared a disaster
676 emergency under the laws of this state or the President of the
677 United States has declared an emergency or major disaster to exist
678 in this state, the school board or charter school governing board
679 may notify the State Department of Education of the disaster and
680 submit a plan for altering the school term. If the State Board of
681 Education finds the disaster to be the cause of the school not
682 operating for the contemplated school term and that the school is
683 located in a school district covered by the Governor's or
684 President's disaster declaration, the board may permit the schools
685 located in that district to be operated for less than one hundred
686 eighty (180) days and, in such case, the State Department of
687 Education may not reduce the state share in support of the funding



688 formula for that district or charter school because of the failure
689 to operate those schools for one hundred eighty (180) days.

690 **SECTION 10.** The following shall be codified as Section
691 37-151-219, Mississippi Code of 1972:

692 37-151-219. (1) To qualify for state funds under this
693 chapter, a school district may not exceed a student-teacher ratio
694 determined in accordance with appropriate accreditation standards
695 developed by the Mississippi Commission on School Accreditation.
696 However, a local district may apply to the State Board of
697 Education for approval of a waiver to this section by submitting
698 and justifying an alternative educational program to serve the
699 needs of enrollment. The State Board of Education must approve or
700 disapprove of the waiver no later than forty-five (45) days after
701 the receipt of the application.

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

708 (3) Notwithstanding the provisions of this section, the
709 State Board of Education may waive the student-teacher
710 requirements upon a finding that a good faith effort is being made
711 by a school district to comply with the ratio provision but, due
712 to a lack of classroom space which is beyond the district's



713 control, it is physically impossible for the district to comply,
714 and the cost of temporary classroom space cannot be justified.

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

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

722 **SECTION 11.** The following shall be codified as Section
723 37-151-221, Mississippi Code of 1972:

724 37-151-221. (1) The State Department of Education shall
725 conduct a comprehensive review of all rules, regulations, orders
726 and policies of the department and State Board of Education to
727 identify all process standards used in the assignment of a
728 district's accreditation status established by rule, regulation,
729 order or policy which create a fiscal impact on school districts
730 to determine if such standards are critical to student success.
731 The department shall examine those rules, regulations, orders and
732 policies to assess whether compliance with the administrative
733 requirements causes a fiscal impact that has the effect of
734 earmarking state funds before those funds are allocated to a
735 school district and forcing inefficient spending while restricting
736 innovation by the district. The study must identify those areas
737 in which school districts are required to follow a prescribed or



738 assumed investment of resources rather than be held to an expected
739 outcome. The department also shall examine any rules,
740 regulations, orders, policies or laws that prohibit or restrict
741 the use of state funds or the use of local funds for certain
742 expenditures to ascertain whether those provisions are necessary
743 or desirable under Investing in the Needs of Students to
744 Prioritize, Impact and Reform Education (INSPIRE). Based on the
745 results of the review, the State Board of Education or the
746 department shall consider making any necessary or desirable
747 revision to any rule, regulation, order or policy deemed
748 inconsistent with the intent of the funding formula and shall
749 submit to the Legislature, on or before January 1, 2026, a report
750 of any recommended legislation for statutory revisions deemed
751 necessary or desirable by the department or board in furthering
752 the intent of the funding formula.

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

758 **SECTION 12.** The following shall be codified as Section
759 37-151-223, Mississippi Code of 1972:

760 37-151-223. (1) Notwithstanding the provisions of Section
761 37-151-217(3) or 37-151-219(2), the state share in support of the
762 funding formula for a school district or charter school for fiscal



763 year 2025 may not be less than an amount equal to the sum of all
764 state funds received by that school district or charter school for
765 fiscal year 2024, as follows:

766 (a) Funds distributed under the Mississippi Adequate
767 Education Program;

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

773 (c) Funds distributed by and based on average daily
774 enrollment or the total number of students enrolled for each day
775 in each public school district or charter school, divided by the
776 total number of school days, and allowable to be spent on any
777 expenditures necessary to operate a public school district or
778 charter school, excluding salary increases for superintendents,
779 assistant superintendents or principals.

780 (2) Notwithstanding any other provision of this chapter, the
781 state share in support of the funding formula for a school
782 district or charter school for fiscal year 2026 and fiscal year
783 2027 may not be less than an amount equal to ninety-seven percent
784 (97%) of the state funds received by that school district or
785 charter school under Investing in the Needs of Students to
786 Prioritize, Impact and Reform Education (INSPIRE) in the
787 immediately preceding fiscal year; however, the limitations



788 prescribed in this subsection do not apply to the extent that any
789 portion of such a decrease in the required state share for a
790 school district is attributable solely to a projected change in
791 the school district's or charter school's average daily membership
792 in the year for which funds are being allocated.

793 (3) This section shall stand repealed on July 1, 2027.

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

796 37-57-1. (1) (a) The boards of supervisors of the counties
797 shall levy and collect all taxes for and on behalf of all school
798 districts which were within the county school system or designated
799 as special municipal separate school districts prior to July 1,
800 1986. Such taxes shall be collected by the county tax collector
801 at the same time and in the same manner as county taxes are
802 collected by him, and the same penalties for delinquency shall be
803 applicable.

804 The governing authorities of the municipalities shall levy
805 and collect all taxes for and on behalf of all school districts
806 which were designated as municipal separate school districts prior
807 to July 1, 1986. Such taxes shall be collected by the municipal
808 tax collector at the same time and in the same manner as municipal
809 taxes are collected by him, and the same penalties for delinquency
810 shall be applicable.

811 Except as otherwise provided in Section 19-9-171, the county
812 or municipal tax collector, as the case may be, shall pay such tax



813 collections, except for taxes collected for the payment of the
814 principal of and interest on school bonds or notes and except for
815 taxes collected to defray collection costs, into the school
816 depository and report to the school board of the appropriate
817 school district at the same time and in the same manner as the tax
818 collector makes his payments and reports of other taxes collected
819 by him.

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

823 (b) For the purposes of this chapter and any other laws
824 pertaining to taxes levied or bonds or notes issued for and on
825 behalf of school districts, the term "levying authority" means the
826 board of supervisors of the county or the governing authorities of
827 the municipality, whichever levies taxes for and on behalf of the
828 particular school district as provided in paragraphs (a) and (b)
829 of this subsection.

830 (2) The levying authority for the school district shall, at
831 the same time and in the same manner as other taxes are levied by
832 the levying authority, levy a tax of not less than twenty-eight
833 (28) mills for the then current fiscal year * * * or a millage
834 rate equivalent to twenty-seven percent (27%) of the * * * total
835 Investing in the Needs of Students to Prioritize, Impact and
836 Reform Education (INSPIRE), whichever is a lesser amount, as
837 certified to the school district by the State Department of



838 Education, upon all of the taxable property of the school
839 district * * *. However, in no case shall the minimum local ad
840 valorem tax effort for any school district be equal to an amount
841 that would require a millage rate exceeding fifty-five (55) mills
842 in that school district. * * * However, * * * if a levying
843 authority is levying in excess of fifty-five (55) mills on July 1,
844 1997, the levying authority may levy an additional amount not
845 exceeding three (3) mills in the aggregate for the period
846 beginning July 1, 1997, and ending June 30, 2003, subject to the
847 limitation on increased receipts from ad valorem taxes prescribed
848 in Sections 37-57-105 and 37-57-107. Nothing in this subsection
849 shall be construed to require any school district that is levying
850 more than fifty-five (55) mills pursuant to Sections 37-57-1 and
851 37-57-105 to decrease its millage rate to fifty-five (55) mills or
852 less. In making such levy, the levying authority shall levy an
853 additional amount sufficient to cover anticipated delinquencies
854 and costs of collection so that the net amount of money to be
855 produced by such levy shall be equal to the amount which the
856 school district is required to contribute as its * * * minimum
857 local ad valorem tax effort. The tax so levied shall be collected
858 by the tax collector at the same time and in the same manner as
859 other ad valorem taxes are collected by him. The amount of taxes
860 so collected as a result of such levy shall be paid into the
861 district maintenance fund of the school district by the tax
862 collector at the same time and in the same manner as reports and



863 payments of other ad valorem taxes are made by * * * the tax
864 collector, except that the amount collected to defray costs of
865 collection may be paid into the county general fund. The levying
866 authority shall have the power and authority to direct and cause
867 warrants to be issued against such fund for the purpose of
868 refunding any amount of taxes erroneously or illegally paid into
869 such fund where such refund has been approved in the manner
870 provided by law.

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

873 37-57-104. (1) Each school board shall submit to the
874 levying authority for the school district a certified copy of an
875 order adopted by the school board requesting an ad valorem tax
876 effort in dollars for the support of the school district. The
877 copy of the order shall be submitted by the school board when the
878 copies of the school district's budget are filed with the levying
879 authority pursuant to Section 37-61-9. Upon receipt of the school
880 board's order requesting the ad valorem tax effort in dollars, the
881 levying authority shall determine the millage rate necessary to
882 generate funds equal to the dollar amount requested by the school
883 board. For the purpose of calculating this millage rate, any
884 additional amount that is levied pursuant to Section 37-57-105(1)
885 to cover anticipated delinquencies and costs of collection or any
886 amount that may be levied for the payment of the principal and
887 interest on school bonds or notes shall be excluded from the



888 limitation of fifty-five (55) mills provided for in subsection (2)
889 of this section.

890 (2) (a) Except as otherwise provided under paragraph (b) or
891 (c) of this subsection, if the millage rate necessary to generate
892 funds equal to the dollar amount requested by the school board is
893 greater than fifty-five (55) mills, and if this millage rate is
894 higher than the millage then being levied pursuant to the school
895 board's order requesting the ad valorem tax effort for the
896 currently existing fiscal year, then the levying authority shall
897 call a referendum on the question of exceeding, during the next
898 fiscal year, the then existing millage rate being levied for
899 school district purposes. The referendum shall be scheduled for
900 not more than six (6) weeks after the date on which the levying
901 authority receives the school board's order requesting the ad
902 valorem tax effort.

903 When a referendum has been called, notice of the referendum
904 shall be published at least five (5) days per week, unless the
905 only newspaper published in the school district is published less
906 than five (5) days per week, for at least three (3) consecutive
907 weeks, in at least one (1) newspaper published in the school
908 district. The notice shall be no less than one-fourth (1/4) page
909 in size, and the type used shall be no smaller than eighteen (18)
910 point and surrounded by a one-fourth-inch solid black border. The
911 notice may not be placed in that portion of the newspaper where
912 legal notices and classified advertisements appear. The first



913 publication of the notice shall be made not less than twenty-one
914 (21) days before the date fixed for the referendum, and the last
915 publication shall be made not more than seven (7) days before that
916 date. If no newspaper is published in the school district, then
917 the notice shall be published in a newspaper having a general
918 circulation in the school district. The referendum shall be held,
919 as far as is practicable, in the same manner as other referendums
920 and elections are held in the county or municipality. At the
921 referendum, all registered, qualified electors of the school
922 district may vote. The ballots used at the referendum shall have
923 printed thereon a brief statement of the amount and purpose of the
924 increased tax levy and the words "FOR INCREASING THE MILLAGE
925 LEVIED FOR SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY
926 LEVIED) MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S
927 ORDER) MILLS," and "AGAINST INCREASING THE MILLAGE LEVIED FOR
928 SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY LEVIED)
929 MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S ORDER)
930 MILLS." The voter shall vote by placing a cross (X) or checkmark
931 (✓) opposite his choice on the proposition.

932 If a majority of the registered, qualified electors of the
933 school district who vote in the referendum vote in favor of the
934 question, then the ad valorem tax effort in dollars requested by
935 the school board shall be approved. However, if a majority of the
936 registered, qualified electors who vote in the referendum vote
937 against the question, the millage rate levied by the levying



938 authority shall not exceed the millage then being levied pursuant
939 to the school board's order requesting the ad valorem tax effort
940 for the then currently existing fiscal year.

941 Nothing in this subsection shall be construed to require any
942 school district that is levying more than fifty-five (55) mills
943 pursuant to Sections 37-57-1 and 37-57-105 to decrease its millage
944 rate to fifty-five (55) mills or less. Further, nothing in this
945 subsection shall be construed to require a referendum in a school
946 district where the requested ad valorem tax effort in dollars
947 requires a millage rate of greater than fifty-five (55) mills but
948 the requested dollar amount does not require any increase in the
949 then existing millage rate. Further, nothing in this subsection
950 shall be construed to require a referendum in a school district
951 where, because of a decrease in the assessed valuation of the
952 district, a millage rate of greater than fifty-five (55) mills is
953 necessary to generate funds equal to the dollar amount generated
954 by the ad valorem tax effort for the currently existing fiscal
955 year.

956 (b) * * * However, * * * if a levying authority is
957 levying in excess of fifty-five (55) mills on July 1, 1997, the
958 levying authority may levy an additional amount not exceeding
959 three (3) mills in the aggregate for the period beginning July 1,
960 1997, and ending June 30, 2003, subject to the limitation on
961 increased receipts from ad valorem taxes prescribed in Sections
962 37-57-105 and 37-57-107.



963 (c) If the levying authority for any school district
964 lawfully has decreased the millage levied for school district
965 purposes, but subsequently determines that there is a need to
966 increase the millage rate due to a disaster in which the Governor
967 has declared a disaster emergency or the President of the United
968 States has declared an emergency or major disaster, then the
969 levying authority may increase the millage levied for school
970 district purposes up to an amount that does not exceed the millage
971 rate in any one (1) of the immediately preceding ten (10) fiscal
972 years without any referendum that otherwise would be required
973 under this subsection.

974 (3) If the millage rate necessary to generate funds equal to
975 the dollar amount requested by the school board is equal to
976 fifty-five (55) mills or less, but the dollar amount requested by
977 the school board exceeds the next preceding fiscal year's ad
978 valorem tax effort in dollars by more than four percent (4%), but
979 not more than seven percent (7%) (as provided for under subsection
980 (4) of this section), then the school board shall publish notice
981 thereof at least five (5) days per week, unless the only newspaper
982 published in the school district is published less than five (5)
983 days per week, for at least three (3) consecutive weeks in a
984 newspaper published in the school district. The notice shall be
985 no less than one-fourth (1/4) page in size, and the type used
986 shall be no smaller than eighteen (18) point and surrounded by a
987 one-fourth-inch solid black border. The notice may not be placed



988 in that portion of the newspaper where legal notices and
989 classified advertisements appear. The first publication shall be
990 made not less than fifteen (15) days before the final adoption of
991 the budget by the school board. If no newspaper is published in
992 the school district, then the notice shall be published in a
993 newspaper having a general circulation in the school district. If
994 at any time before the adoption of the budget a petition signed by
995 not less than twenty percent (20%) or fifteen hundred (1500),
996 whichever is less, of the registered, qualified electors of the
997 school district is filed with the school board requesting that a
998 referendum be called on the question of exceeding the next
999 preceding fiscal year's ad valorem tax effort in dollars by more
1000 than four percent (4%), then the school board shall adopt, not
1001 later than the next regular meeting, a resolution calling a
1002 referendum to be held within the school district upon the
1003 question. The referendum shall be called and held, and notice
1004 thereof shall be given, in the same manner provided for in
1005 subsection (2) of this section. The ballot shall contain the
1006 language "FOR THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)" and
1007 "AGAINST THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)." If a
1008 majority of the registered, qualified electors of the school
1009 district who vote in the referendum vote in favor of the question,
1010 then the increase requested by the school board shall be approved.
1011 For the purposes of this subsection, the revenue sources excluded
1012 from the increase limitation under Section 37-57-107 also shall be



1013 excluded from the limitation described in this subsection in the
1014 same manner as they are excluded under Section 37-57-107.
1015 Provided, however, that any increases requested by the school
1016 board as a result of the required local contribution to * * *
1017 Investing in the Needs of Students to Prioritize, Impact and
1018 Reform Education (INSPIRE), as certified to the local school
1019 district by the State Board of Education under Section * * *
1020 37-151-217, shall not be subject to the four percent (4%) and/or
1021 seven percent (7%) tax increase limitations provided in this
1022 section.

1023 (4) If the millage rate necessary to generate funds equal to
1024 the dollar amount requested by the school board is equal to
1025 fifty-five (55) mills or less, but the dollar amount requested by
1026 the school board exceeds the seven percent (7%) increase
1027 limitation provided for in Section 37-57-107, the school board may
1028 exceed the seven percent (7%) increase limitation only after the
1029 school board has determined the need for additional revenues and
1030 three-fifths (3/5) of the registered, qualified electors voting in
1031 a referendum called by the levying authority have voted in favor
1032 of the increase. The notice and manner of holding the referendum
1033 shall be as prescribed in subsection (2) of this section for a
1034 referendum on the question of increasing the millage rate in
1035 school districts levying more than fifty-five (55) mills for
1036 school district purposes.



1037 (5) The aggregate receipts from ad valorem taxes levied for
1038 school district purposes pursuant to Sections 37-57-1 and
1039 37-57-105, excluding collection fees, additional revenue from the
1040 ad valorem tax on any newly constructed properties or any existing
1041 properties added to the tax rolls or any properties previously
1042 exempt which were not assessed in the next preceding year, and
1043 amounts received by school districts from the School Ad Valorem
1044 Tax Reduction Fund pursuant to Section 37-61-35, shall be subject
1045 to the increase limitation under this section and Section
1046 37-57-107.

1047 (6) The school board shall pay to the levying authority all
1048 costs that are incurred by the levying authority in the calling
1049 and holding of any election under this section.

1050 (7) The provisions of this section shall not be construed to
1051 affect in any manner the authority of school boards to levy
1052 millage for the following purposes:

1053 (a) The issuance of bonds, notes and certificates of
1054 indebtedness, as authorized in Sections 37-59-1 through 37-59-45
1055 and Sections 37-59-101 through 37-59-115;

1056 (b) The lease of property for school purposes, as
1057 authorized under the Emergency School Leasing Authority Act of
1058 1986 (Sections 37-7-351 through 37-7-359);

1059 (c) The lease or lease-purchase of school buildings, as
1060 authorized under Section 37-7-301;



1061 (d) The issuance of promissory notes in the event of a
1062 shortfall of ad valorem taxes and/or revenue from local sources,
1063 as authorized under Section 27-39-333; and

1064 (e) The construction of school buildings outside the
1065 school district, as authorized under Section 37-7-401.

1066 Any millage levied for the purposes specified in this
1067 subsection shall be excluded from the millage limitations
1068 established under this section.

1069 **SECTION 15.** Section 37-57-105, Mississippi Code of 1972, is
1070 amended as follows:

1071 37-57-105. (1) * * * In addition to the taxes levied under
1072 Section 37-57-1, the levying authority for the school district, as
1073 defined in Section 37-57-1, upon receipt of a certified copy of an
1074 order adopted by the school board of the school district
1075 requesting an ad valorem tax effort in dollars for the support of
1076 the school district and any charter schools located in the
1077 district, shall, at the same time and in the same manner as other
1078 ad valorem taxes are levied, levy an annual ad valorem tax in the
1079 amount fixed in such order upon all of the taxable property of
1080 such school district, which shall not be less than the millage
1081 rate certified by the State Board of Education as the uniform
1082 minimum school district ad valorem tax levy required for the
1083 support of * * * Investing in the Needs of Students to Prioritize,
1084 Impact and Reform Education (INSPIRE) in such school district
1085 under Sections 37-57-1 and 37-151-217. * * * However, * * * any



1086 school district levying less than the uniform minimum school
1087 district ad valorem tax levy on July 1, 1997, shall only be
1088 required to increase its local district maintenance levy in four
1089 (4) mill annual increments in order to attain such millage
1090 requirements. In making such levy, the levying authority shall
1091 levy an additional amount sufficient to cover anticipated
1092 delinquencies and costs of collection so that the net amount of
1093 money to be produced by such levy shall be equal to the amount
1094 which is requested by * * * the school board. The proceeds of
1095 such tax levy, excluding levies for the payment of the principal
1096 of and interest on school bonds or notes and excluding levies for
1097 costs of collection, shall be placed in the school depository to
1098 the credit of the school district and shall be expended in the
1099 manner provided by law for the purpose of supplementing teachers'
1100 salaries, extending school terms, purchasing furniture, supplies
1101 and materials, and for all other lawful operating and incidental
1102 expenses of such school district * * *.

1103 The monies authorized to be received by school districts from
1104 the School Ad Valorem Tax Reduction Fund pursuant to Section
1105 37-61-35 shall be included as ad valorem tax receipts. The
1106 levying authority for the school district, as defined in Section
1107 37-57-1, shall reduce the ad valorem tax levy for such school
1108 district in an amount equal to the amount distributed to such
1109 school district from the School Ad Valorem Tax Reduction Fund each
1110 calendar year pursuant to * * * Section 37-61-35. Such reduction



1111 shall not be less than the millage rate necessary to generate a
1112 reduction in ad valorem tax receipts equal to the funds
1113 distributed to such school district from the School Ad Valorem Tax
1114 Reduction Fund pursuant to Section 37-61-35. * * * The millage
1115 levy certified by the State Board of Education as the * * *
1116 minimum * * * tax levy * * * shall be subject to the provisions of
1117 this paragraph.

1118 In any county where there is located a nuclear generating
1119 power plant on which a tax is assessed under Section 27-35-309(3),
1120 such required levy and revenue produced thereby may be reduced by
1121 the levying authority in an amount in proportion to a reduction in
1122 the base revenue of any such county from the previous year. Such
1123 reduction shall be allowed only if the reduction in base revenue
1124 equals or exceeds five percent (5%). "Base revenue" shall mean
1125 the revenue received by the county from the ad valorem tax levy
1126 plus the revenue received by the county from the tax assessed
1127 under Section 27-35-309(3) and authorized to be used for any
1128 purposes for which a county is authorized by law to levy an ad
1129 valorem tax. For purposes of determining if the reduction equals
1130 or exceeds five percent (5%), a levy of millage equal to the prior
1131 year's millage shall be hypothetically applied to the current
1132 year's ad valorem tax base to determine the amount of revenue to
1133 be generated from the ad valorem tax levy. For the purposes of
1134 this section and Section 37-57-107, the portion of the base
1135 revenue used for the support of any school district shall be



1136 deemed to be the aggregate receipts from ad valorem taxes for the
1137 support of any school district. This paragraph shall apply to
1138 taxes levied for the 1987 fiscal year and for each fiscal year
1139 thereafter. If the Mississippi Supreme Court or another court
1140 finally adjudicates that the tax levied under Section 27-35-309(3)
1141 is unconstitutional, then this paragraph shall stand repealed.

1142 (b) The State Department of Education shall calculate a
1143 local pro rata amount for the aggregate receipts of the tax levied
1144 in this section by dividing the aggregate receipts by the sum of
1145 the school district's average daily membership, as determined
1146 under Section 37-151-211, and the average daily membership of any
1147 charter school students who reside in the district.

1148 (2) When the tax is levied upon the territory of any school
1149 district located in two (2) or more counties, the order of the
1150 school board requesting the levying of such tax shall be certified
1151 to the levying authority of each of the counties involved, and
1152 each of the levying authorities shall levy the tax in the manner
1153 specified herein. The taxes so levied shall be collected by the
1154 tax collector of the levying authority involved and remitted by
1155 the tax collector to the school depository of the home county to
1156 the credit of the school district involved as provided above,
1157 except that taxes for collection fees may be retained by the
1158 levying authority for deposit into its general fund.

1159 (3) The aggregate receipts from ad valorem taxes levied for
1160 school district purposes, excluding collection fees, pursuant to



1161 this section and Section 37-57-1 shall be subject to the increased
1162 limitation under Section 37-57-107; however, if the ad valorem tax
1163 effort in dollars requested by the school district for the fiscal
1164 year exceeds the next preceding fiscal year's ad valorem tax
1165 effort in dollars by more than four percent (4%) but not more than
1166 seven percent (7%), then the school board shall publish notice
1167 thereof once each week for at least three (3) consecutive weeks in
1168 a newspaper having general circulation in the school district
1169 involved, with the first publication thereof to be made not less
1170 than fifteen (15) days prior to the final adoption of the budget
1171 by the school board. If at any time prior to * * * the adoption a
1172 petition signed by not less than twenty percent (20%) or fifteen
1173 hundred (1500), whichever is less, of the qualified electors of
1174 the school district involved shall be filed with the school board
1175 requesting that an election be called on the question of exceeding
1176 the next preceding fiscal year's ad valorem tax effort in dollars
1177 by more than four percent (4%) but not more than seven percent
1178 (7%), then the school board shall, not later than the next regular
1179 meeting, adopt a resolution calling an election to be held within
1180 such school district upon such question. The election shall be
1181 called and held, and notice thereof shall be given, in the same
1182 manner for elections upon the questions of the issuance of the
1183 bonds of school districts, and the results thereof shall be
1184 certified to the school board. The ballot shall contain the
1185 language "For the School Tax Increase Over Four Percent (4%" and



1186 "Against the School Tax Increase Over Four Percent (4%)." If a
1187 majority of the qualified electors of the school district who
1188 voted in such election shall vote in favor of the question, then
1189 the stated increase requested by the school board shall be
1190 approved. For the purposes of this paragraph, the revenue sources
1191 excluded from the increased limitation under Section 37-57-107
1192 shall also be excluded from the limitation described herein in the
1193 same manner as they are excluded under Section 37-57-107.

1194 **SECTION 16.** Section 37-57-107, Mississippi Code of 1972, is
1195 amended as follows:

1196 37-57-107. (1) Beginning with the tax levy for the 1997
1197 fiscal year and for each fiscal year thereafter, the aggregate
1198 receipts from taxes levied for school district purposes pursuant
1199 to Sections 37-57-105 and 37-57-1 shall not exceed the aggregate
1200 receipts from those sources during any one (1) of the immediately
1201 preceding three (3) fiscal years, as determined by the school
1202 board, plus an increase not to exceed seven percent (7%). For the
1203 purpose of this limitation, the term "aggregate receipts" when
1204 used in connection with the amount of funds generated in a
1205 preceding fiscal year shall not include excess receipts required
1206 by law to be deposited into a special account. However, the term
1207 "aggregate receipts" includes any receipts required by law to be
1208 paid to a charter school. The additional revenue from the ad
1209 valorem tax on any newly constructed properties or any existing
1210 properties added to the tax rolls or any properties previously



1211 exempt which were not assessed in the next preceding year may be
1212 excluded from the seven percent (7%) increase limitation set forth
1213 herein. Taxes levied for payment of principal of and interest on
1214 general obligation school bonds issued heretofore or hereafter
1215 shall be excluded from the seven percent (7%) increase limitation
1216 set forth herein. Any additional millage levied to fund any new
1217 program mandated by the Legislature shall be excluded from the
1218 limitation for the first year of the levy and included within such
1219 limitation in any year thereafter. For the purposes of this
1220 section, the term "new program" shall include, but shall not be
1221 limited to, (a) the Early Childhood Education Program * * *,
1222 provided by Section 37-21-7,
1223 the revenue generated therefrom, which is excluded from the
1224 limitation for the first year of the levy, to support the mandated
1225 Early Childhood Education Program shall be specified on the
1226 minutes of the school board and of the governing body making such
1227 tax levy; (b) any additional millage levied and the revenue
1228 generated therefrom,
1229 for the first year of the levy, for the purpose of generating
1230 additional local contribution funds required for * * * Investing
1231 in the Needs of Students to Prioritize, Impact and Reform
1232 Education (INSPIRE); and (c) any additional millage levied and the
1233 revenue generated therefrom which shall be excluded from the
1234 limitation for the first year of the levy, for the purpose of
1235 support and maintenance of any agricultural high school which has



1236 been transferred to the control, operation and maintenance of the
1237 school board by the board of trustees of the community college
1238 district under provisions of Section 37-29-272.

1239 (2) The seven percent (7%) increase limitation prescribed in
1240 this section may be increased an additional amount only when the
1241 school board has determined the need for additional revenues and
1242 has held an election on the question of raising the limitation
1243 prescribed in this section. The limitation may be increased only
1244 if three-fifths (3/5) of those voting in the election shall vote
1245 for the proposed increase. The resolution, notice and manner of
1246 holding the election shall be as prescribed by law for the holding
1247 of elections for the issuance of bonds by the respective school
1248 boards. Revenues collected for the fiscal year in excess of the
1249 seven percent (7%) increase limitation pursuant to an election
1250 shall be included in the tax base for the purpose of determining
1251 aggregate receipts for which the seven percent (7%) increase
1252 limitation applies for subsequent fiscal years.

1253 (3) Except as otherwise provided for excess revenues
1254 generated pursuant to an election, if revenues collected as the
1255 result of the taxes levied for the fiscal year pursuant to this
1256 section and Section 37-57-1 exceed the increase limitation, then
1257 it shall be the mandatory duty of the school board of the school
1258 district to deposit such excess receipts over and above the
1259 increase limitation into a special account and credit it to the
1260 fund for which the levy was made. It will be the further duty of



1261 such board to hold * * * the funds and invest the same as
1262 authorized by law. Such excess funds shall be calculated in the
1263 budgets for the school districts for the purpose for which such
1264 levies were made, for the succeeding fiscal year. Taxes imposed
1265 for the succeeding year shall be reduced by the amount of excess
1266 funds available. Under no circumstances shall such excess funds
1267 be expended during the fiscal year in which such excess funds are
1268 collected.

1269 (4) For the purposes of determining ad valorem tax receipts
1270 for a preceding fiscal year under this section, the term "fiscal
1271 year" means the fiscal year beginning October 1 and ending
1272 September 30.

1273 (5) Beginning with the 2013-2014 school year, each school
1274 district in which a charter school is located shall pay to the
1275 charter school an amount for each student enrolled in the charter
1276 school equal to the ad valorem taxes levied per pupil for the
1277 support of the school district in which the charter school is
1278 located. The pro rata ad valorem taxes to be transferred to the
1279 charter school must include all levies for the support of the
1280 school district under Sections 37-57-1 (local contribution to
1281 the * * * Investing in the Needs of Students to Prioritize, Impact
1282 and Reform Education (INSPIRE) formula) and 37-57-105 (school
1283 district operational levy) but may not include any taxes levied
1284 for the retirement of school district bonded indebtedness or
1285 short-term notes or any taxes levied for the support of



1286 vocational-technical education programs. Payments made pursuant
1287 to this subsection by a school district to a charter school must
1288 be made before the expiration of three (3) business days after the
1289 funds are distributed to the school district.

1290 **SECTION 17.** Section 37-61-33, Mississippi Code of 1972, is
1291 amended as follows:

1292 37-61-33. (1) There is created within the State Treasury a
1293 special fund to be designated the "Education Enhancement Fund"
1294 into which shall be deposited all the revenues collected pursuant
1295 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

1296 (2) Of the amount deposited into the Education Enhancement
1297 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be
1298 appropriated each fiscal year to the State Department of Education
1299 to be distributed to all school districts. Such money shall be
1300 distributed to all school districts in the proportion that the
1301 average daily * * * membership of each school district bears to
1302 the average daily * * * membership of all school districts within
1303 the state for the following purposes:

1304 (a) Purchasing, erecting, repairing, equipping,
1305 remodeling and enlarging school buildings and related facilities,
1306 including gymnasiums, auditoriums, lunchrooms, vocational training
1307 buildings, libraries, teachers' homes, school barns,
1308 transportation vehicles (which shall include new and used
1309 transportation vehicles) and garages for transportation vehicles,
1310 and purchasing land therefor;



1311 (b) Establishing and equipping school athletic fields
1312 and necessary facilities connected therewith, and purchasing land
1313 therefor;

1314 (c) Providing necessary water, light, heating,
1315 air-conditioning and sewerage facilities for school buildings, and
1316 purchasing land therefor;

1317 (d) As a pledge to pay all or a portion of the debt
1318 service on debt issued by the school district under Sections
1319 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
1320 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
1321 and 37-41-81, or debt issued by boards of supervisors for
1322 agricultural high schools pursuant to Section 37-27-65, if such
1323 pledge is accomplished pursuant to a written contract or
1324 resolution approved and spread upon the minutes of an official
1325 meeting of the district's school board or board of supervisors.
1326 The annual grant to such district in any subsequent year during
1327 the term of the resolution or contract shall not be reduced below
1328 an amount equal to the district's grant amount for the year in
1329 which the contract or resolution was adopted. The intent of this
1330 provision is to allow school districts to irrevocably pledge a
1331 certain, constant stream of revenue as security for long-term
1332 obligations issued under the code sections enumerated in this
1333 paragraph or as otherwise allowed by law. It is the intent of the
1334 Legislature that the provisions of this paragraph shall be
1335 cumulative and supplemental to any existing funding programs or



1336 other authority conferred upon school districts or school boards.
1337 Debt of a district secured by a pledge of sales tax revenue
1338 pursuant to this paragraph shall not be subject to any debt
1339 limitation contained in the foregoing enumerated code
1340 sections * * *; and

1341 (e) Any other purpose for which INSPIRE funds are not
1342 sufficient.

1343 (3) The remainder of the money deposited into the Education
1344 Enhancement Fund shall be appropriated as follows:

1345 (a) To the State Department of Education as follows:

1346 (i) Sixteen and sixty-one one-hundredths percent
1347 (16.61%) to the cost of the adequate education program determined
1348 under Section 37-151-7; of the funds generated by the percentage
1349 set forth in this section for the support of the adequate
1350 education program, one and one hundred seventy-eight
1351 one-thousandths percent (1.178%) of the funds shall be
1352 appropriated to be used by the State Department of Education for
1353 the purchase of textbooks to be loaned under Sections 37-43-1
1354 through 37-43-59 to approved nonpublic schools, as described in
1355 Section 37-43-1. The funds to be distributed to each nonpublic
1356 school shall be in the proportion that the average daily
1357 attendance of each nonpublic school bears to the total average
1358 daily attendance of all nonpublic schools;



1359 (ii) Seven and ninety-seven one-hundredths percent
1360 (7.97%) to assist the funding of transportation operations and
1361 maintenance pursuant to Section 37-19-23; and

1362 (iii) Nine and sixty-one one-hundredths percent
1363 (9.61%) for classroom supplies, instructional materials and
1364 equipment, including computers and computer software, to be
1365 distributed to all eligible teachers within the state through the
1366 use of procurement cards or a digital solution capable of
1367 tracking, paying and reporting purchases. Classroom supply funds
1368 shall not be expended for administrative purposes. On a date to
1369 be determined by the State Department of Education, but not later
1370 than July 1 of each year, local school districts shall determine
1371 and submit to the State Department of Education the number of
1372 teachers eligible to receive an allocation for the current year.
1373 For purposes of this subparagraph, "teacher" means any employee of
1374 the school board of a school district, or the Mississippi School
1375 for the Arts, the Mississippi School for Math and Science, the
1376 Mississippi School for the Blind, the Mississippi School for the
1377 Deaf or public charter school, who is required by law to obtain a
1378 teacher's license from the State Department of Education and who
1379 is assigned to an instructional area of work as defined by the
1380 department, and shall include any full- or part-time gifted or
1381 special education teacher. It is the intent of the Legislature
1382 that all classroom teachers shall utilize these funds in a manner
1383 that addresses individual classroom needs and supports the overall



1384 goals of the school regarding supplies, instructional materials,
1385 equipment, computers or computer software under the provisions of
1386 this subparagraph, including the type, quantity and quality of
1387 such supplies, materials and equipment. Classroom supply funds
1388 allocated under this subparagraph shall supplement, not replace,
1389 other local and state funds available for the same purposes. The
1390 State Board of Education shall develop and promulgate rules and
1391 regulations for the administration of this subparagraph consistent
1392 with the above criteria, with particular emphasis on allowing the
1393 individual teachers to expend funds as they deem appropriate. The
1394 local school board shall require each school to issue credentials
1395 for a digital solution selected by or procurement cards provided
1396 by the Department of Finance and Administration under the
1397 provisions of Section 31-7-9(1)(c) for the use of teachers and
1398 necessary support personnel in making instructional supply fund
1399 expenditures under this section, consistent with the regulations
1400 of the Mississippi Department of Finance and Administration
1401 pursuant to Section 31-7-9. Such credentials or procurement cards
1402 shall be provided by the State Department of Education to local
1403 school districts on a date determined by the State Department of
1404 Education, but not later than August 1 of each year. Local school
1405 districts shall issue such credentials or procurement cards to
1406 classroom teachers at the beginning of the school year, but no
1407 later than August 1 of each year, and shall be issued in equal
1408 amounts per teacher determined by the total number of qualifying



1409 personnel and the current state appropriation for classroom
1410 supplies with the Education Enhancement Fund. After initial cards
1411 are issued under the timeline prescribed by this section, the
1412 State Department of Education may issue cards to districts for any
1413 classroom teacher hired after July 1 under a timeline prescribed
1414 by the State Department of Education. Such credentials or cards
1415 will expire on a predetermined date at the end of each school
1416 year, but not before April 1 of each year. All unexpended amounts
1417 will be carried forward, combined with the following year's
1418 allocation of Education Enhancement Fund instructional supplies
1419 funds and reallocated for the following year;

1420 (b) Twenty-two and nine one-hundredths percent (22.09%)
1421 to the Board of Trustees of State Institutions of Higher Learning
1422 for the purpose of supporting institutions of higher learning; and

1423 (c) Fourteen and forty-one one-hundredths percent
1424 (14.41%) to the Mississippi Community College Board for the
1425 purpose of providing support to community and junior colleges.

1426 (4) The amount remaining in the Education Enhancement Fund
1427 after funds are distributed as provided in subsections (2) and (3)
1428 of this section shall be appropriated for other educational needs.

1429 (5) None of the funds appropriated pursuant to subsection
1430 (3)(a) of this section shall be used to reduce the state's General
1431 Fund appropriation for the categories listed in an amount below
1432 the following amounts:



1433 (a) For subsection (3)(a)(ii) of this section,
1434 Thirty-six Million Seven Hundred Thousand Dollars
1435 (\$36,700,000.00);

1436 (b) For the aggregate of minimum program allotments in
1437 the 1997 fiscal year, formerly provided for in Chapter 19, Title
1438 37, Mississippi Code of 1972, as amended, excluding those funds
1439 for transportation as provided for in paragraph (a) of this
1440 subsection.

1441 (6) Any funds appropriated from the Education Enhancement
1442 Fund that are unexpended at the end of a fiscal year shall lapse
1443 into the Education Enhancement Fund, except as otherwise provided
1444 in subsection (3)(a)(iii) of this section.

1445 **SECTION 18.** Section 27-65-75, Mississippi Code of 1972, is
1446 amended as follows:

1447 27-65-75. On or before the fifteenth day of each month, the
1448 revenue collected under the provisions of this chapter during the
1449 preceding month shall be paid and distributed as follows:

1450 (1) (a) On or before August 15, 1992, and each succeeding
1451 month thereafter through July 15, 1993, eighteen percent (18%) of
1452 the total sales tax revenue collected during the preceding month
1453 under the provisions of this chapter, except that collected under
1454 the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
1455 business activities within a municipal corporation shall be
1456 allocated for distribution to the municipality and paid to the
1457 municipal corporation. Except as otherwise provided in this



1458 paragraph (a), on or before August 15, 1993, and each succeeding
1459 month thereafter, eighteen and one-half percent (18-1/2%) of the
1460 total sales tax revenue collected during the preceding month under
1461 the provisions of this chapter, except that collected under the
1462 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
1463 27-65-24, on business activities within a municipal corporation
1464 shall be allocated for distribution to the municipality and paid
1465 to the municipal corporation. However, in the event the State
1466 Auditor issues a certificate of noncompliance pursuant to Section
1467 21-35-31, the Department of Revenue shall withhold ten percent
1468 (10%) of the allocations and payments to the municipality that
1469 would otherwise be payable to the municipality under this
1470 paragraph (a) until such time that the department receives written
1471 notice of the cancellation of a certificate of noncompliance from
1472 the State Auditor.

1473 A municipal corporation, for the purpose of distributing the
1474 tax under this subsection, shall mean and include all incorporated
1475 cities, towns and villages.

1476 Monies allocated for distribution and credited to a municipal
1477 corporation under this paragraph may be pledged as security for a
1478 loan if the distribution received by the municipal corporation is
1479 otherwise authorized or required by law to be pledged as security
1480 for such a loan.

1481 In any county having a county seat that is not an
1482 incorporated municipality, the distribution provided under this



1483 subsection shall be made as though the county seat was an
1484 incorporated municipality; however, the distribution to the
1485 municipality shall be paid to the county treasury in which the
1486 municipality is located, and those funds shall be used for road,
1487 bridge and street construction or maintenance in the county.

1488 (b) On or before August 15, 2006, and each succeeding
1489 month thereafter, eighteen and one-half percent (18-1/2%) of the
1490 total sales tax revenue collected during the preceding month under
1491 the provisions of this chapter, except that collected under the
1492 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
1493 business activities on the campus of a state institution of higher
1494 learning or community or junior college whose campus is not
1495 located within the corporate limits of a municipality, shall be
1496 allocated for distribution to the state institution of higher
1497 learning or community or junior college and paid to the state
1498 institution of higher learning or community or junior college.

1499 (c) On or before August 15, 2018, and each succeeding
1500 month thereafter until August 14, 2019, two percent (2%) of the
1501 total sales tax revenue collected during the preceding month under
1502 the provisions of this chapter, except that collected under the
1503 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
1504 27-65-24, on business activities within the corporate limits of
1505 the City of Jackson, Mississippi, shall be deposited into the
1506 Capitol Complex Improvement District Project Fund created in
1507 Section 29-5-215. On or before August 15, 2019, and each



1508 succeeding month thereafter until August 14, 2020, four percent
1509 (4%) of the total sales tax revenue collected during the preceding
1510 month under the provisions of this chapter, except that collected
1511 under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21
1512 and 27-65-24, on business activities within the corporate limits
1513 of the City of Jackson, Mississippi, shall be deposited into the
1514 Capitol Complex Improvement District Project Fund created in
1515 Section 29-5-215. On or before August 15, 2020, and each
1516 succeeding month thereafter through July 15, 2023, six percent
1517 (6%) of the total sales tax revenue collected during the preceding
1518 month under the provisions of this chapter, except that collected
1519 under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21
1520 and 27-65-24, on business activities within the corporate limits
1521 of the City of Jackson, Mississippi, shall be deposited into the
1522 Capitol Complex Improvement District Project Fund created in
1523 Section 29-5-215. On or before August 15, 2023, and each
1524 succeeding month thereafter, nine percent (9%) of the total sales
1525 tax revenue collected during the preceding month under the
1526 provisions of this chapter, except that collected under the
1527 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
1528 27-65-24, on business activities within the corporate limits of
1529 the City of Jackson, Mississippi, shall be deposited into the
1530 Capitol Complex Improvement District Project Fund created in
1531 Section 29-5-215.



1532 (d) (i) On or before the fifteenth day of the month
1533 that the diversion authorized by this section begins, and each
1534 succeeding month thereafter, eighteen and one-half percent
1535 (18-1/2%) of the total sales tax revenue collected during the
1536 preceding month under the provisions of this chapter, except that
1537 collected under the provisions of Sections 27-65-15, 27-65-19(3)
1538 and 27-65-21, on business activities within a redevelopment
1539 project area developed under a redevelopment plan adopted under
1540 the Tax Increment Financing Act (Section 21-45-1 et seq.) shall be
1541 allocated for distribution to the county in which the project area
1542 is located if:

- 1543 1. The county:
 - 1544 a. Borders on the Mississippi Sound and
1545 the State of Alabama, or
 - 1546 b. Is Harrison County, Mississippi, and
1547 the project area is within a radius of two (2) miles from the
1548 intersection of Interstate 10 and Menge Avenue;
- 1549 2. The county has issued bonds under Section
1550 21-45-9 to finance all or a portion of a redevelopment project in
1551 the redevelopment project area;
- 1552 3. Any debt service for the indebtedness
1553 incurred is outstanding; and
- 1554 4. A development with a value of Ten Million
1555 Dollars (\$10,000,000.00) or more is, or will be, located in the
1556 redevelopment area.



1557 (ii) Before any sales tax revenue may be allocated
1558 for distribution to a county under this paragraph, the county
1559 shall certify to the Department of Revenue that the requirements
1560 of this paragraph have been met, the amount of bonded indebtedness
1561 that has been incurred by the county for the redevelopment project
1562 and the expected date the indebtedness incurred by the county will
1563 be satisfied.

1564 (iii) The diversion of sales tax revenue
1565 authorized by this paragraph shall begin the month following the
1566 month in which the Department of Revenue determines that the
1567 requirements of this paragraph have been met. The diversion shall
1568 end the month the indebtedness incurred by the county is
1569 satisfied. All revenue received by the county under this
1570 paragraph shall be deposited in the fund required to be created in
1571 the tax increment financing plan under Section 21-45-11 and be
1572 utilized solely to satisfy the indebtedness incurred by the
1573 county.

1574 (2) On or before September 15, 1987, and each succeeding
1575 month thereafter, from the revenue collected under this chapter
1576 during the preceding month, One Million One Hundred Twenty-five
1577 Thousand Dollars (\$1,125,000.00) shall be allocated for
1578 distribution to municipal corporations as defined under subsection
1579 (1) of this section in the proportion that the number of gallons
1580 of gasoline and diesel fuel sold by distributors to consumers and
1581 retailers in each such municipality during the preceding fiscal



1582 year bears to the total gallons of gasoline and diesel fuel sold
1583 by distributors to consumers and retailers in municipalities
1584 statewide during the preceding fiscal year. The Department of
1585 Revenue shall require all distributors of gasoline and diesel fuel
1586 to report to the department monthly the total number of gallons of
1587 gasoline and diesel fuel sold by them to consumers and retailers
1588 in each municipality during the preceding month. The Department
1589 of Revenue shall have the authority to promulgate such rules and
1590 regulations as is necessary to determine the number of gallons of
1591 gasoline and diesel fuel sold by distributors to consumers and
1592 retailers in each municipality. In determining the percentage
1593 allocation of funds under this subsection for the fiscal year
1594 beginning July 1, 1987, and ending June 30, 1988, the Department
1595 of Revenue may consider gallons of gasoline and diesel fuel sold
1596 for a period of less than one (1) fiscal year. For the purposes
1597 of this subsection, the term "fiscal year" means the fiscal year
1598 beginning July 1 of a year.

1599 (3) On or before September 15, 1987, and on or before the
1600 fifteenth day of each succeeding month, until the date specified
1601 in Section 65-39-35, the proceeds derived from contractors' taxes
1602 levied under Section 27-65-21 on contracts for the construction or
1603 reconstruction of highways designated under the highway program
1604 created under Section 65-3-97 shall, except as otherwise provided
1605 in Section 31-17-127, be deposited into the State Treasury to the
1606 credit of the State Highway Fund to be used to fund that highway



1607 program. The Mississippi Department of Transportation shall
1608 provide to the Department of Revenue such information as is
1609 necessary to determine the amount of proceeds to be distributed
1610 under this subsection.

1611 (4) On or before August 15, 1994, and on or before the
1612 fifteenth day of each succeeding month through July 15, 1999, from
1613 the proceeds of gasoline, diesel fuel or kerosene taxes as
1614 provided in Section 27-5-101(a)(ii)1, Four Million Dollars
1615 (\$4,000,000.00) shall be deposited in the State Treasury to the
1616 credit of a special fund designated as the "State Aid Road Fund,"
1617 created by Section 65-9-17. On or before August 15, 1999, and on
1618 or before the fifteenth day of each succeeding month, from the
1619 total amount of the proceeds of gasoline, diesel fuel or kerosene
1620 taxes apportioned by Section 27-5-101(a)(ii)1, Four Million
1621 Dollars (\$4,000,000.00) or an amount equal to twenty-three and
1622 one-fourth percent (23-1/4%) of those funds, whichever is the
1623 greater amount, shall be deposited in the State Treasury to the
1624 credit of the "State Aid Road Fund," created by Section 65-9-17.
1625 Those funds shall be pledged to pay the principal of and interest
1626 on state aid road bonds heretofore issued under Sections 19-9-51
1627 through 19-9-77, in lieu of and in substitution for the funds
1628 previously allocated to counties under this section. Those funds
1629 may not be pledged for the payment of any state aid road bonds
1630 issued after April 1, 1981; however, this prohibition against the
1631 pledging of any such funds for the payment of bonds shall not



1632 apply to any bonds for which intent to issue those bonds has been
1633 published for the first time, as provided by law before March 29,
1634 1981. From the amount of taxes paid into the special fund under
1635 this subsection and subsection (9) of this section, there shall be
1636 first deducted and paid the amount necessary to pay the expenses
1637 of the Office of State Aid Road Construction, as authorized by the
1638 Legislature for all other general and special fund agencies. The
1639 remainder of the fund shall be allocated monthly to the several
1640 counties in accordance with the following formula:

1641 (a) One-third (1/3) shall be allocated to all counties
1642 in equal shares;

1643 (b) One-third (1/3) shall be allocated to counties
1644 based on the proportion that the total number of rural road miles
1645 in a county bears to the total number of rural road miles in all
1646 counties of the state; and

1647 (c) One-third (1/3) shall be allocated to counties
1648 based on the proportion that the rural population of the county
1649 bears to the total rural population in all counties of the state,
1650 according to the latest federal decennial census.

1651 For the purposes of this subsection, the term "gasoline,
1652 diesel fuel or kerosene taxes" means such taxes as defined in
1653 paragraph (f) of Section 27-5-101.

1654 The amount of funds allocated to any county under this
1655 subsection for any fiscal year after fiscal year 1994 shall not be
1656 less than the amount allocated to the county for fiscal year 1994.



1657 Any reference in the general laws of this state or the
1658 Mississippi Code of 1972 to Section 27-5-105 shall mean and be
1659 construed to refer and apply to subsection (4) of Section
1660 27-65-75.

1661 (5) * * * [Deleted]

1662 (6) An amount each month beginning August 15, 1983, through
1663 November 15, 1986, as specified in Section 6, Chapter 542, Laws of
1664 1983, shall be paid into the special fund known as the
1665 Correctional Facilities Construction Fund created in Section 6,
1666 Chapter 542, Laws of 1983.

1667 (7) On or before August 15, 1992, and each succeeding month
1668 thereafter through July 15, 2000, two and two hundred sixty-six
1669 one-thousandths percent (2.266%) of the total sales tax revenue
1670 collected during the preceding month under the provisions of this
1671 chapter, except that collected under the provisions of Section
1672 27-65-17(2), shall be deposited by the department into the School
1673 Ad Valorem Tax Reduction Fund created under Section 37-61-35. On
1674 or before August 15, 2000, and each succeeding month thereafter,
1675 two and two hundred sixty-six one-thousandths percent (2.266%) of
1676 the total sales tax revenue collected during the preceding month
1677 under the provisions of this chapter, except that collected under
1678 the provisions of Section 27-65-17(2), shall be deposited into the
1679 School Ad Valorem Tax Reduction Fund created under Section
1680 37-61-35 until such time that the total amount deposited into the
1681 fund during a fiscal year equals Forty-two Million Dollars



1682 (\$42,000,000.00). Thereafter, the amounts diverted under this
1683 subsection (7) during the fiscal year in excess of Forty-two
1684 Million Dollars (\$42,000,000.00) shall be deposited into the
1685 Education Enhancement Fund created under Section 37-61-33 for
1686 appropriation by the Legislature as other education needs and
1687 shall not be subject to the percentage appropriation requirements
1688 set forth in Section 37-61-33.

1689 (8) On or before August 15, 1992, and each succeeding month
1690 thereafter, nine and seventy-three one-thousandths percent
1691 (9.073%) of the total sales tax revenue collected during the
1692 preceding month under the provisions of this chapter, except that
1693 collected under the provisions of Section 27-65-17(2), shall be
1694 deposited into the Education Enhancement Fund created under
1695 Section 37-61-33.

1696 (9) On or before August 15, 1994, and each succeeding month
1697 thereafter, from the revenue collected under this chapter during
1698 the preceding month, Two Hundred Fifty Thousand Dollars
1699 (\$250,000.00) shall be paid into the State Aid Road Fund.

1700 (10) On or before August 15, 1994, and each succeeding month
1701 thereafter through August 15, 1995, from the revenue collected
1702 under this chapter during the preceding month, Two Million Dollars
1703 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad
1704 Valorem Tax Reduction Fund established in Section 27-51-105.

1705 (11) Notwithstanding any other provision of this section to
1706 the contrary, on or before February 15, 1995, and each succeeding



1707 month thereafter, the sales tax revenue collected during the
1708 preceding month under the provisions of Section 27-65-17(2) and
1709 the corresponding levy in Section 27-65-23 on the rental or lease
1710 of private carriers of passengers and light carriers of property
1711 as defined in Section 27-51-101 shall be deposited, without
1712 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund
1713 established in Section 27-51-105.

1714 (12) Notwithstanding any other provision of this section to
1715 the contrary, on or before August 15, 1995, and each succeeding
1716 month thereafter, the sales tax revenue collected during the
1717 preceding month under the provisions of Section 27-65-17(1) on
1718 retail sales of private carriers of passengers and light carriers
1719 of property, as defined in Section 27-51-101 and the corresponding
1720 levy in Section 27-65-23 on the rental or lease of these vehicles,
1721 shall be deposited, after diversion, into the Motor Vehicle Ad
1722 Valorem Tax Reduction Fund established in Section 27-51-105.

1723 (13) On or before July 15, 1994, and on or before the
1724 fifteenth day of each succeeding month thereafter, that portion of
1725 the avails of the tax imposed in Section 27-65-22 that is derived
1726 from activities held on the Mississippi State Fairgrounds Complex
1727 shall be paid into a special fund that is created in the State
1728 Treasury and shall be expended upon legislative appropriation
1729 solely to defray the costs of repairs and renovation at the Trade
1730 Mart and Coliseum.



1731 (14) On or before August 15, 1998, and each succeeding month
1732 thereafter through July 15, 2005, that portion of the avails of
1733 the tax imposed in Section 27-65-23 that is derived from sales by
1734 cotton compresses or cotton warehouses and that would otherwise be
1735 paid into the General Fund shall be deposited in an amount not to
1736 exceed Two Million Dollars (\$2,000,000.00) into the special fund
1737 created under Section 69-37-39. On or before August 15, 2007, and
1738 each succeeding month thereafter through July 15, 2010, that
1739 portion of the avails of the tax imposed in Section 27-65-23 that
1740 is derived from sales by cotton compresses or cotton warehouses
1741 and that would otherwise be paid into the General Fund shall be
1742 deposited in an amount not to exceed Two Million Dollars
1743 (\$2,000,000.00) into the special fund created under Section
1744 69-37-39 until all debts or other obligations incurred by the
1745 Certified Cotton Growers Organization under the Mississippi Boll
1746 Weevil Management Act before January 1, 2007, are satisfied in
1747 full. On or before August 15, 2010, and each succeeding month
1748 thereafter through July 15, 2011, fifty percent (50%) of that
1749 portion of the avails of the tax imposed in Section 27-65-23 that
1750 is derived from sales by cotton compresses or cotton warehouses
1751 and that would otherwise be paid into the General Fund shall be
1752 deposited into the special fund created under Section 69-37-39
1753 until such time that the total amount deposited into the fund
1754 during a fiscal year equals One Million Dollars (\$1,000,000.00).
1755 On or before August 15, 2011, and each succeeding month



1756 thereafter, that portion of the avails of the tax imposed in
1757 Section 27-65-23 that is derived from sales by cotton compresses
1758 or cotton warehouses and that would otherwise be paid into the
1759 General Fund shall be deposited into the special fund created
1760 under Section 69-37-39 until such time that the total amount
1761 deposited into the fund during a fiscal year equals One Million
1762 Dollars (\$1,000,000.00).

1763 (15) Notwithstanding any other provision of this section to
1764 the contrary, on or before September 15, 2000, and each succeeding
1765 month thereafter, the sales tax revenue collected during the
1766 preceding month under the provisions of Section
1767 27-65-19(1)(d)(i)2, and 27-65-19(1)(d)(i)3 shall be deposited,
1768 without diversion, into the Telecommunications Ad Valorem Tax
1769 Reduction Fund established in Section 27-38-7.

1770 (16) (a) On or before August 15, 2000, and each succeeding
1771 month thereafter, the sales tax revenue collected during the
1772 preceding month under the provisions of this chapter on the gross
1773 proceeds of sales of a project as defined in Section 57-30-1 shall
1774 be deposited, after all diversions except the diversion provided
1775 for in subsection (1) of this section, into the Sales Tax
1776 Incentive Fund created in Section 57-30-3.

1777 (b) On or before August 15, 2007, and each succeeding
1778 month thereafter, eighty percent (80%) of the sales tax revenue
1779 collected during the preceding month under the provisions of this
1780 chapter from the operation of a tourism project under the



1781 provisions of Sections 57-26-1 through 57-26-5, shall be
1782 deposited, after the diversions required in subsections (7) and
1783 (8) of this section, into the Tourism Project Sales Tax Incentive
1784 Fund created in Section 57-26-3.

1785 (17) Notwithstanding any other provision of this section to
1786 the contrary, on or before April 15, 2002, and each succeeding
1787 month thereafter, the sales tax revenue collected during the
1788 preceding month under Section 27-65-23 on sales of parking
1789 services of parking garages and lots at airports shall be
1790 deposited, without diversion, into the special fund created under
1791 Section 27-5-101(d).

1792 (18) [Repealed]

1793 (19) (a) On or before August 15, 2005, and each succeeding
1794 month thereafter, the sales tax revenue collected during the
1795 preceding month under the provisions of this chapter on the gross
1796 proceeds of sales of a business enterprise located within a
1797 redevelopment project area under the provisions of Sections
1798 57-91-1 through 57-91-11, and the revenue collected on the gross
1799 proceeds of sales from sales made to a business enterprise located
1800 in a redevelopment project area under the provisions of Sections
1801 57-91-1 through 57-91-11 (provided that such sales made to a
1802 business enterprise are made on the premises of the business
1803 enterprise), shall, except as otherwise provided in this
1804 subsection (19), be deposited, after all diversions, into the



1805 Redevelopment Project Incentive Fund as created in Section
1806 57-91-9.

1807 (b) For a municipality participating in the Economic
1808 Redevelopment Act created in Sections 57-91-1 through 57-91-11,
1809 the diversion provided for in subsection (1) of this section
1810 attributable to the gross proceeds of sales of a business
1811 enterprise located within a redevelopment project area under the
1812 provisions of Sections 57-91-1 through 57-91-11, and attributable
1813 to the gross proceeds of sales from sales made to a business
1814 enterprise located in a redevelopment project area under the
1815 provisions of Sections 57-91-1 through 57-91-11 (provided that
1816 such sales made to a business enterprise are made on the premises
1817 of the business enterprise), shall be deposited into the
1818 Redevelopment Project Incentive Fund as created in Section
1819 57-91-9, as follows:

1820 (i) For the first six (6) years in which payments
1821 are made to a developer from the Redevelopment Project Incentive
1822 Fund, one hundred percent (100%) of the diversion shall be
1823 deposited into the fund;

1824 (ii) For the seventh year in which such payments
1825 are made to a developer from the Redevelopment Project Incentive
1826 Fund, eighty percent (80%) of the diversion shall be deposited
1827 into the fund;

1828 (iii) For the eighth year in which such payments
1829 are made to a developer from the Redevelopment Project Incentive



1830 Fund, seventy percent (70%) of the diversion shall be deposited
1831 into the fund;

1832 (iv) For the ninth year in which such payments are
1833 made to a developer from the Redevelopment Project Incentive Fund,
1834 sixty percent (60%) of the diversion shall be deposited into the
1835 fund; and

1836 (v) For the tenth year in which such payments are
1837 made to a developer from the Redevelopment Project Incentive Fund,
1838 fifty percent (50%) of the funds shall be deposited into the fund.

1839 (20) On or before January 15, 2007, and each succeeding
1840 month thereafter, eighty percent (80%) of the sales tax revenue
1841 collected during the preceding month under the provisions of this
1842 chapter from the operation of a tourism project under the
1843 provisions of Sections 57-28-1 through 57-28-5 shall be deposited,
1844 after the diversions required in subsections (7) and (8) of this
1845 section, into the Tourism Sales Tax Incentive Fund created in
1846 Section 57-28-3.

1847 (21) (a) On or before April 15, 2007, and each succeeding
1848 month thereafter through June 15, 2013, One Hundred Fifty Thousand
1849 Dollars (\$150,000.00) of the sales tax revenue collected during
1850 the preceding month under the provisions of this chapter shall be
1851 deposited into the MMEIA Tax Incentive Fund created in Section
1852 57-101-3.

1853 (b) On or before July 15, 2013, and each succeeding
1854 month thereafter, One Hundred Fifty Thousand Dollars (\$150,000.00)



1855 of the sales tax revenue collected during the preceding month
1856 under the provisions of this chapter shall be deposited into the
1857 Mississippi Development Authority Job Training Grant Fund created
1858 in Section 57-1-451.

1859 (22) On or before June 1, 2024, and each succeeding month
1860 thereafter until December 31, 2057, an amount determined annually
1861 by the Mississippi Development Authority of the sales tax revenue
1862 collected during the preceding month under the provisions of this
1863 chapter shall be deposited into the MMEIA Tax Incentive Fund
1864 created in Section 18 of * * * Senate Bill No. 2001, 2024 Second
1865 Extraordinary Session. This amount shall be based on estimated
1866 payments due within the upcoming year to construction contractors
1867 pursuant to construction contracts subject to the tax imposed by
1868 Section 27-65-21 for construction to be performed on the project
1869 site of a project defined under Section 57-75-5(f)(xxxiii) for the
1870 coming year.

1871 (23) Notwithstanding any other provision of this section to
1872 the contrary, on or before August 15, 2009, and each succeeding
1873 month thereafter, the sales tax revenue collected during the
1874 preceding month under the provisions of Section 27-65-201 shall be
1875 deposited, without diversion, into the Motor Vehicle Ad Valorem
1876 Tax Reduction Fund established in Section 27-51-105.

1877 (24) (a) On or before August 15, 2019, and each month
1878 thereafter through July 15, 2020, one percent (1%) of the total
1879 sales tax revenue collected during the preceding month from



1880 restaurants and hotels shall be allocated for distribution to the
1881 Mississippi Development Authority Tourism Advertising Fund
1882 established under Section 57-1-64, to be used exclusively for the
1883 purpose stated therein. On or before August 15, 2020, and each
1884 month thereafter through July 15, 2021, two percent (2%) of the
1885 total sales tax revenue collected during the preceding month from
1886 restaurants and hotels shall be allocated for distribution to the
1887 Mississippi Development Authority Tourism Advertising Fund
1888 established under Section 57-1-64, to be used exclusively for the
1889 purpose stated therein. On or before August 15, 2021, and each
1890 month thereafter, three percent (3%) of the total sales tax
1891 revenue collected during the preceding month from restaurants and
1892 hotels shall be allocated for distribution to the Mississippi
1893 Development Authority Tourism Advertising Fund established under
1894 Section 57-1-64, to be used exclusively for the purpose stated
1895 therein. The revenue diverted pursuant to this subsection shall
1896 not be available for expenditure until February 1, 2020.

1897 (b) The Joint Legislative Committee on Performance
1898 Evaluation and Expenditure Review (PEER) must provide an annual
1899 report to the Legislature indicating the amount of funds deposited
1900 into the Mississippi Development Authority Tourism Advertising
1901 Fund established under Section 57-1-64, and a detailed record of
1902 how the funds are spent.



1903 (25) The remainder of the amounts collected under the
1904 provisions of this chapter shall be paid into the State Treasury
1905 to the credit of the General Fund.

1906 (26) (a) It shall be the duty of the municipal officials of
1907 any municipality that expands its limits, or of any community that
1908 incorporates as a municipality, to notify the commissioner of that
1909 action thirty (30) days before the effective date. Failure to so
1910 notify the commissioner shall cause the municipality to forfeit
1911 the revenue that it would have been entitled to receive during
1912 this period of time when the commissioner had no knowledge of the
1913 action.

1914 (b) (i) Except as otherwise provided in subparagraph
1915 (ii) of this paragraph, if any funds have been erroneously
1916 disbursed to any municipality or any overpayment of tax is
1917 recovered by the taxpayer, the commissioner may make correction
1918 and adjust the error or overpayment with the municipality by
1919 withholding the necessary funds from any later payment to be made
1920 to the municipality.

1921 (ii) Subject to the provisions of Sections
1922 27-65-51 and 27-65-53, if any funds have been erroneously
1923 disbursed to a municipality under subsection (1) of this section
1924 for a period of three (3) years or more, the maximum amount that
1925 may be recovered or withheld from the municipality is the total
1926 amount of funds erroneously disbursed for a period of three (3)
1927 years beginning with the date of the first erroneous disbursement.



1928 However, if during such period, a municipality provides written
1929 notice to the Department of Revenue indicating the erroneous
1930 disbursement of funds, then the maximum amount that may be
1931 recovered or withheld from the municipality is the total amount of
1932 funds erroneously disbursed for a period of one (1) year beginning
1933 with the date of the first erroneous disbursement.

1934 **SECTION 19.** Section 27-67-31, Mississippi Code of 1972, is
1935 brought forward as follows:

1936 27-67-31. All administrative provisions of the sales tax
1937 law, and amendments thereto, including those which fix damages,
1938 penalties and interest for failure to comply with the provisions
1939 of said sales tax law, and all other requirements and duties
1940 imposed upon taxpayer, shall apply to all persons liable for use
1941 taxes under the provisions of this article. The commissioner
1942 shall exercise all power and authority and perform all duties with
1943 respect to taxpayers under this article as are provided in said
1944 sales tax law, except where there is conflict, then the provisions
1945 of this article shall control.

1946 The commissioner may require transportation companies to
1947 permit the examination of waybills, freight bills, or other
1948 documents covering shipments of tangible personal property into
1949 this state.

1950 On or before the fifteenth day of each month, the amount
1951 received from taxes, damages and interest under the provisions of



1952 this article during the preceding month shall be paid and
1953 distributed as follows:

1954 (a) On or before July 15, 1994, through July 15, 2000,
1955 and each succeeding month thereafter, two and two hundred
1956 sixty-six one-thousandths percent (2.266%) of the total use tax
1957 revenue collected during the preceding month under the provisions
1958 of this article shall be deposited in the School Ad Valorem Tax
1959 Reduction Fund created pursuant to Section 37-61-35. On or before
1960 August 15, 2000, and each succeeding month thereafter, two and two
1961 hundred sixty-six one-thousandths percent (2.266%) of the total
1962 use tax revenue collected during the preceding month under the
1963 provisions of this chapter shall be deposited into the School Ad
1964 Valorem Tax Reduction Fund created under Section 37-61-35 until
1965 such time that the total amount deposited into the fund during a
1966 fiscal year equals Four Million Dollars (\$4,000,000.00).
1967 Thereafter, the amounts diverted under this paragraph (a) during
1968 the fiscal year in excess of Four Million Dollars (\$4,000,000.00)
1969 shall be deposited into the Education Enhancement Fund created
1970 under Section 37-61-33 for appropriation by the Legislature as
1971 other education needs and shall not be subject to the percentage
1972 appropriation requirements set forth in Section 37-61-33.

1973 (b) On or before July 15, 1994, and each succeeding
1974 month thereafter, nine and seventy-three one-thousandths percent
1975 (9.073%) of the total use tax revenue collected during the
1976 preceding month under the provisions of this article shall be



1977 deposited into the Education Enhancement Fund created pursuant to
1978 Section 37-61-33.

1979 (c) On or before July 15, 1997, and on or before the
1980 fifteenth day of each succeeding month thereafter, the revenue
1981 collected under the provisions of this article imposed and levied
1982 as a result of Section 27-65-17(2) and the corresponding levy in
1983 Section 27-65-23 on the rental or lease of private carriers of
1984 passengers and light carriers of property as defined in Section
1985 27-51-101 shall be deposited into the Motor Vehicle Ad Valorem Tax
1986 Reduction Fund created pursuant to Section 27-51-105.

1987 (d) On or before July 15, 1997, and on or before the
1988 fifteenth day of each succeeding month thereafter and after the
1989 deposits required by paragraphs (a) and (b) of this section are
1990 made, the remaining revenue collected under the provisions of this
1991 article imposed and levied as a result of Section 27-65-17(1) and
1992 the corresponding levy in Section 27-65-23 on the rental or lease
1993 of private carriers of passengers and light carriers of property
1994 as defined in Section 27-51-101 shall be deposited into the Motor
1995 Vehicle Ad Valorem Tax Reduction Fund created pursuant to Section
1996 27-51-105.

1997 (e) On or before August 15, 2019, and each succeeding
1998 month thereafter through July 15, 2020, three and three-fourths
1999 percent (3-3/4%) of the total use tax revenue collected during the
2000 preceding month under the provisions of this article shall be
2001 deposited into the special fund created in Section 27-67-35(1).



2002 On or before August 15, 2020, and each succeeding month thereafter
2003 through July 15, 2021, seven and one-half percent (7-1/2%) of the
2004 total use tax revenue collected during the preceding month under
2005 the provisions of this article shall be deposited into the special
2006 fund created in Section 27-67-35(1). On or before August 15,
2007 2021, and each succeeding month thereafter through July 15, 2022,
2008 eleven and one-fourth percent (11-1/4%) of the total use tax
2009 revenue collected during the preceding month under the provisions
2010 of this article shall be deposited into the special fund created
2011 in Section 27-67-35(1). On or before August 15, 2022, and each
2012 succeeding month thereafter, fifteen percent (15%) of the total
2013 use tax revenue collected during the preceding month under the
2014 provisions of this article shall be deposited into the special
2015 fund created in Section 27-67-35(1).

2016 (f) On or before August 15, 2019, and each succeeding
2017 month thereafter through July 15, 2020, three and three-fourths
2018 percent (3-3/4%) of the total use tax revenue collected during the
2019 preceding month under the provisions of this article shall be
2020 deposited into the special fund created in Section 27-67-35(2).

2021 On or before August 15, 2020, and each succeeding month thereafter
2022 through July 15, 2021, seven and one-half percent (7-1/2%) of the
2023 total use tax revenue collected during the preceding month under
2024 the provisions of this article shall be deposited into the special
2025 fund created in Section 27-67-35(2). On or before August 15,
2026 2021, and each succeeding month thereafter through July 15, 2022,



2027 eleven and one-fourth percent (11-1/4%) of the total use tax
2028 revenue collected during the preceding month under the provisions
2029 of this article shall be deposited into the special fund created
2030 in Section 27-67-35(2). On or before August 15, 2022, and each
2031 succeeding month thereafter, fifteen percent (15%) of the total
2032 use tax revenue collected during the preceding month under the
2033 provisions of this article shall be deposited into the special
2034 fund created in Section 27-67-35(2).

2035 (g) On or before August 15, 2019, and each succeeding
2036 month thereafter through July 15, 2020, Four Hundred Sixteen
2037 Thousand Six Hundred Sixty-six Dollars and Sixty-seven Cents
2038 (\$416,666.67) or one and one-fourth percent (1-1/4%) of the total
2039 use tax revenue collected during the preceding month under the
2040 provisions of this article, whichever is the greater amount, shall
2041 be deposited into the Local System Bridge Replacement and
2042 Rehabilitation Fund created in Section 65-37-13. On or before
2043 August 15, 2020, and each succeeding month thereafter through July
2044 15, 2021, Eight Hundred Thirty-three Thousand Three Hundred
2045 Thirty-three Dollars and Thirty-four Cents (\$833,333.34) or two
2046 and one-half percent (2-1/2%) of the total use tax revenue
2047 collected during the preceding month under the provisions of this
2048 article, whichever is the greater amount, shall be deposited into
2049 the Local System Bridge Replacement and Rehabilitation Fund
2050 created in Section 65-37-13. On or before August 15, 2021, and
2051 each succeeding month thereafter through July 15, 2022, One



2052 Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00) or
2053 three and three-fourths percent (3-3/4%) of the total use tax
2054 revenue collected during the preceding month under the provisions
2055 of this article, whichever is the greater amount, shall be
2056 deposited into the Local System Bridge Replacement and
2057 Rehabilitation Fund created in Section 65-37-13. On or before
2058 August 15, 2022, and each succeeding month thereafter through July
2059 15, 2023, One Million Six Hundred Sixty-six Thousand Six Hundred
2060 Sixty-six Dollars and Sixty-seven Cents (\$1,666,666.67) or five
2061 percent (5%) of the total use tax revenue collected during the
2062 preceding month under the provisions of this article, whichever is
2063 the greater amount, shall be deposited into the Local System
2064 Bridge Replacement and Rehabilitation Fund created in Section
2065 65-37-13. On or before August 15, 2023, and each succeeding month
2066 thereafter, (i) One Million Six Hundred Sixty-six Thousand Six
2067 Hundred Sixty-six Dollars and Sixty-seven Cents (\$1,666,666.67) or
2068 two and one-half percent (2-1/2%) of the total use tax revenue
2069 collected during the preceding month under the provisions of this
2070 article, whichever is the greater amount, shall be deposited into
2071 the Local System Bridge Replacement and Rehabilitation Fund
2072 created in Section 65-37-13, and (ii) One Million Six Hundred
2073 Sixty-six Thousand Six Hundred Sixty-six Dollars and Sixty-seven
2074 Cents (\$1,666,666.67) or two and one-half percent (2-1/2%) of the
2075 total use tax revenue collected during the preceding month under
2076 the provisions of this article, whichever is the greater amount,



2077 shall be deposited into the State Aid Road Fund created in Section
2078 65-9-17.

2079 (h) On or before August 15, 2020, and each succeeding
2080 month thereafter through July 15, 2022, One Million Dollars
2081 (\$1,000,000.00) of the total use tax revenue collected during the
2082 preceding month under the provisions of this article shall be
2083 deposited into the Local System Bridge Replacement and
2084 Rehabilitation Fund created in Section 65-37-13. Amounts
2085 deposited into the Local System Bridge Replacement and
2086 Rehabilitation Fund under this paragraph (h) shall be in addition
2087 to amounts deposited into the fund under paragraph (g) of this
2088 section.

2089 (i) The remainder of the amount received from taxes,
2090 damages and interest under the provisions of this article shall be
2091 paid into the General Fund of the State Treasury by the
2092 commissioner.

2093 **SECTION 20.** Section 27-115-85, Mississippi Code of 1972, is
2094 brought forward as follows:

2095 27-115-85. Until June 30, 2028, net proceeds generated by
2096 the Alyce G. Clarke Mississippi Lottery Law, created pursuant to
2097 this chapter and deposited into the Lottery Proceeds Fund under
2098 Section 27-115-51(2), except as otherwise provided in this
2099 section, shall be paid into the State Highway Fund by warrant
2100 issued by the State Fiscal Officer upon requisition of the State
2101 Transportation Commission as needed to provide funds to repair,



2102 renovate and maintain highways and bridges of the state; however,
2103 funds paid into the State Highway Fund under this section shall be
2104 first used for matching federal funds authorized to the state
2105 pursuant to any federal highway infrastructure program implemented
2106 after September 1, 2018. However, all such monies deposited into
2107 the Lottery Proceeds Fund over Eighty Million Dollars
2108 (\$80,000,000.00) in a fiscal year shall be transferred into the
2109 Education Enhancement Fund for the purposes of funding the Early
2110 Childhood Learning Collaborative, the Classroom Supply Fund and/or
2111 other educational purposes. From and after July 1, 2028, the net
2112 proceeds shall be deposited into the Lottery Proceeds Fund and
2113 shall be transferred to the State General Fund, except for the
2114 amounts over Eighty Million Dollars (\$80,000,000.00) which shall
2115 continue to be deposited in the Education Enhancement Fund as
2116 provided above.

2117 **SECTION 21.** Section 1-3-26, Mississippi Code of 1972, is
2118 amended as follows:

2119 1-3-26. Wherever the phrase "minimum education program,"
2120 "minimum program," * * * "minimum foundation program,"
2121 "Mississippi Adequate Education Program," "adequate education
2122 program," or "MAEP" shall appear in the laws of this state, it
2123 shall be construed to mean * * * "Investing in the Needs of
2124 Students to Prioritize, Impact and Reform Education (INSPIRE)"
2125 created under * * * Chapter 151, Title 37, Mississippi Code of
2126 1972.



2127 **SECTION 22.** Section 7-7-211, Mississippi Code of 1972, is
2128 amended as follows:

2129 7-7-211. The department shall have the power and it shall be
2130 its duty:

2131 (a) To identify and define for all public offices of
2132 the state and its subdivisions generally accepted accounting
2133 principles or other accounting principles as promulgated by
2134 nationally recognized professional organizations and to consult
2135 with the State Fiscal Officer in the prescription and
2136 implementation of accounting rules and regulations;

2137 (b) To provide best practices, for all public offices
2138 of regional and local subdivisions of the state, systems of
2139 accounting, budgeting and reporting financial facts relating to
2140 said offices in conformity with legal requirements and with
2141 generally accepted accounting principles or other accounting
2142 principles as promulgated by nationally recognized professional
2143 organizations; to assist such subdivisions in need of assistance
2144 in the installation of such systems; to revise such systems when
2145 deemed necessary, and to report to the Legislature at periodic
2146 times the extent to which each office is maintaining such systems,
2147 along with such recommendations to the Legislature for improvement
2148 as seem desirable;

2149 (c) To study and analyze existing managerial policies,
2150 methods, procedures, duties and services of the various state
2151 departments and institutions upon written request of the Governor,



2152 the Legislature or any committee or other body empowered by the
2153 Legislature to make such request to determine whether and where
2154 operations can be eliminated, combined, simplified and improved;

2155 (d) To postaudit each year and, when deemed necessary,
2156 preaudit and investigate the financial affairs of the departments,
2157 institutions, boards, commissions, or other agencies of state
2158 government, as part of the publication of a comprehensive annual
2159 financial report for the State of Mississippi, or as deemed
2160 necessary by the State Auditor. In complying with the
2161 requirements of this paragraph, the department shall have the
2162 authority to conduct all necessary audit procedures on an interim
2163 and year-end basis;

2164 (e) To postaudit and, when deemed necessary, preaudit
2165 and investigate separately the financial affairs of (i) the
2166 offices, boards and commissions of county governments and any
2167 departments and institutions thereof and therein; (ii) public
2168 school districts, departments of education and junior college
2169 districts; and (iii) any other local offices or agencies which
2170 share revenues derived from taxes or fees imposed by the State
2171 Legislature or receive grants from revenues collected by
2172 governmental divisions of the state; the cost of such audits,
2173 investigations or other services to be paid as follows: Such part
2174 shall be paid by the state from appropriations made by the
2175 Legislature for the operation of the State Department of Audit as
2176 may exceed the sum of Thirty-five Dollars (\$35.00) per man-hour



2177 for the services of each staff person engaged in performing the
2178 audit or other service plus the actual cost of any independent
2179 specialist firm contracted by the State Auditor to assist in the
2180 performance of the audit, which sum shall be paid by the county,
2181 district, department, institution or other agency audited out of
2182 its general fund or any other available funds from which such
2183 payment is not prohibited by law. Costs paid for independent
2184 specialists or firms contracted by the State Auditor shall be paid
2185 by the audited entity through the State Auditor to the specialist
2186 or firm conducting the postaudit.

2187 Each school district in the state shall have its financial
2188 records audited annually, at the end of each fiscal year, either
2189 by the State Auditor or by a certified public accountant approved
2190 by the State Auditor. Beginning with the audits of fiscal year
2191 2010 activity, no certified public accountant shall be selected to
2192 perform the annual audit of a school district who has audited that
2193 district for three (3) or more consecutive years previously.

2194 Certified public accountants shall be selected in a manner
2195 determined by the State Auditor. The school district shall have
2196 the responsibility to pay for the audit, including the review by
2197 the State Auditor of audits performed by certified public
2198 accountants;

2199 (f) To postaudit and, when deemed necessary, preaudit
2200 and investigate the financial affairs of the levee boards;
2201 agencies created by the Legislature or by executive order of the



2202 Governor; profit or nonprofit business entities administering
2203 programs financed by funds flowing through the State Treasury or
2204 through any of the agencies of the state, or its subdivisions; and
2205 all other public bodies supported by funds derived in part or
2206 wholly from public funds, except municipalities which annually
2207 submit an audit prepared by a qualified certified public
2208 accountant using methods and procedures prescribed by the
2209 department;

2210 (g) To make written demand, when necessary, for the
2211 recovery of any amounts representing public funds improperly
2212 withheld, misappropriated and/or otherwise illegally expended by
2213 an officer, employee or administrative body of any state, county
2214 or other public office, and/or for the recovery of the value of
2215 any public property disposed of in an unlawful manner by a public
2216 officer, employee or administrative body, such demands to be made
2217 (i) upon the person or persons liable for such amounts and upon
2218 the surety on official bond thereof, and/or (ii) upon any
2219 individual, partnership, corporation or association to whom the
2220 illegal expenditure was made or with whom the unlawful disposition
2221 of public property was made, if such individual, partnership,
2222 corporation or association knew or had reason to know through the
2223 exercising of reasonable diligence that the expenditure was
2224 illegal or the disposition unlawful. Such demand shall be
2225 premised on competent evidence, which shall include at least one
2226 (1) of the following: (i) sworn statements, (ii) written



2227 documentation, (iii) physical evidence, or (iv) reports and
2228 findings of government or other law enforcement agencies. Other
2229 provisions notwithstanding, a demand letter issued pursuant to
2230 this paragraph shall remain confidential by the State Auditor
2231 until the individual against whom the demand letter is being filed
2232 has been served with a copy of such demand letter. If, however,
2233 such individual cannot be notified within fifteen (15) days using
2234 reasonable means and due diligence, such notification shall be
2235 made to the individual's bonding company, if he or she is bonded.
2236 Each such demand shall be paid into the proper treasury of the
2237 state, county or other public body through the office of the
2238 department in the amount demanded within thirty (30) days from the
2239 date thereof, together with interest thereon in the sum of one
2240 percent (1%) per month from the date such amount or amounts were
2241 improperly withheld, misappropriated and/or otherwise illegally
2242 expended. In the event, however, such person or persons or such
2243 surety shall refuse, neglect or otherwise fail to pay the amount
2244 demanded and the interest due thereon within the allotted thirty
2245 (30) days, the State Auditor shall have the authority and it shall
2246 be his duty to institute suit, and the Attorney General shall
2247 prosecute the same in any court of the state to the end that there
2248 shall be recovered the total of such amounts from the person or
2249 persons and surety on official bond named therein; and the amounts
2250 so recovered shall be paid into the proper treasury of the state,
2251 county or other public body through the State Auditor. In any



2252 case where written demand is issued to a surety on the official
2253 bond of such person or persons and the surety refuses, neglects or
2254 otherwise fails within one hundred twenty (120) days to either pay
2255 the amount demanded and the interest due thereon or to give the
2256 State Auditor a written response with specific reasons for
2257 nonpayment, then the surety shall be subject to a civil penalty in
2258 an amount of twelve percent (12%) of the bond, not to exceed Ten
2259 Thousand Dollars (\$10,000.00), to be deposited into the State
2260 General Fund;

2261 (h) To investigate any alleged or suspected violation
2262 of the laws of the state by any officer or employee of the state,
2263 county or other public office in the purchase, sale or the use of
2264 any supplies, services, equipment or other property belonging
2265 thereto; and in such investigation to do any and all things
2266 necessary to procure evidence sufficient either to prove or
2267 disprove the existence of such alleged or suspected violations.
2268 The * * * Division of Investigation of the State Department of
2269 Audit may investigate, for the purpose of prosecution, any
2270 suspected criminal violation of the provisions of this chapter.
2271 For the purpose of administration and enforcement of this chapter,
2272 the enforcement employees of the * * * Division of Investigation
2273 of the State Department of Audit have the powers of a law
2274 enforcement officer of this state, and shall be empowered to make
2275 arrests and to serve and execute search warrants and other valid
2276 legal process anywhere within the State of Mississippi. All



2277 enforcement employees of the * * * Division of Investigation of
2278 the State Department of Audit hired on or after July 1, 1993,
2279 shall be required to complete the Law Enforcement Officers
2280 Training Program and shall meet the standards of the program;

2281 (i) To issue subpoenas, with the approval of, and
2282 returnable to, a judge of a chancery or circuit court, in termtime
2283 or in vacation, to examine the records, documents or other
2284 evidence of persons, firms, corporations or any other entities
2285 insofar as such records, documents or other evidence relate to
2286 dealings with any state, county or other public entity. The
2287 circuit or chancery judge must serve the county in which the
2288 records, documents or other evidence is located; or where all or
2289 part of the transaction or transactions occurred which are the
2290 subject of the subpoena;

2291 (j) In any instances in which the State Auditor is or
2292 shall be authorized or required to examine or audit, whether
2293 preaudit or postaudit, any books, ledgers, accounts or other
2294 records of the affairs of any public hospital owned or owned and
2295 operated by one or more political subdivisions or parts thereof or
2296 any combination thereof, or any school district, including
2297 activity funds thereof, it shall be sufficient compliance
2298 therewith, in the discretion of the State Auditor, that such
2299 examination or audit be made from the report of any audit or other
2300 examination certified by a certified public accountant and
2301 prepared by or under the supervision of such certified public



2302 accountant. Such audits shall be made in accordance with
2303 generally accepted standards of auditing, with the use of an audit
2304 program prepared by the State Auditor, and final reports of such
2305 audits shall conform to the format prescribed by the State
2306 Auditor. All files, working papers, notes, correspondence and all
2307 other data compiled during the course of the audit shall be
2308 available, without cost, to the State Auditor for examination and
2309 abstracting during the normal business hours of any business day.
2310 The expense of such certified reports shall be borne by the
2311 respective hospital, or any available school district funds * * *,
2312 subject to examination or audit. The State Auditor shall not be
2313 bound by such certified reports and may, in his or their
2314 discretion, conduct such examination or audit from the books,
2315 ledgers, accounts or other records involved as may be appropriate
2316 and authorized by law;

2317 (k) The State Auditor shall have the authority to
2318 contract with qualified public accounting firms to perform
2319 selected audits required in paragraphs (d), (e), (f) and (j) of
2320 this section, if funds are made available for such contracts by
2321 the Legislature, or if funds are available from the governmental
2322 entity covered by paragraphs (d), (e), (f) and (j). Such audits
2323 shall be made in accordance with generally accepted standards of
2324 auditing. All files, working papers, notes, correspondence and
2325 all other data compiled during the course of the audit shall be



2326 available, without cost, to the State Auditor for examination and
2327 abstracting during the normal business hours of any business day;

2328 (l) The State Auditor shall have the authority to
2329 establish training courses and programs for the personnel of the
2330 various state and local governmental entities under the
2331 jurisdiction of the Office of the State Auditor. The training
2332 courses and programs shall include, but not be limited to, topics
2333 on internal control of funds, property and equipment control and
2334 inventory, governmental accounting and financial reporting, and
2335 internal auditing. The State Auditor is authorized to charge a
2336 fee from the participants of these courses and programs, which fee
2337 shall be deposited into the Department of Audit Special Fund.
2338 State and local governmental entities are authorized to pay such
2339 fee and any travel expenses out of their general funds or any
2340 other available funds from which such payment is not prohibited by
2341 law;

2342 (m) Upon written request by the Governor or any member
2343 of the State Legislature, the State Auditor may audit any state
2344 funds and/or state and federal funds received by any nonprofit
2345 corporation incorporated under the laws of this state;

2346 (n) To conduct performance audits of personal or
2347 professional service contracts by state agencies on a random
2348 sampling basis, or upon request of the State Personal Service
2349 Contract Review Board under Section 25-9-120(3);



2350 (o) At the discretion of the State Auditor, the Auditor
2351 may conduct risk assessments, as well as performance and
2352 compliance audits based on Generally Accepted Government Auditing
2353 Standards (GAGAS) of any state-funded economic development program
2354 authorized under Title 57, Mississippi Code of 1972. After risk
2355 assessments or program audits, the State Auditor may conduct
2356 audits of those projects deemed high-risk, specifically as they
2357 identify any potential wrongdoing or noncompliance based on
2358 objectives of the economic development program. The Auditor is
2359 granted authority to gather, audit and review data and information
2360 from the Mississippi Development Authority or any of its agents,
2361 the Department of Revenue, and when necessary under this
2362 paragraph, the recipient business or businesses or any other
2363 private, public or nonprofit entity with information relevant to
2364 the audit project. The maximum amount the State Auditor may bill
2365 the oversight agency under this paragraph in any fiscal year is
2366 One Hundred Thousand Dollars (\$100,000.00), based on reasonable
2367 and necessary expenses;

2368 (p) To review and approve any independent auditor
2369 selected by the Mississippi Lottery Corporation in accordance with
2370 Section 27-115-89, to conduct an annual audit of the corporation;
2371 and

2372 (q) To conduct audits or investigations of the
2373 Mississippi Lottery Corporation if, in the opinion of the State
2374 Auditor, conditions justify such audits or investigations.



2375 **SECTION 23.** Section 19-9-157, Mississippi Code of 1972, is
2376 amended as follows:

2377 19-9-157. The board of supervisors of the situs county, upon
2378 receipt of the payments pursuant to Section 19-9-151 less the
2379 payment made according to Section 19-9-153, shall pay all such
2380 funds in excess of Five Million Five Hundred Thousand Dollars
2381 (\$5,500,000.00) to the governing authorities of the public school
2382 districts in such county in the proportion that the average daily
2383 * * * membership for the preceding scholastic year of each school
2384 district bears to the total average daily * * * membership of the
2385 county for the preceding scholastic year. Such funds may be
2386 expended only for the purposes of capital improvements to school
2387 facilities and only after plans therefor have been submitted to
2388 and approved by the * * * State Board of Education. The governing
2389 authorities of such school districts may borrow money in
2390 anticipation of receipt of payments pursuant to this section and
2391 the levying authority for the school district may issue negotiable
2392 notes therefor, for the purposes set forth herein. Such loan
2393 shall be repaid from the payments received under this section by
2394 the governing authorities of the public school district. However,
2395 no public school districts within the situs county shall be
2396 entitled to any payments after January 1, 1990.

2397 **SECTION 24.** Section 19-9-171, Mississippi Code of 1972, is
2398 amended as follows:



2399 19-9-171. The revenue from ad valorem taxes for school
2400 district purposes that are levied upon liquefied natural gas
2401 terminals or improvements thereto constructed after July 1, 2007,
2402 crude oil refineries constructed after July 1, 2007, and
2403 expansions or improvements to existing crude oil refineries
2404 constructed after July 1, 2007, shall be distributed to all public
2405 school districts in the county in which the facilities are located
2406 in the proportion that the average daily * * * membership of each
2407 school district bears to the total average daily * * * membership
2408 of all school districts in the county. The county or municipal
2409 tax collector, as the case may be, shall pay such tax collections,
2410 except for taxes collected for the payment of the principal of and
2411 interest on school bonds or notes and except for taxes collected
2412 to defray collection costs, into the appropriate school depository
2413 and report to the school board of the appropriate school district
2414 at the same time and in the same manner as the tax collector makes
2415 his payments and reports of other taxes collected by him.

2416 **SECTION 25.** Section 25-4-29, Mississippi Code of 1972, is
2417 amended as follows:

2418 25-4-29. (1) Required statements hereunder shall be filed
2419 as follows:

2420 (a) Every incumbent public official required by
2421 paragraphs (a), (b), (d) and (e) of Section 25-4-25 to file a
2422 statement of economic interest shall file such statement with the



2423 commission on or before May 1 of each year that such official
2424 holds office, regardless of duration;

2425 (b) Candidates for office required to file a statement
2426 hereunder shall file such statement within fifteen (15) days after
2427 the deadline for qualification for that public office;

2428 (c) Persons who are required to file a statement
2429 because of appointment to fill a vacancy in an office or required
2430 to file under Section 25-4-25(d) and (e) shall file such statement
2431 within thirty (30) days of their appointment;

2432 (d) No person by reason of successful candidacy or
2433 assuming additional offices shall be required to file more than
2434 one (1) statement of economic interest in any calendar year,
2435 except such official shall notify the commission as soon as
2436 practicable of additional offices not previously reported; and

2437 (e) The commission may, on an individual case basis,
2438 provide for additional time to file a statement upon a showing
2439 that compliance with a filing date set out under paragraph (a),
2440 (b), (c) or (d) above would work an unreasonable hardship.

2441 (2) Any person who fails to file a statement of economic
2442 interest within thirty (30) days of the date the statement is due
2443 shall be deemed delinquent by the commission. The commission
2444 shall give written notice of the delinquency to the person by
2445 United States mail or by personal service of process. If within
2446 fifteen (15) days of receiving written notice of delinquency the
2447 delinquent filer has not filed the statement of economic interest,



2448 a fine of Fifty Dollars (\$50.00) per day, not to exceed a total
2449 fine of One Thousand Dollars (\$1,000.00), shall be assessed
2450 against the delinquent filer for each day thereafter in which the
2451 statement of economic interest is not properly filed. The
2452 commission shall enroll such assessment as a civil judgment with
2453 the circuit clerk in the delinquent filer's county of residence.
2454 The commission may enforce the judgment for the benefit of the
2455 State General Fund for the support of * * * Investing in the Needs
2456 of Students to Prioritize, Impact and Reform Education (INSPIRE)
2457 in the same manner as is prescribed for other civil judgments.

2458 **SECTION 26.** Section 27-25-706, Mississippi Code of 1972, is
2459 amended as follows:

2460 27-25-706. The board of supervisors of any county in the
2461 State of Mississippi bordering on the Pearl River and having a
2462 population according to the 1970 census of not less than forty
2463 thousand (40,000) and not more than fifty thousand (50,000), and
2464 through which Interstate Highway 20 runs, and wherein there is
2465 being constructed or has been constructed a plant for the
2466 extracting of sulphur from natural gas, and the board of
2467 supervisors of any county in the State of Mississippi bordering on
2468 the Pearl River and having a population according to the 1970
2469 census of not less than nineteen thousand (19,000) and not more
2470 than twenty-one thousand (21,000) and wherein U.S. Highway 49 and
2471 Mississippi Highway 28 intersect and wherein there is being
2472 constructed or has been constructed a plant for the extracting of



2473 sulphur from natural gas, are hereby authorized and empowered, in
2474 their discretion, to pledge all or any part of the county's share
2475 of the severance tax on gas extracted, handled or processed
2476 through such extraction plant, as additional security for the
2477 payment of bonds issued for the purpose of constructing,
2478 reconstructing, overlaying and/or repairing, an access road or
2479 roads or publicly owned railroads to and from such sulphur
2480 extraction plant. The amount so pledged for the payment of the
2481 principal of and the interest on such bonds shall be deducted and
2482 set aside by such board of supervisors prior to the distribution
2483 of such severance taxes in the manner provided by law, and only
2484 the amount of such severance taxes remaining after such deduction
2485 shall be subject to such distribution. The board of supervisors
2486 in such counties may pledge only up to fifty percent (50%) of such
2487 severance taxes as their respective county may receive to retire
2488 the bonds and interest pursuant to the authority of this section.
2489 The required local contribution of said counties to the cost
2490 of * * * Investing in the Needs of Students to Prioritize, Impact
2491 and Reform Education (INSPIRE) shall not be reduced nor shall the
2492 obligation of the state under * * * the funding formula to said
2493 counties be increased because * * * of this section.

2494 Such bonds shall be issued under the provisions of Sections
2495 19-9-1 through * * * 19-9-19.

2496 **SECTION 27.** Section 27-33-3, Mississippi Code of 1972, is
2497 amended as follows:



2498 27-33-3. In order to recognize and give effect to the
2499 principle of tax-free homes as a public policy in Mississippi, to
2500 encourage home building and ownership, and to give additional
2501 security to family groups, it is hereby declared that homes
2502 legally assessed on the land roll, owned and actually occupied as
2503 a home by bona fide residents of this state, who are heads of
2504 families, shall be exempt from the ad valorem taxes herein
2505 enumerated, on not in excess of Seven Thousand Five Hundred
2506 Dollars (\$7,500.00) of the assessed value including an area of
2507 land not in excess of that specified hereinafter in this article.
2508 The exemption from taxes shall be limited to the following:

2509 (a) All homeowners who are heads of families and who
2510 qualify under the provisions of this article shall be exempt from
2511 taxes levied in 1983 and payable in 1984 and from taxes levied in
2512 1984 and payable in 1985 as follows:

2513 (i) The ad valorem taxes levied by counties
2514 pursuant to Section 27-39-329. Amounts so exempted shall not be
2515 reimbursed by the state.

2516 (ii) Ad valorem taxes levied for maintenance and
2517 current expenses by or for a county as authorized by Section
2518 27-39-303, but the levy for such purpose in any year for which
2519 reimbursement is to be made shall not exceed the millage levied
2520 for such purpose for the 1984 fiscal year; or a levy for county
2521 roads or a road district as authorized by Section 27-39-305; or a
2522 levy for constructing and maintaining all bridges and culverts as



2523 authorized by Section 65-15-7, but the levy for either or both of
2524 such purposes for which reimbursement is to be made shall not in
2525 any event exceed seven (7) mills in any year; the * * * levy for
2526 the support of * * * INSPIRE to produce the minimum local ad
2527 valorem tax effort required * * * of a school district by Section
2528 37-57-1, and the supplementary school district tax levy for the
2529 support and maintenance of * * * schools as authorized by Section
2530 37-57-105; provided, however, that the total of the levies made
2531 under said Sections 37-57-1 and 37-57-105, which shall be exempt
2532 under this article, shall be limited to twenty (20) mills for any
2533 affected property area, and in the event the total of such levies
2534 should exceed twenty (20) mills for any affected property area,
2535 the excess shall not be exempt under this article, and in such
2536 case, the levy for the support of the * * * funding formula shall
2537 have priority as an exempt levy;

2538 (iii) Ad valorem taxes levied for the support and
2539 maintenance of agricultural high schools within the limits and as
2540 authorized by Section 37-27-3, and ad valorem taxes levied for the
2541 support of community or junior colleges within the limits and as
2542 authorized by subsection (2) of Section 37-29-141; provided,
2543 however, that the exemption from taxation and reimbursement for
2544 tax loss for agricultural high schools and community or junior
2545 colleges, or any combination of same, shall not exceed three (3)
2546 mills in any one (1) year for any one (1) county;



2547 (iv) Ad valorem taxes levied for the support
2548 of * * * INSPIRE in a municipal separate school district to
2549 produce the minimum local ad valorem tax effort required of such
2550 municipal separate school district as authorized by Section * * *
2551 37-57-1, and the supplementary tax levy for the support and
2552 maintenance of the schools of a municipal separate school district
2553 as authorized by Section 37-57-105; provided, however, the total
2554 of the levies made under said Sections * * * 37-57-1 and 37-57-105
2555 which shall be exempt under this article shall be limited to
2556 fifteen (15) mills for any affected property area, except in those
2557 special municipal separate school districts as provided by
2558 Sections 37-7-701 through 37-7-743, the total of the levies made
2559 under Sections 37-7-739 and 37-57-105 for such special municipal
2560 separate school district which shall be exempt under this article
2561 shall not exceed twenty (20) mills, and in the event the total of
2562 such levies should exceed fifteen (15) mills for any affected
2563 property area, or twenty (20) mills in the case of a special
2564 municipal separate school district, the excess shall not be exempt
2565 under this article, and, in such case, the levy for the support of
2566 the * * * funding formula in the municipal separate school
2567 district shall have priority as an exempt levy;

2568 (v) In the event any law referred to in this
2569 section is amended so as to authorize an increase in the tax levy
2570 for any purposes, such increase in the levy shall be applied to
2571 and taxes collected from the property owners on the entire



2572 assessed value of exempted homes; and the tax loss resulting from
2573 such increase shall not be reimbursed under the provisions of the
2574 Homestead Exemption Law, unless such law clearly specifies that
2575 the exempted assessed value of homes is exempt from such increase;

2576 (vi) Ad valorem taxes levied under Sections
2577 65-15-7 and 65-15-21 shall be used solely for purposes levied.

2578 (b) Those homeowners who qualify for the exemptions
2579 provided for in subsection (a) of this section and who have
2580 reached the age of sixty-five (65) years on or before January 1 of
2581 the year for which the exemption is claimed; and
2582 service-connected, totally disabled American veterans who were
2583 honorably discharged from military service, upon presentation of
2584 proper proof of eligibility shall be exempt from any and all ad
2585 valorem taxes, including the forest acreage tax authorized by
2586 Section 49-19-115, on homesteads not in excess of Seven Thousand
2587 Five Hundred Dollars (\$7,500.00) of assessed value thereof;
2588 provided, however, that property owned jointly by husband and wife
2589 and property owned in fee simple by either spouse shall be
2590 eligible for this exemption in full if either spouse fulfills the
2591 age or disability requirement. On all other jointly owned
2592 property the amount of the allowable exemption shall be determined
2593 on the basis of each individual joint owner's qualifications and
2594 pro rata share of the property.

2595 (c) Those homeowners who qualify for the exemptions
2596 provided for in subsection (a) of this section and who would be



2597 classified as disabled under the Federal Social Security Act (42
2598 USCS Section 416(i)), upon presentation of proper proof of
2599 eligibility shall be exempt from any and all ad valorem taxes,
2600 including the forest acreage tax authorized by Section 49-19-115,
2601 on homesteads not in excess of Seven Thousand Five Hundred Dollars
2602 (\$7,500.00) of assessed value thereof; provided, however, that
2603 property owned jointly by husband and wife and property owned in
2604 fee simple by either spouse shall be eligible for this exemption
2605 in full if either spouse fulfills the disability requirement. On
2606 all other jointly owned property, the amount of the allowable
2607 exemption shall be determined on the basis of each individual
2608 joint owner's qualifications and pro rata share of the property.

2609 (d) Homeowners who qualify for exemption under
2610 subsection (c) of this section will not be included in the
2611 limitations of Section 27-33-59(e).

2612 Reimbursement by the State of Mississippi to the various
2613 taxing units for the tax losses incurred because of the additional
2614 exemptions provided for under these subsections shall be made in
2615 accordance with the procedures outlined in Section 27-33-41.

2616 This section shall not apply to claims for homestead
2617 exemptions filed in any calendar year subsequent to the 1984
2618 calendar year.

2619 **SECTION 28.** Section 27-39-317, Mississippi Code of 1972, is
2620 amended as follows:



2621 27-39-317. The board of supervisors of each county shall, at
2622 its regular meeting in September of each year, levy the county ad
2623 valorem taxes for the fiscal year, and shall, by order, fix the
2624 tax rate, or levy, for the county, for the road districts, if any,
2625 and for the school districts, if any, and for any other taxing
2626 districts; and the rates, or levies, for the county and for any
2627 district shall be expressed in mills or a decimal fraction of a
2628 mill. Said tax rates, or levies, shall determine the ad valorem
2629 taxes to be collected upon each dollar of valuation, upon the
2630 assessment rolls of the county, including the assessment of motor
2631 vehicles as provided by the Motor Vehicle Ad Valorem Tax Law of
2632 1958, Section 27-51-1 et seq., for county taxes; and upon each
2633 dollar of valuation for the respective districts, as shown upon
2634 the assessment rolls of the county, including the assessment of
2635 motor vehicles as provided by the Motor Vehicle Ad Valorem Tax Law
2636 of 1958, Section 27-51-1 et seq.; except as to such values as
2637 shall be exempt, in whole or in part, from certain tax rates or
2638 levies. If the rate or levy for the county is an increase from
2639 the previous fiscal year, then the proposed rate or levy shall be
2640 advertised in accordance with Section 27-39-203. If the board of
2641 supervisors of any county shall not levy the county taxes and the
2642 district taxes at its regular September meeting, the board shall
2643 levy the same on or before September 15 at an adjourned or special
2644 meeting, or thereafter, provided, however, that if such levy be
2645 not made on or before the fifteenth day of September then the tax



2646 collector or Department of Revenue may issue road and bridge
2647 privilege tax license plates for motor vehicles as defined in the
2648 Motor Vehicle Ad Valorem Tax Law of 1958, Section 27-51-1 et seq.,
2649 without collecting or requiring proof of payment of county ad
2650 valorem taxes, and may continue to so issue such plates until such
2651 levy is duly certified to him, and for twenty-four (24) hours
2652 thereafter.

2653 Notwithstanding the requirements of this section, in the
2654 event the Department of Revenue orders the county to make an
2655 adjustment to the tax roll pursuant to Section 27-35-113, the
2656 county shall have a period of thirty (30) days from the date of
2657 the commission's final determination to adjust the millage in
2658 order to collect the same dollar amount of taxes as originally
2659 levied by the board.

2660 In making the levy of taxes, the board of supervisors shall
2661 specify, in its order, the levy for each purpose, as follows:

2662 (a) For general county purposes (current expense and
2663 maintenance taxes), as authorized by Section 27-39-303.

2664 (b) For roads and bridges, as authorized by Section
2665 27-39-305.

2666 (c) For schools, including the * * * Investing in the
2667 Needs of Students to Prioritize, Impact and Reform Education
2668 (INSPIRE) levy and the levy for each school district including
2669 special municipal separate school districts, but not including
2670 other municipal separate school districts, and for an agricultural



2671 high school, county high school or community or junior college
2672 (current expense and maintenance taxes), as authorized by Chapter
2673 57, Title 37, Mississippi Code of 1972, and any other applicable
2674 statute. The levy for schools shall apply to the assessed value
2675 of property in the respective school districts, including special
2676 municipal separate school districts, but not including other
2677 municipal separate school districts, and a distinct and separate
2678 levy shall be made for each school district, and the purpose for
2679 each levy shall be stated.

2680 (d) For road bonds and the interest thereon, separately
2681 for countywide bonds and for the bonds of each road district.

2682 (e) For school bonds and the interest thereon,
2683 separately for countywide bonds and for the bonds of each school
2684 district.

2685 (f) For countywide bonds, and the interest thereon,
2686 other than for road bonds and school bonds.

2687 (g) For loans, notes or any other obligation, and the
2688 interest thereon, if permitted by the law.

2689 (h) For any other purpose for which a levy is lawfully
2690 made.

2691 The order shall state all of the purposes for which the
2692 general county levy is made, using the administrative items
2693 suggested by the State Department of Audit * * * under the county
2694 budget law in its uniform system of accounts for counties, but the
2695 rate or levy for any item or purpose need not be shown; and if a



2696 countywide levy is made for any general or special purpose under
2697 the provisions of any law other than Section 27-39-303, each such
2698 levy shall be separately stated.

2699 During the month of February of each year, if the order or
2700 resolution of the board of trustees of any school district of said
2701 county or partly in said county, is filed with it requesting the
2702 levying of ad valorem taxes for the support and maintenance of
2703 such school district for the following fiscal year, then the board
2704 of supervisors of every such county in the state shall notify, in
2705 writing, within thirty (30) days, the county superintendent of
2706 education of such county, the levy or levies it intends to make
2707 for the support and maintenance of such school districts of such
2708 county at its regular meeting in September following, and the
2709 county superintendent of education and the trustees of all such
2710 school districts shall be authorized to use such expressed
2711 intention of the board of supervisors in computing the support and
2712 maintenance budget or budgets of such school district or districts
2713 for the ensuing fiscal school year.

2714 **SECTION 29.** Section 29-3-47, Mississippi Code of 1972, is
2715 amended as follows:

2716 29-3-47. For its services the State Forestry Commission
2717 shall be entitled to receive its actual expenses incurred in the
2718 discharge of the duties herein imposed. In order to provide funds
2719 with which to pay for the general supervision and sale of forest
2720 products, fifteen percent (15%) of all receipts from the sales of



2721 forest products shall be placed by the board in a Forestry Escrow
2722 Fund and reserved to pay for work performed by the State Forestry
2723 Commission. Such payments shall be equal to the actual expenses
2724 incurred by the commission as substantiated by itemized bills
2725 presented to the board.

2726 Money in the Forestry Escrow Fund may be used to pay for any
2727 forestry work authorized during the period of the agreement and
2728 shall not be subject to lapse by reason of county budget
2729 limitations.

2730 In each school district having need of tree planting and
2731 timber stand improvement, the board of education is authorized to
2732 place additional amounts in the Forestry Escrow Fund to reimburse
2733 the State Forestry Commission for actual expenses incurred in
2734 performing this work, or to pay for any work done under private
2735 contract under the supervision of said commission. Such
2736 additional amounts may be made available from forest products
2737 sales receipts, funds borrowed from the sixteenth section
2738 principal fund as is provided for in Section 29-3-113, or any
2739 other funds available to the board of education excluding * * *
2740 Investing in the Needs of Students to Prioritize, Impact and
2741 Reform Education (INSPIRE) funds. Expenditures from the Forestry
2742 Escrow Fund for tree planting, timber stand improvement, and other
2743 forestry work will be limited to payment for work recommended by
2744 the Forestry Commission and agreed to by the board of education.



2745 When it becomes evident that the amount of money in the
2746 Forestry Escrow Fund is in excess of the amount necessary to
2747 accomplish the work needed to achieve the goals set by the board
2748 of education and the Forestry Commission, the State Forestry
2749 Commission shall advise said board to release any part of such
2750 funds as will not be needed, which may then be spent for any
2751 purpose authorized by law.

2752 **SECTION 30.** Section 29-3-49, Mississippi Code of 1972, is
2753 amended as follows:

2754 29-3-49. It shall be the duty of the State Forestry
2755 Commission, in the manner provided in Section 29-3-45, to enter
2756 into agreements for timber improvement purposes with the board of
2757 education upon the request of the board. The contract shall
2758 provide for the carrying out of a long-term program of timber
2759 improvement, including any or all of the following: The deadening
2760 of undesirable hardwoods, the planting of trees, the cutting and
2761 maintaining of fire lanes, and the establishment of marked
2762 boundaries on all lands classified as forest lands in the
2763 agreements, which provide for the reimbursement of all current
2764 costs incurred by the State Forestry Commission and the carrying
2765 out of the duties required by such agreements. In the
2766 alternative, the commission, in its discretion, may have the
2767 option to contract with a private contractor, subject to the
2768 approval of the board, to perform this work under the supervision
2769 of the commission. Payment of the reimbursements as hereinabove



2770 set forth to the Forestry Commission, or of compensation due under
2771 any such contract with private contractors shall be made upon
2772 presentation of itemized bills by the commission or the private
2773 contractors, as the case may be, and may be made out of any
2774 sixteenth section funds to the credit of, or accruing to, any
2775 school district in which such work shall be done, or out of any
2776 other funds available to such district, excluding * * * Investing
2777 in the Needs of Students to Prioritize, Impact and Reform
2778 Education (INSPIRE) funds.

2779 **SECTION 31.** Section 29-3-113, Mississippi Code of 1972, is
2780 amended as follows:

2781 29-3-113. The principal fund shall be a permanent township
2782 fund which shall consist of funds heretofore or hereafter derived
2783 from certain uses or for certain resources of school trust lands
2784 which shall be invested and, except as otherwise provided in this
2785 section, only the interest and income derived from such funds
2786 shall be expendable by the school district.

2787 The principal fund shall consist of:

2788 (a) Funds received for easements and rights-of-way
2789 pursuant to Section 29-3-91;

2790 (b) Funds received for sales of lieu land pursuant to
2791 Sections 29-3-15 through 29-3-25;

2792 (c) Funds received from any permanent damage to the
2793 school trust land;



2794 (d) Funds received from the sale of nonrenewable
2795 resources, including, but not limited to, the sale of sand,
2796 gravel, dirt, clays and royalties received from the sale of
2797 mineral ores, coal, oil and gas;

2798 (e) Funds received from the sale of buildings pursuant
2799 to Section 29-3-77;

2800 (f) Funds received from the sale of timber; and

2801 (g) Funds received pursuant to Section 29-3-23(2).

2802 It shall be the duty of the Board of Education to keep the
2803 principal fund invested in any direct obligation issued by or
2804 guaranteed in full as to principal and interest by the United
2805 States of America or in certificates of deposit issued by a
2806 qualified depository of the State of Mississippi as approved by
2807 the State Treasurer. The certificates of deposit may bear
2808 interest at any rate per annum which may be mutually agreed upon
2809 but in no case shall said rate be less than that paid on passbook
2810 savings.

2811 The Board of Education is authorized to invest the funds in
2812 interest bearing deposits or other obligations of the types
2813 described in Section 27-105-33 or in any other type investment in
2814 which any other political subdivision of the State of Mississippi
2815 may invest, except that one hundred percent (100%) of the funds
2816 are authorized to be invested. For the purposes of investment,
2817 the principal fund of each township may be combined into one or
2818 more district accounts; however, the docket book of the county



2819 superintendent shall at all times reflect the proper source of
2820 such funds. Provided that funds received from the sale of timber
2821 shall be placed in a separate principal fund account, and may be
2822 expended for any of the purposes authorized by law.

2823 The Board of Education shall have authority to borrow such
2824 funds at a rate of interest not less than four percent (4%) per
2825 annum and for a term not exceeding twenty (20) years, for the
2826 erection, equipment or repair of said district schools, to provide
2827 local funds for any building project approved by the State Board
2828 of Education or to provide additional funds for forest stand
2829 improvement as set forth in Section 29-3-47. In addition, the
2830 board may borrow the funds under the same interest restrictions
2831 for a term not exceeding ten (10) years to provide funds for the
2832 purchase of school buses. The Board of Education of any school
2833 district in any county that has an aggregate amount of assets in
2834 its principal fund in excess of Five Million Dollars
2835 (\$5,000,000.00) may deduct an amount not to exceed Five Hundred
2836 Thousand Dollars (\$500,000.00) for the purpose of covering the
2837 cost of asbestos removal from school district buildings. Such
2838 asbestos removal shall be construed to constitute the repair of
2839 school district facilities as prescribed in Section 29-3-115.

2840 No school land trust funds may be expended after the annual
2841 payment date until the payment is made on such loan. Once a
2842 district is current on its loan payments, the district may spend
2843 expendable trust funds earned or accumulated in previous years for



2844 any purpose for which expendable trust funds may be spent. The
2845 annual payment can be made from any funds available to the school
2846 district except * * * Investing in the Needs of Students to
2847 Prioritize, Impact and Reform Education (INSPIRE) funds.

2848 It shall be unlawful for the Board of Education to borrow any
2849 sixteenth section school funds in any other manner than that
2850 prescribed herein, and if any such funds shall be borrowed or
2851 invested in any other manner, any officer concerned in making such
2852 loan and investment or suffering the same to be made in violation
2853 of the provisions of this section shall be liable personally and
2854 on his official bond for the safety of the funds so loaned.

2855 **SECTION 32.** Section 29-3-137, Mississippi Code of 1972, is
2856 amended as follows:

2857 29-3-137. (1) Beginning with the 1985-1986 fiscal year the
2858 Legislature of the State of Mississippi shall appropriate to the
2859 State Department of Education a sum of One Million Dollars
2860 (\$1,000,000.00) to be disbursed to the Chickasaw counties, and an
2861 additional One Million Dollars (\$1,000,000.00) each succeeding
2862 fiscal year thereafter until a maximum appropriation of Five
2863 Million Dollars (\$5,000,000.00) is made for the fiscal year
2864 1989-1990. Beginning with the appropriation for the 1990-1991
2865 fiscal year, the amount appropriated under the provisions of this
2866 section shall not exceed the total average annual expendable
2867 revenue * * * received by the Choctaw counties from school lands,
2868 or Five Million Dollars (\$5,000,000.00), whichever is the lesser.



2869 (2) The State Department of Education is hereby authorized,
2870 empowered and directed to allocate for distribution such funds
2871 appropriated each year under subsection (1) of this section in
2872 proportion to the * * * amount of funding allotted under * * *
2873 Investing in the Needs of Students to Prioritize, Impact and
2874 Reform Education (INSPIRE) to such school districts affected by
2875 the sale of Chickasaw cession school lands. School districts not
2876 wholly situated in Chickasaw cession affected territory shall
2877 receive a prorated amount of such allocation based on the
2878 percentage of such lands located within the district. Provided
2879 further, that the State Department of Education shall, in
2880 addition, deduct from each affected school district's allocation
2881 the amount such district shall receive from interest payments from
2882 the Chickasaw School Fund under Section 212, Mississippi
2883 Constitution of 1890 for each fiscal year. * * * The department
2884 shall document the foregoing computation in its annual budget
2885 request for the appropriation to the Chickasaw School Fund, and
2886 shall revise its budget request under such formula as the average
2887 annual revenues from sixteenth section school lands fluctuate.

2888 (3) [Repealed]

2889 **SECTION 33.** Section 31-7-9, Mississippi Code of 1972, is
2890 amended as follows:

2891 31-7-9. (1) (a) The Office of Purchasing, Travel and Fleet
2892 Management shall adopt purchasing regulations governing the
2893 purchase by any agency of any commodity or commodities and



2894 establishing standards and specifications for a commodity or
2895 commodities and the maximum fair prices of a commodity or
2896 commodities, subject to the approval of the Public Procurement
2897 Review Board. It shall have the power to amend, add to or
2898 eliminate purchasing regulations. The adoption of, amendment,
2899 addition to or elimination of purchasing regulations shall be
2900 based upon a determination by the Office of Purchasing, Travel and
2901 Fleet Management with the approval of the Public Procurement
2902 Review Board, that such action is reasonable and practicable and
2903 advantageous to promote efficiency and economy in the purchase of
2904 commodities by the agencies of the state. Upon the adoption of
2905 any purchasing regulation, or an amendment, addition or
2906 elimination therein, copies of same shall be furnished to the
2907 State Auditor and to all agencies affected thereby. Thereafter,
2908 and except as otherwise may be provided in subsection (2) of this
2909 section, no agency of the state shall purchase any commodities
2910 covered by existing purchasing regulations unless such commodities
2911 be in conformity with the standards and specifications set forth
2912 in the purchasing regulations and unless the price thereof does
2913 not exceed the maximum fair price established by such purchasing
2914 regulations. The Office of Purchasing, Travel and Fleet
2915 Management shall furnish to any county or municipality or other
2916 local public agency of the state requesting same, copies of
2917 purchasing regulations adopted by the Office of Purchasing, Travel



2918 and Fleet Management and any amendments, changes or eliminations
2919 of same that may be made from time to time.

2920 (b) The Office of Purchasing, Travel and Fleet
2921 Management may adopt purchasing regulations governing the use of
2922 credit cards, procurement cards and purchasing club membership
2923 cards to be used by state agencies, governing authorities of
2924 counties and municipalities, school districts and the Chickasawhay
2925 Natural Gas District. Use of the cards shall be in strict
2926 compliance with the regulations promulgated by the office. Any
2927 amounts due on the cards shall incur interest charges as set forth
2928 in Section 31-7-305 and shall not be considered debt.

2929 (c) Pursuant to the provision of Section
2930 37-61-33(* * *2), the Office of Purchasing, Travel and Fleet
2931 Management of the Department of Finance and Administration is
2932 authorized to issue procurement cards or credentials for a digital
2933 solution to all public school district classroom teachers, charter
2934 school teachers, full- or part-time gifted or special education
2935 teachers and other necessary direct support personnel at the
2936 beginning of the school year, but no later than August 1 of each
2937 year, for the purchase of instructional supplies using Educational
2938 Enhancement Funds. The cards will be issued in equal amounts per
2939 teacher determined by the total number of qualifying personnel and
2940 the then current state appropriation for classroom instructional
2941 supplies under the Education Enhancement Fund. All purchases
2942 shall be in accordance with state law and teachers are responsible



2943 for verification of capital asset requirements when pooling monies
2944 to purchase equipment. The cards will expire on a predetermined
2945 date at the end of each school year, but not before April 1 of
2946 each year. All unexpended amounts will be carried forward, to be
2947 combined with the following year's instructional supply fund
2948 allocation, and reallocated for the following year. The
2949 Department of Finance and Administration is authorized to loan any
2950 start-up funds at the beginning of the school year to fund this
2951 procurement system for instructional supplies with loan repayment
2952 being made from sales tax receipts earmarked for the Education
2953 Enhancement Fund.

2954 (d) In a sale of goods or services, the seller shall
2955 not impose a surcharge on a buyer who uses a state-issued credit
2956 card, procurement card, travel card, or fuel card. The Department
2957 of Finance and Administration shall have exclusive jurisdiction to
2958 enforce and adopt rules relating to this paragraph. Any rules
2959 adopted under this paragraph shall be consistent with federal laws
2960 and regulations governing credit card transactions described by
2961 this paragraph. This paragraph does not create a cause of action
2962 against an individual for a violation of this paragraph.

2963 (2) The Office of Purchasing, Travel and Fleet Management
2964 shall adopt, subject to the approval of the Public Procurement
2965 Review Board, purchasing regulations governing the purchase of
2966 unmarked vehicles to be used by the Bureau of Narcotics and
2967 Department of Public Safety in official investigations pursuant to



2968 Section 25-1-87. Such regulations shall ensure that purchases of
2969 such vehicles shall be at a fair price and shall take into
2970 consideration the peculiar needs of the Bureau of Narcotics and
2971 Department of Public Safety in undercover operations.

2972 (3) The Office of Purchasing, Travel and Fleet Management
2973 shall adopt, subject to the approval of the Public Procurement
2974 Review Board, regulations governing the certification process for
2975 certified purchasing offices, including the Mississippi Purchasing
2976 Certification Program, which shall be required of all purchasing
2977 agents at state agencies. Such regulations shall require entities
2978 desiring to be classified as certified purchasing offices to
2979 submit applications and applicable documents on an annual basis,
2980 and in the case of a state agency purchasing office, to have one
2981 hundred percent (100%) participation and completion by purchasing
2982 agents in the Mississippi Purchasing Certification Program, at
2983 which time the Office of Purchasing, Travel and Fleet Management
2984 may provide the governing entity with a certification valid for
2985 one (1) year from the date of issuance. The Office of Purchasing,
2986 Travel and Fleet Management shall set a fee in an amount that
2987 recovers its costs to administer the Mississippi Purchasing
2988 Certification Program, which shall be assessed to the
2989 participating state agencies.

2990 (4) The Office of Purchasing, Travel and Fleet Management
2991 shall adopt purchasing regulations authorizing rural water



2992 associations to purchase at the state contract price afforded to
2993 agencies and governing authorities under this chapter.

2994 **SECTION 34.** Section 31-7-10, Mississippi Code of 1972, is
2995 amended as follows:

2996 31-7-10. (1) For the purposes of this section, the term
2997 "equipment" shall mean equipment, furniture, and if applicable,
2998 associated software and other applicable direct costs associated
2999 with the acquisition. In addition to its other powers and duties,
3000 the Department of Finance and Administration shall have the
3001 authority to develop a master lease-purchase program and, pursuant
3002 to that program, shall have the authority to execute on behalf of
3003 the state master lease-purchase agreements for equipment to be
3004 used by an agency, as provided in this section. Each agency
3005 electing to acquire equipment by a lease-purchase agreement shall
3006 participate in the Department of Finance and Administration's
3007 master lease-purchase program, unless the Department of Finance
3008 and Administration makes a determination that such equipment
3009 cannot be obtained under the program or unless the equipment can
3010 be obtained elsewhere at an overall cost lower than that for which
3011 the equipment can be obtained under the program. Such
3012 lease-purchase agreements may include the refinancing or
3013 consolidation, or both, of any state agency lease-purchase
3014 agreements entered into after June 30, 1990.

3015 (2) All funds designated by agencies for procurement of
3016 equipment and financing thereof under the master lease-purchase



3017 program shall be paid into a special fund created in the State
3018 Treasury known as the "Master Lease-Purchase Program Fund," which
3019 shall be used by the Department of Finance and Administration for
3020 payment to the lessors for equipment acquired under master
3021 lease-purchase agreements.

3022 (3) Upon final approval of an appropriation bill, each
3023 agency shall submit to the Public Procurement Review Board a
3024 schedule of proposed equipment acquisitions for the master
3025 lease-purchase program. Upon approval of an equipment schedule by
3026 the Public Procurement Review Board with the advice of the
3027 Department of Information Technology Services, the Office of
3028 Purchasing, Travel and Fleet Management, and the Division of
3029 Energy and Transportation of the Mississippi Development Authority
3030 as it pertains to energy efficient climate control systems, the
3031 Public Procurement Review Board shall forward a copy of the
3032 equipment schedule to the Department of Finance and
3033 Administration.

3034 (4) The level of lease-purchase debt recommended by the
3035 Department of Finance and Administration shall be subject to
3036 approval by the State Bond Commission. After such approval, the
3037 Department of Finance and Administration shall be authorized to
3038 advertise and solicit written competitive proposals for a lessor,
3039 who will purchase the equipment pursuant to bid awards made by the
3040 using agency under a given category and then transfer the



3041 equipment to the Department of Finance and Administration as
3042 lessee, pursuant to a master lease-purchase agreement.

3043 The Department of Finance and Administration shall select the
3044 successful proposer for the financing of equipment under the
3045 master lease-purchase program with the approval of the State Bond
3046 Commission.

3047 (5) Each master lease-purchase agreement, and any subsequent
3048 amendments, shall include such terms and conditions as the State
3049 Bond Commission shall determine to be appropriate and in the
3050 public interest, and may include any covenants deemed necessary or
3051 desirable to protect the interests of the lessor, including, but
3052 not limited to, provisions setting forth the interest rate (or
3053 method for computing interest rates) for financing pursuant to
3054 such agreement, covenants concerning application of payments and
3055 funds held in the Master Lease-Purchase Program Fund, covenants to
3056 maintain casualty insurance with respect to equipment subject to
3057 the master lease-purchase agreement (and all state agencies are
3058 specifically authorized to purchase any insurance required by a
3059 master lease-purchase agreement) and covenants precluding or
3060 limiting the right of the lessee or user to acquire equipment
3061 within a specified time (not to exceed five (5) years) after
3062 cancellation on the basis of a failure to appropriate funds for
3063 payment of amounts due under a lease-purchase agreement covering
3064 comparable equipment. The State Bond Commission shall transmit
3065 copies of each such master lease-purchase agreement and each such



3066 amendment to the Joint Legislative Budget Committee. To the
3067 extent provided in any master lease-purchase agreement, title to
3068 equipment leased pursuant thereto shall be deemed to be vested in
3069 the state or the user of the equipment (as specified in such
3070 master lease-purchase agreement), subject to default under or
3071 termination of such master lease-purchase agreement.

3072 A master lease-purchase agreement may provide for payment by
3073 the lessor to the lessee of the purchase price of the equipment to
3074 be acquired pursuant thereto prior to the date on which payment is
3075 due to the vendor for such equipment and that the lease payments
3076 by the lessee shall commence as though the equipment had been
3077 provided on the date of payment. If the lessee, or lessee's
3078 escrow agent, has sufficient funds for payment of equipment
3079 purchases prior to payment due date to vendor of equipment, such
3080 funds shall be held or utilized on an as-needed basis for payment
3081 of equipment purchases either by the State Treasurer (in which
3082 event the master lease-purchase agreement may include provisions
3083 concerning the holding of such funds, the creation of a security
3084 interest for the benefit of the lessor in such funds until
3085 disbursed and other appropriate provisions approved by the Bond
3086 Commission) or by a corporate trustee selected by the Department
3087 of Finance and Administration (in which event the Department of
3088 Finance and Administration shall have the authority to enter into
3089 an agreement with such a corporate trustee containing terms and
3090 conditions approved by the Bond Commission). Earnings on any



3091 amount paid by the lessor prior to the acquisition of the
3092 equipment may be used to make lease payments under the master
3093 lease-purchase agreement or applied to pay costs and expenses
3094 incurred in connection with such lease-purchase agreement. In
3095 such event, the equipment-use agreements with the user agency may
3096 provide for lease payments to commence upon the date of payment by
3097 the lessor and may also provide for a credit against such payments
3098 to the extent that investment receipts from investment of the
3099 purchase price are to be used to make lease-purchase payments.

3100 (6) The annual rate of interest paid under any
3101 lease-purchase agreement authorized under this section shall not
3102 exceed the maximum interest rate to maturity on general obligation
3103 indebtedness permitted under Section 75-17-101.

3104 (7) The Department of Finance and Administration shall
3105 furnish the equipment to the various agencies, also known as the
3106 user, pursuant to an equipment-use agreement developed by the
3107 Department of Finance and Administration. Such agreements shall
3108 require that all monthly payments due from such agency be paid,
3109 transferred or allocated into the Master Lease-Purchase Program
3110 Fund pursuant to a schedule established by the Department of
3111 Finance and Administration. In the event such sums are not paid
3112 by the defined payment period, the Executive Director of the
3113 Department of Finance and Administration shall issue a requisition
3114 for a warrant to draw such amount as may be due from any funds



3115 appropriated for the use of the agency which has failed to make
3116 the payment as agreed.

3117 (8) All master lease-purchase agreements executed under the
3118 authority of this section shall contain the following annual
3119 allocation dependency clause or an annual allocation dependency
3120 clause which is substantially equivalent thereto: "The
3121 continuation of each equipment schedule to this agreement is
3122 contingent in whole or in part upon the appropriation of funds by
3123 the Legislature to make the lease-purchase payments required under
3124 such equipment schedule. If the Legislature fails to appropriate
3125 sufficient funds to provide for the continuation of the
3126 lease-purchase payments under any such equipment schedule, then
3127 the obligations of the lessee and of the agency to make such
3128 lease-purchase payments and the corresponding provisions of any
3129 such equipment schedule to this agreement shall terminate on the
3130 last day of the fiscal year for which appropriations were made."

3131 (9) The maximum lease term for any equipment acquired under
3132 the master lease-purchase program shall not exceed the useful life
3133 of such equipment as determined according to the upper limit of
3134 the asset depreciation range (ADR) guidelines for the Class Life
3135 Asset Depreciation Range System established by the Internal
3136 Revenue Service pursuant to the United States Internal Revenue
3137 Code and Regulations thereunder as in effect on December 31, 1980,
3138 or comparable depreciation guidelines with respect to any
3139 equipment not covered by ADR guidelines. The Department of



3140 Finance and Administration shall be deemed to have met the
3141 requirements of this subsection if the term of a master
3142 lease-purchase agreement does not exceed the weighted average
3143 useful life of all equipment covered by such agreement and the
3144 schedules thereto as determined by the Department of Finance and
3145 Administration. For purposes of this subsection, the "term of a
3146 master lease-purchase agreement" shall be the weighted average
3147 maturity of all principal payments to be made under such master
3148 lease-purchase agreement and all schedules thereto.

3149 (10) Interest paid on any master lease-purchase agreement
3150 under this section shall be exempt from State of Mississippi
3151 income taxation. All equipment, and the purchase thereof by any
3152 lessor, acquired under the master lease-purchase program and all
3153 lease-purchase payments with respect thereto shall be exempt from
3154 all Mississippi sales, use and ad valorem taxes.

3155 (11) The Governor, in his annual executive budget to the
3156 Legislature, shall recommend appropriations sufficient to provide
3157 funds to pay all amounts due and payable during the applicable
3158 fiscal year under master lease-purchase agreements entered into
3159 pursuant to this section.

3160 (12) Any master lease-purchase agreement reciting in
3161 substance that such agreement has been entered into pursuant to
3162 this section shall be conclusively deemed to have been entered
3163 into in accordance with all of the provisions and conditions set
3164 forth in this section. Any defect or irregularity arising with



3165 respect to procedures applicable to the acquisition of any
3166 equipment shall not invalidate or otherwise limit the obligation
3167 of the Department of Finance and Administration, or the state or
3168 any agency of the state, under any master lease-purchase agreement
3169 or any equipment-use agreement.

3170 (13) There shall be maintained by the Department of Finance
3171 and Administration, with respect to each master lease-purchase
3172 agreement, an itemized statement of the cash price, interest
3173 rates, interest costs, commissions, debt service schedules and all
3174 other costs and expenses paid by the state incident to the
3175 lease-purchase of equipment under such agreement.

3176 (14) Lease-purchase agreements entered into by the Board of
3177 Trustees of State Institutions of Higher Learning pursuant to the
3178 authority of Section 37-101-413 or by any other agency which has
3179 specific statutory authority other than pursuant to Section
3180 31-7-13(e) to acquire equipment by lease-purchase shall not be
3181 made pursuant to the master lease-purchase program under this
3182 section, unless the Board of Trustees of State Institutions of
3183 Higher Learning or such other agency elects to participate as to
3184 part or all of its lease-purchase acquisitions in the master
3185 lease-purchase program pursuant to this section.

3186 (15) The Department of Finance and Administration may
3187 develop a master lease-purchase program for school districts and,
3188 pursuant to that program, may execute on behalf of the school
3189 districts master lease-purchase agreements for equipment to be



3190 used by the school districts. The form and structure of this
3191 program shall be substantially the same as set forth in this
3192 section for the master lease-purchase program for state agencies.
3193 If sums due from a school district under the master lease-purchase
3194 program are not paid by the expiration of the defined payment
3195 period, the Executive Director of the Department of Finance and
3196 Administration may withhold such amount that is due from the
3197 school district's * * * Investing in the Needs of Students to
3198 Prioritize, Impact and Reform Education (INSPIRE) allotments.

3199 (16) The Department of Finance and Administration may
3200 develop a master lease-purchase program for community and junior
3201 college districts and, pursuant to that program, may execute on
3202 behalf of the community and junior college districts master
3203 lease-purchase agreements for equipment to be used by the
3204 community and junior college districts. The form and structure of
3205 this program must be substantially the same as set forth in this
3206 section for the master lease-purchase program for state agencies.
3207 If sums due from a community or junior college district under the
3208 master lease-purchase program are not paid by the expiration of
3209 the defined payment period, the Executive Director of the
3210 Department of Finance and Administration may withhold an amount
3211 equal to the amount due under the program from any funds allocated
3212 for that community or junior college district in the state
3213 appropriations for the use and support of the community and junior
3214 colleges.



3215 (17) From and after July 1, 2016, the expenses of this
3216 agency shall be defrayed by appropriation from the State General
3217 Fund and all user charges and fees authorized under this section
3218 shall be deposited into the State General Fund as authorized by
3219 law.

3220 (18) From and after July 1, 2016, no state agency shall
3221 charge another state agency a fee, assessment, rent or other
3222 charge for services or resources received by authority of this
3223 section.

3224 **SECTION 35.** Section 37-1-3, Mississippi Code of 1972, is
3225 amended as follows:

3226 37-1-3. (1) The State Board of Education shall adopt rules
3227 and regulations and set standards and policies for the
3228 organization, operation, management, planning, budgeting and
3229 programs of the State Department of Education.

3230 (a) The board is directed to identify all functions of
3231 the department that contribute to or comprise a part of the state
3232 system of educational accountability and to establish and maintain
3233 within the department the necessary organizational structure,
3234 policies and procedures for effectively coordinating such
3235 functions. Such policies and procedures shall clearly fix and
3236 delineate responsibilities for various aspects of the system and
3237 for overall coordination of the total system and its effective
3238 management.



3239 (b) The board shall establish and maintain a
3240 system-wide plan of performance, policy and directions of public
3241 education not otherwise provided for.

3242 (c) The board shall effectively use the personnel and
3243 resources of the department to enhance technical assistance to
3244 school districts in instruction and management therein.

3245 (d) The board shall establish and maintain a central
3246 budget policy.

3247 (e) The board shall establish and maintain within the
3248 State Department of Education a central management capacity under
3249 the direction of the State Superintendent of Public Education.

3250 (f) The board, with recommendations from the
3251 superintendent, shall design and maintain a five-year plan and
3252 program for educational improvement that shall set forth
3253 objectives for system performance and development and be the basis
3254 for budget requests and legislative initiatives.

3255 (2) (a) The State Board of Education shall adopt and
3256 maintain a curriculum and a course of study to be used in the
3257 public school districts that is designed to prepare the state's
3258 children and youth to be productive, informed, creative citizens,
3259 workers and leaders, and it shall regulate all matters arising in
3260 the practical administration of the school system not otherwise
3261 provided for.

3262 (b) Before the 1999-2000 school year, the State Board
3263 of Education shall develop personal living and finances objectives



3264 that focus on money management skills for individuals and families
3265 for appropriate, existing courses at the secondary level. The
3266 objectives must require the teaching of those skills necessary to
3267 handle personal business and finances and must include instruction
3268 in the following:

- 3269 (i) Opening a bank account and assessing the
3270 quality of a bank's services;
- 3271 (ii) Balancing a checkbook;
- 3272 (iii) Managing debt, including retail and credit
3273 card debt;
- 3274 (iv) Completing a loan application;
- 3275 (v) The implications of an inheritance;
- 3276 (vi) The basics of personal insurance policies;
- 3277 (vii) Consumer rights and responsibilities;
- 3278 (viii) Dealing with salesmen and merchants;
- 3279 (ix) Computing state and federal income taxes;
- 3280 (x) Local tax assessments;
- 3281 (xi) Computing interest rates by various
3282 mechanisms;
- 3283 (xii) Understanding simple contracts; and
3284 (xiii) Contesting an incorrect billing statement.

3285 (3) The State Board of Education shall have authority to
3286 expend any available federal funds, or any other funds expressly
3287 designated, to pay training, educational expenses, salary
3288 incentives and salary supplements to licensed teachers employed in



3289 local school districts or schools administered by the State Board
3290 of Education. Such incentive payments shall not be considered
3291 part of a school district's local supplement * * *, nor shall the
3292 incentives be considered part of the local supplement paid to an
3293 individual teacher for the purposes of Section 37-19-7(1). * * *

3294 (4) The State Board of Education shall through its actions
3295 seek to implement the policies set forth in Section 37-1-2.

3296 **SECTION 36.** Section 37-3-11, Mississippi Code of 1972, is
3297 amended as follows:

3298 37-3-11. The State Superintendent of Public Education shall
3299 perform the duties assigned to him by the State Board of
3300 Education, and he shall have the following duties:

3301 (a) To serve as secretary for the State Board of
3302 Education;

3303 (b) To be the chief administrative officer of the State
3304 Department of Education;

3305 (c) To recommend to the State Board of Education, for
3306 its consideration, rules and regulations for the supervision of
3307 the public schools and agricultural high schools of the school
3308 districts throughout the state and for the efficient organization
3309 and conduct of the same;

3310 (d) To collect data and make it available to the state
3311 board for determining the proper distribution of the * * *
3312 Investing in the Needs of Students to Prioritize, Impact and
3313 Reform Education (INSPIRE) funds;



3314 (e) To keep a complete record of all official acts of
3315 the State Superintendent and the acts of the State Board of
3316 Education;

3317 (f) To prepare, have printed and furnish all officers
3318 charged with the administration of the laws pertaining to the
3319 public schools, such blank forms and books as may be necessary to
3320 the proper discharge of their duties, which printing is to be paid
3321 for out of funds provided by the Legislature;

3322 (g) To have printed in pamphlet form the laws
3323 pertaining to the public schools and publish therein forms for
3324 conducting school business, the rules and regulations for the
3325 government of schools that the State Superintendent or the State
3326 Board of Education may recommend, and such other matters as may be
3327 deemed worthy of public interest pertaining to the public schools,
3328 which printing is to be paid for out of funds provided by the
3329 Legislature;

3330 (h) To meet all superintendents annually at such time
3331 and place as the State Superintendent shall appoint for the
3332 purpose of accumulating facts relative to schools, to review the
3333 educational progress made in the various sections of the state, to
3334 compare views, discuss problems, hear discussions and suggestions
3335 relative to examinations and qualifications of teachers, methods
3336 of instruction, textbooks, summer schools for teachers, visitation
3337 of schools, consolidation of schools, health work in the schools,



3338 vocational education and other matters pertaining to the public
3339 school system;

3340 (i) To advise all superintendents upon all matters
3341 involving the welfare of the schools, and at the request of any
3342 superintendent, to give an opinion upon a written statement of
3343 facts on all questions and controversies arising out of the
3344 interpretation and construction of the school laws, in regard to
3345 rights, powers and duties of school officers and superintendents,
3346 and to keep a record of all such decisions. Before giving any
3347 opinion, the superintendent may submit the statement of facts to
3348 the Attorney General, and it shall be the duty of the Attorney
3349 General forthwith to examine such statement and suggest the proper
3350 decision to be made upon such fact;

3351 (j) To require annually, and as often as the State
3352 Superintendent may deem proper, of all superintendents, detailed
3353 reports on the educational business of the various districts;

3354 (k) On or before January 10 in each year to prepare,
3355 under the direction of the State Board of Education, the annual
3356 information report of the State Department of Education as
3357 described in Section 37-151-97;

3358 (l) To determine the number of educable children in the
3359 several school districts under rules and regulations prescribed by
3360 the State Board of Education; and

3361 (m) To perform such other duties as may be prescribed
3362 by the State Board of Education.



3363 **SECTION 37.** Section 37-3-83, Mississippi Code of 1972, is
3364 amended as follows:

3365 37-3-83. (1) There is established within the State
3366 Department of Education, using only existing staff and resources,
3367 a School Safety Grant Program, available to all eligible public
3368 school districts, to assist in financing programs to provide
3369 school safety. However, no monies from the Temporary Assistance
3370 for Needy Families grant may be used for the School Safety Grant
3371 Program.

3372 (2) The school board of each school district, with the
3373 assistance of the State Department of Education School Safety
3374 Center, shall adopt a comprehensive local school district school
3375 safety plan and shall update the plan on an annual basis.

3376 (3) Subject to the extent of appropriations available, the
3377 School Safety Grant Program shall offer any of the following
3378 specific preventive services, and other additional services
3379 appropriate to the most current school district school safety
3380 plan:

3381 (a) Metal detectors;

3382 (b) Video surveillance cameras, communications
3383 equipment and monitoring equipment for classrooms, school
3384 buildings, school grounds and school buses;

3385 (c) Crisis management/action teams responding to school
3386 violence;



3387 (d) Violence prevention training, conflict resolution
3388 training, behavioral stress training and other appropriate
3389 training designated by the State Department of Education for
3390 faculty and staff; and

3391 (e) School safety personnel.

3392 (4) Each local school district of this state may annually
3393 apply for school safety grant funds subject to appropriations by
3394 the Legislature. School safety grants shall include a base grant
3395 amount plus an additional amount per student in average
3396 daily * * * membership in the school or school district. The base
3397 grant amount and amount per student shall be determined by the
3398 State Board of Education, subject to specific appropriation
3399 therefor by the Legislature. In order to be eligible for such
3400 program, each local school board desiring to participate shall
3401 apply to the State Department of Education by May 31 before the
3402 beginning of the applicable fiscal year on forms provided by the
3403 department, and shall be required to establish a local School
3404 Safety Task Force to involve members of the community in the
3405 school safety effort. The State Department of Education shall
3406 determine by July 1 of each succeeding year which local school
3407 districts have submitted approved applications for school safety
3408 grants.

3409 (5) As part of the School Safety Grant Program, the State
3410 Department of Education may conduct a pilot program to research



3411 the feasibility of using video camera equipment in the classroom
3412 to address the following:

3413 (a) Determine if video cameras in the classroom reduce
3414 student disciplinary problems;

3415 (b) Enable teachers to present clear and convincing
3416 evidence of a student's disruptive behavior to the student, the
3417 principal, the superintendent and the student's parents; and

3418 (c) Enable teachers to review teaching performance and
3419 receive diagnostic feedback for developmental purposes.

3420 (6) Any local school district may use
3421 audio/visual-monitoring equipment in classrooms, hallways,
3422 buildings, grounds and buses for the purpose of monitoring school
3423 disciplinary problems.

3424 (7) As a component of the comprehensive local school
3425 district school safety plan required under subsection (2) of this
3426 section, the school board of a school district may adopt and
3427 implement a policy addressing sexual abuse of children, to be
3428 known as "Erin's Law Awareness." Any policy adopted under this
3429 subsection may include or address, but need not be limited to, the
3430 following:

3431 (a) Methods for increasing teacher, student and
3432 parental awareness of issues regarding sexual abuse of children,
3433 including knowledge of likely warning signs indicating that a
3434 child may be a victim of sexual abuse;



3435 (b) Educational information for parents or guardians,
3436 which may be included in the school handbook, on the warning signs
3437 of a child being abused, along with any needed assistance,
3438 referral or resource information;

3439 (c) Training for school personnel on child sexual
3440 abuse;

3441 (d) Age-appropriate curriculum for students in
3442 prekindergarten through fifth grade;

3443 (e) Actions that a child who is a victim of sexual
3444 abuse should take to obtain assistance and intervention;

3445 (f) Counseling and resources available for students
3446 affected by sexual abuse; and

3447 (g) Emotional and educational support for a child who
3448 has been abused to enable the child to be successful in school.

3449 (8) As part of the school safety grant program, the State
3450 Department of Education shall establish three (3) pilot programs
3451 in six (6) school districts utilizing an evidence-based curriculum
3452 to provide students in Grades K-5 with skills to manage stress and
3453 anxiety in order for them to be better equipped to handle
3454 challenges in a healthy way and build resiliency. The Mississippi
3455 Department of Mental Health shall be responsible for the selection
3456 of the content of the evidence-based curriculum. The results of
3457 this pilot program shall be measured and reported, and such
3458 results shall be used in consideration of the implementation of
3459 this curriculum statewide.



3460 (9) As a component of the comprehensive local school
3461 district safety plan required under subsection (2) of this
3462 section, beginning in the 2019-2020 school year, the State
3463 Department of Education shall require local school districts to
3464 conduct, every two (2) years, refresher training on mental health
3465 and suicide prevention for all school employees and personnel,
3466 including all cafeteria workers, custodians, teachers and
3467 administrators. The Mississippi Department of Mental Health shall
3468 be responsible for the development and/or selection of the content
3469 of the training, which training shall be provided at no cost to
3470 school employees. School districts shall report completion of the
3471 training to the State Department of Education.

3472 **SECTION 38.** Section 37-7-208, Mississippi Code of 1972, is
3473 amended as follows:

3474 37-7-208. The board of trustees of any consolidated school
3475 district may pay from * * * funds other than Investing in the
3476 Needs of Students to Prioritize, Impact and Reform Education
3477 (INSPIRE) funds the cost and expense of litigation involved by or
3478 resulting from the creation of or litigation to create single
3479 member school board trustee election districts, and pay from * * *
3480 funds other than the funding formula funds the cost or expense to
3481 implement any plan, decree or reorganization as approved by the
3482 court. Said payments by the board of trustees shall be deemed a
3483 "new program" under the provisions of Section 37-57-107, * * * and
3484 any additional millage levied for such purpose and the revenue



3485 generated therefrom shall be excluded from the tax increase
3486 limitation prescribed in Sections 37-57-105 and 37-57-107. The
3487 board of supervisors of any county in which there is located such
3488 consolidated school district may, in its discretion, contribute
3489 out of county general funds to the cost and expense of such
3490 litigation and/or the cost of implementing such redistricting
3491 plan.

3492 **SECTION 39.** Section 37-7-301, Mississippi Code of 1972, is
3493 amended as follows:

3494 37-7-301. The school boards of all school districts shall
3495 have the following powers, authority and duties in addition to all
3496 others imposed or granted by law, to wit:

3497 (a) To organize and operate the schools of the district
3498 and to make such division between the high school grades and
3499 elementary grades as, in their judgment, will serve the best
3500 interests of the school;

3501 (b) To introduce public school music, art, manual
3502 training and other special subjects into either the elementary or
3503 high school grades, as the board shall deem proper;

3504 (c) To be the custodians of real and personal school
3505 property and to manage, control and care for same, both during the
3506 school term and during vacation;

3507 (d) To have responsibility for the erection, repairing
3508 and equipping of school facilities and the making of necessary
3509 school improvements;



3510 (e) To suspend or to expel a pupil or to change the
3511 placement of a pupil to the school district's alternative school
3512 or homebound program for misconduct in the school or on school
3513 property, as defined in Section 37-11-29, on the road to and from
3514 school, or at any school-related activity or event, or for conduct
3515 occurring on property other than school property or other than at
3516 a school-related activity or event when such conduct by a pupil,
3517 in the determination of the school superintendent or principal,
3518 renders that pupil's presence in the classroom a disruption to the
3519 educational environment of the school or a detriment to the best
3520 interest and welfare of the pupils and teacher of such class as a
3521 whole, and to delegate such authority to the appropriate officials
3522 of the school district;

3523 (f) To visit schools in the district, in their
3524 discretion, in a body for the purpose of determining what can be
3525 done for the improvement of the school in a general way;

3526 (g) To support, within reasonable limits, the
3527 superintendent, principal and teachers where necessary for the
3528 proper discipline of the school;

3529 (h) To exclude from the schools students with what
3530 appears to be infectious or contagious diseases; provided,
3531 however, such student may be allowed to return to school upon
3532 presenting a certificate from a public health officer, duly
3533 licensed physician or nurse practitioner that the student is free
3534 from such disease;



3535 (i) To require those vaccinations specified by the
3536 State Health Officer as provided in Section 41-23-37;
3537 (j) To see that all necessary utilities and services
3538 are provided in the schools at all times when same are needed;
3539 (k) To authorize the use of the school buildings and
3540 grounds for the holding of public meetings and gatherings of the
3541 people under such regulations as may be prescribed by said board;
3542 (l) To prescribe and enforce rules and regulations not
3543 inconsistent with law or with the regulations of the State Board
3544 of Education for their own government and for the government of
3545 the schools, and to transact their business at regular and special
3546 meetings called and held in the manner provided by law;
3547 (m) To maintain and operate all of the schools under
3548 their control for such length of time during the year as may be
3549 required;
3550 (n) To enforce in the schools the courses of study and
3551 the use of the textbooks prescribed by the proper authorities;
3552 (o) To make orders directed to the superintendent of
3553 schools for the issuance of pay certificates for lawful purposes
3554 on any available funds of the district and to have full control of
3555 the receipt, distribution, allotment and disbursement of all funds
3556 provided for the support and operation of the schools of such
3557 school district whether such funds be derived from state
3558 appropriations, local ad valorem tax collections, or otherwise.
3559 The local school board shall be authorized and empowered to



3560 promulgate rules and regulations that specify the types of claims
3561 and set limits of the dollar amount for payment of claims by the
3562 superintendent of schools to be ratified by the board at the next
3563 regularly scheduled meeting after payment has been made;

3564 (p) To select all school district personnel in the
3565 manner provided by law, and to provide for such employee fringe
3566 benefit programs, including accident reimbursement plans, as may
3567 be deemed necessary and appropriate by the board;

3568 (q) To provide athletic programs and other school
3569 activities and to regulate the establishment and operation of such
3570 programs and activities;

3571 (r) To join, in their discretion, any association of
3572 school boards and other public school-related organizations, and
3573 to pay from local funds other than * * * Investing in the Needs of
3574 Students to Prioritize, Impact and Reform Education (INSPIRE)
3575 funds, any membership dues;

3576 (s) To expend local school activity funds, or other
3577 available school district funds, other than * * * INSPIRE funds,
3578 for the purposes prescribed under this paragraph. "Activity
3579 funds" shall mean all funds received by school officials in all
3580 school districts paid or collected to participate in any school
3581 activity, such activity being part of the school program and
3582 partially financed with public funds or supplemented by public
3583 funds. The term "activity funds" shall not include any funds
3584 raised and/or expended by any organization unless commingled in a



3585 bank account with existing activity funds, regardless of whether
3586 the funds were raised by school employees or received by school
3587 employees during school hours or using school facilities, and
3588 regardless of whether a school employee exercises influence over
3589 the expenditure or disposition of such funds. Organizations shall
3590 not be required to make any payment to any school for the use of
3591 any school facility if, in the discretion of the local school
3592 governing board, the organization's function shall be deemed to be
3593 beneficial to the official or extracurricular programs of the
3594 school. For the purposes of this provision, the term
3595 "organization" shall not include any organization subject to the
3596 control of the local school governing board. Activity funds may
3597 only be expended for any necessary expenses or travel costs,
3598 including advances, incurred by students and their chaperons in
3599 attending any in-state or out-of-state school-related programs,
3600 conventions or seminars and/or any commodities, equipment, travel
3601 expenses, purchased services or school supplies which the local
3602 school governing board, in its discretion, shall deem beneficial
3603 to the official or extracurricular programs of the district,
3604 including items which may subsequently become the personal
3605 property of individuals, including yearbooks, athletic apparel,
3606 book covers and trophies. Activity funds may be used to pay
3607 travel expenses of school district personnel. The local school
3608 governing board shall be authorized and empowered to promulgate
3609 rules and regulations specifically designating for what purposes



3610 school activity funds may be expended. The local school governing
3611 board shall provide (i) that such school activity funds shall be
3612 maintained and expended by the principal of the school generating
3613 the funds in individual bank accounts, or (ii) that such school
3614 activity funds shall be maintained and expended by the
3615 superintendent of schools in a central depository approved by the
3616 board. The local school governing board shall provide that such
3617 school activity funds be audited as part of the annual audit
3618 required in Section 37-9-18. The State Department of Education
3619 shall prescribe a uniform system of accounting and financial
3620 reporting for all school activity fund transactions;

3621 (t) To enter into an energy performance contract,
3622 energy services contract, on a shared-savings, lease or
3623 lease-purchase basis, for energy efficiency services and/or
3624 equipment as provided for in Section 31-7-14;

3625 (u) To maintain accounts and issue pay certificates on
3626 school food service bank accounts;

3627 (v) (i) To lease a school building from an individual,
3628 partnership, nonprofit corporation or a private for-profit
3629 corporation for the use of such school district, and to expend
3630 funds therefor as may be available from any * * * sources other
3631 than INSPIRE funds. The school board of the school district
3632 desiring to lease a school building shall declare by resolution
3633 that a need exists for a school building and that the school
3634 district cannot provide the necessary funds to pay the cost or its



3635 proportionate share of the cost of a school building required to
3636 meet the present needs. The resolution so adopted by the school
3637 board shall be published once each week for three (3) consecutive
3638 weeks in a newspaper having a general circulation in the school
3639 district involved, with the first publication thereof to be made
3640 not less than thirty (30) days prior to the date upon which the
3641 school board is to act on the question of leasing a school
3642 building. If no petition requesting an election is filed prior to
3643 such meeting as hereinafter provided, then the school board may,
3644 by resolution spread upon its minutes, proceed to lease a school
3645 building. If at any time prior to said meeting a petition signed
3646 by not less than twenty percent (20%) or fifteen hundred (1500),
3647 whichever is less, of the qualified electors of the school
3648 district involved shall be filed with the school board requesting
3649 that an election be called on the question, then the school board
3650 shall, not later than the next regular meeting, adopt a resolution
3651 calling an election to be held within such school district upon
3652 the question of authorizing the school board to lease a school
3653 building. Such election shall be called and held, and notice
3654 thereof shall be given, in the same manner for elections upon the
3655 questions of the issuance of the bonds of school districts, and
3656 the results thereof shall be certified to the school board. If at
3657 least three-fifths (3/5) of the qualified electors of the school
3658 district who voted in such election shall vote in favor of the
3659 leasing of a school building, then the school board shall proceed



3660 to lease a school building. The term of the lease contract shall
3661 not exceed twenty (20) years, and the total cost of such lease
3662 shall be either the amount of the lowest and best bid accepted by
3663 the school board after advertisement for bids or an amount not to
3664 exceed the current fair market value of the lease as determined by
3665 the averaging of at least two (2) appraisals by certified general
3666 appraisers licensed by the State of Mississippi. The term "school
3667 building" as used in this paragraph (v) (i) shall be construed to
3668 mean any building or buildings used for classroom purposes in
3669 connection with the operation of schools and shall include the
3670 site therefor, necessary support facilities, and the equipment
3671 thereof and appurtenances thereto such as heating facilities,
3672 water supply, sewage disposal, landscaping, walks, drives and
3673 playgrounds. The term "lease" as used in this paragraph (v) (i)
3674 may include a lease-purchase contract;

3675 (ii) If two (2) or more school districts propose
3676 to enter into a lease contract jointly, then joint meetings of the
3677 school boards having control may be held but no action taken shall
3678 be binding on any such school district unless the question of
3679 leasing a school building is approved in each participating school
3680 district under the procedure hereinabove set forth in paragraph
3681 (v) (i). All of the provisions of paragraph (v) (i) regarding the
3682 term and amount of the lease contract shall apply to the school
3683 boards of school districts acting jointly. Any lease contract
3684 executed by two (2) or more school districts as joint lessees



3685 shall set out the amount of the aggregate lease rental to be paid
3686 by each, which may be agreed upon, but there shall be no right of
3687 occupancy by any lessee unless the aggregate rental is paid as
3688 stipulated in the lease contract. All rights of joint lessees
3689 under the lease contract shall be in proportion to the amount of
3690 lease rental paid by each;

3691 (w) To employ all noninstructional and noncertificated
3692 employees and fix the duties and compensation of such personnel
3693 deemed necessary pursuant to the recommendation of the
3694 superintendent of schools;

3695 (x) To employ and fix the duties and compensation of
3696 such legal counsel as deemed necessary;

3697 (y) Subject to rules and regulations of the State Board
3698 of Education, to purchase, own and operate trucks, vans and other
3699 motor vehicles, which shall bear the proper identification
3700 required by law;

3701 (z) To expend funds for the payment of substitute
3702 teachers and to adopt reasonable regulations for the employment
3703 and compensation of such substitute teachers;

3704 (aa) To acquire in its own name by purchase all real
3705 property which shall be necessary and desirable in connection with
3706 the construction, renovation or improvement of any public school
3707 building or structure. Whenever the purchase price for such real
3708 property is greater than Fifty Thousand Dollars (\$50,000.00), the
3709 school board shall not purchase the property for an amount



3710 exceeding the fair market value of such property as determined by
3711 the average of at least two (2) independent appraisals by
3712 certified general appraisers licensed by the State of Mississippi.
3713 If the board shall be unable to agree with the owner of any such
3714 real property in connection with any such project, the board shall
3715 have the power and authority to acquire any such real property by
3716 condemnation proceedings pursuant to Section 11-27-1 et seq.,
3717 Mississippi Code of 1972, and for such purpose, the right of
3718 eminent domain is hereby conferred upon and vested in said board.
3719 Provided further, that the local school board is authorized to
3720 grant an easement for ingress and egress over sixteenth section
3721 land or lieu land in exchange for a similar easement upon
3722 adjoining land where the exchange of easements affords substantial
3723 benefit to the sixteenth section land; provided, however, the
3724 exchange must be based upon values as determined by a competent
3725 appraiser, with any differential in value to be adjusted by cash
3726 payment. Any easement rights granted over sixteenth section land
3727 under such authority shall terminate when the easement ceases to
3728 be used for its stated purpose. No sixteenth section or lieu land
3729 which is subject to an existing lease shall be burdened by any
3730 such easement except by consent of the lessee or unless the school
3731 district shall acquire the unexpired leasehold interest affected
3732 by the easement;



3733 (bb) To charge reasonable fees related to the
3734 educational programs of the district, in the manner prescribed in
3735 Section 37-7-335;

3736 (cc) Subject to rules and regulations of the State
3737 Board of Education, to purchase relocatable classrooms for the use
3738 of such school district, in the manner prescribed in Section
3739 37-1-13;

3740 (dd) Enter into contracts or agreements with other
3741 school districts, political subdivisions or governmental entities
3742 to carry out one or more of the powers or duties of the school
3743 board, or to allow more efficient utilization of limited resources
3744 for providing services to the public;

3745 (ee) To provide for in-service training for employees
3746 of the district;

3747 (ff) As part of their duties to prescribe the use of
3748 textbooks, to provide that parents and legal guardians shall be
3749 responsible for the textbooks and for the compensation to the
3750 school district for any books which are not returned to the proper
3751 schools upon the withdrawal of their dependent child. If a
3752 textbook is lost or not returned by any student who drops out of
3753 the public school district, the parent or legal guardian shall
3754 also compensate the school district for the fair market value of
3755 the textbooks;

3756 (gg) To conduct fund-raising activities on behalf of
3757 the school district that the local school board, in its



3758 discretion, deems appropriate or beneficial to the official or
3759 extracurricular programs of the district; provided that:

3760 (i) Any proceeds of the fund-raising activities
3761 shall be treated as "activity funds" and shall be accounted for as
3762 are other activity funds under this section; and

3763 (ii) Fund-raising activities conducted or
3764 authorized by the board for the sale of school pictures, the
3765 rental of caps and gowns or the sale of graduation invitations for
3766 which the school board receives a commission, rebate or fee shall
3767 contain a disclosure statement advising that a portion of the
3768 proceeds of the sales or rentals shall be contributed to the
3769 student activity fund;

3770 (hh) To allow individual lessons for music, art and
3771 other curriculum-related activities for academic credit or
3772 nonacademic credit during school hours and using school equipment
3773 and facilities, subject to uniform rules and regulations adopted
3774 by the school board;

3775 (ii) To charge reasonable fees for participating in an
3776 extracurricular activity for academic or nonacademic credit for
3777 necessary and required equipment such as safety equipment, band
3778 instruments and uniforms;

3779 (jj) To conduct or participate in any fund-raising
3780 activities on behalf of or in connection with a tax-exempt
3781 charitable organization;



3782 (kk) To exercise such powers as may be reasonably
3783 necessary to carry out the provisions of this section;

3784 (ll) To expend funds for the services of nonprofit arts
3785 organizations or other such nonprofit organizations who provide
3786 performances or other services for the students of the school
3787 district;

3788 (mm) To expend federal No Child Left Behind Act funds,
3789 or any other available funds that are expressly designated and
3790 authorized for that use, to pay training, educational expenses,
3791 salary incentives and salary supplements to employees of local
3792 school districts; except that incentives shall not be considered
3793 part of the local supplement * * *, nor shall incentives be
3794 considered part of the local supplement paid to an individual
3795 teacher for the purposes of Section 37-19-7(1) * * *;

3796 (nn) To use any available funds, not appropriated or
3797 designated for any other purpose, for reimbursement to the
3798 state-licensed employees from both in state and out of state, who
3799 enter into a contract for employment in a school district, for the
3800 expense of moving when the employment necessitates the relocation
3801 of the licensed employee to a different geographical area than
3802 that in which the licensed employee resides before entering into
3803 the contract. The reimbursement shall not exceed One Thousand
3804 Dollars (\$1,000.00) for the documented actual expenses incurred in
3805 the course of relocating, including the expense of any
3806 professional moving company or persons employed to assist with the



3807 move, rented moving vehicles or equipment, mileage in the amount
3808 authorized for county and municipal employees under Section
3809 25-3-41 if the licensed employee used his personal vehicle or
3810 vehicles for the move, meals and such other expenses associated
3811 with the relocation. No licensed employee may be reimbursed for
3812 moving expenses under this section on more than one (1) occasion
3813 by the same school district. Nothing in this section shall be
3814 construed to require the actual residence to which the licensed
3815 employee relocates to be within the boundaries of the school
3816 district that has executed a contract for employment in order for
3817 the licensed employee to be eligible for reimbursement for the
3818 moving expenses. However, the licensed employee must relocate
3819 within the boundaries of the State of Mississippi. Any individual
3820 receiving relocation assistance through the Critical Teacher
3821 Shortage Act as provided in Section 37-159-5 shall not be eligible
3822 to receive additional relocation funds as authorized in this
3823 paragraph;

3824 (oo) To use any available funds, not appropriated or
3825 designated for any other purpose, to reimburse persons who
3826 interview for employment as a licensed employee with the district
3827 for the mileage and other actual expenses incurred in the course
3828 of travel to and from the interview at the rate authorized for
3829 county and municipal employees under Section 25-3-41;

3830 (pp) Consistent with the report of the Task Force to
3831 Conduct a Best Financial Management Practices Review, to improve



3832 school district management and use of resources and identify cost
3833 savings as established in Section 8 of Chapter 610, Laws of 2002,
3834 local school boards are encouraged to conduct independent reviews
3835 of the management and efficiency of schools and school districts.
3836 Such management and efficiency reviews shall provide state and
3837 local officials and the public with the following:

- 3838 (i) An assessment of a school district's
3839 governance and organizational structure;
- 3840 (ii) An assessment of the school district's
3841 financial and personnel management;
- 3842 (iii) An assessment of revenue levels and sources;
- 3843 (iv) An assessment of facilities utilization,
3844 planning and maintenance;
- 3845 (v) An assessment of food services, transportation
3846 and safety/security systems;
- 3847 (vi) An assessment of instructional and
3848 administrative technology;
- 3849 (vii) A review of the instructional management and
3850 the efficiency and effectiveness of existing instructional
3851 programs; and
- 3852 (viii) Recommended methods for increasing
3853 efficiency and effectiveness in providing educational services to
3854 the public;
- 3855 (qq) To enter into agreements with other local school
3856 boards for the establishment of an educational service agency



3857 (ESA) to provide for the cooperative needs of the region in which
3858 the school district is located, as provided in Section 37-7-345;
3859 (rr) To implement a financial literacy program for
3860 students in Grades 10 and 11. The board may review the national
3861 programs and obtain free literature from various nationally
3862 recognized programs. After review of the different programs, the
3863 board may certify a program that is most appropriate for the
3864 school districts' needs. If a district implements a financial
3865 literacy program, then any student in Grade 10 or 11 may
3866 participate in the program. The financial literacy program shall
3867 include, but is not limited to, instruction in the same areas of
3868 personal business and finance as required under Section
3869 37-1-3(2) (b). The school board may coordinate with volunteer
3870 teachers from local community organizations, including, but not
3871 limited to, the following: United States Department of
3872 Agriculture Rural Development, United States Department of Housing
3873 and Urban Development, Junior Achievement, bankers and other
3874 nonprofit organizations. Nothing in this paragraph shall be
3875 construed as to require school boards to implement a financial
3876 literacy program;

3877 (ss) To collaborate with the State Board of Education,
3878 Community Action Agencies or the Department of Human Services to
3879 develop and implement a voluntary program to provide services for
3880 a prekindergarten program that addresses the cognitive, social,
3881 and emotional needs of four-year-old and three-year-old children.



3882 The school board may utilize any source of available revenue to
3883 fund the voluntary program. Effective with the 2013-2014 school
3884 year, to implement voluntary prekindergarten programs under the
3885 Early Learning Collaborative Act of 2013 pursuant to state funds
3886 awarded by the State Department of Education on a matching basis;

3887 (tt) With respect to any lawful, written obligation of
3888 a school district, including, but not limited to, leases
3889 (excluding leases of sixteenth section public school trust land),
3890 bonds, notes, or other agreement, to agree in writing with the
3891 obligee that the Department of Revenue or any state agency,
3892 department or commission created under state law may:

3893 (i) Withhold all or any part (as agreed by the
3894 school board) of any monies which such local school board is
3895 entitled to receive from time to time under any law and which is
3896 in the possession of the Department of Revenue, or any state
3897 agency, department or commission created under state law; and

3898 (ii) Pay the same over to any financial
3899 institution, trustee or other obligee, as directed in writing by
3900 the school board, to satisfy all or part of such obligation of the
3901 school district.

3902 The school board may make such written agreement to withhold
3903 and transfer funds irrevocable for the term of the written
3904 obligation and may include in the written agreement any other
3905 terms and provisions acceptable to the school board. If the
3906 school board files a copy of such written agreement with the



3907 Department of Revenue, or any state agency, department or
3908 commission created under state law then the Department of Revenue
3909 or any state agency, department or commission created under state
3910 law shall immediately make the withholdings provided in such
3911 agreement from the amounts due the local school board and shall
3912 continue to pay the same over to such financial institution,
3913 trustee or obligee for the term of the agreement.

3914 This paragraph (tt) shall not grant any extra authority to a
3915 school board to issue debt in any amount exceeding statutory
3916 limitations on assessed value of taxable property within such
3917 school district or the statutory limitations on debt maturities,
3918 and shall not grant any extra authority to impose, levy or collect
3919 a tax which is not otherwise expressly provided for, and shall not
3920 be construed to apply to sixteenth section public school trust
3921 land;

3922 (uu) With respect to any matter or transaction that is
3923 competitively bid by a school district, to accept from any bidder
3924 as a good-faith deposit or bid bond or bid surety, the same type
3925 of good-faith deposit or bid bond or bid surety that may be
3926 accepted by the state or any other political subdivision on
3927 similar competitively bid matters or transactions. This paragraph
3928 (uu) shall not be construed to apply to sixteenth section public
3929 school trust land. The school board may authorize the investment
3930 of any school district funds in the same kind and manner of



3931 investments, including pooled investments, as any other political
3932 subdivision, including community hospitals;

3933 (vv) To utilize the alternate method for the conveyance
3934 or exchange of unused school buildings and/or land, reserving a
3935 partial or other undivided interest in the property, as
3936 specifically authorized and provided in Section 37-7-485;

3937 (ww) To delegate, privatize or otherwise enter into a
3938 contract with private entities for the operation of any and all
3939 functions of nonacademic school process, procedures and operations
3940 including, but not limited to, cafeteria workers, janitorial
3941 services, transportation, professional development, achievement
3942 and instructional consulting services materials and products,
3943 purchasing cooperatives, insurance, business manager services,
3944 auditing and accounting services, school safety/risk prevention,
3945 data processing and student records, and other staff services;
3946 however, the authority under this paragraph does not apply to the
3947 leasing, management or operation of sixteenth section lands.

3948 Local school districts, working through their regional education
3949 service agency, are encouraged to enter into buying consortia with
3950 other member districts for the purposes of more efficient use of
3951 state resources as described in Section 37-7-345;

3952 (xx) To partner with entities, organizations and
3953 corporations for the purpose of benefiting the school district;

3954 (yy) To borrow funds from the Rural Economic
3955 Development Authority for the maintenance of school buildings;



3956 (zz) To fund and operate voluntary early childhood
3957 education programs, defined as programs for children less than
3958 five (5) years of age on or before September 1, and to use any
3959 source of revenue for such early childhood education programs.
3960 Such programs shall not conflict with the Early Learning
3961 Collaborative Act of 2013;

3962 (aaa) To issue and provide for the use of procurement
3963 cards by school board members, superintendents and licensed school
3964 personnel consistent with the rules and regulations of the
3965 Mississippi Department of Finance and Administration under Section
3966 31-7-9; and

3967 (bbb) To conduct an annual comprehensive evaluation of
3968 the superintendent of schools consistent with the assessment
3969 components of paragraph (pp) of this section and the assessment
3970 benchmarks established by the Mississippi School Board Association
3971 to evaluate the success the superintendent has attained in meeting
3972 district goals and objectives, the superintendent's leadership
3973 skill and whether or not the superintendent has established
3974 appropriate standards for performance, is monitoring success and
3975 is using data for improvement.

3976 **SECTION 40.** Section 37-7-302, Mississippi Code of 1972, is
3977 amended as follows:

3978 37-7-302. The board of trustees of any school district shall
3979 be authorized to borrow such funds as may be reasonable and
3980 necessary from the federal government, the State of Mississippi or



3981 any political subdivision or entity thereof, or any other
3982 governmental agency, from any individual, partnership, nonprofit
3983 corporation or private for-profit corporation, to aid such school
3984 districts in asbestos removal, to be repaid out of any * * * funds
3985 other than Investing in the Needs of Students to Prioritize,
3986 Impact and Reform Education (INSPIRE) funds; provided, however,
3987 that the grant of authority shall in no way be construed to
3988 require said boards of trustees to remove asbestos material or
3989 substances from any facilities under their control, nor shall
3990 there be any liability to said school districts or boards for the
3991 failure to so remove such asbestos materials. All indebtedness
3992 incurred under the provisions of this section shall be evidenced
3993 by the negotiable notes or certificates of indebtedness of the
3994 school district on whose behalf the money is borrowed. Said notes
3995 or certificates of indebtedness of the school district on whose
3996 behalf the money is borrowed shall be signed by the president of
3997 the school board and superintendent of schools of such school
3998 district. Such notes or certificates of indebtedness shall not
3999 bear a greater overall maximum interest rate to maturity than the
4000 rates now or hereafter authorized under the provisions of Section
4001 19-9-19. No such notes or certificates of indebtedness shall be
4002 issued and sold for less than par and accrued interest. All notes
4003 or certificates of indebtedness shall mature in approximately
4004 equal installments of principal and interest over a period not to
4005 exceed twenty (20) years from the dates of the issuance thereof.



4006 Principal and interest shall be payable in such manner as may be
4007 determined by the school board. Such notes or certificates of
4008 indebtedness shall be issued in such form and in such
4009 denominations as may be determined by the school board and same
4010 may be made payable at the office of any bank or trust company
4011 selected by the school board and, in such case, funds for the
4012 payment of principal and interest due thereon shall be provided in
4013 the same manner provided by law for the payment of the principal
4014 and interest due on bonds issued by the taxing districts of this
4015 state.

4016 **SECTION 41.** Section 37-7-303, Mississippi Code of 1972, is
4017 amended as follows:

4018 37-7-303. (1) The school board of any school district may
4019 insure motor vehicles for any hazard that the board may choose,
4020 and shall insure the school buildings, equipment and other school
4021 property of the district against any and all hazards that the
4022 board may deem necessary to provide insurance against. In
4023 addition, the local school board of any school district shall
4024 purchase and maintain business property insurance and business
4025 personal property insurance on all school district-owned buildings
4026 and/or contents as required by federal law and regulations of the
4027 Federal Emergency Management Agency (FEMA) as is necessary for
4028 receiving public assistance or reimbursement for repair,
4029 reconstruction, replacement or other damage to those buildings
4030 and/or contents caused by the Hurricane Katrina Disaster of 2005



4031 or subsequent disasters. The school district is authorized to
4032 expend funds from any available source for the purpose of
4033 obtaining and maintaining that property insurance. The school
4034 district is authorized to enter into agreements with the
4035 Department of Finance and Administration, other local school
4036 districts, community or junior college districts, state
4037 institutions of higher learning, community hospitals and/or other
4038 state agencies to pool their liabilities to participate in a group
4039 business property and/or business personal property insurance
4040 program, subject to uniform rules and regulations as may be
4041 adopted by the Department of Finance and Administration. Such
4042 school board shall be authorized to contract for such insurance
4043 for a term of not exceeding five (5) years and to obligate the
4044 district for the payment of the premiums thereon. When necessary,
4045 the school board is authorized and empowered, in its discretion,
4046 to borrow money payable in annual installments for a period of not
4047 exceeding five (5) years at a rate of interest not exceeding eight
4048 percent (8%) per annum to provide funds to pay such insurance
4049 premiums. The money so borrowed and the interest thereon shall be
4050 payable from any school funds of the district other than * * *
4051 Investing in the Needs of Students to Prioritize, Impact and
4052 Reform Education (INSPIRE) funds. The school boards of school
4053 districts are further authorized and empowered, in all cases where
4054 same may be necessary, to bring and maintain suits and other
4055 actions in any court of competent jurisdiction for the purpose of



4056 collecting the proceeds of insurance policies issued upon the
4057 property of such school district.

4058 (2) Two (2) or more school districts, together with other
4059 educational entities or agencies, may agree to pool their
4060 liabilities to participate in a group workers' compensation
4061 program. The governing authorities of any school board or other
4062 educational entity or agency may authorize the organization and
4063 operation of, or the participation in such a group self-insurance
4064 program with other school boards and educational entities or
4065 agencies, subject to the requirements of Section 71-3-5. The
4066 Workers' Compensation Commission shall approve such group
4067 self-insurance programs subject to uniform rules and regulations
4068 as may be adopted by the commission applicable to all groups.

4069 **SECTION 42.** Section 37-7-307, Mississippi Code of 1972, is
4070 amended as follows:

4071 37-7-307. (1) For purposes of this section, the term
4072 "licensed employee" means any employee of a public school district
4073 required to hold a valid license by the Commission on Teacher and
4074 Administrator Education, Certification and Licensure and
4075 Development.

4076 (2) The school board of a school district shall establish by
4077 rules and regulations a policy of sick leave with pay for licensed
4078 employees and teacher assistants employed in the school district,
4079 and such policy shall include the following minimum provisions for
4080 sick and emergency leave with pay:



4081 (a) Each licensed employee and teacher assistant, at
4082 the beginning of each school year, shall be credited with a
4083 minimum sick leave allowance, with pay, of seven (7) days for
4084 absences caused by illness or physical disability of the employee
4085 during that school year.

4086 (b) Any unused portion of the total sick leave
4087 allowance shall be carried over to the next school year and
4088 credited to such licensed employee and teacher assistant if the
4089 licensed employee or teacher assistant remains employed in the
4090 same school district. In the event any public school licensed
4091 employee or teacher assistant transfers from one public school
4092 district in Mississippi to another, any unused portion of the
4093 total sick leave allowance credited to such licensed employee or
4094 teacher assistant shall be credited to such licensed employee or
4095 teacher assistant in the computation of unused leave for
4096 retirement purposes under Section 25-11-109. Accumulation of sick
4097 leave allowed under this section shall be unlimited.

4098 (c) No deduction from the pay of such licensed employee
4099 or teacher assistant may be made because of absence of such
4100 licensed employee or teacher assistant caused by illness or
4101 physical disability of the licensed employee or teacher assistant
4102 until after all sick leave allowance credited to such licensed
4103 employee or teacher assistant has been used.

4104 (d) For the first ten (10) days of absence of a
4105 licensed employee because of illness or physical disability, in



4106 any school year, in excess of the sick leave allowance credited to
4107 such licensed employee, there shall be deducted from the pay of
4108 such licensed employee the established substitute amount of
4109 licensed employee compensation paid in that local school district,
4110 necessitated because of the absence of the licensed employee as a
4111 result of illness or physical disability. In lieu of deducting
4112 the established substitute amount from the pay of such licensed
4113 employee, the policy may allow the licensed employee to receive
4114 full pay for the first ten (10) days of absence because of illness
4115 or physical disability, in any school year, in excess of the sick
4116 leave allowance credited to such licensed employee. Thereafter,
4117 the regular pay of such absent licensed employee shall be
4118 suspended and withheld in its entirety for any period of absence
4119 because of illness or physical disability during that school year.

4120 (3) (a) Beginning with the school year 1983-1984, each
4121 licensed employee at the beginning of each school year shall be
4122 credited with a minimum personal leave allowance, with pay, of two
4123 (2) days for absences caused by personal reasons during that
4124 school year. Effective for the 2010-2011 and 2011-2012 school
4125 years, licensed employees shall be credited with an additional
4126 one-half (1/2) day of personal leave for every day the licensed
4127 employee is furloughed without pay as provided in Section
4128 37-7-308. Except as otherwise provided in paragraph (b) of this
4129 subsection, such personal leave shall not be taken on the first
4130 day of the school term, the last day of the school term, on a day



4131 previous to a holiday or a day after a holiday. Personal leave
4132 may be used for professional purposes, including absences caused
4133 by attendance of such licensed employee at a seminar, class,
4134 training program, professional association or other functions
4135 designed for educators. No deduction from the pay of such
4136 licensed employee may be made because of absence of such licensed
4137 employee caused by personal reasons until after all personal leave
4138 allowance credited to such licensed employee has been used.
4139 However, the superintendent of a school district, in his
4140 discretion, may allow a licensed employee personal leave in
4141 addition to any minimum personal leave allowance, under the
4142 condition that there shall be deducted from the salary of such
4143 licensed employee the actual amount of any compensation paid to
4144 any person as a substitute, necessitated because of the absence of
4145 the licensed employee. Any unused portion of the total personal
4146 leave allowance up to five (5) days shall be carried over to the
4147 next school year and credited to such licensed employee if the
4148 licensed employee remains employed in the same school district.
4149 Any personal leave allowed for a furlough day shall not be carried
4150 over to the next school year.

4151 (b) Notwithstanding the restrictions on the use of
4152 personal leave prescribed under paragraph (a) of this subsection,
4153 a licensed employee may use personal leave as follows:

4154 (i) Personal leave may be taken on the first day
4155 of the school term, the last day of the school term, on a day



4156 previous to a holiday or a day after a holiday if, on the
4157 applicable day, an immediate family member of the employee is
4158 being deployed for military service.

4159 (ii) Personal leave may be taken on a day previous
4160 to a holiday or a day after a holiday if an employee of a school
4161 district has either a minimum of ten (10) years' experience as an
4162 employee of that school district or a minimum of thirty (30) days
4163 of unused accumulated leave that has been earned while employed in
4164 that school district.

4165 (iii) Personal leave may be taken on the first day
4166 of the school term, the last day of the school term, on a day
4167 previous to a holiday or a day after a holiday if, on the
4168 applicable day, the employee has been summoned to appear for jury
4169 duty or as a witness in court.

4170 (iv) Personal leave may be taken on the first day
4171 of the school term, the last day of the school term, on a day
4172 previous to a holiday or a day after a holiday if, on the
4173 applicable day, an immediate family member of the employee dies or
4174 funeral services are held. Any day of the three (3) bereavement
4175 days may be used at the discretion of the teacher, and are not
4176 required to be taken in consecutive succession.

4177 For the purpose of this subsection (3), the term "immediate
4178 family member" means spouse, parent, stepparent, child or
4179 stepchild, grandparent or sibling, including a stepbrother or
4180 stepsister.



4181 (4) Beginning with the school year 1992-1993, each licensed
4182 employee shall be credited with a professional leave allowance,
4183 with pay, for each day of absence caused by reason of such
4184 employee's statutorily required membership and attendance at a
4185 regular or special meeting held within the State of Mississippi of
4186 the State Board of Education, the Commission on Teacher and
4187 Administrator Education, Certification and Licensure and
4188 Development, the Commission on School Accreditation, the
4189 Mississippi Authority for Educational Television, the meetings of
4190 the state textbook rating committees or other meetings authorized
4191 by local school board policy.

4192 (5) Upon retirement from employment, each licensed and
4193 nonlicensed employee shall be paid for not more than thirty (30)
4194 days of unused accumulated leave earned while employed by the
4195 school district in which the employee is last employed. Such
4196 payment for licensed employees shall be made by the school
4197 district at a rate equal to the amount paid to substitute teachers
4198 and for nonlicensed employees, the payment shall be made by the
4199 school district at a rate equal to the federal minimum wage. The
4200 payment shall be treated in the same manner for retirement
4201 purposes as a lump-sum payment for personal leave as provided in
4202 Section 25-11-103(f). Any remaining lawfully credited unused
4203 leave, for which payment has not been made, shall be certified to
4204 the Public Employees' Retirement System in the same manner and
4205 subject to the same limitations as otherwise provided by law for



4206 unused leave. No payment for unused accumulated leave may be made
4207 to either a licensed or nonlicensed employee at termination or
4208 separation from service for any purpose other than for the purpose
4209 of retirement.

4210 (6) The school board may adopt rules and regulations which
4211 will reasonably aid to implement the policy of sick and personal
4212 leave, including, but not limited to, rules and regulations having
4213 the following general effect:

4214 (a) Requiring the absent employee to furnish the
4215 certificate of a physician or dentist or other medical
4216 practitioner as to the illness of the absent licensed employee,
4217 where the absence is for four (4) or more consecutive school days,
4218 or for two (2) consecutive school days immediately preceding or
4219 following a nonschool day;

4220 (b) Providing penalties, by way of full deduction from
4221 salary, or entry on the work record of the employee, or other
4222 appropriate penalties, for any materially false statement by the
4223 employee as to the cause of absence;

4224 (c) Forfeiture of accumulated or future sick leave, if
4225 the absence of the employee is caused by optional dental or
4226 medical treatment or surgery which could, without medical risk,
4227 have been provided, furnished or performed at a time when school
4228 was not in session;

4229 (d) Enlarging, increasing or providing greater sick or
4230 personal leave allowances than the minimum standards established



4231 by this section in the discretion of the school board of each
4232 school district.

4233 (7) School boards may include in their budgets provisions
4234 for the payment of substitute employees, necessitated because of
4235 the absence of regular licensed employees. All such substitute
4236 employees shall be paid wholly from district funds * * *. Such
4237 school boards, in their discretion, also may pay, from district
4238 funds other than * * * Investing in the Needs of Students to
4239 Prioritize, Impact and Reform Education (INSPIRE) funds, the whole
4240 or any part of the salaries of all employees granted leaves for
4241 the purpose of special studies or training.

4242 (8) The school board may further adopt rules and regulations
4243 which will reasonably implement such leave policies for all other
4244 nonlicensed and hourly paid school employees as the board deems
4245 appropriate. Effective for the 2010-2011 and 2011-2012 school
4246 years, nonlicensed employees shall be credited with an additional
4247 one-half (1/2) day of personal leave for every day the nonlicensed
4248 employee is furloughed without pay as provided in Section
4249 37-7-308.

4250 (9) Vacation leave granted to either licensed or nonlicensed
4251 employees shall be synonymous with personal leave. Unused
4252 vacation or personal leave accumulated by licensed employees in
4253 excess of the maximum five (5) days which may be carried over from
4254 one year to the next may be converted to sick leave. The annual
4255 conversion of unused vacation or personal leave to sick days for



4256 licensed or unlicensed employees shall not exceed the allowable
4257 number of personal leave days as provided in Section 25-3-93. The
4258 annual total number of converted unused vacation and/or personal
4259 days added to the annual unused sick days for any employee shall
4260 not exceed the combined allowable number of days per year provided
4261 in Sections 25-3-93 and 25-3-95. Local school board policies that
4262 provide for vacation, personal and sick leave for employees shall
4263 not exceed the provisions for leave as provided in Sections
4264 25-3-93 and 25-3-95. Any personal or vacation leave previously
4265 converted to sick leave under a lawfully adopted policy before May
4266 1, 2004, or such personal or vacation leave accumulated and
4267 available for use prior to May 1, 2004, under a lawfully adopted
4268 policy but converted to sick leave after May 1, 2004, shall be
4269 recognized as accrued leave by the local school district and
4270 available for use by the employee. The leave converted under a
4271 lawfully adopted policy prior to May 1, 2004, or such personal and
4272 vacation leave accumulated and available for use as of May 1,
4273 2004, which was subsequently converted to sick leave may be
4274 certified to the Public Employees' Retirement System upon
4275 termination of employment and any such leave previously converted
4276 and certified to the Public Employees' Retirement System shall be
4277 recognized.

4278 (10) (a) For the purposes of this subsection, the following
4279 words and phrases shall have the meaning ascribed in this
4280 paragraph unless the context requires otherwise:



4281 (i) "Catastrophic injury or illness" means a
4282 life-threatening injury or illness of an employee or a member of
4283 an employee's immediate family that totally incapacitates the
4284 employee from work, as verified by a licensed physician, and
4285 forces the employee to exhaust all leave time earned by that
4286 employee, resulting in the loss of compensation from the local
4287 school district for the employee. Conditions that are short-term
4288 in nature, including, but not limited to, common illnesses such as
4289 influenza and the measles, and common injuries, are not
4290 catastrophic. Chronic illnesses or injuries, such as cancer or
4291 major surgery, that result in intermittent absences from work and
4292 that are long-term in nature and require long recuperation periods
4293 may be considered catastrophic.

4294 (ii) "Immediate family" means spouse, parent,
4295 stepparent, sibling, child or stepchild, grandparent, stepbrother
4296 or stepsister.

4297 (b) Any school district employee may donate a portion
4298 of his or her unused accumulated personal leave or sick leave to
4299 another employee of the same school district who is suffering from
4300 a catastrophic injury or illness or who has a member of his or her
4301 immediate family suffering from a catastrophic injury or illness,
4302 in accordance with the following:

4303 (i) The employee donating the leave (the "donor
4304 employee") shall designate the employee who is to receive the
4305 leave (the "recipient employee") and the amount of unused



4306 accumulated personal leave and sick leave that is to be donated,
4307 and shall notify the school district superintendent or his
4308 designee of his or her designation.

4309 (ii) The maximum amount of unused accumulated
4310 personal leave that an employee may donate to any other employee
4311 may not exceed a number of days that would leave the donor
4312 employee with fewer than seven (7) days of personal leave
4313 remaining, and the maximum amount of unused accumulated sick leave
4314 that an employee may donate to any other employee may not exceed
4315 fifty percent (50%) of the unused accumulated sick leave of the
4316 donor employee.

4317 (iii) An employee must have exhausted all of his
4318 or her available leave before he or she will be eligible to
4319 receive any leave donated by another employee. Eligibility for
4320 donated leave shall be based upon review and approval by the donor
4321 employee's supervisor.

4322 (iv) Before an employee may receive donated leave,
4323 he or she must provide the school district superintendent or his
4324 designee with a physician's statement that states that the illness
4325 meets the catastrophic criteria established under this section,
4326 the beginning date of the catastrophic injury or illness, a
4327 description of the injury or illness, and a prognosis for recovery
4328 and the anticipated date that the recipient employee will be able
4329 to return to work.



4330 (v) Before an employee may receive donated leave,
4331 the superintendent of education of the school district shall
4332 appoint a review committee to approve or disapprove the said
4333 donations of leave, including the determination that the illness
4334 is catastrophic within the meaning of this section.

4335 (vi) If the total amount of leave that is donated
4336 to any employee is not used by the recipient employee, the whole
4337 days of donated leave shall be returned to the donor employees on
4338 a pro rata basis, based on the ratio of the number of days of
4339 leave donated by each donor employee to the total number of days
4340 of leave donated by all donor employees.

4341 (vii) Donated leave shall not be used in lieu of
4342 disability retirement.

4343 (11) Effective January 1, 2020, the provisions of this
4344 section shall be fully applicable to any licensed employee of the
4345 Mississippi School of the Arts (MSA).

4346 **SECTION 43.** Section 37-7-319, Mississippi Code of 1972, is
4347 amended as follows:

4348 37-7-319. All public school boards may purchase group
4349 insurance coverage for the liability of all of its active
4350 full-time instructional and noninstructional personnel. Such
4351 policy shall be paid for with any funds available other than * * *
4352 Investing in the Needs of Students to Prioritize, Impact and
4353 Reform Education (INSPIRE) funds.



4354 **SECTION 44.** Section 37-7-333, Mississippi Code of 1972, is
4355 amended as follows:

4356 37-7-333. The school boards of all school districts shall
4357 have full control of the receipt, distribution, allotment and
4358 disbursement of all funds which may be provided for the support
4359 and maintenance of the schools of such district whether such funds
4360 be * * * Investing in the Needs of Students to Prioritize, Impact
4361 and Reform Education (INSPIRE) allotments, funds derived from
4362 supplementary tax levies as authorized by law, or funds derived
4363 from any other source whatsoever except as may otherwise be
4364 provided by law for control of the proceeds from school bonds or
4365 notes and the taxes levied to pay the principal of and interest on
4366 such bonds or notes. The tax collector of each county shall make
4367 reports, in writing, verified by his affidavit, on or before the
4368 twentieth day of each month to the superintendent of schools of
4369 each school district within such county reflecting all school
4370 district taxes collected by him for the support of said school
4371 district during the preceding month. He shall at the same time
4372 pay over all such school district taxes collected by him for the
4373 support of said school district directly to said superintendent of
4374 schools.

4375 All such allotments or funds shall be placed in the
4376 depository or depositories selected by the school board in the
4377 same manner as provided in Section 27-105-305 for the selection of
4378 county depositories. Provided, however, the annual notice to be



4379 given by the school board to financial institutions may be given
4380 by the school board at any regular meeting subsequent to the
4381 board's regular December meeting but prior to the regular May
4382 meeting. The bids of financial institutions for the privilege of
4383 keeping school funds may be received by the school board at some
4384 subsequent meeting, but no later than the regular June meeting;
4385 and the selection by the school board of the depository or
4386 depositories shall be effective on July 1 of each year. School
4387 boards shall advertise and accept bids for depositories, no less
4388 than once every three (3) years, when such board determines that
4389 it can obtain a more favorable rate of interest and less
4390 administrative processing. Such depository shall place on deposit
4391 with the superintendent of schools the same securities as required
4392 in Section 27-105-315.

4393 In the event a bank submits a bid or offer to a school
4394 district to act as a depository for the district and such bid or
4395 offer, if accepted, would result in a contract in which a member
4396 of the school board would have a direct or indirect interest, the
4397 school board should not open or consider any bids received. The
4398 superintendent of schools shall submit the matter to the State
4399 Treasurer, who shall have the authority to solicit bids, select a
4400 depository or depositories, make all decisions and take any action
4401 within the authority of the school board under this section
4402 relating to the selection of a depository or depositories.



4403 **SECTION 45.** Section 37-7-339, Mississippi Code of 1972, is
4404 amended as follows:

4405 37-7-339. (1) The school board of any local school
4406 district, in its discretion, may provide extended day and extended
4407 school year programs for kindergarten or compulsory-school-age
4408 students, or both, and may expend any funds for these purposes
4409 which are available from sources other than * * * Investing in the
4410 Needs of Students to Prioritize, Impact and Reform Education
4411 (INSPIRE). It is not the intent of the Legislature, in enacting
4412 this section, to interfere with the Headstart program. School
4413 boards, in their discretion, may charge participants a reasonable
4414 fee for such programs.

4415 (2) The school board of any school district may adopt any
4416 orders, policies, rules or regulations with respect to instruction
4417 within that school district for which no specific provision has
4418 been made by general law and which are not inconsistent with the
4419 Mississippi Constitution of 1890, the Mississippi Code of 1972, or
4420 any order, policy, rule or regulation of the State Board of
4421 Education; those school boards also may alter, modify and repeal
4422 any orders, policies, rules or regulations enacted under this
4423 subsection. Any such program pertaining to reading must further
4424 the goal that Mississippi students will demonstrate a growing
4425 proficiency in reading and will reach or exceed the national
4426 average within the next decade.



4427 **SECTION 46.** Section 37-7-419, Mississippi Code of 1972, is
4428 amended as follows:

4429 37-7-419. The various school districts which may become
4430 parties to any such agreement are authorized to appropriate and
4431 expend for the purposes thereof any and all funds which may be
4432 required to carry out the terms of any such agreement from any
4433 funds available to any such party to such an agreement not
4434 otherwise appropriated without limitation as to the source of such
4435 funds, including * * * Investing in the Needs of Students to
4436 Prioritize, Impact and Reform Education (INSPIRE) funds, sixteenth
4437 section funds, funds received from the federal government or other
4438 sources by way of grant, donation or otherwise, and funds which
4439 may be available to any such party through the State Department of
4440 Education or any other agency of the state, regardless of the
4441 party to such agreement designated thereby to be primarily
4442 responsible for the construction or operation of any such regional
4443 high school center and regardless of the limitation on the
4444 expenditure of any such funds imposed by any other statute.
4445 However, no such funds whose use was originally limited to the
4446 construction of capital improvements shall be utilized for the
4447 purpose of defraying the administrative or operating costs of any
4448 such center. Any one or more of the parties to such an agreement
4449 may be designated as the fiscal agent or contracting party in
4450 carrying out any of the purposes of such agreement, and any and
4451 all funds authorized to be spent therefor by any of the said



4452 parties may be paid over to the fiscal agent or contracting party
4453 for disbursement by such fiscal agent or contracting party. Such
4454 disbursements shall be made and contracted for under the laws and
4455 regulations applicable to such fiscal or disbursing agent. All of
4456 the school district parties to any such agreement may issue bonds,
4457 negotiable notes or other evidences of indebtedness for the
4458 purpose of providing funds for the acquisition of land and for the
4459 construction of buildings and permanent improvements under the
4460 terms of any such agreement under any existing laws authorizing
4461 the issuance or sale thereof to provide funds for any capital
4462 improvement.

4463 **SECTION 47.** Section 37-9-17, Mississippi Code of 1972, is
4464 amended as follows:

4465 37-9-17. (1) On or before April 1 of each year, the
4466 principal of each school shall recommend to the superintendent of
4467 the local school district the licensed employees or
4468 noninstructional employees to be employed for the school involved
4469 except those licensed employees or noninstructional employees who
4470 have been previously employed and who have a contract valid for
4471 the ensuing scholastic year. If such recommendations meet with
4472 the approval of the superintendent, the superintendent shall
4473 recommend the employment of such licensed employees or
4474 noninstructional employees to the local school board, and, unless
4475 good reason to the contrary exists, the board shall elect the
4476 employees so recommended. If, for any reason, the local school



4477 board shall decline to elect any employee so recommended,
4478 additional recommendations for the places to be filled shall be
4479 made by the principal to the superintendent and then by the
4480 superintendent to the local school board as provided above. The
4481 school board of any local school district shall be authorized to
4482 designate a personnel supervisor or another principal employed by
4483 the school district to recommend to the superintendent licensed
4484 employees or noninstructional employees; however, this
4485 authorization shall be restricted to no more than two (2)
4486 positions for each employment period for each school in the local
4487 school district. Any noninstructional employee employed upon the
4488 recommendation of a personnel supervisor or another principal
4489 employed by the local school district must have been employed by
4490 the local school district at the time the superintendent was
4491 elected or appointed to office; a noninstructional employee
4492 employed under this authorization may not be paid compensation in
4493 excess of the statewide average compensation for such
4494 noninstructional position with comparable experience, as
4495 established by the State Department of Education. The school
4496 board of any local school district shall be authorized to
4497 designate a personnel supervisor or another principal employed by
4498 the school district to accept the recommendations of principals or
4499 their designees for licensed employees or noninstructional
4500 employees and to transmit approved recommendations to the local
4501 school board; however, this authorization shall be restricted to



4502 no more than two (2) positions for each employment period for each
4503 school in the local school district.

4504 When the licensed employees have been elected as provided in
4505 the preceding paragraph, the superintendent of the district shall
4506 enter into a contract with such persons in the manner provided in
4507 this chapter.

4508 If, at the commencement of the scholastic year, any licensed
4509 employee shall present to the superintendent a license of a higher
4510 grade than that specified in such individual's contract, such
4511 individual may, if funds are available from * * * Investing in the
4512 Needs of Students to Prioritize, Impact and Reform Education
4513 (INSPIRE) funds of the district, or from district funds, be paid
4514 from such funds the amount to which such higher grade license
4515 would have entitled the individual, had the license been held at
4516 the time the contract was executed.

4517 (2) Superintendents/directors of schools under the purview
4518 of the State Board of Education, the superintendent of the local
4519 school district and any private firm under contract with the local
4520 public school district to provide substitute teachers to teach
4521 during the absence of a regularly employed schoolteacher shall
4522 require, through the appropriate governmental authority, that
4523 current criminal records background checks and current child abuse
4524 registry checks are obtained, and that such criminal record
4525 information and registry checks are on file for any new hires
4526 applying for employment as a licensed or nonlicensed employee at a



4527 school and not previously employed in such school under the
4528 purview of the State Board of Education or at such local school
4529 district prior to July 1, 2000. In order to determine the
4530 applicant's suitability for employment, the applicant shall be
4531 fingerprinted. If no disqualifying record is identified at the
4532 state level, the fingerprints shall be forwarded by the Department
4533 of Public Safety to the Federal Bureau of Investigation for a
4534 national criminal history record check. The fee for such
4535 fingerprinting and criminal history record check shall be paid by
4536 the applicant, not to exceed Fifty Dollars (\$50.00); however, the
4537 State Board of Education, the school board of the local school
4538 district or a private firm under contract with a local school
4539 district to provide substitute teachers to teach during the
4540 temporary absence of the regularly employed schoolteacher, in its
4541 discretion, may elect to pay the fee for the fingerprinting and
4542 criminal history record check on behalf of any applicant. Under
4543 no circumstances shall a member of the State Board of Education,
4544 superintendent/director of schools under the purview of the State
4545 Board of Education, local school district superintendent, local
4546 school board member or any individual other than the subject of
4547 the criminal history record checks disseminate information
4548 received through any such checks except insofar as required to
4549 fulfill the purposes of this section. Any nonpublic school which
4550 is accredited or approved by the State Board of Education may
4551 avail itself of the procedures provided for herein and shall be



4552 responsible for the same fee charged in the case of local public
4553 schools of this state. The determination whether the applicant
4554 has a disqualifying crime, as set forth in subsection (3) of this
4555 section, shall be made by the appropriate governmental authority,
4556 and the appropriate governmental authority shall notify the
4557 private firm whether a disqualifying crime exists.

4558 (3) If such fingerprinting or criminal record checks
4559 disclose a felony conviction, guilty plea or plea of nolo
4560 contendere to a felony of possession or sale of drugs, murder,
4561 manslaughter, armed robbery, rape, sexual battery, sex offense
4562 listed in Section 45-33-23(h), child abuse, arson, grand larceny,
4563 burglary, gratification of lust or aggravated assault which has
4564 not been reversed on appeal or for which a pardon has not been
4565 granted, the new hire shall not be eligible to be employed at such
4566 school. Any employment contract for a new hire executed by the
4567 superintendent of the local school district or any employment of a
4568 new hire by a superintendent/director of a new school under the
4569 purview of the State Board of Education or by a private firm shall
4570 be voidable if the new hire receives a disqualifying criminal
4571 record check. However, the State Board of Education or the school
4572 board may, in its discretion, allow any applicant aggrieved by the
4573 employment decision under this section to appear before the
4574 respective board, or before a hearing officer designated for such
4575 purpose, to show mitigating circumstances which may exist and
4576 allow the new hire to be employed at the school. The State Board



4577 of Education or local school board may grant waivers for such
4578 mitigating circumstances, which shall include, but not be limited
4579 to: (a) age at which the crime was committed; (b) circumstances
4580 surrounding the crime; (c) length of time since the conviction and
4581 criminal history since the conviction; (d) work history; (e)
4582 current employment and character references; (f) other evidence
4583 demonstrating the ability of the person to perform the employment
4584 responsibilities competently and that the person does not pose a
4585 threat to the health or safety of the children at the school.

4586 (4) No local school district, local school district
4587 employee, member of the State Board of Education or employee of a
4588 school under the purview of the State Board of Education shall be
4589 held liable in any employment discrimination suit in which an
4590 allegation of discrimination is made regarding an employment
4591 decision authorized under this Section 37-9-17.

4592 (5) The provisions of this section shall be fully applicable
4593 to licensed employees of the Mississippi School of the Arts (MSA),
4594 established in Section * * * 37-140-3.

4595 **SECTION 48.** Section 37-9-18, Mississippi Code of 1972, is
4596 amended as follows:

4597 37-9-18. (1) (a) The State Board of Education shall
4598 promulgate rules and regulations concerning the type of financial
4599 reports required to be submitted by the superintendent of schools
4600 to the local school board, and the frequency with which the



4601 reports shall be submitted. The rules and regulations promulgated
4602 by the board shall include:

4603 (i) A requirement that the reports be listed as an
4604 agenda item for discussion at a regularly scheduled meeting of the
4605 board;

4606 (ii) A requirement that the minutes of the board
4607 meeting reflect that the reports were discussed;

4608 (iii) A requirement that each board member present
4609 be provided a copy of all required reports; and

4610 (iv) A requirement that a copy of all required
4611 reports be included in the official minutes of the board meeting
4612 at which the reports were discussed.

4613 (b) The State Board of Education is authorized to
4614 require school districts to submit any of the required reports to
4615 the State Department of Education on a basis determined by the
4616 department.

4617 (c) Failure to comply with any of the rules and
4618 regulations established by the State Board of Education with
4619 regard to reporting requirements shall constitute a violation of
4620 the Mississippi Public School Accountability Standards.

4621 (2) The State Auditor shall audit the financial records of
4622 school districts in accordance with Section 7-7-211(e). The State
4623 Auditor shall give reasonable notice to school districts regarding
4624 the times during which the State Auditor will perform such audits.
4625 In any fiscal year in which the State Auditor is not scheduled to



4626 perform an audit, the school board shall cause all the financial
4627 records of the superintendent of schools to be audited in
4628 accordance with Section 7-7-211(e). If the school board so elects
4629 by resolution adopted each year, the audit shall be performed by
4630 the State Auditor. Contracts for the audit of public school
4631 districts shall be let by the school board in the manner
4632 prescribed by the State Auditor. The audit shall be conducted in
4633 accordance with generally accepted auditing standards and
4634 generally accepted accounting principles, and the report presented
4635 thereon shall be in accordance with generally accepted accounting
4636 principles. If the Auditor's opinion on the general purpose
4637 financial statements is a disclaimer, as that term is defined by
4638 generally accepted auditing standards, or if the State Auditor
4639 determines the existence of serious financial conditions in the
4640 district, the State Auditor shall immediately notify the State
4641 Board of Education. Upon receiving the notice, the State
4642 Superintendent of Public Education shall direct the school
4643 district to immediately cease all expenditures until a financial
4644 advisor is appointed by the state superintendent. However, if the
4645 disclaimer is a result of conditions caused by Hurricane Katrina
4646 2005 and applies to fiscal years 2005 and/or 2006, then the
4647 Superintendent of Education may appoint a financial advisor, and
4648 may direct the school district to immediately cease all
4649 expenditures until a financial advisor is appointed. The
4650 financial advisor shall be an agent of the State Board of



4651 Education and shall be a certified public accountant or a
4652 qualified business officer. Unless the financial advisor is an
4653 employee of the State of Mississippi, they shall be deemed an
4654 independent contractor. The financial advisor shall, with the
4655 approval of the State Board of Education:

4656 (a) Approve or disapprove all expenditures and all
4657 financial obligations of the district;

4658 (b) Ensure compliance with any statutes and State Board
4659 of Education rules or regulations concerning expenditures by
4660 school districts;

4661 (c) Review salaries and the number of all district
4662 personnel and make recommendations to the local school board of
4663 any needed adjustments. Should such recommendations necessitate
4664 the reduction in local salary supplement, such recommended
4665 reductions shall be only to the extent which will result in the
4666 salaries being comparable to districts similarly situated, as
4667 determined by the State Board of Education. The local school
4668 board, in considering either a reduction in personnel or a
4669 reduction in local supplements, shall not be required to comply
4670 with the time limitations prescribed in Sections 37-9-15 and
4671 37-9-105 and, further, shall not be required to comply with
4672 Sections 37-19-11 and 37-19-7(1) in regard to reducing local
4673 supplements and the number of personnel;

4674 (d) Work with the school district's business office to
4675 correct all inappropriate accounting procedures and/or uses of



4676 school district funds and to prepare the school district's budget
4677 for the next fiscal year;

4678 (e) Report frequently to the State Board of Education
4679 on the corrective actions being taken and the progress being made
4680 in the school district. The financial advisor shall serve until
4681 such time as corrective action and progress is being made in such
4682 school district as determined by the State Board of Education with
4683 the concurrence of the State Auditor, or until such time as an
4684 interim conservator is assigned to such district by the State
4685 Board of Education under Section 37-17-6. The school district
4686 shall be responsible for all expenses associated with the use of
4687 the financial advisor. If the audit report reflects a failure by
4688 the school district to meet accreditation standards, the State
4689 Board of Education shall proceed under Section 37-17-6; and

4690 (f) If a financial advisor is appointed to a school
4691 district in accordance with this subsection and it is determined
4692 by the financial advisor and/or any other official of the school
4693 district that an audit by a certified public accountant for that
4694 district was deficient in any manner, the financial advisor and/or
4695 any other official of the school district shall, within thirty
4696 (30) days, refer the matter to the State Board of Public
4697 Accountancy for follow-up and possible disciplinary action. Any
4698 disciplinary action by the State Board of Public Accountancy with
4699 regard to the certified public accountant shall, within thirty



4700 (30) days after notifying such certified public accountant, be
4701 reported to the Office of State Auditor.

4702 (3) (a) When conducting an audit of a public school
4703 district, the State Auditor shall test to insure that the school
4704 district is complying with the requirements of Section
4705 37-61-33(3)(a)(iii) relating to classroom supply funds. The audit
4706 must include a report of all classroom supply funds carried over
4707 from previous years. Based upon the audit report, the State
4708 Auditor shall compile a report on the compliance or noncompliance
4709 by all school districts with the requirements of Section
4710 37-61-33(3)(a)(iii), which report must be submitted to the
4711 Chairmen of the Education and Appropriations Committees of the
4712 House of Representatives and Senate.

4713 (b) When conducting an audit of a public school
4714 district, the State Auditor shall test to insure correct and
4715 appropriate coding at the function level. The audit must include
4716 a report showing correct and appropriate functional level
4717 expenditure codes in expenditures by the school district.
4718 Compliance standards for this audit provision shall be established
4719 by the Office of the State Auditor. Based upon the audit report,
4720 the State Auditor shall compile a report on the compliance or
4721 noncompliance by all public school districts with correct and
4722 appropriate coding at the function level, which report must be
4723 submitted to the Chairmen of the Education and Appropriations
4724 Committees of the House of Representatives and Senate.



4725 (4) In the event the State Auditor does not perform the
4726 audit examination, then the audit report of the school district
4727 shall be reviewed by the State Auditor for compliance with
4728 applicable state laws before final payment is made on the audit by
4729 the school board. All financial records, books, vouchers,
4730 cancelled checks and other financial records required by law to be
4731 kept and maintained in the case of municipalities shall be
4732 faithfully kept and maintained in the office of the superintendent
4733 of schools under the same provisions and penalties provided by law
4734 in the case of municipal officials.

4735 **SECTION 49.** Section 37-9-23, Mississippi Code of 1972, is
4736 amended as follows:

4737 37-9-23. The superintendent shall enter into a contract with
4738 each assistant superintendent, principal, licensed employee and
4739 person anticipating graduation from an approved teacher education
4740 program or the issuance of a proper license before October 15 or
4741 February 15, as the case may be, who is elected and approved for
4742 employment by the school board. Such contracts shall be in such
4743 form as shall be prescribed by the State Board of Education and
4744 shall be executed in duplicate with one (1) copy to be retained by
4745 the appropriate superintendent and one (1) copy to be retained by
4746 the principal, licensed employee or person recommended for a
4747 licensed position contracted with. The contract shall show the
4748 name of the district, the length of the school term, the position
4749 held (whether an assistant superintendent, principal or licensed



4750 employee), the scholastic years which it covers, the total amount
4751 of the annual salary and how same is payable. The amount of
4752 salary to be shown in such contract shall be the amount which
4753 shall have been fixed and determined by the school board, but, as
4754 to the licensed employees paid, in whole or in part, with * * *
4755 Investing in the Needs of Students to Prioritize, Impact and
4756 Reform Education (INSPIRE) funds, such salary shall not be less
4757 than that required under the provisions of Chapter 19 of this
4758 title. Beginning with the 2010-2011 school year, the contract
4759 shall include a provision allowing the school district to reduce
4760 the state minimum salary by a pro rata daily amount in order to
4761 comply with the school district employee furlough provisions of
4762 Section 37-7-308, and shall include a provision which conditions
4763 the payment of such salary upon the availability of * * * uniform
4764 funding formula funds * * *. The contract entered into with any
4765 person recommended for a licensed position who is anticipating
4766 either graduation from an approved teacher education program
4767 before September 1 or December 31, as the case may be, or the
4768 issuance of a proper license before October 15 or February 15, as
4769 the case may be, shall be a conditional contract and shall include
4770 a provision stating that the contract will be null and void if, as
4771 specified in the contract, the contingency upon which the contract
4772 is conditioned has not occurred. If any superintendent, other
4773 than those elected, principal, licensed employee or person
4774 recommended for a licensed position who has been elected and



4775 approved shall not execute and return the contract within ten (10)
4776 days after same has been tendered to him for execution, then, at
4777 the option of the school board, the election of the licensed
4778 employee and the contract tendered to him shall be void and of no
4779 effect.

4780 **SECTION 50.** Section 37-9-25, Mississippi Code of 1972, is
4781 amended as follows:

4782 37-9-25. The school board shall have the power and
4783 authority, in its discretion, to employ the superintendent, unless
4784 such superintendent is elected at the November 2015 general
4785 election, for not exceeding four (4) scholastic years and the
4786 principals or licensed employees for not exceeding three (3)
4787 scholastic years. In such case, contracts shall be entered into
4788 with such superintendents, principals and licensed employees for
4789 the number of years for which they have been employed. However,
4790 in the event that a vacancy in the office of the superintendent of
4791 schools elected at the November 2015 general election shall occur
4792 before January 1, 2019, the local school board shall then appoint
4793 the superintendent of the school district and enter into contract
4794 with the appointee for a period not to exceed three (3) scholastic
4795 years. All such contracts with licensed employees shall for the
4796 years after the first year thereof be subject to the contingency
4797 that the licensed employee may be released if, during the life of
4798 the contract, the average daily * * * membership should decrease
4799 from that existing during the previous year and thus necessitate a



4800 reduction in the number of licensed employees during any year
4801 after the first year of the contract. However, in all such cases
4802 the licensed employee must be released before July 1 or at least
4803 thirty (30) days prior to the beginning of the school term,
4804 whichever date should occur earlier. The salary to be paid for
4805 the years after the first year of such contract shall be subject
4806 to revision, either upward or downward, in the event of an
4807 increase or decrease in the funds available for the payment
4808 thereof, but, unless such salary is revised prior to the beginning
4809 of a school year, it shall remain for such school year at the
4810 amount fixed in such contract. However, where school district
4811 funds * * * are available during the school year in excess of the
4812 amount anticipated at the beginning of the school year, the salary
4813 to be paid for such year may be increased to the extent that such
4814 additional funds are available, and nothing herein shall be
4815 construed to prohibit same.

4816 **SECTION 51.** Section 37-9-33, Mississippi Code of 1972, is
4817 amended as follows:

4818 37-9-33. (1) In employing and contracting with appointed
4819 superintendents, principals and * * * licensed employees, the
4820 school board shall in all cases determine whether the amount of
4821 salary to be paid such superintendent, principals and * * *
4822 licensed employees is in compliance with the provisions of * * *
4823 this chapter and Section 37-19-7. No contract shall be entered
4824 into where the salary of a superintendent, principal or * * *



4825 licensed employee is to be paid, in whole or in part, from * * *
4826 Investing in the Needs of Students to Prioritize, Impact and
4827 Reform Education (INSPIRE) funds except where the statutory
4828 requirements * * * as to the amount of such salary are fully met.
4829 Nothing herein shall be construed, however, to prohibit any school
4830 district from increasing the salaries of appointed
4831 superintendents, principals and * * * licensed employees above the
4832 amounts fixed by Section 37-19-7 * * *. Provided further, that
4833 school districts are authorized, in their discretion, to negotiate
4834 the salary levels applicable to * * * licensed employees employed
4835 after July 1, 2009, who are receiving retirement benefits from the
4836 retirement system of another state * * *. Nothing herein shall be
4837 construed to prohibit any school district from complying with the
4838 school district employee furlough provisions of Section 37-7-308.

4839 (2) Each school district shall provide an annual report to
4840 the State Department of Education on the number of * * * licensed
4841 and * * * nonlicensed employees receiving a salary from the school
4842 district who are also receiving retirement benefits from the
4843 Public Employees' Retirement System. This report shall include
4844 the name of the employee(s), the hours per week for which the
4845 employee is under contract and the services for which the employee
4846 is under contract. Said required annual report shall be in a form
4847 and deadline promulgated by the State Board of Education.

4848 **SECTION 52.** Section 37-9-35, Mississippi Code of 1972, is
4849 amended as follows:



4850 37-9-35. * * * A reduction in the average daily * * *
4851 membership during a current year from that existing in the
4852 preceding year shall not authorize the discharge or release of a
4853 teacher or teachers during such current year. * * *

4854 **SECTION 53.** Section 37-9-37, Mississippi Code of 1972, is
4855 amended as follows:

4856 37-9-37. The amount of the salary to be paid any
4857 superintendent, principal or licensed employee shall be fixed by
4858 the school board, provided that the requirements of * * * this
4859 title are met as to superintendents, principals and licensed
4860 employees paid, in whole or in part, from * * * Investing in the
4861 Needs of Students to Prioritize, Impact and Reform Education
4862 (INSPIRE) funds. In employing such superintendents, principals
4863 and licensed employees and in fixing their salaries, the school
4864 boards shall take into consideration the character, professional
4865 training, experience, executive ability and teaching capacity of
4866 the licensed employee, superintendent or principal. It is the
4867 intent of the Legislature that whenever the salary of the school
4868 district superintendent is set by a school board, the board shall
4869 take into consideration the amount of money that the district
4870 spends per pupil, and shall attempt to insure that the
4871 administrative cost of the district and the amount of the salary
4872 of the superintendent are not excessive in comparison to the per
4873 pupil expenditure of the district.



4874 **SECTION 54.** Section 37-9-77, Mississippi Code of 1972, is
4875 amended as follows:

4876 37-9-77. (1) There is established the Mississippi School
4877 Administrator Sabbatical Program which shall be available to
4878 licensed teachers employed in Mississippi school districts for not
4879 less than three (3) years, for the purpose of allowing such
4880 teachers to become local school district administrators under the
4881 conditions set forth in this section. The State Board of
4882 Education, in coordination with the Board of Trustees of State
4883 Institutions of Higher Learning, shall develop guidelines for the
4884 program. Application shall be made to the State Department of
4885 Education for the Mississippi School Administrator Sabbatical
4886 Program by qualified teachers meeting the criteria for a
4887 department-approved administration program and who have been
4888 recommended by the local school board. Administration programs
4889 that are eligible for the administrator sabbatical program shall
4890 be limited to those that have been approved by the department by
4891 the January 1 preceding the date of admission to the program.
4892 Admission into the program shall authorize the applicant to take
4893 university course work and training leading to an administrator's
4894 license.

4895 (2) The salaries of the teachers approved for participation
4896 in the administrator sabbatical program shall be paid by the
4897 employing school district from * * * funds other than Investing in
4898 the Needs of Students to Prioritize, Impact and Reform Education



4899 (INSPIRE) funds. However, the State Department of Education shall
4900 reimburse the employing school districts for the cost of the
4901 salaries and paid fringe benefits of teachers participating in the
4902 administrator sabbatical program for one (1) contract year.
4903 Reimbursement shall be made in accordance with the then
4904 current * * * salary schedule under Section 37-19-7, except that
4905 the maximum amount of the reimbursement from state funds shall not
4906 exceed the * * * salary prescribed for a teacher holding a Class A
4907 license and having five (5) years' experience. The local school
4908 district shall be responsible for that portion of a participating
4909 teacher's salary attributable to the local supplement and for any
4910 portion of the teacher's salary that exceeds the maximum amount
4911 allowed for reimbursement from state funds as provided in this
4912 subsection, and the school board may not reduce the local
4913 supplement payable to that teacher. Any reimbursements made by
4914 the State Department of Education to local school districts under
4915 this section shall be subject to available appropriations and may
4916 be made only to school districts determined by the State Board of
4917 Education as being in need of administrators.

4918 (3) Such teachers participating in the program on a
4919 full-time basis shall continue to receive teaching experience and
4920 shall receive the salary prescribed in Section 37-19-7 * * *.
4921 Such participants shall be fully eligible to continue
4922 participation in the Public Employees' Retirement System and the



4923 Public School Employees Health Insurance Plan during the time they
4924 are in the program on a full-time basis.

4925 (4) As a condition for participation in the School
4926 Administrator Sabbatical Program, such teachers shall agree to
4927 employment as administrators in the sponsoring school district for
4928 not less than five (5) years following completion of administrator
4929 licensure requirements. Any person failing to comply with this
4930 employment commitment in any required school year, unless the
4931 commitment is deferred as provided in subsection (5) of this
4932 section, shall immediately be in breach of contract and become
4933 liable to the State Department of Education for that amount of his
4934 salary and paid fringe benefits paid by the state while the
4935 teacher was on sabbatical, less twenty percent (20%) of the amount
4936 of his salary and paid fringe benefits paid by the state for each
4937 year that the person was employed as an administrator following
4938 completion of the administrator licensure requirements. In
4939 addition, the person shall become liable to the local school
4940 district for any portion of his salary and paid fringe benefits
4941 paid by the local school district while the teacher was on
4942 sabbatical that is attributable to the local salary supplement or
4943 is attributable to the amount that exceeds the maximum amount
4944 allowed for reimbursement from state funds as provided in
4945 subsection (2) of this section, less twenty percent (20%) of the
4946 amount of his salary and paid fringe benefits paid by the school
4947 district for each year that the person was employed as an



4948 administrator following completion of the administrator licensure
4949 requirements. Interest on the amount due shall accrue at the
4950 current Stafford Loan rate at the time the breach occurs. If the
4951 claim for repayment of such salary and fringe benefits is placed
4952 in the hands of an attorney for collection after default, then the
4953 obligor shall be liable for an additional amount equal to a
4954 reasonable attorney's fee.

4955 (5) If there is not an administrator position immediately
4956 available in the sponsoring school district after a person has
4957 completed the administrator licensure requirements, or if the
4958 administrator position in the sponsoring school district in which
4959 the person is employed is no longer needed before the completion
4960 of the five-year employment commitment, the local school board
4961 shall defer any part of the employment commitment that has not
4962 been met until such time as an administrator position becomes
4963 available in the sponsoring school district. If such a deferral
4964 is made, the sponsoring school district shall employ the person as
4965 a teacher in the school district during the period of deferral,
4966 unless the person desires to be released from employment by the
4967 sponsoring school district and the district agrees to release the
4968 person from employment. If the sponsoring school district
4969 releases a person from employment, that person may be employed as
4970 an administrator in another school district in the state that is
4971 in need of administrators as determined by the State Board of
4972 Education, and that employment for the other school district shall



4973 be applied to any remaining portion of the five-year employment
4974 commitment required under this section. Nothing in this
4975 subsection shall prevent a school district from not renewing the
4976 person's contract before the end of the five-year employment
4977 commitment in accordance with the School Employment Procedures Law
4978 (Section 37-9-101 et seq.). However, if the person is not
4979 employed as an administrator by another school district after
4980 being released by the sponsoring school district, or after his
4981 contract was not renewed by the sponsoring school district, he
4982 shall be liable for repayment of the amount of his salary and
4983 fringe benefits as provided in subsection (4) of this section.

4984 (6) All funds received by the State Department of Education
4985 from the repayment of salary and fringe benefits paid by the state
4986 from program participants shall be deposited in the Mississippi
4987 Critical Teacher Shortage Fund.

4988 **SECTION 55.** Section 37-11-11, Mississippi Code of 1972, is
4989 amended as follows:

4990 37-11-11. (1) For the purposes of this section, the term
4991 "hospital" shall include community-based programs and facilities
4992 licensed or approved by the Department of Mental Health for
4993 treatment of chemical substance use and abuse.

4994 (2) When five (5) or more children of educable mind between
4995 the ages of six (6) and twenty-one (21) years who are capable of
4996 pursuing courses of instruction at secondary school level or below
4997 shall be confined in a hospital for an extended period of time,



4998 such children shall be eligible for and shall be provided with a
4999 program of education, instruction and training within such
5000 hospital in the manner hereinafter set forth, provided that the
5001 need for hospitalization for an extended period of time shall be
5002 certified by the chief of staff of such hospital and that the
5003 ability of such children to do school work shall be certified by
5004 qualified psychologists and/or educators approved by the State
5005 Board of Education.

5006 (3) When five (5) or more children as set forth herein shall
5007 be confined in the same hospital, then the board of trustees of
5008 the school district in which such hospital is located shall be
5009 authorized and empowered, in its discretion, to provide a program
5010 of education, instruction and training to such children within
5011 such hospital. For such purpose the board shall be authorized and
5012 empowered to employ and contract with teachers, provide textbooks
5013 and other instructional materials, correspondence courses and
5014 instructional equipment and appliances, and otherwise provide for
5015 the furnishing of such program and to administer and supervise the
5016 same. Such program shall be furnished in a manner as prescribed
5017 by rules and regulations adopted by the State Board of Education.
5018 The state board shall have full power to adopt such rules,
5019 regulations, policies and standards as it may deem necessary to
5020 carry out the purpose of this section, including the establishment
5021 of qualifications of any teachers employed under the provisions
5022 hereof. It is expressly provided, however, that no program shall



5023 be furnished under this section except in a hospital licensed for
5024 operation by the State of Mississippi and only in cases where such
5025 hospital shall consent thereto, shall provide any classroom space,
5026 furniture and facilities which may be deemed necessary, and
5027 otherwise shall cooperate in carrying out the provisions of this
5028 section. Before such program of education, instruction and
5029 training shall be provided, the governing authorities of said
5030 hospital shall enter into a contract with the board of trustees of
5031 the school district which stipulates that said hospital agrees to
5032 furnish the necessary classroom space, furniture and facilities
5033 and provide for their upkeep, fuel and such other things as may be
5034 necessary for the successful operation of the program of
5035 education, instruction and training.

5036 (4) In cases when children who are residents of school
5037 districts other than the school district providing such education
5038 program may participate in the program prescribed in this section.
5039 The boards of trustees of the districts of which such children are
5040 residents shall pay to the board of trustees of the school
5041 district furnishing such school program the pro rata part of the
5042 expenses of furnishing such school program within such hospital,
5043 which payments may be made from any funds available for the
5044 operation and maintenance of the schools of the district in which
5045 such child is a resident. The amount so paid shall be based upon,
5046 but shall not exceed, the current per pupil cost of education in
5047 the school district of the child's residence, and the amount to be



5048 so paid by the school district of the child's residence shall be
5049 fixed by the State Board of Education. If the amount to be paid
5050 which has been so fixed shall not be paid upon due demand made by
5051 the school district providing a program therefor, then the State
5052 Board of Education shall deduct any such amounts from the next
5053 allocation of * * * Investing in the Needs of Students to
5054 Prioritize, Impact and Reform Education (INSPIRE) funds
5055 attributable to any such district and shall remit the same to the
5056 board of trustees of such school district which is furnishing such
5057 school program. If the amounts so paid by such school districts
5058 of the child's residence shall not be sufficient to pay the
5059 expenses of furnishing such program, then the remainder of such
5060 expenses over and above that so paid by such school districts
5061 shall be paid by the State Board of Education to the school
5062 district providing such school program out of any funds available
5063 to the State Board of Education, including * * * Investing in the
5064 Needs of Students to Prioritize, Impact and Reform Education
5065 (INSPIRE) funds. However, such payments shall not exceed Three
5066 Hundred Dollars (\$300.00) per child in average daily * * *
5067 membership in such program. Provided, however, the State Board of
5068 Education shall in its discretion be authorized and empowered to
5069 exceed the said Three Hundred Dollars (\$300.00) per pupil
5070 limitation where such limitation would make it impractical to
5071 operate such a program.



5072 **SECTION 56.** Section 37-13-63, Mississippi Code of 1972, is
5073 amended as follows:

5074 37-13-63. (1) Except as otherwise provided, all public
5075 schools in the state shall be kept in session for at least one
5076 hundred eighty (180) days in each scholastic year.

5077 (2) If the school board of any school district shall
5078 determine that it is not economically feasible or practicable to
5079 operate any school within the district for the full one hundred
5080 eighty (180) days required for a scholastic year as contemplated
5081 due to an enemy attack, a man-made, technological or natural
5082 disaster or extreme weather emergency in which the Governor has
5083 declared a disaster or state of emergency under the laws of this
5084 state or the President of the United States has declared an
5085 emergency or major disaster to exist in this state, the school
5086 board may notify the State Department of Education of the disaster
5087 or weather emergency and submit a plan for altering the school
5088 term. If the State Board of Education finds the disaster or
5089 extreme weather emergency to be the cause of the school not
5090 operating for the contemplated school term and that such school
5091 was in a school district covered by the Governor's or President's
5092 disaster or state of emergency declaration, it may permit that
5093 school board to operate the schools in its district for less than
5094 one hundred eighty (180) days; however, in no instance of a
5095 declared disaster or state of emergency under the provisions of
5096 this subsection shall a school board receive payment from the



5097 State Department of Education for per pupil expenditure for pupils
5098 in average daily * * * membership in excess of ten (10) days.

5099 **SECTION 57.** Section 37-13-64, Mississippi Code of 1972, is
5100 amended as follows:

5101 37-13-64. (1) Beginning with the 2010-2011 school term, any
5102 school district required to close the operation of its schools by
5103 decision of the superintendent, under the authority provided by
5104 the local school board, due to extreme weather conditions, in the
5105 best interests of the health and safety of the students,
5106 administration and staff of the school district, shall be exempt
5107 from the requirement that schools be kept in session a minimum of
5108 one hundred eighty (180) days. Any school district that closes
5109 its schools for reasons authorized under this section shall
5110 receive payment from the State Department of Education for per
5111 pupil expenditure for pupils in average daily * * * membership not
5112 to exceed ten (10) days.

5113 (2) In the event weather conditions are cause for the
5114 closure of operations of schools in any local school district in
5115 any instance in which a state of emergency has not been declared
5116 pursuant to Section * * * 37-151-217(4), the State Board of
5117 Education may consider, on a case-by-case basis, requests
5118 submitted by local school districts to alter the school calendar
5119 consistent with the provision of that section.

5120 **SECTION 58.** Section 37-13-69, Mississippi Code of 1972, is
5121 amended as follows:



5122 37-13-69. All public schools of this state may observe such
5123 legal holidays as may be designated by the local school board, and
5124 no sessions of school shall be held on holidays so designated and
5125 observed. However, all schools shall operate for the full minimum
5126 term required by law exclusive of the holidays authorized by this
5127 section. The holidays thus observed shall not be deducted from
5128 the reports of the superintendents, principals and teachers, and
5129 such superintendents, principals and teachers shall be allowed pay
5130 for full time as though they had taught on those holidays.
5131 However, such holidays shall not be counted or included in any way
5132 in determining the average daily * * * membership of the school.

5133 **SECTION 59.** Section 37-15-38, Mississippi Code of 1972, is
5134 amended as follows:

5135 37-15-38. (1) The following phrases have the meanings
5136 ascribed in this section unless the context clearly requires
5137 otherwise:

5138 (a) A dual enrolled student is a student who is
5139 enrolled in a community or junior college or state institution of
5140 higher learning while enrolled in high school.

5141 (b) A dual credit student is a student who is enrolled
5142 in a community or junior college or state institution of higher
5143 learning while enrolled in high school and who is receiving high
5144 school and college credit for postsecondary coursework.

5145 (2) A local school board, the Board of Trustees of State
5146 Institutions of Higher Learning and the Mississippi Community



5147 College Board shall establish a dual enrollment system under which
5148 students in the school district who meet the prescribed criteria
5149 of this section may be enrolled in a postsecondary institution in
5150 Mississippi while they are still in school.

5151 (3) **Dual credit eligibility.** Before credits earned by a
5152 qualified high school student from a community or junior college
5153 or state institution of higher learning may be transferred to the
5154 student's home school district, the student must be properly
5155 enrolled in a dual enrollment program.

5156 (4) **Admission criteria for dual enrollment in community and**
5157 **junior college or university programs.** The Mississippi Community
5158 College Board and the Board of Trustees of State Institutions of
5159 Higher Learning may recommend to the State Board of Education
5160 admission criteria for dual enrollment programs under which high
5161 school students may enroll at a community or junior college or
5162 university while they are still attending high school and enrolled
5163 in high school courses. Students may be admitted to enroll in
5164 community or junior college courses under the dual enrollment
5165 programs if they meet that individual institution's stated dual
5166 enrollment admission requirements.

5167 (5) **Tuition and cost responsibility.** Tuition and costs for
5168 university-level courses and community and junior college courses
5169 offered under a dual enrollment program may be paid for by the
5170 postsecondary institution, the local school district, the parents
5171 or legal guardians of the student, or by grants, foundations or



5172 other private or public sources. Payment for tuition and any
5173 other costs must be made directly to the credit-granting
5174 institution.

5175 (6) **Transportation responsibility.** Any transportation
5176 required by a student to participate in the dual enrollment
5177 program is the responsibility of the parent, custodian or legal
5178 guardian of the student. Transportation costs may be paid from
5179 any available public or private sources, including the local
5180 school district.

5181 (7) **School district average daily * * * membership credit.**
5182 When dually enrolled, the student may be counted, for * * *
5183 Investing in the Needs of Students to Prioritize, Impact and
5184 Reform Education (INSPIRE) purposes, in the average daily * * *
5185 membership of the public school district in which the student
5186 attends high school.

5187 (8) **High school student transcript transfer requirements.**
5188 Grades and college credits earned by a student admitted to a dual
5189 credit program must be recorded on the high school student record
5190 and on the college transcript at the university or community or
5191 junior college where the student attends classes. The transcript
5192 of the university or community or junior college coursework may be
5193 released to another institution or applied toward college
5194 graduation requirements.

5195 (9) **Determining factor of prerequisites for dual enrollment**
5196 **courses.** Each university and community or junior college



5197 participating in a dual enrollment program shall determine course
5198 prerequisites. Course prerequisites shall be the same for dual
5199 enrolled students as for regularly enrolled students at that
5200 university or community or junior college.

5201 (10) **Process for determining articulation of curriculum**
5202 **between high school, university, and community and junior college**
5203 **courses.** All dual credit courses must meet the standards
5204 established at the postsecondary level. Postsecondary level
5205 developmental courses may not be considered as meeting the
5206 requirements of the dual credit program. Dual credit memorandum
5207 of understandings must be established between each postsecondary
5208 institution and the school district implementing a dual credit
5209 program.

5210 (11) [Deleted]

5211 (12) **Eligible courses for dual credit programs.** Courses
5212 eligible for dual credit include, but are not necessarily limited
5213 to, foreign languages, advanced math courses, advanced science
5214 courses, performing arts, advanced business and technology, and
5215 career and technical courses. Distance Learning Collaborative
5216 Program courses approved under Section 37-67-1 shall be fully
5217 eligible for dual credit. All courses being considered for dual
5218 credit must receive unconditional approval from the superintendent
5219 of the local school district and the chief instructional officer
5220 at the participating community or junior college or university in
5221 order for college credit to be awarded. A university or community



5222 or junior college shall make the final decision on what courses
5223 are eligible for semester hour credits.

5224 (13) **High school Carnegie unit equivalency.** One (1)
5225 three-hour university or community or junior college course is
5226 equal to one (1) high school Carnegie unit.

5227 (14) **Course alignment.** The universities, community and
5228 junior colleges and the State Department of Education shall
5229 periodically review their respective policies and assess the place
5230 of dual credit courses within the context of their traditional
5231 offerings.

5232 (15) **Maximum dual credits allowed.** It is the intent of the
5233 dual enrollment program to make it possible for every eligible
5234 student who desires to earn a semester's worth of college credit
5235 in high school to do so. A qualified dually enrolled high school
5236 student must be allowed to earn an unlimited number of college or
5237 university credits for dual credit.

5238 (16) **Dual credit program allowances.** A student may be
5239 granted credit delivered through the following means:

5240 (a) Examination preparation taught at a high school by
5241 a qualified teacher. A student may receive credit at the
5242 secondary level after completion of an approved course and passing
5243 the standard examination, such as an Advanced Placement or
5244 International Baccalaureate course through which a high school
5245 student is allowed CLEP credit by making a three (3) or higher on
5246 the end-of-course examination.



5247 (b) College or university courses taught at a high
5248 school or designated postsecondary site by a qualified teacher who
5249 is an employee of the school district and approved as an
5250 instructor by the collaborating college or university.

5251 (c) College or university courses taught at a college,
5252 university or high school by an instructor employed by the college
5253 or university and approved by the collaborating school district.

5254 (d) Online courses of any public university, community
5255 or junior college in Mississippi.

5256 (17) **Qualifications of dual credit instructors.** A dual
5257 credit academic instructor must meet the requirements set forth by
5258 the regional accrediting association (Southern Association of
5259 College and Schools). University and community and junior college
5260 personnel have the sole authority in the selection of dual credit
5261 instructors.

5262 A dual credit career and technical education instructor must
5263 meet the requirements set forth by the Mississippi Community
5264 College Board in the qualifications manual for postsecondary
5265 career and technical personnel.

5266 (18) **Guidance on local agreements.** The Chief Academic
5267 Officer of the State Board of Trustees of State Institutions of
5268 Higher Learning and the Chief Instructional Officers of the
5269 Mississippi Community College Board and the State Department of
5270 Education, working collaboratively, shall develop a template to be
5271 used by the individual community and junior colleges and



5272 institutions of higher learning for consistent implementation of
5273 the dual enrollment program throughout the State of Mississippi.

5274 (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**

5275 A local school board and the local community colleges board shall
5276 establish a Mississippi Works Dual Enrollment-Dual Credit Option
5277 Program under which potential or recent student dropouts may
5278 dually enroll in their home school and a local community college
5279 in a dual credit program consisting of high school completion
5280 coursework and a community college credential, certificate or
5281 degree program. Students completing the dual enrollment-credit
5282 option may obtain their high school diploma while obtaining a
5283 community college credential, certificate or degree. The
5284 Mississippi Department of Employment Security shall assist
5285 students who have successfully completed the Mississippi Works
5286 Dual Enrollment-Dual Credit Option in securing a job upon the
5287 application of the student or the participating school or
5288 community college. The Mississippi Works Dual Enrollment-Dual
5289 Credit Option Program will be implemented statewide in the
5290 2012-2013 school year and thereafter. The State Board of
5291 Education, local school board and the local community college
5292 board shall establish criteria for the Dual Enrollment-Dual Credit
5293 Program. Students enrolled in the program will not be eligible to
5294 participate in interscholastic sports or other extracurricular
5295 activities at the home school district. Tuition and costs for
5296 community college courses offered under the Dual Enrollment-Dual



5297 Credit Program shall not be charged to the student, parents or
5298 legal guardians. When dually enrolled, the student shall be
5299 counted, for * * * Investing in the Needs of Students to
5300 Prioritize, Impact and Reform Education (INSPIRE) purposes, in the
5301 average daily * * * membership of the public school district in
5302 which the student attends high school * * *. Any transportation
5303 required by the student to participate in the Dual Enrollment-Dual
5304 Credit Program is the responsibility of the parent or legal
5305 guardian of the student, and transportation costs may be paid from
5306 any available public or private sources, including the local
5307 school district. Grades and college credits earned by a student
5308 admitted to this Dual Enrollment-Dual Credit Program shall be
5309 recorded on the high school student record and on the college
5310 transcript at the community college and high school where the
5311 student attends classes. The transcript of the community college
5312 coursework may be released to another institution or applied
5313 toward college graduation requirements. Any course that is
5314 required for subject area testing as a requirement for graduation
5315 from a public school in Mississippi is eligible for dual credit,
5316 and courses eligible for dual credit shall also include career,
5317 technical and degree program courses. All courses eligible for
5318 dual credit shall be approved by the superintendent of the local
5319 school district and the chief instructional officer at the
5320 participating community college in order for college credit to be
5321 awarded. A community college shall make the final decision on



5322 what courses are eligible for semester hour credits and the local
5323 school superintendent, subject to approval by the Mississippi
5324 Department of Education, shall make the final decision on the
5325 transfer of college courses credited to the student's high school
5326 transcript.

5327 **SECTION 60.** Section 37-16-3, Mississippi Code of 1972, is
5328 amended as follows:

5329 37-16-3. (1) The State Department of Education is directed
5330 to implement a program of statewide assessment testing which shall
5331 provide for the improvement of the operation and management of the
5332 public schools. The statewide program shall be timed, as far as
5333 possible, so as not to conflict with ongoing district assessment
5334 programs. As part of the program, the department shall:

5335 (a) Establish, with the approval of the State Board of
5336 Education, minimum performance standards related to the goals for
5337 education contained in the state's plan including, but not limited
5338 to, basic skills in reading, writing and mathematics. The minimum
5339 performance standards shall be approved by April 1 in each year
5340 they are established.

5341 (b) Conduct a uniform statewide testing program in
5342 grades deemed appropriate in the public schools, including charter
5343 schools, which shall include the administration of a
5344 career-readiness assessment, such as, but not limited to, the ACT
5345 WorkKeys Assessment, deemed appropriate by the Mississippi
5346 Department of Education working in coordination with the Office of



5347 Workforce Development, to any students electing to take the
5348 assessment. Each individual school district shall determine
5349 whether the assessment is administered in the tenth, eleventh or
5350 twelfth grade. The program may test skill areas, basic skills and
5351 high school course content.

5352 (c) Monitor the results of the assessment program and,
5353 at any time the composite student performance of a school or basic
5354 program is found to be below the established minimum standards,
5355 notify the district superintendent or the governing board of the
5356 charter school, as the case may be, the school principal and the
5357 school advisory committee or other existing parent group of the
5358 situation within thirty (30) days of its determination. The
5359 department shall further provide technical assistance to a school
5360 district in the identification of the causes of this deficiency
5361 and shall recommend courses of action for its correction.

5362 (d) Provide technical assistance to the school
5363 districts, when requested, in the development of student
5364 performance standards in addition to the established minimum
5365 statewide standards.

5366 (e) Issue security procedure regulations providing for
5367 the security and integrity of the tests that are administered
5368 under the basic skills assessment program.

5369 (f) In case of an allegation of a testing irregularity
5370 that prompts a need for an investigation by the Department of
5371 Education, the department may, in its discretion, take complete



5372 control of the statewide test administration in a school district
5373 or any part thereof, including, but not limited to, obtaining
5374 control of the test booklets and answer documents. In the case of
5375 any verified testing irregularity that jeopardized the security
5376 and integrity of the test(s), validity or the accuracy of the test
5377 results, the cost of the investigation and any other actual and
5378 necessary costs related to the investigation paid by the
5379 Department of Education shall be reimbursed by the local school
5380 district from funds other than federal funds, * * * Investing in
5381 the Needs of Students to Prioritize, Impact and Reform Education
5382 (INSPIRE) funds, or any other state funds within six (6) months
5383 from the date of notice by the department to the school district
5384 to make reimbursement to the department.

5385 (2) Uniform basic skills tests shall be completed by each
5386 student in the appropriate grade. These tests shall be
5387 administered in such a manner as to preserve the integrity and
5388 validity of the assessment. In the event of excused or unexcused
5389 student absences, make-up tests shall be given. The school
5390 superintendent of every school district in the state and the
5391 principal of each charter school shall annually certify to the
5392 State Department of Education that each student enrolled in the
5393 appropriate grade has completed the required basic skills
5394 assessment test for his or her grade in a valid test
5395 administration.



5396 (3) Within five (5) days of completing the administration of
5397 a statewide test, the principal of the school where the test was
5398 administered shall certify under oath to the State Department of
5399 Education that the statewide test was administered in strict
5400 accordance with the Requirements of the Mississippi Statewide
5401 Assessment System as adopted by the State Board of Education. The
5402 principal's sworn certification shall be set forth on a form
5403 developed and approved by the Department of Education. If,
5404 following the administration of a statewide test, the principal
5405 has reason to believe that the test was not administered in strict
5406 accordance with the Requirements of the Mississippi Statewide
5407 Assessment System as adopted by the State Board of Education, the
5408 principal shall submit a sworn certification to the Department of
5409 Education setting forth all information known or believed by the
5410 principal about all potential violations of the Requirements of
5411 the Mississippi Statewide Assessment System as adopted by the
5412 State Board of Education. The submission of false information or
5413 false certification to the Department of Education by any licensed
5414 educator may result in licensure disciplinary action pursuant to
5415 Section 37-3-2 and criminal prosecution pursuant to Section
5416 37-16-4.

5417 **SECTION 61.** Section 37-17-6, Mississippi Code of 1972, is
5418 amended as follows:

5419 37-17-6. (1) The State Board of Education, acting through
5420 the Commission on School Accreditation, shall establish and



5421 implement a permanent performance-based accreditation system, and
5422 all noncharter public elementary and secondary schools shall be
5423 accredited under this system.

5424 (2) * * * The State Board of Education, acting through the
5425 Commission on School Accreditation, shall require school districts
5426 to provide school classroom space that is air-conditioned as a
5427 minimum requirement for accreditation.

5428 (3) (a) * * * The State Board of Education, acting through
5429 the Commission on School Accreditation, shall require that school
5430 districts employ certified school librarians according to the
5431 following formula:

5432	Number of Students	Number of Certified
5433	Per School Library	School Librarians
5434	0 - 499 Students	1/2 Full-time Equivalent
5435		Certified Librarian
5436	500 or More Students	1 Full-time Certified
5437		Librarian

5438 (b) The State Board of Education, however, may increase
5439 the number of positions beyond the above requirements.

5440 (c) The assignment of certified school librarians to
5441 the particular schools shall be at the discretion of the local
5442 school district. No individual shall be employed as a certified
5443 school librarian without appropriate training and certification as
5444 a school librarian by the State Department of Education.



5445 (d) School librarians in the district shall spend at
5446 least fifty percent (50%) of direct work time in a school library
5447 and shall devote no more than one-fourth (1/4) of the workday to
5448 administrative activities that are library related.

5449 (e) Nothing in this subsection shall prohibit any
5450 school district from employing more certified school librarians
5451 than are provided for in this section.

5452 (f) Any additional millage levied to fund school
5453 librarians required for accreditation under this subsection shall
5454 be included in the tax increase limitation set forth in Sections
5455 37-57-105 and 37-57-107 and shall not be deemed a new program for
5456 purposes of the limitation.

5457 (4) On or before December 31, 2002, the State Board of
5458 Education shall implement the performance-based accreditation
5459 system for school districts and for individual noncharter public
5460 schools which shall include the following:

5461 (a) High expectations for students and high standards
5462 for all schools, with a focus on the basic curriculum;

5463 (b) Strong accountability for results with appropriate
5464 local flexibility for local implementation;

5465 (c) A process to implement accountability at both the
5466 school district level and the school level;

5467 (d) Individual schools shall be held accountable for
5468 student growth and performance;



5469 (e) Set annual performance standards for each of the
5470 schools of the state and measure the performance of each school
5471 against itself through the standard that has been set for it;

5472 (f) A determination of which schools exceed their
5473 standards and a plan for providing recognition and rewards to
5474 those schools;

5475 (g) A determination of which schools are failing to
5476 meet their standards and a determination of the appropriate role
5477 of the State Board of Education and the State Department of
5478 Education in providing assistance and initiating possible
5479 intervention. A failing district is a district that fails to meet
5480 both the absolute student achievement standards and the rate of
5481 annual growth expectation standards as set by the State Board of
5482 Education for two (2) consecutive years. The State Board of
5483 Education shall establish the level of benchmarks by which
5484 absolute student achievement and growth expectations shall be
5485 assessed. In setting the benchmarks for school districts, the
5486 State Board of Education may also take into account such factors
5487 as graduation rates, dropout rates, completion rates, the extent
5488 to which the school or district employs qualified teachers in
5489 every classroom, and any other factors deemed appropriate by the
5490 State Board of Education. The State Board of Education, acting
5491 through the State Department of Education, shall apply a simple
5492 "A," "B," "C," "D" and "F" designation to the current school and
5493 school district statewide accountability performance



5494 classification labels beginning with the State Accountability
5495 Results for the 2011-2012 school year and following, and in the
5496 school, district and state report cards required under state and
5497 federal law. Under the new designations, a school or school
5498 district that has earned a "Star" rating shall be designated an
5499 "A" school or school district; a school or school district that
5500 has earned a "High-Performing" rating shall be designated a "B"
5501 school or school district; a school or school district that has
5502 earned a "Successful" rating shall be designated a "C" school or
5503 school district; a school or school district that has earned an
5504 "Academic Watch" rating shall be designated a "D" school or school
5505 district; a school or school district that has earned a
5506 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
5507 be designated an "F" school or school district. Effective with
5508 the implementation of any new curriculum and assessment standards,
5509 the State Board of Education, acting through the State Department
5510 of Education, is further authorized and directed to change the
5511 school and school district accreditation rating system to a simple
5512 "A," "B," "C," "D," and "F" designation based on a combination of
5513 student achievement scores and student growth as measured by the
5514 statewide testing programs developed by the State Board of
5515 Education pursuant to Chapter 16, Title 37, Mississippi Code of
5516 1972. In any statute or regulation containing the former
5517 accreditation designations, the new designations shall be
5518 applicable;



5519 (h) Development of a comprehensive student assessment
5520 system to implement these requirements; and

5521 (i) The State Board of Education may, based on a
5522 written request that contains specific reasons for requesting a
5523 waiver from the school districts affected by Hurricane Katrina of
5524 2005, hold harmless school districts from assignment of district
5525 and school level accountability ratings for the 2005-2006 school
5526 year. The State Board of Education upon finding an extreme
5527 hardship in the school district may grant the request. It is the
5528 intent of the Legislature that all school districts maintain the
5529 highest possible academic standards and instructional programs in
5530 all schools as required by law and the State Board of Education.

5531 (5) (a) Effective with the 2013-2014 school year, the State
5532 Department of Education, acting through the Mississippi Commission
5533 on School Accreditation, shall revise and implement a single "A"
5534 through "F" school and school district accountability system
5535 complying with applicable federal and state requirements in order
5536 to reach the following educational goals:

5537 (i) To mobilize resources and supplies to ensure
5538 that all students exit third grade reading on grade level by 2015;

5539 (ii) To reduce the student dropout rate to
5540 thirteen percent (13%) by 2015; and

5541 (iii) To have sixty percent (60%) of students
5542 scoring proficient and advanced on the assessments of the Common



5543 Core State Standards by 2016 with incremental increases of three
5544 percent (3%) each year thereafter.

5545 (b) The State Department of Education shall combine the
5546 state school and school district accountability system with the
5547 federal system in order to have a single system.

5548 (c) The State Department of Education shall establish
5549 five (5) performance categories ("A," "B," "C," "D" and "F") for
5550 the accountability system based on the following criteria:

5551 (i) Student Achievement: the percent of students
5552 proficient and advanced on the current state assessments;

5553 (ii) Individual student growth: the percent of
5554 students making one (1) year's progress in one (1) year's time on
5555 the state assessment, with an emphasis on the progress of the
5556 lowest twenty-five percent (25%) of students in the school or
5557 district;

5558 (iii) Four-year graduation rate: the percent of
5559 students graduating with a standard high school diploma in four
5560 (4) years, as defined by federal regulations;

5561 (iv) Categories shall identify schools as Reward
5562 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If
5563 at least five percent (5%) of schools in the state are not graded
5564 as "F" schools, the lowest five percent (5%) of school grade point
5565 designees will be identified as Priority schools. If at least ten
5566 percent (10%) of schools in the state are not graded as "D"



5567 schools, the lowest ten percent (10%) of school grade point
5568 designees will be identified as Focus schools;

5569 (v) The State Department of Education shall
5570 discontinue the use of Star School, High-Performing, Successful,
5571 Academic Watch, Low-Performing, At-Risk of Failing and Failing
5572 school accountability designations;

5573 (vi) The system shall include the federally
5574 compliant four-year graduation rate in school and school district
5575 accountability system calculations. Graduation rate will apply to
5576 high school and school district accountability ratings as a
5577 compensatory component. The system shall discontinue the use of
5578 the High School Completer Index (HSCI);

5579 (vii) The school and school district
5580 accountability system shall incorporate a standards-based growth
5581 model, in order to support improvement of individual student
5582 learning;

5583 (viii) The State Department of Education shall
5584 discontinue the use of the Quality Distribution Index (QDI);

5585 (ix) The State Department of Education shall
5586 determine feeder patterns of schools that do not earn a school
5587 grade because the grades and subjects taught at the school do not
5588 have statewide standardized assessments needed to calculate a
5589 school grade. Upon determination of the feeder pattern, the
5590 department shall notify schools and school districts prior to the
5591 release of the school grades beginning in 2013. Feeder schools



5592 will be assigned the accountability designation of the school to
5593 which they provide students;

5594 (x) Standards for student, school and school
5595 district performance will be increased when student proficiency is
5596 at a seventy-five percent (75%) and/or when sixty-five percent
5597 (65%) of the schools and/or school districts are earning a grade
5598 of "B" or higher, in order to raise the standard on performance
5599 after targets are met;

5600 (xi) The system shall include student performance
5601 on the administration of a career-readiness assessment, such as,
5602 but not limited to, the ACT WorkKeys Assessment, deemed
5603 appropriate by the * * * State Department of Education working in
5604 coordination with the Office of Workforce Development.

5605 (6) Nothing in this section shall be deemed to require a
5606 nonpublic school that receives no local, state or federal funds
5607 for support to become accredited by the State Board of Education.

5608 (7) The State Board of Education shall create an
5609 accreditation audit unit under the Commission on School
5610 Accreditation to determine whether schools are complying with
5611 accreditation standards.

5612 (8) The State Board of Education shall be specifically
5613 authorized and empowered to withhold * * * Investing in the Needs
5614 of Students to Prioritize, Impact and Reform Education (INSPIRE)
5615 allocations * * * to any public school district for failure to



5616 timely report student, school personnel and fiscal data necessary
5617 to meet state and/or federal requirements.

5618 (9) [Deleted]

5619 (10) The State Board of Education shall establish, for those
5620 school districts failing to meet accreditation standards, a
5621 program of development to be complied with in order to receive
5622 state funds, except as otherwise provided in subsection (15) of
5623 this section when the Governor has declared a state of emergency
5624 in a school district or as otherwise provided in Section 206,
5625 Mississippi Constitution of 1890. The state board, in
5626 establishing these standards, shall provide for notice to schools
5627 and sufficient time and aid to enable schools to attempt to meet
5628 these standards, unless procedures under subsection (15) of this
5629 section have been invoked.

5630 (11) * * * The State Board of Education shall be charged
5631 with the implementation of the program of development in each
5632 applicable school district as follows:

5633 (a) Develop an impairment report for each district
5634 failing to meet accreditation standards in conjunction with school
5635 district officials;

5636 (b) Notify any applicable school district failing to
5637 meet accreditation standards that it is on probation until
5638 corrective actions are taken or until the deficiencies have been
5639 removed. The local school district shall develop a corrective
5640 action plan to improve its deficiencies. For district academic



5641 deficiencies, the corrective action plan for each such school
5642 district shall be based upon a complete analysis of the following:
5643 student test data, student grades, student attendance reports,
5644 student dropout data, existence and other relevant data. The
5645 corrective action plan shall describe the specific measures to be
5646 taken by the particular school district and school to improve:
5647 (i) instruction; (ii) curriculum; (iii) professional development;
5648 (iv) personnel and classroom organization; (v) student incentives
5649 for performance; (vi) process deficiencies; and (vii) reporting to
5650 the local school board, parents and the community. The corrective
5651 action plan shall describe the specific individuals responsible
5652 for implementing each component of the recommendation and how each
5653 will be evaluated. All corrective action plans shall be provided
5654 to the State Board of Education as may be required. The decision
5655 of the State Board of Education establishing the probationary
5656 period of time shall be final;

5657 (c) Offer, during the probationary period, technical
5658 assistance to the school district in making corrective actions.

5659 * * * Subject to the availability of funds, the State Department
5660 of Education shall provide technical and/or financial assistance
5661 to all such school districts in order to implement each measure
5662 identified in that district's corrective action plan through
5663 professional development and on-site assistance. Each such school
5664 district shall apply for and utilize all available federal funding



5665 in order to support its corrective action plan in addition to
5666 state funds made available under this paragraph;

5667 (d) Assign department personnel or contract, in its
5668 discretion, with the institutions of higher learning or other
5669 appropriate private entities with experience in the academic,
5670 finance and other operational functions of schools to assist
5671 school districts;

5672 (e) Provide for publication of public notice at least
5673 one time during the probationary period, in a newspaper published
5674 within the jurisdiction of the school district failing to meet
5675 accreditation standards, or if no newspaper is published therein,
5676 then in a newspaper having a general circulation therein. The
5677 publication shall include the following: declaration of school
5678 system's status as being on probation; all details relating to the
5679 impairment report; and other information as the State Board of
5680 Education deems appropriate. Public notices issued under this
5681 section shall be subject to Section 13-3-31 and not contrary to
5682 other laws regarding newspaper publication.

5683 (12) (a) If the recommendations for corrective action are
5684 not taken by the local school district or if the deficiencies are
5685 not removed by the end of the probationary period, the Commission
5686 on School Accreditation shall conduct a hearing to allow the
5687 affected school district to present evidence or other reasons why
5688 its accreditation should not be withdrawn. Additionally, if the
5689 local school district violates accreditation standards that have



5690 been determined by the policies and procedures of the State Board
5691 of Education to be a basis for withdrawal of school district's
5692 accreditation without a probationary period, the Commission on
5693 School Accreditation shall conduct a hearing to allow the affected
5694 school district to present evidence or other reasons why its
5695 accreditation should not be withdrawn. After its consideration of
5696 the results of the hearing, the Commission on School Accreditation
5697 shall be authorized, with the approval of the State Board of
5698 Education, to withdraw the accreditation of a public school
5699 district, and issue a request to the Governor that a state of
5700 emergency be declared in that district.

5701 (b) If the State Board of Education and the Commission
5702 on School Accreditation determine that an extreme emergency
5703 situation exists in a school district that jeopardizes the safety,
5704 security or educational interests of the children enrolled in the
5705 schools in that district and that emergency situation is believed
5706 to be related to a serious violation or violations of
5707 accreditation standards or state or federal law, or when a school
5708 district meets the State Board of Education's definition of a
5709 failing school district for two (2) consecutive full school years,
5710 or if more than fifty percent (50%) of the schools within the
5711 school district are designated as Schools At-Risk in any one (1)
5712 year, the State Board of Education may request the Governor to
5713 declare a state of emergency in that school district. For
5714 purposes of this paragraph, the declarations of a state of



5715 emergency shall not be limited to those instances when a school
5716 district's impairments are related to a lack of financial
5717 resources, but also shall include serious failure to meet minimum
5718 academic standards, as evidenced by a continued pattern of poor
5719 student performance.

5720 (c) Whenever the Governor declares a state of emergency
5721 in a school district in response to a request made under paragraph
5722 (a) or (b) of this subsection, the State Board of Education may
5723 take one or more of the following actions:

5724 (i) Declare a state of emergency, under which some
5725 or all of state funds can be escrowed except as otherwise provided
5726 in Section 206, Constitution of 1890, until the board determines
5727 corrective actions are being taken or the deficiencies have been
5728 removed, or that the needs of students warrant the release of
5729 funds. The funds may be released from escrow for any program
5730 which the board determines to have been restored to standard even
5731 though the state of emergency may not as yet be terminated for the
5732 district as a whole;

5733 (ii) Override any decision of the local school
5734 board or superintendent of education, or both, concerning the
5735 management and operation of the school district, or initiate and
5736 make decisions concerning the management and operation of the
5737 school district;

5738 (iii) Assign an interim superintendent, or in its
5739 discretion, contract with a private entity with experience in the



5740 academic, finance and other operational functions of schools and
5741 school districts, who will have those powers and duties prescribed
5742 in subsection (15) of this section;

5743 (iv) Grant transfers to students who attend this
5744 school district so that they may attend other accredited schools
5745 or districts in a manner that is not in violation of state or
5746 federal law;

5747 (v) For states of emergency declared under
5748 paragraph (a) only, if the accreditation deficiencies are related
5749 to the fact that the school district is too small, with too few
5750 resources, to meet the required standards and if another school
5751 district is willing to accept those students, abolish that
5752 district and assign that territory to another school district or
5753 districts. If the school district has proposed a voluntary
5754 consolidation with another school district or districts, then if
5755 the State Board of Education finds that it is in the best interest
5756 of the pupils of the district for the consolidation to proceed,
5757 the voluntary consolidation shall have priority over any such
5758 assignment of territory by the State Board of Education;

5759 (vi) For states of emergency declared under
5760 paragraph (b) only, reduce local supplements paid to school
5761 district employees, including, but not limited to, instructional
5762 personnel, assistant teachers and extracurricular activities
5763 personnel, if the district's impairment is related to a lack of
5764 financial resources, but only to an extent that will result in the



5765 salaries being comparable to districts similarly situated, as
5766 determined by the State Board of Education;

5767 (vii) For states of emergency declared under
5768 paragraph (b) only, the State Board of Education may take any
5769 action as prescribed in Section 37-17-13.

5770 (d) At the time that satisfactory corrective action has
5771 been taken in a school district in which a state of emergency has
5772 been declared, the State Board of Education may request the
5773 Governor to declare that the state of emergency no longer exists
5774 in the district.

5775 (e) The parent or legal guardian of a school-age child
5776 who is enrolled in a school district whose accreditation has been
5777 withdrawn by the Commission on School Accreditation and without
5778 approval of that school district may file a petition in writing to
5779 a school district accredited by the Commission on School
5780 Accreditation for a legal transfer. The school district
5781 accredited by the Commission on School Accreditation may grant the
5782 transfer according to the procedures of Section 37-15-31(1)(b).
5783 In the event the accreditation of the student's home district is
5784 restored after a transfer has been approved, the student may
5785 continue to attend the transferee school district. The * * * per
5786 student allocation under Investing in the Needs of Students to
5787 Prioritize, Impact and Reform Education (INSPIRE) for the
5788 student's home school district shall be transferred monthly to the
5789 school district accredited by the Commission on School



5790 Accreditation that has granted the transfer of the school-age
5791 child.

5792 (f) Upon the declaration of a state of emergency for
5793 any school district in which the Governor has previously declared
5794 a state of emergency, the State Board of Education may either:

5795 (i) Place the school district into district
5796 transformation, in which the school district shall remain until it
5797 has fulfilled all conditions related to district transformation.
5798 If the district was assigned an accreditation rating of "D" or "F"
5799 when placed into district transformation, the district shall be
5800 eligible to return to local control when the school district has
5801 attained a "C" rating or higher for five (5) consecutive years,
5802 unless the State Board of Education determines that the district
5803 is eligible to return to local control in less than the five-year
5804 period;

5805 (ii) Abolish the school district and
5806 administratively consolidate the school district with one or more
5807 existing school districts;

5808 (iii) Reduce the size of the district and
5809 administratively consolidate parts of the district, as determined
5810 by the State Board of Education. However, no school district
5811 which is not in district transformation shall be required to
5812 accept additional territory over the objection of the district; or

5813 (iv) Require the school district to develop and
5814 implement a district improvement plan with prescriptive guidance



5815 and support from the State Department of Education, with the goal
5816 of helping the district improve student achievement. Failure of
5817 the school board, superintendent and school district staff to
5818 implement the plan with fidelity and participate in the activities
5819 provided as support by the department shall result in the school
5820 district retaining its eligibility for district transformation.

5821 (g) There is established a Mississippi Recovery School
5822 District within the State Department of Education under the
5823 supervision of a deputy superintendent appointed by the State
5824 Superintendent of Public Education, who is subject to the approval
5825 by the State Board of Education. The Mississippi Recovery School
5826 District shall provide leadership and oversight of all school
5827 districts that are subject to district transformation status, as
5828 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,
5829 and shall have all the authority granted under these two (2)
5830 chapters. The * * * State Department of Education, with the
5831 approval of the State Board of Education, shall develop policies
5832 for the operation and management of the Mississippi Recovery
5833 School District. The deputy state superintendent is responsible
5834 for the Mississippi Recovery School District and shall be
5835 authorized to oversee the administration of the Mississippi
5836 Recovery School District, oversee the interim superintendent
5837 assigned by the State Board of Education to a local school
5838 district, hear appeals that would normally be filed by students,
5839 parents or employees and heard by a local school board, which



5840 hearings on appeal shall be conducted in a prompt and timely
5841 manner in the school district from which the appeal originated in
5842 order to ensure the ability of appellants, other parties and
5843 witnesses to appeal without undue burden of travel costs or loss
5844 of time from work, and perform other related duties as assigned by
5845 the State Superintendent of Public Education. The deputy state
5846 superintendent is responsible for the Mississippi Recovery School
5847 District and shall determine, based on rigorous professional
5848 qualifications set by the State Board of Education, the
5849 appropriate individuals to be engaged to be interim
5850 superintendents and financial advisors, if applicable, of all
5851 school districts subject to district transformation status. After
5852 State Board of Education approval, these individuals shall be
5853 deemed independent contractors.

5854 (13) Upon the declaration of a state of emergency in a
5855 school district under subsection (12) of this section, the
5856 Commission on School Accreditation shall be responsible for public
5857 notice at least once a week for at least three (3) consecutive
5858 weeks in a newspaper published within the jurisdiction of the
5859 school district failing to meet accreditation standards, or if no
5860 newspaper is published therein, then in a newspaper having a
5861 general circulation therein. The size of the notice shall be no
5862 smaller than one-fourth (1/4) of a standard newspaper page and
5863 shall be printed in bold print. If an interim superintendent has
5864 been appointed for the school district, the notice shall begin as



5865 follows: "By authority of Section 37-17-6, Mississippi Code of
5866 1972, as amended, adopted by the Mississippi Legislature during
5867 the 1991 Regular Session, this school district (name of school
5868 district) is hereby placed under the jurisdiction of the State
5869 Department of Education acting through its appointed interim
5870 superintendent (name of interim superintendent)."

5871 The notice also shall include, in the discretion of the State
5872 Board of Education, any or all details relating to the school
5873 district's emergency status, including the declaration of a state
5874 of emergency in the school district and a description of the
5875 district's impairment deficiencies, conditions of any district
5876 transformation status and corrective actions recommended and being
5877 taken. Public notices issued under this section shall be subject
5878 to Section 13-3-31 and not contrary to other laws regarding
5879 newspaper publication.

5880 Upon termination of the state of emergency in a school
5881 district, the Commission on School Accreditation shall cause
5882 notice to be published in the school district in the same manner
5883 provided in this section, to include any or all details relating
5884 to the corrective action taken in the school district that
5885 resulted in the termination of the state of emergency.

5886 (14) The State Board of Education or the Commission on
5887 School Accreditation shall have the authority to require school
5888 districts to produce the necessary reports, correspondence,



5889 financial statements, and any other documents and information
5890 necessary to fulfill the requirements of this section.

5891 Nothing in this section shall be construed to grant any
5892 individual, corporation, board or interim superintendent the
5893 authority to levy taxes except in accordance with presently
5894 existing statutory provisions.

5895 (15) (a) Whenever the Governor declares a state of
5896 emergency in a school district in response to a request made under
5897 subsection (12) of this section, the State Board of Education, in
5898 its discretion, may assign an interim superintendent to the school
5899 district, or in its discretion, may contract with an appropriate
5900 private entity with experience in the academic, finance and other
5901 operational functions of schools and school districts, who will be
5902 responsible for the administration, management and operation of
5903 the school district, including, but not limited to, the following
5904 activities:

5905 (i) Approving or disapproving all financial
5906 obligations of the district, including, but not limited to, the
5907 employment, termination, nonrenewal and reassignment of all
5908 licensed and nonlicensed personnel, contractual agreements and
5909 purchase orders, and approving or disapproving all claim dockets
5910 and the issuance of checks; in approving or disapproving
5911 employment contracts of superintendents, assistant superintendents
5912 or principals, the interim superintendent shall not be required to



5913 comply with the time limitations prescribed in Sections 37-9-15
5914 and 37-9-105;

5915 (ii) Supervising the day-to-day activities of the
5916 district's staff, including reassigning the duties and
5917 responsibilities of personnel in a manner which, in the
5918 determination of the interim superintendent, will best suit the
5919 needs of the district;

5920 (iii) Reviewing the district's total financial
5921 obligations and operations and making recommendations to the
5922 district for cost savings, including, but not limited to,
5923 reassigning the duties and responsibilities of staff;

5924 (iv) Attending all meetings of the district's
5925 school board and administrative staff;

5926 (v) Approving or disapproving all athletic, band
5927 and other extracurricular activities and any matters related to
5928 those activities;

5929 (vi) Maintaining a detailed account of
5930 recommendations made to the district and actions taken in response
5931 to those recommendations;

5932 (vii) Reporting periodically to the State Board of
5933 Education on the progress or lack of progress being made in the
5934 district to improve the district's impairments during the state of
5935 emergency; and

5936 (viii) Appointing a parent advisory committee,
5937 comprised of parents of students in the school district that may



5938 make recommendations to the interim superintendent concerning the
5939 administration, management and operation of the school district.

5940 The cost of the salary of the interim superintendent and any
5941 other actual and necessary costs related to district
5942 transformation status paid by the State Department of Education
5943 shall be reimbursed by the local school district from funds other
5944 than * * * Investing in the Needs of Students to Prioritize,
5945 Impact and Reform Education (INSPIRE) funds. The department shall
5946 submit an itemized statement to the superintendent of the local
5947 school district for reimbursement purposes, and any unpaid balance
5948 may be withheld from the district's * * * funding formula funds.

5949 At the time that the Governor, in accordance with the request
5950 of the State Board of Education, declares that the state of
5951 emergency no longer exists in a school district, the powers and
5952 responsibilities of the interim superintendent assigned to the
5953 district shall cease.

5954 (b) In order to provide loans to school districts under
5955 a state of emergency or in district transformation status that
5956 have impairments related to a lack of financial resources, the
5957 School District Emergency Assistance Fund is created as a special
5958 fund in the State Treasury into which monies may be transferred or
5959 appropriated by the Legislature from any available public
5960 education funds. Funds in the School District Emergency
5961 Assistance Fund up to a maximum balance of Three Million Dollars
5962 (\$3,000,000.00) annually shall not lapse but shall be available



5963 for expenditure in subsequent years subject to approval of the
5964 State Board of Education. Any amount in the fund in excess of
5965 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
5966 year shall lapse into the State General Fund or the Education
5967 Enhancement Fund, depending on the source of the fund.

5968 The State Board of Education may loan monies from the School
5969 District Emergency Assistance Fund to a school district that is
5970 under a state of emergency or in district transformation status,
5971 in those amounts, as determined by the board, that are necessary
5972 to correct the district's impairments related to a lack of
5973 financial resources. The loans shall be evidenced by an agreement
5974 between the school district and the State Board of Education and
5975 shall be repayable in principal, without necessity of interest, to
5976 the School District Emergency Assistance Fund by the school
5977 district from any allowable funds that are available. The total
5978 amount loaned to the district shall be due and payable within five
5979 (5) years after the impairments related to a lack of financial
5980 resources are corrected. If a school district fails to make
5981 payments on the loan in accordance with the terms of the agreement
5982 between the district and the State Board of Education, the State
5983 Department of Education, in accordance with rules and regulations
5984 established by the State Board of Education, may withhold that
5985 district's * * * INSPIRE funds in an amount and manner that will
5986 effectuate repayment consistent with the terms of the agreement;



5987 the funds withheld by the department shall be deposited into the
5988 School District Emergency Assistance Fund.

5989 The State Board of Education shall develop a protocol that
5990 will outline the performance standards and requisite timeline
5991 deemed necessary for extreme emergency measures. If the State
5992 Board of Education determines that an extreme emergency exists,
5993 simultaneous with the powers exercised in this subsection, it
5994 shall take immediate action against all parties responsible for
5995 the affected school districts having been determined to be in an
5996 extreme emergency. The action shall include, but not be limited
5997 to, initiating civil actions to recover funds and criminal actions
5998 to account for criminal activity. Any funds recovered by the
5999 State Auditor or the State Board of Education from the surety
6000 bonds of school officials or from any civil action brought under
6001 this subsection shall be applied toward the repayment of any loan
6002 made to a school district hereunder.

6003 (16) If a majority of the membership of the school board of
6004 any school district resigns from office, the State Board of
6005 Education shall be authorized to assign an interim superintendent,
6006 who shall be responsible for the administration, management and
6007 operation of the school district until the time as new board
6008 members are selected or the Governor declares a state of emergency
6009 in that school district under subsection (12), whichever occurs
6010 first. In that case, the State Board of Education, acting through
6011 the interim superintendent, shall have all powers which were held



6012 by the previously existing school board, and may take any action
6013 as prescribed in Section 37-17-13 and/or one or more of the
6014 actions authorized in this section.

6015 (17) (a) If the Governor declares a state of emergency in a
6016 school district, the State Board of Education may take all such
6017 action pertaining to that school district as is authorized under
6018 subsection (12) or (15) of this section, including the appointment
6019 of an interim superintendent. The State Board of Education shall
6020 also have the authority to issue a written request with
6021 documentation to the Governor asking that the office of the
6022 superintendent of the school district be subject to recall. If
6023 the Governor declares that the office of the superintendent of the
6024 school district is subject to recall, the local school board or
6025 the county election commission, as the case may be, shall take the
6026 following action:

6027 (i) If the office of superintendent is an elected
6028 office, in those years in which there is no general election, the
6029 name shall be submitted by the State Board of Education to the
6030 county election commission, and the county election commission
6031 shall submit the question at a special election to the voters
6032 eligible to vote for the office of superintendent within the
6033 county, and the special election shall be held within sixty (60)
6034 days from notification by the State Board of Education. The
6035 ballot shall read substantially as follows:



6036 "Shall County Superintendent of Education _____ (here the
6037 name of the superintendent shall be inserted) of the _____
6038 (here the title of the school district shall be inserted) be
6039 retained in office? Yes _____ No _____"

6040 If a majority of those voting on the question votes against
6041 retaining the superintendent in office, a vacancy shall exist
6042 which shall be filled in the manner provided by law; otherwise,
6043 the superintendent shall remain in office for the term of that
6044 office, and at the expiration of the term shall be eligible for
6045 qualification and election to another term or terms.

6046 (ii) If the office of superintendent is an
6047 appointive office, the name of the superintendent shall be
6048 submitted by the president of the local school board at the next
6049 regular meeting of the school board for retention in office or
6050 dismissal from office. If a majority of the school board voting
6051 on the question vote against retaining the superintendent in
6052 office, a vacancy shall exist which shall be filled as provided by
6053 law, otherwise the superintendent shall remain in office for the
6054 duration of his employment contract.

6055 (b) The State Board of Education may issue a written
6056 request with documentation to the Governor asking that the
6057 membership of the school board of the school district shall be
6058 subject to recall. Whenever the Governor declares that the
6059 membership of the school board is subject to recall, the county



6060 election commission or the local governing authorities, as the
6061 case may be, shall take the following action:

6062 (i) If the members of the local school board are
6063 elected to office, in those years in which the specific member's
6064 office is not up for election, the name of the school board member
6065 shall be submitted by the State Board of Education to the county
6066 election commission, and the county election commission at a
6067 special election shall submit the question to the voters eligible
6068 to vote for the particular member's office within the county or
6069 school district, as the case may be, and the special election
6070 shall be held within sixty (60) days from notification by the
6071 State Board of Education. The ballot shall read substantially as
6072 follows:

6073 "Members of the _____ (here the title of the school
6074 district shall be inserted) School Board who are not up for
6075 election this year are subject to recall because of the school
6076 district's failure to meet critical accountability standards as
6077 defined in the letter of notification to the Governor from the
6078 State Board of Education. Shall the member of the school board
6079 representing this area, _____ (here the name of the school
6080 board member holding the office shall be inserted), be retained in
6081 office? Yes _____ No _____"

6082 If a majority of those voting on the question vote against
6083 retaining the member of the school board in office, a vacancy in
6084 that board member's office shall exist, which shall be filled in



6085 the manner provided by law; otherwise, the school board member
6086 shall remain in office for the term of that office, and at the
6087 expiration of the term of office, the member shall be eligible for
6088 qualification and election to another term or terms of office.
6089 However, if a majority of the school board members are recalled in
6090 the special election, the Governor shall authorize the board of
6091 supervisors of the county in which the school district is situated
6092 to appoint members to fill the offices of the members recalled.
6093 The board of supervisors shall make those appointments in the
6094 manner provided by law for filling vacancies on the school board,
6095 and the appointed members shall serve until the office is filled
6096 at the next regular special election or general election.

6097 (ii) If the local school board is an appointed
6098 school board, the name of all school board members shall be
6099 submitted as a collective board by the president of the municipal
6100 or county governing authority, as the case may be, at the next
6101 regular meeting of the governing authority for retention in office
6102 or dismissal from office. If a majority of the governing
6103 authority voting on the question vote against retaining the board
6104 in office, a vacancy shall exist in each school board member's
6105 office, which shall be filled as provided by law; otherwise, the
6106 members of the appointed school board shall remain in office for
6107 the duration of their term of appointment, and those members may
6108 be reappointed.



6109 (iii) If the local school board is comprised of
6110 both elected and appointed members, the elected members shall be
6111 subject to recall in the manner provided in subparagraph (i) of
6112 this paragraph (b), and the appointed members shall be subject to
6113 recall in the manner provided in subparagraph (ii).

6114 (18) * * * The State Board of Education, acting through the
6115 Commission on School Accreditation, shall require each school
6116 district to comply with standards established by the State
6117 Department of Audit for the verification of fixed assets and the
6118 auditing of fixed assets records as a minimum requirement for
6119 accreditation.

6120 (19) * * * The State Superintendent of Public Education and
6121 the State Board of Education * * * shall develop a comprehensive
6122 accountability plan to ensure that local school boards,
6123 superintendents, principals and teachers are held accountable for
6124 student achievement. * * *

6125 (20) Before January 1, 2008, the State Board of Education
6126 shall evaluate and submit a recommendation to the Education
6127 Committees of the House of Representatives and the Senate on
6128 inclusion of graduation rate and dropout rate in the school level
6129 accountability system.

6130 (21) If a local school district is determined as failing and
6131 placed into district transformation status for reasons authorized
6132 by the provisions of this section, the interim superintendent
6133 appointed to the district shall, within forty-five (45) days after



6134 being appointed, present a detailed and structured corrective
6135 action plan to move the local school district out of district
6136 transformation status to the deputy superintendent. A copy of the
6137 interim superintendent's corrective action plan shall also be
6138 filed with the State Board of Education.

6139 **SECTION 62.** Section 37-17-17, Mississippi Code of 1972, is
6140 amended as follows:

6141 37-17-17. (1) There is created the Mississippi Achievement
6142 School District for the purpose of transforming persistently
6143 failing public schools and districts throughout the state into
6144 quality educational institutions. The Mississippi Achievement
6145 School District shall be a statewide school district, separate and
6146 distinct from all other school districts but not confined to any
6147 specified geographic boundaries, and may be comprised of any
6148 public schools or school districts in the state which, during two
6149 (2) consecutive school years, are designated an "F" school or
6150 district by the State Board of Education under the accountability
6151 rating system or which have been persistently failing and
6152 chronically underperforming.

6153 (2) The Mississippi Achievement School District shall be
6154 governed by the State Board of Education.

6155 (3) The State Board of Education shall obtain suitable
6156 office space to serve as the administrative office of the school
6157 district.



6158 (4) The State Board of Education shall select an individual
6159 to serve as superintendent of the Mississippi Achievement School
6160 District. The superintendent must be deemed by the board to be
6161 highly qualified with a demonstrable track record for producing
6162 results in a context relevant to that of Mississippi Achievement
6163 School District schools. The superintendent of the Mississippi
6164 Achievement School District shall exercise powers and duties that
6165 would afford significant autonomy but are bound by the governance
6166 of the State Board of Education.

6167 (5) (a) Each public school or district in the state which,
6168 during each of two (2) consecutive school years or during two (2)
6169 of three (3) consecutive school years, receives an "F" designation
6170 by the State Board of Education under the accountability rating
6171 system or has been persistently failing as defined by the State
6172 Board of Education may be absorbed into and become a part of the
6173 Mississippi Achievement School District. All eligible public
6174 schools and districts shall be prioritized by the Mississippi
6175 Achievement School District according to criteria set by the
6176 Mississippi Achievement School District and publicized prior to
6177 the annual release of accountability rating data. The Mississippi
6178 Achievement School District shall takeover only the number of
6179 schools and districts for which it has the capacity to serve. The
6180 transfer of the school's/district's governance from the local
6181 school district to the Mississippi Achievement School District
6182 shall take effect upon the approval of the State Board of



6183 Education unless, in the sole determination of the Mississippi
6184 Achievement School District, the transition may be more smoothly
6185 accomplished through a gradual transfer of control. If the
6186 Mississippi Achievement School District elects not to assume
6187 complete control of a school or district immediately after that
6188 school receives an "F" designation during each of two (2)
6189 consecutive school years or during two (2) of the three (3)
6190 consecutive school years, the State Board of Education shall
6191 prescribe the process and timetable by which the school or
6192 district shall be absorbed; however, in no event may the transfer
6193 of the school or district to the Mississippi Achievement School
6194 District be completed later than the beginning of the school year
6195 next succeeding the year during which the school or district
6196 receives the "F" designation. School districts that are eligible
6197 to be absorbed by the Achievement School District, but are not
6198 absorbed due to the capacity of the Achievement School District,
6199 shall develop and implement a district improvement plan with
6200 prescriptive guidance and support from the Mississippi Department
6201 of Education, with the goal of helping the district improve
6202 student achievement. Failure of the school board, superintendent
6203 and school district staff to implement the plan with fidelity and
6204 participate in the activities provided as support by the
6205 department shall result in the school district retaining its
6206 eligibility for the Mississippi Achievement School District.



6207 (b) The State Board of Education shall adopt rules and
6208 regulations governing the operation of the Mississippi Achievement
6209 School District.

6210 (c) Designations assigned to schools or districts under
6211 the accountability rating system by the State Board of Education
6212 before the 2015-2016 school year may not be considered in
6213 determining whether a particular school or district is subject to
6214 being absorbed by the Mississippi Achievement School District.
6215 During the 2017-2018 school year, any school or district receiving
6216 an "F" designation after also being designated an "F" school or
6217 district in the 2015-2016 and 2016-2017 school years may be
6218 absorbed immediately by the Mississippi Achievement School
6219 District, upon approval of the State Board of Education.

6220 (d) The school district from which an "F" school or
6221 district is being absorbed must cooperate fully with the
6222 Mississippi Achievement School District and the State Board of
6223 Education in order to provide as smooth a transition as possible
6224 in the school's/district's governance and operations for the
6225 students enrolled in the school or district. Upon completion of
6226 the transfer of a school or district to the Mississippi
6227 Achievement School District, the school or district shall be
6228 governed by the rules, regulations, policies and procedures
6229 established by the State Board of Education specifically for the
6230 Mississippi Achievement School District, and the school or
6231 district shall no longer be under the purview of the school board



6232 of the local school district. In the event of the transfer of
6233 governance and operations of a school district, the State Board of
6234 Education shall abolish the district as prescribed in Section
6235 37-17-13.

6236 (e) Upon the transfer of the school or school district
6237 to the Mississippi Achievement School District, the individual
6238 appointed by the State Board of Education to serve as
6239 superintendent for the Mississippi Achievement School District
6240 shall be responsible for the administration, management and
6241 operation of the school or school district, including the
6242 following activities: (i) approving or denying all financial
6243 obligations of the school or school district; (ii) approving or
6244 denying the employment, termination, nonrenewal and reassignment
6245 of all licensed and nonlicensed personnel; (iii) approving or
6246 denying contractual agreements and purchase orders; (iv)
6247 approving or denying all claim dockets and the issuance of checks;
6248 (v) supervising the day-to-day activities of the school or school
6249 district's staff in a manner which in the determination of the
6250 Mississippi Achievement School District will best suit the needs
6251 of the school or school district; (vi) approving or denying all
6252 athletic, band and other extracurricular activities and any
6253 matters related to those activities; (vii) honoring any reasonable
6254 financial commitment of the district being absorbed; and (viii)
6255 reporting periodically to the State Board of Education on the



6256 progress or lack of progress being made in the school or school
6257 district to improve the school or school district's impairments.

6258 (f) Upon attaining and maintaining a school or district
6259 accountability rating of "C" or better under the State Department
6260 of Education's accountability rating system for five (5)
6261 consecutive years, the State Board of Education may decide to
6262 revert the absorbed school or district back to local governance,
6263 provided the school or school(s) in question are not conversion
6264 charter schools. "Local governance" may include a traditional
6265 school board model of governance or other new form of governance
6266 such as mayoral control, or other type of governance. The State
6267 Board of Education shall determine the best form of local
6268 governance and school board composition after soliciting the input
6269 of local citizens and shall outline a process for establishing the
6270 type of governance selected. The manner and timeline for
6271 reverting a school or district back to local control shall be at
6272 the discretion of the State School Board, but in no case shall it
6273 exceed five (5) years.

6274 (6) The Superintendent of the Mississippi Achievement School
6275 District shall hire those persons to be employed as principals,
6276 teachers and noninstructional personnel in schools or districts
6277 absorbed into the Mississippi Achievement School District. Only
6278 highly qualified individuals having a demonstrable record of
6279 success may be selected by the superintendent for such positions
6280 in the Mississippi Achievement School District. The



6281 superintendent may choose to continue the employment of any person
6282 employed in an "F" rated school when the school or district is
6283 absorbed into the Mississippi Achievement School District;
6284 alternatively, the superintendent may elect not to offer continued
6285 employment to a person formerly employed at a school or district
6286 that is absorbed into the Mississippi Achievement School District.
6287 Any persons employed by the Mississippi Achievement School
6288 District shall not be subject to Sections 37-9-101 through
6289 37-9-113.

6290 (7) (a) The Mississippi Achievement School District may use
6291 a school building and all facilities and property that is a part
6292 of a school and recognized as part of the facilities or assets of
6293 the school before it is absorbed into the Mississippi Achievement
6294 School District. In addition, the Mississippi Achievement School
6295 District shall have access to those additional facilities that
6296 typically were available to that school or district, its students,
6297 faculty and staff before its absorption by the Mississippi
6298 Achievement School District. Use of facilities by a school or
6299 district in the Mississippi Achievement School District must be
6300 unrestricted and free of charge. However, the Mississippi
6301 Achievement School District shall be responsible for providing
6302 routine maintenance and repairs necessary to maintain the
6303 facilities in as good a condition as when the right of use was
6304 acquired by the Mississippi Achievement School District. The
6305 Mississippi Achievement School District shall be responsible for



6306 paying all utilities at the facilities used for the absorbed
6307 school. Any fixtures, improvements and tangible assets added to a
6308 school building or facility by the Mississippi Achievement School
6309 District must remain at the school or district building or
6310 facility if the school or district is returned to local
6311 governance.

6312 (b) The State Board of Education shall include in the
6313 rules and regulations adopted pursuant to subsection (5) of this
6314 section specific provisions addressing the rights and
6315 responsibilities of the Mississippi Achievement School District
6316 relating to the real and personal property of a school or district
6317 that is absorbed into the Mississippi Achievement School District.

6318 (8) (a) The Mississippi Achievement School District shall
6319 certify annually to the State Board of Education in which a
6320 Mississippi Achievement School District school or district is
6321 located the number of students residing in the school district
6322 which are enrolled in that school or district.

6323 (b) Whenever an increase in funding is requested by the
6324 school board for the support of schools within a particular school
6325 district absorbed into the Mississippi Achievement School
6326 District, the State Board of Education and the superintendent for
6327 the Mississippi Achievement School District shall hold a public
6328 meeting in the local municipality having jurisdiction of the
6329 absorbed school district to allow input of local residents on the
6330 matter, and subsequent to the conclusion of such meeting, the



6331 board of the Mississippi Achievement School District shall submit
6332 its request for ad valorem increase in dollars to the local
6333 governing authority having jurisdiction over the absorbed school
6334 district for approval of the request for increase in ad valorem
6335 tax effort. In a district in which a school or schools but not
6336 the entire district is absorbed into the Mississippi Achievement
6337 School District, the local school district shall pay directly to
6338 the Mississippi Achievement School District an amount for each
6339 student enrolled in that school equal to the ad valorem tax
6340 receipts and in-lieu payments received per pupil for the support
6341 of the local school district in which the student resides. The
6342 pro rata ad valorem receipts and in-lieu receipts to be
6343 transferred to the Mississippi Achievement School District shall
6344 include all levies for the support of the local school district
6345 under Sections 37-57-1 (local contribution to * * * Investing in
6346 the Needs of Students to Prioritize, Impact and Reform Education
6347 (INSPIRE)) and 37-57-105 (school district operational levy) and
6348 may not include any taxes levied for the retirement of the local
6349 school district's bonded indebtedness or short-term notes or any
6350 taxes levied for the support of vocational-technical education
6351 programs, unless the school or schools absorbed include a high
6352 school at which vocational-technical education programs are
6353 offered. In no event may the payment exceed the pro rata amount
6354 of the local ad valorem payment to * * * INSPIRE under Section
6355 37-57-1 for the school district in which the student resides.



6356 Payments made under this section by a school district to the
6357 Mississippi Achievement School District must be made before the
6358 expiration of three (3) business days after the funds are
6359 distributed to the local school district by the tax collector.

6360 (c) If an entire school district is absorbed into the
6361 Mississippi Achievement School District, the tax collector shall
6362 pay the amounts as described in paragraph (b) of this subsection,
6363 with the exception that all funds should transfer, including taxes
6364 levied for the retirement of the local school district's bonded
6365 indebtedness or short-term notes and any taxes levied for the
6366 support of vocational-technical education programs. The
6367 Mississippi Achievement School District shall pay funds raised to
6368 retire the district's debts to the appropriate creditors on behalf
6369 of the former district.

6370 (9) (a) The State Department of Education shall make
6371 payments to the Mississippi Achievement School District for each
6372 student in average daily membership at a Mississippi Achievement
6373 School District school equal to the state share of the * * *
6374 INSPIRE payments for each student in average daily * * *
6375 membership at the local school district or former local school
6376 district in which that school is located. In calculating the
6377 local contribution for purposes of determining the state share of
6378 the * * * funding formula payments, the department shall deduct
6379 the pro rata local contribution of the school district or former
6380 school district in which the student resides * * *.



6381 (b) Payments made pursuant to this subsection by the
6382 State Department of Education must be made at the same time and in
6383 the same manner as * * * INSPIRE payments are made to all other
6384 school districts under Sections 37-151-101 and 37-151-103.
6385 Amounts payable to the Mississippi Achievement School District
6386 must be determined by the State Department of Education in the
6387 same manner that such amounts are calculated for all other school
6388 districts under the * * * funding formula.

6389 (10) The Mississippi Achievement School District shall be
6390 considered a local educational agency for the same purposes and to
6391 the same extent that all other school districts in the state are
6392 deemed local educational agencies under applicable federal laws.

6393 (11) The Mississippi Achievement School District may receive
6394 donations or grants from any public or private source, including
6395 any federal funding that may be available to the school district
6396 or individual schools within the Mississippi Achievement School
6397 District.

6398 (12) The Legislature may appropriate sufficient funding to
6399 the State Department of Education for the 2017 fiscal year for the
6400 specific purpose of funding the start-up, operational and any
6401 other required costs of the Mississippi Achievement School
6402 District during the 2017-2018 school year.

6403 **SECTION 63.** Section 37-19-7, Mississippi Code of 1972, is
6404 amended as follows:



6405 37-19-7. (1) * * * Teachers' salaries in each public school
 6406 district shall be determined and paid in accordance with the scale
 6407 for teachers' salaries as provided in this subsection. For
 6408 teachers holding the following types of licenses or the equivalent
 6409 as determined by the State Board of Education, and the following
 6410 number of years of teaching experience, the scale shall be as
 6411 follows:

6412 **2022-2023 AND SUBSEQUENT SCHOOL YEARS MINIMUM SALARY SCHEDULE**

6413	Exp.	AAAA	AAA	AA	A
6414	0	45,500.00	44,000.00	43,000.00	41,500.00
6415	1	46,100.00	44,550.00	43,525.00	41,900.00
6416	2	46,700.00	45,100.00	44,050.00	42,300.00
6417	3	47,300.00	45,650.00	44,575.00	42,700.00
6418	4	47,900.00	46,200.00	45,100.00	43,100.00
6419	5	49,250.00	47,500.00	46,350.00	44,300.00
6420	6	49,850.00	48,050.00	46,875.00	44,700.00
6421	7	50,450.00	48,600.00	47,400.00	45,100.00
6422	8	51,050.00	49,150.00	47,925.00	45,500.00
6423	9	51,650.00	49,700.00	48,450.00	45,900.00
6424	10	53,000.00	51,000.00	49,700.00	47,100.00
6425	11	53,600.00	51,550.00	50,225.00	47,500.00
6426	12	54,200.00	52,100.00	50,750.00	47,900.00
6427	13	54,800.00	52,650.00	51,275.00	48,300.00
6428	14	55,400.00	53,200.00	51,800.00	48,700.00
6429	15	56,750.00	54,500.00	53,050.00	49,900.00



6430	16	57,350.00	55,050.00	53,575.00	50,300.00
6431	17	57,950.00	55,600.00	54,100.00	50,700.00
6432	18	58,550.00	56,150.00	54,625.00	51,100.00
6433	19	59,150.00	56,700.00	55,150.00	51,500.00
6434	20	60,500.00	58,000.00	56,400.00	52,700.00
6435	21	61,100.00	58,550.00	56,925.00	53,100.00
6436	22	61,700.00	59,100.00	57,450.00	53,500.00
6437	23	62,300.00	59,650.00	57,975.00	53,900.00
6438	24	62,900.00	60,200.00	58,500.00	54,300.00
6439	25	65,400.00	62,700.00	61,000.00	56,800.00
6440	26	66,000.00	63,250.00	61,525.00	57,200.00
6441	27	66,600.00	63,800.00	62,050.00	57,600.00
6442	28	67,200.00	64,350.00	62,575.00	58,000.00
6443	29	67,800.00	64,900.00	63,100.00	58,400.00
6444	30	68,400.00	65,450.00	63,625.00	58,800.00
6445	31	69,000.00	66,000.00	64,150.00	59,200.00
6446	32	69,600.00	66,550.00	64,675.00	59,600.00
6447	33	70,200.00	67,100.00	65,200.00	60,000.00
6448	34	70,800.00	67,650.00	65,725.00	60,400.00
6449	35				
6450	& above	71,400.00	68,200.00	66,250.00	60,800.00

6451 It is the intent of the Legislature that any state funds made
6452 available for salaries of licensed personnel in excess of the
6453 funds paid for such salaries for the 1986-1987 school year shall
6454 be paid to licensed personnel pursuant to a personnel appraisal



6455 and compensation system implemented by the State Board of
6456 Education. The State Board of Education shall have the authority
6457 to adopt and amend rules and regulations as are necessary to
6458 establish, administer and maintain the system.

6459 All teachers employed on a full-time basis shall be paid a
6460 minimum salary in accordance with the above scale. However, no
6461 school district shall receive any funds under this section for any
6462 school year during which the local supplement paid to any
6463 individual teacher shall have been reduced to a sum less than that
6464 paid to that individual teacher for performing the same duties
6465 from local supplement during the immediately preceding school
6466 year. The amount actually spent for the purposes of group health
6467 and/or life insurance shall be considered as a part of the
6468 aggregate amount of local supplement but shall not be considered a
6469 part of the amount of individual local supplement.

6470 The level of professional training of each teacher to be used
6471 in establishing the salary * * * for the * * * teacher for each
6472 year shall be determined by the type of valid teacher's license
6473 issued to * * * that teacher on or before October 1 of the current
6474 school year. However, school districts are authorized, in their
6475 discretion, to negotiate the salary levels applicable to licensed
6476 employees who are receiving retirement benefits from the
6477 retirement system of another state * * *.

6478 (2) (a) The following employees shall receive an annual
6479 salary supplement in the amount of Six Thousand Dollars



6480 (\$6,000.00), plus fringe benefits, in addition to any other
6481 compensation to which the employee may be entitled:

6482 (i) Any licensed teacher who has met the
6483 requirements and acquired a Master Teacher certificate from the
6484 National Board for Professional Teaching Standards and who is
6485 employed by a local school board or the State Board of Education
6486 as a teacher and not as an administrator. Such teacher shall
6487 submit documentation to the State Department of Education that the
6488 certificate was received prior to October 15 in order to be
6489 eligible for the full salary supplement in the current school
6490 year, or the teacher shall submit such documentation to the State
6491 Department of Education prior to February 15 in order to be
6492 eligible for a prorated salary supplement beginning with the
6493 second term of the school year.

6494 (ii) A licensed nurse who has met the requirements
6495 and acquired a certificate from the National Board for
6496 Certification of School Nurses, Inc., and who is employed by a
6497 local school board or the State Board of Education as a school
6498 nurse and not as an administrator. The licensed school nurse
6499 shall submit documentation to the State Department of Education
6500 that the certificate was received before October 15 in order to be
6501 eligible for the full salary supplement in the current school
6502 year, or the licensed school nurse shall submit the documentation
6503 to the State Department of Education before February 15 in order



6504 to be eligible for a prorated salary supplement beginning with the
6505 second term of the school year.

6506 (iii) Any licensed school counselor who has met
6507 the requirements and acquired a National Certified School
6508 Counselor (NCSC) endorsement from the National Board of Certified
6509 Counselors and who is employed by a local school board or the
6510 State Board of Education as a counselor and not as an
6511 administrator. Such licensed school counselor shall submit
6512 documentation to the State Department of Education that the
6513 endorsement was received prior to October 15 in order to be
6514 eligible for the full salary supplement in the current school
6515 year, or the licensed school counselor shall submit such
6516 documentation to the State Department of Education prior to
6517 February 15 in order to be eligible for a prorated salary
6518 supplement beginning with the second term of the school year.
6519 However, any school counselor who started the National Board for
6520 Professional Teaching Standards process for school counselors
6521 between June 1, 2003, and June 30, 2004, and completes the
6522 requirements and acquires the Master Teacher certificate shall be
6523 entitled to the master teacher supplement, and those counselors
6524 who complete the process shall be entitled to a one-time
6525 reimbursement for the actual cost of the process as outlined in
6526 paragraph (b) of this subsection.

6527 (iv) Any licensed speech-language pathologist and
6528 audiologist who has met the requirements and acquired a



6529 Certificate of Clinical Competence from the American
6530 Speech-Language-Hearing Association and any certified academic
6531 language therapist (CALT) who has met the certification
6532 requirements of the Academic Language Therapy Association and who
6533 is employed by a local school board. The licensed speech-language
6534 pathologist and audiologist and certified academic language
6535 therapist shall submit documentation to the State Department of
6536 Education that the certificate or endorsement was received before
6537 October 15 in order to be eligible for the full salary supplement
6538 in the current school year, or the licensed speech-language
6539 pathologist and audiologist and certified academic language
6540 therapist shall submit the documentation to the State Department
6541 of Education before February 15 in order to be eligible for a
6542 prorated salary supplement beginning with the second term of the
6543 school year.

6544 (v) Any licensed athletic trainer who has met the
6545 requirements and acquired Board Certification for the Athletic
6546 Trainer from the Board of Certification, Inc., and who is employed
6547 by a local school board or the State Board of Education as an
6548 athletic trainer and not as an administrator. The licensed
6549 athletic trainer shall submit documentation to the State
6550 Department of Education that the certificate was received before
6551 October 15 in order to be eligible for the full salary supplement
6552 in the current school year, or the licensed athletic trainer shall
6553 submit the documentation to the State Department of Education



6554 before February 15 in order to be eligible for a prorated salary
6555 supplement beginning with the second term of the school year.

6556 (b) An employee shall be reimbursed for the actual cost
6557 of completing each component of acquiring the certificate or
6558 endorsement, excluding any costs incurred for postgraduate
6559 courses, not to exceed Five Hundred Dollars (\$500.00) for each
6560 component, not to exceed four (4) components, for a teacher,
6561 school counselor or speech-language pathologist and audiologist,
6562 regardless of whether or not the process resulted in the award of
6563 the certificate or endorsement. A local school district or any
6564 private individual or entity may pay the cost of completing the
6565 process of acquiring the certificate or endorsement for any
6566 employee of the school district described under paragraph (a), and
6567 the State Department of Education shall reimburse the school
6568 district for such cost, regardless of whether or not the process
6569 resulted in the award of the certificate or endorsement. If a
6570 private individual or entity has paid the cost of completing the
6571 process of acquiring the certificate or endorsement for an
6572 employee, the local school district may agree to directly
6573 reimburse the individual or entity for such cost on behalf of the
6574 employee.

6575 (c) All salary supplements, fringe benefits and process
6576 reimbursement authorized under this subsection shall be paid
6577 directly by the State Department of Education to the local school
6578 district and shall be in addition to its * * * Investing in the



6579 Needs of Students to Prioritize, Impact and Reform Education
6580 (INSPIRE) allotments and not a part thereof in accordance with
6581 regulations promulgated by the State Board of Education. Local
6582 school districts shall not reduce the local supplement paid to any
6583 employee receiving such salary supplement, and the employee shall
6584 receive any local supplement to which employees with similar
6585 training and experience otherwise are entitled. However, an
6586 educational employee shall receive the salary supplement in the
6587 amount of Six Thousand Dollars (\$6,000.00) for only one (1) of the
6588 qualifying certifications authorized under paragraph (a) of this
6589 subsection. No school district shall provide more than one (1)
6590 annual salary supplement under the provisions of this subsection
6591 to any one (1) individual employee holding multiple qualifying
6592 national certifications.

6593 (d) If an employee for whom such cost has been paid, in
6594 full or in part, by a local school district or private individual
6595 or entity fails to complete the certification or endorsement
6596 process, the employee shall be liable to the school district or
6597 individual or entity for all amounts paid by the school district
6598 or individual or entity on behalf of that employee toward his or
6599 her certificate or endorsement.

6600 (3) The following employees shall receive an annual salary
6601 supplement in the amount of Four Thousand Dollars (\$4,000.00),
6602 plus fringe benefits, in addition to any other compensation to
6603 which the employee may be entitled:



6604 Effective July 1, 2016, if funds are available for that
6605 purpose, any licensed teacher who has met the requirements and
6606 acquired a Master Teacher Certificate from the National Board for
6607 Professional Teaching Standards and who is employed in a public
6608 school district located in one (1) of the following counties:
6609 Claiborne, Adams, Jefferson, Wilkinson, Amite, Bolivar, Coahoma,
6610 Leflore, Quitman, Sharkey, Issaquena, Sunflower, Washington,
6611 Holmes, Yazoo and Tallahatchie. The salary supplement awarded
6612 under the provisions of this subsection (3) shall be in addition
6613 to the salary supplement awarded under the provisions of
6614 subsection (2) of this section.

6615 Teachers who meet the qualifications for a salary supplement
6616 under this subsection (3) who are assigned for less than one (1)
6617 full year or less than full time for the school year shall receive
6618 the salary supplement in a prorated manner, with the portion of
6619 the teacher's assignment to the critical geographic area to be
6620 determined as of June 15th of the school year.

6621 (4) (a) This subsection shall be known and may be cited as
6622 the "Mississippi Performance-Based Pay (MPBP)" plan. In addition
6623 to the minimum base pay described in this section, only * * * if
6624 funds are available for that purpose, the State of Mississippi may
6625 provide monies from state funds to school districts for the
6626 purposes of rewarding licensed teachers, administrators and
6627 nonlicensed personnel at individual schools showing improvement in



6628 student test scores. The MPBP plan shall be developed by the
6629 State Department of Education based on the following criteria:

6630 (i) It is the express intent of this legislation
6631 that the MPBP plan shall utilize only existing standards of
6632 accreditation and assessment as established by the State Board of
6633 Education.

6634 (ii) To ensure that all of Mississippi's teachers,
6635 administrators and nonlicensed personnel at all schools have equal
6636 access to the monies set aside in this section, the MPBP program
6637 shall be designed to calculate each school's performance as
6638 determined by the school's increase in scores from the prior
6639 school year. The MPBP program shall be based on a standardized
6640 scores rating where all levels of schools can be judged in a
6641 statistically fair and reasonable way upon implementation. At the
6642 end of each year, after all student achievement scores have been
6643 standardized, the State Department of Education shall implement
6644 the MPBP plan.

6645 (iii) To ensure all teachers cooperate in the
6646 spirit of teamwork, individual schools shall submit a plan to the
6647 local school district to be approved before the beginning of each
6648 school year * * *. The plan shall include, but not be limited to,
6649 how all teachers, regardless of subject area, and administrators
6650 will be responsible for improving student achievement for their
6651 individual school.



6652 (b) The State Board of Education shall develop the
6653 processes and procedures for designating schools eligible to
6654 participate in the MPBP. State assessment results, growth in
6655 student achievement at individual schools and other measures
6656 deemed appropriate in designating successful student achievement
6657 shall be used in establishing MPBP criteria.

6658 (5) (a) If funds are available for that purpose, each
6659 school in Mississippi shall have mentor teachers, as defined by
6660 Sections 37-9-201 through 37-9-213, who shall receive additional
6661 base compensation provided for by the State Legislature in the
6662 amount of One Thousand Dollars (\$1,000.00) per each beginning
6663 teacher that is being mentored. The additional state compensation
6664 shall be limited to those mentor teachers that provide mentoring
6665 services to beginning teachers. For the purposes of such funding,
6666 a beginning teacher shall be defined as any teacher in any school
6667 in Mississippi that has less than one (1) year of classroom
6668 experience teaching in a public school. For the purposes of such
6669 funding, no full-time academic teacher shall mentor more than two
6670 (2) beginning teachers.

6671 (b) To be eligible for this state funding, the
6672 individual school must have a classroom management program
6673 approved by the local school board.

6674 (6) Effective with the 2014-2015 school year, the school
6675 districts participating in the Pilot Performance-Based



6676 Compensation System pursuant to Section 37-19-9 may award
6677 additional teacher and administrator pay based thereon.

6678 **SECTION 64.** Section 37-21-6, Mississippi Code of 1972, is
6679 amended as follows:

6680 37-21-6. The Mississippi Early Childhood Education Program
6681 shall be the kindergarten program implemented by local school
6682 districts * * *.

6683 **SECTION 65.** Section 37-21-7, Mississippi Code of 1972, is
6684 amended as follows:

6685 37-21-7. (1) This section shall be referred to as the
6686 "Mississippi Elementary Schools Assistant Teacher Program," the
6687 purpose of which shall be to provide an early childhood education
6688 program that assists in the instruction of basic skills. The
6689 State Board of Education is authorized, empowered and directed to
6690 implement a statewide system of assistant teachers in kindergarten
6691 classes and in the first, second and third grades. The assistant
6692 teacher shall assist pupils in actual instruction under the strict
6693 supervision of a licensed teacher.

6694 (2) (a) Except as otherwise authorized under subsection
6695 (7), each school district shall employ the total number of
6696 assistant teachers funded under subsection (6) of this section.
6697 The superintendent of each district shall assign the assistant
6698 teachers to the kindergarten, first-, second- and third-grade
6699 classes in the district in a manner that will promote the maximum
6700 efficiency, as determined by the superintendent, in the



6701 instruction of skills such as verbal and linguistic skills,
6702 logical and mathematical skills, and social skills.

6703 (b) If a licensed teacher to whom an assistant teacher
6704 has been assigned is required to be absent from the classroom, the
6705 assistant teacher may assume responsibility for the classroom in
6706 lieu of a substitute teacher. However, no assistant teacher shall
6707 assume sole responsibility of the classroom for more than three
6708 (3) consecutive school days. Further, in no event shall any
6709 assistant teacher be assigned to serve as a substitute teacher for
6710 any teacher other than the licensed teacher to whom that assistant
6711 teacher has been assigned.

6712 (3) Assistant teachers shall have, at a minimum, a high
6713 school diploma or a High School Equivalency Diploma equivalent,
6714 and shall show demonstratable proficiency in reading and writing
6715 skills. The State Department of Education shall develop a testing
6716 procedure for assistant teacher applicants to be used in all
6717 school districts in the state.

6718 (4) (a) In order to receive funding, each school district
6719 shall:

6720 (i) Submit a plan on the implementation of a
6721 reading improvement program to the State Department of Education;
6722 and

6723 (ii) Develop a plan of educational accountability
6724 and assessment of performance, including pretests and posttests,
6725 for reading in Grades 1 through 6.



6726 (b) Additionally, each school district shall:
6727 (i) Provide annually a mandatory preservice
6728 orientation session, using an existing in-school service day, for
6729 administrators and teachers on the effective use of assistant
6730 teachers as part of a team in the classroom setting and on the
6731 role of assistant teachers, with emphasis on program goals;
6732 (ii) Hold periodic workshops for administrators
6733 and teachers on the effective use and supervision of assistant
6734 teachers;
6735 (iii) Provide training annually on specific
6736 instructional skills for assistant teachers;
6737 (iv) Annually evaluate their program in accordance
6738 with their educational accountability and assessment of
6739 performance plan; and
6740 (v) Designate the necessary personnel to supervise
6741 and report on their program.
6742 (5) The State Department of Education shall:
6743 (a) Develop and assist in the implementation of a
6744 statewide uniform training module, subject to the availability of
6745 funds specifically appropriated therefor by the Legislature, which
6746 shall be used in all school districts for training administrators,
6747 teachers and assistant teachers. The module shall provide for the
6748 consolidated training of each assistant teacher and teacher to
6749 whom the assistant teacher is assigned, working together as a
6750 team, and shall require further periodic training for



6751 administrators, teachers and assistant teachers regarding the role
6752 of assistant teachers;

6753 (b) Annually evaluate the program on the district and
6754 state level. Subject to the availability of funds specifically
6755 appropriated therefor by the Legislature, the department shall
6756 develop: (i) uniform evaluation reports, to be performed by the
6757 principal or assistant principal, to collect data for the annual
6758 overall program evaluation conducted by the department; or (ii) a
6759 program evaluation model that, at a minimum, addresses process
6760 evaluation; and

6761 (c) Promulgate rules, regulations and such other
6762 standards deemed necessary to effectuate the purposes of this
6763 section. Noncompliance with the provisions of this section and
6764 any rules, regulations or standards adopted by the department may
6765 result in a violation of compulsory accreditation standards as
6766 established by the State Board of Education and the Commission on
6767 School Accreditation.

6768 (6) * * * Each school district shall be allotted sufficient
6769 funding under Investing in the Needs of Students to Prioritize,
6770 Impact and Reform Education (INSPIRE) for the purpose of employing
6771 assistant teachers. No assistant teacher shall be paid less than
6772 the amount he or she received in the prior school year. No school
6773 district shall receive any funds under this section for any school
6774 year during which the aggregate amount of the local contribution



6775 to the salaries of assistant teachers by the district shall have
6776 been reduced below such amount for the previous year.

6777 For assistant teachers, the minimum annual salary shall be as
6778 follows:

6779 2022-2023 and Subsequent Years Minimum Salary.....\$17,000.00

6780 In addition, for each one percent (1%) that the Sine Die
6781 General Fund Revenue Estimate Growth exceeds five percent (5%) in
6782 fiscal year 2006, as certified by the Legislative Budget Office to
6783 the State Board of Education and subject to the specific
6784 appropriation therefor by the Legislature, the State Board of
6785 Education shall revise the salary scale in the appropriate year to
6786 provide an additional one percent (1%) across-the-board increase
6787 in the base salaries for assistant teachers. The State Board of
6788 Education shall revise the salaries prescribed above for assistant
6789 teachers to conform to any adjustments made in prior fiscal years
6790 due to revenue growth over and above five percent (5%). The
6791 assistant teachers shall not be restricted to working only in the
6792 grades for which the funds were allotted, but may be assigned to
6793 other classes as provided in subsection (2)(a) of this section.

6794 (7) (a) As an alternative to employing assistant teachers,
6795 any school district may use the * * * funding provided under
6796 subsection (6) of this section for the purpose of employing
6797 licensed teachers for kindergarten, first-, second- and
6798 third-grade classes; however, no school district shall be
6799 authorized to use the * * * funding for assistant teachers for the



6800 purpose of employing licensed teachers unless the district has
6801 established that the employment of licensed teachers using such
6802 funds will reduce the teacher:student ratio in the kindergarten,
6803 first-, second- and third-grade classes. All state funds for
6804 assistant teachers shall be applied to reducing teacher:student
6805 ratio in Grades K-3.

6806 It is the intent of the Legislature that no school district
6807 shall dismiss any assistant teacher for the purpose of using the
6808 assistant teacher * * * funding to employ licensed teachers.
6809 School districts may rely only upon normal attrition to reduce the
6810 number of assistant teachers employed in that district.

6811 (b) Districts meeting the highest levels of
6812 accreditation standards, as defined by the State Board of
6813 Education, shall be exempted from the provisions of subsection (4)
6814 of this section.

6815 **SECTION 66.** Section 37-22-5, Mississippi Code of 1972, is
6816 amended as follows:

6817 37-22-5. There is * * * created an Emergency Fund Loss
6818 Assistance Program to provide temporary grants to eligible school
6819 districts. The purpose of the program shall be to provide relief
6820 to school districts suffering losses of financial assistance under
6821 federal programs, such as the IMPACT Program, designed to serve
6822 the educational needs of children of government employees and
6823 Choctaw Indian children. Any school district which has sustained
6824 losses in direct payments from the federal government for the



6825 purpose of educating the children of federal government employees
6826 and Choctaw Indian children living on United States government
6827 owned reservation land shall be entitled to an Emergency Fund Loss
6828 Assistance Grant, in the amount of the reduction of the grant
6829 funds received from the federal government from prior years. This
6830 grant shall be limited to losses resulting from reductions in the
6831 level of federal funding allocated to school districts from prior
6832 years and not from reductions resulting from a loss of students
6833 served by the school districts. Losses incurred prior to July 1,
6834 1987, shall not be considered for purposes of determining the
6835 amount of the grant. There is hereby established an Emergency
6836 Fund Loss Assistance Fund in the State Treasury which shall be
6837 used to distribute the emergency grants to school districts.
6838 Expenditures from this fund shall not exceed One Million Dollars
6839 (\$1,000,000.00) in any fiscal year. If the total of all grant
6840 entitlements from local school districts exceeds such sum, then
6841 the grants to the school districts shall be prorated accordingly.

6842 * * *

6843 **SECTION 67.** Section 37-23-1, Mississippi Code of 1972, is
6844 amended as follows:

6845 37-23-1. The purpose of Sections 37-23-1 through 37-23-159
6846 is to mandate free appropriate public educational services and
6847 equipment for exceptional children in the age range three (3)
6848 through twenty (20) for whom the regular school programs are not
6849 adequate and to provide, on a permissive basis, a free appropriate



6850 public education, as a part of the state's early intervention
6851 system in accordance with regulations developed in collaboration
6852 with the agency designated as "lead agency" under Part C of the
6853 Individuals with Disabilities Education Act. The portion of the
6854 regulations developed in collaboration with the lead agency which
6855 are necessary to implement the programs under the authority of the
6856 State Board of Education shall be presented to the State Board of
6857 Education for adoption. This specifically includes, but shall not
6858 be limited to, provision for day schools for the deaf and blind of
6859 an age under six (6) years, where early training is in accordance
6860 with the most advanced and best approved scientific methods of
6861 instruction, always taking into consideration the best interests
6862 of the child and his improvement at a time during which he is most
6863 susceptible of improvement. Educational programs to exceptional
6864 children under the age of three (3) years shall be eligible
6865 for * * * Investing in the Needs of Students to Prioritize, Impact
6866 and Reform Education (INSPIRE) funds.

6867 All references in the laws of this state to the "Individuals
6868 with Disabilities Education Act" or to the "IDEA" shall be
6869 construed to include any subsequent amendments to that act.

6870 The educational programs and services provided for
6871 exceptional children in Sections 37-23-1 through 37-23-15,
6872 37-23-31 through 37-23-35, 37-23-61 through 37-23-75 and 37-23-77
6873 shall be designed to provide individualized appropriate special
6874 education and related services that enable a child to reach his or



6875 her appropriate and uniquely designed goals for success. The
6876 State Board of Education shall establish an accountability system
6877 for special education programs and students with disabilities.
6878 The system shall establish accountability standards for services
6879 provided to improve the educational skills designed to prepare
6880 children for life after their years in school. These standards
6881 shall be a part of the accreditation system and shall be
6882 implemented before July 1, 1996.

6883 The State Department of Education shall establish goals for
6884 the performance of children with disabilities that will promote
6885 the purpose of IDEA and are consistent, to the maximum extent
6886 appropriate, with other goals and standards for children
6887 established by the State Department of Education. Performance
6888 indicators used to assess progress toward achieving those goals
6889 that, at a minimum, address the performance of children with
6890 disabilities on assessments, drop-out rates, and graduation rates
6891 shall be developed. Every two (2) years, the progress toward
6892 meeting the established performance goals shall be reported to the
6893 public.

6894 **SECTION 68.** Section 37-23-15, Mississippi Code of 1972, is
6895 amended as follows:

6896 37-23-15. (1) The State Department of Education, in
6897 accordance with Sections 37-23-1 through 37-23-75, and any
6898 additional authority granted in this chapter, shall:



6899 (a) Adopt pilot programs under which certain students
6900 enrolled or enrolling in public schools in this state shall be
6901 tested for dyslexia and related disorders as may be necessary.
6902 The pilot programs shall provide that upon the request of a
6903 parent, student, school nurse, classroom teacher or other school
6904 personnel who has reason to believe that a student has a need to
6905 be tested for dyslexia, such student shall be reviewed for
6906 appropriate services. However, a student shall not be tested for
6907 dyslexia whose parent or guardian objects thereto on grounds that
6908 such testing conflicts with his conscientiously held religious
6909 beliefs.

6910 (b) In accordance with the pilot programs adopted by
6911 the State Department of Education, such school boards shall
6912 provide remediation in an appropriate multi-sensory, systematic
6913 language-based regular education program or programs, as
6914 determined by the school district, such as the Texas Scottish Rite
6915 Hospital Dyslexia Training Program, pertinent to the child's
6916 physical and educational disorders or the sensory area in need of
6917 remediation for those students who do not qualify for special
6918 education services.

6919 (c) The State Department of Education, by not later
6920 than January 1, 1997, shall make recommendations to the school
6921 boards designated for the pilot programs for the delivery of
6922 services to students who are identified as dyslexic.

6923 (d) For the purposes of this section:



6924 (i) "Dyslexia" means a language processing
6925 disorder which may be manifested by difficulty processing
6926 expressive or receptive, oral or written language despite adequate
6927 intelligence, educational exposure and cultural opportunity.
6928 Specific manifestations may occur in one or more areas, including
6929 difficulty with the alphabet, reading comprehension, writing and
6930 spelling.

6931 (ii) "Related disorders" shall include disorders
6932 similar to or related to dyslexia such as developmental auditory
6933 imperception, dysphasia, specific developmental dyslexia,
6934 dyspraxia, developmental dysgraphia and developmental spelling
6935 disability.

6936 (e) Local school districts designated for the pilot
6937 programs may utilize any source of funds other than * * *
6938 Investing in the Needs of Students to Prioritize, Impact and
6939 Reform Education (INSPIRE) funds to provide any services under
6940 this section.

6941 (f) Nothing in this section shall be construed to
6942 require any school district to implement this section unless the
6943 local school board, by resolution spread on its minutes,
6944 voluntarily agrees to comply with this section and any regulations
6945 promulgated under this section. Any local school board may
6946 withdraw from participation in the program authorized under this
6947 section by providing written notice of its determination to



6948 withdraw to the State Department of Education no later than June 1
6949 of the preceding fiscal year.

6950 (2) State funding for the pilot programs for testing
6951 students for dyslexia shall be subject to the availability of
6952 funds specifically appropriated therefor by the Legislature.

6953 * * *

6954 **SECTION 69.** Section 37-23-69, Mississippi Code of 1972, is
6955 amended as follows:

6956 37-23-69. The State Department of Education may determine
6957 and pay the amount of the financial assistance to be made
6958 available to each applicant, and see that all applicants and the
6959 programs for them meet the requirements of the program for
6960 exceptional children. No financial assistance shall exceed the
6961 obligation actually incurred by the applicant for educational
6962 costs, which shall include special education and related services
6963 as defined by the Mississippi Department of Education Policies and
6964 Procedures Regarding Children with Disabilities under the federal
6965 Individuals with Disabilities Education Act (IDEA). Within the
6966 amount of available state funds * * * for that purpose, each such
6967 applicant may receive assistance according to the following
6968 allowances:

6969 (a) If the applicant chooses to attend a private
6970 school, a parochial school or a speech, hearing and/or language
6971 clinic having an appropriate program for the applicant, and if the
6972 school or clinic meets federal and state regulations, then the



6973 educational costs reimbursement will be one hundred percent (100%)
6974 of the first Six Hundred Dollars (\$600.00) in educational costs
6975 charged by the school or clinic; or, if the applicant is under six
6976 (6) years of age, and no program appropriate for the child exists
6977 in the public schools of his domicile, then the reimbursement
6978 shall be one hundred percent (100%) of the first Six Hundred
6979 Dollars (\$600.00) in educational costs charged by the school or
6980 clinic, and fifty percent (50%) of the next Eight Hundred Dollars
6981 (\$800.00) in educational costs charged by the school or clinic;

6982 (b) A public school district shall be reimbursed for
6983 the educational costs of an applicant up to an annual maximum
6984 based on a * * * cost factor * * * determined by the State Board
6985 of Education if the following conditions are met: (i) an
6986 applicant in the age range six (6) through twenty (20) requests
6987 the public school district where he resides to provide an
6988 education for him and the nature of the applicant's educational
6989 problem is such that, according to best educational practices, it
6990 cannot be met in the public school district where the child
6991 resides; (ii) the public school district decides to provide the
6992 applicant a free appropriate education by placing him in a private
6993 school, a parochial school or a speech, hearing and/or language
6994 clinic having an appropriate program for the applicant; (iii) the
6995 program meets federal and state regulations; and (iv) the
6996 applicant is approved for financial assistance by a State Level
6997 Review Board established by the State Board of Education. The



6998 Review Board will act on financial assistance requests within five
6999 (5) working days of receipt. Nothing in this paragraph shall
7000 prevent two (2) or more public school districts from forming a
7001 cooperative to meet the needs of low incidence exceptional
7002 children, nor shall the public school be relieved of its
7003 responsibility to provide an education for all children. If state
7004 monies are not sufficient to fund all applicants, there will be a
7005 ratable reduction for all recipients receiving state funds under
7006 this section. School districts may pay additional educational
7007 costs from available federal, state and local funds.

7008 If an exceptional child, as defined in Section 37-23-3, is
7009 placed in a therapeutic or other group home licensed or approved
7010 by the state that has no educational program associated with it,
7011 the local school district in which the home is located shall offer
7012 an appropriate educational program to that child.

7013 At any time that the Individualized Education Program (IEP)
7014 Committee in the district where the home is located determines
7015 that an exceptional child, as defined in Section 37-23-3, residing
7016 in that home can no longer be provided a free appropriate public
7017 education in that school district, and the State Department of
7018 Education agrees with that decision, then the State Department of
7019 Education shall recommend to the Department of Human Services
7020 placement of the child by the Department of Human Services, which
7021 shall take appropriate action. The placement of the exceptional
7022 child in the facility shall be at no cost to the local school



7023 district. Funds available under Sections 37-23-61 through
7024 37-23-77, as well as any available federal funds, may be used to
7025 provide the educational costs of the placement. If the
7026 exceptional child is under the guardianship of the Department of
7027 Human Services or another state agency, the State Department of
7028 Education shall pay only for the educational costs of that
7029 placement, and the other agency shall be responsible for the room,
7030 board and any other costs. The special education and related
7031 services provided to the child shall be in compliance with State
7032 Department of Education and any related federal regulations. The
7033 State Board of Education may promulgate regulations that are
7034 necessary to implement this section; and

7035 (c) If an appropriate local or regional system of care,
7036 including a free appropriate public education, is available for
7037 exceptional children who are currently being served in
7038 out-of-district or Department of Human Services placements
7039 under * * * paragraph (b) of this section or Section 37-23-77,
7040 then the state funds from the State Department of Education that
7041 would have been used for those placements may be paid into a pool
7042 of funds with funds from other state agencies to be used for the
7043 implementation of the individualized plans of care for those
7044 children. If there are sufficient funds to serve additional
7045 exceptional children because of cost savings as a result of
7046 serving these students at home and/or matching the pooled funds
7047 with federal dollars, the funds may be used to implement



7048 individualized plans of care for those additional exceptional
7049 children. Each local or regional provider of services included in
7050 the individualized plans of care shall comply with all appropriate
7051 state and federal regulations. The State Board of Education may
7052 promulgate regulations that are necessary to implement this
7053 section.

7054 The State Department of Education may also provide for the
7055 payment of that financial assistance in installments and for
7056 proration of that financial assistance in the case of children
7057 attending a school or clinic for less than a full school session
7058 and, if available funds are insufficient, may allocate the
7059 available funds among the qualified applicants and local school
7060 districts by reducing the maximum assistance provided for in this
7061 section.

7062 Any monies provided an applicant under Sections 37-23-61
7063 through 37-23-75 shall be applied by the receiving educational
7064 institution as a reduction in the amount of the educational costs
7065 paid by the applicant, and the total educational costs paid by the
7066 applicant shall not exceed the total educational costs paid by any
7067 other child in similar circumstances enrolled in the same program
7068 in that institution. However, this limitation shall not prohibit
7069 the waiving of all or part of the educational costs for a limited
7070 number of children based upon demonstrated financial need, and the
7071 State Department of Education may adopt and enforce reasonable
7072 rules and regulations to carry out the intent of these provisions.



7073 **SECTION 70.** Section 37-23-109, Mississippi Code of 1972, is
7074 amended as follows:

7075 37-23-109. Any child development center created under the
7076 provisions of Sections 37-23-91 through 37-23-111 shall be
7077 entitled to receive all contributions and benefits allowed to the
7078 other school districts from the federal and state governments
7079 including, but not limited to, contributions on the basis of the
7080 average daily * * * membership per child, school textbooks and
7081 school lunch program.

7082 **SECTION 71.** Section 37-23-179, Mississippi Code of 1972, is
7083 amended as follows:

7084 37-23-179. (1) The board shall specifically promulgate
7085 rules, regulations and guidelines which establish model programs
7086 of gifted education and also establish minimum criteria for gifted
7087 education programs. In providing programs of gifted education,
7088 the local district may use the model programs prepared by the
7089 board or may itself develop programs of gifted education which,
7090 prior to being implemented, shall be approved by the board,
7091 provided, that no such plan or program shall be approved or
7092 continued unless it meets the minimum criteria established by the
7093 board.

7094 (2) There is hereby created within the department an office
7095 for gifted education which shall be staffed by such professional,
7096 support and clerical personnel as may be necessary to implement
7097 the provisions of Sections 37-23-171 through 37-23-181.



7098 (3) All local school districts may have programs of gifted
7099 education for intellectually, creatively and/or artistically
7100 gifted students in Grades 2 through 12 and for academically gifted
7101 students in Grades 9 through 12 approved by the board. Beginning
7102 with the 1993-1994 school year, all local school districts shall
7103 have programs of gifted education for intellectually gifted
7104 students in Grade 2, subject to the approval of the State Board of
7105 Education and the availability of funds appropriated therefor by
7106 line-item. Beginning with the 1994-1995 school year, all local
7107 school districts shall have programs of gifted education for
7108 intellectually gifted students in Grades 2 and 3, subject to the
7109 approval of the State Board of Education. Beginning with the
7110 1995-1996 school year, all local school districts shall have
7111 programs of gifted education for intellectually gifted students in
7112 Grades 2, 3 and 4 subject to the approval of the State Board of
7113 Education. Beginning with the 1996-1997 school year, all local
7114 school districts shall have programs of gifted education for
7115 intellectually gifted students in Grades 2, 3, 4 and 5, subject to
7116 the approval of the State Board of Education. Beginning with the
7117 1997-1998 school year, all local school districts shall have
7118 programs of gifted education for intellectually gifted students in
7119 Grades 2, 3, 4, 5 and 6, subject to the approval of the State
7120 Board of Education. * * * Each local school district shall
7121 include as a part of its five-year plan a description of any
7122 proposed gifted education programs of the district. * * *



7123 **SECTION 72.** Section 37-27-55, Mississippi Code of 1972, is
7124 amended as follows:

7125 37-27-55. When any pupils shall attend any agricultural high
7126 school or community or junior college under the provisions of
7127 Section 37-27-51, such pupils shall be reported and accounted for
7128 the allocation of * * * Investing in the Needs of Students to
7129 Prioritize, Impact and Reform Education (INSPIRE) funds and
7130 building funds just as though such pupils were attending the
7131 regular schools of the district in which they reside. For this
7132 purpose reports shall be made to the board of trustees of the
7133 school district involved by the agricultural high school or
7134 community or junior college of the number of children in average
7135 daily * * * membership, and the average daily * * * membership of
7136 such pupils shall thereupon be included in reports made to the
7137 county or school district * * *. The allocation of * * *
7138 Investing in the Needs of Students to Prioritize, Impact and
7139 Reform Education (INSPIRE) funds and state public school building
7140 funds shall be made for such children just as though such children
7141 were attending the regular schools of the district. However,
7142 all * * * funding formula funds which accrue to any district as a
7143 result of the pupils who are in attendance at such agricultural
7144 high school or community or junior college * * * shall be paid by
7145 the board of trustees of the municipal separate school district or
7146 the county board of education, as the case may be, to the
7147 agricultural high school or community or junior college at which



7148 the pupils are in attendance, and shall be expended by said
7149 agricultural high school or community or junior college for the
7150 instruction of said pupils * * *. Funds allotted to the school
7151 district for building purposes under Chapter 47 of this title,
7152 shall, however, be retained by the school district entitled
7153 thereto. The term "school district" as used in Sections 37-27-51
7154 through 37-27-59 shall be defined as including all public school
7155 districts in this state and also all agricultural high schools not
7156 located on the campus of a community or junior college.

7157 **SECTION 73.** Section 37-27-57, Mississippi Code of 1972, is
7158 amended as follows:

7159 37-27-57. Any additional or supplemental expenses incurred
7160 by the agricultural high school or community or junior college in
7161 the instruction of such pupils above that defrayed by * * *
7162 Investing in the Needs of Students to Prioritize, Impact and
7163 Reform Education (INSPIRE) funds as provided in Section 37-27-55,
7164 shall be paid either from the amounts received from the state
7165 appropriation for the support of agricultural high schools or from
7166 the tax levy for the support of such agricultural high school or
7167 community or junior college or from any other funds which such
7168 agricultural high school or community or junior college may have
7169 available for such purpose.

7170 **SECTION 74.** Section 37-28-5, Mississippi Code of 1972, is
7171 amended as follows:



7172 37-28-5. As used in this chapter, the following words and
7173 phrases have the meanings ascribed in this section unless the
7174 context clearly indicates otherwise:

7175 (a) "Applicant" means any person or group that develops
7176 and submits an application for a charter school to the authorizer.

7177 (b) "Application" means a proposal from an applicant to
7178 the authorizer to enter into a charter contract whereby the
7179 proposed school obtains charter school status.

7180 (c) "Authorizer" means the Mississippi Charter School
7181 Authorizer Board established under Section 37-28-7 to review
7182 applications, decide whether to approve or reject applications,
7183 enter into charter contracts with applicants, oversee charter
7184 schools, and decide whether to renew, not renew, or revoke charter
7185 contracts.

7186 (d) "Charter contract" means a fixed-term, renewable
7187 contract between a charter school and the authorizer which
7188 outlines the roles, powers, responsibilities and performance
7189 expectations for each party to the contract.

7190 (e) "Charter school" means a public school that is
7191 established and operating under the terms of charter contract
7192 between the school's governing board and the authorizer. The term
7193 "charter school" includes a conversion charter school and start-up
7194 charter school.



7195 (f) "Conversion charter school" means a charter school
7196 that existed as a noncharter public school before becoming a
7197 charter school.

7198 (g) "Education service provider" means a charter
7199 management organization, school design provider or any other
7200 partner entity with which a charter school intends to contract for
7201 educational design, implementation or comprehensive management.

7202 (h) "Governing board" means the independent board of a
7203 charter school which is party to the charter contract with the
7204 authorizer and whose members have been elected or selected
7205 pursuant to the school's application.

7206 (i) "Noncharter public school" means a public school
7207 that is under the direct management, governance and control of a
7208 school board or the state.

7209 (j) "Parent" means a parent, guardian or other person
7210 or entity having legal custody of a child.

7211 (k) "School board" means a school board exercising
7212 management and control over a local school district and the
7213 schools of that district pursuant to the State Constitution and
7214 state statutes.

7215 (l) "School district" means a governmental entity that
7216 establishes and supervises one or more public schools within its
7217 geographical limits pursuant to state statutes.



7218 (m) "Start-up charter school" means a charter school
7219 that did not exist as a noncharter public school before becoming a
7220 charter school.

7221 (n) "Student" means any child who is eligible for
7222 attendance in a public school in the state.

7223 (o) "Underserved students" means students * * *
7224 qualifying as low income or qualifying for a special education
7225 program under Section 37-151-203.

7226 **SECTION 75.** Section 37-28-53, Mississippi Code of 1972, is
7227 amended as follows:

7228 37-28-53. (1) Each charter school shall certify annually to
7229 the State Department of Education its student enrollment, average
7230 daily attendance and student participation in * * * federal
7231 programs * * *.

7232 (2) Each charter school shall certify annually to the school
7233 board of the school district in which the charter school is
7234 located the number of enrolled charter school students residing in
7235 the school district.

7236 **SECTION 76.** Section 37-28-55, Mississippi Code of 1972, is
7237 amended as follows:

7238 37-28-55. (1) (a) The State Department of Education shall
7239 make payments to charter schools for each student in average
7240 daily * * * membership at the charter school, as determined under
7241 Section 37-151-211, equal to the state share of * * * Investing in
7242 the Needs of Students to Prioritize, Impact and Reform Education



7243 (INSPIRE) payments for each student * * *, as determined under
7244 Section 37-151-217.

7245 (b) Payments made pursuant to this subsection by the
7246 State Department of Education must be made at the same time and in
7247 the same manner as * * * INSPIRE payments are made to school
7248 districts under Sections 37-151-101 and 37-151-103. Amounts
7249 payable to a charter school must be determined by the State
7250 Department of Education pursuant to this section and the funding
7251 formula. * * * Enrollment projections made under Section
7252 37-151-211 to determine the average daily membership of a charter
7253 school for calculating the state share payment must be reconciled
7254 with * * * a charter school's average daily * * * membership using
7255 months two (2) and three (3) * * * for the * * * year for
7256 which * * * INSPIRE funds are being appropriated, and any
7257 necessary adjustments must be made to payments during the school's
7258 following year of operation. Any necessary adjustment must be
7259 based on the state share of the per pupil amount in effect for the
7260 year for which average daily membership did not meet enrollment
7261 projections and not any new amount appropriated for the year in
7262 which the adjustment will be made. If a charter school is closed
7263 by the authorizer before the following year, it must pay to the
7264 state any amounts due before completion of the closure.

7265 (2) (a) For students attending a charter school located in
7266 the school district in which the student resides, the school
7267 district in which * * * the charter school is located shall pay



7268 directly to the charter school an amount * * * as follows: the
7269 sum of the local pro rata amount, as calculated by the State
7270 Department of Education in accordance with Section
7271 37-151-217(2)(b) (local contribution), and the local pro rata
7272 amount, as calculated by the State Department of Education in
7273 accordance with Section 37-57-105 (school district operational
7274 levy), multiplied by the number of resident students enrolled in
7275 the charter school, based on the charter school's months two (2)
7276 and three (3) average daily membership of resident students for
7277 the current school year. However, the amount to the charter
7278 school may not include any taxes levied for the retirement of the
7279 local school district's bonded indebtedness or short-term notes or
7280 any taxes levied for the support of vocational-technical education
7281 programs. * * *

7282 (b) The amount must be paid by the school district to the
7283 charter school before January 16 of the current fiscal year. If
7284 the local school district does not pay the required amount to the
7285 charter school before January 16, the State Department of
7286 Education shall reduce the local school district's January
7287 transfer of * * * INSPIRE funds by the amount owed to the charter
7288 school and shall redirect that amount to the charter school. Any
7289 such payments made under this * * * paragraph by the State
7290 Department of Education to a charter school must be made at the
7291 same time and in the same manner as * * * funding formula payments



7292 are made to school districts under Sections 37-151-101 and
7293 37-151-103.

7294 (3) (a) For students attending a charter school located in
7295 a school district in which the student does not reside, the State
7296 Department of Education shall pay to the charter school in which
7297 the students * * * are enrolled an amount as follows: the sum of
7298 the local pro rata amount, as calculated by the State Department
7299 of Education in accordance with Section 37-151-217(2)(b) (local
7300 contribution), and the local pro rata amount, as calculated by the
7301 State Department of Education in accordance with Section 37-57-105
7302 (school district operational levy), multiplied by the number of
7303 students enrolled in the charter school but residing in that
7304 district, based on the charter school's months two (2) and three
7305 (3) average daily membership of these students for the current
7306 school year. However, the amount to the charter school may not
7307 include * * * any taxes levied for the retirement of the local
7308 school district's bonded indebtedness or short-term notes or any
7309 taxes levied for the support of vocational-technical education
7310 programs.

7311 (b) * * * The State Department of Education shall
7312 reduce the school district's January transfer of * * * INSPIRE
7313 funds by the amount owed to the charter school and shall redirect
7314 that amount to the charter school. Any such payments made under
7315 this subsection (3) by the State Department of Education to a
7316 charter school must be made at the same time and in the same



7317 manner as * * * funding formula payments are made to school
7318 districts under Sections 37-151-101 and 37-151-103.

7319 (4) (a) The State Department of Education shall direct the
7320 proportionate share of monies generated under federal * * *
7321 programs, including, but not limited to, special education,
7322 vocational, * * * English Language Learner, and other programs, to
7323 charter schools serving students eligible for such * * * funding.
7324 The department shall ensure that charter schools with rapidly
7325 expanding enrollments are treated equitably in the calculation and
7326 disbursement of all federal * * * program dollars. Each charter
7327 school that serves students who may be eligible to receive
7328 services provided through such programs shall comply with all
7329 reporting requirements to receive the aid.

7330 (b) A charter school shall pay to a local school
7331 district any federal or state aid attributable to a student with a
7332 disability attending the charter school in proportion to the level
7333 of services for that student which the local school district
7334 provides directly or indirectly.

7335 (c) Subject to the approval of the authorizer, a
7336 charter school and a local school district may negotiate and enter
7337 into a contract for the provision of and payment for special
7338 education services, including, but not necessarily limited to, a
7339 reasonable reserve not to exceed five percent (5%) of the local
7340 school district's total budget for providing special education
7341 services. The reserve may be used by the local school district



7342 only to offset excess costs of providing services to students with
7343 disabilities enrolled in the charter school.

7344 (5) (a) The State Department of Education shall disburse
7345 state transportation funding to a charter school on the same basis
7346 and in the same manner as it is paid to school districts * * *.

7347 (b) A charter school may enter into a contract with a
7348 school district or private provider to provide transportation to
7349 the school's students.

7350 (6) The State Department of Education shall disburse
7351 Education Enhancement Funds for classroom supplies, instructional
7352 materials and equipment, including computers and computer software
7353 to all eligible charter school teachers on the same basis and in
7354 the same manner as it is paid to school districts under Section
7355 37-61-33(3)(a)(iii) for the purpose of issuing procurement cards
7356 or credentials for a digital solution to eligible teachers.

7357 **SECTION 77.** Section 37-29-1, Mississippi Code of 1972, is
7358 amended as follows:

7359 37-29-1. (1) The creation, establishment, maintenance and
7360 operation of community colleges is authorized. Community colleges
7361 may admit students if they have earned one (1) unit less than the
7362 number of units required for high school graduation established by
7363 State Board of Education policy or have earned a High School
7364 Equivalency Diploma in courses correlated to those of senior
7365 colleges or professional schools. Subject to the provisions of
7366 Section 75-76-34, they shall offer, without limitation, education



7367 and training preparatory for occupations such as agriculture,
7368 industry of all kinds, business, homemaking and for other
7369 occupations on the semiprofessional and vocational-technical
7370 level. They may offer courses and services to students regardless
7371 of their previous educational attainment or further academic
7372 plans.

7373 (2) The boards of trustees of the community college
7374 districts are authorized to establish an early admission program
7375 under which applicants having a minimum ACT composite score of
7376 twenty-six (26) or the equivalent SAT score may be admitted as
7377 full-time college students if the principal or guidance counselor
7378 of the student recommends in writing that it is in the best
7379 educational interest of the student. Such recommendation shall
7380 also state that the student's age will not keep him from being a
7381 successful full-time college student. Students admitted in the
7382 early admission program shall not be counted for * * * Investing
7383 in the Needs of Students to Prioritize, Impact and Reform
7384 Education (INSPIRE) purposes in the average daily * * * membership
7385 of the school district in which they reside, and transportation
7386 required by a student to participate in the early admission
7387 program shall be the responsibility of the parents or legal
7388 guardians of the student. Grades and college credits earned by
7389 students admitted to the early admission program shall be recorded
7390 on the college transcript at the community college where the
7391 student attends classes, and may be released to another



7392 institution or used for college graduation requirements only after
7393 the student has successfully completed one (1) full semester of
7394 course work.

7395 (3) The community colleges shall provide, through courses or
7396 other acceptable educational measures, the general education
7397 necessary to individuals and groups which will tend to make them
7398 capable of living satisfactory lives consistent with the ideals of
7399 a democratic society.

7400 **SECTION 78.** Section 37-29-272, Mississippi Code of 1972, is
7401 amended as follows:

7402 37-29-272. The board of trustees of any community college
7403 district in the state maintaining and operating an agricultural
7404 high school on July 1, 1994, is hereby authorized to transfer the
7405 control, maintenance and operation of said agricultural high
7406 school, including the transfer of title to all real and personal
7407 property used for agricultural high school purposes, to the county
7408 board of education of the county in which the school is located.
7409 Upon the acceptance by the county board of education and before an
7410 order authorizing such transfer shall be entered, the board of
7411 trustees of the community college district and the county board of
7412 education in which such school is located shall by joint
7413 resolution agree in writing on the terms of such transfer, the
7414 extent of the rights of use and occupancy of the school and
7415 grounds, and the control, management, preservation and
7416 responsibility of transportation of students to such premises, to



7417 be spread upon the minutes of each governing authority. Upon such
7418 transfer, the county board of education may abolish the
7419 agricultural high school as a distinct school, and merge its
7420 activities, programs and students into the regular high school
7421 curricula of the school district. When a community college has
7422 transferred operation of an agricultural high school as provided
7423 herein, the pupils attending such school shall be reported,
7424 accounted for allocation of * * * Investing in the Needs of
7425 Students to Prioritize, Impact and Reform Education (INSPIRE)
7426 funds and entitled to school transportation as though such pupils
7427 were attending the schools of the school district in which they
7428 reside, as provided in Sections 37-27-53 and 37-27-55 * * *. When
7429 any agricultural high school is transferred by the board of
7430 trustees of a community college to the county board of education
7431 as provided in this section, all laws relating to agricultural
7432 high school tax levies for the support or retirement of bonded
7433 indebtedness for agricultural high schools shall continue in full
7434 force and effect for the transferring community college district
7435 until current obligations on all bonded indebtednesses related to
7436 agriculture high schools have been satisfied and retired.

7437 **SECTION 79.** Section 37-29-303, Mississippi Code of 1972, is
7438 amended as follows:

7439 37-29-303. As used in Sections 37-29-301 through 37-29-305,
7440 the following terms shall be defined as provided in this section:



7441 (a) "Full-time equivalent (FTE) enrollment" means the
7442 process by which the Southern Regional Education Board (SREB)
7443 calculates FTE by taking total undergraduate semester credit hours
7444 divided by thirty (30); total undergraduate quarter hours divided
7445 by forty-five (45); total graduate semester credit hours divided
7446 by twenty-four (24); and total graduate quarter hours divided by
7447 thirty-six (36).

7448 (b) "State funds" means all funds appropriated by the
7449 Legislature including funds from the State General Fund, Education
7450 Enhancement Fund, Budget Contingency Fund and Health Care
7451 Expendable Fund.

7452 (c) "E & G operations" means education and general
7453 expenses of the colleges and universities.

7454 (d) * * * "Average daily membership (ADM)" has the same
7455 meaning as ascribed to that term under Section 37-151-203.

7456 **SECTION 80.** Section 37-31-13, Mississippi Code of 1972, is
7457 amended as follows:

7458 37-31-13. (1) Any appropriation that may be made under the
7459 provisions of Sections 37-31-1 through 37-31-15 shall be used by
7460 the board for the promotion of vocational education as provided
7461 for in the "Smith-Hughes Act" and for the purpose set forth in
7462 Sections 37-31-1 through 37-31-15. The state appropriation shall
7463 not be used for payments to high schools which are now receiving
7464 other state funds, except in lieu of not more than one-half (1/2)
7465 the amount that may be due such high schools from federal funds.



7466 Only such portion of the state appropriation shall be used as may
7467 be absolutely necessary to carry out the provisions of Sections
7468 37-31-1 through 37-31-15, and to meet the federal requirements.
7469 Except as provided in subsection (2) of this section, the state
7470 appropriation shall not be used for payments to high schools for
7471 conducting vocational programs for more than ten (10) months in
7472 any school year, and only funds other than * * * Investing in the
7473 Needs of Students to Prioritize, Impact and Reform Education
7474 (INSPIRE) funds may be expended for such purpose.

7475 (2) Subject to annual approval by the State Board of
7476 Education, extended contracts for vocational agriculture education
7477 services and other related vocational education services which
7478 contribute to economic development may be conducted by local
7479 school districts, and state appropriations may be used for
7480 payments to school districts providing such services. The board
7481 of trustees of each school district shall determine whether any
7482 proposed services contribute to the economic development of the
7483 area. Local districts may apply to the Division of Vocational and
7484 Technical Education of the State Department of Education for any
7485 state funds available for these extended contracts. The State
7486 Board of Education shall establish the application process and the
7487 selection criteria for this program. The number of state funded
7488 extended contracts approved by the State Board of Education will
7489 be determined by the availability of funds specified for this
7490 purpose. The State Board of Education's decision shall be final.



7491 Payments under this subsection shall only be available to those
7492 high schools whose teachers of vocational programs are responsible
7493 for the following programs of instruction during those months
7494 between the academic years: (a) supervision and instruction of
7495 students in agricultural or other vocational experience programs;
7496 (b) group and individual instruction of farmers and
7497 agribusinessmen; (c) supervision of student members of youth
7498 groups who are involved in leadership training or other activity
7499 required by state or federal law; or (d) any program of vocational
7500 agriculture or other vocational-related services established by
7501 the Division of Vocational and Technical Education of the State
7502 Department of Education that contribute to the economic
7503 development of the geographic area.

7504 **SECTION 81.** Section 37-31-75, Mississippi Code of 1972, is
7505 amended as follows:

7506 37-31-75. The various counties, municipalities, school
7507 districts and community and junior college districts which may
7508 become parties to any agreement authorized by Sections 37-31-71
7509 through 37-31-79 are authorized to appropriate and expend any and
7510 all funds which may be required to carry out the terms of the
7511 agreement from any funds available to any party to the agreement
7512 not otherwise appropriated without limitation as to the source of
7513 the funds, including * * * Investing in the Needs of Students to
7514 Prioritize, Impact and Reform Education (INSPIRE) funds, sixteenth
7515 section funds, funds received from the federal government or other



7516 sources by way of grant, donation or otherwise, and funds which
7517 may be available to any such party through the State Department of
7518 Education or any other agency of the state, regardless of the
7519 party to the agreement designated by the agreement to be primarily
7520 responsible for the construction or operation of the regional
7521 education center and regardless of the limitation on the
7522 expenditure of any funds imposed by any other statute. However,
7523 no funds whose use was originally limited to the construction of
7524 capital improvements shall be utilized for the purpose of
7525 defraying the administrative or operating costs of any regional
7526 education center. Any one or more of the parties to an agreement
7527 may be designated as the fiscal agent or contracting party in
7528 carrying out any of the purposes of the agreement, and any and all
7529 funds authorized to be spent by any of the parties may be paid
7530 over to the fiscal agent or contracting party for disbursement by
7531 the fiscal agent or contracting party. Disbursements shall be
7532 made and contracted for under the laws and regulations applicable
7533 to the fiscal or disbursing agent, except to the extent they may
7534 be extended or modified by the provisions of Sections 37-31-71
7535 through 37-31-79. All of the parties to the agreement may issue
7536 bonds, negotiable notes or other evidences of indebtedness for the
7537 purpose of providing funds for the acquisition of land and for the
7538 construction of buildings and permanent improvements under the
7539 terms of the agreement under any existing laws authorizing the



7540 issuance or sale of bonds, negotiable notes or other evidences of
7541 indebtedness to provide funds for any capital improvement.

7542 **SECTION 82.** Section 37-35-3, Mississippi Code of 1972, is
7543 amended as follows:

7544 37-35-3. (1) The board of trustees of any school district,
7545 including any community or junior college, may establish and
7546 maintain classes for adults, including general educational
7547 development classes, under the regulations authorized in this
7548 chapter and pursuant to the standards prescribed in subsection
7549 (3). The property and facilities of the public school districts
7550 may be used for this purpose where such use does not conflict with
7551 uses already established.

7552 (2) The trustees of any school district desiring to
7553 establish such program may request the taxing authority of the
7554 district to levy additional ad valorem taxes for the support of
7555 this program. The board of supervisors, in the case of a county
7556 school district, a special municipal separate school district, or
7557 a community or junior college district, and the governing
7558 authority of any municipality, in the case of a municipal separate
7559 school district, is authorized, in its discretion, to levy a tax
7560 not exceeding one (1) mill upon all the taxable property of the
7561 district for the support of this program. The tax shall be in
7562 addition to all other taxes authorized by law to be levied. In
7563 addition to the funds realized from any such levy, the board of
7564 trustees of any school district is authorized to use any surplus



7565 funds that it may have or that may be made available to it from
7566 local sources to supplement this program.

7567 (3) (a) Any student participating in an approved High
7568 School Equivalency Diploma Option program administered by a local
7569 school district or a local school district with an approved
7570 contractual agreement with a community or junior college or other
7571 local entity shall not be considered a dropout. Students in such
7572 a program administered by a local school district shall be
7573 considered as enrolled within the school district of origin for
7574 the purpose of enrollment for * * * Investing in the Needs of
7575 Students to Prioritize, Impact and Reform Education (INSPIRE)
7576 only. Such students shall not be considered as enrolled in the
7577 regular school program for academic or programmatic purposes.

7578 (b) Students participating in an approved High School
7579 Equivalency Diploma Option program shall have an individual career
7580 plan developed at the time of placement to insure that the
7581 student's academic and job skill needs will be met. The
7582 Individual Career Plan will address, but is not limited to, the
7583 following:

- 7584 (i) Academic and instructional needs of the
7585 student;
- 7586 (ii) Job readiness needs of the student; and
- 7587 (iii) Work experience program options available
7588 for the student.



7589 (c) Students participating in an approved High School
7590 Equivalency Diploma Option program may participate in existing job
7591 and skills development programs or in similar programs developed
7592 in conjunction with the High School Equivalency Diploma Option
7593 program and the vocational director.

7594 (d) High School Equivalency Diploma Option programs may
7595 be operated by local school districts or may be operated by two
7596 (2) or more adjacent school districts, pursuant to a contract
7597 approved by the State Board of Education. When two (2) or more
7598 school districts contract to operate a High School Equivalency
7599 Diploma Option program, the school board of a district designated
7600 to be the lead district shall serve as the governing board of the
7601 High School Equivalency Diploma Option program. Transportation
7602 for students placed in the High School Equivalency Diploma Option
7603 program shall be the responsibility of the school district of
7604 origin. The expense of establishing, maintaining and operating
7605 such High School Equivalency Diploma Option programs may be paid
7606 from funds made available to the school district through
7607 contributions, * * * Investing in the Needs of Students to
7608 Prioritize, Impact and Reform Education (INSPIRE) funds or from
7609 local district maintenance funds.

7610 (e) The State Department of Education will develop
7611 procedures and criteria for placement of a student in the High
7612 School Equivalency Diploma Option programs. Students placed in
7613 High School Equivalency Diploma Option programs shall have



7614 parental approval for such placement and must meet the following
7615 criteria:

7616 (i) The student must be at least sixteen (16)
7617 years of age;

7618 (ii) The student must be at least one (1) full
7619 grade level behind his or her ninth grade cohort or must have
7620 acquired less than four (4) Carnegie units;

7621 (iii) The student must have taken every
7622 opportunity to continue to participate in coursework leading to a
7623 diploma; and

7624 (iv) The student must be certified to be eligible
7625 to participate in the GED course by the school district
7626 superintendent, based on the developed criteria.

7627 (f) Students participating in an approved High School
7628 Equivalency Diploma Option program, who are enrolled in subject
7629 area courses through January 31 in a school with a traditional
7630 class schedule or who are enrolled in subject area courses through
7631 October 31 or through March 31 in a school on a block schedule,
7632 shall be required to take the end-of-course subject area tests for
7633 those courses in which they are enrolled.

7634 **SECTION 83.** Section 37-37-3, Mississippi Code of 1972, is
7635 amended as follows:

7636 37-37-3. In addition to all auditors and other employees now
7637 or hereafter provided by law, the State Auditor may appoint and
7638 employ examiners in the Department of Audit. The examiners shall



7639 make such audits as may be necessary to determine the correctness
7640 and accuracy of all reports made to the State Department of
7641 Education by any school district or school official concerning the
7642 number of educable students in any school district, the number of
7643 students enrolled in any school district, the number of students
7644 in average daily * * * membership in any school district, and the
7645 number of students being transported or entitled to transportation
7646 to any of the public schools of this state.

7647 **SECTION 84.** Section 37-41-7, Mississippi Code of 1972, is
7648 amended as follows:

7649 37-41-7. The local school board is hereby authorized,
7650 empowered and directed to lay out all transportation routes and
7651 provide transportation for all school children who are entitled to
7652 transportation within their respective counties and school
7653 districts.

7654 Any school district may, in the discretion of the school
7655 board, expend funds from any funds available to the school
7656 district * * *, including the amounts derived from district tax
7657 levies, sixteenth section funds, and all other available funds,
7658 for the purpose of supplementing funds available to the school
7659 board for paying transportation costs * * * not covered by * * *
7660 Investing in the Needs of Students to Prioritize, Impact and
7661 Reform Education (INSPIRE) funds.

7662 **SECTION 85.** Section 37-45-49, Mississippi Code of 1972, is
7663 amended as follows:



7664 37-45-49. Any cost or fees provided by this chapter to be
7665 paid by any county board of education or board of trustees of a
7666 municipal separate school district may be paid by the county board
7667 of education from * * * any school funds of the district other
7668 than * * * Investing in the Needs of Students to Prioritize,
7669 Impact and Reform Education (INSPIRE) funds, and by the municipal
7670 separate school district from the maintenance funds of the
7671 district, other than * * * Investing in the Needs of Students to
7672 Prioritize, Impact and Reform Education (INSPIRE) funds. Any fees
7673 or costs provided by this chapter to be paid by the * * *
7674 department may be paid from the funds appropriated for its
7675 operation.

7676 **SECTION 86.** Section 37-47-9, Mississippi Code of 1972, is
7677 amended as follows:

7678 37-47-9. It is found and determined that the state should
7679 make an annual grant of Twenty-four Dollars (\$24.00) for each
7680 child in average daily * * * membership in the public schools of
7681 the various school districts of this state during each school
7682 year, and that such monies should be applied for the purpose of
7683 establishing and maintaining adequate physical facilities for the
7684 public school district and/or the payment of existing debt
7685 therefor.

7686 The grant to which each public school is entitled under the
7687 provisions of this section shall be credited to the school
7688 district of which such school is part. If any change is made in



7689 the operation or boundaries of any such school district, equitable
7690 reallocations shall be made by the * * * department of all
7691 balances to the credit of such school district, and all debits
7692 charged against the districts affected by the change in the
7693 boundaries or system of operation. The obligation of the state to
7694 make remittance of the sums appropriated or otherwise provided to
7695 make the annual grants provided by this section shall be
7696 subordinate to the pledge made to secure the state school bonds
7697 authorized under this chapter and the sinking fund created for
7698 their retirement. The grants shall be computed annually as soon
7699 as practicable after the end of the school year, and shall be
7700 based on the average daily * * * membership for such school year
7701 in all of the public schools operated by each school district as
7702 determined by the State Department of Education.

7703 **SECTION 87.** Section 37-47-24, Mississippi Code of 1972, is
7704 amended as follows:

7705 37-47-24. (1) There is established the Educational
7706 Facilities Revolving Loan Fund Program to be administered by the
7707 State Department of Education for the purpose of improving
7708 educational facilities in the State of Mississippi by assisting
7709 public schools in procuring funds for making certain capital
7710 improvements.

7711 (2) There is created a special fund in the State Treasury
7712 designated as the "Educational Facilities Revolving Loan Fund,"
7713 which shall consist of monies transferred from the State Public



7714 School Building Fund and other monies that the Legislature may
7715 make available. The revolving loan fund must be maintained in
7716 perpetuity for the purposes established in this section.
7717 Unexpended amounts remaining in the fund at the end of a fiscal
7718 year may not lapse into the State General Fund. Payments on the
7719 principal of and, when applicable, interest on loans procured from
7720 the fund and any interest earned on amounts in the fund must be
7721 deposited to the credit of the fund. Monies in the Educational
7722 Facilities Revolving Loan Fund may not be used or expended for any
7723 purpose except as authorized under this section.

7724 (3) Of the funds deposited into the Educational Facilities
7725 Revolving Loan Fund, up to ninety-five percent (95%) must be made
7726 available for the purpose of making interest-free loans to
7727 qualified public school districts. The State Department of
7728 Education shall accept requests for loans under this subsection
7729 for the following purposes:

7730 (a) Repairs and renovations to existing school
7731 buildings and related facilities used in the operation of the
7732 schools of a public school district;

7733 (b) Construction of new facilities or repairs and
7734 renovations to existing school facilities for the purpose of
7735 establishing, improving or expanding prekindergarten programs in a
7736 public school district; and

7737 (c) Construction of new career and technical education
7738 facilities or repairs and renovations to existing school



7739 facilities for the purpose of upgrading or expanding a school
7740 district's career and technical education program.

7741 (4) An educational entity that receives a loan from the
7742 Educational Facilities Revolving Loan Fund shall not use the funds
7743 for athletic facilities.

7744 (5) Each fiscal year, the State Department of Education may
7745 set aside an amount not to exceed three percent (3%) of the
7746 balance of the Educational Facilities Revolving Loan Fund to cover
7747 the administrative and fiscal management costs associated with the
7748 fund.

7749 (6) The State Department of Education shall accept and make
7750 determinations on applications for loans and shall disburse funds
7751 and receive repayments on approved loans. Before October 1, 2022,
7752 the department shall establish rules and regulations for the
7753 implementation and administration of the revolving loan program.
7754 The rules and regulations must include, at a minimum, provisions
7755 addressing the following:

7756 (a) An application process by which public school
7757 districts may request a loan from the Educational Facilities
7758 Revolving Loan Fund, including the deadline by which the
7759 department must receive applications;

7760 (b) The factors to be considered by the State
7761 Department of Education in determining whether an educational
7762 entity will be awarded the full or a partial amount of a loan
7763 requested. The maximum total amount of outstanding loans an



7764 applicant may receive in a fiscal year shall be limited to One
7765 Million Dollars (\$1,000,000.00). The maximum total amount of a
7766 loan an applicant may receive for a single project shall not
7767 exceed One Million Dollars (\$1,000,000.00) per fiscal year. A
7768 loan may not exceed one hundred percent (100%) of the cost of the
7769 project for which the loan is requested;

7770 (c) The rates of interest on loans and terms of
7771 repayment. Approved loans under this program must be interest
7772 free and payable over a term of no more than ten (10) years
7773 commencing on the date the loan is received;

7774 (d) A process by which the department determines if an
7775 entity receiving a loan is required to pledge monies for the
7776 repayment of the loan and sources of revenue that are acceptable
7777 whenever the department requires a pledge, which, for a school
7778 district receiving a loan, may not include * * * Investing in the
7779 Needs of Students to Prioritize, Impact and Reform Education
7780 (INSPIRE) funds;

7781 (e) The actions that may be taken if an entity is in
7782 arrears on loan repayments, which may include, in the case of a
7783 school district, the withholding of future payments of * * *
7784 uniform funding formula funds to the district, the withholding of
7785 state funds due to the school or district;

7786 (f) Applicants demonstrating emergency or other
7787 critical infrastructure needs, as defined by the State Department



7788 of Education, shall receive first priority in receiving loans from
7789 the fund; and

7790 (g) All other matters that the State Department of
7791 Education determines are necessary to establish and maintain the
7792 Educational Facilities Revolving Loan Fund Program as an
7793 accessible and perpetual source of funding for making facility
7794 improvements at all levels of education in the state.

7795 (7) School districts may use funds from the Educational
7796 Facilities Revolving Loan Fund Program to pay the principal and
7797 interest of school district indebtedness represented by bonds or
7798 notes issued after July 1, 2017, but before July 1, 2022, for
7799 capital improvements. School districts shall be limited to a
7800 maximum loan amount of Five-hundred Thousand Dollars (\$500,000.00)
7801 per year from the Educational Facilities Revolving Loan Fund
7802 Program for this purpose.

7803 (8) The State Department of Education shall promulgate such
7804 rules and regulations as may be necessary for participation in the
7805 Educational Facilities Revolving Loan Program by a public
7806 educational entity.

7807 **SECTION 88.** Section 37-47-25, Mississippi Code of 1972, is
7808 amended as follows:

7809 37-47-25. Whenever the State Department of Education shall
7810 determine that any school district is in need of capital
7811 improvements to an extent in excess of that which may be financed
7812 by the credit then due such school district by the department, the



7813 department shall be empowered to advance or lend * * * the school
7814 district such sums as in the opinion of the department are
7815 necessary to be expended for capital improvements by * * * that
7816 school district. Such loans or advances shall be evidenced by
7817 appropriate agreements, and shall be repayable in principal by the
7818 school district from the annual grants to which the school
7819 district shall become entitled and from such other funds as may be
7820 available. Such loans or advances shall not constitute a debt of
7821 the school district within the meaning of any provision or
7822 limitation of the Constitution or statutes of the State of
7823 Mississippi. The department shall not advance or lend to any
7824 school district any sum in excess of seventy-five percent (75%) of
7825 the estimated sum which will accrue to the * * * school district
7826 on account of grants to be made to the * * * school district
7827 within the twenty (20) years next following the date of the loan
7828 or advance. In determining the maximum allowable advance or loan,
7829 the department shall assume that the average daily * * *
7830 membership in the schools of the school district for the past
7831 preceding scholastic year, as confirmed by the audit of average
7832 daily * * * membership made by the State Department of Audit, will
7833 continue for the period during which the loan is to be repaid.

7834 **SECTION 89.** Section 37-47-33, Mississippi Code of 1972, is
7835 amended as follows:

7836 37-47-33. For the purpose of: (a) providing funds to enable
7837 the State Board of Education to make loans or advances to school



7838 districts as provided by Section 37-47-25 * * *; (b) providing
7839 funds for the payment and redemption of certificates of credit
7840 issued to school districts under Section 37-47-23, when such funds
7841 are not otherwise available * * *; or (c) providing funds in an
7842 amount not exceeding Twenty Million Dollars (\$20,000,000.00) for
7843 the payment of allocations of Mississippi Adequate Education
7844 Program funds to school districts for capital expenditures
7845 approved under Section 37-151-7(4) by the State Board of Education
7846 which have not been pledged for debt by the school district, when
7847 such funds are not otherwise available * * *, the State Bond
7848 Commission is authorized and empowered to issue state school bonds
7849 under the conditions prescribed in this chapter. The aggregate
7850 principal amount of such bonds outstanding at any one (1) time,
7851 after deducting the amount of the sinking fund provided for the
7852 retirement of bonds issued for such purposes, shall never exceed
7853 the sum of One Hundred Million Dollars (\$100,000,000.00). Within
7854 such limits, however, state school bonds may be issued from time
7855 to time under the conditions prescribed in this chapter. None of
7856 such bonds so issued shall have a maturity date later than July 1,
7857 2021.

7858 **SECTION 90.** Section 37-61-3, Mississippi Code of 1972, is
7859 amended as follows:

7860 37-61-3. The * * * Investing in the Needs of Students to
7861 Prioritize, Impact and Reform Education (INSPIRE) allotments * * *
7862 to the public school districts and the funds derived from the



7863 supplemental school district tax levies authorized by law shall be
7864 used exclusively for the support, maintenance and operation of the
7865 schools in the manner provided by law for the fiscal years for
7866 which such funds were appropriated, collected or otherwise made
7867 available, and no part of said funds or allotments shall be used
7868 in paying any expenses incurred during any preceding fiscal year.
7869 However, this shall not be construed to prohibit the payment of
7870 expenses incurred during the fiscal year after the close of such
7871 fiscal year from amounts remaining on hand at the end of such
7872 fiscal year, provided that such expenses were properly payable
7873 from such amounts. Moreover, this shall not be construed to
7874 prohibit the payment of the salaries of superintendents,
7875 principals and teachers and other school employees whose salaries
7876 are payable in twelve (12) monthly installments after the close of
7877 the fiscal year from amounts on hand for such purpose at the end
7878 of the fiscal year.

7879 **SECTION 91.** Section 37-61-5, Mississippi Code of 1972, is
7880 amended as follows:

7881 37-61-5. If in any year there should remain a balance in
7882 the * * * Investing in the Needs of Students to Prioritize, Impact
7883 and Reform Education (INSPIRE) funds of any school district on
7884 June 30 which amount is not to be used or is not needed in the
7885 payment of expenses for the preceding fiscal year properly payable
7886 out of such * * * funding formula funds, then such balance on hand
7887 to the credit of such * * * Investing in the Needs of Students to



7888 Prioritize, Impact and Reform Education (INSPIRE) funds of the
7889 school district shall be carried forward as a part of such * * *
7890 funding formula funds for the next succeeding fiscal year. The
7891 proper pro rata part of the amount so carried forward, to be
7892 determined by the percentage which the state * * * funding formula
7893 funds * * * during the year bore to the entire amount * * * of the
7894 school district's funding formula funds, shall be charged against
7895 and deducted from the amount which the school district is allotted
7896 from state * * * Investing in the Needs of Students to Prioritize,
7897 Impact and Reform Education (INSPIRE) funds for the succeeding
7898 fiscal year, in a manner prescribed by the State Auditor. The
7899 remainder of the amount so carried forward may be deducted from
7900 the amount which the school district is required to produce as its
7901 local minimum ad valorem tax effort for the support of the * * *
7902 funding formula for the succeeding fiscal year * * *.

7903 **SECTION 92.** Section 37-61-7, Mississippi Code of 1972, is
7904 amended as follows:

7905 37-61-7. If at the end of any fiscal year there should
7906 remain a balance in the school district fund of any school
7907 district which is not needed and is not to be used for paying the
7908 expenses properly payable out of such district fund for the
7909 preceding fiscal year, such balance shall be carried forward as a
7910 part of the school district fund for the next fiscal year and used
7911 and expended in the manner otherwise provided by law. Nothing in
7912 this section shall be construed as applying to balances * * * of



7913 Investing in the Needs of Students to Prioritize, Impact and
7914 Reform Education (INSPIRE) funds of a school district, and
7915 balances remaining in such funds shall be governed by Section
7916 37-61-5.

7917 **SECTION 93.** Section 37-61-19, Mississippi Code of 1972, is
7918 amended as follows:

7919 37-61-19. It shall be the duty of the superintendents of
7920 schools and the school boards of all school districts to limit the
7921 expenditure of school funds during the fiscal year to the
7922 resources available. It shall be unlawful for any school district
7923 to budget expenditures from a fund in excess of the resources
7924 available within that fund. Furthermore, it shall be unlawful for
7925 any contract to be entered into or any obligation incurred or
7926 expenditure made in excess of the resources available for such
7927 fiscal year. Any member of the school board, superintendent of
7928 schools, or other school official, who shall knowingly enter into
7929 any contract, incur any obligation, or make any expenditure in
7930 excess of the amount available for the fiscal year shall be
7931 personally liable for the amount of such excess. However, no
7932 school board member, superintendent or other school official shall
7933 be personally liable: (a) in the event of any reduction in * * *

7934 Investing in the Needs of Students to Prioritize, Impact and
7935 Reform Education (INSPIRE) payments by action of the Governor
7936 acting through the Department of Finance and Administration * * *;
7937 or (b) for claims, damages, awards or judgments, on account of any



7938 wrongful or tortious act or omission or breach of implied term or
7939 condition of any warranty or contract * * *. However, * * * the
7940 foregoing immunity provisions shall not be a defense in cases of
7941 fraud, criminal action or an intentional breach of fiduciary
7942 obligations imposed by statute.

7943 **SECTION 94.** Section 37-61-29, Mississippi Code of 1972, is
7944 amended as follows:

7945 37-61-29. The State Department of Audit is hereby authorized
7946 and empowered to post-audit and investigate the financial affairs
7947 and all transactions involving the school funds of the * * *
7948 school district including the * * * Investing in the Needs of
7949 Students to Prioritize, Impact and Reform Education (INSPIRE)
7950 funds and supplementary district school funds, and to make
7951 separate and special audits thereof, as now provided by Sections
7952 7-7-201 through 7-7-215 * * *.

7953 **SECTION 95.** Section 37-61-35, Mississippi Code of 1972, is
7954 amended as follows:

7955 37-61-35. There is hereby created a special fund in the
7956 State Treasury to be designated School Ad Valorem Tax Reduction
7957 Fund into which proceeds collected pursuant to Sections
7958 27-65-75(7) and 27-67-31(a) shall be deposited. Beginning with
7959 the 1994 state fiscal year, the entire amount of monies in such
7960 special fund shall be appropriated annually to the State
7961 Department of Education which shall distribute the appropriated
7962 amount to the various school districts in the proportion that the



7963 average daily * * * membership of each school district bears to
7964 the average daily * * * membership of all school districts within
7965 the state. On or before * * * June 1 of each * * * year, the
7966 State Department of Education shall notify each school district of
7967 the amount to which such district is entitled pursuant to this
7968 section.

7969 **SECTION 96.** Section 37-61-37, Mississippi Code of 1972, is
7970 amended as follows:

7971 37-61-37. There is established in the State Treasury a fund
7972 known as the "Mississippi Public Education Support Fund"
7973 (hereinafter referred to as "fund"). The fund shall consist of
7974 monies * * * as the Legislature may authorize or direct to be
7975 deposited into the fund. Monies in the fund, upon appropriation
7976 by the Legislature, may be expended by the * * * State Department
7977 of Education for classroom supplies, instructional materials and
7978 equipment, including computers and computer software, to be
7979 distributed to all school districts in the proportion that the
7980 average daily * * * membership of each school district bears to
7981 the average daily * * * membership of all school districts within
7982 the state. Unexpended amounts remaining in the fund at the end of
7983 the fiscal year shall not lapse into the State General Fund, and
7984 any interest earned or investment earnings on amounts in the fund
7985 shall be deposited to the credit of the fund.

7986 **SECTION 97.** Section 37-68-7, Mississippi Code of 1972, is
7987 amended as follows:



7988 37-68-7. (1) There is established the Equity in Distance
7989 Learning Grant Program which shall be administered by the
7990 department for the purpose of reimbursing schools for eligible
7991 expenses incurred in funding their distance learning plans, and in
7992 facilitating safe classroom and remote instruction.

7993 (2) Subject to appropriations by the Legislature,
7994 allocations to schools shall be made based on average daily
7995 membership, as defined in Section * * * 37-151-203. For any
7996 school not funded under * * * Investing in the Needs of Students
7997 to Prioritize, Impact and Reform Education (INSPIRE), the
7998 department shall calculate the average-daily-membership equivalent
7999 or fund the school based on enrollment.

8000 (3) Subject to the provisions of this chapter, and other
8001 applicable federal law and regulations, schools shall have the
8002 authority to use the funds provided in this grant program in a way
8003 which best facilitates their distance learning plan, and safe
8004 classroom or remote instruction.

8005 (4) Schools are highly encouraged to commit a portion of
8006 their federal ESSER funds, above the amount required by Section
8007 37-68-11(b), as supplemental matching funds to offset the total
8008 cost of purchasing sufficient electronic devices, technological
8009 supports and systems of service for its distance learning plan.

8010 **SECTION 98.** Section 37-131-7, Mississippi Code of 1972, is
8011 amended as follows:



8012 37-131-7. When any pupils shall attend any demonstration or
8013 practice school under the provisions of Section 37-131-3, such
8014 children shall be reported and accounted for the allocation
8015 of * * * Investing in the Needs of Students to Prioritize, Impact
8016 and Reform Education (INSPIRE) funds and state public school
8017 building funds just as though such children were attending the
8018 regular schools of the district in which they reside. For this
8019 purpose, reports shall be made to the school district involved by
8020 the demonstration or practice school of the number of pupils in
8021 average daily * * * membership, and the average daily * * *
8022 membership of such children shall thereupon be included in reports
8023 made to the State Board of Education * * * by the * * * school
8024 district * * *.

8025 Allocation of * * * the funding formula funds shall be made
8026 by the State Board of Education for such children just as though
8027 such children were attending the regular schools of the district.
8028 All * * * funding formula funds * * * which accrue to any district
8029 as a result of such children who are in attendance at a
8030 demonstration or practice school shall be paid by the board of
8031 trustees of the municipal separate school district or by the
8032 county board of education to the demonstration or practice school,
8033 and shall be used to defray the cost and expense of maintaining,
8034 operating and conducting such demonstration or practice school.

8035 All state public school building funds which accrue as a
8036 result of such children in attendance at a demonstration or



8037 practice school shall be credited directly to such demonstration
8038 or practice school, and all of the provisions of Chapter 47 of
8039 this title shall be fully applicable thereto.

8040 **SECTION 99.** Section 37-131-9, Mississippi Code of 1972, is
8041 amended as follows:

8042 37-131-9. In addition to the amounts paid to the
8043 demonstration or practice school from * * * Investing in the Needs
8044 of Students to Prioritize, Impact and Reform Education (INSPIRE)
8045 funds, as provided in Section 37-131-7, the board of trustees of
8046 the school district involved may contract with the * * *
8047 demonstration or practice school for the payment of additional
8048 amounts thereto to defray expenses over and above those defrayed
8049 by * * * the funding formula funds, which additional amounts shall
8050 be paid from any funds available to the school district other
8051 than * * * funding formula funds, whether produced by a
8052 supplemental district tax levy or otherwise.

8053 If the total funds paid to the demonstration or practice
8054 school by the school district are inadequate to defray the cost
8055 and expense of maintaining and operating such demonstration or
8056 practice school then the president or executive head of the
8057 institution may, subject to the approval of the Board of Trustees
8058 of State Institutions of Higher Learning, require the payment of
8059 additional fees or tuition in an amount to be fixed by the
8060 president or executive head of the institution, subject to the
8061 approval of the Board of Trustees of State Institutions of Higher



8062 Learning, which amount shall be paid by and collected from the
8063 student or his parents.

8064 Boards of trustees of school districts involved may designate
8065 an area within the jurisdiction of the board as an attendance
8066 center as provided by law, and may require students in such area
8067 to attend demonstration or practice schools, subject to a
8068 satisfactory contract between the school board and the president
8069 or executive head of the institution operating the demonstration
8070 or practice school. In such event, all fees and tuition must be
8071 borne by the school district and in no case shall the child or the
8072 parents of the child assigned to such demonstration or practice
8073 school be required to pay any fees or tuition.

8074 The president or executive head of the institution, subject
8075 to the approval of the Board of Trustees of State Institutions of
8076 Higher Learning, may also fix the amount of fees and tuition to be
8077 paid by students desiring to attend such demonstration or practice
8078 school in cases where there is no contract with the board of
8079 trustees of the school district in which the students reside
8080 therefor.

8081 All funds received by an institution, under the provisions of
8082 this section, shall be deposited in a special fund and shall be
8083 used and expended solely for the purpose of defraying and paying
8084 the cost and expense of operating, maintaining and conducting such
8085 teachers demonstration and practice school. Such funds may be
8086 supplemented by and used in connection with any other funds



8087 available to the institutions for such purpose whether made
8088 available by legislative appropriation or otherwise.

8089 **SECTION 100.** Section 37-131-11, Mississippi Code of 1972, is
8090 amended as follows:

8091 37-131-11. All demonstration or practice schools established
8092 under the provisions of Section 37-131-1 shall, as far as may be
8093 practicable, be subject to and governed by the same laws as other
8094 public schools of the State of Mississippi, and shall make all
8095 reports required by law to be made by public schools to the State
8096 Board of Education * * * at the same time and in the same manner
8097 as such reports are made by other public schools. However, for
8098 the purpose of the allocation of * * * Investing in the Needs of
8099 Students to Prioritize, Impact and Reform Education (INSPIRE)
8100 funds, the reports of children in average daily * * * membership
8101 shall be made to the school district involved by * * * the
8102 demonstration or practice school, and a copy thereof shall be
8103 filed with the State Board of Education. The school district
8104 shall use * * * the reports so filed with it in making its reports
8105 to the State Board of Education for the purpose of the allocation
8106 of * * * Investing in the Needs of Students to Prioritize, Impact
8107 and Reform Education (INSPIRE) funds, but the average daily * * *
8108 membership of the pupils attending such demonstration or practice
8109 school shall be segregated and separated in such reports from the
8110 average daily * * * membership in the regular schools of the
8111 district.



8112 **SECTION 101.** Section 37-151-9, Mississippi Code of 1972, is
8113 amended as follows:

8114 37-151-9. (1) The State Board of Education and State
8115 Superintendent of Education shall establish within the State
8116 Department of Education a special unit at the division level
8117 called the Office of Educational Accountability. The Director of
8118 the Office of Educational Accountability shall hold a position
8119 comparable to a deputy superintendent and shall be appointed by
8120 the State Board of Education with the advice and consent of the
8121 Senate. He shall serve at the will and pleasure of the State
8122 Board of Education and may employ necessary professional,
8123 administrative and clerical staff. The Director of the Office of
8124 Educational Accountability shall provide all reports to the
8125 Legislature, Governor, Mississippi Commission on School
8126 Accreditation and State Board of Education and respond to any
8127 inquiries for information.

8128 (2) The Office of Educational Accountability is responsible
8129 for monitoring and reviewing programs developed under the
8130 Education Reform Act, the Mississippi Adequate Education Program
8131 Act of 1994, the Education Enhancement Fund, the "Investing in the
8132 Needs of Students to Prioritize, Impact and Reform Education
8133 (INSPIRE) Act of 2024," and subsequent education initiatives, and
8134 shall provide information, recommendations and an annual
8135 assessment to the Legislature, Governor, Mississippi Commission on
8136 School Accreditation and the State Board of Education. * * * The



8137 annual assessment of education reform programs shall be performed
8138 by the Office of Educational Accountability by December 1 of each
8139 year. * * *

8140 (3) In addition, the Office of Educational Accountability
8141 shall have the following specific duties and responsibilities:

8142 (a) Developing and maintaining a system of
8143 communication with school district personnel;

8144 (b) Provide opportunities for public comment on the
8145 current functions of the State Department of Education's programs,
8146 needed public education services and innovative suggestions; and

8147 (c) Assess both positive and negative impact on school
8148 districts of new education programs, including but not limited to
8149 The Mississippi Report Card and alternative school programs.

8150 **SECTION 102.** Section 37-151-85, Mississippi Code of 1972, is
8151 amended as follows:

8152 37-151-85. (1) * * * Using those funds appropriated by the
8153 Legislature for transportation purposes, the amount to be allotted
8154 by the State Board of Education for transportation shall be
8155 determined as follows:

8156 The State Department of Education shall calculate the cost of
8157 transportation in school districts by ascertaining the average
8158 cost per pupil in average daily * * * membership of transported
8159 pupils in school districts classified in different density groups,
8160 as determined by the State Department of Education. Based on
8161 these calculations, the State Department of Education shall



8162 develop a scale for determining the allowable cost per pupil in
8163 different density groups, which scale shall provide greatest
8164 allowance per pupil transported in school districts with lowest
8165 densities and smallest allowance per pupil in school districts
8166 with highest densities. The total allowance * * * under this
8167 section for transported children for any school district for the
8168 current year shall be the average daily * * * membership of the
8169 transported children for * * * months two (2) and three (3) of the
8170 prior year, multiplied by the allowance per transported pupil as
8171 provided herein. However, the State Department of Education
8172 is * * * authorized and empowered to make proper adjustments in
8173 allotments, under rules and regulations of the State Board of
8174 Education, in cases where major changes in the number of children
8175 in average daily * * * membership transported occur from one (1)
8176 year to another as a result of changes or alterations in the
8177 boundaries of school districts, a change in or relocation of
8178 attendance centers, or for other reasons which would result in
8179 major decrease or increase in the number of children in average
8180 daily * * * membership transported during the current school year
8181 as compared with the preceding year. Moreover, the State Board of
8182 Education is hereby authorized and empowered to make such payments
8183 to all districts and/or university-based programs as deemed
8184 necessary in connection with transporting exceptional children as
8185 defined in Section 37-23-3. The State Board of Education shall
8186 establish and implement all necessary rules and regulations to



8187 allot transportation payments to university-based programs. In
8188 developing density classifications under the provisions hereof,
8189 the State Department of Education may give consideration to the
8190 length of the route, the sparsity of the population, the lack of
8191 adequate roads, highways and bridges, and the presence of large
8192 streams or other geographic obstacles. In addition to funds
8193 allotted under the above provisions, funds shall be allotted to
8194 each school district that transports students from their assigned
8195 school or attendance center to classes in an approved
8196 vocational-technical center at a rate per mile not to exceed the
8197 average statewide cost per mile of school bus transportation
8198 during the preceding year exclusive of bus replacement. All such
8199 transportation must have prior approval by the State Department of
8200 Education.

8201 (2) The average daily membership of transported children
8202 shall be reported by the school district in which such children
8203 attend school. If children living in a school district are
8204 transported at the expense of such school district to another
8205 school district, the average daily * * * membership of such
8206 transported children shall be deducted by the State Department of
8207 Education from the aggregate average daily attendance of
8208 transported children in the school district in which they attend
8209 school and shall be added to the aggregate average daily * * *
8210 membership of transported children of the school district from
8211 which they come for the purpose of calculating transportation



8212 allotments. However, such deduction shall not be made for the
8213 purpose of calculating * * * Investing in the Needs of Students to
8214 Prioritize, Impact and Reform Education (INSPIRE) funding.

8215 (3) The State Department of Education shall include in the
8216 allowance for transportation for each school district an amount
8217 for the replacement of school buses or the purchase of new buses,
8218 which amount shall be calculated upon the estimated useful life of
8219 all school buses being used for the transportation of children in
8220 such school district, whether such buses be publicly or privately
8221 owned.

8222 (4) The school boards of all districts operating school bus
8223 transportation are authorized and directed to establish a salary
8224 schedule for school bus drivers. No school district shall be
8225 entitled to receive the funds herein allotted for transportation
8226 unless it pays each of its nonstudent adult school bus drivers
8227 paid from such transportation allotments a minimum of One Hundred
8228 Ninety Dollars (\$190.00) per month. In addition, local school
8229 boards may compensate school bus drivers, to include temporary or
8230 substitute bus drivers, for actual expenses incurred when
8231 acquiring an initial commercial license or any renewal of a
8232 commercial license in order to drive a school bus. In addition,
8233 local school boards may compensate school bus drivers, to include
8234 temporary or substitute bus drivers, for expenses, not to exceed
8235 One Hundred Dollars (\$100.00), when acquiring an initial medical



8236 exam or any renewal of a medical exam, in order to qualify for a
8237 commercial driver's license.

8238 (5) The State Board of Education shall be authorized and
8239 empowered to use such part of the funds appropriated for
8240 transportation * * * as may be necessary to finance driver
8241 training courses as provided for in Section 37-41-1 * * *.

8242 (6) The State Board of Education, acting through the
8243 Department of Education, may compensate school bus drivers, to
8244 include temporary or substitute bus drivers, who are providing
8245 driving services to the various state operated schools, such as
8246 the Mississippi School for the Deaf, the Mississippi School for
8247 the Blind, the Mississippi School of the Arts, the Mississippi
8248 School for Math and Science and any other similar state operated
8249 schools, for actual expenses incurred when acquiring an initial
8250 commercial license or any renewal of a commercial license in order
8251 to drive a school bus, to include the expense, not to exceed One
8252 Hundred Dollars (\$100.00), of acquiring an initial medical exam or
8253 any renewal of a medical exam in order to qualify for a commercial
8254 driver's license.

8255 **SECTION 103.** Section 37-151-87, Mississippi Code of 1972, is
8256 amended as follows:

8257 37-151-87. No school district shall pay any teacher less
8258 than the state minimum salary. * * * However, * * * school
8259 districts are authorized to reduce the state minimum salary by a
8260 pro rata daily amount in order to comply with the school district



8261 employee furlough provisions of Section 37-7-308. From and after
8262 July 1, 2012, no school district shall receive any funds under the
8263 provisions of this chapter for any school year during which the
8264 aggregate amount of local supplement * * * is reduced below such
8265 amount for the previous year. However, (a) where there has been a
8266 reduction in * * * Investing in the Needs of Students to
8267 Prioritize, Impact and Reform Education (INSPIRE) allocations for
8268 such district in such year, (b) where there has been a reduction
8269 in the amount of federal funds to such district below the previous
8270 year, or (c) where there has been a reduction in ad valorem taxes
8271 to such school district for the 1986-1987 school year below the
8272 amount for the previous year due to the exemption of nuclear
8273 generating plants from ad valorem taxation pursuant to Section
8274 27-35-309, * * * the aggregate amount of local supplement in such
8275 district may be reduced in the discretion of the local school
8276 board without loss of funds under this chapter. No school
8277 district may receive any funds under the provisions of this
8278 chapter for any school year if the aggregate amount of support
8279 from ad valorem taxation shall be reduced during such school year
8280 below such amount for the previous year; however, where there is a
8281 loss in * * * Investing in the Needs of Students to Prioritize,
8282 Impact and Reform Education (INSPIRE) allocations, or where there
8283 is or heretofore has been a decrease in the total assessed value
8284 of taxable property within a school district, the aggregate amount
8285 of such support may be reduced proportionately. Nothing herein



8286 contained shall prohibit any school district from adopting or
8287 continuing a program or plan whereby teachers are paid varying
8288 salaries according to the teaching ability, classroom performance
8289 and other similar standards.

8290 For purposes of this section, the term "local supplement"
8291 means the additional amount paid to an individual teacher over and
8292 above the salary schedule prescribed in Section 37-19-7 for the
8293 performance of regular teaching duties by that teacher.

8294 **SECTION 104.** Section 37-151-89, Mississippi Code of 1972, is
8295 amended as follows:

8296 37-151-89. The minimum base pay for all classroom teachers
8297 may be increased by the district from any funds available to
8298 it * * *.

8299 **SECTION 105.** Section 37-151-91, Mississippi Code of 1972, is
8300 amended as follows:

8301 37-151-91. The school boards of all school districts may
8302 establish salary schedules based on training, experience and other
8303 such factors as may be incorporated therein, including student
8304 progress and performance as developed by the State Board of
8305 Education, paying teachers greater amounts than the scale
8306 provided * * * in Section 37-19-7, but no teacher may be paid less
8307 than the amount based upon the minimum scale of pay provided
8308 in * * * Section 37-19-7, * * * and all supplements paid from
8309 local funds shall be based upon the salary schedules so
8310 established. The school boards may call upon the State Department



8311 of Education for aid and assistance in formulating and
8312 establishing such salary schedules, and it shall be the duty of
8313 the State Department of Education, when so called upon, to render
8314 such aid and assistance. The amount actually paid to each teacher
8315 shall be based upon and determined by the type of * * * license
8316 held by such teacher.

8317 **SECTION 106.** Section 37-151-93, Mississippi Code of 1972, is
8318 amended as follows:

8319 37-151-93. (1) Legally transferred students going from one
8320 school district to another shall be counted for * * * Investing in
8321 the Needs of Students to Prioritize, Impact and Reform Education
8322 (INSPIRE) allotments by the school district wherein the pupils
8323 attend school, but shall be counted for transportation allotment
8324 purposes in the school district which furnishes or provides the
8325 transportation. The school boards of the school districts which
8326 approve the transfer of a student under the provisions of Section
8327 37-15-31 shall enter into an agreement and contract for the
8328 payment or nonpayment of any portion of their local maintenance
8329 funds which they deem fair and equitable in support of any
8330 transferred student. Except as provided in subsection (2) of this
8331 section, local maintenance funds shall be transferred only to the
8332 extent specified in the agreement and contract entered into by the
8333 affected school districts. The terms of any local maintenance
8334 fund payment transfer contract shall be spread upon the minutes of
8335 both of the affected school district school boards. The school



8336 district accepting any transfer students shall be authorized to
8337 accept tuition from such students under the provisions of Section
8338 37-15-31(1) and such agreement may remain in effect for any length
8339 of time designated in the contract. The terms of such student
8340 transfer contracts and the amounts of any tuition charged any
8341 transfer student shall be spread upon the minutes of both of the
8342 affected school boards. No school district accepting any transfer
8343 students under the provisions of Section 37-15-31(2), which
8344 provides for the transfer of certain school district employee
8345 dependents, shall be authorized to charge such transfer students
8346 any tuition fees.

8347 (2) Local maintenance funds shall be paid by the home school
8348 district to the transferee school district for students granted
8349 transfers under the provisions of Sections 37-15-29(3) and
8350 37-15-31(3), * * * not to exceed the * * * student base amount, as
8351 defined in Section * * * 37-151-203, multiplied by the number of
8352 such legally transferred students.

8353 **SECTION 107.** Section 37-151-95, Mississippi Code of 1972, is
8354 amended as follows:

8355 37-151-95. * * * Investing in the Needs of Students to
8356 Prioritize, Impact and Reform Education (INSPIRE) funds
8357 shall * * * cover one hundred percent (100%) of the cost of the
8358 State and School Employees' Life and Health Insurance Plan created
8359 under Article 7, Chapter 15, Title 25, Mississippi Code of 1972,
8360 for all district employees who work no less than twenty (20) hours



8361 during each week and regular nonstudent school bus drivers
8362 employed by the district.

8363 Where the use of federal funding is allowable to defray, in
8364 full or in part, the cost of participation in the insurance plan
8365 by district employees who work no less than twenty (20) hours
8366 during each week and regular nonstudent school bus drivers, whose
8367 salaries are paid, in full or in part, by federal funds, the * * *
8368 use of funding formula funds as required under this section shall
8369 be reduced to the extent of the federal funding. Where the use of
8370 federal funds is allowable but not available, it is the intent of
8371 the Legislature that school districts contribute the cost of
8372 participation for such employees from local funds, except that
8373 parent fees for child nutrition programs shall not be increased to
8374 cover such cost.

8375 The State Department of Education, in accordance with rules
8376 and regulations established by the State Board of Education, may
8377 withhold a school district's * * * INSPIRE funds for failure of
8378 the district to timely report student, fiscal and personnel data
8379 necessary to meet state and/or federal requirements. The rules
8380 and regulations promulgated by the State Board of Education shall
8381 require the withholding of * * * funding formula funds for those
8382 districts that fail to remit premiums, interest penalties and/or
8383 late charges under the State and School Employees' Life and Health
8384 Insurance Plan. Noncompliance with such rules and regulations
8385 shall result in a violation of compulsory accreditation standards



8386 as established by the State Board of Education and Commission on
8387 School Accreditation.

8388 **SECTION 108.** Section 37-151-97, Mississippi Code of 1972, is
8389 amended as follows:

8390 37-151-97. The State Department of Education shall develop
8391 an annual reporting process to inform the Legislature, local
8392 district personnel and the general public as to the ongoing and
8393 future plans for the state's educational programs. The annual
8394 reporting process will include those vital statistics that are
8395 commonly reported by schools and districts and that can provide
8396 clear demographic, strategic and educational information to
8397 constituencies such as, but not limited to, the following
8398 information:

8399 (a) Student enrollment * * * and attendance * * *
8400 reported in the aggregate and specifically for each student
8401 population that is subject to weighting under Investing in the
8402 Needs of Students to Prioritize, Impact and Reform Education
8403 (INSPIRE), and drop-out and graduation data;

8404 (b) Overall student and district achievement;

8405 (c) Budget, administrative costs and other pertinent
8406 fiscal information, including:

8407 (i) The receipts and disbursements of all school
8408 funds handled by the board;



8409 (ii) Reports of expenditures for public schools,
8410 which, upon request must be made available on an individual
8411 district basis by the State Department of Education;

- 8412 1. Total Student Expenditures:
8413 a. Instruction (1000s);
8414 b. Other Student Instructional
8415 Expenditures (2100s, 2200s);
8416 2. General Administration (2300s and 2500s);
8417 3. School Administration (2400s);
8418 4. Other Expenditures (2600s, 2700s, 2800s,
8419 3100s, 3200s); and
8420 5. Nonoperational Expenditures (4000s, 5000s,
8421 6000s);

8422 (iii) The number of school districts, school
8423 teachers employed, school administrators employed, pupils taught
8424 and the attendance record of pupils therein;

8425 (iv) County and district levies for each school
8426 district and agricultural high school;

8427 (v) The condition of vocational education, a list
8428 of schools to which federal and state aid has been given, and a
8429 detailed statement of the expenditures of federal funds and the
8430 state funds that may be provided, and the ranking of subjects
8431 taught as compared with the state's needs.

8432 (d) Other as directed by the State Board of Education.



8433 Further, the reporting process will include an annual report
8434 developed specifically to relate the mission and goals of the
8435 State Board of Education, state superintendent and departments.
8436 This document will become the method through which the strategic
8437 planning and management process of the department is articulated
8438 to the public. It will explain and inform the public of the major
8439 initiatives of the department and clearly identify rationale for
8440 program development and/or elimination. The report will establish
8441 benchmarks, future plans and discuss the effectiveness of
8442 educational programs.

8443 In addition to the information specified herein, the State
8444 Board of Education shall have full and plenary authority and power
8445 to require the furnishing of such further, additional and
8446 supplementary information as it may deem necessary for the purpose
8447 of determining the cost of * * * Investing in the Needs of
8448 Students to Prioritize, Impact and Reform Education (INSPIRE) in
8449 such school district for the succeeding fiscal year, the amount of
8450 the * * * funding formula funds to be allotted to each school
8451 district for the succeeding fiscal year, and for any other purpose
8452 authorized by law or deemed necessary by said State Board of
8453 Education.

8454 It shall be the duty of the State Department of Education to
8455 prescribe the forms for the reports provided for in this section.

8456 **SECTION 109.** Section 37-151-99, Mississippi Code of 1972, is
8457 amended as follows:



8458 37-151-99. Based upon the information obtained pursuant to
8459 Section * * * 37-151-211(3) and upon such other and further
8460 information as provided by law, the State Department of Education
8461 shall, on or before June 1 of each year, or as soon thereafter as
8462 is practical, furnish each school board and charter school the
8463 preliminary estimate of the amount each will receive from * * *
8464 Investing in the Needs of Students to Prioritize, Impact and
8465 Reform Education (INSPIRE) for the succeeding scholastic year, and
8466 at the same time shall furnish each such school board with a
8467 tentative estimate of the cost of the * * * local minimum tax
8468 effort for the uniform funding formula in the school district and
8469 the local contribution for the school district and each charter
8470 school for such succeeding fiscal year.

8471 **SECTION 110.** Section 37-151-101, Mississippi Code of 1972,
8472 is amended as follows:

8473 37-151-101. It shall be the duty of the State Department of
8474 Education to file with the State Treasurer and the State Fiscal
8475 Officer such data and information as may be required to enable the
8476 said State Treasurer and State Fiscal Officer to distribute
8477 the * * * Investing in the Needs of Students to Prioritize, Impact
8478 and Reform Education (INSPIRE) funds by electronic funds transfer
8479 to the several school districts and charter schools at the time
8480 required and provided under the provisions of this chapter. Such
8481 data and information so filed shall show in detail the amount of
8482 funds to which each school district and charter school is



8483 entitled * * * under the funding formula. Such data and
8484 information so filed may be revised from time to time as
8485 necessitated by law. At the time provided by law, the State
8486 Treasurer and the State Fiscal Officer shall distribute to the
8487 several school districts and charter schools the amounts to which
8488 they are entitled * * * under the funding formula as provided by
8489 this chapter. Such distribution shall be made by electronic funds
8490 transfer to the depositories of the several school districts and
8491 charter schools designated in writing to the State Treasurer based
8492 upon the data and information supplied by the State Department of
8493 Education for such distribution. In such instances, the State
8494 Treasurer shall submit a request for an electronic funds transfer
8495 to the State Fiscal Officer, which shall set forth the purpose,
8496 amount and payees, and shall be in such form as may be approved by
8497 the State Fiscal Officer so as to provide the necessary
8498 information as would be required for a requisition and issuance of
8499 a warrant. A copy of the record of * * * the electronic funds
8500 transfers shall be transmitted by the school district and charter
8501 school depositories to the Treasurer, who shall file duplicates
8502 with the State Fiscal Officer. The Treasurer and State Fiscal
8503 Officer shall jointly promulgate regulations for the utilization
8504 of electronic funds transfers to school districts and charter
8505 schools.

8506 **SECTION 111.** Section 37-151-103, Mississippi Code of 1972,
8507 is amended as follows:



8508 37-151-103. (1) Funds due each school district and charter
8509 school under * * * Investing in the Needs of Students to
8510 Prioritize, Impact and Reform Education (INSPIRE) shall be paid in
8511 the following manner: Two (2) business days prior to the last
8512 working day of each month there shall be paid to each school
8513 district and charter school, by electronic funds transfer,
8514 one-twelfth (1/12) of the funds to which the district or charter
8515 school is entitled from funds appropriated for * * * funding
8516 formula. However, in December those payments shall be made on
8517 December 15th or the next business day after that date. All
8518 school districts shall process a single monthly or a bimonthly
8519 payroll for employees, in the discretion of the local school
8520 board, with electronic settlement of payroll checks secured
8521 through direct deposit of net pay for all school district
8522 employees. In addition, the State Department of Education may pay
8523 school districts and charter schools * * * under the funding
8524 formula on a date earlier than provided for by this section if it
8525 is determined that it is in the best interest of school districts
8526 and charter schools to do so.

8527 * * * However, * * * if the cash balance in the State
8528 General Fund is not adequate on the due date to pay the amounts
8529 due to all school districts and charter schools in the state as
8530 determined by the State Superintendent of Public Education, the
8531 State Fiscal Officer shall not transfer * * * the funds payable to
8532 any school district or districts or charter schools until money is



8533 available to pay the amount due to all districts and charter
8534 schools.

8535 (2) Notwithstanding any provision of this chapter or any
8536 other law requiring the number of children in average daily * * *
8537 membership or the average daily * * * membership of transported
8538 children to be determined on the basis of the preceding year, the
8539 State Board of Education is hereby authorized and empowered to
8540 make proper adjustments in allotments in cases where major changes
8541 in the number of children in average daily * * * membership or the
8542 average daily * * * membership of transported children occurs from
8543 one (1) year to another as a result of changes or alterations in
8544 the boundaries of school districts, the sending of children from
8545 one (1) county or district to another upon a contract basis, the
8546 termination or discontinuance of a contract for the sending of
8547 children from one (1) county or district to another, a change in
8548 or relocation of attendance centers, or for any other reason which
8549 would result in a major decrease or increase in the number of
8550 children in average daily * * * membership or the average
8551 daily * * * membership of transported children during the current
8552 school year as compared with the preceding year.

8553 * * *

8554 **SECTION 112.** Section 37-151-105, Mississippi Code of 1972,
8555 is amended as follows:

8556 37-151-105. The State Board of Education shall have the
8557 authority to make such regulations not inconsistent with law which



8558 it deems necessary for the administration of this chapter. The
8559 State Board of Education, if it deems such practice necessary, may
8560 use reports of the first six (6) months of school for the purpose
8561 of determining average daily * * * membership.

8562 **SECTION 113.** Section 37-151-107, Mississippi Code of 1972,
8563 is amended as follows:

8564 37-151-107. Any superintendent of education, member of the
8565 local school board of any school district, superintendent,
8566 principal, teacher, carrier, bus driver or member or employee of
8567 the State Department of Education or State Board of Education, or
8568 any other person, who shall willfully violate any of the
8569 provisions of this chapter, or who shall willfully make any false
8570 report, list or record, or who shall willfully make use of any
8571 false report, list or record, concerning the number of school
8572 children in average daily * * * membership shall be guilty of a
8573 misdemeanor and upon conviction shall be punished by imprisonment
8574 in the county jail for a period not to exceed sixty (60) days or
8575 by a fine of not less than One Hundred Dollars (\$100.00), nor more
8576 than Three Hundred Dollars (\$300.00), or by both such fine and
8577 imprisonment, in the discretion of the court. In addition, any
8578 such person shall be civilly liable for all amounts of public
8579 funds which are illegally, unlawfully or wrongfully expended or
8580 paid out by virtue of or pursuant to such false report, list or
8581 record, and upon conviction or adjudication of civil liability
8582 hereunder, such person shall forfeit his license to teach for a



8583 period of three (3) years, if such person is the holder of such a
8584 license. Any suit to recover such funds illegally, unlawfully or
8585 wrongfully expended or paid out may be brought in the name of the
8586 State of Mississippi by the Attorney General or the proper
8587 district attorney or county attorney, and, in the event such
8588 suit * * * is brought against a person who is under bond, the
8589 sureties upon such bond shall likewise be liable for such amount
8590 illegally, unlawfully or wrongfully expended or paid out.

8591 **SECTION 114.** Section 37-173-9, Mississippi Code of 1972, is
8592 amended as follows:

8593 37-173-9. (1) (a) The parent or legal guardian is not
8594 required to accept the offer of enrolling in another public school
8595 in lieu of requesting a Mississippi Dyslexia Therapy Scholarship
8596 to a nonpublic school. However, if the parent or legal guardian
8597 chooses the public school option, the student may continue
8598 attending a public school chosen by the parent or legal guardian
8599 until the student completes Grade 12.

8600 (b) If the parent or legal guardian chooses a public
8601 school within the district, the school district shall provide
8602 transportation to the public school selected by the parent or
8603 legal guardian. However, if the parent or legal guardian chooses
8604 a public school in another district, the parent or legal guardian
8605 is responsible to provide transportation to the school of choice.

8606 These provisions do not prohibit a parent or legal guardian
8607 of a student diagnosed with dyslexia, at any time, from choosing



8608 the option of a Mississippi Dyslexia Therapy Scholarship which
8609 would allow the student to attend another public school or
8610 nonpublic special purpose school.

8611 (2) If the parent or legal guardian chooses the nonpublic
8612 school option and the student is accepted by the nonpublic school
8613 pending the availability of a space for the student, the parent or
8614 legal guardian of the student must notify the department thirty
8615 (30) days before the first scholarship payment and before entering
8616 the nonpublic school in order to be eligible for the scholarship
8617 when a space becomes available for the student in the nonpublic
8618 school.

8619 (3) The parent or legal guardian of a student may choose, as
8620 an alternative, to enroll the student in and transport the student
8621 to a public school in an adjacent school district which has
8622 available space and has a program with dyslexia services that
8623 provide daily dyslexia therapy sessions delivered by a department
8624 licensed dyslexia therapist, and that school district shall accept
8625 the student and report the student for purposes of the district's
8626 funding under * * * Investing in the Needs of Students to
8627 Prioritize, Impact and Reform Education (INSPIRE).

8628 **SECTION 115.** Section 37-173-13, Mississippi Code of 1972, is
8629 amended as follows:

8630 37-173-13. (1) The maximum scholarship granted per eligible
8631 student with dyslexia shall be an amount equivalent to the * * *



8632 student base amount under Investing in the Needs of Students to
8633 Prioritize, Impact and Reform Education (INSPIRE).

8634 (2) (a) The nonpublic school under this program shall
8635 report to the * * * State Department of Education the number of
8636 students with dyslexia who are enrolled in nonpublic schools on
8637 the Mississippi Dyslexia Therapy Scholarships as of September 30
8638 of each year in order to determine funding for the subsequent
8639 year. Funds may not be transferred from any funding provided to
8640 the Mississippi School for the Deaf and the Blind for program
8641 participants who are eligible under Section 37-173-5.

8642 (b) The * * * State Department of Education will
8643 disburse payments to nonpublic schools under this program in
8644 twelve (12) substantially equal installments. The initial payment
8645 shall be made after department verification of admission
8646 acceptance, and subsequent payments shall be made upon
8647 verification of continued enrollment and attendance at the
8648 nonpublic school.

8649 **SECTION 116.** Section 37-175-13, Mississippi Code of 1972, is
8650 amended as follows:

8651 37-175-13. (1) The maximum scholarship granted per eligible
8652 student with speech-language impairment shall be an amount
8653 equivalent to the * * * state share of per student funding under
8654 Investing in the Needs of Students to Prioritize, Impact and
8655 Reform Education (INSPIRE) in the school district in which a
8656 student resides.



8657 (2) (a) Any nonpublic school under this program shall
8658 report to the State Department of Education the number of students
8659 with speech-language impairment who are enrolled in nonpublic
8660 schools on the Mississippi Speech-Language Therapy Scholarships as
8661 of September 30 of each year in order to determine funding for the
8662 subsequent year. Funds may not be transferred from any funding
8663 provided to the Mississippi School for the Deaf and the Blind for
8664 program participants who are eligible under Section 37-175-5.

8665 (b) The State Department of Education shall make
8666 payments to nonpublic schools for each student at the nonpublic
8667 school equal to the state share of the * * * Investing in the
8668 Needs of Students to Prioritize, Impact and Reform Education
8669 (INSPIRE) payments for each student in average daily * * *
8670 membership at the school district from which the student
8671 transferred. In calculating the local contribution for purposes
8672 of determining the state share of the * * * funding formula
8673 payments, the department shall deduct the pro rata local
8674 contribution of the school district in which the student resides,
8675 to be determined as provided in Section * * * 37-151-217(2).

8676 (c) Payments made pursuant to this subsection by the
8677 State Department of Education must be made at the same time and in
8678 the same manner as * * * INSPIRE payments are made to school
8679 districts under Sections 37-151-101 and 37-151-103. Amounts
8680 payable to a nonpublic school must be determined by the State
8681 Department of Education.



8682 (3) If the parent opts to remove a child from a public
8683 school to a nonpublic special purpose school and to receive a
8684 scholarship under this chapter, then transportation shall be
8685 provided at the parent's or guardian's expense.

8686 **SECTION 117.** Section 37-179-3, Mississippi Code of 1972, is
8687 amended as follows:

8688 37-179-3. (1) A district which is an applicant to be
8689 designated as a district of innovation under Section 37-179-1
8690 shall:

8691 (a) Establish goals and performance targets for the
8692 district of innovation proposal, which may include:

8693 (i) Reducing achievement gaps among groups of
8694 public school students by expanding learning experiences for
8695 students who are identified as academically low-achieving;

8696 (ii) Increasing pupil learning through the
8697 implementation of high, rigorous standards for pupil performance;

8698 (iii) Increasing the participation of students in
8699 various curriculum components and instructional components within
8700 selected schools to enhance at each grade level;

8701 (iv) Increasing the number of students who are
8702 college and career-ready;

8703 (v) Motivating students at different grade levels
8704 by offering more curriculum choices and student learning
8705 opportunities to parents and students within the district;



8706 (b) Identify changes needed in the district and schools
8707 to lead to better prepared students for success in life and work;

8708 (c) Have a district wide plan of innovation that
8709 describes and justifies which schools and innovative practices
8710 will be incorporated;

8711 (d) Provide documentation of community, educator,
8712 parental, and the local board's support of the proposed
8713 innovations;

8714 (e) Provide detailed information regarding the
8715 rationale of requests for waivers from Title 37, Mississippi Code
8716 of 1972, which relate to the elementary and secondary education of
8717 public school students, and administrative regulations, and
8718 exemptions for selected schools regarding waivers of local school
8719 board policies;

8720 (f) Document the fiscal and human resources the board
8721 will provide throughout the term of the implementation of the
8722 innovations within its plan; and

8723 (g) Provide other materials as required by the
8724 department in compliance with the board's administrative
8725 regulations and application procedures.

8726 (2) The district and all schools participating in a
8727 district's innovation plan shall:

8728 (a) Ensure the same health, safety, civil rights, and
8729 disability rights requirements as are applied to all public
8730 schools;



8731 (b) Ensure students meet compulsory attendance
8732 requirements under Sections 37-13-91 and 37-13-92;

8733 (c) Ensure that high school course offerings meet or
8734 exceed the minimum required under Sections 37-16-7 and 37-3-49,
8735 for high school graduation or meet early graduation requirements
8736 that may be enacted by the Mississippi Legislature;

8737 (d) Ensure the student performance standards meet or
8738 exceed those adopted by the State Board of Education as required
8739 by Sections 37-3-49, 37-16-3 and 37-17-6, including compliance
8740 with the statewide assessment system specified in Chapter 16,
8741 Title 37, Mississippi Code of 1972;

8742 (e) Adhere to the same financial audits, audit
8743 procedures, and audit requirements as are applied under Section
8744 7-7-211(e);

8745 (f) Require state and criminal background checks for
8746 staff and volunteers as required of all public school employees
8747 and volunteers within the public schools and specified in Section
8748 37-9-17;

8749 (g) Comply with open records and open meeting
8750 requirements under Sections 25-41-1 et seq. and 25-61-1 et seq.;

8751 (h) Comply with purchasing requirements and limitations
8752 under Chapter 39, Title 37, Mississippi Code of 1972;

8753 (i) Provide overall instructional time that is
8754 equivalent to or greater than that required under Sections 37-1-11
8755 and 37-13-67, but which may include on-site instruction, distance



8756 learning, online courses, and work-based learning on
8757 nontraditional school days or hours; and

8758 (j) Provide data to the department as deemed necessary
8759 to generate school and district reports.

8760 (3) (a) Only schools that choose to be designated as
8761 schools of innovation shall be included in a district's
8762 application;

8763 (b) As used in this paragraph, "eligible employees"
8764 means employees that are regularly employed at the school and
8765 those employees whose primary job duties will be affected by the
8766 plan; and

8767 (c) Notwithstanding the provisions of paragraph (a) of
8768 this subsection, a local school board may require a school that
8769 has been identified as a persistently low-achieving school under
8770 provisions of Section 37-17-6 to participate in the district's
8771 plan of innovation.

8772 (4) Notwithstanding any statutes to the contrary, the board
8773 may approve the requests of districts of innovation to:

8774 (a) Use capital outlay funds for operational costs;

8775 (b) Hire persons for classified positions in
8776 nontraditional school and district assignments who have bachelors
8777 and advanced degrees from postsecondary education institutions
8778 accredited by a regional accrediting association (Southern
8779 Association of Colleges and Schools) or by an organization
8780 affiliated with the National Commission on Accrediting;



8781 (c) Employ teachers on extended employment contracts or
8782 extra duty contracts and compensate them on a salary schedule
8783 other than the single salary schedule;

8784 (d) Extend the school days as is appropriate within the
8785 district with compensation for the employees as determined
8786 locally;

8787 (e) Establish alternative education programs and
8788 services that are delivered in nontraditional hours and which may
8789 be jointly provided in cooperation with another school district or
8790 consortia of districts;

8791 (f) Establish online classes within the district for
8792 delivering alternative classes in a blended environment to meet
8793 high school graduation requirements;

8794 (g) Use a flexible school calendar;

8795 (h) Convert existing schools into schools of
8796 innovation; and

8797 (i) Modify the formula under * * * Chapter 151, Title
8798 37, Mississippi Code of 1972, for distributing * * * Investing in
8799 the Needs of Students to Prioritize, Impact and Reform Education
8800 (INSPIRE) funds for students in average daily * * * membership in
8801 nontraditional programming time, including alternative programs
8802 and virtual programs. Funds granted to a district shall not
8803 exceed those that would have otherwise been distributed based on
8804 average daily * * * membership during regular instructional days.



8805 **SECTION 118.** Section 37-181-7, Mississippi Code of 1972, is
8806 amended as follows:

8807 37-181-7. (1) The ESA program created in this chapter shall
8808 be limited to five hundred (500) students in the school year
8809 2015-2016, with new enrollment limited to five hundred (500)
8810 additional students each year thereafter. Subject to
8811 appropriation from the General Fund, each student's ESA shall be
8812 funded at Six Thousand Five Hundred Dollars (\$6,500.00) for school
8813 year 2015-2016. For each subsequent year, this amount shall
8814 increase or decrease by the same proportion as the * * * student
8815 base amount under Section * * * 37-151-207 is increased or
8816 decreased.

8817 (2) Subject to appropriation, eligible students shall be
8818 approved for participation in the ESA program as follows:

8819 (a) Until participation in the ESA program reaches
8820 fifty percent (50%) of the annual enrollment limits in subsection
8821 (1) of this section, students shall be approved on a first-come,
8822 first-served basis, with applications being reviewed on a rolling
8823 basis;

8824 (b) After participation reaches fifty percent (50%) of
8825 the annual enrollment limits in subsection (1) of this section,
8826 the department shall set annual application deadlines for the
8827 remaining number of available ESAs and begin to maintain a waiting
8828 list of eligible students. The waitlist will be maintained in the
8829 chronological order in which applications are received. The



8830 department shall award ESA program applications in chronological
8831 order according to the waitlist; and

8832 (c) Participating students who remain eligible for the
8833 ESA program are automatically approved for participation for the
8834 following year and are not subject to the random selection
8835 process.

8836 (3) No funds for an ESA may be expended from * * * Investing
8837 in the Needs of Students to Prioritize, Impact and Reform
8838 Education (INSPIRE), nor shall any school district be required to
8839 provide funding for an ESA.

8840 **SECTION 119.** Section 41-79-5, Mississippi Code of 1972, is
8841 amended as follows:

8842 41-79-5. (1) There is hereby established within the State
8843 Department of Health a school nurse intervention program,
8844 available to all public school districts in the state.

8845 (2) By the school year 1998-1999, each public school
8846 district shall have employed a school nurse, to be known as a
8847 Health Service Coordinator, pursuant to the school nurse
8848 intervention program prescribed under this section. The school
8849 nurse intervention program shall offer any of the following
8850 specific preventive services, and other additional services
8851 appropriate to each grade level and the age and maturity of the
8852 pupils:



8853 (a) Reproductive health education and referral to
8854 prevent teen pregnancy and sexually transmitted diseases, which
8855 education shall include abstinence;

8856 (b) Child abuse and neglect identification;

8857 (c) Hearing and vision screening to detect problems
8858 which can lead to serious sensory losses and behavioral and
8859 academic problems;

8860 (d) Alcohol, tobacco and drug abuse education to reduce
8861 abuse of these substances;

8862 (e) Scoliosis screening to detect this condition so
8863 that costly and painful surgery and lifelong disability can be
8864 prevented;

8865 (f) Coordination of services for handicapped children
8866 to ensure that these children receive appropriate medical
8867 assistance and are able to remain in public school;

8868 (g) Nutrition education and counseling to prevent
8869 obesity and/or other eating disorders which may lead to
8870 life-threatening conditions, for example, hypertension;

8871 (h) Early detection and treatment of head lice to
8872 prevent the spread of the parasite and to reduce absenteeism;

8873 (i) Emergency treatment of injury and illness to
8874 include controlling bleeding, managing fractures, bruises or
8875 contusions and cardiopulmonary resuscitation (CPR);

8876 (j) Applying appropriate theory as the basis for
8877 decision making in nursing practice;



8878 (k) Establishing and maintaining a comprehensive school
8879 health program;

8880 (l) Developing individualized health plans;

8881 (m) Assessing, planning, implementing and evaluating
8882 programs and other school health activities, in collaboration with
8883 other professionals;

8884 (n) Providing health education to assist students,
8885 families and groups to achieve optimal levels of wellness;

8886 (o) Participating in peer review and other means of
8887 evaluation to assure quality of nursing care provided for students
8888 and assuming responsibility for continuing education and
8889 professional development for self while contributing to the
8890 professional growth of others;

8891 (p) Participating with other key members of the
8892 community responsible for assessing, planning, implementing and
8893 evaluating school health services and community services that
8894 include the broad continuum or promotion of primary, secondary and
8895 tertiary prevention; and

8896 (q) Contributing to nursing and school health through
8897 innovations in theory and practice and participation in research.

8898 (3) Public school nurses shall be specifically prohibited
8899 from providing abortion counseling to any student or referring any
8900 student to abortion counseling or abortion clinics. Any violation
8901 of this subsection shall disqualify the school district employing



8902 such public school nurse from receiving any state administered
8903 funds under this section.

8904 (4) Repealed.

8905 (5) Beginning with the 1997-1998 school year, to the extent
8906 that federal or state funds are available therefor and pursuant to
8907 appropriation therefor by the Legislature, in addition to the
8908 school nurse intervention program funds administered under
8909 subsection (4), the State Department of Health shall establish and
8910 implement a Prevention of Teen Pregnancy Pilot Program to be
8911 located in the public school districts with the highest numbers of
8912 teen pregnancies. The Teen Pregnancy Pilot Program shall provide
8913 the following education services directly through public school
8914 nurses in the pilot school districts: health education sessions
8915 in local schools, where contracted for or invited to provide,
8916 which target issues including reproductive health, teen pregnancy
8917 prevention and sexually transmitted diseases, including syphilis,
8918 HIV and AIDS. When these services are provided by a school nurse,
8919 training and counseling on abstinence shall be included.

8920 (6) In addition to the school nurse intervention program
8921 funds administered under subsection (4) and the Teen Pregnancy
8922 Pilot Program funds administered under subsection (5), to the
8923 extent that federal or state funds are available therefor and
8924 pursuant to appropriation therefor by the Legislature, the State
8925 Department of Health shall establish and implement an Abstinence
8926 Education Pilot Program to provide abstinence education,



8927 mentoring, counseling and adult supervision to promote abstinence
8928 from sexual activity, with a focus on those groups which are most
8929 likely to bear children out of wedlock. Such abstinence education
8930 services shall be provided by the State Department of Health
8931 through its clinics, public health nurses, school nurses and
8932 through contracts with rural and community health centers in order
8933 to reach a larger number of targeted clients. For purposes of
8934 this subsection, the term "abstinence education" means an
8935 educational or motivational program which:

8936 (a) Has as its exclusive purpose, teaching the social,
8937 psychological and health gains to be realized by abstaining from
8938 sexual activity;

8939 (b) Teaches abstinence from sexual activity outside
8940 marriage as the expected standard for all school-age children;

8941 (c) Teaches that abstinence from sexual activity is the
8942 only certain way to avoid out-of-wedlock pregnancy, sexually
8943 transmitted diseases and other associated health problems;

8944 (d) Teaches that a mutually faithful monogamous
8945 relationship in context of marriage is the expected standard of
8946 human sexual activity;

8947 (e) Teaches that sexual activity outside of the context
8948 of marriage is likely to have harmful psychological and physical
8949 effects;



8950 (f) Teaches that bearing children out of wedlock is
8951 likely to have harmful consequences for the child, the child's
8952 parents and society;

8953 (g) Teaches young people how to reject sexual advances
8954 and how alcohol and drug use increase vulnerability to sexual
8955 advances; and

8956 (h) Teaches the importance of attaining
8957 self-sufficiency before engaging in sexual activity.

8958 (7) * * * Pursuant to appropriation therefor by the
8959 Legislature, in addition to * * * funds allotted under * * *
8960 Investing in the Needs of Students to Prioritize, Impact and
8961 Reform Education (INSPIRE), each school district shall be allotted
8962 an * * * amount for the purpose of employing qualified public
8963 school nurses in such school district, which in no event shall be
8964 less than one (1) * * * nurse per school district, for such
8965 purpose. In the event the Legislature provides less funds than
8966 the total state funds needed for the public school nurse
8967 allotment, those school districts with fewer * * * nurses per the
8968 number of students in average daily membership shall be the first
8969 funded for such purpose, to the extent of funds available.

8970 (8) Prior to the 1998-1999 school year, nursing staff
8971 assigned to the program shall be employed through the local county
8972 health department and shall be subject to the supervision of the
8973 State Department of Health with input from local school officials.
8974 Local county health departments may contract with any



8975 comprehensive private primary health care facilities within their
8976 county to employ and utilize additional nursing staff. Beginning
8977 with the 1998-1999 school year, nursing staff assigned to the
8978 program shall be employed by the local school district and shall
8979 be designated as "health service coordinators," and shall be
8980 required to possess a bachelor's degree in nursing as a minimum
8981 qualification.

8982 (9) Upon each student's enrollment, the parent or guardian
8983 shall be provided with information regarding the scope of the
8984 school nurse intervention program. The parent or guardian may
8985 provide the school administration with a written statement
8986 refusing all or any part of the nursing service. No child shall
8987 be required to undergo hearing and vision or scoliosis screening
8988 or any other physical examination or tests whose parent objects
8989 thereto on the grounds such screening, physical examination or
8990 tests are contrary to his sincerely held religious beliefs.

8991 (10) A consent form for reproductive health education shall
8992 be sent to the parent or guardian of each student upon his
8993 enrollment. If a response from the parent or guardian is not
8994 received within seven (7) days after the consent form is sent, the
8995 school shall send a letter to the student's home notifying the
8996 parent or guardian of the consent form. If the parent or guardian
8997 fails to respond to the letter within ten (10) days after it is
8998 sent, then the school principal shall be authorized to allow the
8999 student to receive reproductive health education. Reproductive



9000 health education shall include the teaching of total abstinence
9001 from premarital sex and, wherever practicable, reproductive health
9002 education should be taught in classes divided according to gender.
9003 All materials used in the reproductive health education program
9004 shall be placed in a convenient and easily accessible location for
9005 parental inspection. School nurses shall not dispense birth
9006 control pills or contraceptive devices in the school. Dispensing
9007 of such shall be the responsibility of the State Department of
9008 Health on a referral basis only.

9009 (11) No provision of this section shall be construed as
9010 prohibiting local school districts from accepting financial
9011 assistance of any type from the State of Mississippi or any other
9012 governmental entity, or any contribution, donation, gift, decree
9013 or bequest from any source which may be utilized for the
9014 maintenance or implementation of a school nurse intervention
9015 program in a public school system of this state.

9016 **SECTION 120.** Section 43-17-5, Mississippi Code of 1972, is
9017 amended as follows:

9018 43-17-5. (1) The amount of Temporary Assistance for Needy
9019 Families (TANF) benefits which may be granted for any dependent
9020 child and a needy caretaker relative shall be determined by the
9021 county department with due regard to the resources and necessary
9022 expenditures of the family and the conditions existing in each
9023 case, and in accordance with the rules and regulations made by the
9024 Department of Human Services which shall not be less than the



9025 Standard of Need in effect for 1988, and shall be sufficient when
9026 added to all other income (except that any income specified in the
9027 federal Social Security Act, as amended, may be disregarded) and
9028 support available to the child to provide such child with a
9029 reasonable subsistence compatible with decency and health. The
9030 first family member in the dependent child's budget may receive an
9031 amount not to exceed Two Hundred Dollars (\$200.00) per month; the
9032 second family member in the dependent child's budget may receive
9033 an amount not to exceed Thirty-six Dollars (\$36.00) per month; and
9034 each additional family member in the dependent child's budget an
9035 amount not to exceed Twenty-four Dollars (\$24.00) per month. The
9036 maximum for any individual family member in the dependent child's
9037 budget may be exceeded for foster or medical care or in cases of
9038 children with an intellectual disability or a physical disability.
9039 TANF benefits granted shall be specifically limited only (a) to
9040 children existing or conceived at the time the caretaker relative
9041 initially applies and qualifies for such assistance, unless this
9042 limitation is specifically waived by the department, or (b) to a
9043 child born following a twelve-consecutive-month period of
9044 discontinued benefits by the caretaker relative.

9045 (2) TANF benefits in Mississippi shall be provided to the
9046 recipient family by an online electronic benefits transfer system.

9047 (3) The Department of Human Services shall deny TANF
9048 benefits to the following categories of individuals, except for



9049 individuals and families specifically exempt or excluded for good
9050 cause as allowed by federal statute or regulation:

9051 (a) Families without a minor child residing with the
9052 custodial parent or other adult caretaker relative of the child;

9053 (b) Families which include an adult who has received
9054 TANF assistance for sixty (60) months after the commencement of
9055 the Mississippi TANF program, whether or not such period of time
9056 is consecutive;

9057 (c) Families not assigning to the state any rights a
9058 family member may have, on behalf of the family member or of any
9059 other person for whom the family member has applied for or is
9060 receiving such assistance, to support from any other person, as
9061 required by law;

9062 (d) Families who fail to cooperate in establishing
9063 paternity or obtaining child support, as required by law;

9064 (e) Any individual who has not attained eighteen (18)
9065 years of age, is not married to the head of household, has a minor
9066 child at least twelve (12) weeks of age in his or her care, and
9067 has not successfully completed a high school education or its
9068 equivalent, if such individual does not participate in educational
9069 activities directed toward the attainment of a high school diploma
9070 or its equivalent, or an alternative educational or training
9071 program approved by the department;

9072 (f) Any individual who has not attained eighteen (18)
9073 years of age, is not married, has a minor child in his or her



9074 care, and does not reside in a place or residence maintained by a
9075 parent, legal guardian or other adult relative or the individual
9076 as such parent's, guardian's or adult relative's own home;

9077 (g) Any minor child who has been, or is expected by a
9078 parent or other caretaker relative of the child to be, absent from
9079 the home for a period of more than thirty (30) days;

9080 (h) Any individual who is a parent or other caretaker
9081 relative of a minor child who fails to notify the department of
9082 the absence of the minor child from the home for the thirty-day
9083 period specified in paragraph (g), by the end of the five-day
9084 period that begins with the date that it becomes clear to the
9085 individual that the minor child will be absent for the thirty-day
9086 period;

9087 (i) Any individual who fails to comply with the
9088 provisions of the Employability Development Plan signed by the
9089 individual which prescribe those activities designed to help the
9090 individual become and remain employed, or to participate
9091 satisfactorily in the assigned work activity, as authorized under
9092 subsection (6) (c) and (d), or who does not engage in applicant job
9093 search activities within the thirty-day period for TANF
9094 application approval after receiving the advice and consultation
9095 of eligibility workers and/or caseworkers of the department
9096 providing a detailed description of available job search venues in
9097 the individual's county of residence or the surrounding counties;



9098 (j) A parent or caretaker relative who has not engaged
9099 in an allowable work activity once the department determines the
9100 parent or caretaker relative is ready to engage in work, or once
9101 the parent or caretaker relative has received TANF assistance
9102 under the program for twenty-four (24) months, whether or not
9103 consecutive, whichever is earlier;

9104 (k) Any individual who is fleeing to avoid prosecution,
9105 or custody or confinement after conviction, under the laws of the
9106 jurisdiction from which the individual flees, for a crime, or an
9107 attempt to commit a crime, which is a felony under the laws of the
9108 place from which the individual flees, or who is violating a
9109 condition of probation or parole imposed under federal or state
9110 law;

9111 (l) Aliens who are not qualified under federal law;

9112 (m) For a period of ten (10) years following
9113 conviction, individuals convicted in federal or state court of
9114 having made a fraudulent statement or representation with respect
9115 to the individual's place of residence in order to receive TANF,
9116 food stamps or Supplemental Security Income (SSI) assistance under
9117 Title XVI or Title XIX simultaneously from two (2) or more states;

9118 (n) Individuals who are recipients of federal
9119 Supplemental Security Income (SSI) assistance; and

9120 (o) Individuals who are eighteen (18) years of age or
9121 older who are not in compliance with the drug testing and
9122 substance use disorder treatment requirements of Section 43-17-6.



9123 (4) (a) Any person who is otherwise eligible for TANF
9124 benefits, including custodial and noncustodial parents, shall be
9125 required to attend school and meet the monthly attendance
9126 requirement as provided in this subsection if all of the following
9127 apply:

9128 (i) The person is under age twenty (20);

9129 (ii) The person has not graduated from a public or
9130 private high school or obtained a High School Equivalency Diploma
9131 equivalent;

9132 (iii) The person is physically able to attend
9133 school and is not excused from attending school; and

9134 (iv) If the person is a parent or caretaker
9135 relative with whom a dependent child is living, child care is
9136 available for the child.

9137 The monthly attendance requirement under this subsection
9138 shall be attendance at the school in which the person is enrolled
9139 for each day during a month that the school conducts classes in
9140 which the person is enrolled, with not more than two (2) absences
9141 during the month for reasons other than the reasons listed in
9142 paragraph (e)(iv) of this subsection. Persons who fail to meet
9143 participation requirements in this subsection shall be subject to
9144 sanctions as provided in paragraph (f) of this subsection.

9145 (b) As used in this subsection, "school" means any one
9146 (1) of the following:

9147 (i) A school as defined in Section 37-13-91(2);



9148 (ii) A vocational, technical and adult education
9149 program; or

9150 (iii) A course of study meeting the standards
9151 established by the State Department of Education for the granting
9152 of a declaration of equivalency of high school graduation.

9153 (c) If any compulsory-school-age child, as defined in
9154 Section 37-13-91(2), to which TANF eligibility requirements apply
9155 is not in compliance with the compulsory school attendance
9156 requirements of Section 37-13-91(6), the superintendent of schools
9157 of the school district in which the child is enrolled or eligible
9158 to attend shall notify the county department of human services of
9159 the child's noncompliance. The Department of Human Services shall
9160 review school attendance information as provided under this
9161 paragraph at all initial eligibility determinations and upon
9162 subsequent report of unsatisfactory attendance.

9163 (d) The signature of a person on an application for
9164 TANF benefits constitutes permission for the release of school
9165 attendance records for that person or for any child residing with
9166 that person. The department shall request information from the
9167 child's school district about the child's attendance in the school
9168 district's most recently completed semester of attendance. If
9169 information about the child's previous school attendance is not
9170 available or cannot be verified, the department shall require the
9171 child to meet the monthly attendance requirement for one (1)
9172 semester or until the information is obtained. The department



9173 shall use the attendance information provided by a school district
9174 to verify attendance for a child. The department shall review
9175 with the parent or caretaker relative a child's claim that he or
9176 she has a good cause for not attending school.

9177 A school district shall provide information to the department
9178 about the attendance of a child who is enrolled in a public school
9179 in the district within five (5) working days of the receipt of a
9180 written request for that information from the department. The
9181 school district shall define how many hours of attendance count as
9182 a full day and shall provide that information, upon request, to
9183 the department. In reporting attendance, the school district may
9184 add partial days' absence together to constitute a full day's
9185 absence.

9186 If a school district fails to provide to the department the
9187 information about the school attendance of any child within
9188 fifteen (15) working days after a written request, the department
9189 shall notify the Department of Audit within three (3) working days
9190 of the school district's failure to comply with that requirement.
9191 The Department of Audit shall begin audit proceedings within five
9192 (5) working days of notification by the Department of Human
9193 Services to determine the school district's compliance with the
9194 requirements of this subsection (4). If the Department of Audit
9195 finds that the school district is not in compliance with the
9196 requirements of this subsection, the school district shall be
9197 penalized as follows: The Department of Audit shall notify the



9198 State Department of Education of the school district's
9199 noncompliance, and the Department of Education shall reduce the
9200 calculation of the school district's average daily * * *
9201 membership that is used to determine the allocation of * * *
9202 Investing in the Needs of Students to Prioritize, Impact and
9203 Reform Education (INSPIRE) funds by the number of children for
9204 which the district has failed to provide to the Department of
9205 Human Services the required information about the school
9206 attendance of those children. The reduction in the calculation of
9207 the school district's * * * average daily membership under this
9208 paragraph shall be effective for a period of one (1) year.

9209 (e) A child who is required to attend school to meet
9210 the requirements under this subsection shall comply except when
9211 there is good cause, which shall be demonstrated by any of the
9212 following circumstances:

9213 (i) The minor parent is the caretaker of a child
9214 less than twelve (12) weeks old; or

9215 (ii) The department determines that child care
9216 services are necessary for the minor parent to attend school and
9217 there is no child care available; or

9218 (iii) The child is prohibited by the school
9219 district from attending school and an expulsion is pending. This
9220 exemption no longer applies once the teenager has been expelled;
9221 however, a teenager who has been expelled and is making



9222 satisfactory progress towards obtaining a High School Equivalency
9223 Diploma equivalent shall be eligible for TANF benefits; or

9224 (iv) The child failed to attend school for one or
9225 more of the following reasons:

9226 1. Illness, injury or incapacity of the child
9227 or the minor parent's child;

9228 2. Court-required appearances or temporary
9229 incarceration;

9230 3. Medical or dental appointments for the
9231 child or minor parent's child;

9232 4. Death of a close relative;

9233 5. Observance of a religious holiday;

9234 6. Family emergency;

9235 7. Breakdown in transportation;

9236 8. Suspension; or

9237 9. Any other circumstance beyond the control
9238 of the child, as defined in regulations of the department.

9239 (f) Upon determination that a child has failed without
9240 good cause to attend school as required, the department shall
9241 provide written notice to the parent or caretaker relative
9242 (whoever is the primary recipient of the TANF benefits) that
9243 specifies:

9244 (i) That the family will be sanctioned in the next
9245 possible payment month because the child who is required to attend



9246 school has failed to meet the attendance requirement of this
9247 subsection;

9248 (ii) The beginning date of the sanction, and the
9249 child to whom the sanction applies;

9250 (iii) The right of the child's parents or
9251 caretaker relative (whoever is the primary recipient of the TANF
9252 benefits) to request a fair hearing under this subsection.

9253 The child's parent or caretaker relative (whoever is the
9254 primary recipient of the TANF benefits) may request a fair hearing
9255 on the department's determination that the child has not been
9256 attending school. If the child's parents or caretaker relative
9257 does not request a fair hearing under this subsection, or if,
9258 after a fair hearing has been held, the hearing officer finds that
9259 the child without good cause has failed to meet the monthly
9260 attendance requirement, the department shall discontinue or deny
9261 TANF benefits to the child thirteen (13) years old, or older, in
9262 the next possible payment month. The department shall discontinue
9263 or deny twenty-five percent (25%) of the family grant when a child
9264 six (6) through twelve (12) years of age without good cause has
9265 failed to meet the monthly attendance requirement. Both the child
9266 and family sanction may apply when children in both age groups
9267 fail to meet the attendance requirement without good cause. A
9268 sanction applied under this subsection shall be effective for one
9269 (1) month for each month that the child failed to meet the monthly
9270 attendance requirement. In the case of a dropout, the sanction



9271 shall remain in force until the parent or caretaker relative
9272 provides written proof from the school district that the child has
9273 reenrolled and met the monthly attendance requirement for one (1)
9274 calendar month. Any month in which school is in session for at
9275 least ten (10) days during the month may be used to meet the
9276 attendance requirement under this subsection. This includes
9277 attendance at summer school. The sanction shall be removed the
9278 next possible payment month.

9279 (5) All parents or caretaker relatives shall have their
9280 dependent children receive vaccinations and booster vaccinations
9281 against those diseases specified by the State Health Officer under
9282 Section 41-23-37 in accordance with the vaccination and booster
9283 vaccination schedule prescribed by the State Health Officer for
9284 children of that age, in order for the parents or caretaker
9285 relatives to be eligible or remain eligible to receive TANF
9286 benefits. Proof of having received such vaccinations and booster
9287 vaccinations shall be given by presenting the certificates of
9288 vaccination issued by any health care provider licensed to
9289 administer vaccinations, and submitted on forms specified by the
9290 State Board of Health. If the parents without good cause do not
9291 have their dependent children receive the vaccinations and booster
9292 vaccinations as required by this subsection and they fail to
9293 comply after thirty (30) days' notice, the department shall
9294 sanction the family's TANF benefits by twenty-five percent (25%)



9295 for the next payment month and each subsequent payment month until
9296 the requirements of this subsection are met.

9297 (6) (a) If the parent or caretaker relative applying for
9298 TANF assistance is work eligible, as determined by the Department
9299 of Human Services, the person shall be required to engage in an
9300 allowable work activity once the department determines the parent
9301 or caretaker relative is determined work eligible, or once the
9302 parent or caretaker relative has received TANF assistance under
9303 the program for twenty-four (24) months, whether or not
9304 consecutive, whichever is earlier. No TANF benefits shall be
9305 given to any person to whom this section applies who fails without
9306 good cause to comply with the Employability Development Plan
9307 prepared by the department for the person, or who has refused to
9308 accept a referral or offer of employment, training or education in
9309 which he or she is able to engage, subject to the penalties
9310 prescribed in paragraph (e) of this subsection. A person shall be
9311 deemed to have refused to accept a referral or offer of
9312 employment, training or education if he or she:

9313 (i) Willfully fails to report for an interview
9314 with respect to employment when requested to do so by the
9315 department; or

9316 (ii) Willfully fails to report to the department
9317 the result of a referral to employment; or



9318 (iii) Willfully fails to report for allowable work
9319 activities as prescribed in paragraphs (c) and (d) of this
9320 subsection.

9321 (b) The Department of Human Services shall operate a
9322 statewide work program for TANF recipients to provide work
9323 activities and supportive services to enable families to become
9324 self-sufficient and improve their competitive position in the
9325 workforce in accordance with the requirements of the federal
9326 Personal Responsibility and Work Opportunity Reconciliation Act of
9327 1996 (Public Law 104-193), as amended, and the regulations
9328 promulgated thereunder, and the Deficit Reduction Act of 2005
9329 (Public Law 109-171), as amended. Within sixty (60) days after
9330 the initial application for TANF benefits, the TANF recipient must
9331 participate in a job search skills training workshop or a job
9332 readiness program, which shall include resume writing, job search
9333 skills, employability skills and, if available at no charge, the
9334 General Aptitude Test Battery or its equivalent. All adults who
9335 are not specifically exempt shall be referred by the department
9336 for allowable work activities. An adult may be exempt from the
9337 mandatory work activity requirement for the following reasons:

9338 (i) Incapacity;

9339 (ii) Temporary illness or injury, verified by
9340 physician's certificate;

9341 (iii) Is in the third trimester of pregnancy, and
9342 there are complications verified by the certificate of a



9343 physician, nurse practitioner, physician assistant, or any other
9344 licensed health care professional practicing under a protocol with
9345 a licensed physician;

9346 (iv) Caretaker of a child under twelve (12)
9347 months, for not more than twelve (12) months of the sixty-month
9348 maximum benefit period;

9349 (v) Caretaker of an ill or incapacitated person,
9350 as verified by physician's certificate;

9351 (vi) Age, if over sixty (60) or under eighteen
9352 (18) years of age;

9353 (vii) Receiving treatment for substance abuse, if
9354 the person is in compliance with the substance abuse treatment
9355 plan;

9356 (viii) In a two-parent family, the caretaker of a
9357 severely disabled child, as verified by a physician's certificate;
9358 or

9359 (ix) History of having been a victim of domestic
9360 violence, which has been reported as required by state law and is
9361 substantiated by police reports or court records, and being at
9362 risk of further domestic violence, shall be exempt for a period as
9363 deemed necessary by the department but not to exceed a total of
9364 twelve (12) months, which need not be consecutive, in the
9365 sixty-month maximum benefit period. For the purposes of this
9366 subparagraph (ix), "domestic violence" means that an individual
9367 has been subjected to:



- 9368 1. Physical acts that resulted in, or
9369 threatened to result in, physical injury to the individual;
9370 2. Sexual abuse;
9371 3. Sexual activity involving a dependent
9372 child;
9373 4. Being forced as the caretaker relative of
9374 a dependent child to engage in nonconsensual sexual acts or
9375 activities;
9376 5. Threats of, or attempts at, physical or
9377 sexual abuse;
9378 6. Mental abuse; or
9379 7. Neglect or deprivation of medical care.

9380 (c) For all families, all adults who are not
9381 specifically exempt shall be required to participate in work
9382 activities for at least the minimum average number of hours per
9383 week specified by federal law or regulation, not fewer than twenty
9384 (20) hours per week (thirty-five (35) hours per week for
9385 two-parent families) of which are attributable to the following
9386 allowable work activities:

- 9387 (i) Unsubsidized employment;
9388 (ii) Subsidized private employment;
9389 (iii) Subsidized public employment;
9390 (iv) Work experience (including work associated
9391 with the refurbishing of publicly assisted housing), if sufficient
9392 private employment is not available;



9393 (v) On-the-job training;
9394 (vi) Job search and job readiness assistance
9395 consistent with federal TANF regulations;
9396 (vii) Community service programs;
9397 (viii) Vocational educational training (not to
9398 exceed twelve (12) months with respect to any individual);
9399 (ix) The provision of child care services to an
9400 individual who is participating in a community service program;
9401 (x) Satisfactory attendance at high school or in a
9402 course of study leading to a high school equivalency certificate,
9403 for heads of household under age twenty (20) who have not
9404 completed high school or received such certificate;
9405 (xi) Education directly related to employment, for
9406 heads of household under age twenty (20) who have not completed
9407 high school or received such equivalency certificate.
9408 (d) The following are allowable work activities which
9409 may be attributable to hours in excess of the minimum specified in
9410 paragraph (c) of this subsection:
9411 (i) Job skills training directly related to
9412 employment;
9413 (ii) Education directly related to employment for
9414 individuals who have not completed high school or received a high
9415 school equivalency certificate;
9416 (iii) Satisfactory attendance at high school or in
9417 a course of study leading to a high school equivalency, for



9418 individuals who have not completed high school or received such
9419 equivalency certificate;

9420 (iv) Job search and job readiness assistance
9421 consistent with federal TANF regulations.

9422 (e) If any adult or caretaker relative refuses to
9423 participate in allowable work activity as required under this
9424 subsection (6), the following full family TANF benefit penalty
9425 will apply, subject to due process to include notification,
9426 conciliation and a hearing if requested by the recipient:

9427 (i) For the first violation, the department shall
9428 terminate the TANF assistance otherwise payable to the family for
9429 a two-month period or until the person has complied with the
9430 required work activity, whichever is longer;

9431 (ii) For the second violation, the department
9432 shall terminate the TANF assistance otherwise payable to the
9433 family for a six-month period or until the person has complied
9434 with the required work activity, whichever is longer;

9435 (iii) For the third violation, the department
9436 shall terminate the TANF assistance otherwise payable to the
9437 family for a twelve-month period or until the person has complied
9438 with the required work activity, whichever is longer;

9439 (iv) For the fourth violation, the person shall be
9440 permanently disqualified.

9441 For a two-parent family, unless prohibited by state or
9442 federal law, Medicaid assistance shall be terminated only for the



9443 person whose failure to participate in allowable work activity
9444 caused the family's TANF assistance to be sanctioned under this
9445 paragraph (e), unless an individual is pregnant, but shall not be
9446 terminated for any other person in the family who is meeting that
9447 person's applicable work requirement or who is not required to
9448 work. Minor children shall continue to be eligible for Medicaid
9449 benefits regardless of the disqualification of their parent or
9450 caretaker relative for TANF assistance under this subsection (6),
9451 unless prohibited by state or federal law.

9452 (f) Any person enrolled in a two-year or four-year
9453 college program who meets the eligibility requirements to receive
9454 TANF benefits, and who is meeting the applicable work requirements
9455 and all other applicable requirements of the TANF program, shall
9456 continue to be eligible for TANF benefits while enrolled in the
9457 college program for as long as the person meets the requirements
9458 of the TANF program, unless prohibited by federal law.

9459 (g) No adult in a work activity required under this
9460 subsection (6) shall be employed or assigned (i) when any other
9461 individual is on layoff from the same or any substantially
9462 equivalent job within six (6) months before the date of the TANF
9463 recipient's employment or assignment; or (ii) if the employer has
9464 terminated the employment of any regular employee or otherwise
9465 caused an involuntary reduction of its workforce in order to fill
9466 the vacancy so created with an adult receiving TANF assistance.
9467 The Mississippi Department of Employment Security, established



9468 under Section 71-5-101, shall appoint one or more impartial
9469 hearing officers to hear and decide claims by employees of
9470 violations of this paragraph (g). The hearing officer shall hear
9471 all the evidence with respect to any claim made hereunder and such
9472 additional evidence as he may require and shall make a
9473 determination and the reason therefor. The claimant shall be
9474 promptly notified of the decision of the hearing officer and the
9475 reason therefor. Within ten (10) days after the decision of the
9476 hearing officer has become final, any party aggrieved thereby may
9477 secure judicial review thereof by commencing an action, in the
9478 circuit court of the county in which the claimant resides, against
9479 the department for the review of such decision, in which action
9480 any other party to the proceeding before the hearing officer shall
9481 be made a defendant. Any such appeal shall be on the record which
9482 shall be certified to the court by the department in the manner
9483 provided in Section 71-5-531, and the jurisdiction of the court
9484 shall be confined to questions of law which shall render its
9485 decision as provided in that section.

9486 (7) The Department of Human Services may provide child care
9487 for eligible participants who require such care so that they may
9488 accept employment or remain employed. The department may also
9489 provide child care for those participating in the TANF program
9490 when it is determined that they are satisfactorily involved in
9491 education, training or other allowable work activities. The
9492 department may contract with Head Start agencies to provide child



9493 care services to TANF recipients. The department may also arrange
9494 for child care by use of contract or vouchers, provide vouchers in
9495 advance to a caretaker relative, reimburse a child care provider,
9496 or use any other arrangement deemed appropriate by the department,
9497 and may establish different reimbursement rates for child care
9498 services depending on the category of the facility or home. Any
9499 center-based or group home child care facility under this
9500 subsection shall be licensed by the State Department of Health
9501 pursuant to law. When child care is being provided in the child's
9502 own home, in the home of a relative of the child, or in any other
9503 unlicensed setting, the provision of such child care may be
9504 monitored on a random basis by the Department of Human Services or
9505 the State Department of Health. Transitional child care
9506 assistance may be continued if it is necessary for parents to
9507 maintain employment once support has ended, unless prohibited
9508 under state or federal law. Transitional child care assistance
9509 may be provided for up to twenty-four (24) months after the last
9510 month during which the family was eligible for TANF assistance, if
9511 federal funds are available for such child care assistance.

9512 (8) The Department of Human Services may provide
9513 transportation or provide reasonable reimbursement for
9514 transportation expenses that are necessary for individuals to be
9515 able to participate in allowable work activity under the TANF
9516 program.



9517 (9) Medicaid assistance shall be provided to a family of
9518 TANF program participants for up to twenty-four (24) consecutive
9519 calendar months following the month in which the participating
9520 family would be ineligible for TANF benefits because of increased
9521 income, expiration of earned income disregards, or increased hours
9522 of employment of the caretaker relative; however, Medicaid
9523 assistance for more than twelve (12) months may be provided only
9524 if a federal waiver is obtained to provide such assistance for
9525 more than twelve (12) months and federal and state funds are
9526 available to provide such assistance.

9527 (10) The department shall require applicants for and
9528 recipients of public assistance from the department to sign a
9529 personal responsibility contract that will require the applicant
9530 or recipient to acknowledge his or her responsibilities to the
9531 state.

9532 (11) The department shall enter into an agreement with the
9533 State Personnel Board and other state agencies that will allow
9534 those TANF participants who qualify for vacant jobs within state
9535 agencies to be placed in state jobs. State agencies participating
9536 in the TANF work program shall receive any and all benefits
9537 received by employers in the private sector for hiring TANF
9538 recipients. This subsection (11) shall be effective only if the
9539 state obtains any necessary federal waiver or approval and if
9540 federal funds are available therefor. Not later than September 1,
9541 2021, the department shall prepare a report, which shall be



9542 provided to the Chairmen of the House and Senate Public Health
9543 Committees and to any other member of the Legislature upon
9544 request, on the history, status, outcomes and effectiveness of the
9545 agreements required under this subsection.

9546 (12) Any unspent TANF funds remaining from the prior fiscal
9547 year may be expended for any TANF allowable activities.

9548 (13) The Mississippi Department of Human Services shall
9549 provide TANF applicants information and referral to programs that
9550 provide information about birth control, prenatal health care,
9551 abstinence education, marriage education, family preservation and
9552 fatherhood. Not later than September 1, 2021, the department
9553 shall prepare a report, which shall be provided to the Chairmen of
9554 the House and Senate Public Health Committees and to any other
9555 member of the Legislature upon request, on the history, status,
9556 outcomes and effectiveness of the information and referral
9557 requirements under this subsection.

9558 (14) No new TANF program requirement or restriction
9559 affecting a person's eligibility for TANF assistance, or allowable
9560 work activity, which is not mandated by federal law or regulation
9561 may be implemented by the Department of Human Services after July
9562 1, 2004, unless such is specifically authorized by an amendment to
9563 this section by the Legislature.

9564 **SECTION 121.** Section 65-26-9, Mississippi Code of 1972, is
9565 amended as follows:



9566 65-26-9. (1) There is hereby created in the State Treasury
9567 a special fund to be known as the Tennessee-Tombigbee Waterway
9568 Bridge Bond Retirement Fund. All revenues pledged for the payment
9569 of the principal of and interest on the bonds authorized to be
9570 issued by this chapter shall be deposited into the bond retirement
9571 fund. Expenditures from the bond retirement fund shall be made
9572 only in accordance with this section.

9573 (2) Subject to the provisions of subsection (3) of this
9574 section, amounts on deposit in the bond retirement fund and not
9575 immediately required for the making of any payments therefrom
9576 shall be invested in interest-bearing certificates of deposit in
9577 accordance with the provisions of Section 27-105-33, except
9578 interest so earned shall be credited to the bond retirement fund.

9579 (3) (a) There is hereby established within the bond
9580 retirement fund two (2) separate accounts as follows: (i) the
9581 "Tennessee-Tombigbee General Account"; and (ii) the
9582 "Tennessee-Tombigbee Principal and Interest Account."

9583 (b) (i) All amounts held in the bond retirement fund
9584 on April 23, 1986, and all amounts thereafter deposited in the
9585 bond retirement fund, shall be credited to the Tennessee-Tombigbee
9586 General Account.

9587 (ii) Until such time as the transfer of funds from
9588 the Tennessee-Tombigbee General Account to the Tennessee-Tombigbee
9589 Principal and Interest Account occurs as provided in paragraph
9590 (b)(iii) of this subsection, amounts in the general account shall



9591 be applied to the following purposes and in the following order of
9592 priority: first, to the extent required, to the payment, the
9593 principal of, redemption premium, if any, and interest on general
9594 obligation bonds; second, to the extent required, to the General
9595 Fund of the state to reimburse the state for expenditures in
9596 excess of twenty-five percent (25%) of the total costs of the
9597 principal and interest on bonds issued under authority of
9598 subsection (1) of Section 65-26-15 and for all expenditures for
9599 costs of the principal of and interest on bonds issued under
9600 authority of subsection (2) of Section 65-26-15; and third, to the
9601 extent required, if any, to the bridge construction fund created
9602 in Section 65-26-25 to make current payments to meet contractual
9603 obligations for bridge construction.

9604 (iii) Upon certification of the State Treasurer,
9605 filed with and approved by the State Bond Commission, that the
9606 amount on deposit in the Tennessee-Tombigbee General Account,
9607 together with earnings on investments to accrue to it, is equal to
9608 or greater than the aggregate of the entire principal, redemption
9609 premium, if any, and interest due and to become due, until the
9610 final maturity date or earlier scheduled redemption date thereof,
9611 on all general obligation bonds outstanding as of the date of such
9612 certification, then the State Treasurer shall transfer from the
9613 Tennessee-Tombigbee General Account to the Tennessee-Tombigbee
9614 Principal and Interest Account an amount equal to the entire
9615 principal, redemption premium, if any, and interest due and to



9616 become due, until the final maturity date or scheduled redemption
9617 date thereof, on all general obligation bonds outstanding as of
9618 the date of such transfer. The State of Mississippi hereby
9619 covenants with the holders from time to time of general obligation
9620 bonds that amounts deposited in the Tennessee-Tombigbee Principal
9621 and Interest Account will be applied solely to the payment of the
9622 principal of, redemption premium, if any, and interest on general
9623 obligation bonds.

9624 (iv) After the date of the transfer from the
9625 general account to the principal and interest account contemplated
9626 by paragraph (b)(iii) of this subsection, amounts from time to
9627 time on deposit in the Tennessee-Tombigbee General Account shall
9628 be applied monthly to the following purposes and in the following
9629 order of priority: first, to the extent required, to the payment
9630 of the principal of, redemption premium, if any, and interest on
9631 general obligation bonds issued under this chapter; second, to the
9632 extent required, to the General Fund of the state to reimburse the
9633 state for expenditures in excess of twenty-five percent (25%) of
9634 the total costs of the principal and interest on bonds issued
9635 under authority of subsection (1) of Section 65-26-15 and for all
9636 expenditures for costs of the principal of and interest on bonds
9637 issued under authority of subsection (2) of Section 65-26-15; and
9638 third, to the extent required, if any, to the bridge construction
9639 fund created in Section 65-26-25 to make current payments to meet
9640 contractual obligations for bridge construction.



9641 (4) It is the intent of the Legislature that all outstanding
9642 general obligation bonds issued under this chapter shall be
9643 retired by the State Bond Commission on the earliest scheduled
9644 redemption date thereof, provided that there are sufficient funds
9645 in the bond retirement fund together with earnings on investments
9646 to accrue to it. When the principal of, redemption premium, if
9647 any, and interest on all such outstanding general obligation bonds
9648 are paid in full, then any amounts remaining in the bond
9649 retirement fund, or separate accounts therein, together with
9650 earnings on investments to accrue to it, shall be apportioned and
9651 paid as follows:

9652 (a) Three Million Five Hundred Thousand Dollars
9653 (\$3,500,000.00) of such funds shall be paid into the appropriate
9654 fund for use by the Yellow Creek State Inland Port Authority for
9655 equipment or facilities necessary to the operation of the port.

9656 (b) Three Million Five Hundred Thousand Dollars
9657 (\$3,500,000.00) shall be paid into the State General Fund.

9658 (c) Seven Million Five Hundred Thousand Dollars
9659 (\$7,500,000.00) shall be paid to Tishomingo County. Of the Seven
9660 Million Five Hundred Thousand Dollars (\$7,500,000.00), (i) Two
9661 Million Five Hundred Thousand Dollars (\$2,500,000.00) shall be
9662 placed by the county in a special trust fund, the principal of
9663 which shall remain inviolate and the interest on which shall be
9664 expended solely for improvement of elementary and secondary
9665 education in Tishomingo County and distributed among the school



9666 districts therein based on the average daily * * * membership in
9667 each, and (ii) Five Million Dollars (\$5,000,000.00) shall be
9668 placed in the county general fund and may be expended for general
9669 county purposes.

9670 (d) The balance of such funds shall be paid to the
9671 counties of Alcorn, Chickasaw, Clay, Itawamba, Lee, Lowndes,
9672 Monroe, Noxubee, Kemper, Pontotoc, Prentiss and Tishomingo. Such
9673 funds shall be paid to such counties in the proportion that each
9674 county's contribution to the bridge bond fund bears to the total
9675 contribution from all twelve (12) counties; however, no county
9676 shall be paid more than Five Million Dollars (\$5,000,000.00) under
9677 this paragraph (d). Such funds shall be deposited by the county
9678 into a special account to be expended solely for economic
9679 development purposes. No expenditure of funds from the special
9680 account shall be made unless the amount to be expended from the
9681 special account is matched by other county funds in an amount
9682 equal to fifteen percent (15%) of the special account funds to be
9683 expended and until the Mississippi * * * Development Authority,
9684 upon application by the board of supervisors, has certified that
9685 the proposed expenditure is for economic development purposes and
9686 has approved the expenditure for such purposes; provided, however,
9687 the fifteen percent (15%) match hereinabove imposed shall not be
9688 required when the proposed expenditure for economic development
9689 purposes is on land owned or leased by the federal, state, county
9690 or municipal government.



9691 **SECTION 122.** Section 37-151-81, Mississippi Code of 1972, is
9692 amended as follows:

9693 37-151-81. * * *

9694 (* * *1) * * * For each * * * student with a disability who
9695 is being educated by a public school district or is placed in
9696 accord with Section 37-23-77, * * * and whose individualized
9697 educational program (IEP) requires an extended school year in
9698 accord with the State Department of Education criteria, a
9699 sufficient amount of funds shall be allocated for the purpose of
9700 providing the educational services the student requires. The
9701 State Board of Education shall promulgate such regulations as are
9702 required to insure the equitable distribution of these funds. All
9703 costs for the extended school year for a particular summer shall
9704 be reimbursed from funds appropriated for the fiscal year
9705 beginning July 1 of that summer. If sufficient funds are not made
9706 available to finance all of the required educational services, the
9707 State Department of Education shall expend available funds in such
9708 a manner that it does not limit the availability of appropriate
9709 education to * * * students with disabilities more severely than
9710 it does to * * * students without disabilities.

9711 (* * *2) The State Department of Education is hereby
9712 authorized to match * * * INSPIRE and other funds allocated for
9713 provision of services to handicapped children with Division of
9714 Medicaid funds to provide language-speech services, physical
9715 therapy and occupational therapy to handicapped students who meet



9716 State Department of Education or Division of Medicaid standards
9717 and who are Medicaid eligible. Provided further, that the State
9718 Department of Education is authorized to pay such funds as may be
9719 required as a match directly to the Division of Medicaid pursuant
9720 to an agreement to be developed between the State Department of
9721 Education and the Division of Medicaid.

9722 * * *

9723 (* * *3) When any children who are residents of the State
9724 of Mississippi and qualify under the provisions of Section
9725 37-23-31 * * * shall be provided a program of education,
9726 instruction and training within a school under the provisions of
9727 said section, the State Department of Education shall
9728 allocate * * * funds equivalent to the full base student cost and
9729 all qualifying weighted adjustments as prescribed in Section
9730 37-151-209 * * *. The university or college shall be eligible for
9731 state and federal funds for such programs on the same basis as
9732 local school districts. The university or college shall be
9733 responsible for providing for the additional costs of the program.

9734 (* * *4) * * * A school district may provide a program of
9735 education and instruction to children ages five (5) years through
9736 twenty-one (21) years, who are resident citizens of the State of
9737 Mississippi, who cannot have their educational needs met in a
9738 regular public school program and who have not finished or
9739 graduated from high school, if those children are determined by
9740 competent medical authorities and psychologists to need placement



9741 in a state licensed facility for inpatient treatment, day
9742 treatment or residential treatment or a therapeutic group home.
9743 Such program shall operate under rules, regulations, policies and
9744 standards of school districts as determined by the State Board of
9745 Education. If a private school approved by the State Board of
9746 Education is operated as an integral part of the state licensed
9747 facility that provides for the treatment of such children, the
9748 private school within the facility may provide a program of
9749 education, instruction and training to such children by requesting
9750 the State Department of Education to allocate * * * funds
9751 equivalent to the full base student cost and all qualifying
9752 weighted adjustments as prescribed in Section 37-151-209 for each
9753 student placed in such facility for each approved class. The
9754 facility shall be responsible for providing any additional costs
9755 of the program.

9756 * * *

9757 **SECTION 123.** Section 37-13-153, Mississippi Code of 1972,
9758 which required state funding for home economics teachers to be
9759 included as a line item in the education appropriations bills for
9760 fiscal years 1995, 1996 and 1997, is repealed.

9761 **SECTION 124.** Sections 37-151-1, 37-151-5, 37-151-6,
9762 37-151-7, 37-151-7.1, 37-151-8, 37-151-10, 37-151-77, 37-151-79
9763 and 37-151-83, Mississippi Code of 1972, which define certain
9764 terms and establish the formula to be used in determining the



9765 annual allocation of funds to each school district under the
9766 Mississippi Adequate Education Program (MAEP), are repealed.

9767 **SECTION 125.** Section 37-152-1, Mississippi Code of 1972,
9768 which creates the Commission on Restructuring the Mississippi
9769 Adequate Education Program (MAEP), is repealed.

9770 **SECTION 126.** This act shall take effect and be in force from
9771 and after July 1, 2024.

