

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2332

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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

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

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

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



109 (a) "Average daily membership" or "ADM" means the
110 figure that results when the total aggregate student enrollment of
111 a school district or charter school during the period counted is
112 divided by the number of days during the period counted upon which
113 both teachers and students are in regular attendance for scheduled
114 classroom instruction for not less than sixty percent (60%) of the
115 normal school day. However, if a local school board or the
116 governing board of a charter school adopts a class schedule that
117 operates throughout the year for any or all schools in the
118 district or the charter school, average daily membership must be
119 computed by the State Department of Education so that the
120 resulting average daily membership will not be higher or lower
121 than if the local school board or the governing board had not
122 adopted a year-round schedule.

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

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

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



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

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

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

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

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

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



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

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

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

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



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

(p) "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 average daily membership 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.

(q) "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.

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

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

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



(u) "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 37-151-205, Mississippi Code of 1972:

37-151-205. (1) Beginning with the 2025 fiscal year, the annual computation of the total amount of operational funding, both state and local, for the cost of educating students enrolled in the public schools in the State of Mississippi is determined in accordance with Investing in the Needs of Students to Prioritize, Impact and Reform Education (INSPIRE) established under this chapter.

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

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

37-151-207. Beginning with the 2025 fiscal year, the student base amount shall not be less than Six Thousand Six Hundred Fifty Dollars (\$6,650.00) per student. Upon the expiration of all hold harmless provisions granted to certain school districts under



233 Section 37-151-223, the base student cost shall be adjusted
234 annually at a rate of twenty percent (20%) multiplied by the
235 consumer price index (CPI) beginning in fiscal year 2028. The
236 calculation shall be performed annually by the Legislative Budget
237 Office, and the resulting amount shall replace the previous year's
238 base student cost.

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

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

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

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



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

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

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

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.



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

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

296 (7) In each school district or charter school where the
297 number of students identified as low income, as defined in Section
298 37-151-203, exceeds thirty-five percent (35%) of the school
299 district or charter school's average daily membership, a weight of
300 ten percent (10%) is applied only to the number of low income
301 students in excess of the number of low income students which
302 constitute thirty-five percent (35%) of average daily membership.
303 The number of students eligible for this weight is calculated by
304 subtracting the number of students equivalent to thirty-five
305 percent (35%) of the average daily membership of that school



district or charter school from the total number of students in that school district or charter school identified as low income: if the total number of students identified in subsection (2) exceeds thirty-five percent (35%) of the school district or charter school's total average daily membership, as determined in Section 37-151-111, the difference between the total number of students identified in subsection (2) and thirty-five percent (35%) of the school district or charter school's total average daily membership is multiplied by ten one-hundredths (10/100).

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

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

(b) The final weighted enrollment for each sparsely populated district or charter school, as defined in Section 37-151-203, is determined by multiplying the sparsity weight by



the preliminary weighted enrollment, as determined in subsections (1) through (7) of this section, and then adding that figure to the preliminary weighted enrollment. To calculate the final weighted enrollment, the State Department of Education shall add to the school district or charter school's average daily membership, as determined under Section 37-151-111, each of the additional figures calculated in accordance with subsections (2) through (7) to determine the preliminary weighted enrollment, multiply this figure by the sparsity weight as determined below, and add this resulting number to the preliminary weighted enrollment to find the final weighted enrollment. To calculate the sparsity weight, the State Department of Education shall find the difference between the number of students per square mile in that district or charter school and a sparsity threshold of eight (8) students per square mile, and then shall divide the resulting figure by one hundred (100) to create a percentage: for example, if the number of students per square mile in a district is three (3), the difference is five (5) (eight (8) minus three (3)), and the sparsity weight is five percent (5%), or five one-hundredths (5/100).

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

37-151-211. (1) A school district or charter school's average daily membership for the purposes of calculating the cost of Investing in the Needs of Students to Prioritize, Impact and



Reform Education (INSPIRE) must be based on the number of students projected to be in enrollment in Mississippi public schools during the fiscal year for which an appropriation is made. The average daily membership of a school district or charter school for use in the funding formula must be computed and currently maintained by the State Board of Education in accordance with the following:

(a) Determination of school district average daily membership for use in the funding formula. Effective with fiscal year 2025, the State Department of Education shall determine the percentage change from the prior year of each school district's average of months two (2) and three (3) average daily membership (ADM) for the three (3) immediately preceding school years of the year for which funds are being appropriated. For any school district that experiences growth in the average of months two (2) and three (3) ADM each year of the three (3) years, the average percentage growth over the three-year period must be multiplied times the school district's average of months two (2) and three (3) ADM for the year immediately preceding the year for which formula funds are being appropriated. The resulting amount must be added to the school district's average of months two (2) and three (3) ADM for the year immediately preceding the year for which formula funds are being appropriated to arrive at the ADM to be used in determining a school district's funding formula allocation. Otherwise, months two (2) and three (3) ADM for the year immediately preceding the year for which formula funds are



being appropriated will be used in determining a school district's funding formula allocation.

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

(c) The average daily membership 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 average daily membership using months two (2) and three (3) for the year for which INSPIRE 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 average daily membership did not meet expectations and not any new amount appropriated for the year in which the adjustment will be made. Reconciliation of average daily membership for charter schools must be based on requirements set forth in Section 37-28-55.

(2) The ADM 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 chapter 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 the INSPIRE 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 INSPIRE.

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

37-151-213. (1) As soon as practical following the effective date of this act, but no later than January 1, 2026, and each year thereafter, the department shall review the disability tiers established under this chapter to ensure that the various



431 diagnoses and weightings are matched and classified appropriately.
432 The department shall verify that the distribution of weights meets
433 the Maintenance of Effort (MOE) requirements of the Individuals
434 with Disabilities Education Act (IDEA) and that the total funding
435 by the state dedicated to special education is sufficient to meet
436 annual MOE requirements. The department also shall determine if
437 the diagnoses are categorized appropriately based on the average
438 costs of educating students in the state who are in special
439 education programs. Before September 1 of each year, the
440 department shall submit an annual report to the Education and
441 Appropriations Committees of the House of Representatives and
442 Senate recommending any revisions that are necessary in order for
443 the state to comply with federal requirements under IDEA or which
444 may be desirable to improve the delivery and funding of special
445 education services throughout the state. The department may
446 include any recommendations for transitioning to service-based, or
447 Individual Education Plan (IEP)-based, tiers for funding special
448 education services rather than diagnosis-based tiers.

449 (2) Before January 1, 2027, and each year thereafter, the
450 department shall submit a detailed report to the Education and
451 Appropriations Committees of the House of Representatives and
452 Senate on the status of English Language Learners in the public
453 schools. The report must include data demonstrating the progress
454 that is being made through programs and services aimed at
455 improving English language mastery in non-English-proficient



students and an assessment of the sufficiency of the supplemental allocation for those programs and services, along with any recommendations for adjustments to the weight prescribed under this chapter for English Language Learners. In order to create this report, the department may require each school district and charter school to submit an annual report to the department relating to the education of English Language Learners that includes the following:

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

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

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

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

(3) Before January 1, 2027, and every four (4) years thereafter, the State Board of Education shall submit to the Legislature a report that reviews the formula and the student base amount and includes recommendations for revisions based upon considerations which may include the effects of inflation, studies



of the actual costs of education in the State of Mississippi,
research in education and education finance, and public comment.
Any study of actual costs of education pursuant to this subsection
may include, but need not be limited to, the following:

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

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



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

(i) The State Superintendent of Public Education;

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

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

(iv) One (1) superintendent from each Congressional district who oversees a school district with a student enrollment at or below the fiftieth percentile of the statewide district enrollment, to be appointed by the State Superintendent of Public Education; and

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

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

(c) All appointments to the working group must be made no later than thirty (30) days after the effective date of this act. After the members are appointed, the working group shall



conduct its organizational meeting on or before September 1, 2024, upon the call of the State Superintendent of Public Education, who shall serve as chairperson of the group. A majority of the members of the working group shall constitute a quorum.

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

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

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

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

37-151-215. 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 chapter are intended only to generate total appropriation amounts on a per student basis. 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 9. The following shall be codified as Section 37-151-217, Mississippi Code of 1972:

37-151-217. (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 Investing in the Needs of Students to Prioritize, Impact and Reform Education (INSPIRE). A separate report must be filed for each school district or part of a school district situated in the county and must include the following information:

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

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



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

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

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

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

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

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



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

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

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

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



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

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

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



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

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

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



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

694 **SECTION 10.** The following shall be codified as Section
695 37-151-219, Mississippi Code of 1972:

696 37-151-219. (1) To qualify for state funds under this
697 chapter, a school district may not exceed a student-teacher ratio
698 determined in accordance with appropriate accreditation standards
699 developed by the Mississippi Commission on School Accreditation.
700 However, a local district may apply to the State Board of
701 Education for approval of a waiver to this section by submitting
702 and justifying an alternative educational program to serve the
703 needs of enrollment. The State Board of Education must approve or



disapprove of the waiver no later than forty-five (45) days after the receipt of the application.

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

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

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

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

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



728 37-151-221. (1) The State Department of Education shall
729 conduct a comprehensive review of all rules, regulations, orders
730 and policies of the department and State Board of Education to
731 identify all process standards used in the assignment of a
732 district's accreditation status established by rule, regulation,
733 order or policy which create a fiscal impact on school districts
734 to determine if such standards are critical to student success.
735 The department shall examine those rules, regulations, orders and
736 policies to assess whether compliance with the administrative
737 requirements causes a fiscal impact that has the effect of
738 earmarking state funds before those funds are allocated to a
739 school district and forcing inefficient spending while restricting
740 innovation by the district. The study must identify those areas
741 in which school districts are required to follow a prescribed or
742 assumed investment of resources rather than be held to an expected
743 outcome. The department also shall examine any rules,
744 regulations, orders, policies or laws that prohibit or restrict
745 the use of state funds or the use of local funds for certain
746 expenditures to ascertain whether those provisions are necessary
747 or desirable under Investing in the Needs of Students to
748 Prioritize, Impact and Reform Education (INSPIRE). Based on the
749 results of the review, the State Board of Education or the
750 department shall consider making any necessary or desirable
751 revision to any rule, regulation, order or policy deemed
752 inconsistent with the intent of the funding formula and shall



submit to the Legislature, on or before January 1, 2026, a report of any recommended legislation for statutory revisions deemed necessary or desirable by the department or board in furthering the intent of the funding formula.

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

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

37-151-223. (1) Notwithstanding the provisions of Section 37-151-217(3) or 37-151-219(2), the state share in support of the funding formula for a school district or charter school for fiscal year 2025 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



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

784 (2) Notwithstanding any other provision of this chapter, the
785 state share in support of the funding formula for a school
786 district or charter school for fiscal year 2026 and fiscal year
787 2027 may not be less than an amount equal to ninety-seven percent
788 (97%) of the state funds received by that school district or
789 charter school under Investing in the Needs of Students to
790 Prioritize, Impact and Reform Education (INSPIRE) in the
791 immediately preceding fiscal year; however, the limitations
792 prescribed in this subsection do not apply to the extent that any
793 portion of such a decrease in the required state share for a
794 school district is attributable solely to a projected change in
795 the school district's or charter school's average daily membership
796 in the year for which funds are being allocated.

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

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

800 37-57-1. (1) (a) The boards of supervisors of the counties
801 shall levy and collect all taxes for and on behalf of all school



802 districts which were within the county school system or designated
803 as special municipal separate school districts prior to July 1,
804 1986. Such taxes shall be collected by the county tax collector
805 at the same time and in the same manner as county taxes are
806 collected by him, and the same penalties for delinquency shall be
807 applicable.

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

815 Except as otherwise provided in Section 19-9-171, the county
816 or municipal tax collector, as the case may be, shall pay such tax
817 collections, except for taxes collected for the payment of the
818 principal of and interest on school bonds or notes and except for
819 taxes collected to defray collection costs, into the school
820 depository and report to the school board of the appropriate
821 school district at the same time and in the same manner as the tax
822 collector makes his payments and reports of other taxes collected
823 by him.

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



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

834 (2) The levying authority for the school district shall, at
835 the same time and in the same manner as other taxes are levied by
836 the levying authority, levy a tax of not less than twenty-eight
837 (28) mills for the then current fiscal year * * * or a millage
838 rate equivalent to twenty-seven percent (27%) of the * * * total
839 Investing in the Needs of Students to Prioritize, Impact and
840 Reform Education (INSPIRE), whichever is a lesser amount, as
841 certified to the school district by the State Department of
842 Education, upon all of the taxable property of the school
843 district * * *. However, in no case shall the minimum local ad
844 valorem tax effort for any school district be equal to an amount
845 that would require a millage rate exceeding fifty-five (55) mills
846 in that school district. * * * However, * * * if a levying
847 authority is levying in excess of fifty-five (55) mills on July 1,
848 1997, the levying authority may levy an additional amount not
849 exceeding three (3) mills in the aggregate for the period
850 beginning July 1, 1997, and ending June 30, 2003, subject to the
851 limitation on increased receipts from ad valorem taxes prescribed



in Sections 37-57-105 and 37-57-107. 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. In making such levy, the levying authority shall levy an additional amount sufficient to cover anticipated delinquencies and costs of collection so that the net amount of money to be produced by such levy shall be equal to the amount which the school district is required to contribute as its * * * minimum local ad valorem tax effort. The tax so levied shall be collected by the tax collector at the same time and in the same manner as other ad valorem taxes are collected by him. The amount of taxes so collected as a result of such levy shall be paid into the district maintenance fund of the school district by the tax collector at the same time and in the same manner as reports and payments of other ad valorem taxes are made by * * * the tax collector, except that the amount collected to defray costs of 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 14. 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.

(2) (a) Except as otherwise provided under paragraph (b) or (c) of this subsection, if the millage rate necessary to generate funds equal to the dollar amount requested by the school board is greater than fifty-five (55) mills, and if this millage rate is higher than the millage then being levied pursuant to the school board's order requesting the ad valorem tax effort for the currently existing fiscal year, then the levying authority shall call a referendum on the question of exceeding, during the next



fiscal year, the then existing millage rate being levied for school district purposes. The referendum shall be scheduled for not more than six (6) weeks after the date on which the levying authority receives the school board's order requesting the ad valorem tax effort.

When a referendum has been called, notice of the referendum shall be published at least five (5) days per week, unless the only newspaper published in the school district is published less than five (5) days per week, for at least three (3) consecutive weeks, in at least one (1) newspaper published in the school district. The notice shall be no less than one-fourth (1/4) page in size, and the type used shall be no smaller than eighteen (18) point and surrounded by a one-fourth-inch solid black border. The notice may not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The first publication of the notice shall be made not less than twenty-one (21) days before the date fixed for the referendum, and the last publication shall be made not more than seven (7) days before that date. If no newspaper is published in the school district, then the notice shall be published in a newspaper having a general circulation in the school district. The referendum shall be held, as far as is practicable, in the same manner as other referendums and elections are held in the county or municipality. At the referendum, all registered, qualified electors of the school district may vote. The ballots used at the referendum shall have



927 printed thereon a brief statement of the amount and purpose of the
928 increased tax levy and the words "FOR INCREASING THE MILLAGE
929 LEVIED FOR SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY
930 LEVIED) MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S
931 ORDER) MILLS," and "AGAINST INCREASING THE MILLAGE LEVIED FOR
932 SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY LEVIED)
933 MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S ORDER)
934 MILLS." The voter shall vote by placing a cross (X) or checkmark
935 (✓) opposite his choice on the proposition.

936 If a majority of the registered, qualified electors of the
937 school district who vote in the referendum vote in favor of the
938 question, then the ad valorem tax effort in dollars requested by
939 the school board shall be approved. However, if a majority of the
940 registered, qualified electors who vote in the referendum vote
941 against the question, the millage rate levied by the levying
942 authority shall not exceed the millage then being levied pursuant
943 to the school board's order requesting the ad valorem tax effort
944 for the then currently existing fiscal year.

945 Nothing in this subsection shall be construed to require any
946 school district that is levying more than fifty-five (55) mills
947 pursuant to Sections 37-57-1 and 37-57-105 to decrease its millage
948 rate to fifty-five (55) mills or less. Further, nothing in this
949 subsection shall be construed to require a referendum in a school
950 district where the requested ad valorem tax effort in dollars
951 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.

(c) If the levying authority for any school district lawfully has decreased the millage levied for school district purposes, but subsequently determines that there is a need to increase the millage rate due to a disaster in which the Governor has declared a disaster emergency or the President of the United States has declared an emergency or major disaster, then the levying authority may increase the millage levied for school district purposes up to an amount that does not exceed the millage rate in any one (1) of the immediately preceding ten (10) fiscal



976 years without any referendum that otherwise would be required
977 under this subsection.

978 (3) If the millage rate necessary to generate funds equal to
979 the dollar amount requested by the school board is equal to
980 fifty-five (55) mills or less, but the dollar amount requested by
981 the school board exceeds the next preceding fiscal year's ad
982 valorem tax effort in dollars by more than four percent (4%), but
983 not more than seven percent (7%) (as provided for under subsection
984 (4) of this section), then the school board shall publish notice
985 thereof at least five (5) days per week, unless the only newspaper
986 published in the school district is published less than five (5)
987 days per week, for at least three (3) consecutive weeks in a
988 newspaper published in the school district. The notice shall be
989 no less than one-fourth (1/4) page in size, and the type used
990 shall be no smaller than eighteen (18) point and surrounded by a
991 one-fourth-inch solid black border. The notice may not be placed
992 in that portion of the newspaper where legal notices and
993 classified advertisements appear. The first publication shall be
994 made not less than fifteen (15) days before the final adoption of
995 the budget by the school board. If no newspaper is published in
996 the school district, then the notice shall be published in a
997 newspaper having a general circulation in the school district. If
998 at any time before the adoption of the budget a petition signed by
999 not less than twenty percent (20%) or fifteen hundred (1500),
1000 whichever is less, of the registered, qualified electors of the



1001 school district is filed with the school board requesting that a
1002 referendum be called on the question of exceeding the next
1003 preceding fiscal year's ad valorem tax effort in dollars by more
1004 than four percent (4%), then the school board shall adopt, not
1005 later than the next regular meeting, a resolution calling a
1006 referendum to be held within the school district upon the
1007 question. The referendum shall be called and held, and notice
1008 thereof shall be given, in the same manner provided for in
1009 subsection (2) of this section. The ballot shall contain the
1010 language "FOR THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)" and
1011 "AGAINST THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)." If a
1012 majority of the registered, qualified electors of the school
1013 district who vote in the referendum vote in favor of the question,
1014 then the increase requested by the school board shall be approved.
1015 For the purposes of this subsection, the revenue sources excluded
1016 from the increase limitation under Section 37-57-107 also shall be
1017 excluded from the limitation described in this subsection in the
1018 same manner as they are excluded under Section 37-57-107.
1019 Provided, however, that any increases requested by the school
1020 board as a result of the required local contribution to * * *
1021 Investing in the Needs of Students to Prioritize, Impact and
1022 Reform Education (INSPIRE), as certified to the local school
1023 district by the State Board of Education under Section * * *
1024 37-151-217, shall not be subject to the four percent (4%) and/or



1025 seven percent (7%) tax increase limitations provided in this
1026 section.

1027 (4) If the millage rate necessary to generate funds equal to
1028 the dollar amount requested by the school board is equal to
1029 fifty-five (55) mills or less, but the dollar amount requested by
1030 the school board exceeds the seven percent (7%) increase
1031 limitation provided for in Section 37-57-107, the school board may
1032 exceed the seven percent (7%) increase limitation only after the
1033 school board has determined the need for additional revenues and
1034 three-fifths (3/5) of the registered, qualified electors voting in
1035 a referendum called by the levying authority have voted in favor
1036 of the increase. The notice and manner of holding the referendum
1037 shall be as prescribed in subsection (2) of this section for a
1038 referendum on the question of increasing the millage rate in
1039 school districts levying more than fifty-five (55) mills for
1040 school district purposes.

1041 (5) The aggregate receipts from ad valorem taxes levied for
1042 school district purposes pursuant to Sections 37-57-1 and
1043 37-57-105, excluding collection fees, additional revenue from the
1044 ad valorem tax on any newly constructed properties or any existing
1045 properties added to the tax rolls or any properties previously
1046 exempt which were not assessed in the next preceding year, and
1047 amounts received by school districts from the School Ad Valorem
1048 Tax Reduction Fund pursuant to Section 37-61-35, shall be subject



1049 to the increase limitation under this section and Section
1050 37-57-107.

1051 (6) The school board shall pay to the levying authority all
1052 costs that are incurred by the levying authority in the calling
1053 and holding of any election under this section.

1054 (7) The provisions of this section shall not be construed to
1055 affect in any manner the authority of school boards to levy
1056 millage for the following purposes:

1057 (a) The issuance of bonds, notes and certificates of
1058 indebtedness, as authorized in Sections 37-59-1 through 37-59-45
1059 and Sections 37-59-101 through 37-59-115;

1060 (b) The lease of property for school purposes, as
1061 authorized under the Emergency School Leasing Authority Act of
1062 1986 (Sections 37-7-351 through 37-7-359);

1063 (c) The lease or lease-purchase of school buildings, as
1064 authorized under Section 37-7-301;

1065 (d) The issuance of promissory notes in the event of a
1066 shortfall of ad valorem taxes and/or revenue from local sources,
1067 as authorized under Section 27-39-333; and

1068 (e) The construction of school buildings outside the
1069 school district, as authorized under Section 37-7-401.

1070 Any millage levied for the purposes specified in this
1071 subsection shall be excluded from the millage limitations
1072 established under this section.



1073 **SECTION 15.** Section 37-57-105, Mississippi Code of 1972, is
1074 amended as follows:

1075 37-57-105. (1) * * * In addition to the taxes levied under
1076 Section 37-57-1, the levying authority for the school district, as
1077 defined in Section 37-57-1, upon receipt of a certified copy of an
1078 order adopted by the school board of the school district
1079 requesting an ad valorem tax effort in dollars for the support of
1080 the school district and any charter schools located in the
1081 district, shall, at the same time and in the same manner as other
1082 ad valorem taxes are levied, levy an annual ad valorem tax in the
1083 amount fixed in such order upon all of the taxable property of
1084 such school district, which shall not be less than the millage
1085 rate certified by the State Board of Education as the uniform
1086 minimum school district ad valorem tax levy required for the
1087 support of * * * Investing in the Needs of Students to Prioritize,
1088 Impact and Reform Education (INSPIRE) in such school district
1089 under Sections 37-57-1 and 37-151-217. * * * However, * * * any
1090 school district levying less than the uniform minimum school
1091 district ad valorem tax levy on July 1, 1997, shall only be
1092 required to increase its local district maintenance levy in four
1093 (4) mill annual increments in order to attain such millage
1094 requirements. In making such levy, the levying authority shall
1095 levy an additional amount sufficient to cover anticipated
1096 delinquencies and costs of collection so that the net amount of
1097 money to be produced by such levy shall be equal to the amount



1098 which is requested by * * * the school board. The proceeds of
1099 such tax levy, excluding levies for the payment of the principal
1100 of and interest on school bonds or notes and excluding levies for
1101 costs of collection, shall be placed in the school depository to
1102 the credit of the school district and shall be expended in the
1103 manner provided by law for the purpose of supplementing teachers'
1104 salaries, extending school terms, purchasing furniture, supplies
1105 and materials, and for all other lawful operating and incidental
1106 expenses of such school district * * *.

1107 The monies authorized to be received by school districts from
1108 the School Ad Valorem Tax Reduction Fund pursuant to Section
1109 37-61-35 shall be included as ad valorem tax receipts. The
1110 levying authority for the school district, as defined in Section
1111 37-57-1, shall reduce the ad valorem tax levy for such school
1112 district in an amount equal to the amount distributed to such
1113 school district from the School Ad Valorem Tax Reduction Fund each
1114 calendar year pursuant to * * * Section 37-61-35. Such reduction
1115 shall not be less than the millage rate necessary to generate a
1116 reduction in ad valorem tax receipts equal to the funds
1117 distributed to such school district from the School Ad Valorem Tax
1118 Reduction Fund pursuant to Section 37-61-35. * * * The millage
1119 levy certified by the State Board of Education as the * * *
1120 minimum * * * tax levy * * * shall be subject to the provisions of
1121 this paragraph.



1122 In any county where there is located a nuclear generating
1123 power plant on which a tax is assessed under Section 27-35-309(3),
1124 such required levy and revenue produced thereby may be reduced by
1125 the levying authority in an amount in proportion to a reduction in
1126 the base revenue of any such county from the previous year. Such
1127 reduction shall be allowed only if the reduction in base revenue
1128 equals or exceeds five percent (5%). "Base revenue" shall mean
1129 the revenue received by the county from the ad valorem tax levy
1130 plus the revenue received by the county from the tax assessed
1131 under Section 27-35-309(3) and authorized to be used for any
1132 purposes for which a county is authorized by law to levy an ad
1133 valorem tax. For purposes of determining if the reduction equals
1134 or exceeds five percent (5%), a levy of millage equal to the prior
1135 year's millage shall be hypothetically applied to the current
1136 year's ad valorem tax base to determine the amount of revenue to
1137 be generated from the ad valorem tax levy. For the purposes of
1138 this section and Section 37-57-107, the portion of the base
1139 revenue used for the support of any school district shall be
1140 deemed to be the aggregate receipts from ad valorem taxes for the
1141 support of any school district. This paragraph shall apply to
1142 taxes levied for the 1987 fiscal year and for each fiscal year
1143 thereafter. If the Mississippi Supreme Court or another court
1144 finally adjudicates that the tax levied under Section 27-35-309(3)
1145 is unconstitutional, then this paragraph shall stand repealed.



1146 (b) The State Department of Education shall calculate a
1147 local pro rata amount for the aggregate receipts of the tax levied
1148 in this section by dividing the aggregate receipts by the sum of
1149 the school district's average daily membership, as determined
1150 under Section 37-151-211, and the average daily membership of any
1151 charter school students who reside in the district.

1152 (2) When the tax is levied upon the territory of any school
1153 district located in two (2) or more counties, the order of the
1154 school board requesting the levying of such tax shall be certified
1155 to the levying authority of each of the counties involved, and
1156 each of the levying authorities shall levy the tax in the manner
1157 specified herein. The taxes so levied shall be collected by the
1158 tax collector of the levying authority involved and remitted by
1159 the tax collector to the school depository of the home county to
1160 the credit of the school district involved as provided above,
1161 except that taxes for collection fees may be retained by the
1162 levying authority for deposit into its general fund.

1163 (3) The aggregate receipts from ad valorem taxes levied for
1164 school district purposes, excluding collection fees, pursuant to
1165 this section and Section 37-57-1 shall be subject to the increased
1166 limitation under Section 37-57-107; however, if the ad valorem tax
1167 effort in dollars requested by the school district for the fiscal
1168 year exceeds the next preceding fiscal year's ad valorem tax
1169 effort in dollars by more than four percent (4%) but not more than
1170 seven percent (7%), then the school board shall publish notice



1171 thereof once each week for at least three (3) consecutive weeks in
1172 a newspaper having general circulation in the school district
1173 involved, with the first publication thereof to be made not less
1174 than fifteen (15) days prior to the final adoption of the budget
1175 by the school board. If at any time prior to * * * the adoption a
1176 petition signed by not less than twenty percent (20%) or fifteen
1177 hundred (1500), whichever is less, of the qualified electors of
1178 the school district involved shall be filed with the school board
1179 requesting that an election be called on the question of exceeding
1180 the next preceding fiscal year's ad valorem tax effort in dollars
1181 by more than four percent (4%) but not more than seven percent
1182 (7%), then the school board shall, not later than the next regular
1183 meeting, adopt a resolution calling an election to be held within
1184 such school district upon such question. The election shall be
1185 called and held, and notice thereof shall be given, in the same
1186 manner for elections upon the questions of the issuance of the
1187 bonds of school districts, and the results thereof shall be
1188 certified to the school board. The ballot shall contain the
1189 language "For the School Tax Increase Over Four Percent (4%)" and
1190 "Against the School Tax Increase Over Four Percent (4%)." If a
1191 majority of the qualified electors of the school district who
1192 voted in such election shall vote in favor of the question, then
1193 the stated increase requested by the school board shall be
1194 approved. For the purposes of this paragraph, the revenue sources
1195 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 16. 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 general obligation school bonds issued heretofore or hereafter shall be excluded from the seven percent (7%) increase limitation set forth herein. Any additional millage levied to fund any new



1221 program mandated by the Legislature shall be excluded from the
1222 limitation for the first year of the levy and included within such
1223 limitation in any year thereafter. For the purposes of this
1224 section, the term "new program" shall include, but shall not be
1225 limited to, (a) the Early Childhood Education Program * * *, as
1226 provided by Section 37-21-7, and any additional millage levied and
1227 the revenue generated therefrom, which is excluded from the
1228 limitation for the first year of the levy, to support the mandated
1229 Early Childhood Education Program shall be specified on the
1230 minutes of the school board and of the governing body making such
1231 tax levy; (b) any additional millage levied and the revenue
1232 generated therefrom, which shall be excluded from the limitation
1233 for the first year of the levy, for the purpose of generating
1234 additional local contribution funds required for * * * Investing
1235 in the Needs of Students to Prioritize, Impact and Reform
1236 Education (INSPIRE); and (c) any additional millage levied and the
1237 revenue generated therefrom which shall be excluded from the
1238 limitation for the first year of the levy, for the purpose of
1239 support and maintenance of any agricultural high school which has
1240 been transferred to the control, operation and maintenance of the
1241 school board by the board of trustees of the community college
1242 district under provisions of Section 37-29-272.

1243 (2) The seven percent (7%) increase limitation prescribed in
1244 this section may be increased an additional amount only when the
1245 school board has determined the need for additional revenues and



1246 has held an election on the question of raising the limitation
1247 prescribed in this section. The limitation may be increased only
1248 if three-fifths (3/5) of those voting in the election shall vote
1249 for the proposed increase. The resolution, notice and manner of
1250 holding the election shall be as prescribed by law for the holding
1251 of elections for the issuance of bonds by the respective school
1252 boards. Revenues collected for the fiscal year in excess of the
1253 seven percent (7%) increase limitation pursuant to an election
1254 shall be included in the tax base for the purpose of determining
1255 aggregate receipts for which the seven percent (7%) increase
1256 limitation applies for subsequent fiscal years.

1257 (3) Except as otherwise provided for excess revenues
1258 generated pursuant to an election, if revenues collected as the
1259 result of the taxes levied for the fiscal year pursuant to this
1260 section and Section 37-57-1 exceed the increase limitation, then
1261 it shall be the mandatory duty of the school board of the school
1262 district to deposit such excess receipts over and above the
1263 increase limitation into a special account and credit it to the
1264 fund for which the levy was made. It will be the further duty of
1265 such board to hold * * * the funds and invest the same as
1266 authorized by law. Such excess funds shall be calculated in the
1267 budgets for the school districts for the purpose for which such
1268 levies were made, for the succeeding fiscal year. Taxes imposed
1269 for the succeeding year shall be reduced by the amount of excess
1270 funds available. Under no circumstances shall such excess funds



be expended during the fiscal year in which such excess funds are collected.

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

(5) Beginning with the 2013-2014 school year, each school district in which a charter school is located shall pay to the charter school an amount for each student enrolled in the charter school equal to the ad valorem taxes levied per pupil for the support of the school district in which the charter school is located. The pro rata ad valorem taxes to be transferred to the charter school must include all levies for the support of the school district under Sections 37-57-1 (local contribution to the * * * Investing in the Needs of Students to Prioritize, Impact and Reform Education (INSPIRE) formula) and 37-57-105 (school district operational levy) but may not include any taxes levied for the retirement of school district bonded indebtedness or short-term notes or any taxes levied for the support of vocational-technical education programs. Payments made pursuant to this subsection by a school district to a charter school must be made before the expiration of three (3) business days after the funds are distributed to the school district.

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



1296 37-61-33. (1) There is created within the State Treasury a
1297 special fund to be designated the "Education Enhancement Fund"
1298 into which shall be deposited all the revenues collected pursuant
1299 to Sections 27-65-75(5), (7) and (8) and 27-67-31(a) and (b).

1300 (2) Of the amount deposited into the Education Enhancement
1301 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be
1302 appropriated each fiscal year to the State Department of Education
1303 to be distributed to all school districts. Such money shall be
1304 distributed to all school districts in the proportion that the
1305 average daily * * * membership of each school district bears to
1306 the average daily * * * membership of all school districts within
1307 the state for the following purposes:

1308 (a) Purchasing, erecting, repairing, equipping,
1309 remodeling and enlarging school buildings and related facilities,
1310 including gymnasiums, auditoriums, lunchrooms, vocational training
1311 buildings, libraries, teachers' homes, school barns,
1312 transportation vehicles (which shall include new and used
1313 transportation vehicles) and garages for transportation vehicles,
1314 and purchasing land therefor;

1315 (b) Establishing and equipping school athletic fields
1316 and necessary facilities connected therewith, and purchasing land
1317 therefor;

1318 (c) Providing necessary water, light, heating,
1319 air-conditioning and sewerage facilities for school buildings, and
1320 purchasing land therefor;



1321 (d) As a pledge to pay all or a portion of the debt
1322 service on debt issued by the school district under Sections
1323 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
1324 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
1325 and 37-41-81, or debt issued by boards of supervisors for
1326 agricultural high schools pursuant to Section 37-27-65, if such
1327 pledge is accomplished pursuant to a written contract or
1328 resolution approved and spread upon the minutes of an official
1329 meeting of the district's school board or board of supervisors.
1330 The annual grant to such district in any subsequent year during
1331 the term of the resolution or contract shall not be reduced below
1332 an amount equal to the district's grant amount for the year in
1333 which the contract or resolution was adopted. The intent of this
1334 provision is to allow school districts to irrevocably pledge a
1335 certain, constant stream of revenue as security for long-term
1336 obligations issued under the code sections enumerated in this
1337 paragraph or as otherwise allowed by law. It is the intent of the
1338 Legislature that the provisions of this paragraph shall be
1339 cumulative and supplemental to any existing funding programs or
1340 other authority conferred upon school districts or school boards.
1341 Debt of a district secured by a pledge of sales tax revenue
1342 pursuant to this paragraph shall not be subject to any debt
1343 limitation contained in the foregoing enumerated code
1344 sections * * * and



1345 (e) Any other purpose for which INSPIRE funds are not
1346 sufficient.

1347 (3) The remainder of the money deposited into the Education
1348 Enhancement Fund shall be appropriated as follows:

1349 (a) To the State Department of Education as follows:

1350 (i) Sixteen and sixty-one one-hundredths percent
1351 (16.61%) to the cost of the adequate education program determined
1352 under Section 37-151-7; of the funds generated by the percentage
1353 set forth in this section for the support of the adequate
1354 education program, one and one hundred seventy-eight
1355 one-thousandths percent (1.178%) of the funds shall be
1356 appropriated to be used by the State Department of Education for
1357 the purchase of textbooks to be loaned under Sections 37-43-1
1358 through 37-43-59 to approved nonpublic schools, as described in
1359 Section 37-43-1. The funds to be distributed to each nonpublic
1360 school shall be in the proportion that the average daily
1361 attendance of each nonpublic school bears to the total average
1362 daily attendance of all nonpublic schools;

1363 (ii) Seven and ninety-seven one-hundredths percent
1364 (7.97%) to assist the funding of transportation operations and
1365 maintenance pursuant to Section 37-19-23; and

1366 (iii) Nine and sixty-one one-hundredths percent
1367 (9.61%) for classroom supplies, instructional materials and
1368 equipment, including computers and computer software, to be
1369 distributed to all eligible teachers within the state through the



1370 use of procurement cards or a digital solution capable of
1371 tracking, paying and reporting purchases. Classroom supply funds
1372 shall not be expended for administrative purposes. On a date to
1373 be determined by the State Department of Education, but not later
1374 than July 1 of each year, local school districts shall determine
1375 and submit to the State Department of Education the number of
1376 teachers eligible to receive an allocation for the current year.
1377 For purposes of this subparagraph, "teacher" means any employee of
1378 the school board of a school district, or the Mississippi School
1379 for the Arts, the Mississippi School for Math and Science, the
1380 Mississippi School for the Blind, the Mississippi School for the
1381 Deaf or public charter school, who is required by law to obtain a
1382 teacher's license from the State Department of Education and who
1383 is assigned to an instructional area of work as defined by the
1384 department, and shall include any full- or part-time gifted or
1385 special education teacher. It is the intent of the Legislature
1386 that all classroom teachers shall utilize these funds in a manner
1387 that addresses individual classroom needs and supports the overall
1388 goals of the school regarding supplies, instructional materials,
1389 equipment, computers or computer software under the provisions of
1390 this subparagraph, including the type, quantity and quality of
1391 such supplies, materials and equipment. Classroom supply funds
1392 allocated under this subparagraph shall supplement, not replace,
1393 other local and state funds available for the same purposes. The
1394 State Board of Education shall develop and promulgate rules and



1395 regulations for the administration of this subparagraph consistent
1396 with the above criteria, with particular emphasis on allowing the
1397 individual teachers to expend funds as they deem appropriate. The
1398 local school board shall require each school to issue credentials
1399 for a digital solution selected by or procurement cards provided
1400 by the Department of Finance and Administration under the
1401 provisions of Section 31-7-9(1)(c) for the use of teachers and
1402 necessary support personnel in making instructional supply fund
1403 expenditures under this section, consistent with the regulations
1404 of the Mississippi Department of Finance and Administration
1405 pursuant to Section 31-7-9. Such credentials or procurement cards
1406 shall be provided by the State Department of Education to local
1407 school districts on a date determined by the State Department of
1408 Education, but not later than August 1 of each year. Local school
1409 districts shall issue such credentials or procurement cards to
1410 classroom teachers at the beginning of the school year, but no
1411 later than August 1 of each year, and shall be issued in equal
1412 amounts per teacher determined by the total number of qualifying
1413 personnel and the current state appropriation for classroom
1414 supplies with the Education Enhancement Fund. After initial cards
1415 are issued under the timeline prescribed by this section, the
1416 State Department of Education may issue cards to districts for any
1417 classroom teacher hired after July 1 under a timeline prescribed
1418 by the State Department of Education. Such credentials or cards
1419 will expire on a predetermined date at the end of each school



1420 year, but not before April 1 of each year. All unexpended amounts
1421 will be carried forward, combined with the following year's
1422 allocation of Education Enhancement Fund instructional supplies
1423 funds and reallocated for the following year;

1424 (b) Twenty-two and nine one-hundredths percent (22.09%)
1425 to the Board of Trustees of State Institutions of Higher Learning
1426 for the purpose of supporting institutions of higher learning; and

1427 (c) Fourteen and forty-one one-hundredths percent
1428 (14.41%) to the Mississippi Community College Board for the
1429 purpose of providing support to community and junior colleges.

1430 (4) The amount remaining in the Education Enhancement Fund
1431 after funds are distributed as provided in subsections (2) and (3)
1432 of this section shall be appropriated for other educational needs.

1433 (5) None of the funds appropriated pursuant to subsection
1434 (3)(a) of this section shall be used to reduce the state's General
1435 Fund appropriation for the categories listed in an amount below
1436 the following amounts:

1437 (a) For subsection (3)(a)(ii) of this section,
1438 Thirty-six Million Seven Hundred Thousand Dollars
1439 (\$36,700,000.00);

1440 (b) For the aggregate of minimum program allotments in
1441 the 1997 fiscal year, formerly provided for in Chapter 19, Title
1442 37, Mississippi Code of 1972, as amended, excluding those funds
1443 for transportation as provided for in paragraph (a) of this
1444 subsection.



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

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

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

(1) (a) On or before August 15, 1992, and each succeeding month thereafter through July 15, 1993, eighteen percent (18%) 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) and 27-65-21, on business activities within a municipal corporation shall be allocated for distribution to the municipality and paid to the municipal corporation. Except as otherwise provided in this paragraph (a), on or before August 15, 1993, 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), 27-65-21 and 27-65-24, on business activities within a municipal corporation shall be allocated for distribution to the municipality and paid to the municipal corporation. However, in the event the State



1470 Auditor issues a certificate of noncompliance pursuant to Section
1471 21-35-31, the Department of Revenue shall withhold ten percent
1472 (10%) of the allocations and payments to the municipality that
1473 would otherwise be payable to the municipality under this
1474 paragraph (a) until such time that the department receives written
1475 notice of the cancellation of a certificate of noncompliance from
1476 the State Auditor.

1477 A municipal corporation, for the purpose of distributing the
1478 tax under this subsection, shall mean and include all incorporated
1479 cities, towns and villages.

1480 Monies allocated for distribution and credited to a municipal
1481 corporation under this paragraph may be pledged as security for a
1482 loan if the distribution received by the municipal corporation is
1483 otherwise authorized or required by law to be pledged as security
1484 for such a loan.

1485 In any county having a county seat that is not an
1486 incorporated municipality, the distribution provided under this
1487 subsection shall be made as though the county seat was an
1488 incorporated municipality; however, the distribution to the
1489 municipality shall be paid to the county treasury in which the
1490 municipality is located, and those funds shall be used for road,
1491 bridge and street construction or maintenance in the county.

1492 (b) On or before August 15, 2006, and each succeeding
1493 month thereafter, eighteen and one-half percent (18-1/2%) of the
1494 total sales tax revenue collected during the preceding month under



1495 the provisions of this chapter, except that collected under the
1496 provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on
1497 business activities on the campus of a state institution of higher
1498 learning or community or junior college whose campus is not
1499 located within the corporate limits of a municipality, shall be
1500 allocated for distribution to the state institution of higher
1501 learning or community or junior college and paid to the state
1502 institution of higher learning or community or junior college.

1503 (c) On or before August 15, 2018, and each succeeding
1504 month thereafter until August 14, 2019, two percent (2%) of the
1505 total sales tax revenue collected during the preceding month under
1506 the provisions of this chapter, except that collected under the
1507 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
1508 27-65-24, on business activities within the corporate limits of
1509 the City of Jackson, Mississippi, shall be deposited into the
1510 Capitol Complex Improvement District Project Fund created in
1511 Section 29-5-215. On or before August 15, 2019, and each
1512 succeeding month thereafter until August 14, 2020, four percent
1513 (4%) of the total sales tax revenue collected during the preceding
1514 month under the provisions of this chapter, except that collected
1515 under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21
1516 and 27-65-24, on business activities within the corporate limits
1517 of the City of Jackson, Mississippi, shall be deposited into the
1518 Capitol Complex Improvement District Project Fund created in
1519 Section 29-5-215. On or before August 15, 2020, and each



1520 succeeding month thereafter through July 15, 2023, six percent
1521 (6%) of the total sales tax revenue collected during the preceding
1522 month under the provisions of this chapter, except that collected
1523 under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21
1524 and 27-65-24, on business activities within the corporate limits
1525 of the City of Jackson, Mississippi, shall be deposited into the
1526 Capitol Complex Improvement District Project Fund created in
1527 Section 29-5-215. On or before August 15, 2023, and each
1528 succeeding month thereafter, nine percent (9%) of the total sales
1529 tax revenue collected during the preceding month under the
1530 provisions of this chapter, except that collected under the
1531 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and
1532 27-65-24, on business activities within the corporate limits of
1533 the City of Jackson, Mississippi, shall be deposited into the
1534 Capitol Complex Improvement District Project Fund created in
1535 Section 29-5-215.

1536 (d) (i) On or before the fifteenth day of the month
1537 that the diversion authorized by this section begins, and each
1538 succeeding month thereafter, eighteen and one-half percent
1539 (18-1/2%) of the total sales tax revenue collected during the
1540 preceding month under the provisions of this chapter, except that
1541 collected under the provisions of Sections 27-65-15, 27-65-19(3)
1542 and 27-65-21, on business activities within a redevelopment
1543 project area developed under a redevelopment plan adopted under
1544 the Tax Increment Financing Act (Section 21-45-1 et seq.) shall be



1545 allocated for distribution to the county in which the project area
1546 is located if:

1547 1. The county:

1548 a. Borders on the Mississippi Sound and
1549 the State of Alabama, or

1550 b. Is Harrison County, Mississippi, and
1551 the project area is within a radius of two (2) miles from the
1552 intersection of Interstate 10 and Menge Avenue;

1553 2. The county has issued bonds under Section
1554 21-45-9 to finance all or a portion of a redevelopment project in
1555 the redevelopment project area;

1556 3. Any debt service for the indebtedness
1557 incurred is outstanding; and

1558 4. A development with a value of Ten Million
1559 Dollars (\$10,000,000.00) or more is, or will be, located in the
1560 redevelopment area.

1561 (ii) Before any sales tax revenue may be allocated
1562 for distribution to a county under this paragraph, the county
1563 shall certify to the Department of Revenue that the requirements
1564 of this paragraph have been met, the amount of bonded indebtedness
1565 that has been incurred by the county for the redevelopment project
1566 and the expected date the indebtedness incurred by the county will
1567 be satisfied.

1568 (iii) The diversion of sales tax revenue
1569 authorized by this paragraph shall begin the month following the



1570 month in which the Department of Revenue determines that the
1571 requirements of this paragraph have been met. The diversion shall
1572 end the month the indebtedness incurred by the county is
1573 satisfied. All revenue received by the county under this
1574 paragraph shall be deposited in the fund required to be created in
1575 the tax increment financing plan under Section 21-45-11 and be
1576 utilized solely to satisfy the indebtedness incurred by the
1577 county.

1578 (2) On or before September 15, 1987, and each succeeding
1579 month thereafter, from the revenue collected under this chapter
1580 during the preceding month, One Million One Hundred Twenty-five
1581 Thousand Dollars (\$1,125,000.00) shall be allocated for
1582 distribution to municipal corporations as defined under subsection
1583 (1) of this section in the proportion that the number of gallons
1584 of gasoline and diesel fuel sold by distributors to consumers and
1585 retailers in each such municipality during the preceding fiscal
1586 year bears to the total gallons of gasoline and diesel fuel sold
1587 by distributors to consumers and retailers in municipalities
1588 statewide during the preceding fiscal year. The Department of
1589 Revenue shall require all distributors of gasoline and diesel fuel
1590 to report to the department monthly the total number of gallons of
1591 gasoline and diesel fuel sold by them to consumers and retailers
1592 in each municipality during the preceding month. The Department
1593 of Revenue shall have the authority to promulgate such rules and
1594 regulations as is necessary to determine the number of gallons of



1595 gasoline and diesel fuel sold by distributors to consumers and
1596 retailers in each municipality. In determining the percentage
1597 allocation of funds under this subsection for the fiscal year
1598 beginning July 1, 1987, and ending June 30, 1988, the Department
1599 of Revenue may consider gallons of gasoline and diesel fuel sold
1600 for a period of less than one (1) fiscal year. For the purposes
1601 of this subsection, the term "fiscal year" means the fiscal year
1602 beginning July 1 of a year.

1603 (3) On or before September 15, 1987, and on or before the
1604 fifteenth day of each succeeding month, until the date specified
1605 in Section 65-39-35, the proceeds derived from contractors' taxes
1606 levied under Section 27-65-21 on contracts for the construction or
1607 reconstruction of highways designated under the highway program
1608 created under Section 65-3-97 shall, except as otherwise provided
1609 in Section 31-17-127, be deposited into the State Treasury to the
1610 credit of the State Highway Fund to be used to fund that highway
1611 program. The Mississippi Department of Transportation shall
1612 provide to the Department of Revenue such information as is
1613 necessary to determine the amount of proceeds to be distributed
1614 under this subsection.

1615 (4) On or before August 15, 1994, and on or before the
1616 fifteenth day of each succeeding month through July 15, 1999, from
1617 the proceeds of gasoline, diesel fuel or kerosene taxes as
1618 provided in Section 27-5-101(a)(ii)1, Four Million Dollars
1619 (\$4,000,000.00) shall be deposited in the State Treasury to the



1620 credit of a special fund designated as the "State Aid Road Fund,"
1621 created by Section 65-9-17. On or before August 15, 1999, and on
1622 or before the fifteenth day of each succeeding month, from the
1623 total amount of the proceeds of gasoline, diesel fuel or kerosene
1624 taxes apportioned by Section 27-5-101(a)(ii)1, Four Million
1625 Dollars (\$4,000,000.00) or an amount equal to twenty-three and
1626 one-fourth percent (23-1/4%) of those funds, whichever is the
1627 greater amount, shall be deposited in the State Treasury to the
1628 credit of the "State Aid Road Fund," created by Section 65-9-17.
1629 Those funds shall be pledged to pay the principal of and interest
1630 on state aid road bonds heretofore issued under Sections 19-9-51
1631 through 19-9-77, in lieu of and in substitution for the funds
1632 previously allocated to counties under this section. Those funds
1633 may not be pledged for the payment of any state aid road bonds
1634 issued after April 1, 1981; however, this prohibition against the
1635 pledging of any such funds for the payment of bonds shall not
1636 apply to any bonds for which intent to issue those bonds has been
1637 published for the first time, as provided by law before March 29,
1638 1981. From the amount of taxes paid into the special fund under
1639 this subsection and subsection (9) of this section, there shall be
1640 first deducted and paid the amount necessary to pay the expenses
1641 of the Office of State Aid Road Construction, as authorized by the
1642 Legislature for all other general and special fund agencies. The
1643 remainder of the fund shall be allocated monthly to the several
1644 counties in accordance with the following formula:



1645 (a) One-third (1/3) shall be allocated to all counties
1646 in equal shares;

1647 (b) One-third (1/3) shall be allocated to counties
1648 based on the proportion that the total number of rural road miles
1649 in a county bears to the total number of rural road miles in all
1650 counties of the state; and

1651 (c) One-third (1/3) shall be allocated to counties
1652 based on the proportion that the rural population of the county
1653 bears to the total rural population in all counties of the state,
1654 according to the latest federal decennial census.

1655 For the purposes of this subsection, the term "gasoline,
1656 diesel fuel or kerosene taxes" means such taxes as defined in
1657 paragraph (f) of Section 27-5-101.

1658 The amount of funds allocated to any county under this
1659 subsection for any fiscal year after fiscal year 1994 shall not be
1660 less than the amount allocated to the county for fiscal year 1994.

1661 Any reference in the general laws of this state or the
1662 Mississippi Code of 1972 to Section 27-5-105 shall mean and be
1663 construed to refer and apply to subsection (4) of Section
1664 27-65-75.

1665 (5) On or before August 15, 2024, and each succeeding month
1666 thereafter, One Million Six Hundred Sixty-six Thousand Six Hundred
1667 Sixty-six Dollars (\$1,666,666.00) * * * shall be paid into the
1668 special fund known as the * * * Education Enhancement Fund created



1669 and existing under the provisions of Section * * *

1670 37-61-33. * * *.

1671 (6) An amount each month beginning August 15, 1983, through
1672 November 15, 1986, as specified in Section 6, Chapter 542, Laws of
1673 1983, shall be paid into the special fund known as the
1674 Correctional Facilities Construction Fund created in Section 6,
1675 Chapter 542, Laws of 1983.

1676 (7) On or before August 15, 1992, and each succeeding month
1677 thereafter through July 15, 2000, two and two hundred sixty-six
1678 one-thousandths percent (2.266%) of the total sales tax revenue
1679 collected during the preceding month under the provisions of this
1680 chapter, except that collected under the provisions of Section
1681 27-65-17(2), shall be deposited by the department into the School
1682 Ad Valorem Tax Reduction Fund created under Section 37-61-35. On
1683 or before August 15, 2000, and each succeeding month thereafter,
1684 two and two hundred sixty-six one-thousandths percent (2.266%) of
1685 the total sales tax revenue collected during the preceding month
1686 under the provisions of this chapter, except that collected under
1687 the provisions of Section 27-65-17(2), shall be deposited into the
1688 School Ad Valorem Tax Reduction Fund created under Section
1689 37-61-35 until such time that the total amount deposited into the
1690 fund during a fiscal year equals Forty-two Million Dollars
1691 (\$42,000,000.00). Thereafter, the amounts diverted under this
1692 subsection (7) during the fiscal year in excess of Forty-two
1693 Million Dollars (\$42,000,000.00) shall be deposited into the



1694 Education Enhancement Fund created under Section 37-61-33 for
1695 appropriation by the Legislature as other education needs and
1696 shall not be subject to the percentage appropriation requirements
1697 set forth in Section 37-61-33.

1698 (8) On or before August 15, 1992, and each succeeding month
1699 thereafter, nine and seventy-three one-thousandths percent
1700 (9.073%) of the total sales tax revenue collected during the
1701 preceding month under the provisions of this chapter, except that
1702 collected under the provisions of Section 27-65-17(2), shall be
1703 deposited into the Education Enhancement Fund created under
1704 Section 37-61-33.

1705 (9) On or before August 15, 1994, and each succeeding month
1706 thereafter, from the revenue collected under this chapter during
1707 the preceding month, Two Hundred Fifty Thousand Dollars
1708 (\$250,000.00) shall be paid into the State Aid Road Fund.

1709 (10) On or before August 15, 1994, and each succeeding month
1710 thereafter through August 15, 1995, from the revenue collected
1711 under this chapter during the preceding month, Two Million Dollars
1712 (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad
1713 Valorem Tax Reduction Fund established in Section 27-51-105.

1714 (11) Notwithstanding any other provision of this section to
1715 the contrary, on or before February 15, 1995, and each succeeding
1716 month thereafter, the sales tax revenue collected during the
1717 preceding month under the provisions of Section 27-65-17(2) and
1718 the corresponding levy in Section 27-65-23 on the rental or lease



1719 of private carriers of passengers and light carriers of property
1720 as defined in Section 27-51-101 shall be deposited, without
1721 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund
1722 established in Section 27-51-105.

1723 (12) Notwithstanding any other provision of this section to
1724 the contrary, on or before August 15, 1995, and each succeeding
1725 month thereafter, the sales tax revenue collected during the
1726 preceding month under the provisions of Section 27-65-17(1) on
1727 retail sales of private carriers of passengers and light carriers
1728 of property, as defined in Section 27-51-101 and the corresponding
1729 levy in Section 27-65-23 on the rental or lease of these vehicles,
1730 shall be deposited, after diversion, into the Motor Vehicle Ad
1731 Valorem Tax Reduction Fund established in Section 27-51-105.

1732 (13) On or before July 15, 1994, and on or before the
1733 fifteenth day of each succeeding month thereafter, that portion of
1734 the avails of the tax imposed in Section 27-65-22 that is derived
1735 from activities held on the Mississippi State Fairgrounds Complex
1736 shall be paid into a special fund that is created in the State
1737 Treasury and shall be expended upon legislative appropriation
1738 solely to defray the costs of repairs and renovation at the Trade
1739 Mart and Coliseum.

1740 (14) On or before August 15, 1998, and each succeeding month
1741 thereafter through July 15, 2005, that portion of the avails of
1742 the tax imposed in Section 27-65-23 that is derived from sales by
1743 cotton compresses or cotton warehouses and that would otherwise be



1744 paid into the General Fund shall be deposited in an amount not to
1745 exceed Two Million Dollars (\$2,000,000.00) into the special fund
1746 created under Section 69-37-39. On or before August 15, 2007, and
1747 each succeeding month thereafter through July 15, 2010, that
1748 portion of the avails of the tax imposed in Section 27-65-23 that
1749 is derived from sales by cotton compresses or cotton warehouses
1750 and that would otherwise be paid into the General Fund shall be
1751 deposited in an amount not to exceed Two Million Dollars
1752 (\$2,000,000.00) into the special fund created under Section
1753 69-37-39 until all debts or other obligations incurred by the
1754 Certified Cotton Growers Organization under the Mississippi Boll
1755 Weevil Management Act before January 1, 2007, are satisfied in
1756 full. On or before August 15, 2010, and each succeeding month
1757 thereafter through July 15, 2011, fifty percent (50%) of that
1758 portion of the avails of the tax imposed in Section 27-65-23 that
1759 is derived from sales by cotton compresses or cotton warehouses
1760 and that would otherwise be paid into the General Fund shall be
1761 deposited into the special fund created under Section 69-37-39
1762 until such time that the total amount deposited into the fund
1763 during a fiscal year equals One Million Dollars (\$1,000,000.00).
1764 On or before August 15, 2011, and each succeeding month
1765 thereafter, that portion of the avails of the tax imposed in
1766 Section 27-65-23 that is derived from sales by cotton compresses
1767 or cotton warehouses and that would otherwise be paid into the
1768 General Fund shall be deposited into the special fund created



1769 under Section 69-37-39 until such time that the total amount
1770 deposited into the fund during a fiscal year equals One Million
1771 Dollars (\$1,000,000.00).

1772 (15) Notwithstanding any other provision of this section to
1773 the contrary, on or before September 15, 2000, and each succeeding
1774 month thereafter, the sales tax revenue collected during the
1775 preceding month under the provisions of Section
1776 27-65-19(1)(d)(i)2, and 27-65-19(1)(d)(i)3 shall be deposited,
1777 without diversion, into the Telecommunications Ad Valorem Tax
1778 Reduction Fund established in Section 27-38-7.

1779 (16) (a) On or before August 15, 2000, and each succeeding
1780 month thereafter, the sales tax revenue collected during the
1781 preceding month under the provisions of this chapter on the gross
1782 proceeds of sales of a project as defined in Section 57-30-1 shall
1783 be deposited, after all diversions except the diversion provided
1784 for in subsection (1) of this section, into the Sales Tax
1785 Incentive Fund created in Section 57-30-3.

1786 (b) On or before August 15, 2007, and each succeeding
1787 month thereafter, eighty percent (80%) of the sales tax revenue
1788 collected during the preceding month under the provisions of this
1789 chapter from the operation of a tourism project under the
1790 provisions of Sections 57-26-1 through 57-26-5, shall be
1791 deposited, after the diversions required in subsections (7) and
1792 (8) of this section, into the Tourism Project Sales Tax Incentive
1793 Fund created in Section 57-26-3.



1794 (17) Notwithstanding any other provision of this section to
1795 the contrary, on or before April 15, 2002, and each succeeding
1796 month thereafter, the sales tax revenue collected during the
1797 preceding month under Section 27-65-23 on sales of parking
1798 services of parking garages and lots at airports shall be
1799 deposited, without diversion, into the special fund created under
1800 Section 27-5-101(d) .

1801 (18) [Repealed]

1802 (19) (a) On or before August 15, 2005, and each succeeding
1803 month thereafter, the sales tax revenue collected during the
1804 preceding month under the provisions of this chapter on the gross
1805 proceeds of sales of a business enterprise located within a
1806 redevelopment project area under the provisions of Sections
1807 57-91-1 through 57-91-11, and the revenue collected on the gross
1808 proceeds of sales from sales made to a business enterprise located
1809 in a redevelopment project area under the provisions of Sections
1810 57-91-1 through 57-91-11 (provided that such sales made to a
1811 business enterprise are made on the premises of the business
1812 enterprise), shall, except as otherwise provided in this
1813 subsection (19), be deposited, after all diversions, into the
1814 Redevelopment Project Incentive Fund as created in Section
1815 57-91-9.

1816 (b) For a municipality participating in the Economic
1817 Redevelopment Act created in Sections 57-91-1 through 57-91-11,
1818 the diversion provided for in subsection (1) of this section



1819 attributable to the gross proceeds of sales of a business
1820 enterprise located within a redevelopment project area under the
1821 provisions of Sections 57-91-1 through 57-91-11, and attributable
1822 to the gross proceeds of sales from sales made to a business
1823 enterprise located in a redevelopment project area under the
1824 provisions of Sections 57-91-1 through 57-91-11 (provided that
1825 such sales made to a business enterprise are made on the premises
1826 of the business enterprise), shall be deposited into the
1827 Redevelopment Project Incentive Fund as created in Section
1828 57-91-9, as follows:

1829 (i) For the first six (6) years in which payments
1830 are made to a developer from the Redevelopment Project Incentive
1831 Fund, one hundred percent (100%) of the diversion shall be
1832 deposited into the fund;

1833 (ii) For the seventh year in which such payments
1834 are made to a developer from the Redevelopment Project Incentive
1835 Fund, eighty percent (80%) of the diversion shall be deposited
1836 into the fund;

1837 (iii) For the eighth year in which such payments
1838 are made to a developer from the Redevelopment Project Incentive
1839 Fund, seventy percent (70%) of the diversion shall be deposited
1840 into the fund;

1841 (iv) For the ninth year in which such payments are
1842 made to a developer from the Redevelopment Project Incentive Fund,



1843 sixty percent (60%) of the diversion shall be deposited into the
1844 fund; and

1845 (v) For the tenth year in which such payments are
1846 made to a developer from the Redevelopment Project Incentive Fund,
1847 fifty percent (50%) of the funds shall be deposited into the fund.

1848 (20) On or before January 15, 2007, and each succeeding
1849 month thereafter, eighty percent (80%) of the sales tax revenue
1850 collected during the preceding month under the provisions of this
1851 chapter from the operation of a tourism project under the
1852 provisions of Sections 57-28-1 through 57-28-5 shall be deposited,
1853 after the diversions required in subsections (7) and (8) of this
1854 section, into the Tourism Sales Tax Incentive Fund created in
1855 Section 57-28-3.

1856 (21) (a) On or before April 15, 2007, and each succeeding
1857 month thereafter through June 15, 2013, One Hundred Fifty Thousand
1858 Dollars (\$150,000.00) of the sales tax revenue collected during
1859 the preceding month under the provisions of this chapter shall be
1860 deposited into the MMEIA Tax Incentive Fund created in Section
1861 57-101-3.

1862 (b) On or before July 15, 2013, and each succeeding
1863 month thereafter, One Hundred Fifty Thousand Dollars (\$150,000.00)
1864 of the sales tax revenue collected during the preceding month
1865 under the provisions of this chapter shall be deposited into the
1866 Mississippi Development Authority Job Training Grant Fund created
1867 in Section 57-1-451.



1868 (22) On or before June 1, 2024, and each succeeding month
1869 thereafter until December 31, 2057, an amount determined annually
1870 by the Mississippi Development Authority of the sales tax revenue
1871 collected during the preceding month under the provisions of this
1872 chapter shall be deposited into the MMEIA Tax Incentive Fund
1873 created in Section 18 of * * * Senate Bill No. 2001, 2024 Second
1874 Extraordinary Session. This amount shall be based on estimated
1875 payments due within the upcoming year to construction contractors
1876 pursuant to construction contracts subject to the tax imposed by
1877 Section 27-65-21 for construction to be performed on the project
1878 site of a project defined under Section 57-75-5(f)(xxxiii) for the
1879 coming year.

1880 (23) Notwithstanding any other provision of this section to
1881 the contrary, on or before August 15, 2009, and each succeeding
1882 month thereafter, the sales tax revenue collected during the
1883 preceding month under the provisions of Section 27-65-201 shall be
1884 deposited, without diversion, into the Motor Vehicle Ad Valorem
1885 Tax Reduction Fund established in Section 27-51-105.

1886 (24) (a) On or before August 15, 2019, and each month
1887 thereafter through July 15, 2020, one percent (1%) of the total
1888 sales tax revenue collected during the preceding month from
1889 restaurants and hotels shall be allocated for distribution to the
1890 Mississippi Development Authority Tourism Advertising Fund
1891 established under Section 57-1-64, to be used exclusively for the
1892 purpose stated therein. On or before August 15, 2020, and each



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

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

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

(26) (a) It shall be the duty of the municipal officials of any municipality that expands its limits, or of any community that incorporates as a municipality, to notify the commissioner of that



1918 action thirty (30) days before the effective date. Failure to so
1919 notify the commissioner shall cause the municipality to forfeit
1920 the revenue that it would have been entitled to receive during
1921 this period of time when the commissioner had no knowledge of the
1922 action.

1923 (b) (i) Except as otherwise provided in subparagraph
1924 (ii) of this paragraph, if any funds have been erroneously
1925 disbursed to any municipality or any overpayment of tax is
1926 recovered by the taxpayer, the commissioner may make correction
1927 and adjust the error or overpayment with the municipality by
1928 withholding the necessary funds from any later payment to be made
1929 to the municipality.

1930 (ii) Subject to the provisions of Sections
1931 27-65-51 and 27-65-53, if any funds have been erroneously
1932 disbursed to a municipality under subsection (1) of this section
1933 for a period of three (3) years or more, the maximum amount that
1934 may be recovered or withheld from the municipality is the total
1935 amount of funds erroneously disbursed for a period of three (3)
1936 years beginning with the date of the first erroneous disbursement.
1937 However, if during such period, a municipality provides written
1938 notice to the Department of Revenue indicating the erroneous
1939 disbursement of funds, then the maximum amount that may be
1940 recovered or withheld from the municipality is the total amount of
1941 funds erroneously disbursed for a period of one (1) year beginning
1942 with the date of the first erroneous disbursement.



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

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

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

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

(a) On or before July 15, 1994, through July 15, 2000, and each succeeding month thereafter, two and two hundred sixty-six one-thousandths percent (2.266%) of the total use tax revenue collected during the preceding month under the provisions of this article shall be deposited in the School Ad Valorem Tax



1968 Reduction Fund created pursuant to Section 37-61-35. On or before
1969 August 15, 2000, and each succeeding month thereafter, two and two
1970 hundred sixty-six one-thousandths percent (2.266%) of the total
1971 use tax revenue collected during the preceding month under the
1972 provisions of this chapter shall be deposited into the School Ad
1973 Valorem Tax Reduction Fund created under Section 37-61-35 until
1974 such time that the total amount deposited into the fund during a
1975 fiscal year equals Four Million Dollars (\$4,000,000.00).
1976 Thereafter, the amounts diverted under this paragraph (a) during
1977 the fiscal year in excess of Four Million Dollars (\$4,000,000.00)
1978 shall be deposited into the Education Enhancement Fund created
1979 under Section 37-61-33 for appropriation by the Legislature as
1980 other education needs and shall not be subject to the percentage
1981 appropriation requirements set forth in Section 37-61-33.

1982 (b) On or before July 15, 1994, and each succeeding
1983 month thereafter, nine and seventy-three one-thousandths percent
1984 (9.073%) of the total use tax revenue collected during the
1985 preceding month under the provisions of this article shall be
1986 deposited into the Education Enhancement Fund created pursuant to
1987 Section 37-61-33.

1988 (c) On or before July 15, 1997, and on or before the
1989 fifteenth day of each succeeding month thereafter, the revenue
1990 collected under the provisions of this article imposed and levied
1991 as a result of Section 27-65-17(2) and the corresponding levy in
1992 Section 27-65-23 on the rental or lease of private carriers of



1993 passengers and light carriers of property as defined in Section
1994 27-51-101 shall be deposited into the Motor Vehicle Ad Valorem Tax
1995 Reduction Fund created pursuant to Section 27-51-105.

1996 (d) On or before July 15, 1997, and on or before the
1997 fifteenth day of each succeeding month thereafter and after the
1998 deposits required by paragraphs (a) and (b) of this section are
1999 made, the remaining revenue collected under the provisions of this
2000 article imposed and levied as a result of Section 27-65-17(1) and
2001 the corresponding levy in Section 27-65-23 on the rental or lease
2002 of private carriers of passengers and light carriers of property
2003 as defined in Section 27-51-101 shall be deposited into the Motor
2004 Vehicle Ad Valorem Tax Reduction Fund created pursuant to Section
2005 27-51-105.

2006 (e) On or before August 15, 2019, and each succeeding
2007 month thereafter through July 15, 2020, three and three-fourths
2008 percent (3-3/4%) of the total use tax revenue collected during the
2009 preceding month under the provisions of this article shall be
2010 deposited into the special fund created in Section 27-67-35(1).
2011 On or before August 15, 2020, and each succeeding month thereafter
2012 through July 15, 2021, seven and one-half percent (7-1/2%) of the
2013 total use tax revenue collected during the preceding month under
2014 the provisions of this article shall be deposited into the special
2015 fund created in Section 27-67-35(1). On or before August 15,
2016 2021, and each succeeding month thereafter through July 15, 2022,
2017 eleven and one-fourth percent (11-1/4%) of the total use tax



revenue collected during the preceding month under the provisions of this article shall be deposited into the special fund created in Section 27-67-35(1). On or before August 15, 2022, and each succeeding month thereafter, fifteen percent (15%) of the total use tax revenue collected during the preceding month under the provisions of this article shall be deposited into the special fund created in Section 27-67-35(1).

(f) On or before August 15, 2019, and each succeeding month thereafter through July 15, 2020, three and three-fourths percent (3-3/4%) of the total use tax revenue collected during the preceding month under the provisions of this article shall be deposited into the special fund created in Section 27-67-35(2). On or before August 15, 2020, and each succeeding month thereafter through July 15, 2021, seven and one-half percent (7-1/2%) of the total use tax revenue collected during the preceding month under the provisions of this article shall be deposited into the special fund created in Section 27-67-35(2). On or before August 15, 2021, and each succeeding month thereafter through July 15, 2022, eleven and one-fourth percent (11-1/4%) of the total use tax revenue collected during the preceding month under the provisions of this article shall be deposited into the special fund created in Section 27-67-35(2). On or before August 15, 2022, and each succeeding month thereafter, fifteen percent (15%) of the total use tax revenue collected during the preceding month under the



2042 provisions of this article shall be deposited into the special
2043 fund created in Section 27-67-35(2).

2044 (g) On or before August 15, 2019, and each succeeding
2045 month thereafter through July 15, 2020, Four Hundred Sixteen
2046 Thousand Six Hundred Sixty-six Dollars and Sixty-seven Cents
2047 (\$416,666.67) or one and one-fourth percent (1-1/4%) of the total
2048 use tax revenue collected during the preceding month under the
2049 provisions of this article, whichever is the greater amount, shall
2050 be deposited into the Local System Bridge Replacement and
2051 Rehabilitation Fund created in Section 65-37-13. On or before
2052 August 15, 2020, and each succeeding month thereafter through July
2053 15, 2021, Eight Hundred Thirty-three Thousand Three Hundred
2054 Thirty-three Dollars and Thirty-four Cents (\$833,333.34) or two
2055 and one-half percent (2-1/2%) of the total use tax revenue
2056 collected during the preceding month under the provisions of this
2057 article, whichever is the greater amount, shall be deposited into
2058 the Local System Bridge Replacement and Rehabilitation Fund
2059 created in Section 65-37-13. On or before August 15, 2021, and
2060 each succeeding month thereafter through July 15, 2022, One
2061 Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00) or
2062 three and three-fourths percent (3-3/4%) of the total use tax
2063 revenue collected during the preceding month under the provisions
2064 of this article, whichever is the greater amount, shall be
2065 deposited into the Local System Bridge Replacement and
2066 Rehabilitation Fund created in Section 65-37-13. On or before



2067 August 15, 2022, and each succeeding month thereafter through July
2068 15, 2023, One Million Six Hundred Sixty-six Thousand Six Hundred
2069 Sixty-six Dollars and Sixty-seven Cents (\$1,666,666.67) or five
2070 percent (5%) of the total use tax revenue collected during the
2071 preceding month under the provisions of this article, whichever is
2072 the greater amount, shall be deposited into the Local System
2073 Bridge Replacement and Rehabilitation Fund created in Section
2074 65-37-13. On or before August 15, 2023, and each succeeding month
2075 thereafter, (i) One Million Six Hundred Sixty-six Thousand Six
2076 Hundred Sixty-six Dollars and Sixty-seven Cents (\$1,666,666.67) or
2077 two and one-half percent (2-1/2%) of the total use tax revenue
2078 collected during the preceding month under the provisions of this
2079 article, whichever is the greater amount, shall be deposited into
2080 the Local System Bridge Replacement and Rehabilitation Fund
2081 created in Section 65-37-13, and (ii) One Million Six Hundred
2082 Sixty-six Thousand Six Hundred Sixty-six Dollars and Sixty-seven
2083 Cents (\$1,666,666.67) or two and one-half percent (2-1/2%) of the
2084 total use tax revenue collected during the preceding month under
2085 the provisions of this article, whichever is the greater amount,
2086 shall be deposited into the State Aid Road Fund created in Section
2087 65-9-17.

2088 (h) On or before August 15, 2020, and each succeeding
2089 month thereafter through July 15, 2022, One Million Dollars
2090 (\$1,000,000.00) of the total use tax revenue collected during the
2091 preceding month under the provisions of this article shall be



2092 deposited into the Local System Bridge Replacement and
2093 Rehabilitation Fund created in Section 65-37-13. Amounts
2094 deposited into the Local System Bridge Replacement and
2095 Rehabilitation Fund under this paragraph (h) shall be in addition
2096 to amounts deposited into the fund under paragraph (g) of this
2097 section.

2098 (i) The remainder of the amount received from taxes,
2099 damages and interest under the provisions of this article shall be
2100 paid into the General Fund of the State Treasury by the
2101 commissioner.

2102 **SECTION 20.** Section 27-115-85, Mississippi Code of 1972, is
2103 brought forward as follows:

2104 27-115-85. Until June 30, 2028, net proceeds generated by
2105 the Alyce G. Clarke Mississippi Lottery Law, created pursuant to
2106 this chapter and deposited into the Lottery Proceeds Fund under
2107 Section 27-115-51(2), except as otherwise provided in this
2108 section, shall be paid into the State Highway Fund by warrant
2109 issued by the State Fiscal Officer upon requisition of the State
2110 Transportation Commission as needed to provide funds to repair,
2111 renovate and maintain highways and bridges of the state; however,
2112 funds paid into the State Highway Fund under this section shall be
2113 first used for matching federal funds authorized to the state
2114 pursuant to any federal highway infrastructure program implemented
2115 after September 1, 2018. However, all such monies deposited into
2116 the Lottery Proceeds Fund over Eighty Million Dollars



2117 (\$80,000,000.00) in a fiscal year shall be transferred into the
2118 Education Enhancement Fund for the purposes of funding the Early
2119 Childhood Learning Collaborative, the Classroom Supply Fund and/or
2120 other educational purposes. From and after July 1, 2028, the net
2121 proceeds shall be deposited into the Lottery Proceeds Fund and
2122 shall be transferred to the State General Fund, except for the
2123 amounts over Eighty Million Dollars (\$80,000,000.00) which shall
2124 continue to be deposited in the Education Enhancement Fund as
2125 provided above.

2126 **SECTION 21.** Section 1-3-26, Mississippi Code of 1972, is
2127 amended as follows:

2128 1-3-26. Wherever the phrase "minimum education program,"
2129 "minimum program," * * * "minimum foundation program,"
2130 "Mississippi Adequate Education Program," "adequate education
2131 program," or "MAEP" shall appear in the laws of this state, it
2132 shall be construed to mean * * * "Investing in the Needs of
2133 Students to Prioritize, Impact and Reform Education (INSPIRE)"
2134 created under * * * Chapter 151, Title 37, Mississippi Code of
2135 1972.

2136 **SECTION 22.** Section 7-7-211, Mississippi Code of 1972, is
2137 amended as follows:

2138 7-7-211. The department shall have the power and it shall be
2139 its duty:

2140 (a) To identify and define for all public offices of
2141 the state and its subdivisions generally accepted accounting



2142 principles or other accounting principles as promulgated by
2143 nationally recognized professional organizations and to consult
2144 with the State Fiscal Officer in the prescription and
2145 implementation of accounting rules and regulations;

2146 (b) To provide best practices, for all public offices
2147 of regional and local subdivisions of the state, systems of
2148 accounting, budgeting and reporting financial facts relating to
2149 said offices in conformity with legal requirements and with
2150 generally accepted accounting principles or other accounting
2151 principles as promulgated by nationally recognized professional
2152 organizations; to assist such subdivisions in need of assistance
2153 in the installation of such systems; to revise such systems when
2154 deemed necessary, and to report to the Legislature at periodic
2155 times the extent to which each office is maintaining such systems,
2156 along with such recommendations to the Legislature for improvement
2157 as seem desirable;

2158 (c) To study and analyze existing managerial policies,
2159 methods, procedures, duties and services of the various state
2160 departments and institutions upon written request of the Governor,
2161 the Legislature or any committee or other body empowered by the
2162 Legislature to make such request to determine whether and where
2163 operations can be eliminated, combined, simplified and improved;

2164 (d) To postaudit each year and, when deemed necessary,
2165 preaudit and investigate the financial affairs of the departments,
2166 institutions, boards, commissions, or other agencies of state



2167 government, as part of the publication of a comprehensive annual
2168 financial report for the State of Mississippi, or as deemed
2169 necessary by the State Auditor. In complying with the
2170 requirements of this paragraph, the department shall have the
2171 authority to conduct all necessary audit procedures on an interim
2172 and year-end basis;

2173 (e) To postaudit and, when deemed necessary, preaudit
2174 and investigate separately the financial affairs of (i) the
2175 offices, boards and commissions of county governments and any
2176 departments and institutions thereof and therein; (ii) public
2177 school districts, departments of education and junior college
2178 districts; and (iii) any other local offices or agencies which
2179 share revenues derived from taxes or fees imposed by the State
2180 Legislature or receive grants from revenues collected by
2181 governmental divisions of the state; the cost of such audits,
2182 investigations or other services to be paid as follows: Such part
2183 shall be paid by the state from appropriations made by the
2184 Legislature for the operation of the State Department of Audit as
2185 may exceed the sum of Thirty-five Dollars (\$35.00) per man-hour
2186 for the services of each staff person engaged in performing the
2187 audit or other service plus the actual cost of any independent
2188 specialist firm contracted by the State Auditor to assist in the
2189 performance of the audit, which sum shall be paid by the county,
2190 district, department, institution or other agency audited out of
2191 its general fund or any other available funds from which such



2192 payment is not prohibited by law. Costs paid for independent
2193 specialists or firms contracted by the State Auditor shall be paid
2194 by the audited entity through the State Auditor to the specialist
2195 or firm conducting the postaudit.

2196 Each school district in the state shall have its financial
2197 records audited annually, at the end of each fiscal year, either
2198 by the State Auditor or by a certified public accountant approved
2199 by the State Auditor. Beginning with the audits of fiscal year
2200 2010 activity, no certified public accountant shall be selected to
2201 perform the annual audit of a school district who has audited that
2202 district for three (3) or more consecutive years previously.
2203 Certified public accountants shall be selected in a manner
2204 determined by the State Auditor. The school district shall have
2205 the responsibility to pay for the audit, including the review by
2206 the State Auditor of audits performed by certified public
2207 accountants;

2208 (f) To postaudit and, when deemed necessary, preaudit
2209 and investigate the financial affairs of the levee boards;
2210 agencies created by the Legislature or by executive order of the
2211 Governor; profit or nonprofit business entities administering
2212 programs financed by funds flowing through the State Treasury or
2213 through any of the agencies of the state, or its subdivisions; and
2214 all other public bodies supported by funds derived in part or
2215 wholly from public funds, except municipalities which annually
2216 submit an audit prepared by a qualified certified public



2217 accountant using methods and procedures prescribed by the
2218 department;

2219 (g) To make written demand, when necessary, for the
2220 recovery of any amounts representing public funds improperly
2221 withheld, misappropriated and/or otherwise illegally expended by
2222 an officer, employee or administrative body of any state, county
2223 or other public office, and/or for the recovery of the value of
2224 any public property disposed of in an unlawful manner by a public
2225 officer, employee or administrative body, such demands to be made
2226 (i) upon the person or persons liable for such amounts and upon
2227 the surety on official bond thereof, and/or (ii) upon any
2228 individual, partnership, corporation or association to whom the
2229 illegal expenditure was made or with whom the unlawful disposition
2230 of public property was made, if such individual, partnership,
2231 corporation or association knew or had reason to know through the
2232 exercising of reasonable diligence that the expenditure was
2233 illegal or the disposition unlawful. Such demand shall be
2234 premised on competent evidence, which shall include at least one
2235 (1) of the following: (i) sworn statements, (ii) written
2236 documentation, (iii) physical evidence, or (iv) reports and
2237 findings of government or other law enforcement agencies. Other
2238 provisions notwithstanding, a demand letter issued pursuant to
2239 this paragraph shall remain confidential by the State Auditor
2240 until the individual against whom the demand letter is being filed
2241 has been served with a copy of such demand letter. If, however,



2242 such individual cannot be notified within fifteen (15) days using
2243 reasonable means and due diligence, such notification shall be
2244 made to the individual's bonding company, if he or she is bonded.
2245 Each such demand shall be paid into the proper treasury of the
2246 state, county or other public body through the office of the
2247 department in the amount demanded within thirty (30) days from the
2248 date thereof, together with interest thereon in the sum of one
2249 percent (1%) per month from the date such amount or amounts were
2250 improperly withheld, misappropriated and/or otherwise illegally
2251 expended. In the event, however, such person or persons or such
2252 surety shall refuse, neglect or otherwise fail to pay the amount
2253 demanded and the interest due thereon within the allotted thirty
2254 (30) days, the State Auditor shall have the authority and it shall
2255 be his duty to institute suit, and the Attorney General shall
2256 prosecute the same in any court of the state to the end that there
2257 shall be recovered the total of such amounts from the person or
2258 persons and surety on official bond named therein; and the amounts
2259 so recovered shall be paid into the proper treasury of the state,
2260 county or other public body through the State Auditor. In any
2261 case where written demand is issued to a surety on the official
2262 bond of such person or persons and the surety refuses, neglects or
2263 otherwise fails within one hundred twenty (120) days to either pay
2264 the amount demanded and the interest due thereon or to give the
2265 State Auditor a written response with specific reasons for
2266 nonpayment, then the surety shall be subject to a civil penalty in



2267 an amount of twelve percent (12%) of the bond, not to exceed Ten
2268 Thousand Dollars (\$10,000.00), to be deposited into the State
2269 General Fund;

2270 (h) To investigate any alleged or suspected violation
2271 of the laws of the state by any officer or employee of the state,
2272 county or other public office in the purchase, sale or the use of
2273 any supplies, services, equipment or other property belonging
2274 thereto; and in such investigation to do any and all things
2275 necessary to procure evidence sufficient either to prove or
2276 disprove the existence of such alleged or suspected violations.
2277 The * * * Division of Investigation of the State Department of
2278 Audit may investigate, for the purpose of prosecution, any
2279 suspected criminal violation of the provisions of this chapter.
2280 For the purpose of administration and enforcement of this chapter,
2281 the enforcement employees of the * * * Division of Investigation
2282 of the State Department of Audit have the powers of a law
2283 enforcement officer of this state, and shall be empowered to make
2284 arrests and to serve and execute search warrants and other valid
2285 legal process anywhere within the State of Mississippi. All
2286 enforcement employees of the * * * Division of Investigation of
2287 the State Department of Audit hired on or after July 1, 1993,
2288 shall be required to complete the Law Enforcement Officers
2289 Training Program and shall meet the standards of the program;

2290 (i) To issue subpoenas, with the approval of, and
2291 returnable to, a judge of a chancery or circuit court, in termtime



2292 or in vacation, to examine the records, documents or other
2293 evidence of persons, firms, corporations or any other entities
2294 insofar as such records, documents or other evidence relate to
2295 dealings with any state, county or other public entity. The
2296 circuit or chancery judge must serve the county in which the
2297 records, documents or other evidence is located; or where all or
2298 part of the transaction or transactions occurred which are the
2299 subject of the subpoena;

2300 (j) In any instances in which the State Auditor is or
2301 shall be authorized or required to examine or audit, whether
2302 preaudit or postaudit, any books, ledgers, accounts or other
2303 records of the affairs of any public hospital owned or owned and
2304 operated by one or more political subdivisions or parts thereof or
2305 any combination thereof, or any school district, including
2306 activity funds thereof, it shall be sufficient compliance
2307 therewith, in the discretion of the State Auditor, that such
2308 examination or audit be made from the report of any audit or other
2309 examination certified by a certified public accountant and
2310 prepared by or under the supervision of such certified public
2311 accountant. Such audits shall be made in accordance with
2312 generally accepted standards of auditing, with the use of an audit
2313 program prepared by the State Auditor, and final reports of such
2314 audits shall conform to the format prescribed by the State
2315 Auditor. All files, working papers, notes, correspondence and all
2316 other data compiled during the course of the audit shall be



2317 available, without cost, to the State Auditor for examination and
2318 abstracting during the normal business hours of any business day.
2319 The expense of such certified reports shall be borne by the
2320 respective hospital, or any available school district funds * * *,
2321 subject to examination or audit. The State Auditor shall not be
2322 bound by such certified reports and may, in his or their
2323 discretion, conduct such examination or audit from the books,
2324 ledgers, accounts or other records involved as may be appropriate
2325 and authorized by law;

2326 (k) The State Auditor shall have the authority to
2327 contract with qualified public accounting firms to perform
2328 selected audits required in paragraphs (d), (e), (f) and (j) of
2329 this section, if funds are made available for such contracts by
2330 the Legislature, or if funds are available from the governmental
2331 entity covered by paragraphs (d), (e), (f) and (j). Such audits
2332 shall be made in accordance with generally accepted standards of
2333 auditing. All files, working papers, notes, correspondence and
2334 all other data compiled during the course of the audit shall be
2335 available, without cost, to the State Auditor for examination and
2336 abstracting during the normal business hours of any business day;

2337 (l) The State Auditor shall have the authority to
2338 establish training courses and programs for the personnel of the
2339 various state and local governmental entities under the
2340 jurisdiction of the Office of the State Auditor. The training
2341 courses and programs shall include, but not be limited to, topics



2342 on internal control of funds, property and equipment control and
2343 inventory, governmental accounting and financial reporting, and
2344 internal auditing. The State Auditor is authorized to charge a
2345 fee from the participants of these courses and programs, which fee
2346 shall be deposited into the Department of Audit Special Fund.
2347 State and local governmental entities are authorized to pay such
2348 fee and any travel expenses out of their general funds or any
2349 other available funds from which such payment is not prohibited by
2350 law;

2351 (m) Upon written request by the Governor or any member
2352 of the State Legislature, the State Auditor may audit any state
2353 funds and/or state and federal funds received by any nonprofit
2354 corporation incorporated under the laws of this state;

2355 (n) To conduct performance audits of personal or
2356 professional service contracts by state agencies on a random
2357 sampling basis, or upon request of the State Personal Service
2358 Contract Review Board under Section 25-9-120(3);

2359 (o) At the discretion of the State Auditor, the Auditor
2360 may conduct risk assessments, as well as performance and
2361 compliance audits based on Generally Accepted Government Auditing
2362 Standards (GAGAS) of any state-funded economic development program
2363 authorized under Title 57, Mississippi Code of 1972. After risk
2364 assessments or program audits, the State Auditor may conduct
2365 audits of those projects deemed high-risk, specifically as they
2366 identify any potential wrongdoing or noncompliance based on



2367 objectives of the economic development program. The Auditor is
2368 granted authority to gather, audit and review data and information
2369 from the Mississippi Development Authority or any of its agents,
2370 the Department of Revenue, and when necessary under this
2371 paragraph, the recipient business or businesses or any other
2372 private, public or nonprofit entity with information relevant to
2373 the audit project. The maximum amount the State Auditor may bill
2374 the oversight agency under this paragraph in any fiscal year is
2375 One Hundred Thousand Dollars (\$100,000.00), based on reasonable
2376 and necessary expenses;

2377 (p) To review and approve any independent auditor
2378 selected by the Mississippi Lottery Corporation in accordance with
2379 Section 27-115-89, to conduct an annual audit of the corporation;
2380 and

2381 (q) To conduct audits or investigations of the
2382 Mississippi Lottery Corporation if, in the opinion of the State
2383 Auditor, conditions justify such audits or investigations.

2384 **SECTION 23.** Section 19-9-157, Mississippi Code of 1972, is
2385 amended as follows:

2386 19-9-157. The board of supervisors of the situs county, upon
2387 receipt of the payments pursuant to Section 19-9-151 less the
2388 payment made according to Section 19-9-153, shall pay all such
2389 funds in excess of Five Million Five Hundred Thousand Dollars
2390 (\$5,500,000.00) to the governing authorities of the public school
2391 districts in such county in the proportion that the average daily



2392 * * * membership for the preceding scholastic year of each school
2393 district bears to the total average daily * * * membership of the
2394 county for the preceding scholastic year. Such funds may be
2395 expended only for the purposes of capital improvements to school
2396 facilities and only after plans therefor have been submitted to
2397 and approved by the * * * State Board of Education. The governing
2398 authorities of such school districts may borrow money in
2399 anticipation of receipt of payments pursuant to this section and
2400 the levying authority for the school district may issue negotiable
2401 notes therefor, for the purposes set forth herein. Such loan
2402 shall be repaid from the payments received under this section by
2403 the governing authorities of the public school district. However,
2404 no public school districts within the situs county shall be
2405 entitled to any payments after January 1, 1990.

2406 **SECTION 24.** Section 19-9-171, Mississippi Code of 1972, is
2407 amended as follows:

2408 19-9-171. The revenue from ad valorem taxes for school
2409 district purposes that are levied upon liquefied natural gas
2410 terminals or improvements thereto constructed after July 1, 2007,
2411 crude oil refineries constructed after July 1, 2007, and
2412 expansions or improvements to existing crude oil refineries
2413 constructed after July 1, 2007, shall be distributed to all public
2414 school districts in the county in which the facilities are located
2415 in the proportion that the average daily * * * membership of each
2416 school district bears to the total average daily * * * membership



2417 of all school districts in the county. The county or municipal
2418 tax collector, as the case may be, shall pay such tax collections,
2419 except for taxes collected for the payment of the principal of and
2420 interest on school bonds or notes and except for taxes collected
2421 to defray collection costs, into the appropriate school depository
2422 and report to the school board of the appropriate school district
2423 at the same time and in the same manner as the tax collector makes
2424 his payments and reports of other taxes collected by him.

2425 **SECTION 25.** Section 25-4-29, Mississippi Code of 1972, is
2426 amended as follows:

2427 25-4-29. (1) Required statements hereunder shall be filed
2428 as follows:

2429 (a) Every incumbent public official required by
2430 paragraphs (a), (b), (d) and (e) of Section 25-4-25 to file a
2431 statement of economic interest shall file such statement with the
2432 commission on or before May 1 of each year that such official
2433 holds office, regardless of duration;

2434 (b) Candidates for office required to file a statement
2435 hereunder shall file such statement within fifteen (15) days after
2436 the deadline for qualification for that public office;

2437 (c) Persons who are required to file a statement
2438 because of appointment to fill a vacancy in an office or required
2439 to file under Section 25-4-25(d) and (e) shall file such statement
2440 within thirty (30) days of their appointment;



2441 (d) No person by reason of successful candidacy or
2442 assuming additional offices shall be required to file more than
2443 one (1) statement of economic interest in any calendar year,
2444 except such official shall notify the commission as soon as
2445 practicable of additional offices not previously reported; and

2446 (e) The commission may, on an individual case basis,
2447 provide for additional time to file a statement upon a showing
2448 that compliance with a filing date set out under paragraph (a),
2449 (b), (c) or (d) above would work an unreasonable hardship.

2450 (2) Any person who fails to file a statement of economic
2451 interest within thirty (30) days of the date the statement is due
2452 shall be deemed delinquent by the commission. The commission
2453 shall give written notice of the delinquency to the person by
2454 United States mail or by personal service of process. If within
2455 fifteen (15) days of receiving written notice of delinquency the
2456 delinquent filer has not filed the statement of economic interest,
2457 a fine of Fifty Dollars (\$50.00) per day, not to exceed a total
2458 fine of One Thousand Dollars (\$1,000.00), shall be assessed
2459 against the delinquent filer for each day thereafter in which the
2460 statement of economic interest is not properly filed. The
2461 commission shall enroll such assessment as a civil judgment with
2462 the circuit clerk in the delinquent filer's county of residence.
2463 The commission may enforce the judgment for the benefit of the
2464 State General Fund for the support of * * * Investing in the Needs



of Students to Prioritize, Impact and Reform Education (INSPIRE)
in the same manner as is prescribed for other civil judgments.

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

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



principal of and the interest on such bonds shall be deducted and set aside by such board of supervisors prior to the distribution of such severance taxes in the manner provided by law, and only the amount of such severance taxes remaining after such deduction shall be subject to such distribution. The board of supervisors in such counties may pledge only up to fifty percent (50%) of such severance taxes as their respective county may receive to retire the bonds and interest pursuant to the authority of this section. The required local contribution of said counties to the cost of * * * Investing in the Needs of Students to Prioritize, Impact and Reform Education (INSPIRE) shall not be reduced nor shall the obligation of the state under * * * the funding formula to said counties be increased because * * * of this section.

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

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

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



2515 Dollars (\$7,500.00) of the assessed value including an area of
2516 land not in excess of that specified hereinafter in this article.
2517 The exemption from taxes shall be limited to the following:

2518 (a) All homeowners who are heads of families and who
2519 qualify under the provisions of this article shall be exempt from
2520 taxes levied in 1983 and payable in 1984 and from taxes levied in
2521 1984 and payable in 1985 as follows:

2522 (i) The ad valorem taxes levied by counties
2523 pursuant to Section 27-39-329. Amounts so exempted shall not be
2524 reimbursed by the state.

2525 (ii) Ad valorem taxes levied for maintenance and
2526 current expenses by or for a county as authorized by Section
2527 27-39-303, but the levy for such purpose in any year for which
2528 reimbursement is to be made shall not exceed the millage levied
2529 for such purpose for the 1984 fiscal year; or a levy for county
2530 roads or a road district as authorized by Section 27-39-305; or a
2531 levy for constructing and maintaining all bridges and culverts as
2532 authorized by Section 65-15-7, but the levy for either or both of
2533 such purposes for which reimbursement is to be made shall not in
2534 any event exceed seven (7) mills in any year; the * * * levy for
2535 the support of * * * INSPIRE to produce the minimum local ad
2536 valorem tax effort required * * * of a school district by Section
2537 37-57-1, and the supplementary school district tax levy for the
2538 support and maintenance of * * * schools as authorized by Section
2539 37-57-105; provided, however, that the total of the levies made



2540 under said Sections 37-57-1 and 37-57-105, which shall be exempt
2541 under this article, shall be limited to twenty (20) mills for any
2542 affected property area, and in the event the total of such levies
2543 should exceed twenty (20) mills for any affected property area,
2544 the excess shall not be exempt under this article, and in such
2545 case, the levy for the support of the * * * funding formula shall
2546 have priority as an exempt levy;

2547 (iii) Ad valorem taxes levied for the support and
2548 maintenance of agricultural high schools within the limits and as
2549 authorized by Section 37-27-3, and ad valorem taxes levied for the
2550 support of community or junior colleges within the limits and as
2551 authorized by subsection (2) of Section 37-29-141; provided,
2552 however, that the exemption from taxation and reimbursement for
2553 tax loss for agricultural high schools and community or junior
2554 colleges, or any combination of same, shall not exceed three (3)
2555 mills in any one (1) year for any one (1) county;

2556 (iv) Ad valorem taxes levied for the support
2557 of * * * INSPIRE in a municipal separate school district to
2558 produce the minimum local ad valorem tax effort required of such
2559 municipal separate school district as authorized by Section * * *
2560 37-57-1, and the supplementary tax levy for the support and
2561 maintenance of the schools of a municipal separate school district
2562 as authorized by Section 37-57-105; provided, however, the total
2563 of the levies made under said Sections * * * 37-57-1 and 37-57-105
2564 which shall be exempt under this article shall be limited to



2565 fifteen (15) mills for any affected property area, except in those
2566 special municipal separate school districts as provided by
2567 Sections 37-7-701 through 37-7-743, the total of the levies made
2568 under Sections 37-7-739 and 37-57-105 for such special municipal
2569 separate school district which shall be exempt under this article
2570 shall not exceed twenty (20) mills, and in the event the total of
2571 such levies should exceed fifteen (15) mills for any affected
2572 property area, or twenty (20) mills in the case of a special
2573 municipal separate school district, the excess shall not be exempt
2574 under this article, and, in such case, the levy for the support of
2575 the * * * funding formula in the municipal separate school
2576 district shall have priority as an exempt levy;

2577 (v) In the event any law referred to in this
2578 section is amended so as to authorize an increase in the tax levy
2579 for any purposes, such increase in the levy shall be applied to
2580 and taxes collected from the property owners on the entire
2581 assessed value of exempted homes; and the tax loss resulting from
2582 such increase shall not be reimbursed under the provisions of the
2583 Homestead Exemption Law, unless such law clearly specifies that
2584 the exempted assessed value of homes is exempt from such increase;

2585 (vi) Ad valorem taxes levied under Sections
2586 65-15-7 and 65-15-21 shall be used solely for purposes levied.

2587 (b) Those homeowners who qualify for the exemptions
2588 provided for in subsection (a) of this section and who have
2589 reached the age of sixty-five (65) years on or before January 1 of



2590 the year for which the exemption is claimed; and
2591 service-connected, totally disabled American veterans who were
2592 honorably discharged from military service, upon presentation of
2593 proper proof of eligibility shall be exempt from any and all ad
2594 valorem taxes, including the forest acreage tax authorized by
2595 Section 49-19-115, on homesteads not in excess of Seven Thousand
2596 Five Hundred Dollars (\$7,500.00) of assessed value thereof;
2597 provided, however, that property owned jointly by husband and wife
2598 and property owned in fee simple by either spouse shall be
2599 eligible for this exemption in full if either spouse fulfills the
2600 age or disability requirement. On all other jointly owned
2601 property the amount of the allowable exemption shall be determined
2602 on the basis of each individual joint owner's qualifications and
2603 pro rata share of the property.

2604 (c) Those homeowners who qualify for the exemptions
2605 provided for in subsection (a) of this section and who would be
2606 classified as disabled under the Federal Social Security Act (42
2607 USCS Section 416(i)), upon presentation of proper proof of
2608 eligibility shall be exempt from any and all ad valorem taxes,
2609 including the forest acreage tax authorized by Section 49-19-115,
2610 on homesteads not in excess of Seven Thousand Five Hundred Dollars
2611 (\$7,500.00) of assessed value thereof; provided, however, that
2612 property owned jointly by husband and wife and property owned in
2613 fee simple by either spouse shall be eligible for this exemption
2614 in full if either spouse fulfills the disability requirement. On



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 28. 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



2640 vehicles as provided by the Motor Vehicle Ad Valorem Tax Law of
2641 1958, Section 27-51-1 et seq., for county taxes; and upon each
2642 dollar of valuation for the respective districts, as shown upon
2643 the assessment rolls of the county, including the assessment of
2644 motor vehicles as provided by the Motor Vehicle Ad Valorem Tax Law
2645 of 1958, Section 27-51-1 et seq.; except as to such values as
2646 shall be exempt, in whole or in part, from certain tax rates or
2647 levies. If the rate or levy for the county is an increase from
2648 the previous fiscal year, then the proposed rate or levy shall be
2649 advertised in accordance with Section 27-39-203. If the board of
2650 supervisors of any county shall not levy the county taxes and the
2651 district taxes at its regular September meeting, the board shall
2652 levy the same on or before September 15 at an adjourned or special
2653 meeting, or thereafter, provided, however, that if such levy be
2654 not made on or before the fifteenth day of September then the tax
2655 collector or Department of Revenue may issue road and bridge
2656 privilege tax license plates for motor vehicles as defined in the
2657 Motor Vehicle Ad Valorem Tax Law of 1958, Section 27-51-1 et seq.,
2658 without collecting or requiring proof of payment of county ad
2659 valorem taxes, and may continue to so issue such plates until such
2660 levy is duly certified to him, and for twenty-four (24) hours
2661 thereafter.

2662 Notwithstanding the requirements of this section, in the
2663 event the Department of Revenue orders the county to make an
2664 adjustment to the tax roll pursuant to Section 27-35-113, the



2665 county shall have a period of thirty (30) days from the date of
2666 the commission's final determination to adjust the millage in
2667 order to collect the same dollar amount of taxes as originally
2668 levied by the board.

2669 In making the levy of taxes, the board of supervisors shall
2670 specify, in its order, the levy for each purpose, as follows:

2671 (a) For general county purposes (current expense and
2672 maintenance taxes), as authorized by Section 27-39-303.

2673 (b) For roads and bridges, as authorized by Section
2674 27-39-305.

2675 (c) For schools, including the * * * Investing in the
2676 Needs of Students to Prioritize, Impact and Reform Education
2677 (INSPIRE) levy and the levy for each school district including
2678 special municipal separate school districts, but not including
2679 other municipal separate school districts, and for an agricultural
2680 high school, county high school or community or junior college
2681 (current expense and maintenance taxes), as authorized by Chapter
2682 57, Title 37, Mississippi Code of 1972, and any other applicable
2683 statute. The levy for schools shall apply to the assessed value
2684 of property in the respective school districts, including special
2685 municipal separate school districts, but not including other
2686 municipal separate school districts, and a distinct and separate
2687 levy shall be made for each school district, and the purpose for
2688 each levy shall be stated.



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

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

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

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

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

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

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



2714 writing, within thirty (30) days, the county superintendent of
2715 education of such county, the levy or levies it intends to make
2716 for the support and maintenance of such school districts of such
2717 county at its regular meeting in September following, and the
2718 county superintendent of education and the trustees of all such
2719 school districts shall be authorized to use such expressed
2720 intention of the board of supervisors in computing the support and
2721 maintenance budget or budgets of such school district or districts
2722 for the ensuing fiscal school year.

2723 **SECTION 29.** Section 29-3-47, Mississippi Code of 1972, is
2724 amended as follows:

2725 29-3-47. For its services the State Forestry Commission
2726 shall be entitled to receive its actual expenses incurred in the
2727 discharge of the duties herein imposed. In order to provide funds
2728 with which to pay for the general supervision and sale of forest
2729 products, fifteen percent (15%) of all receipts from the sales of
2730 forest products shall be placed by the board in a Forestry Escrow
2731 Fund and reserved to pay for work performed by the State Forestry
2732 Commission. Such payments shall be equal to the actual expenses
2733 incurred by the commission as substantiated by itemized bills
2734 presented to the board.

2735 Money in the Forestry Escrow Fund may be used to pay for any
2736 forestry work authorized during the period of the agreement and
2737 shall not be subject to lapse by reason of county budget
2738 limitations.



2739 In each school district having need of tree planting and
2740 timber stand improvement, the board of education is authorized to
2741 place additional amounts in the Forestry Escrow Fund to reimburse
2742 the State Forestry Commission for actual expenses incurred in
2743 performing this work, or to pay for any work done under private
2744 contract under the supervision of said commission. Such
2745 additional amounts may be made available from forest products
2746 sales receipts, funds borrowed from the sixteenth section
2747 principal fund as is provided for in Section 29-3-113, or any
2748 other funds available to the board of education excluding * * *
2749 Investing in the Needs of Students to Prioritize, Impact and
2750 Reform Education (INSPIRE) funds. Expenditures from the Forestry
2751 Escrow Fund for tree planting, timber stand improvement, and other
2752 forestry work will be limited to payment for work recommended by
2753 the Forestry Commission and agreed to by the board of education.

2754 When it becomes evident that the amount of money in the
2755 Forestry Escrow Fund is in excess of the amount necessary to
2756 accomplish the work needed to achieve the goals set by the board
2757 of education and the Forestry Commission, the State Forestry
2758 Commission shall advise said board to release any part of such
2759 funds as will not be needed, which may then be spent for any
2760 purpose authorized by law.

2761 **SECTION 30.** Section 29-3-49, Mississippi Code of 1972, is
2762 amended as follows:



2763 29-3-49. It shall be the duty of the State Forestry
2764 Commission, in the manner provided in Section 29-3-45, to enter
2765 into agreements for timber improvement purposes with the board of
2766 education upon the request of the board. The contract shall
2767 provide for the carrying out of a long-term program of timber
2768 improvement, including any or all of the following: The deadening
2769 of undesirable hardwoods, the planting of trees, the cutting and
2770 maintaining of fire lanes, and the establishment of marked
2771 boundaries on all lands classified as forest lands in the
2772 agreements, which provide for the reimbursement of all current
2773 costs incurred by the State Forestry Commission and the carrying
2774 out of the duties required by such agreements. In the
2775 alternative, the commission, in its discretion, may have the
2776 option to contract with a private contractor, subject to the
2777 approval of the board, to perform this work under the supervision
2778 of the commission. Payment of the reimbursements as hereinabove
2779 set forth to the Forestry Commission, or of compensation due under
2780 any such contract with private contractors shall be made upon
2781 presentation of itemized bills by the commission or the private
2782 contractors, as the case may be, and may be made out of any
2783 sixteenth section funds to the credit of, or accruing to, any
2784 school district in which such work shall be done, or out of any
2785 other funds available to such district, excluding * * * Investing
2786 in the Needs of Students to Prioritize, Impact and Reform
2787 Education (INSPIRE) funds.



2788 **SECTION 31.** Section 29-3-113, Mississippi Code of 1972, is
2789 amended as follows:

2790 29-3-113. The principal fund shall be a permanent township
2791 fund which shall consist of funds heretofore or hereafter derived
2792 from certain uses or for certain resources of school trust lands
2793 which shall be invested and, except as otherwise provided in this
2794 section, only the interest and income derived from such funds
2795 shall be expendable by the school district.

2796 The principal fund shall consist of:

2797 (a) Funds received for easements and rights-of-way
2798 pursuant to Section 29-3-91;

2799 (b) Funds received for sales of lieu land pursuant to
2800 Sections 29-3-15 through 29-3-25;

2801 (c) Funds received from any permanent damage to the
2802 school trust land;

2803 (d) Funds received from the sale of nonrenewable
2804 resources, including, but not limited to, the sale of sand,
2805 gravel, dirt, clays and royalties received from the sale of
2806 mineral ores, coal, oil and gas;

2807 (e) Funds received from the sale of buildings pursuant
2808 to Section 29-3-77;

2809 (f) Funds received from the sale of timber; and

2810 (g) Funds received pursuant to Section 29-3-23(2).

2811 It shall be the duty of the Board of Education to keep the
2812 principal fund invested in any direct obligation issued by or



2813 guaranteed in full as to principal and interest by the United
2814 States of America or in certificates of deposit issued by a
2815 qualified depository of the State of Mississippi as approved by
2816 the State Treasurer. The certificates of deposit may bear
2817 interest at any rate per annum which may be mutually agreed upon
2818 but in no case shall said rate be less than that paid on passbook
2819 savings.

2820 The Board of Education is authorized to invest the funds in
2821 interest bearing deposits or other obligations of the types
2822 described in Section 27-105-33 or in any other type investment in
2823 which any other political subdivision of the State of Mississippi
2824 may invest, except that one hundred percent (100%) of the funds
2825 are authorized to be invested. For the purposes of investment,
2826 the principal fund of each township may be combined into one or
2827 more district accounts; however, the docket book of the county
2828 superintendent shall at all times reflect the proper source of
2829 such funds. Provided that funds received from the sale of timber
2830 shall be placed in a separate principal fund account, and may be
2831 expended for any of the purposes authorized by law.

2832 The Board of Education shall have authority to borrow such
2833 funds at a rate of interest not less than four percent (4%) per
2834 annum and for a term not exceeding twenty (20) years, for the
2835 erection, equipment or repair of said district schools, to provide
2836 local funds for any building project approved by the State Board
2837 of Education or to provide additional funds for forest stand



2838 improvement as set forth in Section 29-3-47. In addition, the
2839 board may borrow the funds under the same interest restrictions
2840 for a term not exceeding ten (10) years to provide funds for the
2841 purchase of school buses. The Board of Education of any school
2842 district in any county that has an aggregate amount of assets in
2843 its principal fund in excess of Five Million Dollars
2844 (\$5,000,000.00) may deduct an amount not to exceed Five Hundred
2845 Thousand Dollars (\$500,000.00) for the purpose of covering the
2846 cost of asbestos removal from school district buildings. Such
2847 asbestos removal shall be construed to constitute the repair of
2848 school district facilities as prescribed in Section 29-3-115.

2849 No school land trust funds may be expended after the annual
2850 payment date until the payment is made on such loan. Once a
2851 district is current on its loan payments, the district may spend
2852 expendable trust funds earned or accumulated in previous years for
2853 any purpose for which expendable trust funds may be spent. The
2854 annual payment can be made from any funds available to the school
2855 district except * * * Investing in the Needs of Students to
2856 Prioritize, Impact and Reform Education (INSPIRE) funds.

2857 It shall be unlawful for the Board of Education to borrow any
2858 sixteenth section school funds in any other manner than that
2859 prescribed herein, and if any such funds shall be borrowed or
2860 invested in any other manner, any officer concerned in making such
2861 loan and investment or suffering the same to be made in violation



of the provisions of this section shall be liable personally and on his official bond for the safety of the funds so loaned.

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

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

(2) The State Department of Education is hereby authorized, empowered and directed to allocate for distribution such funds appropriated each year under subsection (1) of this section in proportion to the * * * amount of funding allotted under * * * Investing in the Needs of Students to Prioritize, Impact and Reform Education (INSPIRE) to such school districts affected by the sale of Chickasaw cession school lands. School districts not wholly situated in Chickasaw cession affected territory shall receive a prorated amount of such allocation based on the



2887 percentage of such lands located within the district. Provided
2888 further, that the State Department of Education shall, in
2889 addition, deduct from each affected school district's allocation
2890 the amount such district shall receive from interest payments from
2891 the Chickasaw School Fund under Section 212, Mississippi
2892 Constitution of 1890 for each fiscal year. * * * The department
2893 shall document the foregoing computation in its annual budget
2894 request for the appropriation to the Chickasaw School Fund, and
2895 shall revise its budget request under such formula as the average
2896 annual revenues from sixteenth section school lands fluctuate.

2897 (3) [Repealed]

2898 **SECTION 33.** Section 31-7-9, Mississippi Code of 1972, is
2899 amended as follows:

2900 31-7-9. (1) (a) The Office of Purchasing, Travel and Fleet
2901 Management shall adopt purchasing regulations governing the
2902 purchase by any agency of any commodity or commodities and
2903 establishing standards and specifications for a commodity or
2904 commodities and the maximum fair prices of a commodity or
2905 commodities, subject to the approval of the Public Procurement
2906 Review Board. It shall have the power to amend, add to or
2907 eliminate purchasing regulations. The adoption of, amendment,
2908 addition to or elimination of purchasing regulations shall be
2909 based upon a determination by the Office of Purchasing, Travel and
2910 Fleet Management with the approval of the Public Procurement
2911 Review Board, that such action is reasonable and practicable and



2912 advantageous to promote efficiency and economy in the purchase of
2913 commodities by the agencies of the state. Upon the adoption of
2914 any purchasing regulation, or an amendment, addition or
2915 elimination therein, copies of same shall be furnished to the
2916 State Auditor and to all agencies affected thereby. Thereafter,
2917 and except as otherwise may be provided in subsection (2) of this
2918 section, no agency of the state shall purchase any commodities
2919 covered by existing purchasing regulations unless such commodities
2920 be in conformity with the standards and specifications set forth
2921 in the purchasing regulations and unless the price thereof does
2922 not exceed the maximum fair price established by such purchasing
2923 regulations. The Office of Purchasing, Travel and Fleet
2924 Management shall furnish to any county or municipality or other
2925 local public agency of the state requesting same, copies of
2926 purchasing regulations adopted by the Office of Purchasing, Travel
2927 and Fleet Management and any amendments, changes or eliminations
2928 of same that may be made from time to time.

2929 (b) The Office of Purchasing, Travel and Fleet
2930 Management may adopt purchasing regulations governing the use of
2931 credit cards, procurement cards and purchasing club membership
2932 cards to be used by state agencies, governing authorities of
2933 counties and municipalities, school districts and the Chickasawhay
2934 Natural Gas District. Use of the cards shall be in strict
2935 compliance with the regulations promulgated by the office. Any



amounts due on the cards shall incur interest charges as set forth in Section 31-7-305 and shall not be considered debt.

(c) Pursuant to the provision of Section 37-61-33(* * *2), the Office of Purchasing, Travel and Fleet Management of the Department of Finance and Administration is authorized to issue procurement cards or credentials for a digital solution to all public school district classroom teachers, charter school teachers, full- or part-time gifted or special education teachers and other necessary direct support personnel at the beginning of the school year, but no later than August 1 of each year, for the purchase of instructional supplies using Educational Enhancement Funds. The cards will be issued in equal amounts per teacher determined by the total number of qualifying personnel and the then current state appropriation for classroom instructional supplies under the Education Enhancement Fund. All purchases shall be in accordance with state law and teachers are responsible for verification of capital asset requirements when pooling monies to purchase equipment. The cards will expire on a predetermined date at the end of each school year, but not before April 1 of each year. All unexpended amounts will be carried forward, to be combined with the following year's instructional supply fund allocation, and reallocated for the following year. The Department of Finance and Administration is authorized to loan any start-up funds at the beginning of the school year to fund this procurement system for instructional supplies with loan repayment



2961 being made from sales tax receipts earmarked for the Education
2962 Enhancement Fund.

2963 (d) In a sale of goods or services, the seller shall
2964 not impose a surcharge on a buyer who uses a state-issued credit
2965 card, procurement card, travel card, or fuel card. The Department
2966 of Finance and Administration shall have exclusive jurisdiction to
2967 enforce and adopt rules relating to this paragraph. Any rules
2968 adopted under this paragraph shall be consistent with federal laws
2969 and regulations governing credit card transactions described by
2970 this paragraph. This paragraph does not create a cause of action
2971 against an individual for a violation of this paragraph.

2972 (2) The Office of Purchasing, Travel and Fleet Management
2973 shall adopt, subject to the approval of the Public Procurement
2974 Review Board, purchasing regulations governing the purchase of
2975 unmarked vehicles to be used by the Bureau of Narcotics and
2976 Department of Public Safety in official investigations pursuant to
2977 Section 25-1-87. Such regulations shall ensure that purchases of
2978 such vehicles shall be at a fair price and shall take into
2979 consideration the peculiar needs of the Bureau of Narcotics and
2980 Department of Public Safety in undercover operations.

2981 (3) The Office of Purchasing, Travel and Fleet Management
2982 shall adopt, subject to the approval of the Public Procurement
2983 Review Board, regulations governing the certification process for
2984 certified purchasing offices, including the Mississippi Purchasing
2985 Certification Program, which shall be required of all purchasing



agents at state agencies. Such regulations shall require entities desiring to be classified as certified purchasing offices to submit applications and applicable documents on an annual basis, and in the case of a state agency purchasing office, to have one hundred percent (100%) participation and completion by purchasing agents in the Mississippi Purchasing Certification Program, at which time the Office of Purchasing, Travel and Fleet Management may provide the governing entity with a certification valid for one (1) year from the date of issuance. The Office of Purchasing, Travel and Fleet Management shall set a fee in an amount that recovers its costs to administer the Mississippi Purchasing Certification Program, which shall be assessed to the participating state agencies.

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

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

31-7-10. (1) For the purposes of this section, the term "equipment" shall mean equipment, furniture, and if applicable, associated software and other applicable direct costs associated with the acquisition. In addition to its other powers and duties, the Department of Finance and Administration shall have the authority to develop a master lease-purchase program and, pursuant



3011 to that program, shall have the authority to execute on behalf of
3012 the state master lease-purchase agreements for equipment to be
3013 used by an agency, as provided in this section. Each agency
3014 electing to acquire equipment by a lease-purchase agreement shall
3015 participate in the Department of Finance and Administration's
3016 master lease-purchase program, unless the Department of Finance
3017 and Administration makes a determination that such equipment
3018 cannot be obtained under the program or unless the equipment can
3019 be obtained elsewhere at an overall cost lower than that for which
3020 the equipment can be obtained under the program. Such
3021 lease-purchase agreements may include the refinancing or
3022 consolidation, or both, of any state agency lease-purchase
3023 agreements entered into after June 30, 1990.

3024 (2) All funds designated by agencies for procurement of
3025 equipment and financing thereof under the master lease-purchase
3026 program shall be paid into a special fund created in the State
3027 Treasury known as the "Master Lease-Purchase Program Fund," which
3028 shall be used by the Department of Finance and Administration for
3029 payment to the lessors for equipment acquired under master
3030 lease-purchase agreements.

3031 (3) Upon final approval of an appropriation bill, each
3032 agency shall submit to the Public Procurement Review Board a
3033 schedule of proposed equipment acquisitions for the master
3034 lease-purchase program. Upon approval of an equipment schedule by
3035 the Public Procurement Review Board with the advice of the



3036 Department of Information Technology Services, the Office of
3037 Purchasing, Travel and Fleet Management, and the Division of
3038 Energy and Transportation of the Mississippi Development Authority
3039 as it pertains to energy efficient climate control systems, the
3040 Public Procurement Review Board shall forward a copy of the
3041 equipment schedule to the Department of Finance and
3042 Administration.

3043 (4) The level of lease-purchase debt recommended by the
3044 Department of Finance and Administration shall be subject to
3045 approval by the State Bond Commission. After such approval, the
3046 Department of Finance and Administration shall be authorized to
3047 advertise and solicit written competitive proposals for a lessor,
3048 who will purchase the equipment pursuant to bid awards made by the
3049 using agency under a given category and then transfer the
3050 equipment to the Department of Finance and Administration as
3051 lessee, pursuant to a master lease-purchase agreement.

3052 The Department of Finance and Administration shall select the
3053 successful proposer for the financing of equipment under the
3054 master lease-purchase program with the approval of the State Bond
3055 Commission.

3056 (5) Each master lease-purchase agreement, and any subsequent
3057 amendments, shall include such terms and conditions as the State
3058 Bond Commission shall determine to be appropriate and in the
3059 public interest, and may include any covenants deemed necessary or
3060 desirable to protect the interests of the lessor, including, but



3061 not limited to, provisions setting forth the interest rate (or
3062 method for computing interest rates) for financing pursuant to
3063 such agreement, covenants concerning application of payments and
3064 funds held in the Master Lease-Purchase Program Fund, covenants to
3065 maintain casualty insurance with respect to equipment subject to
3066 the master lease-purchase agreement (and all state agencies are
3067 specifically authorized to purchase any insurance required by a
3068 master lease-purchase agreement) and covenants precluding or
3069 limiting the right of the lessee or user to acquire equipment
3070 within a specified time (not to exceed five (5) years) after
3071 cancellation on the basis of a failure to appropriate funds for
3072 payment of amounts due under a lease-purchase agreement covering
3073 comparable equipment. The State Bond Commission shall transmit
3074 copies of each such master lease-purchase agreement and each such
3075 amendment to the Joint Legislative Budget Committee. To the
3076 extent provided in any master lease-purchase agreement, title to
3077 equipment leased pursuant thereto shall be deemed to be vested in
3078 the state or the user of the equipment (as specified in such
3079 master lease-purchase agreement), subject to default under or
3080 termination of such master lease-purchase agreement.

3081 A master lease-purchase agreement may provide for payment by
3082 the lessor to the lessee of the purchase price of the equipment to
3083 be acquired pursuant thereto prior to the date on which payment is
3084 due to the vendor for such equipment and that the lease payments
3085 by the lessee shall commence as though the equipment had been



3086 provided on the date of payment. If the lessee, or lessee's
3087 escrow agent, has sufficient funds for payment of equipment
3088 purchases prior to payment due date to vendor of equipment, such
3089 funds shall be held or utilized on an as-needed basis for payment
3090 of equipment purchases either by the State Treasurer (in which
3091 event the master lease-purchase agreement may include provisions
3092 concerning the holding of such funds, the creation of a security
3093 interest for the benefit of the lessor in such funds until
3094 disbursed and other appropriate provisions approved by the Bond
3095 Commission) or by a corporate trustee selected by the Department
3096 of Finance and Administration (in which event the Department of
3097 Finance and Administration shall have the authority to enter into
3098 an agreement with such a corporate trustee containing terms and
3099 conditions approved by the Bond Commission). Earnings on any
3100 amount paid by the lessor prior to the acquisition of the
3101 equipment may be used to make lease payments under the master
3102 lease-purchase agreement or applied to pay costs and expenses
3103 incurred in connection with such lease-purchase agreement. In
3104 such event, the equipment-use agreements with the user agency may
3105 provide for lease payments to commence upon the date of payment by
3106 the lessor and may also provide for a credit against such payments
3107 to the extent that investment receipts from investment of the
3108 purchase price are to be used to make lease-purchase payments.

3109 (6) The annual rate of interest paid under any
3110 lease-purchase agreement authorized under this section shall not



3111 exceed the maximum interest rate to maturity on general obligation
3112 indebtedness permitted under Section 75-17-101.

3113 (7) The Department of Finance and Administration shall
3114 furnish the equipment to the various agencies, also known as the
3115 user, pursuant to an equipment-use agreement developed by the
3116 Department of Finance and Administration. Such agreements shall
3117 require that all monthly payments due from such agency be paid,
3118 transferred or allocated into the Master Lease-Purchase Program
3119 Fund pursuant to a schedule established by the Department of
3120 Finance and Administration. In the event such sums are not paid
3121 by the defined payment period, the Executive Director of the
3122 Department of Finance and Administration shall issue a requisition
3123 for a warrant to draw such amount as may be due from any funds
3124 appropriated for the use of the agency which has failed to make
3125 the payment as agreed.

3126 (8) All master lease-purchase agreements executed under the
3127 authority of this section shall contain the following annual
3128 allocation dependency clause or an annual allocation dependency
3129 clause which is substantially equivalent thereto: "The
3130 continuation of each equipment schedule to this agreement is
3131 contingent in whole or in part upon the appropriation of funds by
3132 the Legislature to make the lease-purchase payments required under
3133 such equipment schedule. If the Legislature fails to appropriate
3134 sufficient funds to provide for the continuation of the
3135 lease-purchase payments under any such equipment schedule, then



3136 the obligations of the lessee and of the agency to make such
3137 lease-purchase payments and the corresponding provisions of any
3138 such equipment schedule to this agreement shall terminate on the
3139 last day of the fiscal year for which appropriations were made."

3140 (9) The maximum lease term for any equipment acquired under
3141 the master lease-purchase program shall not exceed the useful life
3142 of such equipment as determined according to the upper limit of
3143 the asset depreciation range (ADR) guidelines for the Class Life
3144 Asset Depreciation Range System established by the Internal
3145 Revenue Service pursuant to the United States Internal Revenue
3146 Code and Regulations thereunder as in effect on December 31, 1980,
3147 or comparable depreciation guidelines with respect to any
3148 equipment not covered by ADR guidelines. The Department of
3149 Finance and Administration shall be deemed to have met the
3150 requirements of this subsection if the term of a master
3151 lease-purchase agreement does not exceed the weighted average
3152 useful life of all equipment covered by such agreement and the
3153 schedules thereto as determined by the Department of Finance and
3154 Administration. For purposes of this subsection, the "term of a
3155 master lease-purchase agreement" shall be the weighted average
3156 maturity of all principal payments to be made under such master
3157 lease-purchase agreement and all schedules thereto.

3158 (10) Interest paid on any master lease-purchase agreement
3159 under this section shall be exempt from State of Mississippi
3160 income taxation. All equipment, and the purchase thereof by any



3161 lessor, acquired under the master lease-purchase program and all
3162 lease-purchase payments with respect thereto shall be exempt from
3163 all Mississippi sales, use and ad valorem taxes.

3164 (11) The Governor, in his annual executive budget to the
3165 Legislature, shall recommend appropriations sufficient to provide
3166 funds to pay all amounts due and payable during the applicable
3167 fiscal year under master lease-purchase agreements entered into
3168 pursuant to this section.

3169 (12) Any master lease-purchase agreement reciting in
3170 substance that such agreement has been entered into pursuant to
3171 this section shall be conclusively deemed to have been entered
3172 into in accordance with all of the provisions and conditions set
3173 forth in this section. Any defect or irregularity arising with
3174 respect to procedures applicable to the acquisition of any
3175 equipment shall not invalidate or otherwise limit the obligation
3176 of the Department of Finance and Administration, or the state or
3177 any agency of the state, under any master lease-purchase agreement
3178 or any equipment-use agreement.

3179 (13) There shall be maintained by the Department of Finance
3180 and Administration, with respect to each master lease-purchase
3181 agreement, an itemized statement of the cash price, interest
3182 rates, interest costs, commissions, debt service schedules and all
3183 other costs and expenses paid by the state incident to the
3184 lease-purchase of equipment under such agreement.



3185 (14) Lease-purchase agreements entered into by the Board of
3186 Trustees of State Institutions of Higher Learning pursuant to the
3187 authority of Section 37-101-413 or by any other agency which has
3188 specific statutory authority other than pursuant to Section
3189 31-7-13(e) to acquire equipment by lease-purchase shall not be
3190 made pursuant to the master lease-purchase program under this
3191 section, unless the Board of Trustees of State Institutions of
3192 Higher Learning or such other agency elects to participate as to
3193 part or all of its lease-purchase acquisitions in the master
3194 lease-purchase program pursuant to this section.

3195 (15) The Department of Finance and Administration may
3196 develop a master lease-purchase program for school districts and,
3197 pursuant to that program, may execute on behalf of the school
3198 districts master lease-purchase agreements for equipment to be
3199 used by the school districts. The form and structure of this
3200 program shall be substantially the same as set forth in this
3201 section for the master lease-purchase program for state agencies.
3202 If sums due from a school district under the master lease-purchase
3203 program are not paid by the expiration of the defined payment
3204 period, the Executive Director of the Department of Finance and
3205 Administration may withhold such amount that is due from the
3206 school district's * * * Investing in the Needs of Students to
3207 Prioritize, Impact and Reform Education (INSPIRE) allotments.

3208 (16) The Department of Finance and Administration may
3209 develop a master lease-purchase program for community and junior



3210 college districts and, pursuant to that program, may execute on
3211 behalf of the community and junior college districts master
3212 lease-purchase agreements for equipment to be used by the
3213 community and junior college districts. The form and structure of
3214 this program must be substantially the same as set forth in this
3215 section for the master lease-purchase program for state agencies.
3216 If sums due from a community or junior college district under the
3217 master lease-purchase program are not paid by the expiration of
3218 the defined payment period, the Executive Director of the
3219 Department of Finance and Administration may withhold an amount
3220 equal to the amount due under the program from any funds allocated
3221 for that community or junior college district in the state
3222 appropriations for the use and support of the community and junior
3223 colleges.

3224 (17) From and after July 1, 2016, the expenses of this
3225 agency shall be defrayed by appropriation from the State General
3226 Fund and all user charges and fees authorized under this section
3227 shall be deposited into the State General Fund as authorized by
3228 law.

3229 (18) From and after July 1, 2016, no state agency shall
3230 charge another state agency a fee, assessment, rent or other
3231 charge for services or resources received by authority of this
3232 section.

3233 **SECTION 35.** Section 37-1-3, Mississippi Code of 1972, is
3234 amended as follows:



3235 37-1-3. (1) The State Board of Education shall adopt rules
3236 and regulations and set standards and policies for the
3237 organization, operation, management, planning, budgeting and
3238 programs of the State Department of Education.

3239 (a) The board is directed to identify all functions of
3240 the department that contribute to or comprise a part of the state
3241 system of educational accountability and to establish and maintain
3242 within the department the necessary organizational structure,
3243 policies and procedures for effectively coordinating such
3244 functions. Such policies and procedures shall clearly fix and
3245 delineate responsibilities for various aspects of the system and
3246 for overall coordination of the total system and its effective
3247 management.

3248 (b) The board shall establish and maintain a
3249 system-wide plan of performance, policy and directions of public
3250 education not otherwise provided for.

3251 (c) The board shall effectively use the personnel and
3252 resources of the department to enhance technical assistance to
3253 school districts in instruction and management therein.

3254 (d) The board shall establish and maintain a central
3255 budget policy.

3256 (e) The board shall establish and maintain within the
3257 State Department of Education a central management capacity under
3258 the direction of the State Superintendent of Public Education.



3259 (f) The board, with recommendations from the
3260 superintendent, shall design and maintain a five-year plan and
3261 program for educational improvement that shall set forth
3262 objectives for system performance and development and be the basis
3263 for budget requests and legislative initiatives.

3264 (2) (a) The State Board of Education shall adopt and
3265 maintain a curriculum and a course of study to be used in the
3266 public school districts that is designed to prepare the state's
3267 children and youth to be productive, informed, creative citizens,
3268 workers and leaders, and it shall regulate all matters arising in
3269 the practical administration of the school system not otherwise
3270 provided for.

3271 (b) Before the 1999-2000 school year, the State Board
3272 of Education shall develop personal living and finances objectives
3273 that focus on money management skills for individuals and families
3274 for appropriate, existing courses at the secondary level. The
3275 objectives must require the teaching of those skills necessary to
3276 handle personal business and finances and must include instruction
3277 in the following:

3278 (i) Opening a bank account and assessing the
3279 quality of a bank's services;

3280 (ii) Balancing a checkbook;

3281 (iii) Managing debt, including retail and credit
3282 card debt;

3283 (iv) Completing a loan application;



3284 (v) The implications of an inheritance;
3285 (vi) The basics of personal insurance policies;
3286 (vii) Consumer rights and responsibilities;
3287 (viii) Dealing with salesmen and merchants;
3288 (ix) Computing state and federal income taxes;
3289 (x) Local tax assessments;
3290 (xi) Computing interest rates by various
3291 mechanisms;
3292 (xii) Understanding simple contracts; and
3293 (xiii) Contesting an incorrect billing statement.

3294 (3) The State Board of Education shall have authority to
3295 expend any available federal funds, or any other funds expressly
3296 designated, to pay training, educational expenses, salary
3297 incentives and salary supplements to licensed teachers employed in
3298 local school districts or schools administered by the State Board
3299 of Education. Such incentive payments shall not be considered
3300 part of a school district's local supplement * * *, nor shall the
3301 incentives be considered part of the local supplement paid to an
3302 individual teacher for the purposes of Section 37-19-7(1). * * *

3303 (4) The State Board of Education shall through its actions
3304 seek to implement the policies set forth in Section 37-1-2.

3305 **SECTION 36.** Section 37-3-11, Mississippi Code of 1972, is
3306 amended as follows:



3307 37-3-11. The State Superintendent of Public Education shall
3308 perform the duties assigned to him by the State Board of
3309 Education, and he shall have the following duties:

3310 (a) To serve as secretary for the State Board of
3311 Education;

3312 (b) To be the chief administrative officer of the State
3313 Department of Education;

3314 (c) To recommend to the State Board of Education, for
3315 its consideration, rules and regulations for the supervision of
3316 the public schools and agricultural high schools of the school
3317 districts throughout the state and for the efficient organization
3318 and conduct of the same;

3319 (d) To collect data and make it available to the state
3320 board for determining the proper distribution of the * * *
3321 Investing in the Needs of Students to Prioritize, Impact and
3322 Reform Education (INSPIRE) funds;

3323 (e) To keep a complete record of all official acts of
3324 the State Superintendent and the acts of the State Board of
3325 Education;

3326 (f) To prepare, have printed and furnish all officers
3327 charged with the administration of the laws pertaining to the
3328 public schools, such blank forms and books as may be necessary to
3329 the proper discharge of their duties, which printing is to be paid
3330 for out of funds provided by the Legislature;



3331 (g) To have printed in pamphlet form the laws
3332 pertaining to the public schools and publish therein forms for
3333 conducting school business, the rules and regulations for the
3334 government of schools that the State Superintendent or the State
3335 Board of Education may recommend, and such other matters as may be
3336 deemed worthy of public interest pertaining to the public schools,
3337 which printing is to be paid for out of funds provided by the
3338 Legislature;

3339 (h) To meet all superintendents annually at such time
3340 and place as the State Superintendent shall appoint for the
3341 purpose of accumulating facts relative to schools, to review the
3342 educational progress made in the various sections of the state, to
3343 compare views, discuss problems, hear discussions and suggestions
3344 relative to examinations and qualifications of teachers, methods
3345 of instruction, textbooks, summer schools for teachers, visitation
3346 of schools, consolidation of schools, health work in the schools,
3347 vocational education and other matters pertaining to the public
3348 school system;

3349 (i) To advise all superintendents upon all matters
3350 involving the welfare of the schools, and at the request of any
3351 superintendent, to give an opinion upon a written statement of
3352 facts on all questions and controversies arising out of the
3353 interpretation and construction of the school laws, in regard to
3354 rights, powers and duties of school officers and superintendents,
3355 and to keep a record of all such decisions. Before giving any



opinion, the superintendent may submit the statement of facts to the Attorney General, and it shall be the duty of the Attorney General forthwith to examine such statement and suggest the proper decision to be made upon such fact;

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

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

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

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

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

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



3381 (2) The school board of each school district, with the
3382 assistance of the State Department of Education School Safety
3383 Center, shall adopt a comprehensive local school district school
3384 safety plan and shall update the plan on an annual basis.

3385 (3) Subject to the extent of appropriations available, the
3386 School Safety Grant Program shall offer any of the following
3387 specific preventive services, and other additional services
3388 appropriate to the most current school district school safety
3389 plan:

3390 (a) Metal detectors;

3391 (b) Video surveillance cameras, communications
3392 equipment and monitoring equipment for classrooms, school
3393 buildings, school grounds and school buses;

3394 (c) Crisis management/action teams responding to school
3395 violence;

3396 (d) Violence prevention training, conflict resolution
3397 training, behavioral stress training and other appropriate
3398 training designated by the State Department of Education for
3399 faculty and staff; and

3400 (e) School safety personnel.

3401 (4) Each local school district of this state may annually
3402 apply for school safety grant funds subject to appropriations by
3403 the Legislature. School safety grants shall include a base grant
3404 amount plus an additional amount per student in average
3405 daily * * * membership in the school or school district. The base



3406 grant amount and amount per student shall be determined by the
3407 State Board of Education, subject to specific appropriation
3408 therefor by the Legislature. In order to be eligible for such
3409 program, each local school board desiring to participate shall
3410 apply to the State Department of Education by May 31 before the
3411 beginning of the applicable fiscal year on forms provided by the
3412 department, and shall be required to establish a local School
3413 Safety Task Force to involve members of the community in the
3414 school safety effort. The State Department of Education shall
3415 determine by July 1 of each succeeding year which local school
3416 districts have submitted approved applications for school safety
3417 grants.

3418 (5) As part of the School Safety Grant Program, the State
3419 Department of Education may conduct a pilot program to research
3420 the feasibility of using video camera equipment in the classroom
3421 to address the following:

3422 (a) Determine if video cameras in the classroom reduce
3423 student disciplinary problems;

3424 (b) Enable teachers to present clear and convincing
3425 evidence of a student's disruptive behavior to the student, the
3426 principal, the superintendent and the student's parents; and

3427 (c) Enable teachers to review teaching performance and
3428 receive diagnostic feedback for developmental purposes.

3429 (6) Any local school district may use
3430 audio/visual-monitoring equipment in classrooms, hallways,



3431 buildings, grounds and buses for the purpose of monitoring school
3432 disciplinary problems.

3433 (7) As a component of the comprehensive local school
3434 district school safety plan required under subsection (2) of this
3435 section, the school board of a school district may adopt and
3436 implement a policy addressing sexual abuse of children, to be
3437 known as "Erin's Law Awareness." Any policy adopted under this
3438 subsection may include or address, but need not be limited to, the
3439 following:

3440 (a) Methods for increasing teacher, student and
3441 parental awareness of issues regarding sexual abuse of children,
3442 including knowledge of likely warning signs indicating that a
3443 child may be a victim of sexual abuse;

3444 (b) Educational information for parents or guardians,
3445 which may be included in the school handbook, on the warning signs
3446 of a child being abused, along with any needed assistance,
3447 referral or resource information;

3448 (c) Training for school personnel on child sexual
3449 abuse;

3450 (d) Age-appropriate curriculum for students in
3451 prekindergarten through fifth grade;

3452 (e) Actions that a child who is a victim of sexual
3453 abuse should take to obtain assistance and intervention;

3454 (f) Counseling and resources available for students
3455 affected by sexual abuse; and



3456 (g) Emotional and educational support for a child who
3457 has been abused to enable the child to be successful in school.

3458 (8) As part of the school safety grant program, the State
3459 Department of Education shall establish three (3) pilot programs
3460 in six (6) school districts utilizing an evidence-based curriculum
3461 to provide students in Grades K-5 with skills to manage stress and
3462 anxiety in order for them to be better equipped to handle
3463 challenges in a healthy way and build resiliency. The Mississippi
3464 Department of Mental Health shall be responsible for the selection
3465 of the content of the evidence-based curriculum. The results of
3466 this pilot program shall be measured and reported, and such
3467 results shall be used in consideration of the implementation of
3468 this curriculum statewide.

3469 (9) As a component of the comprehensive local school
3470 district safety plan required under subsection (2) of this
3471 section, beginning in the 2019-2020 school year, the State
3472 Department of Education shall require local school districts to
3473 conduct, every two (2) years, refresher training on mental health
3474 and suicide prevention for all school employees and personnel,
3475 including all cafeteria workers, custodians, teachers and
3476 administrators. The Mississippi Department of Mental Health shall
3477 be responsible for the development and/or selection of the content
3478 of the training, which training shall be provided at no cost to
3479 school employees. School districts shall report completion of the
3480 training to the State Department of Education.



3481 **SECTION 38.** Section 37-7-208, Mississippi Code of 1972, is
3482 amended as follows:

3483 37-7-208. The board of trustees of any consolidated school
3484 district may pay from * * * funds other than Investing in the
3485 Needs of Students to Prioritize, Impact and Reform Education
3486 (INSPIRE) funds the cost and expense of litigation involved by or
3487 resulting from the creation of or litigation to create single
3488 member school board trustee election districts, and pay from * * *
3489 funds other than the funding formula funds the cost or expense to
3490 implement any plan, decree or reorganization as approved by the
3491 court. Said payments by the board of trustees shall be deemed a
3492 "new program" under the provisions of Section 37-57-107, * * * and
3493 any additional millage levied for such purpose and the revenue
3494 generated therefrom shall be excluded from the tax increase
3495 limitation prescribed in Sections 37-57-105 and 37-57-107. The
3496 board of supervisors of any county in which there is located such
3497 consolidated school district may, in its discretion, contribute
3498 out of county general funds to the cost and expense of such
3499 litigation and/or the cost of implementing such redistricting
3500 plan.

3501 **SECTION 39.** Section 37-7-301, Mississippi Code of 1972, is
3502 amended as follows:

3503 37-7-301. The school boards of all school districts shall
3504 have the following powers, authority and duties in addition to all
3505 others imposed or granted by law, to wit:



3506 (a) To organize and operate the schools of the district
3507 and to make such division between the high school grades and
3508 elementary grades as, in their judgment, will serve the best
3509 interests of the school;

3510 (b) To introduce public school music, art, manual
3511 training and other special subjects into either the elementary or
3512 high school grades, as the board shall deem proper;

3513 (c) To be the custodians of real and personal school
3514 property and to manage, control and care for same, both during the
3515 school term and during vacation;

3516 (d) To have responsibility for the erection, repairing
3517 and equipping of school facilities and the making of necessary
3518 school improvements;

3519 (e) To suspend or to expel a pupil or to change the
3520 placement of a pupil to the school district's alternative school
3521 or homebound program for misconduct in the school or on school
3522 property, as defined in Section 37-11-29, on the road to and from
3523 school, or at any school-related activity or event, or for conduct
3524 occurring on property other than school property or other than at
3525 a school-related activity or event when such conduct by a pupil,
3526 in the determination of the school superintendent or principal,
3527 renders that pupil's presence in the classroom a disruption to the
3528 educational environment of the school or a detriment to the best
3529 interest and welfare of the pupils and teacher of such class as a



3530 whole, and to delegate such authority to the appropriate officials
3531 of the school district;

3532 (f) To visit schools in the district, in their
3533 discretion, in a body for the purpose of determining what can be
3534 done for the improvement of the school in a general way;

3535 (g) To support, within reasonable limits, the
3536 superintendent, principal and teachers where necessary for the
3537 proper discipline of the school;

3538 (h) To exclude from the schools students with what
3539 appears to be infectious or contagious diseases; provided,
3540 however, such student may be allowed to return to school upon
3541 presenting a certificate from a public health officer, duly
3542 licensed physician or nurse practitioner that the student is free
3543 from such disease;

3544 (i) To require those vaccinations specified by the
3545 State Health Officer as provided in Section 41-23-37;

3546 (j) To see that all necessary utilities and services
3547 are provided in the schools at all times when same are needed;

3548 (k) To authorize the use of the school buildings and
3549 grounds for the holding of public meetings and gatherings of the
3550 people under such regulations as may be prescribed by said board;

3551 (l) To prescribe and enforce rules and regulations not
3552 inconsistent with law or with the regulations of the State Board
3553 of Education for their own government and for the government of



3554 the schools, and to transact their business at regular and special
3555 meetings called and held in the manner provided by law;

3556 (m) To maintain and operate all of the schools under
3557 their control for such length of time during the year as may be
3558 required;

3559 (n) To enforce in the schools the courses of study and
3560 the use of the textbooks prescribed by the proper authorities;

3561 (o) To make orders directed to the superintendent of
3562 schools for the issuance of pay certificates for lawful purposes
3563 on any available funds of the district and to have full control of
3564 the receipt, distribution, allotment and disbursement of all funds
3565 provided for the support and operation of the schools of such
3566 school district whether such funds be derived from state
3567 appropriations, local ad valorem tax collections, or otherwise.
3568 The local school board shall be authorized and empowered to
3569 promulgate rules and regulations that specify the types of claims
3570 and set limits of the dollar amount for payment of claims by the
3571 superintendent of schools to be ratified by the board at the next
3572 regularly scheduled meeting after payment has been made;

3573 (p) To select all school district personnel in the
3574 manner provided by law, and to provide for such employee fringe
3575 benefit programs, including accident reimbursement plans, as may
3576 be deemed necessary and appropriate by the board;



3577 (q) To provide athletic programs and other school
3578 activities and to regulate the establishment and operation of such
3579 programs and activities;

3580 (r) To join, in their discretion, any association of
3581 school boards and other public school-related organizations, and
3582 to pay from local funds other than * * * Investing in the Needs of
3583 Students to Prioritize, Impact and Reform Education (INSPIRE)
3584 funds, any membership dues;

3585 (s) To expend local school activity funds, or other
3586 available school district funds, other than * * * INSPIRE funds,
3587 for the purposes prescribed under this paragraph. "Activity
3588 funds" shall mean all funds received by school officials in all
3589 school districts paid or collected to participate in any school
3590 activity, such activity being part of the school program and
3591 partially financed with public funds or supplemented by public
3592 funds. The term "activity funds" shall not include any funds
3593 raised and/or expended by any organization unless commingled in a
3594 bank account with existing activity funds, regardless of whether
3595 the funds were raised by school employees or received by school
3596 employees during school hours or using school facilities, and
3597 regardless of whether a school employee exercises influence over
3598 the expenditure or disposition of such funds. Organizations shall
3599 not be required to make any payment to any school for the use of
3600 any school facility if, in the discretion of the local school
3601 governing board, the organization's function shall be deemed to be



3602 beneficial to the official or extracurricular programs of the
3603 school. For the purposes of this provision, the term
3604 "organization" shall not include any organization subject to the
3605 control of the local school governing board. Activity funds may
3606 only be expended for any necessary expenses or travel costs,
3607 including advances, incurred by students and their chaperons in
3608 attending any in-state or out-of-state school-related programs,
3609 conventions or seminars and/or any commodities, equipment, travel
3610 expenses, purchased services or school supplies which the local
3611 school governing board, in its discretion, shall deem beneficial
3612 to the official or extracurricular programs of the district,
3613 including items which may subsequently become the personal
3614 property of individuals, including yearbooks, athletic apparel,
3615 book covers and trophies. Activity funds may be used to pay
3616 travel expenses of school district personnel. The local school
3617 governing board shall be authorized and empowered to promulgate
3618 rules and regulations specifically designating for what purposes
3619 school activity funds may be expended. The local school governing
3620 board shall provide (i) that such school activity funds shall be
3621 maintained and expended by the principal of the school generating
3622 the funds in individual bank accounts, or (ii) that such school
3623 activity funds shall be maintained and expended by the
3624 superintendent of schools in a central depository approved by the
3625 board. The local school governing board shall provide that such
3626 school activity funds be audited as part of the annual audit



3627 required in Section 37-9-18. The State Department of Education
3628 shall prescribe a uniform system of accounting and financial
3629 reporting for all school activity fund transactions;

3630 (t) To enter into an energy performance contract,
3631 energy services contract, on a shared_savings, lease or
3632 lease-purchase basis, for energy efficiency services and/or
3633 equipment as provided for in Section 31-7-14;

3634 (u) To maintain accounts and issue pay certificates on
3635 school food service bank accounts;

3636 (v) (i) To lease a school building from an individual,
3637 partnership, nonprofit corporation or a private for-profit
3638 corporation for the use of such school district, and to expend
3639 funds therefor as may be available from any * * * sources other
3640 than INSPIRE funds. The school board of the school district
3641 desiring to lease a school building shall declare by resolution
3642 that a need exists for a school building and that the school
3643 district cannot provide the necessary funds to pay the cost or its
3644 proportionate share of the cost of a school building required to
3645 meet the present needs. The resolution so adopted by the school
3646 board shall be published once each week for three (3) consecutive
3647 weeks in a newspaper having a general circulation in the school
3648 district involved, with the first publication thereof to be made
3649 not less than thirty (30) days prior to the date upon which the
3650 school board is to act on the question of leasing a school
3651 building. If no petition requesting an election is filed prior to



3652 such meeting as hereinafter provided, then the school board may,
3653 by resolution spread upon its minutes, proceed to lease a school
3654 building. If at any time prior to said meeting a petition signed
3655 by not less than twenty percent (20%) or fifteen hundred (1500),
3656 whichever is less, of the qualified electors of the school
3657 district involved shall be filed with the school board requesting
3658 that an election be called on the question, then the school board
3659 shall, not later than the next regular meeting, adopt a resolution
3660 calling an election to be held within such school district upon
3661 the question of authorizing the school board to lease a school
3662 building. Such election shall be called and held, and notice
3663 thereof shall be given, in the same manner for elections upon the
3664 questions of the issuance of the bonds of school districts, and
3665 the results thereof shall be certified to the school board. If at
3666 least three-fifths (3/5) of the qualified electors of the school
3667 district who voted in such election shall vote in favor of the
3668 leasing of a school building, then the school board shall proceed
3669 to lease a school building. The term of the lease contract shall
3670 not exceed twenty (20) years, and the total cost of such lease
3671 shall be either the amount of the lowest and best bid accepted by
3672 the school board after advertisement for bids or an amount not to
3673 exceed the current fair market value of the lease as determined by
3674 the averaging of at least two (2) appraisals by certified general
3675 appraisers licensed by the State of Mississippi. The term "school
3676 building" as used in this paragraph (v)(i) shall be construed to



3677 mean any building or buildings used for classroom purposes in
3678 connection with the operation of schools and shall include the
3679 site therefor, necessary support facilities, and the equipment
3680 thereof and appurtenances thereto such as heating facilities,
3681 water supply, sewage disposal, landscaping, walks, drives and
3682 playgrounds. The term "lease" as used in this paragraph (v) (i)
3683 may include a lease-purchase contract;

3684 (ii) If two (2) or more school districts propose
3685 to enter into a lease contract jointly, then joint meetings of the
3686 school boards having control may be held but no action taken shall
3687 be binding on any such school district unless the question of
3688 leasing a school building is approved in each participating school
3689 district under the procedure hereinabove set forth in paragraph
3690 (v) (i). All of the provisions of paragraph (v) (i) regarding the
3691 term and amount of the lease contract shall apply to the school
3692 boards of school districts acting jointly. Any lease contract
3693 executed by two (2) or more school districts as joint lessees
3694 shall set out the amount of the aggregate lease rental to be paid
3695 by each, which may be agreed upon, but there shall be no right of
3696 occupancy by any lessee unless the aggregate rental is paid as
3697 stipulated in the lease contract. All rights of joint lessees
3698 under the lease contract shall be in proportion to the amount of
3699 lease rental paid by each;

3700 (w) To employ all noninstructional and noncertificated
3701 employees and fix the duties and compensation of such personnel



3702 deemed necessary pursuant to the recommendation of the
3703 superintendent of schools;

3704 (x) To employ and fix the duties and compensation of
3705 such legal counsel as deemed necessary;

3706 (y) Subject to rules and regulations of the State Board
3707 of Education, to purchase, own and operate trucks, vans and other
3708 motor vehicles, which shall bear the proper identification
3709 required by law;

3710 (z) To expend funds for the payment of substitute
3711 teachers and to adopt reasonable regulations for the employment
3712 and compensation of such substitute teachers;

3713 (aa) To acquire in its own name by purchase all real
3714 property which shall be necessary and desirable in connection with
3715 the construction, renovation or improvement of any public school
3716 building or structure. Whenever the purchase price for such real
3717 property is greater than Fifty Thousand Dollars (\$50,000.00), the
3718 school board shall not purchase the property for an amount
3719 exceeding the fair market value of such property as determined by
3720 the average of at least two (2) independent appraisals by
3721 certified general appraisers licensed by the State of Mississippi.
3722 If the board shall be unable to agree with the owner of any such
3723 real property in connection with any such project, the board shall
3724 have the power and authority to acquire any such real property by
3725 condemnation proceedings pursuant to Section 11-27-1 et seq.,
3726 Mississippi Code of 1972, and for such purpose, the right of



3727 eminent domain is hereby conferred upon and vested in said board.
3728 Provided further, that the local school board is authorized to
3729 grant an easement for ingress and egress over sixteenth section
3730 land or lieu land in exchange for a similar easement upon
3731 adjoining land where the exchange of easements affords substantial
3732 benefit to the sixteenth section land; provided, however, the
3733 exchange must be based upon values as determined by a competent
3734 appraiser, with any differential in value to be adjusted by cash
3735 payment. Any easement rights granted over sixteenth section land
3736 under such authority shall terminate when the easement ceases to
3737 be used for its stated purpose. No sixteenth section or lieu land
3738 which is subject to an existing lease shall be burdened by any
3739 such easement except by consent of the lessee or unless the school
3740 district shall acquire the unexpired leasehold interest affected
3741 by the easement;

3742 (bb) To charge reasonable fees related to the
3743 educational programs of the district, in the manner prescribed in
3744 Section 37-7-335;

3745 (cc) Subject to rules and regulations of the State
3746 Board of Education, to purchase relocatable classrooms for the use
3747 of such school district, in the manner prescribed in Section
3748 37-1-13;

3749 (dd) Enter into contracts or agreements with other
3750 school districts, political subdivisions or governmental entities
3751 to carry out one or more of the powers or duties of the school



3752 board, or to allow more efficient utilization of limited resources
3753 for providing services to the public;

3754 (ee) To provide for in-service training for employees
3755 of the district;

3756 (ff) As part of their duties to prescribe the use of
3757 textbooks, to provide that parents and legal guardians shall be
3758 responsible for the textbooks and for the compensation to the
3759 school district for any books which are not returned to the proper
3760 schools upon the withdrawal of their dependent child. If a
3761 textbook is lost or not returned by any student who drops out of
3762 the public school district, the parent or legal guardian shall
3763 also compensate the school district for the fair market value of
3764 the textbooks;

3765 (gg) To conduct fund-raising activities on behalf of
3766 the school district that the local school board, in its
3767 discretion, deems appropriate or beneficial to the official or
3768 extracurricular programs of the district; provided that:

3769 (i) Any proceeds of the fund-raising activities
3770 shall be treated as "activity funds" and shall be accounted for as
3771 are other activity funds under this section; and

3772 (ii) Fund-raising activities conducted or
3773 authorized by the board for the sale of school pictures, the
3774 rental of caps and gowns or the sale of graduation invitations for
3775 which the school board receives a commission, rebate or fee shall
3776 contain a disclosure statement advising that a portion of the



3777 proceeds of the sales or rentals shall be contributed to the
3778 student activity fund;

3779 (hh) To allow individual lessons for music, art and
3780 other curriculum-related activities for academic credit or
3781 nonacademic credit during school hours and using school equipment
3782 and facilities, subject to uniform rules and regulations adopted
3783 by the school board;

3784 (ii) To charge reasonable fees for participating in an
3785 extracurricular activity for academic or nonacademic credit for
3786 necessary and required equipment such as safety equipment, band
3787 instruments and uniforms;

3788 (jj) To conduct or participate in any fund-raising
3789 activities on behalf of or in connection with a tax-exempt
3790 charitable organization;

3791 (kk) To exercise such powers as may be reasonably
3792 necessary to carry out the provisions of this section;

3793 (ll) To expend funds for the services of nonprofit arts
3794 organizations or other such nonprofit organizations who provide
3795 performances or other services for the students of the school
3796 district;

3797 (mm) To expend federal No Child Left Behind Act funds,
3798 or any other available funds that are expressly designated and
3799 authorized for that use, to pay training, educational expenses,
3800 salary incentives and salary supplements to employees of local
3801 school districts; except that incentives shall not be considered



3802 part of the local supplement * * *, nor shall incentives be
3803 considered part of the local supplement paid to an individual
3804 teacher for the purposes of Section 37-19-7(1) * * *;

3805 (nn) To use any available funds, not appropriated or
3806 designated for any other purpose, for reimbursement to the
3807 state-licensed employees from both in state and out of state, who
3808 enter into a contract for employment in a school district, for the
3809 expense of moving when the employment necessitates the relocation
3810 of the licensed employee to a different geographical area than
3811 that in which the licensed employee resides before entering into
3812 the contract. The reimbursement shall not exceed One Thousand
3813 Dollars (\$1,000.00) for the documented actual expenses incurred in
3814 the course of relocating, including the expense of any
3815 professional moving company or persons employed to assist with the
3816 move, rented moving vehicles or equipment, mileage in the amount
3817 authorized for county and municipal employees under Section
3818 25-3-41 if the licensed employee used his personal vehicle or
3819 vehicles for the move, meals and such other expenses associated
3820 with the relocation. No licensed employee may be reimbursed for
3821 moving expenses under this section on more than one (1) occasion
3822 by the same school district. Nothing in this section shall be
3823 construed to require the actual residence to which the licensed
3824 employee relocates to be within the boundaries of the school
3825 district that has executed a contract for employment in order for
3826 the licensed employee to be eligible for reimbursement for the



3827 moving expenses. However, the licensed employee must relocate
3828 within the boundaries of the State of Mississippi. Any individual
3829 receiving relocation assistance through the Critical Teacher
3830 Shortage Act as provided in Section 37-159-5 shall not be eligible
3831 to receive additional relocation funds as authorized in this
3832 paragraph;

3833 (oo) To use any available funds, not appropriated or
3834 designated for any other purpose, to reimburse persons who
3835 interview for employment as a licensed employee with the district
3836 for the mileage and other actual expenses incurred in the course
3837 of travel to and from the interview at the rate authorized for
3838 county and municipal employees under Section 25-3-41;

3839 (pp) Consistent with the report of the Task Force to
3840 Conduct a Best Financial Management Practices Review, to improve
3841 school district management and use of resources and identify cost
3842 savings as established in Section 8 of Chapter 610, Laws of 2002,
3843 local school boards are encouraged to conduct independent reviews
3844 of the management and efficiency of schools and school districts.
3845 Such management and efficiency reviews shall provide state and
3846 local officials and the public with the following:

3847 (i) An assessment of a school district's
3848 governance and organizational structure;

3849 (ii) An assessment of the school district's
3850 financial and personnel management;

3851 (iii) An assessment of revenue levels and sources;



3852 (iv) An assessment of facilities utilization,
3853 planning and maintenance;

3854 (v) An assessment of food services, transportation
3855 and safety/security systems;

3856 (vi) An assessment of instructional and
3857 administrative technology;

3858 (vii) A review of the instructional management and
3859 the efficiency and effectiveness of existing instructional
3860 programs; and

3861 (viii) Recommended methods for increasing
3862 efficiency and effectiveness in providing educational services to
3863 the public;

3864 (qq) To enter into agreements with other local school
3865 boards for the establishment of an educational service agency
3866 (ESA) to provide for the cooperative needs of the region in which
3867 the school district is located, as provided in Section 37-7-345;

3868 (rr) To implement a financial literacy program for
3869 students in Grades 10 and 11. The board may review the national
3870 programs and obtain free literature from various nationally
3871 recognized programs. After review of the different programs, the
3872 board may certify a program that is most appropriate for the
3873 school districts' needs. If a district implements a financial
3874 literacy program, then any student in Grade 10 or 11 may
3875 participate in the program. The financial literacy program shall
3876 include, but is not limited to, instruction in the same areas of



3877 personal business and finance as required under Section
3878 37-1-3(2) (b). The school board may coordinate with volunteer
3879 teachers from local community organizations, including, but not
3880 limited to, the following: United States Department of
3881 Agriculture Rural Development, United States Department of Housing
3882 and Urban Development, Junior Achievement, bankers and other
3883 nonprofit organizations. Nothing in this paragraph shall be
3884 construed as to require school boards to implement a financial
3885 literacy program;

3886 (ss) To collaborate with the State Board of Education,
3887 Community Action Agencies or the Department of Human Services to
3888 develop and implement a voluntary program to provide services for
3889 a prekindergarten program that addresses the cognitive, social,
3890 and emotional needs of four-year-old and three-year-old children.
3891 The school board may utilize any source of available revenue to
3892 fund the voluntary program. Effective with the 2013-2014 school
3893 year, to implement voluntary prekindergarten programs under the
3894 Early Learning Collaborative Act of 2013 pursuant to state funds
3895 awarded by the State Department of Education on a matching basis;

3896 (tt) With respect to any lawful, written obligation of
3897 a school district, including, but not limited to, leases
3898 (excluding leases of sixteenth section public school trust land),
3899 bonds, notes, or other agreement, to agree in writing with the
3900 obligee that the Department of Revenue or any state agency,
3901 department or commission created under state law may:



3902 (i) Withhold all or any part (as agreed by the
3903 school board) of any monies which such local school board is
3904 entitled to receive from time to time under any law and which is
3905 in the possession of the Department of Revenue, or any state
3906 agency, department or commission created under state law; and
3907 (ii) Pay the same over to any financial
3908 institution, trustee or other obligee, as directed in writing by
3909 the school board, to satisfy all or part of such obligation of the
3910 school district.

3911 The school board may make such written agreement to withhold
3912 and transfer funds irrevocable for the term of the written
3913 obligation and may include in the written agreement any other
3914 terms and provisions acceptable to the school board. If the
3915 school board files a copy of such written agreement with the
3916 Department of Revenue, or any state agency, department or
3917 commission created under state law then the Department of Revenue
3918 or any state agency, department or commission created under state
3919 law shall immediately make the withholdings provided in such
3920 agreement from the amounts due the local school board and shall
3921 continue to pay the same over to such financial institution,
3922 trustee or obligee for the term of the agreement.

3923 This paragraph (tt) shall not grant any extra authority to a
3924 school board to issue debt in any amount exceeding statutory
3925 limitations on assessed value of taxable property within such
3926 school district or the statutory limitations on debt maturities,



3927 and shall not grant any extra authority to impose, levy or collect
3928 a tax which is not otherwise expressly provided for, and shall not
3929 be construed to apply to sixteenth section public school trust
3930 land;

3931 (uu) With respect to any matter or transaction that is
3932 competitively bid by a school district, to accept from any bidder
3933 as a good-faith deposit or bid bond or bid surety, the same type
3934 of good-faith deposit or bid bond or bid surety that may be
3935 accepted by the state or any other political subdivision on
3936 similar competitively bid matters or transactions. This paragraph
3937 (uu) shall not be construed to apply to sixteenth section public
3938 school trust land. The school board may authorize the investment
3939 of any school district funds in the same kind and manner of
3940 investments, including pooled investments, as any other political
3941 subdivision, including community hospitals;

3942 (vv) To utilize the alternate method for the conveyance
3943 or exchange of unused school buildings and/or land, reserving a
3944 partial or other undivided interest in the property, as
3945 specifically authorized and provided in Section 37-7-485;

3946 (ww) To delegate, privatize or otherwise enter into a
3947 contract with private entities for the operation of any and all
3948 functions of nonacademic school process, procedures and operations
3949 including, but not limited to, cafeteria workers, janitorial
3950 services, transportation, professional development, achievement
3951 and instructional consulting services materials and products,



3952 purchasing cooperatives, insurance, business manager services,
3953 auditing and accounting services, school safety/risk prevention,
3954 data processing and student records, and other staff services;
3955 however, the authority under this paragraph does not apply to the
3956 leasing, management or operation of sixteenth section lands.
3957 Local school districts, working through their regional education
3958 service agency, are encouraged to enter into buying consortia with
3959 other member districts for the purposes of more efficient use of
3960 state resources as described in Section 37-7-345;

3961 (xx) To partner with entities, organizations and
3962 corporations for the purpose of benefiting the school district;

3963 (yy) To borrow funds from the Rural Economic
3964 Development Authority for the maintenance of school buildings;

3965 (zz) To fund and operate voluntary early childhood
3966 education programs, defined as programs for children less than
3967 five (5) years of age on or before September 1, and to use any
3968 source of revenue for such early childhood education programs.
3969 Such programs shall not conflict with the Early Learning
3970 Collaborative Act of 2013;

3971 (aaa) To issue and provide for the use of procurement
3972 cards by school board members, superintendents and licensed school
3973 personnel consistent with the rules and regulations of the
3974 Mississippi Department of Finance and Administration under Section
3975 31-7-9; and



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

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

37-7-302. The board of trustees of any school district shall be authorized to borrow such funds as may be reasonable and necessary from the federal government, the State of Mississippi or any political subdivision or entity thereof, or any other governmental agency, from any individual, partnership, nonprofit corporation or private for-profit corporation, to aid such school districts in asbestos removal, to be repaid out of any * * * funds other than Investing in the Needs of Students to Prioritize, Impact and Reform Education (INSPIRE) funds; provided, however, that the grant of authority shall in no way be construed to require said boards of trustees to remove asbestos material or substances from any facilities under their control, nor shall there be any liability to said school districts or boards for the failure to so remove such asbestos materials. All indebtedness



4001 incurred under the provisions of this section shall be evidenced
4002 by the negotiable notes or certificates of indebtedness of the
4003 school district on whose behalf the money is borrowed. Said notes
4004 or certificates of indebtedness of the school district on whose
4005 behalf the money is borrowed shall be signed by the president of
4006 the school board and superintendent of schools of such school
4007 district. Such notes or certificates of indebtedness shall not
4008 bear a greater overall maximum interest rate to maturity than the
4009 rates now or hereafter authorized under the provisions of Section
4010 19-9-19. No such notes or certificates of indebtedness shall be
4011 issued and sold for less than par and accrued interest. All notes
4012 or certificates of indebtedness shall mature in approximately
4013 equal installments of principal and interest over a period not to
4014 exceed twenty (20) years from the dates of the issuance thereof.
4015 Principal and interest shall be payable in such manner as may be
4016 determined by the school board. Such notes or certificates of
4017 indebtedness shall be issued in such form and in such
4018 denominations as may be determined by the school board and same
4019 may be made payable at the office of any bank or trust company
4020 selected by the school board and, in such case, funds for the
4021 payment of principal and interest due thereon shall be provided in
4022 the same manner provided by law for the payment of the principal
4023 and interest due on bonds issued by the taxing districts of this
4024 state.



4025 **SECTION 41.** Section 37-7-303, Mississippi Code of 1972, is
4026 amended as follows:

4027 37-7-303. (1) The school board of any school district may
4028 insure motor vehicles for any hazard that the board may choose,
4029 and shall insure the school buildings, equipment and other school
4030 property of the district against any and all hazards that the
4031 board may deem necessary to provide insurance against. In
4032 addition, the local school board of any school district shall
4033 purchase and maintain business property insurance and business
4034 personal property insurance on all school district-owned buildings
4035 and/or contents as required by federal law and regulations of the
4036 Federal Emergency Management Agency (FEMA) as is necessary for
4037 receiving public assistance or reimbursement for repair,
4038 reconstruction, replacement or other damage to those buildings
4039 and/or contents caused by the Hurricane Katrina Disaster of 2005
4040 or subsequent disasters. The school district is authorized to
4041 expend funds from any available source for the purpose of
4042 obtaining and maintaining that property insurance. The school
4043 district is authorized to enter into agreements with the
4044 Department of Finance and Administration, other local school
4045 districts, community or junior college districts, state
4046 institutions of higher learning, community hospitals and/or other
4047 state agencies to pool their liabilities to participate in a group
4048 business property and/or business personal property insurance
4049 program, subject to uniform rules and regulations as may be



4050 adopted by the Department of Finance and Administration. Such
4051 school board shall be authorized to contract for such insurance
4052 for a term of not exceeding five (5) years and to obligate the
4053 district for the payment of the premiums thereon. When necessary,
4054 the school board is authorized and empowered, in its discretion,
4055 to borrow money payable in annual installments for a period of not
4056 exceeding five (5) years at a rate of interest not exceeding eight
4057 percent (8%) per annum to provide funds to pay such insurance
4058 premiums. The money so borrowed and the interest thereon shall be
4059 payable from any school funds of the district other than * * *
4060 Investing in the Needs of Students to Prioritize, Impact and
4061 Reform Education (INSPIRE) funds. The school boards of school
4062 districts are further authorized and empowered, in all cases where
4063 same may be necessary, to bring and maintain suits and other
4064 actions in any court of competent jurisdiction for the purpose of
4065 collecting the proceeds of insurance policies issued upon the
4066 property of such school district.

4067 (2) Two (2) or more school districts, together with other
4068 educational entities or agencies, may agree to pool their
4069 liabilities to participate in a group workers' compensation
4070 program. The governing authorities of any school board or other
4071 educational entity or agency may authorize the organization and
4072 operation of, or the participation in such a group self-insurance
4073 program with other school boards and educational entities or
4074 agencies, subject to the requirements of Section 71-3-5. The



Workers' Compensation Commission shall approve such group self-insurance programs subject to uniform rules and regulations as may be adopted by the commission applicable to all groups.

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

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

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

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

(b) Any unused portion of the total sick leave allowance shall be carried over to the next school year and credited to such licensed employee and teacher assistant if the licensed employee or teacher assistant remains employed in the same school district. In the event any public school licensed



4100 employee or teacher assistant transfers from one public school
4101 district in Mississippi to another, any unused portion of the
4102 total sick leave allowance credited to such licensed employee or
4103 teacher assistant shall be credited to such licensed employee or
4104 teacher assistant in the computation of unused leave for
4105 retirement purposes under Section 25-11-109. Accumulation of sick
4106 leave allowed under this section shall be unlimited.

4107 (c) No deduction from the pay of such licensed employee
4108 or teacher assistant may be made because of absence of such
4109 licensed employee or teacher assistant caused by illness or
4110 physical disability of the licensed employee or teacher assistant
4111 until after all sick leave allowance credited to such licensed
4112 employee or teacher assistant has been used.

4113 (d) For the first ten (10) days of absence of a
4114 licensed employee because of illness or physical disability, in
4115 any school year, in excess of the sick leave allowance credited to
4116 such licensed employee, there shall be deducted from the pay of
4117 such licensed employee the established substitute amount of
4118 licensed employee compensation paid in that local school district,
4119 necessitated because of the absence of the licensed employee as a
4120 result of illness or physical disability. In lieu of deducting
4121 the established substitute amount from the pay of such licensed
4122 employee, the policy may allow the licensed employee to receive
4123 full pay for the first ten (10) days of absence because of illness
4124 or physical disability, in any school year, in excess of the sick



4125 leave allowance credited to such licensed employee. Thereafter,
4126 the regular pay of such absent licensed employee shall be
4127 suspended and withheld in its entirety for any period of absence
4128 because of illness or physical disability during that school year.

4129 (3) (a) Beginning with the school year 1983-1984, each
4130 licensed employee at the beginning of each school year shall be
4131 credited with a minimum personal leave allowance, with pay, of two
4132 (2) days for absences caused by personal reasons during that
4133 school year. Effective for the 2010-2011 and 2011-2012 school
4134 years, licensed employees shall be credited with an additional
4135 one-half (1/2) day of personal leave for every day the licensed
4136 employee is furloughed without pay as provided in Section
4137 37-7-308. Except as otherwise provided in paragraph (b) of this
4138 subsection, such personal leave shall not be taken on the first
4139 day of the school term, the last day of the school term, on a day
4140 previous to a holiday or a day after a holiday. Personal leave
4141 may be used for professional purposes, including absences caused
4142 by attendance of such licensed employee at a seminar, class,
4143 training program, professional association or other functions
4144 designed for educators. No deduction from the pay of such
4145 licensed employee may be made because of absence of such licensed
4146 employee caused by personal reasons until after all personal leave
4147 allowance credited to such licensed employee has been used.
4148 However, the superintendent of a school district, in his
4149 discretion, may allow a licensed employee personal leave in



4150 addition to any minimum personal leave allowance, under the
4151 condition that there shall be deducted from the salary of such
4152 licensed employee the actual amount of any compensation paid to
4153 any person as a substitute, necessitated because of the absence of
4154 the licensed employee. Any unused portion of the total personal
4155 leave allowance up to five (5) days shall be carried over to the
4156 next school year and credited to such licensed employee if the
4157 licensed employee remains employed in the same school district.
4158 Any personal leave allowed for a furlough day shall not be carried
4159 over to the next school year.

4160 (b) Notwithstanding the restrictions on the use of
4161 personal leave prescribed under paragraph (a) of this subsection,
4162 a licensed employee may use personal leave as follows:

4163 (i) Personal leave may be taken on the first day
4164 of the school term, the last day of the school term, on a day
4165 previous to a holiday or a day after a holiday if, on the
4166 applicable day, an immediate family member of the employee is
4167 being deployed for military service.

4168 (ii) Personal leave may be taken on a day previous
4169 to a holiday or a day after a holiday if an employee of a school
4170 district has either a minimum of ten (10) years' experience as an
4171 employee of that school district or a minimum of thirty (30) days
4172 of unused accumulated leave that has been earned while employed in
4173 that school district.



4174 (iii) Personal leave may be taken on the first day
4175 of the school term, the last day of the school term, on a day
4176 previous to a holiday or a day after a holiday if, on the
4177 applicable day, the employee has been summoned to appear for jury
4178 duty or as a witness in court.

4179 (iv) Personal leave may be taken on the first day
4180 of the school term, the last day of the school term, on a day
4181 previous to a holiday or a day after a holiday if, on the
4182 applicable day, an immediate family member of the employee dies or
4183 funeral services are held. Any day of the three (3) bereavement
4184 days may be used at the discretion of the teacher, and are not
4185 required to be taken in consecutive succession.

4186 For the purpose of this subsection (3), the term "immediate
4187 family member" means spouse, parent, stepparent, child or
4188 stepchild, grandparent or sibling, including a stepbrother or
4189 stepsister.

4190 (4) Beginning with the school year 1992-1993, each licensed
4191 employee shall be credited with a professional leave allowance,
4192 with pay, for each day of absence caused by reason of such
4193 employee's statutorily required membership and attendance at a
4194 regular or special meeting held within the State of Mississippi of
4195 the State Board of Education, the Commission on Teacher and
4196 Administrator Education, Certification and Licensure and
4197 Development, the Commission on School Accreditation, the
4198 Mississippi Authority for Educational Television, the meetings of



4199 the state textbook rating committees or other meetings authorized
4200 by local school board policy.

4201 (5) Upon retirement from employment, each licensed and
4202 nonlicensed employee shall be paid for not more than thirty (30)
4203 days of unused accumulated leave earned while employed by the
4204 school district in which the employee is last employed. Such
4205 payment for licensed employees shall be made by the school
4206 district at a rate equal to the amount paid to substitute teachers
4207 and for nonlicensed employees, the payment shall be made by the
4208 school district at a rate equal to the federal minimum wage. The
4209 payment shall be treated in the same manner for retirement
4210 purposes as a lump-sum payment for personal leave as provided in
4211 Section 25-11-103(f). Any remaining lawfully credited unused
4212 leave, for which payment has not been made, shall be certified to
4213 the Public Employees' Retirement System in the same manner and
4214 subject to the same limitations as otherwise provided by law for
4215 unused leave. No payment for unused accumulated leave may be made
4216 to either a licensed or nonlicensed employee at termination or
4217 separation from service for any purpose other than for the purpose
4218 of retirement.

4219 (6) The school board may adopt rules and regulations which
4220 will reasonably aid to implement the policy of sick and personal
4221 leave, including, but not limited to, rules and regulations having
4222 the following general effect:



4223 (a) Requiring the absent employee to furnish the
4224 certificate of a physician or dentist or other medical
4225 practitioner as to the illness of the absent licensed employee,
4226 where the absence is for four (4) or more consecutive school days,
4227 or for two (2) consecutive school days immediately preceding or
4228 following a nonschool day;

4229 (b) Providing penalties, by way of full deduction from
4230 salary, or entry on the work record of the employee, or other
4231 appropriate penalties, for any materially false statement by the
4232 employee as to the cause of absence;

4233 (c) Forfeiture of accumulated or future sick leave, if
4234 the absence of the employee is caused by optional dental or
4235 medical treatment or surgery which could, without medical risk,
4236 have been provided, furnished or performed at a time when school
4237 was not in session;

4238 (d) Enlarging, increasing or providing greater sick or
4239 personal leave allowances than the minimum standards established
4240 by this section in the discretion of the school board of each
4241 school district.

4242 (7) School boards may include in their budgets provisions
4243 for the payment of substitute employees, necessitated because of
4244 the absence of regular licensed employees. All such substitute
4245 employees shall be paid wholly from district funds * * *. Such
4246 school boards, in their discretion, also may pay, from district
4247 funds other than * * * Investing in the Needs of Students to



4248 Prioritize, Impact and Reform Education (INSPIRE) funds, the whole
4249 or any part of the salaries of all employees granted leaves for
4250 the purpose of special studies or training.

4251 (8) The school board may further adopt rules and regulations
4252 which will reasonably implement such leave policies for all other
4253 nonlicensed and hourly paid school employees as the board deems
4254 appropriate. Effective for the 2010-2011 and 2011-2012 school
4255 years, nonlicensed employees shall be credited with an additional
4256 one-half (1/2) day of personal leave for every day the nonlicensed
4257 employee is furloughed without pay as provided in Section
4258 37-7-308.

4259 (9) Vacation leave granted to either licensed or nonlicensed
4260 employees shall be synonymous with personal leave. Unused
4261 vacation or personal leave accumulated by licensed employees in
4262 excess of the maximum five (5) days which may be carried over from
4263 one year to the next may be converted to sick leave. The annual
4264 conversion of unused vacation or personal leave to sick days for
4265 licensed or unlicensed employees shall not exceed the allowable
4266 number of personal leave days as provided in Section 25-3-93. The
4267 annual total number of converted unused vacation and/or personal
4268 days added to the annual unused sick days for any employee shall
4269 not exceed the combined allowable number of days per year provided
4270 in Sections 25-3-93 and 25-3-95. Local school board policies that
4271 provide for vacation, personal and sick leave for employees shall
4272 not exceed the provisions for leave as provided in Sections



4273 25-3-93 and 25-3-95. Any personal or vacation leave previously
4274 converted to sick leave under a lawfully adopted policy before May
4275 1, 2004, or such personal or vacation leave accumulated and
4276 available for use prior to May 1, 2004, under a lawfully adopted
4277 policy but converted to sick leave after May 1, 2004, shall be
4278 recognized as accrued leave by the local school district and
4279 available for use by the employee. The leave converted under a
4280 lawfully adopted policy prior to May 1, 2004, or such personal and
4281 vacation leave accumulated and available for use as of May 1,
4282 2004, which was subsequently converted to sick leave may be
4283 certified to the Public Employees' Retirement System upon
4284 termination of employment and any such leave previously converted
4285 and certified to the Public Employees' Retirement System shall be
4286 recognized.

4287 (10) (a) For the purposes of this subsection, the following
4288 words and phrases shall have the meaning ascribed in this
4289 paragraph unless the context requires otherwise:

4290 (i) "Catastrophic injury or illness" means a
4291 life-threatening injury or illness of an employee or a member of
4292 an employee's immediate family that totally incapacitates the
4293 employee from work, as verified by a licensed physician, and
4294 forces the employee to exhaust all leave time earned by that
4295 employee, resulting in the loss of compensation from the local
4296 school district for the employee. Conditions that are short-term
4297 in nature, including, but not limited to, common illnesses such as



4298 influenza and the measles, and common injuries, are not
4299 catastrophic. Chronic illnesses or injuries, such as cancer or
4300 major surgery, that result in intermittent absences from work and
4301 that are long-term in nature and require long recuperation periods
4302 may be considered catastrophic.

4303 (ii) "Immediate family" means spouse, parent,
4304 stepparent, sibling, child or stepchild, grandparent, stepbrother
4305 or stepsister.

4306 (b) Any school district employee may donate a portion
4307 of his or her unused accumulated personal leave or sick leave to
4308 another employee of the same school district who is suffering from
4309 a catastrophic injury or illness or who has a member of his or her
4310 immediate family suffering from a catastrophic injury or illness,
4311 in accordance with the following:

4312 (i) The employee donating the leave (the "donor
4313 employee") shall designate the employee who is to receive the
4314 leave (the "recipient employee") and the amount of unused
4315 accumulated personal leave and sick leave that is to be donated,
4316 and shall notify the school district superintendent or his
4317 designee of his or her designation.

4318 (ii) The maximum amount of unused accumulated
4319 personal leave that an employee may donate to any other employee
4320 may not exceed a number of days that would leave the donor
4321 employee with fewer than seven (7) days of personal leave
4322 remaining, and the maximum amount of unused accumulated sick leave



4323 that an employee may donate to any other employee may not exceed
4324 fifty percent (50%) of the unused accumulated sick leave of the
4325 donor employee.

4326 (iii) An employee must have exhausted all of his
4327 or her available leave before he or she will be eligible to
4328 receive any leave donated by another employee. Eligibility for
4329 donated leave shall be based upon review and approval by the donor
4330 employee's supervisor.

4331 (iv) Before an employee may receive donated leave,
4332 he or she must provide the school district superintendent or his
4333 designee with a physician's statement that states that the illness
4334 meets the catastrophic criteria established under this section,
4335 the beginning date of the catastrophic injury or illness, a
4336 description of the injury or illness, and a prognosis for recovery
4337 and the anticipated date that the recipient employee will be able
4338 to return to work.

4339 (v) Before an employee may receive donated leave,
4340 the superintendent of education of the school district shall
4341 appoint a review committee to approve or disapprove the said
4342 donations of leave, including the determination that the illness
4343 is catastrophic within the meaning of this section.

4344 (vi) If the total amount of leave that is donated
4345 to any employee is not used by the recipient employee, the whole
4346 days of donated leave shall be returned to the donor employees on
4347 a pro rata basis, based on the ratio of the number of days of



leave donated by each donor employee to the total number of days of leave donated by all donor employees.

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

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

SECTION 43. 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 * * * Investing in the Needs of Students to Prioritize, Impact and Reform Education (INSPIRE) funds.

SECTION 44. 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 * * * Investing in the Needs of Students to Prioritize, Impact and Reform Education (INSPIRE) allotments, funds derived from supplementary tax levies as authorized by law, or funds derived from any other source whatsoever except as may otherwise be



4373 provided by law for control of the proceeds from school bonds or
4374 notes and the taxes levied to pay the principal of and interest on
4375 such bonds or notes. The tax collector of each county shall make
4376 reports, in writing, verified by his affidavit, on or before the
4377 twentieth day of each month to the superintendent of schools of
4378 each school district within such county reflecting all school
4379 district taxes collected by him for the support of said school
4380 district during the preceding month. He shall at the same time
4381 pay over all such school district taxes collected by him for the
4382 support of said school district directly to said superintendent of
4383 schools.

4384 All such allotments or funds shall be placed in the
4385 depository or depositories selected by the school board in the
4386 same manner as provided in Section 27-105-305 for the selection of
4387 county depositories. Provided, however, the annual notice to be
4388 given by the school board to financial institutions may be given
4389 by the school board at any regular meeting subsequent to the
4390 board's regular December meeting but prior to the regular May
4391 meeting. The bids of financial institutions for the privilege of
4392 keeping school funds may be received by the school board at some
4393 subsequent meeting, but no later than the regular June meeting;
4394 and the selection by the school board of the depository or
4395 depositories shall be effective on July 1 of each year. School
4396 boards shall advertise and accept bids for depositories, no less
4397 than once every three (3) years, when such board determines that



4398 it can obtain a more favorable rate of interest and less
4399 administrative processing. Such depository shall place on deposit
4400 with the superintendent of schools the same securities as required
4401 in Section 27-105-315.

4402 In the event a bank submits a bid or offer to a school
4403 district to act as a depository for the district and such bid or
4404 offer, if accepted, would result in a contract in which a member
4405 of the school board would have a direct or indirect interest, the
4406 school board should not open or consider any bids received. The
4407 superintendent of schools shall submit the matter to the State
4408 Treasurer, who shall have the authority to solicit bids, select a
4409 depository or depositories, make all decisions and take any action
4410 within the authority of the school board under this section
4411 relating to the selection of a depository or depositories.

4412 **SECTION 45.** Section 37-7-339, Mississippi Code of 1972, is
4413 amended as follows:

4414 37-7-339. (1) The school board of any local school
4415 district, in its discretion, may provide extended day and extended
4416 school year programs for kindergarten or compulsory-school-age
4417 students, or both, and may expend any funds for these purposes
4418 which are available from sources other than * * * Investing in the
4419 Needs of Students to Prioritize, Impact and Reform Education
4420 (INSPIRE). It is not the intent of the Legislature, in enacting
4421 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 the goal that Mississippi students will demonstrate a growing proficiency in reading and will reach or exceed the national average within the next decade.

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

37-7-419. The various school districts which may become parties to any such agreement are authorized to appropriate and expend for the purposes thereof any and all funds which may be required to carry out the terms of any such agreement from any funds available to any such party to such an agreement not otherwise appropriated without limitation as to the source of such funds, including * * * Investing in the Needs of Students to Prioritize, Impact and Reform Education (INSPIRE) funds, sixteenth section funds, funds received from the federal government or other



4447 sources by way of grant, donation or otherwise, and funds which
4448 may be available to any such party through the State Department of
4449 Education or any other agency of the state, regardless of the
4450 party to such agreement designated thereby to be primarily
4451 responsible for the construction or operation of any such regional
4452 high school center and regardless of the limitation on the
4453 expenditure of any such funds imposed by any other statute.
4454 However, no such funds whose use was originally limited to the
4455 construction of capital improvements shall be utilized for the
4456 purpose of defraying the administrative or operating costs of any
4457 such center. Any one or more of the parties to such an agreement
4458 may be designated as the fiscal agent or contracting party in
4459 carrying out any of the purposes of such agreement, and any and
4460 all funds authorized to be spent therefor by any of the said
4461 parties may be paid over to the fiscal agent or contracting party
4462 for disbursement by such fiscal agent or contracting party. Such
4463 disbursements shall be made and contracted for under the laws and
4464 regulations applicable to such fiscal or disbursing agent. All of
4465 the school district parties to any such agreement may issue bonds,
4466 negotiable notes or other evidences of indebtedness for the
4467 purpose of providing funds for the acquisition of land and for the
4468 construction of buildings and permanent improvements under the
4469 terms of any such agreement under any existing laws authorizing
4470 the issuance or sale thereof to provide funds for any capital
4471 improvement.



4472 **SECTION 47.** Section 37-9-17, Mississippi Code of 1972, is
4473 amended as follows:

4474 37-9-17. (1) On or before April 1 of each year, the
4475 principal of each school shall recommend to the superintendent of
4476 the local school district the licensed employees or
4477 noninstructional employees to be employed for the school involved
4478 except those licensed employees or noninstructional employees who
4479 have been previously employed and who have a contract valid for
4480 the ensuing scholastic year. If such recommendations meet with
4481 the approval of the superintendent, the superintendent shall
4482 recommend the employment of such licensed employees or
4483 noninstructional employees to the local school board, and, unless
4484 good reason to the contrary exists, the board shall elect the
4485 employees so recommended. If, for any reason, the local school
4486 board shall decline to elect any employee so recommended,
4487 additional recommendations for the places to be filled shall be
4488 made by the principal to the superintendent and then by the
4489 superintendent to the local school board as provided above. The
4490 school board of any local school district shall be authorized to
4491 designate a personnel supervisor or another principal employed by
4492 the school district to recommend to the superintendent licensed
4493 employees or noninstructional employees; however, this
4494 authorization shall be restricted to no more than two (2)
4495 positions for each employment period for each school in the local
4496 school district. Any noninstructional employee employed upon the



4497 recommendation of a personnel supervisor or another principal
4498 employed by the local school district must have been employed by
4499 the local school district at the time the superintendent was
4500 elected or appointed to office; a noninstructional employee
4501 employed under this authorization may not be paid compensation in
4502 excess of the statewide average compensation for such
4503 noninstructional position with comparable experience, as
4504 established by the State Department of Education. The school
4505 board of any local school district shall be authorized to
4506 designate a personnel supervisor or another principal employed by
4507 the school district to accept the recommendations of principals or
4508 their designees for licensed employees or noninstructional
4509 employees and to transmit approved recommendations to the local
4510 school board; however, this authorization shall be restricted to
4511 no more than two (2) positions for each employment period for each
4512 school in the local school district.

4513 When the licensed employees have been elected as provided in
4514 the preceding paragraph, the superintendent of the district shall
4515 enter into a contract with such persons in the manner provided in
4516 this chapter.

4517 If, at the commencement of the scholastic year, any licensed
4518 employee shall present to the superintendent a license of a higher
4519 grade than that specified in such individual's contract, such
4520 individual may, if funds are available from * * * Investing in the
4521 Needs of Students to Prioritize, Impact and Reform Education



4522 (INSPIRE) funds of the district, or from district funds, be paid
4523 from such funds the amount to which such higher grade license
4524 would have entitled the individual, had the license been held at
4525 the time the contract was executed.

4526 (2) Superintendents/directors of schools under the purview
4527 of the State Board of Education, the superintendent of the local
4528 school district and any private firm under contract with the local
4529 public school district to provide substitute teachers to teach
4530 during the absence of a regularly employed schoolteacher shall
4531 require, through the appropriate governmental authority, that
4532 current criminal records background checks and current child abuse
4533 registry checks are obtained, and that such criminal record
4534 information and registry checks are on file for any new hires
4535 applying for employment as a licensed or nonlicensed employee at a
4536 school and not previously employed in such school under the
4537 purview of the State Board of Education or at such local school
4538 district prior to July 1, 2000. In order to determine the
4539 applicant's suitability for employment, the applicant shall be
4540 fingerprinted. If no disqualifying record is identified at the
4541 state level, the fingerprints shall be forwarded by the Department
4542 of Public Safety to the Federal Bureau of Investigation for a
4543 national criminal history record check. The fee for such
4544 fingerprinting and criminal history record check shall be paid by
4545 the applicant, not to exceed Fifty Dollars (\$50.00); however, the
4546 State Board of Education, the school board of the local school



4547 district or a private firm under contract with a local school
4548 district to provide substitute teachers to teach during the
4549 temporary absence of the regularly employed schoolteacher, in its
4550 discretion, may elect to pay the fee for the fingerprinting and
4551 criminal history record check on behalf of any applicant. Under
4552 no circumstances shall a member of the State Board of Education,
4553 superintendent/director of schools under the purview of the State
4554 Board of Education, local school district superintendent, local
4555 school board member or any individual other than the subject of
4556 the criminal history record checks disseminate information
4557 received through any such checks except insofar as required to
4558 fulfill the purposes of this section. Any nonpublic school which
4559 is accredited or approved by the State Board of Education may
4560 avail itself of the procedures provided for herein and shall be
4561 responsible for the same fee charged in the case of local public
4562 schools of this state. The determination whether the applicant
4563 has a disqualifying crime, as set forth in subsection (3) of this
4564 section, shall be made by the appropriate governmental authority,
4565 and the appropriate governmental authority shall notify the
4566 private firm whether a disqualifying crime exists.

4567 (3) If such fingerprinting or criminal record checks
4568 disclose a felony conviction, guilty plea or plea of nolo
4569 contendere to a felony of possession or sale of drugs, murder,
4570 manslaughter, armed robbery, rape, sexual battery, sex offense
4571 listed in Section 45-33-23(h), child abuse, arson, grand larceny,



burglary, gratification of lust or aggravated assault which has not been reversed on appeal or for which a pardon has not been granted, the new hire shall not be eligible to be employed at such school. Any employment contract for a new hire executed by the superintendent of the local school district or any employment of a new hire by a superintendent/director of a new school under the purview of the State Board of Education or by a private firm shall be voidable if the new hire receives a disqualifying criminal record check. However, the State Board of Education or the school board may, in its discretion, allow any applicant aggrieved by the employment decision under this section to appear before the 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



4597 school under the purview of the State Board of Education shall be
4598 held liable in any employment discrimination suit in which an
4599 allegation of discrimination is made regarding an employment
4600 decision authorized under this Section 37-9-17.

4601 (5) The provisions of this section shall be fully applicable
4602 to licensed employees of the Mississippi School of the Arts (MSA),
4603 established in Section * * * 37-140-3.

4604 **SECTION 48.** Section 37-9-18, Mississippi Code of 1972, is
4605 amended as follows:

4606 37-9-18. (1) (a) The State Board of Education shall
4607 promulgate rules and regulations concerning the type of financial
4608 reports required to be submitted by the superintendent of schools
4609 to the local school board, and the frequency with which the
4610 reports shall be submitted. The rules and regulations promulgated
4611 by the board shall include:

4612 (i) A requirement that the reports be listed as an
4613 agenda item for discussion at a regularly scheduled meeting of the
4614 board;

4615 (ii) A requirement that the minutes of the board
4616 meeting reflect that the reports were discussed;

4617 (iii) A requirement that each board member present
4618 be provided a copy of all required reports; and

4619 (iv) A requirement that a copy of all required
4620 reports be included in the official minutes of the board meeting
4621 at which the reports were discussed.



4622 (b) The State Board of Education is authorized to
4623 require school districts to submit any of the required reports to
4624 the State Department of Education on a basis determined by the
4625 department.

4626 (c) Failure to comply with any of the rules and
4627 regulations established by the State Board of Education with
4628 regard to reporting requirements shall constitute a violation of
4629 the Mississippi Public School Accountability Standards.

4630 (2) The State Auditor shall audit the financial records of
4631 school districts in accordance with Section 7-7-211(e). The State
4632 Auditor shall give reasonable notice to school districts regarding
4633 the times during which the State Auditor will perform such audits.
4634 In any fiscal year in which the State Auditor is not scheduled to
4635 perform an audit, the school board shall cause all the financial
4636 records of the superintendent of schools to be audited in
4637 accordance with Section 7-7-211(e). If the school board so elects
4638 by resolution adopted each year, the audit shall be performed by
4639 the State Auditor. Contracts for the audit of public school
4640 districts shall be let by the school board in the manner
4641 prescribed by the State Auditor. The audit shall be conducted in
4642 accordance with generally accepted auditing standards and
4643 generally accepted accounting principles, and the report presented
4644 thereon shall be in accordance with generally accepted accounting
4645 principles. If the Auditor's opinion on the general purpose
4646 financial statements is a disclaimer, as that term is defined by



4647 generally accepted auditing standards, or if the State Auditor
4648 determines the existence of serious financial conditions in the
4649 district, the State Auditor shall immediately notify the State
4650 Board of Education. Upon receiving the notice, the State
4651 Superintendent of Public Education shall direct the school
4652 district to immediately cease all expenditures until a financial
4653 advisor is appointed by the state superintendent. However, if the
4654 disclaimer is a result of conditions caused by Hurricane Katrina
4655 2005 and applies to fiscal years 2005 and/or 2006, then the
4656 Superintendent of Education may appoint a financial advisor, and
4657 may direct the school district to immediately cease all
4658 expenditures until a financial advisor is appointed. The
4659 financial advisor shall be an agent of the State Board of
4660 Education and shall be a certified public accountant or a
4661 qualified business officer. Unless the financial advisor is an
4662 employee of the State of Mississippi, they shall be deemed an
4663 independent contractor. The financial advisor shall, with the
4664 approval of the State Board of Education:

4665 (a) Approve or disapprove all expenditures and all
4666 financial obligations of the district;

4667 (b) Ensure compliance with any statutes and State Board
4668 of Education rules or regulations concerning expenditures by
4669 school districts;

4670 (c) Review salaries and the number of all district
4671 personnel and make recommendations to the local school board of



4672 any needed adjustments. Should such recommendations necessitate
4673 the reduction in local salary supplement, such recommended
4674 reductions shall be only to the extent which will result in the
4675 salaries being comparable to districts similarly situated, as
4676 determined by the State Board of Education. The local school
4677 board, in considering either a reduction in personnel or a
4678 reduction in local supplements, shall not be required to comply
4679 with the time limitations prescribed in Sections 37-9-15 and
4680 37-9-105 and, further, shall not be required to comply with
4681 Sections 37-19-11 and 37-19-7(1) in regard to reducing local
4682 supplements and the number of personnel;

4683 (d) Work with the school district's business office to
4684 correct all inappropriate accounting procedures and/or uses of
4685 school district funds and to prepare the school district's budget
4686 for the next fiscal year;

4687 (e) Report frequently to the State Board of Education
4688 on the corrective actions being taken and the progress being made
4689 in the school district. The financial advisor shall serve until
4690 such time as corrective action and progress is being made in such
4691 school district as determined by the State Board of Education with
4692 the concurrence of the State Auditor, or until such time as an
4693 interim conservator is assigned to such district by the State
4694 Board of Education under Section 37-17-6. The school district
4695 shall be responsible for all expenses associated with the use of
4696 the financial advisor. If the audit report reflects a failure by



4697 the school district to meet accreditation standards, the State
4698 Board of Education shall proceed under Section 37-17-6; and

4699 (f) If a financial advisor is appointed to a school
4700 district in accordance with this subsection and it is determined
4701 by the financial advisor and/or any other official of the school
4702 district that an audit by a certified public accountant for that
4703 district was deficient in any manner, the financial advisor and/or
4704 any other official of the school district shall, within thirty
4705 (30) days, refer the matter to the State Board of Public
4706 Accountancy for follow-up and possible disciplinary action. Any
4707 disciplinary action by the State Board of Public Accountancy with
4708 regard to the certified public accountant shall, within thirty
4709 (30) days after notifying such certified public accountant, be
4710 reported to the Office of State Auditor.

4711 (3) (a) When conducting an audit of a public school
4712 district, the State Auditor shall test to insure that the school
4713 district is complying with the requirements of Section
4714 37-61-33(3)(a)(iii) relating to classroom supply funds. The audit
4715 must include a report of all classroom supply funds carried over
4716 from previous years. Based upon the audit report, the State
4717 Auditor shall compile a report on the compliance or noncompliance
4718 by all school districts with the requirements of Section
4719 37-61-33(3)(a)(iii), which report must be submitted to the
4720 Chairmen of the Education and Appropriations Committees of the
4721 House of Representatives and Senate.



4722 (b) When conducting an audit of a public school
4723 district, the State Auditor shall test to insure correct and
4724 appropriate coding at the function level. The audit must include
4725 a report showing correct and appropriate functional level
4726 expenditure codes in expenditures by the school district.
4727 Compliance standards for this audit provision shall be established
4728 by the Office of the State Auditor. Based upon the audit report,
4729 the State Auditor shall compile a report on the compliance or
4730 noncompliance by all public school districts with correct and
4731 appropriate coding at the function level, which report must be
4732 submitted to the Chairmen of the Education and Appropriations
4733 Committees of the House of Representatives and Senate.

4734 (4) In the event the State Auditor does not perform the
4735 audit examination, then the audit report of the school district
4736 shall be reviewed by the State Auditor for compliance with
4737 applicable state laws before final payment is made on the audit by
4738 the school board. All financial records, books, vouchers,
4739 cancelled checks and other financial records required by law to be
4740 kept and maintained in the case of municipalities shall be
4741 faithfully kept and maintained in the office of the superintendent
4742 of schools under the same provisions and penalties provided by law
4743 in the case of municipal officials.

4744 **SECTION 49.** Section 37-9-23, Mississippi Code of 1972, is
4745 amended as follows:



4746 37-9-23. The superintendent shall enter into a contract with
4747 each assistant superintendent, principal, licensed employee and
4748 person anticipating graduation from an approved teacher education
4749 program or the issuance of a proper license before October 15 or
4750 February 15, as the case may be, who is elected and approved for
4751 employment by the school board. Such contracts shall be in such
4752 form as shall be prescribed by the State Board of Education and
4753 shall be executed in duplicate with one (1) copy to be retained by
4754 the appropriate superintendent and one (1) copy to be retained by
4755 the principal, licensed employee or person recommended for a
4756 licensed position contracted with. The contract shall show the
4757 name of the district, the length of the school term, the position
4758 held (whether an assistant superintendent, principal or licensed
4759 employee), the scholastic years which it covers, the total amount
4760 of the annual salary and how same is payable. The amount of
4761 salary to be shown in such contract shall be the amount which
4762 shall have been fixed and determined by the school board, but, as
4763 to the licensed employees paid, in whole or in part, with * * *
4764 Investing in the Needs of Students to Prioritize, Impact and
4765 Reform Education (INSPIRE) funds, such salary shall not be less
4766 than that required under the provisions of Chapter 19 of this
4767 title. Beginning with the 2010-2011 school year, the contract
4768 shall include a provision allowing the school district to reduce
4769 the state minimum salary by a pro rata daily amount in order to
4770 comply with the school district employee furlough provisions of



4771 Section 37-7-308, and shall include a provision which conditions
4772 the payment of such salary upon the availability of * * * uniform
4773 funding formula funds * * *. The contract entered into with any
4774 person recommended for a licensed position who is anticipating
4775 either graduation from an approved teacher education program
4776 before September 1 or December 31, as the case may be, or the
4777 issuance of a proper license before October 15 or February 15, as
4778 the case may be, shall be a conditional contract and shall include
4779 a provision stating that the contract will be null and void if, as
4780 specified in the contract, the contingency upon which the contract
4781 is conditioned has not occurred. If any superintendent, other
4782 than those elected, principal, licensed employee or person
4783 recommended for a licensed position who has been elected and
4784 approved shall not execute and return the contract within ten (10)
4785 days after same has been tendered to him for execution, then, at
4786 the option of the school board, the election of the licensed
4787 employee and the contract tendered to him shall be void and of no
4788 effect.

4789 **SECTION 50.** Section 37-9-25, Mississippi Code of 1972, is
4790 amended as follows:

4791 37-9-25. The school board shall have the power and
4792 authority, in its discretion, to employ the superintendent, unless
4793 such superintendent is elected at the November 2015 general
4794 election, for not exceeding four (4) scholastic years and the
4795 principals or licensed employees for not exceeding three (3)



4796 scholastic years. In such case, contracts shall be entered into
4797 with such superintendents, principals and licensed employees for
4798 the number of years for which they have been employed. However,
4799 in the event that a vacancy in the office of the superintendent of
4800 schools elected at the November 2015 general election shall occur
4801 before January 1, 2019, the local school board shall then appoint
4802 the superintendent of the school district and enter into contract
4803 with the appointee for a period not to exceed three (3) scholastic
4804 years. All such contracts with licensed employees shall for the
4805 years after the first year thereof be subject to the contingency
4806 that the licensed employee may be released if, during the life of
4807 the contract, the average daily * * * membership should decrease
4808 from that existing during the previous year and thus necessitate a
4809 reduction in the number of licensed employees during any year
4810 after the first year of the contract. However, in all such cases
4811 the licensed employee must be released before July 1 or at least
4812 thirty (30) days prior to the beginning of the school term,
4813 whichever date should occur earlier. The salary to be paid for
4814 the years after the first year of such contract shall be subject
4815 to revision, either upward or downward, in the event of an
4816 increase or decrease in the funds available for the payment
4817 thereof, but, unless such salary is revised prior to the beginning
4818 of a school year, it shall remain for such school year at the
4819 amount fixed in such contract. However, where school district
4820 funds * * * are available during the school year in excess of the



4821 amount anticipated at the beginning of the school year, the salary
4822 to be paid for such year may be increased to the extent that such
4823 additional funds are available, and nothing herein shall be
4824 construed to prohibit same.

4825 **SECTION 51.** Section 37-9-33, Mississippi Code of 1972, is
4826 amended as follows:

4827 37-9-33. (1) In employing and contracting with appointed
4828 superintendents, principals and * * * licensed employees, the
4829 school board shall in all cases determine whether the amount of
4830 salary to be paid such superintendent, principals and * * *
4831 licensed employees is in compliance with the provisions of * * *
4832 this chapter and Section 37-19-7. No contract shall be entered
4833 into where the salary of a superintendent, principal or * * *
4834 licensed employee is to be paid, in whole or in part, from * * *
4835 Investing in the Needs of Students to Prioritize, Impact and
4836 Reform Education (INSPIRE) funds except where the statutory
4837 requirements * * * as to the amount of such salary are fully met.
4838 Nothing herein shall be construed, however, to prohibit any school
4839 district from increasing the salaries of appointed
4840 superintendents, principals and * * * licensed employees above the
4841 amounts fixed by Section 37-19-7 * * *. Provided further, that
4842 school districts are authorized, in their discretion, to negotiate
4843 the salary levels applicable to * * * licensed employees employed
4844 after July 1, 2009, who are receiving retirement benefits from the
4845 retirement system of another state * * *. Nothing herein shall be



construed to prohibit any school district from complying with the school district employee furlough provisions of Section 37-7-308.

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

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

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

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

37-9-37. The amount of the salary to be paid any superintendent, principal or licensed employee shall be fixed by the school board, provided that the requirements of * * * this title are met as to superintendents, principals and licensed employees paid, in whole or in part, from * * * Investing in the Needs of Students to Prioritize, Impact and Reform Education



4871 (INSPIRE) funds. In employing such superintendents, principals
4872 and licensed employees and in fixing their salaries, the school
4873 boards shall take into consideration the character, professional
4874 training, experience, executive ability and teaching capacity of
4875 the licensed employee, superintendent or principal. It is the
4876 intent of the Legislature that whenever the salary of the school
4877 district superintendent is set by a school board, the board shall
4878 take into consideration the amount of money that the district
4879 spends per pupil, and shall attempt to insure that the
4880 administrative cost of the district and the amount of the salary
4881 of the superintendent are not excessive in comparison to the per
4882 pupil expenditure of the district.

4883 **SECTION 54.** Section 37-9-77, Mississippi Code of 1972, is
4884 amended as follows:

4885 37-9-77. (1) There is established the Mississippi School
4886 Administrator Sabbatical Program which shall be available to
4887 licensed teachers employed in Mississippi school districts for not
4888 less than three (3) years, for the purpose of allowing such
4889 teachers to become local school district administrators under the
4890 conditions set forth in this section. The State Board of
4891 Education, in coordination with the Board of Trustees of State
4892 Institutions of Higher Learning, shall develop guidelines for the
4893 program. Application shall be made to the State Department of
4894 Education for the Mississippi School Administrator Sabbatical
4895 Program by qualified teachers meeting the criteria for a



4896 department-approved administration program and who have been
4897 recommended by the local school board. Administration programs
4898 that are eligible for the administrator sabbatical program shall
4899 be limited to those that have been approved by the department by
4900 the January 1 preceding the date of admission to the program.
4901 Admission into the program shall authorize the applicant to take
4902 university course work and training leading to an administrator's
4903 license.

4904 (2) The salaries of the teachers approved for participation
4905 in the administrator sabbatical program shall be paid by the
4906 employing school district from * * * funds other than Investing in
4907 the Needs of Students to Prioritize, Impact and Reform Education
4908 (INSPIRE) funds. However, the State Department of Education shall
4909 reimburse the employing school districts for the cost of the
4910 salaries and paid fringe benefits of teachers participating in the
4911 administrator sabbatical program for one (1) contract year.
4912 Reimbursement shall be made in accordance with the then
4913 current * * * salary schedule under Section 37-19-7, except that
4914 the maximum amount of the reimbursement from state funds shall not
4915 exceed the * * * salary prescribed for a teacher holding a Class A
4916 license and having five (5) years' experience. The local school
4917 district shall be responsible for that portion of a participating
4918 teacher's salary attributable to the local supplement and for any
4919 portion of the teacher's salary that exceeds the maximum amount
4920 allowed for reimbursement from state funds as provided in this



4921 subsection, and the school board may not reduce the local
4922 supplement payable to that teacher. Any reimbursements made by
4923 the State Department of Education to local school districts under
4924 this section shall be subject to available appropriations and may
4925 be made only to school districts determined by the State Board of
4926 Education as being in need of administrators.

4927 (3) Such teachers participating in the program on a
4928 full-time basis shall continue to receive teaching experience and
4929 shall receive the salary prescribed in Section 37-19-7 * * *.
4930 Such participants shall be fully eligible to continue
4931 participation in the Public Employees' Retirement System and the
4932 Public School Employees Health Insurance Plan during the time they
4933 are in the program on a full-time basis.

4934 (4) As a condition for participation in the School
4935 Administrator Sabbatical Program, such teachers shall agree to
4936 employment as administrators in the sponsoring school district for
4937 not less than five (5) years following completion of administrator
4938 licensure requirements. Any person failing to comply with this
4939 employment commitment in any required school year, unless the
4940 commitment is deferred as provided in subsection (5) of this
4941 section, shall immediately be in breach of contract and become
4942 liable to the State Department of Education for that amount of his
4943 salary and paid fringe benefits paid by the state while the
4944 teacher was on sabbatical, less twenty percent (20%) of the amount
4945 of his salary and paid fringe benefits paid by the state for each



4946 year that the person was employed as an administrator following
4947 completion of the administrator licensure requirements. In
4948 addition, the person shall become liable to the local school
4949 district for any portion of his salary and paid fringe benefits
4950 paid by the local school district while the teacher was on
4951 sabbatical that is attributable to the local salary supplement or
4952 is attributable to the amount that exceeds the maximum amount
4953 allowed for reimbursement from state funds as provided in
4954 subsection (2) of this section, less twenty percent (20%) of the
4955 amount of his salary and paid fringe benefits paid by the school
4956 district for each year that the person was employed as an
4957 administrator following completion of the administrator licensure
4958 requirements. Interest on the amount due shall accrue at the
4959 current Stafford Loan rate at the time the breach occurs. If the
4960 claim for repayment of such salary and fringe benefits is placed
4961 in the hands of an attorney for collection after default, then the
4962 obligor shall be liable for an additional amount equal to a
4963 reasonable attorney's fee.

4964 (5) If there is not an administrator position immediately
4965 available in the sponsoring school district after a person has
4966 completed the administrator licensure requirements, or if the
4967 administrator position in the sponsoring school district in which
4968 the person is employed is no longer needed before the completion
4969 of the five-year employment commitment, the local school board
4970 shall defer any part of the employment commitment that has not



4971 been met until such time as an administrator position becomes
4972 available in the sponsoring school district. If such a deferral
4973 is made, the sponsoring school district shall employ the person as
4974 a teacher in the school district during the period of deferral,
4975 unless the person desires to be released from employment by the
4976 sponsoring school district and the district agrees to release the
4977 person from employment. If the sponsoring school district
4978 releases a person from employment, that person may be employed as
4979 an administrator in another school district in the state that is
4980 in need of administrators as determined by the State Board of
4981 Education, and that employment for the other school district shall
4982 be applied to any remaining portion of the five-year employment
4983 commitment required under this section. Nothing in this
4984 subsection shall prevent a school district from not renewing the
4985 person's contract before the end of the five-year employment
4986 commitment in accordance with the School Employment Procedures Law
4987 (Section 37-9-101 et seq.). However, if the person is not
4988 employed as an administrator by another school district after
4989 being released by the sponsoring school district, or after his
4990 contract was not renewed by the sponsoring school district, he
4991 shall be liable for repayment of the amount of his salary and
4992 fringe benefits as provided in subsection (4) of this section.

4993 (6) All funds received by the State Department of Education
4994 from the repayment of salary and fringe benefits paid by the state



4995 from program participants shall be deposited in the Mississippi
4996 Critical Teacher Shortage Fund.

4997 **SECTION 55.** Section 37-11-11, Mississippi Code of 1972, is
4998 amended as follows:

4999 37-11-11. (1) For the purposes of this section, the term
5000 "hospital" shall include community-based programs and facilities
5001 licensed or approved by the Department of Mental Health for
5002 treatment of chemical substance use and abuse.

5003 (2) When five (5) or more children of educable mind between
5004 the ages of six (6) and twenty-one (21) years who are capable of
5005 pursuing courses of instruction at secondary school level or below
5006 shall be confined in a hospital for an extended period of time,
5007 such children shall be eligible for and shall be provided with a
5008 program of education, instruction and training within such
5009 hospital in the manner hereinafter set forth, provided that the
5010 need for hospitalization for an extended period of time shall be
5011 certified by the chief of staff of such hospital and that the
5012 ability of such children to do school work shall be certified by
5013 qualified psychologists and/or educators approved by the State
5014 Board of Education.

5015 (3) When five (5) or more children as set forth herein shall
5016 be confined in the same hospital, then the board of trustees of
5017 the school district in which such hospital is located shall be
5018 authorized and empowered, in its discretion, to provide a program
5019 of education, instruction and training to such children within



5020 such hospital. For such purpose the board shall be authorized and
5021 empowered to employ and contract with teachers, provide textbooks
5022 and other instructional materials, correspondence courses and
5023 instructional equipment and appliances, and otherwise provide for
5024 the furnishing of such program and to administer and supervise the
5025 same. Such program shall be furnished in a manner as prescribed
5026 by rules and regulations adopted by the State Board of Education.
5027 The state board shall have full power to adopt such rules,
5028 regulations, policies and standards as it may deem necessary to
5029 carry out the purpose of this section, including the establishment
5030 of qualifications of any teachers employed under the provisions
5031 hereof. It is expressly provided, however, that no program shall
5032 be furnished under this section except in a hospital licensed for
5033 operation by the State of Mississippi and only in cases where such
5034 hospital shall consent thereto, shall provide any classroom space,
5035 furniture and facilities which may be deemed necessary, and
5036 otherwise shall cooperate in carrying out the provisions of this
5037 section. Before such program of education, instruction and
5038 training shall be provided, the governing authorities of said
5039 hospital shall enter into a contract with the board of trustees of
5040 the school district which stipulates that said hospital agrees to
5041 furnish the necessary classroom space, furniture and facilities
5042 and provide for their upkeep, fuel and such other things as may be
5043 necessary for the successful operation of the program of
5044 education, instruction and training.



5045 (4) In cases when children who are residents of school
5046 districts other than the school district providing such education
5047 program may participate in the program prescribed in this section.
5048 The boards of trustees of the districts of which such children are
5049 residents shall pay to the board of trustees of the school
5050 district furnishing such school program the pro rata part of the
5051 expenses of furnishing such school program within such hospital,
5052 which payments may be made from any funds available for the
5053 operation and maintenance of the schools of the district in which
5054 such child is a resident. The amount so paid shall be based upon,
5055 but shall not exceed, the current per pupil cost of education in
5056 the school district of the child's residence, and the amount to be
5057 so paid by the school district of the child's residence shall be
5058 fixed by the State Board of Education. If the amount to be paid
5059 which has been so fixed shall not be paid upon due demand made by
5060 the school district providing a program therefor, then the State
5061 Board of Education shall deduct any such amounts from the next
5062 allocation of * * * Investing in the Needs of Students to
5063 Prioritize, Impact and Reform Education (INSPIRE) funds
5064 attributable to any such district and shall remit the same to the
5065 board of trustees of such school district which is furnishing such
5066 school program. If the amounts so paid by such school districts
5067 of the child's residence shall not be sufficient to pay the
5068 expenses of furnishing such program, then the remainder of such
5069 expenses over and above that so paid by such school districts



5070 shall be paid by the State Board of Education to the school
5071 district providing such school program out of any funds available
5072 to the State Board of Education, including * * * Investing in the
5073 Needs of Students to Prioritize, Impact and Reform Education
5074 (INSPIRE) funds. However, such payments shall not exceed Three
5075 Hundred Dollars (\$300.00) per child in average daily * * *
5076 membership in such program. Provided, however, the State Board of
5077 Education shall in its discretion be authorized and empowered to
5078 exceed the said Three Hundred Dollars (\$300.00) per pupil
5079 limitation where such limitation would make it impractical to
5080 operate such a program.

5081 **SECTION 56.** Section 37-13-63, Mississippi Code of 1972, is
5082 amended as follows:

5083 37-13-63. (1) Except as otherwise provided, all public
5084 schools in the state shall be kept in session for at least one
5085 hundred eighty (180) days in each scholastic year.

5086 (2) If the school board of any school district shall
5087 determine that it is not economically feasible or practicable to
5088 operate any school within the district for the full one hundred
5089 eighty (180) days required for a scholastic year as contemplated
5090 due to an enemy attack, a man-made, technological or natural
5091 disaster or extreme weather emergency in which the Governor has
5092 declared a disaster or state of emergency under the laws of this
5093 state or the President of the United States has declared an
5094 emergency or major disaster to exist in this state, the school



5095 board may notify the State Department of Education of the disaster
5096 or weather emergency and submit a plan for altering the school
5097 term. If the State Board of Education finds the disaster or
5098 extreme weather emergency to be the cause of the school not
5099 operating for the contemplated school term and that such school
5100 was in a school district covered by the Governor's or President's
5101 disaster or state of emergency declaration, it may permit that
5102 school board to operate the schools in its district for less than
5103 one hundred eighty (180) days; however, in no instance of a
5104 declared disaster or state of emergency under the provisions of
5105 this subsection shall a school board receive payment from the
5106 State Department of Education for per pupil expenditure for pupils
5107 in average daily * * * membership in excess of ten (10) days.

5108 **SECTION 57.** Section 37-13-64, Mississippi Code of 1972, is
5109 amended as follows:

5110 37-13-64. (1) Beginning with the 2010-2011 school term, any
5111 school district required to close the operation of its schools by
5112 decision of the superintendent, under the authority provided by
5113 the local school board, due to extreme weather conditions, in the
5114 best interests of the health and safety of the students,
5115 administration and staff of the school district, shall be exempt
5116 from the requirement that schools be kept in session a minimum of
5117 one hundred eighty (180) days. Any school district that closes
5118 its schools for reasons authorized under this section shall
5119 receive payment from the State Department of Education for per



5120 pupil expenditure for pupils in average daily * * * membership not
5121 to exceed ten (10) days.

5122 (2) In the event weather conditions are cause for the
5123 closure of operations of schools in any local school district in
5124 any instance in which a state of emergency has not been declared
5125 pursuant to Section * * * 37-151-217(4), the State Board of
5126 Education may consider, on a case-by-case basis, requests
5127 submitted by local school districts to alter the school calendar
5128 consistent with the provision of that section.

5129 **SECTION 58.** Section 37-13-69, Mississippi Code of 1972, is
5130 amended as follows:

5131 37-13-69. All public schools of this state may observe such
5132 legal holidays as may be designated by the local school board, and
5133 no sessions of school shall be held on holidays so designated and
5134 observed. However, all schools shall operate for the full minimum
5135 term required by law exclusive of the holidays authorized by this
5136 section. The holidays thus observed shall not be deducted from
5137 the reports of the superintendents, principals and teachers, and
5138 such superintendents, principals and teachers shall be allowed pay
5139 for full time as though they had taught on those holidays.

5140 However, such holidays shall not be counted or included in any way
5141 in determining the average daily * * * membership of the school.

5142 **SECTION 59.** Section 37-15-38, Mississippi Code of 1972, is
5143 amended as follows:



5144 37-15-38. (1) The following phrases have the meanings
5145 ascribed in this section unless the context clearly requires
5146 otherwise:

5147 (a) A dual enrolled student is a student who is
5148 enrolled in a community or junior college or state institution of
5149 higher learning while enrolled in high school.

5150 (b) A dual credit student is a student who is enrolled
5151 in a community or junior college or state institution of higher
5152 learning while enrolled in high school and who is receiving high
5153 school and college credit for postsecondary coursework.

5154 (2) A local school board, the Board of Trustees of State
5155 Institutions of Higher Learning and the Mississippi Community
5156 College Board shall establish a dual enrollment system under which
5157 students in the school district who meet the prescribed criteria
5158 of this section may be enrolled in a postsecondary institution in
5159 Mississippi while they are still in school.

5160 (3) **Dual credit eligibility.** Before credits earned by a
5161 qualified high school student from a community or junior college
5162 or state institution of higher learning may be transferred to the
5163 student's home school district, the student must be properly
5164 enrolled in a dual enrollment program.

5165 (4) **Admission criteria for dual enrollment in community and**
5166 **junior college or university programs.** The Mississippi Community
5167 College Board and the Board of Trustees of State Institutions of
5168 Higher Learning may recommend to the State Board of Education



5169 admission criteria for dual enrollment programs under which high
5170 school students may enroll at a community or junior college or
5171 university while they are still attending high school and enrolled
5172 in high school courses. Students may be admitted to enroll in
5173 community or junior college courses under the dual enrollment
5174 programs if they meet that individual institution's stated dual
5175 enrollment admission requirements.

5176 (5) **Tuition and cost responsibility.** Tuition and costs for
5177 university-level courses and community and junior college courses
5178 offered under a dual enrollment program may be paid for by the
5179 postsecondary institution, the local school district, the parents
5180 or legal guardians of the student, or by grants, foundations or
5181 other private or public sources. Payment for tuition and any
5182 other costs must be made directly to the credit-granting
5183 institution.

5184 (6) **Transportation responsibility.** Any transportation
5185 required by a student to participate in the dual enrollment
5186 program is the responsibility of the parent, custodian or legal
5187 guardian of the student. Transportation costs may be paid from
5188 any available public or private sources, including the local
5189 school district.

5190 (7) **School district average daily * * * membership credit.**
5191 When dually enrolled, the student may be counted, for * * *
5192 Investing in the Needs of Students to Prioritize, Impact and
5193 Reform Education (INSPIRE) purposes, in the average daily * * *



5194 membership of the public school district in which the student
5195 attends high school.

5196 (8) **High school student transcript transfer requirements.**

5197 Grades and college credits earned by a student admitted to a dual
5198 credit program must be recorded on the high school student record
5199 and on the college transcript at the university or community or
5200 junior college where the student attends classes. The transcript
5201 of the university or community or junior college coursework may be
5202 released to another institution or applied toward college
5203 graduation requirements.

5204 (9) **Determining factor of prerequisites for dual enrollment**

5205 **courses.** Each university and community or junior college
5206 participating in a dual enrollment program shall determine course
5207 prerequisites. Course prerequisites shall be the same for dual
5208 enrolled students as for regularly enrolled students at that
5209 university or community or junior college.

5210 (10) **Process for determining articulation of curriculum**

5211 **between high school, university, and community and junior college**

5212 **courses.** All dual credit courses must meet the standards
5213 established at the postsecondary level. Postsecondary level
5214 developmental courses may not be considered as meeting the
5215 requirements of the dual credit program. Dual credit memorandum
5216 of understandings must be established between each postsecondary
5217 institution and the school district implementing a dual credit
5218 program.



5219 (11) [Deleted]

5220 (12) **Eligible courses for dual credit programs.** Courses
5221 eligible for dual credit include, but are not necessarily limited
5222 to, foreign languages, advanced math courses, advanced science
5223 courses, performing arts, advanced business and technology, and
5224 career and technical courses. Distance Learning Collaborative
5225 Program courses approved under Section 37-67-1 shall be fully
5226 eligible for dual credit. All courses being considered for dual
5227 credit must receive unconditional approval from the superintendent
5228 of the local school district and the chief instructional officer
5229 at the participating community or junior college or university in
5230 order for college credit to be awarded. A university or community
5231 or junior college shall make the final decision on what courses
5232 are eligible for semester hour credits.

5233 (13) **High school Carnegie unit equivalency.** One (1)
5234 three-hour university or community or junior college course is
5235 equal to one (1) high school Carnegie unit.

5236 (14) **Course alignment.** The universities, community and
5237 junior colleges and the State Department of Education shall
5238 periodically review their respective policies and assess the place
5239 of dual credit courses within the context of their traditional
5240 offerings.

5241 (15) **Maximum dual credits allowed.** It is the intent of the
5242 dual enrollment program to make it possible for every eligible
5243 student who desires to earn a semester's worth of college credit



in high school to do so. A qualified dually enrolled high school student must be allowed to earn an unlimited number of college or university credits for dual credit.

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

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

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

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

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

(17) **Qualifications of dual credit instructors.** A dual credit academic instructor must meet the requirements set forth by the regional accrediting association (Southern Association of College and Schools). University and community and junior college



5269 personnel have the sole authority in the selection of dual credit
5270 instructors.

5271 A dual credit career and technical education instructor must
5272 meet the requirements set forth by the Mississippi Community
5273 College Board in the qualifications manual for postsecondary
5274 career and technical personnel.

5275 (18) **Guidance on local agreements.** The Chief Academic
5276 Officer of the State Board of Trustees of State Institutions of
5277 Higher Learning and the Chief Instructional Officers of the
5278 Mississippi Community College Board and the State Department of
5279 Education, working collaboratively, shall develop a template to be
5280 used by the individual community and junior colleges and
5281 institutions of higher learning for consistent implementation of
5282 the dual enrollment program throughout the State of Mississippi.

5283 (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**
5284 A local school board and the local community colleges board shall
5285 establish a Mississippi Works Dual Enrollment-Dual Credit Option
5286 Program under which potential or recent student dropouts may
5287 dually enroll in their home school and a local community college
5288 in a dual credit program consisting of high school completion
5289 coursework and a community college credential, certificate or
5290 degree program. Students completing the dual enrollment-credit
5291 option may obtain their high school diploma while obtaining a
5292 community college credential, certificate or degree. The
5293 Mississippi Department of Employment Security shall assist



5294 students who have successfully completed the Mississippi Works
5295 Dual Enrollment-Dual Credit Option in securing a job upon the
5296 application of the student or the participating school or
5297 community college. The Mississippi Works Dual Enrollment-Dual
5298 Credit Option Program will be implemented statewide in the
5299 2012-2013 school year and thereafter. The State Board of
5300 Education, local school board and the local community college
5301 board shall establish criteria for the Dual Enrollment-Dual Credit
5302 Program. Students enrolled in the program will not be eligible to
5303 participate in interscholastic sports or other extracurricular
5304 activities at the home school district. Tuition and costs for
5305 community college courses offered under the Dual Enrollment-Dual
5306 Credit Program shall not be charged to the student, parents or
5307 legal guardians. When dually enrolled, the student shall be
5308 counted, for * * * Investing in the Needs of Students to
5309 Prioritize, Impact and Reform Education (INSPIRE) purposes, in the
5310 average daily * * * membership of the public school district in
5311 which the student attends high school * * *. Any transportation
5312 required by the student to participate in the Dual Enrollment-Dual
5313 Credit Program is the responsibility of the parent or legal
5314 guardian of the student, and transportation costs may be paid from
5315 any available public or private sources, including the local
5316 school district. Grades and college credits earned by a student
5317 admitted to this Dual Enrollment-Dual Credit Program shall be
5318 recorded on the high school student record and on the college



5319 transcript at the community college and high school where the
5320 student attends classes. The transcript of the community college
5321 coursework may be released to another institution or applied
5322 toward college graduation requirements. Any course that is
5323 required for subject area testing as a requirement for graduation
5324 from a public school in Mississippi is eligible for dual credit,
5325 and courses eligible for dual credit shall also include career,
5326 technical and degree program courses. All courses eligible for
5327 dual credit shall be approved by the superintendent of the local
5328 school district and the chief instructional officer at the
5329 participating community college in order for college credit to be
5330 awarded. A community college shall make the final decision on
5331 what courses are eligible for semester hour credits and the local
5332 school superintendent, subject to approval by the Mississippi
5333 Department of Education, shall make the final decision on the
5334 transfer of college courses credited to the student's high school
5335 transcript.

5336 **SECTION 60.** Section 37-16-3, Mississippi Code of 1972, is
5337 amended as follows:

5338 37-16-3. (1) The State Department of Education is directed
5339 to implement a program of statewide assessment testing which shall
5340 provide for the improvement of the operation and management of the
5341 public schools. The statewide program shall be timed, as far as
5342 possible, so as not to conflict with ongoing district assessment
5343 programs. As part of the program, the department shall:



5344 (a) Establish, with the approval of the State Board of
5345 Education, minimum performance standards related to the goals for
5346 education contained in the state's plan including, but not limited
5347 to, basic skills in reading, writing and mathematics. The minimum
5348 performance standards shall be approved by April 1 in each year
5349 they are established.

5350 (b) Conduct a uniform statewide testing program in
5351 grades deemed appropriate in the public schools, including charter
5352 schools, which shall include the administration of a
5353 career-readiness assessment, such as, but not limited to, the ACT
5354 WorkKeys Assessment, deemed appropriate by the Mississippi
5355 Department of Education working in coordination with the Office of
5356 Workforce Development, to any students electing to take the
5357 assessment. Each individual school district shall determine
5358 whether the assessment is administered in the tenth, eleventh or
5359 twelfth grade. The program may test skill areas, basic skills and
5360 high school course content.

5361 (c) Monitor the results of the assessment program and,
5362 at any time the composite student performance of a school or basic
5363 program is found to be below the established minimum standards,
5364 notify the district superintendent or the governing board of the
5365 charter school, as the case may be, the school principal and the
5366 school advisory committee or other existing parent group of the
5367 situation within thirty (30) days of its determination. The
5368 department shall further provide technical assistance to a school



5369 district in the identification of the causes of this deficiency
5370 and shall recommend courses of action for its correction.

5371 (d) Provide technical assistance to the school
5372 districts, when requested, in the development of student
5373 performance standards in addition to the established minimum
5374 statewide standards.

5375 (e) Issue security procedure regulations providing for
5376 the security and integrity of the tests that are administered
5377 under the basic skills assessment program.

5378 (f) In case of an allegation of a testing irregularity
5379 that prompts a need for an investigation by the Department of
5380 Education, the department may, in its discretion, take complete
5381 control of the statewide test administration in a school district
5382 or any part thereof, including, but not limited to, obtaining
5383 control of the test booklets and answer documents. In the case of
5384 any verified testing irregularity that jeopardized the security
5385 and integrity of the test(s), validity or the accuracy of the test
5386 results, the cost of the investigation and any other actual and
5387 necessary costs related to the investigation paid by the
5388 Department of Education shall be reimbursed by the local school
5389 district from funds other than federal funds, * * * Investing in
5390 the Needs of Students to Prioritize, Impact and Reform Education
5391 (INSPIRE) funds, or any other state funds within six (6) months
5392 from the date of notice by the department to the school district
5393 to make reimbursement to the department.



5394 (2) Uniform basic skills tests shall be completed by each
5395 student in the appropriate grade. These tests shall be
5396 administered in such a manner as to preserve the integrity and
5397 validity of the assessment. In the event of excused or unexcused
5398 student absences, make-up tests shall be given. The school
5399 superintendent of every school district in the state and the
5400 principal of each charter school shall annually certify to the
5401 State Department of Education that each student enrolled in the
5402 appropriate grade has completed the required basic skills
5403 assessment test for his or her grade in a valid test
5404 administration.

5405 (3) Within five (5) days of completing the administration of
5406 a statewide test, the principal of the school where the test was
5407 administered shall certify under oath to the State Department of
5408 Education that the statewide test was administered in strict
5409 accordance with the Requirements of the Mississippi Statewide
5410 Assessment System as adopted by the State Board of Education. The
5411 principal's sworn certification shall be set forth on a form
5412 developed and approved by the Department of Education. If,
5413 following the administration of a statewide test, the principal
5414 has reason to believe that the test was not administered in strict
5415 accordance with the Requirements of the Mississippi Statewide
5416 Assessment System as adopted by the State Board of Education, the
5417 principal shall submit a sworn certification to the Department of
5418 Education setting forth all information known or believed by the



5419 principal about all potential violations of the Requirements of
5420 the Mississippi Statewide Assessment System as adopted by the
5421 State Board of Education. The submission of false information or
5422 false certification to the Department of Education by any licensed
5423 educator may result in licensure disciplinary action pursuant to
5424 Section 37-3-2 and criminal prosecution pursuant to Section
5425 37-16-4.

5426 **SECTION 61.** Section 37-17-6, Mississippi Code of 1972, is
5427 amended as follows:

5428 37-17-6. (1) The State Board of Education, acting through
5429 the Commission on School Accreditation, shall establish and
5430 implement a permanent performance-based accreditation system, and
5431 all noncharter public elementary and secondary schools shall be
5432 accredited under this system.

5433 (2) * * * The State Board of Education, acting through the
5434 Commission on School Accreditation, shall require school districts
5435 to provide school classroom space that is air-conditioned as a
5436 minimum requirement for accreditation.

5437 (3) (a) * * * The State Board of Education, acting through
5438 the Commission on School Accreditation, shall require that school
5439 districts employ certified school librarians according to the
5440 following formula:

5441	Number of Students	Number of Certified
5442	Per School Library	School Librarians
5443	0 - 499 Students	1/2 Full-time Equivalent



5444 Certified Librarian
5445 500 or More Students 1 Full-time Certified
5446 Librarian

5447 (b) The State Board of Education, however, may increase
5448 the number of positions beyond the above requirements.

5449 (c) The assignment of certified school librarians to
5450 the particular schools shall be at the discretion of the local
5451 school district. No individual shall be employed as a certified
5452 school librarian without appropriate training and certification as
5453 a school librarian by the State Department of Education.

5454 (d) School librarians in the district shall spend at
5455 least fifty percent (50%) of direct work time in a school library
5456 and shall devote no more than one-fourth (1/4) of the workday to
5457 administrative activities that are library related.

5458 (e) Nothing in this subsection shall prohibit any
5459 school district from employing more certified school librarians
5460 than are provided for in this section.

5461 (f) Any additional millage levied to fund school
5462 librarians required for accreditation under this subsection shall
5463 be included in the tax increase limitation set forth in Sections
5464 37-57-105 and 37-57-107 and shall not be deemed a new program for
5465 purposes of the limitation.

5466 (4) On or before December 31, 2002, the State Board of
5467 Education shall implement the performance-based accreditation



5468 system for school districts and for individual noncharter public
5469 schools which shall include the following:

5470 (a) High expectations for students and high standards
5471 for all schools, with a focus on the basic curriculum;

5472 (b) Strong accountability for results with appropriate
5473 local flexibility for local implementation;

5474 (c) A process to implement accountability at both the
5475 school district level and the school level;

5476 (d) Individual schools shall be held accountable for
5477 student growth and performance;

5478 (e) Set annual performance standards for each of the
5479 schools of the state and measure the performance of each school
5480 against itself through the standard that has been set for it;

5481 (f) A determination of which schools exceed their
5482 standards and a plan for providing recognition and rewards to
5483 those schools;

5484 (g) A determination of which schools are failing to
5485 meet their standards and a determination of the appropriate role
5486 of the State Board of Education and the State Department of
5487 Education in providing assistance and initiating possible
5488 intervention. A failing district is a district that fails to meet
5489 both the absolute student achievement standards and the rate of
5490 annual growth expectation standards as set by the State Board of
5491 Education for two (2) consecutive years. The State Board of
5492 Education shall establish the level of benchmarks by which



5493 absolute student achievement and growth expectations shall be
5494 assessed. In setting the benchmarks for school districts, the
5495 State Board of Education may also take into account such factors
5496 as graduation rates, dropout rates, completion rates, the extent
5497 to which the school or district employs qualified teachers in
5498 every classroom, and any other factors deemed appropriate by the
5499 State Board of Education. The State Board of Education, acting
5500 through the State Department of Education, shall apply a simple
5501 "A," "B," "C," "D" and "F" designation to the current school and
5502 school district statewide accountability performance
5503 classification labels beginning with the State Accountability
5504 Results for the 2011-2012 school year and following, and in the
5505 school, district and state report cards required under state and
5506 federal law. Under the new designations, a school or school
5507 district that has earned a "Star" rating shall be designated an
5508 "A" school or school district; a school or school district that
5509 has earned a "High-Performing" rating shall be designated a "B"
5510 school or school district; a school or school district that has
5511 earned a "Successful" rating shall be designated a "C" school or
5512 school district; a school or school district that has earned an
5513 "Academic Watch" rating shall be designated a "D" school or school
5514 district; a school or school district that has earned a
5515 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
5516 be designated an "F" school or school district. Effective with
5517 the implementation of any new curriculum and assessment standards,



the State Board of Education, acting through the State Department of Education, is further authorized and directed to change the school and school district accreditation rating system to a simple "A," "B," "C," "D," and "F" designation based on a combination of student achievement scores and student growth as measured by the statewide testing programs developed by the State Board of Education pursuant to Chapter 16, Title 37, Mississippi Code of 1972. In any statute or regulation containing the former accreditation designations, the new designations shall be applicable;

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

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

(5) (a) Effective with the 2013-2014 school year, the State Department of Education, acting through the Mississippi Commission on School Accreditation, shall revise and implement a single "A"



5543 through "F" school and school district accountability system
5544 complying with applicable federal and state requirements in order
5545 to reach the following educational goals:

5546 (i) To mobilize resources and supplies to ensure
5547 that all students exit third grade reading on grade level by 2015;

5548 (ii) To reduce the student dropout rate to
5549 thirteen percent (13%) by 2015; and

5550 (iii) To have sixty percent (60%) of students
5551 scoring proficient and advanced on the assessments of the Common
5552 Core State Standards by 2016 with incremental increases of three
5553 percent (3%) each year thereafter.

5554 (b) The State Department of Education shall combine the
5555 state school and school district accountability system with the
5556 federal system in order to have a single system.

5557 (c) The State Department of Education shall establish
5558 five (5) performance categories ("A," "B," "C," "D" and "F") for
5559 the accountability system based on the following criteria:

5560 (i) Student Achievement: the percent of students
5561 proficient and advanced on the current state assessments;

5562 (ii) Individual student growth: the percent of
5563 students making one (1) year's progress in one (1) year's time on
5564 the state assessment, with an emphasis on the progress of the
5565 lowest twenty-five percent (25%) of students in the school or
5566 district;



5567 (iii) Four-year graduation rate: the percent of
5568 students graduating with a standard high school diploma in four
5569 (4) years, as defined by federal regulations;

5570 (iv) Categories shall identify schools as Reward
5571 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If
5572 at least five percent (5%) of schools in the state are not graded
5573 as "F" schools, the lowest five percent (5%) of school grade point
5574 designees will be identified as Priority schools. If at least ten
5575 percent (10%) of schools in the state are not graded as "D"
5576 schools, the lowest ten percent (10%) of school grade point
5577 designees will be identified as Focus schools;

5578 (v) The State Department of Education shall
5579 discontinue the use of Star School, High-Performing, Successful,
5580 Academic Watch, Low-Performing, At-Risk of Failing and Failing
5581 school accountability designations;

5582 (vi) The system shall include the federally
5583 compliant four-year graduation rate in school and school district
5584 accountability system calculations. Graduation rate will apply to
5585 high school and school district accountability ratings as a
5586 compensatory component. The system shall discontinue the use of
5587 the High School Completer Index (HSCI);

5588 (vii) The school and school district
5589 accountability system shall incorporate a standards-based growth
5590 model, in order to support improvement of individual student
5591 learning;



5592 (viii) The State Department of Education shall
5593 discontinue the use of the Quality Distribution Index (QDI);

5594 (ix) The State Department of Education shall
5595 determine feeder patterns of schools that do not earn a school
5596 grade because the grades and subjects taught at the school do not
5597 have statewide standardized assessments needed to calculate a
5598 school grade. Upon determination of the feeder pattern, the
5599 department shall notify schools and school districts prior to the
5600 release of the school grades beginning in 2013. Feeder schools
5601 will be assigned the accountability designation of the school to
5602 which they provide students;

5603 (x) Standards for student, school and school
5604 district performance will be increased when student proficiency is
5605 at a seventy-five percent (75%) and/or when sixty-five percent
5606 (65%) of the schools and/or school districts are earning a grade
5607 of "B" or higher, in order to raise the standard on performance
5608 after targets are met;

5609 (xi) The system shall include student performance
5610 on the administration of a career-readiness assessment, such as,
5611 but not limited to, the ACT WorkKeys Assessment, deemed
5612 appropriate by the * * * State Department of Education working in
5613 coordination with the Office of Workforce Development.

5614 (6) Nothing in this section shall be deemed to require a
5615 nonpublic school that receives no local, state or federal funds
5616 for support to become accredited by the State Board of Education.



5617 (7) The State Board of Education shall create an
5618 accreditation audit unit under the Commission on School
5619 Accreditation to determine whether schools are complying with
5620 accreditation standards.

5621 (8) The State Board of Education shall be specifically
5622 authorized and empowered to withhold * * * Investing in the Needs
5623 of Students to Prioritize, Impact and Reform Education (INSPIRE)
5624 allocations * * * to any public school district for failure to
5625 timely report student, school personnel and fiscal data necessary
5626 to meet state and/or federal requirements.

5627 (9) [Deleted]

5628 (10) The State Board of Education shall establish, for those
5629 school districts failing to meet accreditation standards, a
5630 program of development to be complied with in order to receive
5631 state funds, except as otherwise provided in subsection (15) of
5632 this section when the Governor has declared a state of emergency
5633 in a school district or as otherwise provided in Section 206,
5634 Mississippi Constitution of 1890. The state board, in
5635 establishing these standards, shall provide for notice to schools
5636 and sufficient time and aid to enable schools to attempt to meet
5637 these standards, unless procedures under subsection (15) of this
5638 section have been invoked.

5639 (11) * * * The State Board of Education shall be charged
5640 with the implementation of the program of development in each
5641 applicable school district as follows:



5642 (a) Develop an impairment report for each district
5643 failing to meet accreditation standards in conjunction with school
5644 district officials;

5645 (b) Notify any applicable school district failing to
5646 meet accreditation standards that it is on probation until
5647 corrective actions are taken or until the deficiencies have been
5648 removed. The local school district shall develop a corrective
5649 action plan to improve its deficiencies. For district academic
5650 deficiencies, the corrective action plan for each such school
5651 district shall be based upon a complete analysis of the following:
5652 student test data, student grades, student attendance reports,
5653 student dropout data, existence and other relevant data. The
5654 corrective action plan shall describe the specific measures to be
5655 taken by the particular school district and school to improve:

5656 (i) instruction; (ii) curriculum; (iii) professional development;
5657 (iv) personnel and classroom organization; (v) student incentives
5658 for performance; (vi) process deficiencies; and (vii) reporting to
5659 the local school board, parents and the community. The corrective
5660 action plan shall describe the specific individuals responsible
5661 for implementing each component of the recommendation and how each
5662 will be evaluated. All corrective action plans shall be provided
5663 to the State Board of Education as may be required. The decision
5664 of the State Board of Education establishing the probationary
5665 period of time shall be final;



5666 (c) Offer, during the probationary period, technical
5667 assistance to the school district in making corrective actions.

5668 * * * Subject to the availability of funds, the State Department
5669 of Education shall provide technical and/or financial assistance
5670 to all such school districts in order to implement each measure
5671 identified in that district's corrective action plan through
5672 professional development and on-site assistance. Each such school
5673 district shall apply for and utilize all available federal funding
5674 in order to support its corrective action plan in addition to
5675 state funds made available under this paragraph;

5676 (d) Assign department personnel or contract, in its
5677 discretion, with the institutions of higher learning or other
5678 appropriate private entities with experience in the academic,
5679 finance and other operational functions of schools to assist
5680 school districts;

5681 (e) Provide for publication of public notice at least
5682 one time during the probationary period, in a newspaper published
5683 within the jurisdiction of the school district failing to meet
5684 accreditation standards, or if no newspaper is published therein,
5685 then in a newspaper having a general circulation therein. The
5686 publication shall include the following: declaration of school
5687 system's status as being on probation; all details relating to the
5688 impairment report; and other information as the State Board of
5689 Education deems appropriate. Public notices issued under this



5690 section shall be subject to Section 13-3-31 and not contrary to
5691 other laws regarding newspaper publication.

5692 (12) (a) If the recommendations for corrective action are
5693 not taken by the local school district or if the deficiencies are
5694 not removed by the end of the probationary period, the Commission
5695 on School Accreditation shall conduct a hearing to allow the
5696 affected school district to present evidence or other reasons why
5697 its accreditation should not be withdrawn. Additionally, if the
5698 local school district violates accreditation standards that have
5699 been determined by the policies and procedures of the State Board
5700 of Education to be a basis for withdrawal of school district's
5701 accreditation without a probationary period, the Commission on
5702 School Accreditation shall conduct a hearing to allow the affected
5703 school district to present evidence or other reasons why its
5704 accreditation should not be withdrawn. After its consideration of
5705 the results of the hearing, the Commission on School Accreditation
5706 shall be authorized, with the approval of the State Board of
5707 Education, to withdraw the accreditation of a public school
5708 district, and issue a request to the Governor that a state of
5709 emergency be declared in that district.

5710 (b) If the State Board of Education and the Commission
5711 on School Accreditation determine that an extreme emergency
5712 situation exists in a school district that jeopardizes the safety,
5713 security or educational interests of the children enrolled in the
5714 schools in that district and that emergency situation is believed



5715 to be related to a serious violation or violations of
5716 accreditation standards or state or federal law, or when a school
5717 district meets the State Board of Education's definition of a
5718 failing school district for two (2) consecutive full school years,
5719 or if more than fifty percent (50%) of the schools within the
5720 school district are designated as Schools At-Risk in any one (1)
5721 year, the State Board of Education may request the Governor to
5722 declare a state of emergency in that school district. For
5723 purposes of this paragraph, the declarations of a state of
5724 emergency shall not be limited to those instances when a school
5725 district's impairments are related to a lack of financial
5726 resources, but also shall include serious failure to meet minimum
5727 academic standards, as evidenced by a continued pattern of poor
5728 student performance.

5729 (c) Whenever the Governor declares a state of emergency
5730 in a school district in response to a request made under paragraph
5731 (a) or (b) of this subsection, the State Board of Education may
5732 take one or more of the following actions:

5733 (i) Declare a state of emergency, under which some
5734 or all of state funds can be escrowed except as otherwise provided
5735 in Section 206, Constitution of 1890, until the board determines
5736 corrective actions are being taken or the deficiencies have been
5737 removed, or that the needs of students warrant the release of
5738 funds. The funds may be released from escrow for any program
5739 which the board determines to have been restored to standard even



5740 though the state of emergency may not as yet be terminated for the
5741 district as a whole;

5742 (ii) Override any decision of the local school
5743 board or superintendent of education, or both, concerning the
5744 management and operation of the school district, or initiate and
5745 make decisions concerning the management and operation of the
5746 school district;

5747 (iii) Assign an interim superintendent, or in its
5748 discretion, contract with a private entity with experience in the
5749 academic, finance and other operational functions of schools and
5750 school districts, who will have those powers and duties prescribed
5751 in subsection (15) of this section;

5752 (iv) Grant transfers to students who attend this
5753 school district so that they may attend other accredited schools
5754 or districts in a manner that is not in violation of state or
5755 federal law;

5756 (v) For states of emergency declared under
5757 paragraph (a) only, if the accreditation deficiencies are related
5758 to the fact that the school district is too small, with too few
5759 resources, to meet the required standards and if another school
5760 district is willing to accept those students, abolish that
5761 district and assign that territory to another school district or
5762 districts. If the school district has proposed a voluntary
5763 consolidation with another school district or districts, then if
5764 the State Board of Education finds that it is in the best interest



of the pupils of the district for the consolidation to proceed,
the voluntary consolidation shall have priority over any such
assignment of territory by the State Board of Education;

(vi) For states of emergency declared under
paragraph (b) only, reduce local supplements paid to school
district employees, including, but not limited to, instructional
personnel, assistant teachers and extracurricular activities
personnel, if the district's impairment is related to a lack of
financial resources, but only to an extent that will result in the
salaries being comparable to districts similarly situated, as
determined by the State Board of Education;

(vii) For states of emergency declared under
paragraph (b) only, the State Board of Education may take any
action as prescribed in Section 37-17-13.

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

(e) The parent or legal guardian of a school-age child
who is enrolled in a school district whose accreditation has been
withdrawn by the Commission on School Accreditation and without
approval of that school district may file a petition in writing to
a school district accredited by the Commission on School
Accreditation for a legal transfer. The school district



5790 accredited by the Commission on School Accreditation may grant the
5791 transfer according to the procedures of Section 37-15-31(1)(b).
5792 In the event the accreditation of the student's home district is
5793 restored after a transfer has been approved, the student may
5794 continue to attend the transferee school district. The * * * per
5795 student allocation under Investing in the Needs of Students to
5796 Prioritize, Impact and Reform Education (INSPIRE) for the
5797 student's home school district shall be transferred monthly to the
5798 school district accredited by the Commission on School
5799 Accreditation that has granted the transfer of the school-age
5800 child.

5801 (f) Upon the declaration of a state of emergency for
5802 any school district in which the Governor has previously declared
5803 a state of emergency, the State Board of Education may either:

5804 (i) Place the school district into district
5805 transformation, in which the school district shall remain until it
5806 has fulfilled all conditions related to district transformation.
5807 If the district was assigned an accreditation rating of "D" or "F"
5808 when placed into district transformation, the district shall be
5809 eligible to return to local control when the school district has
5810 attained a "C" rating or higher for five (5) consecutive years,
5811 unless the State Board of Education determines that the district
5812 is eligible to return to local control in less than the five-year
5813 period;



5814 (ii) Abolish the school district and
5815 administratively consolidate the school district with one or more
5816 existing school districts;

5817 (iii) Reduce the size of the district and
5818 administratively consolidate parts of the district, as determined
5819 by the State Board of Education. However, no school district
5820 which is not in district transformation shall be required to
5821 accept additional territory over the objection of the district; or

5822 (iv) Require the school district to develop and
5823 implement a district improvement plan with prescriptive guidance
5824 and support from the State Department of Education, with the goal
5825 of helping the district improve student achievement. Failure of
5826 the school board, superintendent and school district staff to
5827 implement the plan with fidelity and participate in the activities
5828 provided as support by the department shall result in the school
5829 district retaining its eligibility for district transformation.

5830 (g) There is established a Mississippi Recovery School
5831 District within the State Department of Education under the
5832 supervision of a deputy superintendent appointed by the State
5833 Superintendent of Public Education, who is subject to the approval
5834 by the State Board of Education. The Mississippi Recovery School
5835 District shall provide leadership and oversight of all school
5836 districts that are subject to district transformation status, as
5837 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,
5838 and shall have all the authority granted under these two (2)



5839 chapters. The * * * State Department of Education, with the
5840 approval of the State Board of Education, shall develop policies
5841 for the operation and management of the Mississippi Recovery
5842 School District. The deputy state superintendent is responsible
5843 for the Mississippi Recovery School District and shall be
5844 authorized to oversee the administration of the Mississippi
5845 Recovery School District, oversee the interim superintendent
5846 assigned by the State Board of Education to a local school
5847 district, hear appeals that would normally be filed by students,
5848 parents or employees and heard by a local school board, which
5849 hearings on appeal shall be conducted in a prompt and timely
5850 manner in the school district from which the appeal originated in
5851 order to ensure the ability of appellants, other parties and
5852 witnesses to appeal without undue burden of travel costs or loss
5853 of time from work, and perform other related duties as assigned by
5854 the State Superintendent of Public Education. The deputy state
5855 superintendent is responsible for the Mississippi Recovery School
5856 District and shall determine, based on rigorous professional
5857 qualifications set by the State Board of Education, the
5858 appropriate individuals to be engaged to be interim
5859 superintendents and financial advisors, if applicable, of all
5860 school districts subject to district transformation status. After
5861 State Board of Education approval, these individuals shall be
5862 deemed independent contractors.



5863 (13) Upon the declaration of a state of emergency in a
5864 school district under subsection (12) of this section, the
5865 Commission on School Accreditation shall be responsible for public
5866 notice at least once a week for at least three (3) consecutive
5867 weeks in a newspaper published within the jurisdiction of the
5868 school district failing to meet accreditation standards, or if no
5869 newspaper is published therein, then in a newspaper having a
5870 general circulation therein. The size of the notice shall be no
5871 smaller than one-fourth (1/4) of a standard newspaper page and
5872 shall be printed in bold print. If an interim superintendent has
5873 been appointed for the school district, the notice shall begin as
5874 follows: "By authority of Section 37-17-6, Mississippi Code of
5875 1972, as amended, adopted by the Mississippi Legislature during
5876 the 1991 Regular Session, this school district (name of school
5877 district) is hereby placed under the jurisdiction of the State
5878 Department of Education acting through its appointed interim
5879 superintendent (name of interim superintendent)."

5880 The notice also shall include, in the discretion of the State
5881 Board of Education, any or all details relating to the school
5882 district's emergency status, including the declaration of a state
5883 of emergency in the school district and a description of the
5884 district's impairment deficiencies, conditions of any district
5885 transformation status and corrective actions recommended and being
5886 taken. Public notices issued under this section shall be subject



5887 to Section 13-3-31 and not contrary to other laws regarding
5888 newspaper publication.

5889 Upon termination of the state of emergency in a school
5890 district, the Commission on School Accreditation shall cause
5891 notice to be published in the school district in the same manner
5892 provided in this section, to include any or all details relating
5893 to the corrective action taken in the school district that
5894 resulted in the termination of the state of emergency.

5895 (14) The State Board of Education or the Commission on
5896 School Accreditation shall have the authority to require school
5897 districts to produce the necessary reports, correspondence,
5898 financial statements, and any other documents and information
5899 necessary to fulfill the requirements of this section.

5900 Nothing in this section shall be construed to grant any
5901 individual, corporation, board or interim superintendent the
5902 authority to levy taxes except in accordance with presently
5903 existing statutory provisions.

5904 (15) (a) Whenever the Governor declares a state of
5905 emergency in a school district in response to a request made under
5906 subsection (12) of this section, the State Board of Education, in
5907 its discretion, may assign an interim superintendent to the school
5908 district, or in its discretion, may contract with an appropriate
5909 private entity with experience in the academic, finance and other
5910 operational functions of schools and school districts, who will be
5911 responsible for the administration, management and operation of



5912 the school district, including, but not limited to, the following
5913 activities:

5914 (i) Approving or disapproving all financial
5915 obligations of the district, including, but not limited to, the
5916 employment, termination, nonrenewal and reassignment of all
5917 licensed and nonlicensed personnel, contractual agreements and
5918 purchase orders, and approving or disapproving all claim dockets
5919 and the issuance of checks; in approving or disapproving
5920 employment contracts of superintendents, assistant superintendents
5921 or principals, the interim superintendent shall not be required to
5922 comply with the time limitations prescribed in Sections 37-9-15
5923 and 37-9-105;

5924 (ii) Supervising the day-to-day activities of the
5925 district's staff, including reassigning the duties and
5926 responsibilities of personnel in a manner which, in the
5927 determination of the interim superintendent, will best suit the
5928 needs of the district;

5929 (iii) Reviewing the district's total financial
5930 obligations and operations and making recommendations to the
5931 district for cost savings, including, but not limited to,
5932 reassigning the duties and responsibilities of staff;

5933 (iv) Attending all meetings of the district's
5934 school board and administrative staff;



5935 (v) Approving or disapproving all athletic, band
5936 and other extracurricular activities and any matters related to
5937 those activities;

5938 (vi) Maintaining a detailed account of
5939 recommendations made to the district and actions taken in response
5940 to those recommendations;

5941 (vii) Reporting periodically to the State Board of
5942 Education on the progress or lack of progress being made in the
5943 district to improve the district's impairments during the state of
5944 emergency; and

5945 (viii) Appointing a parent advisory committee,
5946 comprised of parents of students in the school district that may
5947 make recommendations to the interim superintendent concerning the
5948 administration, management and operation of the school district.

5949 The cost of the salary of the interim superintendent and any
5950 other actual and necessary costs related to district
5951 transformation status paid by the State Department of Education
5952 shall be reimbursed by the local school district from funds other
5953 than * * * Investing in the Needs of Students to Prioritize,
5954 Impact and Reform Education (INSPIRE) funds. The department shall
5955 submit an itemized statement to the superintendent of the local
5956 school district for reimbursement purposes, and any unpaid balance
5957 may be withheld from the district's * * * funding formula funds.

5958 At the time that the Governor, in accordance with the request
5959 of the State Board of Education, declares that the state of



5960 emergency no longer exists in a school district, the powers and
5961 responsibilities of the interim superintendent assigned to the
5962 district shall cease.

5963 (b) In order to provide loans to school districts under
5964 a state of emergency or in district transformation status that
5965 have impairments related to a lack of financial resources, the
5966 School District Emergency Assistance Fund is created as a special
5967 fund in the State Treasury into which monies may be transferred or
5968 appropriated by the Legislature from any available public
5969 education funds. Funds in the School District Emergency
5970 Assistance Fund up to a maximum balance of Three Million Dollars
5971 (\$3,000,000.00) annually shall not lapse but shall be available
5972 for expenditure in subsequent years subject to approval of the
5973 State Board of Education. Any amount in the fund in excess of
5974 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
5975 year shall lapse into the State General Fund or the Education
5976 Enhancement Fund, depending on the source of the fund.

5977 The State Board of Education may loan monies from the School
5978 District Emergency Assistance Fund to a school district that is
5979 under a state of emergency or in district transformation status,
5980 in those amounts, as determined by the board, that are necessary
5981 to correct the district's impairments related to a lack of
5982 financial resources. The loans shall be evidenced by an agreement
5983 between the school district and the State Board of Education and
5984 shall be repayable in principal, without necessity of interest, to



5985 the School District Emergency Assistance Fund by the school
5986 district from any allowable funds that are available. The total
5987 amount loaned to the district shall be due and payable within five
5988 (5) years after the impairments related to a lack of financial
5989 resources are corrected. If a school district fails to make
5990 payments on the loan in accordance with the terms of the agreement
5991 between the district and the State Board of Education, the State
5992 Department of Education, in accordance with rules and regulations
5993 established by the State Board of Education, may withhold that
5994 district's * * * INSPIRE funds in an amount and manner that will
5995 effectuate repayment consistent with the terms of the agreement;
5996 the funds withheld by the department shall be deposited into the
5997 School District Emergency Assistance Fund.

5998 The State Board of Education shall develop a protocol that
5999 will outline the performance standards and requisite timeline
6000 deemed necessary for extreme emergency measures. If the State
6001 Board of Education determines that an extreme emergency exists,
6002 simultaneous with the powers exercised in this subsection, it
6003 shall take immediate action against all parties responsible for
6004 the affected school districts having been determined to be in an
6005 extreme emergency. The action shall include, but not be limited
6006 to, initiating civil actions to recover funds and criminal actions
6007 to account for criminal activity. Any funds recovered by the
6008 State Auditor or the State Board of Education from the surety
6009 bonds of school officials or from any civil action brought under



6010 this subsection shall be applied toward the repayment of any loan
6011 made to a school district hereunder.

6012 (16) If a majority of the membership of the school board of
6013 any school district resigns from office, the State Board of
6014 Education shall be authorized to assign an interim superintendent,
6015 who shall be responsible for the administration, management and
6016 operation of the school district until the time as new board
6017 members are selected or the Governor declares a state of emergency
6018 in that school district under subsection (12), whichever occurs
6019 first. In that case, the State Board of Education, acting through
6020 the interim superintendent, shall have all powers which were held
6021 by the previously existing school board, and may take any action
6022 as prescribed in Section 37-17-13 and/or one or more of the
6023 actions authorized in this section.

6024 (17) (a) If the Governor declares a state of emergency in a
6025 school district, the State Board of Education may take all such
6026 action pertaining to that school district as is authorized under
6027 subsection (12) or (15) of this section, including the appointment
6028 of an interim superintendent. The State Board of Education shall
6029 also have the authority to issue a written request with
6030 documentation to the Governor asking that the office of the
6031 superintendent of the school district be subject to recall. If
6032 the Governor declares that the office of the superintendent of the
6033 school district is subject to recall, the local school board or



6034 the county election commission, as the case may be, shall take the
6035 following action:

6036 (i) If the office of superintendent is an elected
6037 office, in those years in which there is no general election, the
6038 name shall be submitted by the State Board of Education to the
6039 county election commission, and the county election commission
6040 shall submit the question at a special election to the voters
6041 eligible to vote for the office of superintendent within the
6042 county, and the special election shall be held within sixty (60)
6043 days from notification by the State Board of Education. The
6044 ballot shall read substantially as follows:

6045 "Shall County Superintendent of Education _____ (here the
6046 name of the superintendent shall be inserted) of the _____
6047 (here the title of the school district shall be inserted) be
6048 retained in office? Yes _____ No _____"

6049 If a majority of those voting on the question votes against
6050 retaining the superintendent in office, a vacancy shall exist
6051 which shall be filled in the manner provided by law; otherwise,
6052 the superintendent shall remain in office for the term of that
6053 office, and at the expiration of the term shall be eligible for
6054 qualification and election to another term or terms.

6055 (ii) If the office of superintendent is an
6056 appointive office, the name of the superintendent shall be
6057 submitted by the president of the local school board at the next
6058 regular meeting of the school board for retention in office or



6059 dismissal from office. If a majority of the school board voting
6060 on the question vote against retaining the superintendent in
6061 office, a vacancy shall exist which shall be filled as provided by
6062 law, otherwise the superintendent shall remain in office for the
6063 duration of his employment contract.

6064 (b) The State Board of Education may issue a written
6065 request with documentation to the Governor asking that the
6066 membership of the school board of the school district shall be
6067 subject to recall. Whenever the Governor declares that the
6068 membership of the school board is subject to recall, the county
6069 election commission or the local governing authorities, as the
6070 case may be, shall take the following action:

6071 (i) If the members of the local school board are
6072 elected to office, in those years in which the specific member's
6073 office is not up for election, the name of the school board member
6074 shall be submitted by the State Board of Education to the county
6075 election commission, and the county election commission at a
6076 special election shall submit the question to the voters eligible
6077 to vote for the particular member's office within the county or
6078 school district, as the case may be, and the special election
6079 shall be held within sixty (60) days from notification by the
6080 State Board of Education. The ballot shall read substantially as
6081 follows:

6082 "Members of the _____ (here the title of the school
6083 district shall be inserted) School Board who are not up for



6084 election this year are subject to recall because of the school
6085 district's failure to meet critical accountability standards as
6086 defined in the letter of notification to the Governor from the
6087 State Board of Education. Shall the member of the school board
6088 representing this area, _____ (here the name of the school
6089 board member holding the office shall be inserted), be retained in
6090 office? Yes _____ No _____"

6091 If a majority of those voting on the question vote against
6092 retaining the member of the school board in office, a vacancy in
6093 that board member's office shall exist, which shall be filled in
6094 the manner provided by law; otherwise, the school board member
6095 shall remain in office for the term of that office, and at the
6096 expiration of the term of office, the member shall be eligible for
6097 qualification and election to another term or terms of office.
6098 However, if a majority of the school board members are recalled in
6099 the special election, the Governor shall authorize the board of
6100 supervisors of the county in which the school district is situated
6101 to appoint members to fill the offices of the members recalled.
6102 The board of supervisors shall make those appointments in the
6103 manner provided by law for filling vacancies on the school board,
6104 and the appointed members shall serve until the office is filled
6105 at the next regular special election or general election.

6106 (ii) If the local school board is an appointed
6107 school board, the name of all school board members shall be
6108 submitted as a collective board by the president of the municipal



6109 or county governing authority, as the case may be, at the next
6110 regular meeting of the governing authority for retention in office
6111 or dismissal from office. If a majority of the governing
6112 authority voting on the question vote against retaining the board
6113 in office, a vacancy shall exist in each school board member's
6114 office, which shall be filled as provided by law; otherwise, the
6115 members of the appointed school board shall remain in office for
6116 the duration of their term of appointment, and those members may
6117 be reappointed.

6118 (iii) If the local school board is comprised of
6119 both elected and appointed members, the elected members shall be
6120 subject to recall in the manner provided in subparagraph (i) of
6121 this paragraph (b), and the appointed members shall be subject to
6122 recall in the manner provided in subparagraph (ii).

6123 (18) * * * The State Board of Education, acting through the
6124 Commission on School Accreditation, shall require each school
6125 district to comply with standards established by the State
6126 Department of Audit for the verification of fixed assets and the
6127 auditing of fixed assets records as a minimum requirement for
6128 accreditation.

6129 (19) * * * The State Superintendent of Public Education and
6130 the State Board of Education * * * shall develop a comprehensive
6131 accountability plan to ensure that local school boards,
6132 superintendents, principals and teachers are held accountable for
6133 student achievement. * * *



6134 (20) Before January 1, 2008, the State Board of Education
6135 shall evaluate and submit a recommendation to the Education
6136 Committees of the House of Representatives and the Senate on
6137 inclusion of graduation rate and dropout rate in the school level
6138 accountability system.

6139 (21) If a local school district is determined as failing and
6140 placed into district transformation status for reasons authorized
6141 by the provisions of this section, the interim superintendent
6142 appointed to the district shall, within forty-five (45) days after
6143 being appointed, present a detailed and structured corrective
6144 action plan to move the local school district out of district
6145 transformation status to the deputy superintendent. A copy of the
6146 interim superintendent's corrective action plan shall also be
6147 filed with the State Board of Education.

6148 **SECTION 62.** Section 37-17-17, Mississippi Code of 1972, is
6149 amended as follows:

6150 37-17-17. (1) There is created the Mississippi Achievement
6151 School District for the purpose of transforming persistently
6152 failing public schools and districts throughout the state into
6153 quality educational institutions. The Mississippi Achievement
6154 School District shall be a statewide school district, separate and
6155 distinct from all other school districts but not confined to any
6156 specified geographic boundaries, and may be comprised of any
6157 public schools or school districts in the state which, during two
6158 (2) consecutive school years, are designated an "F" school or



6159 district by the State Board of Education under the accountability
6160 rating system or which have been persistently failing and
6161 chronically underperforming.

6162 (2) The Mississippi Achievement School District shall be
6163 governed by the State Board of Education.

6164 (3) The State Board of Education shall obtain suitable
6165 office space to serve as the administrative office of the school
6166 district.

6167 (4) The State Board of Education shall select an individual
6168 to serve as superintendent of the Mississippi Achievement School
6169 District. The superintendent must be deemed by the board to be
6170 highly qualified with a demonstrable track record for producing
6171 results in a context relevant to that of Mississippi Achievement
6172 School District schools. The superintendent of the Mississippi
6173 Achievement School District shall exercise powers and duties that
6174 would afford significant autonomy but are bound by the governance
6175 of the State Board of Education.

6176 (5) (a) Each public school or district in the state which,
6177 during each of two (2) consecutive school years or during two (2)
6178 of three (3) consecutive school years, receives an "F" designation
6179 by the State Board of Education under the accountability rating
6180 system or has been persistently failing as defined by the State
6181 Board of Education may be absorbed into and become a part of the
6182 Mississippi Achievement School District. All eligible public
6183 schools and districts shall be prioritized by the Mississippi



6184 Achievement School District according to criteria set by the
6185 Mississippi Achievement School District and publicized prior to
6186 the annual release of accountability rating data. The Mississippi
6187 Achievement School District shall takeover only the number of
6188 schools and districts for which it has the capacity to serve. The
6189 transfer of the school's/district's governance from the local
6190 school district to the Mississippi Achievement School District
6191 shall take effect upon the approval of the State Board of
6192 Education unless, in the sole determination of the Mississippi
6193 Achievement School District, the transition may be more smoothly
6194 accomplished through a gradual transfer of control. If the
6195 Mississippi Achievement School District elects not to assume
6196 complete control of a school or district immediately after that
6197 school receives an "F" designation during each of two (2)
6198 consecutive school years or during two (2) of the three (3)
6199 consecutive school years, the State Board of Education shall
6200 prescribe the process and timetable by which the school or
6201 district shall be absorbed; however, in no event may the transfer
6202 of the school or district to the Mississippi Achievement School
6203 District be completed later than the beginning of the school year
6204 next succeeding the year during which the school or district
6205 receives the "F" designation. School districts that are eligible
6206 to be absorbed by the Achievement School District, but are not
6207 absorbed due to the capacity of the Achievement School District,
6208 shall develop and implement a district improvement plan with



6209 prescriptive guidance and support from the Mississippi Department
6210 of Education, with the goal of helping the district improve
6211 student achievement. Failure of the school board, superintendent
6212 and school district staff to implement the plan with fidelity and
6213 participate in the activities provided as support by the
6214 department shall result in the school district retaining its
6215 eligibility for the Mississippi Achievement School District.

6216 (b) The State Board of Education shall adopt rules and
6217 regulations governing the operation of the Mississippi Achievement
6218 School District.

6219 (c) Designations assigned to schools or districts under
6220 the accountability rating system by the State Board of Education
6221 before the 2015-2016 school year may not be considered in
6222 determining whether a particular school or district is subject to
6223 being absorbed by the Mississippi Achievement School District.
6224 During the 2017-2018 school year, any school or district receiving
6225 an "F" designation after also being designated an "F" school or
6226 district in the 2015-2016 and 2016-2017 school years may be
6227 absorbed immediately by the Mississippi Achievement School
6228 District, upon approval of the State Board of Education.

6229 (d) The school district from which an "F" school or
6230 district is being absorbed must cooperate fully with the
6231 Mississippi Achievement School District and the State Board of
6232 Education in order to provide as smooth a transition as possible
6233 in the school's/district's governance and operations for the



6234 students enrolled in the school or district. Upon completion of
6235 the transfer of a school or district to the Mississippi
6236 Achievement School District, the school or district shall be
6237 governed by the rules, regulations, policies and procedures
6238 established by the State Board of Education specifically for the
6239 Mississippi Achievement School District, and the school or
6240 district shall no longer be under the purview of the school board
6241 of the local school district. In the event of the transfer of
6242 governance and operations of a school district, the State Board of
6243 Education shall abolish the district as prescribed in Section
6244 37-17-13.

6245 (e) Upon the transfer of the school or school district
6246 to the Mississippi Achievement School District, the individual
6247 appointed by the State Board of Education to serve as
6248 superintendent for the Mississippi Achievement School District
6249 shall be responsible for the administration, management and
6250 operation of the school or school district, including the
6251 following activities: (i) approving or denying all financial
6252 obligations of the school or school district; (ii) approving or
6253 denying the employment, termination, nonrenewal and reassignment
6254 of all licensed and nonlicensed personnel; (iii) approving or
6255 denying contractual agreements and purchase orders; (iv)
6256 approving or denying all claim dockets and the issuance of checks;
6257 (v) supervising the day-to-day activities of the school or school
6258 district's staff in a manner which in the determination of the



6259 Mississippi Achievement School District will best suit the needs
6260 of the school or school district; (vi) approving or denying all
6261 athletic, band and other extracurricular activities and any
6262 matters related to those activities; (vii) honoring any reasonable
6263 financial commitment of the district being absorbed; and (viii)
6264 reporting periodically to the State Board of Education on the
6265 progress or lack of progress being made in the school or school
6266 district to improve the school or school district's impairments.

6267 (f) Upon attaining and maintaining a school or district
6268 accountability rating of "C" or better under the State Department
6269 of Education's accountability rating system for five (5)
6270 consecutive years, the State Board of Education may decide to
6271 revert the absorbed school or district back to local governance,
6272 provided the school or school(s) in question are not conversion
6273 charter schools. "Local governance" may include a traditional
6274 school board model of governance or other new form of governance
6275 such as mayoral control, or other type of governance. The State
6276 Board of Education shall determine the best form of local
6277 governance and school board composition after soliciting the input
6278 of local citizens and shall outline a process for establishing the
6279 type of governance selected. The manner and timeline for
6280 reverting a school or district back to local control shall be at
6281 the discretion of the State School Board, but in no case shall it
6282 exceed five (5) years.



6283 (6) The Superintendent of the Mississippi Achievement School
6284 District shall hire those persons to be employed as principals,
6285 teachers and noninstructional personnel in schools or districts
6286 absorbed into the Mississippi Achievement School District. Only
6287 highly qualified individuals having a demonstrable record of
6288 success may be selected by the superintendent for such positions
6289 in the Mississippi Achievement School District. The
6290 superintendent may choose to continue the employment of any person
6291 employed in an "F" rated school when the school or district is
6292 absorbed into the Mississippi Achievement School District;
6293 alternatively, the superintendent may elect not to offer continued
6294 employment to a person formerly employed at a school or district
6295 that is absorbed into the Mississippi Achievement School District.
6296 Any persons employed by the Mississippi Achievement School
6297 District shall not be subject to Sections 37-9-101 through
6298 37-9-113.

6299 (7) (a) The Mississippi Achievement School District may use
6300 a school building and all facilities and property that is a part
6301 of a school and recognized as part of the facilities or assets of
6302 the school before it is absorbed into the Mississippi Achievement
6303 School District. In addition, the Mississippi Achievement School
6304 District shall have access to those additional facilities that
6305 typically were available to that school or district, its students,
6306 faculty and staff before its absorption by the Mississippi
6307 Achievement School District. Use of facilities by a school or



6308 district in the Mississippi Achievement School District must be
6309 unrestricted and free of charge. However, the Mississippi
6310 Achievement School District shall be responsible for providing
6311 routine maintenance and repairs necessary to maintain the
6312 facilities in as good a condition as when the right of use was
6313 acquired by the Mississippi Achievement School District. The
6314 Mississippi Achievement School District shall be responsible for
6315 paying all utilities at the facilities used for the absorbed
6316 school. Any fixtures, improvements and tangible assets added to a
6317 school building or facility by the Mississippi Achievement School
6318 District must remain at the school or district building or
6319 facility if the school or district is returned to local
6320 governance.

6321 (b) The State Board of Education shall include in the
6322 rules and regulations adopted pursuant to subsection (5) of this
6323 section specific provisions addressing the rights and
6324 responsibilities of the Mississippi Achievement School District
6325 relating to the real and personal property of a school or district
6326 that is absorbed into the Mississippi Achievement School District.

6327 (8) (a) The Mississippi Achievement School District shall
6328 certify annually to the State Board of Education in which a
6329 Mississippi Achievement School District school or district is
6330 located the number of students residing in the school district
6331 which are enrolled in that school or district.



6332 (b) Whenever an increase in funding is requested by the
6333 school board for the support of schools within a particular school
6334 district absorbed into the Mississippi Achievement School
6335 District, the State Board of Education and the superintendent for
6336 the Mississippi Achievement School District shall hold a public
6337 meeting in the local municipality having jurisdiction of the
6338 absorbed school district to allow input of local residents on the
6339 matter, and subsequent to the conclusion of such meeting, the
6340 board of the Mississippi Achievement School District shall submit
6341 its request for ad valorem increase in dollars to the local
6342 governing authority having jurisdiction over the absorbed school
6343 district for approval of the request for increase in ad valorem
6344 tax effort. In a district in which a school or schools but not
6345 the entire district is absorbed into the Mississippi Achievement
6346 School District, the local school district shall pay directly to
6347 the Mississippi Achievement School District an amount for each
6348 student enrolled in that school equal to the ad valorem tax
6349 receipts and in-lieu payments received per pupil for the support
6350 of the local school district in which the student resides. The
6351 pro rata ad valorem receipts and in-lieu receipts to be
6352 transferred to the Mississippi Achievement School District shall
6353 include all levies for the support of the local school district
6354 under Sections 37-57-1 (local contribution to * * * Investing in
6355 the Needs of Students to Prioritize, Impact and Reform Education
6356 (INSPIRE)) and 37-57-105 (school district operational levy) and



6357 may not include any taxes levied for the retirement of the local
6358 school district's bonded indebtedness or short-term notes or any
6359 taxes levied for the support of vocational-technical education
6360 programs, unless the school or schools absorbed include a high
6361 school at which vocational-technical education programs are
6362 offered. In no event may the payment exceed the pro rata amount
6363 of the local ad valorem payment to * * * INSPIRE under Section
6364 37-57-1 for the school district in which the student resides.
6365 Payments made under this section by a school district to the
6366 Mississippi Achievement School District must be made before the
6367 expiration of three (3) business days after the funds are
6368 distributed to the local school district by the tax collector.

6369 (c) If an entire school district is absorbed into the
6370 Mississippi Achievement School District, the tax collector shall
6371 pay the amounts as described in paragraph (b) of this subsection,
6372 with the exception that all funds should transfer, including taxes
6373 levied for the retirement of the local school district's bonded
6374 indebtedness or short-term notes and any taxes levied for the
6375 support of vocational-technical education programs. The
6376 Mississippi Achievement School District shall pay funds raised to
6377 retire the district's debts to the appropriate creditors on behalf
6378 of the former district.

6379 (9) (a) The State Department of Education shall make
6380 payments to the Mississippi Achievement School District for each
6381 student in average daily membership at a Mississippi Achievement



6382 School District school equal to the state share of the * * *
6383 INSPIRE payments for each student in average daily * * *
6384 membership at the local school district or former local school
6385 district in which that school is located. In calculating the
6386 local contribution for purposes of determining the state share of
6387 the * * * funding formula payments, the department shall deduct
6388 the pro rata local contribution of the school district or former
6389 school district in which the student resides * * *.

6390 (b) Payments made pursuant to this subsection by the
6391 State Department of Education must be made at the same time and in
6392 the same manner as * * * INSPIRE payments are made to all other
6393 school districts under Sections 37-151-101 and 37-151-103.
6394 Amounts payable to the Mississippi Achievement School District
6395 must be determined by the State Department of Education in the
6396 same manner that such amounts are calculated for all other school
6397 districts under the * * * funding formula.

6398 (10) The Mississippi Achievement School District shall be
6399 considered a local educational agency for the same purposes and to
6400 the same extent that all other school districts in the state are
6401 deemed local educational agencies under applicable federal laws.

6402 (11) The Mississippi Achievement School District may receive
6403 donations or grants from any public or private source, including
6404 any federal funding that may be available to the school district
6405 or individual schools within the Mississippi Achievement School
6406 District.



6407 (12) The Legislature may appropriate sufficient funding to
6408 the State Department of Education for the 2017 fiscal year for the
6409 specific purpose of funding the start-up, operational and any
6410 other required costs of the Mississippi Achievement School
6411 District during the 2017-2018 school year.

6412 **SECTION 63.** Section 37-19-7, Mississippi Code of 1972, is
6413 amended as follows:

6414 37-19-7. (1) * * * Teachers' salaries in each public school
6415 district shall be determined and paid in accordance with the scale
6416 for teachers' salaries as provided in this subsection. For
6417 teachers holding the following types of licenses or the equivalent
6418 as determined by the State Board of Education, and the following
6419 number of years of teaching experience, the scale shall be as
6420 follows:

6421 **2022-2023 AND SUBSEQUENT SCHOOL YEARS MINIMUM SALARY SCHEDULE**

6422	Exp.	AAAA	AAA	AA	A
6423	0	45,500.00	44,000.00	43,000.00	41,500.00
6424	1	46,100.00	44,550.00	43,525.00	41,900.00
6425	2	46,700.00	45,100.00	44,050.00	42,300.00
6426	3	47,300.00	45,650.00	44,575.00	42,700.00
6427	4	47,900.00	46,200.00	45,100.00	43,100.00
6428	5	49,250.00	47,500.00	46,350.00	44,300.00
6429	6	49,850.00	48,050.00	46,875.00	44,700.00
6430	7	50,450.00	48,600.00	47,400.00	45,100.00
6431	8	51,050.00	49,150.00	47,925.00	45,500.00



6432	9	51,650.00	49,700.00	48,450.00	45,900.00
6433	10	53,000.00	51,000.00	49,700.00	47,100.00
6434	11	53,600.00	51,550.00	50,225.00	47,500.00
6435	12	54,200.00	52,100.00	50,750.00	47,900.00
6436	13	54,800.00	52,650.00	51,275.00	48,300.00
6437	14	55,400.00	53,200.00	51,800.00	48,700.00
6438	15	56,750.00	54,500.00	53,050.00	49,900.00
6439	16	57,350.00	55,050.00	53,575.00	50,300.00
6440	17	57,950.00	55,600.00	54,100.00	50,700.00
6441	18	58,550.00	56,150.00	54,625.00	51,100.00
6442	19	59,150.00	56,700.00	55,150.00	51,500.00
6443	20	60,500.00	58,000.00	56,400.00	52,700.00
6444	21	61,100.00	58,550.00	56,925.00	53,100.00
6445	22	61,700.00	59,100.00	57,450.00	53,500.00
6446	23	62,300.00	59,650.00	57,975.00	53,900.00
6447	24	62,900.00	60,200.00	58,500.00	54,300.00
6448	25	65,400.00	62,700.00	61,000.00	56,800.00
6449	26	66,000.00	63,250.00	61,525.00	57,200.00
6450	27	66,600.00	63,800.00	62,050.00	57,600.00
6451	28	67,200.00	64,350.00	62,575.00	58,000.00
6452	29	67,800.00	64,900.00	63,100.00	58,400.00
6453	30	68,400.00	65,450.00	63,625.00	58,800.00
6454	31	69,000.00	66,000.00	64,150.00	59,200.00
6455	32	69,600.00	66,550.00	64,675.00	59,600.00
6456	33	70,200.00	67,100.00	65,200.00	60,000.00



6457 34 70,800.00 67,650.00 65,725.00 60,400.00

6458 35

6459 & above 71,400.00 68,200.00 66,250.00 60,800.00

6460 It is the intent of the Legislature that any state funds made
6461 available for salaries of licensed personnel in excess of the
6462 funds paid for such salaries for the 1986-1987 school year shall
6463 be paid to licensed personnel pursuant to a personnel appraisal
6464 and compensation system implemented by the State Board of
6465 Education. The State Board of Education shall have the authority
6466 to adopt and amend rules and regulations as are necessary to
6467 establish, administer and maintain the system.

6468 All teachers employed on a full-time basis shall be paid a
6469 minimum salary in accordance with the above scale. However, no
6470 school district shall receive any funds under this section for any
6471 school year during which the local supplement paid to any
6472 individual teacher shall have been reduced to a sum less than that
6473 paid to that individual teacher for performing the same duties
6474 from local supplement during the immediately preceding school
6475 year. The amount actually spent for the purposes of group health
6476 and/or life insurance shall be considered as a part of the
6477 aggregate amount of local supplement but shall not be considered a
6478 part of the amount of individual local supplement.

6479 The level of professional training of each teacher to be used
6480 in establishing the salary * * * for the * * * teacher for each
6481 year shall be determined by the type of valid teacher's license



6482 issued to * * * that teacher on or before October 1 of the current
6483 school year. However, school districts are authorized, in their
6484 discretion, to negotiate the salary levels applicable to licensed
6485 employees who are receiving retirement benefits from the
6486 retirement system of another state * * *.

6487 (2) (a) The following employees shall receive an annual
6488 salary supplement in the amount of Six Thousand Dollars
6489 (\$6,000.00), plus fringe benefits, in addition to any other
6490 compensation to which the employee may be entitled:

6491 (i) Any licensed teacher who has met the
6492 requirements and acquired a Master Teacher certificate from the
6493 National Board for Professional Teaching Standards and who is
6494 employed by a local school board or the State Board of Education
6495 as a teacher and not as an administrator. Such teacher shall
6496 submit documentation to the State Department of Education that the
6497 certificate was received prior to October 15 in order to be
6498 eligible for the full salary supplement in the current school
6499 year, or the teacher shall submit such documentation to the State
6500 Department of Education prior to February 15 in order to be
6501 eligible for a prorated salary supplement beginning with the
6502 second term of the school year.

6503 (ii) A licensed nurse who has met the requirements
6504 and acquired a certificate from the National Board for
6505 Certification of School Nurses, Inc., and who is employed by a
6506 local school board or the State Board of Education as a school



6507 nurse and not as an administrator. The licensed school nurse
6508 shall submit documentation to the State Department of Education
6509 that the certificate was received before October 15 in order to be
6510 eligible for the full salary supplement in the current school
6511 year, or the licensed school nurse shall submit the documentation
6512 to the State Department of Education before February 15 in order
6513 to be eligible for a prorated salary supplement beginning with the
6514 second term of the school year.

6515 (iii) Any licensed school counselor who has met
6516 the requirements and acquired a National Certified School
6517 Counselor (NCSC) endorsement from the National Board of Certified
6518 Counselors and who is employed by a local school board or the
6519 State Board of Education as a counselor and not as an
6520 administrator. Such licensed school counselor shall submit
6521 documentation to the State Department of Education that the
6522 endorsement was received prior to October 15 in order to be
6523 eligible for the full salary supplement in the current school
6524 year, or the licensed school counselor shall submit such
6525 documentation to the State Department of Education prior to
6526 February 15 in order to be eligible for a prorated salary
6527 supplement beginning with the second term of the school year.
6528 However, any school counselor who started the National Board for
6529 Professional Teaching Standards process for school counselors
6530 between June 1, 2003, and June 30, 2004, and completes the
6531 requirements and acquires the Master Teacher certificate shall be



6532 entitled to the master teacher supplement, and those counselors
6533 who complete the process shall be entitled to a one-time
6534 reimbursement for the actual cost of the process as outlined in
6535 paragraph (b) of this subsection.

6536 (iv) Any licensed speech-language pathologist and
6537 audiologist who has met the requirements and acquired a
6538 Certificate of Clinical Competence from the American
6539 Speech-Language-Hearing Association and any certified academic
6540 language therapist (CALT) who has met the certification
6541 requirements of the Academic Language Therapy Association and who
6542 is employed by a local school board. The licensed speech-language
6543 pathologist and audiologist and certified academic language
6544 therapist shall submit documentation to the State Department of
6545 Education that the certificate or endorsement was received before
6546 October 15 in order to be eligible for the full salary supplement
6547 in the current school year, or the licensed speech-language
6548 pathologist and audiologist and certified academic language
6549 therapist shall submit the documentation to the State Department
6550 of Education before February 15 in order to be eligible for a
6551 prorated salary supplement beginning with the second term of the
6552 school year.

6553 (v) Any licensed athletic trainer who has met the
6554 requirements and acquired Board Certification for the Athletic
6555 Trainer from the Board of Certification, Inc., and who is employed
6556 by a local school board or the State Board of Education as an



6557 athletic trainer and not as an administrator. The licensed
6558 athletic trainer shall submit documentation to the State
6559 Department of Education that the certificate was received before
6560 October 15 in order to be eligible for the full salary supplement
6561 in the current school year, or the licensed athletic trainer shall
6562 submit the documentation to the State Department of Education
6563 before February 15 in order to be eligible for a prorated salary
6564 supplement beginning with the second term of the school year.

6565 (b) An employee shall be reimbursed for the actual cost
6566 of completing each component of acquiring the certificate or
6567 endorsement, excluding any costs incurred for postgraduate
6568 courses, not to exceed Five Hundred Dollars (\$500.00) for each
6569 component, not to exceed four (4) components, for a teacher,
6570 school counselor or speech-language pathologist and audiologist,
6571 regardless of whether or not the process resulted in the award of
6572 the certificate or endorsement. A local school district or any
6573 private individual or entity may pay the cost of completing the
6574 process of acquiring the certificate or endorsement for any
6575 employee of the school district described under paragraph (a), and
6576 the State Department of Education shall reimburse the school
6577 district for such cost, regardless of whether or not the process
6578 resulted in the award of the certificate or endorsement. If a
6579 private individual or entity has paid the cost of completing the
6580 process of acquiring the certificate or endorsement for an
6581 employee, the local school district may agree to directly



6582 reimburse the individual or entity for such cost on behalf of the
6583 employee.

6584 (c) All salary supplements, fringe benefits and process
6585 reimbursement authorized under this subsection shall be paid
6586 directly by the State Department of Education to the local school
6587 district and shall be in addition to its * * * Investing in the
6588 Needs of Students to Prioritize, Impact and Reform Education
6589 (INSPIRE) allotments and not a part thereof in accordance with
6590 regulations promulgated by the State Board of Education. Local
6591 school districts shall not reduce the local supplement paid to any
6592 employee receiving such salary supplement, and the employee shall
6593 receive any local supplement to which employees with similar
6594 training and experience otherwise are entitled. However, an
6595 educational employee shall receive the salary supplement in the
6596 amount of Six Thousand Dollars (\$6,000.00) for only one (1) of the
6597 qualifying certifications authorized under paragraph (a) of this
6598 subsection. No school district shall provide more than one (1)
6599 annual salary supplement under the provisions of this subsection
6600 to any one (1) individual employee holding multiple qualifying
6601 national certifications.

6602 (d) If an employee for whom such cost has been paid, in
6603 full or in part, by a local school district or private individual
6604 or entity fails to complete the certification or endorsement
6605 process, the employee shall be liable to the school district or
6606 individual or entity for all amounts paid by the school district



6607 or individual or entity on behalf of that employee toward his or
6608 her certificate or endorsement.

6609 (3) The following employees shall receive an annual salary
6610 supplement in the amount of Four Thousand Dollars (\$4,000.00),
6611 plus fringe benefits, in addition to any other compensation to
6612 which the employee may be entitled:

6613 Effective July 1, 2016, if funds are available for that
6614 purpose, any licensed teacher who has met the requirements and
6615 acquired a Master Teacher Certificate from the National Board for
6616 Professional Teaching Standards and who is employed in a public
6617 school district located in one (1) of the following counties:
6618 Claiborne, Adams, Jefferson, Wilkinson, Amite, Bolivar, Coahoma,
6619 Leflore, Quitman, Sharkey, Issaquena, Sunflower, Washington,
6620 Holmes, Yazoo and Tallahatchie. The salary supplement awarded
6621 under the provisions of this subsection (3) shall be in addition
6622 to the salary supplement awarded under the provisions of
6623 subsection (2) of this section.

6624 Teachers who meet the qualifications for a salary supplement
6625 under this subsection (3) who are assigned for less than one (1)
6626 full year or less than full time for the school year shall receive
6627 the salary supplement in a prorated manner, with the portion of
6628 the teacher's assignment to the critical geographic area to be
6629 determined as of June 15th of the school year.

6630 (4) (a) This subsection shall be known and may be cited as
6631 the "Mississippi Performance-Based Pay (MPBP)" plan. In addition



6632 to the minimum base pay described in this section, only * * * if
6633 funds are available for that purpose, the State of Mississippi may
6634 provide monies from state funds to school districts for the
6635 purposes of rewarding licensed teachers, administrators and
6636 nonlicensed personnel at individual schools showing improvement in
6637 student test scores. The MPBP plan shall be developed by the
6638 State Department of Education based on the following criteria:

6639 (i) It is the express intent of this legislation
6640 that the MPBP plan shall utilize only existing standards of
6641 accreditation and assessment as established by the State Board of
6642 Education.

6643 (ii) To ensure that all of Mississippi's teachers,
6644 administrators and nonlicensed personnel at all schools have equal
6645 access to the monies set aside in this section, the MPBP program
6646 shall be designed to calculate each school's performance as
6647 determined by the school's increase in scores from the prior
6648 school year. The MPBP program shall be based on a standardized
6649 scores rating where all levels of schools can be judged in a
6650 statistically fair and reasonable way upon implementation. At the
6651 end of each year, after all student achievement scores have been
6652 standardized, the State Department of Education shall implement
6653 the MPBP plan.

6654 (iii) To ensure all teachers cooperate in the
6655 spirit of teamwork, individual schools shall submit a plan to the
6656 local school district to be approved before the beginning of each



6657 school year * * *. The plan shall include, but not be limited to,
6658 how all teachers, regardless of subject area, and administrators
6659 will be responsible for improving student achievement for their
6660 individual school.

6661 (b) The State Board of Education shall develop the
6662 processes and procedures for designating schools eligible to
6663 participate in the MPBP. State assessment results, growth in
6664 student achievement at individual schools and other measures
6665 deemed appropriate in designating successful student achievement
6666 shall be used in establishing MPBP criteria.

6667 (5) (a) If funds are available for that purpose, each
6668 school in Mississippi shall have mentor teachers, as defined by
6669 Sections 37-9-201 through 37-9-213, who shall receive additional
6670 base compensation provided for by the State Legislature in the
6671 amount of One Thousand Dollars (\$1,000.00) per each beginning
6672 teacher that is being mentored. The additional state compensation
6673 shall be limited to those mentor teachers that provide mentoring
6674 services to beginning teachers. For the purposes of such funding,
6675 a beginning teacher shall be defined as any teacher in any school
6676 in Mississippi that has less than one (1) year of classroom
6677 experience teaching in a public school. For the purposes of such
6678 funding, no full-time academic teacher shall mentor more than two
6679 (2) beginning teachers.



6680 (b) To be eligible for this state funding, the
6681 individual school must have a classroom management program
6682 approved by the local school board.

6683 (6) Effective with the 2014-2015 school year, the school
6684 districts participating in the Pilot Performance-Based
6685 Compensation System pursuant to Section 37-19-9 may award
6686 additional teacher and administrator pay based thereon.

6687 **SECTION 64.** Section 37-21-6, Mississippi Code of 1972, is
6688 amended as follows:

6689 37-21-6. The Mississippi Early Childhood Education Program
6690 shall be the kindergarten program implemented by local school
6691 districts * * *.

6692 **SECTION 65.** Section 37-21-7, Mississippi Code of 1972, is
6693 amended as follows:

6694 37-21-7. (1) This section shall be referred to as the
6695 "Mississippi Elementary Schools Assistant Teacher Program," the
6696 purpose of which shall be to provide an early childhood education
6697 program that assists in the instruction of basic skills. The
6698 State Board of Education is authorized, empowered and directed to
6699 implement a statewide system of assistant teachers in kindergarten
6700 classes and in the first, second and third grades. The assistant
6701 teacher shall assist pupils in actual instruction under the strict
6702 supervision of a licensed teacher.

6703 (2) (a) Except as otherwise authorized under subsection
6704 (7), each school district shall employ the total number of



6705 assistant teachers funded under subsection (6) of this section.
6706 The superintendent of each district shall assign the assistant
6707 teachers to the kindergarten, first-, second- and third-grade
6708 classes in the district in a manner that will promote the maximum
6709 efficiency, as determined by the superintendent, in the
6710 instruction of skills such as verbal and linguistic skills,
6711 logical and mathematical skills, and social skills.

6712 (b) If a licensed teacher to whom an assistant teacher
6713 has been assigned is required to be absent from the classroom, the
6714 assistant teacher may assume responsibility for the classroom in
6715 lieu of a substitute teacher. However, no assistant teacher shall
6716 assume sole responsibility of the classroom for more than three
6717 (3) consecutive school days. Further, in no event shall any
6718 assistant teacher be assigned to serve as a substitute teacher for
6719 any teacher other than the licensed teacher to whom that assistant
6720 teacher has been assigned.

6721 (3) Assistant teachers shall have, at a minimum, a high
6722 school diploma or a High School Equivalency Diploma equivalent,
6723 and shall show demonstratable proficiency in reading and writing
6724 skills. The State Department of Education shall develop a testing
6725 procedure for assistant teacher applicants to be used in all
6726 school districts in the state.

6727 (4) (a) In order to receive funding, each school district
6728 shall:



6729 (i) Submit a plan on the implementation of a
6730 reading improvement program to the State Department of Education;
6731 and

6732 (ii) Develop a plan of educational accountability
6733 and assessment of performance, including pretests and posttests,
6734 for reading in Grades 1 through 6.

6735 (b) Additionally, each school district shall:

6736 (i) Provide annually a mandatory preservice
6737 orientation session, using an existing in-school service day, for
6738 administrators and teachers on the effective use of assistant
6739 teachers as part of a team in the classroom setting and on the
6740 role of assistant teachers, with emphasis on program goals;

6741 (ii) Hold periodic workshops for administrators
6742 and teachers on the effective use and supervision of assistant
6743 teachers;

6744 (iii) Provide training annually on specific
6745 instructional skills for assistant teachers;

6746 (iv) Annually evaluate their program in accordance
6747 with their educational accountability and assessment of
6748 performance plan; and

6749 (v) Designate the necessary personnel to supervise
6750 and report on their program.

6751 (5) The State Department of Education shall:

6752 (a) Develop and assist in the implementation of a
6753 statewide uniform training module, subject to the availability of



6754 funds specifically appropriated therefor by the Legislature, which
6755 shall be used in all school districts for training administrators,
6756 teachers and assistant teachers. The module shall provide for the
6757 consolidated training of each assistant teacher and teacher to
6758 whom the assistant teacher is assigned, working together as a
6759 team, and shall require further periodic training for
6760 administrators, teachers and assistant teachers regarding the role
6761 of assistant teachers;

6762 (b) Annually evaluate the program on the district and
6763 state level. Subject to the availability of funds specifically
6764 appropriated therefor by the Legislature, the department shall
6765 develop: (i) uniform evaluation reports, to be performed by the
6766 principal or assistant principal, to collect data for the annual
6767 overall program evaluation conducted by the department; or (ii) a
6768 program evaluation model that, at a minimum, addresses process
6769 evaluation; and

6770 (c) Promulgate rules, regulations and such other
6771 standards deemed necessary to effectuate the purposes of this
6772 section. Noncompliance with the provisions of this section and
6773 any rules, regulations or standards adopted by the department may
6774 result in a violation of compulsory accreditation standards as
6775 established by the State Board of Education and the Commission on
6776 School Accreditation.

6777 (6) * * * Each school district shall be allotted sufficient
6778 funding under Investing in the Needs of Students to Prioritize,



6779 Impact and Reform Education (INSPIRE) for the purpose of employing
6780 assistant teachers. No assistant teacher shall be paid less than
6781 the amount he or she received in the prior school year. No school
6782 district shall receive any funds under this section for any school
6783 year during which the aggregate amount of the local contribution
6784 to the salaries of assistant teachers by the district shall have
6785 been reduced below such amount for the previous year.

6786 For assistant teachers, the minimum annual salary shall be as
6787 follows:

6788 2022-2023 and Subsequent Years Minimum Salary.....\$17,000.00

6789 In addition, for each one percent (1%) that the Sine Die
6790 General Fund Revenue Estimate Growth exceeds five percent (5%) in
6791 fiscal year 2006, as certified by the Legislative Budget Office to
6792 the State Board of Education and subject to the specific
6793 appropriation therefor by the Legislature, the State Board of
6794 Education shall revise the salary scale in the appropriate year to
6795 provide an additional one percent (1%) across-the-board increase
6796 in the base salaries for assistant teachers. The State Board of
6797 Education shall revise the salaries prescribed above for assistant
6798 teachers to conform to any adjustments made in prior fiscal years
6799 due to revenue growth over and above five percent (5%). The
6800 assistant teachers shall not be restricted to working only in the
6801 grades for which the funds were allotted, but may be assigned to
6802 other classes as provided in subsection (2)(a) of this section.



6803 (7) (a) As an alternative to employing assistant teachers,
6804 any school district may use the * * * funding provided under
6805 subsection (6) of this section for the purpose of employing
6806 licensed teachers for kindergarten, first-, second- and
6807 third-grade classes; however, no school district shall be
6808 authorized to use the * * * funding for assistant teachers for the
6809 purpose of employing licensed teachers unless the district has
6810 established that the employment of licensed teachers using such
6811 funds will reduce the teacher:student ratio in the kindergarten,
6812 first-, second- and third-grade classes. All state funds for
6813 assistant teachers shall be applied to reducing teacher:student
6814 ratio in Grades K-3.

6815 It is the intent of the Legislature that no school district
6816 shall dismiss any assistant teacher for the purpose of using the
6817 assistant teacher * * * funding to employ licensed teachers.
6818 School districts may rely only upon normal attrition to reduce the
6819 number of assistant teachers employed in that district.

6820 (b) Districts meeting the highest levels of
6821 accreditation standards, as defined by the State Board of
6822 Education, shall be exempted from the provisions of subsection (4)
6823 of this section.

6824 **SECTION 66.** Section 37-22-5, Mississippi Code of 1972, is
6825 amended as follows:

6826 37-22-5. There is * * * created an Emergency Fund Loss
6827 Assistance Program to provide temporary grants to eligible school



6828 districts. The purpose of the program shall be to provide relief
6829 to school districts suffering losses of financial assistance under
6830 federal programs, such as the IMPACT Program, designed to serve
6831 the educational needs of children of government employees and
6832 Choctaw Indian children. Any school district which has sustained
6833 losses in direct payments from the federal government for the
6834 purpose of educating the children of federal government employees
6835 and Choctaw Indian children living on United States government
6836 owned reservation land shall be entitled to an Emergency Fund Loss
6837 Assistance Grant, in the amount of the reduction of the grant
6838 funds received from the federal government from prior years. This
6839 grant shall be limited to losses resulting from reductions in the
6840 level of federal funding allocated to school districts from prior
6841 years and not from reductions resulting from a loss of students
6842 served by the school districts. Losses incurred prior to July 1,
6843 1987, shall not be considered for purposes of determining the
6844 amount of the grant. There is hereby established an Emergency
6845 Fund Loss Assistance Fund in the State Treasury which shall be
6846 used to distribute the emergency grants to school districts.
6847 Expenditures from this fund shall not exceed One Million Dollars
6848 (\$1,000,000.00) in any fiscal year. If the total of all grant
6849 entitlements from local school districts exceeds such sum, then
6850 the grants to the school districts shall be prorated accordingly.
6851 * * *



6852 **SECTION 67.** Section 37-23-1, Mississippi Code of 1972, is
6853 amended as follows:

6854 37-23-1. The purpose of Sections 37-23-1 through 37-23-159
6855 is to mandate free appropriate public educational services and
6856 equipment for exceptional children in the age range three (3)
6857 through twenty (20) for whom the regular school programs are not
6858 adequate and to provide, on a permissive basis, a free appropriate
6859 public education, as a part of the state's early intervention
6860 system in accordance with regulations developed in collaboration
6861 with the agency designated as "lead agency" under Part C of the
6862 Individuals with Disabilities Education Act. The portion of the
6863 regulations developed in collaboration with the lead agency which
6864 are necessary to implement the programs under the authority of the
6865 State Board of Education shall be presented to the State Board of
6866 Education for adoption. This specifically includes, but shall not
6867 be limited to, provision for day schools for the deaf and blind of
6868 an age under six (6) years, where early training is in accordance
6869 with the most advanced and best approved scientific methods of
6870 instruction, always taking into consideration the best interests
6871 of the child and his improvement at a time during which he is most
6872 susceptible of improvement. Educational programs to exceptional
6873 children under the age of three (3) years shall be eligible
6874 for * * * Investing in the Needs of Students to Prioritize, Impact
6875 and Reform Education (INSPIRE) funds.



6876 All references in the laws of this state to the "Individuals
6877 with Disabilities Education Act" or to the "IDEA" shall be
6878 construed to include any subsequent amendments to that act.

6879 The educational programs and services provided for
6880 exceptional children in Sections 37-23-1 through 37-23-15,
6881 37-23-31 through 37-23-35, 37-23-61 through 37-23-75 and 37-23-77
6882 shall be designed to provide individualized appropriate special
6883 education and related services that enable a child to reach his or
6884 her appropriate and uniquely designed goals for success. The
6885 State Board of Education shall establish an accountability system
6886 for special education programs and students with disabilities.
6887 The system shall establish accountability standards for services
6888 provided to improve the educational skills designed to prepare
6889 children for life after their years in school. These standards
6890 shall be a part of the accreditation system and shall be
6891 implemented before July 1, 1996.

6892 The State Department of Education shall establish goals for
6893 the performance of children with disabilities that will promote
6894 the purpose of IDEA and are consistent, to the maximum extent
6895 appropriate, with other goals and standards for children
6896 established by the State Department of Education. Performance
6897 indicators used to assess progress toward achieving those goals
6898 that, at a minimum, address the performance of children with
6899 disabilities on assessments, drop-out rates, and graduation rates
6900 shall be developed. Every two (2) years, the progress toward



meeting the established performance goals shall be reported to the public.

SECTION 68. Section 37-23-15, Mississippi Code of 1972, is amended as follows:

37-23-15. (1) The State Department of Education, in accordance with Sections 37-23-1 through 37-23-75, and any additional authority granted in this chapter, shall:

(a) Adopt pilot programs under which certain students enrolled or enrolling in public schools in this state shall be tested for dyslexia and related disorders as may be necessary. The pilot programs shall provide that upon the request of a parent, student, school nurse, classroom teacher or other school personnel who has reason to believe that a student has a need to be tested for dyslexia, such student shall be reviewed for appropriate services. However, a student shall not be tested for dyslexia whose parent or guardian objects thereto on grounds that such testing conflicts with his conscientiously held religious beliefs.

(b) In accordance with the pilot programs adopted by the State Department of Education, such school boards shall provide remediation in an appropriate multi-sensory, systematic language-based regular education program or programs, as determined by the school district, such as the Texas Scottish Rite Hospital Dyslexia Training Program, pertinent to the child's physical and educational disorders or the sensory area in need of



6926 remediation for those students who do not qualify for special
6927 education services.

6928 (c) The State Department of Education, by not later
6929 than January 1, 1997, shall make recommendations to the school
6930 boards designated for the pilot programs for the delivery of
6931 services to students who are identified as dyslexic.

6932 (d) For the purposes of this section:

6933 (i) "Dyslexia" means a language processing
6934 disorder which may be manifested by difficulty processing
6935 expressive or receptive, oral or written language despite adequate
6936 intelligence, educational exposure and cultural opportunity.
6937 Specific manifestations may occur in one or more areas, including
6938 difficulty with the alphabet, reading comprehension, writing and
6939 spelling.

6940 (ii) "Related disorders" shall include disorders
6941 similar to or related to dyslexia such as developmental auditory
6942 imperception, dysphasia, specific developmental dyslexia,
6943 dyspraxia, developmental dysgraphia and developmental spelling
6944 disability.

6945 (e) Local school districts designated for the pilot
6946 programs may utilize any source of funds other than * * *
6947 Investing in the Needs of Students to Prioritize, Impact and
6948 Reform Education (INSPIRE) funds to provide any services under
6949 this section.



6950 (f) Nothing in this section shall be construed to
6951 require any school district to implement this section unless the
6952 local school board, by resolution spread on its minutes,
6953 voluntarily agrees to comply with this section and any regulations
6954 promulgated under this section. Any local school board may
6955 withdraw from participation in the program authorized under this
6956 section by providing written notice of its determination to
6957 withdraw to the State Department of Education no later than June 1
6958 of the preceding fiscal year.

6959 (2) State funding for the pilot programs for testing
6960 students for dyslexia shall be subject to the availability of
6961 funds specifically appropriated therefor by the Legislature.

6962 * * *

6963 **SECTION 69.** Section 37-23-69, Mississippi Code of 1972, is
6964 amended as follows:

6965 37-23-69. The State Department of Education may determine
6966 and pay the amount of the financial assistance to be made
6967 available to each applicant, and see that all applicants and the
6968 programs for them meet the requirements of the program for
6969 exceptional children. No financial assistance shall exceed the
6970 obligation actually incurred by the applicant for educational
6971 costs, which shall include special education and related services
6972 as defined by the Mississippi Department of Education Policies and
6973 Procedures Regarding Children with Disabilities under the federal
6974 Individuals with Disabilities Education Act (IDEA). Within the



6975 amount of available state funds * * * for that purpose, each such
6976 applicant may receive assistance according to the following
6977 allowances:

6978 (a) If the applicant chooses to attend a private
6979 school, a parochial school or a speech, hearing and/or language
6980 clinic having an appropriate program for the applicant, and if the
6981 school or clinic meets federal and state regulations, then the
6982 educational costs reimbursement will be one hundred percent (100%)
6983 of the first Six Hundred Dollars (\$600.00) in educational costs
6984 charged by the school or clinic; or, if the applicant is under six
6985 (6) years of age, and no program appropriate for the child exists
6986 in the public schools of his domicile, then the reimbursement
6987 shall be one hundred percent (100%) of the first Six Hundred
6988 Dollars (\$600.00) in educational costs charged by the school or
6989 clinic, and fifty percent (50%) of the next Eight Hundred Dollars
6990 (\$800.00) in educational costs charged by the school or clinic;

6991 (b) A public school district shall be reimbursed for
6992 the educational costs of an applicant up to an annual maximum
6993 based on a * * * cost factor * * * determined by the State Board
6994 of Education if the following conditions are met: (i) an
6995 applicant in the age range six (6) through twenty (20) requests
6996 the public school district where he resides to provide an
6997 education for him and the nature of the applicant's educational
6998 problem is such that, according to best educational practices, it
6999 cannot be met in the public school district where the child



7000 resides; (ii) the public school district decides to provide the
7001 applicant a free appropriate education by placing him in a private
7002 school, a parochial school or a speech, hearing and/or language
7003 clinic having an appropriate program for the applicant; (iii) the
7004 program meets federal and state regulations; and (iv) the
7005 applicant is approved for financial assistance by a State Level
7006 Review Board established by the State Board of Education. The
7007 Review Board will act on financial assistance requests within five
7008 (5) working days of receipt. Nothing in this paragraph shall
7009 prevent two (2) or more public school districts from forming a
7010 cooperative to meet the needs of low incidence exceptional
7011 children, nor shall the public school be relieved of its
7012 responsibility to provide an education for all children. If state
7013 monies are not sufficient to fund all applicants, there will be a
7014 ratable reduction for all recipients receiving state funds under
7015 this section. School districts may pay additional educational
7016 costs from available federal, state and local funds.

7017 If an exceptional child, as defined in Section 37-23-3, is
7018 placed in a therapeutic or other group home licensed or approved
7019 by the state that has no educational program associated with it,
7020 the local school district in which the home is located shall offer
7021 an appropriate educational program to that child.

7022 At any time that the Individualized Education Program (IEP)
7023 Committee in the district where the home is located determines
7024 that an exceptional child, as defined in Section 37-23-3, residing



7025 in that home can no longer be provided a free appropriate public
7026 education in that school district, and the State Department of
7027 Education agrees with that decision, then the State Department of
7028 Education shall recommend to the Department of Human Services
7029 placement of the child by the Department of Human Services, which
7030 shall take appropriate action. The placement of the exceptional
7031 child in the facility shall be at no cost to the local school
7032 district. Funds available under Sections 37-23-61 through
7033 37-23-77, as well as any available federal funds, may be used to
7034 provide the educational costs of the placement. If the
7035 exceptional child is under the guardianship of the Department of
7036 Human Services or another state agency, the State Department of
7037 Education shall pay only for the educational costs of that
7038 placement, and the other agency shall be responsible for the room,
7039 board and any other costs. The special education and related
7040 services provided to the child shall be in compliance with State
7041 Department of Education and any related federal regulations. The
7042 State Board of Education may promulgate regulations that are
7043 necessary to implement this section; and

7044 (c) If an appropriate local or regional system of care,
7045 including a free appropriate public education, is available for
7046 exceptional children who are currently being served in
7047 out-of-district or Department of Human Services placements
7048 under * * * paragraph (b) of this section or Section 37-23-77,
7049 then the state funds from the State Department of Education that



would have been used for those placements may be paid into a pool of funds with funds from other state agencies to be used for the implementation of the individualized plans of care for those children. If there are sufficient funds to serve additional exceptional children because of cost savings as a result of serving these students at home and/or matching the pooled funds with federal dollars, the funds may be used to implement individualized plans of care for those additional exceptional children. Each local or regional provider of services included in the individualized plans of care shall comply with all appropriate state and federal regulations. The State Board of Education may promulgate regulations that are necessary to implement this section.

The State Department of Education may also provide for the payment of that financial assistance in installments and for proration of that financial assistance in the case of children attending a school or clinic for less than a full school session and, if available funds are insufficient, may allocate the available funds among the qualified applicants and local school districts by reducing the maximum assistance provided for in this section.

Any monies provided an applicant under Sections 37-23-61 through 37-23-75 shall be applied by the receiving educational institution as a reduction in the amount of the educational costs paid by the applicant, and the total educational costs paid by the



applicant shall not exceed the total educational costs paid by any other child in similar circumstances enrolled in the same program in that institution. However, this limitation shall not prohibit the waiving of all or part of the educational costs for a limited number of children based upon demonstrated financial need, and the State Department of Education may adopt and enforce reasonable rules and regulations to carry out the intent of these provisions.

SECTION 70. Section 37-23-109, Mississippi Code of 1972, is amended as follows:

37-23-109. Any child development center created under the provisions of Sections 37-23-91 through 37-23-111 shall be entitled to receive all contributions and benefits allowed to the other school districts from the federal and state governments including, but not limited to, contributions on the basis of the average daily * * * membership per child, school textbooks and school lunch program.

SECTION 71. Section 37-23-179, Mississippi Code of 1972, is amended as follows:

37-23-179. (1) The board shall specifically promulgate rules, regulations and guidelines which establish model programs of gifted education and also establish minimum criteria for gifted education programs. In providing programs of gifted education, the local district may use the model programs prepared by the board or may itself develop programs of gifted education which, prior to being implemented, shall be approved by the board,



7100 provided, that no such plan or program shall be approved or
7101 continued unless it meets the minimum criteria established by the
7102 board.

7103 (2) There is hereby created within the department an office
7104 for gifted education which shall be staffed by such professional,
7105 support and clerical personnel as may be necessary to implement
7106 the provisions of Sections 37-23-171 through 37-23-181.

7107 (3) All local school districts may have programs of gifted
7108 education for intellectually, creatively and/or artistically
7109 gifted students in Grades 2 through 12 and for academically gifted
7110 students in Grades 9 through 12 approved by the board. Beginning
7111 with the 1993-1994 school year, all local school districts shall
7112 have programs of gifted education for intellectually gifted
7113 students in Grade 2, subject to the approval of the State Board of
7114 Education and the availability of funds appropriated therefor by
7115 line-item. Beginning with the 1994-1995 school year, all local
7116 school districts shall have programs of gifted education for
7117 intellectually gifted students in Grades 2 and 3, subject to the
7118 approval of the State Board of Education. Beginning with the
7119 1995-1996 school year, all local school districts shall have
7120 programs of gifted education for intellectually gifted students in
7121 Grades 2, 3 and 4 subject to the approval of the State Board of
7122 Education. Beginning with the 1996-1997 school year, all local
7123 school districts shall have programs of gifted education for
7124 intellectually gifted students in Grades 2, 3, 4 and 5, subject to



the approval of the State Board of Education. Beginning with the 1997-1998 school year, all local school districts shall have programs of gifted education for intellectually gifted students in Grades 2, 3, 4, 5 and 6, subject to the approval of the State Board of Education. * * * Each local school district shall include as a part of its five-year plan a description of any proposed gifted education programs of the district. * * *

SECTION 72. Section 37-27-55, Mississippi Code of 1972, is amended as follows:

37-27-55. When any pupils shall attend any agricultural high school or community or junior college under the provisions of Section 37-27-51, such pupils shall be reported and accounted for the allocation of * * * Investing in the Needs of Students to Prioritize, Impact and Reform Education (INSPIRE) funds and building funds just as though such pupils were attending the regular schools of the district in which they reside. For this purpose reports shall be made to the board of trustees of the school district involved by the agricultural high school or community or junior college of the number of children in average daily * * * membership, and the average daily * * * membership of such pupils shall thereupon be included in reports made to the county or school district * * *. The allocation of * * * Investing in the Needs of Students to Prioritize, Impact and Reform Education (INSPIRE) funds and state public school building funds shall be made for such children just as though such children



were attending the regular schools of the district. However,
all * * * funding formula funds which accrue to any district as a
result of the pupils who are in attendance at such agricultural
high school or community or junior college * * * shall be paid by
the board of trustees of the municipal separate school district or
the county board of education, as the case may be, to the
agricultural high school or community or junior college at which
the pupils are in attendance, and shall be expended by said
agricultural high school or community or junior college for the
instruction of said pupils * * *. Funds allotted to the school
district for building purposes under Chapter 47 of this title,
shall, however, be retained by the school district entitled
thereto. The term "school district" as used in Sections 37-27-51
through 37-27-59 shall be defined as including all public school
districts in this state and also all agricultural high schools not
located on the campus of a community or junior college.

SECTION 73. Section 37-27-57, Mississippi Code of 1972, is
amended as follows:

37-27-57. Any additional or supplemental expenses incurred
by the agricultural high school or community or junior college in
the instruction of such pupils above that defrayed by * * *
Investing in the Needs of Students to Prioritize, Impact and
Reform Education (INSPIRE) funds as provided in Section 37-27-55,
shall be paid either from the amounts received from the state
appropriation for the support of agricultural high schools or from



the tax levy for the support of such agricultural high school or community or junior college or from any other funds which such agricultural high school or community or junior college may have available for such purpose.

SECTION 74. Section 37-28-5, Mississippi Code of 1972, is amended as follows:

37-28-5. As used in this chapter, the following words and phrases have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Applicant" means any person or group that develops and submits an application for a charter school to the authorizer.

(b) "Application" means a proposal from an applicant to the authorizer to enter into a charter contract whereby the proposed school obtains charter school status.

(c) "Authorizer" means the Mississippi Charter School Authorizer Board established under Section 37-28-7 to review applications, decide whether to approve or reject applications, enter into charter contracts with applicants, oversee charter schools, and decide whether to renew, not renew, or revoke charter contracts.

(d) "Charter contract" means a fixed-term, renewable contract between a charter school and the authorizer which outlines the roles, powers, responsibilities and performance expectations for each party to the contract.



7199 (e) "Charter school" means a public school that is
7200 established and operating under the terms of charter contract
7201 between the school's governing board and the authorizer. The term
7202 "charter school" includes a conversion charter school and start-up
7203 charter school.

7204 (f) "Conversion charter school" means a charter school
7205 that existed as a noncharter public school before becoming a
7206 charter school.

7207 (g) "Education service provider" means a charter
7208 management organization, school design provider or any other
7209 partner entity with which a charter school intends to contract for
7210 educational design, implementation or comprehensive management.

7211 (h) "Governing board" means the independent board of a
7212 charter school which is party to the charter contract with the
7213 authorizer and whose members have been elected or selected
7214 pursuant to the school's application.

7215 (i) "Noncharter public school" means a public school
7216 that is under the direct management, governance and control of a
7217 school board or the state.

7218 (j) "Parent" means a parent, guardian or other person
7219 or entity having legal custody of a child.

7220 (k) "School board" means a school board exercising
7221 management and control over a local school district and the
7222 schools of that district pursuant to the State Constitution and
7223 state statutes.



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

(m) "Start-up charter school" means a charter school that did not exist as a noncharter public school before becoming a charter school.

(n) "Student" means any child who is eligible for attendance in a public school in the state.

(o) "Underserved students" means students * * * qualifying as low income or qualifying for a special education program under Section 37-151-203.

SECTION 75. Section 37-28-53, Mississippi Code of 1972, is amended as follows:

37-28-53. (1) Each charter school shall certify annually to the State Department of Education its student enrollment, average daily attendance and student participation in * * * federal programs * * *.

(2) Each charter school shall certify annually to the school board of the school district in which the charter school is located the number of enrolled charter school students residing in the school district.

SECTION 76. Section 37-28-55, Mississippi Code of 1972, is amended as follows:

37-28-55. (1) (a) The State Department of Education shall make payments to charter schools for each student in average



7249 daily * * * membership at the charter school, as determined under
7250 Section 37-151-211, equal to the state share of * * * Investing in
7251 the Needs of Students to Prioritize, Impact and Reform Education
7252 (INSPIRE) payments for each student * * *, as determined under
7253 Section 37-151-217.

7254 (b) Payments made pursuant to this subsection by the
7255 State Department of Education must be made at the same time and in
7256 the same manner as * * * INSPIRE payments are made to school
7257 districts under Sections 37-151-101 and 37-151-103. Amounts
7258 payable to a charter school must be determined by the State
7259 Department of Education pursuant to this section and the funding
7260 formula. * * * Enrollment projections made under Section
7261 37-151-211 to determine the average daily membership of a charter
7262 school for calculating the state share payment must be reconciled
7263 with * * * a charter school's average daily * * * membership using
7264 months two (2) and three (3) * * * for the * * * year for
7265 which * * * INSPIRE funds are being appropriated, and any
7266 necessary adjustments must be made to payments during the school's
7267 following year of operation. Any necessary adjustment must be
7268 based on the state share of the per pupil amount in effect for the
7269 year for which average daily membership did not meet enrollment
7270 projections and not any new amount appropriated for the year in
7271 which the adjustment will be made. If a charter school is closed
7272 by the authorizer before the following year, it must pay to the
7273 state any amounts due before completion of the closure.



7274 (2) (a) For students attending a charter school located in
7275 the school district in which the student resides, the school
7276 district in which * * * the charter school is located shall pay
7277 directly to the charter school an amount * * * as follows: the
7278 sum of the local pro rata amount, as calculated by the State
7279 Department of Education in accordance with Section
7280 37-151-217(2)(b) (local contribution), and the local pro rata
7281 amount, as calculated by the State Department of Education in
7282 accordance with Section 37-57-105 (school district operational
7283 levy), multiplied by the number of resident students enrolled in
7284 the charter school, based on the charter school's months two (2)
7285 and three (3) average daily membership of resident students for
7286 the current school year. However, the amount to the charter
7287 school may not include any taxes levied for the retirement of the
7288 local school district's bonded indebtedness or short-term notes or
7289 any taxes levied for the support of vocational-technical education
7290 programs. * * *

7291 (b) The amount must be paid by the school district to the
7292 charter school before January 16 of the current fiscal year. If
7293 the local school district does not pay the required amount to the
7294 charter school before January 16, the State Department of
7295 Education shall reduce the local school district's January
7296 transfer of * * * INSPIRE funds by the amount owed to the charter
7297 school and shall redirect that amount to the charter school. Any
7298 such payments made under this * * * paragraph by the State



Department of Education to a charter school must be made at the same time and in the same manner as * * * funding formula payments are made to school districts under Sections 37-151-101 and 37-151-103.

(3) (a) For students attending a charter school located in a school district in which the student does not reside, the State Department of Education shall pay to the charter school in which the students * * * are enrolled an amount as follows: the sum of the local pro rata amount, as calculated by the State Department of Education in accordance with Section 37-151-217(2)(b) (local contribution), and the local pro rata amount, as calculated by the State Department of Education in accordance with Section 37-57-105 (school district operational levy), multiplied by the number of students enrolled in the charter school but residing in that district, based on the charter school's months two (2) and three (3) average daily membership of these students for the current school year. However, the amount to the charter school may not include * * * any taxes levied for the retirement of the local school district's bonded indebtedness or short-term notes or any taxes levied for the support of vocational-technical education programs.

(b) * * * The State Department of Education shall reduce the school district's January transfer of * * * INSPIRE funds by the amount owed to the charter school and shall redirect that amount to the charter school. Any such payments made under



7324 this subsection (3) by the State Department of Education to a
7325 charter school must be made at the same time and in the same
7326 manner as * * * funding formula payments are made to school
7327 districts under Sections 37-151-101 and 37-151-103.

7328 (4) (a) The State Department of Education shall direct the
7329 proportionate share of monies generated under federal * * *
7330 programs, including, but not limited to, special education,
7331 vocational, * * * English Language Learner, and other programs, to
7332 charter schools serving students eligible for such * * * funding.
7333 The department shall ensure that charter schools with rapidly
7334 expanding enrollments are treated equitably in the calculation and
7335 disbursement of all federal * * * program dollars. Each charter
7336 school that serves students who may be eligible to receive
7337 services provided through such programs shall comply with all
7338 reporting requirements to receive the aid.

7339 (b) A charter school shall pay to a local school
7340 district any federal or state aid attributable to a student with a
7341 disability attending the charter school in proportion to the level
7342 of services for that student which the local school district
7343 provides directly or indirectly.

7344 (c) Subject to the approval of the authorizer, a
7345 charter school and a local school district may negotiate and enter
7346 into a contract for the provision of and payment for special
7347 education services, including, but not necessarily limited to, a
7348 reasonable reserve not to exceed five percent (5%) of the local



7349 school district's total budget for providing special education
7350 services. The reserve may be used by the local school district
7351 only to offset excess costs of providing services to students with
7352 disabilities enrolled in the charter school.

7353 (5) (a) The State Department of Education shall disburse
7354 state transportation funding to a charter school on the same basis
7355 and in the same manner as it is paid to school districts * * *.

7356 (b) A charter school may enter into a contract with a
7357 school district or private provider to provide transportation to
7358 the school's students.

7359 (6) The State Department of Education shall disburse
7360 Education Enhancement Funds for classroom supplies, instructional
7361 materials and equipment, including computers and computer software
7362 to all eligible charter school teachers on the same basis and in
7363 the same manner as it is paid to school districts under Section
7364 37-61-33(3)(a)(iii) for the purpose of issuing procurement cards
7365 or credentials for a digital solution to eligible teachers.

7366 **SECTION 77.** Section 37-29-1, Mississippi Code of 1972, is
7367 amended as follows:

7368 37-29-1. (1) The creation, establishment, maintenance and
7369 operation of community colleges is authorized. Community colleges
7370 may admit students if they have earned one (1) unit less than the
7371 number of units required for high school graduation established by
7372 State Board of Education policy or have earned a High School
7373 Equivalency Diploma in courses correlated to those of senior



7374 colleges or professional schools. Subject to the provisions of
7375 Section 75-76-34, they shall offer, without limitation, education
7376 and training preparatory for occupations such as agriculture,
7377 industry of all kinds, business, homemaking and for other
7378 occupations on the semiprofessional and vocational-technical
7379 level. They may offer courses and services to students regardless
7380 of their previous educational attainment or further academic
7381 plans.

7382 (2) The boards of trustees of the community college
7383 districts are authorized to establish an early admission program
7384 under which applicants having a minimum ACT composite score of
7385 twenty-six (26) or the equivalent SAT score may be admitted as
7386 full-time college students if the principal or guidance counselor
7387 of the student recommends in writing that it is in the best
7388 educational interest of the student. Such recommendation shall
7389 also state that the student's age will not keep him from being a
7390 successful full-time college student. Students admitted in the
7391 early admission program shall not be counted for * * * Investing
7392 in the Needs of Students to Prioritize, Impact and Reform
7393 Education (INSPIRE) purposes in the average daily * * * membership
7394 of the school district in which they reside, and transportation
7395 required by a student to participate in the early admission
7396 program shall be the responsibility of the parents or legal
7397 guardians of the student. Grades and college credits earned by
7398 students admitted to the early admission program shall be recorded



7399 on the college transcript at the community college where the
7400 student attends classes, and may be released to another
7401 institution or used for college graduation requirements only after
7402 the student has successfully completed one (1) full semester of
7403 course work.

7404 (3) The community colleges shall provide, through courses or
7405 other acceptable educational measures, the general education
7406 necessary to individuals and groups which will tend to make them
7407 capable of living satisfactory lives consistent with the ideals of
7408 a democratic society.

7409 **SECTION 78.** Section 37-29-272, Mississippi Code of 1972, is
7410 amended as follows:

7411 37-29-272. The board of trustees of any community college
7412 district in the state maintaining and operating an agricultural
7413 high school on July 1, 1994, is hereby authorized to transfer the
7414 control, maintenance and operation of said agricultural high
7415 school, including the transfer of title to all real and personal
7416 property used for agricultural high school purposes, to the county
7417 board of education of the county in which the school is located.
7418 Upon the acceptance by the county board of education and before an
7419 order authorizing such transfer shall be entered, the board of
7420 trustees of the community college district and the county board of
7421 education in which such school is located shall by joint
7422 resolution agree in writing on the terms of such transfer, the
7423 extent of the rights of use and occupancy of the school and



7424 grounds, and the control, management, preservation and
7425 responsibility of transportation of students to such premises, to
7426 be spread upon the minutes of each governing authority. Upon such
7427 transfer, the county board of education may abolish the
7428 agricultural high school as a distinct school, and merge its
7429 activities, programs and students into the regular high school
7430 curricula of the school district. When a community college has
7431 transferred operation of an agricultural high school as provided
7432 herein, the pupils attending such school shall be reported,
7433 accounted for allocation of * * * Investing in the Needs of
7434 Students to Prioritize, Impact and Reform Education (INSPIRE)
7435 funds and entitled to school transportation as though such pupils
7436 were attending the schools of the school district in which they
7437 reside, as provided in Sections 37-27-53 and 37-27-55 * * *. When
7438 any agricultural high school is transferred by the board of
7439 trustees of a community college to the county board of education
7440 as provided in this section, all laws relating to agricultural
7441 high school tax levies for the support or retirement of bonded
7442 indebtedness for agricultural high schools shall continue in full
7443 force and effect for the transferring community college district
7444 until current obligations on all bonded indebtednesses related to
7445 agriculture high schools have been satisfied and retired.

7446 **SECTION 79.** Section 37-29-303, Mississippi Code of 1972, is
7447 amended as follows:



37-29-303. As used in Sections 37-29-301 through 37-29-305, the following terms shall be defined as provided in this section:

(a) "Full-time equivalent (FTE) enrollment" means the process by which the Southern Regional Education Board (SREB) calculates FTE by taking total undergraduate semester credit hours divided by thirty (30); total undergraduate quarter hours divided by forty-five (45); total graduate semester credit hours divided by twenty-four (24); and total graduate quarter hours divided by thirty-six (36).

(b) "State funds" means all funds appropriated by the Legislature including funds from the State General Fund, Education Enhancement Fund, Budget Contingency Fund and Health Care Expendable Fund.

(c) "E & G operations" means education and general expenses of the colleges and universities.

(d) * * * "Average daily membership (ADM)" has the same meaning as ascribed to that term under Section 37-151-203.

SECTION 80. Section 37-31-13, Mississippi Code of 1972, is amended as follows:

37-31-13. (1) Any appropriation that may be made under the provisions of Sections 37-31-1 through 37-31-15 shall be used by the board for the promotion of vocational education as provided for in the "Smith-Hughes Act" and for the purpose set forth in Sections 37-31-1 through 37-31-15. The state appropriation shall not be used for payments to high schools which are now receiving



7473 other state funds, except in lieu of not more than one-half (1/2)
7474 the amount that may be due such high schools from federal funds.
7475 Only such portion of the state appropriation shall be used as may
7476 be absolutely necessary to carry out the provisions of Sections
7477 37-31-1 through 37-31-15, and to meet the federal requirements.
7478 Except as provided in subsection (2) of this section, the state
7479 appropriation shall not be used for payments to high schools for
7480 conducting vocational programs for more than ten (10) months in
7481 any school year, and only funds other than * * * Investing in the
7482 Needs of Students to Prioritize, Impact and Reform Education
7483 (INSPIRE) funds may be expended for such purpose.

7484 (2) Subject to annual approval by the State Board of
7485 Education, extended contracts for vocational agriculture education
7486 services and other related vocational education services which
7487 contribute to economic development may be conducted by local
7488 school districts, and state appropriations may be used for
7489 payments to school districts providing such services. The board
7490 of trustees of each school district shall determine whether any
7491 proposed services contribute to the economic development of the
7492 area. Local districts may apply to the Division of Vocational and
7493 Technical Education of the State Department of Education for any
7494 state funds available for these extended contracts. The State
7495 Board of Education shall establish the application process and the
7496 selection criteria for this program. The number of state funded
7497 extended contracts approved by the State Board of Education will



7498 be determined by the availability of funds specified for this
7499 purpose. The State Board of Education's decision shall be final.
7500 Payments under this subsection shall only be available to those
7501 high schools whose teachers of vocational programs are responsible
7502 for the following programs of instruction during those months
7503 between the academic years: (a) supervision and instruction of
7504 students in agricultural or other vocational experience programs;
7505 (b) group and individual instruction of farmers and
7506 agribusinessmen; (c) supervision of student members of youth
7507 groups who are involved in leadership training or other activity
7508 required by state or federal law; or (d) any program of vocational
7509 agriculture or other vocational-related services established by
7510 the Division of Vocational and Technical Education of the State
7511 Department of Education that contribute to the economic
7512 development of the geographic area.

7513 **SECTION 81.** Section 37-31-75, Mississippi Code of 1972, is
7514 amended as follows:

7515 37-31-75. The various counties, municipalities, school
7516 districts and community and junior college districts which may
7517 become parties to any agreement authorized by Sections 37-31-71
7518 through 37-31-79 are authorized to appropriate and expend any and
7519 all funds which may be required to carry out the terms of the
7520 agreement from any funds available to any party to the agreement
7521 not otherwise appropriated without limitation as to the source of
7522 the funds, including * * * Investing in the Needs of Students to



7523 Prioritize, Impact and Reform Education (INSPIRE) funds, sixteenth
7524 section funds, funds received from the federal government or other
7525 sources by way of grant, donation or otherwise, and funds which
7526 may be available to any such party through the State Department of
7527 Education or any other agency of the state, regardless of the
7528 party to the agreement designated by the agreement to be primarily
7529 responsible for the construction or operation of the regional
7530 education center and regardless of the limitation on the
7531 expenditure of any funds imposed by any other statute. However,
7532 no funds whose use was originally limited to the construction of
7533 capital improvements shall be utilized for the purpose of
7534 defraying the administrative or operating costs of any regional
7535 education center. Any one or more of the parties to an agreement
7536 may be designated as the fiscal agent or contracting party in
7537 carrying out any of the purposes of the agreement, and any and all
7538 funds authorized to be spent by any of the parties may be paid
7539 over to the fiscal agent or contracting party for disbursement by
7540 the fiscal agent or contracting party. Disbursements shall be
7541 made and contracted for under the laws and regulations applicable
7542 to the fiscal or disbursing agent, except to the extent they may
7543 be extended or modified by the provisions of Sections 37-31-71
7544 through 37-31-79. All of the parties to the agreement may issue
7545 bonds, negotiable notes or other evidences of indebtedness for the
7546 purpose of providing funds for the acquisition of land and for the
7547 construction of buildings and permanent improvements under the



terms of the agreement under any existing laws authorizing the issuance or sale of bonds, negotiable notes or other evidences of indebtedness to provide funds for any capital improvement.

SECTION 82. Section 37-35-3, Mississippi Code of 1972, is amended as follows:

37-35-3. (1) The board of trustees of any school district, including any community or junior college, may establish and maintain classes for adults, including general educational development classes, under the regulations authorized in this chapter and pursuant to the standards prescribed in subsection (3). The property and facilities of the public school districts may be used for this purpose where such use does not conflict with uses already established.

(2) The trustees of any school district desiring to establish such program may request the taxing authority of the district to levy additional ad valorem taxes for the support of this program. The board of supervisors, in the case of a county school district, a special municipal separate school district, or a community or junior college district, and the governing authority of any municipality, in the case of a municipal separate school district, is authorized, in its discretion, to levy a tax not exceeding one (1) mill upon all the taxable property of the district for the support of this program. The tax shall be in addition to all other taxes authorized by law to be levied. In addition to the funds realized from any such levy, the board of



trustees of any school district is authorized to use any surplus funds that it may have or that may be made available to it from local sources to supplement this program.

(3) (a) Any student participating in an approved High School Equivalency Diploma Option program administered by a local school district or a local school district with an approved contractual agreement with a community or junior college or other local entity shall not be considered a dropout. Students in such a program administered by a local school district shall be considered as enrolled within the school district of origin for the purpose of enrollment for * * * Investing in the Needs of Students to Prioritize, Impact and Reform Education (INSPIRE) only. Such students shall not be considered as enrolled in the regular school program for academic or programmatic purposes.

(b) Students participating in an approved High School Equivalency Diploma Option program shall have an individual career plan developed at the time of placement to insure that the student's academic and job skill needs will be met. The Individual Career Plan will address, but is not limited to, the following:

(i) Academic and instructional needs of the student;

(ii) Job readiness needs of the student; and

(iii) Work experience program options available for the student.



7598 (c) Students participating in an approved High School
7599 Equivalency Diploma Option program may participate in existing job
7600 and skills development programs or in similar programs developed
7601 in conjunction with the High School Equivalency Diploma Option
7602 program and the vocational director.

7603 (d) High School Equivalency Diploma Option programs may
7604 be operated by local school districts or may be operated by two
7605 (2) or more adjacent school districts, pursuant to a contract
7606 approved by the State Board of Education. When two (2) or more
7607 school districts contract to operate a High School Equivalency
7608 Diploma Option program, the school board of a district designated
7609 to be the lead district shall serve as the governing board of the
7610 High School Equivalency Diploma Option program. Transportation
7611 for students placed in the High School Equivalency Diploma Option
7612 program shall be the responsibility of the school district of
7613 origin. The expense of establishing, maintaining and operating
7614 such High School Equivalency Diploma Option programs may be paid
7615 from funds made available to the school district through
7616 contributions, * * * Investing in the Needs of Students to
7617 Prioritize, Impact and Reform Education (INSPIRE) funds or from
7618 local district maintenance funds.

7619 (e) The State Department of Education will develop
7620 procedures and criteria for placement of a student in the High
7621 School Equivalency Diploma Option programs. Students placed in
7622 High School Equivalency Diploma Option programs shall have



7623 parental approval for such placement and must meet the following
7624 criteria:

7625 (i) The student must be at least sixteen (16)
7626 years of age;

7627 (ii) The student must be at least one (1) full
7628 grade level behind his or her ninth grade cohort or must have
7629 acquired less than four (4) Carnegie units;

7630 (iii) The student must have taken every
7631 opportunity to continue to participate in coursework leading to a
7632 diploma; and

7633 (iv) The student must be certified to be eligible
7634 to participate in the GED course by the school district
7635 superintendent, based on the developed criteria.

7636 (f) Students participating in an approved High School
7637 Equivalency Diploma Option program, who are enrolled in subject
7638 area courses through January 31 in a school with a traditional
7639 class schedule or who are enrolled in subject area courses through
7640 October 31 or through March 31 in a school on a block schedule,
7641 shall be required to take the end-of-course subject area tests for
7642 those courses in which they are enrolled.

7643 **SECTION 83.** Section 37-37-3, Mississippi Code of 1972, is
7644 amended as follows:

7645 37-37-3. In addition to all auditors and other employees now
7646 or hereafter provided by law, the State Auditor may appoint and
7647 employ examiners in the Department of Audit. The examiners shall



7648 make such audits as may be necessary to determine the correctness
7649 and accuracy of all reports made to the State Department of
7650 Education by any school district or school official concerning the
7651 number of educable students in any school district, the number of
7652 students enrolled in any school district, the number of students
7653 in average daily * * * membership in any school district, and the
7654 number of students being transported or entitled to transportation
7655 to any of the public schools of this state.

7656 **SECTION 84.** Section 37-41-7, Mississippi Code of 1972, is
7657 amended as follows:

7658 37-41-7. The local school board is hereby authorized,
7659 empowered and directed to lay out all transportation routes and
7660 provide transportation for all school children who are entitled to
7661 transportation within their respective counties and school
7662 districts.

7663 Any school district may, in the discretion of the school
7664 board, expend funds from any funds available to the school
7665 district * * *, including the amounts derived from district tax
7666 levies, sixteenth section funds, and all other available funds,
7667 for the purpose of supplementing funds available to the school
7668 board for paying transportation costs * * * not covered by * * *
7669 Investing in the Needs of Students to Prioritize, Impact and
7670 Reform Education (INSPIRE) funds.

7671 **SECTION 85.** Section 37-45-49, Mississippi Code of 1972, is
7672 amended as follows:



7673 37-45-49. Any cost or fees provided by this chapter to be
7674 paid by any county board of education or board of trustees of a
7675 municipal separate school district may be paid by the county board
7676 of education from * * * any school funds of the district other
7677 than * * * Investing in the Needs of Students to Prioritize,
7678 Impact and Reform Education (INSPIRE) funds, and by the municipal
7679 separate school district from the maintenance funds of the
7680 district, other than * * * Investing in the Needs of Students to
7681 Prioritize, Impact and Reform Education (INSPIRE) funds. Any fees
7682 or costs provided by this chapter to be paid by the * * *
7683 department may be paid from the funds appropriated for its
7684 operation.

7685 **SECTION 86.** Section 37-47-9, Mississippi Code of 1972, is
7686 amended as follows:

7687 37-47-9. It is found and determined that the state should
7688 make an annual grant of Twenty-four Dollars (\$24.00) for each
7689 child in average daily * * * membership in the public schools of
7690 the various school districts of this state during each school
7691 year, and that such monies should be applied for the purpose of
7692 establishing and maintaining adequate physical facilities for the
7693 public school district and/or the payment of existing debt
7694 therefor.

7695 The grant to which each public school is entitled under the
7696 provisions of this section shall be credited to the school
7697 district of which such school is part. If any change is made in



7698 the operation or boundaries of any such school district, equitable
7699 reallocations shall be made by the * * * department of all
7700 balances to the credit of such school district, and all debits
7701 charged against the districts affected by the change in the
7702 boundaries or system of operation. The obligation of the state to
7703 make remittance of the sums appropriated or otherwise provided to
7704 make the annual grants provided by this section shall be
7705 subordinate to the pledge made to secure the state school bonds
7706 authorized under this chapter and the sinking fund created for
7707 their retirement. The grants shall be computed annually as soon
7708 as practicable after the end of the school year, and shall be
7709 based on the average daily * * * membership for such school year
7710 in all of the public schools operated by each school district as
7711 determined by the State Department of Education.

7712 **SECTION 87.** Section 37-47-24, Mississippi Code of 1972, is
7713 amended as follows:

7714 37-47-24. (1) There is established the Educational
7715 Facilities Revolving Loan Fund Program to be administered by the
7716 State Department of Education for the purpose of improving
7717 educational facilities in the State of Mississippi by assisting
7718 public schools in procuring funds for making certain capital
7719 improvements.

7720 (2) There is created a special fund in the State Treasury
7721 designated as the "Educational Facilities Revolving Loan Fund,"
7722 which shall consist of monies transferred from the State Public



7723 School Building Fund and other monies that the Legislature may
7724 make available. The revolving loan fund must be maintained in
7725 perpetuity for the purposes established in this section.
7726 Unexpended amounts remaining in the fund at the end of a fiscal
7727 year may not lapse into the State General Fund. Payments on the
7728 principal of and, when applicable, interest on loans procured from
7729 the fund and any interest earned on amounts in the fund must be
7730 deposited to the credit of the fund. Monies in the Educational
7731 Facilities Revolving Loan Fund may not be used or expended for any
7732 purpose except as authorized under this section.

7733 (3) Of the funds deposited into the Educational Facilities
7734 Revolving Loan Fund, up to ninety-five percent (95%) must be made
7735 available for the purpose of making interest-free loans to
7736 qualified public school districts. The State Department of
7737 Education shall accept requests for loans under this subsection
7738 for the following purposes:

7739 (a) Repairs and renovations to existing school
7740 buildings and related facilities used in the operation of the
7741 schools of a public school district;

7742 (b) Construction of new facilities or repairs and
7743 renovations to existing school facilities for the purpose of
7744 establishing, improving or expanding prekindergarten programs in a
7745 public school district; and

7746 (c) Construction of new career and technical education
7747 facilities or repairs and renovations to existing school



7748 facilities for the purpose of upgrading or expanding a school
7749 district's career and technical education program.

7750 (4) An educational entity that receives a loan from the
7751 Educational Facilities Revolving Loan Fund shall not use the funds
7752 for athletic facilities.

7753 (5) Each fiscal year, the State Department of Education may
7754 set aside an amount not to exceed three percent (3%) of the
7755 balance of the Educational Facilities Revolving Loan Fund to cover
7756 the administrative and fiscal management costs associated with the
7757 fund.

7758 (6) The State Department of Education shall accept and make
7759 determinations on applications for loans and shall disburse funds
7760 and receive repayments on approved loans. Before October 1, 2022,
7761 the department shall establish rules and regulations for the
7762 implementation and administration of the revolving loan program.
7763 The rules and regulations must include, at a minimum, provisions
7764 addressing the following:

7765 (a) An application process by which public school
7766 districts may request a loan from the Educational Facilities
7767 Revolving Loan Fund, including the deadline by which the
7768 department must receive applications;

7769 (b) The factors to be considered by the State
7770 Department of Education in determining whether an educational
7771 entity will be awarded the full or a partial amount of a loan
7772 requested. The maximum total amount of outstanding loans an



7773 applicant may receive in a fiscal year shall be limited to One
7774 Million Dollars (\$1,000,000.00). The maximum total amount of a
7775 loan an applicant may receive for a single project shall not
7776 exceed One Million Dollars (\$1,000,000.00) per fiscal year. A
7777 loan may not exceed one hundred percent (100%) of the cost of the
7778 project for which the loan is requested;

7779 (c) The rates of interest on loans and terms of
7780 repayment. Approved loans under this program must be interest
7781 free and payable over a term of no more than ten (10) years
7782 commencing on the date the loan is received;

7783 (d) A process by which the department determines if an
7784 entity receiving a loan is required to pledge monies for the
7785 repayment of the loan and sources of revenue that are acceptable
7786 whenever the department requires a pledge, which, for a school
7787 district receiving a loan, may not include * * * Investing in the
7788 Needs of Students to Prioritize, Impact and Reform Education
7789 (INSPIRE) funds;

7790 (e) The actions that may be taken if an entity is in
7791 arrears on loan repayments, which may include, in the case of a
7792 school district, the withholding of future payments of * * *
7793 uniform funding formula funds to the district, the withholding of
7794 state funds due to the school or district;

7795 (f) Applicants demonstrating emergency or other
7796 critical infrastructure needs, as defined by the State Department



7797 of Education, shall receive first priority in receiving loans from
7798 the fund; and

7799 (g) All other matters that the State Department of
7800 Education determines are necessary to establish and maintain the
7801 Educational Facilities Revolving Loan Fund Program as an
7802 accessible and perpetual source of funding for making facility
7803 improvements at all levels of education in the state.

7804 (7) School districts may use funds from the Educational
7805 Facilities Revolving Loan Fund Program to pay the principal and
7806 interest of school district indebtedness represented by bonds or
7807 notes issued after July 1, 2017, but before July 1, 2022, for
7808 capital improvements. School districts shall be limited to a
7809 maximum loan amount of Five-hundred Thousand Dollars (\$500,000.00)
7810 per year from the Educational Facilities Revolving Loan Fund
7811 Program for this purpose.

7812 (8) The State Department of Education shall promulgate such
7813 rules and regulations as may be necessary for participation in the
7814 Educational Facilities Revolving Loan Program by a public
7815 educational entity.

7816 **SECTION 88.** Section 37-47-25, Mississippi Code of 1972, is
7817 amended as follows:

7818 37-47-25. Whenever the State Department of Education shall
7819 determine that any school district is in need of capital
7820 improvements to an extent in excess of that which may be financed
7821 by the credit then due such school district by the department, the



department shall be empowered to advance or lend * * * the school district such sums as in the opinion of the department are necessary to be expended for capital improvements by * * * that school district. Such loans or advances shall be evidenced by appropriate agreements, and shall be repayable in principal by the school district from the annual grants to which the school district shall become entitled and from such other funds as may be available. Such loans or advances shall not constitute a debt of the school district within the meaning of any provision or limitation of the Constitution or statutes of the State of Mississippi. The department shall not advance or lend to any school district any sum in excess of seventy-five percent (75%) of the estimated sum which will accrue to the * * * school district on account of grants to be made to the * * * school district within the twenty (20) years next following the date of the loan or advance. In determining the maximum allowable advance or loan, the department shall assume that the average daily * * * membership in the schools of the school district for the past preceding scholastic year, as confirmed by the audit of average daily * * * membership made by the State Department of Audit, will continue for the period during which the loan is to be repaid.

SECTION 89. Section 37-47-33, Mississippi Code of 1972, is amended as follows:

37-47-33. For the purpose of: (a) providing funds to enable the State Board of Education to make loans or advances to school



7847 districts as provided by Section 37-47-25 * * *; (b) providing
7848 funds for the payment and redemption of certificates of credit
7849 issued to school districts under Section 37-47-23, when such funds
7850 are not otherwise available * * *; or (c) providing funds in an
7851 amount not exceeding Twenty Million Dollars (\$20,000,000.00) for
7852 the payment of allocations of Mississippi Adequate Education
7853 Program funds to school districts for capital expenditures
7854 approved under Section 37-151-7(4) by the State Board of Education
7855 which have not been pledged for debt by the school district, when
7856 such funds are not otherwise available * * *, the State Bond
7857 Commission is authorized and empowered to issue state school bonds
7858 under the conditions prescribed in this chapter. The aggregate
7859 principal amount of such bonds outstanding at any one (1) time,
7860 after deducting the amount of the sinking fund provided for the
7861 retirement of bonds issued for such purposes, shall never exceed
7862 the sum of One Hundred Million Dollars (\$100,000,000.00). Within
7863 such limits, however, state school bonds may be issued from time
7864 to time under the conditions prescribed in this chapter. None of
7865 such bonds so issued shall have a maturity date later than July 1,
7866 2021.

7867 **SECTION 90.** Section 37-61-3, Mississippi Code of 1972, is
7868 amended as follows:

7869 37-61-3. The * * * Investing in the Needs of Students to
7870 Prioritize, Impact and Reform Education (INSPIRE) allotments * * *
7871 to the public school districts and the funds derived from the



supplemental school district tax levies authorized by law shall be used exclusively for the support, maintenance and operation of the schools in the manner provided by law for the fiscal years for which such funds were appropriated, collected or otherwise made available, and no part of said funds or allotments shall be used in paying any expenses incurred during any preceding fiscal year. However, this shall not be construed to prohibit the payment of expenses incurred during the fiscal year after the close of such fiscal year from amounts remaining on hand at the end of such fiscal year, provided that such expenses were properly payable from such amounts. Moreover, this shall not be construed to prohibit the payment of the salaries of superintendents, principals and teachers and other school employees whose salaries are payable in twelve (12) monthly installments after the close of the fiscal year from amounts on hand for such purpose at the end of the fiscal year.

SECTION 91. Section 37-61-5, Mississippi Code of 1972, is amended as follows:

37-61-5. If in any year there should remain a balance in the * * * Investing in the Needs of Students to Prioritize, Impact and Reform Education (INSPIRE) funds of any school district on June 30 which amount is not to be used or is not needed in the payment of expenses for the preceding fiscal year properly payable out of such * * * funding formula funds, then such balance on hand to the credit of such * * * Investing in the Needs of Students to



7897 Prioritize, Impact and Reform Education (INSPIRE) funds of the
7898 school district shall be carried forward as a part of such * * *
7899 funding formula funds for the next succeeding fiscal year. The
7900 proper pro rata part of the amount so carried forward, to be
7901 determined by the percentage which the state * * * funding formula
7902 funds * * * during the year bore to the entire amount * * * of the
7903 school district's funding formula funds, shall be charged against
7904 and deducted from the amount which the school district is allotted
7905 from state * * * Investing in the Needs of Students to Prioritize,
7906 Impact and Reform Education (INSPIRE) funds for the succeeding
7907 fiscal year, in a manner prescribed by the State Auditor. The
7908 remainder of the amount so carried forward may be deducted from
7909 the amount which the school district is required to produce as its
7910 local minimum ad valorem tax effort for the support of the * * *
7911 funding formula for the succeeding fiscal year * * *.

7912 **SECTION 92.** Section 37-61-7, Mississippi Code of 1972, is
7913 amended as follows:

7914 37-61-7. If at the end of any fiscal year there should
7915 remain a balance in the school district fund of any school
7916 district which is not needed and is not to be used for paying the
7917 expenses properly payable out of such district fund for the
7918 preceding fiscal year, such balance shall be carried forward as a
7919 part of the school district fund for the next fiscal year and used
7920 and expended in the manner otherwise provided by law. Nothing in
7921 this section shall be construed as applying to balances * * * of



7922 Investing in the Needs of Students to Prioritize, Impact and
7923 Reform Education (INSPIRE) funds of a school district, and
7924 balances remaining in such funds shall be governed by Section
7925 37-61-5.

7926 **SECTION 93.** Section 37-61-19, Mississippi Code of 1972, is
7927 amended as follows:

7928 37-61-19. It shall be the duty of the superintendents of
7929 schools and the school boards of all school districts to limit the
7930 expenditure of school funds during the fiscal year to the
7931 resources available. It shall be unlawful for any school district
7932 to budget expenditures from a fund in excess of the resources
7933 available within that fund. Furthermore, it shall be unlawful for
7934 any contract to be entered into or any obligation incurred or
7935 expenditure made in excess of the resources available for such
7936 fiscal year. Any member of the school board, superintendent of
7937 schools, or other school official, who shall knowingly enter into
7938 any contract, incur any obligation, or make any expenditure in
7939 excess of the amount available for the fiscal year shall be
7940 personally liable for the amount of such excess. However, no
7941 school board member, superintendent or other school official shall
7942 be personally liable: (a) in the event of any reduction in * * *
7943 Investing in the Needs of Students to Prioritize, Impact and
7944 Reform Education (INSPIRE) payments by action of the Governor
7945 acting through the Department of Finance and Administration * * *;
7946 or (b) for claims, damages, awards or judgments, on account of any



7947 wrongful or tortious act or omission or breach of implied term or
7948 condition of any warranty or contract * * *. However, * * * the
7949 foregoing immunity provisions shall not be a defense in cases of
7950 fraud, criminal action or an intentional breach of fiduciary
7951 obligations imposed by statute.

7952 **SECTION 94.** Section 37-61-29, Mississippi Code of 1972, is
7953 amended as follows:

7954 37-61-29. The State Department of Audit is hereby authorized
7955 and empowered to post-audit and investigate the financial affairs
7956 and all transactions involving the school funds of the * * *
7957 school district including the * * * Investing in the Needs of
7958 Students to Prioritize, Impact and Reform Education (INSPIRE)
7959 funds and supplementary district school funds, and to make
7960 separate and special audits thereof, as now provided by Sections
7961 7-7-201 through 7-7-215 * * *.

7962 **SECTION 95.** Section 37-61-35, Mississippi Code of 1972, is
7963 amended as follows:

7964 37-61-35. There is hereby created a special fund in the
7965 State Treasury to be designated School Ad Valorem Tax Reduction
7966 Fund into which proceeds collected pursuant to Sections
7967 27-65-75(7) and 27-67-31(a) shall be deposited. Beginning with
7968 the 1994 state fiscal year, the entire amount of monies in such
7969 special fund shall be appropriated annually to the State
7970 Department of Education which shall distribute the appropriated
7971 amount to the various school districts in the proportion that the



7972 average daily * * * membership of each school district bears to
7973 the average daily * * * membership of all school districts within
7974 the state. On or before * * * June 1 of each * * * year, the
7975 State Department of Education shall notify each school district of
7976 the amount to which such district is entitled pursuant to this
7977 section.

7978 **SECTION 96.** Section 37-61-37, Mississippi Code of 1972, is
7979 amended as follows:

7980 37-61-37. There is established in the State Treasury a fund
7981 known as the "Mississippi Public Education Support Fund"
7982 (hereinafter referred to as "fund"). The fund shall consist of
7983 monies * * * as the Legislature may authorize or direct to be
7984 deposited into the fund. Monies in the fund, upon appropriation
7985 by the Legislature, may be expended by the * * * State Department
7986 of Education for classroom supplies, instructional materials and
7987 equipment, including computers and computer software, to be
7988 distributed to all school districts in the proportion that the
7989 average daily * * * membership of each school district bears to
7990 the average daily * * * membership of all school districts within
7991 the state. Unexpended amounts remaining in the fund at the end of
7992 the fiscal year shall not lapse into the State General Fund, and
7993 any interest earned or investment earnings on amounts in the fund
7994 shall be deposited to the credit of the fund.

7995 **SECTION 97.** Section 37-68-7, Mississippi Code of 1972, is
7996 amended as follows:



7997 37-68-7. (1) There is established the Equity in Distance
7998 Learning Grant Program which shall be administered by the
7999 department for the purpose of reimbursing schools for eligible
8000 expenses incurred in funding their distance learning plans, and in
8001 facilitating safe classroom and remote instruction.

8002 (2) Subject to appropriations by the Legislature,
8003 allocations to schools shall be made based on average daily
8004 membership, as defined in Section * * * 37-151-203. For any
8005 school not funded under * * * Investing in the Needs of Students
8006 to Prioritize, Impact and Reform Education (INSPIRE), the
8007 department shall calculate the average-daily-membership equivalent
8008 or fund the school based on enrollment.

8009 (3) Subject to the provisions of this chapter, and other
8010 applicable federal law and regulations, schools shall have the
8011 authority to use the funds provided in this grant program in a way
8012 which best facilitates their distance learning plan, and safe
8013 classroom or remote instruction.

8014 (4) Schools are highly encouraged to commit a portion of
8015 their federal ESSER funds, above the amount required by Section
8016 37-68-11(b), as supplemental matching funds to offset the total
8017 cost of purchasing sufficient electronic devices, technological
8018 supports and systems of service for its distance learning plan.

8019 **SECTION 98.** Section 37-131-7, Mississippi Code of 1972, is
8020 amended as follows:



8021 37-131-7. When any pupils shall attend any demonstration or
8022 practice school under the provisions of Section 37-131-3, such
8023 children shall be reported and accounted for the allocation
8024 of * * * Investing in the Needs of Students to Prioritize, Impact
8025 and Reform Education (INSPIRE) funds and state public school
8026 building funds just as though such children were attending the
8027 regular schools of the district in which they reside. For this
8028 purpose, reports shall be made to the school district involved by
8029 the demonstration or practice school of the number of pupils in
8030 average daily * * * membership, and the average daily * * *
8031 membership of such children shall thereupon be included in reports
8032 made to the State Board of Education * * * by the * * * school
8033 district * * *.

8034 Allocation of * * * the funding formula funds shall be made
8035 by the State Board of Education for such children just as though
8036 such children were attending the regular schools of the district.
8037 All * * * funding formula funds * * * which accrue to any district
8038 as a result of such children who are in attendance at a
8039 demonstration or practice school shall be paid by the board of
8040 trustees of the municipal separate school district or by the
8041 county board of education to the demonstration or practice school,
8042 and shall be used to defray the cost and expense of maintaining,
8043 operating and conducting such demonstration or practice school.

8044 All state public school building funds which accrue as a
8045 result of such children in attendance at a demonstration or



practice school shall be credited directly to such demonstration or practice school, and all of the provisions of Chapter 47 of this title shall be fully applicable thereto.

SECTION 99. Section 37-131-9, Mississippi Code of 1972, is amended as follows:

37-131-9. In addition to the amounts paid to the demonstration or practice school from * * * Investing in the Needs of Students to Prioritize, Impact and Reform Education (INSPIRE) funds, as provided in Section 37-131-7, the board of trustees of the school district involved may contract with the * * * demonstration or practice school for the payment of additional amounts thereto to defray expenses over and above those defrayed by * * * the funding formula funds, which additional amounts shall be paid from any funds available to the school district other than * * * funding formula funds, whether produced by a supplemental district tax levy or otherwise.

If the total funds paid to the demonstration or practice school by the school district are inadequate to defray the cost and expense of maintaining and operating such demonstration or practice school then the president or executive head of the institution may, subject to the approval of the Board of Trustees of State Institutions of Higher Learning, require the payment of additional fees or tuition in an amount to be fixed by the president or executive head of the institution, subject to the approval of the Board of Trustees of State Institutions of Higher



8071 Learning, which amount shall be paid by and collected from the
8072 student or his parents.

8073 Boards of trustees of school districts involved may designate
8074 an area within the jurisdiction of the board as an attendance
8075 center as provided by law, and may require students in such area
8076 to attend demonstration or practice schools, subject to a
8077 satisfactory contract between the school board and the president
8078 or executive head of the institution operating the demonstration
8079 or practice school. In such event, all fees and tuition must be
8080 borne by the school district and in no case shall the child or the
8081 parents of the child assigned to such demonstration or practice
8082 school be required to pay any fees or tuition.

8083 The president or executive head of the institution, subject
8084 to the approval of the Board of Trustees of State Institutions of
8085 Higher Learning, may also fix the amount of fees and tuition to be
8086 paid by students desiring to attend such demonstration or practice
8087 school in cases where there is no contract with the board of
8088 trustees of the school district in which the students reside
8089 therefor.

8090 All funds received by an institution, under the provisions of
8091 this section, shall be deposited in a special fund and shall be
8092 used and expended solely for the purpose of defraying and paying
8093 the cost and expense of operating, maintaining and conducting such
8094 teachers demonstration and practice school. Such funds may be
8095 supplemented by and used in connection with any other funds



available to the institutions for such purpose whether made
available by legislative appropriation or otherwise.

SECTION 100. Section 37-131-11, Mississippi Code of 1972, is
amended as follows:

37-131-11. All demonstration or practice schools established
under the provisions of Section 37-131-1 shall, as far as may be
practicable, be subject to and governed by the same laws as other
public schools of the State of Mississippi, and shall make all
reports required by law to be made by public schools to the State
Board of Education * * * at the same time and in the same manner
as such reports are made by other public schools. However, for
the purpose of the allocation of * * * Investing in the Needs of
Students to Prioritize, Impact and Reform Education (INSPIRE)
funds, the reports of children in average daily * * * membership
shall be made to the school district involved by * * * the
demonstration or practice school, and a copy thereof shall be
filed with the State Board of Education. The school district
shall use * * * the reports so filed with it in making its reports
to the State Board of Education for the purpose of the allocation
of * * * Investing in the Needs of Students to Prioritize, Impact
and Reform Education (INSPIRE) funds, but the average daily * * *
membership of the pupils attending such demonstration or practice
school shall be segregated and separated in such reports from the
average daily * * * membership in the regular schools of the
district.



8121 **SECTION 101.** Section 37-151-9, Mississippi Code of 1972, is
8122 amended as follows:

8123 37-151-9. (1) The State Board of Education and State
8124 Superintendent of Education shall establish within the State
8125 Department of Education a special unit at the division level
8126 called the Office of Educational Accountability. The Director of
8127 the Office of Educational Accountability shall hold a position
8128 comparable to a deputy superintendent and shall be appointed by
8129 the State Board of Education with the advice and consent of the
8130 Senate. He shall serve at the will and pleasure of the State
8131 Board of Education and may employ necessary professional,
8132 administrative and clerical staff. The Director of the Office of
8133 Educational Accountability shall provide all reports to the
8134 Legislature, Governor, Mississippi Commission on School
8135 Accreditation and State Board of Education and respond to any
8136 inquiries for information.

8137 (2) The Office of Educational Accountability is responsible
8138 for monitoring and reviewing programs developed under the
8139 Education Reform Act, the Mississippi Adequate Education Program
8140 Act of 1994, the Education Enhancement Fund, the "Investing in the
8141 Needs of Students to Prioritize, Impact and Reform Education
8142 (INSPIRE) Act of 2024," and subsequent education initiatives, and
8143 shall provide information, recommendations and an annual
8144 assessment to the Legislature, Governor, Mississippi Commission on
8145 School Accreditation and the State Board of Education. * * * The



8146 annual assessment of education reform programs shall be performed
8147 by the Office of Educational Accountability by December 1 of each
8148 year. * * *

8149 (3) In addition, the Office of Educational Accountability
8150 shall have the following specific duties and responsibilities:

8151 (a) Developing and maintaining a system of
8152 communication with school district personnel;

8153 (b) Provide opportunities for public comment on the
8154 current functions of the State Department of Education's programs,
8155 needed public education services and innovative suggestions; and

8156 (c) Assess both positive and negative impact on school
8157 districts of new education programs, including but not limited to
8158 The Mississippi Report Card and alternative school programs.

8159 **SECTION 102.** Section 37-151-85, Mississippi Code of 1972, is
8160 amended as follows:

8161 37-151-85. (1) * * * Using those funds appropriated by the
8162 Legislature for transportation purposes, the amount to be allotted
8163 by the State Board of Education for transportation shall be
8164 determined as follows:

8165 The State Department of Education shall calculate the cost of
8166 transportation in school districts by ascertaining the average
8167 cost per pupil in average daily * * * membership of transported
8168 pupils in school districts classified in different density groups,
8169 as determined by the State Department of Education. Based on
8170 these calculations, the State Department of Education shall



8171 develop a scale for determining the allowable cost per pupil in
8172 different density groups, which scale shall provide greatest
8173 allowance per pupil transported in school districts with lowest
8174 densities and smallest allowance per pupil in school districts
8175 with highest densities. The total allowance * * * under this
8176 section for transported children for any school district for the
8177 current year shall be the average daily * * * membership of the
8178 transported children for * * * months two (2) and three (3) of the
8179 prior year, multiplied by the allowance per transported pupil as
8180 provided herein. However, the State Department of Education
8181 is * * * authorized and empowered to make proper adjustments in
8182 allotments, under rules and regulations of the State Board of
8183 Education, in cases where major changes in the number of children
8184 in average daily * * * membership transported occur from one (1)
8185 year to another as a result of changes or alterations in the
8186 boundaries of school districts, a change in or relocation of
8187 attendance centers, or for other reasons which would result in
8188 major decrease or increase in the number of children in average
8189 daily * * * membership transported during the current school year
8190 as compared with the preceding year. Moreover, the State Board of
8191 Education is hereby authorized and empowered to make such payments
8192 to all districts and/or university-based programs as deemed
8193 necessary in connection with transporting exceptional children as
8194 defined in Section 37-23-3. The State Board of Education shall
8195 establish and implement all necessary rules and regulations to



8196 allot transportation payments to university-based programs. In
8197 developing density classifications under the provisions hereof,
8198 the State Department of Education may give consideration to the
8199 length of the route, the sparsity of the population, the lack of
8200 adequate roads, highways and bridges, and the presence of large
8201 streams or other geographic obstacles. In addition to funds
8202 allotted under the above provisions, funds shall be allotted to
8203 each school district that transports students from their assigned
8204 school or attendance center to classes in an approved
8205 vocational-technical center at a rate per mile not to exceed the
8206 average statewide cost per mile of school bus transportation
8207 during the preceding year exclusive of bus replacement. All such
8208 transportation must have prior approval by the State Department of
8209 Education.

8210 (2) The average daily membership of transported children
8211 shall be reported by the school district in which such children
8212 attend school. If children living in a school district are
8213 transported at the expense of such school district to another
8214 school district, the average daily * * * membership of such
8215 transported children shall be deducted by the State Department of
8216 Education from the aggregate average daily attendance of
8217 transported children in the school district in which they attend
8218 school and shall be added to the aggregate average daily * * *
8219 membership of transported children of the school district from
8220 which they come for the purpose of calculating transportation



8221 allotments. However, such deduction shall not be made for the
8222 purpose of calculating * * * Investing in the Needs of Students to
8223 Prioritize, Impact and Reform Education (INSPIRE) funding.

8224 (3) The State Department of Education shall include in the
8225 allowance for transportation for each school district an amount
8226 for the replacement of school buses or the purchase of new buses,
8227 which amount shall be calculated upon the estimated useful life of
8228 all school buses being used for the transportation of children in
8229 such school district, whether such buses be publicly or privately
8230 owned.

8231 (4) The school boards of all districts operating school bus
8232 transportation are authorized and directed to establish a salary
8233 schedule for school bus drivers. No school district shall be
8234 entitled to receive the funds herein allotted for transportation
8235 unless it pays each of its nonstudent adult school bus drivers
8236 paid from such transportation allotments a minimum of One Hundred
8237 Ninety Dollars (\$190.00) per month. In addition, local school
8238 boards may compensate school bus drivers, to include temporary or
8239 substitute bus drivers, for actual expenses incurred when
8240 acquiring an initial commercial license or any renewal of a
8241 commercial license in order to drive a school bus. In addition,
8242 local school boards may compensate school bus drivers, to include
8243 temporary or substitute bus drivers, for expenses, not to exceed
8244 One Hundred Dollars (\$100.00), when acquiring an initial medical



8245 exam or any renewal of a medical exam, in order to qualify for a
8246 commercial driver's license.

8247 (5) The State Board of Education shall be authorized and
8248 empowered to use such part of the funds appropriated for
8249 transportation * * * as may be necessary to finance driver
8250 training courses as provided for in Section 37-41-1 * * *.

8251 (6) The State Board of Education, acting through the
8252 Department of Education, may compensate school bus drivers, to
8253 include temporary or substitute bus drivers, who are providing
8254 driving services to the various state operated schools, such as
8255 the Mississippi School for the Deaf, the Mississippi School for
8256 the Blind, the Mississippi School of the Arts, the Mississippi
8257 School for Math and Science and any other similar state operated
8258 schools, for actual expenses incurred when acquiring an initial
8259 commercial license or any renewal of a commercial license in order
8260 to drive a school bus, to include the expense, not to exceed One
8261 Hundred Dollars (\$100.00), of acquiring an initial medical exam or
8262 any renewal of a medical exam in order to qualify for a commercial
8263 driver's license.

8264 **SECTION 103.** Section 37-151-87, Mississippi Code of 1972, is
8265 amended as follows:

8266 37-151-87. No school district shall pay any teacher less
8267 than the state minimum salary. * * * However, * * * school
8268 districts are authorized to reduce the state minimum salary by a
8269 pro rata daily amount in order to comply with the school district



8270 employee furlough provisions of Section 37-7-308. From and after
8271 July 1, 2012, no school district shall receive any funds under the
8272 provisions of this chapter for any school year during which the
8273 aggregate amount of local supplement * * * is reduced below such
8274 amount for the previous year. However, (a) where there has been a
8275 reduction in * * * Investing in the Needs of Students to
8276 Prioritize, Impact and Reform Education (INSPIRE) allocations for
8277 such district in such year, (b) where there has been a reduction
8278 in the amount of federal funds to such district below the previous
8279 year, or (c) where there has been a reduction in ad valorem taxes
8280 to such school district for the 1986-1987 school year below the
8281 amount for the previous year due to the exemption of nuclear
8282 generating plants from ad valorem taxation pursuant to Section
8283 27-35-309, * * * the aggregate amount of local supplement in such
8284 district may be reduced in the discretion of the local school
8285 board without loss of funds under this chapter. No school
8286 district may receive any funds under the provisions of this
8287 chapter for any school year if the aggregate amount of support
8288 from ad valorem taxation shall be reduced during such school year
8289 below such amount for the previous year; however, where there is a
8290 loss in * * * Investing in the Needs of Students to Prioritize,
8291 Impact and Reform Education (INSPIRE) allocations, or where there
8292 is or heretofore has been a decrease in the total assessed value
8293 of taxable property within a school district, the aggregate amount
8294 of such support may be reduced proportionately. Nothing herein



contained shall prohibit any school district from adopting or continuing a program or plan whereby teachers are paid varying salaries according to the teaching ability, classroom performance and other similar standards.

For purposes of this section, the term "local supplement" means the additional amount paid to an individual teacher over and above the salary schedule prescribed in Section 37-19-7 for the performance of regular teaching duties by that teacher.

SECTION 104. Section 37-151-89, Mississippi Code of 1972, is amended as follows:

37-151-89. The minimum base pay for all classroom teachers may be increased by the district from any funds available to it * * *.

SECTION 105. Section 37-151-91, Mississippi Code of 1972, is amended as follows:

37-151-91. The school boards of all school districts may establish salary schedules based on training, experience and other such factors as may be incorporated therein, including student progress and performance as developed by the State Board of Education, paying teachers greater amounts than the scale provided * * * in Section 37-19-7, but no teacher may be paid less than the amount based upon the minimum scale of pay provided in * * * Section 37-19-7, * * * and all supplements paid from local funds shall be based upon the salary schedules so established. The school boards may call upon the State Department



8320 of Education for aid and assistance in formulating and
8321 establishing such salary schedules, and it shall be the duty of
8322 the State Department of Education, when so called upon, to render
8323 such aid and assistance. The amount actually paid to each teacher
8324 shall be based upon and determined by the type of * * * license
8325 held by such teacher.

8326 **SECTION 106.** Section 37-151-93, Mississippi Code of 1972, is
8327 amended as follows:

8328 37-151-93. (1) Legally transferred students going from one
8329 school district to another shall be counted for * * * Investing in
8330 the Needs of Students to Prioritize, Impact and Reform Education
8331 (INSPIRE) allotments by the school district wherein the pupils
8332 attend school, but shall be counted for transportation allotment
8333 purposes in the school district which furnishes or provides the
8334 transportation. The school boards of the school districts which
8335 approve the transfer of a student under the provisions of Section
8336 37-15-31 shall enter into an agreement and contract for the
8337 payment or nonpayment of any portion of their local maintenance
8338 funds which they deem fair and equitable in support of any
8339 transferred student. Except as provided in subsection (2) of this
8340 section, local maintenance funds shall be transferred only to the
8341 extent specified in the agreement and contract entered into by the
8342 affected school districts. The terms of any local maintenance
8343 fund payment transfer contract shall be spread upon the minutes of
8344 both of the affected school district school boards. The school



8345 district accepting any transfer students shall be authorized to
8346 accept tuition from such students under the provisions of Section
8347 37-15-31(1) and such agreement may remain in effect for any length
8348 of time designated in the contract. The terms of such student
8349 transfer contracts and the amounts of any tuition charged any
8350 transfer student shall be spread upon the minutes of both of the
8351 affected school boards. No school district accepting any transfer
8352 students under the provisions of Section 37-15-31(2), which
8353 provides for the transfer of certain school district employee
8354 dependents, shall be authorized to charge such transfer students
8355 any tuition fees.

8356 (2) Local maintenance funds shall be paid by the home school
8357 district to the transferee school district for students granted
8358 transfers under the provisions of Sections 37-15-29(3) and
8359 37-15-31(3), * * * not to exceed the * * * student base amount, as
8360 defined in Section * * * 37-151-203, multiplied by the number of
8361 such legally transferred students.

8362 **SECTION 107.** Section 37-151-95, Mississippi Code of 1972, is
8363 amended as follows:

8364 37-151-95. * * * Investing in the Needs of Students to
8365 Prioritize, Impact and Reform Education (INSPIRE) funds
8366 shall * * * cover one hundred percent (100%) of the cost of the
8367 State and School Employees' Life and Health Insurance Plan created
8368 under Article 7, Chapter 15, Title 25, Mississippi Code of 1972,
8369 for all district employees who work no less than twenty (20) hours



8370 during each week and regular nonstudent school bus drivers
8371 employed by the district.

8372 Where the use of federal funding is allowable to defray, in
8373 full or in part, the cost of participation in the insurance plan
8374 by district employees who work no less than twenty (20) hours
8375 during each week and regular nonstudent school bus drivers, whose
8376 salaries are paid, in full or in part, by federal funds, the * * *
8377 use of funding formula funds as required under this section shall
8378 be reduced to the extent of the federal funding. Where the use of
8379 federal funds is allowable but not available, it is the intent of
8380 the Legislature that school districts contribute the cost of
8381 participation for such employees from local funds, except that
8382 parent fees for child nutrition programs shall not be increased to
8383 cover such cost.

8384 The State Department of Education, in accordance with rules
8385 and regulations established by the State Board of Education, may
8386 withhold a school district's * * * INSPIRE funds for failure of
8387 the district to timely report student, fiscal and personnel data
8388 necessary to meet state and/or federal requirements. The rules
8389 and regulations promulgated by the State Board of Education shall
8390 require the withholding of * * * funding formula funds for those
8391 districts that fail to remit premiums, interest penalties and/or
8392 late charges under the State and School Employees' Life and Health
8393 Insurance Plan. Noncompliance with such rules and regulations
8394 shall result in a violation of compulsory accreditation standards



8395 as established by the State Board of Education and Commission on
8396 School Accreditation.

8397 **SECTION 108.** Section 37-151-97, Mississippi Code of 1972, is
8398 amended as follows:

8399 37-151-97. The State Department of Education shall develop
8400 an annual reporting process to inform the Legislature, local
8401 district personnel and the general public as to the ongoing and
8402 future plans for the state's educational programs. The annual
8403 reporting process will include those vital statistics that are
8404 commonly reported by schools and districts and that can provide
8405 clear demographic, strategic and educational information to
8406 constituencies such as, but not limited to, the following
8407 information:

8408 (a) Student enrollment * * * and attendance * * *
8409 reported in the aggregate and specifically for each student
8410 population that is subject to weighting under Investing in the
8411 Needs of Students to Prioritize, Impact and Reform Education
8412 (INSPIRE), and drop-out and graduation data;

8413 (b) Overall student and district achievement;

8414 (c) Budget, administrative costs and other pertinent
8415 fiscal information, including:

8416 (i) The receipts and disbursements of all school
8417 funds handled by the board;



8418 (ii) Reports of expenditures for public schools,
8419 which, upon request must be made available on an individual
8420 district basis by the State Department of Education;

8421 1. Total Student Expenditures:
8422 a. Instruction (1000s);
8423 b. Other Student Instructional
8424 Expenditures (2100s, 2200s);

8425 2. General Administration (2300s and 2500s);
8426 3. School Administration (2400s);
8427 4. Other Expenditures (2600s, 2700s, 2800s,
8428 3100s, 3200s); and

8429 5. Nonoperational Expenditures (4000s, 5000s,
8430 6000s);

8431 (iii) The number of school districts, school
8432 teachers employed, school administrators employed, pupils taught
8433 and the attendance record of pupils therein;

8434 (iv) County and district levies for each school
8435 district and agricultural high school;

8436 (v) The condition of vocational education, a list
8437 of schools to which federal and state aid has been given, and a
8438 detailed statement of the expenditures of federal funds and the
8439 state funds that may be provided, and the ranking of subjects
8440 taught as compared with the state's needs.

8441 (d) Other as directed by the State Board of Education.



8442 Further, the reporting process will include an annual report
8443 developed specifically to relate the mission and goals of the
8444 State Board of Education, state superintendent and departments.
8445 This document will become the method through which the strategic
8446 planning and management process of the department is articulated
8447 to the public. It will explain and inform the public of the major
8448 initiatives of the department and clearly identify rationale for
8449 program development and/or elimination. The report will establish
8450 benchmarks, future plans and discuss the effectiveness of
8451 educational programs.

8452 In addition to the information specified herein, the State
8453 Board of Education shall have full and plenary authority and power
8454 to require the furnishing of such further, additional and
8455 supplementary information as it may deem necessary for the purpose
8456 of determining the cost of * * * Investing in the Needs of
8457 Students to Prioritize, Impact and Reform Education (INSPIRE) in
8458 such school district for the succeeding fiscal year, the amount of
8459 the * * * funding formula funds to be allotted to each school
8460 district for the succeeding fiscal year, and for any other purpose
8461 authorized by law or deemed necessary by said State Board of
8462 Education.

8463 It shall be the duty of the State Department of Education to
8464 prescribe the forms for the reports provided for in this section.

8465 **SECTION 109.** Section 37-151-99, Mississippi Code of 1972, is
8466 amended as follows:



8467 37-151-99. Based upon the information obtained pursuant to
8468 Section * * * 37-151-211(3) and upon such other and further
8469 information as provided by law, the State Department of Education
8470 shall, on or before June 1 of each year, or as soon thereafter as
8471 is practical, furnish each school board and charter school the
8472 preliminary estimate of the amount each will receive from * * *
8473 Investing in the Needs of Students to Prioritize, Impact and
8474 Reform Education (INSPIRE) for the succeeding scholastic year, and
8475 at the same time shall furnish each such school board with a
8476 tentative estimate of the cost of the * * * local minimum tax
8477 effort for the uniform funding formula in the school district and
8478 the local contribution for the school district and each charter
8479 school for such succeeding fiscal year.

8480 **SECTION 110.** Section 37-151-101, Mississippi Code of 1972,
8481 is amended as follows:

8482 37-151-101. It shall be the duty of the State Department of
8483 Education to file with the State Treasurer and the State Fiscal
8484 Officer such data and information as may be required to enable the
8485 said State Treasurer and State Fiscal Officer to distribute
8486 the * * * Investing in the Needs of Students to Prioritize, Impact
8487 and Reform Education (INSPIRE) funds by electronic funds transfer
8488 to the several school districts and charter schools at the time
8489 required and provided under the provisions of this chapter. Such
8490 data and information so filed shall show in detail the amount of
8491 funds to which each school district and charter school is



8492 entitled * * * under the funding formula. Such data and
8493 information so filed may be revised from time to time as
8494 necessitated by law. At the time provided by law, the State
8495 Treasurer and the State Fiscal Officer shall distribute to the
8496 several school districts and charter schools the amounts to which
8497 they are entitled * * * under the funding formula as provided by
8498 this chapter. Such distribution shall be made by electronic funds
8499 transfer to the depositories of the several school districts and
8500 charter schools designated in writing to the State Treasurer based
8501 upon the data and information supplied by the State Department of
8502 Education for such distribution. In such instances, the State
8503 Treasurer shall submit a request for an electronic funds transfer
8504 to the State Fiscal Officer, which shall set forth the purpose,
8505 amount and payees, and shall be in such form as may be approved by
8506 the State Fiscal Officer so as to provide the necessary
8507 information as would be required for a requisition and issuance of
8508 a warrant. A copy of the record of * * * the electronic funds
8509 transfers shall be transmitted by the school district and charter
8510 school depositories to the Treasurer, who shall file duplicates
8511 with the State Fiscal Officer. The Treasurer and State Fiscal
8512 Officer shall jointly promulgate regulations for the utilization
8513 of electronic funds transfers to school districts and charter
8514 schools.

8515 **SECTION 111.** Section 37-151-103, Mississippi Code of 1972,
8516 is amended as follows:



8517 37-151-103. (1) Funds due each school district and charter
8518 school under * * * Investing in the Needs of Students to
8519 Prioritize, Impact and Reform Education (INSPIRE) shall be paid in
8520 the following manner: Two (2) business days prior to the last
8521 working day of each month there shall be paid to each school
8522 district and charter school, by electronic funds transfer,
8523 one-twelfth (1/12) of the funds to which the district or charter
8524 school is entitled from funds appropriated for * * * funding
8525 formula. However, in December those payments shall be made on
8526 December 15th or the next business day after that date. All
8527 school districts shall process a single monthly or a bimonthly
8528 payroll for employees, in the discretion of the local school
8529 board, with electronic settlement of payroll checks secured
8530 through direct deposit of net pay for all school district
8531 employees. In addition, the State Department of Education may pay
8532 school districts and charter schools * * * under the funding
8533 formula on a date earlier than provided for by this section if it
8534 is determined that it is in the best interest of school districts
8535 and charter schools to do so.

8536 * * * However, * * * if the cash balance in the State
8537 General Fund is not adequate on the due date to pay the amounts
8538 due to all school districts and charter schools in the state as
8539 determined by the State Superintendent of Public Education, the
8540 State Fiscal Officer shall not transfer * * * the funds payable to
8541 any school district or districts or charter schools until money is



8542 available to pay the amount due to all districts and charter
8543 schools.

8544 (2) Notwithstanding any provision of this chapter or any
8545 other law requiring the number of children in average daily * * *
8546 membership or the average daily * * * membership of transported
8547 children to be determined on the basis of the preceding year, the
8548 State Board of Education is hereby authorized and empowered to
8549 make proper adjustments in allotments in cases where major changes
8550 in the number of children in average daily * * * membership or the
8551 average daily * * * membership of transported children occurs from
8552 one (1) year to another as a result of changes or alterations in
8553 the boundaries of school districts, the sending of children from
8554 one (1) county or district to another upon a contract basis, the
8555 termination or discontinuance of a contract for the sending of
8556 children from one (1) county or district to another, a change in
8557 or relocation of attendance centers, or for any other reason which
8558 would result in a major decrease or increase in the number of
8559 children in average daily * * * membership or the average
8560 daily * * * membership of transported children during the current
8561 school year as compared with the preceding year.

8562 * * *

8563 **SECTION 112.** Section 37-151-105, Mississippi Code of 1972,
8564 is amended as follows:

8565 37-151-105. The State Board of Education shall have the
8566 authority to make such regulations not inconsistent with law which



8567 it deems necessary for the administration of this chapter. The
8568 State Board of Education, if it deems such practice necessary, may
8569 use reports of the first six (6) months of school for the purpose
8570 of determining average daily * * * membership.

8571 **SECTION 113.** Section 37-151-107, Mississippi Code of 1972,
8572 is amended as follows:

8573 37-151-107. Any superintendent of education, member of the
8574 local school board of any school district, superintendent,
8575 principal, teacher, carrier, bus driver or member or employee of
8576 the State Department of Education or State Board of Education, or
8577 any other person, who shall willfully violate any of the
8578 provisions of this chapter, or who shall willfully make any false
8579 report, list or record, or who shall willfully make use of any
8580 false report, list or record, concerning the number of school
8581 children in average daily * * * membership shall be guilty of a
8582 misdemeanor and upon conviction shall be punished by imprisonment
8583 in the county jail for a period not to exceed sixty (60) days or
8584 by a fine of not less than One Hundred Dollars (\$100.00), nor more
8585 than Three Hundred Dollars (\$300.00), or by both such fine and
8586 imprisonment, in the discretion of the court. In addition, any
8587 such person shall be civilly liable for all amounts of public
8588 funds which are illegally, unlawfully or wrongfully expended or
8589 paid out by virtue of or pursuant to such false report, list or
8590 record, and upon conviction or adjudication of civil liability
8591 hereunder, such person shall forfeit his license to teach for a



8592 period of three (3) years, if such person is the holder of such a
8593 license. Any suit to recover such funds illegally, unlawfully or
8594 wrongfully expended or paid out may be brought in the name of the
8595 State of Mississippi by the Attorney General or the proper
8596 district attorney or county attorney, and, in the event such
8597 suit * * * is brought against a person who is under bond, the
8598 sureties upon such bond shall likewise be liable for such amount
8599 illegally, unlawfully or wrongfully expended or paid out.

8600 **SECTION 114.** Section 37-173-9, Mississippi Code of 1972, is
8601 amended as follows:

8602 37-173-9. (1) (a) The parent or legal guardian is not
8603 required to accept the offer of enrolling in another public school
8604 in lieu of requesting a Mississippi Dyslexia Therapy Scholarship
8605 to a nonpublic school. However, if the parent or legal guardian
8606 chooses the public school option, the student may continue
8607 attending a public school chosen by the parent or legal guardian
8608 until the student completes Grade 12.

8609 (b) If the parent or legal guardian chooses a public
8610 school within the district, the school district shall provide
8611 transportation to the public school selected by the parent or
8612 legal guardian. However, if the parent or legal guardian chooses
8613 a public school in another district, the parent or legal guardian
8614 is responsible to provide transportation to the school of choice.

8615 These provisions do not prohibit a parent or legal guardian
8616 of a student diagnosed with dyslexia, at any time, from choosing



the option of a Mississippi Dyslexia Therapy Scholarship which would allow the student to attend another public school or nonpublic special purpose school.

(2) If the parent or legal guardian chooses the nonpublic school option and the student is accepted by the nonpublic school pending the availability of a space for the student, the parent or legal guardian of the student must notify the department thirty (30) days before the first scholarship payment and before entering the nonpublic school in order to be eligible for the scholarship when a space becomes available for the student in the nonpublic school.

(3) The parent or legal guardian of a student may choose, as an alternative, to enroll the student in and transport the student to a public school in an adjacent school district which has available space and has a program with dyslexia services that provide daily dyslexia therapy sessions delivered by a department licensed dyslexia therapist, and that school district shall accept the student and report the student for purposes of the district's funding under * * * Investing in the Needs of Students to Prioritize, Impact and Reform Education (INSPIRE).

SECTION 115. Section 37-173-13, Mississippi Code of 1972, is amended as follows:

37-173-13. (1) The maximum scholarship granted per eligible student with dyslexia shall be an amount equivalent to the * * *



8641 student base amount under Investing in the Needs of Students to
8642 Prioritize, Impact and Reform Education (INSPIRE).

8643 (2) (a) The nonpublic school under this program shall
8644 report to the * * * State Department of Education the number of
8645 students with dyslexia who are enrolled in nonpublic schools on
8646 the Mississippi Dyslexia Therapy Scholarships as of September 30
8647 of each year in order to determine funding for the subsequent
8648 year. Funds may not be transferred from any funding provided to
8649 the Mississippi School for the Deaf and the Blind for program
8650 participants who are eligible under Section 37-173-5.

8651 (b) The * * * State Department of Education will
8652 disburse payments to nonpublic schools under this program in
8653 twelve (12) substantially equal installments. The initial payment
8654 shall be made after department verification of admission
8655 acceptance, and subsequent payments shall be made upon
8656 verification of continued enrollment and attendance at the
8657 nonpublic school.

8658 **SECTION 116.** Section 37-175-13, Mississippi Code of 1972, is
8659 amended as follows:

8660 37-175-13. (1) The maximum scholarship granted per eligible
8661 student with speech-language impairment shall be an amount
8662 equivalent to the * * * state share of per student funding under
8663 Investing in the Needs of Students to Prioritize, Impact and
8664 Reform Education (INSPIRE) in the school district in which a
8665 student resides.



8666 (2) (a) Any nonpublic school under this program shall
8667 report to the State Department of Education the number of students
8668 with speech-language impairment who are enrolled in nonpublic
8669 schools on the Mississippi Speech-Language Therapy Scholarships as
8670 of September 30 of each year in order to determine funding for the
8671 subsequent year. Funds may not be transferred from any funding
8672 provided to the Mississippi School for the Deaf and the Blind for
8673 program participants who are eligible under Section 37-175-5.

8674 (b) The State Department of Education shall make
8675 payments to nonpublic schools for each student at the nonpublic
8676 school equal to the state share of the * * * Investing in the
8677 Needs of Students to Prioritize, Impact and Reform Education
8678 (INSPIRE) payments for each student in average daily * * *
8679 membership at the school district from which the student
8680 transferred. In calculating the local contribution for purposes
8681 of determining the state share of the * * * funding formula
8682 payments, the department shall deduct the pro rata local
8683 contribution of the school district in which the student resides,
8684 to be determined as provided in Section * * * 37-151-217(2).

8685 (c) Payments made pursuant to this subsection by the
8686 State Department of Education must be made at the same time and in
8687 the same manner as * * * INSPIRE payments are made to school
8688 districts under Sections 37-151-101 and 37-151-103. Amounts
8689 payable to a nonpublic school must be determined by the State
8690 Department of Education.



(3) If the parent opts to remove a child from a public school to a nonpublic special purpose school and to receive a scholarship under this chapter, then transportation shall be provided at the parent's or guardian's expense.

SECTION 117. Section 37-179-3, Mississippi Code of 1972, is amended as follows:

37-179-3. (1) A district which is an applicant to be designated as a district of innovation under Section 37-179-1 shall:

(a) Establish goals and performance targets for the district of innovation proposal, which may include:

(i) Reducing achievement gaps among groups of public school students by expanding learning experiences for students who are identified as academically low-achieving;

(ii) Increasing pupil learning through the implementation of high, rigorous standards for pupil performance;

(iii) Increasing the participation of students in various curriculum components and instructional components within selected schools to enhance at each grade level;

(iv) Increasing the number of students who are college and career-ready;

(v) Motivating students at different grade levels by offering more curriculum choices and student learning opportunities to parents and students within the district;



8715 (b) Identify changes needed in the district and schools
8716 to lead to better prepared students for success in life and work;
8717 (c) Have a district wide plan of innovation that
8718 describes and justifies which schools and innovative practices
8719 will be incorporated;
8720 (d) Provide documentation of community, educator,
8721 parental, and the local board's support of the proposed
8722 innovations;
8723 (e) Provide detailed information regarding the
8724 rationale of requests for waivers from Title 37, Mississippi Code
8725 of 1972, which relate to the elementary and secondary education of
8726 public school students, and administrative regulations, and
8727 exemptions for selected schools regarding waivers of local school
8728 board policies;
8729 (f) Document the fiscal and human resources the board
8730 will provide throughout the term of the implementation of the
8731 innovations within its plan; and
8732 (g) Provide other materials as required by the
8733 department in compliance with the board's administrative
8734 regulations and application procedures.
8735 (2) The district and all schools participating in a
8736 district's innovation plan shall:
8737 (a) Ensure the same health, safety, civil rights, and
8738 disability rights requirements as are applied to all public
8739 schools;



8740 (b) Ensure students meet compulsory attendance
8741 requirements under Sections 37-13-91 and 37-13-92;

8742 (c) Ensure that high school course offerings meet or
8743 exceed the minimum required under Sections 37-16-7 and 37-3-49,
8744 for high school graduation or meet early graduation requirements
8745 that may be enacted by the Mississippi Legislature;

8746 (d) Ensure the student performance standards meet or
8747 exceed those adopted by the State Board of Education as required
8748 by Sections 37-3-49, 37-16-3 and 37-17-6, including compliance
8749 with the statewide assessment system specified in Chapter 16,
8750 Title 37, Mississippi Code of 1972;

8751 (e) Adhere to the same financial audits, audit
8752 procedures, and audit requirements as are applied under Section
8753 7-7-211(e);

8754 (f) Require state and criminal background checks for
8755 staff and volunteers as required of all public school employees
8756 and volunteers within the public schools and specified in Section
8757 37-9-17;

8758 (g) Comply with open records and open meeting
8759 requirements under Sections 25-41-1 et seq. and 25-61-1 et seq.;

8760 (h) Comply with purchasing requirements and limitations
8761 under Chapter 39, Title 37, Mississippi Code of 1972;

8762 (i) Provide overall instructional time that is
8763 equivalent to or greater than that required under Sections 37-1-11
8764 and 37-13-67, but which may include on-site instruction, distance



8765 learning, online courses, and work-based learning on
8766 nontraditional school days or hours; and

8767 (j) Provide data to the department as deemed necessary
8768 to generate school and district reports.

8769 (3) (a) Only schools that choose to be designated as
8770 schools of innovation shall be included in a district's
8771 application;

8772 (b) As used in this paragraph, "eligible employees"
8773 means employees that are regularly employed at the school and
8774 those employees whose primary job duties will be affected by the
8775 plan; and

8776 (c) Notwithstanding the provisions of paragraph (a) of
8777 this subsection, a local school board may require a school that
8778 has been identified as a persistently low-achieving school under
8779 provisions of Section 37-17-6 to participate in the district's
8780 plan of innovation.

8781 (4) Notwithstanding any statutes to the contrary, the board
8782 may approve the requests of districts of innovation to:

8783 (a) Use capital outlay funds for operational costs;

8784 (b) Hire persons for classified positions in
8785 nontraditional school and district assignments who have bachelors
8786 and advanced degrees from postsecondary education institutions
8787 accredited by a regional accrediting association (Southern
8788 Association of Colleges and Schools) or by an organization
8789 affiliated with the National Commission on Accrediting;



8790 (c) Employ teachers on extended employment contracts or
8791 extra duty contracts and compensate them on a salary schedule
8792 other than the single salary schedule;

8793 (d) Extend the school days as is appropriate within the
8794 district with compensation for the employees as determined
8795 locally;

8796 (e) Establish alternative education programs and
8797 services that are delivered in nontraditional hours and which may
8798 be jointly provided in cooperation with another school district or
8799 consortia of districts;

8800 (f) Establish online classes within the district for
8801 delivering alternative classes in a blended environment to meet
8802 high school graduation requirements;

8803 (g) Use a flexible school calendar;

8804 (h) Convert existing schools into schools of
8805 innovation; and

8806 (i) Modify the formula under * * * Chapter 151, Title
8807 37, Mississippi Code of 1972, for distributing * * * Investing in
8808 the Needs of Students to Prioritize, Impact and Reform Education
8809 (INSPIRE) funds for students in average daily * * * membership in
8810 nontraditional programming time, including alternative programs
8811 and virtual programs. Funds granted to a district shall not
8812 exceed those that would have otherwise been distributed based on
8813 average daily * * * membership during regular instructional days.



SECTION 118. Section 37-181-7, Mississippi Code of 1972, is amended as follows:

37-181-7. (1) The ESA program created in this chapter shall be limited to five hundred (500) students in the school year 2015-2016, with new enrollment limited to five hundred (500) additional students each year thereafter. Subject to appropriation from the General Fund, each student's ESA shall be funded at Six Thousand Five Hundred Dollars (\$6,500.00) for school year 2015-2016. For each subsequent year, this amount shall increase or decrease by the same proportion as the * * * student base amount under Section * * * 37-151-207 is increased or decreased.

(2) Subject to appropriation, eligible students shall be approved for participation in the ESA program as follows:

(a) Until participation in the ESA program reaches fifty percent (50%) of the annual enrollment limits in subsection (1) of this section, students shall be approved on a first-come, first-served basis, with applications being reviewed on a rolling basis;

(b) After participation reaches fifty percent (50%) of the annual enrollment limits in subsection (1) of this section, the department shall set annual application deadlines for the remaining number of available ESAs and begin to maintain a waiting list of eligible students. The waitlist will be maintained in the chronological order in which applications are received. The



8839 department shall award ESA program applications in chronological
8840 order according to the waitlist; and

8841 (c) Participating students who remain eligible for the
8842 ESA program are automatically approved for participation for the
8843 following year and are not subject to the random selection
8844 process.

8845 (3) No funds for an ESA may be expended from * * * Investing
8846 in the Needs of Students to Prioritize, Impact and Reform
8847 Education (INSPIRE), nor shall any school district be required to
8848 provide funding for an ESA.

8849 **SECTION 119.** Section 41-79-5, Mississippi Code of 1972, is
8850 amended as follows:

8851 41-79-5. (1) There is hereby established within the State
8852 Department of Health a school nurse intervention program,
8853 available to all public school districts in the state.

8854 (2) By the school year 1998-1999, each public school
8855 district shall have employed a school nurse, to be known as a
8856 Health Service Coordinator, pursuant to the school nurse
8857 intervention program prescribed under this section. The school
8858 nurse intervention program shall offer any of the following
8859 specific preventive services, and other additional services
8860 appropriate to each grade level and the age and maturity of the
8861 pupils:



8862 (a) Reproductive health education and referral to
8863 prevent teen pregnancy and sexually transmitted diseases, which
8864 education shall include abstinence;

8865 (b) Child abuse and neglect identification;

8866 (c) Hearing and vision screening to detect problems
8867 which can lead to serious sensory losses and behavioral and
8868 academic problems;

8869 (d) Alcohol, tobacco and drug abuse education to reduce
8870 abuse of these substances;

8871 (e) Scoliosis screening to detect this condition so
8872 that costly and painful surgery and lifelong disability can be
8873 prevented;

8874 (f) Coordination of services for handicapped children
8875 to ensure that these children receive appropriate medical
8876 assistance and are able to remain in public school;

8877 (g) Nutrition education and counseling to prevent
8878 obesity and/or other eating disorders which may lead to
8879 life-threatening conditions, for example, hypertension;

8880 (h) Early detection and treatment of head lice to
8881 prevent the spread of the parasite and to reduce absenteeism;

8882 (i) Emergency treatment of injury and illness to
8883 include controlling bleeding, managing fractures, bruises or
8884 contusions and cardiopulmonary resuscitation (CPR);

8885 (j) Applying appropriate theory as the basis for
8886 decision making in nursing practice;



8887 (k) Establishing and maintaining a comprehensive school
8888 health program;

8889 (l) Developing individualized health plans;

8890 (m) Assessing, planning, implementing and evaluating
8891 programs and other school health activities, in collaboration with
8892 other professionals;

8893 (n) Providing health education to assist students,
8894 families and groups to achieve optimal levels of wellness;

8895 (o) Participating in peer review and other means of
8896 evaluation to assure quality of nursing care provided for students
8897 and assuming responsibility for continuing education and
8898 professional development for self while contributing to the
8899 professional growth of others;

8900 (p) Participating with other key members of the
8901 community responsible for assessing, planning, implementing and
8902 evaluating school health services and community services that
8903 include the broad continuum or promotion of primary, secondary and
8904 tertiary prevention; and

8905 (q) Contributing to nursing and school health through
8906 innovations in theory and practice and participation in research.

8907 (3) Public school nurses shall be specifically prohibited
8908 from providing abortion counseling to any student or referring any
8909 student to abortion counseling or abortion clinics. Any violation
8910 of this subsection shall disqualify the school district employing



8911 such public school nurse from receiving any state administered
8912 funds under this section.

8913 (4) Repealed.

8914 (5) Beginning with the 1997-1998 school year, to the extent
8915 that federal or state funds are available therefor and pursuant to
8916 appropriation therefor by the Legislature, in addition to the
8917 school nurse intervention program funds administered under
8918 subsection (4), the State Department of Health shall establish and
8919 implement a Prevention of Teen Pregnancy Pilot Program to be
8920 located in the public school districts with the highest numbers of
8921 teen pregnancies. The Teen Pregnancy Pilot Program shall provide
8922 the following education services directly through public school
8923 nurses in the pilot school districts: health education sessions
8924 in local schools, where contracted for or invited to provide,
8925 which target issues including reproductive health, teen pregnancy
8926 prevention and sexually transmitted diseases, including syphilis,
8927 HIV and AIDS. When these services are provided by a school nurse,
8928 training and counseling on abstinence shall be included.

8929 (6) In addition to the school nurse intervention program
8930 funds administered under subsection (4) and the Teen Pregnancy
8931 Pilot Program funds administered under subsection (5), to the
8932 extent that federal or state funds are available therefor and
8933 pursuant to appropriation therefor by the Legislature, the State
8934 Department of Health shall establish and implement an Abstinence
8935 Education Pilot Program to provide abstinence education,



8936 mentoring, counseling and adult supervision to promote abstinence
8937 from sexual activity, with a focus on those groups which are most
8938 likely to bear children out of wedlock. Such abstinence education
8939 services shall be provided by the State Department of Health
8940 through its clinics, public health nurses, school nurses and
8941 through contracts with rural and community health centers in order
8942 to reach a larger number of targeted clients. For purposes of
8943 this subsection, the term "abstinence education" means an
8944 educational or motivational program which:

8945 (a) Has as its exclusive purpose, teaching the social,
8946 psychological and health gains to be realized by abstaining from
8947 sexual activity;

8948 (b) Teaches abstinence from sexual activity outside
8949 marriage as the expected standard for all school-age children;

8950 (c) Teaches that abstinence from sexual activity is the
8951 only certain way to avoid out-of-wedlock pregnancy, sexually
8952 transmitted diseases and other associated health problems;

8953 (d) Teaches that a mutually faithful monogamous
8954 relationship in context of marriage is the expected standard of
8955 human sexual activity;

8956 (e) Teaches that sexual activity outside of the context
8957 of marriage is likely to have harmful psychological and physical
8958 effects;



8959 (f) Teaches that bearing children out of wedlock is
8960 likely to have harmful consequences for the child, the child's
8961 parents and society;

8962 (g) Teaches young people how to reject sexual advances
8963 and how alcohol and drug use increase vulnerability to sexual
8964 advances; and

8965 (h) Teaches the importance of attaining
8966 self-sufficiency before engaging in sexual activity.

8967 (7) * * * Pursuant to appropriation therefor by the
8968 Legislature, in addition to * * * funds allotted under * * *
8969 Investing in the Needs of Students to Prioritize, Impact and
8970 Reform Education (INSPIRE), each school district shall be allotted
8971 an * * * amount for the purpose of employing qualified public
8972 school nurses in such school district, which in no event shall be
8973 less than one (1) * * * nurse per school district, for such
8974 purpose. In the event the Legislature provides less funds than
8975 the total state funds needed for the public school nurse
8976 allotment, those school districts with fewer * * * nurses per the
8977 number of students in average daily membership shall be the first
8978 funded for such purpose, to the extent of funds available.

8979 (8) Prior to the 1998-1999 school year, nursing staff
8980 assigned to the program shall be employed through the local county
8981 health department and shall be subject to the supervision of the
8982 State Department of Health with input from local school officials.
8983 Local county health departments may contract with any



8984 comprehensive private primary health care facilities within their
8985 county to employ and utilize additional nursing staff. Beginning
8986 with the 1998-1999 school year, nursing staff assigned to the
8987 program shall be employed by the local school district and shall
8988 be designated as "health service coordinators," and shall be
8989 required to possess a bachelor's degree in nursing as a minimum
8990 qualification.

8991 (9) Upon each student's enrollment, the parent or guardian
8992 shall be provided with information regarding the scope of the
8993 school nurse intervention program. The parent or guardian may
8994 provide the school administration with a written statement
8995 refusing all or any part of the nursing service. No child shall
8996 be required to undergo hearing and vision or scoliosis screening
8997 or any other physical examination or tests whose parent objects
8998 thereto on the grounds such screening, physical examination or
8999 tests are contrary to his sincerely held religious beliefs.

9000 (10) A consent form for reproductive health education shall
9001 be sent to the parent or guardian of each student upon his
9002 enrollment. If a response from the parent or guardian is not
9003 received within seven (7) days after the consent form is sent, the
9004 school shall send a letter to the student's home notifying the
9005 parent or guardian of the consent form. If the parent or guardian
9006 fails to respond to the letter within ten (10) days after it is
9007 sent, then the school principal shall be authorized to allow the
9008 student to receive reproductive health education. Reproductive



9009 health education shall include the teaching of total abstinence
9010 from premarital sex and, wherever practicable, reproductive health
9011 education should be taught in classes divided according to gender.
9012 All materials used in the reproductive health education program
9013 shall be placed in a convenient and easily accessible location for
9014 parental inspection. School nurses shall not dispense birth
9015 control pills or contraceptive devices in the school. Dispensing
9016 of such shall be the responsibility of the State Department of
9017 Health on a referral basis only.

9018 (11) No provision of this section shall be construed as
9019 prohibiting local school districts from accepting financial
9020 assistance of any type from the State of Mississippi or any other
9021 governmental entity, or any contribution, donation, gift, decree
9022 or bequest from any source which may be utilized for the
9023 maintenance or implementation of a school nurse intervention
9024 program in a public school system of this state.

9025 **SECTION 120.** Section 43-17-5, Mississippi Code of 1972, is
9026 amended as follows:

9027 43-17-5. (1) The amount of Temporary Assistance for Needy
9028 Families (TANF) benefits which may be granted for any dependent
9029 child and a needy caretaker relative shall be determined by the
9030 county department with due regard to the resources and necessary
9031 expenditures of the family and the conditions existing in each
9032 case, and in accordance with the rules and regulations made by the
9033 Department of Human Services which shall not be less than the



9034 Standard of Need in effect for 1988, and shall be sufficient when
9035 added to all other income (except that any income specified in the
9036 federal Social Security Act, as amended, may be disregarded) and
9037 support available to the child to provide such child with a
9038 reasonable subsistence compatible with decency and health. The
9039 first family member in the dependent child's budget may receive an
9040 amount not to exceed Two Hundred Dollars (\$200.00) per month; the
9041 second family member in the dependent child's budget may receive
9042 an amount not to exceed Thirty-six Dollars (\$36.00) per month; and
9043 each additional family member in the dependent child's budget an
9044 amount not to exceed Twenty-four Dollars (\$24.00) per month. The
9045 maximum for any individual family member in the dependent child's
9046 budget may be exceeded for foster or medical care or in cases of
9047 children with an intellectual disability or a physical disability.
9048 TANF benefits granted shall be specifically limited only (a) to
9049 children existing or conceived at the time the caretaker relative
9050 initially applies and qualifies for such assistance, unless this
9051 limitation is specifically waived by the department, or (b) to a
9052 child born following a twelve-consecutive-month period of
9053 discontinued benefits by the caretaker relative.

9054 (2) TANF benefits in Mississippi shall be provided to the
9055 recipient family by an online electronic benefits transfer system.

9056 (3) The Department of Human Services shall deny TANF
9057 benefits to the following categories of individuals, except for



9058 individuals and families specifically exempt or excluded for good
9059 cause as allowed by federal statute or regulation:

9060 (a) Families without a minor child residing with the
9061 custodial parent or other adult caretaker relative of the child;

9062 (b) Families which include an adult who has received
9063 TANF assistance for sixty (60) months after the commencement of
9064 the Mississippi TANF program, whether or not such period of time
9065 is consecutive;

9066 (c) Families not assigning to the state any rights a
9067 family member may have, on behalf of the family member or of any
9068 other person for whom the family member has applied for or is
9069 receiving such assistance, to support from any other person, as
9070 required by law;

9071 (d) Families who fail to cooperate in establishing
9072 paternity or obtaining child support, as required by law;

9073 (e) Any individual who has not attained eighteen (18)
9074 years of age, is not married to the head of household, has a minor
9075 child at least twelve (12) weeks of age in his or her care, and
9076 has not successfully completed a high school education or its
9077 equivalent, if such individual does not participate in educational
9078 activities directed toward the attainment of a high school diploma
9079 or its equivalent, or an alternative educational or training
9080 program approved by the department;

9081 (f) Any individual who has not attained eighteen (18)
9082 years of age, is not married, has a minor child in his or her



9083 care, and does not reside in a place or residence maintained by a
9084 parent, legal guardian or other adult relative or the individual
9085 as such parent's, guardian's or adult relative's own home;

9086 (g) Any minor child who has been, or is expected by a
9087 parent or other caretaker relative of the child to be, absent from
9088 the home for a period of more than thirty (30) days;

9089 (h) Any individual who is a parent or other caretaker
9090 relative of a minor child who fails to notify the department of
9091 the absence of the minor child from the home for the thirty-day
9092 period specified in paragraph (g), by the end of the five-day
9093 period that begins with the date that it becomes clear to the
9094 individual that the minor child will be absent for the thirty-day
9095 period;

9096 (i) Any individual who fails to comply with the
9097 provisions of the Employability Development Plan signed by the
9098 individual which prescribe those activities designed to help the
9099 individual become and remain employed, or to participate
9100 satisfactorily in the assigned work activity, as authorized under
9101 subsection (6)(c) and (d), or who does not engage in applicant job
9102 search activities within the thirty-day period for TANF
9103 application approval after receiving the advice and consultation
9104 of eligibility workers and/or caseworkers of the department
9105 providing a detailed description of available job search venues in
9106 the individual's county of residence or the surrounding counties;



9107 (j) A parent or caretaker relative who has not engaged
9108 in an allowable work activity once the department determines the
9109 parent or caretaker relative is ready to engage in work, or once
9110 the parent or caretaker relative has received TANF assistance
9111 under the program for twenty-four (24) months, whether or not
9112 consecutive, whichever is earlier;

9113 (k) Any individual who is fleeing to avoid prosecution,
9114 or custody or confinement after conviction, under the laws of the
9115 jurisdiction from which the individual flees, for a crime, or an
9116 attempt to commit a crime, which is a felony under the laws of the
9117 place from which the individual flees, or who is violating a
9118 condition of probation or parole imposed under federal or state
9119 law;

9120 (l) Aliens who are not qualified under federal law;

9121 (m) For a period of ten (10) years following
9122 conviction, individuals convicted in federal or state court of
9123 having made a fraudulent statement or representation with respect
9124 to the individual's place of residence in order to receive TANF,
9125 food stamps or Supplemental Security Income (SSI) assistance under
9126 Title XVI or Title XIX simultaneously from two (2) or more states;

9127 (n) Individuals who are recipients of federal
9128 Supplemental Security Income (SSI) assistance; and

9129 (o) Individuals who are eighteen (18) years of age or
9130 older who are not in compliance with the drug testing and
9131 substance use disorder treatment requirements of Section 43-17-6.



9132 (4) (a) Any person who is otherwise eligible for TANF
9133 benefits, including custodial and noncustodial parents, shall be
9134 required to attend school and meet the monthly attendance
9135 requirement as provided in this subsection if all of the following
9136 apply:

9137 (i) The person is under age twenty (20);

9138 (ii) The person has not graduated from a public or
9139 private high school or obtained a High School Equivalency Diploma
9140 equivalent;

9141 (iii) The person is physically able to attend
9142 school and is not excused from attending school; and

9143 (iv) If the person is a parent or caretaker
9144 relative with whom a dependent child is living, child care is
9145 available for the child.

9146 The monthly attendance requirement under this subsection
9147 shall be attendance at the school in which the person is enrolled
9148 for each day during a month that the school conducts classes in
9149 which the person is enrolled, with not more than two (2) absences
9150 during the month for reasons other than the reasons listed in
9151 paragraph (e)(iv) of this subsection. Persons who fail to meet
9152 participation requirements in this subsection shall be subject to
9153 sanctions as provided in paragraph (f) of this subsection.

9154 (b) As used in this subsection, "school" means any one
9155 (1) of the following:

9156 (i) A school as defined in Section 37-13-91(2);



9157 (ii) A vocational, technical and adult education
9158 program; or

9159 (iii) A course of study meeting the standards
9160 established by the State Department of Education for the granting
9161 of a declaration of equivalency of high school graduation.

9162 (c) If any compulsory-school-age child, as defined in
9163 Section 37-13-91(2), to which TANF eligibility requirements apply
9164 is not in compliance with the compulsory school attendance
9165 requirements of Section 37-13-91(6), the superintendent of schools
9166 of the school district in which the child is enrolled or eligible
9167 to attend shall notify the county department of human services of
9168 the child's noncompliance. The Department of Human Services shall
9169 review school attendance information as provided under this
9170 paragraph at all initial eligibility determinations and upon
9171 subsequent report of unsatisfactory attendance.

9172 (d) The signature of a person on an application for
9173 TANF benefits constitutes permission for the release of school
9174 attendance records for that person or for any child residing with
9175 that person. The department shall request information from the
9176 child's school district about the child's attendance in the school
9177 district's most recently completed semester of attendance. If
9178 information about the child's previous school attendance is not
9179 available or cannot be verified, the department shall require the
9180 child to meet the monthly attendance requirement for one (1)
9181 semester or until the information is obtained. The department



9182 shall use the attendance information provided by a school district
9183 to verify attendance for a child. The department shall review
9184 with the parent or caretaker relative a child's claim that he or
9185 she has a good cause for not attending school.

9186 A school district shall provide information to the department
9187 about the attendance of a child who is enrolled in a public school
9188 in the district within five (5) working days of the receipt of a
9189 written request for that information from the department. The
9190 school district shall define how many hours of attendance count as
9191 a full day and shall provide that information, upon request, to
9192 the department. In reporting attendance, the school district may
9193 add partial days' absence together to constitute a full day's
9194 absence.

9195 If a school district fails to provide to the department the
9196 information about the school attendance of any child within
9197 fifteen (15) working days after a written request, the department
9198 shall notify the Department of Audit within three (3) working days
9199 of the school district's failure to comply with that requirement.
9200 The Department of Audit shall begin audit proceedings within five
9201 (5) working days of notification by the Department of Human
9202 Services to determine the school district's compliance with the
9203 requirements of this subsection (4). If the Department of Audit
9204 finds that the school district is not in compliance with the
9205 requirements of this subsection, the school district shall be
9206 penalized as follows: The Department of Audit shall notify the



9207 State Department of Education of the school district's
9208 noncompliance, and the Department of Education shall reduce the
9209 calculation of the school district's average daily * * *
9210 membership that is used to determine the allocation of * * *
9211 Investing in the Needs of Students to Prioritize, Impact and
9212 Reform Education (INSPIRE) funds by the number of children for
9213 which the district has failed to provide to the Department of
9214 Human Services the required information about the school
9215 attendance of those children. The reduction in the calculation of
9216 the school district's * * * average daily membership under this
9217 paragraph shall be effective for a period of one (1) year.

9218 (e) A child who is required to attend school to meet
9219 the requirements under this subsection shall comply except when
9220 there is good cause, which shall be demonstrated by any of the
9221 following circumstances:

9222 (i) The minor parent is the caretaker of a child
9223 less than twelve (12) weeks old; or

9224 (ii) The department determines that child care
9225 services are necessary for the minor parent to attend school and
9226 there is no child care available; or

9227 (iii) The child is prohibited by the school
9228 district from attending school and an expulsion is pending. This
9229 exemption no longer applies once the teenager has been expelled;
9230 however, a teenager who has been expelled and is making



9231 satisfactory progress towards obtaining a High School Equivalency
9232 Diploma equivalent shall be eligible for TANF benefits; or

9233 (iv) The child failed to attend school for one or
9234 more of the following reasons:

9235 1. Illness, injury or incapacity of the child
9236 or the minor parent's child;

9237 2. Court-required appearances or temporary
9238 incarceration;

9239 3. Medical or dental appointments for the
9240 child or minor parent's child;

9241 4. Death of a close relative;

9242 5. Observance of a religious holiday;

9243 6. Family emergency;

9244 7. Breakdown in transportation;

9245 8. Suspension; or

9246 9. Any other circumstance beyond the control
9247 of the child, as defined in regulations of the department.

9248 (f) Upon determination that a child has failed without
9249 good cause to attend school as required, the department shall
9250 provide written notice to the parent or caretaker relative
9251 (whoever is the primary recipient of the TANF benefits) that
9252 specifies:

9253 (i) That the family will be sanctioned in the next
9254 possible payment month because the child who is required to attend



9255 school has failed to meet the attendance requirement of this
9256 subsection;

9257 (ii) The beginning date of the sanction, and the
9258 child to whom the sanction applies;

9259 (iii) The right of the child's parents or
9260 caretaker relative (whoever is the primary recipient of the TANF
9261 benefits) to request a fair hearing under this subsection.

9262 The child's parent or caretaker relative (whoever is the
9263 primary recipient of the TANF benefits) may request a fair hearing
9264 on the department's determination that the child has not been
9265 attending school. If the child's parents or caretaker relative
9266 does not request a fair hearing under this subsection, or if,
9267 after a fair hearing has been held, the hearing officer finds that
9268 the child without good cause has failed to meet the monthly
9269 attendance requirement, the department shall discontinue or deny
9270 TANF benefits to the child thirteen (13) years old, or older, in
9271 the next possible payment month. The department shall discontinue
9272 or deny twenty-five percent (25%) of the family grant when a child
9273 six (6) through twelve (12) years of age without good cause has
9274 failed to meet the monthly attendance requirement. Both the child
9275 and family sanction may apply when children in both age groups
9276 fail to meet the attendance requirement without good cause. A
9277 sanction applied under this subsection shall be effective for one
9278 (1) month for each month that the child failed to meet the monthly
9279 attendance requirement. In the case of a dropout, the sanction



9280 shall remain in force until the parent or caretaker relative
9281 provides written proof from the school district that the child has
9282 reenrolled and met the monthly attendance requirement for one (1)
9283 calendar month. Any month in which school is in session for at
9284 least ten (10) days during the month may be used to meet the
9285 attendance requirement under this subsection. This includes
9286 attendance at summer school. The sanction shall be removed the
9287 next possible payment month.

9288 (5) All parents or caretaker relatives shall have their
9289 dependent children receive vaccinations and booster vaccinations
9290 against those diseases specified by the State Health Officer under
9291 Section 41-23-37 in accordance with the vaccination and booster
9292 vaccination schedule prescribed by the State Health Officer for
9293 children of that age, in order for the parents or caretaker
9294 relatives to be eligible or remain eligible to receive TANF
9295 benefits. Proof of having received such vaccinations and booster
9296 vaccinations shall be given by presenting the certificates of
9297 vaccination issued by any health care provider licensed to
9298 administer vaccinations, and submitted on forms specified by the
9299 State Board of Health. If the parents without good cause do not
9300 have their dependent children receive the vaccinations and booster
9301 vaccinations as required by this subsection and they fail to
9302 comply after thirty (30) days' notice, the department shall
9303 sanction the family's TANF benefits by twenty-five percent (25%)



for the next payment month and each subsequent payment month until the requirements of this subsection are met.

(6) (a) If the parent or caretaker relative applying for TANF assistance is work eligible, as determined by the Department of Human Services, the person shall be required to engage in an allowable work activity once the department determines the parent or caretaker relative is determined work eligible, or once the parent or caretaker relative has received TANF assistance under the program for twenty-four (24) months, whether or not consecutive, whichever is earlier. No TANF benefits shall be given to any person to whom this section applies who fails without good cause to comply with the Employability Development Plan prepared by the department for the person, or who has refused to accept a referral or offer of employment, training or education in which he or she is able to engage, subject to the penalties prescribed in paragraph (e) of this subsection. A person shall be deemed to have refused to accept a referral or offer of employment, training or education if he or she:

(i) Willfully fails to report for an interview with respect to employment when requested to do so by the department; or

(ii) Willfully fails to report to the department the result of a referral to employment; or



9327 (iii) Willfully fails to report for allowable work
9328 activities as prescribed in paragraphs (c) and (d) of this
9329 subsection.

9330 (b) The Department of Human Services shall operate a
9331 statewide work program for TANF recipients to provide work
9332 activities and supportive services to enable families to become
9333 self-sufficient and improve their competitive position in the
9334 workforce in accordance with the requirements of the federal
9335 Personal Responsibility and Work Opportunity Reconciliation Act of
9336 1996 (Public Law 104-193), as amended, and the regulations
9337 promulgated thereunder, and the Deficit Reduction Act of 2005
9338 (Public Law 109-171), as amended. Within sixty (60) days after
9339 the initial application for TANF benefits, the TANF recipient must
9340 participate in a job search skills training workshop or a job
9341 readiness program, which shall include resume writing, job search
9342 skills, employability skills and, if available at no charge, the
9343 General Aptitude Test Battery or its equivalent. All adults who
9344 are not specifically exempt shall be referred by the department
9345 for allowable work activities. An adult may be exempt from the
9346 mandatory work activity requirement for the following reasons:

9347 (i) Incapacity;

9348 (ii) Temporary illness or injury, verified by
9349 physician's certificate;

9350 (iii) Is in the third trimester of pregnancy, and
9351 there are complications verified by the certificate of a



9352 physician, nurse practitioner, physician assistant, or any other
9353 licensed health care professional practicing under a protocol with
9354 a licensed physician;

9355 (iv) Caretaker of a child under twelve (12)
9356 months, for not more than twelve (12) months of the sixty-month
9357 maximum benefit period;

9358 (v) Caretaker of an ill or incapacitated person,
9359 as verified by physician's certificate;

9360 (vi) Age, if over sixty (60) or under eighteen
9361 (18) years of age;

9362 (vii) Receiving treatment for substance abuse, if
9363 the person is in compliance with the substance abuse treatment
9364 plan;

9365 (viii) In a two-parent family, the caretaker of a
9366 severely disabled child, as verified by a physician's certificate;
9367 or

9368 (ix) History of having been a victim of domestic
9369 violence, which has been reported as required by state law and is
9370 substantiated by police reports or court records, and being at
9371 risk of further domestic violence, shall be exempt for a period as
9372 deemed necessary by the department but not to exceed a total of
9373 twelve (12) months, which need not be consecutive, in the
9374 sixty-month maximum benefit period. For the purposes of this
9375 subparagraph (ix), "domestic violence" means that an individual
9376 has been subjected to:



9377 1. Physical acts that resulted in, or
9378 threatened to result in, physical injury to the individual;
9379 2. Sexual abuse;
9380 3. Sexual activity involving a dependent
9381 child;
9382 4. Being forced as the caretaker relative of
9383 a dependent child to engage in nonconsensual sexual acts or
9384 activities;
9385 5. Threats of, or attempts at, physical or
9386 sexual abuse;
9387 6. Mental abuse; or
9388 7. Neglect or deprivation of medical care.
9389 (c) For all families, all adults who are not
9390 specifically exempt shall be required to participate in work
9391 activities for at least the minimum average number of hours per
9392 week specified by federal law or regulation, not fewer than twenty
9393 (20) hours per week (thirty-five (35) hours per week for
9394 two-parent families) of which are attributable to the following
9395 allowable work activities:
9396 (i) Unsubsidized employment;
9397 (ii) Subsidized private employment;
9398 (iii) Subsidized public employment;
9399 (iv) Work experience (including work associated
9400 with the refurbishing of publicly assisted housing), if sufficient
9401 private employment is not available;



9402 (v) On-the-job training;

9403 (vi) Job search and job readiness assistance

9404 consistent with federal TANF regulations;

9405 (vii) Community service programs;

9406 (viii) Vocational educational training (not to

9407 exceed twelve (12) months with respect to any individual);

9408 (ix) The provision of child care services to an

9409 individual who is participating in a community service program;

9410 (x) Satisfactory attendance at high school or in a

9411 course of study leading to a high school equivalency certificate,

9412 for heads of household under age twenty (20) who have not

9413 completed high school or received such certificate;

9414 (xi) Education directly related to employment, for

9415 heads of household under age twenty (20) who have not completed

9416 high school or received such equivalency certificate.

9417 (d) The following are allowable work activities which

9418 may be attributable to hours in excess of the minimum specified in

9419 paragraph (c) of this subsection:

9420 (i) Job skills training directly related to

9421 employment;

9422 (ii) Education directly related to employment for

9423 individuals who have not completed high school or received a high

9424 school equivalency certificate;

9425 (iii) Satisfactory attendance at high school or in

9426 a course of study leading to a high school equivalency, for



9427 individuals who have not completed high school or received such
9428 equivalency certificate;

9429 (iv) Job search and job readiness assistance
9430 consistent with federal TANF regulations.

9431 (e) If any adult or caretaker relative refuses to
9432 participate in allowable work activity as required under this
9433 subsection (6), the following full family TANF benefit penalty
9434 will apply, subject to due process to include notification,
9435 conciliation and a hearing if requested by the recipient:

9436 (i) For the first violation, the department shall
9437 terminate the TANF assistance otherwise payable to the family for
9438 a two-month period or until the person has complied with the
9439 required work activity, whichever is longer;

9440 (ii) For the second violation, the department
9441 shall terminate the TANF assistance otherwise payable to the
9442 family for a six-month period or until the person has complied
9443 with the required work activity, whichever is longer;

9444 (iii) For the third violation, the department
9445 shall terminate the TANF assistance otherwise payable to the
9446 family for a twelve-month period or until the person has complied
9447 with the required work activity, whichever is longer;

9448 (iv) For the fourth violation, the person shall be
9449 permanently disqualified.

9450 For a two-parent family, unless prohibited by state or
9451 federal law, Medicaid assistance shall be terminated only for the



9452 person whose failure to participate in allowable work activity
9453 caused the family's TANF assistance to be sanctioned under this
9454 paragraph (e), unless an individual is pregnant, but shall not be
9455 terminated for any other person in the family who is meeting that
9456 person's applicable work requirement or who is not required to
9457 work. Minor children shall continue to be eligible for Medicaid
9458 benefits regardless of the disqualification of their parent or
9459 caretaker relative for TANF assistance under this subsection (6),
9460 unless prohibited by state or federal law.

9461 (f) Any person enrolled in a two-year or four-year
9462 college program who meets the eligibility requirements to receive
9463 TANF benefits, and who is meeting the applicable work requirements
9464 and all other applicable requirements of the TANF program, shall
9465 continue to be eligible for TANF benefits while enrolled in the
9466 college program for as long as the person meets the requirements
9467 of the TANF program, unless prohibited by federal law.

9468 (g) No adult in a work activity required under this
9469 subsection (6) shall be employed or assigned (i) when any other
9470 individual is on layoff from the same or any substantially
9471 equivalent job within six (6) months before the date of the TANF
9472 recipient's employment or assignment; or (ii) if the employer has
9473 terminated the employment of any regular employee or otherwise
9474 caused an involuntary reduction of its workforce in order to fill
9475 the vacancy so created with an adult receiving TANF assistance.
9476 The Mississippi Department of Employment Security, established



9477 under Section 71-5-101, shall appoint one or more impartial
9478 hearing officers to hear and decide claims by employees of
9479 violations of this paragraph (g). The hearing officer shall hear
9480 all the evidence with respect to any claim made hereunder and such
9481 additional evidence as he may require and shall make a
9482 determination and the reason therefor. The claimant shall be
9483 promptly notified of the decision of the hearing officer and the
9484 reason therefor. Within ten (10) days after the decision of the
9485 hearing officer has become final, any party aggrieved thereby may
9486 secure judicial review thereof by commencing an action, in the
9487 circuit court of the county in which the claimant resides, against
9488 the department for the review of such decision, in which action
9489 any other party to the proceeding before the hearing officer shall
9490 be made a defendant. Any such appeal shall be on the record which
9491 shall be certified to the court by the department in the manner
9492 provided in Section 71-5-531, and the jurisdiction of the court
9493 shall be confined to questions of law which shall render its
9494 decision as provided in that section.

9495 (7) The Department of Human Services may provide child care
9496 for eligible participants who require such care so that they may
9497 accept employment or remain employed. The department may also
9498 provide child care for those participating in the TANF program
9499 when it is determined that they are satisfactorily involved in
9500 education, training or other allowable work activities. The
9501 department may contract with Head Start agencies to provide child



9502 care services to TANF recipients. The department may also arrange
9503 for child care by use of contract or vouchers, provide vouchers in
9504 advance to a caretaker relative, reimburse a child care provider,
9505 or use any other arrangement deemed appropriate by the department,
9506 and may establish different reimbursement rates for child care
9507 services depending on the category of the facility or home. Any
9508 center-based or group home child care facility under this
9509 subsection shall be licensed by the State Department of Health
9510 pursuant to law. When child care is being provided in the child's
9511 own home, in the home of a relative of the child, or in any other
9512 unlicensed setting, the provision of such child care may be
9513 monitored on a random basis by the Department of Human Services or
9514 the State Department of Health. Transitional child care
9515 assistance may be continued if it is necessary for parents to
9516 maintain employment once support has ended, unless prohibited
9517 under state or federal law. Transitional child care assistance
9518 may be provided for up to twenty-four (24) months after the last
9519 month during which the family was eligible for TANF assistance, if
9520 federal funds are available for such child care assistance.

9521 (8) The Department of Human Services may provide
9522 transportation or provide reasonable reimbursement for
9523 transportation expenses that are necessary for individuals to be
9524 able to participate in allowable work activity under the TANF
9525 program.



9526 (9) Medicaid assistance shall be provided to a family of
9527 TANF program participants for up to twenty-four (24) consecutive
9528 calendar months following the month in which the participating
9529 family would be ineligible for TANF benefits because of increased
9530 income, expiration of earned income disregards, or increased hours
9531 of employment of the caretaker relative; however, Medicaid
9532 assistance for more than twelve (12) months may be provided only
9533 if a federal waiver is obtained to provide such assistance for
9534 more than twelve (12) months and federal and state funds are
9535 available to provide such assistance.

9536 (10) The department shall require applicants for and
9537 recipients of public assistance from the department to sign a
9538 personal responsibility contract that will require the applicant
9539 or recipient to acknowledge his or her responsibilities to the
9540 state.

9541 (11) The department shall enter into an agreement with the
9542 State Personnel Board and other state agencies that will allow
9543 those TANF participants who qualify for vacant jobs within state
9544 agencies to be placed in state jobs. State agencies participating
9545 in the TANF work program shall receive any and all benefits
9546 received by employers in the private sector for hiring TANF
9547 recipients. This subsection (11) shall be effective only if the
9548 state obtains any necessary federal waiver or approval and if
9549 federal funds are available therefor. Not later than September 1,
9550 2021, the department shall prepare a report, which shall be



9551 provided to the Chairmen of the House and Senate Public Health
9552 Committees and to any other member of the Legislature upon
9553 request, on the history, status, outcomes and effectiveness of the
9554 agreements required under this subsection.

9555 (12) Any unspent TANF funds remaining from the prior fiscal
9556 year may be expended for any TANF allowable activities.

9557 (13) The Mississippi Department of Human Services shall
9558 provide TANF applicants information and referral to programs that
9559 provide information about birth control, prenatal health care,
9560 abstinence education, marriage education, family preservation and
9561 fatherhood. Not later than September 1, 2021, the department
9562 shall prepare a report, which shall be provided to the Chairmen of
9563 the House and Senate Public Health Committees and to any other
9564 member of the Legislature upon request, on the history, status,
9565 outcomes and effectiveness of the information and referral
9566 requirements under this subsection.

9567 (14) No new TANF program requirement or restriction
9568 affecting a person's eligibility for TANF assistance, or allowable
9569 work activity, which is not mandated by federal law or regulation
9570 may be implemented by the Department of Human Services after July
9571 1, 2004, unless such is specifically authorized by an amendment to
9572 this section by the Legislature.

9573 **SECTION 121.** Section 65-26-9, Mississippi Code of 1972, is
9574 amended as follows:



9575 65-26-9. (1) There is hereby created in the State Treasury
9576 a special fund to be known as the Tennessee-Tombigbee Waterway
9577 Bridge Bond Retirement Fund. All revenues pledged for the payment
9578 of the principal of and interest on the bonds authorized to be
9579 issued by this chapter shall be deposited into the bond retirement
9580 fund. Expenditures from the bond retirement fund shall be made
9581 only in accordance with this section.

9582 (2) Subject to the provisions of subsection (3) of this
9583 section, amounts on deposit in the bond retirement fund and not
9584 immediately required for the making of any payments therefrom
9585 shall be invested in interest-bearing certificates of deposit in
9586 accordance with the provisions of Section 27-105-33, except
9587 interest so earned shall be credited to the bond retirement fund.

9588 (3) (a) There is hereby established within the bond
9589 retirement fund two (2) separate accounts as follows: (i) the
9590 "Tennessee-Tombigbee General Account"; and (ii) the
9591 "Tennessee-Tombigbee Principal and Interest Account."

9592 (b) (i) All amounts held in the bond retirement fund
9593 on April 23, 1986, and all amounts thereafter deposited in the
9594 bond retirement fund, shall be credited to the Tennessee-Tombigbee
9595 General Account.

9596 (ii) Until such time as the transfer of funds from
9597 the Tennessee-Tombigbee General Account to the Tennessee-Tombigbee
9598 Principal and Interest Account occurs as provided in paragraph
9599 (b)(iii) of this subsection, amounts in the general account shall



9600 be applied to the following purposes and in the following order of
9601 priority: first, to the extent required, to the payment, the
9602 principal of, redemption premium, if any, and interest on general
9603 obligation bonds; second, to the extent required, to the General
9604 Fund of the state to reimburse the state for expenditures in
9605 excess of twenty-five percent (25%) of the total costs of the
9606 principal and interest on bonds issued under authority of
9607 subsection (1) of Section 65-26-15 and for all expenditures for
9608 costs of the principal of and interest on bonds issued under
9609 authority of subsection (2) of Section 65-26-15; and third, to the
9610 extent required, if any, to the bridge construction fund created
9611 in Section 65-26-25 to make current payments to meet contractual
9612 obligations for bridge construction.

9613 (iii) Upon certification of the State Treasurer,
9614 filed with and approved by the State Bond Commission, that the
9615 amount on deposit in the Tennessee-Tombigbee General Account,
9616 together with earnings on investments to accrue to it, is equal to
9617 or greater than the aggregate of the entire principal, redemption
9618 premium, if any, and interest due and to become due, until the
9619 final maturity date or earlier scheduled redemption date thereof,
9620 on all general obligation bonds outstanding as of the date of such
9621 certification, then the State Treasurer shall transfer from the
9622 Tennessee-Tombigbee General Account to the Tennessee-Tombigbee
9623 Principal and Interest Account an amount equal to the entire
9624 principal, redemption premium, if any, and interest due and to



9625 become due, until the final maturity date or scheduled redemption
9626 date thereof, on all general obligation bonds outstanding as of
9627 the date of such transfer. The State of Mississippi hereby
9628 covenants with the holders from time to time of general obligation
9629 bonds that amounts deposited in the Tennessee-Tombigbee Principal
9630 and Interest Account will be applied solely to the payment of the
9631 principal of, redemption premium, if any, and interest on general
9632 obligation bonds.

9633 (iv) After the date of the transfer from the
9634 general account to the principal and interest account contemplated
9635 by paragraph (b)(iii) of this subsection, amounts from time to
9636 time on deposit in the Tennessee-Tombigbee General Account shall
9637 be applied monthly to the following purposes and in the following
9638 order of priority: first, to the extent required, to the payment
9639 of the principal of, redemption premium, if any, and interest on
9640 general obligation bonds issued under this chapter; second, to the
9641 extent required, to the General Fund of the state to reimburse the
9642 state for expenditures in excess of twenty-five percent (25%) of
9643 the total costs of the principal and interest on bonds issued
9644 under authority of subsection (1) of Section 65-26-15 and for all
9645 expenditures for costs of the principal of and interest on bonds
9646 issued under authority of subsection (2) of Section 65-26-15; and
9647 third, to the extent required, if any, to the bridge construction
9648 fund created in Section 65-26-25 to make current payments to meet
9649 contractual obligations for bridge construction.



9650 (4) It is the intent of the Legislature that all outstanding
9651 general obligation bonds issued under this chapter shall be
9652 retired by the State Bond Commission on the earliest scheduled
9653 redemption date thereof, provided that there are sufficient funds
9654 in the bond retirement fund together with earnings on investments
9655 to accrue to it. When the principal of, redemption premium, if
9656 any, and interest on all such outstanding general obligation bonds
9657 are paid in full, then any amounts remaining in the bond
9658 retirement fund, or separate accounts therein, together with
9659 earnings on investments to accrue to it, shall be apportioned and
9660 paid as follows:

9661 (a) Three Million Five Hundred Thousand Dollars
9662 (\$3,500,000.00) of such funds shall be paid into the appropriate
9663 fund for use by the Yellow Creek State Inland Port Authority for
9664 equipment or facilities necessary to the operation of the port.

9665 (b) Three Million Five Hundred Thousand Dollars
9666 (\$3,500,000.00) shall be paid into the State General Fund.

9667 (c) Seven Million Five Hundred Thousand Dollars
9668 (\$7,500,000.00) shall be paid to Tishomingo County. Of the Seven
9669 Million Five Hundred Thousand Dollars (\$7,500,000.00), (i) Two
9670 Million Five Hundred Thousand Dollars (\$2,500,000.00) shall be
9671 placed by the county in a special trust fund, the principal of
9672 which shall remain inviolate and the interest on which shall be
9673 expended solely for improvement of elementary and secondary
9674 education in Tishomingo County and distributed among the school



9675 districts therein based on the average daily * * * membership in
9676 each, and (ii) Five Million Dollars (\$5,000,000.00) shall be
9677 placed in the county general fund and may be expended for general
9678 county purposes.

9679 (d) The balance of such funds shall be paid to the
9680 counties of Alcorn, Chickasaw, Clay, Itawamba, Lee, Lowndes,
9681 Monroe, Noxubee, Kemper, Pontotoc, Prentiss and Tishomingo. Such
9682 funds shall be paid to such counties in the proportion that each
9683 county's contribution to the bridge bond fund bears to the total
9684 contribution from all twelve (12) counties; however, no county
9685 shall be paid more than Five Million Dollars (\$5,000,000.00) under
9686 this paragraph (d). Such funds shall be deposited by the county
9687 into a special account to be expended solely for economic
9688 development purposes. No expenditure of funds from the special
9689 account shall be made unless the amount to be expended from the
9690 special account is matched by other county funds in an amount
9691 equal to fifteen percent (15%) of the special account funds to be
9692 expended and until the Mississippi * * * Development Authority,
9693 upon application by the board of supervisors, has certified that
9694 the proposed expenditure is for economic development purposes and
9695 has approved the expenditure for such purposes; provided, however,
9696 the fifteen percent (15%) match hereinabove imposed shall not be
9697 required when the proposed expenditure for economic development
9698 purposes is on land owned or leased by the federal, state, county
9699 or municipal government.



9700 **SECTION 122.** Section 37-151-81, Mississippi Code of 1972, is
9701 amended as follows:

9702 37-151-81. * * *

9703 (* * *1) * * * For each * * * student with a disability who
9704 is being educated by a public school district or is placed in
9705 accord with Section 37-23-77, * * * and whose individualized
9706 educational program (IEP) requires an extended school year in
9707 accord with the State Department of Education criteria, a
9708 sufficient amount of funds shall be allocated for the purpose of
9709 providing the educational services the student requires. The
9710 State Board of Education shall promulgate such regulations as are
9711 required to insure the equitable distribution of these funds. All
9712 costs for the extended school year for a particular summer shall
9713 be reimbursed from funds appropriated for the fiscal year
9714 beginning July 1 of that summer. If sufficient funds are not made
9715 available to finance all of the required educational services, the
9716 State Department of Education shall expend available funds in such
9717 a manner that it does not limit the availability of appropriate
9718 education to * * * students with disabilities more severely than
9719 it does to * * * students without disabilities.

9720 (* * *2) The State Department of Education is hereby
9721 authorized to match * * * INSPIRE and other funds allocated for
9722 provision of services to * * * students with disabilities with
9723 Division of Medicaid funds to provide language-speech services,
9724 physical therapy and occupational therapy to * * * students with



9725 disabilities who meet State Department of Education or Division of
9726 Medicaid standards and who are Medicaid eligible. Provided
9727 further, that the State Department of Education is authorized to
9728 pay such funds as may be required as a match directly to the
9729 Division of Medicaid pursuant to an agreement to be developed
9730 between the State Department of Education and the Division of
9731 Medicaid.

9732 * * *

9733 (* * *3) When any children who are residents of the State
9734 of Mississippi and qualify under the provisions of Section
9735 37-23-31 * * * shall be provided a program of education,
9736 instruction and training within a school under the provisions of
9737 said section, the State Department of Education shall
9738 allocate * * * funds equivalent to the full base student cost and
9739 all qualifying weighted adjustments as prescribed in Section
9740 37-151-209 * * *. The university or college shall be eligible for
9741 state and federal funds for such programs on the same basis as
9742 local school districts. The university or college shall be
9743 responsible for providing for the additional costs of the program.

9744 (* * *4) * * * A school district may provide a program of
9745 education and instruction to children ages five (5) years through
9746 twenty-one (21) years, who are resident citizens of the State of
9747 Mississippi, who cannot have their educational needs met in a
9748 regular public school program and who have not finished or
9749 graduated from high school, if those children are determined by



9750 competent medical authorities and psychologists to need placement
9751 in a state licensed facility for inpatient treatment, day
9752 treatment or residential treatment or a therapeutic group home.
9753 Such program shall operate under rules, regulations, policies and
9754 standards of school districts as determined by the State Board of
9755 Education. If a private school approved by the State Board of
9756 Education is operated as an integral part of the state licensed
9757 facility that provides for the treatment of such children, the
9758 private school within the facility may provide a program of
9759 education, instruction and training to such children by requesting
9760 the State Department of Education to allocate * * * funds
9761 equivalent to the full base student cost and all qualifying
9762 weighted adjustments as prescribed in Section 37-151-209 for each
9763 student placed in such facility for each approved class. The
9764 facility shall be responsible for providing any additional costs
9765 of the program.

9766 * * *

9767 **SECTION 123.** Section 37-13-153, Mississippi Code of 1972,
9768 which required state funding for home economics teachers to be
9769 included as a line item in the education appropriations bills for
9770 fiscal years 1995, 1996 and 1997, is repealed.

9771 **SECTION 124.** Sections 37-151-1, 37-151-5, 37-151-6,
9772 37-151-7, 37-151-7.1, 37-151-8, 37-151-10, 37-151-77, 37-151-79
9773 and 37-151-83, Mississippi Code of 1972, which define certain
9774 terms and establish the formula to be used in determining the



9775 annual allocation of funds to each school district under the
9776 Mississippi Adequate Education Program (MAEP), are repealed.

9777 **SECTION 125.** Section 37-152-1, Mississippi Code of 1972,
9778 which creates the Commission on Restructuring the Mississippi
9779 Adequate Education Program (MAEP), is repealed.

9780 **SECTION 126.** This act shall take effect and be in force from
9781 and after July 1, 2024.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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



31 STATUTORY RESTRICTIONS, IN THE SPENDING OF ALL FUNDS ALLOCATED TO
32 THAT SCHOOL DISTRICT OR CHARTER SCHOOL REGARDLESS OF THE COUNT OF
33 STUDENTS IN WEIGHTED STUDENT CATEGORIES; TO CREATE NEW SECTION
34 37-151-217, MISSISSIPPI CODE OF 1972, TO REQUIRE TAX ASSESSORS TO
35 FILE CERTAIN REPORTS WITH THE STATE DEPARTMENT OF EDUCATION AND TO
36 REQUIRE THE DEPARTMENT TO CALCULATE DISTRICTS' REQUIRED MINIMUM
37 MILLAGE AND THE CONTRIBUTION TO THE COST OF THE FUNDING FORMULA
38 REQUIRED OF EACH SCHOOL DISTRICT AND CHARTER SCHOOL; TO CREATE NEW
39 SECTION 37-151-219, MISSISSIPPI CODE OF 1972, TO REQUIRE SCHOOL
40 DISTRICTS TO ADHERE TO STUDENT-TEACHER RATIOS DETERMINED ACCORDING
41 TO STATE ACCREDITATION STANDARDS; TO CREATE NEW SECTION
42 37-151-221, MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE
43 DEPARTMENT OF EDUCATION TO REVIEW RULES AND REGULATIONS OF THE
44 DEPARTMENT AND STATE BOARD OF EDUCATION WHICH INDIRECTLY CREATE A
45 FISCAL IMPACT ON SCHOOL DISTRICTS AND TO REVISE SUCH RULES AND
46 REGULATIONS AS APPROPRIATE TO FURTHER DISTRICT AUTONOMY; TO
47 REQUIRE THE DEPARTMENT TO MAKE RECOMMENDATIONS TO THE LEGISLATURE
48 FOR RELATED STATUTORY REVISIONS; TO CREATE NEW SECTION 37-151-223,
49 MISSISSIPPI CODE OF 1972, TO ESTABLISH LIMITATIONS ON STATE
50 FUNDING INCREASES AND DECREASES FOR SCHOOL DISTRICTS UNDER THE
51 FUNDING FORMULA DURING EACH OF THE NEXT THREE FISCAL YEARS; TO
52 CREATE A TASK FORCE TO EXAMINE WHETHER DISTRICTS HELD HARMLESS AND
53 "F" RATED DISTRICTS WOULD BENEFIT FROM CONSOLIDATION; TO AMEND
54 SECTIONS 37-57-1, 37-57-104, 37-57-105 AND 37-57-107, MISSISSIPPI
55 CODE OF 1972, WHICH RELATE TO SCHOOL DISTRICT TAXATION, IN
56 CONFORMITY TO THE PROVISIONS OF THIS ACT; TO AMEND SECTION
57 37-61-33, MISSISSIPPI CODE OF 1972, TO DELETE THE REQUIREMENT THAT
58 A PORTION OF EDUCATION ENHANCEMENT FUNDS BE DISTRIBUTED TO SCHOOL
59 DISTRICTS TO FUND CAPITAL IMPROVEMENTS PROJECTS; TO AMEND SECTION
60 27-65-75, MISSISSIPPI CODE OF 1972, TO DELETE THE REQUIRED DEPOSIT
61 OF SALES TAX REVENUE INTO THE EDUCATIONAL FACILITIES REVOLVING
62 LOAN FUND; TO BRING FORWARD SECTION 27-67-31, MISSISSIPPI CODE OF
63 1972, WHICH REQUIRES A PORTION OF THE STATE USE TAXES TO BE
64 DEPOSITED INTO THE SCHOOL AD VALOREM TAX REDUCTION FUND AND THE
65 EDUCATION ENHANCEMENT FUND, FOR PURPOSES OF POSSIBLE AMENDMENT; TO
66 BRING FORWARD SECTION 27-115-85, MISSISSIPPI CODE OF 1972, WHICH
67 REQUIRES A PORTION OF THE FUNDS IN THE LOTTERY PROCEEDS FUND TO BE
68 PAID INTO THE EDUCATION ENHANCEMENT FUND, FOR PURPOSES OF POSSIBLE
69 AMENDMENT; TO AMEND SECTIONS 1-3-26, 7-7-211, 19-9-157, 19-9-171,
70 25-4-29, 27-25-706, 27-33-3, 27-39-317, 29-3-47, 29-3-49,
71 29-3-113, 29-3-137, 31-7-9, 31-7-10, 37-1-3, 37-3-11, 37-3-83,
72 37-7-208, 37-7-301, 37-7-302, 37-7-303, 37-7-307, 37-7-319,
73 37-7-333, 37-7-339, 37-7-419, 37-9-17, 37-9-18, 37-9-23, 37-9-25,
74 37-9-33, 37-9-35, 37-9-37, 37-9-77, 37-11-11, 37-13-63, 37-13-64,
75 37-13-69, 37-15-38, 37-16-3, 37-17-6, 37-17-17, 37-19-7, 37-21-6,
76 37-21-7, 37-22-5, 37-23-1, 37-23-15, 37-23-69, 37-23-109,
77 37-23-179, 37-27-55, 37-27-57, 37-28-5, 37-28-53, 37-28-55,
78 37-29-1, 37-29-272, 37-29-303, 37-31-13, 37-31-75, 37-35-3,
79 37-37-3, 37-41-7, 37-45-49, 37-47-9, 37-47-24, 37-47-25, 37-47-33,
80 37-61-3, 37-61-5, 37-61-7, 37-61-19, 37-61-29, 37-61-35, 37-61-37,



81 37-68-7, 37-131-7, 37-131-9, 37-131-11, 37-151-9, 37-151-81,
82 37-151-85, 37-151-87, 37-151-89, 37-151-91, 37-151-93, 37-151-95,
83 37-151-97, 37-151-99, 37-151-101, 37-151-103, 37-151-105,
84 37-151-107, 37-173-9, 37-173-13, 37-175-13, 37-179-3, 37-181-7,
85 41-79-5, 43-17-5 AND 65-26-9, MISSISSIPPI CODE OF 1972, IN
86 CONFORMITY TO THE PROVISIONS OF THIS ACT; TO REPEAL SECTION
87 37-13-153, MISSISSIPPI CODE OF 1972, WHICH REQUIRED STATE FUNDING
88 FOR HOME ECONOMICS TEACHERS TO BE INCLUDED AS A LINE ITEM IN THE
89 EDUCATION APPROPRIATIONS BILLS FOR CERTAIN PRIOR FISCAL YEARS; TO
90 REPEAL SECTIONS 37-151-1, 37-151-5, 37-151-6, 37-151-7,
91 37-151-7.1, 37-151-8, 37-151-10, 37-151-77, 37-151-79 AND
92 37-151-83, MISSISSIPPI CODE OF 1972, WHICH DEFINE CERTAIN TERMS
93 AND PRESCRIBE THE FORMULA AND CERTAIN REQUIREMENTS UNDER THE
94 MISSISSIPPI ADEQUATE EDUCATION PROGRAM (MAEP); TO REPEAL SECTION
95 37-152-1, MISSISSIPPI CODE OF 1972, WHICH CREATES THE COMMISSION
96 ON RESTRUCTURING THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM
97 (MAEP); AND FOR RELATED PURPOSES.

