

By: Representatives Roberson, McCarty, Owen To: Education

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 4130

1 AN ACT TO CREATE THE "MISSISSIPPI STUDENT FUNDING FORMULA"
2 FOR THE PURPOSE OF FUNDING OF PUBLIC EDUCATION IN THE STATE OF
3 MISSISSIPPI; TO CREATE NEW SECTION 37-151-201, MISSISSIPPI CODE OF
4 1972, TO DEFINE CERTAIN TERMS, INCLUDING "NET ENROLLMENT," "TOTAL
5 FUNDING FORMULA" AND "WEIGHT"; TO CREATE NEW SECTION 37-151-203,
6 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT EFFECTIVE FISCAL YEAR
7 2026 AND EVERY YEAR THEREAFTER, THE STATE BOARD OF EDUCATION SHALL
8 PROVIDE A PROPOSED BASE-STUDENT COST ADEQUATE TO PROVIDE CERTAIN
9 COST COMPONENTS OF EDUCATING PUPILS IN SCHOOL DISTRICTS; TO
10 PROVIDE THAT THE INSTRUCTIONAL COST SHALL BE CALCULATED BY
11 DIVIDING THE AVERAGE TEACHER SALARY BY THE STUDENT-TO-TEACHER
12 RATIO; TO PROVIDE THE FORMULA FOR ADMINISTRATIVE COST, ANCILLARY
13 PERSONNEL AND EXPENSES, AND OPERATION AND MAINTENANCE OF PLANT; TO
14 CREATE NEW SECTION 37-151-205, MISSISSIPPI CODE OF 1972, TO
15 ESTABLISH VARIOUS WEIGHTS TO BE APPLIED TO THE BASE AMOUNT FOR
16 STUDENTS WHO ARE LOW-INCOME STUDENTS, ENGLISH LANGUAGE LEARNERS,
17 ELIGIBLE FOR SPECIAL EDUCATION SERVICES, GIFTED, ENROLLED IN
18 CAREER AND TECHNICAL EDUCATION, AND RESIDING IN SPARSELY POPULATED
19 SCHOOL DISTRICTS; TO CREATE NEW SECTION 37-151-207, MISSISSIPPI
20 CODE OF 1972, TO REQUIRE STUDENT ENROLLMENT AND ATTENDANCE FIGURES
21 TO BE DETERMINED ON THE BASIS OF NET ENROLLMENT; TO CREATE NEW
22 SECTION 37-151-209, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT A
23 SCHOOL DISTRICT OR CHARTER SCHOOL HAS AUTONOMY, SUBJECT TO
24 REGULATORY AND STATUTORY RESTRICTIONS, IN THE SPENDING OF ALL
25 FUNDS ALLOCATED TO THAT SCHOOL DISTRICT OR CHARTER SCHOOL; TO
26 CREATE NEW SECTION 37-151-211, MISSISSIPPI CODE OF 1972, TO
27 REQUIRE TAX ASSESSORS TO FILE CERTAIN REPORTS WITH THE STATE
28 DEPARTMENT OF EDUCATION AND TO REQUIRE THE DEPARTMENT TO CALCULATE
29 THE DISTRICT'S REQUIRED MINIMUM MILLAGE AND THE CONTRIBUTION TO
30 THE COST OF THE TOTAL FUNDING FORMULA REQUIRED OF EACH SCHOOL
31 DISTRICT AND CHARTER SCHOOL; TO CREATE NEW SECTION 37-151-213,
32 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE STATE'S SHARE IN
33 SUPPORT OF THE FUNDING FORMULA FOR A SCHOOL DISTRICT OR CHARTER
34 SCHOOL FOR FISCAL YEARS 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, 37-9-23, 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, 37-47-25, 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



86 ADEQUATE EDUCATION PROGRAM (MAEP); TO REPEAL SECTIONS 27-65-75(5),
87 37-47-7 AND 37-47-24, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR
88 THE EDUCATIONAL FACILITIES REVOLVING LOAN FUND AND ITS FUNDING
89 MECHANISM; AND FOR RELATED PURPOSES.

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

91 **SECTION 1.** The following shall be codified as Section
92 37-151-200, Mississippi Code of 1972:

93 37-151-200. (1) This act shall be known, and may be cited
94 as the "Mississippi Student Funding Formula."

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

100 **SECTION 2.** The following shall be codified as Section
101 37-151-201, Mississippi Code of 1972:

102 37-151-201. The following words and phrases have the
103 meanings ascribed in this section unless the context clearly
104 indicates otherwise:

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

109 (b) "Career and technical education course" or "CTE
110 course" means a credit-bearing course that has been approved and
111 classified by the department as a career and technical education,
112 or CTE, course.



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

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

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

122 (f) "Final weighted enrollment" means the final product
123 of applying weights to the net enrollment of a school district or
124 charter school after accounting for the sparsity of a school
125 district or charter school, as determined in Section 37-151-205.

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

130 (h) "Local contribution" means the amount of local tax
131 money that school districts or charter schools must contribute to
132 the cost of the funding formula for their district or charter
133 school in a given fiscal year, as determined under Section
134 37-151-211.

135 (i) "Local minimum tax effort" means the amount in
136 taxes that the local levying authority for each school district
137 must raise on behalf of the school districts and charter schools



in its geographic boundaries, as determined under Section 37-151-211.

(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



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

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

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

184 (n) "School district" or "district" means a
185 governmental entity that establishes and supervises one or more
186 public schools within its geographical limits pursuant to state
187 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.

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



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

(6) By November 1, 2024, the department 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 report on the department's plan for implementation of the funding formula as specified under the provisions of this act, and to recommend any technical amendments necessary for its effective administration before the commencement of the 2025 Regular Session of the Legislature.

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

SECTION 4. The following shall be codified as Section 37-151-205, Mississippi Code of 1972:

37-151-205. (1) The preliminary weighted enrollment of each school district and charter school under this act is determined by applying the weights prescribed in this section, none of which are



mutually exclusive of another, to each applicable school district or charter school's net enrollment, as determined by Section 37-151-207. To determine additional funding authorized under this section, the number of students in a school district that are identified as the applicable weight shall be calculated as a percentage of the students in the school district. Such amount shall be referred to as the "percentage of applicable students."

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

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

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

(a) Tier I: For students diagnosed with a specific 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



362 Section 37-151-201, the percentage of applicable students in the
363 school district is multiplied by ten one-hundredths (10/100), and
364 then multiplied by net enrollment. Students enrolled in multiple
365 career and technical education courses are counted once.

366 (7) In each school district or charter school where the
367 number of students identified as low income, as defined in Section
368 37-151-201, exceeds thirty-five percent (35%) of the school
369 district or charter school's net enrollment, a weight of ten
370 percent (10%) is applied only to the number of low income students
371 in excess of the number of low income students which constitute
372 thirty-five percent (35%) of net enrollment. The number of
373 students eligible for this weight is calculated by subtracting the
374 number of students equivalent to thirty-five percent (35%) of the
375 net enrollment of that school district or charter school from the
376 total number of students in that school district or charter school
377 identified as low income: if the total percentage of applicable
378 students identified in subsection (2) exceeds thirty-five percent
379 (35%) of the school district or charter school's total net
380 enrollment, as determined in Section 37-151-207, the difference
381 between the total percentage of applicable students identified in
382 subsection (2) and thirty-five percent (35%) of the school
383 district or charter school's total net enrollment is multiplied by
384 ten one-hundredths (10/100), and then multiplied by net
385 enrollment.



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

389 (a) The final weighted enrollment for each school
390 district or charter school that is not classified as a sparsely
391 populated district or charter school, as defined in Section
392 37-151-201, is equivalent to the preliminary weighted enrollment
393 of that school district or charter school, as determined in
394 subsections (1) through (7) of this section: the State Department
395 of Education shall add to the school district or charter school's
396 net enrollment, as determined under Section 37-151-207, each of
397 the additional figures calculated in accordance with subsections
398 (2) through (7), and this total is the final weighted enrollment.

399 (b) The final weighted enrollment for each sparsely
400 populated district or charter school, as defined in Section
401 37-151-201, is determined by multiplying the sparsity weight by
402 the preliminary weighted enrollment, as determined in subsections
403 (1) through (7) of this section, and then adding that figure to
404 the preliminary weighted enrollment. To calculate the final
405 weighted enrollment, the State Department of Education shall add
406 to the school district or charter school's net enrollment, each of
407 the additional figures calculated in accordance with subsections
408 (2) through (7) to determine the preliminary weighted enrollment,
409 multiply this figure by the sparsity weight as determined below,
410 and add this resulting number to the preliminary weighted



411 enrollment to find the final weighted enrollment. To calculate
412 the sparsity weight, the State Department of Education shall find
413 the difference between the number of students per square mile in
414 that district or charter school and a sparsity threshold of eight
415 (8) students per square mile, and then shall divide the resulting
416 figure by one hundred (100) to create a percentage: for example,
417 if the number of students per square mile in a district is three
418 (3), the difference is five (5) (eight (8) minus three (3)), and
419 the sparsity weight is five percent (5%), or five one-hundredths
420 (5/100).

421 **SECTION 5.** The following shall be codified as Section
422 37-151-207, Mississippi Code of 1972:

423 37-151-207. (1) The net enrollment of a school district or
424 charter school for use in the funding formula must be computed and
425 currently maintained by the State Board of Education in accordance
426 with the following:

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

433 (b) Determination of charter school net enrollment for
434 use in the funding formula. Effective with fiscal year 2026, the
435 department shall base a charter school's net enrollment on the



enrollment projections for the relevant year set forth over the term of the charter contract.

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

(2) The net enrollment of a school district or charter school must include any student enrolled in a dual enrollment-dual credit program as defined and provided for in Section 37-15-38. The State Department of Education shall make payments for dual enrollment-dual credit programs to the home school district or charter school in which the student is enrolled, in accordance 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



509 school district or part of a school district situated in the
510 county and must include the following information:

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

577 (3) Except as otherwise provided in Section 37-151-213(1),
578 the required state share in support of each school district and
579 charter school is determined by subtracting the required local
580 contribution, which total amount may not exceed twenty-seven
581 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:



607 37-151-213. (1) To qualify for state funds under this
608 chapter, a school district may not exceed a student-teacher ratio
609 determined in accordance with appropriate accreditation standards
610 developed by the Mississippi Commission on School Accreditation.
611 However, a local district may apply to the State Board of
612 Education for approval of a waiver to this section by submitting
613 and justifying an alternative educational program to serve the
614 needs of enrollment. The State Board of Education must approve or
615 disapprove of the waiver no later than forty-five (45) days after
616 the receipt of the application.

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

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

630 (4) If a school district meets the highest levels of
631 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



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

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

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

663 37-57-1. (1) (a) The boards of supervisors of the counties
664 shall levy and collect all taxes for and on behalf of all school
665 districts which were within the county school system or designated
666 as special municipal separate school districts prior to July 1,
667 1986. Such taxes shall be collected by the county tax collector
668 at the same time and in the same manner as county taxes are
669 collected by him, and the same penalties for delinquency shall be
670 applicable.

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

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



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

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

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

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



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



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

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

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



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

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



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

798 If a majority of the registered, qualified electors of the
799 school district who vote in the referendum vote in favor of the
800 question, then the ad valorem tax effort in dollars requested by
801 the school board shall be approved. However, if a majority of the
802 registered, qualified electors who vote in the referendum vote
803 against the question, the millage rate levied by the levying
804 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.



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

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



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



879 excluded from the limitation described in this subsection in the
880 same manner as they are excluded under Section 37-57-107.
881 Provided, however, that any increases requested by the school
882 board as a result of the required local contribution to * * * the
883 total funding formula as required by this act, as certified to the
884 local school district by the State Board of Education under
885 Section * * * 37-151-211, shall not be subject to the four percent
886 (4%) and/or seven percent (7%) tax increase limitations provided
887 in this section.

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

902 (5) The aggregate receipts from ad valorem taxes levied for
903 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



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

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



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

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



1029 year exceeds the next preceding fiscal year's ad valorem tax
1030 effort in dollars by more than four percent (4%) but not more than
1031 seven percent (7%), then the school board shall publish notice
1032 thereof once each week for at least three (3) consecutive weeks in
1033 a newspaper having general circulation in the school district
1034 involved, with the first publication thereof to be made not less
1035 than fifteen (15) days prior to the final adoption of the budget
1036 by the school board. If at any time prior to * * * the adoption a
1037 petition signed by not less than twenty percent (20%) or fifteen
1038 hundred (1500), whichever is less, of the qualified electors of
1039 the school district involved shall be filed with the school board
1040 requesting that an election be called on the question of exceeding
1041 the next preceding fiscal year's ad valorem tax effort in dollars
1042 by more than four percent (4%) but not more than seven percent
1043 (7%), then the school board shall, not later than the next regular
1044 meeting, adopt a resolution calling an election to be held within
1045 such school district upon such question. The election shall be
1046 called and held, and notice thereof shall be given, in the same
1047 manner for elections upon the questions of the issuance of the
1048 bonds of school districts, and the results thereof shall be
1049 certified to the school board. The ballot shall contain the
1050 language "For the School Tax Increase Over Four Percent (4%)" and
1051 "Against the School Tax Increase Over Four Percent (4%)." If a
1052 majority of the qualified electors of the school district who
1053 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



1079 general obligation school bonds issued heretofore or hereafter
1080 shall be excluded from the seven percent (7%) increase limitation
1081 set forth herein. Any additional millage levied to fund any new
1082 program mandated by the Legislature shall be excluded from the
1083 limitation for the first year of the levy and included within such
1084 limitation in any year thereafter. For the purposes of this
1085 section, the term "new program" shall include, but shall not be
1086 limited to, (a) the Early Childhood Education Program * * *, as
1087 provided by Section 37-21-7, and any additional millage levied and
1088 the revenue generated therefrom, which is excluded from the
1089 limitation for the first year of the levy, to support the mandated
1090 Early Childhood Education Program shall be specified on the
1091 minutes of the school board and of the governing body making such
1092 tax levy; (b) any additional millage levied and the revenue
1093 generated therefrom, which shall be excluded from the limitation
1094 for the first year of the levy, for the purpose of generating
1095 additional local contribution funds required for * * * the total
1096 funding formula as required by this act; and (c) any additional
1097 millage levied and the revenue generated therefrom which shall be
1098 excluded from the limitation for the first year of the levy, for
1099 the purpose of support and maintenance of any agricultural high
1100 school which has been transferred to the control, operation and
1101 maintenance of the school board by the board of trustees of the
1102 community college district under provisions of Section 37-29-272.



1103 (2) The seven percent (7%) increase limitation prescribed in
1104 this section may be increased an additional amount only when the
1105 school board has determined the need for additional revenues and
1106 has held an election on the question of raising the limitation
1107 prescribed in this section. The limitation may be increased only
1108 if three-fifths (3/5) of those voting in the election shall vote
1109 for the proposed increase. The resolution, notice and manner of
1110 holding the election shall be as prescribed by law for the holding
1111 of elections for the issuance of bonds by the respective school
1112 boards. Revenues collected for the fiscal year in excess of the
1113 seven percent (7%) increase limitation pursuant to an election
1114 shall be included in the tax base for the purpose of determining
1115 aggregate receipts for which the seven percent (7%) increase
1116 limitation applies for subsequent fiscal years.

1117 (3) Except as otherwise provided for excess revenues
1118 generated pursuant to an election, if revenues collected as the
1119 result of the taxes levied for the fiscal year pursuant to this
1120 section and Section 37-57-1 exceed the increase limitation, then
1121 it shall be the mandatory duty of the school board of the school
1122 district to deposit such excess receipts over and above the
1123 increase limitation into a special account and credit it to the
1124 fund for which the levy was made. It will be the further duty of
1125 such board to hold * * * the funds and invest the same as
1126 authorized by law. Such excess funds shall be calculated in the
1127 budgets for the school districts for the purpose for which such



1128 levies were made, for the succeeding fiscal year. Taxes imposed
1129 for the succeeding year shall be reduced by the amount of excess
1130 funds available. Under no circumstances shall such excess funds
1131 be expended during the fiscal year in which such excess funds are
1132 collected.

1133 (4) For the purposes of determining ad valorem tax receipts
1134 for a preceding fiscal year under this section, the term "fiscal
1135 year" means the fiscal year beginning October 1 and ending
1136 September 30.

1137 (5) Beginning with the 2013-2014 school year, each school
1138 district in which a charter school is located shall pay to the
1139 charter school an amount for each student enrolled in the charter
1140 school equal to the ad valorem taxes levied per pupil for the
1141 support of the school district in which the charter school is
1142 located. The pro rata ad valorem taxes to be transferred to the
1143 charter school must include all levies for the support of the
1144 school district under Sections 37-57-1 (local contribution to
1145 the * * * total funding formula as required by this act) and
1146 37-57-105 (school district operational levy) but may not include
1147 any taxes levied for the retirement of school district bonded
1148 indebtedness or short-term notes or any taxes levied for the
1149 support of vocational-technical education programs. Payments made
1150 pursuant to this subsection by a school district to a charter
1151 school must be made before the expiration of three (3) business
1152 days after the funds are distributed to the school district.



1153 **SECTION 14.** Section 37-61-33, Mississippi Code of 1972, is
1154 amended as follows:

1155 37-61-33. (1) There is created within the State Treasury a
1156 special fund to be designated the "Education Enhancement Fund"
1157 into which shall be deposited all the revenues collected pursuant
1158 to Sections 27-65-75 (5), (7) and (8) and 27-67-31(a) and (b).

1159 (2) Of the amount deposited into the Education Enhancement
1160 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be
1161 appropriated each fiscal year to the State Department of Education
1162 to be distributed to all school districts. Such money shall be
1163 distributed to all school districts in the proportion that
1164 the * * * net enrollment of each school district bears to
1165 the * * * net enrollment of all school districts within the state
1166 for the following purposes:

1167 (a) Purchasing, erecting, repairing, equipping,
1168 remodeling and enlarging school buildings and related facilities,
1169 including gymnasiums, auditoriums, lunchrooms, vocational training
1170 buildings, libraries, teachers' homes, school barns,
1171 transportation vehicles (which shall include new and used
1172 transportation vehicles) and garages for transportation vehicles,
1173 and purchasing land therefor;

1174 (b) Establishing and equipping school athletic fields
1175 and necessary facilities connected therewith, and purchasing land
1176 therefor;



1177 (c) Providing necessary water, light, heating,
1178 air-conditioning and sewerage facilities for school buildings, and
1179 purchasing land therefor;

1180 (d) As a pledge to pay all or a portion of the debt
1181 service on debt issued by the school district under Sections
1182 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
1183 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
1184 and 37-41-81, or debt issued by boards of supervisors for
1185 agricultural high schools pursuant to Section 37-27-65, if such
1186 pledge is accomplished pursuant to a written contract or
1187 resolution approved and spread upon the minutes of an official
1188 meeting of the district's school board or board of supervisors.
1189 The annual grant to such district in any subsequent year during
1190 the term of the resolution or contract shall not be reduced below
1191 an amount equal to the district's grant amount for the year in
1192 which the contract or resolution was adopted. The intent of this
1193 provision is to allow school districts to irrevocably pledge a
1194 certain, constant stream of revenue as security for long-term
1195 obligations issued under the code sections enumerated in this
1196 paragraph or as otherwise allowed by law. It is the intent of the
1197 Legislature that the provisions of this paragraph shall be
1198 cumulative and supplemental to any existing funding programs or
1199 other authority conferred upon school districts or school boards.
1200 Debt of a district secured by a pledge of sales tax revenue
1201 pursuant to this paragraph shall not be subject to any debt



1202 limitation contained in the foregoing enumerated code

1203 sections * * *; and

1204 (e) Any other purpose for which the total funding
1205 formula funds as determined by this act are not sufficient.

1206 (3) The remainder of the money deposited into the Education
1207 Enhancement Fund shall be appropriated as follows:

1208 (a) To the State Department of Education as follows:

1209 (i) Sixteen and sixty-one one-hundredths percent
1210 (16.61%) to the cost of the * * * total funding formula determined
1211 under * * * this act; of the funds generated by the percentage set
1212 forth in this section for the support of the adequate education
1213 program, one and one hundred seventy-eight one-thousandths percent
1214 (1.178%) of the funds shall be appropriated to be used by the
1215 State Department of Education for the purchase of textbooks to be
1216 loaned under Sections 37-43-1 through 37-43-59 to approved
1217 nonpublic schools, as described in Section 37-43-1. The funds to
1218 be distributed to each nonpublic school shall be in the proportion
1219 that the average daily attendance of each nonpublic school bears
1220 to the total average daily attendance of all nonpublic schools;

1221 (ii) Seven and ninety-seven one-hundredths percent
1222 (7.97%) to assist the funding of transportation operations and
1223 maintenance pursuant to Section 37-19-23; and

1224 (iii) Nine and sixty-one one-hundredths percent
1225 (9.61%) for classroom supplies, instructional materials and
1226 equipment, including computers and computer software, to be



1227 distributed to all eligible teachers within the state through the
1228 use of procurement cards or a digital solution capable of
1229 tracking, paying and reporting purchases. Classroom supply funds
1230 shall not be expended for administrative purposes. On a date to
1231 be determined by the State Department of Education, but not later
1232 than July 1 of each year, local school districts shall determine
1233 and submit to the State Department of Education the number of
1234 teachers eligible to receive an allocation for the current year.
1235 For purposes of this subparagraph, "teacher" means any employee of
1236 the school board of a school district, or the Mississippi School
1237 for the Arts, the Mississippi School for Math and Science, the
1238 Mississippi School for the Blind, the Mississippi School for the
1239 Deaf or public charter school, who is required by law to obtain a
1240 teacher's license from the State Department of Education and who
1241 is assigned to an instructional area of work as defined by the
1242 department, and shall include any full- or part-time gifted or
1243 special education teacher. It is the intent of the Legislature
1244 that all classroom teachers shall utilize these funds in a manner
1245 that addresses individual classroom needs and supports the overall
1246 goals of the school regarding supplies, instructional materials,
1247 equipment, computers or computer software under the provisions of
1248 this subparagraph, including the type, quantity and quality of
1249 such supplies, materials and equipment. Classroom supply funds
1250 allocated under this subparagraph shall supplement, not replace,
1251 other local and state funds available for the same purposes. The



1252 State Board of Education shall develop and promulgate rules and
1253 regulations for the administration of this subparagraph consistent
1254 with the above criteria, with particular emphasis on allowing the
1255 individual teachers to expend funds as they deem appropriate. The
1256 local school board shall require each school to issue credentials
1257 for a digital solution selected by or procurement cards provided
1258 by the Department of Finance and Administration under the
1259 provisions of Section 31-7-9(1)(c) for the use of teachers and
1260 necessary support personnel in making instructional supply fund
1261 expenditures under this section, consistent with the regulations
1262 of the Mississippi Department of Finance and Administration
1263 pursuant to Section 31-7-9. Such credentials or procurement cards
1264 shall be provided by the State Department of Education to local
1265 school districts on a date determined by the State Department of
1266 Education, but not later than August 1 of each year. Local school
1267 districts shall issue such credentials or procurement cards to
1268 classroom teachers at the beginning of the school year, but no
1269 later than August 1 of each year, and shall be issued in equal
1270 amounts per teacher determined by the total number of qualifying
1271 personnel and the current state appropriation for classroom
1272 supplies with the Education Enhancement Fund. After initial cards
1273 are issued under the timeline prescribed by this section, the
1274 State Department of Education may issue cards to districts for any
1275 classroom teacher hired after July 1 under a timeline prescribed
1276 by the State Department of Education. Such credentials or cards



1277 will expire on a predetermined date at the end of each school
1278 year, but not before April 1 of each year. All unexpended amounts
1279 will be carried forward, combined with the following year's
1280 allocation of Education Enhancement Fund instructional supplies
1281 funds and reallocated for the following year;

1282 (b) Twenty-two and nine one-hundredths percent (22.09%)
1283 to the Board of Trustees of State Institutions of Higher Learning
1284 for the purpose of supporting institutions of higher learning; and

1285 (c) Fourteen and forty-one one-hundredths percent
1286 (14.41%) to the Mississippi Community College Board for the
1287 purpose of providing support to community and junior colleges.

1288 (4) The amount remaining in the Education Enhancement Fund
1289 after funds are distributed as provided in subsections (2) and (3)
1290 of this section shall be appropriated for other educational needs.

1291 (5) None of the funds appropriated pursuant to subsection
1292 (3)(a) of this section shall be used to reduce the state's General
1293 Fund appropriation for the categories listed in an amount below
1294 the following amounts:

1295 (a) For subsection (3)(a)(ii) of this section,
1296 Thirty-six Million Seven Hundred Thousand Dollars
1297 (\$36,700,000.00);

1298 (b) For the aggregate of minimum program allotments in
1299 the 1997 fiscal year, formerly provided for in Chapter 19, Title
1300 37, Mississippi Code of 1972, as amended, excluding those funds



1301 for transportation as provided for in paragraph (a) of this
1302 subsection.

1303 (6) Any funds appropriated from the Education Enhancement
1304 Fund that are unexpended at the end of a fiscal year shall lapse
1305 into the Education Enhancement Fund, except as otherwise provided
1306 in subsection (3)(a)(iii) of this section.

1307 **SECTION 15.** Section 27-65-75, Mississippi Code of 1972, is
1308 amended as follows:

1309 27-65-75. On or before the fifteenth day of each month, the
1310 revenue collected under the provisions of this chapter during the
1311 preceding month shall be paid and distributed as follows:

1312 (1) (a) On or before August 15, 1992, and each succeeding
1313 month thereafter through July 15, 1993, eighteen percent (18%) of
1314 the total sales tax revenue collected during the preceding month
1315 under the provisions of this chapter, except that collected under
1316 the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
1317 business activities within a municipal corporation shall be
1318 allocated for distribution to the municipality and paid to the
1319 municipal corporation. Except as otherwise provided in this
1320 paragraph (a), on or before August 15, 1993, and each succeeding
1321 month thereafter, eighteen and one-half percent (18-1/2%) of the
1322 total sales tax revenue collected during the preceding month under
1323 the provisions of this chapter, except that collected under the
1324 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
1325 27-65-24, on business activities within a municipal corporation



1326 shall be allocated for distribution to the municipality and paid
1327 to the municipal corporation. However, in the event the State
1328 Auditor issues a certificate of noncompliance pursuant to Section
1329 21-35-31, the Department of Revenue shall withhold ten percent
1330 (10%) of the allocations and payments to the municipality that
1331 would otherwise be payable to the municipality under this
1332 paragraph (a) until such time that the department receives written
1333 notice of the cancellation of a certificate of noncompliance from
1334 the State Auditor.

1335 A municipal corporation, for the purpose of distributing the
1336 tax under this subsection, shall mean and include all incorporated
1337 cities, towns and villages.

1338 Monies allocated for distribution and credited to a municipal
1339 corporation under this paragraph may be pledged as security for a
1340 loan if the distribution received by the municipal corporation is
1341 otherwise authorized or required by law to be pledged as security
1342 for such a loan.

1343 In any county having a county seat that is not an
1344 incorporated municipality, the distribution provided under this
1345 subsection shall be made as though the county seat was an
1346 incorporated municipality; however, the distribution to the
1347 municipality shall be paid to the county treasury in which the
1348 municipality is located, and those funds shall be used for road,
1349 bridge and street construction or maintenance in the county.



1350 (b) On or before August 15, 2006, and each succeeding
1351 month thereafter, eighteen and one-half percent (18-1/2%) of the
1352 total sales tax revenue collected during the preceding month under
1353 the provisions of this chapter, except that collected under the
1354 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
1355 business activities on the campus of a state institution of higher
1356 learning or community or junior college whose campus is not
1357 located within the corporate limits of a municipality, shall be
1358 allocated for distribution to the state institution of higher
1359 learning or community or junior college and paid to the state
1360 institution of higher learning or community or junior college.

1361 (c) On or before August 15, 2018, and each succeeding
1362 month thereafter until August 14, 2019, two percent (2%) of the
1363 total sales tax revenue collected during the preceding month under
1364 the provisions of this chapter, except that collected under the
1365 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
1366 27-65-24, on business activities within the corporate limits of
1367 the City of Jackson, Mississippi, shall be deposited into the
1368 Capitol Complex Improvement District Project Fund created in
1369 Section 29-5-215. On or before August 15, 2019, and each
1370 succeeding month thereafter until August 14, 2020, four percent
1371 (4%) of the total sales tax revenue collected during the preceding
1372 month under the provisions of this chapter, except that collected
1373 under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21
1374 and 27-65-24, on business activities within the corporate limits



of the City of Jackson, Mississippi, shall be deposited into the Capitol Complex Improvement District Project Fund created in Section 29-5-215. On or before August 15, 2020, and each succeeding month thereafter through July 15, 2023, six percent (6%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and 27-65-24, on business activities within the corporate limits of the City of Jackson, Mississippi, shall be deposited into the Capitol Complex Improvement District Project Fund created in Section 29-5-215. On or before August 15, 2023, and each succeeding month thereafter, nine percent (9%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and 27-65-24, on business activities within the corporate limits of the City of Jackson, Mississippi, shall be deposited into the Capitol Complex Improvement District Project Fund created in Section 29-5-215.

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



1400 and 27-65-21, on business activities within a redevelopment
1401 project area developed under a redevelopment plan adopted under
1402 the Tax Increment Financing Act (Section 21-45-1 et seq.) shall be
1403 allocated for distribution to the county in which the project area
1404 is located if:

1405 1. The county:

1406 a. Borders on the Mississippi Sound and
1407 the State of Alabama, or

1408 b. Is Harrison County, Mississippi, and
1409 the project area is within a radius of two (2) miles from the
1410 intersection of Interstate 10 and Menge Avenue;

1411 2. The county has issued bonds under Section
1412 21-45-9 to finance all or a portion of a redevelopment project in
1413 the redevelopment project area;

1414 3. Any debt service for the indebtedness
1415 incurred is outstanding; and

1416 4. A development with a value of Ten Million
1417 Dollars (\$10,000,000.00) or more is, or will be, located in the
1418 redevelopment area.

1419 (ii) Before any sales tax revenue may be allocated
1420 for distribution to a county under this paragraph, the county
1421 shall certify to the Department of Revenue that the requirements
1422 of this paragraph have been met, the amount of bonded indebtedness
1423 that has been incurred by the county for the redevelopment project



1424 and the expected date the indebtedness incurred by the county will
1425 be satisfied.

1426 (iii) The diversion of sales tax revenue
1427 authorized by this paragraph shall begin the month following the
1428 month in which the Department of Revenue determines that the
1429 requirements of this paragraph have been met. The diversion shall
1430 end the month the indebtedness incurred by the county is
1431 satisfied. All revenue received by the county under this
1432 paragraph shall be deposited in the fund required to be created in
1433 the tax increment financing plan under Section 21-45-11 and be
1434 utilized solely to satisfy the indebtedness incurred by the
1435 county.

1436 (2) On or before September 15, 1987, and each succeeding
1437 month thereafter, from the revenue collected under this chapter
1438 during the preceding month, One Million One Hundred Twenty-five
1439 Thousand Dollars (\$1,125,000.00) shall be allocated for
1440 distribution to municipal corporations as defined under subsection
1441 (1) of this section in the proportion that the number of gallons
1442 of gasoline and diesel fuel sold by distributors to consumers and
1443 retailers in each such municipality during the preceding fiscal
1444 year bears to the total gallons of gasoline and diesel fuel sold
1445 by distributors to consumers and retailers in municipalities
1446 statewide during the preceding fiscal year. The Department of
1447 Revenue shall require all distributors of gasoline and diesel fuel
1448 to report to the department monthly the total number of gallons of



1449 gasoline and diesel fuel sold by them to consumers and retailers
1450 in each municipality during the preceding month. The Department
1451 of Revenue shall have the authority to promulgate such rules and
1452 regulations as is necessary to determine the number of gallons of
1453 gasoline and diesel fuel sold by distributors to consumers and
1454 retailers in each municipality. In determining the percentage
1455 allocation of funds under this subsection for the fiscal year
1456 beginning July 1, 1987, and ending June 30, 1988, the Department
1457 of Revenue may consider gallons of gasoline and diesel fuel sold
1458 for a period of less than one (1) fiscal year. For the purposes
1459 of this subsection, the term "fiscal year" means the fiscal year
1460 beginning July 1 of a year.

1461 (3) On or before September 15, 1987, and on or before the
1462 fifteenth day of each succeeding month, until the date specified
1463 in Section 65-39-35, the proceeds derived from contractors' taxes
1464 levied under Section 27-65-21 on contracts for the construction or
1465 reconstruction of highways designated under the highway program
1466 created under Section 65-3-97 shall, except as otherwise provided
1467 in Section 31-17-127, be deposited into the State Treasury to the
1468 credit of the State Highway Fund to be used to fund that highway
1469 program. The Mississippi Department of Transportation shall
1470 provide to the Department of Revenue such information as is
1471 necessary to determine the amount of proceeds to be distributed
1472 under this subsection.



1473 (4) On or before August 15, 1994, and on or before the
1474 fifteenth day of each succeeding month through July 15, 1999, from
1475 the proceeds of gasoline, diesel fuel or kerosene taxes as
1476 provided in Section 27-5-101(a)(ii)1, Four Million Dollars
1477 (\$4,000,000.00) shall be deposited in the State Treasury to the
1478 credit of a special fund designated as the "State Aid Road Fund,"
1479 created by Section 65-9-17. On or before August 15, 1999, and on
1480 or before the fifteenth day of each succeeding month, from the
1481 total amount of the proceeds of gasoline, diesel fuel or kerosene
1482 taxes apportioned by Section 27-5-101(a)(ii)1, Four Million
1483 Dollars (\$4,000,000.00) or an amount equal to twenty-three and
1484 one-fourth percent (23-1/4%) of those funds, whichever is the
1485 greater amount, shall be deposited in the State Treasury to the
1486 credit of the "State Aid Road Fund," created by Section 65-9-17.
1487 Those funds shall be pledged to pay the principal of and interest
1488 on state aid road bonds heretofore issued under Sections 19-9-51
1489 through 19-9-77, in lieu of and in substitution for the funds
1490 previously allocated to counties under this section. Those funds
1491 may not be pledged for the payment of any state aid road bonds
1492 issued after April 1, 1981; however, this prohibition against the
1493 pledging of any such funds for the payment of bonds shall not
1494 apply to any bonds for which intent to issue those bonds has been
1495 published for the first time, as provided by law before March 29,
1496 1981. From the amount of taxes paid into the special fund under
1497 this subsection and subsection (9) of this section, there shall be



1498 first deducted and paid the amount necessary to pay the expenses
1499 of the Office of State Aid Road Construction, as authorized by the
1500 Legislature for all other general and special fund agencies. The
1501 remainder of the fund shall be allocated monthly to the several
1502 counties in accordance with the following formula:

1503 (a) One-third (1/3) shall be allocated to all counties
1504 in equal shares;

1505 (b) One-third (1/3) shall be allocated to counties
1506 based on the proportion that the total number of rural road miles
1507 in a county bears to the total number of rural road miles in all
1508 counties of the state; and

1509 (c) One-third (1/3) shall be allocated to counties
1510 based on the proportion that the rural population of the county
1511 bears to the total rural population in all counties of the state,
1512 according to the latest federal decennial census.

1513 For the purposes of this subsection, the term "gasoline,
1514 diesel fuel or kerosene taxes" means such taxes as defined in
1515 paragraph (f) of Section 27-5-101.

1516 The amount of funds allocated to any county under this
1517 subsection for any fiscal year after fiscal year 1994 shall not be
1518 less than the amount allocated to the county for fiscal year 1994.

1519 Any reference in the general laws of this state or the
1520 Mississippi Code of 1972 to Section 27-5-105 shall mean and be
1521 construed to refer and apply to subsection (4) of Section
1522 27-65-75.



1523 (5) On or before August 15, 2024, and each succeeding month
1524 thereafter, One Million Six Hundred Sixty-six Thousand Six Hundred
1525 Sixty-six Dollars (\$1,666,666.00) * * * shall be paid into the
1526 special fund known as the * * * Education Enhancement Fund created
1527 and existing under the provisions of Section * * * 37-61-33.

1528 (6) An amount each month beginning August 15, 1983, through
1529 November 15, 1986, as specified in Section 6, Chapter 542, Laws of
1530 1983, shall be paid into the special fund known as the
1531 Correctional Facilities Construction Fund created in Section 6,
1532 Chapter 542, Laws of 1983.

1533 (7) On or before August 15, 1992, and each succeeding month
1534 thereafter through July 15, 2000, two and two hundred sixty-six
1535 one-thousandths percent (2.266%) of the total sales tax revenue
1536 collected during the preceding month under the provisions of this
1537 chapter, except that collected under the provisions of Section
1538 27-65-17(2), shall be deposited by the department into the School
1539 Ad Valorem Tax Reduction Fund created under Section 37-61-35. On
1540 or before August 15, 2000, and each succeeding month thereafter,
1541 two and two hundred sixty-six one-thousandths percent (2.266%) of
1542 the total sales tax revenue collected during the preceding month
1543 under the provisions of this chapter, except that collected under
1544 the provisions of Section 27-65-17(2), shall be deposited into the
1545 School Ad Valorem Tax Reduction Fund created under Section
1546 37-61-35 until such time that the total amount deposited into the
1547 fund during a fiscal year equals Forty-two Million Dollars



1548 (\$42,000,000.00). Thereafter, the amounts diverted under this
1549 subsection (7) during the fiscal year in excess of Forty-two
1550 Million Dollars (\$42,000,000.00) shall be deposited into the
1551 Education Enhancement Fund created under Section 37-61-33 for
1552 appropriation by the Legislature as other education needs and
1553 shall not be subject to the percentage appropriation requirements
1554 set forth in Section 37-61-33.

1555 (8) On or before August 15, 1992, and each succeeding month
1556 thereafter, nine and seventy-three one-thousandths percent
1557 (9.073%) of the total sales tax revenue collected during the
1558 preceding month under the provisions of this chapter, except that
1559 collected under the provisions of Section 27-65-17(2), shall be
1560 deposited into the Education Enhancement Fund created under
1561 Section 37-61-33.

1562 (9) On or before August 15, 1994, and each succeeding month
1563 thereafter, from the revenue collected under this chapter during
1564 the preceding month, Two Hundred Fifty Thousand Dollars
1565 (\$250,000.00) shall be paid into the State Aid Road Fund.

1566 (10) On or before August 15, 1994, and each succeeding month
1567 thereafter through August 15, 1995, from the revenue collected
1568 under this chapter during the preceding month, Two Million Dollars
1569 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad
1570 Valorem Tax Reduction Fund established in Section 27-51-105.

1571 (11) Notwithstanding any other provision of this section to
1572 the contrary, on or before February 15, 1995, and each succeeding



1573 month thereafter, the sales tax revenue collected during the
1574 preceding month under the provisions of Section 27-65-17(2) and
1575 the corresponding levy in Section 27-65-23 on the rental or lease
1576 of private carriers of passengers and light carriers of property
1577 as defined in Section 27-51-101 shall be deposited, without
1578 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund
1579 established in Section 27-51-105.

1580 (12) Notwithstanding any other provision of this section to
1581 the contrary, on or before August 15, 1995, and each succeeding
1582 month thereafter, the sales tax revenue collected during the
1583 preceding month under the provisions of Section 27-65-17(1) on
1584 retail sales of private carriers of passengers and light carriers
1585 of property, as defined in Section 27-51-101 and the corresponding
1586 levy in Section 27-65-23 on the rental or lease of these vehicles,
1587 shall be deposited, after diversion, into the Motor Vehicle Ad
1588 Valorem Tax Reduction Fund established in Section 27-51-105.

1589 (13) On or before July 15, 1994, and on or before the
1590 fifteenth day of each succeeding month thereafter, that portion of
1591 the avails of the tax imposed in Section 27-65-22 that is derived
1592 from activities held on the Mississippi State Fairgrounds Complex
1593 shall be paid into a special fund that is created in the State
1594 Treasury and shall be expended upon legislative appropriation
1595 solely to defray the costs of repairs and renovation at the Trade
1596 Mart and Coliseum.



1597 (14) On or before August 15, 1998, and each succeeding month
1598 thereafter through July 15, 2005, that portion of the avails of
1599 the tax imposed in Section 27-65-23 that is derived from sales by
1600 cotton compresses or cotton warehouses and that would otherwise be
1601 paid into the General Fund shall be deposited in an amount not to
1602 exceed Two Million Dollars (\$2,000,000.00) into the special fund
1603 created under Section 69-37-39. On or before August 15, 2007, and
1604 each succeeding month thereafter through July 15, 2010, that
1605 portion of the avails of the tax imposed in Section 27-65-23 that
1606 is derived from sales by cotton compresses or cotton warehouses
1607 and that would otherwise be paid into the General Fund shall be
1608 deposited in an amount not to exceed Two Million Dollars
1609 (\$2,000,000.00) into the special fund created under Section
1610 69-37-39 until all debts or other obligations incurred by the
1611 Certified Cotton Growers Organization under the Mississippi Boll
1612 Weevil Management Act before January 1, 2007, are satisfied in
1613 full. On or before August 15, 2010, and each succeeding month
1614 thereafter through July 15, 2011, fifty percent (50%) of that
1615 portion of the avails of the tax imposed in Section 27-65-23 that
1616 is derived from sales by cotton compresses or cotton warehouses
1617 and that would otherwise be paid into the General Fund shall be
1618 deposited into the special fund created under Section 69-37-39
1619 until such time that the total amount deposited into the fund
1620 during a fiscal year equals One Million Dollars (\$1,000,000.00).
1621 On or before August 15, 2011, and each succeeding month



1622 thereafter, that portion of the avails of the tax imposed in
1623 Section 27-65-23 that is derived from sales by cotton compresses
1624 or cotton warehouses and that would otherwise be paid into the
1625 General Fund shall be deposited into the special fund created
1626 under Section 69-37-39 until such time that the total amount
1627 deposited into the fund during a fiscal year equals One Million
1628 Dollars (\$1,000,000.00).

1629 (15) Notwithstanding any other provision of this section to
1630 the contrary, on or before September 15, 2000, and each succeeding
1631 month thereafter, the sales tax revenue collected during the
1632 preceding month under the provisions of Section
1633 27-65-19(1)(d)(i)2, and 27-65-19(1)(d)(i)3 shall be deposited,
1634 without diversion, into the Telecommunications Ad Valorem Tax
1635 Reduction Fund established in Section 27-38-7.

1636 (16) (a) On or before August 15, 2000, and each succeeding
1637 month thereafter, the sales tax revenue collected during the
1638 preceding month under the provisions of this chapter on the gross
1639 proceeds of sales of a project as defined in Section 57-30-1 shall
1640 be deposited, after all diversions except the diversion provided
1641 for in subsection (1) of this section, into the Sales Tax
1642 Incentive Fund created in Section 57-30-3.

1643 (b) On or before August 15, 2007, and each succeeding
1644 month thereafter, eighty percent (80%) of the sales tax revenue
1645 collected during the preceding month under the provisions of this
1646 chapter from the operation of a tourism project under the



1647 provisions of Sections 57-26-1 through 57-26-5, shall be
1648 deposited, after the diversions required in subsections (7) and
1649 (8) of this section, into the Tourism Project Sales Tax Incentive
1650 Fund created in Section 57-26-3.

1651 (17) Notwithstanding any other provision of this section to
1652 the contrary, on or before April 15, 2002, and each succeeding
1653 month thereafter, the sales tax revenue collected during the
1654 preceding month under Section 27-65-23 on sales of parking
1655 services of parking garages and lots at airports shall be
1656 deposited, without diversion, into the special fund created under
1657 Section 27-5-101(d).

1658 (18) [Repealed]

1659 (19) (a) On or before August 15, 2005, and each succeeding
1660 month thereafter, the sales tax revenue collected during the
1661 preceding month under the provisions of this chapter on the gross
1662 proceeds of sales of a business enterprise located within a
1663 redevelopment project area under the provisions of Sections
1664 57-91-1 through 57-91-11, and the revenue collected on the gross
1665 proceeds of sales from sales made to a business enterprise located
1666 in a redevelopment project area under the provisions of Sections
1667 57-91-1 through 57-91-11 (provided that such sales made to a
1668 business enterprise are made on the premises of the business
1669 enterprise), shall, except as otherwise provided in this
1670 subsection (19), be deposited, after all diversions, into the



1671 Redevelopment Project Incentive Fund as created in Section
1672 57-91-9.

1673 (b) For a municipality participating in the Economic
1674 Redevelopment Act created in Sections 57-91-1 through 57-91-11,
1675 the diversion provided for in subsection (1) of this section
1676 attributable to the gross proceeds of sales of a business
1677 enterprise located within a redevelopment project area under the
1678 provisions of Sections 57-91-1 through 57-91-11, and attributable
1679 to the gross proceeds of sales from sales made to a business
1680 enterprise located in a redevelopment project area under the
1681 provisions of Sections 57-91-1 through 57-91-11 (provided that
1682 such sales made to a business enterprise are made on the premises
1683 of the business enterprise), shall be deposited into the
1684 Redevelopment Project Incentive Fund as created in Section
1685 57-91-9, as follows:

1686 (i) For the first six (6) years in which payments
1687 are made to a developer from the Redevelopment Project Incentive
1688 Fund, one hundred percent (100%) of the diversion shall be
1689 deposited into the fund;

1690 (ii) For the seventh year in which such payments
1691 are made to a developer from the Redevelopment Project Incentive
1692 Fund, eighty percent (80%) of the diversion shall be deposited
1693 into the fund;

1694 (iii) For the eighth year in which such payments
1695 are made to a developer from the Redevelopment Project Incentive



1696 Fund, seventy percent (70%) of the diversion shall be deposited
1697 into the fund;

1698 (iv) For the ninth year in which such payments are
1699 made to a developer from the Redevelopment Project Incentive Fund,
1700 sixty percent (60%) of the diversion shall be deposited into the
1701 fund; and

1702 (v) For the tenth year in which such payments are
1703 made to a developer from the Redevelopment Project Incentive Fund,
1704 fifty percent (50%) of the funds shall be deposited into the fund.

1705 (20) On or before January 15, 2007, and each succeeding
1706 month thereafter, eighty percent (80%) of the sales tax revenue
1707 collected during the preceding month under the provisions of this
1708 chapter from the operation of a tourism project under the
1709 provisions of Sections 57-28-1 through 57-28-5 shall be deposited,
1710 after the diversions required in subsections (7) and (8) of this
1711 section, into the Tourism Sales Tax Incentive Fund created in
1712 Section 57-28-3.

1713 (21) (a) On or before April 15, 2007, and each succeeding
1714 month thereafter through June 15, 2013, One Hundred Fifty Thousand
1715 Dollars (\$150,000.00) of the sales tax revenue collected during
1716 the preceding month under the provisions of this chapter shall be
1717 deposited into the MMEIA Tax Incentive Fund created in Section
1718 57-101-3.

1719 (b) On or before July 15, 2013, and each succeeding
1720 month thereafter, One Hundred Fifty Thousand Dollars (\$150,000.00)



1721 of the sales tax revenue collected during the preceding month
1722 under the provisions of this chapter shall be deposited into the
1723 Mississippi Development Authority Job Training Grant Fund created
1724 in Section 57-1-451.

1725 (22) On or before June 1, 2024, and each succeeding month
1726 thereafter until December 31, 2057, an amount determined annually
1727 by the Mississippi Development Authority of the sales tax revenue
1728 collected during the preceding month under the provisions of this
1729 chapter shall be deposited into the MMEIA Tax Incentive Fund
1730 created in Section 18 of * * * Senate Bill No. 2001, 2024 Second
1731 Extraordinary Session. This amount shall be based on estimated
1732 payments due within the upcoming year to construction contractors
1733 pursuant to construction contracts subject to the tax imposed by
1734 Section 27-65-21 for construction to be performed on the project
1735 site of a project defined under Section 57-75-5(f)(xxxiii) for the
1736 coming year.

1737 (23) Notwithstanding any other provision of this section to
1738 the contrary, on or before August 15, 2009, and each succeeding
1739 month thereafter, the sales tax revenue collected during the
1740 preceding month under the provisions of Section 27-65-201 shall be
1741 deposited, without diversion, into the Motor Vehicle Ad Valorem
1742 Tax Reduction Fund established in Section 27-51-105.

1743 (24) (a) On or before August 15, 2019, and each month
1744 thereafter through July 15, 2020, one percent (1%) of the total
1745 sales tax revenue collected during the preceding month from



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

1763 (b) The Joint Legislative Committee on Performance
1764 Evaluation and Expenditure Review (PEER) must provide an annual
1765 report to the Legislature indicating the amount of funds deposited
1766 into the Mississippi Development Authority Tourism Advertising
1767 Fund established under Section 57-1-64, and a detailed record of
1768 how the funds are spent.



1769 (25) The remainder of the amounts collected under the
1770 provisions of this chapter shall be paid into the State Treasury
1771 to the credit of the General Fund.

1772 (26) (a) It shall be the duty of the municipal officials of
1773 any municipality that expands its limits, or of any community that
1774 incorporates as a municipality, to notify the commissioner of that
1775 action thirty (30) days before the effective date. Failure to so
1776 notify the commissioner shall cause the municipality to forfeit
1777 the revenue that it would have been entitled to receive during
1778 this period of time when the commissioner had no knowledge of the
1779 action.

1780 (b) (i) Except as otherwise provided in subparagraph
1781 (ii) of this paragraph, if any funds have been erroneously
1782 disbursed to any municipality or any overpayment of tax is
1783 recovered by the taxpayer, the commissioner may make correction
1784 and adjust the error or overpayment with the municipality by
1785 withholding the necessary funds from any later payment to be made
1786 to the municipality.

1787 (ii) Subject to the provisions of Sections
1788 27-65-51 and 27-65-53, if any funds have been erroneously
1789 disbursed to a municipality under subsection (1) of this section
1790 for a period of three (3) years or more, the maximum amount that
1791 may be recovered or withheld from the municipality is the total
1792 amount of funds erroneously disbursed for a period of three (3)
1793 years beginning with the date of the first erroneous disbursement.



1794 However, if during such period, a municipality provides written
1795 notice to the Department of Revenue indicating the erroneous
1796 disbursement of funds, then the maximum amount that may be
1797 recovered or withheld from the municipality is the total amount of
1798 funds erroneously disbursed for a period of one (1) year beginning
1799 with the date of the first erroneous disbursement.

1800 **SECTION 16.** Section 1-3-26, Mississippi Code of 1972, is
1801 amended as follows:

1802 1-3-26. Wherever the phrase "minimum education program,"
1803 "minimum program," * * * "minimum foundation program,"
1804 "Mississippi Adequate Education Program," "adequate education
1805 program," or "MAEP" shall appear in the laws of this state, it
1806 shall be construed to mean * * * the "total funding formula"
1807 created under * * * Chapter 151, Title 37, Mississippi Code of
1808 1972.

1809 **SECTION 17.** Section 7-7-211, Mississippi Code of 1972, is
1810 amended as follows:

1811 7-7-211. The department shall have the power and it shall be
1812 its duty:

1813 (a) To identify and define for all public offices of
1814 the state and its subdivisions generally accepted accounting
1815 principles or other accounting principles as promulgated by
1816 nationally recognized professional organizations and to consult
1817 with the State Fiscal Officer in the prescription and
1818 implementation of accounting rules and regulations;



1819 (b) To provide best practices, for all public offices
1820 of regional and local subdivisions of the state, systems of
1821 accounting, budgeting and reporting financial facts relating to
1822 said offices in conformity with legal requirements and with
1823 generally accepted accounting principles or other accounting
1824 principles as promulgated by nationally recognized professional
1825 organizations; to assist such subdivisions in need of assistance
1826 in the installation of such systems; to revise such systems when
1827 deemed necessary, and to report to the Legislature at periodic
1828 times the extent to which each office is maintaining such systems,
1829 along with such recommendations to the Legislature for improvement
1830 as seem desirable;

1831 (c) To study and analyze existing managerial policies,
1832 methods, procedures, duties and services of the various state
1833 departments and institutions upon written request of the Governor,
1834 the Legislature or any committee or other body empowered by the
1835 Legislature to make such request to determine whether and where
1836 operations can be eliminated, combined, simplified and improved;

1837 (d) To postaudit each year and, when deemed necessary,
1838 preaudit and investigate the financial affairs of the departments,
1839 institutions, boards, commissions, or other agencies of state
1840 government, as part of the publication of a comprehensive annual
1841 financial report for the State of Mississippi, or as deemed
1842 necessary by the State Auditor. In complying with the
1843 requirements of this paragraph, the department shall have the



1844 authority to conduct all necessary audit procedures on an interim
1845 and year-end basis;

1846 (e) To postaudit and, when deemed necessary, preaudit
1847 and investigate separately the financial affairs of (i) the
1848 offices, boards and commissions of county governments and any
1849 departments and institutions thereof and therein; (ii) public
1850 school districts, departments of education and junior college
1851 districts; and (iii) any other local offices or agencies which
1852 share revenues derived from taxes or fees imposed by the State
1853 Legislature or receive grants from revenues collected by
1854 governmental divisions of the state; the cost of such audits,
1855 investigations or other services to be paid as follows: Such part
1856 shall be paid by the state from appropriations made by the
1857 Legislature for the operation of the State Department of Audit as
1858 may exceed the sum of Thirty-five Dollars (\$35.00) per man-hour
1859 for the services of each staff person engaged in performing the
1860 audit or other service plus the actual cost of any independent
1861 specialist firm contracted by the State Auditor to assist in the
1862 performance of the audit, which sum shall be paid by the county,
1863 district, department, institution or other agency audited out of
1864 its general fund or any other available funds from which such
1865 payment is not prohibited by law. Costs paid for independent
1866 specialists or firms contracted by the State Auditor shall be paid
1867 by the audited entity through the State Auditor to the specialist
1868 or firm conducting the postaudit.



1869 Each school district in the state shall have its financial
1870 records audited annually, at the end of each fiscal year, either
1871 by the State Auditor or by a certified public accountant approved
1872 by the State Auditor. Beginning with the audits of fiscal year
1873 2010 activity, no certified public accountant shall be selected to
1874 perform the annual audit of a school district who has audited that
1875 district for three (3) or more consecutive years previously.
1876 Certified public accountants shall be selected in a manner
1877 determined by the State Auditor. The school district shall have
1878 the responsibility to pay for the audit, including the review by
1879 the State Auditor of audits performed by certified public
1880 accountants;

1881 (f) To postaudit and, when deemed necessary, preaudit
1882 and investigate the financial affairs of the levee boards;
1883 agencies created by the Legislature or by executive order of the
1884 Governor; profit or nonprofit business entities administering
1885 programs financed by funds flowing through the State Treasury or
1886 through any of the agencies of the state, or its subdivisions; and
1887 all other public bodies supported by funds derived in part or
1888 wholly from public funds, except municipalities which annually
1889 submit an audit prepared by a qualified certified public
1890 accountant using methods and procedures prescribed by the
1891 department;

1892 (g) To make written demand, when necessary, for the
1893 recovery of any amounts representing public funds improperly



1894 withheld, misappropriated and/or otherwise illegally expended by
1895 an officer, employee or administrative body of any state, county
1896 or other public office, and/or for the recovery of the value of
1897 any public property disposed of in an unlawful manner by a public
1898 officer, employee or administrative body, such demands to be made
1899 (i) upon the person or persons liable for such amounts and upon
1900 the surety on official bond thereof, and/or (ii) upon any
1901 individual, partnership, corporation or association to whom the
1902 illegal expenditure was made or with whom the unlawful disposition
1903 of public property was made, if such individual, partnership,
1904 corporation or association knew or had reason to know through the
1905 exercising of reasonable diligence that the expenditure was
1906 illegal or the disposition unlawful. Such demand shall be
1907 premised on competent evidence, which shall include at least one
1908 (1) of the following: (i) sworn statements, (ii) written
1909 documentation, (iii) physical evidence, or (iv) reports and
1910 findings of government or other law enforcement agencies. Other
1911 provisions notwithstanding, a demand letter issued pursuant to
1912 this paragraph shall remain confidential by the State Auditor
1913 until the individual against whom the demand letter is being filed
1914 has been served with a copy of such demand letter. If, however,
1915 such individual cannot be notified within fifteen (15) days using
1916 reasonable means and due diligence, such notification shall be
1917 made to the individual's bonding company, if he or she is bonded.
1918 Each such demand shall be paid into the proper treasury of the



1919 state, county or other public body through the office of the
1920 department in the amount demanded within thirty (30) days from the
1921 date thereof, together with interest thereon in the sum of one
1922 percent (1%) per month from the date such amount or amounts were
1923 improperly withheld, misappropriated and/or otherwise illegally
1924 expended. In the event, however, such person or persons or such
1925 surety shall refuse, neglect or otherwise fail to pay the amount
1926 demanded and the interest due thereon within the allotted thirty
1927 (30) days, the State Auditor shall have the authority and it shall
1928 be his duty to institute suit, and the Attorney General shall
1929 prosecute the same in any court of the state to the end that there
1930 shall be recovered the total of such amounts from the person or
1931 persons and surety on official bond named therein; and the amounts
1932 so recovered shall be paid into the proper treasury of the state,
1933 county or other public body through the State Auditor. In any
1934 case where written demand is issued to a surety on the official
1935 bond of such person or persons and the surety refuses, neglects or
1936 otherwise fails within one hundred twenty (120) days to either pay
1937 the amount demanded and the interest due thereon or to give the
1938 State Auditor a written response with specific reasons for
1939 nonpayment, then the surety shall be subject to a civil penalty in
1940 an amount of twelve percent (12%) of the bond, not to exceed Ten
1941 Thousand Dollars (\$10,000.00), to be deposited into the State
1942 General Fund;



1943 (h) To investigate any alleged or suspected violation
1944 of the laws of the state by any officer or employee of the state,
1945 county or other public office in the purchase, sale or the use of
1946 any supplies, services, equipment or other property belonging
1947 thereto; and in such investigation to do any and all things
1948 necessary to procure evidence sufficient either to prove or
1949 disprove the existence of such alleged or suspected violations.
1950 The * * * Division of Investigation of the State Department of
1951 Audit may investigate, for the purpose of prosecution, any
1952 suspected criminal violation of the provisions of this chapter.
1953 For the purpose of administration and enforcement of this chapter,
1954 the enforcement employees of the * * * Division of Investigation
1955 of the State Department of Audit have the powers of a law
1956 enforcement officer of this state, and shall be empowered to make
1957 arrests and to serve and execute search warrants and other valid
1958 legal process anywhere within the State of Mississippi. All
1959 enforcement employees of the * * * Division of Investigation of
1960 the State Department of Audit hired on or after July 1, 1993,
1961 shall be required to complete the Law Enforcement Officers
1962 Training Program and shall meet the standards of the program;
1963 (i) To issue subpoenas, with the approval of, and
1964 returnable to, a judge of a chancery or circuit court, in termtime
1965 or in vacation, to examine the records, documents or other
1966 evidence of persons, firms, corporations or any other entities
1967 insofar as such records, documents or other evidence relate to



1968 dealings with any state, county or other public entity. The
1969 circuit or chancery judge must serve the county in which the
1970 records, documents or other evidence is located; or where all or
1971 part of the transaction or transactions occurred which are the
1972 subject of the subpoena;

1973 (j) In any instances in which the State Auditor is or
1974 shall be authorized or required to examine or audit, whether
1975 preaudit or postaudit, any books, ledgers, accounts or other
1976 records of the affairs of any public hospital owned or owned and
1977 operated by one or more political subdivisions or parts thereof or
1978 any combination thereof, or any school district, including
1979 activity funds thereof, it shall be sufficient compliance
1980 therewith, in the discretion of the State Auditor, that such
1981 examination or audit be made from the report of any audit or other
1982 examination certified by a certified public accountant and
1983 prepared by or under the supervision of such certified public
1984 accountant. Such audits shall be made in accordance with
1985 generally accepted standards of auditing, with the use of an audit
1986 program prepared by the State Auditor, and final reports of such
1987 audits shall conform to the format prescribed by the State
1988 Auditor. All files, working papers, notes, correspondence and all
1989 other data compiled during the course of the audit shall be
1990 available, without cost, to the State Auditor for examination and
1991 abstracting during the normal business hours of any business day.
1992 The expense of such certified reports shall be borne by the



1993 respective hospital, or any available school district funds * * *,
1994 subject to examination or audit. The State Auditor shall not be
1995 bound by such certified reports and may, in his or their
1996 discretion, conduct such examination or audit from the books,
1997 ledgers, accounts or other records involved as may be appropriate
1998 and authorized by law;

1999 (k) The State Auditor shall have the authority to
2000 contract with qualified public accounting firms to perform
2001 selected audits required in paragraphs (d), (e), (f) and (j) of
2002 this section, if funds are made available for such contracts by
2003 the Legislature, or if funds are available from the governmental
2004 entity covered by paragraphs (d), (e), (f) and (j). Such audits
2005 shall be made in accordance with generally accepted standards of
2006 auditing. All files, working papers, notes, correspondence and
2007 all other data compiled during the course of the audit shall be
2008 available, without cost, to the State Auditor for examination and
2009 abstracting during the normal business hours of any business day;

2010 (l) The State Auditor shall have the authority to
2011 establish training courses and programs for the personnel of the
2012 various state and local governmental entities under the
2013 jurisdiction of the Office of the State Auditor. The training
2014 courses and programs shall include, but not be limited to, topics
2015 on internal control of funds, property and equipment control and
2016 inventory, governmental accounting and financial reporting, and
2017 internal auditing. The State Auditor is authorized to charge a



2018 fee from the participants of these courses and programs, which fee
2019 shall be deposited into the Department of Audit Special Fund.
2020 State and local governmental entities are authorized to pay such
2021 fee and any travel expenses out of their general funds or any
2022 other available funds from which such payment is not prohibited by
2023 law;

2024 (m) Upon written request by the Governor or any member
2025 of the State Legislature, the State Auditor may audit any state
2026 funds and/or state and federal funds received by any nonprofit
2027 corporation incorporated under the laws of this state;

2028 (n) To conduct performance audits of personal or
2029 professional service contracts by state agencies on a random
2030 sampling basis, or upon request of the State Personal Service
2031 Contract Review Board under Section 25-9-120(3);

2032 (o) At the discretion of the State Auditor, the Auditor
2033 may conduct risk assessments, as well as performance and
2034 compliance audits based on Generally Accepted Government Auditing
2035 Standards (GAGAS) of any state-funded economic development program
2036 authorized under Title 57, Mississippi Code of 1972. After risk
2037 assessments or program audits, the State Auditor may conduct
2038 audits of those projects deemed high-risk, specifically as they
2039 identify any potential wrongdoing or noncompliance based on
2040 objectives of the economic development program. The Auditor is
2041 granted authority to gather, audit and review data and information
2042 from the Mississippi Development Authority or any of its agents,



2043 the Department of Revenue, and when necessary under this
2044 paragraph, the recipient business or businesses or any other
2045 private, public or nonprofit entity with information relevant to
2046 the audit project. The maximum amount the State Auditor may bill
2047 the oversight agency under this paragraph in any fiscal year is
2048 One Hundred Thousand Dollars (\$100,000.00), based on reasonable
2049 and necessary expenses;

2050 (p) To review and approve any independent auditor
2051 selected by the Mississippi Lottery Corporation in accordance with
2052 Section 27-115-89, to conduct an annual audit of the corporation;
2053 and

2054 (q) To conduct audits or investigations of the
2055 Mississippi Lottery Corporation if, in the opinion of the State
2056 Auditor, conditions justify such audits or investigations.

2057 **SECTION 18.** Section 19-9-157, Mississippi Code of 1972, is
2058 amended as follows:

2059 19-9-157. The board of supervisors of the situs county, upon
2060 receipt of the payments pursuant to Section 19-9-151 less the
2061 payment made according to Section 19-9-153, shall pay all such
2062 funds in excess of Five Million Five Hundred Thousand Dollars
2063 (\$5,500,000.00) to the governing authorities of the public school
2064 districts in such county in the proportion that the * * * net
2065 enrollment for the preceding scholastic year of each school
2066 district bears to the total * * * net enrollment of the county for
2067 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, as the case may be, shall pay such tax collections, except for taxes collected for the payment of the principal of and interest



2093 on school bonds or notes and except for taxes collected to defray
2094 collection costs, into the appropriate school depository and
2095 report to the school board of the appropriate school district at
2096 the same time and in the same manner as the tax collector makes
2097 his or her payments and reports of other taxes collected by him or
2098 her.

2099 **SECTION 20.** Section 25-4-29, Mississippi Code of 1972, is
2100 amended as follows:

2101 25-4-29. (1) Required statements hereunder shall be filed
2102 as follows:

2103 (a) Every incumbent public official required by
2104 paragraphs (a), (b), (d) and (e) of Section 25-4-25 to file a
2105 statement of economic interest shall file such statement with the
2106 commission on or before May 1 of each year that such official
2107 holds office, regardless of duration;

2108 (b) Candidates for office required to file a statement
2109 hereunder shall file such statement within fifteen (15) days after
2110 the deadline for qualification for that public office;

2111 (c) Persons who are required to file a statement
2112 because of appointment to fill a vacancy in an office or required
2113 to file under Section 25-4-25(d) and (e) shall file such statement
2114 within thirty (30) days of their appointment;

2115 (d) No person by reason of successful candidacy or
2116 assuming additional offices shall be required to file more than
2117 one (1) statement of economic interest in any calendar year,



except such official shall notify the commission as soon as practicable of additional offices not previously reported; and

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

(2) Any person who fails to file a statement of economic interest within thirty (30) days of the date the statement is due shall be deemed delinquent by the commission. The commission shall give written notice of the delinquency to the person by United States mail or by personal service of process. If within fifteen (15) days of receiving written notice of delinquency the delinquent filer has not filed the statement of economic interest, a fine of Fifty Dollars (\$50.00) per day, not to exceed a total fine of One Thousand Dollars (\$1,000.00), shall be assessed against the delinquent filer for each day thereafter in which the statement of economic interest is not properly filed. The commission shall enroll such assessment as a civil judgment with the circuit clerk in the delinquent filer's county of residence. The commission may enforce the judgment for the benefit of the State General Fund for the support of * * * the total funding formula fund provided for in this act in the same manner as is prescribed for other civil judgments.

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



2143 27-25-706. The board of supervisors of any county in the
2144 State of Mississippi bordering on the Pearl River and having a
2145 population according to the 1970 census of not less than forty
2146 thousand (40,000) and not more than fifty thousand (50,000), and
2147 through which Interstate Highway 20 runs, and wherein there is
2148 being constructed or has been constructed a plant for the
2149 extracting of sulphur from natural gas, and the board of
2150 supervisors of any county in the State of Mississippi bordering on
2151 the Pearl River and having a population according to the 1970
2152 census of not less than nineteen thousand (19,000) and not more
2153 than twenty-one thousand (21,000) and wherein U.S. Highway 49 and
2154 Mississippi Highway 28 intersect and wherein there is being
2155 constructed or has been constructed a plant for the extracting of
2156 sulphur from natural gas, are hereby authorized and empowered, in
2157 their discretion, to pledge all or any part of the county's share
2158 of the severance tax on gas extracted, handled or processed
2159 through such extraction plant, as additional security for the
2160 payment of bonds issued for the purpose of constructing,
2161 reconstructing, overlaying and/or repairing, an access road or
2162 roads or publicly owned railroads to and from such sulphur
2163 extraction plant. The amount so pledged for the payment of the
2164 principal of and the interest on such bonds shall be deducted and
2165 set aside by such board of supervisors prior to the distribution
2166 of such severance taxes in the manner provided by law, and only
2167 the amount of such severance taxes remaining after such deduction



2168 shall be subject to such distribution. The board of supervisors
2169 in such counties may pledge only up to fifty percent (50%) of such
2170 severance taxes as their respective county may receive to retire
2171 the bonds and interest pursuant to the authority of this section.
2172 The required local contribution of said counties to the cost
2173 of * * * the total funding formula provided for in this act shall
2174 not be reduced nor shall the obligation of the state under * * *
2175 the total funding formula to said counties be increased
2176 because * * * of this section.

2177 Such bonds shall be issued under the provisions of Sections
2178 19-9-1 through * * * 19-9-19.

2179 **SECTION 22.** Section 27-33-3, Mississippi Code of 1972, is
2180 amended as follows:

2181 27-33-3. In order to recognize and give effect to the
2182 principle of tax-free homes as a public policy in Mississippi, to
2183 encourage home building and ownership, and to give additional
2184 security to family groups, it is hereby declared that homes
2185 legally assessed on the land roll, owned and actually occupied as
2186 a home by bona fide residents of this state, who are heads of
2187 families, shall be exempt from the ad valorem taxes herein
2188 enumerated, on not in excess of Seven Thousand Five Hundred
2189 Dollars (\$7,500.00) of the assessed value including an area of
2190 land not in excess of that specified hereinafter in this article.
2191 The exemption from taxes shall be limited to the following:



2192 (a) All homeowners who are heads of families and who
2193 qualify under the provisions of this article shall be exempt from
2194 taxes levied in 1983 and payable in 1984 and from taxes levied in
2195 1984 and payable in 1985 as follows:

2196 (i) The ad valorem taxes levied by counties
2197 pursuant to Section 27-39-329. Amounts so exempted shall not be
2198 reimbursed by the state.

2199 (ii) Ad valorem taxes levied for maintenance and
2200 current expenses by or for a county as authorized by Section
2201 27-39-303, but the levy for such purpose in any year for which
2202 reimbursement is to be made shall not exceed the millage levied
2203 for such purpose for the 1984 fiscal year; or a levy for county
2204 roads or a road district as authorized by Section 27-39-305; or a
2205 levy for constructing and maintaining all bridges and culverts as
2206 authorized by Section 65-15-7, but the levy for either or both of
2207 such purposes for which reimbursement is to be made shall not in
2208 any event exceed seven (7) mills in any year; the * * * levy for
2209 the support of * * * the total funding formula fund to produce the
2210 minimum local ad valorem tax effort required * * * of a school
2211 district by Section 37-57-1, and the supplementary school district
2212 tax levy for the support and maintenance of * * * schools as
2213 authorized by Section 37-57-105; provided, however, that the total
2214 of the levies made under said Sections 37-57-1 and 37-57-105,
2215 which shall be exempt under this article, shall be limited to
2216 twenty (20) mills for any affected property area, and in the event



2217 the total of such levies should exceed twenty (20) mills for any
2218 affected property area, the excess shall not be exempt under this
2219 article, and in such case, the levy for the support of the * * *
2220 total funding formula shall have priority as an exempt levy;

2221 (iii) Ad valorem taxes levied for the support and
2222 maintenance of agricultural high schools within the limits and as
2223 authorized by Section 37-27-3, and ad valorem taxes levied for the
2224 support of community or junior colleges within the limits and as
2225 authorized by subsection (2) of Section 37-29-141; provided,
2226 however, that the exemption from taxation and reimbursement for
2227 tax loss for agricultural high schools and community or junior
2228 colleges, or any combination of same, shall not exceed three (3)
2229 mills in any one (1) year for any one (1) county;

2230 (iv) Ad valorem taxes levied for the support
2231 of * * * the total funding formula provided for in this act in a
2232 municipal separate school district to produce the minimum local ad
2233 valorem tax effort required of such municipal separate school
2234 district as authorized by Section * * * 37-57-1, and the
2235 supplementary tax levy for the support and maintenance of the
2236 schools of a municipal separate school district as authorized by
2237 Section 37-57-105; provided, however, the total of the levies made
2238 under said Sections * * * 37-57-1 and 37-57-105 which shall be
2239 exempt under this article shall be limited to fifteen (15) mills
2240 for any affected property area, except in those special municipal
2241 separate school districts as provided by Sections 37-7-701 through



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

2252 (v) In the event any law referred to in this
2253 section is amended so as to authorize an increase in the tax levy
2254 for any purposes, such increase in the levy shall be applied to
2255 and taxes collected from the property owners on the entire
2256 assessed value of exempted homes; and the tax loss resulting from
2257 such increase shall not be reimbursed under the provisions of the
2258 Homestead Exemption Law, unless such law clearly specifies that
2259 the exempted assessed value of homes is exempt from such increase;

2260 (vi) Ad valorem taxes levied under Sections
2261 65-15-7 and 65-15-21 shall be used solely for purposes levied.

2262 (b) Those homeowners who qualify for the exemptions
2263 provided for in subsection (a) of this section and who have
2264 reached the age of sixty-five (65) years on or before January 1 of
2265 the year for which the exemption is claimed; and
2266 service-connected, totally disabled American veterans who were



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

2279 (c) Those homeowners who qualify for the exemptions
2280 provided for in subsection (a) of this section and who would be
2281 classified as disabled under the Federal Social Security Act (42
2282 USCS Section 416(i)), upon presentation of proper proof of
2283 eligibility shall be exempt from any and all ad valorem taxes,
2284 including the forest acreage tax authorized by Section 49-19-115,
2285 on homesteads not in excess of Seven Thousand Five Hundred Dollars
2286 (\$7,500.00) of assessed value thereof; provided, however, that
2287 property owned jointly by husband and wife and property owned in
2288 fee simple by either spouse shall be eligible for this exemption
2289 in full if either spouse fulfills the disability requirement. On
2290 all other jointly owned property, the amount of the allowable



exemption shall be determined on the basis of each individual joint owner's qualifications and pro rata share of the property.

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

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

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

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

27-39-317. The board of supervisors of each county shall, at its regular meeting in September of each year, levy the county ad valorem taxes for the fiscal year, and shall, by order, fix the tax rate, or levy, for the county, for the road districts, if any, and for the school districts, if any, and for any other taxing districts; and the rates, or levies, for the county and for any district shall be expressed in mills or a decimal fraction of a mill. Said tax rates, or levies, shall determine the ad valorem taxes to be collected upon each dollar of valuation, upon the assessment rolls of the county, including the assessment of motor vehicles as provided by the Motor Vehicle Ad Valorem Tax Law of



2316 1958, Section 27-51-1 et seq., for county taxes; and upon each
2317 dollar of valuation for the respective districts, as shown upon
2318 the assessment rolls of the county, including the assessment of
2319 motor vehicles as provided by the Motor Vehicle Ad Valorem Tax Law
2320 of 1958, Section 27-51-1 et seq.; except as to such values as
2321 shall be exempt, in whole or in part, from certain tax rates or
2322 levies. If the rate or levy for the county is an increase from
2323 the previous fiscal year, then the proposed rate or levy shall be
2324 advertised in accordance with Section 27-39-203. If the board of
2325 supervisors of any county shall not levy the county taxes and the
2326 district taxes at its regular September meeting, the board shall
2327 levy the same on or before September 15 at an adjourned or special
2328 meeting, or thereafter, provided, however, that if such levy be
2329 not made on or before the fifteenth day of September then the tax
2330 collector or Department of Revenue may issue road and bridge
2331 privilege tax license plates for motor vehicles as defined in the
2332 Motor Vehicle Ad Valorem Tax Law of 1958, Section 27-51-1 et seq.,
2333 without collecting or requiring proof of payment of county ad
2334 valorem taxes, and may continue to so issue such plates until such
2335 levy is duly certified to him, and for twenty-four (24) hours
2336 thereafter.

2337 Notwithstanding the requirements of this section, in the
2338 event the Department of Revenue orders the county to make an
2339 adjustment to the tax roll pursuant to Section 27-35-113, the
2340 county shall have a period of thirty (30) days from the date of



2341 the commission's final determination to adjust the millage in
2342 order to collect the same dollar amount of taxes as originally
2343 levied by the board.

2344 In making the levy of taxes, the board of supervisors shall
2345 specify, in its order, the levy for each purpose, as follows:

2346 (a) For general county purposes (current expense and
2347 maintenance taxes), as authorized by Section 27-39-303.

2348 (b) For roads and bridges, as authorized by Section
2349 27-39-305.

2350 (c) For schools, including the * * * total funding
2351 formula levy and the levy for each school district including
2352 special municipal separate school districts, but not including
2353 other municipal separate school districts, and for an agricultural
2354 high school, county high school or community or junior college
2355 (current expense and maintenance taxes), as authorized by Chapter
2356 57, Title 37, Mississippi Code of 1972, and any other applicable
2357 statute. The levy for schools shall apply to the assessed value
2358 of property in the respective school districts, including special
2359 municipal separate school districts, but not including other
2360 municipal separate school districts, and a distinct and separate
2361 levy shall be made for each school district, and the purpose for
2362 each levy shall be stated.

2363 (d) For road bonds and the interest thereon, separately
2364 for countywide bonds and for the bonds of each road district.



2365 (e) For school bonds and the interest thereon,
2366 separately for countywide bonds and for the bonds of each school
2367 district.

2368 (f) For countywide bonds, and the interest thereon,
2369 other than for road bonds and school bonds.

2370 (g) For loans, notes or any other obligation, and the
2371 interest thereon, if permitted by the law.

2372 (h) For any other purpose for which a levy is lawfully
2373 made.

2374 The order shall state all of the purposes for which the
2375 general county levy is made, using the administrative items
2376 suggested by the State Department of Audit * * * under the county
2377 budget law in its uniform system of accounts for counties, but the
2378 rate or levy for any item or purpose need not be shown; and if a
2379 countywide levy is made for any general or special purpose under
2380 the provisions of any law other than Section 27-39-303, each such
2381 levy shall be separately stated.

2382 During the month of February of each year, if the order or
2383 resolution of the board of trustees of any school district of said
2384 county or partly in said county, is filed with it requesting the
2385 levying of ad valorem taxes for the support and maintenance of
2386 such school district for the following fiscal year, then the board
2387 of supervisors of every such county in the state shall notify, in
2388 writing, within thirty (30) days, the county superintendent of
2389 education of such county, the levy or levies it intends to make



2390 for the support and maintenance of such school districts of such
2391 county at its regular meeting in September following, and the
2392 county superintendent of education and the trustees of all such
2393 school districts shall be authorized to use such expressed
2394 intention of the board of supervisors in computing the support and
2395 maintenance budget or budgets of such school district or districts
2396 for the ensuing fiscal school year.

2397 **SECTION 24.** Section 29-3-47, Mississippi Code of 1972, is
2398 amended as follows:

2399 29-3-47. For its services the State Forestry Commission
2400 shall be entitled to receive its actual expenses incurred in the
2401 discharge of the duties herein imposed. In order to provide funds
2402 with which to pay for the general supervision and sale of forest
2403 products, fifteen percent (15%) of all receipts from the sales of
2404 forest products shall be placed by the board in a Forestry Escrow
2405 Fund and reserved to pay for work performed by the State Forestry
2406 Commission. Such payments shall be equal to the actual expenses
2407 incurred by the commission as substantiated by itemized bills
2408 presented to the board.

2409 Money in the Forestry Escrow Fund may be used to pay for any
2410 forestry work authorized during the period of the agreement and
2411 shall not be subject to lapse by reason of county budget
2412 limitations.

2413 In each school district having need of tree planting and
2414 timber stand improvement, the board of education is authorized to



2415 place additional amounts in the Forestry Escrow Fund to reimburse
2416 the State Forestry Commission for actual expenses incurred in
2417 performing this work, or to pay for any work done under private
2418 contract under the supervision of said commission. Such
2419 additional amounts may be made available from forest products
2420 sales receipts, funds borrowed from the sixteenth section
2421 principal fund as is provided for in Section 29-3-113, or any
2422 other funds available to the board of education excluding * * *
2423 total funding formula funds. Expenditures from the Forestry
2424 Escrow Fund for tree planting, timber stand improvement, and other
2425 forestry work will be limited to payment for work recommended by
2426 the Forestry Commission and agreed to by the board of education.

2427 When it becomes evident that the amount of money in the
2428 Forestry Escrow Fund is in excess of the amount necessary to
2429 accomplish the work needed to achieve the goals set by the board
2430 of education and the Forestry Commission, the State Forestry
2431 Commission shall advise said board to release any part of such
2432 funds as will not be needed, which may then be spent for any
2433 purpose authorized by law.

2434 **SECTION 25.** Section 29-3-49, Mississippi Code of 1972, is
2435 amended as follows:

2436 29-3-49. It shall be the duty of the State Forestry
2437 Commission, in the manner provided in Section 29-3-45, to enter
2438 into agreements for timber improvement purposes with the board of
2439 education upon the request of the board. The contract shall



2440 provide for the carrying out of a long-term program of timber
2441 improvement, including any or all of the following: The deadening
2442 of undesirable hardwoods, the planting of trees, the cutting and
2443 maintaining of fire lanes, and the establishment of marked
2444 boundaries on all lands classified as forest lands in the
2445 agreements, which provide for the reimbursement of all current
2446 costs incurred by the State Forestry Commission and the carrying
2447 out of the duties required by such agreements. In the
2448 alternative, the commission, in its discretion, may have the
2449 option to contract with a private contractor, subject to the
2450 approval of the board, to perform this work under the supervision
2451 of the commission. Payment of the reimbursements as hereinabove
2452 set forth to the Forestry Commission, or of compensation due under
2453 any such contract with private contractors shall be made upon
2454 presentation of itemized bills by the commission or the private
2455 contractors, as the case may be, and may be made out of any
2456 sixteenth section funds to the credit of, or accruing to, any
2457 school district in which such work shall be done, or out of any
2458 other funds available to such district, excluding * * * total
2459 funding formula funds.

2460 **SECTION 26.** Section 29-3-113, Mississippi Code of 1972, is
2461 amended as follows:

2462 29-3-113. The principal fund shall be a permanent township
2463 fund which shall consist of funds heretofore or hereafter derived
2464 from certain uses or for certain resources of school trust lands



2465 which shall be invested and, except as otherwise provided in this
2466 section, only the interest and income derived from such funds
2467 shall be expendable by the school district.

2468 The principal fund shall consist of:

2469 (a) Funds received for easements and rights-of-way
2470 pursuant to Section 29-3-91;

2471 (b) Funds received for sales of lieu land pursuant to
2472 Sections 29-3-15 through 29-3-25;

2473 (c) Funds received from any permanent damage to the
2474 school trust land;

2475 (d) Funds received from the sale of nonrenewable
2476 resources, including, but not limited to, the sale of sand,
2477 gravel, dirt, clays and royalties received from the sale of
2478 mineral ores, coal, oil and gas;

2479 (e) Funds received from the sale of buildings pursuant
2480 to Section 29-3-77;

2481 (f) Funds received from the sale of timber; and

2482 (g) Funds received pursuant to Section 29-3-23(2).

2483 It shall be the duty of the Board of Education to keep the
2484 principal fund invested in any direct obligation issued by or
2485 guaranteed in full as to principal and interest by the United
2486 States of America or in certificates of deposit issued by a
2487 qualified depository of the State of Mississippi as approved by
2488 the State Treasurer. The certificates of deposit may bear
2489 interest at any rate per annum which may be mutually agreed upon



2490 but in no case shall said rate be less than that paid on passbook
2491 savings.

2492 The Board of Education is authorized to invest the funds in
2493 interest bearing deposits or other obligations of the types
2494 described in Section 27-105-33 or in any other type investment in
2495 which any other political subdivision of the State of Mississippi
2496 may invest, except that one hundred percent (100%) of the funds
2497 are authorized to be invested. For the purposes of investment,
2498 the principal fund of each township may be combined into one or
2499 more district accounts; however, the docket book of the county
2500 superintendent shall at all times reflect the proper source of
2501 such funds. Provided that funds received from the sale of timber
2502 shall be placed in a separate principal fund account, and may be
2503 expended for any of the purposes authorized by law.

2504 The Board of Education shall have authority to borrow such
2505 funds at a rate of interest not less than four percent (4%) per
2506 annum and for a term not exceeding twenty (20) years, for the
2507 erection, equipment or repair of said district schools, to provide
2508 local funds for any building project approved by the State Board
2509 of Education or to provide additional funds for forest stand
2510 improvement as set forth in Section 29-3-47. In addition, the
2511 board may borrow the funds under the same interest restrictions
2512 for a term not exceeding ten (10) years to provide funds for the
2513 purchase of school buses. The Board of Education of any school
2514 district in any county that has an aggregate amount of assets in



2515 its principal fund in excess of Five Million Dollars
2516 (\$5,000,000.00) may deduct an amount not to exceed Five Hundred
2517 Thousand Dollars (\$500,000.00) for the purpose of covering the
2518 cost of asbestos removal from school district buildings. Such
2519 asbestos removal shall be construed to constitute the repair of
2520 school district facilities as prescribed in Section 29-3-115.

2521 No school land trust funds may be expended after the annual
2522 payment date until the payment is made on such loan. Once a
2523 district is current on its loan payments, the district may spend
2524 expendable trust funds earned or accumulated in previous years for
2525 any purpose for which expendable trust funds may be spent. The
2526 annual payment can be made from any funds available to the school
2527 district except * * * total funding formula funds.

2528 It shall be unlawful for the Board of Education to borrow any
2529 sixteenth section school funds in any other manner than that
2530 prescribed herein, and if any such funds shall be borrowed or
2531 invested in any other manner, any officer concerned in making such
2532 loan and investment or suffering the same to be made in violation
2533 of the provisions of this section shall be liable personally and
2534 on his official bond for the safety of the funds so loaned.

2535 **SECTION 27.** Section 29-3-137, Mississippi Code of 1972, is
2536 amended as follows:

2537 29-3-137. (1) Beginning with the 1985-1986 fiscal year the
2538 Legislature of the State of Mississippi shall appropriate to the
2539 State Department of Education a sum of One Million Dollars



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

2549 (2) The State Department of Education is hereby authorized,
2550 empowered and directed to allocate for distribution such funds
2551 appropriated each year under subsection (1) of this section in
2552 proportion to the * * * amount of funding allotted under * * * the
2553 total funding formula provided for in this act, to such school
2554 districts affected by the sale of Chickasaw cession school lands.
2555 School districts not wholly situated in Chickasaw cession affected
2556 territory shall receive a prorated amount of such allocation based
2557 on the percentage of such lands located within the district.
2558 Provided further, that the State Department of Education shall, in
2559 addition, deduct from each affected school district's allocation
2560 the amount such district shall receive from interest payments from
2561 the Chickasaw School Fund under Section 212, Mississippi
2562 Constitution of 1890 for each fiscal year. * * * The department
2563 shall document the foregoing computation in its annual budget
2564 request for the appropriation to the Chickasaw School Fund, and



2565 shall revise its budget request under such formula as the average
2566 annual revenues from sixteenth section school lands fluctuate.

2567 (3) [Repealed]

2568 **SECTION 28.** Section 31-7-9, Mississippi Code of 1972, is
2569 amended as follows:

2570 31-7-9. (1) (a) The Office of Purchasing, Travel and Fleet
2571 Management shall adopt purchasing regulations governing the
2572 purchase by any agency of any commodity or commodities and
2573 establishing standards and specifications for a commodity or
2574 commodities and the maximum fair prices of a commodity or
2575 commodities, subject to the approval of the Public Procurement
2576 Review Board. It shall have the power to amend, add to or
2577 eliminate purchasing regulations. The adoption of, amendment,
2578 addition to or elimination of purchasing regulations shall be
2579 based upon a determination by the Office of Purchasing, Travel and
2580 Fleet Management with the approval of the Public Procurement
2581 Review Board, that such action is reasonable and practicable and
2582 advantageous to promote efficiency and economy in the purchase of
2583 commodities by the agencies of the state. Upon the adoption of
2584 any purchasing regulation, or an amendment, addition or
2585 elimination therein, copies of same shall be furnished to the
2586 State Auditor and to all agencies affected thereby. Thereafter,
2587 and except as otherwise may be provided in subsection (2) of this
2588 section, no agency of the state shall purchase any commodities
2589 covered by existing purchasing regulations unless such commodities



2590 be in conformity with the standards and specifications set forth
2591 in the purchasing regulations and unless the price thereof does
2592 not exceed the maximum fair price established by such purchasing
2593 regulations. The Office of Purchasing, Travel and Fleet
2594 Management shall furnish to any county or municipality or other
2595 local public agency of the state requesting same, copies of
2596 purchasing regulations adopted by the Office of Purchasing, Travel
2597 and Fleet Management and any amendments, changes or eliminations
2598 of same that may be made from time to time.

2599 (b) The Office of Purchasing, Travel and Fleet
2600 Management may adopt purchasing regulations governing the use of
2601 credit cards, procurement cards and purchasing club membership
2602 cards to be used by state agencies, governing authorities of
2603 counties and municipalities, school districts and the Chickasawhay
2604 Natural Gas District. Use of the cards shall be in strict
2605 compliance with the regulations promulgated by the office. Any
2606 amounts due on the cards shall incur interest charges as set forth
2607 in Section 31-7-305 and shall not be considered debt.

2608 (c) Pursuant to the provision of Section
2609 37-61-33(* * *2), the Office of Purchasing, Travel and Fleet
2610 Management of the Department of Finance and Administration is
2611 authorized to issue procurement cards or credentials for a digital
2612 solution to all public school district classroom teachers, charter
2613 school teachers, full- or part-time gifted or special education
2614 teachers and other necessary direct support personnel at the



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

2633 (d) In a sale of goods or services, the seller shall
2634 not impose a surcharge on a buyer who uses a state-issued credit
2635 card, procurement card, travel card, or fuel card. The Department
2636 of Finance and Administration shall have exclusive jurisdiction to
2637 enforce and adopt rules relating to this paragraph. Any rules
2638 adopted under this paragraph shall be consistent with federal laws
2639 and regulations governing credit card transactions described by



2640 this paragraph. This paragraph does not create a cause of action
2641 against an individual for a violation of this paragraph.

2642 (2) The Office of Purchasing, Travel and Fleet Management
2643 shall adopt, subject to the approval of the Public Procurement
2644 Review Board, purchasing regulations governing the purchase of
2645 unmarked vehicles to be used by the Bureau of Narcotics and
2646 Department of Public Safety in official investigations pursuant to
2647 Section 25-1-87. Such regulations shall ensure that purchases of
2648 such vehicles shall be at a fair price and shall take into
2649 consideration the peculiar needs of the Bureau of Narcotics and
2650 Department of Public Safety in undercover operations.

2651 (3) The Office of Purchasing, Travel and Fleet Management
2652 shall adopt, subject to the approval of the Public Procurement
2653 Review Board, regulations governing the certification process for
2654 certified purchasing offices, including the Mississippi Purchasing
2655 Certification Program, which shall be required of all purchasing
2656 agents at state agencies. Such regulations shall require entities
2657 desiring to be classified as certified purchasing offices to
2658 submit applications and applicable documents on an annual basis,
2659 and in the case of a state agency purchasing office, to have one
2660 hundred percent (100%) participation and completion by purchasing
2661 agents in the Mississippi Purchasing Certification Program, at
2662 which time the Office of Purchasing, Travel and Fleet Management
2663 may provide the governing entity with a certification valid for
2664 one (1) year from the date of issuance. The Office of Purchasing,



2665 Travel and Fleet Management shall set a fee in an amount that
2666 recovers its costs to administer the Mississippi Purchasing
2667 Certification Program, which shall be assessed to the
2668 participating state agencies.

2669 (4) The Office of Purchasing, Travel and Fleet Management
2670 shall adopt purchasing regulations authorizing rural water
2671 associations to purchase at the state contract price afforded to
2672 agencies and governing authorities under this chapter.

2673 **SECTION 29.** Section 31-7-10, Mississippi Code of 1972, is
2674 amended as follows:

2675 31-7-10. (1) For the purposes of this section, the term
2676 "equipment" shall mean equipment, furniture, and if applicable,
2677 associated software and other applicable direct costs associated
2678 with the acquisition. In addition to its other powers and duties,
2679 the Department of Finance and Administration shall have the
2680 authority to develop a master lease-purchase program and, pursuant
2681 to that program, shall have the authority to execute on behalf of
2682 the state master lease-purchase agreements for equipment to be
2683 used by an agency, as provided in this section. Each agency
2684 electing to acquire equipment by a lease-purchase agreement shall
2685 participate in the Department of Finance and Administration's
2686 master lease-purchase program, unless the Department of Finance
2687 and Administration makes a determination that such equipment
2688 cannot be obtained under the program or unless the equipment can
2689 be obtained elsewhere at an overall cost lower than that for which



2690 the equipment can be obtained under the program. Such
2691 lease-purchase agreements may include the refinancing or
2692 consolidation, or both, of any state agency lease-purchase
2693 agreements entered into after June 30, 1990.

2694 (2) All funds designated by agencies for procurement of
2695 equipment and financing thereof under the master lease-purchase
2696 program shall be paid into a special fund created in the State
2697 Treasury known as the "Master Lease-Purchase Program Fund," which
2698 shall be used by the Department of Finance and Administration for
2699 payment to the lessors for equipment acquired under master
2700 lease-purchase agreements.

2701 (3) Upon final approval of an appropriation bill, each
2702 agency shall submit to the Public Procurement Review Board a
2703 schedule of proposed equipment acquisitions for the master
2704 lease-purchase program. Upon approval of an equipment schedule by
2705 the Public Procurement Review Board with the advice of the
2706 Department of Information Technology Services, the Office of
2707 Purchasing, Travel and Fleet Management, and the Division of
2708 Energy and Transportation of the Mississippi Development Authority
2709 as it pertains to energy efficient climate control systems, the
2710 Public Procurement Review Board shall forward a copy of the
2711 equipment schedule to the Department of Finance and
2712 Administration.

2713 (4) The level of lease-purchase debt recommended by the
2714 Department of Finance and Administration shall be subject to



2715 approval by the State Bond Commission. After such approval, the
2716 Department of Finance and Administration shall be authorized to
2717 advertise and solicit written competitive proposals for a lessor,
2718 who will purchase the equipment pursuant to bid awards made by the
2719 using agency under a given category and then transfer the
2720 equipment to the Department of Finance and Administration as
2721 lessee, pursuant to a master lease-purchase agreement.

2722 The Department of Finance and Administration shall select the
2723 successful proposer for the financing of equipment under the
2724 master lease-purchase program with the approval of the State Bond
2725 Commission.

2726 (5) Each master lease-purchase agreement, and any subsequent
2727 amendments, shall include such terms and conditions as the State
2728 Bond Commission shall determine to be appropriate and in the
2729 public interest, and may include any covenants deemed necessary or
2730 desirable to protect the interests of the lessor, including, but
2731 not limited to, provisions setting forth the interest rate (or
2732 method for computing interest rates) for financing pursuant to
2733 such agreement, covenants concerning application of payments and
2734 funds held in the Master Lease-Purchase Program Fund, covenants to
2735 maintain casualty insurance with respect to equipment subject to
2736 the master lease-purchase agreement (and all state agencies are
2737 specifically authorized to purchase any insurance required by a
2738 master lease-purchase agreement) and covenants precluding or
2739 limiting the right of the lessee or user to acquire equipment



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

2751 A master lease-purchase agreement may provide for payment by
2752 the lessor to the lessee of the purchase price of the equipment to
2753 be acquired pursuant thereto prior to the date on which payment is
2754 due to the vendor for such equipment and that the lease payments
2755 by the lessee shall commence as though the equipment had been
2756 provided on the date of payment. If the lessee, or lessee's
2757 escrow agent, has sufficient funds for payment of equipment
2758 purchases prior to payment due date to vendor of equipment, such
2759 funds shall be held or utilized on an as-needed basis for payment
2760 of equipment purchases either by the State Treasurer (in which
2761 event the master lease-purchase agreement may include provisions
2762 concerning the holding of such funds, the creation of a security
2763 interest for the benefit of the lessor in such funds until
2764 disbursed and other appropriate provisions approved by the Bond



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

2779 (6) The annual rate of interest paid under any
2780 lease-purchase agreement authorized under this section shall not
2781 exceed the maximum interest rate to maturity on general obligation
2782 indebtedness permitted under Section 75-17-101.

2783 (7) The Department of Finance and Administration shall
2784 furnish the equipment to the various agencies, also known as the
2785 user, pursuant to an equipment-use agreement developed by the
2786 Department of Finance and Administration. Such agreements shall
2787 require that all monthly payments due from such agency be paid,
2788 transferred or allocated into the Master Lease-Purchase Program
2789 Fund pursuant to a schedule established by the Department of



2790 Finance and Administration. In the event such sums are not paid
2791 by the defined payment period, the Executive Director of the
2792 Department of Finance and Administration shall issue a requisition
2793 for a warrant to draw such amount as may be due from any funds
2794 appropriated for the use of the agency which has failed to make
2795 the payment as agreed.

2796 (8) All master lease-purchase agreements executed under the
2797 authority of this section shall contain the following annual
2798 allocation dependency clause or an annual allocation dependency
2799 clause which is substantially equivalent thereto: "The
2800 continuation of each equipment schedule to this agreement is
2801 contingent in whole or in part upon the appropriation of funds by
2802 the Legislature to make the lease-purchase payments required under
2803 such equipment schedule. If the Legislature fails to appropriate
2804 sufficient funds to provide for the continuation of the
2805 lease-purchase payments under any such equipment schedule, then
2806 the obligations of the lessee and of the agency to make such
2807 lease-purchase payments and the corresponding provisions of any
2808 such equipment schedule to this agreement shall terminate on the
2809 last day of the fiscal year for which appropriations were made."

2810 (9) The maximum lease term for any equipment acquired under
2811 the master lease-purchase program shall not exceed the useful life
2812 of such equipment as determined according to the upper limit of
2813 the asset depreciation range (ADR) guidelines for the Class Life
2814 Asset Depreciation Range System established by the Internal



2815 Revenue Service pursuant to the United States Internal Revenue
2816 Code and Regulations thereunder as in effect on December 31, 1980,
2817 or comparable depreciation guidelines with respect to any
2818 equipment not covered by ADR guidelines. The Department of
2819 Finance and Administration shall be deemed to have met the
2820 requirements of this subsection if the term of a master
2821 lease-purchase agreement does not exceed the weighted average
2822 useful life of all equipment covered by such agreement and the
2823 schedules thereto as determined by the Department of Finance and
2824 Administration. For purposes of this subsection, the "term of a
2825 master lease-purchase agreement" shall be the weighted average
2826 maturity of all principal payments to be made under such master
2827 lease-purchase agreement and all schedules thereto.

2828 (10) Interest paid on any master lease-purchase agreement
2829 under this section shall be exempt from State of Mississippi
2830 income taxation. All equipment, and the purchase thereof by any
2831 lessor, acquired under the master lease-purchase program and all
2832 lease-purchase payments with respect thereto shall be exempt from
2833 all Mississippi sales, use and ad valorem taxes.

2834 (11) The Governor, in his annual executive budget to the
2835 Legislature, shall recommend appropriations sufficient to provide
2836 funds to pay all amounts due and payable during the applicable
2837 fiscal year under master lease-purchase agreements entered into
2838 pursuant to this section.



2839 (12) Any master lease-purchase agreement reciting in
2840 substance that such agreement has been entered into pursuant to
2841 this section shall be conclusively deemed to have been entered
2842 into in accordance with all of the provisions and conditions set
2843 forth in this section. Any defect or irregularity arising with
2844 respect to procedures applicable to the acquisition of any
2845 equipment shall not invalidate or otherwise limit the obligation
2846 of the Department of Finance and Administration, or the state or
2847 any agency of the state, under any master lease-purchase agreement
2848 or any equipment-use agreement.

2849 (13) There shall be maintained by the Department of Finance
2850 and Administration, with respect to each master lease-purchase
2851 agreement, an itemized statement of the cash price, interest
2852 rates, interest costs, commissions, debt service schedules and all
2853 other costs and expenses paid by the state incident to the
2854 lease-purchase of equipment under such agreement.

2855 (14) Lease-purchase agreements entered into by the Board of
2856 Trustees of State Institutions of Higher Learning pursuant to the
2857 authority of Section 37-101-413 or by any other agency which has
2858 specific statutory authority other than pursuant to Section
2859 31-7-13(e) to acquire equipment by lease-purchase shall not be
2860 made pursuant to the master lease-purchase program under this
2861 section, unless the Board of Trustees of State Institutions of
2862 Higher Learning or such other agency elects to participate as to



2863 part or all of its lease-purchase acquisitions in the master
2864 lease-purchase program pursuant to this section.

2865 (15) The Department of Finance and Administration may
2866 develop a master lease-purchase program for school districts and,
2867 pursuant to that program, may execute on behalf of the school
2868 districts master lease-purchase agreements for equipment to be
2869 used by the school districts. The form and structure of this
2870 program shall be substantially the same as set forth in this
2871 section for the master lease-purchase program for state agencies.
2872 If sums due from a school district under the master lease-purchase
2873 program are not paid by the expiration of the defined payment
2874 period, the Executive Director of the Department of Finance and
2875 Administration may withhold such amount that is due from the
2876 school district's * * * allotments of the total funding formula
2877 funds as determined by this act.

2878 (16) The Department of Finance and Administration may
2879 develop a master lease-purchase program for community and junior
2880 college districts and, pursuant to that program, may execute on
2881 behalf of the community and junior college districts master
2882 lease-purchase agreements for equipment to be used by the
2883 community and junior college districts. The form and structure of
2884 this program must be substantially the same as set forth in this
2885 section for the master lease-purchase program for state agencies.
2886 If sums due from a community or junior college district under the
2887 master lease-purchase program are not paid by the expiration of



2888 the defined payment period, the Executive Director of the
2889 Department of Finance and Administration may withhold an amount
2890 equal to the amount due under the program from any funds allocated
2891 for that community or junior college district in the state
2892 appropriations for the use and support of the community and junior
2893 colleges.

2894 (17) From and after July 1, 2016, the expenses of this
2895 agency shall be defrayed by appropriation from the State General
2896 Fund and all user charges and fees authorized under this section
2897 shall be deposited into the State General Fund as authorized by
2898 law.

2899 (18) From and after July 1, 2016, no state agency shall
2900 charge another state agency a fee, assessment, rent or other
2901 charge for services or resources received by authority of this
2902 section.

2903 **SECTION 30.** Section 37-1-3, Mississippi Code of 1972, is
2904 amended as follows:

2905 37-1-3. (1) The State Board of Education shall adopt rules
2906 and regulations and set standards and policies for the
2907 organization, operation, management, planning, budgeting and
2908 programs of the State Department of Education.

2909 (a) The board is directed to identify all functions of
2910 the department that contribute to or comprise a part of the state
2911 system of educational accountability and to establish and maintain
2912 within the department the necessary organizational structure,



2913 policies and procedures for effectively coordinating such
2914 functions. Such policies and procedures shall clearly fix and
2915 delineate responsibilities for various aspects of the system and
2916 for overall coordination of the total system and its effective
2917 management.

2918 (b) The board shall establish and maintain a
2919 system-wide plan of performance, policy and directions of public
2920 education not otherwise provided for.

2921 (c) The board shall effectively use the personnel and
2922 resources of the department to enhance technical assistance to
2923 school districts in instruction and management therein.

2924 (d) The board shall establish and maintain a central
2925 budget policy.

2926 (e) The board shall establish and maintain within the
2927 State Department of Education a central management capacity under
2928 the direction of the State Superintendent of Public Education.

2929 (f) The board, with recommendations from the
2930 superintendent, shall design and maintain a five-year plan and
2931 program for educational improvement that shall set forth
2932 objectives for system performance and development and be the basis
2933 for budget requests and legislative initiatives.

2934 (2) (a) The State Board of Education shall adopt and
2935 maintain a curriculum and a course of study to be used in the
2936 public school districts that is designed to prepare the state's
2937 children and youth to be productive, informed, creative citizens,



2938 workers and leaders, and it shall regulate all matters arising in
2939 the practical administration of the school system not otherwise
2940 provided for.

2941 (b) Before the 1999-2000 school year, the State Board
2942 of Education shall develop personal living and finances objectives
2943 that focus on money management skills for individuals and families
2944 for appropriate, existing courses at the secondary level. The
2945 objectives must require the teaching of those skills necessary to
2946 handle personal business and finances and must include instruction
2947 in the following:

2948 (i) Opening a bank account and assessing the
2949 quality of a bank's services;

2950 (ii) Balancing a checkbook;

2951 (iii) Managing debt, including retail and credit
2952 card debt;

2953 (iv) Completing a loan application;

2954 (v) The implications of an inheritance;

2955 (vi) The basics of personal insurance policies;

2956 (vii) Consumer rights and responsibilities;

2957 (viii) Dealing with salesmen and merchants;

2958 (ix) Computing state and federal income taxes;

2959 (x) Local tax assessments;

2960 (xi) Computing interest rates by various
2961 mechanisms;

2962 (xii) Understanding simple contracts; and



2963 (xiii) Contesting an incorrect billing statement.

2964 (3) The State Board of Education shall have authority to
2965 expend any available federal funds, or any other funds expressly
2966 designated, to pay training, educational expenses, salary
2967 incentives and salary supplements to licensed teachers employed in
2968 local school districts or schools administered by the State Board
2969 of Education. Such incentive payments shall not be considered
2970 part of a school district's local supplement * * *, nor shall the
2971 incentives be considered part of the local supplement paid to an
2972 individual teacher for the purposes of Section 37-19-7(1). * * *

2973 (4) The State Board of Education shall through its actions
2974 seek to implement the policies set forth in Section 37-1-2.

2975 **SECTION 31.** Section 37-3-11, Mississippi Code of 1972, is
2976 amended as follows:

2977 37-3-11. The State Superintendent of Public Education shall
2978 perform the duties assigned to him by the State Board of
2979 Education, and he shall have the following duties:

2980 (a) To serve as secretary for the State Board of
2981 Education;

2982 (b) To be the chief administrative officer of the State
2983 Department of Education;

2984 (c) To recommend to the State Board of Education, for
2985 its consideration, rules and regulations for the supervision of
2986 the public schools and agricultural high schools of the school



2987 districts throughout the state and for the efficient organization
2988 and conduct of the same;

2989 (d) To collect data and make it available to the state
2990 board for determining the proper distribution of the * * * total
2991 funding formula funds;

2992 (e) To keep a complete record of all official acts of
2993 the State Superintendent and the acts of the State Board of
2994 Education;

2995 (f) To prepare, have printed and furnish all officers
2996 charged with the administration of the laws pertaining to the
2997 public schools, such blank forms and books as may be necessary to
2998 the proper discharge of their duties, which printing is to be paid
2999 for out of funds provided by the Legislature;

3000 (g) To have printed in pamphlet form the laws
3001 pertaining to the public schools and publish therein forms for
3002 conducting school business, the rules and regulations for the
3003 government of schools that the State Superintendent or the State
3004 Board of Education may recommend, and such other matters as may be
3005 deemed worthy of public interest pertaining to the public schools,
3006 which printing is to be paid for out of funds provided by the
3007 Legislature;

3008 (h) To meet all superintendents annually at such time
3009 and place as the State Superintendent shall appoint for the
3010 purpose of accumulating facts relative to schools, to review the
3011 educational progress made in the various sections of the state, to



3012 compare views, discuss problems, hear discussions and suggestions
3013 relative to examinations and qualifications of teachers, methods
3014 of instruction, textbooks, summer schools for teachers, visitation
3015 of schools, consolidation of schools, health work in the schools,
3016 vocational education and other matters pertaining to the public
3017 school system;

3018 (i) To advise all superintendents upon all matters
3019 involving the welfare of the schools, and at the request of any
3020 superintendent, to give an opinion upon a written statement of
3021 facts on all questions and controversies arising out of the
3022 interpretation and construction of the school laws, in regard to
3023 rights, powers and duties of school officers and superintendents,
3024 and to keep a record of all such decisions. Before giving any
3025 opinion, the superintendent may submit the statement of facts to
3026 the Attorney General, and it shall be the duty of the Attorney
3027 General forthwith to examine such statement and suggest the proper
3028 decision to be made upon such fact;

3029 (j) To require annually, and as often as the State
3030 Superintendent may deem proper, of all superintendents, detailed
3031 reports on the educational business of the various districts;

3032 (k) On or before January 10 in each year to prepare,
3033 under the direction of the State Board of Education, the annual
3034 information report of the State Department of Education as
3035 described in Section 37-151-97;



3036 (1) To determine the number of educable children in the
3037 several school districts under rules and regulations prescribed by
3038 the State Board of Education; and

3039 (m) To perform such other duties as may be prescribed
3040 by the State Board of Education.

3041 **SECTION 32.** Section 37-3-83, Mississippi Code of 1972, is
3042 amended as follows:

3043 37-3-83. (1) There is established within the State
3044 Department of Education, using only existing staff and resources,
3045 a School Safety Grant Program, available to all eligible public
3046 school districts, to assist in financing programs to provide
3047 school safety. However, no monies from the Temporary Assistance
3048 for Needy Families grant may be used for the School Safety Grant
3049 Program.

3050 (2) The school board of each school district, with the
3051 assistance of the State Department of Education School Safety
3052 Center, shall adopt a comprehensive local school district school
3053 safety plan and shall update the plan on an annual basis.

3054 (3) Subject to the extent of appropriations available, the
3055 School Safety Grant Program shall offer any of the following
3056 specific preventive services, and other additional services
3057 appropriate to the most current school district school safety
3058 plan:

3059 (a) Metal detectors;



3060 (b) Video surveillance cameras, communications
3061 equipment and monitoring equipment for classrooms, school
3062 buildings, school grounds and school buses;
3063 (c) Crisis management/action teams responding to school
3064 violence;
3065 (d) Violence prevention training, conflict resolution
3066 training, behavioral stress training and other appropriate
3067 training designated by the State Department of Education for
3068 faculty and staff; and
3069 (e) School safety personnel.
3070 (4) Each local school district of this state may annually
3071 apply for school safety grant funds subject to appropriations by
3072 the Legislature. School safety grants shall include a base grant
3073 amount plus an additional amount per student in * * * net
3074 enrollment in the school or school district. The base grant
3075 amount and amount per student shall be determined by the State
3076 Board of Education, subject to specific appropriation therefor by
3077 the Legislature. In order to be eligible for such program, each
3078 local school board desiring to participate shall apply to the
3079 State Department of Education by May 31 before the beginning of
3080 the applicable fiscal year on forms provided by the department,
3081 and shall be required to establish a local School Safety Task
3082 Force to involve members of the community in the school safety
3083 effort. The State Department of Education shall determine by July



3084 1 of each succeeding year which local school districts have
3085 submitted approved applications for school safety grants.

3086 (5) As part of the School Safety Grant Program, the State
3087 Department of Education may conduct a pilot program to research
3088 the feasibility of using video camera equipment in the classroom
3089 to address the following:

3090 (a) Determine if video cameras in the classroom reduce
3091 student disciplinary problems;

3092 (b) Enable teachers to present clear and convincing
3093 evidence of a student's disruptive behavior to the student, the
3094 principal, the superintendent and the student's parents; and

3095 (c) Enable teachers to review teaching performance and
3096 receive diagnostic feedback for developmental purposes.

3097 (6) Any local school district may use
3098 audio/visual-monitoring equipment in classrooms, hallways,
3099 buildings, grounds and buses for the purpose of monitoring school
3100 disciplinary problems.

3101 (7) As a component of the comprehensive local school
3102 district school safety plan required under subsection (2) of this
3103 section, the school board of a school district may adopt and
3104 implement a policy addressing sexual abuse of children, to be
3105 known as "Erin's Law Awareness." Any policy adopted under this
3106 subsection may include or address, but need not be limited to, the
3107 following:



3108 (a) Methods for increasing teacher, student and
3109 parental awareness of issues regarding sexual abuse of children,
3110 including knowledge of likely warning signs indicating that a
3111 child may be a victim of sexual abuse;

3112 (b) Educational information for parents or guardians,
3113 which may be included in the school handbook, on the warning signs
3114 of a child being abused, along with any needed assistance,
3115 referral or resource information;

3116 (c) Training for school personnel on child sexual
3117 abuse;

3118 (d) Age-appropriate curriculum for students in
3119 prekindergarten through fifth grade;

3120 (e) Actions that a child who is a victim of sexual
3121 abuse should take to obtain assistance and intervention;

3122 (f) Counseling and resources available for students
3123 affected by sexual abuse; and

3124 (g) Emotional and educational support for a child who
3125 has been abused to enable the child to be successful in school.

3126 (8) As part of the school safety grant program, the State
3127 Department of Education shall establish three (3) pilot programs
3128 in six (6) school districts utilizing an evidence-based curriculum
3129 to provide students in Grades K-5 with skills to manage stress and
3130 anxiety in order for them to be better equipped to handle
3131 challenges in a healthy way and build resiliency. The Mississippi
3132 Department of Mental Health shall be responsible for the selection



3133 of the content of the evidence-based curriculum. The results of
3134 this pilot program shall be measured and reported, and such
3135 results shall be used in consideration of the implementation of
3136 this curriculum statewide.

3137 (9) As a component of the comprehensive local school
3138 district safety plan required under subsection (2) of this
3139 section, beginning in the 2019-2020 school year, the State
3140 Department of Education shall require local school districts to
3141 conduct, every two (2) years, refresher training on mental health
3142 and suicide prevention for all school employees and personnel,
3143 including all cafeteria workers, custodians, teachers and
3144 administrators. The Mississippi Department of Mental Health shall
3145 be responsible for the development and/or selection of the content
3146 of the training, which training shall be provided at no cost to
3147 school employees. School districts shall report completion of the
3148 training to the State Department of Education.

3149 **SECTION 33.** Section 37-7-208, Mississippi Code of 1972, is
3150 amended as follows:

3151 37-7-208. The board of trustees of any consolidated school
3152 district may pay from * * * funds other than total funding formula
3153 funds the cost and expense of litigation involved by or resulting
3154 from the creation of or litigation to create single member school
3155 board trustee election districts, and pay from * * * funds other
3156 than the total funding formula funds the cost or expense to
3157 implement any plan, decree or reorganization as approved by the



3158 court. Said payments by the board of trustees shall be deemed a
3159 "new program" under the provisions of Section 37-57-107, * * * and
3160 any additional millage levied for such purpose and the revenue
3161 generated therefrom shall be excluded from the tax increase
3162 limitation prescribed in Sections 37-57-105 and 37-57-107. The
3163 board of supervisors of any county in which there is located such
3164 consolidated school district may, in its discretion, contribute
3165 out of county general funds to the cost and expense of such
3166 litigation and/or the cost of implementing such redistricting
3167 plan.

3168 **SECTION 34.** Section 37-7-301, Mississippi Code of 1972, is
3169 amended as follows:

3170 37-7-301. The school boards of all school districts shall
3171 have the following powers, authority and duties in addition to all
3172 others imposed or granted by law, to wit:

3173 (a) To organize and operate the schools of the district
3174 and to make such division between the high school grades and
3175 elementary grades as, in their judgment, will serve the best
3176 interests of the school;

3177 (b) To introduce public school music, art, manual
3178 training and other special subjects into either the elementary or
3179 high school grades, as the board shall deem proper;

3180 (c) To be the custodians of real and personal school
3181 property and to manage, control and care for same, both during the
3182 school term and during vacation;



3183 (d) To have responsibility for the erection, repairing
3184 and equipping of school facilities and the making of necessary
3185 school improvements;

3186 (e) To suspend or to expel a pupil or to change the
3187 placement of a pupil to the school district's alternative school
3188 or homebound program for misconduct in the school or on school
3189 property, as defined in Section 37-11-29, on the road to and from
3190 school, or at any school-related activity or event, or for conduct
3191 occurring on property other than school property or other than at
3192 a school-related activity or event when such conduct by a pupil,
3193 in the determination of the school superintendent or principal,
3194 renders that pupil's presence in the classroom a disruption to the
3195 educational environment of the school or a detriment to the best
3196 interest and welfare of the pupils and teacher of such class as a
3197 whole, and to delegate such authority to the appropriate officials
3198 of the school district;

3199 (f) To visit schools in the district, in their
3200 discretion, in a body for the purpose of determining what can be
3201 done for the improvement of the school in a general way;

3202 (g) To support, within reasonable limits, the
3203 superintendent, principal and teachers where necessary for the
3204 proper discipline of the school;

3205 (h) To exclude from the schools students with what
3206 appears to be infectious or contagious diseases; provided,
3207 however, such student may be allowed to return to school upon



3208 presenting a certificate from a public health officer, duly
3209 licensed physician or nurse practitioner that the student is free
3210 from such disease;

3211 (i) To require those vaccinations specified by the
3212 State Health Officer as provided in Section 41-23-37;

3213 (j) To see that all necessary utilities and services
3214 are provided in the schools at all times when same are needed;

3215 (k) To authorize the use of the school buildings and
3216 grounds for the holding of public meetings and gatherings of the
3217 people under such regulations as may be prescribed by said board;

3218 (l) To prescribe and enforce rules and regulations not
3219 inconsistent with law or with the regulations of the State Board
3220 of Education for their own government and for the government of
3221 the schools, and to transact their business at regular and special
3222 meetings called and held in the manner provided by law;

3223 (m) To maintain and operate all of the schools under
3224 their control for such length of time during the year as may be
3225 required;

3226 (n) To enforce in the schools the courses of study and
3227 the use of the textbooks prescribed by the proper authorities;

3228 (o) To make orders directed to the superintendent of
3229 schools for the issuance of pay certificates for lawful purposes
3230 on any available funds of the district and to have full control of
3231 the receipt, distribution, allotment and disbursement of all funds
3232 provided for the support and operation of the schools of such



3233 school district whether such funds be derived from state
3234 appropriations, local ad valorem tax collections, or otherwise.
3235 The local school board shall be authorized and empowered to
3236 promulgate rules and regulations that specify the types of claims
3237 and set limits of the dollar amount for payment of claims by the
3238 superintendent of schools to be ratified by the board at the next
3239 regularly scheduled meeting after payment has been made;

3240 (p) To select all school district personnel in the
3241 manner provided by law, and to provide for such employee fringe
3242 benefit programs, including accident reimbursement plans, as may
3243 be deemed necessary and appropriate by the board;

3244 (q) To provide athletic programs and other school
3245 activities and to regulate the establishment and operation of such
3246 programs and activities;

3247 (r) To join, in their discretion, any association of
3248 school boards and other public school-related organizations, and
3249 to pay from local funds other than * * * total funding formula
3250 funds, any membership dues;

3251 (s) To expend local school activity funds, or other
3252 available school district funds, other than * * * total funding
3253 formula funds, for the purposes prescribed under this paragraph.
3254 "Activity funds" shall mean all funds received by school officials
3255 in all school districts paid or collected to participate in any
3256 school activity, such activity being part of the school program
3257 and partially financed with public funds or supplemented by public



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



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

3296 (t) To enter into an energy performance contract,
3297 energy services contract, on a shared-savings, lease or
3298 lease-purchase basis, for energy efficiency services and/or
3299 equipment as provided for in Section 31-7-14;

3300 (u) To maintain accounts and issue pay certificates on
3301 school food service bank accounts;

3302 (v) (i) To lease a school building from an individual,
3303 partnership, nonprofit corporation or a private for-profit
3304 corporation for the use of such school district, and to expend
3305 funds therefor as may be available from any * * * sources other
3306 than total funding formula funds as set by this act. The school
3307 board of the school district desiring to lease a school building



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



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

3351 (ii) If two (2) or more school districts propose
3352 to enter into a lease contract jointly, then joint meetings of the
3353 school boards having control may be held but no action taken shall
3354 be binding on any such school district unless the question of
3355 leasing a school building is approved in each participating school
3356 district under the procedure hereinabove set forth in paragraph
3357 (v)(i). All of the provisions of paragraph (v)(i) regarding the



3358 term and amount of the lease contract shall apply to the school
3359 boards of school districts acting jointly. Any lease contract
3360 executed by two (2) or more school districts as joint lessees
3361 shall set out the amount of the aggregate lease rental to be paid
3362 by each, which may be agreed upon, but there shall be no right of
3363 occupancy by any lessee unless the aggregate rental is paid as
3364 stipulated in the lease contract. All rights of joint lessees
3365 under the lease contract shall be in proportion to the amount of
3366 lease rental paid by each;

3367 (w) To employ all noninstructional and noncertificated
3368 employees and fix the duties and compensation of such personnel
3369 deemed necessary pursuant to the recommendation of the
3370 superintendent of schools;

3371 (x) To employ and fix the duties and compensation of
3372 such legal counsel as deemed necessary;

3373 (y) Subject to rules and regulations of the State Board
3374 of Education, to purchase, own and operate trucks, vans and other
3375 motor vehicles, which shall bear the proper identification
3376 required by law;

3377 (z) To expend funds for the payment of substitute
3378 teachers and to adopt reasonable regulations for the employment
3379 and compensation of such substitute teachers;

3380 (aa) To acquire in its own name by purchase all real
3381 property which shall be necessary and desirable in connection with
3382 the construction, renovation or improvement of any public school



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



3407 district shall acquire the unexpired leasehold interest affected
3408 by the easement;

3409 (bb) To charge reasonable fees related to the
3410 educational programs of the district, in the manner prescribed in
3411 Section 37-7-335;

3412 (cc) Subject to rules and regulations of the State
3413 Board of Education, to purchase relocatable classrooms for the use
3414 of such school district, in the manner prescribed in Section
3415 37-1-13;

3416 (dd) Enter into contracts or agreements with other
3417 school districts, political subdivisions or governmental entities
3418 to carry out one or more of the powers or duties of the school
3419 board, or to allow more efficient utilization of limited resources
3420 for providing services to the public;

3421 (ee) To provide for in-service training for employees
3422 of the district;

3423 (ff) As part of their duties to prescribe the use of
3424 textbooks, to provide that parents and legal guardians shall be
3425 responsible for the textbooks and for the compensation to the
3426 school district for any books which are not returned to the proper
3427 schools upon the withdrawal of their dependent child. If a
3428 textbook is lost or not returned by any student who drops out of
3429 the public school district, the parent or legal guardian shall
3430 also compensate the school district for the fair market value of
3431 the textbooks;



3432 (gg) To conduct fund-raising activities on behalf of
3433 the school district that the local school board, in its
3434 discretion, deems appropriate or beneficial to the official or
3435 extracurricular programs of the district; provided that:

3436 (i) Any proceeds of the fund-raising activities
3437 shall be treated as "activity funds" and shall be accounted for as
3438 are other activity funds under this section; and

3439 (ii) Fund-raising activities conducted or
3440 authorized by the board for the sale of school pictures, the
3441 rental of caps and gowns or the sale of graduation invitations for
3442 which the school board receives a commission, rebate or fee shall
3443 contain a disclosure statement advising that a portion of the
3444 proceeds of the sales or rentals shall be contributed to the
3445 student activity fund;

3446 (hh) To allow individual lessons for music, art and
3447 other curriculum-related activities for academic credit or
3448 nonacademic credit during school hours and using school equipment
3449 and facilities, subject to uniform rules and regulations adopted
3450 by the school board;

3451 (ii) To charge reasonable fees for participating in an
3452 extracurricular activity for academic or nonacademic credit for
3453 necessary and required equipment such as safety equipment, band
3454 instruments and uniforms;



3455 (jj) To conduct or participate in any fund-raising
3456 activities on behalf of or in connection with a tax-exempt
3457 charitable organization;

3458 (kk) To exercise such powers as may be reasonably
3459 necessary to carry out the provisions of this section;

3460 (ll) To expend funds for the services of nonprofit arts
3461 organizations or other such nonprofit organizations who provide
3462 performances or other services for the students of the school
3463 district;

3464 (mm) To expend federal No Child Left Behind Act funds,
3465 or any other available funds that are expressly designated and
3466 authorized for that use, to pay training, educational expenses,
3467 salary incentives and salary supplements to employees of local
3468 school districts; except that incentives shall not be considered
3469 part of the local supplement * * *, nor shall incentives be
3470 considered part of the local supplement paid to an individual
3471 teacher for the purposes of Section 37-19-7(1) * * *;

3472 (nn) To use any available funds, not appropriated or
3473 designated for any other purpose, for reimbursement to the
3474 state-licensed employees from both in state and out of state, who
3475 enter into a contract for employment in a school district, for the
3476 expense of moving when the employment necessitates the relocation
3477 of the licensed employee to a different geographical area than
3478 that in which the licensed employee resides before entering into
3479 the contract. The reimbursement shall not exceed One Thousand



3480 Dollars (\$1,000.00) for the documented actual expenses incurred in
3481 the course of relocating, including the expense of any
3482 professional moving company or persons employed to assist with the
3483 move, rented moving vehicles or equipment, mileage in the amount
3484 authorized for county and municipal employees under Section
3485 25-3-41 if the licensed employee used his personal vehicle or
3486 vehicles for the move, meals and such other expenses associated
3487 with the relocation. No licensed employee may be reimbursed for
3488 moving expenses under this section on more than one (1) occasion
3489 by the same school district. Nothing in this section shall be
3490 construed to require the actual residence to which the licensed
3491 employee relocates to be within the boundaries of the school
3492 district that has executed a contract for employment in order for
3493 the licensed employee to be eligible for reimbursement for the
3494 moving expenses. However, the licensed employee must relocate
3495 within the boundaries of the State of Mississippi. Any individual
3496 receiving relocation assistance through the Critical Teacher
3497 Shortage Act as provided in Section 37-159-5 shall not be eligible
3498 to receive additional relocation funds as authorized in this
3499 paragraph;

3500 (oo) To use any available funds, not appropriated or
3501 designated for any other purpose, to reimburse persons who
3502 interview for employment as a licensed employee with the district
3503 for the mileage and other actual expenses incurred in the course



3504 of travel to and from the interview at the rate authorized for
3505 county and municipal employees under Section 25-3-41;

3506 (pp) Consistent with the report of the Task Force to
3507 Conduct a Best Financial Management Practices Review, to improve
3508 school district management and use of resources and identify cost
3509 savings as established in Section 8 of Chapter 610, Laws of 2002,
3510 local school boards are encouraged to conduct independent reviews
3511 of the management and efficiency of schools and school districts.
3512 Such management and efficiency reviews shall provide state and
3513 local officials and the public with the following:

3514 (i) An assessment of a school district's
3515 governance and organizational structure;

3516 (ii) An assessment of the school district's
3517 financial and personnel management;

3518 (iii) An assessment of revenue levels and sources;

3519 (iv) An assessment of facilities utilization,
3520 planning and maintenance;

3521 (v) An assessment of food services, transportation
3522 and safety/security systems;

3523 (vi) An assessment of instructional and
3524 administrative technology;

3525 (vii) A review of the instructional management and
3526 the efficiency and effectiveness of existing instructional
3527 programs; and



3528 (viii) Recommended methods for increasing
3529 efficiency and effectiveness in providing educational services to
3530 the public;

3531 (qq) To enter into agreements with other local school
3532 boards for the establishment of an educational service agency
3533 (ESA) to provide for the cooperative needs of the region in which
3534 the school district is located, as provided in Section 37-7-345;

3535 (rr) To implement a financial literacy program for
3536 students in Grades 10 and 11. The board may review the national
3537 programs and obtain free literature from various nationally
3538 recognized programs. After review of the different programs, the
3539 board may certify a program that is most appropriate for the
3540 school districts' needs. If a district implements a financial
3541 literacy program, then any student in Grade 10 or 11 may
3542 participate in the program. The financial literacy program shall
3543 include, but is not limited to, instruction in the same areas of
3544 personal business and finance as required under Section
3545 37-1-3(2)(b). The school board may coordinate with volunteer
3546 teachers from local community organizations, including, but not
3547 limited to, the following: United States Department of
3548 Agriculture Rural Development, United States Department of Housing
3549 and Urban Development, Junior Achievement, bankers and other
3550 nonprofit organizations. Nothing in this paragraph shall be
3551 construed as to require school boards to implement a financial
3552 literacy program;



3553 (ss) To collaborate with the State Board of Education,
3554 Community Action Agencies or the Department of Human Services to
3555 develop and implement a voluntary program to provide services for
3556 a prekindergarten program that addresses the cognitive, social,
3557 and emotional needs of four-year-old and three-year-old children.
3558 The school board may utilize any source of available revenue to
3559 fund the voluntary program. Effective with the 2013-2014 school
3560 year, to implement voluntary prekindergarten programs under the
3561 Early Learning Collaborative Act of 2013 pursuant to state funds
3562 awarded by the State Department of Education on a matching basis;

3563 (tt) With respect to any lawful, written obligation of
3564 a school district, including, but not limited to, leases
3565 (excluding leases of sixteenth section public school trust land),
3566 bonds, notes, or other agreement, to agree in writing with the
3567 obligee that the Department of Revenue or any state agency,
3568 department or commission created under state law may:

3569 (i) Withhold all or any part (as agreed by the
3570 school board) of any monies which such local school board is
3571 entitled to receive from time to time under any law and which is
3572 in the possession of the Department of Revenue, or any state
3573 agency, department or commission created under state law; and

3574 (ii) Pay the same over to any financial
3575 institution, trustee or other obligee, as directed in writing by
3576 the school board, to satisfy all or part of such obligation of the
3577 school district.



3578 The school board may make such written agreement to withhold
3579 and transfer funds irrevocable for the term of the written
3580 obligation and may include in the written agreement any other
3581 terms and provisions acceptable to the school board. If the
3582 school board files a copy of such written agreement with the
3583 Department of Revenue, or any state agency, department or
3584 commission created under state law then the Department of Revenue
3585 or any state agency, department or commission created under state
3586 law shall immediately make the withholdings provided in such
3587 agreement from the amounts due the local school board and shall
3588 continue to pay the same over to such financial institution,
3589 trustee or obligee for the term of the agreement.

3590 This paragraph (tt) shall not grant any extra authority to a
3591 school board to issue debt in any amount exceeding statutory
3592 limitations on assessed value of taxable property within such
3593 school district or the statutory limitations on debt maturities,
3594 and shall not grant any extra authority to impose, levy or collect
3595 a tax which is not otherwise expressly provided for, and shall not
3596 be construed to apply to sixteenth section public school trust
3597 land;

3598 (uu) With respect to any matter or transaction that is
3599 competitively bid by a school district, to accept from any bidder
3600 as a good-faith deposit or bid bond or bid surety, the same type
3601 of good-faith deposit or bid bond or bid surety that may be
3602 accepted by the state or any other political subdivision on



3603 similar competitively bid matters or transactions. This paragraph
3604 (uu) shall not be construed to apply to sixteenth section public
3605 school trust land. The school board may authorize the investment
3606 of any school district funds in the same kind and manner of
3607 investments, including pooled investments, as any other political
3608 subdivision, including community hospitals;

3609 (vv) To utilize the alternate method for the conveyance
3610 or exchange of unused school buildings and/or land, reserving a
3611 partial or other undivided interest in the property, as
3612 specifically authorized and provided in Section 37-7-485;

3613 (ww) To delegate, privatize or otherwise enter into a
3614 contract with private entities for the operation of any and all
3615 functions of nonacademic school process, procedures and operations
3616 including, but not limited to, cafeteria workers, janitorial
3617 services, transportation, professional development, achievement
3618 and instructional consulting services materials and products,
3619 purchasing cooperatives, insurance, business manager services,
3620 auditing and accounting services, school safety/risk prevention,
3621 data processing and student records, and other staff services;
3622 however, the authority under this paragraph does not apply to the
3623 leasing, management or operation of sixteenth section lands.
3624 Local school districts, working through their regional education
3625 service agency, are encouraged to enter into buying consortia with
3626 other member districts for the purposes of more efficient use of
3627 state resources as described in Section 37-7-345;



3628 (xx) To partner with entities, organizations and
3629 corporations for the purpose of benefiting the school district;

3630 (yy) To borrow funds from the Rural Economic
3631 Development Authority for the maintenance of school buildings;

3632 (zz) To fund and operate voluntary early childhood
3633 education programs, defined as programs for children less than
3634 five (5) years of age on or before September 1, and to use any
3635 source of revenue for such early childhood education programs.

3636 Such programs shall not conflict with the Early Learning
3637 Collaborative Act of 2013;

3638 (aaa) To issue and provide for the use of procurement
3639 cards by school board members, superintendents and licensed school
3640 personnel consistent with the rules and regulations of the
3641 Mississippi Department of Finance and Administration under Section
3642 31-7-9; and

3643 (bbb) To conduct an annual comprehensive evaluation of
3644 the superintendent of schools consistent with the assessment
3645 components of paragraph (pp) of this section and the assessment
3646 benchmarks established by the Mississippi School Board Association
3647 to evaluate the success the superintendent has attained in meeting
3648 district goals and objectives, the superintendent's leadership
3649 skill and whether or not the superintendent has established
3650 appropriate standards for performance, is monitoring success and
3651 is using data for improvement.



3652 **SECTION 35.** Section 37-7-302, Mississippi Code of 1972, is
3653 amended as follows:

3654 37-7-302. The board of trustees of any school district shall
3655 be authorized to borrow such funds as may be reasonable and
3656 necessary from the federal government, the State of Mississippi or
3657 any political subdivision or entity thereof, or any other
3658 governmental agency, from any individual, partnership, nonprofit
3659 corporation or private for-profit corporation, to aid such school
3660 districts in asbestos removal, to be repaid out of any * * * funds
3661 other than the total funding formula funds provided for in this
3662 act; provided, however, that the grant of authority shall in no
3663 way be construed to require said boards of trustees to remove
3664 asbestos material or substances from any facilities under their
3665 control, nor shall there be any liability to said school districts
3666 or boards for the failure to so remove such asbestos materials.
3667 All indebtedness incurred under the provisions of this section
3668 shall be evidenced by the negotiable notes or certificates of
3669 indebtedness of the school district on whose behalf the money is
3670 borrowed. Said notes or certificates of indebtedness of the
3671 school district on whose behalf the money is borrowed shall be
3672 signed by the president of the school board and superintendent of
3673 schools of such school district. Such notes or certificates of
3674 indebtedness shall not bear a greater overall maximum interest
3675 rate to maturity than the rates now or hereafter authorized under
3676 the provisions of Section 19-9-19. No such notes or certificates



3677 of indebtedness shall be issued and sold for less than par and
3678 accrued interest. All notes or certificates of indebtedness shall
3679 mature in approximately equal installments of principal and
3680 interest over a period not to exceed twenty (20) years from the
3681 dates of the issuance thereof. Principal and interest shall be
3682 payable in such manner as may be determined by the school board.
3683 Such notes or certificates of indebtedness shall be issued in such
3684 form and in such denominations as may be determined by the school
3685 board and same may be made payable at the office of any bank or
3686 trust company selected by the school board and, in such case,
3687 funds for the payment of principal and interest due thereon shall
3688 be provided in the same manner provided by law for the payment of
3689 the principal and interest due on bonds issued by the taxing
3690 districts of this state.

3691 **SECTION 36.** Section 37-7-303, Mississippi Code of 1972, is
3692 amended as follows:

3693 37-7-303. (1) The school board of any school district may
3694 insure motor vehicles for any hazard that the board may choose,
3695 and shall insure the school buildings, equipment and other school
3696 property of the district against any and all hazards that the
3697 board may deem necessary to provide insurance against. In
3698 addition, the local school board of any school district shall
3699 purchase and maintain business property insurance and business
3700 personal property insurance on all school district-owned buildings
3701 and/or contents as required by federal law and regulations of the



3702 Federal Emergency Management Agency (FEMA) as is necessary for
3703 receiving public assistance or reimbursement for repair,
3704 reconstruction, replacement or other damage to those buildings
3705 and/or contents caused by the Hurricane Katrina Disaster of 2005
3706 or subsequent disasters. The school district is authorized to
3707 expend funds from any available source for the purpose of
3708 obtaining and maintaining that property insurance. The school
3709 district is authorized to enter into agreements with the
3710 Department of Finance and Administration, other local school
3711 districts, community or junior college districts, state
3712 institutions of higher learning, community hospitals and/or other
3713 state agencies to pool their liabilities to participate in a group
3714 business property and/or business personal property insurance
3715 program, subject to uniform rules and regulations as may be
3716 adopted by the Department of Finance and Administration. Such
3717 school board shall be authorized to contract for such insurance
3718 for a term of not exceeding five (5) years and to obligate the
3719 district for the payment of the premiums thereon. When necessary,
3720 the school board is authorized and empowered, in its discretion,
3721 to borrow money payable in annual installments for a period of not
3722 exceeding five (5) years at a rate of interest not exceeding eight
3723 percent (8%) per annum to provide funds to pay such insurance
3724 premiums. The money so borrowed and the interest thereon shall be
3725 payable from any school funds of the district other than * * * the
3726 total funding formula funds provided for in this act. The school



3727 boards of school districts are further authorized and empowered,
3728 in all cases where same may be necessary, to bring and maintain
3729 suits and other actions in any court of competent jurisdiction for
3730 the purpose of collecting the proceeds of insurance policies
3731 issued upon the property of such school district.

3732 (2) Two (2) or more school districts, together with other
3733 educational entities or agencies, may agree to pool their
3734 liabilities to participate in a group workers' compensation
3735 program. The governing authorities of any school board or other
3736 educational entity or agency may authorize the organization and
3737 operation of, or the participation in such a group self-insurance
3738 program with other school boards and educational entities or
3739 agencies, subject to the requirements of Section 71-3-5. The
3740 Workers' Compensation Commission shall approve such group
3741 self-insurance programs subject to uniform rules and regulations
3742 as may be adopted by the commission applicable to all groups.

3743 **SECTION 37.** Section 37-7-307, Mississippi Code of 1972, is
3744 amended as follows:

3745 37-7-307. (1) For purposes of this section, the term
3746 "licensed employee" means any employee of a public school district
3747 required to hold a valid license by the Commission on Teacher and
3748 Administrator Education, Certification and Licensure and
3749 Development.

3750 (2) The school board of a school district shall establish by
3751 rules and regulations a policy of sick leave with pay for licensed



3752 employees and teacher assistants employed in the school district,
3753 and such policy shall include the following minimum provisions for
3754 sick and emergency leave with pay:

3755 (a) Each licensed employee and teacher assistant, at
3756 the beginning of each school year, shall be credited with a
3757 minimum sick leave allowance, with pay, of seven (7) days for
3758 absences caused by illness or physical disability of the employee
3759 during that school year.

3760 (b) Any unused portion of the total sick leave
3761 allowance shall be carried over to the next school year and
3762 credited to such licensed employee and teacher assistant if the
3763 licensed employee or teacher assistant remains employed in the
3764 same school district. In the event any public school licensed
3765 employee or teacher assistant transfers from one public school
3766 district in Mississippi to another, any unused portion of the
3767 total sick leave allowance credited to such licensed employee or
3768 teacher assistant shall be credited to such licensed employee or
3769 teacher assistant in the computation of unused leave for
3770 retirement purposes under Section 25-11-109. Accumulation of sick
3771 leave allowed under this section shall be unlimited.

3772 (c) No deduction from the pay of such licensed employee
3773 or teacher assistant may be made because of absence of such
3774 licensed employee or teacher assistant caused by illness or
3775 physical disability of the licensed employee or teacher assistant



3776 until after all sick leave allowance credited to such licensed
3777 employee or teacher assistant has been used.

3778 (d) For the first ten (10) days of absence of a
3779 licensed employee because of illness or physical disability, in
3780 any school year, in excess of the sick leave allowance credited to
3781 such licensed employee, there shall be deducted from the pay of
3782 such licensed employee the established substitute amount of
3783 licensed employee compensation paid in that local school district,
3784 necessitated because of the absence of the licensed employee as a
3785 result of illness or physical disability. In lieu of deducting
3786 the established substitute amount from the pay of such licensed
3787 employee, the policy may allow the licensed employee to receive
3788 full pay for the first ten (10) days of absence because of illness
3789 or physical disability, in any school year, in excess of the sick
3790 leave allowance credited to such licensed employee. Thereafter,
3791 the regular pay of such absent licensed employee shall be
3792 suspended and withheld in its entirety for any period of absence
3793 because of illness or physical disability during that school year.

3794 (3) (a) Beginning with the school year 1983-1984, each
3795 licensed employee at the beginning of each school year shall be
3796 credited with a minimum personal leave allowance, with pay, of two
3797 (2) days for absences caused by personal reasons during that
3798 school year. Effective for the 2010-2011 and 2011-2012 school
3799 years, licensed employees shall be credited with an additional
3800 one-half (1/2) day of personal leave for every day the licensed



3801 employee is furloughed without pay as provided in Section
3802 37-7-308. Except as otherwise provided in paragraph (b) of this
3803 subsection, such personal leave shall not be taken on the first
3804 day of the school term, the last day of the school term, on a day
3805 previous to a holiday or a day after a holiday. Personal leave
3806 may be used for professional purposes, including absences caused
3807 by attendance of such licensed employee at a seminar, class,
3808 training program, professional association or other functions
3809 designed for educators. No deduction from the pay of such
3810 licensed employee may be made because of absence of such licensed
3811 employee caused by personal reasons until after all personal leave
3812 allowance credited to such licensed employee has been used.
3813 However, the superintendent of a school district, in his
3814 discretion, may allow a licensed employee personal leave in
3815 addition to any minimum personal leave allowance, under the
3816 condition that there shall be deducted from the salary of such
3817 licensed employee the actual amount of any compensation paid to
3818 any person as a substitute, necessitated because of the absence of
3819 the licensed employee. Any unused portion of the total personal
3820 leave allowance up to five (5) days shall be carried over to the
3821 next school year and credited to such licensed employee if the
3822 licensed employee remains employed in the same school district.
3823 Any personal leave allowed for a furlough day shall not be carried
3824 over to the next school year.



3825 (b) Notwithstanding the restrictions on the use of
3826 personal leave prescribed under paragraph (a) of this subsection,
3827 a licensed employee may use personal leave as follows:

3828 (i) Personal leave may be taken on the first day
3829 of the school term, the last day of the school term, on a day
3830 previous to a holiday or a day after a holiday if, on the
3831 applicable day, an immediate family member of the employee is
3832 being deployed for military service.

3833 (ii) Personal leave may be taken on a day previous
3834 to a holiday or a day after a holiday if an employee of a school
3835 district has either a minimum of ten (10) years' experience as an
3836 employee of that school district or a minimum of thirty (30) days
3837 of unused accumulated leave that has been earned while employed in
3838 that school district.

3839 (iii) Personal leave may be taken on the first day
3840 of the school term, the last day of the school term, on a day
3841 previous to a holiday or a day after a holiday if, on the
3842 applicable day, the employee has been summoned to appear for jury
3843 duty or as a witness in court.

3844 (iv) Personal leave may be taken on the first day
3845 of the school term, the last day of the school term, on a day
3846 previous to a holiday or a day after a holiday if, on the
3847 applicable day, an immediate family member of the employee dies or
3848 funeral services are held. Any day of the three (3) bereavement



3849 days may be used at the discretion of the teacher, and are not
3850 required to be taken in consecutive succession.

3851 For the purpose of this subsection (3), the term "immediate
3852 family member" means spouse, parent, stepparent, child or
3853 stepchild, grandparent or sibling, including a stepbrother or
3854 stepsister.

3855 (4) Beginning with the school year 1992-1993, each licensed
3856 employee shall be credited with a professional leave allowance,
3857 with pay, for each day of absence caused by reason of such
3858 employee's statutorily required membership and attendance at a
3859 regular or special meeting held within the State of Mississippi of
3860 the State Board of Education, the Commission on Teacher and
3861 Administrator Education, Certification and Licensure and
3862 Development, the Commission on School Accreditation, the
3863 Mississippi Authority for Educational Television, the meetings of
3864 the state textbook rating committees or other meetings authorized
3865 by local school board policy.

3866 (5) Upon retirement from employment, each licensed and
3867 nonlicensed employee shall be paid for not more than thirty (30)
3868 days of unused accumulated leave earned while employed by the
3869 school district in which the employee is last employed. Such
3870 payment for licensed employees shall be made by the school
3871 district at a rate equal to the amount paid to substitute teachers
3872 and for nonlicensed employees, the payment shall be made by the
3873 school district at a rate equal to the federal minimum wage. The



3874 payment shall be treated in the same manner for retirement
3875 purposes as a lump-sum payment for personal leave as provided in
3876 Section 25-11-103(f). Any remaining lawfully credited unused
3877 leave, for which payment has not been made, shall be certified to
3878 the Public Employees' Retirement System in the same manner and
3879 subject to the same limitations as otherwise provided by law for
3880 unused leave. No payment for unused accumulated leave may be made
3881 to either a licensed or nonlicensed employee at termination or
3882 separation from service for any purpose other than for the purpose
3883 of retirement.

3884 (6) The school board may adopt rules and regulations which
3885 will reasonably aid to implement the policy of sick and personal
3886 leave, including, but not limited to, rules and regulations having
3887 the following general effect:

3888 (a) Requiring the absent employee to furnish the
3889 certificate of a physician or dentist or other medical
3890 practitioner as to the illness of the absent licensed employee,
3891 where the absence is for four (4) or more consecutive school days,
3892 or for two (2) consecutive school days immediately preceding or
3893 following a nonschool day;

3894 (b) Providing penalties, by way of full deduction from
3895 salary, or entry on the work record of the employee, or other
3896 appropriate penalties, for any materially false statement by the
3897 employee as to the cause of absence;



3898 (c) Forfeiture of accumulated or future sick leave, if
3899 the absence of the employee is caused by optional dental or
3900 medical treatment or surgery which could, without medical risk,
3901 have been provided, furnished or performed at a time when school
3902 was not in session;

3903 (d) Enlarging, increasing or providing greater sick or
3904 personal leave allowances than the minimum standards established
3905 by this section in the discretion of the school board of each
3906 school district.

3907 (7) School boards may include in their budgets provisions
3908 for the payment of substitute employees, necessitated because of
3909 the absence of regular licensed employees. All such substitute
3910 employees shall be paid wholly from district funds * * *. Such
3911 school boards, in their discretion, also may pay, from district
3912 funds other than * * * the total funding formula funds provided
3913 for in this act, the whole or any part of the salaries of all
3914 employees granted leaves for the purpose of special studies or
3915 training.

3916 (8) The school board may further adopt rules and regulations
3917 which will reasonably implement such leave policies for all other
3918 nonlicensed and hourly paid school employees as the board deems
3919 appropriate. Effective for the 2010-2011 and 2011-2012 school
3920 years, nonlicensed employees shall be credited with an additional
3921 one-half (1/2) day of personal leave for every day the nonlicensed



3922 employee is furloughed without pay as provided in Section
3923 37-7-308.

3924 (9) Vacation leave granted to either licensed or nonlicensed
3925 employees shall be synonymous with personal leave. Unused
3926 vacation or personal leave accumulated by licensed employees in
3927 excess of the maximum five (5) days which may be carried over from
3928 one year to the next may be converted to sick leave. The annual
3929 conversion of unused vacation or personal leave to sick days for
3930 licensed or unlicensed employees shall not exceed the allowable
3931 number of personal leave days as provided in Section 25-3-93. The
3932 annual total number of converted unused vacation and/or personal
3933 days added to the annual unused sick days for any employee shall
3934 not exceed the combined allowable number of days per year provided
3935 in Sections 25-3-93 and 25-3-95. Local school board policies that
3936 provide for vacation, personal and sick leave for employees shall
3937 not exceed the provisions for leave as provided in Sections
3938 25-3-93 and 25-3-95. Any personal or vacation leave previously
3939 converted to sick leave under a lawfully adopted policy before May
3940 1, 2004, or such personal or vacation leave accumulated and
3941 available for use prior to May 1, 2004, under a lawfully adopted
3942 policy but converted to sick leave after May 1, 2004, shall be
3943 recognized as accrued leave by the local school district and
3944 available for use by the employee. The leave converted under a
3945 lawfully adopted policy prior to May 1, 2004, or such personal and
3946 vacation leave accumulated and available for use as of May 1,



3947 2004, which was subsequently converted to sick leave may be
3948 certified to the Public Employees' Retirement System upon
3949 termination of employment and any such leave previously converted
3950 and certified to the Public Employees' Retirement System shall be
3951 recognized.

3952 (10) (a) For the purposes of this subsection, the following
3953 words and phrases shall have the meaning ascribed in this
3954 paragraph unless the context requires otherwise:

3955 (i) "Catastrophic injury or illness" means a
3956 life-threatening injury or illness of an employee or a member of
3957 an employee's immediate family that totally incapacitates the
3958 employee from work, as verified by a licensed physician, and
3959 forces the employee to exhaust all leave time earned by that
3960 employee, resulting in the loss of compensation from the local
3961 school district for the employee. Conditions that are short-term
3962 in nature, including, but not limited to, common illnesses such as
3963 influenza and the measles, and common injuries, are not
3964 catastrophic. Chronic illnesses or injuries, such as cancer or
3965 major surgery, that result in intermittent absences from work and
3966 that are long-term in nature and require long recuperation periods
3967 may be considered catastrophic.

3968 (ii) "Immediate family" means spouse, parent,
3969 stepparent, sibling, child or stepchild, grandparent, stepbrother
3970 or stepsister.



3971 (b) Any school district employee may donate a portion
3972 of his or her unused accumulated personal leave or sick leave to
3973 another employee of the same school district who is suffering from
3974 a catastrophic injury or illness or who has a member of his or her
3975 immediate family suffering from a catastrophic injury or illness,
3976 in accordance with the following:

3977 (i) The employee donating the leave (the "donor
3978 employee") shall designate the employee who is to receive the
3979 leave (the "recipient employee") and the amount of unused
3980 accumulated personal leave and sick leave that is to be donated,
3981 and shall notify the school district superintendent or his
3982 designee of his or her designation.

3983 (ii) The maximum amount of unused accumulated
3984 personal leave that an employee may donate to any other employee
3985 may not exceed a number of days that would leave the donor
3986 employee with fewer than seven (7) days of personal leave
3987 remaining, and the maximum amount of unused accumulated sick leave
3988 that an employee may donate to any other employee may not exceed
3989 fifty percent (50%) of the unused accumulated sick leave of the
3990 donor employee.

3991 (iii) An employee must have exhausted all of his
3992 or her available leave before he or she will be eligible to
3993 receive any leave donated by another employee. Eligibility for
3994 donated leave shall be based upon review and approval by the donor
3995 employee's supervisor.



3996 (iv) Before an employee may receive donated leave,
3997 he or she must provide the school district superintendent or his
3998 designee with a physician's statement that states that the illness
3999 meets the catastrophic criteria established under this section,
4000 the beginning date of the catastrophic injury or illness, a
4001 description of the injury or illness, and a prognosis for recovery
4002 and the anticipated date that the recipient employee will be able
4003 to return to work.

4004 (v) Before an employee may receive donated leave,
4005 the superintendent of education of the school district shall
4006 appoint a review committee to approve or disapprove the said
4007 donations of leave, including the determination that the illness
4008 is catastrophic within the meaning of this section.

4009 (vi) If the total amount of leave that is donated
4010 to any employee is not used by the recipient employee, the whole
4011 days of donated leave shall be returned to the donor employees on
4012 a pro rata basis, based on the ratio of the number of days of
4013 leave donated by each donor employee to the total number of days
4014 of leave donated by all donor employees.

4015 (vii) Donated leave shall not be used in lieu of
4016 disability retirement.

4017 (11) Effective January 1, 2020, the provisions of this
4018 section shall be fully applicable to any licensed employee of the
4019 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



4045 collected by him for the support of said school district directly
4046 to said superintendent of schools.

4047 All such allotments or funds shall be placed in the
4048 depository or depositories selected by the school board in the
4049 same manner as provided in Section 27-105-305 for the selection of
4050 county depositories. Provided, however, the annual notice to be
4051 given by the school board to financial institutions may be given
4052 by the school board at any regular meeting subsequent to the
4053 board's regular December meeting but prior to the regular May
4054 meeting. The bids of financial institutions for the privilege of
4055 keeping school funds may be received by the school board at some
4056 subsequent meeting, but no later than the regular June meeting;
4057 and the selection by the school board of the depository or
4058 depositories shall be effective on July 1 of each year. School
4059 boards shall advertise and accept bids for depositories, no less
4060 than once every three (3) years, when such board determines that
4061 it can obtain a more favorable rate of interest and less
4062 administrative processing. Such depository shall place on deposit
4063 with the superintendent of schools the same securities as required
4064 in Section 27-105-315.

4065 In the event a bank submits a bid or offer to a school
4066 district to act as a depository for the district and such bid or
4067 offer, if accepted, would result in a contract in which a member
4068 of the school board would have a direct or indirect interest, the
4069 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



4095 the goal that Mississippi students will demonstrate a growing
4096 proficiency in reading and will reach or exceed the national
4097 average within the next decade.

4098 **SECTION 41.** Section 37-7-419, Mississippi Code of 1972, is
4099 amended as follows:

4100 37-7-419. The various school districts which may become
4101 parties to any such agreement are authorized to appropriate and
4102 expend for the purposes thereof any and all funds which may be
4103 required to carry out the terms of any such agreement from any
4104 funds available to any such party to such an agreement not
4105 otherwise appropriated without limitation as to the source of such
4106 funds, including * * * total funding formula funds as provided for
4107 in this act, sixteenth section funds, funds received from the
4108 federal government or other sources by way of grant, donation or
4109 otherwise, and funds which may be available to any such party
4110 through the State Department of Education or any other agency of
4111 the state, regardless of the party to such agreement designated
4112 thereby to be primarily responsible for the construction or
4113 operation of any such regional high school center and regardless
4114 of the limitation on the expenditure of any such funds imposed by
4115 any other statute. However, no such funds whose use was
4116 originally limited to the construction of capital improvements
4117 shall be utilized for the purpose of defraying the administrative
4118 or operating costs of any such center. Any one or more of the
4119 parties to such an agreement may be designated as the fiscal agent



4120 or contracting party in carrying out any of the purposes of such
4121 agreement, and any and all funds authorized to be spent therefor
4122 by any of the said parties may be paid over to the fiscal agent or
4123 contracting party for disbursement by such fiscal agent or
4124 contracting party. Such disbursements shall be made and
4125 contracted for under the laws and regulations applicable to such
4126 fiscal or disbursing agent. All of the school district parties to
4127 any such agreement may issue bonds, negotiable notes or other
4128 evidences of indebtedness for the purpose of providing funds for
4129 the acquisition of land and for the construction of buildings and
4130 permanent improvements under the terms of any such agreement under
4131 any existing laws authorizing the issuance or sale thereof to
4132 provide funds for any capital improvement.

4133 **SECTION 42.** Section 37-9-17, Mississippi Code of 1972, is
4134 amended as follows:

4135 37-9-17. (1) On or before April 1 of each year, the
4136 principal of each school shall recommend to the superintendent of
4137 the local school district the licensed employees or
4138 noninstructional employees to be employed for the school involved
4139 except those licensed employees or noninstructional employees who
4140 have been previously employed and who have a contract valid for
4141 the ensuing scholastic year. If such recommendations meet with
4142 the approval of the superintendent, the superintendent shall
4143 recommend the employment of such licensed employees or
4144 noninstructional employees to the local school board, and, unless



4145 good reason to the contrary exists, the board shall elect the
4146 employees so recommended. If, for any reason, the local school
4147 board shall decline to elect any employee so recommended,
4148 additional recommendations for the places to be filled shall be
4149 made by the principal to the superintendent and then by the
4150 superintendent to the local school board as provided above. The
4151 school board of any local school district shall be authorized to
4152 designate a personnel supervisor or another principal employed by
4153 the school district to recommend to the superintendent licensed
4154 employees or noninstructional employees; however, this
4155 authorization shall be restricted to no more than two (2)
4156 positions for each employment period for each school in the local
4157 school district. Any noninstructional employee employed upon the
4158 recommendation of a personnel supervisor or another principal
4159 employed by the local school district must have been employed by
4160 the local school district at the time the superintendent was
4161 elected or appointed to office; a noninstructional employee
4162 employed under this authorization may not be paid compensation in
4163 excess of the statewide average compensation for such
4164 noninstructional position with comparable experience, as
4165 established by the State Department of Education. The school
4166 board of any local school district shall be authorized to
4167 designate a personnel supervisor or another principal employed by
4168 the school district to accept the recommendations of principals or
4169 their designees for licensed employees or noninstructional



4170 employees and to transmit approved recommendations to the local
4171 school board; however, this authorization shall be restricted to
4172 no more than two (2) positions for each employment period for each
4173 school in the local school district.

4174 When the licensed employees have been elected as provided in
4175 the preceding paragraph, the superintendent of the district shall
4176 enter into a contract with such persons in the manner provided in
4177 this chapter.

4178 If, at the commencement of the scholastic year, any licensed
4179 employee shall present to the superintendent a license of a higher
4180 grade than that specified in such individual's contract, such
4181 individual may, if funds are available from * * * the total
4182 funding formula funds of the district as provided for in this act,
4183 or from district funds, be paid from such funds the amount to
4184 which such higher grade license would have entitled the
4185 individual, had the license been held at the time the contract was
4186 executed.

4187 (2) Superintendents/directors of schools under the purview
4188 of the State Board of Education, the superintendent of the local
4189 school district and any private firm under contract with the local
4190 public school district to provide substitute teachers to teach
4191 during the absence of a regularly employed schoolteacher shall
4192 require, through the appropriate governmental authority, that
4193 current criminal records background checks and current child abuse
4194 registry checks are obtained, and that such criminal record



4195 information and registry checks are on file for any new hires
4196 applying for employment as a licensed or nonlicensed employee at a
4197 school and not previously employed in such school under the
4198 purview of the State Board of Education or at such local school
4199 district prior to July 1, 2000. In order to determine the
4200 applicant's suitability for employment, the applicant shall be
4201 fingerprinted. If no disqualifying record is identified at the
4202 state level, the fingerprints shall be forwarded by the Department
4203 of Public Safety to the Federal Bureau of Investigation for a
4204 national criminal history record check. The fee for such
4205 fingerprinting and criminal history record check shall be paid by
4206 the applicant, not to exceed Fifty Dollars (\$50.00); however, the
4207 State Board of Education, the school board of the local school
4208 district or a private firm under contract with a local school
4209 district to provide substitute teachers to teach during the
4210 temporary absence of the regularly employed schoolteacher, in its
4211 discretion, may elect to pay the fee for the fingerprinting and
4212 criminal history record check on behalf of any applicant. Under
4213 no circumstances shall a member of the State Board of Education,
4214 superintendent/director of schools under the purview of the State
4215 Board of Education, local school district superintendent, local
4216 school board member or any individual other than the subject of
4217 the criminal history record checks disseminate information
4218 received through any such checks except insofar as required to
4219 fulfill the purposes of this section. Any nonpublic school which



4220 is accredited or approved by the State Board of Education may
4221 avail itself of the procedures provided for herein and shall be
4222 responsible for the same fee charged in the case of local public
4223 schools of this state. The determination whether the applicant
4224 has a disqualifying crime, as set forth in subsection (3) of this
4225 section, shall be made by the appropriate governmental authority,
4226 and the appropriate governmental authority shall notify the
4227 private firm whether a disqualifying crime exists.

4228 (3) If such fingerprinting or criminal record checks
4229 disclose a felony conviction, guilty plea or plea of nolo
4230 contendere to a felony of possession or sale of drugs, murder,
4231 manslaughter, armed robbery, rape, sexual battery, sex offense
4232 listed in Section 45-33-23(h), child abuse, arson, grand larceny,
4233 burglary, gratification of lust or aggravated assault which has
4234 not been reversed on appeal or for which a pardon has not been
4235 granted, the new hire shall not be eligible to be employed at such
4236 school. Any employment contract for a new hire executed by the
4237 superintendent of the local school district or any employment of a
4238 new hire by a superintendent/director of a new school under the
4239 purview of the State Board of Education or by a private firm shall
4240 be voidable if the new hire receives a disqualifying criminal
4241 record check. However, the State Board of Education or the school
4242 board may, in its discretion, allow any applicant aggrieved by the
4243 employment decision under this section to appear before the
4244 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



4270 program or the issuance of a proper license before October 15 or
4271 February 15, as the case may be, who is elected and approved for
4272 employment by the school board. Such contracts shall be in such
4273 form as shall be prescribed by the State Board of Education and
4274 shall be executed in duplicate with one (1) copy to be retained by
4275 the appropriate superintendent and one (1) copy to be retained by
4276 the principal, licensed employee or person recommended for a
4277 licensed position contracted with. The contract shall show the
4278 name of the district, the length of the school term, the position
4279 held (whether an assistant superintendent, principal or licensed
4280 employee), the scholastic years which it covers, the total amount
4281 of the annual salary and how same is payable. The amount of
4282 salary to be shown in such contract shall be the amount which
4283 shall have been fixed and determined by the school board, but, as
4284 to the licensed employees paid, in whole or in part, with * * *
4285 total funding formula funds as provided for in this act, such
4286 salary shall not be less than that required under the provisions
4287 of Chapter 19 of this title. Beginning with the 2010-2011 school
4288 year, the contract shall include a provision allowing the school
4289 district to reduce the state minimum salary by a pro rata daily
4290 amount in order to comply with the school district employee
4291 furlough provisions of Section 37-7-308, and shall include a
4292 provision which conditions the payment of such salary upon the
4293 availability of * * * uniform total funding formula funds * * *.
4294 The contract entered into with any person recommended for a



4295 licensed position who is anticipating either graduation from an
4296 approved teacher education program before September 1 or December
4297 31, as the case may be, or the issuance of a proper license before
4298 October 15 or February 15, as the case may be, shall be a
4299 conditional contract and shall include a provision stating that
4300 the contract will be null and void if, as specified in the
4301 contract, the contingency upon which the contract is conditioned
4302 has not occurred. If any superintendent, other than those
4303 elected, principal, licensed employee or person recommended for a
4304 licensed position who has been elected and approved shall not
4305 execute and return the contract within ten (10) days after same
4306 has been tendered to him for execution, then, at the option of the
4307 school board, the election of the licensed employee and the
4308 contract tendered to him shall be void and of no effect.

4309 **SECTION 44.** Section 37-9-25, Mississippi Code of 1972, is
4310 amended as follows:

4311 37-9-25. The school board shall have the power and
4312 authority, in its discretion, to employ the superintendent, unless
4313 such superintendent is elected at the November 2015 general
4314 election, for not exceeding four (4) scholastic years and the
4315 principals or licensed employees for not exceeding three (3)
4316 scholastic years. In such case, contracts shall be entered into
4317 with such superintendents, principals and licensed employees for
4318 the number of years for which they have been employed. However,
4319 in the event that a vacancy in the office of the superintendent of



4320 schools elected at the November 2015 general election shall occur
4321 before January 1, 2019, the local school board shall then appoint
4322 the superintendent of the school district and enter into contract
4323 with the appointee for a period not to exceed three (3) scholastic
4324 years. All such contracts with licensed employees shall for the
4325 years after the first year thereof be subject to the contingency
4326 that the licensed employee may be released if, during the life of
4327 the contract, the * * * net enrollment should decrease from that
4328 existing during the previous year and thus necessitate a reduction
4329 in the number of licensed employees during any year after the
4330 first year of the contract. However, in all such cases the
4331 licensed employee must be released before July 1 or at least
4332 thirty (30) days prior to the beginning of the school term,
4333 whichever date should occur earlier. The salary to be paid for
4334 the years after the first year of such contract shall be subject
4335 to revision, either upward or downward, in the event of an
4336 increase or decrease in the funds available for the payment
4337 thereof, but, unless such salary is revised prior to the beginning
4338 of a school year, it shall remain for such school year at the
4339 amount fixed in such contract. However, where school district
4340 funds * * * are available during the school year in excess of the
4341 amount anticipated at the beginning of the school year, the salary
4342 to be paid for such year may be increased to the extent that such
4343 additional funds are available, and nothing herein shall be
4344 construed to prohibit same.



4345 **SECTION 45.** Section 37-9-33, Mississippi Code of 1972, is
4346 amended as follows:

4347 37-9-33. (1) In employing and contracting with appointed
4348 superintendents, principals and * * * licensed employees, the
4349 school board shall in all cases determine whether the amount of
4350 salary to be paid such superintendent, principals and * * *
4351 licensed employees is in compliance with the provisions of * * *
4352 this chapter and Section 37-19-7. No contract shall be entered
4353 into where the salary of a superintendent, principal or * * *
4354 licensed employee is to be paid, in whole or in part, from * * *
4355 the total funding formula funds provided in this act except where
4356 the statutory requirements * * * as to the amount of such salary
4357 are fully met. Nothing herein shall be construed, however, to
4358 prohibit any school district from increasing the salaries of
4359 appointed superintendents, principals and * * * licensed employees
4360 above the amounts fixed by Section 37-19-7 * * *. Provided
4361 further, that school districts are authorized, in their
4362 discretion, to negotiate the salary levels applicable to * * *
4363 licensed employees employed after July 1, 2009, who are receiving
4364 retirement benefits from the retirement system of another
4365 state * * *. Nothing herein shall be construed to prohibit any
4366 school district from complying with the school district employee
4367 furlough provisions of Section 37-7-308.

4368 (2) Each school district shall provide an annual report to
4369 the State Department of Education on the number of * * * licensed



4370 and * * * nonlicensed employees receiving a salary from the school
4371 district who are also receiving retirement benefits from the
4372 Public Employees' Retirement System. This report shall include
4373 the name of the employee(s), the hours per week for which the
4374 employee is under contract and the services for which the employee
4375 is under contract. Said required annual report shall be in a form
4376 and deadline promulgated by the State Board of Education.

4377 **SECTION 46.** Section 37-9-35, Mississippi Code of 1972, is
4378 amended as follows:

4379 37-9-35. * * * A reduction in the * * * net enrollment
4380 during a current year from that existing in the preceding year
4381 shall not authorize the discharge or release of a teacher or
4382 teachers during such current year. * * *

4383 **SECTION 47.** Section 37-9-37, Mississippi Code of 1972, is
4384 amended as follows:

4385 37-9-37. The amount of the salary to be paid any
4386 superintendent, principal or licensed employee shall be fixed by
4387 the school board, provided that the requirements of * * * this
4388 title are met as to superintendents, principals and licensed
4389 employees paid, in whole or in part, from * * * total funding
4390 formula funds as provided in this act. In employing such
4391 superintendents, principals and licensed employees and in fixing
4392 their salaries, the school boards shall take into consideration
4393 the character, professional training, experience, executive
4394 ability and teaching capacity of the licensed employee,



4395 superintendent or principal. It is the intent of the Legislature
4396 that whenever the salary of the school district superintendent is
4397 set by a school board, the board shall take into consideration the
4398 amount of money that the district spends per pupil, and shall
4399 attempt to insure that the administrative cost of the district and
4400 the amount of the salary of the superintendent are not excessive
4401 in comparison to the per pupil expenditure of the district.

4402 **SECTION 48.** Section 37-9-77, Mississippi Code of 1972, is
4403 amended as follows:

4404 37-9-77. (1) There is established the Mississippi School
4405 Administrator Sabbatical Program which shall be available to
4406 licensed teachers employed in Mississippi school districts for not
4407 less than three (3) years, for the purpose of allowing such
4408 teachers to become local school district administrators under the
4409 conditions set forth in this section. The State Board of
4410 Education, in coordination with the Board of Trustees of State
4411 Institutions of Higher Learning, shall develop guidelines for the
4412 program. Application shall be made to the State Department of
4413 Education for the Mississippi School Administrator Sabbatical
4414 Program by qualified teachers meeting the criteria for a
4415 department-approved administration program and who have been
4416 recommended by the local school board. Administration programs
4417 that are eligible for the administrator sabbatical program shall
4418 be limited to those that have been approved by the department by
4419 the January 1 preceding the date of admission to the program.



4420 Admission into the program shall authorize the applicant to take
4421 university course work and training leading to an administrator's
4422 license.

4423 (2) The salaries of the teachers approved for participation
4424 in the administrator sabbatical program shall be paid by the
4425 employing school district from * * * funds other than total
4426 funding formula funds as provided in this act. However, the State
4427 Department of Education shall reimburse the employing school
4428 districts for the cost of the salaries and paid fringe benefits of
4429 teachers participating in the administrator sabbatical program for
4430 one (1) contract year. Reimbursement shall be made in accordance
4431 with the then current * * * salary schedule under Section 37-19-7,
4432 except that the maximum amount of the reimbursement from state
4433 funds shall not exceed the * * * salary prescribed for a teacher
4434 holding a Class A license and having five (5) years' experience.
4435 The local school district shall be responsible for that portion of
4436 a participating teacher's salary attributable to the local
4437 supplement and for any portion of the teacher's salary that
4438 exceeds the maximum amount allowed for reimbursement from state
4439 funds as provided in this subsection, and the school board may not
4440 reduce the local supplement payable to that teacher. Any
4441 reimbursements made by the State Department of Education to local
4442 school districts under this section shall be subject to available
4443 appropriations and may be made only to school districts determined



4444 by the State Board of Education as being in need of
4445 administrators.

4446 (3) Such teachers participating in the program on a
4447 full-time basis shall continue to receive teaching experience and
4448 shall receive the salary prescribed in Section 37-19-7 * * *.
4449 Such participants shall be fully eligible to continue
4450 participation in the Public Employees' Retirement System and the
4451 Public School Employees Health Insurance Plan during the time they
4452 are in the program on a full-time basis.

4453 (4) As a condition for participation in the School
4454 Administrator Sabbatical Program, such teachers shall agree to
4455 employment as administrators in the sponsoring school district for
4456 not less than five (5) years following completion of administrator
4457 licensure requirements. Any person failing to comply with this
4458 employment commitment in any required school year, unless the
4459 commitment is deferred as provided in subsection (5) of this
4460 section, shall immediately be in breach of contract and become
4461 liable to the State Department of Education for that amount of his
4462 salary and paid fringe benefits paid by the state while the
4463 teacher was on sabbatical, less twenty percent (20%) of the amount
4464 of his salary and paid fringe benefits paid by the state for each
4465 year that the person was employed as an administrator following
4466 completion of the administrator licensure requirements. In
4467 addition, the person shall become liable to the local school
4468 district for any portion of his salary and paid fringe benefits



4469 paid by the local school district while the teacher was on
4470 sabbatical that is attributable to the local salary supplement or
4471 is attributable to the amount that exceeds the maximum amount
4472 allowed for reimbursement from state funds as provided in
4473 subsection (2) of this section, less twenty percent (20%) of the
4474 amount of his salary and paid fringe benefits paid by the school
4475 district for each year that the person was employed as an
4476 administrator following completion of the administrator licensure
4477 requirements. Interest on the amount due shall accrue at the
4478 current Stafford Loan rate at the time the breach occurs. If the
4479 claim for repayment of such salary and fringe benefits is placed
4480 in the hands of an attorney for collection after default, then the
4481 obligor shall be liable for an additional amount equal to a
4482 reasonable attorney's fee.

4483 (5) If there is not an administrator position immediately
4484 available in the sponsoring school district after a person has
4485 completed the administrator licensure requirements, or if the
4486 administrator position in the sponsoring school district in which
4487 the person is employed is no longer needed before the completion
4488 of the five-year employment commitment, the local school board
4489 shall defer any part of the employment commitment that has not
4490 been met until such time as an administrator position becomes
4491 available in the sponsoring school district. If such a deferral
4492 is made, the sponsoring school district shall employ the person as
4493 a teacher in the school district during the period of deferral,



4494 unless the person desires to be released from employment by the
4495 sponsoring school district and the district agrees to release the
4496 person from employment. If the sponsoring school district
4497 releases a person from employment, that person may be employed as
4498 an administrator in another school district in the state that is
4499 in need of administrators as determined by the State Board of
4500 Education, and that employment for the other school district shall
4501 be applied to any remaining portion of the five-year employment
4502 commitment required under this section. Nothing in this
4503 subsection shall prevent a school district from not renewing the
4504 person's contract before the end of the five-year employment
4505 commitment in accordance with the School Employment Procedures Law
4506 (Section 37-9-101 et seq.). However, if the person is not
4507 employed as an administrator by another school district after
4508 being released by the sponsoring school district, or after his
4509 contract was not renewed by the sponsoring school district, he
4510 shall be liable for repayment of the amount of his salary and
4511 fringe benefits as provided in subsection (4) of this section.

4512 (6) All funds received by the State Department of Education
4513 from the repayment of salary and fringe benefits paid by the state
4514 from program participants shall be deposited in the Mississippi
4515 Critical Teacher Shortage Fund.

4516 **SECTION 49.** Section 37-11-11, Mississippi Code of 1972, is
4517 amended as follows:



4518 37-11-11. (1) For the purposes of this section, the term
4519 "hospital" shall include community-based programs and facilities
4520 licensed or approved by the Department of Mental Health for
4521 treatment of chemical substance use and abuse.

4522 (2) When five (5) or more children of educable mind between
4523 the ages of six (6) and twenty-one (21) years who are capable of
4524 pursuing courses of instruction at secondary school level or below
4525 shall be confined in a hospital for an extended period of time,
4526 such children shall be eligible for and shall be provided with a
4527 program of education, instruction and training within such
4528 hospital in the manner hereinafter set forth, provided that the
4529 need for hospitalization for an extended period of time shall be
4530 certified by the chief of staff of such hospital and that the
4531 ability of such children to do school work shall be certified by
4532 qualified psychologists and/or educators approved by the State
4533 Board of Education.

4534 (3) When five (5) or more children as set forth herein shall
4535 be confined in the same hospital, then the board of trustees of
4536 the school district in which such hospital is located shall be
4537 authorized and empowered, in its discretion, to provide a program
4538 of education, instruction and training to such children within
4539 such hospital. For such purpose the board shall be authorized and
4540 empowered to employ and contract with teachers, provide textbooks
4541 and other instructional materials, correspondence courses and
4542 instructional equipment and appliances, and otherwise provide for



4543 the furnishing of such program and to administer and supervise the
4544 same. Such program shall be furnished in a manner as prescribed
4545 by rules and regulations adopted by the State Board of Education.
4546 The state board shall have full power to adopt such rules,
4547 regulations, policies and standards as it may deem necessary to
4548 carry out the purpose of this section, including the establishment
4549 of qualifications of any teachers employed under the provisions
4550 hereof. It is expressly provided, however, that no program shall
4551 be furnished under this section except in a hospital licensed for
4552 operation by the State of Mississippi and only in cases where such
4553 hospital shall consent thereto, shall provide any classroom space,
4554 furniture and facilities which may be deemed necessary, and
4555 otherwise shall cooperate in carrying out the provisions of this
4556 section. Before such program of education, instruction and
4557 training shall be provided, the governing authorities of said
4558 hospital shall enter into a contract with the board of trustees of
4559 the school district which stipulates that said hospital agrees to
4560 furnish the necessary classroom space, furniture and facilities
4561 and provide for their upkeep, fuel and such other things as may be
4562 necessary for the successful operation of the program of
4563 education, instruction and training.

4564 (4) In cases when children who are residents of school
4565 districts other than the school district providing such education
4566 program may participate in the program prescribed in this section.
4567 The boards of trustees of the districts of which such children are



4568 residents shall pay to the board of trustees of the school
4569 district furnishing such school program the pro rata part of the
4570 expenses of furnishing such school program within such hospital,
4571 which payments may be made from any funds available for the
4572 operation and maintenance of the schools of the district in which
4573 such child is a resident. The amount so paid shall be based upon,
4574 but shall not exceed, the current per pupil cost of education in
4575 the school district of the child's residence, and the amount to be
4576 so paid by the school district of the child's residence shall be
4577 fixed by the State Board of Education. If the amount to be paid
4578 which has been so fixed shall not be paid upon due demand made by
4579 the school district providing a program therefor, then the State
4580 Board of Education shall deduct any such amounts from the next
4581 allocation of * * * total funding formula funds as provided in
4582 this act attributable to any such district and shall remit the
4583 same to the board of trustees of such school district which is
4584 furnishing such school program. If the amounts so paid by such
4585 school districts of the child's residence shall not be sufficient
4586 to pay the expenses of furnishing such program, then the remainder
4587 of such expenses over and above that so paid by such school
4588 districts shall be paid by the State Board of Education to the
4589 school district providing such school program out of any funds
4590 available to the State Board of Education, including * * * total
4591 funding formula funds. However, such payments shall not exceed
4592 Three Hundred Dollars (\$300.00) per child in * * * net enrollment



4593 in such program. Provided, however, the State Board of Education
4594 shall in its discretion be authorized and empowered to exceed the
4595 said Three Hundred Dollars (\$300.00) per pupil limitation where
4596 such limitation would make it impractical to operate such a
4597 program.

4598 **SECTION 50.** Section 37-13-63, Mississippi Code of 1972, is
4599 amended as follows:

4600 37-13-63. (1) Except as otherwise provided, all public
4601 schools in the state shall be kept in session for at least one
4602 hundred eighty (180) days in each scholastic year.

4603 (2) If the school board of any school district shall
4604 determine that it is not economically feasible or practicable to
4605 operate any school within the district for the full one hundred
4606 eighty (180) days required for a scholastic year as contemplated
4607 due to an enemy attack, a man-made, technological or natural
4608 disaster or extreme weather emergency in which the Governor has
4609 declared a disaster or state of emergency under the laws of this
4610 state or the President of the United States has declared an
4611 emergency or major disaster to exist in this state, the school
4612 board may notify the State Department of Education of the disaster
4613 or weather emergency and submit a plan for altering the school
4614 term. If the State Board of Education finds the disaster or
4615 extreme weather emergency to be the cause of the school not
4616 operating for the contemplated school term and that such school
4617 was in a school district covered by the Governor's or President's



4618 disaster or state of emergency declaration, it may permit that
4619 school board to operate the schools in its district for less than
4620 one hundred eighty (180) days; however, in no instance of a
4621 declared disaster or state of emergency under the provisions of
4622 this subsection shall a school board receive payment from the
4623 State Department of Education for per pupil expenditure for pupils
4624 in * * * net enrollment in excess of ten (10) days.

4625 **SECTION 51.** Section 37-13-64, Mississippi Code of 1972, is
4626 amended as follows:

4627 37-13-64. (1) Beginning with the 2010-2011 school term, any
4628 school district required to close the operation of its schools by
4629 decision of the superintendent, under the authority provided by
4630 the local school board, due to extreme weather conditions, in the
4631 best interests of the health and safety of the students,
4632 administration and staff of the school district, shall be exempt
4633 from the requirement that schools be kept in session a minimum of
4634 one hundred eighty (180) days. Any school district that closes
4635 its schools for reasons authorized under this section shall
4636 receive payment from the State Department of Education for per
4637 pupil expenditure for pupils in * * * net enrollment not to exceed
4638 ten (10) days.

4639 (2) In the event weather conditions are cause for the
4640 closure of operations of schools in any local school district in
4641 any instance in which a state of emergency has not been declared
4642 pursuant to Section * * * 37-151-211(4), the State Board of



4643 Education may consider, on a case-by-case basis, requests
4644 submitted by local school districts to alter the school calendar
4645 consistent with the provision of that section.

4646 **SECTION 52.** Section 37-13-69, Mississippi Code of 1972, is
4647 amended as follows:

4648 37-13-69. All public schools of this state may observe such
4649 legal holidays as may be designated by the local school board, and
4650 no sessions of school shall be held on holidays so designated and
4651 observed. However, all schools shall operate for the full minimum
4652 term required by law exclusive of the holidays authorized by this
4653 section. The holidays thus observed shall not be deducted from
4654 the reports of the superintendents, principals and teachers, and
4655 such superintendents, principals and teachers shall be allowed pay
4656 for full time as though they had taught on those holidays.
4657 However, such holidays shall not be counted or included in any way
4658 in determining the * * * net enrollment of the school.

4659 **SECTION 53.** Section 37-15-38, Mississippi Code of 1972, is
4660 amended as follows:

4661 37-15-38. (1) The following phrases have the meanings
4662 ascribed in this section unless the context clearly requires
4663 otherwise:

4664 (a) A dual enrolled student is a student who is
4665 enrolled in a community or junior college or state institution of
4666 higher learning while enrolled in high school.



4667 (b) A dual credit student is a student who is enrolled
4668 in a community or junior college or state institution of higher
4669 learning while enrolled in high school and who is receiving high
4670 school and college credit for postsecondary coursework.

4671 (2) A local school board, the Board of Trustees of State
4672 Institutions of Higher Learning and the Mississippi Community
4673 College Board shall establish a dual enrollment system under which
4674 students in the school district who meet the prescribed criteria
4675 of this section may be enrolled in a postsecondary institution in
4676 Mississippi while they are still in school.

4677 (3) **Dual credit eligibility.** Before credits earned by a
4678 qualified high school student from a community or junior college
4679 or state institution of higher learning may be transferred to the
4680 student's home school district, the student must be properly
4681 enrolled in a dual enrollment program.

4682 (4) **Admission criteria for dual enrollment in community and**
4683 **junior college or university programs.** The Mississippi Community
4684 College Board and the Board of Trustees of State Institutions of
4685 Higher Learning may recommend to the State Board of Education
4686 admission criteria for dual enrollment programs under which high
4687 school students may enroll at a community or junior college or
4688 university while they are still attending high school and enrolled
4689 in high school courses. Students may be admitted to enroll in
4690 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



4716 of the university or community or junior college coursework may be
4717 released to another institution or applied toward college
4718 graduation requirements.

4719 (9) **Determining factor of prerequisites for dual enrollment**
4720 **courses.** Each university and community or junior college
4721 participating in a dual enrollment program shall determine course
4722 prerequisites. Course prerequisites shall be the same for dual
4723 enrolled students as for regularly enrolled students at that
4724 university or community or junior college.

4725 (10) **Process for determining articulation of curriculum**
4726 **between high school, university, and community and junior college**
4727 **courses.** All dual credit courses must meet the standards
4728 established at the postsecondary level. Postsecondary level
4729 developmental courses may not be considered as meeting the
4730 requirements of the dual credit program. Dual credit memorandum
4731 of understandings must be established between each postsecondary
4732 institution and the school district implementing a dual credit
4733 program.

4734 (11) [Deleted]

4735 (12) **Eligible courses for dual credit programs.** Courses
4736 eligible for dual credit include, but are not necessarily limited
4737 to, foreign languages, advanced math courses, advanced science
4738 courses, performing arts, advanced business and technology, and
4739 career and technical courses. Distance Learning Collaborative
4740 Program courses approved under Section 37-67-1 shall be fully



4741 eligible for dual credit. All courses being considered for dual
4742 credit must receive unconditional approval from the superintendent
4743 of the local school district and the chief instructional officer
4744 at the participating community or junior college or university in
4745 order for college credit to be awarded. A university or community
4746 or junior college shall make the final decision on what courses
4747 are eligible for semester hour credits.

4748 (13) **High school Carnegie unit equivalency.** One (1)
4749 three-hour university or community or junior college course is
4750 equal to one (1) high school Carnegie unit.

4751 (14) **Course alignment.** The universities, community and
4752 junior colleges and the State Department of Education shall
4753 periodically review their respective policies and assess the place
4754 of dual credit courses within the context of their traditional
4755 offerings.

4756 (15) **Maximum dual credits allowed.** It is the intent of the
4757 dual enrollment program to make it possible for every eligible
4758 student who desires to earn a semester's worth of college credit
4759 in high school to do so. A qualified dually enrolled high school
4760 student must be allowed to earn an unlimited number of college or
4761 university credits for dual credit.

4762 (16) **Dual credit program allowances.** A student may be
4763 granted credit delivered through the following means:

4764 (a) Examination preparation taught at a high school by
4765 a qualified teacher. A student may receive credit at the



4766 secondary level after completion of an approved course and passing
4767 the standard examination, such as an Advanced Placement or
4768 International Baccalaureate course through which a high school
4769 student is allowed CLEP credit by making a three (3) or higher on
4770 the end-of-course examination.

4771 (b) College or university courses taught at a high
4772 school or designated postsecondary site by a qualified teacher who
4773 is an employee of the school district and approved as an
4774 instructor by the collaborating college or university.

4775 (c) College or university courses taught at a college,
4776 university or high school by an instructor employed by the college
4777 or university and approved by the collaborating school district.

4778 (d) Online courses of any public university, community
4779 or junior college in Mississippi.

4780 (17) **Qualifications of dual credit instructors.** A dual
4781 credit academic instructor must meet the requirements set forth by
4782 the regional accrediting association (Southern Association of
4783 College and Schools). University and community and junior college
4784 personnel have the sole authority in the selection of dual credit
4785 instructors.

4786 A dual credit career and technical education instructor must
4787 meet the requirements set forth by the Mississippi Community
4788 College Board in the qualifications manual for postsecondary
4789 career and technical personnel.



4790 (18) **Guidance on local agreements.** The Chief Academic
4791 Officer of the State Board of Trustees of State Institutions of
4792 Higher Learning and the Chief Instructional Officers of the
4793 Mississippi Community College Board and the State Department of
4794 Education, working collaboratively, shall develop a template to be
4795 used by the individual community and junior colleges and
4796 institutions of higher learning for consistent implementation of
4797 the dual enrollment program throughout the State of Mississippi.

4798 (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**
4799 A local school board and the local community colleges board shall
4800 establish a Mississippi Works Dual Enrollment-Dual Credit Option
4801 Program under which potential or recent student dropouts may
4802 dually enroll in their home school and a local community college
4803 in a dual credit program consisting of high school completion
4804 coursework and a community college credential, certificate or
4805 degree program. Students completing the dual enrollment-credit
4806 option may obtain their high school diploma while obtaining a
4807 community college credential, certificate or degree. The
4808 Mississippi Department of Employment Security shall assist
4809 students who have successfully completed the Mississippi Works
4810 Dual Enrollment-Dual Credit Option in securing a job upon the
4811 application of the student or the participating school or
4812 community college. The Mississippi Works Dual Enrollment-Dual
4813 Credit Option Program will be implemented statewide in the
4814 2012-2013 school year and thereafter. The State Board of



4815 Education, local school board and the local community college
4816 board shall establish criteria for the Dual Enrollment-Dual Credit
4817 Program. Students enrolled in the program will not be eligible to
4818 participate in interscholastic sports or other extracurricular
4819 activities at the home school district. Tuition and costs for
4820 community college courses offered under the Dual Enrollment-Dual
4821 Credit Program shall not be charged to the student, parents or
4822 legal guardians. When dually enrolled, the student shall be
4823 counted, for * * * total funding formula purposes, in the * * *
4824 net enrollment of the public school district in which the student
4825 attends high school * * *. Any transportation required by the
4826 student to participate in the Dual Enrollment-Dual Credit Program
4827 is the responsibility of the parent or legal guardian of the
4828 student, and transportation costs may be paid from any available
4829 public or private sources, including the local school district.
4830 Grades and college credits earned by a student admitted to this
4831 Dual Enrollment-Dual Credit Program shall be recorded on the high
4832 school student record and on the college transcript at the
4833 community college and high school where the student attends
4834 classes. The transcript of the community college coursework may
4835 be released to another institution or applied toward college
4836 graduation requirements. Any course that is required for subject
4837 area testing as a requirement for graduation from a public school
4838 in Mississippi is eligible for dual credit, and courses eligible
4839 for dual credit shall also include career, technical and degree



4840 program courses. All courses eligible for dual credit shall be
4841 approved by the superintendent of the local school district and
4842 the chief instructional officer at the participating community
4843 college in order for college credit to be awarded. A community
4844 college shall make the final decision on what courses are eligible
4845 for semester hour credits and the local school superintendent,
4846 subject to approval by the Mississippi Department of Education,
4847 shall make the final decision on the transfer of college courses
4848 credited to the student's high school transcript.

4849 **SECTION 54.** Section 37-16-3, Mississippi Code of 1972, is
4850 amended as follows:

4851 37-16-3. (1) The State Department of Education is directed
4852 to implement a program of statewide assessment testing which shall
4853 provide for the improvement of the operation and management of the
4854 public schools. The statewide program shall be timed, as far as
4855 possible, so as not to conflict with ongoing district assessment
4856 programs. As part of the program, the department shall:

4857 (a) Establish, with the approval of the State Board of
4858 Education, minimum performance standards related to the goals for
4859 education contained in the state's plan including, but not limited
4860 to, basic skills in reading, writing and mathematics. The minimum
4861 performance standards shall be approved by April 1 in each year
4862 they are established.

4863 (b) Conduct a uniform statewide testing program in
4864 grades deemed appropriate in the public schools, including charter



4865 schools, which shall include the administration of a
4866 career-readiness assessment, such as, but not limited to, the ACT
4867 WorkKeys Assessment, deemed appropriate by the Mississippi
4868 Department of Education working in coordination with the Office of
4869 Workforce Development, to any students electing to take the
4870 assessment. Each individual school district shall determine
4871 whether the assessment is administered in the tenth, eleventh or
4872 twelfth grade. The program may test skill areas, basic skills and
4873 high school course content.

4874 (c) Monitor the results of the assessment program and,
4875 at any time the composite student performance of a school or basic
4876 program is found to be below the established minimum standards,
4877 notify the district superintendent or the governing board of the
4878 charter school, as the case may be, the school principal and the
4879 school advisory committee or other existing parent group of the
4880 situation within thirty (30) days of its determination. The
4881 department shall further provide technical assistance to a school
4882 district in the identification of the causes of this deficiency
4883 and shall recommend courses of action for its correction.

4884 (d) Provide technical assistance to the school
4885 districts, when requested, in the development of student
4886 performance standards in addition to the established minimum
4887 statewide standards.



4888 (e) Issue security procedure regulations providing for
4889 the security and integrity of the tests that are administered
4890 under the basic skills assessment program.

4891 (f) In case of an allegation of a testing irregularity
4892 that prompts a need for an investigation by the Department of
4893 Education, the department may, in its discretion, take complete
4894 control of the statewide test administration in a school district
4895 or any part thereof, including, but not limited to, obtaining
4896 control of the test booklets and answer documents. In the case of
4897 any verified testing irregularity that jeopardized the security
4898 and integrity of the test(s), validity or the accuracy of the test
4899 results, the cost of the investigation and any other actual and
4900 necessary costs related to the investigation paid by the
4901 Department of Education shall be reimbursed by the local school
4902 district from funds other than federal funds, * * * total funding
4903 formula funds provided in this act, or any other state funds
4904 within six (6) months from the date of notice by the department to
4905 the school district to make reimbursement to the department.

4906 (2) Uniform basic skills tests shall be completed by each
4907 student in the appropriate grade. These tests shall be
4908 administered in such a manner as to preserve the integrity and
4909 validity of the assessment. In the event of excused or unexcused
4910 student absences, make-up tests shall be given. The school
4911 superintendent of every school district in the state and the
4912 principal of each charter school shall annually certify to the



4913 State Department of Education that each student enrolled in the
4914 appropriate grade has completed the required basic skills
4915 assessment test for his or her grade in a valid test
4916 administration.

4917 (3) Within five (5) days of completing the administration of
4918 a statewide test, the principal of the school where the test was
4919 administered shall certify under oath to the State Department of
4920 Education that the statewide test was administered in strict
4921 accordance with the Requirements of the Mississippi Statewide
4922 Assessment System as adopted by the State Board of Education. The
4923 principal's sworn certification shall be set forth on a form
4924 developed and approved by the Department of Education. If,
4925 following the administration of a statewide test, the principal
4926 has reason to believe that the test was not administered in strict
4927 accordance with the Requirements of the Mississippi Statewide
4928 Assessment System as adopted by the State Board of Education, the
4929 principal shall submit a sworn certification to the Department of
4930 Education setting forth all information known or believed by the
4931 principal about all potential violations of the Requirements of
4932 the Mississippi Statewide Assessment System as adopted by the
4933 State Board of Education. The submission of false information or
4934 false certification to the Department of Education by any licensed
4935 educator may result in licensure disciplinary action pursuant to
4936 Section 37-3-2 and criminal prosecution pursuant to Section
4937 37-16-4.



4938 **SECTION 55.** Section 37-17-6, Mississippi Code of 1972, is
4939 amended as follows:

4940 37-17-6. (1) The State Board of Education, acting through
4941 the Commission on School Accreditation, shall establish and
4942 implement a permanent performance-based accreditation system, and
4943 all noncharter public elementary and secondary schools shall be
4944 accredited under this system.

4945 (2) * * * School districts shall be required to provide
4946 school classroom space that is air-conditioned as a minimum
4947 requirement for accreditation.

4948 (3) (a) * * * The State Board of Education, acting through
4949 the Commission on School Accreditation, shall require that school
4950 districts employ certified school librarians according to the
4951 following formula:

4952 Number of Students	Number of Certified
4953 Per School Library	School Librarians
4954 0 - 499 Students	1/2 Full-time Equivalent
4955	Certified Librarian
4956 500 or More Students	1 Full-time Certified
4957	Librarian

4958 (b) The State Board of Education, however, may increase
4959 the number of positions beyond the above requirements.

4960 (c) The assignment of certified school librarians to
4961 the particular schools shall be at the discretion of the local
4962 school district. No individual shall be employed as a certified



4963 school librarian without appropriate training and certification as
4964 a school librarian by the State Department of Education.

4965 (d) School librarians in the district shall spend at
4966 least fifty percent (50%) of direct work time in a school library
4967 and shall devote no more than one-fourth (1/4) of the workday to
4968 administrative activities that are library related.

4969 (e) Nothing in this subsection shall prohibit any
4970 school district from employing more certified school librarians
4971 than are provided for in this section.

4972 (f) Any additional millage levied to fund school
4973 librarians required for accreditation under this subsection shall
4974 be included in the tax increase limitation set forth in Sections
4975 37-57-105 and 37-57-107 and shall not be deemed a new program for
4976 purposes of the limitation.

4977 (4) * * * [Deleted]

4978 (5) (a) * * * The State Department of Education, acting
4979 through the Mississippi Commission on School Accreditation,
4980 shall * * * implement a single "A" through "F" school and school
4981 district accountability system complying with applicable federal
4982 and state requirements in order to reach the following educational
4983 goals:

4984 (i) To mobilize resources and supplies to ensure
4985 that all students exit third grade reading on grade level * * *;

4986 (ii) To reduce the student dropout rate to * * *
4987 ten percent (10%) by 2015; and



4988 (iii) To have sixty percent (60%) of students
4989 scoring proficient and advanced on * * * assessments * * *.

4990 (b) The State Department of Education shall combine the
4991 state school and school district accountability system with the
4992 federal system in order to have a single system.

4993 (c) The State Department of Education shall establish
4994 five (5) performance categories ("A," "B," "C," "D" and "F") for
4995 the accountability system based on the following criteria:

4996 (i) Student Achievement: the percent of students
4997 proficient and advanced on the current state assessments;

4998 (ii) Individual student growth: the percent of
4999 students making one (1) year's progress in one (1) year's time on
5000 the state assessment, with an emphasis on the progress of the
5001 lowest twenty-five percent (25%) of students in the school or
5002 district;

5003 (iii) Four-year graduation rate: the percent of
5004 students graduating with a standard high school diploma in four
5005 (4) years, as defined by federal regulations;

5006 * * *

5007 (* * *iv) The system shall include the federally
5008 compliant four-year graduation rate in school and school district
5009 accountability system calculations. Graduation rate will apply to
5010 high school and school district accountability ratings as a
5011 compensatory component. The system shall discontinue the use of
5012 the High School Completer Index (HSCI);



5013 (* * *y) The school and school district
5014 accountability system shall incorporate a standards-based growth
5015 model, in order to support improvement of individual student
5016 learning;

5017 * * *

5018 (* * *vi) The State Department of Education shall
5019 determine feeder patterns of schools that do not earn a school
5020 grade because the grades and subjects taught at the school do not
5021 have statewide standardized assessments needed to calculate a
5022 school grade. Upon determination of the feeder pattern, the
5023 department shall notify schools and school districts prior to the
5024 release of the school grades * * *. Feeder schools will be
5025 assigned the accountability designation of the school to which
5026 they provide students;

5027 (* * *vii) Standards for student, school and
5028 school district performance will be increased when student
5029 proficiency is at a seventy-five percent (75%) and/or when
5030 sixty-five percent (65%) of the schools and/or school districts
5031 are earning a grade of "B" or higher, in order to raise the
5032 standard on performance after targets are met; and

5033 (* * *viii) The system shall include student
5034 performance on the administration of a career-readiness
5035 assessment, such as, but not limited to, the ACT WorkKeys
5036 Assessment, deemed appropriate by the * * * State Department of



5037 Education working in coordination with the Office of Workforce
5038 Development.

5039 (6) Nothing in this section shall be deemed to require a
5040 nonpublic school that receives no local, state or federal funds
5041 for support to become accredited by the State Board of Education.

5042 (7) The State Board of Education shall create an
5043 accreditation audit unit under the Commission on School
5044 Accreditation to determine whether schools are complying with
5045 accreditation standards.

5046 (8) The State Board of Education shall be specifically
5047 authorized and empowered to withhold * * * allocations * * * from
5048 the total funding formula funds as provided in this act to any
5049 public school district for failure to timely report student,
5050 school personnel and fiscal data necessary to meet state and/or
5051 federal requirements.

5052 (9) [Deleted]

5053 (10) The State Board of Education shall establish, for those
5054 school districts failing to meet accreditation standards, a
5055 program of development to be complied with in order to receive
5056 state funds, except as otherwise provided in subsection (15) of
5057 this section when the Governor has declared a state of emergency
5058 in a school district or as otherwise provided in Section 206,
5059 Mississippi Constitution of 1890. The state board, in
5060 establishing these standards, shall provide for notice to schools
5061 and sufficient time and aid to enable schools to attempt to meet



5062 these standards, unless procedures under subsection (15) of this
5063 section have been invoked.

5064 (11) * * * The State Board of Education shall be charged
5065 with the implementation of the program of development in each
5066 applicable school district as follows:

5067 (a) Develop an impairment report for each district
5068 failing to meet accreditation standards in conjunction with school
5069 district officials;

5070 (b) Notify any applicable school district failing to
5071 meet accreditation standards that it is on probation until
5072 corrective actions are taken or until the deficiencies have been
5073 removed. The local school district shall develop a corrective
5074 action plan to improve its deficiencies. For district academic
5075 deficiencies, the corrective action plan for each such school
5076 district shall be based upon a complete analysis of the following:
5077 student test data, student grades, student attendance reports,
5078 student dropout data, existence and other relevant data. The
5079 corrective action plan shall describe the specific measures to be
5080 taken by the particular school district and school to improve:
5081 (i) instruction; (ii) curriculum; (iii) professional development;
5082 (iv) personnel and classroom organization; (v) student incentives
5083 for performance; (vi) process deficiencies; and (vii) reporting to
5084 the local school board, parents and the community. The corrective
5085 action plan shall describe the specific individuals responsible
5086 for implementing each component of the recommendation and how each



5087 will be evaluated. All corrective action plans shall be provided
5088 to the State Board of Education as may be required. The decision
5089 of the State Board of Education establishing the probationary
5090 period of time shall be final;

5091 (c) Offer, during the probationary period, technical
5092 assistance to the school district in making corrective actions.

5093 * * * Subject to * * * appropriations, the State Department of
5094 Education shall provide technical and/or financial assistance to
5095 all such school districts in order to implement each measure
5096 identified in that district's corrective action plan through
5097 professional development and on-site assistance. Each such school
5098 district shall apply for and utilize all available federal funding
5099 in order to support its corrective action plan in addition to
5100 state funds made available under this paragraph;

5101 (d) Assign department personnel or contract, in its
5102 discretion, with the institutions of higher learning or other
5103 appropriate private entities with experience in the academic,
5104 finance and other operational functions of schools to assist
5105 school districts;

5106 (e) Provide for publication of public notice at least
5107 one time during the probationary period, in a newspaper published
5108 within the jurisdiction of the school district failing to meet
5109 accreditation standards, or if no newspaper is published therein,
5110 then in a newspaper having a general circulation therein. The
5111 publication shall include the following: declaration of school



5112 system's status as being on probation; all details relating to the
5113 impairment report; and other information as the State Board of
5114 Education deems appropriate. Public notices issued under this
5115 section shall be subject to Section 13-3-31 and not contrary to
5116 other laws regarding newspaper publication.

5117 (12) (a) If the recommendations for corrective action are
5118 not taken by the local school district or if the deficiencies are
5119 not removed by the end of the probationary period, the Commission
5120 on School Accreditation shall conduct a hearing to allow the
5121 affected school district to present evidence or other reasons why
5122 its accreditation should not be withdrawn. Additionally, if the
5123 local school district violates accreditation standards that have
5124 been determined by the policies and procedures of the State Board
5125 of Education to be a basis for withdrawal of school district's
5126 accreditation without a probationary period, the Commission on
5127 School Accreditation shall conduct a hearing to allow the affected
5128 school district to present evidence or other reasons why its
5129 accreditation should not be withdrawn. After its consideration of
5130 the results of the hearing, the Commission on School Accreditation
5131 shall be authorized, with the approval of the State Board of
5132 Education, to withdraw the accreditation of a public school
5133 district, and issue a request to the Governor that a state of
5134 emergency be declared in that district.

5135 (b) (i) If the State Board of Education and the
5136 Commission on School Accreditation determine that an extreme



5137 emergency situation exists in a school district that jeopardizes
5138 the safety, security or educational interests of the children
5139 enrolled in the schools in that district and that emergency
5140 situation is believed to be related to a serious violation or
5141 violations of accreditation standards or state or federal
5142 law, * * * the State Board of Education may request the Governor
5143 to declare a state of emergency in that school district. For
5144 purposes of this paragraph, the declarations of a state of
5145 emergency * * * district's impairments are related to a lack of
5146 financial * * * may include the school district's serious failure
5147 to meet minimum academic standards, as evidenced by a continued
5148 pattern of poor student performance, or impairments related to a
5149 lack of financial resources.

5150 (ii) If the State Board of Education determines
5151 that a public school or district in the state which, during each
5152 of two (2) consecutive school years or during two (2) of three (3)
5153 consecutive school years, receives an "F" designation by the State
5154 Board of Education under the accountability rating system or has
5155 been persistently failing as defined by the State Board of
5156 Education; or if the State Board of Education determines that a
5157 public school or district in the state which, during each of four
5158 (4) consecutive school years, receives a "D" or "F" designation by
5159 the State Board of Education under the accountability rating
5160 system or has been persistently failing as defined by the State
5161 Board of Education; or if more than fifty percent (50%) of the



5162 schools within a school district are designated as Schools-At-Risk
5163 in any one (1) year, then the board may place such school or
5164 district into a District of Transformation. The State Board of
5165 Education shall take over only the number of schools and districts
5166 for which it has the capacity to serve. The State Board of
5167 Education shall adopt rules and regulations governing any
5168 additional requirements for placement into a District of
5169 Transformation and the operation thereof. School districts or
5170 schools that are eligible to be placed into a District of
5171 Transformation due to poor academic performance but are not
5172 absorbed due to the capacity of the State Board of Education,
5173 shall develop and implement a district improvement plan with
5174 prescriptive guidance and support from the Mississippi Department
5175 of Education, with the goal of helping the district improve
5176 student achievement. Failure of the school board, superintendent
5177 and school district staff to implement the plan with fidelity and
5178 participate in the activities provided as support by the
5179 department shall result in the school district retaining its
5180 eligibility for placement into a District of Transformation.

5181 (iii) If the State Board of Education determined
5182 that a school district is impaired with a serious lack of
5183 financial resources, the State Board of Education may place the
5184 school district into a District of Transformation. If a school
5185 district is placed into a District of Transformation for financial
5186 reasons, the school district shall be required to reimburse the



5187 state for any costs incurred by the state on behalf of the school
5188 district.

5189 (c) Whenever the Governor declares a state of emergency
5190 in a school district in response to a request made under paragraph
5191 (a) or (b) of this subsection, or when the State Board of
5192 Education places a school district into a District of
5193 Transformation due to poor academic performance or financial
5194 reasons, the State Board of Education may take one or more of the
5195 following actions:

5196 (i) Declare a state of emergency, under which some
5197 or all of state funds can be escrowed except as otherwise provided
5198 in Section 206, Constitution of 1890, until the board determines
5199 corrective actions are being taken or the deficiencies have been
5200 removed, or that the needs of students warrant the release of
5201 funds. The funds may be released from escrow for any program
5202 which the board determines to have been restored to standard even
5203 though the state of emergency may not as yet be terminated for the
5204 district as a whole;

5205 (ii) Override any decision of the local school
5206 board or superintendent of education, or both, concerning the
5207 management and operation of the school district, or initiate and
5208 make decisions concerning the management and operation of the
5209 school district;

5210 (iii) Assign an interim superintendent, or in its
5211 discretion, contract with a private entity with experience in the



5212 academic, finance and other operational functions of schools and
5213 school districts, who will have those powers and duties prescribed
5214 in subsection (15) of this section;

5215 (iv) Grant transfers to students who attend this
5216 school district so that they may attend other accredited schools
5217 or districts in a manner that is not in violation of state or
5218 federal law;

5219 (v) For states of emergency declared under
5220 paragraph (a) only, if the accreditation deficiencies are related
5221 to the fact that the school district is too small, with too few
5222 resources, to meet the required standards and if another school
5223 district is willing to accept those students, abolish that
5224 district and assign that territory to another school district or
5225 districts. If the school district has proposed a voluntary
5226 consolidation with another school district or districts, then if
5227 the State Board of Education finds that it is in the best interest
5228 of the pupils of the district for the consolidation to proceed,
5229 the voluntary consolidation shall have priority over any such
5230 assignment of territory by the State Board of Education;

5231 (vi) For * * * actions taken pursuant to paragraph
5232 (b) only, reduce local supplements paid to school district
5233 employees, including, but not limited to, instructional personnel,
5234 assistant teachers and extracurricular activities personnel, if
5235 the district's impairment is related to a lack of financial
5236 resources, but only to an extent that will result in the salaries



5237 being comparable to districts similarly situated, as determined by
5238 the State Board of Education;

5239 (vii) For * * * actions taken pursuant to
5240 paragraph (b) only, the State Board of Education may take any
5241 action as prescribed in Section 37-17-13.

5242 (d) At the time that satisfactory corrective action has
5243 been taken in a school district in which a state of emergency has
5244 been declared, the State Board of Education may request the
5245 Governor to declare that the state of emergency no longer exists
5246 in the district.

5247 (e) The parent or legal guardian of a school-age child
5248 who is enrolled in a school district whose accreditation has been
5249 withdrawn by the Commission on School Accreditation and without
5250 approval of that school district may file a petition in writing to
5251 a school district accredited by the Commission on School
5252 Accreditation for a legal transfer. The school district
5253 accredited by the Commission on School Accreditation may grant the
5254 transfer according to the procedures of Section 37-15-31(1)(b).
5255 In the event the accreditation of the student's home district is
5256 restored after a transfer has been approved, the student may
5257 continue to attend the transferee school district. The * * * per
5258 pupil amount of the total funding formula allotment for the
5259 student's home school district shall be transferred monthly to the
5260 school district accredited by the Commission on School



5261 Accreditation that has granted the transfer of the school-age
5262 child.

5263 (f) Upon the declaration of a state of emergency for
5264 any school district in which the Governor has previously declared
5265 a state of emergency, the State Board of Education may either:

5266 (i) Place the school district into district
5267 transformation, in which the school district shall remain until it
5268 has fulfilled all conditions related to district transformation.
5269 If the district was assigned an accreditation rating of "D" or "F"
5270 when placed into district transformation, the district shall be
5271 eligible to return to local control when the school district has
5272 attained a "C" rating or higher for * * * three (3) consecutive
5273 years * * *;

5274 (ii) Abolish the school district and
5275 administratively consolidate the school district with one or more
5276 existing school districts;

5277 (iii) Reduce the size of the district and
5278 administratively consolidate parts of the district, as determined
5279 by the State Board of Education. However, no school district
5280 which is not in district transformation shall be required to
5281 accept additional territory over the objection of the district; or

5282 (iv) Require the school district to develop and
5283 implement a district improvement plan with prescriptive guidance
5284 and support from the State Department of Education, with the goal
5285 of helping the district improve student achievement. Failure of



5286 the school board, superintendent and school district staff to
5287 implement the plan with fidelity and participate in the activities
5288 provided as support by the department shall result in the school
5289 district retaining its eligibility for district transformation.

5290 * * *

5291 (13) Upon the declaration of a state of emergency in a
5292 school district under subsection (12) of this section, or upon the
5293 State Board of Education's placement of a school district into a
5294 District of Transformation for academic or financial reasons, the
5295 Commission on School Accreditation shall be responsible for public
5296 notice at least once a week for at least three (3) consecutive
5297 weeks in a newspaper published within the jurisdiction of the
5298 school district failing to meet accreditation standards, or if no
5299 newspaper is published therein, then in a newspaper having a
5300 general circulation therein. The size of the notice shall be no
5301 smaller than one-fourth (1/4) of a standard newspaper page and
5302 shall be printed in bold print. If an interim superintendent has
5303 been appointed for the school district, the notice shall begin as
5304 follows: "By authority of Section 37-17-6, Mississippi Code of
5305 1972, as amended, adopted by the Mississippi Legislature during
5306 the 1991 Regular Session, this school district (name of school
5307 district) is hereby placed under the jurisdiction of the State
5308 Department of Education acting through its appointed interim
5309 superintendent (name of interim superintendent)."



5310 The notice also shall include, in the discretion of the State
5311 Board of Education, any or all details relating to the school
5312 district's emergency status, including the declaration of a state
5313 of emergency in the school district and a description of the
5314 district's impairment deficiencies, conditions of any district
5315 transformation status and corrective actions recommended and being
5316 taken. Public notices issued under this section shall be subject
5317 to Section 13-3-31 and not contrary to other laws regarding
5318 newspaper publication.

5319 Upon termination of * * * a school district in a District of
5320 Transformation, the Commission on School Accreditation shall cause
5321 notice to be published in the school district in the same manner
5322 provided in this section, to include any or all details relating
5323 to the corrective action taken in the school district that
5324 resulted in the termination of the state of emergency.

5325 (14) The State Board of Education or the Commission on
5326 School Accreditation shall have the authority to require school
5327 districts to produce the necessary reports, correspondence,
5328 financial statements, and any other documents and information
5329 necessary to fulfill the requirements of this section.

5330 Nothing in this section shall be construed to grant any
5331 individual, corporation, board or interim superintendent the
5332 authority to levy taxes except in accordance with presently
5333 existing statutory provisions.



5334 (15) (a) Whenever the Governor declares a state of
5335 emergency in a school district in response to a request made under
5336 subsection (12) of this section, or when the State Board of
5337 Education places a school district into a District of
5338 Transformation for academic or financial reasons, the State Board
5339 of Education, in its discretion, may assign an interim
5340 superintendent to the school district, or in its discretion, may
5341 contract with an appropriate private entity with experience in the
5342 academic, finance and other operational functions of schools and
5343 school districts, who will be responsible for the administration,
5344 management and operation of the school district, including, but
5345 not limited to, the following activities:

5346 (i) Approving or disapproving all financial
5347 obligations of the district, including, but not limited to, the
5348 employment, termination, nonrenewal and reassignment of all
5349 licensed and nonlicensed personnel, contractual agreements and
5350 purchase orders, and approving or disapproving all claim dockets
5351 and the issuance of checks; in approving or disapproving
5352 employment contracts of superintendents, assistant superintendents
5353 or principals, the interim superintendent shall not be required to
5354 comply with the time limitations prescribed in Sections 37-9-15
5355 and 37-9-105;

5356 (ii) Supervising the day-to-day activities of the
5357 district's staff, including reassigning the duties and
5358 responsibilities of personnel in a manner which, in the



5359 determination of the interim superintendent, will best suit the
5360 needs of the district;

5361 (iii) Reviewing the district's total financial
5362 obligations and operations and making recommendations to the
5363 district for cost savings, including, but not limited to,
5364 reassigning the duties and responsibilities of staff;

5365 (iv) Attending all meetings of the district's
5366 school board and administrative staff;

5367 (v) Approving or disapproving all athletic, band
5368 and other extracurricular activities and any matters related to
5369 those activities;

5370 (vi) Maintaining a detailed account of
5371 recommendations made to the district and actions taken in response
5372 to those recommendations;

5373 (vii) Reporting periodically to the State Board of
5374 Education on the progress or lack of progress being made in the
5375 district to improve the district's impairments during the state of
5376 emergency; and

5377 (viii) Appointing a parent advisory committee,
5378 comprised of parents of students in the school district that may
5379 make recommendations to the interim superintendent concerning the
5380 administration, management and operation of the school district.

5381 The cost of the salary of the interim superintendent and any
5382 other actual and necessary costs related to district
5383 transformation status paid by the State Department of Education



shall be reimbursed by the local school district from funds other than * * * total funding formula funds as provided in this act. In the alternative, the local school district may pay the cost of the salary of the interim superintendent. The department shall submit an itemized statement to the superintendent of the local school district for reimbursement purposes, and any unpaid balance may be withheld from the district's * * * funding formula funds.

At the time that the Governor, in accordance with the request of the State Board of Education, declares that the state of emergency no longer exists in a school district, * * * the interim superintendent assigned to the district shall * * * remain in place for a period of two (2) years and shall work alongside the newly reconstituted school board. A new superintendent may be hired by the newly reconstituted board after the one (1) year state of emergency no longer exists, but he or she shall serve as deputy to the interim superintendent while the interim superintendent is assigned to the district.

(b) In order to provide loans to school districts under a state of emergency or in district transformation status that have impairments related to a lack of financial resources, the School District Emergency Assistance Fund is created as a special fund in the State Treasury into which monies may be transferred or appropriated by the Legislature from any available public education funds. Funds in the School District Emergency Assistance Fund up to a maximum balance of Three Million Dollars



5409 (\$3,000,000.00) annually shall not lapse but shall be available
5410 for expenditure in subsequent years subject to approval of the
5411 State Board of Education. Any amount in the fund in excess of
5412 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
5413 year shall lapse into the State General Fund or the Education
5414 Enhancement Fund, depending on the source of the fund.

5415 The State Board of Education may loan monies from the School
5416 District Emergency Assistance Fund to a school district that is
5417 under a state of emergency or in district transformation status,
5418 in those amounts, as determined by the board, that are necessary
5419 to correct the district's impairments related to a lack of
5420 financial resources. The loans shall be evidenced by an agreement
5421 between the school district and the State Board of Education and
5422 shall be repayable in principal, without necessity of interest, to
5423 the School District Emergency Assistance Fund by the school
5424 district from any allowable funds that are available. The total
5425 amount loaned to the district shall be due and payable within five
5426 (5) years after the impairments related to a lack of financial
5427 resources are corrected. If a school district fails to make
5428 payments on the loan in accordance with the terms of the agreement
5429 between the district and the State Board of Education, the State
5430 Department of Education, in accordance with rules and regulations
5431 established by the State Board of Education, may withhold that
5432 district's * * * total funding formula funds in an amount and
5433 manner that will effectuate repayment consistent with the terms of



5434 the agreement; the funds withheld by the department shall be
5435 deposited into the School District Emergency Assistance Fund.

5436 The State Board of Education shall develop a protocol that
5437 will outline the performance standards and requisite timeline
5438 deemed necessary for extreme emergency measures. If the State
5439 Board of Education determines that an extreme emergency exists,
5440 simultaneous with the powers exercised in this subsection, it
5441 shall take immediate action against all parties responsible for
5442 the affected school districts having been determined to be in an
5443 extreme emergency. The action shall include, but not be limited
5444 to, initiating civil actions to recover funds and criminal actions
5445 to account for criminal activity. Any funds recovered by the
5446 State Auditor or the State Board of Education from the surety
5447 bonds of school officials or from any civil action brought under
5448 this subsection shall be applied toward the repayment of any loan
5449 made to a school district hereunder.

5450 (16) * * * [Deleted]

5451 (17) * * * [Deleted]

5452 (18) * * * The State Board of Education, acting through the
5453 Commission on School Accreditation, shall require each school
5454 district to comply with standards established by the State
5455 Department of Audit for the verification of fixed assets and the
5456 auditing of fixed assets records as a minimum requirement for
5457 accreditation.

5458 (19) * * * [Deleted]



5459 (20) * * * [Deleted]

5460 (21) If a local school district is determined as failing and
5461 placed into district transformation status for reasons authorized
5462 by the provisions of this section, the interim superintendent
5463 appointed to the district shall, within forty-five (45) days after
5464 being appointed, present a detailed and structured corrective
5465 action plan to move the local school district out of district
5466 transformation status to the deputy superintendent. A copy of the
5467 interim superintendent's corrective action plan shall also be
5468 filed with the State Board of Education.

5469 **SECTION 56.** Section 37-19-7, Mississippi Code of 1972, is
5470 amended as follows:

5471 37-19-7. (1) * * * Teachers' salaries in each public school
5472 district shall be determined and paid in accordance with the scale
5473 for teachers' salaries as provided in this subsection. For
5474 teachers holding the following types of licenses or the equivalent
5475 as determined by the State Board of Education, and the following
5476 number of years of teaching experience, the scale shall be as
5477 follows:

5478 **2022-2023 AND SUBSEQUENT SCHOOL YEARS MINIMUM SALARY SCHEDULE**

5479	Exp.	AAAA	AAA	AA	A
5480	0	45,500.00	44,000.00	43,000.00	41,500.00
5481	1	46,100.00	44,550.00	43,525.00	41,900.00
5482	2	46,700.00	45,100.00	44,050.00	42,300.00
5483	3	47,300.00	45,650.00	44,575.00	42,700.00



5484	4	47,900.00	46,200.00	45,100.00	43,100.00
5485	5	49,250.00	47,500.00	46,350.00	44,300.00
5486	6	49,850.00	48,050.00	46,875.00	44,700.00
5487	7	50,450.00	48,600.00	47,400.00	45,100.00
5488	8	51,050.00	49,150.00	47,925.00	45,500.00
5489	9	51,650.00	49,700.00	48,450.00	45,900.00
5490	10	53,000.00	51,000.00	49,700.00	47,100.00
5491	11	53,600.00	51,550.00	50,225.00	47,500.00
5492	12	54,200.00	52,100.00	50,750.00	47,900.00
5493	13	54,800.00	52,650.00	51,275.00	48,300.00
5494	14	55,400.00	53,200.00	51,800.00	48,700.00
5495	15	56,750.00	54,500.00	53,050.00	49,900.00
5496	16	57,350.00	55,050.00	53,575.00	50,300.00
5497	17	57,950.00	55,600.00	54,100.00	50,700.00
5498	18	58,550.00	56,150.00	54,625.00	51,100.00
5499	19	59,150.00	56,700.00	55,150.00	51,500.00
5500	20	60,500.00	58,000.00	56,400.00	52,700.00
5501	21	61,100.00	58,550.00	56,925.00	53,100.00
5502	22	61,700.00	59,100.00	57,450.00	53,500.00
5503	23	62,300.00	59,650.00	57,975.00	53,900.00
5504	24	62,900.00	60,200.00	58,500.00	54,300.00
5505	25	65,400.00	62,700.00	61,000.00	56,800.00
5506	26	66,000.00	63,250.00	61,525.00	57,200.00
5507	27	66,600.00	63,800.00	62,050.00	57,600.00
5508	28	67,200.00	64,350.00	62,575.00	58,000.00



5509	29	67,800.00	64,900.00	63,100.00	58,400.00
5510	30	68,400.00	65,450.00	63,625.00	58,800.00
5511	31	69,000.00	66,000.00	64,150.00	59,200.00
5512	32	69,600.00	66,550.00	64,675.00	59,600.00
5513	33	70,200.00	67,100.00	65,200.00	60,000.00
5514	34	70,800.00	67,650.00	65,725.00	60,400.00
5515	35				
5516	& above	71,400.00	68,200.00	66,250.00	60,800.00

5517 It is the intent of the Legislature that any state funds made
5518 available for salaries of licensed personnel in excess of the
5519 funds paid for such salaries for the 1986-1987 school year shall
5520 be paid to licensed personnel pursuant to a personnel appraisal
5521 and compensation system implemented by the State Board of
5522 Education. The State Board of Education shall have the authority
5523 to adopt and amend rules and regulations as are necessary to
5524 establish, administer and maintain the system.

5525 All teachers employed on a full-time basis shall be paid a
5526 minimum salary in accordance with the above scale. However, no
5527 school district shall receive any funds under this section for any
5528 school year during which the local supplement paid to any
5529 individual teacher shall have been reduced to a sum less than that
5530 paid to that individual teacher for performing the same duties
5531 from local supplement during the immediately preceding school
5532 year. The amount actually spent for the purposes of group health
5533 and/or life insurance shall be considered as a part of the



5534 aggregate amount of local supplement but shall not be considered a
5535 part of the amount of individual local supplement.

5536 The level of professional training of each teacher to be used
5537 in establishing the salary * * * for the * * * teacher for each
5538 year shall be determined by the type of valid teacher's license
5539 issued to * * * that teacher on or before October 1 of the current
5540 school year. However, school districts are authorized, in their
5541 discretion, to negotiate the salary levels applicable to licensed
5542 employees who are receiving retirement benefits from the
5543 retirement system of another state * * *.

5544 (2) (a) The following employees shall receive an annual
5545 salary supplement in the amount of Six Thousand Dollars
5546 (\$6,000.00), plus fringe benefits, in addition to any other
5547 compensation to which the employee may be entitled:

5548 (i) Any licensed teacher who has met the
5549 requirements and acquired a Master Teacher certificate from the
5550 National Board for Professional Teaching Standards and who is
5551 employed by a local school board or the State Board of Education
5552 as a teacher and not as an administrator. Such teacher shall
5553 submit documentation to the State Department of Education that the
5554 certificate was received prior to October 15 in order to be
5555 eligible for the full salary supplement in the current school
5556 year, or the teacher shall submit such documentation to the State
5557 Department of Education prior to February 15 in order to be



5558 eligible for a prorated salary supplement beginning with the
5559 second term of the school year.

5560 (ii) A licensed nurse who has met the requirements
5561 and acquired a certificate from the National Board for
5562 Certification of School Nurses, Inc., and who is employed by a
5563 local school board or the State Board of Education as a school
5564 nurse and not as an administrator. The licensed school nurse
5565 shall submit documentation to the State Department of Education
5566 that the certificate was received before October 15 in order to be
5567 eligible for the full salary supplement in the current school
5568 year, or the licensed school nurse shall submit the documentation
5569 to the State Department of Education before February 15 in order
5570 to be eligible for a prorated salary supplement beginning with the
5571 second term of the school year.

5572 (iii) Any licensed school counselor who has met
5573 the requirements and acquired a National Certified School
5574 Counselor (NCSC) endorsement from the National Board of Certified
5575 Counselors and who is employed by a local school board or the
5576 State Board of Education as a counselor and not as an
5577 administrator. Such licensed school counselor shall submit
5578 documentation to the State Department of Education that the
5579 endorsement was received prior to October 15 in order to be
5580 eligible for the full salary supplement in the current school
5581 year, or the licensed school counselor shall submit such
5582 documentation to the State Department of Education prior to



5583 February 15 in order to be eligible for a prorated salary
5584 supplement beginning with the second term of the school year.
5585 However, any school counselor who started the National Board for
5586 Professional Teaching Standards process for school counselors
5587 between June 1, 2003, and June 30, 2004, and completes the
5588 requirements and acquires the Master Teacher certificate shall be
5589 entitled to the master teacher supplement, and those counselors
5590 who complete the process shall be entitled to a one-time
5591 reimbursement for the actual cost of the process as outlined in
5592 paragraph (b) of this subsection.

5593 (iv) Any licensed speech-language pathologist and
5594 audiologist who has met the requirements and acquired a
5595 Certificate of Clinical Competence from the American
5596 Speech-Language-Hearing Association and any certified academic
5597 language therapist (CALT) who has met the certification
5598 requirements of the Academic Language Therapy Association and who
5599 is employed by a local school board. The licensed speech-language
5600 pathologist and audiologist and certified academic language
5601 therapist shall submit documentation to the State Department of
5602 Education that the certificate or endorsement was received before
5603 October 15 in order to be eligible for the full salary supplement
5604 in the current school year, or the licensed speech-language
5605 pathologist and audiologist and certified academic language
5606 therapist shall submit the documentation to the State Department
5607 of Education before February 15 in order to be eligible for a



5608 prorated salary supplement beginning with the second term of the
5609 school year.

5610 (v) Any licensed athletic trainer who has met the
5611 requirements and acquired Board Certification for the Athletic
5612 Trainer from the Board of Certification, Inc., and who is employed
5613 by a local school board or the State Board of Education as an
5614 athletic trainer and not as an administrator. The licensed
5615 athletic trainer shall submit documentation to the State
5616 Department of Education that the certificate was received before
5617 October 15 in order to be eligible for the full salary supplement
5618 in the current school year, or the licensed athletic trainer shall
5619 submit the documentation to the State Department of Education
5620 before February 15 in order to be eligible for a prorated salary
5621 supplement beginning with the second term of the school year.

5622 (b) An employee shall be reimbursed for the actual cost
5623 of completing each component of acquiring the certificate or
5624 endorsement, excluding any costs incurred for postgraduate
5625 courses, not to exceed Five Hundred Dollars (\$500.00) for each
5626 component, not to exceed four (4) components, for a teacher,
5627 school counselor or speech-language pathologist and audiologist,
5628 regardless of whether or not the process resulted in the award of
5629 the certificate or endorsement. A local school district or any
5630 private individual or entity may pay the cost of completing the
5631 process of acquiring the certificate or endorsement for any
5632 employee of the school district described under paragraph (a), and



5633 the State Department of Education shall reimburse the school
5634 district for such cost, regardless of whether or not the process
5635 resulted in the award of the certificate or endorsement. If a
5636 private individual or entity has paid the cost of completing the
5637 process of acquiring the certificate or endorsement for an
5638 employee, the local school district may agree to directly
5639 reimburse the individual or entity for such cost on behalf of the
5640 employee.

5641 (c) All salary supplements, fringe benefits and process
5642 reimbursement authorized under this subsection shall be paid
5643 directly by the State Department of Education to the local school
5644 district and shall be in addition to its * * * allotments from the
5645 total funding formula provided in this act and not a part thereof
5646 in accordance with regulations promulgated by the State Board of
5647 Education. Local school districts shall not reduce the local
5648 supplement paid to any employee receiving such salary supplement,
5649 and the employee shall receive any local supplement to which
5650 employees with similar training and experience otherwise are
5651 entitled. However, an educational employee shall receive the
5652 salary supplement in the amount of Six Thousand Dollars
5653 (\$6,000.00) for only one (1) of the qualifying certifications
5654 authorized under paragraph (a) of this subsection. No school
5655 district shall provide more than one (1) annual salary supplement
5656 under the provisions of this subsection to any one (1) individual
5657 employee holding multiple qualifying national certifications.



5658 (d) If an employee for whom such cost has been paid, in
5659 full or in part, by a local school district or private individual
5660 or entity fails to complete the certification or endorsement
5661 process, the employee shall be liable to the school district or
5662 individual or entity for all amounts paid by the school district
5663 or individual or entity on behalf of that employee toward his or
5664 her certificate or endorsement.

5665 (3) The following employees shall receive an annual salary
5666 supplement in the amount of Four Thousand Dollars (\$4,000.00),
5667 plus fringe benefits, in addition to any other compensation to
5668 which the employee may be entitled:

5669 Effective July 1, 2016, if funds are available for that
5670 purpose, any licensed teacher who has met the requirements and
5671 acquired a Master Teacher Certificate from the National Board for
5672 Professional Teaching Standards and who is employed in a public
5673 school district located in one (1) of the following counties:
5674 Claiborne, Adams, Jefferson, Wilkinson, Amite, Bolivar, Coahoma,
5675 Leflore, Quitman, Sharkey, Issaquena, Sunflower, Washington,
5676 Holmes, Yazoo and Tallahatchie. The salary supplement awarded
5677 under the provisions of this subsection (3) shall be in addition
5678 to the salary supplement awarded under the provisions of
5679 subsection (2) of this section.

5680 Teachers who meet the qualifications for a salary supplement
5681 under this subsection (3) who are assigned for less than one (1)
5682 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



5708 standardized, the State Department of Education shall implement
5709 the MPBP plan.

5710 (iii) To ensure all teachers cooperate in the
5711 spirit of teamwork, individual schools shall submit a plan to the
5712 local school district to be approved before the beginning of each
5713 school year * * *. The plan shall include, but not be limited to,
5714 how all teachers, regardless of subject area, and administrators
5715 will be responsible for improving student achievement for their
5716 individual school.

5717 (b) The State Board of Education shall develop the
5718 processes and procedures for designating schools eligible to
5719 participate in the MPBP. State assessment results, growth in
5720 student achievement at individual schools and other measures
5721 deemed appropriate in designating successful student achievement
5722 shall be used in establishing MPBP criteria.

5723 (5) (a) If funds are available for that purpose, each
5724 school in Mississippi shall have mentor teachers, as defined by
5725 Sections 37-9-201 through 37-9-213, who shall receive additional
5726 base compensation provided for by the State Legislature in the
5727 amount of One Thousand Dollars (\$1,000.00) per each beginning
5728 teacher that is being mentored. The additional state compensation
5729 shall be limited to those mentor teachers that provide mentoring
5730 services to beginning teachers. For the purposes of such funding,
5731 a beginning teacher shall be defined as any teacher in any school
5732 in Mississippi that has less than one (1) year of classroom



5733 experience teaching in a public school. For the purposes of such
5734 funding, no full-time academic teacher shall mentor more than two
5735 (2) beginning teachers.

5736 (b) To be eligible for this state funding, the
5737 individual school must have a classroom management program
5738 approved by the local school board.

5739 (6) Effective with the 2014-2015 school year, the school
5740 districts participating in the Pilot Performance-Based
5741 Compensation System pursuant to Section 37-19-9 may award
5742 additional teacher and administrator pay based thereon.

5743 **SECTION 57.** Section 37-21-6, Mississippi Code of 1972, is
5744 amended as follows:

5745 37-21-6. The Mississippi Early Childhood Education Program
5746 shall be the kindergarten program implemented by local school
5747 districts * * *.

5748 **SECTION 58.** Section 37-21-7, Mississippi Code of 1972, is
5749 amended as follows:

5750 37-21-7. (1) This section shall be referred to as the
5751 "Mississippi Elementary Schools Assistant Teacher Program," the
5752 purpose of which shall be to provide an early childhood education
5753 program that assists in the instruction of basic skills. The
5754 State Board of Education is authorized, empowered and directed to
5755 implement a statewide system of assistant teachers in kindergarten
5756 classes and in the first, second and third grades. The assistant



5757 teacher shall assist pupils in actual instruction under the strict
5758 supervision of a licensed teacher.

5759 (2) (a) Except as otherwise authorized under subsection
5760 (7), each school district shall employ the total number of
5761 assistant teachers funded under subsection (6) of this section.
5762 The superintendent of each district shall assign the assistant
5763 teachers to the kindergarten, first-, second- and third-grade
5764 classes in the district in a manner that will promote the maximum
5765 efficiency, as determined by the superintendent, in the
5766 instruction of skills such as verbal and linguistic skills,
5767 logical and mathematical skills, and social skills.

5768 (b) If a licensed teacher to whom an assistant teacher
5769 has been assigned is required to be absent from the classroom, the
5770 assistant teacher may assume responsibility for the classroom in
5771 lieu of a substitute teacher. However, no assistant teacher shall
5772 assume sole responsibility of the classroom for more than three
5773 (3) consecutive school days. Further, in no event shall any
5774 assistant teacher be assigned to serve as a substitute teacher for
5775 any teacher other than the licensed teacher to whom that assistant
5776 teacher has been assigned.

5777 (3) Assistant teachers shall have, at a minimum, a high
5778 school diploma or a High School Equivalency Diploma equivalent,
5779 and shall show demonstratable proficiency in reading and writing
5780 skills. The State Department of Education shall develop a testing



5781 procedure for assistant teacher applicants to be used in all
5782 school districts in the state.

5783 (4) (a) In order to receive funding, each school district
5784 shall:

5785 (i) Submit a plan on the implementation of a
5786 reading improvement program to the State Department of Education;
5787 and

5788 (ii) Develop a plan of educational accountability
5789 and assessment of performance, including pretests and posttests,
5790 for reading in Grades 1 through 6.

5791 (b) Additionally, each school district shall:

5792 (i) Provide annually a mandatory preservice
5793 orientation session, using an existing in-school service day, for
5794 administrators and teachers on the effective use of assistant
5795 teachers as part of a team in the classroom setting and on the
5796 role of assistant teachers, with emphasis on program goals;

5797 (ii) Hold periodic workshops for administrators
5798 and teachers on the effective use and supervision of assistant
5799 teachers;

5800 (iii) Provide training annually on specific
5801 instructional skills for assistant teachers;

5802 (iv) Annually evaluate their program in accordance
5803 with their educational accountability and assessment of
5804 performance plan; and



5805 (v) Designate the necessary personnel to supervise
5806 and report on their program.

5807 (5) The State Department of Education shall:

5808 (a) Develop and assist in the implementation of a
5809 statewide uniform training module, subject to the availability of
5810 funds specifically appropriated therefor by the Legislature, which
5811 shall be used in all school districts for training administrators,
5812 teachers and assistant teachers. The module shall provide for the
5813 consolidated training of each assistant teacher and teacher to
5814 whom the assistant teacher is assigned, working together as a
5815 team, and shall require further periodic training for
5816 administrators, teachers and assistant teachers regarding the role
5817 of assistant teachers;

5818 (b) Annually evaluate the program on the district and
5819 state level. Subject to the availability of funds specifically
5820 appropriated therefor by the Legislature, the department shall
5821 develop: (i) uniform evaluation reports, to be performed by the
5822 principal or assistant principal, to collect data for the annual
5823 overall program evaluation conducted by the department; or (ii) a
5824 program evaluation model that, at a minimum, addresses process
5825 evaluation; and

5826 (c) Promulgate rules, regulations and such other
5827 standards deemed necessary to effectuate the purposes of this
5828 section. Noncompliance with the provisions of this section and
5829 any rules, regulations or standards adopted by the department may



5830 result in a violation of compulsory accreditation standards as
5831 established by the State Board of Education and the Commission on
5832 School Accreditation.

5833 (6) * * * Each school district shall be allotted sufficient
5834 funding under the total funding formula provided in this act for
5835 the purpose of employing assistant teachers. No assistant teacher
5836 shall be paid less than the amount he or she received in the prior
5837 school year. No school district shall receive any funds under
5838 this section for any school year during which the aggregate amount
5839 of the local contribution to the salaries of assistant teachers by
5840 the district shall have been reduced below such amount for the
5841 previous year.

5842 For assistant teachers, the minimum annual salary shall be as
5843 follows:

5844 2022-2023 and Subsequent Years Minimum Salary.....\$17,000.00

5845 In addition, for each one percent (1%) that the Sine Die
5846 General Fund Revenue Estimate Growth exceeds five percent (5%) in
5847 fiscal year 2006, as certified by the Legislative Budget Office to
5848 the State Board of Education and subject to the specific
5849 appropriation therefor by the Legislature, the State Board of
5850 Education shall revise the salary scale in the appropriate year to
5851 provide an additional one percent (1%) across-the-board increase
5852 in the base salaries for assistant teachers. The State Board of
5853 Education shall revise the salaries prescribed above for assistant
5854 teachers to conform to any adjustments made in prior fiscal years



5855 due to revenue growth over and above five percent (5%). The
5856 assistant teachers shall not be restricted to working only in the
5857 grades for which the funds were allotted, but may be assigned to
5858 other classes as provided in subsection (2)(a) of this section.

5859 (7) (a) As an alternative to employing assistant teachers,
5860 any school district may use the * * * funding provided under
5861 subsection (6) of this section for the purpose of employing
5862 licensed teachers for kindergarten, first-, second- and
5863 third-grade classes; however, no school district shall be
5864 authorized to use the * * * funding for assistant teachers for the
5865 purpose of employing licensed teachers unless the district has
5866 established that the employment of licensed teachers using such
5867 funds will reduce the teacher:student ratio in the kindergarten,
5868 first-, second- and third-grade classes. All state funds for
5869 assistant teachers shall be applied to reducing teacher:student
5870 ratio in Grades K-3.

5871 It is the intent of the Legislature that no school district
5872 shall dismiss any assistant teacher for the purpose of using the
5873 assistant teacher * * * funding to employ licensed teachers.
5874 School districts may rely only upon normal attrition to reduce the
5875 number of assistant teachers employed in that district.

5876 (b) Districts meeting the highest levels of
5877 accreditation standards, as defined by the State Board of
5878 Education, shall be exempted from the provisions of subsection (4)
5879 of this section.



5880 **SECTION 59.** Section 37-22-5, Mississippi Code of 1972, is
5881 amended as follows:

5882 37-22-5. There is * * * created an Emergency Fund Loss
5883 Assistance Program to provide temporary grants to eligible school
5884 districts. The purpose of the program shall be to provide relief
5885 to school districts suffering losses of financial assistance under
5886 federal programs, such as the IMPACT Program, designed to serve
5887 the educational needs of children of government employees and
5888 Choctaw Indian children. Any school district which has sustained
5889 losses in direct payments from the federal government for the
5890 purpose of educating the children of federal government employees
5891 and Choctaw Indian children living on United States government
5892 owned reservation land shall be entitled to an Emergency Fund Loss
5893 Assistance Grant, in the amount of the reduction of the grant
5894 funds received from the federal government from prior years. This
5895 grant shall be limited to losses resulting from reductions in the
5896 level of federal funding allocated to school districts from prior
5897 years and not from reductions resulting from a loss of students
5898 served by the school districts. Losses incurred prior to July 1,
5899 1987, shall not be considered for purposes of determining the
5900 amount of the grant. There is hereby established an Emergency
5901 Fund Loss Assistance Fund in the State Treasury which shall be
5902 used to distribute the emergency grants to school districts.
5903 Expenditures from this fund shall not exceed One Million Dollars
5904 (\$1,000,000.00) in any fiscal year. If the total of all grant



5905 entitlements from local school districts exceeds such sum, then
5906 the grants to the school districts shall be prorated accordingly.

5907 * * *

5908 **SECTION 60.** Section 37-23-1, Mississippi Code of 1972, is
5909 amended as follows:

5910 37-23-1. The purpose of Sections 37-23-1 through 37-23-159
5911 is to mandate free appropriate public educational services and
5912 equipment for exceptional children in the age range three (3)
5913 through twenty (20) for whom the regular school programs are not
5914 adequate and to provide, on a permissive basis, a free appropriate
5915 public education, as a part of the state's early intervention
5916 system in accordance with regulations developed in collaboration
5917 with the agency designated as "lead agency" under Part C of the
5918 Individuals with Disabilities Education Act. The portion of the
5919 regulations developed in collaboration with the lead agency which
5920 are necessary to implement the programs under the authority of the
5921 State Board of Education shall be presented to the State Board of
5922 Education for adoption. This specifically includes, but shall not
5923 be limited to, provision for day schools for the deaf and blind of
5924 an age under six (6) years, where early training is in accordance
5925 with the most advanced and best approved scientific methods of
5926 instruction, always taking into consideration the best interests
5927 of the child and his improvement at a time during which he is most
5928 susceptible of improvement. Educational programs to exceptional



5929 children under the age of three (3) years shall be eligible
5930 for * * * total funding formula funds provided in this act.

5931 All references in the laws of this state to the "Individuals
5932 with Disabilities Education Act" or to the "IDEA" shall be
5933 construed to include any subsequent amendments to that act.

5934 The educational programs and services provided for
5935 exceptional children in Sections 37-23-1 through 37-23-15,
5936 37-23-31 through 37-23-35, 37-23-61 through 37-23-75 and 37-23-77
5937 shall be designed to provide individualized appropriate special
5938 education and related services that enable a child to reach his or
5939 her appropriate and uniquely designed goals for success. The
5940 State Board of Education shall establish an accountability system
5941 for special education programs and students with disabilities.
5942 The system shall establish accountability standards for services
5943 provided to improve the educational skills designed to prepare
5944 children for life after their years in school. These standards
5945 shall be a part of the accreditation system and shall be
5946 implemented before July 1, 1996.

5947 The State Department of Education shall establish goals for
5948 the performance of children with disabilities that will promote
5949 the purpose of IDEA and are consistent, to the maximum extent
5950 appropriate, with other goals and standards for children
5951 established by the State Department of Education. Performance
5952 indicators used to assess progress toward achieving those goals
5953 that, at a minimum, address the performance of children with



5954 disabilities on assessments, drop-out rates, and graduation rates
5955 shall be developed. Every two (2) years, the progress toward
5956 meeting the established performance goals shall be reported to the
5957 public.

5958 **SECTION 61.** Section 37-23-15, Mississippi Code of 1972, is
5959 amended as follows:

5960 37-23-15. (1) The State Department of Education, in
5961 accordance with Sections 37-23-1 through 37-23-75, and any
5962 additional authority granted in this chapter, shall:

5963 (a) Adopt pilot programs under which certain students
5964 enrolled or enrolling in public schools in this state shall be
5965 tested for dyslexia and related disorders as may be necessary.
5966 The pilot programs shall provide that upon the request of a
5967 parent, student, school nurse, classroom teacher or other school
5968 personnel who has reason to believe that a student has a need to
5969 be tested for dyslexia, such student shall be reviewed for
5970 appropriate services. However, a student shall not be tested for
5971 dyslexia whose parent or guardian objects thereto on grounds that
5972 such testing conflicts with his conscientiously held religious
5973 beliefs.

5974 (b) In accordance with the pilot programs adopted by
5975 the State Department of Education, such school boards shall
5976 provide remediation in an appropriate multi-sensory, systematic
5977 language-based regular education program or programs, as
5978 determined by the school district, such as the Texas Scottish Rite



5979 Hospital Dyslexia Training Program, pertinent to the child's
5980 physical and educational disorders or the sensory area in need of
5981 remediation for those students who do not qualify for special
5982 education services.

5983 (c) The State Department of Education, by not later
5984 than January 1, 1997, shall make recommendations to the school
5985 boards designated for the pilot programs for the delivery of
5986 services to students who are identified as dyslexic.

5987 (d) For the purposes of this section:

5988 (i) "Dyslexia" means a language processing
5989 disorder which may be manifested by difficulty processing
5990 expressive or receptive, oral or written language despite adequate
5991 intelligence, educational exposure and cultural opportunity.
5992 Specific manifestations may occur in one or more areas, including
5993 difficulty with the alphabet, reading comprehension, writing and
5994 spelling.

5995 (ii) "Related disorders" shall include disorders
5996 similar to or related to dyslexia such as developmental auditory
5997 imperception, dysphasia, specific developmental dyslexia,
5998 dyspraxia, developmental dysgraphia and developmental spelling
5999 disability.

6000 (e) Local school districts designated for the pilot
6001 programs may utilize any source of funds other than * * * the
6002 total funding formula funds provided in this act to provide any
6003 services under this section.



6004 (f) Nothing in this section shall be construed to
6005 require any school district to implement this section unless the
6006 local school board, by resolution spread on its minutes,
6007 voluntarily agrees to comply with this section and any regulations
6008 promulgated under this section. Any local school board may
6009 withdraw from participation in the program authorized under this
6010 section by providing written notice of its determination to
6011 withdraw to the State Department of Education no later than June 1
6012 of the preceding fiscal year.

6013 (2) State funding for the pilot programs for testing
6014 students for dyslexia shall be subject to the availability of
6015 funds specifically appropriated therefor by the Legislature.

6016 * * *

6017 **SECTION 62.** Section 37-23-69, Mississippi Code of 1972, is
6018 amended as follows:

6019 37-23-69. The State Department of Education may determine
6020 and pay the amount of the financial assistance to be made
6021 available to each applicant, and see that all applicants and the
6022 programs for them meet the requirements of the program for
6023 exceptional children. No financial assistance shall exceed the
6024 obligation actually incurred by the applicant for educational
6025 costs, which shall include special education and related services
6026 as defined by the Mississippi Department of Education Policies and
6027 Procedures Regarding Children with Disabilities under the federal
6028 Individuals with Disabilities Education Act (IDEA). Within the



6029 amount of available state funds * * * for that purpose, each such
6030 applicant may receive assistance according to the following
6031 allowances:

6032 (a) If the applicant chooses to attend a private
6033 school, a parochial school or a speech, hearing and/or language
6034 clinic having an appropriate program for the applicant, and if the
6035 school or clinic meets federal and state regulations, then the
6036 educational costs reimbursement will be one hundred percent (100%)
6037 of the first Six Hundred Dollars (\$600.00) in educational costs
6038 charged by the school or clinic; or, if the applicant is under six
6039 (6) years of age, and no program appropriate for the child exists
6040 in the public schools of his domicile, then the reimbursement
6041 shall be one hundred percent (100%) of the first Six Hundred
6042 Dollars (\$600.00) in educational costs charged by the school or
6043 clinic, and fifty percent (50%) of the next Eight Hundred Dollars
6044 (\$800.00) in educational costs charged by the school or clinic;

6045 (b) A public school district shall be reimbursed for
6046 the educational costs of an applicant up to an annual maximum
6047 based on a * * * cost factor * * * determined by the State Board
6048 of Education if the following conditions are met: (i) an
6049 applicant in the age range six (6) through twenty (20) requests
6050 the public school district where he resides to provide an
6051 education for him and the nature of the applicant's educational
6052 problem is such that, according to best educational practices, it
6053 cannot be met in the public school district where the child



6054 resides; (ii) the public school district decides to provide the
6055 applicant a free appropriate education by placing him in a private
6056 school, a parochial school or a speech, hearing and/or language
6057 clinic having an appropriate program for the applicant; (iii) the
6058 program meets federal and state regulations; and (iv) the
6059 applicant is approved for financial assistance by a State Level
6060 Review Board established by the State Board of Education. The
6061 Review Board will act on financial assistance requests within five
6062 (5) working days of receipt. Nothing in this paragraph shall
6063 prevent two (2) or more public school districts from forming a
6064 cooperative to meet the needs of low incidence exceptional
6065 children, nor shall the public school be relieved of its
6066 responsibility to provide an education for all children. If state
6067 monies are not sufficient to fund all applicants, there will be a
6068 ratable reduction for all recipients receiving state funds under
6069 this section. School districts may pay additional educational
6070 costs from available federal, state and local funds.

6071 If an exceptional child, as defined in Section 37-23-3, is
6072 placed in a therapeutic or other group home licensed or approved
6073 by the state that has no educational program associated with it,
6074 the local school district in which the home is located shall offer
6075 an appropriate educational program to that child.

6076 At any time that the Individualized Education Program (IEP)
6077 Committee in the district where the home is located determines
6078 that an exceptional child, as defined in Section 37-23-3, residing



6079 in that home can no longer be provided a free appropriate public
6080 education in that school district, and the State Department of
6081 Education agrees with that decision, then the State Department of
6082 Education shall recommend to the Department of Human Services
6083 placement of the child by the Department of Human Services, which
6084 shall take appropriate action. The placement of the exceptional
6085 child in the facility shall be at no cost to the local school
6086 district. Funds available under Sections 37-23-61 through
6087 37-23-77, as well as any available federal funds, may be used to
6088 provide the educational costs of the placement. If the
6089 exceptional child is under the guardianship of the Department of
6090 Human Services or another state agency, the State Department of
6091 Education shall pay only for the educational costs of that
6092 placement, and the other agency shall be responsible for the room,
6093 board and any other costs. The special education and related
6094 services provided to the child shall be in compliance with State
6095 Department of Education and any related federal regulations. The
6096 State Board of Education may promulgate regulations that are
6097 necessary to implement this section; and

6098 (c) If an appropriate local or regional system of care,
6099 including a free appropriate public education, is available for
6100 exceptional children who are currently being served in
6101 out-of-district or Department of Human Services placements
6102 under * * * paragraph (b) of this section or Section 37-23-77,
6103 then the state funds from the State Department of Education that



6104 would have been used for those placements may be paid into a pool
6105 of funds with funds from other state agencies to be used for the
6106 implementation of the individualized plans of care for those
6107 children. If there are sufficient funds to serve additional
6108 exceptional children because of cost savings as a result of
6109 serving these students at home and/or matching the pooled funds
6110 with federal dollars, the funds may be used to implement
6111 individualized plans of care for those additional exceptional
6112 children. Each local or regional provider of services included in
6113 the individualized plans of care shall comply with all appropriate
6114 state and federal regulations. The State Board of Education may
6115 promulgate regulations that are necessary to implement this
6116 section.

6117 The State Department of Education may also provide for the
6118 payment of that financial assistance in installments and for
6119 proration of that financial assistance in the case of children
6120 attending a school or clinic for less than a full school session
6121 and, if available funds are insufficient, may allocate the
6122 available funds among the qualified applicants and local school
6123 districts by reducing the maximum assistance provided for in this
6124 section.

6125 Any monies provided an applicant under Sections 37-23-61
6126 through 37-23-75 shall be applied by the receiving educational
6127 institution as a reduction in the amount of the educational costs
6128 paid by the applicant, and the total educational costs paid by the



6129 applicant shall not exceed the total educational costs paid by any
6130 other child in similar circumstances enrolled in the same program
6131 in that institution. However, this limitation shall not prohibit
6132 the waiving of all or part of the educational costs for a limited
6133 number of children based upon demonstrated financial need, and the
6134 State Department of Education may adopt and enforce reasonable
6135 rules and regulations to carry out the intent of these provisions.

6136 **SECTION 63.** Section 37-23-109, Mississippi Code of 1972, is
6137 amended as follows:

6138 37-23-109. Any child development center created under the
6139 provisions of Sections 37-23-91 through 37-23-111 shall be
6140 entitled to receive all contributions and benefits allowed to the
6141 other school districts from the federal and state governments
6142 including, but not limited to, contributions on the basis of
6143 the * * * net enrollment per child, school textbooks and school
6144 lunch program.

6145 **SECTION 64.** Section 37-23-179, Mississippi Code of 1972, is
6146 amended as follows:

6147 37-23-179. (1) The board shall specifically promulgate
6148 rules, regulations and guidelines which establish model programs
6149 of gifted education and also establish minimum criteria for gifted
6150 education programs. In providing programs of gifted education,
6151 the local district may use the model programs prepared by the
6152 board or may itself develop programs of gifted education which,
6153 prior to being implemented, shall be approved by the board,



6154 provided, that no such plan or program shall be approved or
6155 continued unless it meets the minimum criteria established by the
6156 board.

6157 (2) There is hereby created within the department an office
6158 for gifted education which shall be staffed by such professional,
6159 support and clerical personnel as may be necessary to implement
6160 the provisions of Sections 37-23-171 through 37-23-181.

6161 (3) All local school districts may have programs of gifted
6162 education for intellectually, creatively and/or artistically
6163 gifted students in Grades 2 through 12 and for academically gifted
6164 students in Grades 9 through 12 approved by the board. Beginning
6165 with the 1993-1994 school year, all local school districts shall
6166 have programs of gifted education for intellectually gifted
6167 students in Grade 2, subject to the approval of the State Board of
6168 Education and the availability of funds appropriated therefor by
6169 line-item. Beginning with the 1994-1995 school year, all local
6170 school districts shall have programs of gifted education for
6171 intellectually gifted students in Grades 2 and 3, subject to the
6172 approval of the State Board of Education. Beginning with the
6173 1995-1996 school year, all local school districts shall have
6174 programs of gifted education for intellectually gifted students in
6175 Grades 2, 3 and 4 subject to the approval of the State Board of
6176 Education. Beginning with the 1996-1997 school year, all local
6177 school districts shall have programs of gifted education for
6178 intellectually gifted students in Grades 2, 3, 4 and 5, subject to



6179 the approval of the State Board of Education. Beginning with the
6180 1997-1998 school year, all local school districts shall have
6181 programs of gifted education for intellectually gifted students in
6182 Grades 2, 3, 4, 5 and 6, subject to the approval of the State
6183 Board of Education. * * * Each local school district shall
6184 include as a part of its five-year plan a description of any
6185 proposed gifted education programs of the district. * * *

6186 **SECTION 65.** Section 37-27-55, Mississippi Code of 1972, is
6187 amended as follows:

6188 37-27-55. When any pupils shall attend any agricultural high
6189 school or community or junior college under the provisions of
6190 Section 37-27-51, such pupils shall be reported and accounted for
6191 the allocation of * * * total funding formula funds provided in
6192 this act and building funds just as though such pupils were
6193 attending the regular schools of the district in which they
6194 reside. For this purpose reports shall be made to the board of
6195 trustees of the school district involved by the agricultural high
6196 school or community or junior college of the number of children
6197 in * * * net enrollment, and the * * * net enrollment of such
6198 pupils shall thereupon be included in reports made to the county
6199 or school district * * *. The allocation of * * * total funding
6200 formula funds and state public school building funds shall be made
6201 for such children just as though such children were attending the
6202 regular schools of the district. However, all * * * total funding
6203 formula funds which accrue to any district as a result of the



6204 pupils who are in attendance at such agricultural high school or
6205 community or junior college * * * shall be paid by the board of
6206 trustees of the municipal separate school district or the county
6207 board of education, as the case may be, to the agricultural high
6208 school or community or junior college at which the pupils are in
6209 attendance, and shall be expended by said agricultural high school
6210 or community or junior college for the instruction of said
6211 pupils * * *. Funds allotted to the school district for building
6212 purposes under Chapter 47 of this title, shall, however, be
6213 retained by the school district entitled thereto. The term
6214 "school district" as used in Sections 37-27-51 through 37-27-59
6215 shall be defined as including all public school districts in this
6216 state and also all agricultural high schools not located on the
6217 campus of a community or junior college.

6218 **SECTION 66.** Section 37-27-57, Mississippi Code of 1972, is
6219 amended as follows:

6220 37-27-57. Any additional or supplemental expenses incurred
6221 by the agricultural high school or community or junior college in
6222 the instruction of such pupils above that defrayed by * * * total
6223 funding formula funds as provided in Section 37-27-55, shall be
6224 paid either from the amounts received from the state appropriation
6225 for the support of agricultural high schools or from the tax levy
6226 for the support of such agricultural high school or community or
6227 junior college or from any other funds which such agricultural



6228 high school or community or junior college may have available for
6229 such purpose.

6230 **SECTION 67.** Section 37-28-5, Mississippi Code of 1972, is
6231 amended as follows:

6232 37-28-5. As used in this chapter, the following words and
6233 phrases have the meanings ascribed in this section unless the
6234 context clearly indicates otherwise:

6235 (a) "Applicant" means any person or group that develops
6236 and submits an application for a charter school to the authorizer.

6237 (b) "Application" means a proposal from an applicant to
6238 the authorizer to enter into a charter contract whereby the
6239 proposed school obtains charter school status.

6240 (c) "Authorizer" means the Mississippi Charter School
6241 Authorizer Board established under Section 37-28-7 to review
6242 applications, decide whether to approve or reject applications,
6243 enter into charter contracts with applicants, oversee charter
6244 schools, and decide whether to renew, not renew, or revoke charter
6245 contracts.

6246 (d) "Charter contract" means a fixed-term, renewable
6247 contract between a charter school and the authorizer which
6248 outlines the roles, powers, responsibilities and performance
6249 expectations for each party to the contract.

6250 (e) "Charter school" means a public school that is
6251 established and operating under the terms of charter contract
6252 between the school's governing board and the authorizer. The term



6253 "charter school" includes a conversion charter school and start-up
6254 charter school.

6255 (f) "Conversion charter school" means a charter school
6256 that existed as a noncharter public school before becoming a
6257 charter school.

6258 (g) "Education service provider" means a charter
6259 management organization, school design provider or any other
6260 partner entity with which a charter school intends to contract for
6261 educational design, implementation or comprehensive management.

6262 (h) "Governing board" means the independent board of a
6263 charter school which is party to the charter contract with the
6264 authorizer and whose members have been elected or selected
6265 pursuant to the school's application.

6266 (i) "Noncharter public school" means a public school
6267 that is under the direct management, governance and control of a
6268 school board or the state.

6269 (j) "Parent" means a parent, guardian or other person
6270 or entity having legal custody of a child.

6271 (k) "School board" means a school board exercising
6272 management and control over a local school district and the
6273 schools of that district pursuant to the State Constitution and
6274 state statutes.

6275 (l) "School district" means a governmental entity that
6276 establishes and supervises one or more public schools within its
6277 geographical limits pursuant to state statutes.



6278 (m) "Start-up charter school" means a charter school
6279 that did not exist as a noncharter public school before becoming a
6280 charter school.

6281 (n) "Student" means any child who is eligible for
6282 attendance in a public school in the state.

6283 (o) "Underserved students" means students * * *
6284 qualifying as low-income or qualifying for a special education
6285 program under Section 37-151-201.

6286 **SECTION 68.** Section 37-28-53, Mississippi Code of 1972, is
6287 amended as follows:

6288 37-28-53. (1) Each charter school shall certify annually to
6289 the State Department of Education its student enrollment, * * *
6290 net enrollment and student participation in * * * federal
6291 programs * * *.

6292 (2) Each charter school shall certify annually to the school
6293 board of the school district in which the charter school is
6294 located the number of enrolled charter school students residing in
6295 the school district.

6296 **SECTION 69.** Section 37-28-55, Mississippi Code of 1972, is
6297 amended as follows:

6298 37-28-55. (1) (a) The State Department of Education shall
6299 make payments to charter schools for each student in * * * net
6300 enrollment at the charter school, as determined under Section
6301 37-151-207, equal to the state share of * * * total funding



6302 formula payments for each student * * *, as determined under
6303 Section 37-151-211.

6304 (b) Payments made pursuant to this subsection by the
6305 State Department of Education must be made at the same time and in
6306 the same manner as * * * total funding formula payments are made
6307 to school districts under Sections 37-151-101 and 37-151-103.
6308 Amounts payable to a charter school must be determined by the
6309 State Department of Education pursuant to this section and the
6310 total funding formula. * * * Enrollment projections made under
6311 Section 37-151-207 to determine the net enrollment of a charter
6312 school for calculating the state share payment must be reconciled
6313 with * * * a charter school's * * * net enrollment using months
6314 two (2) and three (3) * * * for the * * * year for which * * *
6315 total funding formula funds are being appropriated, and any
6316 necessary adjustments must be made to payments during the school's
6317 following year of operation. Any necessary adjustment must be
6318 based on the state share of the per pupil amount in effect for the
6319 year for which net membership did not meet enrollment projections
6320 and not any new amount appropriated for the year in which the
6321 adjustment will be made. If a charter school is closed by the
6322 authorizer before the following year, it must pay to the state any
6323 amounts due before completion of the closure.

6324 (2) (a) For students attending a charter school located in
6325 the school district in which the student resides, the school
6326 district in which * * * the charter school is located shall pay



6327 directly to the charter school an amount * * * as follows: the
6328 sum of the local pro rata amount, as calculated by the State
6329 Department of Education in accordance with Section
6330 37-151-211(2)(b) (local contribution), and the local pro rata
6331 amount, as calculated by the State Department of Education in
6332 accordance with Section 37-57-105 (school district operational
6333 levy), multiplied by the number of resident students enrolled in
6334 the charter school, based on the charter school's months two (2)
6335 and three (3) net enrollment of resident students for the current
6336 school year. However, the amount to the charter school may not
6337 include any taxes levied for the retirement of the local school
6338 district's bonded indebtedness or short-term notes or any taxes
6339 levied for the support of vocational-technical education
6340 programs. * * *

6341 (b) The amount must be paid by the school district to the
6342 charter school before January 16 of the current fiscal year. If
6343 the local school district does not pay the required amount to the
6344 charter school before January 16, the State Department of
6345 Education shall reduce the local school district's January
6346 transfer of * * * total funding formula funds by the amount owed
6347 to the charter school and shall redirect that amount to the
6348 charter school. Any such payments made under this * * * paragraph
6349 by the State Department of Education to a charter school must be
6350 made at the same time and in the same manner as * * * total



6351 funding formula payments are made to school districts under
6352 Sections 37-151-101 and 37-151-103.

6353 (3) (a) For students attending a charter school located in
6354 a school district in which the student does not reside, the State
6355 Department of Education shall pay to the charter school in which
6356 the students * * * are enrolled an amount as follows: the sum of
6357 the local pro rata amount, as calculated by the State Department
6358 of Education in accordance with Section 37-151-211(2)(b) (local
6359 contribution), and the local pro rata amount, as calculated by the
6360 State Department of Education in accordance with Section 37-57-105
6361 (school district operational levy), multiplied by the number of
6362 students enrolled in the charter school but residing in that
6363 district, based on the charter school's months two (2) and three
6364 (3) net enrollment of these students for the current school year.
6365 However, the amount to the charter school may not include * * *
6366 any taxes levied for the retirement of the local school district's
6367 bonded indebtedness or short-term notes or any taxes levied for
6368 the support of vocational-technical education programs.

6369 (b) * * * The State Department of Education shall
6370 reduce the school district's January transfer of * * * total
6371 funding formula funds by the amount owed to the charter school and
6372 shall redirect that amount to the charter school. Any such
6373 payments made under this subsection (3) by the State Department of
6374 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



6400 only to offset excess costs of providing services to students with
6401 disabilities enrolled in the charter school.

6402 (5) (a) The State Department of Education shall disburse
6403 state transportation funding to a charter school on the same basis
6404 and in the same manner as it is paid to school districts * * *.

6405 (b) A charter school may enter into a contract with a
6406 school district or private provider to provide transportation to
6407 the school's students.

6408 (6) The State Department of Education shall disburse
6409 Education Enhancement Funds for classroom supplies, instructional
6410 materials and equipment, including computers and computer software
6411 to all eligible charter school teachers on the same basis and in
6412 the same manner as it is paid to school districts under Section
6413 37-61-33(3)(a)(iii) for the purpose of issuing procurement cards
6414 or credentials for a digital solution to eligible teachers.

6415 **SECTION 70.** Section 37-29-1, Mississippi Code of 1972, is
6416 amended as follows:

6417 37-29-1. (1) The creation, establishment, maintenance and
6418 operation of community colleges is authorized. Community colleges
6419 may admit students if they have earned one (1) unit less than the
6420 number of units required for high school graduation established by
6421 State Board of Education policy or have earned a High School
6422 Equivalency Diploma in courses correlated to those of senior
6423 colleges or professional schools. Subject to the provisions of
6424 Section 75-76-34, they shall offer, without limitation, education



6425 and training preparatory for occupations such as agriculture,
6426 industry of all kinds, business, homemaking and for other
6427 occupations on the semiprofessional and vocational-technical
6428 level. They may offer courses and services to students regardless
6429 of their previous educational attainment or further academic
6430 plans.

6431 (2) The boards of trustees of the community college
6432 districts are authorized to establish an early admission program
6433 under which applicants having a minimum ACT composite score of
6434 twenty-six (26) or the equivalent SAT score may be admitted as
6435 full-time college students if the principal or guidance counselor
6436 of the student recommends in writing that it is in the best
6437 educational interest of the student. Such recommendation shall
6438 also state that the student's age will not keep him from being a
6439 successful full-time college student. Students admitted in the
6440 early admission program shall not be counted for * * * total
6441 funding formula purposes in the * * * net enrollment of the school
6442 district in which they reside, and transportation required by a
6443 student to participate in the early admission program shall be the
6444 responsibility of the parents or legal guardians of the student.
6445 Grades and college credits earned by students admitted to the
6446 early admission program shall be recorded on the college
6447 transcript at the community college where the student attends
6448 classes, and may be released to another institution or used for



6449 college graduation requirements only after the student has
6450 successfully completed one (1) full semester of course work.

6451 (3) The community colleges shall provide, through courses or
6452 other acceptable educational measures, the general education
6453 necessary to individuals and groups which will tend to make them
6454 capable of living satisfactory lives consistent with the ideals of
6455 a democratic society.

6456 **SECTION 71.** Section 37-29-272, Mississippi Code of 1972, is
6457 amended as follows:

6458 37-29-272. The board of trustees of any community college
6459 district in the state maintaining and operating an agricultural
6460 high school on July 1, 1994, is hereby authorized to transfer the
6461 control, maintenance and operation of said agricultural high
6462 school, including the transfer of title to all real and personal
6463 property used for agricultural high school purposes, to the county
6464 board of education of the county in which the school is located.
6465 Upon the acceptance by the county board of education and before an
6466 order authorizing such transfer shall be entered, the board of
6467 trustees of the community college district and the county board of
6468 education in which such school is located shall by joint
6469 resolution agree in writing on the terms of such transfer, the
6470 extent of the rights of use and occupancy of the school and
6471 grounds, and the control, management, preservation and
6472 responsibility of transportation of students to such premises, to
6473 be spread upon the minutes of each governing authority. Upon such



6474 transfer, the county board of education may abolish the
6475 agricultural high school as a distinct school, and merge its
6476 activities, programs and students into the regular high school
6477 curricula of the school district. When a community college has
6478 transferred operation of an agricultural high school as provided
6479 herein, the pupils attending such school shall be reported,
6480 accounted for allocation of * * * total funding formula funds and
6481 entitled to school transportation as though such pupils were
6482 attending the schools of the school district in which they reside,
6483 as provided in Sections 37-27-53 and 37-27-55 * * *. When any
6484 agricultural high school is transferred by the board of trustees
6485 of a community college to the county board of education as
6486 provided in this section, all laws relating to agricultural high
6487 school tax levies for the support or retirement of bonded
6488 indebtedness for agricultural high schools shall continue in full
6489 force and effect for the transferring community college district
6490 until current obligations on all bonded indebtednesses related to
6491 agriculture high schools have been satisfied and retired.

6492 **SECTION 72.** Section 37-29-303, Mississippi Code of 1972, is
6493 amended as follows:

6494 37-29-303. As used in Sections 37-29-301 through 37-29-305,
6495 the following terms shall be defined as provided in this section:

6496 (a) "Full-time equivalent (FTE) enrollment" means the
6497 process by which the Southern Regional Education Board (SREB)
6498 calculates FTE by taking total undergraduate semester credit hours



6499 divided by thirty (30); total undergraduate quarter hours divided
6500 by forty-five (45); total graduate semester credit hours divided
6501 by twenty-four (24); and total graduate quarter hours divided by
6502 thirty-six (36).

6503 (b) "State funds" means all funds appropriated by the
6504 Legislature including funds from the State General Fund, Education
6505 Enhancement Fund, Budget Contingency Fund and Health Care
6506 Expendable Fund.

6507 (c) "E & G operations" means education and general
6508 expenses of the colleges and universities.

6509 (d) * * * "Net enrollment" has the same meaning as
6510 ascribed to that term under Section 37-151-201.

6511 **SECTION 73.** Section 37-31-13, Mississippi Code of 1972, is
6512 amended as follows:

6513 37-31-13. (1) Any appropriation that may be made under the
6514 provisions of Sections 37-31-1 through 37-31-15 shall be used by
6515 the board for the promotion of vocational education as provided
6516 for in the "Smith-Hughes Act" and for the purpose set forth in
6517 Sections 37-31-1 through 37-31-15. The state appropriation shall
6518 not be used for payments to high schools which are now receiving
6519 other state funds, except in lieu of not more than one-half (1/2)
6520 the amount that may be due such high schools from federal funds.
6521 Only such portion of the state appropriation shall be used as may
6522 be absolutely necessary to carry out the provisions of Sections
6523 37-31-1 through 37-31-15, and to meet the federal requirements.



6524 Except as provided in subsection (2) of this section, the state
6525 appropriation shall not be used for payments to high schools for
6526 conducting vocational programs for more than ten (10) months in
6527 any school year, and only funds other than * * * total funding
6528 formula funds may be expended for such purpose.

6529 (2) Subject to annual approval by the State Board of
6530 Education, extended contracts for vocational agriculture education
6531 services and other related vocational education services which
6532 contribute to economic development may be conducted by local
6533 school districts, and state appropriations may be used for
6534 payments to school districts providing such services. The board
6535 of trustees of each school district shall determine whether any
6536 proposed services contribute to the economic development of the
6537 area. Local districts may apply to the Division of Vocational and
6538 Technical Education of the State Department of Education for any
6539 state funds available for these extended contracts. The State
6540 Board of Education shall establish the application process and the
6541 selection criteria for this program. The number of state funded
6542 extended contracts approved by the State Board of Education will
6543 be determined by the availability of funds specified for this
6544 purpose. The State Board of Education's decision shall be final.
6545 Payments under this subsection shall only be available to those
6546 high schools whose teachers of vocational programs are responsible
6547 for the following programs of instruction during those months
6548 between the academic years: (a) supervision and instruction of



6549 students in agricultural or other vocational experience programs;
6550 (b) group and individual instruction of farmers and
6551 agribusinessmen; (c) supervision of student members of youth
6552 groups who are involved in leadership training or other activity
6553 required by state or federal law; or (d) any program of vocational
6554 agriculture or other vocational-related services established by
6555 the Division of Vocational and Technical Education of the State
6556 Department of Education that contribute to the economic
6557 development of the geographic area.

6558 **SECTION 74.** Section 37-31-75, Mississippi Code of 1972, is
6559 amended as follows:

6560 37-31-75. The various counties, municipalities, school
6561 districts and community and junior college districts which may
6562 become parties to any agreement authorized by Sections 37-31-71
6563 through 37-31-79 are authorized to appropriate and expend any and
6564 all funds which may be required to carry out the terms of the
6565 agreement from any funds available to any party to the agreement
6566 not otherwise appropriated without limitation as to the source of
6567 the funds, including * * * total funding formula funds, sixteenth
6568 section funds, funds received from the federal government or other
6569 sources by way of grant, donation or otherwise, and funds which
6570 may be available to any such party through the State Department of
6571 Education or any other agency of the state, regardless of the
6572 party to the agreement designated by the agreement to be primarily
6573 responsible for the construction or operation of the regional



6574 education center and regardless of the limitation on the
6575 expenditure of any funds imposed by any other statute. However,
6576 no funds whose use was originally limited to the construction of
6577 capital improvements shall be utilized for the purpose of
6578 defraying the administrative or operating costs of any regional
6579 education center. Any one or more of the parties to an agreement
6580 may be designated as the fiscal agent or contracting party in
6581 carrying out any of the purposes of the agreement, and any and all
6582 funds authorized to be spent by any of the parties may be paid
6583 over to the fiscal agent or contracting party for disbursement by
6584 the fiscal agent or contracting party. Disbursements shall be
6585 made and contracted for under the laws and regulations applicable
6586 to the fiscal or disbursing agent, except to the extent they may
6587 be extended or modified by the provisions of Sections 37-31-71
6588 through 37-31-79. All of the parties to the agreement may issue
6589 bonds, negotiable notes or other evidences of indebtedness for the
6590 purpose of providing funds for the acquisition of land and for the
6591 construction of buildings and permanent improvements under the
6592 terms of the agreement under any existing laws authorizing the
6593 issuance or sale of bonds, negotiable notes or other evidences of
6594 indebtedness to provide funds for any capital improvement.

6595 **SECTION 75.** Section 37-35-3, Mississippi Code of 1972, is
6596 amended as follows:

6597 37-35-3. (1) The board of trustees of any school district,
6598 including any community or junior college, may establish and



6599 maintain classes for adults, including general educational
6600 development classes, under the regulations authorized in this
6601 chapter and pursuant to the standards prescribed in subsection
6602 (3). The property and facilities of the public school districts
6603 may be used for this purpose where such use does not conflict with
6604 uses already established.

6605 (2) The trustees of any school district desiring to
6606 establish such program may request the taxing authority of the
6607 district to levy additional ad valorem taxes for the support of
6608 this program. The board of supervisors, in the case of a county
6609 school district, a special municipal separate school district, or
6610 a community or junior college district, and the governing
6611 authority of any municipality, in the case of a municipal separate
6612 school district, is authorized, in its discretion, to levy a tax
6613 not exceeding one (1) mill upon all the taxable property of the
6614 district for the support of this program. The tax shall be in
6615 addition to all other taxes authorized by law to be levied. In
6616 addition to the funds realized from any such levy, the board of
6617 trustees of any school district is authorized to use any surplus
6618 funds that it may have or that may be made available to it from
6619 local sources to supplement this program.

6620 (3) (a) Any student participating in an approved High
6621 School Equivalency Diploma Option program administered by a local
6622 school district or a local school district with an approved
6623 contractual agreement with a community or junior college or other



6624 local entity shall not be considered a dropout. Students in such
6625 a program administered by a local school district shall be
6626 considered as enrolled within the school district of origin for
6627 the purpose of enrollment for * * * total funding formula funds
6628 only. Such students shall not be considered as enrolled in the
6629 regular school program for academic or programmatic purposes.

6630 (b) Students participating in an approved High School
6631 Equivalency Diploma Option program shall have an individual career
6632 plan developed at the time of placement to insure that the
6633 student's academic and job skill needs will be met. The
6634 Individual Career Plan will address, but is not limited to, the
6635 following:

6636 (i) Academic and instructional needs of the
6637 student;

6638 (ii) Job readiness needs of the student; and

6639 (iii) Work experience program options available
6640 for the student.

6641 (c) Students participating in an approved High School
6642 Equivalency Diploma Option program may participate in existing job
6643 and skills development programs or in similar programs developed
6644 in conjunction with the High School Equivalency Diploma Option
6645 program and the vocational director.

6646 (d) High School Equivalency Diploma Option programs may
6647 be operated by local school districts or may be operated by two
6648 (2) or more adjacent school districts, pursuant to a contract



6649 approved by the State Board of Education. When two (2) or more
6650 school districts contract to operate a High School Equivalency
6651 Diploma Option program, the school board of a district designated
6652 to be the lead district shall serve as the governing board of the
6653 High School Equivalency Diploma Option program. Transportation
6654 for students placed in the High School Equivalency Diploma Option
6655 program shall be the responsibility of the school district of
6656 origin. The expense of establishing, maintaining and operating
6657 such High School Equivalency Diploma Option programs may be paid
6658 from funds made available to the school district through
6659 contributions, * * * total funding formula funds or from local
6660 district maintenance funds.

6661 (e) The State Department of Education will develop
6662 procedures and criteria for placement of a student in the High
6663 School Equivalency Diploma Option programs. Students placed in
6664 High School Equivalency Diploma Option programs shall have
6665 parental approval for such placement and must meet the following
6666 criteria:

6667 (i) The student must be at least sixteen (16)
6668 years of age;

6669 (ii) The student must be at least one (1) full
6670 grade level behind his or her ninth grade cohort or must have
6671 acquired less than four (4) Carnegie units;



6672 (iii) The student must have taken every
6673 opportunity to continue to participate in coursework leading to a
6674 diploma; and

6675 (iv) The student must be certified to be eligible
6676 to participate in the GED course by the school district
6677 superintendent, based on the developed criteria.

6678 (f) Students participating in an approved High School
6679 Equivalency Diploma Option program, who are enrolled in subject
6680 area courses through January 31 in a school with a traditional
6681 class schedule or who are enrolled in subject area courses through
6682 October 31 or through March 31 in a school on a block schedule,
6683 shall be required to take the end-of-course subject area tests for
6684 those courses in which they are enrolled.

6685 **SECTION 76.** Section 37-37-3, Mississippi Code of 1972, is
6686 amended as follows:

6687 37-37-3. In addition to all auditors and other employees now
6688 or hereafter provided by law, the State Auditor may appoint and
6689 employ examiners in the Department of Audit. The examiners shall
6690 make such audits as may be necessary to determine the correctness
6691 and accuracy of all reports made to the State Department of
6692 Education by any school district or school official concerning the
6693 number of educable students in any school district, the number of
6694 students enrolled in any school district, the number of students
6695 in * * * net enrollment in any school district, and the number of



6696 students being transported or entitled to transportation to any of
6697 the public schools of this state.

6698 **SECTION 77.** Section 37-41-7, Mississippi Code of 1972, is
6699 amended as follows:

6700 37-41-7. The local school board is hereby authorized,
6701 empowered and directed to lay out all transportation routes and
6702 provide transportation for all school children who are entitled to
6703 transportation within their respective counties and school
6704 districts.

6705 Any school district may, in the discretion of the school
6706 board, expend funds from any funds available to the school
6707 district * * *, including the amounts derived from district tax
6708 levies, sixteenth section funds, and all other available funds,
6709 for the purpose of supplementing funds available to the school
6710 board for paying transportation costs * * * not covered by * * *
6711 total funding formula funds as provided in this act.

6712 **SECTION 78.** Section 37-45-49, Mississippi Code of 1972, is
6713 amended as follows:

6714 37-45-49. Any cost or fees provided by this chapter to be
6715 paid by any county board of education or board of trustees of a
6716 municipal separate school district may be paid by the county board
6717 of education from * * * any school funds of the district other
6718 than * * * total funding formula funds, and by the municipal
6719 separate school district from the maintenance funds of the
6720 district, other than * * * total funding formula funds. Any fees



6721 or costs provided by this chapter to be paid by the * * *
6722 department may be paid from the funds appropriated for its
6723 operation.

6724 **SECTION 79.** Section 37-47-9, Mississippi Code of 1972, is
6725 amended as follows:

6726 37-47-9. It is found and determined that the state should
6727 make an annual grant of Twenty-four Dollars (\$24.00) for each
6728 child in * * * net enrollment in the public schools of the various
6729 school districts of this state during each school year, and that
6730 such monies should be applied for the purpose of establishing and
6731 maintaining adequate physical facilities for the public school
6732 district and/or the payment of existing debt therefor.

6733 The grant to which each public school is entitled under the
6734 provisions of this section shall be credited to the school
6735 district of which such school is part. If any change is made in
6736 the operation or boundaries of any such school district, equitable
6737 reallocations shall be made by the * * * department of all
6738 balances to the credit of such school district, and all debits
6739 charged against the districts affected by the change in the
6740 boundaries or system of operation. The obligation of the state to
6741 make remittance of the sums appropriated or otherwise provided to
6742 make the annual grants provided by this section shall be
6743 subordinate to the pledge made to secure the state school bonds
6744 authorized under this chapter and the sinking fund created for
6745 their retirement. The grants shall be computed annually as soon



6746 as practicable after the end of the school year, and shall be
6747 based on the * * * net enrollment for such school year in all of
6748 the public schools operated by each school district as determined
6749 by the State Department of Education.

6750 **SECTION 80.** Section 37-47-25, Mississippi Code of 1972, is
6751 amended as follows:

6752 37-47-25. Whenever the State Department of Education shall
6753 determine that any school district is in need of capital
6754 improvements to an extent in excess of that which may be financed
6755 by the credit then due such school district by the department, the
6756 department shall be empowered to advance or lend * * * the school
6757 district such sums as in the opinion of the department are
6758 necessary to be expended for capital improvements by * * * that
6759 school district. Such loans or advances shall be evidenced by
6760 appropriate agreements, and shall be repayable in principal by the
6761 school district from the annual grants to which the school
6762 district shall become entitled and from such other funds as may be
6763 available. Such loans or advances shall not constitute a debt of
6764 the school district within the meaning of any provision or
6765 limitation of the Constitution or statutes of the State of
6766 Mississippi. The department shall not advance or lend to any
6767 school district any sum in excess of seventy-five percent (75%) of
6768 the estimated sum which will accrue to the * * * school district
6769 on account of grants to be made to the * * * school district
6770 within the twenty (20) years next following the date of the loan



6771 or advance. In determining the maximum allowable advance or loan,
6772 the department shall assume that the * * * net enrollment in the
6773 schools of the school district for the past preceding scholastic
6774 year, as confirmed by the audit of * * * net enrollment made by
6775 the State Department of Audit, will continue for the period during
6776 which the loan is to be repaid.

6777 **SECTION 81.** Section 37-47-33, Mississippi Code of 1972, is
6778 amended as follows:

6779 37-47-33. For the purpose of: (a) providing funds to enable
6780 the State Board of Education to make loans or advances to school
6781 districts as provided by Section 37-47-25 * * *; (b) providing
6782 funds for the payment and redemption of certificates of credit
6783 issued to school districts under Section 37-47-23, when such funds
6784 are not otherwise available * * *; or (c) providing funds in an
6785 amount not exceeding Twenty Million Dollars (\$20,000,000.00) for
6786 the payment of allocations of * * * total funding formula funds to
6787 school districts for capital expenditures approved under this act
6788 by the State Board of Education which have not been pledged for
6789 debt by the school district, when such funds are not otherwise
6790 available * * *, the State Bond Commission is authorized and
6791 empowered to issue state school bonds under the conditions
6792 prescribed in this chapter. The aggregate principal amount of
6793 such bonds outstanding at any one (1) time, after deducting the
6794 amount of the sinking fund provided for the retirement of bonds
6795 issued for such purposes, shall never exceed the sum of One



6796 Hundred Million Dollars (\$100,000,000.00). Within such limits,
6797 however, state school bonds may be issued from time to time under
6798 the conditions prescribed in this chapter. None of such bonds so
6799 issued shall have a maturity date later than July 1, 2021.

6800 **SECTION 82.** Section 37-61-3, Mississippi Code of 1972, is
6801 amended as follows:

6802 37-61-3. The * * * total funding formula allotments * * * to
6803 the public school districts and the funds derived from the
6804 supplemental school district tax levies authorized by law shall be
6805 used exclusively for the support, maintenance and operation of the
6806 schools in the manner provided by law for the fiscal years for
6807 which such funds were appropriated, collected or otherwise made
6808 available, and no part of said funds or allotments shall be used
6809 in paying any expenses incurred during any preceding fiscal year.
6810 However, this shall not be construed to prohibit the payment of
6811 expenses incurred during the fiscal year after the close of such
6812 fiscal year from amounts remaining on hand at the end of such
6813 fiscal year, provided that such expenses were properly payable
6814 from such amounts. Moreover, this shall not be construed to
6815 prohibit the payment of the salaries of superintendents,
6816 principals and teachers and other school employees whose salaries
6817 are payable in twelve (12) monthly installments after the close of
6818 the fiscal year from amounts on hand for such purpose at the end
6819 of the fiscal year.



6820 **SECTION 83.** Section 37-61-5, Mississippi Code of 1972, is
6821 amended as follows:

6822 37-61-5. If in any year there should remain a balance in
6823 the * * * total funding formula funds of any school district on
6824 June 30 which amount is not to be used or is not needed in the
6825 payment of expenses for the preceding fiscal year properly payable
6826 out of such * * * total funding formula funds, then such balance
6827 on hand to the credit of such * * * funds of the school district
6828 shall be carried forward as a part of such * * * total funding
6829 formula funds for the next succeeding fiscal year. The proper pro
6830 rata part of the amount so carried forward, to be determined by
6831 the percentage which the state * * * total funding formula
6832 funds * * * during the year bore to the entire amount * * * of the
6833 school district's total funding formula funds, shall be charged
6834 against and deducted from the amount which the school district is
6835 allotted from state * * * total funding formula funds for the
6836 succeeding fiscal year, in a manner prescribed by the State
6837 Auditor. The remainder of the amount so carried forward may be
6838 deducted from the amount which the school district is required to
6839 produce as its local minimum ad valorem tax effort for the support
6840 of the * * * total funding formula for the succeeding fiscal
6841 year * * *.

6842 **SECTION 84.** Section 37-61-7, Mississippi Code of 1972, is
6843 amended as follows:



6844 37-61-7. If at the end of any fiscal year there should
6845 remain a balance in the school district fund of any school
6846 district which is not needed and is not to be used for paying the
6847 expenses properly payable out of such district fund for the
6848 preceding fiscal year, such balance shall be carried forward as a
6849 part of the school district fund for the next fiscal year and used
6850 and expended in the manner otherwise provided by law. Nothing in
6851 this section shall be construed as applying to balances * * * of
6852 total funding formula funds of a school district, and balances
6853 remaining in such funds shall be governed by Section 37-61-5.

6854 **SECTION 85.** Section 37-61-19, Mississippi Code of 1972, is
6855 amended as follows:

6856 37-61-19. It shall be the duty of the superintendents of
6857 schools and the school boards of all school districts to limit the
6858 expenditure of school funds during the fiscal year to the
6859 resources available. It shall be unlawful for any school district
6860 to budget expenditures from a fund in excess of the resources
6861 available within that fund. Furthermore, it shall be unlawful for
6862 any contract to be entered into or any obligation incurred or
6863 expenditure made in excess of the resources available for such
6864 fiscal year. Any member of the school board, superintendent of
6865 schools, or other school official, who shall knowingly enter into
6866 any contract, incur any obligation, or make any expenditure in
6867 excess of the amount available for the fiscal year shall be
6868 personally liable for the amount of such excess. However, no



6869 school board member, superintendent or other school official shall
6870 be personally liable: (a) in the event of any reduction in * * *
6871 total funding formula payments by action of the Governor acting
6872 through the Department of Finance and Administration * * *; or (b)
6873 for claims, damages, awards or judgments, on account of any
6874 wrongful or tortious act or omission or breach of implied term or
6875 condition of any warranty or contract * * *. However, * * * the
6876 foregoing immunity provisions shall not be a defense in cases of
6877 fraud, criminal action or an intentional breach of fiduciary
6878 obligations imposed by statute.

6879 **SECTION 86.** Section 37-61-29, Mississippi Code of 1972, is
6880 amended as follows:

6881 37-61-29. The State Department of Audit is hereby authorized
6882 and empowered to post-audit and investigate the financial affairs
6883 and all transactions involving the school funds of the * * *
6884 school district including the * * * total funding formula funds
6885 and supplementary district school funds, and to make separate and
6886 special audits thereof, as now provided by Sections 7-7-201
6887 through 7-7-215 * * *.

6888 **SECTION 87.** Section 37-61-35, Mississippi Code of 1972, is
6889 amended as follows:

6890 37-61-35. There is hereby created a special fund in the
6891 State Treasury to be designated School Ad Valorem Tax Reduction
6892 Fund into which proceeds collected pursuant to Sections
6893 27-65-75(7) and 27-67-31(a) shall be deposited. Beginning with



6894 the 1994 state fiscal year, the entire amount of monies in such
6895 special fund shall be appropriated annually to the State
6896 Department of Education which shall distribute the appropriated
6897 amount to the various school districts in the proportion that
6898 the * * * net enrollment of each school district bears to
6899 the * * * net enrollment of all school districts within the state.
6900 On or before * * * June 1 of each * * * year, the State Department
6901 of Education shall notify each school district of the amount to
6902 which such district is entitled pursuant to this section.

6903 **SECTION 88.** Section 37-61-37, Mississippi Code of 1972, is
6904 amended as follows:

6905 37-61-37. There is established in the State Treasury a fund
6906 known as the "Mississippi Public Education Support Fund"
6907 (hereinafter referred to as "fund"). The fund shall consist of
6908 monies * * * as the Legislature may authorize or direct to be
6909 deposited into the fund. Monies in the fund, upon appropriation
6910 by the Legislature, may be expended by the * * * State Department
6911 of Education for classroom supplies, instructional materials and
6912 equipment, including computers and computer software, to be
6913 distributed to all school districts in the proportion that
6914 the * * * net enrollment of each school district bears to
6915 the * * * net enrollment of all school districts within the state.
6916 Unexpended amounts remaining in the fund at the end of the fiscal
6917 year shall not lapse into the State General Fund, and any interest



6918 earned or investment earnings on amounts in the fund shall be
6919 deposited to the credit of the fund.

6920 **SECTION 89.** Section 37-68-7, Mississippi Code of 1972, is
6921 amended as follows:

6922 37-68-7. (1) There is established the Equity in Distance
6923 Learning Grant Program which shall be administered by the
6924 department for the purpose of reimbursing schools for eligible
6925 expenses incurred in funding their distance learning plans, and in
6926 facilitating safe classroom and remote instruction.

6927 (2) Subject to appropriations by the Legislature,
6928 allocations to schools shall be made based on * * * net
6929 enrollment, as defined in Section * * * 37-151-201. For any
6930 school not funded under * * * the total funding formula, the
6931 department shall calculate the * * * net enrollment equivalent or
6932 fund the school based on enrollment.

6933 (3) Subject to the provisions of this chapter, and other
6934 applicable federal law and regulations, schools shall have the
6935 authority to use the funds provided in this grant program in a way
6936 which best facilitates their distance learning plan, and safe
6937 classroom or remote instruction.

6938 (4) Schools are highly encouraged to commit a portion of
6939 their federal ESSER funds, above the amount required by Section
6940 37-68-11(b), as supplemental matching funds to offset the total
6941 cost of purchasing sufficient electronic devices, technological
6942 supports and systems of service for its distance learning plan.



6943 **SECTION 90.** Section 37-131-7, Mississippi Code of 1972, is
6944 amended as follows:

6945 37-131-7. When any pupils shall attend any demonstration or
6946 practice school under the provisions of Section 37-131-3, such
6947 children shall be reported and accounted for the allocation
6948 of * * * total funding formula funds and state public school
6949 building funds just as though such children were attending the
6950 regular schools of the district in which they reside. For this
6951 purpose, reports shall be made to the school district involved by
6952 the demonstration or practice school of the number of pupils
6953 in * * * net enrollment, and the * * * net enrollment of such
6954 children shall thereupon be included in reports made to the State
6955 Board of Education * * * by the * * * school district * * *.

6956 Allocation of * * * the total funding formula funds shall be
6957 made by the State Board of Education for such children just as
6958 though such children were attending the regular schools of the
6959 district. All * * * total funding formula funds * * * which
6960 accrue to any district as a result of such children who are in
6961 attendance at a demonstration or practice school shall be paid by
6962 the board of trustees of the municipal separate school district or
6963 by the county board of education to the demonstration or practice
6964 school, and shall be used to defray the cost and expense of
6965 maintaining, operating and conducting such demonstration or
6966 practice school.



6967 All state public school building funds which accrue as a
6968 result of such children in attendance at a demonstration or
6969 practice school shall be credited directly to such demonstration
6970 or practice school, and all of the provisions of Chapter 47 of
6971 this title shall be fully applicable thereto.

6972 **SECTION 91.** Section 37-131-9, Mississippi Code of 1972, is
6973 amended as follows:

6974 37-131-9. In addition to the amounts paid to the
6975 demonstration or practice school from * * * total funding formula
6976 funds, as provided in Section 37-131-7, the board of trustees of
6977 the school district involved may contract with the * * *
6978 demonstration or practice school for the payment of additional
6979 amounts thereto to defray expenses over and above those defrayed
6980 by * * * the total funding formula funds, which additional amounts
6981 shall be paid from any funds available to the school district
6982 other than * * * total funding formula funds, whether produced by
6983 a supplemental district tax levy or otherwise.

6984 If the total funds paid to the demonstration or practice
6985 school by the school district are inadequate to defray the cost
6986 and expense of maintaining and operating such demonstration or
6987 practice school then the president or executive head of the
6988 institution may, subject to the approval of the Board of Trustees
6989 of State Institutions of Higher Learning, require the payment of
6990 additional fees or tuition in an amount to be fixed by the
6991 president or executive head of the institution, subject to the



6992 approval of the Board of Trustees of State Institutions of Higher
6993 Learning, which amount shall be paid by and collected from the
6994 student or his parents.

6995 Boards of trustees of school districts involved may designate
6996 an area within the jurisdiction of the board as an attendance
6997 center as provided by law, and may require students in such area
6998 to attend demonstration or practice schools, subject to a
6999 satisfactory contract between the school board and the president
7000 or executive head of the institution operating the demonstration
7001 or practice school. In such event, all fees and tuition must be
7002 borne by the school district and in no case shall the child or the
7003 parents of the child assigned to such demonstration or practice
7004 school be required to pay any fees or tuition.

7005 The president or executive head of the institution, subject
7006 to the approval of the Board of Trustees of State Institutions of
7007 Higher Learning, may also fix the amount of fees and tuition to be
7008 paid by students desiring to attend such demonstration or practice
7009 school in cases where there is no contract with the board of
7010 trustees of the school district in which the students reside
7011 therefor.

7012 All funds received by an institution, under the provisions of
7013 this section, shall be deposited in a special fund and shall be
7014 used and expended solely for the purpose of defraying and paying
7015 the cost and expense of operating, maintaining and conducting such
7016 teachers demonstration and practice school. Such funds may be



7017 supplemented by and used in connection with any other funds
7018 available to the institutions for such purpose whether made
7019 available by legislative appropriation or otherwise.

7020 **SECTION 92.** Section 37-131-11, Mississippi Code of 1972, is
7021 amended as follows:

7022 37-131-11. All demonstration or practice schools established
7023 under the provisions of Section 37-131-1 shall, as far as may be
7024 practicable, be subject to and governed by the same laws as other
7025 public schools of the State of Mississippi, and shall make all
7026 reports required by law to be made by public schools to the State
7027 Board of Education * * * at the same time and in the same manner
7028 as such reports are made by other public schools. However, for
7029 the purpose of the allocation of * * * total funding formula
7030 funds, the reports of children in * * * net enrollment shall be
7031 made to the school district involved by * * * the demonstration or
7032 practice school, and a copy thereof shall be filed with the State
7033 Board of Education. The school district shall use * * * the
7034 reports so filed with it in making its reports to the State Board
7035 of Education for the purpose of the allocation of * * * total
7036 funding formula funds, but the * * * net enrollment of the pupils
7037 attending such demonstration or practice school shall be
7038 segregated and separated in such reports from the * * * net
7039 enrollment in the regular schools of the district.

7040 **SECTION 93.** Section 37-151-9, Mississippi Code of 1972, is
7041 amended as follows:



7042 37-151-9. (1) The State Board of Education and State
7043 Superintendent of Education shall establish within the State
7044 Department of Education a special unit at the division level
7045 called the Office of Educational Accountability. The Director of
7046 the Office of Educational Accountability shall hold a position
7047 comparable to a deputy superintendent and shall be appointed by
7048 the State Board of Education with the advice and consent of the
7049 Senate. He shall serve at the will and pleasure of the State
7050 Board of Education and may employ necessary professional,
7051 administrative and clerical staff. The Director of the Office of
7052 Educational Accountability shall provide all reports to the
7053 Legislature, Governor, Mississippi Commission on School
7054 Accreditation and State Board of Education and respond to any
7055 inquiries for information.

7056 (2) The Office of Educational Accountability is responsible
7057 for monitoring and reviewing programs developed under the
7058 Education Reform Act, the Mississippi Adequate Education Program
7059 Act of 1994, the Education Enhancement Fund, this act, and
7060 subsequent education initiatives, and shall provide information,
7061 recommendations and an annual assessment to the Legislature,
7062 Governor, Mississippi Commission on School Accreditation and the
7063 State Board of Education. * * * The annual assessment of
7064 education reform programs shall be performed by the Office of
7065 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



7091 smallest allowance per pupil in school districts with highest
7092 densities. The total allowance * * * under this section for
7093 transported children for any school district for the current year
7094 shall be the * * * net enrollment of the transported children
7095 for * * * months two (2) and three (3) of the prior year,
7096 multiplied by the allowance per transported pupil as provided
7097 herein. However, the State Department of Education is * * *
7098 authorized and empowered to make proper adjustments in allotments,
7099 under rules and regulations of the State Board of Education, in
7100 cases where major changes in the number of children in * * * net
7101 enrollment transported occur from one (1) year to another as a
7102 result of changes or alterations in the boundaries of school
7103 districts, a change in or relocation of attendance centers, or for
7104 other reasons which would result in major decrease or increase in
7105 the number of children in * * * net enrollment transported during
7106 the current school year as compared with the preceding year.
7107 Moreover, the State Board of Education is hereby authorized and
7108 empowered to make such payments to all districts and/or
7109 university-based programs as deemed necessary in connection with
7110 transporting exceptional children as defined in Section 37-23-3.
7111 The State Board of Education shall establish and implement all
7112 necessary rules and regulations to allot transportation payments
7113 to university-based programs. In developing density
7114 classifications under the provisions hereof, the State Department
7115 of Education may give consideration to the length of the route,



7116 the sparsity of the population, the lack of adequate roads,
7117 highways and bridges, and the presence of large streams or other
7118 geographic obstacles. In addition to funds allotted under the
7119 above provisions, funds shall be allotted to each school district
7120 that transports students from their assigned school or attendance
7121 center to classes in an approved vocational-technical center at a
7122 rate per mile not to exceed the average statewide cost per mile of
7123 school bus transportation during the preceding year exclusive of
7124 bus replacement. All such transportation must have prior approval
7125 by the State Department of Education.

7126 (2) The * * * net enrollment of transported children shall
7127 be reported by the school district in which such children attend
7128 school. If children living in a school district are transported
7129 at the expense of such school district to another school district,
7130 the * * * net enrollment of such transported children shall be
7131 deducted by the State Department of Education from the
7132 aggregate * * * net enrollment of transported children in the
7133 school district in which they attend school and shall be added to
7134 the aggregate * * * net enrollment of transported children of the
7135 school district from which they come for the purpose of
7136 calculating transportation allotments. However, such deduction
7137 shall not be made for the purpose of calculating * * * total
7138 funding formula funding.

7139 (3) The State Department of Education shall include in the
7140 allowance for transportation for each school district an amount



7141 for the replacement of school buses or the purchase of new buses,
7142 which amount shall be calculated upon the estimated useful life of
7143 all school buses being used for the transportation of children in
7144 such school district, whether such buses be publicly or privately
7145 owned.

7146 (4) The school boards of all districts operating school bus
7147 transportation are authorized and directed to establish a salary
7148 schedule for school bus drivers. No school district shall be
7149 entitled to receive the funds herein allotted for transportation
7150 unless it pays each of its nonstudent adult school bus drivers
7151 paid from such transportation allotments a minimum of One Hundred
7152 Ninety Dollars (\$190.00) per month. In addition, local school
7153 boards may compensate school bus drivers, to include temporary or
7154 substitute bus drivers, for actual expenses incurred when
7155 acquiring an initial commercial license or any renewal of a
7156 commercial license in order to drive a school bus. In addition,
7157 local school boards may compensate school bus drivers, to include
7158 temporary or substitute bus drivers, for expenses, not to exceed
7159 One Hundred Dollars (\$100.00), when acquiring an initial medical
7160 exam or any renewal of a medical exam, in order to qualify for a
7161 commercial driver's license.

7162 (5) The State Board of Education shall be authorized and
7163 empowered to use such part of the funds appropriated for
7164 transportation * * * as may be necessary to finance driver
7165 training courses as provided for in Section 37-41-1 * * *.



7166 (6) The State Board of Education, acting through the
7167 Department of Education, may compensate school bus drivers, to
7168 include temporary or substitute bus drivers, who are providing
7169 driving services to the various state operated schools, such as
7170 the Mississippi School for the Deaf, the Mississippi School for
7171 the Blind, the Mississippi School of the Arts, the Mississippi
7172 School for Math and Science and any other similar state operated
7173 schools, for actual expenses incurred when acquiring an initial
7174 commercial license or any renewal of a commercial license in order
7175 to drive a school bus, to include the expense, not to exceed One
7176 Hundred Dollars (\$100.00), of acquiring an initial medical exam or
7177 any renewal of a medical exam in order to qualify for a commercial
7178 driver's license.

7179 **SECTION 95.** Section 37-151-87, Mississippi Code of 1972, is
7180 amended as follows:

7181 37-151-87. No school district shall pay any teacher less
7182 than the state minimum salary. * * * However, * * * school
7183 districts are authorized to reduce the state minimum salary by a
7184 pro rata daily amount in order to comply with the school district
7185 employee furlough provisions of Section 37-7-308. From and after
7186 July 1, 2012, no school district shall receive any funds under the
7187 provisions of this chapter for any school year during which the
7188 aggregate amount of local supplement * * * is reduced below such
7189 amount for the previous year. However, (a) where there has been a
7190 reduction in * * * total funding formula allocations for such



7191 district in such year, (b) where there has been a reduction in the
7192 amount of federal funds to such district below the previous year,
7193 or (c) where there has been a reduction in ad valorem taxes to
7194 such school district for the 1986-1987 school year below the
7195 amount for the previous year due to the exemption of nuclear
7196 generating plants from ad valorem taxation pursuant to Section
7197 27-35-309, * * * the aggregate amount of local supplement in such
7198 district may be reduced in the discretion of the local school
7199 board without loss of funds under this chapter. No school
7200 district may receive any funds under the provisions of this
7201 chapter for any school year if the aggregate amount of support
7202 from ad valorem taxation shall be reduced during such school year
7203 below such amount for the previous year; however, where there is a
7204 loss in * * * total funding formula allocations, or where there is
7205 or heretofore has been a decrease in the total assessed value of
7206 taxable property within a school district, the aggregate amount of
7207 such support may be reduced proportionately. Nothing herein
7208 contained shall prohibit any school district from adopting or
7209 continuing a program or plan whereby teachers are paid varying
7210 salaries according to the teaching ability, classroom performance
7211 and other similar standards.

7212 For purposes of this section, the term "local supplement"
7213 means the additional amount paid to an individual teacher over and
7214 above the salary schedule prescribed in Section 37-19-7 for the
7215 performance of regular teaching duties by that teacher.



7216 **SECTION 96.** Section 37-151-89, Mississippi Code of 1972, is
7217 amended as follows:

7218 37-151-89. The minimum base pay for all classroom teachers
7219 may be increased by the district from any funds available to
7220 it * * *.

7221 **SECTION 97.** Section 37-151-91, Mississippi Code of 1972, is
7222 amended as follows:

7223 37-151-91. The school boards of all school districts may
7224 establish salary schedules based on training, experience and other
7225 such factors as may be incorporated therein, including student
7226 progress and performance as developed by the State Board of
7227 Education, paying teachers greater amounts than the scale
7228 provided * * * in Section 37-19-7, but no teacher may be paid less
7229 than the amount based upon the minimum scale of pay provided
7230 in * * * Section 37-19-7, * * * and all supplements paid from
7231 local funds shall be based upon the salary schedules so
7232 established. The school boards may call upon the State Department
7233 of Education for aid and assistance in formulating and
7234 establishing such salary schedules, and it shall be the duty of
7235 the State Department of Education, when so called upon, to render
7236 such aid and assistance. The amount actually paid to each teacher
7237 shall be based upon and determined by the type of * * * license
7238 held by such teacher.

7239 **SECTION 98.** Section 37-151-93, Mississippi Code of 1972, is
7240 amended as follows:



7241 37-151-93. (1) Legally transferred students going from one
7242 school district to another shall be counted for * * * total
7243 funding formula allotments by the school district wherein the
7244 pupils attend school, but shall be counted for transportation
7245 allotment purposes in the school district which furnishes or
7246 provides the transportation. The school boards of the school
7247 districts which approve the transfer of a student under the
7248 provisions of Section 37-15-31 shall enter into an agreement and
7249 contract for the payment or nonpayment of any portion of their
7250 local maintenance funds which they deem fair and equitable in
7251 support of any transferred student. Except as provided in
7252 subsection (2) of this section, local maintenance funds shall be
7253 transferred only to the extent specified in the agreement and
7254 contract entered into by the affected school districts. The terms
7255 of any local maintenance fund payment transfer contract shall be
7256 spread upon the minutes of both of the affected school district
7257 school boards. The school district accepting any transfer
7258 students shall be authorized to accept tuition from such students
7259 under the provisions of Section 37-15-31(1) and such agreement may
7260 remain in effect for any length of time designated in the
7261 contract. The terms of such student transfer contracts and the
7262 amounts of any tuition charged any transfer student shall be
7263 spread upon the minutes of both of the affected school boards. No
7264 school district accepting any transfer students under the
7265 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



7291 intent of the Legislature that school districts contribute the
7292 cost of participation for such employees from local funds, except
7293 that parent fees for child nutrition programs shall not be
7294 increased to cover such cost.

7295 The State Department of Education, in accordance with rules
7296 and regulations established by the State Board of Education, may
7297 withhold a school district's * * * total funding formula funds for
7298 failure of the district to timely report student, fiscal and
7299 personnel data necessary to meet state and/or federal
7300 requirements. The rules and regulations promulgated by the State
7301 Board of Education shall require the withholding of * * * total
7302 funding formula funds for those districts that fail to remit
7303 premiums, interest penalties and/or late charges under the State
7304 and School Employees' Life and Health Insurance Plan.
7305 Noncompliance with such rules and regulations shall result in a
7306 violation of compulsory accreditation standards as established by
7307 the State Board of Education and Commission on School
7308 Accreditation.

7309 **SECTION 100.** Section 37-151-97, Mississippi Code of 1972, is
7310 amended as follows:

7311 37-151-97. The State Department of Education shall develop
7312 an annual reporting process to inform the Legislature, local
7313 district personnel and the general public as to the ongoing and
7314 future plans for the state's educational programs. The annual
7315 reporting process will include those vital statistics that are



7316 commonly reported by schools and districts and that can provide
7317 clear demographic, strategic and educational information to
7318 constituencies such as, but not limited to, the following
7319 information:

7320 (a) Student enrollment * * * and attendance * * *
7321 reported in the aggregate and specifically for each student
7322 population that is subject to weighting under this act, and
7323 drop-out and graduation data;

7324 (b) Overall student and district achievement;

7325 (c) Budget, administrative costs and other pertinent
7326 fiscal information, including:

7327 (i) The receipts and disbursements of all school
7328 funds handled by the board;

7329 (ii) Reports of expenditures for public schools,
7330 which, upon request must be made available on an individual
7331 district basis by the State Department of Education;

7332 1. Total Student Expenditures:

7333 a. Instruction (1000s);

7334 b. Other Student Instructional

7335 Expenditures (2100s, 2200s);

7336 2. General Administration (2300s and 2500s);

7337 3. School Administration (2400s);

7338 4. Other Expenditures (2600s, 2700s, 2800s,

7339 3100s, 3200s); and



7340 5. Nonoperational Expenditures (4000s, 5000s,
7341 6000s);

7342 (iii) The number of school districts, school
7343 teachers employed, school administrators employed, pupils taught
7344 and the attendance record of pupils therein;

7345 (iv) County and district levies for each school
7346 district and agricultural high school;

7347 (v) The condition of vocational education, a list
7348 of schools to which federal and state aid has been given, and a
7349 detailed statement of the expenditures of federal funds and the
7350 state funds that may be provided, and the ranking of subjects
7351 taught as compared with the state's needs.

7352 (d) Other as directed by the State Board of Education.

7353 Further, the reporting process will include an annual report
7354 developed specifically to relate the mission and goals of the
7355 State Board of Education, state superintendent and departments.
7356 This document will become the method through which the strategic
7357 planning and management process of the department is articulated
7358 to the public. It will explain and inform the public of the major
7359 initiatives of the department and clearly identify rationale for
7360 program development and/or elimination. The report will establish
7361 benchmarks, future plans and discuss the effectiveness of
7362 educational programs.

7363 In addition to the information specified herein, the State
7364 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.



7389 **SECTION 102.** Section 37-151-101, Mississippi Code of 1972,
7390 is amended as follows:

7391 37-151-101. It shall be the duty of the State Department of
7392 Education to file with the State Treasurer and the State Fiscal
7393 Officer such data and information as may be required to enable the
7394 said State Treasurer and State Fiscal Officer to distribute
7395 the * * * total funding formula funds provided in this act by
7396 electronic funds transfer to the several school districts and
7397 charter schools at the time required and provided under the
7398 provisions of this chapter. Such data and information so filed
7399 shall show in detail the amount of funds to which each school
7400 district and charter school is entitled * * * under the total
7401 funding formula. Such data and information so filed may be
7402 revised from time to time as necessitated by law. At the time
7403 provided by law, the State Treasurer and the State Fiscal Officer
7404 shall distribute to the several school districts and charter
7405 schools the amounts to which they are entitled * * * under the
7406 total funding formula as provided by this chapter. Such
7407 distribution shall be made by electronic funds transfer to the
7408 depositories of the several school districts and charter schools
7409 designated in writing to the State Treasurer based upon the data
7410 and information supplied by the State Department of Education for
7411 such distribution. In such instances, the State Treasurer shall
7412 submit a request for an electronic funds transfer to the State
7413 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



7439 school districts and charter schools * * * under the total funding
7440 formula on a date earlier than provided for by this section if it
7441 is determined that it is in the best interest of school districts
7442 and charter schools to do so.

7443 * * * However, * * * if the cash balance in the State
7444 General Fund is not adequate on the due date to pay the amounts
7445 due to all school districts and charter schools in the state as
7446 determined by the State Superintendent of Public Education, the
7447 State Fiscal Officer shall not transfer * * * the funds payable to
7448 any school district or districts or charter schools until money is
7449 available to pay the amount due to all districts and charter
7450 schools.

7451 (2) Notwithstanding any provision of this chapter or any
7452 other law requiring the number of children in * * * net enrollment
7453 or the * * * net enrollment of transported children to be
7454 determined on the basis of the preceding year, the State Board of
7455 Education is hereby authorized and empowered to make proper
7456 adjustments in allotments in cases where major changes in the
7457 number of children in * * * net enrollment or the * * * net
7458 enrollment of transported children occurs from one (1) year to
7459 another as a result of changes or alterations in the boundaries of
7460 school districts, the sending of children from one (1) county or
7461 district to another upon a contract basis, the termination or
7462 discontinuance of a contract for the sending of children from one
7463 (1) county or district to another, a change in or relocation of



7464 attendance centers, or for any other reason which would result in
7465 a major decrease or increase in the number of children in * * *
7466 net enrollment or the * * * net enrollment of transported children
7467 during the current school year as compared with the preceding
7468 year.

7469 * * *

7470 **SECTION 104.** Section 37-151-105, Mississippi Code of 1972,
7471 is amended as follows:

7472 37-151-105. The State Board of Education shall have the
7473 authority to make such regulations not inconsistent with law which
7474 it deems necessary for the administration of this chapter. The
7475 State Board of Education, if it deems such practice necessary, may
7476 use reports of the first six (6) months of school for the purpose
7477 of determining * * * net enrollment.

7478 **SECTION 105.** Section 37-151-107, Mississippi Code of 1972,
7479 is amended as follows:

7480 37-151-107. Any superintendent of education, member of the
7481 local school board of any school district, superintendent,
7482 principal, teacher, carrier, bus driver or member or employee of
7483 the State Department of Education or State Board of Education, or
7484 any other person, who shall willfully violate any of the
7485 provisions of this chapter, or who shall willfully make any false
7486 report, list or record, or who shall willfully make use of any
7487 false report, list or record, concerning the number of school
7488 children in * * * net enrollment shall be guilty of a misdemeanor



7489 and upon conviction shall be punished by imprisonment in the
7490 county jail for a period not to exceed sixty (60) days or by a
7491 fine of not less than One Hundred Dollars (\$100.00), nor more than
7492 Three Hundred Dollars (\$300.00), or by both such fine and
7493 imprisonment, in the discretion of the court. In addition, any
7494 such person shall be civilly liable for all amounts of public
7495 funds which are illegally, unlawfully or wrongfully expended or
7496 paid out by virtue of or pursuant to such false report, list or
7497 record, and upon conviction or adjudication of civil liability
7498 hereunder, such person shall forfeit his license to teach for a
7499 period of three (3) years, if such person is the holder of such a
7500 license. Any suit to recover such funds illegally, unlawfully or
7501 wrongfully expended or paid out may be brought in the name of the
7502 State of Mississippi by the Attorney General or the proper
7503 district attorney or county attorney, and, in the event such
7504 suit * * * is brought against a person who is under bond, the
7505 sureties upon such bond shall likewise be liable for such amount
7506 illegally, unlawfully or wrongfully expended or paid out.

7507 **SECTION 106.** Section 37-173-9, Mississippi Code of 1972, is
7508 amended as follows:

7509 37-173-9. (1) (a) The parent or legal guardian is not
7510 required to accept the offer of enrolling in another public school
7511 in lieu of requesting a Mississippi Dyslexia Therapy Scholarship
7512 to a nonpublic school. However, if the parent or legal guardian
7513 chooses the public school option, the student may continue



7514 attending a public school chosen by the parent or legal guardian
7515 until the student completes Grade 12.

7516 (b) If the parent or legal guardian chooses a public
7517 school within the district, the school district shall provide
7518 transportation to the public school selected by the parent or
7519 legal guardian. However, if the parent or legal guardian chooses
7520 a public school in another district, the parent or legal guardian
7521 is responsible to provide transportation to the school of choice.

7522 These provisions do not prohibit a parent or legal guardian
7523 of a student diagnosed with dyslexia, at any time, from choosing
7524 the option of a Mississippi Dyslexia Therapy Scholarship which
7525 would allow the student to attend another public school or
7526 nonpublic special purpose school.

7527 (2) If the parent or legal guardian chooses the nonpublic
7528 school option and the student is accepted by the nonpublic school
7529 pending the availability of a space for the student, the parent or
7530 legal guardian of the student must notify the department thirty
7531 (30) days before the first scholarship payment and before entering
7532 the nonpublic school in order to be eligible for the scholarship
7533 when a space becomes available for the student in the nonpublic
7534 school.

7535 (3) The parent or legal guardian of a student may choose, as
7536 an alternative, to enroll the student in and transport the student
7537 to a public school in an adjacent school district which has
7538 available space and has a program with dyslexia services that



7539 provide daily dyslexia therapy sessions delivered by a department
7540 licensed dyslexia therapist, and that school district shall accept
7541 the student and report the student for purposes of the district's
7542 funding under * * * the total funding formula provided in this
7543 act.

7544 **SECTION 107.** Section 37-173-13, Mississippi Code of 1972, is
7545 amended as follows:

7546 37-173-13. (1) The maximum scholarship granted per eligible
7547 student with dyslexia shall be an amount equivalent to the * * *
7548 student base amount under the total funding formula provided in
7549 this act.

7550 (2) (a) The nonpublic school under this program shall
7551 report to the * * * State Department of Education the number of
7552 students with dyslexia who are enrolled in nonpublic schools on
7553 the Mississippi Dyslexia Therapy Scholarships as of September 30
7554 of each year in order to determine funding for the subsequent
7555 year. Funds may not be transferred from any funding provided to
7556 the Mississippi School for the Deaf and the Blind for program
7557 participants who are eligible under Section 37-173-5.

7558 (b) The * * * State Department of Education will
7559 disburse payments to nonpublic schools under this program in
7560 twelve (12) substantially equal installments. The initial payment
7561 shall be made after department verification of admission
7562 acceptance, and subsequent payments shall be made upon



7563 verification of continued enrollment and attendance at the
7564 nonpublic school.

7565 **SECTION 108.** Section 37-175-13, Mississippi Code of 1972, is
7566 amended as follows:

7567 37-175-13. (1) The maximum scholarship granted per eligible
7568 student with speech-language impairment shall be an amount
7569 equivalent to the * * * state share of per student funding under
7570 the total funding formula provided in this act in the school
7571 district in which a student resides.

7572 (2) (a) Any nonpublic school under this program shall
7573 report to the State Department of Education the number of students
7574 with speech-language impairment who are enrolled in nonpublic
7575 schools on the Mississippi Speech-Language Therapy Scholarships as
7576 of September 30 of each year in order to determine funding for the
7577 subsequent year. Funds may not be transferred from any funding
7578 provided to the Mississippi School for the Deaf and the Blind for
7579 program participants who are eligible under Section 37-175-5.

7580 (b) The State Department of Education shall make
7581 payments to nonpublic schools for each student at the nonpublic
7582 school equal to the state share of the * * * total funding formula
7583 payments for each student in * * * net enrollment at the school
7584 district from which the student transferred. In calculating the
7585 local contribution for purposes of determining the state share of
7586 the * * * total funding formula payments, the department shall
7587 deduct the pro rata local contribution of the school district in



7588 which the student resides, to be determined as provided in
7589 Section * * * 37-151-211(2).

7590 (c) Payments made pursuant to this subsection by the
7591 State Department of Education must be made at the same time and in
7592 the same manner as * * * the total funding formula payments are
7593 made to school districts under Sections 37-151-101 and 37-151-103.
7594 Amounts payable to a nonpublic school must be determined by the
7595 State Department of Education.

7596 (3) If the parent opts to remove a child from a public
7597 school to a nonpublic special purpose school and to receive a
7598 scholarship under this chapter, then transportation shall be
7599 provided at the parent's or guardian's expense.

7600 **SECTION 109.** Section 37-179-3, Mississippi Code of 1972, is
7601 amended as follows:

7602 37-179-3. (1) A district which is an applicant to be
7603 designated as a district of innovation under Section 37-179-1
7604 shall:

7605 (a) Establish goals and performance targets for the
7606 district of innovation proposal, which may include:

7607 (i) Reducing achievement gaps among groups of
7608 public school students by expanding learning experiences for
7609 students who are identified as academically low-achieving;

7610 (ii) Increasing pupil learning through the
7611 implementation of high, rigorous standards for pupil performance;



7612 (iii) Increasing the participation of students in
7613 various curriculum components and instructional components within
7614 selected schools to enhance at each grade level;
7615 (iv) Increasing the number of students who are
7616 college and career-ready;
7617 (v) Motivating students at different grade levels
7618 by offering more curriculum choices and student learning
7619 opportunities to parents and students within the district;
7620 (b) Identify changes needed in the district and schools
7621 to lead to better prepared students for success in life and work;
7622 (c) Have a district wide plan of innovation that
7623 describes and justifies which schools and innovative practices
7624 will be incorporated;
7625 (d) Provide documentation of community, educator,
7626 parental, and the local board's support of the proposed
7627 innovations;
7628 (e) Provide detailed information regarding the
7629 rationale of requests for waivers from Title 37, Mississippi Code
7630 of 1972, which relate to the elementary and secondary education of
7631 public school students, and administrative regulations, and
7632 exemptions for selected schools regarding waivers of local school
7633 board policies;
7634 (f) Document the fiscal and human resources the board
7635 will provide throughout the term of the implementation of the
7636 innovations within its plan; and



7637 (g) Provide other materials as required by the
7638 department in compliance with the board's administrative
7639 regulations and application procedures.

7640 (2) The district and all schools participating in a
7641 district's innovation plan shall:

7642 (a) Ensure the same health, safety, civil rights, and
7643 disability rights requirements as are applied to all public
7644 schools;

7645 (b) Ensure students meet compulsory attendance
7646 requirements under Sections 37-13-91 and 37-13-92;

7647 (c) Ensure that high school course offerings meet or
7648 exceed the minimum required under Sections 37-16-7 and 37-3-49,
7649 for high school graduation or meet early graduation requirements
7650 that may be enacted by the Mississippi Legislature;

7651 (d) Ensure the student performance standards meet or
7652 exceed those adopted by the State Board of Education as required
7653 by Sections 37-3-49, 37-16-3 and 37-17-6, including compliance
7654 with the statewide assessment system specified in Chapter 16,
7655 Title 37, Mississippi Code of 1972;

7656 (e) Adhere to the same financial audits, audit
7657 procedures, and audit requirements as are applied under Section
7658 7-7-211(e);

7659 (f) Require state and criminal background checks for
7660 staff and volunteers as required of all public school employees



7661 and volunteers within the public schools and specified in Section
7662 37-9-17;

7663 (g) Comply with open records and open meeting
7664 requirements under Sections 25-41-1 et seq. and 25-61-1 et seq.;

7665 (h) Comply with purchasing requirements and limitations
7666 under Chapter 39, Title 37, Mississippi Code of 1972;

7667 (i) Provide overall instructional time that is
7668 equivalent to or greater than that required under Sections 37-1-11
7669 and 37-13-67, but which may include on-site instruction, distance
7670 learning, online courses, and work-based learning on
7671 nontraditional school days or hours; and

7672 (j) Provide data to the department as deemed necessary
7673 to generate school and district reports.

7674 (3) (a) Only schools that choose to be designated as
7675 schools of innovation shall be included in a district's
7676 application;

7677 (b) As used in this paragraph, "eligible employees"
7678 means employees that are regularly employed at the school and
7679 those employees whose primary job duties will be affected by the
7680 plan; and

7681 (c) Notwithstanding the provisions of paragraph (a) of
7682 this subsection, a local school board may require a school that
7683 has been identified as a persistently low-achieving school under
7684 provisions of Section 37-17-6 to participate in the district's
7685 plan of innovation.



7686 (4) Notwithstanding any statutes to the contrary, the board
7687 may approve the requests of districts of innovation to:

7688 (a) Use capital outlay funds for operational costs;

7689 (b) Hire persons for classified positions in
7690 nontraditional school and district assignments who have bachelors
7691 and advanced degrees from postsecondary education institutions
7692 accredited by a regional accrediting association (Southern
7693 Association of Colleges and Schools) or by an organization
7694 affiliated with the National Commission on Accrediting;

7695 (c) Employ teachers on extended employment contracts or
7696 extra duty contracts and compensate them on a salary schedule
7697 other than the single salary schedule;

7698 (d) Extend the school days as is appropriate within the
7699 district with compensation for the employees as determined
7700 locally;

7701 (e) Establish alternative education programs and
7702 services that are delivered in nontraditional hours and which may
7703 be jointly provided in cooperation with another school district or
7704 consortia of districts;

7705 (f) Establish online classes within the district for
7706 delivering alternative classes in a blended environment to meet
7707 high school graduation requirements;

7708 (g) Use a flexible school calendar;

7709 (h) Convert existing schools into schools of
7710 innovation; and



7711 (i) Modify the formula under * * * Chapter 151, Title
7712 37, Mississippi Code of 1972, for distributing * * * total funding
7713 formula funds for students in * * * net enrollment in
7714 nontraditional programming time, including alternative programs
7715 and virtual programs. Funds granted to a district shall not
7716 exceed those that would have otherwise been distributed based
7717 on * * * net enrollment during regular instructional days.

7718 **SECTION 110.** Section 37-181-7, Mississippi Code of 1972, is
7719 amended as follows:

7720 37-181-7. (1) The ESA program created in this chapter shall
7721 be limited to five hundred (500) students in the school year
7722 2015-2016, with new enrollment limited to five hundred (500)
7723 additional students each year thereafter. Subject to
7724 appropriation from the General Fund, each student's ESA shall be
7725 funded at Six Thousand Five Hundred Dollars (\$6,500.00) for school
7726 year 2015-2016. For each subsequent year, this amount shall
7727 increase or decrease by the same proportion as the * * * student
7728 base amount under Section * * * 37-151-203 is increased or
7729 decreased.

7730 (2) Subject to appropriation, eligible students shall be
7731 approved for participation in the ESA program as follows:

7732 (a) Until participation in the ESA program reaches
7733 fifty percent (50%) of the annual enrollment limits in subsection
7734 (1) of this section, students shall be approved on a first-come,



7735 first-served basis, with applications being reviewed on a rolling
7736 basis;

7737 (b) After participation reaches fifty percent (50%) of
7738 the annual enrollment limits in subsection (1) of this section,
7739 the department shall set annual application deadlines for the
7740 remaining number of available ESAs and begin to maintain a waiting
7741 list of eligible students. The waitlist will be maintained in the
7742 chronological order in which applications are received. The
7743 department shall award ESA program applications in chronological
7744 order according to the waitlist; and

7745 (c) Participating students who remain eligible for the
7746 ESA program are automatically approved for participation for the
7747 following year and are not subject to the random selection
7748 process.

7749 (3) No funds for an ESA may be expended from * * * total
7750 funding formula funds provided in this act, nor shall any school
7751 district be required to provide funding for an ESA.

7752 **SECTION 111.** Section 41-79-5, Mississippi Code of 1972, is
7753 amended as follows:

7754 41-79-5. (1) There is hereby established within the State
7755 Department of Health a school nurse intervention program,
7756 available to all public school districts in the state.

7757 (2) By the school year 1998-1999, each public school
7758 district shall have employed a school nurse, to be known as a
7759 Health Service Coordinator, pursuant to the school nurse



7760 intervention program prescribed under this section. The school
7761 nurse intervention program shall offer any of the following
7762 specific preventive services, and other additional services
7763 appropriate to each grade level and the age and maturity of the
7764 pupils:

7765 (a) Reproductive health education and referral to
7766 prevent teen pregnancy and sexually transmitted diseases, which
7767 education shall include abstinence;

7768 (b) Child abuse and neglect identification;

7769 (c) Hearing and vision screening to detect problems
7770 which can lead to serious sensory losses and behavioral and
7771 academic problems;

7772 (d) Alcohol, tobacco and drug abuse education to reduce
7773 abuse of these substances;

7774 (e) Scoliosis screening to detect this condition so
7775 that costly and painful surgery and lifelong disability can be
7776 prevented;

7777 (f) Coordination of services for handicapped children
7778 to ensure that these children receive appropriate medical
7779 assistance and are able to remain in public school;

7780 (g) Nutrition education and counseling to prevent
7781 obesity and/or other eating disorders which may lead to
7782 life-threatening conditions, for example, hypertension;

7783 (h) Early detection and treatment of head lice to
7784 prevent the spread of the parasite and to reduce absenteeism;



7785 (i) Emergency treatment of injury and illness to
7786 include controlling bleeding, managing fractures, bruises or
7787 contusions and cardiopulmonary resuscitation (CPR);
7788 (j) Applying appropriate theory as the basis for
7789 decision making in nursing practice;
7790 (k) Establishing and maintaining a comprehensive school
7791 health program;
7792 (l) Developing individualized health plans;
7793 (m) Assessing, planning, implementing and evaluating
7794 programs and other school health activities, in collaboration with
7795 other professionals;
7796 (n) Providing health education to assist students,
7797 families and groups to achieve optimal levels of wellness;
7798 (o) Participating in peer review and other means of
7799 evaluation to assure quality of nursing care provided for students
7800 and assuming responsibility for continuing education and
7801 professional development for self while contributing to the
7802 professional growth of others;
7803 (p) Participating with other key members of the
7804 community responsible for assessing, planning, implementing and
7805 evaluating school health services and community services that
7806 include the broad continuum or promotion of primary, secondary and
7807 tertiary prevention; and
7808 (q) Contributing to nursing and school health through
7809 innovations in theory and practice and participation in research.



7810 (3) Public school nurses shall be specifically prohibited
7811 from providing abortion counseling to any student or referring any
7812 student to abortion counseling or abortion clinics. Any violation
7813 of this subsection shall disqualify the school district employing
7814 such public school nurse from receiving any state administered
7815 funds under this section.

7816 (4) Repealed.

7817 (5) Beginning with the 1997-1998 school year, to the extent
7818 that federal or state funds are available therefor and pursuant to
7819 appropriation therefor by the Legislature, in addition to the
7820 school nurse intervention program funds administered under
7821 subsection (4), the State Department of Health shall establish and
7822 implement a Prevention of Teen Pregnancy Pilot Program to be
7823 located in the public school districts with the highest numbers of
7824 teen pregnancies. The Teen Pregnancy Pilot Program shall provide
7825 the following education services directly through public school
7826 nurses in the pilot school districts: health education sessions
7827 in local schools, where contracted for or invited to provide,
7828 which target issues including reproductive health, teen pregnancy
7829 prevention and sexually transmitted diseases, including syphilis,
7830 HIV and AIDS. When these services are provided by a school nurse,
7831 training and counseling on abstinence shall be included.

7832 (6) In addition to the school nurse intervention program
7833 funds administered under subsection (4) and the Teen Pregnancy
7834 Pilot Program funds administered under subsection (5), to the



7835 extent that federal or state funds are available therefor and
7836 pursuant to appropriation therefor by the Legislature, the State
7837 Department of Health shall establish and implement an Abstinence
7838 Education Pilot Program to provide abstinence education,
7839 mentoring, counseling and adult supervision to promote abstinence
7840 from sexual activity, with a focus on those groups which are most
7841 likely to bear children out of wedlock. Such abstinence education
7842 services shall be provided by the State Department of Health
7843 through its clinics, public health nurses, school nurses and
7844 through contracts with rural and community health centers in order
7845 to reach a larger number of targeted clients. For purposes of
7846 this subsection, the term "abstinence education" means an
7847 educational or motivational program which:

7848 (a) Has as its exclusive purpose, teaching the social,
7849 psychological and health gains to be realized by abstaining from
7850 sexual activity;

7851 (b) Teaches abstinence from sexual activity outside
7852 marriage as the expected standard for all school-age children;

7853 (c) Teaches that abstinence from sexual activity is the
7854 only certain way to avoid out-of-wedlock pregnancy, sexually
7855 transmitted diseases and other associated health problems;

7856 (d) Teaches that a mutually faithful monogamous
7857 relationship in context of marriage is the expected standard of
7858 human sexual activity;



7859 (e) Teaches that sexual activity outside of the context
7860 of marriage is likely to have harmful psychological and physical
7861 effects;

7862 (f) Teaches that bearing children out of wedlock is
7863 likely to have harmful consequences for the child, the child's
7864 parents and society;

7865 (g) Teaches young people how to reject sexual advances
7866 and how alcohol and drug use increase vulnerability to sexual
7867 advances; and

7868 (h) Teaches the importance of attaining
7869 self-sufficiency before engaging in sexual activity.

7870 (7) * * * Pursuant to appropriation therefor by the
7871 Legislature, in addition to * * * funds allotted under * * * the
7872 total funding formula provided in this act, each school district
7873 shall be allotted an * * * amount for the purpose of employing
7874 qualified public school nurses in such school district, which in
7875 no event shall be less than one (1) * * * nurse per school
7876 district, for such purpose. In the event the Legislature provides
7877 less funds than the total state funds needed for the public school
7878 nurse allotment, those school districts with fewer * * * nurses
7879 per the number of students in net enrollment shall be the first
7880 funded for such purpose, to the extent of funds available.

7881 (8) Prior to the 1998-1999 school year, nursing staff
7882 assigned to the program shall be employed through the local county
7883 health department and shall be subject to the supervision of the



7884 State Department of Health with input from local school officials.
7885 Local county health departments may contract with any
7886 comprehensive private primary health care facilities within their
7887 county to employ and utilize additional nursing staff. Beginning
7888 with the 1998-1999 school year, nursing staff assigned to the
7889 program shall be employed by the local school district and shall
7890 be designated as "health service coordinators," and shall be
7891 required to possess a bachelor's degree in nursing as a minimum
7892 qualification.

7893 (9) Upon each student's enrollment, the parent or guardian
7894 shall be provided with information regarding the scope of the
7895 school nurse intervention program. The parent or guardian may
7896 provide the school administration with a written statement
7897 refusing all or any part of the nursing service. No child shall
7898 be required to undergo hearing and vision or scoliosis screening
7899 or any other physical examination or tests whose parent objects
7900 thereto on the grounds such screening, physical examination or
7901 tests are contrary to his sincerely held religious beliefs.

7902 (10) A consent form for reproductive health education shall
7903 be sent to the parent or guardian of each student upon his
7904 enrollment. If a response from the parent or guardian is not
7905 received within seven (7) days after the consent form is sent, the
7906 school shall send a letter to the student's home notifying the
7907 parent or guardian of the consent form. If the parent or guardian
7908 fails to respond to the letter within ten (10) days after it is



7909 sent, then the school principal shall be authorized to allow the
7910 student to receive reproductive health education. Reproductive
7911 health education shall include the teaching of total abstinence
7912 from premarital sex and, wherever practicable, reproductive health
7913 education should be taught in classes divided according to gender.
7914 All materials used in the reproductive health education program
7915 shall be placed in a convenient and easily accessible location for
7916 parental inspection. School nurses shall not dispense birth
7917 control pills or contraceptive devices in the school. Dispensing
7918 of such shall be the responsibility of the State Department of
7919 Health on a referral basis only.

7920 (11) No provision of this section shall be construed as
7921 prohibiting local school districts from accepting financial
7922 assistance of any type from the State of Mississippi or any other
7923 governmental entity, or any contribution, donation, gift, decree
7924 or bequest from any source which may be utilized for the
7925 maintenance or implementation of a school nurse intervention
7926 program in a public school system of this state.

7927 **SECTION 112.** Section 43-17-5, Mississippi Code of 1972, is
7928 amended as follows:

7929 43-17-5. (1) The amount of Temporary Assistance for Needy
7930 Families (TANF) benefits which may be granted for any dependent
7931 child and a needy caretaker relative shall be determined by the
7932 county department with due regard to the resources and necessary
7933 expenditures of the family and the conditions existing in each



7934 case, and in accordance with the rules and regulations made by the
7935 Department of Human Services which shall not be less than the
7936 Standard of Need in effect for 1988, and shall be sufficient when
7937 added to all other income (except that any income specified in the
7938 federal Social Security Act, as amended, may be disregarded) and
7939 support available to the child to provide such child with a
7940 reasonable subsistence compatible with decency and health. The
7941 first family member in the dependent child's budget may receive an
7942 amount not to exceed Two Hundred Dollars (\$200.00) per month; the
7943 second family member in the dependent child's budget may receive
7944 an amount not to exceed Thirty-six Dollars (\$36.00) per month; and
7945 each additional family member in the dependent child's budget an
7946 amount not to exceed Twenty-four Dollars (\$24.00) per month. The
7947 maximum for any individual family member in the dependent child's
7948 budget may be exceeded for foster or medical care or in cases of
7949 children with an intellectual disability or a physical disability.
7950 TANF benefits granted shall be specifically limited only (a) to
7951 children existing or conceived at the time the caretaker relative
7952 initially applies and qualifies for such assistance, unless this
7953 limitation is specifically waived by the department, or (b) to a
7954 child born following a twelve-consecutive-month period of
7955 discontinued benefits by the caretaker relative.

7956 (2) TANF benefits in Mississippi shall be provided to the
7957 recipient family by an online electronic benefits transfer system.



7958 (3) The Department of Human Services shall deny TANF
7959 benefits to the following categories of individuals, except for
7960 individuals and families specifically exempt or excluded for good
7961 cause as allowed by federal statute or regulation:

7962 (a) Families without a minor child residing with the
7963 custodial parent or other adult caretaker relative of the child;

7964 (b) Families which include an adult who has received
7965 TANF assistance for sixty (60) months after the commencement of
7966 the Mississippi TANF program, whether or not such period of time
7967 is consecutive;

7968 (c) Families not assigning to the state any rights a
7969 family member may have, on behalf of the family member or of any
7970 other person for whom the family member has applied for or is
7971 receiving such assistance, to support from any other person, as
7972 required by law;

7973 (d) Families who fail to cooperate in establishing
7974 paternity or obtaining child support, as required by law;

7975 (e) Any individual who has not attained eighteen (18)
7976 years of age, is not married to the head of household, has a minor
7977 child at least twelve (12) weeks of age in his or her care, and
7978 has not successfully completed a high school education or its
7979 equivalent, if such individual does not participate in educational
7980 activities directed toward the attainment of a high school diploma
7981 or its equivalent, or an alternative educational or training
7982 program approved by the department;



7983 (f) Any individual who has not attained eighteen (18)
7984 years of age, is not married, has a minor child in his or her
7985 care, and does not reside in a place or residence maintained by a
7986 parent, legal guardian or other adult relative or the individual
7987 as such parent's, guardian's or adult relative's own home;

7988 (g) Any minor child who has been, or is expected by a
7989 parent or other caretaker relative of the child to be, absent from
7990 the home for a period of more than thirty (30) days;

7991 (h) Any individual who is a parent or other caretaker
7992 relative of a minor child who fails to notify the department of
7993 the absence of the minor child from the home for the thirty-day
7994 period specified in paragraph (g), by the end of the five-day
7995 period that begins with the date that it becomes clear to the
7996 individual that the minor child will be absent for the thirty-day
7997 period;

7998 (i) Any individual who fails to comply with the
7999 provisions of the Employability Development Plan signed by the
8000 individual which prescribe those activities designed to help the
8001 individual become and remain employed, or to participate
8002 satisfactorily in the assigned work activity, as authorized under
8003 subsection (6) (c) and (d), or who does not engage in applicant job
8004 search activities within the thirty-day period for TANF
8005 application approval after receiving the advice and consultation
8006 of eligibility workers and/or caseworkers of the department



8007 providing a detailed description of available job search venues in
8008 the individual's county of residence or the surrounding counties;

8009 (j) A parent or caretaker relative who has not engaged
8010 in an allowable work activity once the department determines the
8011 parent or caretaker relative is ready to engage in work, or once
8012 the parent or caretaker relative has received TANF assistance
8013 under the program for twenty-four (24) months, whether or not
8014 consecutive, whichever is earlier;

8015 (k) Any individual who is fleeing to avoid prosecution,
8016 or custody or confinement after conviction, under the laws of the
8017 jurisdiction from which the individual flees, for a crime, or an
8018 attempt to commit a crime, which is a felony under the laws of the
8019 place from which the individual flees, or who is violating a
8020 condition of probation or parole imposed under federal or state
8021 law;

8022 (l) Aliens who are not qualified under federal law;

8023 (m) For a period of ten (10) years following
8024 conviction, individuals convicted in federal or state court of
8025 having made a fraudulent statement or representation with respect
8026 to the individual's place of residence in order to receive TANF,
8027 food stamps or Supplemental Security Income (SSI) assistance under
8028 Title XVI or Title XIX simultaneously from two (2) or more states;

8029 (n) Individuals who are recipients of federal
8030 Supplemental Security Income (SSI) assistance; and



8031 (o) Individuals who are eighteen (18) years of age or
8032 older who are not in compliance with the drug testing and
8033 substance use disorder treatment requirements of Section 43-17-6.

8034 (4) (a) Any person who is otherwise eligible for TANF
8035 benefits, including custodial and noncustodial parents, shall be
8036 required to attend school and meet the monthly attendance
8037 requirement as provided in this subsection if all of the following
8038 apply:

8039 (i) The person is under age twenty (20);

8040 (ii) The person has not graduated from a public or
8041 private high school or obtained a High School Equivalency Diploma
8042 equivalent;

8043 (iii) The person is physically able to attend
8044 school and is not excused from attending school; and

8045 (iv) If the person is a parent or caretaker
8046 relative with whom a dependent child is living, child care is
8047 available for the child.

8048 The monthly attendance requirement under this subsection
8049 shall be attendance at the school in which the person is enrolled
8050 for each day during a month that the school conducts classes in
8051 which the person is enrolled, with not more than two (2) absences
8052 during the month for reasons other than the reasons listed in
8053 paragraph (e)(iv) of this subsection. Persons who fail to meet
8054 participation requirements in this subsection shall be subject to
8055 sanctions as provided in paragraph (f) of this subsection.



8056 (b) As used in this subsection, "school" means any one

8057 (1) of the following:

8058 (i) A school as defined in Section 37-13-91(2);

8059 (ii) A vocational, technical and adult education
8060 program; or

8061 (iii) A course of study meeting the standards
8062 established by the State Department of Education for the granting
8063 of a declaration of equivalency of high school graduation.

8064 (c) If any compulsory-school-age child, as defined in
8065 Section 37-13-91(2), to which TANF eligibility requirements apply
8066 is not in compliance with the compulsory school attendance
8067 requirements of Section 37-13-91(6), the superintendent of schools
8068 of the school district in which the child is enrolled or eligible
8069 to attend shall notify the county department of human services of
8070 the child's noncompliance. The Department of Human Services shall
8071 review school attendance information as provided under this
8072 paragraph at all initial eligibility determinations and upon
8073 subsequent report of unsatisfactory attendance.

8074 (d) The signature of a person on an application for
8075 TANF benefits constitutes permission for the release of school
8076 attendance records for that person or for any child residing with
8077 that person. The department shall request information from the
8078 child's school district about the child's attendance in the school
8079 district's most recently completed semester of attendance. If
8080 information about the child's previous school attendance is not



8081 available or cannot be verified, the department shall require the
8082 child to meet the monthly attendance requirement for one (1)
8083 semester or until the information is obtained. The department
8084 shall use the attendance information provided by a school district
8085 to verify attendance for a child. The department shall review
8086 with the parent or caretaker relative a child's claim that he or
8087 she has a good cause for not attending school.

8088 A school district shall provide information to the department
8089 about the attendance of a child who is enrolled in a public school
8090 in the district within five (5) working days of the receipt of a
8091 written request for that information from the department. The
8092 school district shall define how many hours of attendance count as
8093 a full day and shall provide that information, upon request, to
8094 the department. In reporting attendance, the school district may
8095 add partial days' absence together to constitute a full day's
8096 absence.

8097 If a school district fails to provide to the department the
8098 information about the school attendance of any child within
8099 fifteen (15) working days after a written request, the department
8100 shall notify the Department of Audit within three (3) working days
8101 of the school district's failure to comply with that requirement.
8102 The Department of Audit shall begin audit proceedings within five
8103 (5) working days of notification by the Department of Human
8104 Services to determine the school district's compliance with the
8105 requirements of this subsection (4). If the Department of Audit



8106 finds that the school district is not in compliance with the
8107 requirements of this subsection, the school district shall be
8108 penalized as follows: The Department of Audit shall notify the
8109 State Department of Education of the school district's
8110 noncompliance, and the Department of Education shall reduce the
8111 calculation of the school district's * * * net enrollment that is
8112 used to determine the allocation of * * * total funding formula
8113 funds by the number of children for which the district has failed
8114 to provide to the Department of Human Services the required
8115 information about the school attendance of those children. The
8116 reduction in the calculation of the school district's * * * net
8117 enrollment under this paragraph shall be effective for a period of
8118 one (1) year.

8119 (e) A child who is required to attend school to meet
8120 the requirements under this subsection shall comply except when
8121 there is good cause, which shall be demonstrated by any of the
8122 following circumstances:

8123 (i) The minor parent is the caretaker of a child
8124 less than twelve (12) weeks old; or

8125 (ii) The department determines that child care
8126 services are necessary for the minor parent to attend school and
8127 there is no child care available; or

8128 (iii) The child is prohibited by the school
8129 district from attending school and an expulsion is pending. This
8130 exemption no longer applies once the teenager has been expelled;



8131 however, a teenager who has been expelled and is making
8132 satisfactory progress towards obtaining a High School Equivalency
8133 Diploma equivalent shall be eligible for TANF benefits; or

8134 (iv) The child failed to attend school for one or
8135 more of the following reasons:

8136 1. Illness, injury or incapacity of the child
8137 or the minor parent's child;

8138 2. Court-required appearances or temporary
8139 incarceration;

8140 3. Medical or dental appointments for the
8141 child or minor parent's child;

8142 4. Death of a close relative;

8143 5. Observance of a religious holiday;

8144 6. Family emergency;

8145 7. Breakdown in transportation;

8146 8. Suspension; or

8147 9. Any other circumstance beyond the control
8148 of the child, as defined in regulations of the department.

8149 (f) Upon determination that a child has failed without
8150 good cause to attend school as required, the department shall
8151 provide written notice to the parent or caretaker relative
8152 (whoever is the primary recipient of the TANF benefits) that
8153 specifies:

8154 (i) That the family will be sanctioned in the next
8155 possible payment month because the child who is required to attend



8156 school has failed to meet the attendance requirement of this
8157 subsection;

8158 (ii) The beginning date of the sanction, and the
8159 child to whom the sanction applies;

8160 (iii) The right of the child's parents or
8161 caretaker relative (whoever is the primary recipient of the TANF
8162 benefits) to request a fair hearing under this subsection.

8163 The child's parent or caretaker relative (whoever is the
8164 primary recipient of the TANF benefits) may request a fair hearing
8165 on the department's determination that the child has not been
8166 attending school. If the child's parents or caretaker relative
8167 does not request a fair hearing under this subsection, or if,
8168 after a fair hearing has been held, the hearing officer finds that
8169 the child without good cause has failed to meet the monthly
8170 attendance requirement, the department shall discontinue or deny
8171 TANF benefits to the child thirteen (13) years old, or older, in
8172 the next possible payment month. The department shall discontinue
8173 or deny twenty-five percent (25%) of the family grant when a child
8174 six (6) through twelve (12) years of age without good cause has
8175 failed to meet the monthly attendance requirement. Both the child
8176 and family sanction may apply when children in both age groups
8177 fail to meet the attendance requirement without good cause. A
8178 sanction applied under this subsection shall be effective for one
8179 (1) month for each month that the child failed to meet the monthly
8180 attendance requirement. In the case of a dropout, the sanction



8181 shall remain in force until the parent or caretaker relative
8182 provides written proof from the school district that the child has
8183 reenrolled and met the monthly attendance requirement for one (1)
8184 calendar month. Any month in which school is in session for at
8185 least ten (10) days during the month may be used to meet the
8186 attendance requirement under this subsection. This includes
8187 attendance at summer school. The sanction shall be removed the
8188 next possible payment month.

8189 (5) All parents or caretaker relatives shall have their
8190 dependent children receive vaccinations and booster vaccinations
8191 against those diseases specified by the State Health Officer under
8192 Section 41-23-37 in accordance with the vaccination and booster
8193 vaccination schedule prescribed by the State Health Officer for
8194 children of that age, in order for the parents or caretaker
8195 relatives to be eligible or remain eligible to receive TANF
8196 benefits. Proof of having received such vaccinations and booster
8197 vaccinations shall be given by presenting the certificates of
8198 vaccination issued by any health care provider licensed to
8199 administer vaccinations, and submitted on forms specified by the
8200 State Board of Health. If the parents without good cause do not
8201 have their dependent children receive the vaccinations and booster
8202 vaccinations as required by this subsection and they fail to
8203 comply after thirty (30) days' notice, the department shall
8204 sanction the family's TANF benefits by twenty-five percent (25%)



8205 for the next payment month and each subsequent payment month until
8206 the requirements of this subsection are met.

8207 (6) (a) If the parent or caretaker relative applying for
8208 TANF assistance is work eligible, as determined by the Department
8209 of Human Services, the person shall be required to engage in an
8210 allowable work activity once the department determines the parent
8211 or caretaker relative is determined work eligible, or once the
8212 parent or caretaker relative has received TANF assistance under
8213 the program for twenty-four (24) months, whether or not
8214 consecutive, whichever is earlier. No TANF benefits shall be
8215 given to any person to whom this section applies who fails without
8216 good cause to comply with the Employability Development Plan
8217 prepared by the department for the person, or who has refused to
8218 accept a referral or offer of employment, training or education in
8219 which he or she is able to engage, subject to the penalties
8220 prescribed in paragraph (e) of this subsection. A person shall be
8221 deemed to have refused to accept a referral or offer of
8222 employment, training or education if he or she:

8223 (i) Willfully fails to report for an interview
8224 with respect to employment when requested to do so by the
8225 department; or

8226 (ii) Willfully fails to report to the department
8227 the result of a referral to employment; or



8228 (iii) Willfully fails to report for allowable work
8229 activities as prescribed in paragraphs (c) and (d) of this
8230 subsection.

8231 (b) The Department of Human Services shall operate a
8232 statewide work program for TANF recipients to provide work
8233 activities and supportive services to enable families to become
8234 self-sufficient and improve their competitive position in the
8235 workforce in accordance with the requirements of the federal
8236 Personal Responsibility and Work Opportunity Reconciliation Act of
8237 1996 (Public Law 104-193), as amended, and the regulations
8238 promulgated thereunder, and the Deficit Reduction Act of 2005
8239 (Public Law 109-171), as amended. Within sixty (60) days after
8240 the initial application for TANF benefits, the TANF recipient must
8241 participate in a job search skills training workshop or a job
8242 readiness program, which shall include resume writing, job search
8243 skills, employability skills and, if available at no charge, the
8244 General Aptitude Test Battery or its equivalent. All adults who
8245 are not specifically exempt shall be referred by the department
8246 for allowable work activities. An adult may be exempt from the
8247 mandatory work activity requirement for the following reasons:

8248 (i) Incapacity;

8249 (ii) Temporary illness or injury, verified by
8250 physician's certificate;

8251 (iii) Is in the third trimester of pregnancy, and
8252 there are complications verified by the certificate of a



8253 physician, nurse practitioner, physician assistant, or any other
8254 licensed health care professional practicing under a protocol with
8255 a licensed physician;

8256 (iv) Caretaker of a child under twelve (12)
8257 months, for not more than twelve (12) months of the sixty-month
8258 maximum benefit period;

8259 (v) Caretaker of an ill or incapacitated person,
8260 as verified by physician's certificate;

8261 (vi) Age, if over sixty (60) or under eighteen
8262 (18) years of age;

8263 (vii) Receiving treatment for substance abuse, if
8264 the person is in compliance with the substance abuse treatment
8265 plan;

8266 (viii) In a two-parent family, the caretaker of a
8267 severely disabled child, as verified by a physician's certificate;
8268 or

8269 (ix) History of having been a victim of domestic
8270 violence, which has been reported as required by state law and is
8271 substantiated by police reports or court records, and being at
8272 risk of further domestic violence, shall be exempt for a period as
8273 deemed necessary by the department but not to exceed a total of
8274 twelve (12) months, which need not be consecutive, in the
8275 sixty-month maximum benefit period. For the purposes of this
8276 subparagraph (ix), "domestic violence" means that an individual
8277 has been subjected to:



8278 1. Physical acts that resulted in, or
8279 threatened to result in, physical injury to the individual;
8280 2. Sexual abuse;
8281 3. Sexual activity involving a dependent
8282 child;
8283 4. Being forced as the caretaker relative of
8284 a dependent child to engage in nonconsensual sexual acts or
8285 activities;
8286 5. Threats of, or attempts at, physical or
8287 sexual abuse;
8288 6. Mental abuse; or
8289 7. Neglect or deprivation of medical care.
8290 (c) For all families, all adults who are not
8291 specifically exempt shall be required to participate in work
8292 activities for at least the minimum average number of hours per
8293 week specified by federal law or regulation, not fewer than twenty
8294 (20) hours per week (thirty-five (35) hours per week for
8295 two-parent families) of which are attributable to the following
8296 allowable work activities:
8297 (i) Unsubsidized employment;
8298 (ii) Subsidized private employment;
8299 (iii) Subsidized public employment;
8300 (iv) Work experience (including work associated
8301 with the refurbishing of publicly assisted housing), if sufficient
8302 private employment is not available;



8303 (v) On-the-job training;
8304 (vi) Job search and job readiness assistance
8305 consistent with federal TANF regulations;
8306 (vii) Community service programs;
8307 (viii) Vocational educational training (not to
8308 exceed twelve (12) months with respect to any individual);
8309 (ix) The provision of child care services to an
8310 individual who is participating in a community service program;
8311 (x) Satisfactory attendance at high school or in a
8312 course of study leading to a high school equivalency certificate,
8313 for heads of household under age twenty (20) who have not
8314 completed high school or received such certificate;
8315 (xi) Education directly related to employment, for
8316 heads of household under age twenty (20) who have not completed
8317 high school or received such equivalency certificate.
8318 (d) The following are allowable work activities which
8319 may be attributable to hours in excess of the minimum specified in
8320 paragraph (c) of this subsection:
8321 (i) Job skills training directly related to
8322 employment;
8323 (ii) Education directly related to employment for
8324 individuals who have not completed high school or received a high
8325 school equivalency certificate;
8326 (iii) Satisfactory attendance at high school or in
8327 a course of study leading to a high school equivalency, for



8328 individuals who have not completed high school or received such
8329 equivalency certificate;

8330 (iv) Job search and job readiness assistance
8331 consistent with federal TANF regulations.

8332 (e) If any adult or caretaker relative refuses to
8333 participate in allowable work activity as required under this
8334 subsection (6), the following full family TANF benefit penalty
8335 will apply, subject to due process to include notification,
8336 conciliation and a hearing if requested by the recipient:

8337 (i) For the first violation, the department shall
8338 terminate the TANF assistance otherwise payable to the family for
8339 a two-month period or until the person has complied with the
8340 required work activity, whichever is longer;

8341 (ii) For the second violation, the department
8342 shall terminate the TANF assistance otherwise payable to the
8343 family for a six-month period or until the person has complied
8344 with the required work activity, whichever is longer;

8345 (iii) For the third violation, the department
8346 shall terminate the TANF assistance otherwise payable to the
8347 family for a twelve-month period or until the person has complied
8348 with the required work activity, whichever is longer;

8349 (iv) For the fourth violation, the person shall be
8350 permanently disqualified.

8351 For a two-parent family, unless prohibited by state or
8352 federal law, Medicaid assistance shall be terminated only for the



8353 person whose failure to participate in allowable work activity
8354 caused the family's TANF assistance to be sanctioned under this
8355 paragraph (e), unless an individual is pregnant, but shall not be
8356 terminated for any other person in the family who is meeting that
8357 person's applicable work requirement or who is not required to
8358 work. Minor children shall continue to be eligible for Medicaid
8359 benefits regardless of the disqualification of their parent or
8360 caretaker relative for TANF assistance under this subsection (6),
8361 unless prohibited by state or federal law.

8362 (f) Any person enrolled in a two-year or four-year
8363 college program who meets the eligibility requirements to receive
8364 TANF benefits, and who is meeting the applicable work requirements
8365 and all other applicable requirements of the TANF program, shall
8366 continue to be eligible for TANF benefits while enrolled in the
8367 college program for as long as the person meets the requirements
8368 of the TANF program, unless prohibited by federal law.

8369 (g) No adult in a work activity required under this
8370 subsection (6) shall be employed or assigned (i) when any other
8371 individual is on layoff from the same or any substantially
8372 equivalent job within six (6) months before the date of the TANF
8373 recipient's employment or assignment; or (ii) if the employer has
8374 terminated the employment of any regular employee or otherwise
8375 caused an involuntary reduction of its workforce in order to fill
8376 the vacancy so created with an adult receiving TANF assistance.
8377 The Mississippi Department of Employment Security, established



8378 under Section 71-5-101, shall appoint one or more impartial
8379 hearing officers to hear and decide claims by employees of
8380 violations of this paragraph (g). The hearing officer shall hear
8381 all the evidence with respect to any claim made hereunder and such
8382 additional evidence as he may require and shall make a
8383 determination and the reason therefor. The claimant shall be
8384 promptly notified of the decision of the hearing officer and the
8385 reason therefor. Within ten (10) days after the decision of the
8386 hearing officer has become final, any party aggrieved thereby may
8387 secure judicial review thereof by commencing an action, in the
8388 circuit court of the county in which the claimant resides, against
8389 the department for the review of such decision, in which action
8390 any other party to the proceeding before the hearing officer shall
8391 be made a defendant. Any such appeal shall be on the record which
8392 shall be certified to the court by the department in the manner
8393 provided in Section 71-5-531, and the jurisdiction of the court
8394 shall be confined to questions of law which shall render its
8395 decision as provided in that section.

8396 (7) The Department of Human Services may provide child care
8397 for eligible participants who require such care so that they may
8398 accept employment or remain employed. The department may also
8399 provide child care for those participating in the TANF program
8400 when it is determined that they are satisfactorily involved in
8401 education, training or other allowable work activities. The
8402 department may contract with Head Start agencies to provide child



8403 care services to TANF recipients. The department may also arrange
8404 for child care by use of contract or vouchers, provide vouchers in
8405 advance to a caretaker relative, reimburse a child care provider,
8406 or use any other arrangement deemed appropriate by the department,
8407 and may establish different reimbursement rates for child care
8408 services depending on the category of the facility or home. Any
8409 center-based or group home child care facility under this
8410 subsection shall be licensed by the State Department of Health
8411 pursuant to law. When child care is being provided in the child's
8412 own home, in the home of a relative of the child, or in any other
8413 unlicensed setting, the provision of such child care may be
8414 monitored on a random basis by the Department of Human Services or
8415 the State Department of Health. Transitional child care
8416 assistance may be continued if it is necessary for parents to
8417 maintain employment once support has ended, unless prohibited
8418 under state or federal law. Transitional child care assistance
8419 may be provided for up to twenty-four (24) months after the last
8420 month during which the family was eligible for TANF assistance, if
8421 federal funds are available for such child care assistance.

8422 (8) The Department of Human Services may provide
8423 transportation or provide reasonable reimbursement for
8424 transportation expenses that are necessary for individuals to be
8425 able to participate in allowable work activity under the TANF
8426 program.



8427 (9) Medicaid assistance shall be provided to a family of
8428 TANF program participants for up to twenty-four (24) consecutive
8429 calendar months following the month in which the participating
8430 family would be ineligible for TANF benefits because of increased
8431 income, expiration of earned income disregards, or increased hours
8432 of employment of the caretaker relative; however, Medicaid
8433 assistance for more than twelve (12) months may be provided only
8434 if a federal waiver is obtained to provide such assistance for
8435 more than twelve (12) months and federal and state funds are
8436 available to provide such assistance.

8437 (10) The department shall require applicants for and
8438 recipients of public assistance from the department to sign a
8439 personal responsibility contract that will require the applicant
8440 or recipient to acknowledge his or her responsibilities to the
8441 state.

8442 (11) The department shall enter into an agreement with the
8443 State Personnel Board and other state agencies that will allow
8444 those TANF participants who qualify for vacant jobs within state
8445 agencies to be placed in state jobs. State agencies participating
8446 in the TANF work program shall receive any and all benefits
8447 received by employers in the private sector for hiring TANF
8448 recipients. This subsection (11) shall be effective only if the
8449 state obtains any necessary federal waiver or approval and if
8450 federal funds are available therefor. Not later than September 1,
8451 2021, the department shall prepare a report, which shall be



8452 provided to the Chairmen of the House and Senate Public Health
8453 Committees and to any other member of the Legislature upon
8454 request, on the history, status, outcomes and effectiveness of the
8455 agreements required under this subsection.

8456 (12) Any unspent TANF funds remaining from the prior fiscal
8457 year may be expended for any TANF allowable activities.

8458 (13) The Mississippi Department of Human Services shall
8459 provide TANF applicants information and referral to programs that
8460 provide information about birth control, prenatal health care,
8461 abstinence education, marriage education, family preservation and
8462 fatherhood. Not later than September 1, 2021, the department
8463 shall prepare a report, which shall be provided to the Chairmen of
8464 the House and Senate Public Health Committees and to any other
8465 member of the Legislature upon request, on the history, status,
8466 outcomes and effectiveness of the information and referral
8467 requirements under this subsection.

8468 (14) No new TANF program requirement or restriction
8469 affecting a person's eligibility for TANF assistance, or allowable
8470 work activity, which is not mandated by federal law or regulation
8471 may be implemented by the Department of Human Services after July
8472 1, 2004, unless such is specifically authorized by an amendment to
8473 this section by the Legislature.

8474 **SECTION 113.** Section 65-26-9, Mississippi Code of 1972, is
8475 amended as follows:



8476 65-26-9. (1) There is hereby created in the State Treasury
8477 a special fund to be known as the Tennessee-Tombigbee Waterway
8478 Bridge Bond Retirement Fund. All revenues pledged for the payment
8479 of the principal of and interest on the bonds authorized to be
8480 issued by this chapter shall be deposited into the bond retirement
8481 fund. Expenditures from the bond retirement fund shall be made
8482 only in accordance with this section.

8483 (2) Subject to the provisions of subsection (3) of this
8484 section, amounts on deposit in the bond retirement fund and not
8485 immediately required for the making of any payments therefrom
8486 shall be invested in interest-bearing certificates of deposit in
8487 accordance with the provisions of Section 27-105-33, except
8488 interest so earned shall be credited to the bond retirement fund.

8489 (3) (a) There is hereby established within the bond
8490 retirement fund two (2) separate accounts as follows: (i) the
8491 "Tennessee-Tombigbee General Account"; and (ii) the
8492 "Tennessee-Tombigbee Principal and Interest Account."

8493 (b) (i) All amounts held in the bond retirement fund
8494 on April 23, 1986, and all amounts thereafter deposited in the
8495 bond retirement fund, shall be credited to the Tennessee-Tombigbee
8496 General Account.

8497 (ii) Until such time as the transfer of funds from
8498 the Tennessee-Tombigbee General Account to the Tennessee-Tombigbee
8499 Principal and Interest Account occurs as provided in paragraph
8500 (b)(iii) of this subsection, amounts in the general account shall



8501 be applied to the following purposes and in the following order of
8502 priority: first, to the extent required, to the payment, the
8503 principal of, redemption premium, if any, and interest on general
8504 obligation bonds; second, to the extent required, to the General
8505 Fund of the state to reimburse the state for expenditures in
8506 excess of twenty-five percent (25%) of the total costs of the
8507 principal and interest on bonds issued under authority of
8508 subsection (1) of Section 65-26-15 and for all expenditures for
8509 costs of the principal of and interest on bonds issued under
8510 authority of subsection (2) of Section 65-26-15; and third, to the
8511 extent required, if any, to the bridge construction fund created
8512 in Section 65-26-25 to make current payments to meet contractual
8513 obligations for bridge construction.

8514 (iii) Upon certification of the State Treasurer,
8515 filed with and approved by the State Bond Commission, that the
8516 amount on deposit in the Tennessee-Tombigbee General Account,
8517 together with earnings on investments to accrue to it, is equal to
8518 or greater than the aggregate of the entire principal, redemption
8519 premium, if any, and interest due and to become due, until the
8520 final maturity date or earlier scheduled redemption date thereof,
8521 on all general obligation bonds outstanding as of the date of such
8522 certification, then the State Treasurer shall transfer from the
8523 Tennessee-Tombigbee General Account to the Tennessee-Tombigbee
8524 Principal and Interest Account an amount equal to the entire
8525 principal, redemption premium, if any, and interest due and to



8526 become due, until the final maturity date or scheduled redemption
8527 date thereof, on all general obligation bonds outstanding as of
8528 the date of such transfer. The State of Mississippi hereby
8529 covenants with the holders from time to time of general obligation
8530 bonds that amounts deposited in the Tennessee-Tombigbee Principal
8531 and Interest Account will be applied solely to the payment of the
8532 principal of, redemption premium, if any, and interest on general
8533 obligation bonds.

8534 (iv) After the date of the transfer from the
8535 general account to the principal and interest account contemplated
8536 by paragraph (b)(iii) of this subsection, amounts from time to
8537 time on deposit in the Tennessee-Tombigbee General Account shall
8538 be applied monthly to the following purposes and in the following
8539 order of priority: first, to the extent required, to the payment
8540 of the principal of, redemption premium, if any, and interest on
8541 general obligation bonds issued under this chapter; second, to the
8542 extent required, to the General Fund of the state to reimburse the
8543 state for expenditures in excess of twenty-five percent (25%) of
8544 the total costs of the principal and interest on bonds issued
8545 under authority of subsection (1) of Section 65-26-15 and for all
8546 expenditures for costs of the principal of and interest on bonds
8547 issued under authority of subsection (2) of Section 65-26-15; and
8548 third, to the extent required, if any, to the bridge construction
8549 fund created in Section 65-26-25 to make current payments to meet
8550 contractual obligations for bridge construction.



8551 (4) It is the intent of the Legislature that all outstanding
8552 general obligation bonds issued under this chapter shall be
8553 retired by the State Bond Commission on the earliest scheduled
8554 redemption date thereof, provided that there are sufficient funds
8555 in the bond retirement fund together with earnings on investments
8556 to accrue to it. When the principal of, redemption premium, if
8557 any, and interest on all such outstanding general obligation bonds
8558 are paid in full, then any amounts remaining in the bond
8559 retirement fund, or separate accounts therein, together with
8560 earnings on investments to accrue to it, shall be apportioned and
8561 paid as follows:

8562 (a) Three Million Five Hundred Thousand Dollars
8563 (\$3,500,000.00) of such funds shall be paid into the appropriate
8564 fund for use by the Yellow Creek State Inland Port Authority for
8565 equipment or facilities necessary to the operation of the port.

8566 (b) Three Million Five Hundred Thousand Dollars
8567 (\$3,500,000.00) shall be paid into the State General Fund.

8568 (c) Seven Million Five Hundred Thousand Dollars
8569 (\$7,500,000.00) shall be paid to Tishomingo County. Of the Seven
8570 Million Five Hundred Thousand Dollars (\$7,500,000.00), (i) Two
8571 Million Five Hundred Thousand Dollars (\$2,500,000.00) shall be
8572 placed by the county in a special trust fund, the principal of
8573 which shall remain inviolate and the interest on which shall be
8574 expended solely for improvement of elementary and secondary
8575 education in Tishomingo County and distributed among the school



8576 districts therein based on the * * * net enrollment in each, and
8577 (ii) Five Million Dollars (\$5,000,000.00) shall be placed in the
8578 county general fund and may be expended for general county
8579 purposes.

8580 (d) The balance of such funds shall be paid to the
8581 counties of Alcorn, Chickasaw, Clay, Itawamba, Lee, Lowndes,
8582 Monroe, Noxubee, Kemper, Pontotoc, Prentiss and Tishomingo. Such
8583 funds shall be paid to such counties in the proportion that each
8584 county's contribution to the bridge bond fund bears to the total
8585 contribution from all twelve (12) counties; however, no county
8586 shall be paid more than Five Million Dollars (\$5,000,000.00) under
8587 this paragraph (d). Such funds shall be deposited by the county
8588 into a special account to be expended solely for economic
8589 development purposes. No expenditure of funds from the special
8590 account shall be made unless the amount to be expended from the
8591 special account is matched by other county funds in an amount
8592 equal to fifteen percent (15%) of the special account funds to be
8593 expended and until the Mississippi * * * Development Authority,
8594 upon application by the board of supervisors, has certified that
8595 the proposed expenditure is for economic development purposes and
8596 has approved the expenditure for such purposes; provided, however,
8597 the fifteen percent (15%) match hereinabove imposed shall not be
8598 required when the proposed expenditure for economic development
8599 purposes is on land owned or leased by the federal, state, county
8600 or municipal government.



8601 **SECTION 114.** Section 37-151-81, Mississippi Code of 1972, is
8602 amended as follows:

8603 37-151-81. * * *

8604 (* * *1) * * * For each * * * student with a disability who
8605 is being educated by a public school district or is placed in
8606 accord with Section 37-23-77, * * * and whose individualized
8607 educational program (IEP) requires an extended school year in
8608 accord with the State Department of Education criteria, a
8609 sufficient amount of funds shall be allocated for the purpose of
8610 providing the educational services the student requires. The
8611 State Board of Education shall promulgate such regulations as are
8612 required to insure the equitable distribution of these funds. All
8613 costs for the extended school year for a particular summer shall
8614 be reimbursed from funds appropriated for the fiscal year
8615 beginning July 1 of that summer. If sufficient funds are not made
8616 available to finance all of the required educational services, the
8617 State Department of Education shall expend available funds in such
8618 a manner that it does not limit the availability of appropriate
8619 education to * * * students with disabilities more severely than
8620 it does to * * * students without disabilities.

8621 (* * *2) The State Department of Education is hereby
8622 authorized to match * * * the total funding formula funds provided
8623 in this act and other funds allocated for provision of services
8624 to * * * students with disabilities with Division of Medicaid
8625 funds to provide language-speech services, physical therapy and



8626 occupational therapy to * * * students with disabilities who meet
8627 State Department of Education or Division of Medicaid standards
8628 and who are Medicaid eligible. Provided further, that the State
8629 Department of Education is authorized to pay such funds as may be
8630 required as a match directly to the Division of Medicaid pursuant
8631 to an agreement to be developed between the State Department of
8632 Education and the Division of Medicaid.

8633 * * *

8634 (* * *3) When any children who are residents of the State
8635 of Mississippi and qualify under the provisions of Section
8636 37-23-31 * * * shall be provided a program of education,
8637 instruction and training within a school under the provisions of
8638 said section, the State Department of Education shall
8639 allocate * * * funds equivalent to the full base student cost and
8640 all qualifying weighted adjustments as prescribed in Section
8641 37-151-205 * * *. The university or college shall be eligible for
8642 state and federal funds for such programs on the same basis as
8643 local school districts. The university or college shall be
8644 responsible for providing for the additional costs of the program.

8645 (* * *4) * * * A school district may provide a program of
8646 education and instruction to children ages five (5) years through
8647 twenty-one (21) years, who are resident citizens of the State of
8648 Mississippi, who cannot have their educational needs met in a
8649 regular public school program and who have not finished or
8650 graduated from high school, if those children are determined by



8651 competent medical authorities and psychologists to need placement
8652 in a state licensed facility for inpatient treatment, day
8653 treatment or residential treatment or a therapeutic group home.
8654 Such program shall operate under rules, regulations, policies and
8655 standards of school districts as determined by the State Board of
8656 Education. If a private school approved by the State Board of
8657 Education is operated as an integral part of the state licensed
8658 facility that provides for the treatment of such children, the
8659 private school within the facility may provide a program of
8660 education, instruction and training to such children by requesting
8661 the State Department of Education to allocate * * * funds
8662 equivalent to the full base student cost and all qualifying
8663 weighted adjustments as prescribed in Section 37-151-205 for each
8664 student placed in such facility for each approved class. The
8665 facility shall be responsible for providing any additional costs
8666 of the program.

8667 * * *

8668 **SECTION 115.** Section 27-104-351, Mississippi Code of 1972,
8669 is amended as follows:

8670 27-104-351. (1) This section shall be known and may be
8671 cited as the "Line-Item Appropriation Transparency Act."

8672 (2) As used in this section, unless the context clearly
8673 indicates otherwise:



8674 (a) "Local government entity" means any county,
8675 municipality, school district, public hospital or other political
8676 subdivision of the state.

8677 (b) "Pass-through funding" means a line-item
8678 appropriation by the Legislature to a state agency that is
8679 itemized on a separate line in a state agency's appropriation bill
8680 and that is intended to be passed through the state agency to one
8681 or more:

8682 (i) Local government entities;

8683 (ii) Private organizations, including
8684 not-for-profit organizations; or

8685 (iii) Persons in the form of a loan or grant.

8686 "Pass-through funding" may be general funds, dedicated credits, or
8687 any combination of state funding sources, and may be ongoing or
8688 one-time.

8689 (c) "Recipient entity" means a local government entity
8690 or private entity, including a nonprofit entity, that receives
8691 money by way of pass-through funding from a state agency.

8692 (d) "State agency" shall have the same meaning as
8693 provided in Section 27-103-103, and shall include any other
8694 subagency or board under the supervision of that state agency.

8695 (e) "State money" means funds in the State General Fund
8696 and all state-support special funds which are in the Budget
8697 Contingency Fund, Capital Expense Fund, Working-Cash Stabilization
8698 Reserve Fund, Education Enhancement Fund, Healthcare Expendable



8699 Fund, Tobacco Control Program Fund, BP Settlement Fund, Gulf Coast
8700 Restoration Fund and any other special funds that are determined
8701 by the Joint Legislative Budget Committee to be a state-support
8702 special fund. "State money" does not include contributions or
8703 donations received by a state agency.

8704 (f) "Department" means the Department of Finance and
8705 Administration.

8706 (3) A state agency may not provide a recipient entity state
8707 money from pass-through funding unless:

8708 (a) The state agency enters into a written agreement
8709 with the recipient entity, which details the criteria and
8710 reporting requirements as provided in this section; and

8711 (b) The written agreement described in paragraph (a) of
8712 this subsection requires the recipient entity to provide to the
8713 state agency the following:

8714 (i) A written description and an itemized report
8715 detailing the expenditure of state money or the intended
8716 expenditure of any state money that has not been spent. Such
8717 report shall be submitted at least quarterly on dates determined
8718 by the department; and

8719 (ii) A final written itemized report when all the
8720 state money is spent.

8721 Disbursements shall only be made after the written agreement
8722 described in paragraph (a) of this subsection has been signed and
8723 shall be contingent upon the recipient entity complying with the



8724 quarterly reporting requirements required by paragraph (b) of this
8725 subsection.

8726 (4) On or before June 30 of each year or a date determined
8727 by the department, a state agency shall provide to the department
8728 a copy of the written agreements, written descriptions, and
8729 reports of itemized expenditures required under subsection (3) of
8730 this section.

8731 (5) The department is responsible for obtaining the written
8732 agreements, written descriptions, and itemized reports required by
8733 subsection (3) of this section from state agencies. The
8734 department is further responsible for consolidating and presenting
8735 a report on the previous fiscal year's pass-through expenditures
8736 and providing it to the Joint Legislative Budget Committee by
8737 October 1 of each year.

8738 (6) The department shall create all of the following
8739 documents which shall be in such form and contain such information
8740 as the department prescribes:

8741 (a) Written agreement as described in subsection (3)(a)
8742 of this section;

8743 (b) Written description and itemized report as
8744 described in subsection (3)(b) of this section; and

8745 (c) Final itemized report as described in subsection
8746 (3)(b) of this section.

8747 A state agency shall utilize these documents when complying
8748 with the criteria set forth in this act.



8749 (7) Notwithstanding subsection (3) of this section, a state
8750 agency is not required to comply with this section to the extent
8751 that the pass-through funding is issued:

8752 (a) Under a competitive award process;

8753 (b) In accordance with a formula enacted in statute;

8754 (c) In accordance with a state program under parameters
8755 in statute or rule that guides the distribution of the
8756 pass-through funding;

8757 (d) Under the authority of * * *this act; or

8758 (e) In accordance with an appropriations act of the
8759 Legislature that specifically provides an exemption from the
8760 provisions of this section.

8761 (8) Unless a recipient entity is required to comply with
8762 Section 31-7-1 et seq. because it is an agency or public body, the
8763 fact that it is a recipient entity does not create such an
8764 obligation.

8765 **SECTION 116.** Section 37-13-153, Mississippi Code of 1972,
8766 which required state funding for home economics teachers to be
8767 included as a line item in the education appropriations bills for
8768 fiscal years 1995, 1996 and 1997, is repealed.

8769 **SECTION 117.** Sections 37-151-1, 37-151-5, 37-151-6,
8770 37-151-7, 37-151-7.1, 37-151-8, 37-151-10, 37-151-77, 37-151-79
8771 and 37-151-83, Mississippi Code of 1972, which define certain
8772 terms and establish the formula to be used in determining the



8773 annual allocation of funds to each school district under the
8774 Mississippi Adequate Education Program (MAEP), are repealed.

8775 **SECTION 118.** Section 37-152-1, Mississippi Code of 1972,
8776 which creates the Commission on Restructuring the Mississippi
8777 Adequate Education Program (MAEP), is repealed.

8778 **SECTION 119.** Sections 27-65-75(5), 37-47-7, and 37-47-24,
8779 Mississippi Code of 1972, which provide for the Educational
8780 Facilities Revolving Loan Fund and its funding mechanism, are
8781 hereby repealed.

8782 **SECTION 120.** This act shall take effect and be in force from
8783 and after July 1, 2024.

