

By: Representatives Roberson, McCarty, Owen To: Education

HOUSE BILL NO. 4130

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 DEFINE CERTAIN TERMS, INCLUDING "NET
4 ENROLLMENT," "TOTAL FUNDING FORMULA" AND "WEIGHT"; TO CREATE NEW
5 SECTION 37-151-203, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
6 EFFECTIVE FISCAL YEAR 2026 AND EVERY YEAR THEREAFTER, THE STATE
7 BOARD OF EDUCATION SHALL PROVIDE A PROPOSED BASE-STUDENT COST
8 ADEQUATE TO PROVIDE CERTAIN COST COMPONENTS OF EDUCATING PUPILS IN
9 SCHOOL DISTRICTS; TO PROVIDE THAT THE INSTRUCTIONAL COST SHALL BE
10 CALCULATED BY DIVIDING THE AVERAGE TEACHER SALARY BY THE
11 STUDENT-TO-TEACHER RATIO; TO PROVIDE THE FORMULA FOR
12 ADMINISTRATIVE COST, ANCILLARY PERSONNEL AND EXPENSES, AND
13 OPERATION AND MAINTENANCE OF PLANT; TO CREATE NEW SECTION
14 37-151-205, MISSISSIPPI CODE OF 1972, TO ESTABLISH VARIOUS WEIGHTS
15 TO BE APPLIED TO THE BASE AMOUNT FOR STUDENTS WHO ARE LOW-INCOME
16 STUDENTS, ENGLISH LANGUAGE LEARNERS, ELIGIBLE FOR SPECIAL
17 EDUCATION SERVICES, GIFTED, ENROLLED IN CAREER AND TECHNICAL
18 EDUCATION, AND RESIDING IN SPARSELY POPULATED SCHOOL DISTRICTS; TO
19 CREATE NEW SECTION 37-151-207, MISSISSIPPI CODE OF 1972, TO
20 REQUIRE STUDENT ENROLLMENT AND ATTENDANCE FIGURES TO BE DETERMINED
21 ON THE BASIS OF NET ENROLLMENT; TO CREATE NEW SECTION 37-151-209,
22 MISSISSIPPI CODE OF 1972, TO CLARIFY THAT A SCHOOL DISTRICT OR
23 CHARTER SCHOOL HAS AUTONOMY, SUBJECT TO REGULATORY AND STATUTORY
24 RESTRICTIONS, IN THE SPENDING OF ALL FUNDS ALLOCATED TO THAT
25 SCHOOL DISTRICT OR CHARTER SCHOOL; TO CREATE NEW SECTION
26 37-151-211, MISSISSIPPI CODE OF 1972, TO REQUIRE TAX ASSESSORS TO
27 FILE CERTAIN REPORTS WITH THE STATE DEPARTMENT OF EDUCATION AND TO
28 REQUIRE THE DEPARTMENT TO CALCULATE THE DISTRICT'S REQUIRED
29 MINIMUM MILLAGE AND THE CONTRIBUTION TO THE COST OF THE TOTAL
30 FUNDING FORMULA REQUIRED OF EACH SCHOOL DISTRICT AND CHARTER
31 SCHOOL; TO CREATE NEW SECTION 37-151-213, MISSISSIPPI CODE OF
32 1972, TO PROVIDE THAT THE STATE'S SHARE IN SUPPORT OF THE FUNDING
33 FORMULA FOR A SCHOOL DISTRICT OR CHARTER SCHOOL FOR FISCAL YEARS
34 2025, 2026, AND 2027 MAY NOT BE LESS THAN AN AMOUNT EQUAL TO THE



SUM OF ALL STATE FUNDS RECEIVED BY THAT SCHOOL DISTRICT OR CHARTER SCHOOL FOR FISCAL YEAR 2024; TO AMEND SECTIONS 37-57-1, 37-57-104, 37-57-105 AND 37-57-107, MISSISSIPPI CODE OF 1972, WHICH RELATE TO SCHOOL DISTRICT TAXATION, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; TO AMEND SECTION 37-61-33, MISSISSIPPI CODE OF 1972, TO DELETE THE REQUIREMENT THAT A PORTION OF EDUCATION ENHANCEMENT FUNDS BE DISTRIBUTED TO SCHOOL DISTRICTS TO FUND CAPITAL IMPROVEMENTS PROJECTS; TO AMEND SECTION 27-65-75, MISSISSIPPI CODE OF 1972, TO DELETE THE REQUIRED DEPOSIT OF SALES TAX REVENUE INTO THE EDUCATIONAL FACILITIES REVOLVING LOAN FUND; TO AMEND SECTIONS 1-3-26, 7-7-211, 19-9-157, 19-9-171, 25-4-29, 27-25-706, 27-33-3, 27-39-317, 29-3-47, 29-3-49, 29-3-113, 29-3-137, 31-7-9, 31-7-10, 37-1-3, 37-3-11, 37-3-83, 37-7-208, 37-7-301, 37-7-302, 37-7-303, 37-7-307, 37-7-319, 37-7-333, 37-7-339, 37-7-419, 37-9-17, 37-9-18, 37-9-23, 37-9-25, 37-9-33, 37-9-35, 37-9-37, 37-9-77, 37-11-11, 37-13-63, 37-13-64, 37-13-69, 37-15-38, 37-16-3, 37-19-7, 37-21-6, 37-21-7, 37-22-5, 37-23-1, 37-23-15, 37-23-69, 37-23-109, 37-23-179, 37-27-55, 37-27-57, 37-28-5, 37-28-53, 37-28-55, 37-29-1, 37-29-272, 37-29-303, 37-31-13, 37-31-75, 37-35-3, 37-37-3, 37-41-7, 37-45-49, 37-47-9, 37-47-24, 37-47-25, 37-47-33, 37-61-3, 37-61-5, 37-61-7, 37-61-19, 37-61-29, 37-61-35, 37-61-37, 37-68-7, 37-131-7, 37-131-9, 37-131-11, 37-151-9, 37-151-81, 37-151-85, 37-151-87, 37-151-89, 37-151-91, 37-151-93, 37-151-95, 37-151-97, 37-151-99, 37-151-101, 37-151-103, 37-151-105, 37-151-107, 37-173-9, 37-173-13, 37-175-13, 37-179-3, 37-181-7, 41-79-5, 43-17-5, 65-26-9 AND 27-104-351, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO. 2689, 2024 REGULAR SESSION, AND HOUSE BILL NO. 1696, 2024 REGULAR SESSION, TO CONFORM AND TO REVISE CERTAIN PROVISIONS RELATED TO THE STATE'S PERMANENT PERFORMANCE-BASED ACCREDITATION SYSTEMS; TO PROVIDE THE PROCEDURE BY WHICH THE STATE BOARD OF EDUCATION MAY PLACE A FAILING SCHOOL OR SCHOOL DISTRICT INTO A DISTRICT OF TRANSFORMATION; TO ESTABLISH RELEVANT CRITERIA FOR SCHOOLS OR SCHOOL DISTRICTS TO BE PLACED INTO SUCH DISTRICTS; TO DELETE CERTAIN PROVISIONS RELATED TO MISSISSIPPI RECOVERY SCHOOL DISTRICTS, SCHOOL BOARDS OF FAILING SCHOOLS AND ELECTIONS OF MEMBERS OF FAILING SCHOOL BOARDS; TO PROVIDE THAT DISTRICTS THAT ARE PLACED INTO DISTRICT TRANSFORMATION SHALL BE ELIGIBLE TO RETURN TO LOCAL CONTROL WHEN THE DISTRICT HAS ATTAINED A "C" RATING OR HIGHER FOR THREE CONSECUTIVE YEARS; TO REPEAL SECTIONS 37-13-153, MISSISSIPPI CODE OF 1972, WHICH REQUIRED STATE FUNDING FOR HOME ECONOMICS TEACHERS TO BE INCLUDED AS A LINE ITEM IN THE EDUCATION APPROPRIATIONS BILLS FOR CERTAIN PRIOR FISCAL YEARS; TO REPEAL SECTIONS 37-151-1, 37-151-5, 37-151-6, 37-151-7, 37-151-7.1, 37-151-8, 37-151-10, 37-151-77, 37-151-79 AND 37-151-83, MISSISSIPPI CODE OF 1972, WHICH DEFINE CERTAIN TERMS AND PRESCRIBE THE FORMULA AND CERTAIN REQUIREMENTS UNDER THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM (MAEP); TO REPEAL SECTION 37-152-1, MISSISSIPPI CODE OF 1972, WHICH CREATES THE COMMISSION ON RESTRUCTURING THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM



(MAEP); TO REPEAL SECTIONS 37-109-1, 37-109-3, 37-109-5, 37-109-7, 37-109-9 AND 37-109-11, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE MISSISSIPPI DUAL ENROLLMENT/DUAL CREDIT SCHOLARSHIP PROGRAM ACT OF 2023; TO REPEAL SECTIONS 27-65-75(5), 37-47-7 AND 37-47-24, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE EDUCATIONAL FACILITIES REVOLVING LOAN FUND AND ITS FUNDING MECHANISM; AND FOR RELATED PURPOSES.

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

SECTION 1. The following shall be codified as Section 37-151-200, Mississippi Code of 1972:

37-151-200. (1) This act shall be known, and may be cited as the "Mississippi Student Funding Formula."

(2) Wherever the phrase "total funding formula," "funding formula" or "total funding formula program" shall appear in the laws of this state, it shall be construed to mean the "Mississippi Student Funding Formula" created under Chapter 151, Title 37, Mississippi Code of 1972.

SECTION 2. The following shall be codified as Section 37-151-201, Mississippi Code of 1972:

37-151-201. The following words and phrases have the meanings ascribed in this section unless the context clearly indicates otherwise:

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

(b) "Career and technical education course" or "CTE course" means a credit-bearing course that has been approved and



classified by the department as a career and technical education,
or CTE, course.

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

(d) "Department" means the State Department of
Education.

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

(f) "Final weighted enrollment" means the final product
of applying weights to the net enrollment of a school district or
charter school after accounting for the sparsity of a school
district or charter school, as determined in Section 37-151-209.

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

(h) "Local contribution" means the amount of local tax
money that school districts or charter schools must contribute to
the cost of the funding formula for their district or charter
school in a given fiscal year, as determined under Section
37-151-211.



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

(j) "Low income student" means a student who has been identified by the department, through inclusion in the identified student percentage, as having been approved for free meals based on documentation of:

(i) Receipt of benefits from the following federally funded programs:

1. Supplemental Nutrition Assistance Program (SNAP);

2. Temporary Assistance for Needy Families (TANF);

3. Food Distribution Program on Indian Reservations (FDPIR); or

4. Medicaid, where applicable, as approved by United States Department of Agriculture (USDA) to conduct matching with Medicaid data to identify children eligible for free meals; or

(ii) The inclusion of students who are identified as homeless children, migrant children, runaway children or Head Start children, who are approved for free school meals without application and not subject to verification, which includes foster



children certified for free meals through means other than an application for free and reduced price school meals.

(k) "Net enrollment" means the average of the total aggregate student enrollment of a school district or charter school on the last day of months two (2) and three (3) of the previous school year. The total aggregate student enrollment for each day may be determined by calculating the total number of students enrolled plus or minus the total number of new student enrollments or withdrawals, respectively, with the resulting amount being considered the total aggregate student enrollment on a given day. However, if a local school board or the governing board of a charter school adopts a class schedule that operates throughout the year for any or all schools in the district or the charter school, net enrollment must be computed by the State Department of Education so that the resulting net enrollment will not be higher or lower than if the local school board or the governing board had not adopted a year-round schedule.

(l) "Preliminary weighted enrollment" means the initial product of applying weights to the net enrollment of a school district or charter school, as determined in Section 37-151-205.

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



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

(o) "Sparsely populated district or charter school" means a school district or charter school with a density of less than eight (8) students per square mile, as determined by dividing the net enrollment of a district or charter school by the square mileage within its geographic boundaries. For the purpose of determining the sparsity of a charter school, the square mileage of a charter school is equivalent to the square mileage within the geographic boundaries of the school district in which the charter school is located.

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

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

(r) "Superintendent" means the administrative head of a school district.

(s) "Total funding formula" means the formula used to determine annual operating funding for public schools, as prescribed in this act.



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

SECTION 3. The following shall be codified as Section 37-151-203, Mississippi Code of 1972:

37-151-203. (1) In fiscal year 2025, the student base amount shall be Six Thousand Six Hundred Ninety-Five Dollars and Thirty-four Cents (\$6,695.34) per student. In fiscal years 2026, 2027 and 2028, the inflationary adjustment described in this section shall be applied to derive the total funding formula. In fiscal year 2029, and every fourth fiscal year thereafter, the State Board of Education, on or before August 1, with an adjusted estimate no later than January 2, shall submit to the Legislative Budget Office, the Chairmen of the Senate and House of Representatives Appropriations and Education Committees, respectively, the Lieutenant Governor and the Speaker of the House a new proposed student base amount calculation using the following formula:

(a) Instructional cost. To determine the instructional cost, the department shall first calculate the state's student to teacher ratio. Such ratio shall be determined by dividing the net enrollment for public schools and charter schools in the state by the total number of teachers in such schools, as determined by the department, in months two (2) and three (3) of the school year



preceding the year funds are to be appropriated. The student to teacher ratio shall be rounded up to the nearest whole number. After determining the student to teacher ratio, the average teacher salary shall be divided by the student teacher ratio, and the resulting amount shall be considered the instructional cost. The average teacher salary shall be calculated by the department and include district local supplements as provided in Section 37-151-87, but shall not include the highest five percent (5%) and lowest five percent (5%) of district local supplements.

(b) Administrative cost; which shall be twenty percent (20%) of the instructional cost.

(c) Ancillary personnel and expenses; which shall be thirty percent (30%) of the instructional cost.

(d) Operation and maintenance of plant. For the plant and maintenance cost component, the State Department of Education shall select districts that have a ratio of plant and maintenance expenditures per one hundred thousand (100,000) square feet of building space and a ratio of maintenance workers per one hundred thousand (100,000) square feet of building space that are both between one (1) standard deviation above the mean and two (2) standard deviations below the mean of the statewide average. The plant and maintenance cost component shall be calculated by dividing the latest available months one (1) through nine (9) average daily attendance of the selected districts into the plant and maintenance expenditures of these selected districts. For the



purpose of this calculation, the Department of Education shall use the following funds, functions and objects: Fund 1120 Functions 2600-2699, Objects 100-699 and Objects 800-999; Fund 2711 Functions 2600-2699, Objects 100-699 and Objects 800-999; Fund 2430 Functions 2600-2699, Objects 100-699 and Objects 800-999.

Net enrollment means the percentage change from the prior year of each year of each school district's months two (2) and three (3) average of net enrollment for the three (3) immediately preceding school years of the year for which funds are being appropriated.

(2) For purposes of these calculations, the State Department of Education shall utilize financial data from the second preceding year of the year for which funds are being appropriated.

(3) For each of the fiscal years between the recalculation of the base student cost, the base student cost shall be increased by an amount equal to twenty five percent (25%) of the base student cost for the previous fiscal year, multiplied by the twenty year average annual change in the rate of inflation rounded up to the nearest tenth of a percent for the State of Mississippi as determined by the State Economist, plus any adjustments for additional state requirements including, but not limited to, teacher pay raises and health insurance premium increases. The calculation shall be performed annually by the Department of Education, and the resulting amount shall replace base student cost from the previous year.



285 (4) In years when the total revenue of the state does not
286 increase, the Legislature may retain the base student cost from
287 the previous year. If the total revenue increases the following
288 year, the formula shall be recalculated or increased according to
289 inflation as provided in this act.

290 (5) Base student cost shall not be lower than the previous
291 year; provided, however, the base student cost may be lowered when
292 the State Fiscal Officer provides notice to the Legislative Budget
293 Office of a revenue shortfall in accordance with Section
294 27-104-13.

295 (6) By November 1, 2024, the department shall submit to the
296 Legislative Budget Office, the Chairmen of the Senate and House of
297 Representatives Appropriations and Education Committees,
298 respectively, the Lieutenant Governor and the Speaker of the
299 House, a report on the department's plan for implementation of the
300 funding formula as specified under the provisions of this act, and
301 to recommended any technical amendments necessary for its
302 effective administration before the commencement of the 2025
303 Regular Session of the Legislature.

304 (7) The annual amount of funding for the operation of each
305 school district and charter school under the total funding formula
306 as provided under this act is determined by multiplying the
307 student base amount, as determined under Section 37-151-203, by
308 the final weighted enrollment of the school district or charter
309 school, as determined under Section 37-151-205.



310 **SECTION 4.** The following shall be codified as Section

311 37-151-205, Mississippi Code of 1972:

312 37-151-205. (1) The preliminary weighted enrollment of each
313 school district and charter school under this act is determined by
314 applying the weights prescribed in this section, none of which are
315 mutually exclusive of another, to each applicable school district
316 or charter school's net enrollment, as determined by Section
317 37-151-207. To determine additional funding authorized under this
318 section, the number of students in a school district that are
319 identified as the applicable weight shall be calculated as a
320 percentage of the students in the school district. Such amount
321 shall be referred to as the "percentage of applicable students."

322 (2) For students identified as low-income, as defined in
323 Section 37-151-201, the percentage of applicable students in the
324 school district is multiplied by thirty one-hundredths (30/100),
325 and then multiplied by net enrollment.

326 (3) For students identified as English Language Learners, as
327 defined in Section 37-151-201, the percentage of applicable
328 students in the school district is multiplied by fifteen
329 one-hundredths (15/100), and then multiplied by net enrollment.

330 (4) The following weights are applied to students who are
331 identified as entitled to and receiving services in a special
332 education program:

333 (a) Tier I: For students diagnosed with a specific
334 learning disability, speech and language impairment, or



developmental delay, the percentage of applicable students in the school district is multiplied by sixty one-hundredths (60/100), and then multiplied by net enrollment.

(b) Tier II: For students diagnosed with autism, hearing impairment, emotional disability, orthopedic impairment, intellectual disability, or other health impairment, the percentage of applicable students in the school district is multiplied by one hundred ten one-hundredths (110/100), and then multiplied by net enrollment.

(c) Tier III: For students diagnosed with visual impairment, deaf-blindness, multiple disabilities, or traumatic brain injury, the percentage of applicable students in the school district is multiplied by one hundred thirty one-hundredths (130/100), and then multiplied by net enrollment.

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

(5) A weight of five percent (5%) is applied to five percent (5%) of a school district or charter school's net enrollment for the purpose of providing gifted education, regardless of the number of students in a school district or charter school that have been identified as gifted students: the total number of students in net enrollment in a school district or charter school,



as determined by Section 37-151-207, is multiplied by five one-hundredths (5/100), which is again multiplied by five one-hundredths (5/100).

(6) For Ninth, Tenth, Eleventh and Twelfth Grade students enrolled in a career and technical education course, as defined in Section 37-151-201, the percentage of applicable students in the school district is multiplied by ten one-hundredths (10/100). Students enrolled in multiple career and technical education courses are counted once.

(7) In each school district or charter school where the number of students identified as low income, as defined in Section 37-151-201, exceeds thirty-five percent (35%) of the school district or charter school's net enrollment, a weight of ten percent (10%) is applied only to the number of low income students in excess of the number of low income students which constitute thirty-five percent (35%) of net enrollment. The number of students eligible for this weight is calculated by subtracting the number of students equivalent to thirty-five percent (35%) of the net enrollment of that school district or charter school from the total number of students in that school district or charter school identified as low income: if the total percentage of applicable students identified in subsection (2) exceeds thirty-five percent (35%) of the school district or charter school's total net enrollment, as determined in Section 37-151-207, the difference between the total percentage of applicable students identified in



subsection (2) and thirty-five percent (35%) of the school district or charter school's total net enrollment is multiplied by ten one-hundredths (10/100) and then multiplied by net enrollment.

(8) The final weighted enrollment of each school district and charter school under the total funding formula as provided for in this act is determined as follows:

(a) The final weighted enrollment for each school district or charter school that is not classified as a sparsely populated district or charter school, as defined in Section 37-151-201, is equivalent to the preliminary weighted enrollment of that school district or charter school, as determined in subsections (1) through (7) of this section: the State Department of Education shall add to the school district or charter school's net enrollment, as determined under Section 37-151-207, each of the additional figures calculated in accordance with subsections (2) through (7), and this total is the final weighted enrollment.

(b) The final weighted enrollment for each sparsely populated district or charter school, as defined in Section 37-151-201, is determined by multiplying the sparsity weight by the preliminary weighted enrollment, as determined in subsections (1) through (7) of this section, and then adding that figure to the preliminary weighted enrollment. To calculate the final weighted enrollment, the State Department of Education shall add to the school district or charter school's net enrollment, each of the additional figures calculated in accordance with subsections



(2) through (7) to determine the preliminary weighted enrollment, multiply this figure by the sparsity weight as determined below, and add this resulting number to the preliminary weighted enrollment to find the final weighted enrollment. To calculate the sparsity weight, the State Department of Education shall find the difference between the number of students per square mile in that district or charter school and a sparsity threshold of eight (8) students per square mile, and then shall divide the resulting figure by one hundred (100) to create a percentage: for example, if the number of students per square mile in a district is three (3), the difference is five (5) (eight (8) minus three (3)), and the sparsity weight is five percent (5%), or five one-hundredths (5/100).

SECTION 5. The following shall be codified as Section 37-151-207, Mississippi Code of 1972:

37-151-207. (1) The net enrollment of a school district or charter school for use in the funding formula must be computed and currently maintained by the State Board of Education in accordance with the following:

(a) Determination of school district net enrollment for use in the funding formula. Effective with fiscal year 2026, the State Department of Education shall determine the percentage change from the prior year of each school district's months two (2) and three (3) for the three (3) immediately preceding school years of the year for which funds are being appropriated.



435 (b) Determination of charter school net enrollment for
436 use in the funding formula. Effective with fiscal year 2026, the
437 department shall base a charter school's net enrollment on the
438 enrollment projections for the relevant year set forth over the
439 term of the charter contract.

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

453 (2) The net enrollment of a school district or charter
454 school must include any student enrolled in a dual enrollment-dual
455 credit program as defined and provided for in Section 37-15-38.
456 The State Department of Education shall make payments for dual
457 enrollment-dual credit programs to the home school district or
458 charter school in which the student is enrolled, in accordance
459 with regulations promulgated by the State Board of Education. All



state funding under the formula must cease upon completion of high school graduation requirements.

(3) The State Board of Education shall promulgate such rules and regulations as may be necessary for the counting and reporting of student enrollment by school districts and charter schools to the department in a manner that enables the provisions of this act to be carried out. The rules and regulations must require school districts and charter schools to submit data that includes, at a minimum, numbers for the specific student populations that are subject to weighting under this act as well as the aggregate amount of students in enrollment when each calculation is made. For the first year of operation of a charter school, the State Board of Education shall use imputed student demographic data based on the traditional district in which the charter school is located to estimate student populations that are subject to weighting under this act.

(4) The superintendent of each school district and the head of school of each charter school, as applicable, shall submit the data required by subsection (3) of this section with a signed affidavit attesting that the data submitted to the department is accurate to the best of the superintendent's knowledge, and any inaccuracies later discovered will be reported to the department. The State Board of Education shall be specifically authorized and empowered to withhold allocations from the total funding formula funds as provided in this act, to any school district or charter



school for improperly or inaccurately reporting the student data required by this act.

SECTION 6. The following shall be codified as Section 37-151-209, Mississippi Code of 1972:

37-151-209. Allocations to school districts or charter schools made by the State Department of Education on the basis of the count of students in student categories established for the purpose of applying various weights under this act are intended only to generate total appropriation amounts for school funding. Except as otherwise required by applicable state or federal law or by applicable rules, regulations, policies, or order of the State Board of Education and the State Department of Education, a school district or charter school may exercise full autonomy in the spending of all funds allocated under the formula to the district or charter school so long as funds are expended in the manner determined by the school board or governing board to best meet the needs of the student population of the school district or charter school.

SECTION 7. The following shall be codified as Section 37-151-211, Mississippi Code of 1972:

37-151-211. (1) (a) Before February 1 of each year, the tax assessor of each county shall file reports with the State Department of Education which provide information essential to the department in determining the local contribution that each school district or charter school is required to provide toward the cost



of local school funding. A separate report must be filed for each school district or part of a school district situated in the county and must include the following information:

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

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

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

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

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

(2) (a) The department shall use the information submitted pursuant to subsection (1) to calculate and certify to each school district the millage required to raise its minimum local tax effort, which must be the value of not less than twenty-eight (28) mills for the then current fiscal year or a millage rate equivalent to twenty-seven percent (27%) of the total funding formula funds for the school district, any charter schools, and any Mississippi Achievement School District Schools located in its boundaries, whichever is a lesser amount as certified to the



535 school district by the department, upon all of the taxable
536 property of the school district, including the following sources:

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

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

542 (b) The department shall determine the local
543 contribution of each school district or charter school based on
544 the minimum local tax effort, as determined under paragraph (a),
545 and shall certify this required local contribution to each school
546 district or charter school, as follows:

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

550 (ii) For school districts in which there is
551 located one or more charter schools, the local contribution of the
552 school district is the product of multiplying the local pro rata
553 amount by the net enrollment of the school district. The
554 department will calculate the local pro rata amount by dividing
555 the school district's minimum local tax effort by the sum of the
556 net enrollment of the school district, as determined by Section
557 37-151-207, and the projected enrollment of charter school
558 students, as specified in Section 37-151-207, who reside or are
559 estimated to reside in the district, but excluding from this



projected enrollment any resident students who are projected to transfer from the district to a charter school after the calculation of the district's net enrollment, so as not to double-count those students.

(iii) For each charter school, the local contribution is the sum of the local pro rata amount for each charter school student, as determined by Section 37-151-207, based on each student's district of residence. The department will calculate a local pro rata amount for each school district in which a student projected to attend the charter school resides or is estimated to reside using the methodology in subparagraph (ii) of this paragraph (b).

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

(3) Except as otherwise provided in Section 37-151-213(1), the required state share in support of each school district and charter school is determined by subtracting the required local contribution, which total amount may not exceed twenty-seven percent (27%) of the total projected funding formula cost, from



the total projected funding formula cost, as determined under this act, for the school district or charter school.

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

SECTION 8. The following shall be codified as Section 37-151-213, Mississippi Code of 1972:



37-151-213.

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

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

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

(4) If a school district meets the highest levels of performance classification, as determined by the State Board of



Education in the state's accountability standards, the State Board of Education, in its discretion, may exempt the school district from the maximum student-teacher ratio required under this section.

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

SECTION 9. The following shall be codified as Section 37-151-215, Mississippi Code of 1972:

37-151-215. (1) Notwithstanding the provisions of Section 37-151-211(3), the state share in support of the funding formula for a school district or charter school for fiscal year 2025, fiscal year 2026 and fiscal year 2027 may not be less than an amount equal to the sum of all state funds received by that school district or charter school for fiscal year 2024, as follows:

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

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

(c) Funds distributed by and based on net enrollment or the total number of students enrolled for each day in each public school district or charter school, divided by the total number of school days, and allowable to be spent on any expenditures



necessary to operate a public school district or charter school,
excluding salary increases for superintendents, assistant
superintendents or principals.

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

SECTION 10. Section 37-57-1, Mississippi Code of 1972, is
amended as follows:

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

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

Except as otherwise provided in Section 19-9-171, the county
or municipal tax collector, as the case may be, shall pay such tax
collections, except for taxes collected for the payment of the
principal of and interest on school bonds or notes and except for



684 taxes collected to defray collection costs, into the school
685 depository and report to the school board of the appropriate
686 school district at the same time and in the same manner as the tax
687 collector makes his payments and reports of other taxes collected
688 by him.

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

692 (b) For the purposes of this chapter and any other laws
693 pertaining to taxes levied or bonds or notes issued for and on
694 behalf of school districts, the term "levying authority" means the
695 board of supervisors of the county or the governing authorities of
696 the municipality, whichever levies taxes for and on behalf of the
697 particular school district as provided in paragraphs (a) and (b)
698 of this subsection.

699 (2) The levying authority for the school district shall, at
700 the same time and in the same manner as other taxes are levied by
701 the levying authority, levy a tax of not less than twenty-eight
702 (28) mills for the then current fiscal year * * * or a millage
703 rate equivalent to twenty-seven percent (27%) of the * * * total
704 funding formula under this act, whichever is a lesser amount, as
705 certified to the school district by the State Department of
706 Education, upon all of the taxable property of the school
707 district * * *. However, in no case shall the minimum local ad
708 valorem tax effort for any school district be equal to an amount



709 that would require a millage rate exceeding fifty-five (55) mills
710 in that school district. * * * However, * * * if a levying
711 authority is levying in excess of fifty-five (55) mills on July 1,
712 1997, the levying authority may levy an additional amount not
713 exceeding three (3) mills in the aggregate for the period
714 beginning July 1, 1997, and ending June 30, 2003, subject to the
715 limitation on increased receipts from ad valorem taxes prescribed
716 in Sections 37-57-105 and 37-57-107. Nothing in this subsection
717 shall be construed to require any school district that is levying
718 more than fifty-five (55) mills pursuant to Sections 37-57-1 and
719 37-57-105 to decrease its millage rate to fifty-five (55) mills or
720 less. In making such levy, the levying authority shall levy an
721 additional amount sufficient to cover anticipated delinquencies
722 and costs of collection so that the net amount of money to be
723 produced by such levy shall be equal to the amount which the
724 school district is required to contribute as its * * * minimum
725 local ad valorem tax effort. The tax so levied shall be collected
726 by the tax collector at the same time and in the same manner as
727 other ad valorem taxes are collected by him. The amount of taxes
728 so collected as a result of such levy shall be paid into the
729 district maintenance fund of the school district by the tax
730 collector at the same time and in the same manner as reports and
731 payments of other ad valorem taxes are made by * * * the tax
732 collector, except that the amount collected to defray costs of
733 collection may be paid into the county general fund. The levying



734 authority shall have the power and authority to direct and cause
735 warrants to be issued against such fund for the purpose of
736 refunding any amount of taxes erroneously or illegally paid into
737 such fund where such refund has been approved in the manner
738 provided by law.

739 **SECTION 11.** Section 37-57-104, Mississippi Code of 1972, is
740 amended as follows:

741 37-57-104. (1) Each school board shall submit to the
742 levying authority for the school district a certified copy of an
743 order adopted by the school board requesting an ad valorem tax
744 effort in dollars for the support of the school district. The
745 copy of the order shall be submitted by the school board when the
746 copies of the school district's budget are filed with the levying
747 authority pursuant to Section 37-61-9. Upon receipt of the school
748 board's order requesting the ad valorem tax effort in dollars, the
749 levying authority shall determine the millage rate necessary to
750 generate funds equal to the dollar amount requested by the school
751 board. For the purpose of calculating this millage rate, any
752 additional amount that is levied pursuant to Section 37-57-105(1)
753 to cover anticipated delinquencies and costs of collection or any
754 amount that may be levied for the payment of the principal and
755 interest on school bonds or notes shall be excluded from the
756 limitation of fifty-five (55) mills provided for in subsection (2)
757 of this section.



758 (2) (a) Except as otherwise provided under paragraph (b) or
759 (c) of this subsection, if the millage rate necessary to generate
760 funds equal to the dollar amount requested by the school board is
761 greater than fifty-five (55) mills, and if this millage rate is
762 higher than the millage then being levied pursuant to the school
763 board's order requesting the ad valorem tax effort for the
764 currently existing fiscal year, then the levying authority shall
765 call a referendum on the question of exceeding, during the next
766 fiscal year, the then existing millage rate being levied for
767 school district purposes. The referendum shall be scheduled for
768 not more than six (6) weeks after the date on which the levying
769 authority receives the school board's order requesting the ad
770 valorem tax effort.

771 When a referendum has been called, notice of the referendum
772 shall be published at least five (5) days per week, unless the
773 only newspaper published in the school district is published less
774 than five (5) days per week, for at least three (3) consecutive
775 weeks, in at least one (1) newspaper published in the school
776 district. The notice shall be no less than one-fourth (1/4) page
777 in size, and the type used shall be no smaller than eighteen (18)
778 point and surrounded by a one-fourth-inch solid black border. The
779 notice may not be placed in that portion of the newspaper where
780 legal notices and classified advertisements appear. The first
781 publication of the notice shall be made not less than twenty-one
782 (21) days before the date fixed for the referendum, and the last



publication shall be made not more than seven (7) days before that date. If no newspaper is published in the school district, then the notice shall be published in a newspaper having a general circulation in the school district. The referendum shall be held, as far as is practicable, in the same manner as other referendums and elections are held in the county or municipality. At the referendum, all registered, qualified electors of the school district may vote. The ballots used at the referendum shall have printed thereon a brief statement of the amount and purpose of the increased tax levy and the words "FOR INCREASING THE MILLAGE LEVIED FOR SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY LEVIED) MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S ORDER) MILLS," and "AGAINST INCREASING THE MILLAGE LEVIED FOR SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY LEVIED) MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S ORDER) MILLS." The voter shall vote by placing a cross (X) or checkmark (✓) opposite his choice on the proposition.

If a majority of the registered, qualified electors of the school district who vote in the referendum vote in favor of the question, then the ad valorem tax effort in dollars requested by the school board shall be approved. However, if a majority of the registered, qualified electors who vote in the referendum vote against the question, the millage rate levied by the levying authority shall not exceed the millage then being levied pursuant



to the school board's order requesting the ad valorem tax effort for the then currently existing fiscal year.

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

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



831 (c) If the levying authority for any school district
832 lawfully has decreased the millage levied for school district
833 purposes, but subsequently determines that there is a need to
834 increase the millage rate due to a disaster in which the Governor
835 has declared a disaster emergency or the President of the United
836 States has declared an emergency or major disaster, then the
837 levying authority may increase the millage levied for school
838 district purposes up to an amount that does not exceed the millage
839 rate in any one (1) of the immediately preceding ten (10) fiscal
840 years without any referendum that otherwise would be required
841 under this subsection.

842 (3) If the millage rate necessary to generate funds equal to
843 the dollar amount requested by the school board is equal to
844 fifty-five (55) mills or less, but the dollar amount requested by
845 the school board exceeds the next preceding fiscal year's ad
846 valorem tax effort in dollars by more than four percent (4%), but
847 not more than seven percent (7%) (as provided for under subsection
848 (4) of this section), then the school board shall publish notice
849 thereof at least five (5) days per week, unless the only newspaper
850 published in the school district is published less than five (5)
851 days per week, for at least three (3) consecutive weeks in a
852 newspaper published in the school district. The notice shall be
853 no less than one-fourth (1/4) page in size, and the type used
854 shall be no smaller than eighteen (18) point and surrounded by a
855 one-fourth-inch solid black border. The notice may not be placed



856 in that portion of the newspaper where legal notices and
857 classified advertisements appear. The first publication shall be
858 made not less than fifteen (15) days before the final adoption of
859 the budget by the school board. If no newspaper is published in
860 the school district, then the notice shall be published in a
861 newspaper having a general circulation in the school district. If
862 at any time before the adoption of the budget a petition signed by
863 not less than twenty percent (20%) or fifteen hundred (1500),
864 whichever is less, of the registered, qualified electors of the
865 school district is filed with the school board requesting that a
866 referendum be called on the question of exceeding the next
867 preceding fiscal year's ad valorem tax effort in dollars by more
868 than four percent (4%), then the school board shall adopt, not
869 later than the next regular meeting, a resolution calling a
870 referendum to be held within the school district upon the
871 question. The referendum shall be called and held, and notice
872 thereof shall be given, in the same manner provided for in
873 subsection (2) of this section. The ballot shall contain the
874 language "FOR THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)" and
875 "AGAINST THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)." If a
876 majority of the registered, qualified electors of the school
877 district who vote in the referendum vote in favor of the question,
878 then the increase requested by the school board shall be approved.
879 For the purposes of this subsection, the revenue sources excluded
880 from the increase limitation under Section 37-57-107 also shall be



excluded from the limitation described in this subsection in the same manner as they are excluded under Section 37-57-107. Provided, however, that any increases requested by the school board as a result of the required local contribution to * * * the total funding formula as required by this act, as certified to the local school district by the State Board of Education under Section * * * 37-151-211, shall not be subject to the four percent (4%) and/or seven percent (7%) tax increase limitations provided in this section.

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

(5) The aggregate receipts from ad valorem taxes levied for school district purposes pursuant to Sections 37-57-1 and



37-57-105, excluding collection fees, additional revenue from the ad valorem tax on any newly constructed properties or any existing properties added to the tax rolls or any properties previously exempt which were not assessed in the next preceding year, and amounts received by school districts from the School Ad Valorem Tax Reduction Fund pursuant to Section 37-61-35, shall be subject to the increase limitation under this section and Section 37-57-107.

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

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

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

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

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

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



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

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

SECTION 12. Section 37-57-105, Mississippi Code of 1972, is amended as follows:

37-57-105. (1) * * * In addition to the taxes levied under Section 37-57-1, the levying authority for the school district, as defined in Section 37-57-1, upon receipt of a certified copy of an order adopted by the school board of the school district requesting an ad valorem tax effort in dollars for the support of the school district and any charter schools located in the district, shall, at the same time and in the same manner as other ad valorem taxes are levied, levy an annual ad valorem tax in the amount fixed in such order upon all of the taxable property of such school district, which shall not be less than the millage rate certified by the State Board of Education as the uniform minimum school district ad valorem tax levy required for the support of * * * the total funding formula as required by this act in such school district under Sections 37-57-1 and 37-151-211.

* * * However, * * * any school district levying less than the uniform minimum school district ad valorem tax levy on July 1, 1997, shall only be required to increase its local district maintenance levy in four (4) mill annual increments in order to



956 attain such millage requirements. In making such levy, the
957 levying authority shall levy an additional amount sufficient to
958 cover anticipated delinquencies and costs of collection so that
959 the net amount of money to be produced by such levy shall be equal
960 to the amount which is requested by * * * the school board. The
961 proceeds of such tax levy, excluding levies for the payment of the
962 principal of and interest on school bonds or notes and excluding
963 levies for costs of collection, shall be placed in the school
964 depository to the credit of the school district and shall be
965 expended in the manner provided by law for the purpose of
966 supplementing teachers' salaries, extending school terms,
967 purchasing furniture, supplies and materials, and for all other
968 lawful operating and incidental expenses of such school
969 district * * *.

970 The monies authorized to be received by school districts from
971 the School Ad Valorem Tax Reduction Fund pursuant to Section
972 37-61-35 shall be included as ad valorem tax receipts. The
973 levying authority for the school district, as defined in Section
974 37-57-1, shall reduce the ad valorem tax levy for such school
975 district in an amount equal to the amount distributed to such
976 school district from the School Ad Valorem Tax Reduction Fund each
977 calendar year pursuant to * * * Section 37-61-35. Such reduction
978 shall not be less than the millage rate necessary to generate a
979 reduction in ad valorem tax receipts equal to the funds
980 distributed to such school district from the School Ad Valorem Tax



981 Reduction Fund pursuant to Section 37-61-35. * * * The millage
982 levy certified by the State Board of Education as the * * *
983 minimum * * * tax levy * * * shall be subject to the provisions of
984 this paragraph.

985 In any county where there is located a nuclear generating
986 power plant on which a tax is assessed under Section 27-35-309(3),
987 such required levy and revenue produced thereby may be reduced by
988 the levying authority in an amount in proportion to a reduction in
989 the base revenue of any such county from the previous year. Such
990 reduction shall be allowed only if the reduction in base revenue
991 equals or exceeds five percent (5%). "Base revenue" shall mean
992 the revenue received by the county from the ad valorem tax levy
993 plus the revenue received by the county from the tax assessed
994 under Section 27-35-309(3) and authorized to be used for any
995 purposes for which a county is authorized by law to levy an ad
996 valorem tax. For purposes of determining if the reduction equals
997 or exceeds five percent (5%), a levy of millage equal to the prior
998 year's millage shall be hypothetically applied to the current
999 year's ad valorem tax base to determine the amount of revenue to
1000 be generated from the ad valorem tax levy. For the purposes of
1001 this section and Section 37-57-107, the portion of the base
1002 revenue used for the support of any school district shall be
1003 deemed to be the aggregate receipts from ad valorem taxes for the
1004 support of any school district. This paragraph shall apply to
1005 taxes levied for the 1987 fiscal year and for each fiscal year



thereafter. If the Mississippi Supreme Court or another court finally adjudicates that the tax levied under Section 27-35-309(3) is unconstitutional, then this paragraph shall stand repealed.

The State Department of Education shall calculate a local pro rata amount for the aggregate receipts of the tax levied in this section by dividing the aggregate receipts by the sum of the school district's net enrollment, as determined under Section 37-151-211, and the net enrollment of any charter school students who reside in the district.

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

(3) The aggregate receipts from ad valorem taxes levied for school district purposes, excluding collection fees, pursuant to this section and Section 37-57-1 shall be subject to the increased limitation under Section 37-57-107; however, if the ad valorem tax effort in dollars requested by the school district for the fiscal



1031 year exceeds the next preceding fiscal year's ad valorem tax
1032 effort in dollars by more than four percent (4%) but not more than
1033 seven percent (7%), then the school board shall publish notice
1034 thereof once each week for at least three (3) consecutive weeks in
1035 a newspaper having general circulation in the school district
1036 involved, with the first publication thereof to be made not less
1037 than fifteen (15) days prior to the final adoption of the budget
1038 by the school board. If at any time prior to * * * the adoption a
1039 petition signed by not less than twenty percent (20%) or fifteen
1040 hundred (1500), whichever is less, of the qualified electors of
1041 the school district involved shall be filed with the school board
1042 requesting that an election be called on the question of exceeding
1043 the next preceding fiscal year's ad valorem tax effort in dollars
1044 by more than four percent (4%) but not more than seven percent
1045 (7%), then the school board shall, not later than the next regular
1046 meeting, adopt a resolution calling an election to be held within
1047 such school district upon such question. The election shall be
1048 called and held, and notice thereof shall be given, in the same
1049 manner for elections upon the questions of the issuance of the
1050 bonds of school districts, and the results thereof shall be
1051 certified to the school board. The ballot shall contain the
1052 language "For the School Tax Increase Over Four Percent (4%)" and
1053 "Against the School Tax Increase Over Four Percent (4%)." If a
1054 majority of the qualified electors of the school district who
1055 voted in such election shall vote in favor of the question, then



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

SECTION 13. Section 37-57-107, Mississippi Code of 1972, is amended as follows:

37-57-107. (1) Beginning with the tax levy for the 1997 fiscal year and for each fiscal year thereafter, the aggregate receipts from taxes levied for school district purposes pursuant to Sections 37-57-105 and 37-57-1 shall not exceed the aggregate receipts from those sources during any one (1) of the immediately preceding three (3) fiscal years, as determined by the school board, plus an increase not to exceed seven percent (7%). For the purpose of this limitation, the term "aggregate receipts" when used in connection with the amount of funds generated in a preceding fiscal year shall not include excess receipts required by law to be deposited into a special account. However, the term "aggregate receipts" includes any receipts required by law to be paid to a charter school. The additional revenue from the ad valorem tax on any newly constructed properties or any existing properties added to the tax rolls or any properties previously exempt which were not assessed in the next preceding year may be excluded from the seven percent (7%) increase limitation set forth herein. Taxes levied for payment of principal of and interest on



1081 general obligation school bonds issued heretofore or hereafter
1082 shall be excluded from the seven percent (7%) increase limitation
1083 set forth herein. Any additional millage levied to fund any new
1084 program mandated by the Legislature shall be excluded from the
1085 limitation for the first year of the levy and included within such
1086 limitation in any year thereafter. For the purposes of this
1087 section, the term "new program" shall include, but shall not be
1088 limited to, (a) the Early Childhood Education Program * * *, as
1089 provided by Section 37-21-7, and any additional millage levied and
1090 the revenue generated therefrom, which is excluded from the
1091 limitation for the first year of the levy, to support the mandated
1092 Early Childhood Education Program shall be specified on the
1093 minutes of the school board and of the governing body making such
1094 tax levy; (b) any additional millage levied and the revenue
1095 generated therefrom, which shall be excluded from the limitation
1096 for the first year of the levy, for the purpose of generating
1097 additional local contribution funds required for * * * the total
1098 funding formula as required by this act; and (c) any additional
1099 millage levied and the revenue generated therefrom which shall be
1100 excluded from the limitation for the first year of the levy, for
1101 the purpose of support and maintenance of any agricultural high
1102 school which has been transferred to the control, operation and
1103 maintenance of the school board by the board of trustees of the
1104 community college district under provisions of Section 37-29-272.



1105 (2) The seven percent (7%) increase limitation prescribed in
1106 this section may be increased an additional amount only when the
1107 school board has determined the need for additional revenues and
1108 has held an election on the question of raising the limitation
1109 prescribed in this section. The limitation may be increased only
1110 if three-fifths (3/5) of those voting in the election shall vote
1111 for the proposed increase. The resolution, notice and manner of
1112 holding the election shall be as prescribed by law for the holding
1113 of elections for the issuance of bonds by the respective school
1114 boards. Revenues collected for the fiscal year in excess of the
1115 seven percent (7%) increase limitation pursuant to an election
1116 shall be included in the tax base for the purpose of determining
1117 aggregate receipts for which the seven percent (7%) increase
1118 limitation applies for subsequent fiscal years.

1119 (3) Except as otherwise provided for excess revenues
1120 generated pursuant to an election, if revenues collected as the
1121 result of the taxes levied for the fiscal year pursuant to this
1122 section and Section 37-57-1 exceed the increase limitation, then
1123 it shall be the mandatory duty of the school board of the school
1124 district to deposit such excess receipts over and above the
1125 increase limitation into a special account and credit it to the
1126 fund for which the levy was made. It will be the further duty of
1127 such board to hold * * * the funds and invest the same as
1128 authorized by law. Such excess funds shall be calculated in the
1129 budgets for the school districts for the purpose for which such



1130 levies were made, for the succeeding fiscal year. Taxes imposed
1131 for the succeeding year shall be reduced by the amount of excess
1132 funds available. Under no circumstances shall such excess funds
1133 be expended during the fiscal year in which such excess funds are
1134 collected.

1135 (4) For the purposes of determining ad valorem tax receipts
1136 for a preceding fiscal year under this section, the term "fiscal
1137 year" means the fiscal year beginning October 1 and ending
1138 September 30.

1139 (5) Beginning with the 2013-2014 school year, each school
1140 district in which a charter school is located shall pay to the
1141 charter school an amount for each student enrolled in the charter
1142 school equal to the ad valorem taxes levied per pupil for the
1143 support of the school district in which the charter school is
1144 located. The pro rata ad valorem taxes to be transferred to the
1145 charter school must include all levies for the support of the
1146 school district under Sections 37-57-1 (local contribution to
1147 the * * * total funding formula as required by this act) and
1148 37-57-105 (school district operational levy) but may not include
1149 any taxes levied for the retirement of school district bonded
1150 indebtedness or short-term notes or any taxes levied for the
1151 support of vocational-technical education programs. Payments made
1152 pursuant to this subsection by a school district to a charter
1153 school must be made before the expiration of three (3) business
1154 days after the funds are distributed to the school district.



1155 **SECTION 14.** Section 37-61-33, Mississippi Code of 1972, is
1156 amended as follows:

1157 37-61-33. (1) There is created within the State Treasury a
1158 special fund to be designated the "Education Enhancement Fund"
1159 into which shall be deposited all the revenues collected pursuant
1160 to Sections 27-65-75 (5), (7) and (8) and 27-67-31(a) and (b).

1161 (2) Of the amount deposited into the Education Enhancement
1162 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be
1163 appropriated each fiscal year to the State Department of Education
1164 to be distributed to all school districts. Such money shall be
1165 distributed to all school districts in the proportion that
1166 the * * * net enrollment of each school district bears to
1167 the * * * net enrollment of all school districts within the state
1168 for the following purposes:

1169 (a) Purchasing, erecting, repairing, equipping,
1170 remodeling and enlarging school buildings and related facilities,
1171 including gymnasiums, auditoriums, lunchrooms, vocational training
1172 buildings, libraries, teachers' homes, school barns,
1173 transportation vehicles (which shall include new and used
1174 transportation vehicles) and garages for transportation vehicles,
1175 and purchasing land therefor;

1176 (b) Establishing and equipping school athletic fields
1177 and necessary facilities connected therewith, and purchasing land
1178 therefor;



1179 (c) Providing necessary water, light, heating,
1180 air-conditioning and sewerage facilities for school buildings, and
1181 purchasing land therefor;

1182 (d) As a pledge to pay all or a portion of the debt
1183 service on debt issued by the school district under Sections
1184 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
1185 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
1186 and 37-41-81, or debt issued by boards of supervisors for
1187 agricultural high schools pursuant to Section 37-27-65, if such
1188 pledge is accomplished pursuant to a written contract or
1189 resolution approved and spread upon the minutes of an official
1190 meeting of the district's school board or board of supervisors.
1191 The annual grant to such district in any subsequent year during
1192 the term of the resolution or contract shall not be reduced below
1193 an amount equal to the district's grant amount for the year in
1194 which the contract or resolution was adopted. The intent of this
1195 provision is to allow school districts to irrevocably pledge a
1196 certain, constant stream of revenue as security for long-term
1197 obligations issued under the code sections enumerated in this
1198 paragraph or as otherwise allowed by law. It is the intent of the
1199 Legislature that the provisions of this paragraph shall be
1200 cumulative and supplemental to any existing funding programs or
1201 other authority conferred upon school districts or school boards.
1202 Debt of a district secured by a pledge of sales tax revenue
1203 pursuant to this paragraph shall not be subject to any debt



1204 limitation contained in the foregoing enumerated code

1205 sections * * *; and

1206 (e) Any other purpose for which the total funding
1207 formula funds as determined by this act are not sufficient.

1208 (3) The remainder of the money deposited into the Education
1209 Enhancement Fund shall be appropriated as follows:

1210 (a) To the State Department of Education as follows:

1211 (i) Sixteen and sixty-one one-hundredths percent
1212 (16.61%) to the cost of the * * * total funding formula determined
1213 under * * * this act; of the funds generated by the percentage set
1214 forth in this section for the support of the adequate education
1215 program, one and one hundred seventy-eight one-thousandths percent
1216 (1.178%) of the funds shall be appropriated to be used by the
1217 State Department of Education for the purchase of textbooks to be
1218 loaned under Sections 37-43-1 through 37-43-59 to approved
1219 nonpublic schools, as described in Section 37-43-1. The funds to
1220 be distributed to each nonpublic school shall be in the proportion
1221 that the average daily attendance of each nonpublic school bears
1222 to the total average daily attendance of all nonpublic schools;

1223 (ii) Seven and ninety-seven one-hundredths percent
1224 (7.97%) to assist the funding of transportation operations and
1225 maintenance pursuant to Section 37-19-23; and

1226 (iii) Nine and sixty-one one-hundredths percent
1227 (9.61%) for classroom supplies, instructional materials and
1228 equipment, including computers and computer software, to be



1229 distributed to all eligible teachers within the state through the
1230 use of procurement cards or a digital solution capable of
1231 tracking, paying and reporting purchases. Classroom supply funds
1232 shall not be expended for administrative purposes. On a date to
1233 be determined by the State Department of Education, but not later
1234 than July 1 of each year, local school districts shall determine
1235 and submit to the State Department of Education the number of
1236 teachers eligible to receive an allocation for the current year.
1237 For purposes of this subparagraph, "teacher" means any employee of
1238 the school board of a school district, or the Mississippi School
1239 for the Arts, the Mississippi School for Math and Science, the
1240 Mississippi School for the Blind, the Mississippi School for the
1241 Deaf or public charter school, who is required by law to obtain a
1242 teacher's license from the State Department of Education and who
1243 is assigned to an instructional area of work as defined by the
1244 department, and shall include any full- or part-time gifted or
1245 special education teacher. It is the intent of the Legislature
1246 that all classroom teachers shall utilize these funds in a manner
1247 that addresses individual classroom needs and supports the overall
1248 goals of the school regarding supplies, instructional materials,
1249 equipment, computers or computer software under the provisions of
1250 this subparagraph, including the type, quantity and quality of
1251 such supplies, materials and equipment. Classroom supply funds
1252 allocated under this subparagraph shall supplement, not replace,
1253 other local and state funds available for the same purposes. The



1254 State Board of Education shall develop and promulgate rules and
1255 regulations for the administration of this subparagraph consistent
1256 with the above criteria, with particular emphasis on allowing the
1257 individual teachers to expend funds as they deem appropriate. The
1258 local school board shall require each school to issue credentials
1259 for a digital solution selected by or procurement cards provided
1260 by the Department of Finance and Administration under the
1261 provisions of Section 31-7-9(1)(c) for the use of teachers and
1262 necessary support personnel in making instructional supply fund
1263 expenditures under this section, consistent with the regulations
1264 of the Mississippi Department of Finance and Administration
1265 pursuant to Section 31-7-9. Such credentials or procurement cards
1266 shall be provided by the State Department of Education to local
1267 school districts on a date determined by the State Department of
1268 Education, but not later than August 1 of each year. Local school
1269 districts shall issue such credentials or procurement cards to
1270 classroom teachers at the beginning of the school year, but no
1271 later than August 1 of each year, and shall be issued in equal
1272 amounts per teacher determined by the total number of qualifying
1273 personnel and the current state appropriation for classroom
1274 supplies with the Education Enhancement Fund. After initial cards
1275 are issued under the timeline prescribed by this section, the
1276 State Department of Education may issue cards to districts for any
1277 classroom teacher hired after July 1 under a timeline prescribed
1278 by the State Department of Education. Such credentials or cards



1279 will expire on a predetermined date at the end of each school
1280 year, but not before April 1 of each year. All unexpended amounts
1281 will be carried forward, combined with the following year's
1282 allocation of Education Enhancement Fund instructional supplies
1283 funds and reallocated for the following year;

1284 (b) Twenty-two and nine one-hundredths percent (22.09%)
1285 to the Board of Trustees of State Institutions of Higher Learning
1286 for the purpose of supporting institutions of higher learning; and

1287 (c) Fourteen and forty-one one-hundredths percent
1288 (14.41%) to the Mississippi Community College Board for the
1289 purpose of providing support to community and junior colleges.

1290 (4) The amount remaining in the Education Enhancement Fund
1291 after funds are distributed as provided in subsections (2) and (3)
1292 of this section shall be appropriated for other educational needs.

1293 (5) None of the funds appropriated pursuant to subsection
1294 (3)(a) of this section shall be used to reduce the state's General
1295 Fund appropriation for the categories listed in an amount below
1296 the following amounts:

1297 (a) For subsection (3)(a)(ii) of this section,
1298 Thirty-six Million Seven Hundred Thousand Dollars
1299 (\$36,700,000.00);

1300 (b) For the aggregate of minimum program allotments in
1301 the 1997 fiscal year, formerly provided for in Chapter 19, Title
1302 37, Mississippi Code of 1972, as amended, excluding those funds



1303 for transportation as provided for in paragraph (a) of this
1304 subsection.

1305 (6) Any funds appropriated from the Education Enhancement
1306 Fund that are unexpended at the end of a fiscal year shall lapse
1307 into the Education Enhancement Fund, except as otherwise provided
1308 in subsection (3)(a)(iii) of this section.

1309 **SECTION 15.** Section 27-65-75, Mississippi Code of 1972, is
1310 amended as follows:

1311 27-65-75. On or before the fifteenth day of each month, the
1312 revenue collected under the provisions of this chapter during the
1313 preceding month shall be paid and distributed as follows:

1314 (1) (a) On or before August 15, 1992, and each succeeding
1315 month thereafter through July 15, 1993, eighteen percent (18%) of
1316 the total sales tax revenue collected during the preceding month
1317 under the provisions of this chapter, except that collected under
1318 the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
1319 business activities within a municipal corporation shall be
1320 allocated for distribution to the municipality and paid to the
1321 municipal corporation. Except as otherwise provided in this
1322 paragraph (a), on or before August 15, 1993, and each succeeding
1323 month thereafter, eighteen and one-half percent (18-1/2%) of the
1324 total sales tax revenue collected during the preceding month under
1325 the provisions of this chapter, except that collected under the
1326 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
1327 27-65-24, on business activities within a municipal corporation



1328 shall be allocated for distribution to the municipality and paid
1329 to the municipal corporation. However, in the event the State
1330 Auditor issues a certificate of noncompliance pursuant to Section
1331 21-35-31, the Department of Revenue shall withhold ten percent
1332 (10%) of the allocations and payments to the municipality that
1333 would otherwise be payable to the municipality under this
1334 paragraph (a) until such time that the department receives written
1335 notice of the cancellation of a certificate of noncompliance from
1336 the State Auditor.

1337 A municipal corporation, for the purpose of distributing the
1338 tax under this subsection, shall mean and include all incorporated
1339 cities, towns and villages.

1340 Monies allocated for distribution and credited to a municipal
1341 corporation under this paragraph may be pledged as security for a
1342 loan if the distribution received by the municipal corporation is
1343 otherwise authorized or required by law to be pledged as security
1344 for such a loan.

1345 In any county having a county seat that is not an
1346 incorporated municipality, the distribution provided under this
1347 subsection shall be made as though the county seat was an
1348 incorporated municipality; however, the distribution to the
1349 municipality shall be paid to the county treasury in which the
1350 municipality is located, and those funds shall be used for road,
1351 bridge and street construction or maintenance in the county.



1352 (b) On or before August 15, 2006, and each succeeding
1353 month thereafter, eighteen and one-half percent (18-1/2%) of the
1354 total sales tax revenue collected during the preceding month under
1355 the provisions of this chapter, except that collected under the
1356 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
1357 business activities on the campus of a state institution of higher
1358 learning or community or junior college whose campus is not
1359 located within the corporate limits of a municipality, shall be
1360 allocated for distribution to the state institution of higher
1361 learning or community or junior college and paid to the state
1362 institution of higher learning or community or junior college.

1363 (c) On or before August 15, 2018, and each succeeding
1364 month thereafter until August 14, 2019, two percent (2%) of the
1365 total sales tax revenue collected during the preceding month under
1366 the provisions of this chapter, except that collected under the
1367 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
1368 27-65-24, on business activities within the corporate limits of
1369 the City of Jackson, Mississippi, shall be deposited into the
1370 Capitol Complex Improvement District Project Fund created in
1371 Section 29-5-215. On or before August 15, 2019, and each
1372 succeeding month thereafter until August 14, 2020, four percent
1373 (4%) of the total sales tax revenue collected during the preceding
1374 month under the provisions of this chapter, except that collected
1375 under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21
1376 and 27-65-24, on business activities within the corporate limits



1377 of the City of Jackson, Mississippi, shall be deposited into the
1378 Capitol Complex Improvement District Project Fund created in
1379 Section 29-5-215. On or before August 15, 2020, and each
1380 succeeding month thereafter through July 15, 2023, six percent
1381 (6%) of the total sales tax revenue collected during the preceding
1382 month under the provisions of this chapter, except that collected
1383 under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21
1384 and 27-65-24, on business activities within the corporate limits
1385 of the City of Jackson, Mississippi, shall be deposited into the
1386 Capitol Complex Improvement District Project Fund created in
1387 Section 29-5-215. On or before August 15, 2023, and each
1388 succeeding month thereafter, nine percent (9%) of the total sales
1389 tax revenue collected during the preceding month under the
1390 provisions of this chapter, except that collected under the
1391 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
1392 27-65-24, on business activities within the corporate limits of
1393 the City of Jackson, Mississippi, shall be deposited into the
1394 Capitol Complex Improvement District Project Fund created in
1395 Section 29-5-215.

1396 (d) (i) On or before the fifteenth day of the month
1397 that the diversion authorized by this section begins, and each
1398 succeeding month thereafter, eighteen and one-half percent
1399 (18-1/2%) of the total sales tax revenue collected during the
1400 preceding month under the provisions of this chapter, except that
1401 collected under the provisions of Sections 27-65-15, 27-65-19(3)



1402 and 27-65-21, on business activities within a redevelopment
1403 project area developed under a redevelopment plan adopted under
1404 the Tax Increment Financing Act (Section 21-45-1 et seq.) shall be
1405 allocated for distribution to the county in which the project area
1406 is located if:

1407 1. The county:

1408 a. Borders on the Mississippi Sound and
1409 the State of Alabama, or

1410 b. Is Harrison County, Mississippi, and
1411 the project area is within a radius of two (2) miles from the
1412 intersection of Interstate 10 and Menge Avenue;

1413 2. The county has issued bonds under Section
1414 21-45-9 to finance all or a portion of a redevelopment project in
1415 the redevelopment project area;

1416 3. Any debt service for the indebtedness
1417 incurred is outstanding; and

1418 4. A development with a value of Ten Million
1419 Dollars (\$10,000,000.00) or more is, or will be, located in the
1420 redevelopment area.

1421 (ii) Before any sales tax revenue may be allocated
1422 for distribution to a county under this paragraph, the county
1423 shall certify to the Department of Revenue that the requirements
1424 of this paragraph have been met, the amount of bonded indebtedness
1425 that has been incurred by the county for the redevelopment project



1426 and the expected date the indebtedness incurred by the county will
1427 be satisfied.

1428 (iii) The diversion of sales tax revenue
1429 authorized by this paragraph shall begin the month following the
1430 month in which the Department of Revenue determines that the
1431 requirements of this paragraph have been met. The diversion shall
1432 end the month the indebtedness incurred by the county is
1433 satisfied. All revenue received by the county under this
1434 paragraph shall be deposited in the fund required to be created in
1435 the tax increment financing plan under Section 21-45-11 and be
1436 utilized solely to satisfy the indebtedness incurred by the
1437 county.

1438 (2) On or before September 15, 1987, and each succeeding
1439 month thereafter, from the revenue collected under this chapter
1440 during the preceding month, One Million One Hundred Twenty-five
1441 Thousand Dollars (\$1,125,000.00) shall be allocated for
1442 distribution to municipal corporations as defined under subsection
1443 (1) of this section in the proportion that the number of gallons
1444 of gasoline and diesel fuel sold by distributors to consumers and
1445 retailers in each such municipality during the preceding fiscal
1446 year bears to the total gallons of gasoline and diesel fuel sold
1447 by distributors to consumers and retailers in municipalities
1448 statewide during the preceding fiscal year. The Department of
1449 Revenue shall require all distributors of gasoline and diesel fuel
1450 to report to the department monthly the total number of gallons of



1451 gasoline and diesel fuel sold by them to consumers and retailers
1452 in each municipality during the preceding month. The Department
1453 of Revenue shall have the authority to promulgate such rules and
1454 regulations as is necessary to determine the number of gallons of
1455 gasoline and diesel fuel sold by distributors to consumers and
1456 retailers in each municipality. In determining the percentage
1457 allocation of funds under this subsection for the fiscal year
1458 beginning July 1, 1987, and ending June 30, 1988, the Department
1459 of Revenue may consider gallons of gasoline and diesel fuel sold
1460 for a period of less than one (1) fiscal year. For the purposes
1461 of this subsection, the term "fiscal year" means the fiscal year
1462 beginning July 1 of a year.

1463 (3) On or before September 15, 1987, and on or before the
1464 fifteenth day of each succeeding month, until the date specified
1465 in Section 65-39-35, the proceeds derived from contractors' taxes
1466 levied under Section 27-65-21 on contracts for the construction or
1467 reconstruction of highways designated under the highway program
1468 created under Section 65-3-97 shall, except as otherwise provided
1469 in Section 31-17-127, be deposited into the State Treasury to the
1470 credit of the State Highway Fund to be used to fund that highway
1471 program. The Mississippi Department of Transportation shall
1472 provide to the Department of Revenue such information as is
1473 necessary to determine the amount of proceeds to be distributed
1474 under this subsection.



1475 (4) On or before August 15, 1994, and on or before the
1476 fifteenth day of each succeeding month through July 15, 1999, from
1477 the proceeds of gasoline, diesel fuel or kerosene taxes as
1478 provided in Section 27-5-101(a)(ii)1, Four Million Dollars
1479 (\$4,000,000.00) shall be deposited in the State Treasury to the
1480 credit of a special fund designated as the "State Aid Road Fund,"
1481 created by Section 65-9-17. On or before August 15, 1999, and on
1482 or before the fifteenth day of each succeeding month, from the
1483 total amount of the proceeds of gasoline, diesel fuel or kerosene
1484 taxes apportioned by Section 27-5-101(a)(ii)1, Four Million
1485 Dollars (\$4,000,000.00) or an amount equal to twenty-three and
1486 one-fourth percent (23-1/4%) of those funds, whichever is the
1487 greater amount, shall be deposited in the State Treasury to the
1488 credit of the "State Aid Road Fund," created by Section 65-9-17.
1489 Those funds shall be pledged to pay the principal of and interest
1490 on state aid road bonds heretofore issued under Sections 19-9-51
1491 through 19-9-77, in lieu of and in substitution for the funds
1492 previously allocated to counties under this section. Those funds
1493 may not be pledged for the payment of any state aid road bonds
1494 issued after April 1, 1981; however, this prohibition against the
1495 pledging of any such funds for the payment of bonds shall not
1496 apply to any bonds for which intent to issue those bonds has been
1497 published for the first time, as provided by law before March 29,
1498 1981. From the amount of taxes paid into the special fund under
1499 this subsection and subsection (9) of this section, there shall be



1500 first deducted and paid the amount necessary to pay the expenses
1501 of the Office of State Aid Road Construction, as authorized by the
1502 Legislature for all other general and special fund agencies. The
1503 remainder of the fund shall be allocated monthly to the several
1504 counties in accordance with the following formula:

1505 (a) One-third (1/3) shall be allocated to all counties
1506 in equal shares;

1507 (b) One-third (1/3) shall be allocated to counties
1508 based on the proportion that the total number of rural road miles
1509 in a county bears to the total number of rural road miles in all
1510 counties of the state; and

1511 (c) One-third (1/3) shall be allocated to counties
1512 based on the proportion that the rural population of the county
1513 bears to the total rural population in all counties of the state,
1514 according to the latest federal decennial census.

1515 For the purposes of this subsection, the term "gasoline,
1516 diesel fuel or kerosene taxes" means such taxes as defined in
1517 paragraph (f) of Section 27-5-101.

1518 The amount of funds allocated to any county under this
1519 subsection for any fiscal year after fiscal year 1994 shall not be
1520 less than the amount allocated to the county for fiscal year 1994.

1521 Any reference in the general laws of this state or the
1522 Mississippi Code of 1972 to Section 27-5-105 shall mean and be
1523 construed to refer and apply to subsection (4) of Section
1524 27-65-75.



1525 * * *

1526 (5) On or before August 15, 2024, and each succeeding month
1527 thereafter, One Million Six Hundred Sixty-six Thousand Six Hundred
1528 Sixty-six Dollars (\$1,666,666.00) * * * shall be paid into the
1529 special fund known as the * * * Education Enhancement Fund created
1530 and existing under the provisions of Section * * * 37-61-33.

1531 (6) An amount each month beginning August 15, 1983, through
1532 November 15, 1986, as specified in Section 6, Chapter 542, Laws of
1533 1983, shall be paid into the special fund known as the
1534 Correctional Facilities Construction Fund created in Section 6,
1535 Chapter 542, Laws of 1983.

1536 (7) On or before August 15, 1992, and each succeeding month
1537 thereafter through July 15, 2000, two and two hundred sixty-six
1538 one-thousandths percent (2.266%) of the total sales tax revenue
1539 collected during the preceding month under the provisions of this
1540 chapter, except that collected under the provisions of Section
1541 27-65-17(2), shall be deposited by the department into the School
1542 Ad Valorem Tax Reduction Fund created under Section 37-61-35. On
1543 or before August 15, 2000, and each succeeding month thereafter,
1544 two and two hundred sixty-six one-thousandths percent (2.266%) of
1545 the total sales tax revenue collected during the preceding month
1546 under the provisions of this chapter, except that collected under
1547 the provisions of Section 27-65-17(2), shall be deposited into the
1548 School Ad Valorem Tax Reduction Fund created under Section
1549 37-61-35 until such time that the total amount deposited into the



1550 fund during a fiscal year equals Forty-two Million Dollars
1551 (\$42,000,000.00). Thereafter, the amounts diverted under this
1552 subsection (7) during the fiscal year in excess of Forty-two
1553 Million Dollars (\$42,000,000.00) shall be deposited into the
1554 Education Enhancement Fund created under Section 37-61-33 for
1555 appropriation by the Legislature as other education needs and
1556 shall not be subject to the percentage appropriation requirements
1557 set forth in Section 37-61-33.

1558 (8) On or before August 15, 1992, and each succeeding month
1559 thereafter, nine and seventy-three one-thousandths percent
1560 (9.073%) of the total sales tax revenue collected during the
1561 preceding month under the provisions of this chapter, except that
1562 collected under the provisions of Section 27-65-17(2), shall be
1563 deposited into the Education Enhancement Fund created under
1564 Section 37-61-33.

1565 (9) On or before August 15, 1994, and each succeeding month
1566 thereafter, from the revenue collected under this chapter during
1567 the preceding month, Two Hundred Fifty Thousand Dollars
1568 (\$250,000.00) shall be paid into the State Aid Road Fund.

1569 (10) On or before August 15, 1994, and each succeeding month
1570 thereafter through August 15, 1995, from the revenue collected
1571 under this chapter during the preceding month, Two Million Dollars
1572 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad
1573 Valorem Tax Reduction Fund established in Section 27-51-105.



1574 (11) Notwithstanding any other provision of this section to
1575 the contrary, on or before February 15, 1995, and each succeeding
1576 month thereafter, the sales tax revenue collected during the
1577 preceding month under the provisions of Section 27-65-17(2) and
1578 the corresponding levy in Section 27-65-23 on the rental or lease
1579 of private carriers of passengers and light carriers of property
1580 as defined in Section 27-51-101 shall be deposited, without
1581 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund
1582 established in Section 27-51-105.

1583 (12) Notwithstanding any other provision of this section to
1584 the contrary, on or before August 15, 1995, and each succeeding
1585 month thereafter, the sales tax revenue collected during the
1586 preceding month under the provisions of Section 27-65-17(1) on
1587 retail sales of private carriers of passengers and light carriers
1588 of property, as defined in Section 27-51-101 and the corresponding
1589 levy in Section 27-65-23 on the rental or lease of these vehicles,
1590 shall be deposited, after diversion, into the Motor Vehicle Ad
1591 Valorem Tax Reduction Fund established in Section 27-51-105.

1592 (13) On or before July 15, 1994, and on or before the
1593 fifteenth day of each succeeding month thereafter, that portion of
1594 the avails of the tax imposed in Section 27-65-22 that is derived
1595 from activities held on the Mississippi State Fairgrounds Complex
1596 shall be paid into a special fund that is created in the State
1597 Treasury and shall be expended upon legislative appropriation



1598 solely to defray the costs of repairs and renovation at the Trade
1599 Mart and Coliseum.

1600 (14) On or before August 15, 1998, and each succeeding month
1601 thereafter through July 15, 2005, that portion of the avails of
1602 the tax imposed in Section 27-65-23 that is derived from sales by
1603 cotton compresses or cotton warehouses and that would otherwise be
1604 paid into the General Fund shall be deposited in an amount not to
1605 exceed Two Million Dollars (\$2,000,000.00) into the special fund
1606 created under Section 69-37-39. On or before August 15, 2007, and
1607 each succeeding month thereafter through July 15, 2010, that
1608 portion of the avails of the tax imposed in Section 27-65-23 that
1609 is derived from sales by cotton compresses or cotton warehouses
1610 and that would otherwise be paid into the General Fund shall be
1611 deposited in an amount not to exceed Two Million Dollars
1612 (\$2,000,000.00) into the special fund created under Section
1613 69-37-39 until all debts or other obligations incurred by the
1614 Certified Cotton Growers Organization under the Mississippi Boll
1615 Weevil Management Act before January 1, 2007, are satisfied in
1616 full. On or before August 15, 2010, and each succeeding month
1617 thereafter through July 15, 2011, fifty percent (50%) of that
1618 portion of the avails of the tax imposed in Section 27-65-23 that
1619 is derived from sales by cotton compresses or cotton warehouses
1620 and that would otherwise be paid into the General Fund shall be
1621 deposited into the special fund created under Section 69-37-39
1622 until such time that the total amount deposited into the fund



1623 during a fiscal year equals One Million Dollars (\$1,000,000.00).
1624 On or before August 15, 2011, and each succeeding month
1625 thereafter, that portion of the avails of the tax imposed in
1626 Section 27-65-23 that is derived from sales by cotton compresses
1627 or cotton warehouses and that would otherwise be paid into the
1628 General Fund shall be deposited into the special fund created
1629 under Section 69-37-39 until such time that the total amount
1630 deposited into the fund during a fiscal year equals One Million
1631 Dollars (\$1,000,000.00).

1632 (15) Notwithstanding any other provision of this section to
1633 the contrary, on or before September 15, 2000, and each succeeding
1634 month thereafter, the sales tax revenue collected during the
1635 preceding month under the provisions of Section
1636 27-65-19(1)(d)(i)2, and 27-65-19(1)(d)(i)3 shall be deposited,
1637 without diversion, into the Telecommunications Ad Valorem Tax
1638 Reduction Fund established in Section 27-38-7.

1639 (16) (a) On or before August 15, 2000, and each succeeding
1640 month thereafter, the sales tax revenue collected during the
1641 preceding month under the provisions of this chapter on the gross
1642 proceeds of sales of a project as defined in Section 57-30-1 shall
1643 be deposited, after all diversions except the diversion provided
1644 for in subsection (1) of this section, into the Sales Tax
1645 Incentive Fund created in Section 57-30-3.

1646 (b) On or before August 15, 2007, and each succeeding
1647 month thereafter, eighty percent (80%) of the sales tax revenue



1648 collected during the preceding month under the provisions of this
1649 chapter from the operation of a tourism project under the
1650 provisions of Sections 57-26-1 through 57-26-5, shall be
1651 deposited, after the diversions required in subsections (7) and
1652 (8) of this section, into the Tourism Project Sales Tax Incentive
1653 Fund created in Section 57-26-3.

1654 (17) Notwithstanding any other provision of this section to
1655 the contrary, on or before April 15, 2002, and each succeeding
1656 month thereafter, the sales tax revenue collected during the
1657 preceding month under Section 27-65-23 on sales of parking
1658 services of parking garages and lots at airports shall be
1659 deposited, without diversion, into the special fund created under
1660 Section 27-5-101(d).

1661 (18) [Repealed]

1662 (19) (a) On or before August 15, 2005, and each succeeding
1663 month thereafter, the sales tax revenue collected during the
1664 preceding month under the provisions of this chapter on the gross
1665 proceeds of sales of a business enterprise located within a
1666 redevelopment project area under the provisions of Sections
1667 57-91-1 through 57-91-11, and the revenue collected on the gross
1668 proceeds of sales from sales made to a business enterprise located
1669 in a redevelopment project area under the provisions of Sections
1670 57-91-1 through 57-91-11 (provided that such sales made to a
1671 business enterprise are made on the premises of the business
1672 enterprise), shall, except as otherwise provided in this



1673 subsection (19), be deposited, after all diversions, into the
1674 Redevelopment Project Incentive Fund as created in Section
1675 57-91-9.

1676 (b) For a municipality participating in the Economic
1677 Redevelopment Act created in Sections 57-91-1 through 57-91-11,
1678 the diversion provided for in subsection (1) of this section
1679 attributable to the gross proceeds of sales of a business
1680 enterprise located within a redevelopment project area under the
1681 provisions of Sections 57-91-1 through 57-91-11, and attributable
1682 to the gross proceeds of sales from sales made to a business
1683 enterprise located in a redevelopment project area under the
1684 provisions of Sections 57-91-1 through 57-91-11 (provided that
1685 such sales made to a business enterprise are made on the premises
1686 of the business enterprise), shall be deposited into the
1687 Redevelopment Project Incentive Fund as created in Section
1688 57-91-9, as follows:

1689 (i) For the first six (6) years in which payments
1690 are made to a developer from the Redevelopment Project Incentive
1691 Fund, one hundred percent (100%) of the diversion shall be
1692 deposited into the fund;

1693 (ii) For the seventh year in which such payments
1694 are made to a developer from the Redevelopment Project Incentive
1695 Fund, eighty percent (80%) of the diversion shall be deposited
1696 into the fund;



1697 (iii) For the eighth year in which such payments
1698 are made to a developer from the Redevelopment Project Incentive
1699 Fund, seventy percent (70%) of the diversion shall be deposited
1700 into the fund;

1701 (iv) For the ninth year in which such payments are
1702 made to a developer from the Redevelopment Project Incentive Fund,
1703 sixty percent (60%) of the diversion shall be deposited into the
1704 fund; and

1705 (v) For the tenth year in which such payments are
1706 made to a developer from the Redevelopment Project Incentive Fund,
1707 fifty percent (50%) of the funds shall be deposited into the fund.

1708 (20) On or before January 15, 2007, and each succeeding
1709 month thereafter, eighty percent (80%) of the sales tax revenue
1710 collected during the preceding month under the provisions of this
1711 chapter from the operation of a tourism project under the
1712 provisions of Sections 57-28-1 through 57-28-5 shall be deposited,
1713 after the diversions required in subsections (7) and (8) of this
1714 section, into the Tourism Sales Tax Incentive Fund created in
1715 Section 57-28-3.

1716 (21) (a) On or before April 15, 2007, and each succeeding
1717 month thereafter through June 15, 2013, One Hundred Fifty Thousand
1718 Dollars (\$150,000.00) of the sales tax revenue collected during
1719 the preceding month under the provisions of this chapter shall be
1720 deposited into the MMEIA Tax Incentive Fund created in Section
1721 57-101-3.



1722 (b) On or before July 15, 2013, and each succeeding
1723 month thereafter, One Hundred Fifty Thousand Dollars (\$150,000.00)
1724 of the sales tax revenue collected during the preceding month
1725 under the provisions of this chapter shall be deposited into the
1726 Mississippi Development Authority Job Training Grant Fund created
1727 in Section 57-1-451.

1728 (22) On or before June 1, 2024, and each succeeding month
1729 thereafter until December 31, 2057, an amount determined annually
1730 by the Mississippi Development Authority of the sales tax revenue
1731 collected during the preceding month under the provisions of this
1732 chapter shall be deposited into the MMEIA Tax Incentive Fund
1733 created in Section 18 of * * * Senate Bill No. 2001, 2024 Second
1734 Extraordinary Session. This amount shall be based on estimated
1735 payments due within the upcoming year to construction contractors
1736 pursuant to construction contracts subject to the tax imposed by
1737 Section 27-65-21 for construction to be performed on the project
1738 site of a project defined under Section 57-75-5(f)(xxxiii) for the
1739 coming year.

1740 (23) Notwithstanding any other provision of this section to
1741 the contrary, on or before August 15, 2009, and each succeeding
1742 month thereafter, the sales tax revenue collected during the
1743 preceding month under the provisions of Section 27-65-201 shall be
1744 deposited, without diversion, into the Motor Vehicle Ad Valorem
1745 Tax Reduction Fund established in Section 27-51-105.



1746 (24) (a) On or before August 15, 2019, and each month
1747 thereafter through July 15, 2020, one percent (1%) of the total
1748 sales tax revenue collected during the preceding month from
1749 restaurants and hotels shall be allocated for distribution to the
1750 Mississippi Development Authority Tourism Advertising Fund
1751 established under Section 57-1-64, to be used exclusively for the
1752 purpose stated therein. On or before August 15, 2020, and each
1753 month thereafter through July 15, 2021, two percent (2%) of the
1754 total sales tax revenue collected during the preceding month from
1755 restaurants and hotels shall be allocated for distribution to the
1756 Mississippi Development Authority Tourism Advertising Fund
1757 established under Section 57-1-64, to be used exclusively for the
1758 purpose stated therein. On or before August 15, 2021, and each
1759 month thereafter, three percent (3%) of the total sales tax
1760 revenue collected during the preceding month from restaurants and
1761 hotels shall be allocated for distribution to the Mississippi
1762 Development Authority Tourism Advertising Fund established under
1763 Section 57-1-64, to be used exclusively for the purpose stated
1764 therein. The revenue diverted pursuant to this subsection shall
1765 not be available for expenditure until February 1, 2020.

1766 (b) The Joint Legislative Committee on Performance
1767 Evaluation and Expenditure Review (PEER) must provide an annual
1768 report to the Legislature indicating the amount of funds deposited
1769 into the Mississippi Development Authority Tourism Advertising



1770 Fund established under Section 57-1-64, and a detailed record of
1771 how the funds are spent.

1772 (25) The remainder of the amounts collected under the
1773 provisions of this chapter shall be paid into the State Treasury
1774 to the credit of the General Fund.

1775 (26) (a) It shall be the duty of the municipal officials of
1776 any municipality that expands its limits, or of any community that
1777 incorporates as a municipality, to notify the commissioner of that
1778 action thirty (30) days before the effective date. Failure to so
1779 notify the commissioner shall cause the municipality to forfeit
1780 the revenue that it would have been entitled to receive during
1781 this period of time when the commissioner had no knowledge of the
1782 action.

1783 (b) (i) Except as otherwise provided in subparagraph
1784 (ii) of this paragraph, if any funds have been erroneously
1785 disbursed to any municipality or any overpayment of tax is
1786 recovered by the taxpayer, the commissioner may make correction
1787 and adjust the error or overpayment with the municipality by
1788 withholding the necessary funds from any later payment to be made
1789 to the municipality.

1790 (ii) Subject to the provisions of Sections
1791 27-65-51 and 27-65-53, if any funds have been erroneously
1792 disbursed to a municipality under subsection (1) of this section
1793 for a period of three (3) years or more, the maximum amount that
1794 may be recovered or withheld from the municipality is the total



1795 amount of funds erroneously disbursed for a period of three (3)
1796 years beginning with the date of the first erroneous disbursement.
1797 However, if during such period, a municipality provides written
1798 notice to the Department of Revenue indicating the erroneous
1799 disbursement of funds, then the maximum amount that may be
1800 recovered or withheld from the municipality is the total amount of
1801 funds erroneously disbursed for a period of one (1) year beginning
1802 with the date of the first erroneous disbursement.

1803 **SECTION 16.** Section 1-3-26, Mississippi Code of 1972, is
1804 amended as follows:

1805 1-3-26. Wherever the phrase "minimum education program,"
1806 "minimum program," * * * "minimum foundation program,"
1807 "Mississippi Adequate Education Program," "adequate education
1808 program," or "MAEP" shall appear in the laws of this state, it
1809 shall be construed to mean * * * the "total funding formula"
1810 created under * * * Chapter 151, Title 37, Mississippi Code of
1811 1972.

1812 **SECTION 17.** Section 7-7-211, Mississippi Code of 1972, is
1813 amended as follows:

1814 7-7-211. The department shall have the power and it shall be
1815 its duty:

1816 (a) To identify and define for all public offices of
1817 the state and its subdivisions generally accepted accounting
1818 principles or other accounting principles as promulgated by
1819 nationally recognized professional organizations and to consult



1820 with the State Fiscal Officer in the prescription and
1821 implementation of accounting rules and regulations;

1822 (b) To provide best practices, for all public offices
1823 of regional and local subdivisions of the state, systems of
1824 accounting, budgeting and reporting financial facts relating to
1825 said offices in conformity with legal requirements and with
1826 generally accepted accounting principles or other accounting
1827 principles as promulgated by nationally recognized professional
1828 organizations; to assist such subdivisions in need of assistance
1829 in the installation of such systems; to revise such systems when
1830 deemed necessary, and to report to the Legislature at periodic
1831 times the extent to which each office is maintaining such systems,
1832 along with such recommendations to the Legislature for improvement
1833 as seem desirable;

1834 (c) To study and analyze existing managerial policies,
1835 methods, procedures, duties and services of the various state
1836 departments and institutions upon written request of the Governor,
1837 the Legislature or any committee or other body empowered by the
1838 Legislature to make such request to determine whether and where
1839 operations can be eliminated, combined, simplified and improved;

1840 (d) To postaudit each year and, when deemed necessary,
1841 preaudit and investigate the financial affairs of the departments,
1842 institutions, boards, commissions, or other agencies of state
1843 government, as part of the publication of a comprehensive annual
1844 financial report for the State of Mississippi, or as deemed



1845 necessary by the State Auditor. In complying with the
1846 requirements of this paragraph, the department shall have the
1847 authority to conduct all necessary audit procedures on an interim
1848 and year-end basis;

1849 (e) To postaudit and, when deemed necessary, preaudit
1850 and investigate separately the financial affairs of (i) the
1851 offices, boards and commissions of county governments and any
1852 departments and institutions thereof and therein; (ii) public
1853 school districts, departments of education and junior college
1854 districts; and (iii) any other local offices or agencies which
1855 share revenues derived from taxes or fees imposed by the State
1856 Legislature or receive grants from revenues collected by
1857 governmental divisions of the state; the cost of such audits,
1858 investigations or other services to be paid as follows: Such part
1859 shall be paid by the state from appropriations made by the
1860 Legislature for the operation of the State Department of Audit as
1861 may exceed the sum of Thirty-five Dollars (\$35.00) per man-hour
1862 for the services of each staff person engaged in performing the
1863 audit or other service plus the actual cost of any independent
1864 specialist firm contracted by the State Auditor to assist in the
1865 performance of the audit, which sum shall be paid by the county,
1866 district, department, institution or other agency audited out of
1867 its general fund or any other available funds from which such
1868 payment is not prohibited by law. Costs paid for independent
1869 specialists or firms contracted by the State Auditor shall be paid



1870 by the audited entity through the State Auditor to the specialist
1871 or firm conducting the postaudit.

1872 Each school district in the state shall have its financial
1873 records audited annually, at the end of each fiscal year, either
1874 by the State Auditor or by a certified public accountant approved
1875 by the State Auditor. Beginning with the audits of fiscal year
1876 2010 activity, no certified public accountant shall be selected to
1877 perform the annual audit of a school district who has audited that
1878 district for three (3) or more consecutive years previously.
1879 Certified public accountants shall be selected in a manner
1880 determined by the State Auditor. The school district shall have
1881 the responsibility to pay for the audit, including the review by
1882 the State Auditor of audits performed by certified public
1883 accountants;

1884 (f) To postaudit and, when deemed necessary, preaudit
1885 and investigate the financial affairs of the levee boards;
1886 agencies created by the Legislature or by executive order of the
1887 Governor; profit or nonprofit business entities administering
1888 programs financed by funds flowing through the State Treasury or
1889 through any of the agencies of the state, or its subdivisions; and
1890 all other public bodies supported by funds derived in part or
1891 wholly from public funds, except municipalities which annually
1892 submit an audit prepared by a qualified certified public
1893 accountant using methods and procedures prescribed by the
1894 department;



1895 (g) To make written demand, when necessary, for the
1896 recovery of any amounts representing public funds improperly
1897 withheld, misappropriated and/or otherwise illegally expended by
1898 an officer, employee or administrative body of any state, county
1899 or other public office, and/or for the recovery of the value of
1900 any public property disposed of in an unlawful manner by a public
1901 officer, employee or administrative body, such demands to be made
1902 (i) upon the person or persons liable for such amounts and upon
1903 the surety on official bond thereof, and/or (ii) upon any
1904 individual, partnership, corporation or association to whom the
1905 illegal expenditure was made or with whom the unlawful disposition
1906 of public property was made, if such individual, partnership,
1907 corporation or association knew or had reason to know through the
1908 exercising of reasonable diligence that the expenditure was
1909 illegal or the disposition unlawful. Such demand shall be
1910 premised on competent evidence, which shall include at least one
1911 (1) of the following: (i) sworn statements, (ii) written
1912 documentation, (iii) physical evidence, or (iv) reports and
1913 findings of government or other law enforcement agencies. Other
1914 provisions notwithstanding, a demand letter issued pursuant to
1915 this paragraph shall remain confidential by the State Auditor
1916 until the individual against whom the demand letter is being filed
1917 has been served with a copy of such demand letter. If, however,
1918 such individual cannot be notified within fifteen (15) days using
1919 reasonable means and due diligence, such notification shall be



1920 made to the individual's bonding company, if he or she is bonded.
1921 Each such demand shall be paid into the proper treasury of the
1922 state, county or other public body through the office of the
1923 department in the amount demanded within thirty (30) days from the
1924 date thereof, together with interest thereon in the sum of one
1925 percent (1%) per month from the date such amount or amounts were
1926 improperly withheld, misappropriated and/or otherwise illegally
1927 expended. In the event, however, such person or persons or such
1928 surety shall refuse, neglect or otherwise fail to pay the amount
1929 demanded and the interest due thereon within the allotted thirty
1930 (30) days, the State Auditor shall have the authority and it shall
1931 be his duty to institute suit, and the Attorney General shall
1932 prosecute the same in any court of the state to the end that there
1933 shall be recovered the total of such amounts from the person or
1934 persons and surety on official bond named therein; and the amounts
1935 so recovered shall be paid into the proper treasury of the state,
1936 county or other public body through the State Auditor. In any
1937 case where written demand is issued to a surety on the official
1938 bond of such person or persons and the surety refuses, neglects or
1939 otherwise fails within one hundred twenty (120) days to either pay
1940 the amount demanded and the interest due thereon or to give the
1941 State Auditor a written response with specific reasons for
1942 nonpayment, then the surety shall be subject to a civil penalty in
1943 an amount of twelve percent (12%) of the bond, not to exceed Ten



1944 Thousand Dollars (\$10,000.00), to be deposited into the State
1945 General Fund;

1946 (h) To investigate any alleged or suspected violation
1947 of the laws of the state by any officer or employee of the state,
1948 county or other public office in the purchase, sale or the use of
1949 any supplies, services, equipment or other property belonging
1950 thereto; and in such investigation to do any and all things
1951 necessary to procure evidence sufficient either to prove or
1952 disprove the existence of such alleged or suspected violations.

1953 The * * * Division of Investigation of the State Department of
1954 Audit may investigate, for the purpose of prosecution, any
1955 suspected criminal violation of the provisions of this chapter.
1956 For the purpose of administration and enforcement of this chapter,
1957 the enforcement employees of the * * * Division of Investigation
1958 of the State Department of Audit have the powers of a law
1959 enforcement officer of this state, and shall be empowered to make
1960 arrests and to serve and execute search warrants and other valid
1961 legal process anywhere within the State of Mississippi. All
1962 enforcement employees of the * * * Division of Investigation of
1963 the State Department of Audit hired on or after July 1, 1993,
1964 shall be required to complete the Law Enforcement Officers
1965 Training Program and shall meet the standards of the program;

1966 (i) To issue subpoenas, with the approval of, and
1967 returnable to, a judge of a chancery or circuit court, in termtime
1968 or in vacation, to examine the records, documents or other



1969 evidence of persons, firms, corporations or any other entities
1970 insofar as such records, documents or other evidence relate to
1971 dealings with any state, county or other public entity. The
1972 circuit or chancery judge must serve the county in which the
1973 records, documents or other evidence is located; or where all or
1974 part of the transaction or transactions occurred which are the
1975 subject of the subpoena;

1976 (j) In any instances in which the State Auditor is or
1977 shall be authorized or required to examine or audit, whether
1978 preaudit or postaudit, any books, ledgers, accounts or other
1979 records of the affairs of any public hospital owned or owned and
1980 operated by one or more political subdivisions or parts thereof or
1981 any combination thereof, or any school district, including
1982 activity funds thereof, it shall be sufficient compliance
1983 therewith, in the discretion of the State Auditor, that such
1984 examination or audit be made from the report of any audit or other
1985 examination certified by a certified public accountant and
1986 prepared by or under the supervision of such certified public
1987 accountant. Such audits shall be made in accordance with
1988 generally accepted standards of auditing, with the use of an audit
1989 program prepared by the State Auditor, and final reports of such
1990 audits shall conform to the format prescribed by the State
1991 Auditor. All files, working papers, notes, correspondence and all
1992 other data compiled during the course of the audit shall be
1993 available, without cost, to the State Auditor for examination and



1994 abstracting during the normal business hours of any business day.
1995 The expense of such certified reports shall be borne by the
1996 respective hospital, or any available school district funds * * *,
1997 subject to examination or audit. The State Auditor shall not be
1998 bound by such certified reports and may, in his or their
1999 discretion, conduct such examination or audit from the books,
2000 ledgers, accounts or other records involved as may be appropriate
2001 and authorized by law;

2002 (k) The State Auditor shall have the authority to
2003 contract with qualified public accounting firms to perform
2004 selected audits required in paragraphs (d), (e), (f) and (j) of
2005 this section, if funds are made available for such contracts by
2006 the Legislature, or if funds are available from the governmental
2007 entity covered by paragraphs (d), (e), (f) and (j). Such audits
2008 shall be made in accordance with generally accepted standards of
2009 auditing. All files, working papers, notes, correspondence and
2010 all other data compiled during the course of the audit shall be
2011 available, without cost, to the State Auditor for examination and
2012 abstracting during the normal business hours of any business day;

2013 (l) The State Auditor shall have the authority to
2014 establish training courses and programs for the personnel of the
2015 various state and local governmental entities under the
2016 jurisdiction of the Office of the State Auditor. The training
2017 courses and programs shall include, but not be limited to, topics
2018 on internal control of funds, property and equipment control and



2019 inventory, governmental accounting and financial reporting, and
2020 internal auditing. The State Auditor is authorized to charge a
2021 fee from the participants of these courses and programs, which fee
2022 shall be deposited into the Department of Audit Special Fund.
2023 State and local governmental entities are authorized to pay such
2024 fee and any travel expenses out of their general funds or any
2025 other available funds from which such payment is not prohibited by
2026 law;

2027 (m) Upon written request by the Governor or any member
2028 of the State Legislature, the State Auditor may audit any state
2029 funds and/or state and federal funds received by any nonprofit
2030 corporation incorporated under the laws of this state;

2031 (n) To conduct performance audits of personal or
2032 professional service contracts by state agencies on a random
2033 sampling basis, or upon request of the State Personal Service
2034 Contract Review Board under Section 25-9-120(3);

2035 (o) At the discretion of the State Auditor, the Auditor
2036 may conduct risk assessments, as well as performance and
2037 compliance audits based on Generally Accepted Government Auditing
2038 Standards (GAGAS) of any state-funded economic development program
2039 authorized under Title 57, Mississippi Code of 1972. After risk
2040 assessments or program audits, the State Auditor may conduct
2041 audits of those projects deemed high-risk, specifically as they
2042 identify any potential wrongdoing or noncompliance based on
2043 objectives of the economic development program. The Auditor is



2044 granted authority to gather, audit and review data and information
2045 from the Mississippi Development Authority or any of its agents,
2046 the Department of Revenue, and when necessary under this
2047 paragraph, the recipient business or businesses or any other
2048 private, public or nonprofit entity with information relevant to
2049 the audit project. The maximum amount the State Auditor may bill
2050 the oversight agency under this paragraph in any fiscal year is
2051 One Hundred Thousand Dollars (\$100,000.00), based on reasonable
2052 and necessary expenses;

2053 (p) To review and approve any independent auditor
2054 selected by the Mississippi Lottery Corporation in accordance with
2055 Section 27-115-89, to conduct an annual audit of the corporation;
2056 and

2057 (q) To conduct audits or investigations of the
2058 Mississippi Lottery Corporation if, in the opinion of the State
2059 Auditor, conditions justify such audits or investigations.

2060 **SECTION 18.** Section 19-9-157, Mississippi Code of 1972, is
2061 amended as follows:

2062 19-9-157. The board of supervisors of the situs county, upon
2063 receipt of the payments pursuant to Section 19-9-151 less the
2064 payment made according to Section 19-9-153, shall pay all such
2065 funds in excess of Five Million Five Hundred Thousand Dollars
2066 (\$5,500,000.00) to the governing authorities of the public school
2067 districts in such county in the proportion that the * * * net
2068 enrollment for the preceding scholastic year of each school



district bears to the total * * * net enrollment of the county for the preceding scholastic year. Such funds may be expended only for the purposes of capital improvements to school facilities and only after plans therefor have been submitted to and approved by the * * * State Board of Education. The governing authorities of such school districts may borrow money in anticipation of receipt of payments pursuant to this section and the levying authority for the school district may issue negotiable notes therefor, for the purposes set forth herein. Such loan shall be repaid from the payments received under this section by the governing authorities of the public school district. However, no public school districts within the situs county shall be entitled to any payments after January 1, 1990.

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

19-9-171. The revenue from ad valorem taxes for school district purposes that are levied upon liquefied natural gas terminals or improvements thereto constructed after July 1, 2007, crude oil refineries constructed after July 1, 2007, and expansions or improvements to existing crude oil refineries constructed after July 1, 2007, shall be distributed to all public school districts in the county in which the facilities are located in the proportion that the * * * net enrollment of each school district bears to the total * * * net enrollment of all school districts in the county. The county or municipal tax collector,



2094 as the case may be, shall pay such tax collections, except for
2095 taxes collected for the payment of the principal of and interest
2096 on school bonds or notes and except for taxes collected to defray
2097 collection costs, into the appropriate school depository and
2098 report to the school board of the appropriate school district at
2099 the same time and in the same manner as the tax collector makes
2100 his or her payments and reports of other taxes collected by him or
2101 her.

2102 **SECTION 20.** Section 25-4-29, Mississippi Code of 1972, is
2103 amended as follows:

2104 25-4-29. (1) Required statements hereunder shall be filed
2105 as follows:

2106 (a) Every incumbent public official required by
2107 paragraphs (a), (b), (d) and (e) of Section 25-4-25 to file a
2108 statement of economic interest shall file such statement with the
2109 commission on or before May 1 of each year that such official
2110 holds office, regardless of duration;

2111 (b) Candidates for office required to file a statement
2112 hereunder shall file such statement within fifteen (15) days after
2113 the deadline for qualification for that public office;

2114 (c) Persons who are required to file a statement
2115 because of appointment to fill a vacancy in an office or required
2116 to file under Section 25-4-25(d) and (e) shall file such statement
2117 within thirty (30) days of their appointment;



2118 (d) No person by reason of successful candidacy or
2119 assuming additional offices shall be required to file more than
2120 one (1) statement of economic interest in any calendar year,
2121 except such official shall notify the commission as soon as
2122 practicable of additional offices not previously reported; and

2123 (e) The commission may, on an individual case basis,
2124 provide for additional time to file a statement upon a showing
2125 that compliance with a filing date set out under paragraph (a),
2126 (b), (c) or (d) above would work an unreasonable hardship.

2127 (2) Any person who fails to file a statement of economic
2128 interest within thirty (30) days of the date the statement is due
2129 shall be deemed delinquent by the commission. The commission
2130 shall give written notice of the delinquency to the person by
2131 United States mail or by personal service of process. If within
2132 fifteen (15) days of receiving written notice of delinquency the
2133 delinquent filer has not filed the statement of economic interest,
2134 a fine of Fifty Dollars (\$50.00) per day, not to exceed a total
2135 fine of One Thousand Dollars (\$1,000.00), shall be assessed
2136 against the delinquent filer for each day thereafter in which the
2137 statement of economic interest is not properly filed. The
2138 commission shall enroll such assessment as a civil judgment with
2139 the circuit clerk in the delinquent filer's county of residence.
2140 The commission may enforce the judgment for the benefit of the
2141 State General Fund for the support of * * * the total funding



2142 formula fund provided for in this act in the same manner as is
2143 prescribed for other civil judgments.

2144 **SECTION 21.** Section 27-25-706, Mississippi Code of 1972, is
2145 amended as follows:

2146 27-25-706. The board of supervisors of any county in the
2147 State of Mississippi bordering on the Pearl River and having a
2148 population according to the 1970 census of not less than forty
2149 thousand (40,000) and not more than fifty thousand (50,000), and
2150 through which Interstate Highway 20 runs, and wherein there is
2151 being constructed or has been constructed a plant for the
2152 extracting of sulphur from natural gas, and the board of
2153 supervisors of any county in the State of Mississippi bordering on
2154 the Pearl River and having a population according to the 1970
2155 census of not less than nineteen thousand (19,000) and not more
2156 than twenty-one thousand (21,000) and wherein U.S. Highway 49 and
2157 Mississippi Highway 28 intersect and wherein there is being
2158 constructed or has been constructed a plant for the extracting of
2159 sulphur from natural gas, are hereby authorized and empowered, in
2160 their discretion, to pledge all or any part of the county's share
2161 of the severance tax on gas extracted, handled or processed
2162 through such extraction plant, as additional security for the
2163 payment of bonds issued for the purpose of constructing,
2164 reconstructing, overlaying and/or repairing, an access road or
2165 roads or publicly owned railroads to and from such sulphur
2166 extraction plant. The amount so pledged for the payment of the



2167 principal of and the interest on such bonds shall be deducted and
2168 set aside by such board of supervisors prior to the distribution
2169 of such severance taxes in the manner provided by law, and only
2170 the amount of such severance taxes remaining after such deduction
2171 shall be subject to such distribution. The board of supervisors
2172 in such counties may pledge only up to fifty percent (50%) of such
2173 severance taxes as their respective county may receive to retire
2174 the bonds and interest pursuant to the authority of this section.
2175 The required local contribution of said counties to the cost
2176 of * * * the total funding formula provided for in this act shall
2177 not be reduced nor shall the obligation of the state under * * *
2178 the total funding formula to said counties be increased
2179 because * * * of this section.

2180 Such bonds shall be issued under the provisions of Sections
2181 19-9-1 through * * * 19-9-19.

2182 **SECTION 22.** Section 27-33-3, Mississippi Code of 1972, is
2183 amended as follows:

2184 27-33-3. In order to recognize and give effect to the
2185 principle of tax-free homes as a public policy in Mississippi, to
2186 encourage home building and ownership, and to give additional
2187 security to family groups, it is hereby declared that homes
2188 legally assessed on the land roll, owned and actually occupied as
2189 a home by bona fide residents of this state, who are heads of
2190 families, shall be exempt from the ad valorem taxes herein
2191 enumerated, on not in excess of Seven Thousand Five Hundred



2192 Dollars (\$7,500.00) of the assessed value including an area of
2193 land not in excess of that specified hereinafter in this article.
2194 The exemption from taxes shall be limited to the following:

2195 (a) All homeowners who are heads of families and who
2196 qualify under the provisions of this article shall be exempt from
2197 taxes levied in 1983 and payable in 1984 and from taxes levied in
2198 1984 and payable in 1985 as follows:

2199 (i) The ad valorem taxes levied by counties
2200 pursuant to Section 27-39-329. Amounts so exempted shall not be
2201 reimbursed by the state.

2202 (ii) Ad valorem taxes levied for maintenance and
2203 current expenses by or for a county as authorized by Section
2204 27-39-303, but the levy for such purpose in any year for which
2205 reimbursement is to be made shall not exceed the millage levied
2206 for such purpose for the 1984 fiscal year; or a levy for county
2207 roads or a road district as authorized by Section 27-39-305; or a
2208 levy for constructing and maintaining all bridges and culverts as
2209 authorized by Section 65-15-7, but the levy for either or both of
2210 such purposes for which reimbursement is to be made shall not in
2211 any event exceed seven (7) mills in any year; the * * * levy for
2212 the support of * * * the total funding formula fund to produce the
2213 minimum local ad valorem tax effort required * * * of a school
2214 district by Section 37-57-1, and the supplementary school district
2215 tax levy for the support and maintenance of * * * schools as
2216 authorized by Section 37-57-105; provided, however, that the total



2217 of the levies made under said Sections 37-57-1 and 37-57-105,
2218 which shall be exempt under this article, shall be limited to
2219 twenty (20) mills for any affected property area, and in the event
2220 the total of such levies should exceed twenty (20) mills for any
2221 affected property area, the excess shall not be exempt under this
2222 article, and in such case, the levy for the support of the * * *
2223 total funding formula shall have priority as an exempt levy;

2224 (iii) Ad valorem taxes levied for the support and
2225 maintenance of agricultural high schools within the limits and as
2226 authorized by Section 37-27-3, and ad valorem taxes levied for the
2227 support of community or junior colleges within the limits and as
2228 authorized by subsection (2) of Section 37-29-141; provided,
2229 however, that the exemption from taxation and reimbursement for
2230 tax loss for agricultural high schools and community or junior
2231 colleges, or any combination of same, shall not exceed three (3)
2232 mills in any one (1) year for any one (1) county;

2233 (iv) Ad valorem taxes levied for the support
2234 of * * * the total funding formula provided for in this act in a
2235 municipal separate school district to produce the minimum local ad
2236 valorem tax effort required of such municipal separate school
2237 district as authorized by Section * * * 37-57-1, and the
2238 supplementary tax levy for the support and maintenance of the
2239 schools of a municipal separate school district as authorized by
2240 Section 37-57-105; provided, however, the total of the levies made
2241 under said Sections * * * 37-57-1 and 37-57-105 which shall be



2242 exempt under this article shall be limited to fifteen (15) mills
2243 for any affected property area, except in those special municipal
2244 separate school districts as provided by Sections 37-7-701 through
2245 37-7-743, the total of the levies made under Sections 37-7-739 and
2246 37-57-105 for such special municipal separate school district
2247 which shall be exempt under this article shall not exceed twenty
2248 (20) mills, and in the event the total of such levies should
2249 exceed fifteen (15) mills for any affected property area, or
2250 twenty (20) mills in the case of a special municipal separate
2251 school district, the excess shall not be exempt under this
2252 article, and, in such case, the levy for the support of the * * *
2253 total funding formula in the municipal separate school district
2254 shall have priority as an exempt levy;

2255 (v) In the event any law referred to in this
2256 section is amended so as to authorize an increase in the tax levy
2257 for any purposes, such increase in the levy shall be applied to
2258 and taxes collected from the property owners on the entire
2259 assessed value of exempted homes; and the tax loss resulting from
2260 such increase shall not be reimbursed under the provisions of the
2261 Homestead Exemption Law, unless such law clearly specifies that
2262 the exempted assessed value of homes is exempt from such increase;

2263 (vi) Ad valorem taxes levied under Sections
2264 65-15-7 and 65-15-21 shall be used solely for purposes levied.

2265 (b) Those homeowners who qualify for the exemptions
2266 provided for in subsection (a) of this section and who have



2267 reached the age of sixty-five (65) years on or before January 1 of
2268 the year for which the exemption is claimed; and
2269 service-connected, totally disabled American veterans who were
2270 honorably discharged from military service, upon presentation of
2271 proper proof of eligibility shall be exempt from any and all ad
2272 valorem taxes, including the forest acreage tax authorized by
2273 Section 49-19-115, on homesteads not in excess of Seven Thousand
2274 Five Hundred Dollars (\$7,500.00) of assessed value thereof;
2275 provided, however, that property owned jointly by husband and wife
2276 and property owned in fee simple by either spouse shall be
2277 eligible for this exemption in full if either spouse fulfills the
2278 age or disability requirement. On all other jointly owned
2279 property the amount of the allowable exemption shall be determined
2280 on the basis of each individual joint owner's qualifications and
2281 pro rata share of the property.

2282 (c) Those homeowners who qualify for the exemptions
2283 provided for in subsection (a) of this section and who would be
2284 classified as disabled under the Federal Social Security Act (42
2285 USCS Section 416(i)), upon presentation of proper proof of
2286 eligibility shall be exempt from any and all ad valorem taxes,
2287 including the forest acreage tax authorized by Section 49-19-115,
2288 on homesteads not in excess of Seven Thousand Five Hundred Dollars
2289 (\$7,500.00) of assessed value thereof; provided, however, that
2290 property owned jointly by husband and wife and property owned in
2291 fee simple by either spouse shall be eligible for this exemption



2292 in full if either spouse fulfills the disability requirement. On
2293 all other jointly owned property, the amount of the allowable
2294 exemption shall be determined on the basis of each individual
2295 joint owner's qualifications and pro rata share of the property.

2296 (d) Homeowners who qualify for exemption under
2297 subsection (c) of this section will not be included in the
2298 limitations of Section 27-33-59(e).

2299 Reimbursement by the State of Mississippi to the various
2300 taxing units for the tax losses incurred because of the additional
2301 exemptions provided for under these subsections shall be made in
2302 accordance with the procedures outlined in Section 27-33-41.

2303 This section shall not apply to claims for homestead
2304 exemptions filed in any calendar year subsequent to the 1984
2305 calendar year.

2306 **SECTION 23.** Section 27-39-317, Mississippi Code of 1972, is
2307 amended as follows:

2308 27-39-317. The board of supervisors of each county shall, at
2309 its regular meeting in September of each year, levy the county ad
2310 valorem taxes for the fiscal year, and shall, by order, fix the
2311 tax rate, or levy, for the county, for the road districts, if any,
2312 and for the school districts, if any, and for any other taxing
2313 districts; and the rates, or levies, for the county and for any
2314 district shall be expressed in mills or a decimal fraction of a
2315 mill. Said tax rates, or levies, shall determine the ad valorem
2316 taxes to be collected upon each dollar of valuation, upon the



2317 assessment rolls of the county, including the assessment of motor
2318 vehicles as provided by the Motor Vehicle Ad Valorem Tax Law of
2319 1958, Section 27-51-1 et seq., for county taxes; and upon each
2320 dollar of valuation for the respective districts, as shown upon
2321 the assessment rolls of the county, including the assessment of
2322 motor vehicles as provided by the Motor Vehicle Ad Valorem Tax Law
2323 of 1958, Section 27-51-1 et seq.; except as to such values as
2324 shall be exempt, in whole or in part, from certain tax rates or
2325 levies. If the rate or levy for the county is an increase from
2326 the previous fiscal year, then the proposed rate or levy shall be
2327 advertised in accordance with Section 27-39-203. If the board of
2328 supervisors of any county shall not levy the county taxes and the
2329 district taxes at its regular September meeting, the board shall
2330 levy the same on or before September 15 at an adjourned or special
2331 meeting, or thereafter, provided, however, that if such levy be
2332 not made on or before the fifteenth day of September then the tax
2333 collector or Department of Revenue may issue road and bridge
2334 privilege tax license plates for motor vehicles as defined in the
2335 Motor Vehicle Ad Valorem Tax Law of 1958, Section 27-51-1 et seq.,
2336 without collecting or requiring proof of payment of county ad
2337 valorem taxes, and may continue to so issue such plates until such
2338 levy is duly certified to him, and for twenty-four (24) hours
2339 thereafter.

2340 Notwithstanding the requirements of this section, in the
2341 event the Department of Revenue orders the county to make an



2342 adjustment to the tax roll pursuant to Section 27-35-113, the
2343 county shall have a period of thirty (30) days from the date of
2344 the commission's final determination to adjust the millage in
2345 order to collect the same dollar amount of taxes as originally
2346 levied by the board.

2347 In making the levy of taxes, the board of supervisors shall
2348 specify, in its order, the levy for each purpose, as follows:

2349 (a) For general county purposes (current expense and
2350 maintenance taxes), as authorized by Section 27-39-303.

2351 (b) For roads and bridges, as authorized by Section
2352 27-39-305.

2353 (c) For schools, including the * * * total funding
2354 formula levy and the levy for each school district including
2355 special municipal separate school districts, but not including
2356 other municipal separate school districts, and for an agricultural
2357 high school, county high school or community or junior college
2358 (current expense and maintenance taxes), as authorized by Chapter
2359 57, Title 37, Mississippi Code of 1972, and any other applicable
2360 statute. The levy for schools shall apply to the assessed value
2361 of property in the respective school districts, including special
2362 municipal separate school districts, but not including other
2363 municipal separate school districts, and a distinct and separate
2364 levy shall be made for each school district, and the purpose for
2365 each levy shall be stated.



2366 (d) For road bonds and the interest thereon, separately
2367 for countywide bonds and for the bonds of each road district.

2368 (e) For school bonds and the interest thereon,
2369 separately for countywide bonds and for the bonds of each school
2370 district.

2371 (f) For countywide bonds, and the interest thereon,
2372 other than for road bonds and school bonds.

2373 (g) For loans, notes or any other obligation, and the
2374 interest thereon, if permitted by the law.

2375 (h) For any other purpose for which a levy is lawfully
2376 made.

2377 The order shall state all of the purposes for which the
2378 general county levy is made, using the administrative items
2379 suggested by the State Department of Audit * * * under the county
2380 budget law in its uniform system of accounts for counties, but the
2381 rate or levy for any item or purpose need not be shown; and if a
2382 countywide levy is made for any general or special purpose under
2383 the provisions of any law other than Section 27-39-303, each such
2384 levy shall be separately stated.

2385 During the month of February of each year, if the order or
2386 resolution of the board of trustees of any school district of said
2387 county or partly in said county, is filed with it requesting the
2388 levying of ad valorem taxes for the support and maintenance of
2389 such school district for the following fiscal year, then the board
2390 of supervisors of every such county in the state shall notify, in



2391 writing, within thirty (30) days, the county superintendent of
2392 education of such county, the levy or levies it intends to make
2393 for the support and maintenance of such school districts of such
2394 county at its regular meeting in September following, and the
2395 county superintendent of education and the trustees of all such
2396 school districts shall be authorized to use such expressed
2397 intention of the board of supervisors in computing the support and
2398 maintenance budget or budgets of such school district or districts
2399 for the ensuing fiscal school year.

2400 **SECTION 24.** Section 29-3-47, Mississippi Code of 1972, is
2401 amended as follows:

2402 29-3-47. For its services the State Forestry Commission
2403 shall be entitled to receive its actual expenses incurred in the
2404 discharge of the duties herein imposed. In order to provide funds
2405 with which to pay for the general supervision and sale of forest
2406 products, fifteen percent (15%) of all receipts from the sales of
2407 forest products shall be placed by the board in a Forestry Escrow
2408 Fund and reserved to pay for work performed by the State Forestry
2409 Commission. Such payments shall be equal to the actual expenses
2410 incurred by the commission as substantiated by itemized bills
2411 presented to the board.

2412 Money in the Forestry Escrow Fund may be used to pay for any
2413 forestry work authorized during the period of the agreement and
2414 shall not be subject to lapse by reason of county budget
2415 limitations.



2416 In each school district having need of tree planting and
2417 timber stand improvement, the board of education is authorized to
2418 place additional amounts in the Forestry Escrow Fund to reimburse
2419 the State Forestry Commission for actual expenses incurred in
2420 performing this work, or to pay for any work done under private
2421 contract under the supervision of said commission. Such
2422 additional amounts may be made available from forest products
2423 sales receipts, funds borrowed from the sixteenth section
2424 principal fund as is provided for in Section 29-3-113, or any
2425 other funds available to the board of education excluding * * *
2426 total funding formula funds. Expenditures from the Forestry
2427 Escrow Fund for tree planting, timber stand improvement, and other
2428 forestry work will be limited to payment for work recommended by
2429 the Forestry Commission and agreed to by the board of education.

2430 When it becomes evident that the amount of money in the
2431 Forestry Escrow Fund is in excess of the amount necessary to
2432 accomplish the work needed to achieve the goals set by the board
2433 of education and the Forestry Commission, the State Forestry
2434 Commission shall advise said board to release any part of such
2435 funds as will not be needed, which may then be spent for any
2436 purpose authorized by law.

2437 **SECTION 25.** Section 29-3-49, Mississippi Code of 1972, is
2438 amended as follows:

2439 29-3-49. It shall be the duty of the State Forestry
2440 Commission, in the manner provided in Section 29-3-45, to enter



2441 into agreements for timber improvement purposes with the board of
2442 education upon the request of the board. The contract shall
2443 provide for the carrying out of a long-term program of timber
2444 improvement, including any or all of the following: The deadening
2445 of undesirable hardwoods, the planting of trees, the cutting and
2446 maintaining of fire lanes, and the establishment of marked
2447 boundaries on all lands classified as forest lands in the
2448 agreements, which provide for the reimbursement of all current
2449 costs incurred by the State Forestry Commission and the carrying
2450 out of the duties required by such agreements. In the
2451 alternative, the commission, in its discretion, may have the
2452 option to contract with a private contractor, subject to the
2453 approval of the board, to perform this work under the supervision
2454 of the commission. Payment of the reimbursements as hereinabove
2455 set forth to the Forestry Commission, or of compensation due under
2456 any such contract with private contractors shall be made upon
2457 presentation of itemized bills by the commission or the private
2458 contractors, as the case may be, and may be made out of any
2459 sixteenth section funds to the credit of, or accruing to, any
2460 school district in which such work shall be done, or out of any
2461 other funds available to such district, excluding * * * total
2462 funding formula funds.

2463 **SECTION 26.** Section 29-3-113, Mississippi Code of 1972, is
2464 amended as follows:



2465 29-3-113. The principal fund shall be a permanent township
2466 fund which shall consist of funds heretofore or hereafter derived
2467 from certain uses or for certain resources of school trust lands
2468 which shall be invested and, except as otherwise provided in this
2469 section, only the interest and income derived from such funds
2470 shall be expendable by the school district.

2471 The principal fund shall consist of:

2472 (a) Funds received for easements and rights-of-way
2473 pursuant to Section 29-3-91;

2474 (b) Funds received for sales of lieu land pursuant to
2475 Sections 29-3-15 through 29-3-25;

2476 (c) Funds received from any permanent damage to the
2477 school trust land;

2478 (d) Funds received from the sale of nonrenewable
2479 resources, including, but not limited to, the sale of sand,
2480 gravel, dirt, clays and royalties received from the sale of
2481 mineral ores, coal, oil and gas;

2482 (e) Funds received from the sale of buildings pursuant
2483 to Section 29-3-77;

2484 (f) Funds received from the sale of timber; and

2485 (g) Funds received pursuant to Section 29-3-23(2).

2486 It shall be the duty of the Board of Education to keep the
2487 principal fund invested in any direct obligation issued by or
2488 guaranteed in full as to principal and interest by the United
2489 States of America or in certificates of deposit issued by a



2490 qualified depository of the State of Mississippi as approved by
2491 the State Treasurer. The certificates of deposit may bear
2492 interest at any rate per annum which may be mutually agreed upon
2493 but in no case shall said rate be less than that paid on passbook
2494 savings.

2495 The Board of Education is authorized to invest the funds in
2496 interest bearing deposits or other obligations of the types
2497 described in Section 27-105-33 or in any other type investment in
2498 which any other political subdivision of the State of Mississippi
2499 may invest, except that one hundred percent (100%) of the funds
2500 are authorized to be invested. For the purposes of investment,
2501 the principal fund of each township may be combined into one or
2502 more district accounts; however, the docket book of the county
2503 superintendent shall at all times reflect the proper source of
2504 such funds. Provided that funds received from the sale of timber
2505 shall be placed in a separate principal fund account, and may be
2506 expended for any of the purposes authorized by law.

2507 The Board of Education shall have authority to borrow such
2508 funds at a rate of interest not less than four percent (4%) per
2509 annum and for a term not exceeding twenty (20) years, for the
2510 erection, equipment or repair of said district schools, to provide
2511 local funds for any building project approved by the State Board
2512 of Education or to provide additional funds for forest stand
2513 improvement as set forth in Section 29-3-47. In addition, the
2514 board may borrow the funds under the same interest restrictions



2515 for a term not exceeding ten (10) years to provide funds for the
2516 purchase of school buses. The Board of Education of any school
2517 district in any county that has an aggregate amount of assets in
2518 its principal fund in excess of Five Million Dollars
2519 (\$5,000,000.00) may deduct an amount not to exceed Five Hundred
2520 Thousand Dollars (\$500,000.00) for the purpose of covering the
2521 cost of asbestos removal from school district buildings. Such
2522 asbestos removal shall be construed to constitute the repair of
2523 school district facilities as prescribed in Section 29-3-115.

2524 No school land trust funds may be expended after the annual
2525 payment date until the payment is made on such loan. Once a
2526 district is current on its loan payments, the district may spend
2527 expendable trust funds earned or accumulated in previous years for
2528 any purpose for which expendable trust funds may be spent. The
2529 annual payment can be made from any funds available to the school
2530 district except * * * total funding formula funds.

2531 It shall be unlawful for the Board of Education to borrow any
2532 sixteenth section school funds in any other manner than that
2533 prescribed herein, and if any such funds shall be borrowed or
2534 invested in any other manner, any officer concerned in making such
2535 loan and investment or suffering the same to be made in violation
2536 of the provisions of this section shall be liable personally and
2537 on his official bond for the safety of the funds so loaned.

2538 **SECTION 27.** Section 29-3-137, Mississippi Code of 1972, is
2539 amended as follows:



2540 29-3-137. (1) Beginning with the 1985-1986 fiscal year the
2541 Legislature of the State of Mississippi shall appropriate to the
2542 State Department of Education a sum of One Million Dollars
2543 (\$1,000,000.00) to be disbursed to the Chickasaw counties, and an
2544 additional One Million Dollars (\$1,000,000.00) each succeeding
2545 fiscal year thereafter until a maximum appropriation of Five
2546 Million Dollars (\$5,000,000.00) is made for the fiscal year
2547 1989-1990. Beginning with the appropriation for the 1990-1991
2548 fiscal year, the amount appropriated under the provisions of this
2549 section shall not exceed the total average annual expendable
2550 revenue * * * received by the Choctaw counties from school lands,
2551 or Five Million Dollars (\$5,000,000.00), whichever is the lesser.

2552 (2) The State Department of Education is hereby authorized,
2553 empowered and directed to allocate for distribution such funds
2554 appropriated each year under subsection (1) of this section in
2555 proportion to the * * * amount of funding allotted under * * * the
2556 total funding formula provided for in this act, to such school
2557 districts affected by the sale of Chickasaw cession school lands.
2558 School districts not wholly situated in Chickasaw cession affected
2559 territory shall receive a prorated amount of such allocation based
2560 on the percentage of such lands located within the district.
2561 Provided further, that the State Department of Education shall, in
2562 addition, deduct from each affected school district's allocation
2563 the amount such district shall receive from interest payments from
2564 the Chickasaw School Fund under Section 212, Mississippi



2565 Constitution of 1890 for each fiscal year. * * * The department
2566 shall document the foregoing computation in its annual budget
2567 request for the appropriation to the Chickasaw School Fund, and
2568 shall revise its budget request under such formula as the average
2569 annual revenues from sixteenth section school lands fluctuate.

2570 (3) [Repealed]

2571 **SECTION 28.** Section 31-7-9, Mississippi Code of 1972, is
2572 amended as follows:

2573 31-7-9. (1) (a) The Office of Purchasing, Travel and Fleet
2574 Management shall adopt purchasing regulations governing the
2575 purchase by any agency of any commodity or commodities and
2576 establishing standards and specifications for a commodity or
2577 commodities and the maximum fair prices of a commodity or
2578 commodities, subject to the approval of the Public Procurement
2579 Review Board. It shall have the power to amend, add to or
2580 eliminate purchasing regulations. The adoption of, amendment,
2581 addition to or elimination of purchasing regulations shall be
2582 based upon a determination by the Office of Purchasing, Travel and
2583 Fleet Management with the approval of the Public Procurement
2584 Review Board, that such action is reasonable and practicable and
2585 advantageous to promote efficiency and economy in the purchase of
2586 commodities by the agencies of the state. Upon the adoption of
2587 any purchasing regulation, or an amendment, addition or
2588 elimination therein, copies of same shall be furnished to the
2589 State Auditor and to all agencies affected thereby. Thereafter,



2590 and except as otherwise may be provided in subsection (2) of this
2591 section, no agency of the state shall purchase any commodities
2592 covered by existing purchasing regulations unless such commodities
2593 be in conformity with the standards and specifications set forth
2594 in the purchasing regulations and unless the price thereof does
2595 not exceed the maximum fair price established by such purchasing
2596 regulations. The Office of Purchasing, Travel and Fleet
2597 Management shall furnish to any county or municipality or other
2598 local public agency of the state requesting same, copies of
2599 purchasing regulations adopted by the Office of Purchasing, Travel
2600 and Fleet Management and any amendments, changes or eliminations
2601 of same that may be made from time to time.

2602 (b) The Office of Purchasing, Travel and Fleet
2603 Management may adopt purchasing regulations governing the use of
2604 credit cards, procurement cards and purchasing club membership
2605 cards to be used by state agencies, governing authorities of
2606 counties and municipalities, school districts and the Chickasawhay
2607 Natural Gas District. Use of the cards shall be in strict
2608 compliance with the regulations promulgated by the office. Any
2609 amounts due on the cards shall incur interest charges as set forth
2610 in Section 31-7-305 and shall not be considered debt.

2611 (c) Pursuant to the provision of Section
2612 37-61-33(* * 2), the Office of Purchasing, Travel and Fleet
2613 Management of the Department of Finance and Administration is
2614 authorized to issue procurement cards or credentials for a digital



2615 solution to all public school district classroom teachers, charter
2616 school teachers, full- or part-time gifted or special education
2617 teachers and other necessary direct support personnel at the
2618 beginning of the school year, but no later than August 1 of each
2619 year, for the purchase of instructional supplies using Educational
2620 Enhancement Funds. The cards will be issued in equal amounts per
2621 teacher determined by the total number of qualifying personnel and
2622 the then current state appropriation for classroom instructional
2623 supplies under the Education Enhancement Fund. All purchases
2624 shall be in accordance with state law and teachers are responsible
2625 for verification of capital asset requirements when pooling monies
2626 to purchase equipment. The cards will expire on a predetermined
2627 date at the end of each school year, but not before April 1 of
2628 each year. All unexpended amounts will be carried forward, to be
2629 combined with the following year's instructional supply fund
2630 allocation, and reallocated for the following year. The
2631 Department of Finance and Administration is authorized to loan any
2632 start-up funds at the beginning of the school year to fund this
2633 procurement system for instructional supplies with loan repayment
2634 being made from sales tax receipts earmarked for the Education
2635 Enhancement Fund.

2636 (d) In a sale of goods or services, the seller shall
2637 not impose a surcharge on a buyer who uses a state-issued credit
2638 card, procurement card, travel card, or fuel card. The Department
2639 of Finance and Administration shall have exclusive jurisdiction to



2640 enforce and adopt rules relating to this paragraph. Any rules
2641 adopted under this paragraph shall be consistent with federal laws
2642 and regulations governing credit card transactions described by
2643 this paragraph. This paragraph does not create a cause of action
2644 against an individual for a violation of this paragraph.

2645 (2) The Office of Purchasing, Travel and Fleet Management
2646 shall adopt, subject to the approval of the Public Procurement
2647 Review Board, purchasing regulations governing the purchase of
2648 unmarked vehicles to be used by the Bureau of Narcotics and
2649 Department of Public Safety in official investigations pursuant to
2650 Section 25-1-87. Such regulations shall ensure that purchases of
2651 such vehicles shall be at a fair price and shall take into
2652 consideration the peculiar needs of the Bureau of Narcotics and
2653 Department of Public Safety in undercover operations.

2654 (3) The Office of Purchasing, Travel and Fleet Management
2655 shall adopt, subject to the approval of the Public Procurement
2656 Review Board, regulations governing the certification process for
2657 certified purchasing offices, including the Mississippi Purchasing
2658 Certification Program, which shall be required of all purchasing
2659 agents at state agencies. Such regulations shall require entities
2660 desiring to be classified as certified purchasing offices to
2661 submit applications and applicable documents on an annual basis,
2662 and in the case of a state agency purchasing office, to have one
2663 hundred percent (100%) participation and completion by purchasing
2664 agents in the Mississippi Purchasing Certification Program, at



2665 which time the Office of Purchasing, Travel and Fleet Management
2666 may provide the governing entity with a certification valid for
2667 one (1) year from the date of issuance. The Office of Purchasing,
2668 Travel and Fleet Management shall set a fee in an amount that
2669 recovers its costs to administer the Mississippi Purchasing
2670 Certification Program, which shall be assessed to the
2671 participating state agencies.

2672 (4) The Office of Purchasing, Travel and Fleet Management
2673 shall adopt purchasing regulations authorizing rural water
2674 associations to purchase at the state contract price afforded to
2675 agencies and governing authorities under this chapter.

2676 **SECTION 29.** Section 31-7-10, Mississippi Code of 1972, is
2677 amended as follows:

2678 31-7-10. (1) For the purposes of this section, the term
2679 "equipment" shall mean equipment, furniture, and if applicable,
2680 associated software and other applicable direct costs associated
2681 with the acquisition. In addition to its other powers and duties,
2682 the Department of Finance and Administration shall have the
2683 authority to develop a master lease-purchase program and, pursuant
2684 to that program, shall have the authority to execute on behalf of
2685 the state master lease-purchase agreements for equipment to be
2686 used by an agency, as provided in this section. Each agency
2687 electing to acquire equipment by a lease-purchase agreement shall
2688 participate in the Department of Finance and Administration's
2689 master lease-purchase program, unless the Department of Finance



2690 and Administration makes a determination that such equipment
2691 cannot be obtained under the program or unless the equipment can
2692 be obtained elsewhere at an overall cost lower than that for which
2693 the equipment can be obtained under the program. Such
2694 lease-purchase agreements may include the refinancing or
2695 consolidation, or both, of any state agency lease-purchase
2696 agreements entered into after June 30, 1990.

2697 (2) All funds designated by agencies for procurement of
2698 equipment and financing thereof under the master lease-purchase
2699 program shall be paid into a special fund created in the State
2700 Treasury known as the "Master Lease-Purchase Program Fund," which
2701 shall be used by the Department of Finance and Administration for
2702 payment to the lessors for equipment acquired under master
2703 lease-purchase agreements.

2704 (3) Upon final approval of an appropriation bill, each
2705 agency shall submit to the Public Procurement Review Board a
2706 schedule of proposed equipment acquisitions for the master
2707 lease-purchase program. Upon approval of an equipment schedule by
2708 the Public Procurement Review Board with the advice of the
2709 Department of Information Technology Services, the Office of
2710 Purchasing, Travel and Fleet Management, and the Division of
2711 Energy and Transportation of the Mississippi Development Authority
2712 as it pertains to energy efficient climate control systems, the
2713 Public Procurement Review Board shall forward a copy of the



2714 equipment schedule to the Department of Finance and
2715 Administration.

2716 (4) The level of lease-purchase debt recommended by the
2717 Department of Finance and Administration shall be subject to
2718 approval by the State Bond Commission. After such approval, the
2719 Department of Finance and Administration shall be authorized to
2720 advertise and solicit written competitive proposals for a lessor,
2721 who will purchase the equipment pursuant to bid awards made by the
2722 using agency under a given category and then transfer the
2723 equipment to the Department of Finance and Administration as
2724 lessee, pursuant to a master lease-purchase agreement.

2725 The Department of Finance and Administration shall select the
2726 successful proposer for the financing of equipment under the
2727 master lease-purchase program with the approval of the State Bond
2728 Commission.

2729 (5) Each master lease-purchase agreement, and any subsequent
2730 amendments, shall include such terms and conditions as the State
2731 Bond Commission shall determine to be appropriate and in the
2732 public interest, and may include any covenants deemed necessary or
2733 desirable to protect the interests of the lessor, including, but
2734 not limited to, provisions setting forth the interest rate (or
2735 method for computing interest rates) for financing pursuant to
2736 such agreement, covenants concerning application of payments and
2737 funds held in the Master Lease-Purchase Program Fund, covenants to
2738 maintain casualty insurance with respect to equipment subject to



2739 the master lease-purchase agreement (and all state agencies are
2740 specifically authorized to purchase any insurance required by a
2741 master lease-purchase agreement) and covenants precluding or
2742 limiting the right of the lessee or user to acquire equipment
2743 within a specified time (not to exceed five (5) years) after
2744 cancellation on the basis of a failure to appropriate funds for
2745 payment of amounts due under a lease-purchase agreement covering
2746 comparable equipment. The State Bond Commission shall transmit
2747 copies of each such master lease-purchase agreement and each such
2748 amendment to the Joint Legislative Budget Committee. To the
2749 extent provided in any master lease-purchase agreement, title to
2750 equipment leased pursuant thereto shall be deemed to be vested in
2751 the state or the user of the equipment (as specified in such
2752 master lease-purchase agreement), subject to default under or
2753 termination of such master lease-purchase agreement.

2754 A master lease-purchase agreement may provide for payment by
2755 the lessor to the lessee of the purchase price of the equipment to
2756 be acquired pursuant thereto prior to the date on which payment is
2757 due to the vendor for such equipment and that the lease payments
2758 by the lessee shall commence as though the equipment had been
2759 provided on the date of payment. If the lessee, or lessee's
2760 escrow agent, has sufficient funds for payment of equipment
2761 purchases prior to payment due date to vendor of equipment, such
2762 funds shall be held or utilized on an as-needed basis for payment
2763 of equipment purchases either by the State Treasurer (in which



2764 event the master lease-purchase agreement may include provisions
2765 concerning the holding of such funds, the creation of a security
2766 interest for the benefit of the lessor in such funds until
2767 disbursed and other appropriate provisions approved by the Bond
2768 Commission) or by a corporate trustee selected by the Department
2769 of Finance and Administration (in which event the Department of
2770 Finance and Administration shall have the authority to enter into
2771 an agreement with such a corporate trustee containing terms and
2772 conditions approved by the Bond Commission). Earnings on any
2773 amount paid by the lessor prior to the acquisition of the
2774 equipment may be used to make lease payments under the master
2775 lease-purchase agreement or applied to pay costs and expenses
2776 incurred in connection with such lease-purchase agreement. In
2777 such event, the equipment-use agreements with the user agency may
2778 provide for lease payments to commence upon the date of payment by
2779 the lessor and may also provide for a credit against such payments
2780 to the extent that investment receipts from investment of the
2781 purchase price are to be used to make lease-purchase payments.

2782 (6) The annual rate of interest paid under any
2783 lease-purchase agreement authorized under this section shall not
2784 exceed the maximum interest rate to maturity on general obligation
2785 indebtedness permitted under Section 75-17-101.

2786 (7) The Department of Finance and Administration shall
2787 furnish the equipment to the various agencies, also known as the
2788 user, pursuant to an equipment-use agreement developed by the



2789 Department of Finance and Administration. Such agreements shall
2790 require that all monthly payments due from such agency be paid,
2791 transferred or allocated into the Master Lease-Purchase Program
2792 Fund pursuant to a schedule established by the Department of
2793 Finance and Administration. In the event such sums are not paid
2794 by the defined payment period, the Executive Director of the
2795 Department of Finance and Administration shall issue a requisition
2796 for a warrant to draw such amount as may be due from any funds
2797 appropriated for the use of the agency which has failed to make
2798 the payment as agreed.

2799 (8) All master lease-purchase agreements executed under the
2800 authority of this section shall contain the following annual
2801 allocation dependency clause or an annual allocation dependency
2802 clause which is substantially equivalent thereto: "The
2803 continuation of each equipment schedule to this agreement is
2804 contingent in whole or in part upon the appropriation of funds by
2805 the Legislature to make the lease-purchase payments required under
2806 such equipment schedule. If the Legislature fails to appropriate
2807 sufficient funds to provide for the continuation of the
2808 lease-purchase payments under any such equipment schedule, then
2809 the obligations of the lessee and of the agency to make such
2810 lease-purchase payments and the corresponding provisions of any
2811 such equipment schedule to this agreement shall terminate on the
2812 last day of the fiscal year for which appropriations were made."



2813 (9) The maximum lease term for any equipment acquired under
2814 the master lease-purchase program shall not exceed the useful life
2815 of such equipment as determined according to the upper limit of
2816 the asset depreciation range (ADR) guidelines for the Class Life
2817 Asset Depreciation Range System established by the Internal
2818 Revenue Service pursuant to the United States Internal Revenue
2819 Code and Regulations thereunder as in effect on December 31, 1980,
2820 or comparable depreciation guidelines with respect to any
2821 equipment not covered by ADR guidelines. The Department of
2822 Finance and Administration shall be deemed to have met the
2823 requirements of this subsection if the term of a master
2824 lease-purchase agreement does not exceed the weighted average
2825 useful life of all equipment covered by such agreement and the
2826 schedules thereto as determined by the Department of Finance and
2827 Administration. For purposes of this subsection, the "term of a
2828 master lease-purchase agreement" shall be the weighted average
2829 maturity of all principal payments to be made under such master
2830 lease-purchase agreement and all schedules thereto.

2831 (10) Interest paid on any master lease-purchase agreement
2832 under this section shall be exempt from State of Mississippi
2833 income taxation. All equipment, and the purchase thereof by any
2834 lessor, acquired under the master lease-purchase program and all
2835 lease-purchase payments with respect thereto shall be exempt from
2836 all Mississippi sales, use and ad valorem taxes.



2837 (11) The Governor, in his annual executive budget to the
2838 Legislature, shall recommend appropriations sufficient to provide
2839 funds to pay all amounts due and payable during the applicable
2840 fiscal year under master lease-purchase agreements entered into
2841 pursuant to this section.

2842 (12) Any master lease-purchase agreement reciting in
2843 substance that such agreement has been entered into pursuant to
2844 this section shall be conclusively deemed to have been entered
2845 into in accordance with all of the provisions and conditions set
2846 forth in this section. Any defect or irregularity arising with
2847 respect to procedures applicable to the acquisition of any
2848 equipment shall not invalidate or otherwise limit the obligation
2849 of the Department of Finance and Administration, or the state or
2850 any agency of the state, under any master lease-purchase agreement
2851 or any equipment-use agreement.

2852 (13) There shall be maintained by the Department of Finance
2853 and Administration, with respect to each master lease-purchase
2854 agreement, an itemized statement of the cash price, interest
2855 rates, interest costs, commissions, debt service schedules and all
2856 other costs and expenses paid by the state incident to the
2857 lease-purchase of equipment under such agreement.

2858 (14) Lease-purchase agreements entered into by the Board of
2859 Trustees of State Institutions of Higher Learning pursuant to the
2860 authority of Section 37-101-413 or by any other agency which has
2861 specific statutory authority other than pursuant to Section



2862 31-7-13(e) to acquire equipment by lease-purchase shall not be
2863 made pursuant to the master lease-purchase program under this
2864 section, unless the Board of Trustees of State Institutions of
2865 Higher Learning or such other agency elects to participate as to
2866 part or all of its lease-purchase acquisitions in the master
2867 lease-purchase program pursuant to this section.

2868 (15) The Department of Finance and Administration may
2869 develop a master lease-purchase program for school districts and,
2870 pursuant to that program, may execute on behalf of the school
2871 districts master lease-purchase agreements for equipment to be
2872 used by the school districts. The form and structure of this
2873 program shall be substantially the same as set forth in this
2874 section for the master lease-purchase program for state agencies.
2875 If sums due from a school district under the master lease-purchase
2876 program are not paid by the expiration of the defined payment
2877 period, the Executive Director of the Department of Finance and
2878 Administration may withhold such amount that is due from the
2879 school district's * * * allotments of the total funding formula
2880 funds as determined by this act.

2881 (16) The Department of Finance and Administration may
2882 develop a master lease-purchase program for community and junior
2883 college districts and, pursuant to that program, may execute on
2884 behalf of the community and junior college districts master
2885 lease-purchase agreements for equipment to be used by the
2886 community and junior college districts. The form and structure of



2887 this program must be substantially the same as set forth in this
2888 section for the master lease-purchase program for state agencies.
2889 If sums due from a community or junior college district under the
2890 master lease-purchase program are not paid by the expiration of
2891 the defined payment period, the Executive Director of the
2892 Department of Finance and Administration may withhold an amount
2893 equal to the amount due under the program from any funds allocated
2894 for that community or junior college district in the state
2895 appropriations for the use and support of the community and junior
2896 colleges.

2897 (17) From and after July 1, 2016, the expenses of this
2898 agency shall be defrayed by appropriation from the State General
2899 Fund and all user charges and fees authorized under this section
2900 shall be deposited into the State General Fund as authorized by
2901 law.

2902 (18) From and after July 1, 2016, no state agency shall
2903 charge another state agency a fee, assessment, rent or other
2904 charge for services or resources received by authority of this
2905 section.

2906 **SECTION 30.** Section 37-1-3, Mississippi Code of 1972, is
2907 amended as follows:

2908 37-1-3. (1) The State Board of Education shall adopt rules
2909 and regulations and set standards and policies for the
2910 organization, operation, management, planning, budgeting and
2911 programs of the State Department of Education.



2912 (a) The board is directed to identify all functions of
2913 the department that contribute to or comprise a part of the state
2914 system of educational accountability and to establish and maintain
2915 within the department the necessary organizational structure,
2916 policies and procedures for effectively coordinating such
2917 functions. Such policies and procedures shall clearly fix and
2918 delineate responsibilities for various aspects of the system and
2919 for overall coordination of the total system and its effective
2920 management.

2921 (b) The board shall establish and maintain a
2922 system-wide plan of performance, policy and directions of public
2923 education not otherwise provided for.

2924 (c) The board shall effectively use the personnel and
2925 resources of the department to enhance technical assistance to
2926 school districts in instruction and management therein.

2927 (d) The board shall establish and maintain a central
2928 budget policy.

2929 (e) The board shall establish and maintain within the
2930 State Department of Education a central management capacity under
2931 the direction of the State Superintendent of Public Education.

2932 (f) The board, with recommendations from the
2933 superintendent, shall design and maintain a five-year plan and
2934 program for educational improvement that shall set forth
2935 objectives for system performance and development and be the basis
2936 for budget requests and legislative initiatives.



2937 (2) (a) The State Board of Education shall adopt and
2938 maintain a curriculum and a course of study to be used in the
2939 public school districts that is designed to prepare the state's
2940 children and youth to be productive, informed, creative citizens,
2941 workers and leaders, and it shall regulate all matters arising in
2942 the practical administration of the school system not otherwise
2943 provided for.

2944 (b) Before the 1999-2000 school year, the State Board
2945 of Education shall develop personal living and finances objectives
2946 that focus on money management skills for individuals and families
2947 for appropriate, existing courses at the secondary level. The
2948 objectives must require the teaching of those skills necessary to
2949 handle personal business and finances and must include instruction
2950 in the following:

- 2951 (i) Opening a bank account and assessing the
2952 quality of a bank's services;
- 2953 (ii) Balancing a checkbook;
- 2954 (iii) Managing debt, including retail and credit
2955 card debt;
- 2956 (iv) Completing a loan application;
- 2957 (v) The implications of an inheritance;
- 2958 (vi) The basics of personal insurance policies;
- 2959 (vii) Consumer rights and responsibilities;
- 2960 (viii) Dealing with salesmen and merchants;
- 2961 (ix) Computing state and federal income taxes;



2962 (x) Local tax assessments;
2963 (xi) Computing interest rates by various
2964 mechanisms;
2965 (xii) Understanding simple contracts; and
2966 (xiii) Contesting an incorrect billing statement.

2967 (3) The State Board of Education shall have authority to
2968 expend any available federal funds, or any other funds expressly
2969 designated, to pay training, educational expenses, salary
2970 incentives and salary supplements to licensed teachers employed in
2971 local school districts or schools administered by the State Board
2972 of Education. Such incentive payments shall not be considered
2973 part of a school district's local supplement * * *, nor shall the
2974 incentives be considered part of the local supplement paid to an
2975 individual teacher for the purposes of Section 37-19-7(1). * * *

2976 (4) The State Board of Education shall through its actions
2977 seek to implement the policies set forth in Section 37-1-2.

2978 **SECTION 31.** Section 37-3-11, Mississippi Code of 1972, is
2979 amended as follows:

2980 37-3-11. The State Superintendent of Public Education shall
2981 perform the duties assigned to him by the State Board of
2982 Education, and he shall have the following duties:

2983 (a) To serve as secretary for the State Board of
2984 Education;

2985 (b) To be the chief administrative officer of the State
2986 Department of Education;



2987 (c) To recommend to the State Board of Education, for
2988 its consideration, rules and regulations for the supervision of
2989 the public schools and agricultural high schools of the school
2990 districts throughout the state and for the efficient organization
2991 and conduct of the same;

2992 (d) To collect data and make it available to the state
2993 board for determining the proper distribution of the * * * total
2994 funding formula funds;

2995 (e) To keep a complete record of all official acts of
2996 the State Superintendent and the acts of the State Board of
2997 Education;

2998 (f) To prepare, have printed and furnish all officers
2999 charged with the administration of the laws pertaining to the
3000 public schools, such blank forms and books as may be necessary to
3001 the proper discharge of their duties, which printing is to be paid
3002 for out of funds provided by the Legislature;

3003 (g) To have printed in pamphlet form the laws
3004 pertaining to the public schools and publish therein forms for
3005 conducting school business, the rules and regulations for the
3006 government of schools that the State Superintendent or the State
3007 Board of Education may recommend, and such other matters as may be
3008 deemed worthy of public interest pertaining to the public schools,
3009 which printing is to be paid for out of funds provided by the
3010 Legislature;



3011 (h) To meet all superintendents annually at such time
3012 and place as the State Superintendent shall appoint for the
3013 purpose of accumulating facts relative to schools, to review the
3014 educational progress made in the various sections of the state, to
3015 compare views, discuss problems, hear discussions and suggestions
3016 relative to examinations and qualifications of teachers, methods
3017 of instruction, textbooks, summer schools for teachers, visitation
3018 of schools, consolidation of schools, health work in the schools,
3019 vocational education and other matters pertaining to the public
3020 school system;

3021 (i) To advise all superintendents upon all matters
3022 involving the welfare of the schools, and at the request of any
3023 superintendent, to give an opinion upon a written statement of
3024 facts on all questions and controversies arising out of the
3025 interpretation and construction of the school laws, in regard to
3026 rights, powers and duties of school officers and superintendents,
3027 and to keep a record of all such decisions. Before giving any
3028 opinion, the superintendent may submit the statement of facts to
3029 the Attorney General, and it shall be the duty of the Attorney
3030 General forthwith to examine such statement and suggest the proper
3031 decision to be made upon such fact;

3032 (j) To require annually, and as often as the State
3033 Superintendent may deem proper, of all superintendents, detailed
3034 reports on the educational business of the various districts;



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

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

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

SECTION 32. Section 37-3-83, Mississippi Code of 1972, is amended as follows:

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

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

(3) Subject to the extent of appropriations available, the School Safety Grant Program shall offer any of the following specific preventive services, and other additional services



3060 appropriate to the most current school district school safety
3061 plan:

- 3062 (a) Metal detectors;
- 3063 (b) Video surveillance cameras, communications
3064 equipment and monitoring equipment for classrooms, school
3065 buildings, school grounds and school buses;
- 3066 (c) Crisis management/action teams responding to school
3067 violence;
- 3068 (d) Violence prevention training, conflict resolution
3069 training, behavioral stress training and other appropriate
3070 training designated by the State Department of Education for
3071 faculty and staff; and
- 3072 (e) School safety personnel.

3073 (4) Each local school district of this state may annually
3074 apply for school safety grant funds subject to appropriations by
3075 the Legislature. School safety grants shall include a base grant
3076 amount plus an additional amount per student in * * * net
3077 enrollment in the school or school district. The base grant
3078 amount and amount per student shall be determined by the State
3079 Board of Education, subject to specific appropriation therefor by
3080 the Legislature. In order to be eligible for such program, each
3081 local school board desiring to participate shall apply to the
3082 State Department of Education by May 31 before the beginning of
3083 the applicable fiscal year on forms provided by the department,
3084 and shall be required to establish a local School Safety Task



3085 Force to involve members of the community in the school safety
3086 effort. The State Department of Education shall determine by July
3087 1 of each succeeding year which local school districts have
3088 submitted approved applications for school safety grants.

3089 (5) As part of the School Safety Grant Program, the State
3090 Department of Education may conduct a pilot program to research
3091 the feasibility of using video camera equipment in the classroom
3092 to address the following:

3093 (a) Determine if video cameras in the classroom reduce
3094 student disciplinary problems;

3095 (b) Enable teachers to present clear and convincing
3096 evidence of a student's disruptive behavior to the student, the
3097 principal, the superintendent and the student's parents; and

3098 (c) Enable teachers to review teaching performance and
3099 receive diagnostic feedback for developmental purposes.

3100 (6) Any local school district may use
3101 audio/visual-monitoring equipment in classrooms, hallways,
3102 buildings, grounds and buses for the purpose of monitoring school
3103 disciplinary problems.

3104 (7) As a component of the comprehensive local school
3105 district school safety plan required under subsection (2) of this
3106 section, the school board of a school district may adopt and
3107 implement a policy addressing sexual abuse of children, to be
3108 known as "Erin's Law Awareness." Any policy adopted under this



3109 subsection may include or address, but need not be limited to, the
3110 following:

3111 (a) Methods for increasing teacher, student and
3112 parental awareness of issues regarding sexual abuse of children,
3113 including knowledge of likely warning signs indicating that a
3114 child may be a victim of sexual abuse;

3115 (b) Educational information for parents or guardians,
3116 which may be included in the school handbook, on the warning signs
3117 of a child being abused, along with any needed assistance,
3118 referral or resource information;

3119 (c) Training for school personnel on child sexual
3120 abuse;

3121 (d) Age-appropriate curriculum for students in
3122 prekindergarten through fifth grade;

3123 (e) Actions that a child who is a victim of sexual
3124 abuse should take to obtain assistance and intervention;

3125 (f) Counseling and resources available for students
3126 affected by sexual abuse; and

3127 (g) Emotional and educational support for a child who
3128 has been abused to enable the child to be successful in school.

3129 (8) As part of the school safety grant program, the State
3130 Department of Education shall establish three (3) pilot programs
3131 in six (6) school districts utilizing an evidence-based curriculum
3132 to provide students in Grades K-5 with skills to manage stress and
3133 anxiety in order for them to be better equipped to handle



challenges in a healthy way and build resiliency. The Mississippi Department of Mental Health shall be responsible for the selection of the content of the evidence-based curriculum. The results of this pilot program shall be measured and reported, and such results shall be used in consideration of the implementation of this curriculum statewide.

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

SECTION 33. Section 37-7-208, Mississippi Code of 1972, is amended as follows:

37-7-208. The board of trustees of any consolidated school district may pay from * * * funds other than total funding formula funds the cost and expense of litigation involved by or resulting from the creation of or litigation to create single member school board trustee election districts, and pay from * * * funds other



3159 than the total funding formula funds the cost or expense to
3160 implement any plan, decree or reorganization as approved by the
3161 court. Said payments by the board of trustees shall be deemed a
3162 "new program" under the provisions of Section 37-57-107, * * * and
3163 any additional millage levied for such purpose and the revenue
3164 generated therefrom shall be excluded from the tax increase
3165 limitation prescribed in Sections 37-57-105 and 37-57-107. The
3166 board of supervisors of any county in which there is located such
3167 consolidated school district may, in its discretion, contribute
3168 out of county general funds to the cost and expense of such
3169 litigation and/or the cost of implementing such redistricting
3170 plan.

3171 **SECTION 34.** Section 37-7-301, Mississippi Code of 1972, is
3172 amended as follows:

3173 37-7-301. The school boards of all school districts shall
3174 have the following powers, authority and duties in addition to all
3175 others imposed or granted by law, to wit:

3176 (a) To organize and operate the schools of the district
3177 and to make such division between the high school grades and
3178 elementary grades as, in their judgment, will serve the best
3179 interests of the school;

3180 (b) To introduce public school music, art, manual
3181 training and other special subjects into either the elementary or
3182 high school grades, as the board shall deem proper;



3183 (c) To be the custodians of real and personal school
3184 property and to manage, control and care for same, both during the
3185 school term and during vacation;

3186 (d) To have responsibility for the erection, repairing
3187 and equipping of school facilities and the making of necessary
3188 school improvements;

3189 (e) To suspend or to expel a pupil or to change the
3190 placement of a pupil to the school district's alternative school
3191 or homebound program for misconduct in the school or on school
3192 property, as defined in Section 37-11-29, on the road to and from
3193 school, or at any school-related activity or event, or for conduct
3194 occurring on property other than school property or other than at
3195 a school-related activity or event when such conduct by a pupil,
3196 in the determination of the school superintendent or principal,
3197 renders that pupil's presence in the classroom a disruption to the
3198 educational environment of the school or a detriment to the best
3199 interest and welfare of the pupils and teacher of such class as a
3200 whole, and to delegate such authority to the appropriate officials
3201 of the school district;

3202 (f) To visit schools in the district, in their
3203 discretion, in a body for the purpose of determining what can be
3204 done for the improvement of the school in a general way;

3205 (g) To support, within reasonable limits, the
3206 superintendent, principal and teachers where necessary for the
3207 proper discipline of the school;



3208 (h) To exclude from the schools students with what
3209 appears to be infectious or contagious diseases; provided,
3210 however, such student may be allowed to return to school upon
3211 presenting a certificate from a public health officer, duly
3212 licensed physician or nurse practitioner that the student is free
3213 from such disease;

3214 (i) To require those vaccinations specified by the
3215 State Health Officer as provided in Section 41-23-37;

3216 (j) To see that all necessary utilities and services
3217 are provided in the schools at all times when same are needed;

3218 (k) To authorize the use of the school buildings and
3219 grounds for the holding of public meetings and gatherings of the
3220 people under such regulations as may be prescribed by said board;

3221 (l) To prescribe and enforce rules and regulations not
3222 inconsistent with law or with the regulations of the State Board
3223 of Education for their own government and for the government of
3224 the schools, and to transact their business at regular and special
3225 meetings called and held in the manner provided by law;

3226 (m) To maintain and operate all of the schools under
3227 their control for such length of time during the year as may be
3228 required;

3229 (n) To enforce in the schools the courses of study and
3230 the use of the textbooks prescribed by the proper authorities;

3231 (o) To make orders directed to the superintendent of
3232 schools for the issuance of pay certificates for lawful purposes



3233 on any available funds of the district and to have full control of
3234 the receipt, distribution, allotment and disbursement of all funds
3235 provided for the support and operation of the schools of such
3236 school district whether such funds be derived from state
3237 appropriations, local ad valorem tax collections, or otherwise.
3238 The local school board shall be authorized and empowered to
3239 promulgate rules and regulations that specify the types of claims
3240 and set limits of the dollar amount for payment of claims by the
3241 superintendent of schools to be ratified by the board at the next
3242 regularly scheduled meeting after payment has been made;

3243 (p) To select all school district personnel in the
3244 manner provided by law, and to provide for such employee fringe
3245 benefit programs, including accident reimbursement plans, as may
3246 be deemed necessary and appropriate by the board;

3247 (q) To provide athletic programs and other school
3248 activities and to regulate the establishment and operation of such
3249 programs and activities;

3250 (r) To join, in their discretion, any association of
3251 school boards and other public school-related organizations, and
3252 to pay from local funds other than * * * total funding formula
3253 funds, any membership dues;

3254 (s) To expend local school activity funds, or other
3255 available school district funds, other than * * * total funding
3256 formula funds, for the purposes prescribed under this paragraph.

3257 "Activity funds" shall mean all funds received by school officials



3258 in all school districts paid or collected to participate in any
3259 school activity, such activity being part of the school program
3260 and partially financed with public funds or supplemented by public
3261 funds. The term "activity funds" shall not include any funds
3262 raised and/or expended by any organization unless commingled in a
3263 bank account with existing activity funds, regardless of whether
3264 the funds were raised by school employees or received by school
3265 employees during school hours or using school facilities, and
3266 regardless of whether a school employee exercises influence over
3267 the expenditure or disposition of such funds. Organizations shall
3268 not be required to make any payment to any school for the use of
3269 any school facility if, in the discretion of the local school
3270 governing board, the organization's function shall be deemed to be
3271 beneficial to the official or extracurricular programs of the
3272 school. For the purposes of this provision, the term
3273 "organization" shall not include any organization subject to the
3274 control of the local school governing board. Activity funds may
3275 only be expended for any necessary expenses or travel costs,
3276 including advances, incurred by students and their chaperons in
3277 attending any in-state or out-of-state school-related programs,
3278 conventions or seminars and/or any commodities, equipment, travel
3279 expenses, purchased services or school supplies which the local
3280 school governing board, in its discretion, shall deem beneficial
3281 to the official or extracurricular programs of the district,
3282 including items which may subsequently become the personal



3283 property of individuals, including yearbooks, athletic apparel,
3284 book covers and trophies. Activity funds may be used to pay
3285 travel expenses of school district personnel. The local school
3286 governing board shall be authorized and empowered to promulgate
3287 rules and regulations specifically designating for what purposes
3288 school activity funds may be expended. The local school governing
3289 board shall provide (i) that such school activity funds shall be
3290 maintained and expended by the principal of the school generating
3291 the funds in individual bank accounts, or (ii) that such school
3292 activity funds shall be maintained and expended by the
3293 superintendent of schools in a central depository approved by the
3294 board. The local school governing board shall provide that such
3295 school activity funds be audited as part of the annual audit
3296 required in Section 37-9-18. The State Department of Education
3297 shall prescribe a uniform system of accounting and financial
3298 reporting for all school activity fund transactions;

3299 (t) To enter into an energy performance contract,
3300 energy services contract, on a shared-savings, lease or
3301 lease-purchase basis, for energy efficiency services and/or
3302 equipment as provided for in Section 31-7-14;

3303 (u) To maintain accounts and issue pay certificates on
3304 school food service bank accounts;

3305 (v) (i) To lease a school building from an individual,
3306 partnership, nonprofit corporation or a private for-profit
3307 corporation for the use of such school district, and to expend



3308 funds therefor as may be available from any * * * sources other
3309 than total funding formula funds as set by this act. The school
3310 board of the school district desiring to lease a school building
3311 shall declare by resolution that a need exists for a school
3312 building and that the school district cannot provide the necessary
3313 funds to pay the cost or its proportionate share of the cost of a
3314 school building required to meet the present needs. The
3315 resolution so adopted by the school board shall be published once
3316 each week for three (3) consecutive weeks in a newspaper having a
3317 general circulation in the school district involved, with the
3318 first publication thereof to be made not less than thirty (30)
3319 days prior to the date upon which the school board is to act on
3320 the question of leasing a school building. If no petition
3321 requesting an election is filed prior to such meeting as
3322 hereinafter provided, then the school board may, by resolution
3323 spread upon its minutes, proceed to lease a school building. If
3324 at any time prior to said meeting a petition signed by not less
3325 than twenty percent (20%) or fifteen hundred (1500), whichever is
3326 less, of the qualified electors of the school district involved
3327 shall be filed with the school board requesting that an election
3328 be called on the question, then the school board shall, not later
3329 than the next regular meeting, adopt a resolution calling an
3330 election to be held within such school district upon the question
3331 of authorizing the school board to lease a school building. Such
3332 election shall be called and held, and notice thereof shall be



3333 given, in the same manner for elections upon the questions of the
3334 issuance of the bonds of school districts, and the results thereof
3335 shall be certified to the school board. If at least three-fifths
3336 (3/5) of the qualified electors of the school district who voted
3337 in such election shall vote in favor of the leasing of a school
3338 building, then the school board shall proceed to lease a school
3339 building. The term of the lease contract shall not exceed twenty
3340 (20) years, and the total cost of such lease shall be either the
3341 amount of the lowest and best bid accepted by the school board
3342 after advertisement for bids or an amount not to exceed the
3343 current fair market value of the lease as determined by the
3344 averaging of at least two (2) appraisals by certified general
3345 appraisers licensed by the State of Mississippi. The term "school
3346 building" as used in this paragraph (v)(i) shall be construed to
3347 mean any building or buildings used for classroom purposes in
3348 connection with the operation of schools and shall include the
3349 site therefor, necessary support facilities, and the equipment
3350 thereof and appurtenances thereto such as heating facilities,
3351 water supply, sewage disposal, landscaping, walks, drives and
3352 playgrounds. The term "lease" as used in this paragraph (v)(i)
3353 may include a lease-purchase contract;

3354 (ii) If two (2) or more school districts propose
3355 to enter into a lease contract jointly, then joint meetings of the
3356 school boards having control may be held but no action taken shall
3357 be binding on any such school district unless the question of



3358 leasing a school building is approved in each participating school
3359 district under the procedure hereinabove set forth in paragraph
3360 (v)(i). All of the provisions of paragraph (v)(i) regarding the
3361 term and amount of the lease contract shall apply to the school
3362 boards of school districts acting jointly. Any lease contract
3363 executed by two (2) or more school districts as joint lessees
3364 shall set out the amount of the aggregate lease rental to be paid
3365 by each, which may be agreed upon, but there shall be no right of
3366 occupancy by any lessee unless the aggregate rental is paid as
3367 stipulated in the lease contract. All rights of joint lessees
3368 under the lease contract shall be in proportion to the amount of
3369 lease rental paid by each;

3370 (w) To employ all noninstructional and noncertificated
3371 employees and fix the duties and compensation of such personnel
3372 deemed necessary pursuant to the recommendation of the
3373 superintendent of schools;

3374 (x) To employ and fix the duties and compensation of
3375 such legal counsel as deemed necessary;

3376 (y) Subject to rules and regulations of the State Board
3377 of Education, to purchase, own and operate trucks, vans and other
3378 motor vehicles, which shall bear the proper identification
3379 required by law;

3380 (z) To expend funds for the payment of substitute
3381 teachers and to adopt reasonable regulations for the employment
3382 and compensation of such substitute teachers;



3383 (aa) To acquire in its own name by purchase all real
3384 property which shall be necessary and desirable in connection with
3385 the construction, renovation or improvement of any public school
3386 building or structure. Whenever the purchase price for such real
3387 property is greater than Fifty Thousand Dollars (\$50,000.00), the
3388 school board shall not purchase the property for an amount
3389 exceeding the fair market value of such property as determined by
3390 the average of at least two (2) independent appraisals by
3391 certified general appraisers licensed by the State of Mississippi.
3392 If the board shall be unable to agree with the owner of any such
3393 real property in connection with any such project, the board shall
3394 have the power and authority to acquire any such real property by
3395 condemnation proceedings pursuant to Section 11-27-1 et seq.,
3396 Mississippi Code of 1972, and for such purpose, the right of
3397 eminent domain is hereby conferred upon and vested in said board.
3398 Provided further, that the local school board is authorized to
3399 grant an easement for ingress and egress over sixteenth section
3400 land or lieu land in exchange for a similar easement upon
3401 adjoining land where the exchange of easements affords substantial
3402 benefit to the sixteenth section land; provided, however, the
3403 exchange must be based upon values as determined by a competent
3404 appraiser, with any differential in value to be adjusted by cash
3405 payment. Any easement rights granted over sixteenth section land
3406 under such authority shall terminate when the easement ceases to
3407 be used for its stated purpose. No sixteenth section or lieu land



3408 which is subject to an existing lease shall be burdened by any
3409 such easement except by consent of the lessee or unless the school
3410 district shall acquire the unexpired leasehold interest affected
3411 by the easement;

3412 (bb) To charge reasonable fees related to the
3413 educational programs of the district, in the manner prescribed in
3414 Section 37-7-335;

3415 (cc) Subject to rules and regulations of the State
3416 Board of Education, to purchase relocatable classrooms for the use
3417 of such school district, in the manner prescribed in Section
3418 37-1-13;

3419 (dd) Enter into contracts or agreements with other
3420 school districts, political subdivisions or governmental entities
3421 to carry out one or more of the powers or duties of the school
3422 board, or to allow more efficient utilization of limited resources
3423 for providing services to the public;

3424 (ee) To provide for in-service training for employees
3425 of the district;

3426 (ff) As part of their duties to prescribe the use of
3427 textbooks, to provide that parents and legal guardians shall be
3428 responsible for the textbooks and for the compensation to the
3429 school district for any books which are not returned to the proper
3430 schools upon the withdrawal of their dependent child. If a
3431 textbook is lost or not returned by any student who drops out of
3432 the public school district, the parent or legal guardian shall



3433 also compensate the school district for the fair market value of
3434 the textbooks;

3435 (gg) To conduct fund-raising activities on behalf of
3436 the school district that the local school board, in its
3437 discretion, deems appropriate or beneficial to the official or
3438 extracurricular programs of the district; provided that:

3439 (i) Any proceeds of the fund-raising activities
3440 shall be treated as "activity funds" and shall be accounted for as
3441 are other activity funds under this section; and

3442 (ii) Fund-raising activities conducted or
3443 authorized by the board for the sale of school pictures, the
3444 rental of caps and gowns or the sale of graduation invitations for
3445 which the school board receives a commission, rebate or fee shall
3446 contain a disclosure statement advising that a portion of the
3447 proceeds of the sales or rentals shall be contributed to the
3448 student activity fund;

3449 (hh) To allow individual lessons for music, art and
3450 other curriculum-related activities for academic credit or
3451 nonacademic credit during school hours and using school equipment
3452 and facilities, subject to uniform rules and regulations adopted
3453 by the school board;

3454 (ii) To charge reasonable fees for participating in an
3455 extracurricular activity for academic or nonacademic credit for
3456 necessary and required equipment such as safety equipment, band
3457 instruments and uniforms;



3458 (jj) To conduct or participate in any fund-raising
3459 activities on behalf of or in connection with a tax-exempt
3460 charitable organization;

3461 (kk) To exercise such powers as may be reasonably
3462 necessary to carry out the provisions of this section;

3463 (ll) To expend funds for the services of nonprofit arts
3464 organizations or other such nonprofit organizations who provide
3465 performances or other services for the students of the school
3466 district;

3467 (mm) To expend federal No Child Left Behind Act funds,
3468 or any other available funds that are expressly designated and
3469 authorized for that use, to pay training, educational expenses,
3470 salary incentives and salary supplements to employees of local
3471 school districts; except that incentives shall not be considered
3472 part of the local supplement * * *, nor shall incentives be
3473 considered part of the local supplement paid to an individual
3474 teacher for the purposes of Section 37-19-7(1) * * *;

3475 (nn) To use any available funds, not appropriated or
3476 designated for any other purpose, for reimbursement to the
3477 state-licensed employees from both in state and out of state, who
3478 enter into a contract for employment in a school district, for the
3479 expense of moving when the employment necessitates the relocation
3480 of the licensed employee to a different geographical area than
3481 that in which the licensed employee resides before entering into
3482 the contract. The reimbursement shall not exceed One Thousand



3483 Dollars (\$1,000.00) for the documented actual expenses incurred in
3484 the course of relocating, including the expense of any
3485 professional moving company or persons employed to assist with the
3486 move, rented moving vehicles or equipment, mileage in the amount
3487 authorized for county and municipal employees under Section
3488 25-3-41 if the licensed employee used his personal vehicle or
3489 vehicles for the move, meals and such other expenses associated
3490 with the relocation. No licensed employee may be reimbursed for
3491 moving expenses under this section on more than one (1) occasion
3492 by the same school district. Nothing in this section shall be
3493 construed to require the actual residence to which the licensed
3494 employee relocates to be within the boundaries of the school
3495 district that has executed a contract for employment in order for
3496 the licensed employee to be eligible for reimbursement for the
3497 moving expenses. However, the licensed employee must relocate
3498 within the boundaries of the State of Mississippi. Any individual
3499 receiving relocation assistance through the Critical Teacher
3500 Shortage Act as provided in Section 37-159-5 shall not be eligible
3501 to receive additional relocation funds as authorized in this
3502 paragraph;

3503 (oo) To use any available funds, not appropriated or
3504 designated for any other purpose, to reimburse persons who
3505 interview for employment as a licensed employee with the district
3506 for the mileage and other actual expenses incurred in the course



3507 of travel to and from the interview at the rate authorized for
3508 county and municipal employees under Section 25-3-41;

3509 (pp) Consistent with the report of the Task Force to
3510 Conduct a Best Financial Management Practices Review, to improve
3511 school district management and use of resources and identify cost
3512 savings as established in Section 8 of Chapter 610, Laws of 2002,
3513 local school boards are encouraged to conduct independent reviews
3514 of the management and efficiency of schools and school districts.
3515 Such management and efficiency reviews shall provide state and
3516 local officials and the public with the following:

3517 (i) An assessment of a school district's
3518 governance and organizational structure;

3519 (ii) An assessment of the school district's
3520 financial and personnel management;

3521 (iii) An assessment of revenue levels and sources;

3522 (iv) An assessment of facilities utilization,
3523 planning and maintenance;

3524 (v) An assessment of food services, transportation
3525 and safety/security systems;

3526 (vi) An assessment of instructional and
3527 administrative technology;

3528 (vii) A review of the instructional management and
3529 the efficiency and effectiveness of existing instructional
3530 programs; and



3531 (viii) Recommended methods for increasing
3532 efficiency and effectiveness in providing educational services to
3533 the public;

3534 (qq) To enter into agreements with other local school
3535 boards for the establishment of an educational service agency
3536 (ESA) to provide for the cooperative needs of the region in which
3537 the school district is located, as provided in Section 37-7-345;

3538 (rr) To implement a financial literacy program for
3539 students in Grades 10 and 11. The board may review the national
3540 programs and obtain free literature from various nationally
3541 recognized programs. After review of the different programs, the
3542 board may certify a program that is most appropriate for the
3543 school districts' needs. If a district implements a financial
3544 literacy program, then any student in Grade 10 or 11 may
3545 participate in the program. The financial literacy program shall
3546 include, but is not limited to, instruction in the same areas of
3547 personal business and finance as required under Section
3548 37-1-3(2) (b). The school board may coordinate with volunteer
3549 teachers from local community organizations, including, but not
3550 limited to, the following: United States Department of
3551 Agriculture Rural Development, United States Department of Housing
3552 and Urban Development, Junior Achievement, bankers and other
3553 nonprofit organizations. Nothing in this paragraph shall be
3554 construed as to require school boards to implement a financial
3555 literacy program;



3556 (ss) To collaborate with the State Board of Education,
3557 Community Action Agencies or the Department of Human Services to
3558 develop and implement a voluntary program to provide services for
3559 a prekindergarten program that addresses the cognitive, social,
3560 and emotional needs of four-year-old and three-year-old children.
3561 The school board may utilize any source of available revenue to
3562 fund the voluntary program. Effective with the 2013-2014 school
3563 year, to implement voluntary prekindergarten programs under the
3564 Early Learning Collaborative Act of 2013 pursuant to state funds
3565 awarded by the State Department of Education on a matching basis;

3566 (tt) With respect to any lawful, written obligation of
3567 a school district, including, but not limited to, leases
3568 (excluding leases of sixteenth section public school trust land),
3569 bonds, notes, or other agreement, to agree in writing with the
3570 obligee that the Department of Revenue or any state agency,
3571 department or commission created under state law may:

3572 (i) Withhold all or any part (as agreed by the
3573 school board) of any monies which such local school board is
3574 entitled to receive from time to time under any law and which is
3575 in the possession of the Department of Revenue, or any state
3576 agency, department or commission created under state law; and

3577 (ii) Pay the same over to any financial
3578 institution, trustee or other obligee, as directed in writing by
3579 the school board, to satisfy all or part of such obligation of the
3580 school district.



3581 The school board may make such written agreement to withhold
3582 and transfer funds irrevocable for the term of the written
3583 obligation and may include in the written agreement any other
3584 terms and provisions acceptable to the school board. If the
3585 school board files a copy of such written agreement with the
3586 Department of Revenue, or any state agency, department or
3587 commission created under state law then the Department of Revenue
3588 or any state agency, department or commission created under state
3589 law shall immediately make the withholdings provided in such
3590 agreement from the amounts due the local school board and shall
3591 continue to pay the same over to such financial institution,
3592 trustee or obligee for the term of the agreement.

3593 This paragraph (tt) shall not grant any extra authority to a
3594 school board to issue debt in any amount exceeding statutory
3595 limitations on assessed value of taxable property within such
3596 school district or the statutory limitations on debt maturities,
3597 and shall not grant any extra authority to impose, levy or collect
3598 a tax which is not otherwise expressly provided for, and shall not
3599 be construed to apply to sixteenth section public school trust
3600 land;

3601 (uu) With respect to any matter or transaction that is
3602 competitively bid by a school district, to accept from any bidder
3603 as a good-faith deposit or bid bond or bid surety, the same type
3604 of good-faith deposit or bid bond or bid surety that may be
3605 accepted by the state or any other political subdivision on



3606 similar competitively bid matters or transactions. This paragraph
3607 (uu) shall not be construed to apply to sixteenth section public
3608 school trust land. The school board may authorize the investment
3609 of any school district funds in the same kind and manner of
3610 investments, including pooled investments, as any other political
3611 subdivision, including community hospitals;

3612 (vv) To utilize the alternate method for the conveyance
3613 or exchange of unused school buildings and/or land, reserving a
3614 partial or other undivided interest in the property, as
3615 specifically authorized and provided in Section 37-7-485;

3616 (ww) To delegate, privatize or otherwise enter into a
3617 contract with private entities for the operation of any and all
3618 functions of nonacademic school process, procedures and operations
3619 including, but not limited to, cafeteria workers, janitorial
3620 services, transportation, professional development, achievement
3621 and instructional consulting services materials and products,
3622 purchasing cooperatives, insurance, business manager services,
3623 auditing and accounting services, school safety/risk prevention,
3624 data processing and student records, and other staff services;
3625 however, the authority under this paragraph does not apply to the
3626 leasing, management or operation of sixteenth section lands.
3627 Local school districts, working through their regional education
3628 service agency, are encouraged to enter into buying consortia with
3629 other member districts for the purposes of more efficient use of
3630 state resources as described in Section 37-7-345;



3631 (xx) To partner with entities, organizations and
3632 corporations for the purpose of benefiting the school district;
3633 (yy) To borrow funds from the Rural Economic
3634 Development Authority for the maintenance of school buildings;
3635 (zz) To fund and operate voluntary early childhood
3636 education programs, defined as programs for children less than
3637 five (5) years of age on or before September 1, and to use any
3638 source of revenue for such early childhood education programs.
3639 Such programs shall not conflict with the Early Learning
3640 Collaborative Act of 2013;
3641 (aaa) To issue and provide for the use of procurement
3642 cards by school board members, superintendents and licensed school
3643 personnel consistent with the rules and regulations of the
3644 Mississippi Department of Finance and Administration under Section
3645 31-7-9; and
3646 (bbb) To conduct an annual comprehensive evaluation of
3647 the superintendent of schools consistent with the assessment
3648 components of paragraph (pp) of this section and the assessment
3649 benchmarks established by the Mississippi School Board Association
3650 to evaluate the success the superintendent has attained in meeting
3651 district goals and objectives, the superintendent's leadership
3652 skill and whether or not the superintendent has established
3653 appropriate standards for performance, is monitoring success and
3654 is using data for improvement.



3655 **SECTION 35.** Section 37-7-302, Mississippi Code of 1972, is
3656 amended as follows:

3657 37-7-302. The board of trustees of any school district shall
3658 be authorized to borrow such funds as may be reasonable and
3659 necessary from the federal government, the State of Mississippi or
3660 any political subdivision or entity thereof, or any other
3661 governmental agency, from any individual, partnership, nonprofit
3662 corporation or private for-profit corporation, to aid such school
3663 districts in asbestos removal, to be repaid out of any * * * funds
3664 other than the total funding formula funds provided for in this
3665 act; provided, however, that the grant of authority shall in no
3666 way be construed to require said boards of trustees to remove
3667 asbestos material or substances from any facilities under their
3668 control, nor shall there be any liability to said school districts
3669 or boards for the failure to so remove such asbestos materials.
3670 All indebtedness incurred under the provisions of this section
3671 shall be evidenced by the negotiable notes or certificates of
3672 indebtedness of the school district on whose behalf the money is
3673 borrowed. Said notes or certificates of indebtedness of the
3674 school district on whose behalf the money is borrowed shall be
3675 signed by the president of the school board and superintendent of
3676 schools of such school district. Such notes or certificates of
3677 indebtedness shall not bear a greater overall maximum interest
3678 rate to maturity than the rates now or hereafter authorized under
3679 the provisions of Section 19-9-19. No such notes or certificates



3680 of indebtedness shall be issued and sold for less than par and
3681 accrued interest. All notes or certificates of indebtedness shall
3682 mature in approximately equal installments of principal and
3683 interest over a period not to exceed twenty (20) years from the
3684 dates of the issuance thereof. Principal and interest shall be
3685 payable in such manner as may be determined by the school board.
3686 Such notes or certificates of indebtedness shall be issued in such
3687 form and in such denominations as may be determined by the school
3688 board and same may be made payable at the office of any bank or
3689 trust company selected by the school board and, in such case,
3690 funds for the payment of principal and interest due thereon shall
3691 be provided in the same manner provided by law for the payment of
3692 the principal and interest due on bonds issued by the taxing
3693 districts of this state.

3694 **SECTION 36.** Section 37-7-303, Mississippi Code of 1972, is
3695 amended as follows:

3696 37-7-303. (1) The school board of any school district may
3697 insure motor vehicles for any hazard that the board may choose,
3698 and shall insure the school buildings, equipment and other school
3699 property of the district against any and all hazards that the
3700 board may deem necessary to provide insurance against. In
3701 addition, the local school board of any school district shall
3702 purchase and maintain business property insurance and business
3703 personal property insurance on all school district-owned buildings
3704 and/or contents as required by federal law and regulations of the



3705 Federal Emergency Management Agency (FEMA) as is necessary for
3706 receiving public assistance or reimbursement for repair,
3707 reconstruction, replacement or other damage to those buildings
3708 and/or contents caused by the Hurricane Katrina Disaster of 2005
3709 or subsequent disasters. The school district is authorized to
3710 expend funds from any available source for the purpose of
3711 obtaining and maintaining that property insurance. The school
3712 district is authorized to enter into agreements with the
3713 Department of Finance and Administration, other local school
3714 districts, community or junior college districts, state
3715 institutions of higher learning, community hospitals and/or other
3716 state agencies to pool their liabilities to participate in a group
3717 business property and/or business personal property insurance
3718 program, subject to uniform rules and regulations as may be
3719 adopted by the Department of Finance and Administration. Such
3720 school board shall be authorized to contract for such insurance
3721 for a term of not exceeding five (5) years and to obligate the
3722 district for the payment of the premiums thereon. When necessary,
3723 the school board is authorized and empowered, in its discretion,
3724 to borrow money payable in annual installments for a period of not
3725 exceeding five (5) years at a rate of interest not exceeding eight
3726 percent (8%) per annum to provide funds to pay such insurance
3727 premiums. The money so borrowed and the interest thereon shall be
3728 payable from any school funds of the district other than * * * the
3729 total funding formula funds provided for in this act. The school



3730 boards of school districts are further authorized and empowered,
3731 in all cases where same may be necessary, to bring and maintain
3732 suits and other actions in any court of competent jurisdiction for
3733 the purpose of collecting the proceeds of insurance policies
3734 issued upon the property of such school district.

3735 (2) Two (2) or more school districts, together with other
3736 educational entities or agencies, may agree to pool their
3737 liabilities to participate in a group workers' compensation
3738 program. The governing authorities of any school board or other
3739 educational entity or agency may authorize the organization and
3740 operation of, or the participation in such a group self-insurance
3741 program with other school boards and educational entities or
3742 agencies, subject to the requirements of Section 71-3-5. The
3743 Workers' Compensation Commission shall approve such group
3744 self-insurance programs subject to uniform rules and regulations
3745 as may be adopted by the commission applicable to all groups.

3746 **SECTION 37.** Section 37-7-307, Mississippi Code of 1972, is
3747 amended as follows:

3748 37-7-307. (1) For purposes of this section, the term
3749 "licensed employee" means any employee of a public school district
3750 required to hold a valid license by the Commission on Teacher and
3751 Administrator Education, Certification and Licensure and
3752 Development.

3753 (2) The school board of a school district shall establish by
3754 rules and regulations a policy of sick leave with pay for licensed



3755 employees and teacher assistants employed in the school district,
3756 and such policy shall include the following minimum provisions for
3757 sick and emergency leave with pay:

3758 (a) Each licensed employee and teacher assistant, at
3759 the beginning of each school year, shall be credited with a
3760 minimum sick leave allowance, with pay, of seven (7) days for
3761 absences caused by illness or physical disability of the employee
3762 during that school year.

3763 (b) Any unused portion of the total sick leave
3764 allowance shall be carried over to the next school year and
3765 credited to such licensed employee and teacher assistant if the
3766 licensed employee or teacher assistant remains employed in the
3767 same school district. In the event any public school licensed
3768 employee or teacher assistant transfers from one public school
3769 district in Mississippi to another, any unused portion of the
3770 total sick leave allowance credited to such licensed employee or
3771 teacher assistant shall be credited to such licensed employee or
3772 teacher assistant in the computation of unused leave for
3773 retirement purposes under Section 25-11-109. Accumulation of sick
3774 leave allowed under this section shall be unlimited.

3775 (c) No deduction from the pay of such licensed employee
3776 or teacher assistant may be made because of absence of such
3777 licensed employee or teacher assistant caused by illness or
3778 physical disability of the licensed employee or teacher assistant



3779 until after all sick leave allowance credited to such licensed
3780 employee or teacher assistant has been used.

3781 (d) For the first ten (10) days of absence of a
3782 licensed employee because of illness or physical disability, in
3783 any school year, in excess of the sick leave allowance credited to
3784 such licensed employee, there shall be deducted from the pay of
3785 such licensed employee the established substitute amount of
3786 licensed employee compensation paid in that local school district,
3787 necessitated because of the absence of the licensed employee as a
3788 result of illness or physical disability. In lieu of deducting
3789 the established substitute amount from the pay of such licensed
3790 employee, the policy may allow the licensed employee to receive
3791 full pay for the first ten (10) days of absence because of illness
3792 or physical disability, in any school year, in excess of the sick
3793 leave allowance credited to such licensed employee. Thereafter,
3794 the regular pay of such absent licensed employee shall be
3795 suspended and withheld in its entirety for any period of absence
3796 because of illness or physical disability during that school year.

3797 (3) (a) Beginning with the school year 1983-1984, each
3798 licensed employee at the beginning of each school year shall be
3799 credited with a minimum personal leave allowance, with pay, of two
3800 (2) days for absences caused by personal reasons during that
3801 school year. Effective for the 2010-2011 and 2011-2012 school
3802 years, licensed employees shall be credited with an additional
3803 one-half (1/2) day of personal leave for every day the licensed



3804 employee is furloughed without pay as provided in Section
3805 37-7-308. Except as otherwise provided in paragraph (b) of this
3806 subsection, such personal leave shall not be taken on the first
3807 day of the school term, the last day of the school term, on a day
3808 previous to a holiday or a day after a holiday. Personal leave
3809 may be used for professional purposes, including absences caused
3810 by attendance of such licensed employee at a seminar, class,
3811 training program, professional association or other functions
3812 designed for educators. No deduction from the pay of such
3813 licensed employee may be made because of absence of such licensed
3814 employee caused by personal reasons until after all personal leave
3815 allowance credited to such licensed employee has been used.
3816 However, the superintendent of a school district, in his
3817 discretion, may allow a licensed employee personal leave in
3818 addition to any minimum personal leave allowance, under the
3819 condition that there shall be deducted from the salary of such
3820 licensed employee the actual amount of any compensation paid to
3821 any person as a substitute, necessitated because of the absence of
3822 the licensed employee. Any unused portion of the total personal
3823 leave allowance up to five (5) days shall be carried over to the
3824 next school year and credited to such licensed employee if the
3825 licensed employee remains employed in the same school district.
3826 Any personal leave allowed for a furlough day shall not be carried
3827 over to the next school year.



3828 (b) Notwithstanding the restrictions on the use of
3829 personal leave prescribed under paragraph (a) of this subsection,
3830 a licensed employee may use personal leave as follows:

3831 (i) Personal leave may be taken on the first day
3832 of the school term, the last day of the school term, on a day
3833 previous to a holiday or a day after a holiday if, on the
3834 applicable day, an immediate family member of the employee is
3835 being deployed for military service.

3836 (ii) Personal leave may be taken on a day previous
3837 to a holiday or a day after a holiday if an employee of a school
3838 district has either a minimum of ten (10) years' experience as an
3839 employee of that school district or a minimum of thirty (30) days
3840 of unused accumulated leave that has been earned while employed in
3841 that school district.

3842 (iii) Personal leave may be taken on the first day
3843 of the school term, the last day of the school term, on a day
3844 previous to a holiday or a day after a holiday if, on the
3845 applicable day, the employee has been summoned to appear for jury
3846 duty or as a witness in court.

3847 (iv) Personal leave may be taken on the first day
3848 of the school term, the last day of the school term, on a day
3849 previous to a holiday or a day after a holiday if, on the
3850 applicable day, an immediate family member of the employee dies or
3851 funeral services are held. Any day of the three (3) bereavement



3852 days may be used at the discretion of the teacher, and are not
3853 required to be taken in consecutive succession.

3854 For the purpose of this subsection (3), the term "immediate
3855 family member" means spouse, parent, stepparent, child or
3856 stepchild, grandparent or sibling, including a stepbrother or
3857 stepsister.

3858 (4) Beginning with the school year 1992-1993, each licensed
3859 employee shall be credited with a professional leave allowance,
3860 with pay, for each day of absence caused by reason of such
3861 employee's statutorily required membership and attendance at a
3862 regular or special meeting held within the State of Mississippi of
3863 the State Board of Education, the Commission on Teacher and
3864 Administrator Education, Certification and Licensure and
3865 Development, the Commission on School Accreditation, the
3866 Mississippi Authority for Educational Television, the meetings of
3867 the state textbook rating committees or other meetings authorized
3868 by local school board policy.

3869 (5) Upon retirement from employment, each licensed and
3870 nonlicensed employee shall be paid for not more than thirty (30)
3871 days of unused accumulated leave earned while employed by the
3872 school district in which the employee is last employed. Such
3873 payment for licensed employees shall be made by the school
3874 district at a rate equal to the amount paid to substitute teachers
3875 and for nonlicensed employees, the payment shall be made by the
3876 school district at a rate equal to the federal minimum wage. The



3877 payment shall be treated in the same manner for retirement
3878 purposes as a lump-sum payment for personal leave as provided in
3879 Section 25-11-103(f). Any remaining lawfully credited unused
3880 leave, for which payment has not been made, shall be certified to
3881 the Public Employees' Retirement System in the same manner and
3882 subject to the same limitations as otherwise provided by law for
3883 unused leave. No payment for unused accumulated leave may be made
3884 to either a licensed or nonlicensed employee at termination or
3885 separation from service for any purpose other than for the purpose
3886 of retirement.

3887 (6) The school board may adopt rules and regulations which
3888 will reasonably aid to implement the policy of sick and personal
3889 leave, including, but not limited to, rules and regulations having
3890 the following general effect:

3891 (a) Requiring the absent employee to furnish the
3892 certificate of a physician or dentist or other medical
3893 practitioner as to the illness of the absent licensed employee,
3894 where the absence is for four (4) or more consecutive school days,
3895 or for two (2) consecutive school days immediately preceding or
3896 following a nonschool day;

3897 (b) Providing penalties, by way of full deduction from
3898 salary, or entry on the work record of the employee, or other
3899 appropriate penalties, for any materially false statement by the
3900 employee as to the cause of absence;



3901 (c) Forfeiture of accumulated or future sick leave, if
3902 the absence of the employee is caused by optional dental or
3903 medical treatment or surgery which could, without medical risk,
3904 have been provided, furnished or performed at a time when school
3905 was not in session;

3906 (d) Enlarging, increasing or providing greater sick or
3907 personal leave allowances than the minimum standards established
3908 by this section in the discretion of the school board of each
3909 school district.

3910 (7) School boards may include in their budgets provisions
3911 for the payment of substitute employees, necessitated because of
3912 the absence of regular licensed employees. All such substitute
3913 employees shall be paid wholly from district funds * * *. Such
3914 school boards, in their discretion, also may pay, from district
3915 funds other than * * * the total funding formula funds provided
3916 for in this act, the whole or any part of the salaries of all
3917 employees granted leaves for the purpose of special studies or
3918 training.

3919 (8) The school board may further adopt rules and regulations
3920 which will reasonably implement such leave policies for all other
3921 nonlicensed and hourly paid school employees as the board deems
3922 appropriate. Effective for the 2010-2011 and 2011-2012 school
3923 years, nonlicensed employees shall be credited with an additional
3924 one-half (1/2) day of personal leave for every day the nonlicensed



3925 employee is furloughed without pay as provided in Section
3926 37-7-308.

3927 (9) Vacation leave granted to either licensed or nonlicensed
3928 employees shall be synonymous with personal leave. Unused
3929 vacation or personal leave accumulated by licensed employees in
3930 excess of the maximum five (5) days which may be carried over from
3931 one year to the next may be converted to sick leave. The annual
3932 conversion of unused vacation or personal leave to sick days for
3933 licensed or unlicensed employees shall not exceed the allowable
3934 number of personal leave days as provided in Section 25-3-93. The
3935 annual total number of converted unused vacation and/or personal
3936 days added to the annual unused sick days for any employee shall
3937 not exceed the combined allowable number of days per year provided
3938 in Sections 25-3-93 and 25-3-95. Local school board policies that
3939 provide for vacation, personal and sick leave for employees shall
3940 not exceed the provisions for leave as provided in Sections
3941 25-3-93 and 25-3-95. Any personal or vacation leave previously
3942 converted to sick leave under a lawfully adopted policy before May
3943 1, 2004, or such personal or vacation leave accumulated and
3944 available for use prior to May 1, 2004, under a lawfully adopted
3945 policy but converted to sick leave after May 1, 2004, shall be
3946 recognized as accrued leave by the local school district and
3947 available for use by the employee. The leave converted under a
3948 lawfully adopted policy prior to May 1, 2004, or such personal and
3949 vacation leave accumulated and available for use as of May 1,



3950 2004, which was subsequently converted to sick leave may be
3951 certified to the Public Employees' Retirement System upon
3952 termination of employment and any such leave previously converted
3953 and certified to the Public Employees' Retirement System shall be
3954 recognized.

3955 (10) (a) For the purposes of this subsection, the following
3956 words and phrases shall have the meaning ascribed in this
3957 paragraph unless the context requires otherwise:

3958 (i) "Catastrophic injury or illness" means a
3959 life-threatening injury or illness of an employee or a member of
3960 an employee's immediate family that totally incapacitates the
3961 employee from work, as verified by a licensed physician, and
3962 forces the employee to exhaust all leave time earned by that
3963 employee, resulting in the loss of compensation from the local
3964 school district for the employee. Conditions that are short-term
3965 in nature, including, but not limited to, common illnesses such as
3966 influenza and the measles, and common injuries, are not
3967 catastrophic. Chronic illnesses or injuries, such as cancer or
3968 major surgery, that result in intermittent absences from work and
3969 that are long-term in nature and require long recuperation periods
3970 may be considered catastrophic.

3971 (ii) "Immediate family" means spouse, parent,
3972 stepparent, sibling, child or stepchild, grandparent, stepbrother
3973 or stepsister.



3974 (b) Any school district employee may donate a portion
3975 of his or her unused accumulated personal leave or sick leave to
3976 another employee of the same school district who is suffering from
3977 a catastrophic injury or illness or who has a member of his or her
3978 immediate family suffering from a catastrophic injury or illness,
3979 in accordance with the following:

3980 (i) The employee donating the leave (the "donor
3981 employee") shall designate the employee who is to receive the
3982 leave (the "recipient employee") and the amount of unused
3983 accumulated personal leave and sick leave that is to be donated,
3984 and shall notify the school district superintendent or his
3985 designee of his or her designation.

3986 (ii) The maximum amount of unused accumulated
3987 personal leave that an employee may donate to any other employee
3988 may not exceed a number of days that would leave the donor
3989 employee with fewer than seven (7) days of personal leave
3990 remaining, and the maximum amount of unused accumulated sick leave
3991 that an employee may donate to any other employee may not exceed
3992 fifty percent (50%) of the unused accumulated sick leave of the
3993 donor employee.

3994 (iii) An employee must have exhausted all of his
3995 or her available leave before he or she will be eligible to
3996 receive any leave donated by another employee. Eligibility for
3997 donated leave shall be based upon review and approval by the donor
3998 employee's supervisor.



3999 (iv) Before an employee may receive donated leave,
4000 he or she must provide the school district superintendent or his
4001 designee with a physician's statement that states that the illness
4002 meets the catastrophic criteria established under this section,
4003 the beginning date of the catastrophic injury or illness, a
4004 description of the injury or illness, and a prognosis for recovery
4005 and the anticipated date that the recipient employee will be able
4006 to return to work.

4007 (v) Before an employee may receive donated leave,
4008 the superintendent of education of the school district shall
4009 appoint a review committee to approve or disapprove the said
4010 donations of leave, including the determination that the illness
4011 is catastrophic within the meaning of this section.

4012 (vi) If the total amount of leave that is donated
4013 to any employee is not used by the recipient employee, the whole
4014 days of donated leave shall be returned to the donor employees on
4015 a pro rata basis, based on the ratio of the number of days of
4016 leave donated by each donor employee to the total number of days
4017 of leave donated by all donor employees.

4018 (vii) Donated leave shall not be used in lieu of
4019 disability retirement.

4020 (11) Effective January 1, 2020, the provisions of this
4021 section shall be fully applicable to any licensed employee of the
4022 Mississippi School of the Arts (MSA).



SECTION 38. Section 37-7-319, Mississippi Code of 1972, is amended as follows:

37-7-319. All public school boards may purchase group insurance coverage for the liability of all of its active full-time instructional and noninstructional personnel. Such policy shall be paid for with any funds available other than * * * the total funding formula funds provided for in this act.

SECTION 39. Section 37-7-333, Mississippi Code of 1972, is amended as follows:

37-7-333. The school boards of all school districts shall have full control of the receipt, distribution, allotment and disbursement of all funds which may be provided for the support and maintenance of the schools of such district whether such funds be * * * allotments from the total funding formula as provided for in this act, funds derived from supplementary tax levies as authorized by law, or funds derived from any other source whatsoever except as may otherwise be provided by law for control of the proceeds from school bonds or notes and the taxes levied to pay the principal of and interest on such bonds or notes. The tax collector of each county shall make reports, in writing, verified by his affidavit, on or before the twentieth day of each month to the superintendent of schools of each school district within such county reflecting all school district taxes collected by him for the support of said school district during the preceding month. He shall at the same time pay over all such school district taxes



collected by him for the support of said school district directly to said superintendent of schools.

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

In the event a bank submits a bid or offer to a school district to act as a depository for the district and such bid or offer, if accepted, would result in a contract in which a member of the school board would have a direct or indirect interest, the school board should not open or consider any bids received. The



superintendent of schools shall submit the matter to the State Treasurer, who shall have the authority to solicit bids, select a depository or depositories, make all decisions and take any action within the authority of the school board under this section relating to the selection of a depository or depositories.

SECTION 40. Section 37-7-339, Mississippi Code of 1972, is amended as follows:

37-7-339. (1) The school board of any local school district, in its discretion, may provide extended day and extended school year programs for kindergarten or compulsory-school-age students, or both, and may expend any funds for these purposes which are available from sources other than * * * the total funding formula funds as provided for in this act. It is not the intent of the Legislature, in enacting this section, to interfere with the Headstart program. School boards, in their discretion, may charge participants a reasonable fee for such programs.

(2) The school board of any school district may adopt any orders, policies, rules or regulations with respect to instruction within that school district for which no specific provision has been made by general law and which are not inconsistent with the Mississippi Constitution of 1890, the Mississippi Code of 1972, or any order, policy, rule or regulation of the State Board of Education; those school boards also may alter, modify and repeal any orders, policies, rules or regulations enacted under this subsection. Any such program pertaining to reading must further



4098 the goal that Mississippi students will demonstrate a growing
4099 proficiency in reading and will reach or exceed the national
4100 average within the next decade.

4101 **SECTION 41.** Section 37-7-419, Mississippi Code of 1972, is
4102 amended as follows:

4103 37-7-419. The various school districts which may become
4104 parties to any such agreement are authorized to appropriate and
4105 expend for the purposes thereof any and all funds which may be
4106 required to carry out the terms of any such agreement from any
4107 funds available to any such party to such an agreement not
4108 otherwise appropriated without limitation as to the source of such
4109 funds, including * * * total funding formula funds as provided for
4110 in this act, sixteenth section funds, funds received from the
4111 federal government or other sources by way of grant, donation or
4112 otherwise, and funds which may be available to any such party
4113 through the State Department of Education or any other agency of
4114 the state, regardless of the party to such agreement designated
4115 thereby to be primarily responsible for the construction or
4116 operation of any such regional high school center and regardless
4117 of the limitation on the expenditure of any such funds imposed by
4118 any other statute. However, no such funds whose use was
4119 originally limited to the construction of capital improvements
4120 shall be utilized for the purpose of defraying the administrative
4121 or operating costs of any such center. Any one or more of the
4122 parties to such an agreement may be designated as the fiscal agent



4123 or contracting party in carrying out any of the purposes of such
4124 agreement, and any and all funds authorized to be spent therefor
4125 by any of the said parties may be paid over to the fiscal agent or
4126 contracting party for disbursement by such fiscal agent or
4127 contracting party. Such disbursements shall be made and
4128 contracted for under the laws and regulations applicable to such
4129 fiscal or disbursing agent. All of the school district parties to
4130 any such agreement may issue bonds, negotiable notes or other
4131 evidences of indebtedness for the purpose of providing funds for
4132 the acquisition of land and for the construction of buildings and
4133 permanent improvements under the terms of any such agreement under
4134 any existing laws authorizing the issuance or sale thereof to
4135 provide funds for any capital improvement.

4136 **SECTION 42.** Section 37-9-17, Mississippi Code of 1972, is
4137 amended as follows:

4138 37-9-17. (1) On or before April 1 of each year, the
4139 principal of each school shall recommend to the superintendent of
4140 the local school district the licensed employees or
4141 noninstructional employees to be employed for the school involved
4142 except those licensed employees or noninstructional employees who
4143 have been previously employed and who have a contract valid for
4144 the ensuing scholastic year. If such recommendations meet with
4145 the approval of the superintendent, the superintendent shall
4146 recommend the employment of such licensed employees or
4147 noninstructional employees to the local school board, and, unless



4148 good reason to the contrary exists, the board shall elect the
4149 employees so recommended. If, for any reason, the local school
4150 board shall decline to elect any employee so recommended,
4151 additional recommendations for the places to be filled shall be
4152 made by the principal to the superintendent and then by the
4153 superintendent to the local school board as provided above. The
4154 school board of any local school district shall be authorized to
4155 designate a personnel supervisor or another principal employed by
4156 the school district to recommend to the superintendent licensed
4157 employees or noninstructional employees; however, this
4158 authorization shall be restricted to no more than two (2)
4159 positions for each employment period for each school in the local
4160 school district. Any noninstructional employee employed upon the
4161 recommendation of a personnel supervisor or another principal
4162 employed by the local school district must have been employed by
4163 the local school district at the time the superintendent was
4164 elected or appointed to office; a noninstructional employee
4165 employed under this authorization may not be paid compensation in
4166 excess of the statewide average compensation for such
4167 noninstructional position with comparable experience, as
4168 established by the State Department of Education. The school
4169 board of any local school district shall be authorized to
4170 designate a personnel supervisor or another principal employed by
4171 the school district to accept the recommendations of principals or
4172 their designees for licensed employees or noninstructional



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

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

If, at the commencement of the scholastic year, any licensed employee shall present to the superintendent a license of a higher grade than that specified in such individual's contract, such individual may, if funds are available from * * * the total funding formula funds of the district as provided for in this act, or from district funds, be paid from such funds the amount to which such higher grade license would have entitled the individual, had the license been held at the time the contract was executed.

(2) Superintendents/directors of schools under the purview of the State Board of Education, the superintendent of the local school district and any private firm under contract with the local public school district to provide substitute teachers to teach during the absence of a regularly employed schoolteacher shall require, through the appropriate governmental authority, that current criminal records background checks and current child abuse registry checks are obtained, and that such criminal record



4198 information and registry checks are on file for any new hires
4199 applying for employment as a licensed or nonlicensed employee at a
4200 school and not previously employed in such school under the
4201 purview of the State Board of Education or at such local school
4202 district prior to July 1, 2000. In order to determine the
4203 applicant's suitability for employment, the applicant shall be
4204 fingerprinted. If no disqualifying record is identified at the
4205 state level, the fingerprints shall be forwarded by the Department
4206 of Public Safety to the Federal Bureau of Investigation for a
4207 national criminal history record check. The fee for such
4208 fingerprinting and criminal history record check shall be paid by
4209 the applicant, not to exceed Fifty Dollars (\$50.00); however, the
4210 State Board of Education, the school board of the local school
4211 district or a private firm under contract with a local school
4212 district to provide substitute teachers to teach during the
4213 temporary absence of the regularly employed schoolteacher, in its
4214 discretion, may elect to pay the fee for the fingerprinting and
4215 criminal history record check on behalf of any applicant. Under
4216 no circumstances shall a member of the State Board of Education,
4217 superintendent/director of schools under the purview of the State
4218 Board of Education, local school district superintendent, local
4219 school board member or any individual other than the subject of
4220 the criminal history record checks disseminate information
4221 received through any such checks except insofar as required to
4222 fulfill the purposes of this section. Any nonpublic school which



4223 is accredited or approved by the State Board of Education may
4224 avail itself of the procedures provided for herein and shall be
4225 responsible for the same fee charged in the case of local public
4226 schools of this state. The determination whether the applicant
4227 has a disqualifying crime, as set forth in subsection (3) of this
4228 section, shall be made by the appropriate governmental authority,
4229 and the appropriate governmental authority shall notify the
4230 private firm whether a disqualifying crime exists.

4231 (3) If such fingerprinting or criminal record checks
4232 disclose a felony conviction, guilty plea or plea of nolo
4233 contendere to a felony of possession or sale of drugs, murder,
4234 manslaughter, armed robbery, rape, sexual battery, sex offense
4235 listed in Section 45-33-23(h), child abuse, arson, grand larceny,
4236 burglary, gratification of lust or aggravated assault which has
4237 not been reversed on appeal or for which a pardon has not been
4238 granted, the new hire shall not be eligible to be employed at such
4239 school. Any employment contract for a new hire executed by the
4240 superintendent of the local school district or any employment of a
4241 new hire by a superintendent/director of a new school under the
4242 purview of the State Board of Education or by a private firm shall
4243 be voidable if the new hire receives a disqualifying criminal
4244 record check. However, the State Board of Education or the school
4245 board may, in its discretion, allow any applicant aggrieved by the
4246 employment decision under this section to appear before the
4247 respective board, or before a hearing officer designated for such



purpose, to show mitigating circumstances which may exist and allow the new hire to be employed at the school. The State Board of Education or local school board may grant waivers for such mitigating circumstances, which shall include, but not be limited to: (a) age at which the crime was committed; (b) circumstances surrounding the crime; (c) length of time since the conviction and criminal history since the conviction; (d) work history; (e) current employment and character references; (f) other evidence demonstrating the ability of the person to perform the employment responsibilities competently and that the person does not pose a threat to the health or safety of the children at the school.

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

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

SECTION 43. Section 37-9-23, Mississippi Code of 1972, is amended as follows:

37-9-23. The superintendent shall enter into a contract with each assistant superintendent, principal, licensed employee and person anticipating graduation from an approved teacher education



4273 program or the issuance of a proper license before October 15 or
4274 February 15, as the case may be, who is elected and approved for
4275 employment by the school board. Such contracts shall be in such
4276 form as shall be prescribed by the State Board of Education and
4277 shall be executed in duplicate with one (1) copy to be retained by
4278 the appropriate superintendent and one (1) copy to be retained by
4279 the principal, licensed employee or person recommended for a
4280 licensed position contracted with. The contract shall show the
4281 name of the district, the length of the school term, the position
4282 held (whether an assistant superintendent, principal or licensed
4283 employee), the scholastic years which it covers, the total amount
4284 of the annual salary and how same is payable. The amount of
4285 salary to be shown in such contract shall be the amount which
4286 shall have been fixed and determined by the school board, but, as
4287 to the licensed employees paid, in whole or in part, with * * *
4288 total funding formula funds as provided for in this act, such
4289 salary shall not be less than that required under the provisions
4290 of Chapter 19 of this title. Beginning with the 2010-2011 school
4291 year, the contract shall include a provision allowing the school
4292 district to reduce the state minimum salary by a pro rata daily
4293 amount in order to comply with the school district employee
4294 furlough provisions of Section 37-7-308, and shall include a
4295 provision which conditions the payment of such salary upon the
4296 availability of * * * uniform total funding formula funds * * *.
4297 The contract entered into with any person recommended for a



4298 licensed position who is anticipating either graduation from an
4299 approved teacher education program before September 1 or December
4300 31, as the case may be, or the issuance of a proper license before
4301 October 15 or February 15, as the case may be, shall be a
4302 conditional contract and shall include a provision stating that
4303 the contract will be null and void if, as specified in the
4304 contract, the contingency upon which the contract is conditioned
4305 has not occurred. If any superintendent, other than those
4306 elected, principal, licensed employee or person recommended for a
4307 licensed position who has been elected and approved shall not
4308 execute and return the contract within ten (10) days after same
4309 has been tendered to him for execution, then, at the option of the
4310 school board, the election of the licensed employee and the
4311 contract tendered to him shall be void and of no effect.

4312 **SECTION 44.** Section 37-9-25, Mississippi Code of 1972, is
4313 amended as follows:

4314 37-9-25. The school board shall have the power and
4315 authority, in its discretion, to employ the superintendent, unless
4316 such superintendent is elected at the November 2015 general
4317 election, for not exceeding four (4) scholastic years and the
4318 principals or licensed employees for not exceeding three (3)
4319 scholastic years. In such case, contracts shall be entered into
4320 with such superintendents, principals and licensed employees for
4321 the number of years for which they have been employed. However,
4322 in the event that a vacancy in the office of the superintendent of



4323 schools elected at the November 2015 general election shall occur
4324 before January 1, 2019, the local school board shall then appoint
4325 the superintendent of the school district and enter into contract
4326 with the appointee for a period not to exceed three (3) scholastic
4327 years. All such contracts with licensed employees shall for the
4328 years after the first year thereof be subject to the contingency
4329 that the licensed employee may be released if, during the life of
4330 the contract, the * * * net enrollment should decrease from that
4331 existing during the previous year and thus necessitate a reduction
4332 in the number of licensed employees during any year after the
4333 first year of the contract. However, in all such cases the
4334 licensed employee must be released before July 1 or at least
4335 thirty (30) days prior to the beginning of the school term,
4336 whichever date should occur earlier. The salary to be paid for
4337 the years after the first year of such contract shall be subject
4338 to revision, either upward or downward, in the event of an
4339 increase or decrease in the funds available for the payment
4340 thereof, but, unless such salary is revised prior to the beginning
4341 of a school year, it shall remain for such school year at the
4342 amount fixed in such contract. However, where school district
4343 funds * * * are available during the school year in excess of the
4344 amount anticipated at the beginning of the school year, the salary
4345 to be paid for such year may be increased to the extent that such
4346 additional funds are available, and nothing herein shall be
4347 construed to prohibit same.



4348 **SECTION 45.** Section 37-9-33, Mississippi Code of 1972, is
4349 amended as follows:

4350 37-9-33. (1) In employing and contracting with appointed
4351 superintendents, principals and * * * licensed employees, the
4352 school board shall in all cases determine whether the amount of
4353 salary to be paid such superintendent, principals and * * *
4354 licensed employees is in compliance with the provisions of * * *
4355 this chapter and Section 37-19-7. No contract shall be entered
4356 into where the salary of a superintendent, principal or * * *
4357 licensed employee is to be paid, in whole or in part, from * * *
4358 the total funding formula funds provided in this act except where
4359 the statutory requirements * * * as to the amount of such salary
4360 are fully met. Nothing herein shall be construed, however, to
4361 prohibit any school district from increasing the salaries of
4362 appointed superintendents, principals and * * * licensed employees
4363 above the amounts fixed by Section 37-19-7 * * *. Provided
4364 further, that school districts are authorized, in their
4365 discretion, to negotiate the salary levels applicable to * * *
4366 licensed employees employed after July 1, 2009, who are receiving
4367 retirement benefits from the retirement system of another
4368 state * * *. Nothing herein shall be construed to prohibit any
4369 school district from complying with the school district employee
4370 furlough provisions of Section 37-7-308.

4371 (2) Each school district shall provide an annual report to
4372 the State Department of Education on the number of * * * licensed



4373 and * * * nonlicensed employees receiving a salary from the school
4374 district who are also receiving retirement benefits from the
4375 Public Employees' Retirement System. This report shall include
4376 the name of the employee(s), the hours per week for which the
4377 employee is under contract and the services for which the employee
4378 is under contract. Said required annual report shall be in a form
4379 and deadline promulgated by the State Board of Education.

4380 **SECTION 46.** Section 37-9-35, Mississippi Code of 1972, is
4381 amended as follows:

4382 37-9-35. * * * A reduction in the * * * net enrollment
4383 during a current year from that existing in the preceding year
4384 shall not authorize the discharge or release of a teacher or
4385 teachers during such current year. * * *

4386 **SECTION 47.** Section 37-9-37, Mississippi Code of 1972, is
4387 amended as follows:

4388 37-9-37. The amount of the salary to be paid any
4389 superintendent, principal or licensed employee shall be fixed by
4390 the school board, provided that the requirements of * * * this
4391 title are met as to superintendents, principals and licensed
4392 employees paid, in whole or in part, from * * * total funding
4393 formula funds as provided in this act. In employing such
4394 superintendents, principals and licensed employees and in fixing
4395 their salaries, the school boards shall take into consideration
4396 the character, professional training, experience, executive
4397 ability and teaching capacity of the licensed employee,



4398 superintendent or principal. It is the intent of the Legislature
4399 that whenever the salary of the school district superintendent is
4400 set by a school board, the board shall take into consideration the
4401 amount of money that the district spends per pupil, and shall
4402 attempt to insure that the administrative cost of the district and
4403 the amount of the salary of the superintendent are not excessive
4404 in comparison to the per pupil expenditure of the district.

4405 **SECTION 48.** Section 37-9-77, Mississippi Code of 1972, is
4406 amended as follows:

4407 37-9-77. (1) There is established the Mississippi School
4408 Administrator Sabbatical Program which shall be available to
4409 licensed teachers employed in Mississippi school districts for not
4410 less than three (3) years, for the purpose of allowing such
4411 teachers to become local school district administrators under the
4412 conditions set forth in this section. The State Board of
4413 Education, in coordination with the Board of Trustees of State
4414 Institutions of Higher Learning, shall develop guidelines for the
4415 program. Application shall be made to the State Department of
4416 Education for the Mississippi School Administrator Sabbatical
4417 Program by qualified teachers meeting the criteria for a
4418 department-approved administration program and who have been
4419 recommended by the local school board. Administration programs
4420 that are eligible for the administrator sabbatical program shall
4421 be limited to those that have been approved by the department by
4422 the January 1 preceding the date of admission to the program.



4423 Admission into the program shall authorize the applicant to take
4424 university course work and training leading to an administrator's
4425 license.

4426 (2) The salaries of the teachers approved for participation
4427 in the administrator sabbatical program shall be paid by the
4428 employing school district from * * * funds other than total
4429 funding formula funds as provided in this act. However, the State
4430 Department of Education shall reimburse the employing school
4431 districts for the cost of the salaries and paid fringe benefits of
4432 teachers participating in the administrator sabbatical program for
4433 one (1) contract year. Reimbursement shall be made in accordance
4434 with the then current * * * salary schedule under Section 37-19-7,
4435 except that the maximum amount of the reimbursement from state
4436 funds shall not exceed the * * * salary prescribed for a teacher
4437 holding a Class A license and having five (5) years' experience.
4438 The local school district shall be responsible for that portion of
4439 a participating teacher's salary attributable to the local
4440 supplement and for any portion of the teacher's salary that
4441 exceeds the maximum amount allowed for reimbursement from state
4442 funds as provided in this subsection, and the school board may not
4443 reduce the local supplement payable to that teacher. Any
4444 reimbursements made by the State Department of Education to local
4445 school districts under this section shall be subject to available
4446 appropriations and may be made only to school districts determined



4447 by the State Board of Education as being in need of
4448 administrators.

4449 (3) Such teachers participating in the program on a
4450 full-time basis shall continue to receive teaching experience and
4451 shall receive the salary prescribed in Section 37-19-7 * * *.
4452 Such participants shall be fully eligible to continue
4453 participation in the Public Employees' Retirement System and the
4454 Public School Employees Health Insurance Plan during the time they
4455 are in the program on a full-time basis.

4456 (4) As a condition for participation in the School
4457 Administrator Sabbatical Program, such teachers shall agree to
4458 employment as administrators in the sponsoring school district for
4459 not less than five (5) years following completion of administrator
4460 licensure requirements. Any person failing to comply with this
4461 employment commitment in any required school year, unless the
4462 commitment is deferred as provided in subsection (5) of this
4463 section, shall immediately be in breach of contract and become
4464 liable to the State Department of Education for that amount of his
4465 salary and paid fringe benefits paid by the state while the
4466 teacher was on sabbatical, less twenty percent (20%) of the amount
4467 of his salary and paid fringe benefits paid by the state for each
4468 year that the person was employed as an administrator following
4469 completion of the administrator licensure requirements. In
4470 addition, the person shall become liable to the local school
4471 district for any portion of his salary and paid fringe benefits



4472 paid by the local school district while the teacher was on
4473 sabbatical that is attributable to the local salary supplement or
4474 is attributable to the amount that exceeds the maximum amount
4475 allowed for reimbursement from state funds as provided in
4476 subsection (2) of this section, less twenty percent (20%) of the
4477 amount of his salary and paid fringe benefits paid by the school
4478 district for each year that the person was employed as an
4479 administrator following completion of the administrator licensure
4480 requirements. Interest on the amount due shall accrue at the
4481 current Stafford Loan rate at the time the breach occurs. If the
4482 claim for repayment of such salary and fringe benefits is placed
4483 in the hands of an attorney for collection after default, then the
4484 obligor shall be liable for an additional amount equal to a
4485 reasonable attorney's fee.

4486 (5) If there is not an administrator position immediately
4487 available in the sponsoring school district after a person has
4488 completed the administrator licensure requirements, or if the
4489 administrator position in the sponsoring school district in which
4490 the person is employed is no longer needed before the completion
4491 of the five-year employment commitment, the local school board
4492 shall defer any part of the employment commitment that has not
4493 been met until such time as an administrator position becomes
4494 available in the sponsoring school district. If such a deferral
4495 is made, the sponsoring school district shall employ the person as
4496 a teacher in the school district during the period of deferral,



4497 unless the person desires to be released from employment by the
4498 sponsoring school district and the district agrees to release the
4499 person from employment. If the sponsoring school district
4500 releases a person from employment, that person may be employed as
4501 an administrator in another school district in the state that is
4502 in need of administrators as determined by the State Board of
4503 Education, and that employment for the other school district shall
4504 be applied to any remaining portion of the five-year employment
4505 commitment required under this section. Nothing in this
4506 subsection shall prevent a school district from not renewing the
4507 person's contract before the end of the five-year employment
4508 commitment in accordance with the School Employment Procedures Law
4509 (Section 37-9-101 et seq.). However, if the person is not
4510 employed as an administrator by another school district after
4511 being released by the sponsoring school district, or after his
4512 contract was not renewed by the sponsoring school district, he
4513 shall be liable for repayment of the amount of his salary and
4514 fringe benefits as provided in subsection (4) of this section.

4515 (6) All funds received by the State Department of Education
4516 from the repayment of salary and fringe benefits paid by the state
4517 from program participants shall be deposited in the Mississippi
4518 Critical Teacher Shortage Fund.

4519 **SECTION 49.** Section 37-11-11, Mississippi Code of 1972, is
4520 amended as follows:



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

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

(3) When five (5) or more children as set forth herein shall be confined in the same hospital, then the board of trustees of the school district in which such hospital is located shall be authorized and empowered, in its discretion, to provide a program of education, instruction and training to such children within such hospital. For such purpose the board shall be authorized and empowered to employ and contract with teachers, provide textbooks and other instructional materials, correspondence courses and instructional equipment and appliances, and otherwise provide for



the furnishing of such program and to administer and supervise the same. Such program shall be furnished in a manner as prescribed by rules and regulations adopted by the State Board of Education. The state board shall have full power to adopt such rules, regulations, policies and standards as it may deem necessary to carry out the purpose of this section, including the establishment of qualifications of any teachers employed under the provisions hereof. It is expressly provided, however, that no program shall be furnished under this section except in a hospital licensed for operation by the State of Mississippi and only in cases where such hospital shall consent thereto, shall provide any classroom space, furniture and facilities which may be deemed necessary, and otherwise shall cooperate in carrying out the provisions of this section. Before such program of education, instruction and training shall be provided, the governing authorities of said hospital shall enter into a contract with the board of trustees of the school district which stipulates that said hospital agrees to furnish the necessary classroom space, furniture and facilities and provide for their upkeep, fuel and such other things as may be necessary for the successful operation of the program of education, instruction and training.

(4) In cases when children who are residents of school districts other than the school district providing such education program may participate in the program prescribed in this section. The boards of trustees of the districts of which such children are



4571 residents shall pay to the board of trustees of the school
4572 district furnishing such school program the pro rata part of the
4573 expenses of furnishing such school program within such hospital,
4574 which payments may be made from any funds available for the
4575 operation and maintenance of the schools of the district in which
4576 such child is a resident. The amount so paid shall be based upon,
4577 but shall not exceed, the current per pupil cost of education in
4578 the school district of the child's residence, and the amount to be
4579 so paid by the school district of the child's residence shall be
4580 fixed by the State Board of Education. If the amount to be paid
4581 which has been so fixed shall not be paid upon due demand made by
4582 the school district providing a program therefor, then the State
4583 Board of Education shall deduct any such amounts from the next
4584 allocation of * * * total funding formula funds as provided in
4585 this act attributable to any such district and shall remit the
4586 same to the board of trustees of such school district which is
4587 furnishing such school program. If the amounts so paid by such
4588 school districts of the child's residence shall not be sufficient
4589 to pay the expenses of furnishing such program, then the remainder
4590 of such expenses over and above that so paid by such school
4591 districts shall be paid by the State Board of Education to the
4592 school district providing such school program out of any funds
4593 available to the State Board of Education, including * * * total
4594 funding formula funds. However, such payments shall not exceed
4595 Three Hundred Dollars (\$300.00) per child in * * * net enrollment



4596 in such program. Provided, however, the State Board of Education
4597 shall in its discretion be authorized and empowered to exceed the
4598 said Three Hundred Dollars (\$300.00) per pupil limitation where
4599 such limitation would make it impractical to operate such a
4600 program.

4601 **SECTION 50.** Section 37-13-63, Mississippi Code of 1972, is
4602 amended as follows:

4603 37-13-63. (1) Except as otherwise provided, all public
4604 schools in the state shall be kept in session for at least one
4605 hundred eighty (180) days in each scholastic year.

4606 (2) If the school board of any school district shall
4607 determine that it is not economically feasible or practicable to
4608 operate any school within the district for the full one hundred
4609 eighty (180) days required for a scholastic year as contemplated
4610 due to an enemy attack, a man-made, technological or natural
4611 disaster or extreme weather emergency in which the Governor has
4612 declared a disaster or state of emergency under the laws of this
4613 state or the President of the United States has declared an
4614 emergency or major disaster to exist in this state, the school
4615 board may notify the State Department of Education of the disaster
4616 or weather emergency and submit a plan for altering the school
4617 term. If the State Board of Education finds the disaster or
4618 extreme weather emergency to be the cause of the school not
4619 operating for the contemplated school term and that such school
4620 was in a school district covered by the Governor's or President's



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

SECTION 51. Section 37-13-64, Mississippi Code of 1972, is amended as follows:

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

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



4646 Education may consider, on a case-by-case basis, requests
4647 submitted by local school districts to alter the school calendar
4648 consistent with the provision of that section.

4649 **SECTION 52.** Section 37-13-69, Mississippi Code of 1972, is
4650 amended as follows:

4651 37-13-69. All public schools of this state may observe such
4652 legal holidays as may be designated by the local school board, and
4653 no sessions of school shall be held on holidays so designated and
4654 observed. However, all schools shall operate for the full minimum
4655 term required by law exclusive of the holidays authorized by this
4656 section. The holidays thus observed shall not be deducted from
4657 the reports of the superintendents, principals and teachers, and
4658 such superintendents, principals and teachers shall be allowed pay
4659 for full time as though they had taught on those holidays.
4660 However, such holidays shall not be counted or included in any way
4661 in determining the * * * net enrollment of the school.

4662 **SECTION 53.** Section 37-15-38, Mississippi Code of 1972, is
4663 amended as follows:

4664 37-15-38. (1) The following phrases have the meanings
4665 ascribed in this section unless the context clearly requires
4666 otherwise:

4667 (a) A dual enrolled student is a student who is
4668 enrolled in a community or junior college or state institution of
4669 higher learning while enrolled in high school.



4670 (b) A dual credit student is a student who is enrolled
4671 in a community or junior college or state institution of higher
4672 learning while enrolled in high school and who is receiving high
4673 school and college credit for postsecondary coursework.

4674 (2) A local school board, the Board of Trustees of State
4675 Institutions of Higher Learning and the Mississippi Community
4676 College Board shall establish a dual enrollment system under which
4677 students in the school district who meet the prescribed criteria
4678 of this section may be enrolled in a postsecondary institution in
4679 Mississippi while they are still in school.

4680 (3) **Dual credit eligibility.** Before credits earned by a
4681 qualified high school student from a community or junior college
4682 or state institution of higher learning may be transferred to the
4683 student's home school district, the student must be properly
4684 enrolled in a dual enrollment program.

4685 (4) **Admission criteria for dual enrollment in community and**
4686 **junior college or university programs.** The Mississippi Community
4687 College Board and the Board of Trustees of State Institutions of
4688 Higher Learning may recommend to the State Board of Education
4689 admission criteria for dual enrollment programs under which high
4690 school students may enroll at a community or junior college or
4691 university while they are still attending high school and enrolled
4692 in high school courses. Students may be admitted to enroll in
4693 community or junior college courses under the dual enrollment



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

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

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

(7) **School district * * * net enrollment credit.** When dually enrolled, the student may be counted, for * * * total funding formula purposes, in the * * * net enrollment of the public school district in which the student attends high school.

(8) **High school student transcript transfer requirements.** Grades and college credits earned by a student admitted to a dual credit program must be recorded on the high school student record and on the college transcript at the university or community or junior college where the student attends classes. The transcript



4719 of the university or community or junior college coursework may be
4720 released to another institution or applied toward college
4721 graduation requirements.

4722 (9) **Determining factor of prerequisites for dual enrollment**
4723 **courses.** Each university and community or junior college
4724 participating in a dual enrollment program shall determine course
4725 prerequisites. Course prerequisites shall be the same for dual
4726 enrolled students as for regularly enrolled students at that
4727 university or community or junior college.

4728 (10) **Process for determining articulation of curriculum**
4729 **between high school, university, and community and junior college**
4730 **courses.** All dual credit courses must meet the standards
4731 established at the postsecondary level. Postsecondary level
4732 developmental courses may not be considered as meeting the
4733 requirements of the dual credit program. Dual credit memorandum
4734 of understandings must be established between each postsecondary
4735 institution and the school district implementing a dual credit
4736 program.

4737 (11) [Deleted]

4738 (12) **Eligible courses for dual credit programs.** Courses
4739 eligible for dual credit include, but are not necessarily limited
4740 to, foreign languages, advanced math courses, advanced science
4741 courses, performing arts, advanced business and technology, and
4742 career and technical courses. Distance Learning Collaborative
4743 Program courses approved under Section 37-67-1 shall be fully



4744 eligible for dual credit. All courses being considered for dual
4745 credit must receive unconditional approval from the superintendent
4746 of the local school district and the chief instructional officer
4747 at the participating community or junior college or university in
4748 order for college credit to be awarded. A university or community
4749 or junior college shall make the final decision on what courses
4750 are eligible for semester hour credits.

4751 (13) **High school Carnegie unit equivalency.** One (1)
4752 three-hour university or community or junior college course is
4753 equal to one (1) high school Carnegie unit.

4754 (14) **Course alignment.** The universities, community and
4755 junior colleges and the State Department of Education shall
4756 periodically review their respective policies and assess the place
4757 of dual credit courses within the context of their traditional
4758 offerings.

4759 (15) **Maximum dual credits allowed.** It is the intent of the
4760 dual enrollment program to make it possible for every eligible
4761 student who desires to earn a semester's worth of college credit
4762 in high school to do so. A qualified dually enrolled high school
4763 student must be allowed to earn an unlimited number of college or
4764 university credits for dual credit.

4765 (16) **Dual credit program allowances.** A student may be
4766 granted credit delivered through the following means:

4767 (a) Examination preparation taught at a high school by
4768 a qualified teacher. A student may receive credit at the



4769 secondary level after completion of an approved course and passing
4770 the standard examination, such as an Advanced Placement or
4771 International Baccalaureate course through which a high school
4772 student is allowed CLEP credit by making a three (3) or higher on
4773 the end-of-course examination.

4774 (b) College or university courses taught at a high
4775 school or designated postsecondary site by a qualified teacher who
4776 is an employee of the school district and approved as an
4777 instructor by the collaborating college or university.

4778 (c) College or university courses taught at a college,
4779 university or high school by an instructor employed by the college
4780 or university and approved by the collaborating school district.

4781 (d) Online courses of any public university, community
4782 or junior college in Mississippi.

4783 (17) **Qualifications of dual credit instructors.** A dual
4784 credit academic instructor must meet the requirements set forth by
4785 the regional accrediting association (Southern Association of
4786 College and Schools). University and community and junior college
4787 personnel have the sole authority in the selection of dual credit
4788 instructors.

4789 A dual credit career and technical education instructor must
4790 meet the requirements set forth by the Mississippi Community
4791 College Board in the qualifications manual for postsecondary
4792 career and technical personnel.



4793 (18) **Guidance on local agreements.** The Chief Academic
4794 Officer of the State Board of Trustees of State Institutions of
4795 Higher Learning and the Chief Instructional Officers of the
4796 Mississippi Community College Board and the State Department of
4797 Education, working collaboratively, shall develop a template to be
4798 used by the individual community and junior colleges and
4799 institutions of higher learning for consistent implementation of
4800 the dual enrollment program throughout the State of Mississippi.

4801 (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**
4802 A local school board and the local community colleges board shall
4803 establish a Mississippi Works Dual Enrollment-Dual Credit Option
4804 Program under which potential or recent student dropouts may
4805 dually enroll in their home school and a local community college
4806 in a dual credit program consisting of high school completion
4807 coursework and a community college credential, certificate or
4808 degree program. Students completing the dual enrollment-credit
4809 option may obtain their high school diploma while obtaining a
4810 community college credential, certificate or degree. The
4811 Mississippi Department of Employment Security shall assist
4812 students who have successfully completed the Mississippi Works
4813 Dual Enrollment-Dual Credit Option in securing a job upon the
4814 application of the student or the participating school or
4815 community college. The Mississippi Works Dual Enrollment-Dual
4816 Credit Option Program will be implemented statewide in the
4817 2012-2013 school year and thereafter. The State Board of



4818 Education, local school board and the local community college
4819 board shall establish criteria for the Dual Enrollment-Dual Credit
4820 Program. Students enrolled in the program will not be eligible to
4821 participate in interscholastic sports or other extracurricular
4822 activities at the home school district. Tuition and costs for
4823 community college courses offered under the Dual Enrollment-Dual
4824 Credit Program shall not be charged to the student, parents or
4825 legal guardians. When dually enrolled, the student shall be
4826 counted, for * * * total funding formula purposes, in the * * *
4827 net enrollment of the public school district in which the student
4828 attends high school * * *. Any transportation required by the
4829 student to participate in the Dual Enrollment-Dual Credit Program
4830 is the responsibility of the parent or legal guardian of the
4831 student, and transportation costs may be paid from any available
4832 public or private sources, including the local school district.
4833 Grades and college credits earned by a student admitted to this
4834 Dual Enrollment-Dual Credit Program shall be recorded on the high
4835 school student record and on the college transcript at the
4836 community college and high school where the student attends
4837 classes. The transcript of the community college coursework may
4838 be released to another institution or applied toward college
4839 graduation requirements. Any course that is required for subject
4840 area testing as a requirement for graduation from a public school
4841 in Mississippi is eligible for dual credit, and courses eligible
4842 for dual credit shall also include career, technical and degree



4843 program courses. All courses eligible for dual credit shall be
4844 approved by the superintendent of the local school district and
4845 the chief instructional officer at the participating community
4846 college in order for college credit to be awarded. A community
4847 college shall make the final decision on what courses are eligible
4848 for semester hour credits and the local school superintendent,
4849 subject to approval by the Mississippi Department of Education,
4850 shall make the final decision on the transfer of college courses
4851 credited to the student's high school transcript.

4852 **SECTION 54.** Section 37-16-3, Mississippi Code of 1972, is
4853 amended as follows:

4854 37-16-3. (1) The State Department of Education is directed
4855 to implement a program of statewide assessment testing which shall
4856 provide for the improvement of the operation and management of the
4857 public schools. The statewide program shall be timed, as far as
4858 possible, so as not to conflict with ongoing district assessment
4859 programs. As part of the program, the department shall:

4860 (a) Establish, with the approval of the State Board of
4861 Education, minimum performance standards related to the goals for
4862 education contained in the state's plan including, but not limited
4863 to, basic skills in reading, writing and mathematics. The minimum
4864 performance standards shall be approved by April 1 in each year
4865 they are established.

4866 (b) Conduct a uniform statewide testing program in
4867 grades deemed appropriate in the public schools, including charter



4868 schools, which shall include the administration of a
4869 career-readiness assessment, such as, but not limited to, the ACT
4870 WorkKeys Assessment, deemed appropriate by the Mississippi
4871 Department of Education working in coordination with the Office of
4872 Workforce Development, to any students electing to take the
4873 assessment. Each individual school district shall determine
4874 whether the assessment is administered in the tenth, eleventh or
4875 twelfth grade. The program may test skill areas, basic skills and
4876 high school course content.

4877 (c) Monitor the results of the assessment program and,
4878 at any time the composite student performance of a school or basic
4879 program is found to be below the established minimum standards,
4880 notify the district superintendent or the governing board of the
4881 charter school, as the case may be, the school principal and the
4882 school advisory committee or other existing parent group of the
4883 situation within thirty (30) days of its determination. The
4884 department shall further provide technical assistance to a school
4885 district in the identification of the causes of this deficiency
4886 and shall recommend courses of action for its correction.

4887 (d) Provide technical assistance to the school
4888 districts, when requested, in the development of student
4889 performance standards in addition to the established minimum
4890 statewide standards.



4891 (e) Issue security procedure regulations providing for
4892 the security and integrity of the tests that are administered
4893 under the basic skills assessment program.

4894 (f) In case of an allegation of a testing irregularity
4895 that prompts a need for an investigation by the Department of
4896 Education, the department may, in its discretion, take complete
4897 control of the statewide test administration in a school district
4898 or any part thereof, including, but not limited to, obtaining
4899 control of the test booklets and answer documents. In the case of
4900 any verified testing irregularity that jeopardized the security
4901 and integrity of the test(s), validity or the accuracy of the test
4902 results, the cost of the investigation and any other actual and
4903 necessary costs related to the investigation paid by the
4904 Department of Education shall be reimbursed by the local school
4905 district from funds other than federal funds, * * * total funding
4906 formula funds provided in this act, or any other state funds
4907 within six (6) months from the date of notice by the department to
4908 the school district to make reimbursement to the department.

4909 (2) Uniform basic skills tests shall be completed by each
4910 student in the appropriate grade. These tests shall be
4911 administered in such a manner as to preserve the integrity and
4912 validity of the assessment. In the event of excused or unexcused
4913 student absences, make-up tests shall be given. The school
4914 superintendent of every school district in the state and the
4915 principal of each charter school shall annually certify to the



4916 State Department of Education that each student enrolled in the
4917 appropriate grade has completed the required basic skills
4918 assessment test for his or her grade in a valid test
4919 administration.

4920 (3) Within five (5) days of completing the administration of
4921 a statewide test, the principal of the school where the test was
4922 administered shall certify under oath to the State Department of
4923 Education that the statewide test was administered in strict
4924 accordance with the Requirements of the Mississippi Statewide
4925 Assessment System as adopted by the State Board of Education. The
4926 principal's sworn certification shall be set forth on a form
4927 developed and approved by the Department of Education. If,
4928 following the administration of a statewide test, the principal
4929 has reason to believe that the test was not administered in strict
4930 accordance with the Requirements of the Mississippi Statewide
4931 Assessment System as adopted by the State Board of Education, the
4932 principal shall submit a sworn certification to the Department of
4933 Education setting forth all information known or believed by the
4934 principal about all potential violations of the Requirements of
4935 the Mississippi Statewide Assessment System as adopted by the
4936 State Board of Education. The submission of false information or
4937 false certification to the Department of Education by any licensed
4938 educator may result in licensure disciplinary action pursuant to
4939 Section 37-3-2 and criminal prosecution pursuant to Section
4940 37-16-4.



4941 **SECTION 55.** Section 37-17-6, Mississippi Code of 1972, is
4942 amended as follows:

4943 37-17-6. (1) The State Board of Education, acting through
4944 the Commission on School Accreditation, shall establish and
4945 implement a permanent performance-based accreditation system, and
4946 all noncharter public elementary and secondary schools shall be
4947 accredited under this system.

4948 (2) * * * School districts shall be required to provide
4949 school classroom space that is air-conditioned as a minimum
4950 requirement for accreditation.

4951 (3) (a) * * * The State Board of Education, acting through
4952 the Commission on School Accreditation, shall require that school
4953 districts employ certified school librarians according to the
4954 following formula:

4955 Number of Students	Number of Certified
4956 Per School Library	School Librarians
4957 0 - 499 Students	1/2 Full-time Equivalent
4958	Certified Librarian
4959 500 or More Students	1 Full-time Certified
4960	Librarian

4961 (b) The State Board of Education, however, may increase
4962 the number of positions beyond the above requirements.

4963 (c) The assignment of certified school librarians to
4964 the particular schools shall be at the discretion of the local
4965 school district. No individual shall be employed as a certified



4966 school librarian without appropriate training and certification as
4967 a school librarian by the State Department of Education.

4968 (d) School librarians in the district shall spend at
4969 least fifty percent (50%) of direct work time in a school library
4970 and shall devote no more than one-fourth (1/4) of the workday to
4971 administrative activities that are library related.

4972 (e) Nothing in this subsection shall prohibit any
4973 school district from employing more certified school librarians
4974 than are provided for in this section.

4975 (f) Any additional millage levied to fund school
4976 librarians required for accreditation under this subsection shall
4977 be included in the tax increase limitation set forth in Sections
4978 37-57-105 and 37-57-107 and shall not be deemed a new program for
4979 purposes of the limitation.

4980 (4) * * * [Deleted]

4981 (5) (a) * * * The State Department of Education, acting
4982 through the Mississippi Commission on School Accreditation,
4983 shall * * * implement a single "A" through "F" school and school
4984 district accountability system complying with applicable federal
4985 and state requirements in order to reach the following educational
4986 goals:

4987 (i) To mobilize resources and supplies to ensure
4988 that all students exit third grade reading on grade level * * *;

4989 (ii) To reduce the student dropout rate to * * *
4990 ten percent (10%) by 2015; and



4991 (iii) To have sixty percent (60%) of students
4992 scoring proficient and advanced on * * * assessments * * *.

4993 (b) The State Department of Education shall combine the
4994 state school and school district accountability system with the
4995 federal system in order to have a single system.

4996 (c) The State Department of Education shall establish
4997 five (5) performance categories ("A," "B," "C," "D" and "F") for
4998 the accountability system based on the following criteria:

4999 (i) Student Achievement: the percent of students
5000 proficient and advanced on the current state assessments;

5001 (ii) Individual student growth: the percent of
5002 students making one (1) year's progress in one (1) year's time on
5003 the state assessment, with an emphasis on the progress of the
5004 lowest twenty-five percent (25%) of students in the school or
5005 district;

5006 (iii) Four-year graduation rate: the percent of
5007 students graduating with a standard high school diploma in four
5008 (4) years, as defined by federal regulations;

5009 * * *

5010 (* * *iv) The system shall include the federally
5011 compliant four-year graduation rate in school and school district
5012 accountability system calculations. Graduation rate will apply to
5013 high school and school district accountability ratings as a
5014 compensatory component. The system shall discontinue the use of
5015 the High School Completer Index (HSCI);



5016 (* * *y) The school and school district
5017 accountability system shall incorporate a standards-based growth
5018 model, in order to support improvement of individual student
5019 learning;

5020 * * *

5021 (* * *vi) The State Department of Education shall
5022 determine feeder patterns of schools that do not earn a school
5023 grade because the grades and subjects taught at the school do not
5024 have statewide standardized assessments needed to calculate a
5025 school grade. Upon determination of the feeder pattern, the
5026 department shall notify schools and school districts prior to the
5027 release of the school grades * * *. Feeder schools will be
5028 assigned the accountability designation of the school to which
5029 they provide students;

5030 (* * *vii) Standards for student, school and
5031 school district performance will be increased when student
5032 proficiency is at a seventy-five percent (75%) and/or when
5033 sixty-five percent (65%) of the schools and/or school districts
5034 are earning a grade of "B" or higher, in order to raise the
5035 standard on performance after targets are met; and

5036 (* * *viii) The system shall include student
5037 performance on the administration of a career-readiness
5038 assessment, such as, but not limited to, the ACT WorkKeys
5039 Assessment, deemed appropriate by the * * * State Department of



5040 Education working in coordination with the Office of Workforce
5041 Development.

5042 (6) Nothing in this section shall be deemed to require a
5043 nonpublic school that receives no local, state or federal funds
5044 for support to become accredited by the State Board of Education.

5045 (7) The State Board of Education shall create an
5046 accreditation audit unit under the Commission on School
5047 Accreditation to determine whether schools are complying with
5048 accreditation standards.

5049 (8) The State Board of Education shall be specifically
5050 authorized and empowered to withhold * * * allocations * * * from
5051 the total funding formula funds as provided in this act to any
5052 public school district for failure to timely report student,
5053 school personnel and fiscal data necessary to meet state and/or
5054 federal requirements.

5055 (9) [Deleted]

5056 (10) The State Board of Education shall establish, for those
5057 school districts failing to meet accreditation standards, a
5058 program of development to be complied with in order to receive
5059 state funds, except as otherwise provided in subsection (15) of
5060 this section when the Governor has declared a state of emergency
5061 in a school district or as otherwise provided in Section 206,
5062 Mississippi Constitution of 1890. The state board, in
5063 establishing these standards, shall provide for notice to schools
5064 and sufficient time and aid to enable schools to attempt to meet



5065 these standards, unless procedures under subsection (15) of this
5066 section have been invoked.

5067 (11) * * * The State Board of Education shall be charged
5068 with the implementation of the program of development in each
5069 applicable school district as follows:

5070 (a) Develop an impairment report for each district
5071 failing to meet accreditation standards in conjunction with school
5072 district officials;

5073 (b) Notify any applicable school district failing to
5074 meet accreditation standards that it is on probation until
5075 corrective actions are taken or until the deficiencies have been
5076 removed. The local school district shall develop a corrective
5077 action plan to improve its deficiencies. For district academic
5078 deficiencies, the corrective action plan for each such school
5079 district shall be based upon a complete analysis of the following:
5080 student test data, student grades, student attendance reports,
5081 student dropout data, existence and other relevant data. The
5082 corrective action plan shall describe the specific measures to be
5083 taken by the particular school district and school to improve:
5084 (i) instruction; (ii) curriculum; (iii) professional development;
5085 (iv) personnel and classroom organization; (v) student incentives
5086 for performance; (vi) process deficiencies; and (vii) reporting to
5087 the local school board, parents and the community. The corrective
5088 action plan shall describe the specific individuals responsible
5089 for implementing each component of the recommendation and how each



5090 will be evaluated. All corrective action plans shall be provided
5091 to the State Board of Education as may be required. The decision
5092 of the State Board of Education establishing the probationary
5093 period of time shall be final;

5094 (c) Offer, during the probationary period, technical
5095 assistance to the school district in making corrective actions.

5096 * * * Subject to * * * appropriations, the State Department of
5097 Education shall provide technical and/or financial assistance to
5098 all such school districts in order to implement each measure
5099 identified in that district's corrective action plan through
5100 professional development and on-site assistance. Each such school
5101 district shall apply for and utilize all available federal funding
5102 in order to support its corrective action plan in addition to
5103 state funds made available under this paragraph;

5104 (d) Assign department personnel or contract, in its
5105 discretion, with the institutions of higher learning or other
5106 appropriate private entities with experience in the academic,
5107 finance and other operational functions of schools to assist
5108 school districts;

5109 (e) Provide for publication of public notice at least
5110 one time during the probationary period, in a newspaper published
5111 within the jurisdiction of the school district failing to meet
5112 accreditation standards, or if no newspaper is published therein,
5113 then in a newspaper having a general circulation therein. The
5114 publication shall include the following: declaration of school



5115 system's status as being on probation; all details relating to the
5116 impairment report; and other information as the State Board of
5117 Education deems appropriate. Public notices issued under this
5118 section shall be subject to Section 13-3-31 and not contrary to
5119 other laws regarding newspaper publication.

5120 (12) (a) If the recommendations for corrective action are
5121 not taken by the local school district or if the deficiencies are
5122 not removed by the end of the probationary period, the Commission
5123 on School Accreditation shall conduct a hearing to allow the
5124 affected school district to present evidence or other reasons why
5125 its accreditation should not be withdrawn. Additionally, if the
5126 local school district violates accreditation standards that have
5127 been determined by the policies and procedures of the State Board
5128 of Education to be a basis for withdrawal of school district's
5129 accreditation without a probationary period, the Commission on
5130 School Accreditation shall conduct a hearing to allow the affected
5131 school district to present evidence or other reasons why its
5132 accreditation should not be withdrawn. After its consideration of
5133 the results of the hearing, the Commission on School Accreditation
5134 shall be authorized, with the approval of the State Board of
5135 Education, to withdraw the accreditation of a public school
5136 district, and issue a request to the Governor that a state of
5137 emergency be declared in that district.

5138 (b) (i) If the State Board of Education and the
5139 Commission on School Accreditation determine that an extreme



5140 emergency situation exists in a school district that jeopardizes
5141 the safety, security or educational interests of the children
5142 enrolled in the schools in that district and that emergency
5143 situation is believed to be related to a serious violation or
5144 violations of accreditation standards or state or federal
5145 law, * * * the State Board of Education may request the Governor
5146 to declare a state of emergency in that school district. For
5147 purposes of this paragraph, the declarations of a state of
5148 emergency * * * district's impairments are related to a lack of
5149 financial * * * may include the school district's serious failure
5150 to meet minimum academic standards, as evidenced by a continued
5151 pattern of poor student performance, or impairments related to a
5152 lack of financial resources.

5153 (ii) If the State Board of Education determines
5154 that a public school or district in the state which, during each
5155 of two (2) consecutive school years or during two (2) of three (3)
5156 consecutive school years, receives an "F" designation by the State
5157 Board of Education under the accountability rating system or has
5158 been persistently failing as defined by the State Board of
5159 Education; or if the State Board of Education determines that a
5160 public school or district in the state which, during each of four
5161 (4) consecutive school years, receives a "D" or "F" designation by
5162 the State Board of Education under the accountability rating
5163 system or has been persistently failing as defined by the State
5164 Board of Education; or if more than fifty percent (50%) of the



5165 schools within a school district are designated as Schools-At-Risk
5166 in any one (1) year, then the board may place such school or
5167 district into a District of Transformation. The State Board of
5168 Education shall take over only the number of schools and districts
5169 for which it has the capacity to serve. The State Board of
5170 Education shall adopt rules and regulations governing any
5171 additional requirements for placement into a District of
5172 Transformation and the operation thereof. School districts or
5173 schools that are eligible to be placed into a District of
5174 Transformation due to poor academic performance but are not
5175 absorbed due to the capacity of the State Board of Education,
5176 shall develop and implement a district improvement plan with
5177 prescriptive guidance and support from the Mississippi Department
5178 of Education, with the goal of helping the district improve
5179 student achievement. Failure of the school board, superintendent
5180 and school district staff to implement the plan with fidelity and
5181 participate in the activities provided as support by the
5182 department shall result in the school district retaining its
5183 eligibility for placement into a District of Transformation.

5184 (iii) If the State Board of Education determined
5185 that a school district is impaired with a serious lack of
5186 financial resources, the State Board of Education may place the
5187 school district into a District of Transformation. If a school
5188 district is placed into a District of Transformation for financial
5189 reasons, the school district shall be required to reimburse the



5190 state for any costs incurred by the state on behalf of the school
5191 district.

5192 (c) Whenever the Governor declares a state of emergency
5193 in a school district in response to a request made under paragraph
5194 (a) or (b) of this subsection, or when the State Board of
5195 Education places a school district into a District of
5196 Transformation due to poor academic performance or financial
5197 reasons, the State Board of Education may take one or more of the
5198 following actions:

5199 (i) Declare a state of emergency, under which some
5200 or all of state funds can be escrowed except as otherwise provided
5201 in Section 206, Constitution of 1890, until the board determines
5202 corrective actions are being taken or the deficiencies have been
5203 removed, or that the needs of students warrant the release of
5204 funds. The funds may be released from escrow for any program
5205 which the board determines to have been restored to standard even
5206 though the state of emergency may not as yet be terminated for the
5207 district as a whole;

5208 (ii) Override any decision of the local school
5209 board or superintendent of education, or both, concerning the
5210 management and operation of the school district, or initiate and
5211 make decisions concerning the management and operation of the
5212 school district;

5213 (iii) Assign an interim superintendent, or in its
5214 discretion, contract with a private entity with experience in the



5215 academic, finance and other operational functions of schools and
5216 school districts, who will have those powers and duties prescribed
5217 in subsection (15) of this section;

5218 (iv) Grant transfers to students who attend this
5219 school district so that they may attend other accredited schools
5220 or districts in a manner that is not in violation of state or
5221 federal law;

5222 (v) For states of emergency declared under
5223 paragraph (a) only, if the accreditation deficiencies are related
5224 to the fact that the school district is too small, with too few
5225 resources, to meet the required standards and if another school
5226 district is willing to accept those students, abolish that
5227 district and assign that territory to another school district or
5228 districts. If the school district has proposed a voluntary
5229 consolidation with another school district or districts, then if
5230 the State Board of Education finds that it is in the best interest
5231 of the pupils of the district for the consolidation to proceed,
5232 the voluntary consolidation shall have priority over any such
5233 assignment of territory by the State Board of Education;

5234 (vi) For * * * actions taken pursuant to paragraph
5235 (b) only, reduce local supplements paid to school district
5236 employees, including, but not limited to, instructional personnel,
5237 assistant teachers and extracurricular activities personnel, if
5238 the district's impairment is related to a lack of financial
5239 resources, but only to an extent that will result in the salaries



5240 being comparable to districts similarly situated, as determined by
5241 the State Board of Education;

5242 (vii) For * * * actions taken pursuant to
5243 paragraph (b) only, the State Board of Education may take any
5244 action as prescribed in Section 37-17-13.

5245 (d) At the time that satisfactory corrective action has
5246 been taken in a school district in which a state of emergency has
5247 been declared, the State Board of Education may request the
5248 Governor to declare that the state of emergency no longer exists
5249 in the district.

5250 (e) The parent or legal guardian of a school-age child
5251 who is enrolled in a school district whose accreditation has been
5252 withdrawn by the Commission on School Accreditation and without
5253 approval of that school district may file a petition in writing to
5254 a school district accredited by the Commission on School
5255 Accreditation for a legal transfer. The school district
5256 accredited by the Commission on School Accreditation may grant the
5257 transfer according to the procedures of Section 37-15-31(1)(b).
5258 In the event the accreditation of the student's home district is
5259 restored after a transfer has been approved, the student may
5260 continue to attend the transferee school district. The * * * per
5261 pupil amount of the total funding formula allotment for the
5262 student's home school district shall be transferred monthly to the
5263 school district accredited by the Commission on School



5264 Accreditation that has granted the transfer of the school-age
5265 child.

5266 (f) Upon the declaration of a state of emergency for
5267 any school district in which the Governor has previously declared
5268 a state of emergency, the State Board of Education may either:

5269 (i) Place the school district into district
5270 transformation, in which the school district shall remain until it
5271 has fulfilled all conditions related to district transformation.
5272 If the district was assigned an accreditation rating of "D" or "F"
5273 when placed into district transformation, the district shall be
5274 eligible to return to local control when the school district has
5275 attained a "C" rating or higher for * * * three (3) consecutive
5276 years * * *;

5277 (ii) Abolish the school district and
5278 administratively consolidate the school district with one or more
5279 existing school districts;

5280 (iii) Reduce the size of the district and
5281 administratively consolidate parts of the district, as determined
5282 by the State Board of Education. However, no school district
5283 which is not in district transformation shall be required to
5284 accept additional territory over the objection of the district; or

5285 (iv) Require the school district to develop and
5286 implement a district improvement plan with prescriptive guidance
5287 and support from the State Department of Education, with the goal
5288 of helping the district improve student achievement. Failure of



5289 the school board, superintendent and school district staff to
5290 implement the plan with fidelity and participate in the activities
5291 provided as support by the department shall result in the school
5292 district retaining its eligibility for district transformation.

5293 * * *

5294 (13) Upon the declaration of a state of emergency in a
5295 school district under subsection (12) of this section, or upon the
5296 State Board of Education's placement of a school district into a
5297 District of Transformation for academic or financial reasons, the
5298 Commission on School Accreditation shall be responsible for public
5299 notice at least once a week for at least three (3) consecutive
5300 weeks in a newspaper published within the jurisdiction of the
5301 school district failing to meet accreditation standards, or if no
5302 newspaper is published therein, then in a newspaper having a
5303 general circulation therein. The size of the notice shall be no
5304 smaller than one-fourth (1/4) of a standard newspaper page and
5305 shall be printed in bold print. If an interim superintendent has
5306 been appointed for the school district, the notice shall begin as
5307 follows: "By authority of Section 37-17-6, Mississippi Code of
5308 1972, as amended, adopted by the Mississippi Legislature during
5309 the 1991 Regular Session, this school district (name of school
5310 district) is hereby placed under the jurisdiction of the State
5311 Department of Education acting through its appointed interim
5312 superintendent (name of interim superintendent)."



5313 The notice also shall include, in the discretion of the State
5314 Board of Education, any or all details relating to the school
5315 district's emergency status, including the declaration of a state
5316 of emergency in the school district and a description of the
5317 district's impairment deficiencies, conditions of any district
5318 transformation status and corrective actions recommended and being
5319 taken. Public notices issued under this section shall be subject
5320 to Section 13-3-31 and not contrary to other laws regarding
5321 newspaper publication.

5322 Upon termination of * * * a school district in a District of
5323 Transformation, the Commission on School Accreditation shall cause
5324 notice to be published in the school district in the same manner
5325 provided in this section, to include any or all details relating
5326 to the corrective action taken in the school district that
5327 resulted in the termination of the state of emergency.

5328 (14) The State Board of Education or the Commission on
5329 School Accreditation shall have the authority to require school
5330 districts to produce the necessary reports, correspondence,
5331 financial statements, and any other documents and information
5332 necessary to fulfill the requirements of this section.

5333 Nothing in this section shall be construed to grant any
5334 individual, corporation, board or interim superintendent the
5335 authority to levy taxes except in accordance with presently
5336 existing statutory provisions.



5337 (15) (a) Whenever the Governor declares a state of
5338 emergency in a school district in response to a request made under
5339 subsection (12) of this section, or when the State Board of
5340 Education places a school district into a District of
5341 Transformation for academic or financial reasons, the State Board
5342 of Education, in its discretion, may assign an interim
5343 superintendent to the school district, or in its discretion, may
5344 contract with an appropriate private entity with experience in the
5345 academic, finance and other operational functions of schools and
5346 school districts, who will be responsible for the administration,
5347 management and operation of the school district, including, but
5348 not limited to, the following activities:

5349 (i) Approving or disapproving all financial
5350 obligations of the district, including, but not limited to, the
5351 employment, termination, nonrenewal and reassignment of all
5352 licensed and nonlicensed personnel, contractual agreements and
5353 purchase orders, and approving or disapproving all claim dockets
5354 and the issuance of checks; in approving or disapproving
5355 employment contracts of superintendents, assistant superintendents
5356 or principals, the interim superintendent shall not be required to
5357 comply with the time limitations prescribed in Sections 37-9-15
5358 and 37-9-105;

5359 (ii) Supervising the day-to-day activities of the
5360 district's staff, including reassigning the duties and
5361 responsibilities of personnel in a manner which, in the



5362 determination of the interim superintendent, will best suit the
5363 needs of the district;

5364 (iii) Reviewing the district's total financial
5365 obligations and operations and making recommendations to the
5366 district for cost savings, including, but not limited to,
5367 reassigning the duties and responsibilities of staff;

5368 (iv) Attending all meetings of the district's
5369 school board and administrative staff;

5370 (v) Approving or disapproving all athletic, band
5371 and other extracurricular activities and any matters related to
5372 those activities;

5373 (vi) Maintaining a detailed account of
5374 recommendations made to the district and actions taken in response
5375 to those recommendations;

5376 (vii) Reporting periodically to the State Board of
5377 Education on the progress or lack of progress being made in the
5378 district to improve the district's impairments during the state of
5379 emergency; and

5380 (viii) Appointing a parent advisory committee,
5381 comprised of parents of students in the school district that may
5382 make recommendations to the interim superintendent concerning the
5383 administration, management and operation of the school district.

5384 The cost of the salary of the interim superintendent and any
5385 other actual and necessary costs related to district
5386 transformation status paid by the State Department of Education



5387 shall be reimbursed by the local school district from funds other
5388 than * * * total funding formula funds as provided in this act.
5389 In the alternative, the local school district may pay the cost of
5390 the salary of the interim superintendent. The department shall
5391 submit an itemized statement to the superintendent of the local
5392 school district for reimbursement purposes, and any unpaid balance
5393 may be withheld from the district's * * * funding formula funds.

5394 At the time that the Governor, in accordance with the request
5395 of the State Board of Education, declares that the state of
5396 emergency no longer exists in a school district, * * * the interim
5397 superintendent assigned to the district shall * * * remain in
5398 place for a period of two (2) years and shall work alongside the
5399 newly reconstituted school board. A new superintendent may be
5400 hired by the newly reconstituted board after the one (1) year
5401 state of emergency no longer exists, but he or she shall serve as
5402 deputy to the interim superintendent while the interim
5403 superintendent is assigned to the district.

5404 (b) In order to provide loans to school districts under
5405 a state of emergency or in district transformation status that
5406 have impairments related to a lack of financial resources, the
5407 School District Emergency Assistance Fund is created as a special
5408 fund in the State Treasury into which monies may be transferred or
5409 appropriated by the Legislature from any available public
5410 education funds. Funds in the School District Emergency
5411 Assistance Fund up to a maximum balance of Three Million Dollars



5412 (\$3,000,000.00) annually shall not lapse but shall be available
5413 for expenditure in subsequent years subject to approval of the
5414 State Board of Education. Any amount in the fund in excess of
5415 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
5416 year shall lapse into the State General Fund or the Education
5417 Enhancement Fund, depending on the source of the fund.

5418 The State Board of Education may loan monies from the School
5419 District Emergency Assistance Fund to a school district that is
5420 under a state of emergency or in district transformation status,
5421 in those amounts, as determined by the board, that are necessary
5422 to correct the district's impairments related to a lack of
5423 financial resources. The loans shall be evidenced by an agreement
5424 between the school district and the State Board of Education and
5425 shall be repayable in principal, without necessity of interest, to
5426 the School District Emergency Assistance Fund by the school
5427 district from any allowable funds that are available. The total
5428 amount loaned to the district shall be due and payable within five
5429 (5) years after the impairments related to a lack of financial
5430 resources are corrected. If a school district fails to make
5431 payments on the loan in accordance with the terms of the agreement
5432 between the district and the State Board of Education, the State
5433 Department of Education, in accordance with rules and regulations
5434 established by the State Board of Education, may withhold that
5435 district's * * * total funding formula funds in an amount and
5436 manner that will effectuate repayment consistent with the terms of



5437 the agreement; the funds withheld by the department shall be
5438 deposited into the School District Emergency Assistance Fund.

5439 The State Board of Education shall develop a protocol that
5440 will outline the performance standards and requisite timeline
5441 deemed necessary for extreme emergency measures. If the State
5442 Board of Education determines that an extreme emergency exists,
5443 simultaneous with the powers exercised in this subsection, it
5444 shall take immediate action against all parties responsible for
5445 the affected school districts having been determined to be in an
5446 extreme emergency. The action shall include, but not be limited
5447 to, initiating civil actions to recover funds and criminal actions
5448 to account for criminal activity. Any funds recovered by the
5449 State Auditor or the State Board of Education from the surety
5450 bonds of school officials or from any civil action brought under
5451 this subsection shall be applied toward the repayment of any loan
5452 made to a school district hereunder.

5453 (16) * * * [Deleted]

5454 (17) * * * [Deleted]

5455 (18) * * * The State Board of Education, acting through the
5456 Commission on School Accreditation, shall require each school
5457 district to comply with standards established by the State
5458 Department of Audit for the verification of fixed assets and the
5459 auditing of fixed assets records as a minimum requirement for
5460 accreditation.

5461 (19) * * * [Deleted]



5462 (20) * * * [Deleted]

5463 (21) If a local school district is determined as failing and
5464 placed into district transformation status for reasons authorized
5465 by the provisions of this section, the interim superintendent
5466 appointed to the district shall, within forty-five (45) days after
5467 being appointed, present a detailed and structured corrective
5468 action plan to move the local school district out of district
5469 transformation status to the deputy superintendent. A copy of the
5470 interim superintendent's corrective action plan shall also be
5471 filed with the State Board of Education.

5472 **SECTION 56.** Section 37-19-7, Mississippi Code of 1972, is
5473 amended as follows:

5474 37-19-7. (1) * * * Teachers' salaries in each public school
5475 district shall be determined and paid in accordance with the scale
5476 for teachers' salaries as provided in this subsection. For
5477 teachers holding the following types of licenses or the equivalent
5478 as determined by the State Board of Education, and the following
5479 number of years of teaching experience, the scale shall be as
5480 follows:

5481 **2022-2023 AND SUBSEQUENT SCHOOL YEARS MINIMUM SALARY SCHEDULE**

5482	Exp.	AAAA	AAA	AA	A
5483	0	45,500.00	44,000.00	43,000.00	41,500.00
5484	1	46,100.00	44,550.00	43,525.00	41,900.00
5485	2	46,700.00	45,100.00	44,050.00	42,300.00
5486	3	47,300.00	45,650.00	44,575.00	42,700.00



5487	4	47,900.00	46,200.00	45,100.00	43,100.00
5488	5	49,250.00	47,500.00	46,350.00	44,300.00
5489	6	49,850.00	48,050.00	46,875.00	44,700.00
5490	7	50,450.00	48,600.00	47,400.00	45,100.00
5491	8	51,050.00	49,150.00	47,925.00	45,500.00
5492	9	51,650.00	49,700.00	48,450.00	45,900.00
5493	10	53,000.00	51,000.00	49,700.00	47,100.00
5494	11	53,600.00	51,550.00	50,225.00	47,500.00
5495	12	54,200.00	52,100.00	50,750.00	47,900.00
5496	13	54,800.00	52,650.00	51,275.00	48,300.00
5497	14	55,400.00	53,200.00	51,800.00	48,700.00
5498	15	56,750.00	54,500.00	53,050.00	49,900.00
5499	16	57,350.00	55,050.00	53,575.00	50,300.00
5500	17	57,950.00	55,600.00	54,100.00	50,700.00
5501	18	58,550.00	56,150.00	54,625.00	51,100.00
5502	19	59,150.00	56,700.00	55,150.00	51,500.00
5503	20	60,500.00	58,000.00	56,400.00	52,700.00
5504	21	61,100.00	58,550.00	56,925.00	53,100.00
5505	22	61,700.00	59,100.00	57,450.00	53,500.00
5506	23	62,300.00	59,650.00	57,975.00	53,900.00
5507	24	62,900.00	60,200.00	58,500.00	54,300.00
5508	25	65,400.00	62,700.00	61,000.00	56,800.00
5509	26	66,000.00	63,250.00	61,525.00	57,200.00
5510	27	66,600.00	63,800.00	62,050.00	57,600.00
5511	28	67,200.00	64,350.00	62,575.00	58,000.00



5512	29	67,800.00	64,900.00	63,100.00	58,400.00
5513	30	68,400.00	65,450.00	63,625.00	58,800.00
5514	31	69,000.00	66,000.00	64,150.00	59,200.00
5515	32	69,600.00	66,550.00	64,675.00	59,600.00
5516	33	70,200.00	67,100.00	65,200.00	60,000.00
5517	34	70,800.00	67,650.00	65,725.00	60,400.00
5518	35				
5519	& above	71,400.00	68,200.00	66,250.00	60,800.00

5520 It is the intent of the Legislature that any state funds made
5521 available for salaries of licensed personnel in excess of the
5522 funds paid for such salaries for the 1986-1987 school year shall
5523 be paid to licensed personnel pursuant to a personnel appraisal
5524 and compensation system implemented by the State Board of
5525 Education. The State Board of Education shall have the authority
5526 to adopt and amend rules and regulations as are necessary to
5527 establish, administer and maintain the system.

5528 All teachers employed on a full-time basis shall be paid a
5529 minimum salary in accordance with the above scale. However, no
5530 school district shall receive any funds under this section for any
5531 school year during which the local supplement paid to any
5532 individual teacher shall have been reduced to a sum less than that
5533 paid to that individual teacher for performing the same duties
5534 from local supplement during the immediately preceding school
5535 year. The amount actually spent for the purposes of group health
5536 and/or life insurance shall be considered as a part of the



5537 aggregate amount of local supplement but shall not be considered a
5538 part of the amount of individual local supplement.

5539 The level of professional training of each teacher to be used
5540 in establishing the salary * * * for the * * * teacher for each
5541 year shall be determined by the type of valid teacher's license
5542 issued to * * * that teacher on or before October 1 of the current
5543 school year. However, school districts are authorized, in their
5544 discretion, to negotiate the salary levels applicable to licensed
5545 employees who are receiving retirement benefits from the
5546 retirement system of another state * * *.

5547 (2) (a) The following employees shall receive an annual
5548 salary supplement in the amount of Six Thousand Dollars
5549 (\$6,000.00), plus fringe benefits, in addition to any other
5550 compensation to which the employee may be entitled:

5551 (i) Any licensed teacher who has met the
5552 requirements and acquired a Master Teacher certificate from the
5553 National Board for Professional Teaching Standards and who is
5554 employed by a local school board or the State Board of Education
5555 as a teacher and not as an administrator. Such teacher shall
5556 submit documentation to the State Department of Education that the
5557 certificate was received prior to October 15 in order to be
5558 eligible for the full salary supplement in the current school
5559 year, or the teacher shall submit such documentation to the State
5560 Department of Education prior to February 15 in order to be



5561 eligible for a prorated salary supplement beginning with the
5562 second term of the school year.

5563 (ii) A licensed nurse who has met the requirements
5564 and acquired a certificate from the National Board for
5565 Certification of School Nurses, Inc., and who is employed by a
5566 local school board or the State Board of Education as a school
5567 nurse and not as an administrator. The licensed school nurse
5568 shall submit documentation to the State Department of Education
5569 that the certificate was received before October 15 in order to be
5570 eligible for the full salary supplement in the current school
5571 year, or the licensed school nurse shall submit the documentation
5572 to the State Department of Education before February 15 in order
5573 to be eligible for a prorated salary supplement beginning with the
5574 second term of the school year.

5575 (iii) Any licensed school counselor who has met
5576 the requirements and acquired a National Certified School
5577 Counselor (NCSC) endorsement from the National Board of Certified
5578 Counselors and who is employed by a local school board or the
5579 State Board of Education as a counselor and not as an
5580 administrator. Such licensed school counselor shall submit
5581 documentation to the State Department of Education that the
5582 endorsement was received prior to October 15 in order to be
5583 eligible for the full salary supplement in the current school
5584 year, or the licensed school counselor shall submit such
5585 documentation to the State Department of Education prior to



5586 February 15 in order to be eligible for a prorated salary
5587 supplement beginning with the second term of the school year.
5588 However, any school counselor who started the National Board for
5589 Professional Teaching Standards process for school counselors
5590 between June 1, 2003, and June 30, 2004, and completes the
5591 requirements and acquires the Master Teacher certificate shall be
5592 entitled to the master teacher supplement, and those counselors
5593 who complete the process shall be entitled to a one-time
5594 reimbursement for the actual cost of the process as outlined in
5595 paragraph (b) of this subsection.

5596 (iv) Any licensed speech-language pathologist and
5597 audiologist who has met the requirements and acquired a
5598 Certificate of Clinical Competence from the American
5599 Speech-Language-Hearing Association and any certified academic
5600 language therapist (CALT) who has met the certification
5601 requirements of the Academic Language Therapy Association and who
5602 is employed by a local school board. The licensed speech-language
5603 pathologist and audiologist and certified academic language
5604 therapist shall submit documentation to the State Department of
5605 Education that the certificate or endorsement was received before
5606 October 15 in order to be eligible for the full salary supplement
5607 in the current school year, or the licensed speech-language
5608 pathologist and audiologist and certified academic language
5609 therapist shall submit the documentation to the State Department
5610 of Education before February 15 in order to be eligible for a



5611 prorated salary supplement beginning with the second term of the
5612 school year.

5613 (v) Any licensed athletic trainer who has met the
5614 requirements and acquired Board Certification for the Athletic
5615 Trainer from the Board of Certification, Inc., and who is employed
5616 by a local school board or the State Board of Education as an
5617 athletic trainer and not as an administrator. The licensed
5618 athletic trainer shall submit documentation to the State
5619 Department of Education that the certificate was received before
5620 October 15 in order to be eligible for the full salary supplement
5621 in the current school year, or the licensed athletic trainer shall
5622 submit the documentation to the State Department of Education
5623 before February 15 in order to be eligible for a prorated salary
5624 supplement beginning with the second term of the school year.

5625 (b) An employee shall be reimbursed for the actual cost
5626 of completing each component of acquiring the certificate or
5627 endorsement, excluding any costs incurred for postgraduate
5628 courses, not to exceed Five Hundred Dollars (\$500.00) for each
5629 component, not to exceed four (4) components, for a teacher,
5630 school counselor or speech-language pathologist and audiologist,
5631 regardless of whether or not the process resulted in the award of
5632 the certificate or endorsement. A local school district or any
5633 private individual or entity may pay the cost of completing the
5634 process of acquiring the certificate or endorsement for any
5635 employee of the school district described under paragraph (a), and



5636 the State Department of Education shall reimburse the school
5637 district for such cost, regardless of whether or not the process
5638 resulted in the award of the certificate or endorsement. If a
5639 private individual or entity has paid the cost of completing the
5640 process of acquiring the certificate or endorsement for an
5641 employee, the local school district may agree to directly
5642 reimburse the individual or entity for such cost on behalf of the
5643 employee.

5644 (c) All salary supplements, fringe benefits and process
5645 reimbursement authorized under this subsection shall be paid
5646 directly by the State Department of Education to the local school
5647 district and shall be in addition to its * * * allotments from the
5648 total funding formula provided in this act and not a part thereof
5649 in accordance with regulations promulgated by the State Board of
5650 Education. Local school districts shall not reduce the local
5651 supplement paid to any employee receiving such salary supplement,
5652 and the employee shall receive any local supplement to which
5653 employees with similar training and experience otherwise are
5654 entitled. However, an educational employee shall receive the
5655 salary supplement in the amount of Six Thousand Dollars
5656 (\$6,000.00) for only one (1) of the qualifying certifications
5657 authorized under paragraph (a) of this subsection. No school
5658 district shall provide more than one (1) annual salary supplement
5659 under the provisions of this subsection to any one (1) individual
5660 employee holding multiple qualifying national certifications.



5661 (d) If an employee for whom such cost has been paid, in
5662 full or in part, by a local school district or private individual
5663 or entity fails to complete the certification or endorsement
5664 process, the employee shall be liable to the school district or
5665 individual or entity for all amounts paid by the school district
5666 or individual or entity on behalf of that employee toward his or
5667 her certificate or endorsement.

5668 (3) The following employees shall receive an annual salary
5669 supplement in the amount of Four Thousand Dollars (\$4,000.00),
5670 plus fringe benefits, in addition to any other compensation to
5671 which the employee may be entitled:

5672 Effective July 1, 2016, if funds are available for that
5673 purpose, any licensed teacher who has met the requirements and
5674 acquired a Master Teacher Certificate from the National Board for
5675 Professional Teaching Standards and who is employed in a public
5676 school district located in one (1) of the following counties:
5677 Claiborne, Adams, Jefferson, Wilkinson, Amite, Bolivar, Coahoma,
5678 Leflore, Quitman, Sharkey, Issaquena, Sunflower, Washington,
5679 Holmes, Yazoo and Tallahatchie. The salary supplement awarded
5680 under the provisions of this subsection (3) shall be in addition
5681 to the salary supplement awarded under the provisions of
5682 subsection (2) of this section.

5683 Teachers who meet the qualifications for a salary supplement
5684 under this subsection (3) who are assigned for less than one (1)
5685 full year or less than full time for the school year shall receive



the salary supplement in a prorated manner, with the portion of the teacher's assignment to the critical geographic area to be determined as of June 15th of the school year.

(4) (a) This subsection shall be known and may be cited as the "Mississippi Performance-Based Pay (MPBP)" plan. In addition to the minimum base pay described in this section, only * * * if funds are available for that purpose, the State of Mississippi may provide monies from state funds to school districts for the purposes of rewarding licensed teachers, administrators and nonlicensed personnel at individual schools showing improvement in student test scores. The MPBP plan shall be developed by the State Department of Education based on the following criteria:

(i) It is the express intent of this legislation that the MPBP plan shall utilize only existing standards of accreditation and assessment as established by the State Board of Education.

(ii) To ensure that all of Mississippi's teachers, administrators and nonlicensed personnel at all schools have equal access to the monies set aside in this section, the MPBP program shall be designed to calculate each school's performance as determined by the school's increase in scores from the prior school year. The MPBP program shall be based on a standardized scores rating where all levels of schools can be judged in a statistically fair and reasonable way upon implementation. At the end of each year, after all student achievement scores have been



5711 standardized, the State Department of Education shall implement
5712 the MPBP plan.

5713 (iii) To ensure all teachers cooperate in the
5714 spirit of teamwork, individual schools shall submit a plan to the
5715 local school district to be approved before the beginning of each
5716 school year * * *. The plan shall include, but not be limited to,
5717 how all teachers, regardless of subject area, and administrators
5718 will be responsible for improving student achievement for their
5719 individual school.

5720 (b) The State Board of Education shall develop the
5721 processes and procedures for designating schools eligible to
5722 participate in the MPBP. State assessment results, growth in
5723 student achievement at individual schools and other measures
5724 deemed appropriate in designating successful student achievement
5725 shall be used in establishing MPBP criteria.

5726 (5) (a) If funds are available for that purpose, each
5727 school in Mississippi shall have mentor teachers, as defined by
5728 Sections 37-9-201 through 37-9-213, who shall receive additional
5729 base compensation provided for by the State Legislature in the
5730 amount of One Thousand Dollars (\$1,000.00) per each beginning
5731 teacher that is being mentored. The additional state compensation
5732 shall be limited to those mentor teachers that provide mentoring
5733 services to beginning teachers. For the purposes of such funding,
5734 a beginning teacher shall be defined as any teacher in any school
5735 in Mississippi that has less than one (1) year of classroom



5736 experience teaching in a public school. For the purposes of such
5737 funding, no full-time academic teacher shall mentor more than two
5738 (2) beginning teachers.

5739 (b) To be eligible for this state funding, the
5740 individual school must have a classroom management program
5741 approved by the local school board.

5742 (6) Effective with the 2014-2015 school year, the school
5743 districts participating in the Pilot Performance-Based
5744 Compensation System pursuant to Section 37-19-9 may award
5745 additional teacher and administrator pay based thereon.

5746 **SECTION 57.** Section 37-21-6, Mississippi Code of 1972, is
5747 amended as follows:

5748 37-21-6. The Mississippi Early Childhood Education Program
5749 shall be the kindergarten program implemented by local school
5750 districts * * *.

5751 **SECTION 58.** Section 37-21-7, Mississippi Code of 1972, is
5752 amended as follows:

5753 37-21-7. (1) This section shall be referred to as the
5754 "Mississippi Elementary Schools Assistant Teacher Program," the
5755 purpose of which shall be to provide an early childhood education
5756 program that assists in the instruction of basic skills. The
5757 State Board of Education is authorized, empowered and directed to
5758 implement a statewide system of assistant teachers in kindergarten
5759 classes and in the first, second and third grades. The assistant



5760 teacher shall assist pupils in actual instruction under the strict
5761 supervision of a licensed teacher.

5762 (2) (a) Except as otherwise authorized under subsection
5763 (7), each school district shall employ the total number of
5764 assistant teachers funded under subsection (6) of this section.
5765 The superintendent of each district shall assign the assistant
5766 teachers to the kindergarten, first-, second- and third-grade
5767 classes in the district in a manner that will promote the maximum
5768 efficiency, as determined by the superintendent, in the
5769 instruction of skills such as verbal and linguistic skills,
5770 logical and mathematical skills, and social skills.

5771 (b) If a licensed teacher to whom an assistant teacher
5772 has been assigned is required to be absent from the classroom, the
5773 assistant teacher may assume responsibility for the classroom in
5774 lieu of a substitute teacher. However, no assistant teacher shall
5775 assume sole responsibility of the classroom for more than three
5776 (3) consecutive school days. Further, in no event shall any
5777 assistant teacher be assigned to serve as a substitute teacher for
5778 any teacher other than the licensed teacher to whom that assistant
5779 teacher has been assigned.

5780 (3) Assistant teachers shall have, at a minimum, a high
5781 school diploma or a High School Equivalency Diploma equivalent,
5782 and shall show demonstratable proficiency in reading and writing
5783 skills. The State Department of Education shall develop a testing



5784 procedure for assistant teacher applicants to be used in all
5785 school districts in the state.

5786 (4) (a) In order to receive funding, each school district
5787 shall:

5788 (i) Submit a plan on the implementation of a
5789 reading improvement program to the State Department of Education;
5790 and

5791 (ii) Develop a plan of educational accountability
5792 and assessment of performance, including pretests and posttests,
5793 for reading in Grades 1 through 6.

5794 (b) Additionally, each school district shall:

5795 (i) Provide annually a mandatory preservice
5796 orientation session, using an existing in-school service day, for
5797 administrators and teachers on the effective use of assistant
5798 teachers as part of a team in the classroom setting and on the
5799 role of assistant teachers, with emphasis on program goals;

5800 (ii) Hold periodic workshops for administrators
5801 and teachers on the effective use and supervision of assistant
5802 teachers;

5803 (iii) Provide training annually on specific
5804 instructional skills for assistant teachers;

5805 (iv) Annually evaluate their program in accordance
5806 with their educational accountability and assessment of
5807 performance plan; and



5808 (v) Designate the necessary personnel to supervise
5809 and report on their program.

5810 (5) The State Department of Education shall:

5811 (a) Develop and assist in the implementation of a
5812 statewide uniform training module, subject to the availability of
5813 funds specifically appropriated therefor by the Legislature, which
5814 shall be used in all school districts for training administrators,
5815 teachers and assistant teachers. The module shall provide for the
5816 consolidated training of each assistant teacher and teacher to
5817 whom the assistant teacher is assigned, working together as a
5818 team, and shall require further periodic training for
5819 administrators, teachers and assistant teachers regarding the role
5820 of assistant teachers;

5821 (b) Annually evaluate the program on the district and
5822 state level. Subject to the availability of funds specifically
5823 appropriated therefor by the Legislature, the department shall
5824 develop: (i) uniform evaluation reports, to be performed by the
5825 principal or assistant principal, to collect data for the annual
5826 overall program evaluation conducted by the department; or (ii) a
5827 program evaluation model that, at a minimum, addresses process
5828 evaluation; and

5829 (c) Promulgate rules, regulations and such other
5830 standards deemed necessary to effectuate the purposes of this
5831 section. Noncompliance with the provisions of this section and
5832 any rules, regulations or standards adopted by the department may



5833 result in a violation of compulsory accreditation standards as
5834 established by the State Board of Education and the Commission on
5835 School Accreditation.

5836 (6) * * * Each school district shall be allotted sufficient
5837 funding under the total funding formula provided in this act for
5838 the purpose of employing assistant teachers. No assistant teacher
5839 shall be paid less than the amount he or she received in the prior
5840 school year. No school district shall receive any funds under
5841 this section for any school year during which the aggregate amount
5842 of the local contribution to the salaries of assistant teachers by
5843 the district shall have been reduced below such amount for the
5844 previous year.

5845 For assistant teachers, the minimum annual salary shall be as
5846 follows:

5847 2022-2023 and Subsequent Years Minimum Salary.....\$17,000.00

5848 In addition, for each one percent (1%) that the Sine Die
5849 General Fund Revenue Estimate Growth exceeds five percent (5%) in
5850 fiscal year 2006, as certified by the Legislative Budget Office to
5851 the State Board of Education and subject to the specific
5852 appropriation therefor by the Legislature, the State Board of
5853 Education shall revise the salary scale in the appropriate year to
5854 provide an additional one percent (1%) across-the-board increase
5855 in the base salaries for assistant teachers. The State Board of
5856 Education shall revise the salaries prescribed above for assistant
5857 teachers to conform to any adjustments made in prior fiscal years



5858 due to revenue growth over and above five percent (5%). The
5859 assistant teachers shall not be restricted to working only in the
5860 grades for which the funds were allotted, but may be assigned to
5861 other classes as provided in subsection (2)(a) of this section.

5862 (7) (a) As an alternative to employing assistant teachers,
5863 any school district may use the * * * funding provided under
5864 subsection (6) of this section for the purpose of employing
5865 licensed teachers for kindergarten, first-, second- and
5866 third-grade classes; however, no school district shall be
5867 authorized to use the * * * funding for assistant teachers for the
5868 purpose of employing licensed teachers unless the district has
5869 established that the employment of licensed teachers using such
5870 funds will reduce the teacher:student ratio in the kindergarten,
5871 first-, second- and third-grade classes. All state funds for
5872 assistant teachers shall be applied to reducing teacher:student
5873 ratio in Grades K-3.

5874 It is the intent of the Legislature that no school district
5875 shall dismiss any assistant teacher for the purpose of using the
5876 assistant teacher * * * funding to employ licensed teachers.
5877 School districts may rely only upon normal attrition to reduce the
5878 number of assistant teachers employed in that district.

5879 (b) Districts meeting the highest levels of
5880 accreditation standards, as defined by the State Board of
5881 Education, shall be exempted from the provisions of subsection (4)
5882 of this section.



5883 **SECTION 59.** Section 37-22-5, Mississippi Code of 1972, is
5884 amended as follows:

5885 37-22-5. There is * * * created an Emergency Fund Loss
5886 Assistance Program to provide temporary grants to eligible school
5887 districts. The purpose of the program shall be to provide relief
5888 to school districts suffering losses of financial assistance under
5889 federal programs, such as the IMPACT Program, designed to serve
5890 the educational needs of children of government employees and
5891 Choctaw Indian children. Any school district which has sustained
5892 losses in direct payments from the federal government for the
5893 purpose of educating the children of federal government employees
5894 and Choctaw Indian children living on United States government
5895 owned reservation land shall be entitled to an Emergency Fund Loss
5896 Assistance Grant, in the amount of the reduction of the grant
5897 funds received from the federal government from prior years. This
5898 grant shall be limited to losses resulting from reductions in the
5899 level of federal funding allocated to school districts from prior
5900 years and not from reductions resulting from a loss of students
5901 served by the school districts. Losses incurred prior to July 1,
5902 1987, shall not be considered for purposes of determining the
5903 amount of the grant. There is hereby established an Emergency
5904 Fund Loss Assistance Fund in the State Treasury which shall be
5905 used to distribute the emergency grants to school districts.
5906 Expenditures from this fund shall not exceed One Million Dollars
5907 (\$1,000,000.00) in any fiscal year. If the total of all grant



5908 entitlements from local school districts exceeds such sum, then
5909 the grants to the school districts shall be prorated accordingly.

5910 * * *

5911 **SECTION 60.** Section 37-23-1, Mississippi Code of 1972, is
5912 amended as follows:

5913 37-23-1. The purpose of Sections 37-23-1 through 37-23-159
5914 is to mandate free appropriate public educational services and
5915 equipment for exceptional children in the age range three (3)
5916 through twenty (20) for whom the regular school programs are not
5917 adequate and to provide, on a permissive basis, a free appropriate
5918 public education, as a part of the state's early intervention
5919 system in accordance with regulations developed in collaboration
5920 with the agency designated as "lead agency" under Part C of the
5921 Individuals with Disabilities Education Act. The portion of the
5922 regulations developed in collaboration with the lead agency which
5923 are necessary to implement the programs under the authority of the
5924 State Board of Education shall be presented to the State Board of
5925 Education for adoption. This specifically includes, but shall not
5926 be limited to, provision for day schools for the deaf and blind of
5927 an age under six (6) years, where early training is in accordance
5928 with the most advanced and best approved scientific methods of
5929 instruction, always taking into consideration the best interests
5930 of the child and his improvement at a time during which he is most
5931 susceptible of improvement. Educational programs to exceptional



5932 children under the age of three (3) years shall be eligible
5933 for * * * total funding formula funds provided in this act.

5934 All references in the laws of this state to the "Individuals
5935 with Disabilities Education Act" or to the "IDEA" shall be
5936 construed to include any subsequent amendments to that act.

5937 The educational programs and services provided for
5938 exceptional children in Sections 37-23-1 through 37-23-15,
5939 37-23-31 through 37-23-35, 37-23-61 through 37-23-75 and 37-23-77
5940 shall be designed to provide individualized appropriate special
5941 education and related services that enable a child to reach his or
5942 her appropriate and uniquely designed goals for success. The
5943 State Board of Education shall establish an accountability system
5944 for special education programs and students with disabilities.
5945 The system shall establish accountability standards for services
5946 provided to improve the educational skills designed to prepare
5947 children for life after their years in school. These standards
5948 shall be a part of the accreditation system and shall be
5949 implemented before July 1, 1996.

5950 The State Department of Education shall establish goals for
5951 the performance of children with disabilities that will promote
5952 the purpose of IDEA and are consistent, to the maximum extent
5953 appropriate, with other goals and standards for children
5954 established by the State Department of Education. Performance
5955 indicators used to assess progress toward achieving those goals
5956 that, at a minimum, address the performance of children with



disabilities on assessments, drop-out rates, and graduation rates shall be developed. Every two (2) years, the progress toward meeting the established performance goals shall be reported to the public.

SECTION 61. Section 37-23-15, Mississippi Code of 1972, is amended as follows:

37-23-15. (1) The State Department of Education, in accordance with Sections 37-23-1 through 37-23-75, and any additional authority granted in this chapter, shall:

(a) Adopt pilot programs under which certain students enrolled or enrolling in public schools in this state shall be tested for dyslexia and related disorders as may be necessary. The pilot programs shall provide that upon the request of a parent, student, school nurse, classroom teacher or other school personnel who has reason to believe that a student has a need to be tested for dyslexia, such student shall be reviewed for appropriate services. However, a student shall not be tested for dyslexia whose parent or guardian objects thereto on grounds that such testing conflicts with his conscientiously held religious beliefs.

(b) In accordance with the pilot programs adopted by the State Department of Education, such school boards shall provide remediation in an appropriate multi-sensory, systematic language-based regular education program or programs, as determined by the school district, such as the Texas Scottish Rite



5982 Hospital Dyslexia Training Program, pertinent to the child's
5983 physical and educational disorders or the sensory area in need of
5984 remediation for those students who do not qualify for special
5985 education services.

5986 (c) The State Department of Education, by not later
5987 than January 1, 1997, shall make recommendations to the school
5988 boards designated for the pilot programs for the delivery of
5989 services to students who are identified as dyslexic.

5990 (d) For the purposes of this section:

5991 (i) "Dyslexia" means a language processing
5992 disorder which may be manifested by difficulty processing
5993 expressive or receptive, oral or written language despite adequate
5994 intelligence, educational exposure and cultural opportunity.
5995 Specific manifestations may occur in one or more areas, including
5996 difficulty with the alphabet, reading comprehension, writing and
5997 spelling.

5998 (ii) "Related disorders" shall include disorders
5999 similar to or related to dyslexia such as developmental auditory
6000 imperception, dysphasia, specific developmental dyslexia,
6001 dyspraxia, developmental dysgraphia and developmental spelling
6002 disability.

6003 (e) Local school districts designated for the pilot
6004 programs may utilize any source of funds other than * * * the
6005 total funding formula funds provided in this act to provide any
6006 services under this section.



6007 (f) Nothing in this section shall be construed to
6008 require any school district to implement this section unless the
6009 local school board, by resolution spread on its minutes,
6010 voluntarily agrees to comply with this section and any regulations
6011 promulgated under this section. Any local school board may
6012 withdraw from participation in the program authorized under this
6013 section by providing written notice of its determination to
6014 withdraw to the State Department of Education no later than June 1
6015 of the preceding fiscal year.

6016 (2) State funding for the pilot programs for testing
6017 students for dyslexia shall be subject to the availability of
6018 funds specifically appropriated therefor by the Legislature.

6019 * * *

6020 **SECTION 62.** Section 37-23-69, Mississippi Code of 1972, is
6021 amended as follows:

6022 37-23-69. The State Department of Education may determine
6023 and pay the amount of the financial assistance to be made
6024 available to each applicant, and see that all applicants and the
6025 programs for them meet the requirements of the program for
6026 exceptional children. No financial assistance shall exceed the
6027 obligation actually incurred by the applicant for educational
6028 costs, which shall include special education and related services
6029 as defined by the Mississippi Department of Education Policies and
6030 Procedures Regarding Children with Disabilities under the federal
6031 Individuals with Disabilities Education Act (IDEA). Within the



6032 amount of available state funds * * * for that purpose, each such
6033 applicant may receive assistance according to the following
6034 allowances:

6035 (a) If the applicant chooses to attend a private
6036 school, a parochial school or a speech, hearing and/or language
6037 clinic having an appropriate program for the applicant, and if the
6038 school or clinic meets federal and state regulations, then the
6039 educational costs reimbursement will be one hundred percent (100%)
6040 of the first Six Hundred Dollars (\$600.00) in educational costs
6041 charged by the school or clinic; or, if the applicant is under six
6042 (6) years of age, and no program appropriate for the child exists
6043 in the public schools of his domicile, then the reimbursement
6044 shall be one hundred percent (100%) of the first Six Hundred
6045 Dollars (\$600.00) in educational costs charged by the school or
6046 clinic, and fifty percent (50%) of the next Eight Hundred Dollars
6047 (\$800.00) in educational costs charged by the school or clinic;

6048 (b) A public school district shall be reimbursed for
6049 the educational costs of an applicant up to an annual maximum
6050 based on a * * * cost factor * * * determined by the State Board
6051 of Education if the following conditions are met: (i) an
6052 applicant in the age range six (6) through twenty (20) requests
6053 the public school district where he resides to provide an
6054 education for him and the nature of the applicant's educational
6055 problem is such that, according to best educational practices, it
6056 cannot be met in the public school district where the child



6057 resides; (ii) the public school district decides to provide the
6058 applicant a free appropriate education by placing him in a private
6059 school, a parochial school or a speech, hearing and/or language
6060 clinic having an appropriate program for the applicant; (iii) the
6061 program meets federal and state regulations; and (iv) the
6062 applicant is approved for financial assistance by a State Level
6063 Review Board established by the State Board of Education. The
6064 Review Board will act on financial assistance requests within five
6065 (5) working days of receipt. Nothing in this paragraph shall
6066 prevent two (2) or more public school districts from forming a
6067 cooperative to meet the needs of low incidence exceptional
6068 children, nor shall the public school be relieved of its
6069 responsibility to provide an education for all children. If state
6070 monies are not sufficient to fund all applicants, there will be a
6071 ratable reduction for all recipients receiving state funds under
6072 this section. School districts may pay additional educational
6073 costs from available federal, state and local funds.

6074 If an exceptional child, as defined in Section 37-23-3, is
6075 placed in a therapeutic or other group home licensed or approved
6076 by the state that has no educational program associated with it,
6077 the local school district in which the home is located shall offer
6078 an appropriate educational program to that child.

6079 At any time that the Individualized Education Program (IEP)
6080 Committee in the district where the home is located determines
6081 that an exceptional child, as defined in Section 37-23-3, residing



6082 in that home can no longer be provided a free appropriate public
6083 education in that school district, and the State Department of
6084 Education agrees with that decision, then the State Department of
6085 Education shall recommend to the Department of Human Services
6086 placement of the child by the Department of Human Services, which
6087 shall take appropriate action. The placement of the exceptional
6088 child in the facility shall be at no cost to the local school
6089 district. Funds available under Sections 37-23-61 through
6090 37-23-77, as well as any available federal funds, may be used to
6091 provide the educational costs of the placement. If the
6092 exceptional child is under the guardianship of the Department of
6093 Human Services or another state agency, the State Department of
6094 Education shall pay only for the educational costs of that
6095 placement, and the other agency shall be responsible for the room,
6096 board and any other costs. The special education and related
6097 services provided to the child shall be in compliance with State
6098 Department of Education and any related federal regulations. The
6099 State Board of Education may promulgate regulations that are
6100 necessary to implement this section; and

6101 (c) If an appropriate local or regional system of care,
6102 including a free appropriate public education, is available for
6103 exceptional children who are currently being served in
6104 out-of-district or Department of Human Services placements
6105 under * * * paragraph (b) of this section or Section 37-23-77,
6106 then the state funds from the State Department of Education that



6107 would have been used for those placements may be paid into a pool
6108 of funds with funds from other state agencies to be used for the
6109 implementation of the individualized plans of care for those
6110 children. If there are sufficient funds to serve additional
6111 exceptional children because of cost savings as a result of
6112 serving these students at home and/or matching the pooled funds
6113 with federal dollars, the funds may be used to implement
6114 individualized plans of care for those additional exceptional
6115 children. Each local or regional provider of services included in
6116 the individualized plans of care shall comply with all appropriate
6117 state and federal regulations. The State Board of Education may
6118 promulgate regulations that are necessary to implement this
6119 section.

6120 The State Department of Education may also provide for the
6121 payment of that financial assistance in installments and for
6122 proration of that financial assistance in the case of children
6123 attending a school or clinic for less than a full school session
6124 and, if available funds are insufficient, may allocate the
6125 available funds among the qualified applicants and local school
6126 districts by reducing the maximum assistance provided for in this
6127 section.

6128 Any monies provided an applicant under Sections 37-23-61
6129 through 37-23-75 shall be applied by the receiving educational
6130 institution as a reduction in the amount of the educational costs
6131 paid by the applicant, and the total educational costs paid by the



6132 applicant shall not exceed the total educational costs paid by any
6133 other child in similar circumstances enrolled in the same program
6134 in that institution. However, this limitation shall not prohibit
6135 the waiving of all or part of the educational costs for a limited
6136 number of children based upon demonstrated financial need, and the
6137 State Department of Education may adopt and enforce reasonable
6138 rules and regulations to carry out the intent of these provisions.

6139 **SECTION 63.** Section 37-23-109, Mississippi Code of 1972, is
6140 amended as follows:

6141 37-23-109. Any child development center created under the
6142 provisions of Sections 37-23-91 through 37-23-111 shall be
6143 entitled to receive all contributions and benefits allowed to the
6144 other school districts from the federal and state governments
6145 including, but not limited to, contributions on the basis of
6146 the * * * net enrollment per child, school textbooks and school
6147 lunch program.

6148 **SECTION 64.** Section 37-23-179, Mississippi Code of 1972, is
6149 amended as follows:

6150 37-23-179. (1) The board shall specifically promulgate
6151 rules, regulations and guidelines which establish model programs
6152 of gifted education and also establish minimum criteria for gifted
6153 education programs. In providing programs of gifted education,
6154 the local district may use the model programs prepared by the
6155 board or may itself develop programs of gifted education which,
6156 prior to being implemented, shall be approved by the board,



6157 provided, that no such plan or program shall be approved or
6158 continued unless it meets the minimum criteria established by the
6159 board.

6160 (2) There is hereby created within the department an office
6161 for gifted education which shall be staffed by such professional,
6162 support and clerical personnel as may be necessary to implement
6163 the provisions of Sections 37-23-171 through 37-23-181.

6164 (3) All local school districts may have programs of gifted
6165 education for intellectually, creatively and/or artistically
6166 gifted students in Grades 2 through 12 and for academically gifted
6167 students in Grades 9 through 12 approved by the board. Beginning
6168 with the 1993-1994 school year, all local school districts shall
6169 have programs of gifted education for intellectually gifted
6170 students in Grade 2, subject to the approval of the State Board of
6171 Education and the availability of funds appropriated therefor by
6172 line-item. Beginning with the 1994-1995 school year, all local
6173 school districts shall have programs of gifted education for
6174 intellectually gifted students in Grades 2 and 3, subject to the
6175 approval of the State Board of Education. Beginning with the
6176 1995-1996 school year, all local school districts shall have
6177 programs of gifted education for intellectually gifted students in
6178 Grades 2, 3 and 4 subject to the approval of the State Board of
6179 Education. Beginning with the 1996-1997 school year, all local
6180 school districts shall have programs of gifted education for
6181 intellectually gifted students in Grades 2, 3, 4 and 5, subject to



6182 the approval of the State Board of Education. Beginning with the
6183 1997-1998 school year, all local school districts shall have
6184 programs of gifted education for intellectually gifted students in
6185 Grades 2, 3, 4, 5 and 6, subject to the approval of the State
6186 Board of Education. * * * Each local school district shall
6187 include as a part of its five-year plan a description of any
6188 proposed gifted education programs of the district. * * *

6189 **SECTION 65.** Section 37-27-55, Mississippi Code of 1972, is
6190 amended as follows:

6191 37-27-55. When any pupils shall attend any agricultural high
6192 school or community or junior college under the provisions of
6193 Section 37-27-51, such pupils shall be reported and accounted for
6194 the allocation of * * * total funding formula funds provided in
6195 this act and building funds just as though such pupils were
6196 attending the regular schools of the district in which they
6197 reside. For this purpose reports shall be made to the board of
6198 trustees of the school district involved by the agricultural high
6199 school or community or junior college of the number of children
6200 in * * * net enrollment, and the * * * net enrollment of such
6201 pupils shall thereupon be included in reports made to the county
6202 or school district * * *. The allocation of * * * total funding
6203 formula funds and state public school building funds shall be made
6204 for such children just as though such children were attending the
6205 regular schools of the district. However, all * * * total funding
6206 formula funds which accrue to any district as a result of the



6207 pupils who are in attendance at such agricultural high school or
6208 community or junior college * * * shall be paid by the board of
6209 trustees of the municipal separate school district or the county
6210 board of education, as the case may be, to the agricultural high
6211 school or community or junior college at which the pupils are in
6212 attendance, and shall be expended by said agricultural high school
6213 or community or junior college for the instruction of said
6214 pupils * * *. Funds allotted to the school district for building
6215 purposes under Chapter 47 of this title, shall, however, be
6216 retained by the school district entitled thereto. The term
6217 "school district" as used in Sections 37-27-51 through 37-27-59
6218 shall be defined as including all public school districts in this
6219 state and also all agricultural high schools not located on the
6220 campus of a community or junior college.

6221 **SECTION 66.** Section 37-27-57, Mississippi Code of 1972, is
6222 amended as follows:

6223 37-27-57. Any additional or supplemental expenses incurred
6224 by the agricultural high school or community or junior college in
6225 the instruction of such pupils above that defrayed by * * * total
6226 funding formula funds as provided in Section 37-27-55, shall be
6227 paid either from the amounts received from the state appropriation
6228 for the support of agricultural high schools or from the tax levy
6229 for the support of such agricultural high school or community or
6230 junior college or from any other funds which such agricultural



6231 high school or community or junior college may have available for
6232 such purpose.

6233 **SECTION 67.** Section 37-28-5, Mississippi Code of 1972, is
6234 amended as follows:

6235 37-28-5. As used in this chapter, the following words and
6236 phrases have the meanings ascribed in this section unless the
6237 context clearly indicates otherwise:

6238 (a) "Applicant" means any person or group that develops
6239 and submits an application for a charter school to the authorizer.

6240 (b) "Application" means a proposal from an applicant to
6241 the authorizer to enter into a charter contract whereby the
6242 proposed school obtains charter school status.

6243 (c) "Authorizer" means the Mississippi Charter School
6244 Authorizer Board established under Section 37-28-7 to review
6245 applications, decide whether to approve or reject applications,
6246 enter into charter contracts with applicants, oversee charter
6247 schools, and decide whether to renew, not renew, or revoke charter
6248 contracts.

6249 (d) "Charter contract" means a fixed-term, renewable
6250 contract between a charter school and the authorizer which
6251 outlines the roles, powers, responsibilities and performance
6252 expectations for each party to the contract.

6253 (e) "Charter school" means a public school that is
6254 established and operating under the terms of charter contract
6255 between the school's governing board and the authorizer. The term



6256 "charter school" includes a conversion charter school and start-up
6257 charter school.

6258 (f) "Conversion charter school" means a charter school
6259 that existed as a noncharter public school before becoming a
6260 charter school.

6261 (g) "Education service provider" means a charter
6262 management organization, school design provider or any other
6263 partner entity with which a charter school intends to contract for
6264 educational design, implementation or comprehensive management.

6265 (h) "Governing board" means the independent board of a
6266 charter school which is party to the charter contract with the
6267 authorizer and whose members have been elected or selected
6268 pursuant to the school's application.

6269 (i) "Noncharter public school" means a public school
6270 that is under the direct management, governance and control of a
6271 school board or the state.

6272 (j) "Parent" means a parent, guardian or other person
6273 or entity having legal custody of a child.

6274 (k) "School board" means a school board exercising
6275 management and control over a local school district and the
6276 schools of that district pursuant to the State Constitution and
6277 state statutes.

6278 (l) "School district" means a governmental entity that
6279 establishes and supervises one or more public schools within its
6280 geographical limits pursuant to state statutes.



6281 (m) "Start-up charter school" means a charter school
6282 that did not exist as a noncharter public school before becoming a
6283 charter school.

6284 (n) "Student" means any child who is eligible for
6285 attendance in a public school in the state.

6286 (o) "Underserved students" means students * * *
6287 qualifying as low-income or qualifying for a special education
6288 program under Section 37-151-201.

6289 **SECTION 68.** Section 37-28-53, Mississippi Code of 1972, is
6290 amended as follows:

6291 37-28-53. (1) Each charter school shall certify annually to
6292 the State Department of Education its student enrollment, * * *
6293 net enrollment and student participation in * * * federal
6294 programs * * *.

6295 (2) Each charter school shall certify annually to the school
6296 board of the school district in which the charter school is
6297 located the number of enrolled charter school students residing in
6298 the school district.

6299 **SECTION 69.** Section 37-28-55, Mississippi Code of 1972, is
6300 amended as follows:

6301 37-28-55. (1) (a) The State Department of Education shall
6302 make payments to charter schools for each student in * * * net
6303 enrollment at the charter school, as determined under Section
6304 37-151-207, equal to the state share of * * * total funding



6305 formula payments for each student * * *, as determined under
6306 Section 37-151-211.

6307 (b) Payments made pursuant to this subsection by the
6308 State Department of Education must be made at the same time and in
6309 the same manner as * * * total funding formula payments are made
6310 to school districts under Sections 37-151-101 and 37-151-103.
6311 Amounts payable to a charter school must be determined by the
6312 State Department of Education pursuant to this section and the
6313 total funding formula. * * * Enrollment projections made under
6314 Section 37-151-207 to determine the net enrollment of a charter
6315 school for calculating the state share payment must be reconciled
6316 with * * * a charter school's * * * net enrollment using months
6317 two (2) and three (3) * * * for the * * * year for which * * *
6318 total funding formula funds are being appropriated, and any
6319 necessary adjustments must be made to payments during the school's
6320 following year of operation. Any necessary adjustment must be
6321 based on the state share of the per pupil amount in effect for the
6322 year for which net membership did not meet enrollment projections
6323 and not any new amount appropriated for the year in which the
6324 adjustment will be made. If a charter school is closed by the
6325 authorizer before the following year, it must pay to the state any
6326 amounts due before completion of the closure.

6327 (2) (a) For students attending a charter school located in
6328 the school district in which the student resides, the school
6329 district in which * * * the charter school is located shall pay



6330 directly to the charter school an amount * * * as follows: the
6331 sum of the local pro rata amount, as calculated by the State
6332 Department of Education in accordance with Section
6333 37-151-211(2)(b) (local contribution), and the local pro rata
6334 amount, as calculated by the State Department of Education in
6335 accordance with Section 37-57-105 (school district operational
6336 levy), multiplied by the number of resident students enrolled in
6337 the charter school, based on the charter school's months two (2)
6338 and three (3) net enrollment of resident students for the current
6339 school year. However, the amount to the charter school may not
6340 include any taxes levied for the retirement of the local school
6341 district's bonded indebtedness or short-term notes or any taxes
6342 levied for the support of vocational-technical education
6343 programs. * * *

6344 (b) The amount must be paid by the school district to the
6345 charter school before January 16 of the current fiscal year. If
6346 the local school district does not pay the required amount to the
6347 charter school before January 16, the State Department of
6348 Education shall reduce the local school district's January
6349 transfer of * * * total funding formula funds by the amount owed
6350 to the charter school and shall redirect that amount to the
6351 charter school. Any such payments made under this * * * paragraph
6352 by the State Department of Education to a charter school must be
6353 made at the same time and in the same manner as * * * total



funding formula payments are made to school districts under Sections 37-151-101 and 37-151-103.

(3) (a) For students attending a charter school located in a school district in which the student does not reside, the State Department of Education shall pay to the charter school in which the students * * * are enrolled an amount as follows: the sum of the local pro rata amount, as calculated by the State Department of Education in accordance with Section 37-151-211(2)(b) (local contribution), and the local pro rata amount, as calculated by the State Department of Education in accordance with Section 37-57-105 (school district operational levy), multiplied by the number of students enrolled in the charter school but residing in that district, based on the charter school's months two (2) and three (3) net enrollment of these students for the current school year. However, the amount to the charter school may not include * * * any taxes levied for the retirement of the local school district's bonded indebtedness or short-term notes or any taxes levied for the support of vocational-technical education programs.

(b) * * * The State Department of Education shall reduce the school district's January transfer of * * * total funding formula funds by the amount owed to the charter school and shall redirect that amount to the charter school. Any such payments made under this subsection (3) by the State Department of Education to a charter school must be made at the same time and in



the same manner as * * * total funding formula payments are made to school districts under Sections 37-151-101 and 37-151-103.

(4) (a) The State Department of Education shall direct the proportionate share of monies generated under federal * * * programs, including, but not limited to, special education, vocational, * * * English Language Learner, and other programs, to charter schools serving students eligible for such * * * funding. The department shall ensure that charter schools with rapidly expanding enrollments are treated equitably in the calculation and disbursement of all federal * * * program dollars. Each charter school that serves students who may be eligible to receive services provided through such programs shall comply with all reporting requirements to receive the aid.

(b) A charter school shall pay to a local school district any federal or state aid attributable to a student with a disability attending the charter school in proportion to the level of services for that student which the local school district provides directly or indirectly.

(c) Subject to the approval of the authorizer, a charter school and a local school district may negotiate and enter into a contract for the provision of and payment for special education services, including, but not necessarily limited to, a reasonable reserve not to exceed five percent (5%) of the local school district's total budget for providing special education services. The reserve may be used by the local school district



6403 only to offset excess costs of providing services to students with
6404 disabilities enrolled in the charter school.

6405 (5) (a) The State Department of Education shall disburse
6406 state transportation funding to a charter school on the same basis
6407 and in the same manner as it is paid to school districts * * *.

6408 (b) A charter school may enter into a contract with a
6409 school district or private provider to provide transportation to
6410 the school's students.

6411 (6) The State Department of Education shall disburse
6412 Education Enhancement Funds for classroom supplies, instructional
6413 materials and equipment, including computers and computer software
6414 to all eligible charter school teachers on the same basis and in
6415 the same manner as it is paid to school districts under Section
6416 37-61-33(3)(a)(iii) for the purpose of issuing procurement cards
6417 or credentials for a digital solution to eligible teachers.

6418 **SECTION 70.** Section 37-29-1, Mississippi Code of 1972, is
6419 amended as follows:

6420 37-29-1. (1) The creation, establishment, maintenance and
6421 operation of community colleges is authorized. Community colleges
6422 may admit students if they have earned one (1) unit less than the
6423 number of units required for high school graduation established by
6424 State Board of Education policy or have earned a High School
6425 Equivalency Diploma in courses correlated to those of senior
6426 colleges or professional schools. Subject to the provisions of
6427 Section 75-76-34, they shall offer, without limitation, education



6428 and training preparatory for occupations such as agriculture,
6429 industry of all kinds, business, homemaking and for other
6430 occupations on the semiprofessional and vocational-technical
6431 level. They may offer courses and services to students regardless
6432 of their previous educational attainment or further academic
6433 plans.

6434 (2) The boards of trustees of the community college
6435 districts are authorized to establish an early admission program
6436 under which applicants having a minimum ACT composite score of
6437 twenty-six (26) or the equivalent SAT score may be admitted as
6438 full-time college students if the principal or guidance counselor
6439 of the student recommends in writing that it is in the best
6440 educational interest of the student. Such recommendation shall
6441 also state that the student's age will not keep him from being a
6442 successful full-time college student. Students admitted in the
6443 early admission program shall not be counted for * * * total
6444 funding formula purposes in the * * * net enrollment of the school
6445 district in which they reside, and transportation required by a
6446 student to participate in the early admission program shall be the
6447 responsibility of the parents or legal guardians of the student.
6448 Grades and college credits earned by students admitted to the
6449 early admission program shall be recorded on the college
6450 transcript at the community college where the student attends
6451 classes, and may be released to another institution or used for



6452 college graduation requirements only after the student has
6453 successfully completed one (1) full semester of course work.

6454 (3) The community colleges shall provide, through courses or
6455 other acceptable educational measures, the general education
6456 necessary to individuals and groups which will tend to make them
6457 capable of living satisfactory lives consistent with the ideals of
6458 a democratic society.

6459 **SECTION 71.** Section 37-29-272, Mississippi Code of 1972, is
6460 amended as follows:

6461 37-29-272. The board of trustees of any community college
6462 district in the state maintaining and operating an agricultural
6463 high school on July 1, 1994, is hereby authorized to transfer the
6464 control, maintenance and operation of said agricultural high
6465 school, including the transfer of title to all real and personal
6466 property used for agricultural high school purposes, to the county
6467 board of education of the county in which the school is located.
6468 Upon the acceptance by the county board of education and before an
6469 order authorizing such transfer shall be entered, the board of
6470 trustees of the community college district and the county board of
6471 education in which such school is located shall by joint
6472 resolution agree in writing on the terms of such transfer, the
6473 extent of the rights of use and occupancy of the school and
6474 grounds, and the control, management, preservation and
6475 responsibility of transportation of students to such premises, to
6476 be spread upon the minutes of each governing authority. Upon such



6477 transfer, the county board of education may abolish the
6478 agricultural high school as a distinct school, and merge its
6479 activities, programs and students into the regular high school
6480 curricula of the school district. When a community college has
6481 transferred operation of an agricultural high school as provided
6482 herein, the pupils attending such school shall be reported,
6483 accounted for allocation of * * * total funding formula funds and
6484 entitled to school transportation as though such pupils were
6485 attending the schools of the school district in which they reside,
6486 as provided in Sections 37-27-53 and 37-27-55 * * *. When any
6487 agricultural high school is transferred by the board of trustees
6488 of a community college to the county board of education as
6489 provided in this section, all laws relating to agricultural high
6490 school tax levies for the support or retirement of bonded
6491 indebtedness for agricultural high schools shall continue in full
6492 force and effect for the transferring community college district
6493 until current obligations on all bonded indebtednesses related to
6494 agriculture high schools have been satisfied and retired.

6495 **SECTION 72.** Section 37-29-303, Mississippi Code of 1972, is
6496 amended as follows:

6497 37-29-303. As used in Sections 37-29-301 through 37-29-305,
6498 the following terms shall be defined as provided in this section:

6499 (a) "Full-time equivalent (FTE) enrollment" means the
6500 process by which the Southern Regional Education Board (SREB)
6501 calculates FTE by taking total undergraduate semester credit hours



6502 divided by thirty (30); total undergraduate quarter hours divided
6503 by forty-five (45); total graduate semester credit hours divided
6504 by twenty-four (24); and total graduate quarter hours divided by
6505 thirty-six (36).

6506 (b) "State funds" means all funds appropriated by the
6507 Legislature including funds from the State General Fund, Education
6508 Enhancement Fund, Budget Contingency Fund and Health Care
6509 Expendable Fund.

6510 (c) "E & G operations" means education and general
6511 expenses of the colleges and universities.

6512 (d) * * * "Net enrollment" has the same meaning as
6513 ascribed to that term under Section 37-151-201.

6514 **SECTION 73.** Section 37-31-13, Mississippi Code of 1972, is
6515 amended as follows:

6516 37-31-13. (1) Any appropriation that may be made under the
6517 provisions of Sections 37-31-1 through 37-31-15 shall be used by
6518 the board for the promotion of vocational education as provided
6519 for in the "Smith-Hughes Act" and for the purpose set forth in
6520 Sections 37-31-1 through 37-31-15. The state appropriation shall
6521 not be used for payments to high schools which are now receiving
6522 other state funds, except in lieu of not more than one-half (1/2)
6523 the amount that may be due such high schools from federal funds.
6524 Only such portion of the state appropriation shall be used as may
6525 be absolutely necessary to carry out the provisions of Sections
6526 37-31-1 through 37-31-15, and to meet the federal requirements.



6527 Except as provided in subsection (2) of this section, the state
6528 appropriation shall not be used for payments to high schools for
6529 conducting vocational programs for more than ten (10) months in
6530 any school year, and only funds other than * * * total funding
6531 formula funds may be expended for such purpose.

6532 (2) Subject to annual approval by the State Board of
6533 Education, extended contracts for vocational agriculture education
6534 services and other related vocational education services which
6535 contribute to economic development may be conducted by local
6536 school districts, and state appropriations may be used for
6537 payments to school districts providing such services. The board
6538 of trustees of each school district shall determine whether any
6539 proposed services contribute to the economic development of the
6540 area. Local districts may apply to the Division of Vocational and
6541 Technical Education of the State Department of Education for any
6542 state funds available for these extended contracts. The State
6543 Board of Education shall establish the application process and the
6544 selection criteria for this program. The number of state funded
6545 extended contracts approved by the State Board of Education will
6546 be determined by the availability of funds specified for this
6547 purpose. The State Board of Education's decision shall be final.
6548 Payments under this subsection shall only be available to those
6549 high schools whose teachers of vocational programs are responsible
6550 for the following programs of instruction during those months
6551 between the academic years: (a) supervision and instruction of



6552 students in agricultural or other vocational experience programs;
6553 (b) group and individual instruction of farmers and
6554 agribusinessmen; (c) supervision of student members of youth
6555 groups who are involved in leadership training or other activity
6556 required by state or federal law; or (d) any program of vocational
6557 agriculture or other vocational-related services established by
6558 the Division of Vocational and Technical Education of the State
6559 Department of Education that contribute to the economic
6560 development of the geographic area.

6561 **SECTION 74.** Section 37-31-75, Mississippi Code of 1972, is
6562 amended as follows:

6563 37-31-75. The various counties, municipalities, school
6564 districts and community and junior college districts which may
6565 become parties to any agreement authorized by Sections 37-31-71
6566 through 37-31-79 are authorized to appropriate and expend any and
6567 all funds which may be required to carry out the terms of the
6568 agreement from any funds available to any party to the agreement
6569 not otherwise appropriated without limitation as to the source of
6570 the funds, including * * * total funding formula funds, sixteenth
6571 section funds, funds received from the federal government or other
6572 sources by way of grant, donation or otherwise, and funds which
6573 may be available to any such party through the State Department of
6574 Education or any other agency of the state, regardless of the
6575 party to the agreement designated by the agreement to be primarily
6576 responsible for the construction or operation of the regional



6577 education center and regardless of the limitation on the
6578 expenditure of any funds imposed by any other statute. However,
6579 no funds whose use was originally limited to the construction of
6580 capital improvements shall be utilized for the purpose of
6581 defraying the administrative or operating costs of any regional
6582 education center. Any one or more of the parties to an agreement
6583 may be designated as the fiscal agent or contracting party in
6584 carrying out any of the purposes of the agreement, and any and all
6585 funds authorized to be spent by any of the parties may be paid
6586 over to the fiscal agent or contracting party for disbursement by
6587 the fiscal agent or contracting party. Disbursements shall be
6588 made and contracted for under the laws and regulations applicable
6589 to the fiscal or disbursing agent, except to the extent they may
6590 be extended or modified by the provisions of Sections 37-31-71
6591 through 37-31-79. All of the parties to the agreement may issue
6592 bonds, negotiable notes or other evidences of indebtedness for the
6593 purpose of providing funds for the acquisition of land and for the
6594 construction of buildings and permanent improvements under the
6595 terms of the agreement under any existing laws authorizing the
6596 issuance or sale of bonds, negotiable notes or other evidences of
6597 indebtedness to provide funds for any capital improvement.

6598 **SECTION 75.** Section 37-35-3, Mississippi Code of 1972, is
6599 amended as follows:

6600 37-35-3. (1) The board of trustees of any school district,
6601 including any community or junior college, may establish and



6602 maintain classes for adults, including general educational
6603 development classes, under the regulations authorized in this
6604 chapter and pursuant to the standards prescribed in subsection
6605 (3). The property and facilities of the public school districts
6606 may be used for this purpose where such use does not conflict with
6607 uses already established.

6608 (2) The trustees of any school district desiring to
6609 establish such program may request the taxing authority of the
6610 district to levy additional ad valorem taxes for the support of
6611 this program. The board of supervisors, in the case of a county
6612 school district, a special municipal separate school district, or
6613 a community or junior college district, and the governing
6614 authority of any municipality, in the case of a municipal separate
6615 school district, is authorized, in its discretion, to levy a tax
6616 not exceeding one (1) mill upon all the taxable property of the
6617 district for the support of this program. The tax shall be in
6618 addition to all other taxes authorized by law to be levied. In
6619 addition to the funds realized from any such levy, the board of
6620 trustees of any school district is authorized to use any surplus
6621 funds that it may have or that may be made available to it from
6622 local sources to supplement this program.

6623 (3) (a) Any student participating in an approved High
6624 School Equivalency Diploma Option program administered by a local
6625 school district or a local school district with an approved
6626 contractual agreement with a community or junior college or other



6627 local entity shall not be considered a dropout. Students in such
6628 a program administered by a local school district shall be
6629 considered as enrolled within the school district of origin for
6630 the purpose of enrollment for * * * total funding formula funds
6631 only. Such students shall not be considered as enrolled in the
6632 regular school program for academic or programmatic purposes.

6633 (b) Students participating in an approved High School
6634 Equivalency Diploma Option program shall have an individual career
6635 plan developed at the time of placement to insure that the
6636 student's academic and job skill needs will be met. The
6637 Individual Career Plan will address, but is not limited to, the
6638 following:

6639 (i) Academic and instructional needs of the
6640 student;

6641 (ii) Job readiness needs of the student; and

6642 (iii) Work experience program options available
6643 for the student.

6644 (c) Students participating in an approved High School
6645 Equivalency Diploma Option program may participate in existing job
6646 and skills development programs or in similar programs developed
6647 in conjunction with the High School Equivalency Diploma Option
6648 program and the vocational director.

6649 (d) High School Equivalency Diploma Option programs may
6650 be operated by local school districts or may be operated by two
6651 (2) or more adjacent school districts, pursuant to a contract



6652 approved by the State Board of Education. When two (2) or more
6653 school districts contract to operate a High School Equivalency
6654 Diploma Option program, the school board of a district designated
6655 to be the lead district shall serve as the governing board of the
6656 High School Equivalency Diploma Option program. Transportation
6657 for students placed in the High School Equivalency Diploma Option
6658 program shall be the responsibility of the school district of
6659 origin. The expense of establishing, maintaining and operating
6660 such High School Equivalency Diploma Option programs may be paid
6661 from funds made available to the school district through
6662 contributions, * * * total funding formula funds or from local
6663 district maintenance funds.

6664 (e) The State Department of Education will develop
6665 procedures and criteria for placement of a student in the High
6666 School Equivalency Diploma Option programs. Students placed in
6667 High School Equivalency Diploma Option programs shall have
6668 parental approval for such placement and must meet the following
6669 criteria:

6670 (i) The student must be at least sixteen (16)
6671 years of age;

6672 (ii) The student must be at least one (1) full
6673 grade level behind his or her ninth grade cohort or must have
6674 acquired less than four (4) Carnegie units;



6675 (iii) The student must have taken every
6676 opportunity to continue to participate in coursework leading to a
6677 diploma; and

6678 (iv) The student must be certified to be eligible
6679 to participate in the GED course by the school district
6680 superintendent, based on the developed criteria.

6681 (f) Students participating in an approved High School
6682 Equivalency Diploma Option program, who are enrolled in subject
6683 area courses through January 31 in a school with a traditional
6684 class schedule or who are enrolled in subject area courses through
6685 October 31 or through March 31 in a school on a block schedule,
6686 shall be required to take the end-of-course subject area tests for
6687 those courses in which they are enrolled.

6688 **SECTION 76.** Section 37-37-3, Mississippi Code of 1972, is
6689 amended as follows:

6690 37-37-3. In addition to all auditors and other employees now
6691 or hereafter provided by law, the State Auditor may appoint and
6692 employ examiners in the Department of Audit. The examiners shall
6693 make such audits as may be necessary to determine the correctness
6694 and accuracy of all reports made to the State Department of
6695 Education by any school district or school official concerning the
6696 number of educable students in any school district, the number of
6697 students enrolled in any school district, the number of students
6698 in * * * net enrollment in any school district, and the number of



6699 students being transported or entitled to transportation to any of
6700 the public schools of this state.

6701 **SECTION 77.** Section 37-41-7, Mississippi Code of 1972, is
6702 amended as follows:

6703 37-41-7. The local school board is hereby authorized,
6704 empowered and directed to lay out all transportation routes and
6705 provide transportation for all school children who are entitled to
6706 transportation within their respective counties and school
6707 districts.

6708 Any school district may, in the discretion of the school
6709 board, expend funds from any funds available to the school
6710 district * * *, including the amounts derived from district tax
6711 levies, sixteenth section funds, and all other available funds,
6712 for the purpose of supplementing funds available to the school
6713 board for paying transportation costs * * * not covered by * * *
6714 total funding formula funds as provided in this act.

6715 **SECTION 78.** Section 37-45-49, Mississippi Code of 1972, is
6716 amended as follows:

6717 37-45-49. Any cost or fees provided by this chapter to be
6718 paid by any county board of education or board of trustees of a
6719 municipal separate school district may be paid by the county board
6720 of education from * * * any school funds of the district other
6721 than * * * total funding formula funds, and by the municipal
6722 separate school district from the maintenance funds of the
6723 district, other than * * * total funding formula funds. Any fees



6724 or costs provided by this chapter to be paid by the * * *
6725 department may be paid from the funds appropriated for its
6726 operation.

6727 **SECTION 79.** Section 37-47-9, Mississippi Code of 1972, is
6728 amended as follows:

6729 37-47-9. It is found and determined that the state should
6730 make an annual grant of Twenty-four Dollars (\$24.00) for each
6731 child in * * * net enrollment in the public schools of the various
6732 school districts of this state during each school year, and that
6733 such monies should be applied for the purpose of establishing and
6734 maintaining adequate physical facilities for the public school
6735 district and/or the payment of existing debt therefor.

6736 The grant to which each public school is entitled under the
6737 provisions of this section shall be credited to the school
6738 district of which such school is part. If any change is made in
6739 the operation or boundaries of any such school district, equitable
6740 reallocations shall be made by the * * * department of all
6741 balances to the credit of such school district, and all debits
6742 charged against the districts affected by the change in the
6743 boundaries or system of operation. The obligation of the state to
6744 make remittance of the sums appropriated or otherwise provided to
6745 make the annual grants provided by this section shall be
6746 subordinate to the pledge made to secure the state school bonds
6747 authorized under this chapter and the sinking fund created for
6748 their retirement. The grants shall be computed annually as soon



6749 as practicable after the end of the school year, and shall be
6750 based on the * * * net enrollment for such school year in all of
6751 the public schools operated by each school district as determined
6752 by the State Department of Education.

6753 **SECTION 80.** Section 37-47-25, Mississippi Code of 1972, is
6754 amended as follows:

6755 37-47-25. Whenever the State Department of Education shall
6756 determine that any school district is in need of capital
6757 improvements to an extent in excess of that which may be financed
6758 by the credit then due such school district by the department, the
6759 department shall be empowered to advance or lend * * * the school
6760 district such sums as in the opinion of the department are
6761 necessary to be expended for capital improvements by * * * that
6762 school district. Such loans or advances shall be evidenced by
6763 appropriate agreements, and shall be repayable in principal by the
6764 school district from the annual grants to which the school
6765 district shall become entitled and from such other funds as may be
6766 available. Such loans or advances shall not constitute a debt of
6767 the school district within the meaning of any provision or
6768 limitation of the Constitution or statutes of the State of
6769 Mississippi. The department shall not advance or lend to any
6770 school district any sum in excess of seventy-five percent (75%) of
6771 the estimated sum which will accrue to the * * * school district
6772 on account of grants to be made to the * * * school district
6773 within the twenty (20) years next following the date of the loan



6774 or advance. In determining the maximum allowable advance or loan,
6775 the department shall assume that the * * * net enrollment in the
6776 schools of the school district for the past preceding scholastic
6777 year, as confirmed by the audit of * * * net enrollment made by
6778 the State Department of Audit, will continue for the period during
6779 which the loan is to be repaid.

6780 **SECTION 81.** Section 37-47-33, Mississippi Code of 1972, is
6781 amended as follows:

6782 37-47-33. For the purpose of: (a) providing funds to enable
6783 the State Board of Education to make loans or advances to school
6784 districts as provided by Section 37-47-25 * * *; (b) providing
6785 funds for the payment and redemption of certificates of credit
6786 issued to school districts under Section 37-47-23, when such funds
6787 are not otherwise available * * *; or (c) providing funds in an
6788 amount not exceeding Twenty Million Dollars (\$20,000,000.00) for
6789 the payment of allocations of * * * total funding formula funds to
6790 school districts for capital expenditures approved under this act
6791 by the State Board of Education which have not been pledged for
6792 debt by the school district, when such funds are not otherwise
6793 available * * *, the State Bond Commission is authorized and
6794 empowered to issue state school bonds under the conditions
6795 prescribed in this chapter. The aggregate principal amount of
6796 such bonds outstanding at any one (1) time, after deducting the
6797 amount of the sinking fund provided for the retirement of bonds
6798 issued for such purposes, shall never exceed the sum of One



6799 Hundred Million Dollars (\$100,000,000.00). Within such limits,
6800 however, state school bonds may be issued from time to time under
6801 the conditions prescribed in this chapter. None of such bonds so
6802 issued shall have a maturity date later than July 1, 2021.

6803 **SECTION 82.** Section 37-61-3, Mississippi Code of 1972, is
6804 amended as follows:

6805 37-61-3. The * * * total funding formula allotments * * * to
6806 the public school districts and the funds derived from the
6807 supplemental school district tax levies authorized by law shall be
6808 used exclusively for the support, maintenance and operation of the
6809 schools in the manner provided by law for the fiscal years for
6810 which such funds were appropriated, collected or otherwise made
6811 available, and no part of said funds or allotments shall be used
6812 in paying any expenses incurred during any preceding fiscal year.
6813 However, this shall not be construed to prohibit the payment of
6814 expenses incurred during the fiscal year after the close of such
6815 fiscal year from amounts remaining on hand at the end of such
6816 fiscal year, provided that such expenses were properly payable
6817 from such amounts. Moreover, this shall not be construed to
6818 prohibit the payment of the salaries of superintendents,
6819 principals and teachers and other school employees whose salaries
6820 are payable in twelve (12) monthly installments after the close of
6821 the fiscal year from amounts on hand for such purpose at the end
6822 of the fiscal year.



6823 **SECTION 83.** Section 37-61-5, Mississippi Code of 1972, is
6824 amended as follows:

6825 37-61-5. If in any year there should remain a balance in
6826 the * * * total funding formula funds of any school district on
6827 June 30 which amount is not to be used or is not needed in the
6828 payment of expenses for the preceding fiscal year properly payable
6829 out of such * * * total funding formula funds, then such balance
6830 on hand to the credit of such * * * funds of the school district
6831 shall be carried forward as a part of such * * * total funding
6832 formula funds for the next succeeding fiscal year. The proper pro
6833 rata part of the amount so carried forward, to be determined by
6834 the percentage which the state * * * total funding formula
6835 funds * * * during the year bore to the entire amount * * * of the
6836 school district's total funding formula funds, shall be charged
6837 against and deducted from the amount which the school district is
6838 allotted from state * * * total funding formula funds for the
6839 succeeding fiscal year, in a manner prescribed by the State
6840 Auditor. The remainder of the amount so carried forward may be
6841 deducted from the amount which the school district is required to
6842 produce as its local minimum ad valorem tax effort for the support
6843 of the * * * total funding formula for the succeeding fiscal
6844 year * * *.

6845 **SECTION 84.** Section 37-61-7, Mississippi Code of 1972, is
6846 amended as follows:



6847 37-61-7. If at the end of any fiscal year there should
6848 remain a balance in the school district fund of any school
6849 district which is not needed and is not to be used for paying the
6850 expenses properly payable out of such district fund for the
6851 preceding fiscal year, such balance shall be carried forward as a
6852 part of the school district fund for the next fiscal year and used
6853 and expended in the manner otherwise provided by law. Nothing in
6854 this section shall be construed as applying to balances * * * of
6855 total funding formula funds of a school district, and balances
6856 remaining in such funds shall be governed by Section 37-61-5.

6857 **SECTION 85.** Section 37-61-19, Mississippi Code of 1972, is
6858 amended as follows:

6859 37-61-19. It shall be the duty of the superintendents of
6860 schools and the school boards of all school districts to limit the
6861 expenditure of school funds during the fiscal year to the
6862 resources available. It shall be unlawful for any school district
6863 to budget expenditures from a fund in excess of the resources
6864 available within that fund. Furthermore, it shall be unlawful for
6865 any contract to be entered into or any obligation incurred or
6866 expenditure made in excess of the resources available for such
6867 fiscal year. Any member of the school board, superintendent of
6868 schools, or other school official, who shall knowingly enter into
6869 any contract, incur any obligation, or make any expenditure in
6870 excess of the amount available for the fiscal year shall be
6871 personally liable for the amount of such excess. However, no



6872 school board member, superintendent or other school official shall
6873 be personally liable: (a) in the event of any reduction in * * *
6874 total funding formula payments by action of the Governor acting
6875 through the Department of Finance and Administration * * *; or (b)
6876 for claims, damages, awards or judgments, on account of any
6877 wrongful or tortious act or omission or breach of implied term or
6878 condition of any warranty or contract * * *. However, * * * the
6879 foregoing immunity provisions shall not be a defense in cases of
6880 fraud, criminal action or an intentional breach of fiduciary
6881 obligations imposed by statute.

6882 **SECTION 86.** Section 37-61-29, Mississippi Code of 1972, is
6883 amended as follows:

6884 37-61-29. The State Department of Audit is hereby authorized
6885 and empowered to post-audit and investigate the financial affairs
6886 and all transactions involving the school funds of the * * *
6887 school district including the * * * total funding formula funds
6888 and supplementary district school funds, and to make separate and
6889 special audits thereof, as now provided by Sections 7-7-201
6890 through 7-7-215 * * *.

6891 **SECTION 87.** Section 37-61-35, Mississippi Code of 1972, is
6892 amended as follows:

6893 37-61-35. There is hereby created a special fund in the
6894 State Treasury to be designated School Ad Valorem Tax Reduction
6895 Fund into which proceeds collected pursuant to Sections
6896 27-65-75(7) and 27-67-31(a) shall be deposited. Beginning with



6897 the 1994 state fiscal year, the entire amount of monies in such
6898 special fund shall be appropriated annually to the State
6899 Department of Education which shall distribute the appropriated
6900 amount to the various school districts in the proportion that
6901 the * * * net enrollment of each school district bears to
6902 the * * * net enrollment of all school districts within the state.
6903 On or before * * * June 1 of each * * * year, the State Department
6904 of Education shall notify each school district of the amount to
6905 which such district is entitled pursuant to this section.

6906 **SECTION 88.** Section 37-61-37, Mississippi Code of 1972, is
6907 amended as follows:

6908 37-61-37. There is established in the State Treasury a fund
6909 known as the "Mississippi Public Education Support Fund"
6910 (hereinafter referred to as "fund"). The fund shall consist of
6911 monies * * * as the Legislature may authorize or direct to be
6912 deposited into the fund. Monies in the fund, upon appropriation
6913 by the Legislature, may be expended by the * * * State Department
6914 of Education for classroom supplies, instructional materials and
6915 equipment, including computers and computer software, to be
6916 distributed to all school districts in the proportion that
6917 the * * * net enrollment of each school district bears to
6918 the * * * net enrollment of all school districts within the state.
6919 Unexpended amounts remaining in the fund at the end of the fiscal
6920 year shall not lapse into the State General Fund, and any interest



6921 earned or investment earnings on amounts in the fund shall be
6922 deposited to the credit of the fund.

6923 **SECTION 89.** Section 37-68-7, Mississippi Code of 1972, is
6924 amended as follows:

6925 37-68-7. (1) There is established the Equity in Distance
6926 Learning Grant Program which shall be administered by the
6927 department for the purpose of reimbursing schools for eligible
6928 expenses incurred in funding their distance learning plans, and in
6929 facilitating safe classroom and remote instruction.

6930 (2) Subject to appropriations by the Legislature,
6931 allocations to schools shall be made based on * * * net
6932 enrollment, as defined in Section * * * 37-151-201. For any
6933 school not funded under * * * the total funding formula, the
6934 department shall calculate the * * * net enrollment equivalent or
6935 fund the school based on enrollment.

6936 (3) Subject to the provisions of this chapter, and other
6937 applicable federal law and regulations, schools shall have the
6938 authority to use the funds provided in this grant program in a way
6939 which best facilitates their distance learning plan, and safe
6940 classroom or remote instruction.

6941 (4) Schools are highly encouraged to commit a portion of
6942 their federal ESSER funds, above the amount required by Section
6943 37-68-11(b), as supplemental matching funds to offset the total
6944 cost of purchasing sufficient electronic devices, technological
6945 supports and systems of service for its distance learning plan.



6946 **SECTION 90.** Section 37-131-7, Mississippi Code of 1972, is
6947 amended as follows:

6948 37-131-7. When any pupils shall attend any demonstration or
6949 practice school under the provisions of Section 37-131-3, such
6950 children shall be reported and accounted for the allocation
6951 of * * * total funding formula funds and state public school
6952 building funds just as though such children were attending the
6953 regular schools of the district in which they reside. For this
6954 purpose, reports shall be made to the school district involved by
6955 the demonstration or practice school of the number of pupils
6956 in * * * net enrollment, and the * * * net enrollment of such
6957 children shall thereupon be included in reports made to the State
6958 Board of Education * * * by the * * * school district * * *.

6959 Allocation of * * * the total funding formula funds shall be
6960 made by the State Board of Education for such children just as
6961 though such children were attending the regular schools of the
6962 district. All * * * total funding formula funds * * * which
6963 accrue to any district as a result of such children who are in
6964 attendance at a demonstration or practice school shall be paid by
6965 the board of trustees of the municipal separate school district or
6966 by the county board of education to the demonstration or practice
6967 school, and shall be used to defray the cost and expense of
6968 maintaining, operating and conducting such demonstration or
6969 practice school.



6970 All state public school building funds which accrue as a
6971 result of such children in attendance at a demonstration or
6972 practice school shall be credited directly to such demonstration
6973 or practice school, and all of the provisions of Chapter 47 of
6974 this title shall be fully applicable thereto.

6975 **SECTION 91.** Section 37-131-9, Mississippi Code of 1972, is
6976 amended as follows:

6977 37-131-9. In addition to the amounts paid to the
6978 demonstration or practice school from * * * total funding formula
6979 funds, as provided in Section 37-131-7, the board of trustees of
6980 the school district involved may contract with the * * *
6981 demonstration or practice school for the payment of additional
6982 amounts thereto to defray expenses over and above those defrayed
6983 by * * * the total funding formula funds, which additional amounts
6984 shall be paid from any funds available to the school district
6985 other than * * * total funding formula funds, whether produced by
6986 a supplemental district tax levy or otherwise.

6987 If the total funds paid to the demonstration or practice
6988 school by the school district are inadequate to defray the cost
6989 and expense of maintaining and operating such demonstration or
6990 practice school then the president or executive head of the
6991 institution may, subject to the approval of the Board of Trustees
6992 of State Institutions of Higher Learning, require the payment of
6993 additional fees or tuition in an amount to be fixed by the
6994 president or executive head of the institution, subject to the



6995 approval of the Board of Trustees of State Institutions of Higher
6996 Learning, which amount shall be paid by and collected from the
6997 student or his parents.

6998 Boards of trustees of school districts involved may designate
6999 an area within the jurisdiction of the board as an attendance
7000 center as provided by law, and may require students in such area
7001 to attend demonstration or practice schools, subject to a
7002 satisfactory contract between the school board and the president
7003 or executive head of the institution operating the demonstration
7004 or practice school. In such event, all fees and tuition must be
7005 borne by the school district and in no case shall the child or the
7006 parents of the child assigned to such demonstration or practice
7007 school be required to pay any fees or tuition.

7008 The president or executive head of the institution, subject
7009 to the approval of the Board of Trustees of State Institutions of
7010 Higher Learning, may also fix the amount of fees and tuition to be
7011 paid by students desiring to attend such demonstration or practice
7012 school in cases where there is no contract with the board of
7013 trustees of the school district in which the students reside
7014 therefor.

7015 All funds received by an institution, under the provisions of
7016 this section, shall be deposited in a special fund and shall be
7017 used and expended solely for the purpose of defraying and paying
7018 the cost and expense of operating, maintaining and conducting such
7019 teachers demonstration and practice school. Such funds may be



7020 supplemented by and used in connection with any other funds
7021 available to the institutions for such purpose whether made
7022 available by legislative appropriation or otherwise.

7023 **SECTION 92.** Section 37-131-11, Mississippi Code of 1972, is
7024 amended as follows:

7025 37-131-11. All demonstration or practice schools established
7026 under the provisions of Section 37-131-1 shall, as far as may be
7027 practicable, be subject to and governed by the same laws as other
7028 public schools of the State of Mississippi, and shall make all
7029 reports required by law to be made by public schools to the State
7030 Board of Education * * * at the same time and in the same manner
7031 as such reports are made by other public schools. However, for
7032 the purpose of the allocation of * * * total funding formula
7033 funds, the reports of children in * * * net enrollment shall be
7034 made to the school district involved by * * * the demonstration or
7035 practice school, and a copy thereof shall be filed with the State
7036 Board of Education. The school district shall use * * * the
7037 reports so filed with it in making its reports to the State Board
7038 of Education for the purpose of the allocation of * * * total
7039 funding formula funds, but the * * * net enrollment of the pupils
7040 attending such demonstration or practice school shall be
7041 segregated and separated in such reports from the * * * net
7042 enrollment in the regular schools of the district.

7043 **SECTION 93.** Section 37-151-9, Mississippi Code of 1972, is
7044 amended as follows:



7045 37-151-9. (1) The State Board of Education and State
7046 Superintendent of Education shall establish within the State
7047 Department of Education a special unit at the division level
7048 called the Office of Educational Accountability. The Director of
7049 the Office of Educational Accountability shall hold a position
7050 comparable to a deputy superintendent and shall be appointed by
7051 the State Board of Education with the advice and consent of the
7052 Senate. He shall serve at the will and pleasure of the State
7053 Board of Education and may employ necessary professional,
7054 administrative and clerical staff. The Director of the Office of
7055 Educational Accountability shall provide all reports to the
7056 Legislature, Governor, Mississippi Commission on School
7057 Accreditation and State Board of Education and respond to any
7058 inquiries for information.

7059 (2) The Office of Educational Accountability is responsible
7060 for monitoring and reviewing programs developed under the
7061 Education Reform Act, the Mississippi Adequate Education Program
7062 Act of 1994, the Education Enhancement Fund, this act, and
7063 subsequent education initiatives, and shall provide information,
7064 recommendations and an annual assessment to the Legislature,
7065 Governor, Mississippi Commission on School Accreditation and the
7066 State Board of Education. * * * The annual assessment of
7067 education reform programs shall be performed by the Office of
7068 Educational Accountability by December 1 of each year. * * *



(3) In addition, the Office of Educational Accountability shall have the following specific duties and responsibilities:

(a) Developing and maintaining a system of communication with school district personnel;

(b) Provide opportunities for public comment on the current functions of the State Department of Education's programs, needed public education services and innovative suggestions; and

(c) Assess both positive and negative impact on school districts of new education programs, including but not limited to The Mississippi Report Card and alternative school programs.

SECTION 94. Section 37-151-85, Mississippi Code of 1972, is amended as follows:

37-151-85. (1) * * * Using those funds appropriated by the Legislature for transportation purposes, the amount to be allotted by the State Board of Education for transportation shall be determined as follows:

The State Department of Education shall calculate the cost of transportation in school districts by ascertaining the average cost per pupil in * * * net enrollment of transported pupils in school districts classified in different density groups, as determined by the State Department of Education. Based on these calculations, the State Department of Education shall develop a scale for determining the allowable cost per pupil in different density groups, which scale shall provide greatest allowance per pupil transported in school districts with lowest densities and



7094 smallest allowance per pupil in school districts with highest
7095 densities. The total allowance * * * under this section for
7096 transported children for any school district for the current year
7097 shall be the * * * net enrollment of the transported children
7098 for * * * months two (2) and three (3) of the prior year,
7099 multiplied by the allowance per transported pupil as provided
7100 herein. However, the State Department of Education is * * *
7101 authorized and empowered to make proper adjustments in allotments,
7102 under rules and regulations of the State Board of Education, in
7103 cases where major changes in the number of children in * * * net
7104 enrollment transported occur from one (1) year to another as a
7105 result of changes or alterations in the boundaries of school
7106 districts, a change in or relocation of attendance centers, or for
7107 other reasons which would result in major decrease or increase in
7108 the number of children in * * * net enrollment transported during
7109 the current school year as compared with the preceding year.
7110 Moreover, the State Board of Education is hereby authorized and
7111 empowered to make such payments to all districts and/or
7112 university-based programs as deemed necessary in connection with
7113 transporting exceptional children as defined in Section 37-23-3.
7114 The State Board of Education shall establish and implement all
7115 necessary rules and regulations to allot transportation payments
7116 to university-based programs. In developing density
7117 classifications under the provisions hereof, the State Department
7118 of Education may give consideration to the length of the route,



7119 the sparsity of the population, the lack of adequate roads,
7120 highways and bridges, and the presence of large streams or other
7121 geographic obstacles. In addition to funds allotted under the
7122 above provisions, funds shall be allotted to each school district
7123 that transports students from their assigned school or attendance
7124 center to classes in an approved vocational-technical center at a
7125 rate per mile not to exceed the average statewide cost per mile of
7126 school bus transportation during the preceding year exclusive of
7127 bus replacement. All such transportation must have prior approval
7128 by the State Department of Education.

7129 (2) The * * * net enrollment of transported children shall
7130 be reported by the school district in which such children attend
7131 school. If children living in a school district are transported
7132 at the expense of such school district to another school district,
7133 the * * * net enrollment of such transported children shall be
7134 deducted by the State Department of Education from the
7135 aggregate * * * net enrollment of transported children in the
7136 school district in which they attend school and shall be added to
7137 the aggregate * * * net enrollment of transported children of the
7138 school district from which they come for the purpose of
7139 calculating transportation allotments. However, such deduction
7140 shall not be made for the purpose of calculating * * * total
7141 funding formula funding.

7142 (3) The State Department of Education shall include in the
7143 allowance for transportation for each school district an amount



7144 for the replacement of school buses or the purchase of new buses,
7145 which amount shall be calculated upon the estimated useful life of
7146 all school buses being used for the transportation of children in
7147 such school district, whether such buses be publicly or privately
7148 owned.

7149 (4) The school boards of all districts operating school bus
7150 transportation are authorized and directed to establish a salary
7151 schedule for school bus drivers. No school district shall be
7152 entitled to receive the funds herein allotted for transportation
7153 unless it pays each of its nonstudent adult school bus drivers
7154 paid from such transportation allotments a minimum of One Hundred
7155 Ninety Dollars (\$190.00) per month. In addition, local school
7156 boards may compensate school bus drivers, to include temporary or
7157 substitute bus drivers, for actual expenses incurred when
7158 acquiring an initial commercial license or any renewal of a
7159 commercial license in order to drive a school bus. In addition,
7160 local school boards may compensate school bus drivers, to include
7161 temporary or substitute bus drivers, for expenses, not to exceed
7162 One Hundred Dollars (\$100.00), when acquiring an initial medical
7163 exam or any renewal of a medical exam, in order to qualify for a
7164 commercial driver's license.

7165 (5) The State Board of Education shall be authorized and
7166 empowered to use such part of the funds appropriated for
7167 transportation * * * as may be necessary to finance driver
7168 training courses as provided for in Section 37-41-1 * * *.



7169 (6) The State Board of Education, acting through the
7170 Department of Education, may compensate school bus drivers, to
7171 include temporary or substitute bus drivers, who are providing
7172 driving services to the various state operated schools, such as
7173 the Mississippi School for the Deaf, the Mississippi School for
7174 the Blind, the Mississippi School of the Arts, the Mississippi
7175 School for Math and Science and any other similar state operated
7176 schools, for actual expenses incurred when acquiring an initial
7177 commercial license or any renewal of a commercial license in order
7178 to drive a school bus, to include the expense, not to exceed One
7179 Hundred Dollars (\$100.00), of acquiring an initial medical exam or
7180 any renewal of a medical exam in order to qualify for a commercial
7181 driver's license.

7182 **SECTION 95.** Section 37-151-87, Mississippi Code of 1972, is
7183 amended as follows:

7184 37-151-87. No school district shall pay any teacher less
7185 than the state minimum salary. * * * However, * * * school
7186 districts are authorized to reduce the state minimum salary by a
7187 pro rata daily amount in order to comply with the school district
7188 employee furlough provisions of Section 37-7-308. From and after
7189 July 1, 2012, no school district shall receive any funds under the
7190 provisions of this chapter for any school year during which the
7191 aggregate amount of local supplement * * * is reduced below such
7192 amount for the previous year. However, (a) where there has been a
7193 reduction in * * * total funding formula allocations for such



7194 district in such year, (b) where there has been a reduction in the
7195 amount of federal funds to such district below the previous year,
7196 or (c) where there has been a reduction in ad valorem taxes to
7197 such school district for the 1986-1987 school year below the
7198 amount for the previous year due to the exemption of nuclear
7199 generating plants from ad valorem taxation pursuant to Section
7200 27-35-309, * * * the aggregate amount of local supplement in such
7201 district may be reduced in the discretion of the local school
7202 board without loss of funds under this chapter. No school
7203 district may receive any funds under the provisions of this
7204 chapter for any school year if the aggregate amount of support
7205 from ad valorem taxation shall be reduced during such school year
7206 below such amount for the previous year; however, where there is a
7207 loss in * * * total funding formula allocations, or where there is
7208 or heretofore has been a decrease in the total assessed value of
7209 taxable property within a school district, the aggregate amount of
7210 such support may be reduced proportionately. Nothing herein
7211 contained shall prohibit any school district from adopting or
7212 continuing a program or plan whereby teachers are paid varying
7213 salaries according to the teaching ability, classroom performance
7214 and other similar standards.

7215 For purposes of this section, the term "local supplement"
7216 means the additional amount paid to an individual teacher over and
7217 above the salary schedule prescribed in Section 37-19-7 for the
7218 performance of regular teaching duties by that teacher.



7219 **SECTION 96.** Section 37-151-89, Mississippi Code of 1972, is
7220 amended as follows:

7221 37-151-89. The minimum base pay for all classroom teachers
7222 may be increased by the district from any funds available to
7223 it * * *.

7224 **SECTION 97.** Section 37-151-91, Mississippi Code of 1972, is
7225 amended as follows:

7226 37-151-91. The school boards of all school districts may
7227 establish salary schedules based on training, experience and other
7228 such factors as may be incorporated therein, including student
7229 progress and performance as developed by the State Board of
7230 Education, paying teachers greater amounts than the scale
7231 provided * * * in Section 37-19-7, but no teacher may be paid less
7232 than the amount based upon the minimum scale of pay provided
7233 in * * * Section 37-19-7, * * * and all supplements paid from
7234 local funds shall be based upon the salary schedules so
7235 established. The school boards may call upon the State Department
7236 of Education for aid and assistance in formulating and
7237 establishing such salary schedules, and it shall be the duty of
7238 the State Department of Education, when so called upon, to render
7239 such aid and assistance. The amount actually paid to each teacher
7240 shall be based upon and determined by the type of * * * license
7241 held by such teacher.

7242 **SECTION 98.** Section 37-151-93, Mississippi Code of 1972, is
7243 amended as follows:



7244 37-151-93. (1) Legally transferred students going from one
7245 school district to another shall be counted for * * * total
7246 funding formula allotments by the school district wherein the
7247 pupils attend school, but shall be counted for transportation
7248 allotment purposes in the school district which furnishes or
7249 provides the transportation. The school boards of the school
7250 districts which approve the transfer of a student under the
7251 provisions of Section 37-15-31 shall enter into an agreement and
7252 contract for the payment or nonpayment of any portion of their
7253 local maintenance funds which they deem fair and equitable in
7254 support of any transferred student. Except as provided in
7255 subsection (2) of this section, local maintenance funds shall be
7256 transferred only to the extent specified in the agreement and
7257 contract entered into by the affected school districts. The terms
7258 of any local maintenance fund payment transfer contract shall be
7259 spread upon the minutes of both of the affected school district
7260 school boards. The school district accepting any transfer
7261 students shall be authorized to accept tuition from such students
7262 under the provisions of Section 37-15-31(1) and such agreement may
7263 remain in effect for any length of time designated in the
7264 contract. The terms of such student transfer contracts and the
7265 amounts of any tuition charged any transfer student shall be
7266 spread upon the minutes of both of the affected school boards. No
7267 school district accepting any transfer students under the
7268 provisions of Section 37-15-31(2), which provides for the transfer



of certain school district employee dependents, shall be authorized to charge such transfer students any tuition fees.

(2) Local maintenance funds shall be paid by the home school district to the transferee school district for students granted transfers under the provisions of Sections 37-15-29(3) and 37-15-31(3), * * * not to exceed the * * * student base amount, as defined in Section * * * 37-151-201, multiplied by the number of such legally transferred students.

SECTION 99. Section 37-151-95, Mississippi Code of 1972, is amended as follows:

37-151-95. * * * Total funding formula funds shall * * * cover one hundred percent (100%) of the cost of the State and School Employees' Life and Health Insurance Plan created under Article 7, Chapter 15, Title 25, Mississippi Code of 1972, for all district employees who work no less than twenty (20) hours during each week and regular nonstudent school bus drivers employed by the district.

Where the use of federal funding is allowable to defray, in full or in part, the cost of participation in the insurance plan by district employees who work no less than twenty (20) hours during each week and regular nonstudent school bus drivers, whose salaries are paid, in full or in part, by federal funds, the * * * use of total funding formula funds as required under this section shall be reduced to the extent of the federal funding. Where the use of federal funds is allowable but not available, it is the



7294 intent of the Legislature that school districts contribute the
7295 cost of participation for such employees from local funds, except
7296 that parent fees for child nutrition programs shall not be
7297 increased to cover such cost.

7298 The State Department of Education, in accordance with rules
7299 and regulations established by the State Board of Education, may
7300 withhold a school district's * * * total funding formula funds for
7301 failure of the district to timely report student, fiscal and
7302 personnel data necessary to meet state and/or federal
7303 requirements. The rules and regulations promulgated by the State
7304 Board of Education shall require the withholding of * * * total
7305 funding formula funds for those districts that fail to remit
7306 premiums, interest penalties and/or late charges under the State
7307 and School Employees' Life and Health Insurance Plan.
7308 Noncompliance with such rules and regulations shall result in a
7309 violation of compulsory accreditation standards as established by
7310 the State Board of Education and Commission on School
7311 Accreditation.

7312 **SECTION 100.** Section 37-151-97, Mississippi Code of 1972, is
7313 amended as follows:

7314 37-151-97. The State Department of Education shall develop
7315 an annual reporting process to inform the Legislature, local
7316 district personnel and the general public as to the ongoing and
7317 future plans for the state's educational programs. The annual
7318 reporting process will include those vital statistics that are



7319 commonly reported by schools and districts and that can provide
7320 clear demographic, strategic and educational information to
7321 constituencies such as, but not limited to, the following
7322 information:

7323 (a) Student enrollment * * * and attendance * * *
7324 reported in the aggregate and specifically for each student
7325 population that is subject to weighting under this act, and
7326 drop-out and graduation data;

7327 (b) Overall student and district achievement;

7328 (c) Budget, administrative costs and other pertinent
7329 fiscal information, including:

7330 (i) The receipts and disbursements of all school
7331 funds handled by the board;

7332 (ii) Reports of expenditures for public schools,
7333 which, upon request must be made available on an individual
7334 district basis by the State Department of Education;

7335 1. Total Student Expenditures:

7336 a. Instruction (1000s);

7337 b. Other Student Instructional

7338 Expenditures (2100s, 2200s);

7339 2. General Administration (2300s and 2500s);

7340 3. School Administration (2400s);

7341 4. Other Expenditures (2600s, 2700s, 2800s,
7342 3100s, 3200s); and



7343 5. Nonoperational Expenditures (4000s, 5000s,
7344 6000s);

7345 (iii) The number of school districts, school
7346 teachers employed, school administrators employed, pupils taught
7347 and the attendance record of pupils therein;

7348 (iv) County and district levies for each school
7349 district and agricultural high school;

7350 (v) The condition of vocational education, a list
7351 of schools to which federal and state aid has been given, and a
7352 detailed statement of the expenditures of federal funds and the
7353 state funds that may be provided, and the ranking of subjects
7354 taught as compared with the state's needs.

7355 (d) Other as directed by the State Board of Education.

7356 Further, the reporting process will include an annual report
7357 developed specifically to relate the mission and goals of the
7358 State Board of Education, state superintendent and departments.
7359 This document will become the method through which the strategic
7360 planning and management process of the department is articulated
7361 to the public. It will explain and inform the public of the major
7362 initiatives of the department and clearly identify rationale for
7363 program development and/or elimination. The report will establish
7364 benchmarks, future plans and discuss the effectiveness of
7365 educational programs.

7366 In addition to the information specified herein, the State
7367 Board of Education shall have full and plenary authority and power



to require the furnishing of such further, additional and supplementary information as it may deem necessary for the purpose of determining the cost of * * * the total funding formula in such school district for the succeeding fiscal year, the amount of the * * * total funding formula funds to be allotted to each school district for the succeeding fiscal year, and for any other purpose authorized by law or deemed necessary by said State Board of Education.

It shall be the duty of the State Department of Education to prescribe the forms for the reports provided for in this section.

SECTION 101. Section 37-151-99, Mississippi Code of 1972, is amended as follows:

37-151-99. Based upon the information obtained pursuant to Section * * * 37-151-207(3) and upon such other and further information as provided by law, the State Department of Education shall, on or before June 1 of each year, or as soon thereafter as is practical, furnish each school board and charter school the preliminary estimate of the amount each will receive from * * * the total funding formula provided in this act for the succeeding scholastic year, and at the same time shall furnish each such school board with a tentative estimate of the cost of the * * * local minimum tax effort for the total funding formula in the school district and the local contribution for the school district and each charter school for such succeeding fiscal year.



7392 **SECTION 102.** Section 37-151-101, Mississippi Code of 1972,
7393 is amended as follows:

7394 37-151-101. It shall be the duty of the State Department of
7395 Education to file with the State Treasurer and the State Fiscal
7396 Officer such data and information as may be required to enable the
7397 said State Treasurer and State Fiscal Officer to distribute
7398 the * * * total funding formula funds provided in this act by
7399 electronic funds transfer to the several school districts and
7400 charter schools at the time required and provided under the
7401 provisions of this chapter. Such data and information so filed
7402 shall show in detail the amount of funds to which each school
7403 district and charter school is entitled * * * under the total
7404 funding formula. Such data and information so filed may be
7405 revised from time to time as necessitated by law. At the time
7406 provided by law, the State Treasurer and the State Fiscal Officer
7407 shall distribute to the several school districts and charter
7408 schools the amounts to which they are entitled * * * under the
7409 total funding formula as provided by this chapter. Such
7410 distribution shall be made by electronic funds transfer to the
7411 depositories of the several school districts and charter schools
7412 designated in writing to the State Treasurer based upon the data
7413 and information supplied by the State Department of Education for
7414 such distribution. In such instances, the State Treasurer shall
7415 submit a request for an electronic funds transfer to the State
7416 Fiscal Officer, which shall set forth the purpose, amount and



payees, and shall be in such form as may be approved by the State Fiscal Officer so as to provide the necessary information as would be required for a requisition and issuance of a warrant. A copy of the record of * * * the electronic funds transfers shall be transmitted by the school district and charter school depositories to the Treasurer, who shall file duplicates with the State Fiscal Officer. The Treasurer and State Fiscal Officer shall jointly promulgate regulations for the utilization of electronic funds transfers to school districts and charter schools.

SECTION 103. Section 37-151-103, Mississippi Code of 1972, is amended as follows:

37-151-103. (1) Funds due each school district and charter school under * * * the total funding formula provided in this act shall be paid in the following manner: Two (2) business days prior to the last working day of each month there shall be paid to each school district and charter school, by electronic funds transfer, one-twelfth (1/12) of the funds to which the district or charter school is entitled from funds appropriated for * * * total funding formula. However, in December those payments shall be made on December 15th or the next business day after that date. All school districts shall process a single monthly or a bimonthly payroll for employees, in the discretion of the local school board, with electronic settlement of payroll checks secured through direct deposit of net pay for all school district employees. In addition, the State Department of Education may pay



7442 school districts and charter schools * * * under the total funding
7443 formula on a date earlier than provided for by this section if it
7444 is determined that it is in the best interest of school districts
7445 and charter schools to do so.

7446 * * * However, * * * if the cash balance in the State
7447 General Fund is not adequate on the due date to pay the amounts
7448 due to all school districts and charter schools in the state as
7449 determined by the State Superintendent of Public Education, the
7450 State Fiscal Officer shall not transfer * * * the funds payable to
7451 any school district or districts or charter schools until money is
7452 available to pay the amount due to all districts and charter
7453 schools.

7454 (2) Notwithstanding any provision of this chapter or any
7455 other law requiring the number of children in * * * net enrollment
7456 or the * * * net enrollment of transported children to be
7457 determined on the basis of the preceding year, the State Board of
7458 Education is hereby authorized and empowered to make proper
7459 adjustments in allotments in cases where major changes in the
7460 number of children in * * * net enrollment or the * * * net
7461 enrollment of transported children occurs from one (1) year to
7462 another as a result of changes or alterations in the boundaries of
7463 school districts, the sending of children from one (1) county or
7464 district to another upon a contract basis, the termination or
7465 discontinuance of a contract for the sending of children from one
7466 (1) county or district to another, a change in or relocation of



7467 attendance centers, or for any other reason which would result in
7468 a major decrease or increase in the number of children in * * *
7469 net enrollment or the * * * net enrollment of transported children
7470 during the current school year as compared with the preceding
7471 year.

7472 * * *

7473 **SECTION 104.** Section 37-151-105, Mississippi Code of 1972,
7474 is amended as follows:

7475 37-151-105. The State Board of Education shall have the
7476 authority to make such regulations not inconsistent with law which
7477 it deems necessary for the administration of this chapter. The
7478 State Board of Education, if it deems such practice necessary, may
7479 use reports of the first six (6) months of school for the purpose
7480 of determining * * * net enrollment.

7481 **SECTION 105.** Section 37-151-107, Mississippi Code of 1972,
7482 is amended as follows:

7483 37-151-107. Any superintendent of education, member of the
7484 local school board of any school district, superintendent,
7485 principal, teacher, carrier, bus driver or member or employee of
7486 the State Department of Education or State Board of Education, or
7487 any other person, who shall willfully violate any of the
7488 provisions of this chapter, or who shall willfully make any false
7489 report, list or record, or who shall willfully make use of any
7490 false report, list or record, concerning the number of school
7491 children in * * * net enrollment shall be guilty of a misdemeanor



7492 and upon conviction shall be punished by imprisonment in the
7493 county jail for a period not to exceed sixty (60) days or by a
7494 fine of not less than One Hundred Dollars (\$100.00), nor more than
7495 Three Hundred Dollars (\$300.00), or by both such fine and
7496 imprisonment, in the discretion of the court. In addition, any
7497 such person shall be civilly liable for all amounts of public
7498 funds which are illegally, unlawfully or wrongfully expended or
7499 paid out by virtue of or pursuant to such false report, list or
7500 record, and upon conviction or adjudication of civil liability
7501 hereunder, such person shall forfeit his license to teach for a
7502 period of three (3) years, if such person is the holder of such a
7503 license. Any suit to recover such funds illegally, unlawfully or
7504 wrongfully expended or paid out may be brought in the name of the
7505 State of Mississippi by the Attorney General or the proper
7506 district attorney or county attorney, and, in the event such
7507 suit * * * is brought against a person who is under bond, the
7508 sureties upon such bond shall likewise be liable for such amount
7509 illegally, unlawfully or wrongfully expended or paid out.

7510 **SECTION 106.** Section 37-173-9, Mississippi Code of 1972, is
7511 amended as follows:

7512 37-173-9. (1) (a) The parent or legal guardian is not
7513 required to accept the offer of enrolling in another public school
7514 in lieu of requesting a Mississippi Dyslexia Therapy Scholarship
7515 to a nonpublic school. However, if the parent or legal guardian
7516 chooses the public school option, the student may continue



7517 attending a public school chosen by the parent or legal guardian
7518 until the student completes Grade 12.

7519 (b) If the parent or legal guardian chooses a public
7520 school within the district, the school district shall provide
7521 transportation to the public school selected by the parent or
7522 legal guardian. However, if the parent or legal guardian chooses
7523 a public school in another district, the parent or legal guardian
7524 is responsible to provide transportation to the school of choice.

7525 These provisions do not prohibit a parent or legal guardian
7526 of a student diagnosed with dyslexia, at any time, from choosing
7527 the option of a Mississippi Dyslexia Therapy Scholarship which
7528 would allow the student to attend another public school or
7529 nonpublic special purpose school.

7530 (2) If the parent or legal guardian chooses the nonpublic
7531 school option and the student is accepted by the nonpublic school
7532 pending the availability of a space for the student, the parent or
7533 legal guardian of the student must notify the department thirty
7534 (30) days before the first scholarship payment and before entering
7535 the nonpublic school in order to be eligible for the scholarship
7536 when a space becomes available for the student in the nonpublic
7537 school.

7538 (3) The parent or legal guardian of a student may choose, as
7539 an alternative, to enroll the student in and transport the student
7540 to a public school in an adjacent school district which has
7541 available space and has a program with dyslexia services that



provide daily dyslexia therapy sessions delivered by a department licensed dyslexia therapist, and that school district shall accept the student and report the student for purposes of the district's funding under * * * the total funding formula provided in this act.

SECTION 107. Section 37-173-13, Mississippi Code of 1972, is amended as follows:

37-173-13. (1) The maximum scholarship granted per eligible student with dyslexia shall be an amount equivalent to the * * * student base amount under the total funding formula provided in this act.

(2) (a) The nonpublic school under this program shall report to the * * * State Department of Education the number of students with dyslexia who are enrolled in nonpublic schools on the Mississippi Dyslexia Therapy Scholarships as of September 30 of each year in order to determine funding for the subsequent year. Funds may not be transferred from any funding provided to the Mississippi School for the Deaf and the Blind for program participants who are eligible under Section 37-173-5.

(b) The * * * State Department of Education will disburse payments to nonpublic schools under this program in twelve (12) substantially equal installments. The initial payment shall be made after department verification of admission acceptance, and subsequent payments shall be made upon



7566 verification of continued enrollment and attendance at the
7567 nonpublic school.

7568 **SECTION 108.** Section 37-175-13, Mississippi Code of 1972, is
7569 amended as follows:

7570 37-175-13. (1) The maximum scholarship granted per eligible
7571 student with speech-language impairment shall be an amount
7572 equivalent to the * * * state share of per student funding under
7573 the total funding formula provided in this act in the school
7574 district in which a student resides.

7575 (2) (a) Any nonpublic school under this program shall
7576 report to the State Department of Education the number of students
7577 with speech-language impairment who are enrolled in nonpublic
7578 schools on the Mississippi Speech-Language Therapy Scholarships as
7579 of September 30 of each year in order to determine funding for the
7580 subsequent year. Funds may not be transferred from any funding
7581 provided to the Mississippi School for the Deaf and the Blind for
7582 program participants who are eligible under Section 37-175-5.

7583 (b) The State Department of Education shall make
7584 payments to nonpublic schools for each student at the nonpublic
7585 school equal to the state share of the * * * total funding formula
7586 payments for each student in * * * net enrollment at the school
7587 district from which the student transferred. In calculating the
7588 local contribution for purposes of determining the state share of
7589 the * * * total funding formula payments, the department shall
7590 deduct the pro rata local contribution of the school district in



7591 which the student resides, to be determined as provided in
7592 Section * * * 37-151-217(2).

7593 (c) Payments made pursuant to this subsection by the
7594 State Department of Education must be made at the same time and in
7595 the same manner as * * * the total funding formula payments are
7596 made to school districts under Sections 37-151-101 and 37-151-103.
7597 Amounts payable to a nonpublic school must be determined by the
7598 State Department of Education.

7599 (3) If the parent opts to remove a child from a public
7600 school to a nonpublic special purpose school and to receive a
7601 scholarship under this chapter, then transportation shall be
7602 provided at the parent's or guardian's expense.

7603 **SECTION 109.** Section 37-179-3, Mississippi Code of 1972, is
7604 amended as follows:

7605 37-179-3. (1) A district which is an applicant to be
7606 designated as a district of innovation under Section 37-179-1
7607 shall:

7608 (a) Establish goals and performance targets for the
7609 district of innovation proposal, which may include:

7610 (i) Reducing achievement gaps among groups of
7611 public school students by expanding learning experiences for
7612 students who are identified as academically low-achieving;

7613 (ii) Increasing pupil learning through the
7614 implementation of high, rigorous standards for pupil performance;



7615 (iii) Increasing the participation of students in
7616 various curriculum components and instructional components within
7617 selected schools to enhance at each grade level;
7618 (iv) Increasing the number of students who are
7619 college and career-ready;
7620 (v) Motivating students at different grade levels
7621 by offering more curriculum choices and student learning
7622 opportunities to parents and students within the district;
7623 (b) Identify changes needed in the district and schools
7624 to lead to better prepared students for success in life and work;
7625 (c) Have a district wide plan of innovation that
7626 describes and justifies which schools and innovative practices
7627 will be incorporated;
7628 (d) Provide documentation of community, educator,
7629 parental, and the local board's support of the proposed
7630 innovations;
7631 (e) Provide detailed information regarding the
7632 rationale of requests for waivers from Title 37, Mississippi Code
7633 of 1972, which relate to the elementary and secondary education of
7634 public school students, and administrative regulations, and
7635 exemptions for selected schools regarding waivers of local school
7636 board policies;
7637 (f) Document the fiscal and human resources the board
7638 will provide throughout the term of the implementation of the
7639 innovations within its plan; and



7640 (g) Provide other materials as required by the
7641 department in compliance with the board's administrative
7642 regulations and application procedures.

7643 (2) The district and all schools participating in a
7644 district's innovation plan shall:

7645 (a) Ensure the same health, safety, civil rights, and
7646 disability rights requirements as are applied to all public
7647 schools;

7648 (b) Ensure students meet compulsory attendance
7649 requirements under Sections 37-13-91 and 37-13-92;

7650 (c) Ensure that high school course offerings meet or
7651 exceed the minimum required under Sections 37-16-7 and 37-3-49,
7652 for high school graduation or meet early graduation requirements
7653 that may be enacted by the Mississippi Legislature;

7654 (d) Ensure the student performance standards meet or
7655 exceed those adopted by the State Board of Education as required
7656 by Sections 37-3-49, 37-16-3 and 37-17-6, including compliance
7657 with the statewide assessment system specified in Chapter 16,
7658 Title 37, Mississippi Code of 1972;

7659 (e) Adhere to the same financial audits, audit
7660 procedures, and audit requirements as are applied under Section
7661 7-7-211(e);

7662 (f) Require state and criminal background checks for
7663 staff and volunteers as required of all public school employees



7664 and volunteers within the public schools and specified in Section
7665 37-9-17;

7666 (g) Comply with open records and open meeting
7667 requirements under Sections 25-41-1 et seq. and 25-61-1 et seq.;

7668 (h) Comply with purchasing requirements and limitations
7669 under Chapter 39, Title 37, Mississippi Code of 1972;

7670 (i) Provide overall instructional time that is
7671 equivalent to or greater than that required under Sections 37-1-11
7672 and 37-13-67, but which may include on-site instruction, distance
7673 learning, online courses, and work-based learning on
7674 nontraditional school days or hours; and

7675 (j) Provide data to the department as deemed necessary
7676 to generate school and district reports.

7677 (3) (a) Only schools that choose to be designated as
7678 schools of innovation shall be included in a district's
7679 application;

7680 (b) As used in this paragraph, "eligible employees"
7681 means employees that are regularly employed at the school and
7682 those employees whose primary job duties will be affected by the
7683 plan; and

7684 (c) Notwithstanding the provisions of paragraph (a) of
7685 this subsection, a local school board may require a school that
7686 has been identified as a persistently low-achieving school under
7687 provisions of Section 37-17-6 to participate in the district's
7688 plan of innovation.



7689 (4) Notwithstanding any statutes to the contrary, the board
7690 may approve the requests of districts of innovation to:

7691 (a) Use capital outlay funds for operational costs;

7692 (b) Hire persons for classified positions in
7693 nontraditional school and district assignments who have bachelors
7694 and advanced degrees from postsecondary education institutions
7695 accredited by a regional accrediting association (Southern
7696 Association of Colleges and Schools) or by an organization
7697 affiliated with the National Commission on Accrediting;

7698 (c) Employ teachers on extended employment contracts or
7699 extra duty contracts and compensate them on a salary schedule
7700 other than the single salary schedule;

7701 (d) Extend the school days as is appropriate within the
7702 district with compensation for the employees as determined
7703 locally;

7704 (e) Establish alternative education programs and
7705 services that are delivered in nontraditional hours and which may
7706 be jointly provided in cooperation with another school district or
7707 consortia of districts;

7708 (f) Establish online classes within the district for
7709 delivering alternative classes in a blended environment to meet
7710 high school graduation requirements;

7711 (g) Use a flexible school calendar;

7712 (h) Convert existing schools into schools of
7713 innovation; and



7714 (i) Modify the formula under * * * Chapter 151, Title
7715 37, Mississippi Code of 1972, for distributing * * * total funding
7716 formula funds for students in * * * net enrollment in
7717 nontraditional programming time, including alternative programs
7718 and virtual programs. Funds granted to a district shall not
7719 exceed those that would have otherwise been distributed based
7720 on * * * net enrollment during regular instructional days.

7721 **SECTION 110.** Section 37-181-7, Mississippi Code of 1972, is
7722 amended as follows:

7723 37-181-7. (1) The ESA program created in this chapter shall
7724 be limited to five hundred (500) students in the school year
7725 2015-2016, with new enrollment limited to five hundred (500)
7726 additional students each year thereafter. Subject to
7727 appropriation from the General Fund, each student's ESA shall be
7728 funded at Six Thousand Five Hundred Dollars (\$6,500.00) for school
7729 year 2015-2016. For each subsequent year, this amount shall
7730 increase or decrease by the same proportion as the * * * student
7731 base amount under Section * * * 37-151-203 is increased or
7732 decreased.

7733 (2) Subject to appropriation, eligible students shall be
7734 approved for participation in the ESA program as follows:

7735 (a) Until participation in the ESA program reaches
7736 fifty percent (50%) of the annual enrollment limits in subsection
7737 (1) of this section, students shall be approved on a first-come,



7738 first-served basis, with applications being reviewed on a rolling
7739 basis;

7740 (b) After participation reaches fifty percent (50%) of
7741 the annual enrollment limits in subsection (1) of this section,
7742 the department shall set annual application deadlines for the
7743 remaining number of available ESAs and begin to maintain a waiting
7744 list of eligible students. The waitlist will be maintained in the
7745 chronological order in which applications are received. The
7746 department shall award ESA program applications in chronological
7747 order according to the waitlist; and

7748 (c) Participating students who remain eligible for the
7749 ESA program are automatically approved for participation for the
7750 following year and are not subject to the random selection
7751 process.

7752 (3) No funds for an ESA may be expended from * * * total
7753 funding formula funds provided in this act, nor shall any school
7754 district be required to provide funding for an ESA.

7755 **SECTION 111.** Section 41-79-5, Mississippi Code of 1972, is
7756 amended as follows:

7757 41-79-5. (1) There is hereby established within the State
7758 Department of Health a school nurse intervention program,
7759 available to all public school districts in the state.

7760 (2) By the school year 1998-1999, each public school
7761 district shall have employed a school nurse, to be known as a
7762 Health Service Coordinator, pursuant to the school nurse



7763 intervention program prescribed under this section. The school
7764 nurse intervention program shall offer any of the following
7765 specific preventive services, and other additional services
7766 appropriate to each grade level and the age and maturity of the
7767 pupils:

7768 (a) Reproductive health education and referral to
7769 prevent teen pregnancy and sexually transmitted diseases, which
7770 education shall include abstinence;

7771 (b) Child abuse and neglect identification;

7772 (c) Hearing and vision screening to detect problems
7773 which can lead to serious sensory losses and behavioral and
7774 academic problems;

7775 (d) Alcohol, tobacco and drug abuse education to reduce
7776 abuse of these substances;

7777 (e) Scoliosis screening to detect this condition so
7778 that costly and painful surgery and lifelong disability can be
7779 prevented;

7780 (f) Coordination of services for handicapped children
7781 to ensure that these children receive appropriate medical
7782 assistance and are able to remain in public school;

7783 (g) Nutrition education and counseling to prevent
7784 obesity and/or other eating disorders which may lead to
7785 life-threatening conditions, for example, hypertension;

7786 (h) Early detection and treatment of head lice to
7787 prevent the spread of the parasite and to reduce absenteeism;



7788 (i) Emergency treatment of injury and illness to
7789 include controlling bleeding, managing fractures, bruises or
7790 contusions and cardiopulmonary resuscitation (CPR);
7791 (j) Applying appropriate theory as the basis for
7792 decision making in nursing practice;
7793 (k) Establishing and maintaining a comprehensive school
7794 health program;
7795 (l) Developing individualized health plans;
7796 (m) Assessing, planning, implementing and evaluating
7797 programs and other school health activities, in collaboration with
7798 other professionals;
7799 (n) Providing health education to assist students,
7800 families and groups to achieve optimal levels of wellness;
7801 (o) Participating in peer review and other means of
7802 evaluation to assure quality of nursing care provided for students
7803 and assuming responsibility for continuing education and
7804 professional development for self while contributing to the
7805 professional growth of others;
7806 (p) Participating with other key members of the
7807 community responsible for assessing, planning, implementing and
7808 evaluating school health services and community services that
7809 include the broad continuum or promotion of primary, secondary and
7810 tertiary prevention; and
7811 (q) Contributing to nursing and school health through
7812 innovations in theory and practice and participation in research.



7813 (3) Public school nurses shall be specifically prohibited
7814 from providing abortion counseling to any student or referring any
7815 student to abortion counseling or abortion clinics. Any violation
7816 of this subsection shall disqualify the school district employing
7817 such public school nurse from receiving any state administered
7818 funds under this section.

7819 (4) Repealed.

7820 (5) Beginning with the 1997-1998 school year, to the extent
7821 that federal or state funds are available therefor and pursuant to
7822 appropriation therefor by the Legislature, in addition to the
7823 school nurse intervention program funds administered under
7824 subsection (4), the State Department of Health shall establish and
7825 implement a Prevention of Teen Pregnancy Pilot Program to be
7826 located in the public school districts with the highest numbers of
7827 teen pregnancies. The Teen Pregnancy Pilot Program shall provide
7828 the following education services directly through public school
7829 nurses in the pilot school districts: health education sessions
7830 in local schools, where contracted for or invited to provide,
7831 which target issues including reproductive health, teen pregnancy
7832 prevention and sexually transmitted diseases, including syphilis,
7833 HIV and AIDS. When these services are provided by a school nurse,
7834 training and counseling on abstinence shall be included.

7835 (6) In addition to the school nurse intervention program
7836 funds administered under subsection (4) and the Teen Pregnancy
7837 Pilot Program funds administered under subsection (5), to the



7838 extent that federal or state funds are available therefor and
7839 pursuant to appropriation therefor by the Legislature, the State
7840 Department of Health shall establish and implement an Abstinence
7841 Education Pilot Program to provide abstinence education,
7842 mentoring, counseling and adult supervision to promote abstinence
7843 from sexual activity, with a focus on those groups which are most
7844 likely to bear children out of wedlock. Such abstinence education
7845 services shall be provided by the State Department of Health
7846 through its clinics, public health nurses, school nurses and
7847 through contracts with rural and community health centers in order
7848 to reach a larger number of targeted clients. For purposes of
7849 this subsection, the term "abstinence education" means an
7850 educational or motivational program which:

7851 (a) Has as its exclusive purpose, teaching the social,
7852 psychological and health gains to be realized by abstaining from
7853 sexual activity;

7854 (b) Teaches abstinence from sexual activity outside
7855 marriage as the expected standard for all school-age children;

7856 (c) Teaches that abstinence from sexual activity is the
7857 only certain way to avoid out-of-wedlock pregnancy, sexually
7858 transmitted diseases and other associated health problems;

7859 (d) Teaches that a mutually faithful monogamous
7860 relationship in context of marriage is the expected standard of
7861 human sexual activity;



7862 (e) Teaches that sexual activity outside of the context
7863 of marriage is likely to have harmful psychological and physical
7864 effects;

7865 (f) Teaches that bearing children out of wedlock is
7866 likely to have harmful consequences for the child, the child's
7867 parents and society;

7868 (g) Teaches young people how to reject sexual advances
7869 and how alcohol and drug use increase vulnerability to sexual
7870 advances; and

7871 (h) Teaches the importance of attaining
7872 self-sufficiency before engaging in sexual activity.

7873 (7) * * * Pursuant to appropriation therefor by the
7874 Legislature, in addition to * * * funds allotted under * * * the
7875 total funding formula provided in this act, each school district
7876 shall be allotted an * * * amount for the purpose of employing
7877 qualified public school nurses in such school district, which in
7878 no event shall be less than one (1) * * * nurse per school
7879 district, for such purpose. In the event the Legislature provides
7880 less funds than the total state funds needed for the public school
7881 nurse allotment, those school districts with fewer * * * nurses
7882 per the number of students in net enrollment shall be the first
7883 funded for such purpose, to the extent of funds available.

7884 (8) Prior to the 1998-1999 school year, nursing staff
7885 assigned to the program shall be employed through the local county
7886 health department and shall be subject to the supervision of the



7887 State Department of Health with input from local school officials.
7888 Local county health departments may contract with any
7889 comprehensive private primary health care facilities within their
7890 county to employ and utilize additional nursing staff. Beginning
7891 with the 1998-1999 school year, nursing staff assigned to the
7892 program shall be employed by the local school district and shall
7893 be designated as "health service coordinators," and shall be
7894 required to possess a bachelor's degree in nursing as a minimum
7895 qualification.

7896 (9) Upon each student's enrollment, the parent or guardian
7897 shall be provided with information regarding the scope of the
7898 school nurse intervention program. The parent or guardian may
7899 provide the school administration with a written statement
7900 refusing all or any part of the nursing service. No child shall
7901 be required to undergo hearing and vision or scoliosis screening
7902 or any other physical examination or tests whose parent objects
7903 thereto on the grounds such screening, physical examination or
7904 tests are contrary to his sincerely held religious beliefs.

7905 (10) A consent form for reproductive health education shall
7906 be sent to the parent or guardian of each student upon his
7907 enrollment. If a response from the parent or guardian is not
7908 received within seven (7) days after the consent form is sent, the
7909 school shall send a letter to the student's home notifying the
7910 parent or guardian of the consent form. If the parent or guardian
7911 fails to respond to the letter within ten (10) days after it is



7912 sent, then the school principal shall be authorized to allow the
7913 student to receive reproductive health education. Reproductive
7914 health education shall include the teaching of total abstinence
7915 from premarital sex and, wherever practicable, reproductive health
7916 education should be taught in classes divided according to gender.
7917 All materials used in the reproductive health education program
7918 shall be placed in a convenient and easily accessible location for
7919 parental inspection. School nurses shall not dispense birth
7920 control pills or contraceptive devices in the school. Dispensing
7921 of such shall be the responsibility of the State Department of
7922 Health on a referral basis only.

7923 (11) No provision of this section shall be construed as
7924 prohibiting local school districts from accepting financial
7925 assistance of any type from the State of Mississippi or any other
7926 governmental entity, or any contribution, donation, gift, decree
7927 or bequest from any source which may be utilized for the
7928 maintenance or implementation of a school nurse intervention
7929 program in a public school system of this state.

7930 **SECTION 112.** Section 43-17-5, Mississippi Code of 1972, is
7931 amended as follows:

7932 43-17-5. (1) The amount of Temporary Assistance for Needy
7933 Families (TANF) benefits which may be granted for any dependent
7934 child and a needy caretaker relative shall be determined by the
7935 county department with due regard to the resources and necessary
7936 expenditures of the family and the conditions existing in each



7937 case, and in accordance with the rules and regulations made by the
7938 Department of Human Services which shall not be less than the
7939 Standard of Need in effect for 1988, and shall be sufficient when
7940 added to all other income (except that any income specified in the
7941 federal Social Security Act, as amended, may be disregarded) and
7942 support available to the child to provide such child with a
7943 reasonable subsistence compatible with decency and health. The
7944 first family member in the dependent child's budget may receive an
7945 amount not to exceed Two Hundred Dollars (\$200.00) per month; the
7946 second family member in the dependent child's budget may receive
7947 an amount not to exceed Thirty-six Dollars (\$36.00) per month; and
7948 each additional family member in the dependent child's budget an
7949 amount not to exceed Twenty-four Dollars (\$24.00) per month. The
7950 maximum for any individual family member in the dependent child's
7951 budget may be exceeded for foster or medical care or in cases of
7952 children with an intellectual disability or a physical disability.
7953 TANF benefits granted shall be specifically limited only (a) to
7954 children existing or conceived at the time the caretaker relative
7955 initially applies and qualifies for such assistance, unless this
7956 limitation is specifically waived by the department, or (b) to a
7957 child born following a twelve-consecutive-month period of
7958 discontinued benefits by the caretaker relative.

7959 (2) TANF benefits in Mississippi shall be provided to the
7960 recipient family by an online electronic benefits transfer system.



7961 (3) The Department of Human Services shall deny TANF
7962 benefits to the following categories of individuals, except for
7963 individuals and families specifically exempt or excluded for good
7964 cause as allowed by federal statute or regulation:

7965 (a) Families without a minor child residing with the
7966 custodial parent or other adult caretaker relative of the child;

7967 (b) Families which include an adult who has received
7968 TANF assistance for sixty (60) months after the commencement of
7969 the Mississippi TANF program, whether or not such period of time
7970 is consecutive;

7971 (c) Families not assigning to the state any rights a
7972 family member may have, on behalf of the family member or of any
7973 other person for whom the family member has applied for or is
7974 receiving such assistance, to support from any other person, as
7975 required by law;

7976 (d) Families who fail to cooperate in establishing
7977 paternity or obtaining child support, as required by law;

7978 (e) Any individual who has not attained eighteen (18)
7979 years of age, is not married to the head of household, has a minor
7980 child at least twelve (12) weeks of age in his or her care, and
7981 has not successfully completed a high school education or its
7982 equivalent, if such individual does not participate in educational
7983 activities directed toward the attainment of a high school diploma
7984 or its equivalent, or an alternative educational or training
7985 program approved by the department;



7986 (f) Any individual who has not attained eighteen (18)
7987 years of age, is not married, has a minor child in his or her
7988 care, and does not reside in a place or residence maintained by a
7989 parent, legal guardian or other adult relative or the individual
7990 as such parent's, guardian's or adult relative's own home;

7991 (g) Any minor child who has been, or is expected by a
7992 parent or other caretaker relative of the child to be, absent from
7993 the home for a period of more than thirty (30) days;

7994 (h) Any individual who is a parent or other caretaker
7995 relative of a minor child who fails to notify the department of
7996 the absence of the minor child from the home for the thirty-day
7997 period specified in paragraph (g), by the end of the five-day
7998 period that begins with the date that it becomes clear to the
7999 individual that the minor child will be absent for the thirty-day
8000 period;

8001 (i) Any individual who fails to comply with the
8002 provisions of the Employability Development Plan signed by the
8003 individual which prescribe those activities designed to help the
8004 individual become and remain employed, or to participate
8005 satisfactorily in the assigned work activity, as authorized under
8006 subsection (6) (c) and (d), or who does not engage in applicant job
8007 search activities within the thirty-day period for TANF
8008 application approval after receiving the advice and consultation
8009 of eligibility workers and/or caseworkers of the department



8010 providing a detailed description of available job search venues in
8011 the individual's county of residence or the surrounding counties;

8012 (j) A parent or caretaker relative who has not engaged
8013 in an allowable work activity once the department determines the
8014 parent or caretaker relative is ready to engage in work, or once
8015 the parent or caretaker relative has received TANF assistance
8016 under the program for twenty-four (24) months, whether or not
8017 consecutive, whichever is earlier;

8018 (k) Any individual who is fleeing to avoid prosecution,
8019 or custody or confinement after conviction, under the laws of the
8020 jurisdiction from which the individual flees, for a crime, or an
8021 attempt to commit a crime, which is a felony under the laws of the
8022 place from which the individual flees, or who is violating a
8023 condition of probation or parole imposed under federal or state
8024 law;

8025 (l) Aliens who are not qualified under federal law;

8026 (m) For a period of ten (10) years following
8027 conviction, individuals convicted in federal or state court of
8028 having made a fraudulent statement or representation with respect
8029 to the individual's place of residence in order to receive TANF,
8030 food stamps or Supplemental Security Income (SSI) assistance under
8031 Title XVI or Title XIX simultaneously from two (2) or more states;

8032 (n) Individuals who are recipients of federal
8033 Supplemental Security Income (SSI) assistance; and



8034 (o) Individuals who are eighteen (18) years of age or
8035 older who are not in compliance with the drug testing and
8036 substance use disorder treatment requirements of Section 43-17-6.

8037 (4) (a) Any person who is otherwise eligible for TANF
8038 benefits, including custodial and noncustodial parents, shall be
8039 required to attend school and meet the monthly attendance
8040 requirement as provided in this subsection if all of the following
8041 apply:

8042 (i) The person is under age twenty (20);

8043 (ii) The person has not graduated from a public or
8044 private high school or obtained a High School Equivalency Diploma
8045 equivalent;

8046 (iii) The person is physically able to attend
8047 school and is not excused from attending school; and

8048 (iv) If the person is a parent or caretaker
8049 relative with whom a dependent child is living, child care is
8050 available for the child.

8051 The monthly attendance requirement under this subsection
8052 shall be attendance at the school in which the person is enrolled
8053 for each day during a month that the school conducts classes in
8054 which the person is enrolled, with not more than two (2) absences
8055 during the month for reasons other than the reasons listed in
8056 paragraph (e)(iv) of this subsection. Persons who fail to meet
8057 participation requirements in this subsection shall be subject to
8058 sanctions as provided in paragraph (f) of this subsection.



8059 (b) As used in this subsection, "school" means any one
8060 (1) of the following:

8061 (i) A school as defined in Section 37-13-91(2);

8062 (ii) A vocational, technical and adult education
8063 program; or

8064 (iii) A course of study meeting the standards
8065 established by the State Department of Education for the granting
8066 of a declaration of equivalency of high school graduation.

8067 (c) If any compulsory-school-age child, as defined in
8068 Section 37-13-91(2), to which TANF eligibility requirements apply
8069 is not in compliance with the compulsory school attendance
8070 requirements of Section 37-13-91(6), the superintendent of schools
8071 of the school district in which the child is enrolled or eligible
8072 to attend shall notify the county department of human services of
8073 the child's noncompliance. The Department of Human Services shall
8074 review school attendance information as provided under this
8075 paragraph at all initial eligibility determinations and upon
8076 subsequent report of unsatisfactory attendance.

8077 (d) The signature of a person on an application for
8078 TANF benefits constitutes permission for the release of school
8079 attendance records for that person or for any child residing with
8080 that person. The department shall request information from the
8081 child's school district about the child's attendance in the school
8082 district's most recently completed semester of attendance. If
8083 information about the child's previous school attendance is not



8084 available or cannot be verified, the department shall require the
8085 child to meet the monthly attendance requirement for one (1)
8086 semester or until the information is obtained. The department
8087 shall use the attendance information provided by a school district
8088 to verify attendance for a child. The department shall review
8089 with the parent or caretaker relative a child's claim that he or
8090 she has a good cause for not attending school.

8091 A school district shall provide information to the department
8092 about the attendance of a child who is enrolled in a public school
8093 in the district within five (5) working days of the receipt of a
8094 written request for that information from the department. The
8095 school district shall define how many hours of attendance count as
8096 a full day and shall provide that information, upon request, to
8097 the department. In reporting attendance, the school district may
8098 add partial days' absence together to constitute a full day's
8099 absence.

8100 If a school district fails to provide to the department the
8101 information about the school attendance of any child within
8102 fifteen (15) working days after a written request, the department
8103 shall notify the Department of Audit within three (3) working days
8104 of the school district's failure to comply with that requirement.
8105 The Department of Audit shall begin audit proceedings within five
8106 (5) working days of notification by the Department of Human
8107 Services to determine the school district's compliance with the
8108 requirements of this subsection (4). If the Department of Audit



8109 finds that the school district is not in compliance with the
8110 requirements of this subsection, the school district shall be
8111 penalized as follows: The Department of Audit shall notify the
8112 State Department of Education of the school district's
8113 noncompliance, and the Department of Education shall reduce the
8114 calculation of the school district's * * * net enrollment that is
8115 used to determine the allocation of * * * total funding formula
8116 funds by the number of children for which the district has failed
8117 to provide to the Department of Human Services the required
8118 information about the school attendance of those children. The
8119 reduction in the calculation of the school district's * * * net
8120 enrollment under this paragraph shall be effective for a period of
8121 one (1) year.

8122 (e) A child who is required to attend school to meet
8123 the requirements under this subsection shall comply except when
8124 there is good cause, which shall be demonstrated by any of the
8125 following circumstances:

8126 (i) The minor parent is the caretaker of a child
8127 less than twelve (12) weeks old; or

8128 (ii) The department determines that child care
8129 services are necessary for the minor parent to attend school and
8130 there is no child care available; or

8131 (iii) The child is prohibited by the school
8132 district from attending school and an expulsion is pending. This
8133 exemption no longer applies once the teenager has been expelled;



8134 however, a teenager who has been expelled and is making
8135 satisfactory progress towards obtaining a High School Equivalency
8136 Diploma equivalent shall be eligible for TANF benefits; or

8137 (iv) The child failed to attend school for one or
8138 more of the following reasons:

8139 1. Illness, injury or incapacity of the child
8140 or the minor parent's child;

8141 2. Court-required appearances or temporary
8142 incarceration;

8143 3. Medical or dental appointments for the
8144 child or minor parent's child;

8145 4. Death of a close relative;

8146 5. Observance of a religious holiday;

8147 6. Family emergency;

8148 7. Breakdown in transportation;

8149 8. Suspension; or

8150 9. Any other circumstance beyond the control
8151 of the child, as defined in regulations of the department.

8152 (f) Upon determination that a child has failed without
8153 good cause to attend school as required, the department shall
8154 provide written notice to the parent or caretaker relative
8155 (whoever is the primary recipient of the TANF benefits) that
8156 specifies:

8157 (i) That the family will be sanctioned in the next
8158 possible payment month because the child who is required to attend



8159 school has failed to meet the attendance requirement of this
8160 subsection;

8161 (ii) The beginning date of the sanction, and the
8162 child to whom the sanction applies;

8163 (iii) The right of the child's parents or
8164 caretaker relative (whoever is the primary recipient of the TANF
8165 benefits) to request a fair hearing under this subsection.

8166 The child's parent or caretaker relative (whoever is the
8167 primary recipient of the TANF benefits) may request a fair hearing
8168 on the department's determination that the child has not been
8169 attending school. If the child's parents or caretaker relative
8170 does not request a fair hearing under this subsection, or if,
8171 after a fair hearing has been held, the hearing officer finds that
8172 the child without good cause has failed to meet the monthly
8173 attendance requirement, the department shall discontinue or deny
8174 TANF benefits to the child thirteen (13) years old, or older, in
8175 the next possible payment month. The department shall discontinue
8176 or deny twenty-five percent (25%) of the family grant when a child
8177 six (6) through twelve (12) years of age without good cause has
8178 failed to meet the monthly attendance requirement. Both the child
8179 and family sanction may apply when children in both age groups
8180 fail to meet the attendance requirement without good cause. A
8181 sanction applied under this subsection shall be effective for one
8182 (1) month for each month that the child failed to meet the monthly
8183 attendance requirement. In the case of a dropout, the sanction



8184 shall remain in force until the parent or caretaker relative
8185 provides written proof from the school district that the child has
8186 reenrolled and met the monthly attendance requirement for one (1)
8187 calendar month. Any month in which school is in session for at
8188 least ten (10) days during the month may be used to meet the
8189 attendance requirement under this subsection. This includes
8190 attendance at summer school. The sanction shall be removed the
8191 next possible payment month.

8192 (5) All parents or caretaker relatives shall have their
8193 dependent children receive vaccinations and booster vaccinations
8194 against those diseases specified by the State Health Officer under
8195 Section 41-23-37 in accordance with the vaccination and booster
8196 vaccination schedule prescribed by the State Health Officer for
8197 children of that age, in order for the parents or caretaker
8198 relatives to be eligible or remain eligible to receive TANF
8199 benefits. Proof of having received such vaccinations and booster
8200 vaccinations shall be given by presenting the certificates of
8201 vaccination issued by any health care provider licensed to
8202 administer vaccinations, and submitted on forms specified by the
8203 State Board of Health. If the parents without good cause do not
8204 have their dependent children receive the vaccinations and booster
8205 vaccinations as required by this subsection and they fail to
8206 comply after thirty (30) days' notice, the department shall
8207 sanction the family's TANF benefits by twenty-five percent (25%)



8208 for the next payment month and each subsequent payment month until
8209 the requirements of this subsection are met.

8210 (6) (a) If the parent or caretaker relative applying for
8211 TANF assistance is work eligible, as determined by the Department
8212 of Human Services, the person shall be required to engage in an
8213 allowable work activity once the department determines the parent
8214 or caretaker relative is determined work eligible, or once the
8215 parent or caretaker relative has received TANF assistance under
8216 the program for twenty-four (24) months, whether or not
8217 consecutive, whichever is earlier. No TANF benefits shall be
8218 given to any person to whom this section applies who fails without
8219 good cause to comply with the Employability Development Plan
8220 prepared by the department for the person, or who has refused to
8221 accept a referral or offer of employment, training or education in
8222 which he or she is able to engage, subject to the penalties
8223 prescribed in paragraph (e) of this subsection. A person shall be
8224 deemed to have refused to accept a referral or offer of
8225 employment, training or education if he or she:

8226 (i) Willfully fails to report for an interview
8227 with respect to employment when requested to do so by the
8228 department; or

8229 (ii) Willfully fails to report to the department
8230 the result of a referral to employment; or



8231 (iii) Willfully fails to report for allowable work
8232 activities as prescribed in paragraphs (c) and (d) of this
8233 subsection.

8234 (b) The Department of Human Services shall operate a
8235 statewide work program for TANF recipients to provide work
8236 activities and supportive services to enable families to become
8237 self-sufficient and improve their competitive position in the
8238 workforce in accordance with the requirements of the federal
8239 Personal Responsibility and Work Opportunity Reconciliation Act of
8240 1996 (Public Law 104-193), as amended, and the regulations
8241 promulgated thereunder, and the Deficit Reduction Act of 2005
8242 (Public Law 109-171), as amended. Within sixty (60) days after
8243 the initial application for TANF benefits, the TANF recipient must
8244 participate in a job search skills training workshop or a job
8245 readiness program, which shall include resume writing, job search
8246 skills, employability skills and, if available at no charge, the
8247 General Aptitude Test Battery or its equivalent. All adults who
8248 are not specifically exempt shall be referred by the department
8249 for allowable work activities. An adult may be exempt from the
8250 mandatory work activity requirement for the following reasons:

8251 (i) Incapacity;

8252 (ii) Temporary illness or injury, verified by
8253 physician's certificate;

8254 (iii) Is in the third trimester of pregnancy, and
8255 there are complications verified by the certificate of a



8256 physician, nurse practitioner, physician assistant, or any other
8257 licensed health care professional practicing under a protocol with
8258 a licensed physician;

8259 (iv) Caretaker of a child under twelve (12)
8260 months, for not more than twelve (12) months of the sixty-month
8261 maximum benefit period;

8262 (v) Caretaker of an ill or incapacitated person,
8263 as verified by physician's certificate;

8264 (vi) Age, if over sixty (60) or under eighteen
8265 (18) years of age;

8266 (vii) Receiving treatment for substance abuse, if
8267 the person is in compliance with the substance abuse treatment
8268 plan;

8269 (viii) In a two-parent family, the caretaker of a
8270 severely disabled child, as verified by a physician's certificate;
8271 or

8272 (ix) History of having been a victim of domestic
8273 violence, which has been reported as required by state law and is
8274 substantiated by police reports or court records, and being at
8275 risk of further domestic violence, shall be exempt for a period as
8276 deemed necessary by the department but not to exceed a total of
8277 twelve (12) months, which need not be consecutive, in the
8278 sixty-month maximum benefit period. For the purposes of this
8279 subparagraph (ix), "domestic violence" means that an individual
8280 has been subjected to:



8281 1. Physical acts that resulted in, or
8282 threatened to result in, physical injury to the individual;
8283 2. Sexual abuse;
8284 3. Sexual activity involving a dependent
8285 child;
8286 4. Being forced as the caretaker relative of
8287 a dependent child to engage in nonconsensual sexual acts or
8288 activities;
8289 5. Threats of, or attempts at, physical or
8290 sexual abuse;
8291 6. Mental abuse; or
8292 7. Neglect or deprivation of medical care.
8293 (c) For all families, all adults who are not
8294 specifically exempt shall be required to participate in work
8295 activities for at least the minimum average number of hours per
8296 week specified by federal law or regulation, not fewer than twenty
8297 (20) hours per week (thirty-five (35) hours per week for
8298 two-parent families) of which are attributable to the following
8299 allowable work activities:
8300 (i) Unsubsidized employment;
8301 (ii) Subsidized private employment;
8302 (iii) Subsidized public employment;
8303 (iv) Work experience (including work associated
8304 with the refurbishing of publicly assisted housing), if sufficient
8305 private employment is not available;



8306 (v) On-the-job training;
8307 (vi) Job search and job readiness assistance
8308 consistent with federal TANF regulations;
8309 (vii) Community service programs;
8310 (viii) Vocational educational training (not to
8311 exceed twelve (12) months with respect to any individual);
8312 (ix) The provision of child care services to an
8313 individual who is participating in a community service program;
8314 (x) Satisfactory attendance at high school or in a
8315 course of study leading to a high school equivalency certificate,
8316 for heads of household under age twenty (20) who have not
8317 completed high school or received such certificate;
8318 (xi) Education directly related to employment, for
8319 heads of household under age twenty (20) who have not completed
8320 high school or received such equivalency certificate.
8321 (d) The following are allowable work activities which
8322 may be attributable to hours in excess of the minimum specified in
8323 paragraph (c) of this subsection:
8324 (i) Job skills training directly related to
8325 employment;
8326 (ii) Education directly related to employment for
8327 individuals who have not completed high school or received a high
8328 school equivalency certificate;
8329 (iii) Satisfactory attendance at high school or in
8330 a course of study leading to a high school equivalency, for



8331 individuals who have not completed high school or received such
8332 equivalency certificate;

8333 (iv) Job search and job readiness assistance
8334 consistent with federal TANF regulations.

8335 (e) If any adult or caretaker relative refuses to
8336 participate in allowable work activity as required under this
8337 subsection (6), the following full family TANF benefit penalty
8338 will apply, subject to due process to include notification,
8339 conciliation and a hearing if requested by the recipient:

8340 (i) For the first violation, the department shall
8341 terminate the TANF assistance otherwise payable to the family for
8342 a two-month period or until the person has complied with the
8343 required work activity, whichever is longer;

8344 (ii) For the second violation, the department
8345 shall terminate the TANF assistance otherwise payable to the
8346 family for a six-month period or until the person has complied
8347 with the required work activity, whichever is longer;

8348 (iii) For the third violation, the department
8349 shall terminate the TANF assistance otherwise payable to the
8350 family for a twelve-month period or until the person has complied
8351 with the required work activity, whichever is longer;

8352 (iv) For the fourth violation, the person shall be
8353 permanently disqualified.

8354 For a two-parent family, unless prohibited by state or
8355 federal law, Medicaid assistance shall be terminated only for the



person whose failure to participate in allowable work activity caused the family's TANF assistance to be sanctioned under this paragraph (e), unless an individual is pregnant, but shall not be terminated for any other person in the family who is meeting that person's applicable work requirement or who is not required to work. Minor children shall continue to be eligible for Medicaid benefits regardless of the disqualification of their parent or caretaker relative for TANF assistance under this subsection (6), unless prohibited by state or federal law.

(f) Any person enrolled in a two-year or four-year college program who meets the eligibility requirements to receive TANF benefits, and who is meeting the applicable work requirements and all other applicable requirements of the TANF program, shall continue to be eligible for TANF benefits while enrolled in the college program for as long as the person meets the requirements of the TANF program, unless prohibited by federal law.

(g) No adult in a work activity required under this subsection (6) shall be employed or assigned (i) when any other individual is on layoff from the same or any substantially equivalent job within six (6) months before the date of the TANF recipient's employment or assignment; or (ii) if the employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy so created with an adult receiving TANF assistance. The Mississippi Department of Employment Security, established



8381 under Section 71-5-101, shall appoint one or more impartial
8382 hearing officers to hear and decide claims by employees of
8383 violations of this paragraph (g). The hearing officer shall hear
8384 all the evidence with respect to any claim made hereunder and such
8385 additional evidence as he may require and shall make a
8386 determination and the reason therefor. The claimant shall be
8387 promptly notified of the decision of the hearing officer and the
8388 reason therefor. Within ten (10) days after the decision of the
8389 hearing officer has become final, any party aggrieved thereby may
8390 secure judicial review thereof by commencing an action, in the
8391 circuit court of the county in which the claimant resides, against
8392 the department for the review of such decision, in which action
8393 any other party to the proceeding before the hearing officer shall
8394 be made a defendant. Any such appeal shall be on the record which
8395 shall be certified to the court by the department in the manner
8396 provided in Section 71-5-531, and the jurisdiction of the court
8397 shall be confined to questions of law which shall render its
8398 decision as provided in that section.

8399 (7) The Department of Human Services may provide child care
8400 for eligible participants who require such care so that they may
8401 accept employment or remain employed. The department may also
8402 provide child care for those participating in the TANF program
8403 when it is determined that they are satisfactorily involved in
8404 education, training or other allowable work activities. The
8405 department may contract with Head Start agencies to provide child



8406 care services to TANF recipients. The department may also arrange
8407 for child care by use of contract or vouchers, provide vouchers in
8408 advance to a caretaker relative, reimburse a child care provider,
8409 or use any other arrangement deemed appropriate by the department,
8410 and may establish different reimbursement rates for child care
8411 services depending on the category of the facility or home. Any
8412 center-based or group home child care facility under this
8413 subsection shall be licensed by the State Department of Health
8414 pursuant to law. When child care is being provided in the child's
8415 own home, in the home of a relative of the child, or in any other
8416 unlicensed setting, the provision of such child care may be
8417 monitored on a random basis by the Department of Human Services or
8418 the State Department of Health. Transitional child care
8419 assistance may be continued if it is necessary for parents to
8420 maintain employment once support has ended, unless prohibited
8421 under state or federal law. Transitional child care assistance
8422 may be provided for up to twenty-four (24) months after the last
8423 month during which the family was eligible for TANF assistance, if
8424 federal funds are available for such child care assistance.

8425 (8) The Department of Human Services may provide
8426 transportation or provide reasonable reimbursement for
8427 transportation expenses that are necessary for individuals to be
8428 able to participate in allowable work activity under the TANF
8429 program.



8430 (9) Medicaid assistance shall be provided to a family of
8431 TANF program participants for up to twenty-four (24) consecutive
8432 calendar months following the month in which the participating
8433 family would be ineligible for TANF benefits because of increased
8434 income, expiration of earned income disregards, or increased hours
8435 of employment of the caretaker relative; however, Medicaid
8436 assistance for more than twelve (12) months may be provided only
8437 if a federal waiver is obtained to provide such assistance for
8438 more than twelve (12) months and federal and state funds are
8439 available to provide such assistance.

8440 (10) The department shall require applicants for and
8441 recipients of public assistance from the department to sign a
8442 personal responsibility contract that will require the applicant
8443 or recipient to acknowledge his or her responsibilities to the
8444 state.

8445 (11) The department shall enter into an agreement with the
8446 State Personnel Board and other state agencies that will allow
8447 those TANF participants who qualify for vacant jobs within state
8448 agencies to be placed in state jobs. State agencies participating
8449 in the TANF work program shall receive any and all benefits
8450 received by employers in the private sector for hiring TANF
8451 recipients. This subsection (11) shall be effective only if the
8452 state obtains any necessary federal waiver or approval and if
8453 federal funds are available therefor. Not later than September 1,
8454 2021, the department shall prepare a report, which shall be



8455 provided to the Chairmen of the House and Senate Public Health
8456 Committees and to any other member of the Legislature upon
8457 request, on the history, status, outcomes and effectiveness of the
8458 agreements required under this subsection.

8459 (12) Any unspent TANF funds remaining from the prior fiscal
8460 year may be expended for any TANF allowable activities.

8461 (13) The Mississippi Department of Human Services shall
8462 provide TANF applicants information and referral to programs that
8463 provide information about birth control, prenatal health care,
8464 abstinence education, marriage education, family preservation and
8465 fatherhood. Not later than September 1, 2021, the department
8466 shall prepare a report, which shall be provided to the Chairmen of
8467 the House and Senate Public Health Committees and to any other
8468 member of the Legislature upon request, on the history, status,
8469 outcomes and effectiveness of the information and referral
8470 requirements under this subsection.

8471 (14) No new TANF program requirement or restriction
8472 affecting a person's eligibility for TANF assistance, or allowable
8473 work activity, which is not mandated by federal law or regulation
8474 may be implemented by the Department of Human Services after July
8475 1, 2004, unless such is specifically authorized by an amendment to
8476 this section by the Legislature.

8477 **SECTION 113.** Section 65-26-9, Mississippi Code of 1972, is
8478 amended as follows:



8479 65-26-9. (1) There is hereby created in the State Treasury
8480 a special fund to be known as the Tennessee-Tombigbee Waterway
8481 Bridge Bond Retirement Fund. All revenues pledged for the payment
8482 of the principal of and interest on the bonds authorized to be
8483 issued by this chapter shall be deposited into the bond retirement
8484 fund. Expenditures from the bond retirement fund shall be made
8485 only in accordance with this section.

8486 (2) Subject to the provisions of subsection (3) of this
8487 section, amounts on deposit in the bond retirement fund and not
8488 immediately required for the making of any payments therefrom
8489 shall be invested in interest-bearing certificates of deposit in
8490 accordance with the provisions of Section 27-105-33, except
8491 interest so earned shall be credited to the bond retirement fund.

8492 (3) (a) There is hereby established within the bond
8493 retirement fund two (2) separate accounts as follows: (i) the
8494 "Tennessee-Tombigbee General Account"; and (ii) the
8495 "Tennessee-Tombigbee Principal and Interest Account."

8496 (b) (i) All amounts held in the bond retirement fund
8497 on April 23, 1986, and all amounts thereafter deposited in the
8498 bond retirement fund, shall be credited to the Tennessee-Tombigbee
8499 General Account.

8500 (ii) Until such time as the transfer of funds from
8501 the Tennessee-Tombigbee General Account to the Tennessee-Tombigbee
8502 Principal and Interest Account occurs as provided in paragraph
8503 (b)(iii) of this subsection, amounts in the general account shall



8504 be applied to the following purposes and in the following order of
8505 priority: first, to the extent required, to the payment, the
8506 principal of, redemption premium, if any, and interest on general
8507 obligation bonds; second, to the extent required, to the General
8508 Fund of the state to reimburse the state for expenditures in
8509 excess of twenty-five percent (25%) of the total costs of the
8510 principal and interest on bonds issued under authority of
8511 subsection (1) of Section 65-26-15 and for all expenditures for
8512 costs of the principal of and interest on bonds issued under
8513 authority of subsection (2) of Section 65-26-15; and third, to the
8514 extent required, if any, to the bridge construction fund created
8515 in Section 65-26-25 to make current payments to meet contractual
8516 obligations for bridge construction.

8517 (iii) Upon certification of the State Treasurer,
8518 filed with and approved by the State Bond Commission, that the
8519 amount on deposit in the Tennessee-Tombigbee General Account,
8520 together with earnings on investments to accrue to it, is equal to
8521 or greater than the aggregate of the entire principal, redemption
8522 premium, if any, and interest due and to become due, until the
8523 final maturity date or earlier scheduled redemption date thereof,
8524 on all general obligation bonds outstanding as of the date of such
8525 certification, then the State Treasurer shall transfer from the
8526 Tennessee-Tombigbee General Account to the Tennessee-Tombigbee
8527 Principal and Interest Account an amount equal to the entire
8528 principal, redemption premium, if any, and interest due and to



8529 become due, until the final maturity date or scheduled redemption
8530 date thereof, on all general obligation bonds outstanding as of
8531 the date of such transfer. The State of Mississippi hereby
8532 covenants with the holders from time to time of general obligation
8533 bonds that amounts deposited in the Tennessee-Tombigbee Principal
8534 and Interest Account will be applied solely to the payment of the
8535 principal of, redemption premium, if any, and interest on general
8536 obligation bonds.

8537 (iv) After the date of the transfer from the
8538 general account to the principal and interest account contemplated
8539 by paragraph (b)(iii) of this subsection, amounts from time to
8540 time on deposit in the Tennessee-Tombigbee General Account shall
8541 be applied monthly to the following purposes and in the following
8542 order of priority: first, to the extent required, to the payment
8543 of the principal of, redemption premium, if any, and interest on
8544 general obligation bonds issued under this chapter; second, to the
8545 extent required, to the General Fund of the state to reimburse the
8546 state for expenditures in excess of twenty-five percent (25%) of
8547 the total costs of the principal and interest on bonds issued
8548 under authority of subsection (1) of Section 65-26-15 and for all
8549 expenditures for costs of the principal of and interest on bonds
8550 issued under authority of subsection (2) of Section 65-26-15; and
8551 third, to the extent required, if any, to the bridge construction
8552 fund created in Section 65-26-25 to make current payments to meet
8553 contractual obligations for bridge construction.



8554 (4) It is the intent of the Legislature that all outstanding
8555 general obligation bonds issued under this chapter shall be
8556 retired by the State Bond Commission on the earliest scheduled
8557 redemption date thereof, provided that there are sufficient funds
8558 in the bond retirement fund together with earnings on investments
8559 to accrue to it. When the principal of, redemption premium, if
8560 any, and interest on all such outstanding general obligation bonds
8561 are paid in full, then any amounts remaining in the bond
8562 retirement fund, or separate accounts therein, together with
8563 earnings on investments to accrue to it, shall be apportioned and
8564 paid as follows:

8565 (a) Three Million Five Hundred Thousand Dollars
8566 (\$3,500,000.00) of such funds shall be paid into the appropriate
8567 fund for use by the Yellow Creek State Inland Port Authority for
8568 equipment or facilities necessary to the operation of the port.

8569 (b) Three Million Five Hundred Thousand Dollars
8570 (\$3,500,000.00) shall be paid into the State General Fund.

8571 (c) Seven Million Five Hundred Thousand Dollars
8572 (\$7,500,000.00) shall be paid to Tishomingo County. Of the Seven
8573 Million Five Hundred Thousand Dollars (\$7,500,000.00), (i) Two
8574 Million Five Hundred Thousand Dollars (\$2,500,000.00) shall be
8575 placed by the county in a special trust fund, the principal of
8576 which shall remain inviolate and the interest on which shall be
8577 expended solely for improvement of elementary and secondary
8578 education in Tishomingo County and distributed among the school



8579 districts therein based on the * * * net enrollment in each, and
8580 (ii) Five Million Dollars (\$5,000,000.00) shall be placed in the
8581 county general fund and may be expended for general county
8582 purposes.

8583 (d) The balance of such funds shall be paid to the
8584 counties of Alcorn, Chickasaw, Clay, Itawamba, Lee, Lowndes,
8585 Monroe, Noxubee, Kemper, Pontotoc, Prentiss and Tishomingo. Such
8586 funds shall be paid to such counties in the proportion that each
8587 county's contribution to the bridge bond fund bears to the total
8588 contribution from all twelve (12) counties; however, no county
8589 shall be paid more than Five Million Dollars (\$5,000,000.00) under
8590 this paragraph (d). Such funds shall be deposited by the county
8591 into a special account to be expended solely for economic
8592 development purposes. No expenditure of funds from the special
8593 account shall be made unless the amount to be expended from the
8594 special account is matched by other county funds in an amount
8595 equal to fifteen percent (15%) of the special account funds to be
8596 expended and until the Mississippi * * * Development Authority,
8597 upon application by the board of supervisors, has certified that
8598 the proposed expenditure is for economic development purposes and
8599 has approved the expenditure for such purposes; provided, however,
8600 the fifteen percent (15%) match hereinabove imposed shall not be
8601 required when the proposed expenditure for economic development
8602 purposes is on land owned or leased by the federal, state, county
8603 or municipal government.



8604 **SECTION 114.** Section 37-151-81, Mississippi Code of 1972, is
8605 amended as follows:

8606 37-151-81. * * *

8607 (* * *1) * * * For each * * * student with a disability who
8608 is being educated by a public school district or is placed in
8609 accord with Section 37-23-77, * * * and whose individualized
8610 educational program (IEP) requires an extended school year in
8611 accord with the State Department of Education criteria, a
8612 sufficient amount of funds shall be allocated for the purpose of
8613 providing the educational services the student requires. The
8614 State Board of Education shall promulgate such regulations as are
8615 required to insure the equitable distribution of these funds. All
8616 costs for the extended school year for a particular summer shall
8617 be reimbursed from funds appropriated for the fiscal year
8618 beginning July 1 of that summer. If sufficient funds are not made
8619 available to finance all of the required educational services, the
8620 State Department of Education shall expend available funds in such
8621 a manner that it does not limit the availability of appropriate
8622 education to * * * students with disabilities more severely than
8623 it does to * * * students without disabilities.

8624 (* * *2) The State Department of Education is hereby
8625 authorized to match * * * the total funding formula funds provided
8626 in this act and other funds allocated for provision of services
8627 to * * * students with disabilities with Division of Medicaid
8628 funds to provide language-speech services, physical therapy and



8629 occupational therapy to * * * students with disabilities who meet
8630 State Department of Education or Division of Medicaid standards
8631 and who are Medicaid eligible. Provided further, that the State
8632 Department of Education is authorized to pay such funds as may be
8633 required as a match directly to the Division of Medicaid pursuant
8634 to an agreement to be developed between the State Department of
8635 Education and the Division of Medicaid.

8636 * * *

8637 (* * *3) When any children who are residents of the State
8638 of Mississippi and qualify under the provisions of Section
8639 37-23-31 * * * shall be provided a program of education,
8640 instruction and training within a school under the provisions of
8641 said section, the State Department of Education shall
8642 allocate * * * funds equivalent to the full base student cost and
8643 all qualifying weighted adjustments as prescribed in Section
8644 37-151-205 * * *. The university or college shall be eligible for
8645 state and federal funds for such programs on the same basis as
8646 local school districts. The university or college shall be
8647 responsible for providing for the additional costs of the program.

8648 (* * *4) * * * A school district may provide a program of
8649 education and instruction to children ages five (5) years through
8650 twenty-one (21) years, who are resident citizens of the State of
8651 Mississippi, who cannot have their educational needs met in a
8652 regular public school program and who have not finished or
8653 graduated from high school, if those children are determined by



8654 competent medical authorities and psychologists to need placement
8655 in a state licensed facility for inpatient treatment, day
8656 treatment or residential treatment or a therapeutic group home.
8657 Such program shall operate under rules, regulations, policies and
8658 standards of school districts as determined by the State Board of
8659 Education. If a private school approved by the State Board of
8660 Education is operated as an integral part of the state licensed
8661 facility that provides for the treatment of such children, the
8662 private school within the facility may provide a program of
8663 education, instruction and training to such children by requesting
8664 the State Department of Education to allocate * * * funds
8665 equivalent to the full base student cost and all qualifying
8666 weighted adjustments as prescribed in Section 37-151-205 for each
8667 student placed in such facility for each approved class. The
8668 facility shall be responsible for providing any additional costs
8669 of the program.

8670 * * *

8671 **SECTION 115.** Section 27-104-351, Mississippi Code of 1972,
8672 is amended as follows:

8673 27-104-351. (1) This section shall be known and may be
8674 cited as the "Line-Item Appropriation Transparency Act."

8675 (2) As used in this section, unless the context clearly
8676 indicates otherwise:



8677 (a) "Local government entity" means any county,
8678 municipality, school district, public hospital or other political
8679 subdivision of the state.

8680 (b) "Pass-through funding" means a line-item
8681 appropriation by the Legislature to a state agency that is
8682 itemized on a separate line in a state agency's appropriation bill
8683 and that is intended to be passed through the state agency to one
8684 or more:

8685 (i) Local government entities;

8686 (ii) Private organizations, including
8687 not-for-profit organizations; or

8688 (iii) Persons in the form of a loan or grant.

8689 "Pass-through funding" may be general funds, dedicated credits, or
8690 any combination of state funding sources, and may be ongoing or
8691 one-time.

8692 (c) "Recipient entity" means a local government entity
8693 or private entity, including a nonprofit entity, that receives
8694 money by way of pass-through funding from a state agency.

8695 (d) "State agency" shall have the same meaning as
8696 provided in Section 27-103-103, and shall include any other
8697 subagency or board under the supervision of that state agency.

8698 (e) "State money" means funds in the State General Fund
8699 and all state-support special funds which are in the Budget
8700 Contingency Fund, Capital Expense Fund, Working-Cash Stabilization
8701 Reserve Fund, Education Enhancement Fund, Healthcare Expendable



8702 Fund, Tobacco Control Program Fund, BP Settlement Fund, Gulf Coast
8703 Restoration Fund and any other special funds that are determined
8704 by the Joint Legislative Budget Committee to be a state-support
8705 special fund. "State money" does not include contributions or
8706 donations received by a state agency.

8707 (f) "Department" means the Department of Finance and
8708 Administration.

8709 (3) A state agency may not provide a recipient entity state
8710 money from pass-through funding unless:

8711 (a) The state agency enters into a written agreement
8712 with the recipient entity, which details the criteria and
8713 reporting requirements as provided in this section; and

8714 (b) The written agreement described in paragraph (a) of
8715 this subsection requires the recipient entity to provide to the
8716 state agency the following:

8717 (i) A written description and an itemized report
8718 detailing the expenditure of state money or the intended
8719 expenditure of any state money that has not been spent. Such
8720 report shall be submitted at least quarterly on dates determined
8721 by the department; and

8722 (ii) A final written itemized report when all the
8723 state money is spent.

8724 Disbursements shall only be made after the written agreement
8725 described in paragraph (a) of this subsection has been signed and
8726 shall be contingent upon the recipient entity complying with the



8727 quarterly reporting requirements required by paragraph (b) of this
8728 subsection.

8729 (4) On or before June 30 of each year or a date determined
8730 by the department, a state agency shall provide to the department
8731 a copy of the written agreements, written descriptions, and
8732 reports of itemized expenditures required under subsection (3) of
8733 this section.

8734 (5) The department is responsible for obtaining the written
8735 agreements, written descriptions, and itemized reports required by
8736 subsection (3) of this section from state agencies. The
8737 department is further responsible for consolidating and presenting
8738 a report on the previous fiscal year's pass-through expenditures
8739 and providing it to the Joint Legislative Budget Committee by
8740 October 1 of each year.

8741 (6) The department shall create all of the following
8742 documents which shall be in such form and contain such information
8743 as the department prescribes:

8744 (a) Written agreement as described in subsection (3)(a)
8745 of this section;

8746 (b) Written description and itemized report as
8747 described in subsection (3)(b) of this section; and

8748 (c) Final itemized report as described in subsection
8749 (3)(b) of this section.

8750 A state agency shall utilize these documents when complying
8751 with the criteria set forth in this act.



8752 (7) Notwithstanding subsection (3) of this section, a state
8753 agency is not required to comply with this section to the extent
8754 that the pass-through funding is issued:

8755 (a) Under a competitive award process;

8756 (b) In accordance with a formula enacted in statute;

8757 (c) In accordance with a state program under parameters
8758 in statute or rule that guides the distribution of the
8759 pass-through funding;

8760 (d) Under the authority of * * *this act; or

8761 (e) In accordance with an appropriations act of the
8762 Legislature that specifically provides an exemption from the
8763 provisions of this section.

8764 (8) Unless a recipient entity is required to comply with
8765 Section 31-7-1 et seq. because it is an agency or public body, the
8766 fact that it is a recipient entity does not create such an
8767 obligation.

8768 **SECTION 116.** Section 37-13-153, Mississippi Code of 1972,
8769 which required state funding for home economics teachers to be
8770 included as a line item in the education appropriations bills for
8771 fiscal years 1995, 1996 and 1997, is repealed.

8772 **SECTION 117.** Sections 37-151-1, 37-151-5, 37-151-6,
8773 37-151-7, 37-151-7.1, 37-151-8, 37-151-10, 37-151-77, 37-151-79
8774 and 37-151-83, Mississippi Code of 1972, which define certain
8775 terms and establish the formula to be used in determining the



8776 annual allocation of funds to each school district under the
8777 Mississippi Adequate Education Program (MAEP), are repealed.

8778 **SECTION 118.** Section 37-152-1, Mississippi Code of 1972,
8779 which creates the Commission on Restructuring the Mississippi
8780 Adequate Education Program (MAEP), is repealed.

8781 **SECTION 119.** Sections 27-65-75(5), 37-47-7, and 37-47-24,
8782 Mississippi Code of 1972, which provide for the Educational
8783 Facilities Revolving Loan Fund and its funding mechanism, are
8784 hereby repealed.

8785 **SECTION 120.** This act shall take effect and be in force from
8786 and after July 1, 2024.

