

**Adopted  
AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2693**

**BY: Representatives Roberson, McCarty, Owen**

**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.



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

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

140 (g) "Final weighted enrollment" means the final product  
141 of applying weights to the average daily membership of a school  
142 district or charter school after accounting for the sparsity of a  
143 school district or charter school, as determined in Section  
144 37-151-209.

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

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

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



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

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

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

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



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

187           (p) "Sparsely populated district or charter school"  
188 means a school district or charter school with a density of less  
189 than eight (8) students per square mile, as determined by dividing  
190 the average daily membership of a district or charter school by  
191 the square mileage within its geographic boundaries. For the  
192 purpose of determining the sparsity of a charter school, the  
193 square mileage of a charter school is equivalent to the square  
194 mileage within the geographic boundaries of the school district in  
195 which the charter school is located.

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

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

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

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



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

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

214 37-151-205. (1) Beginning with the 2025 fiscal year, the  
215 annual computation of the total amount of operational funding,  
216 both state and local, for the cost of educating students enrolled  
217 in the public schools in the State of Mississippi is determined in  
218 accordance with Investing in the Needs of Students to Prioritize,  
219 Impact and Reform Education (INSPIRE) established under this  
220 chapter.

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

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

229 37-151-207. Beginning with the 2025 fiscal year, the student  
230 base amount shall not be less than Six Thousand Six Hundred Fifty  
231 Dollars (\$6,650.00) per student. Upon the expiration of all hold  
232 harmless provisions granted to certain school districts under



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

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

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

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

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



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

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

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

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

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





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

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

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



306 district or charter school from the total number of students in  
307 that school district or charter school identified as low income:  
308 if the total number of students identified in subsection (2)  
309 exceeds thirty-five percent (35%) of the school district or  
310 charter school's total average daily membership, as determined in  
311 Section 37-151-111, the difference between the total number of  
312 students identified in subsection (2) and thirty-five percent  
313 (35%) of the school district or charter school's total average  
314 daily membership is multiplied by ten one-hundredths (10/100).

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

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

328 (b) The final weighted enrollment for each sparsely  
329 populated district or charter school, as defined in Section  
330 37-151-203, is determined by multiplying the sparsity weight by



331 the preliminary weighted enrollment, as determined in subsections  
332 (1) through (7) of this section, and then adding that figure to  
333 the preliminary weighted enrollment. To calculate the final  
334 weighted enrollment, the State Department of Education shall add  
335 to the school district or charter school's average daily  
336 membership, as determined under Section 37-151-111, each of the  
337 additional figures calculated in accordance with subsections (2)  
338 through (7) to determine the preliminary weighted enrollment,  
339 multiply this figure by the sparsity weight as determined below,  
340 and add this resulting number to the preliminary weighted  
341 enrollment to find the final weighted enrollment. To calculate  
342 the sparsity weight, the State Department of Education shall find  
343 the difference between the number of students per square mile in  
344 that district or charter school and a sparsity threshold of eight  
345 (8) students per square mile, and then shall divide the resulting  
346 figure by one hundred (100) to create a percentage: for example,  
347 if the number of students per square mile in a district is three  
348 (3), the difference is five (5) (eight (8) minus three (3)), and  
349 the sparsity weight is five percent (5%), or five one-hundredths  
350 (5/100).

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

353 37-151-211. (1) A school district or charter school's  
354 average daily membership for the purposes of calculating the cost  
355 of Investing in the Needs of Students to Prioritize, Impact and



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

362 (a) Determination of school district average daily  
363 membership for use in the funding formula. Effective with fiscal  
364 year 2025, the State Department of Education shall determine the  
365 percentage change from the prior year of each school district's  
366 average of months two (2) and three (3) average daily membership  
367 (ADM) for the three (3) immediately preceding school years of the  
368 year for which funds are being appropriated. For any school  
369 district that experiences growth in the average of months two (2)  
370 and three (3) ADM each year of the three (3) years, the average  
371 percentage growth over the three-year period must be multiplied  
372 times the school district's average of months two (2) and three  
373 (3) ADM for the year immediately preceding the year for which  
374 formula funds are being appropriated. The resulting amount must  
375 be added to the school district's average of months two (2) and  
376 three (3) ADM for the year immediately preceding the year for  
377 which formula funds are being appropriated to arrive at the ADM to  
378 be used in determining a school district's funding formula  
379 allocation. Otherwise, months two (2) and three (3) ADM for the  
380 year immediately preceding the year for which formula funds are



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

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

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

402 (2) The ADM of a school district or charter school must  
403 include any student enrolled in a dual enrollment-dual credit  
404 program as defined and provided for in Section 37-15-38. The  
405 State Department of Education shall make payments for dual



406 enrollment-dual credit programs to the home school district or  
407 charter school in which the student is enrolled, in accordance  
408 with regulations promulgated by the State Board of Education. All  
409 state funding under the formula must cease upon completion of high  
410 school graduation requirements.

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

425 **SECTION 7.** The following shall be codified as Section  
426 37-151-213, Mississippi Code of 1972:

427 37-151-213. (1) As soon as practical following the  
428 effective date of this act, but no later than January 1, 2026, and  
429 each year thereafter, the department shall review the disability  
430 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



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

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

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

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

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

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





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

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

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

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

490 (d) Improved measures of change in the cost of  
491 education; and

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

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



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

508 (i) The State Superintendent of Public Education;

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

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

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

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

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

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



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

535 (d) Members of the working group shall serve without  
536 compensation but may be reimbursed, subject to the availability of  
537 funding, for mileage and actual and necessary expenses incurred in  
538 attending meetings of the working group pursuant to Section  
539 25-3-41.

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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



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

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

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

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



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

634 (iv) In the case of an agricultural high school,  
635 the local contribution is based on an equitable amount per pupil,  
636 as 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



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

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

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

673 (4) If the school board of any school district or charter  
674 school governing board determines that it is not economically  
675 feasible or practicable to operate any school within the district  
676 or charter school for the full one hundred eighty (180) days  
677 required for the school term of a scholastic year under Section  
678 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



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

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

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

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

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

726 **SECTION 11.** The following shall be codified as Section  
727 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



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

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

762 **SECTION 12.** The following shall be codified as Section  
763 37-151-223, Mississippi Code of 1972:

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

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

772 (b) Funds distributed by the State Department of  
773 Education for the purpose of paying teachers' salaries according  
774 to the teacher salary schedule prescribed in Section 37-19-7 and  
775 assistant teachers, as prescribed in Section 37-21-7 for the  
776 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



852 in Sections 37-57-105 and 37-57-107. Nothing in this subsection  
853 shall be construed to require any school district that is levying  
854 more than fifty-five (55) mills pursuant to Sections 37-57-1 and  
855 37-57-105 to decrease its millage rate to fifty-five (55) mills or  
856 less. In making such levy, the levying authority shall levy an  
857 additional amount sufficient to cover anticipated delinquencies  
858 and costs of collection so that the net amount of money to be  
859 produced by such levy shall be equal to the amount which the  
860 school district is required to contribute as its \* \* \* minimum  
861 local ad valorem tax effort. The tax so levied shall be collected  
862 by the tax collector at the same time and in the same manner as  
863 other ad valorem taxes are collected by him. The amount of taxes  
864 so collected as a result of such levy shall be paid into the  
865 district maintenance fund of the school district by the tax  
866 collector at the same time and in the same manner as reports and  
867 payments of other ad valorem taxes are made by \* \* \* the tax  
868 collector, except that the amount collected to defray costs of  
869 collection may be paid into the county general fund. The levying  
870 authority shall have the power and authority to direct and cause  
871 warrants to be issued against such fund for the purpose of  
872 refunding any amount of taxes erroneously or illegally paid into  
873 such fund where such refund has been approved in the manner  
874 provided by law.

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





877           37-57-104. (1) Each school board shall submit to the  
878 levying authority for the school district a certified copy of an  
879 order adopted by the school board requesting an ad valorem tax  
880 effort in dollars for the support of the school district. The  
881 copy of the order shall be submitted by the school board when the  
882 copies of the school district's budget are filed with the levying  
883 authority pursuant to Section 37-61-9. Upon receipt of the school  
884 board's order requesting the ad valorem tax effort in dollars, the  
885 levying authority shall determine the millage rate necessary to  
886 generate funds equal to the dollar amount requested by the school  
887 board. For the purpose of calculating this millage rate, any  
888 additional amount that is levied pursuant to Section 37-57-105(1)  
889 to cover anticipated delinquencies and costs of collection or any  
890 amount that may be levied for the payment of the principal and  
891 interest on school bonds or notes shall be excluded from the  
892 limitation of fifty-five (55) mills provided for in subsection (2)  
893 of this section.

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



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

907 When a referendum has been called, notice of the referendum  
908 shall be published at least five (5) days per week, unless the  
909 only newspaper published in the school district is published less  
910 than five (5) days per week, for at least three (3) consecutive  
911 weeks, in at least one (1) newspaper published in the school  
912 district. The notice shall be no less than one-fourth (1/4) page  
913 in size, and the type used shall be no smaller than eighteen (18)  
914 point and surrounded by a one-fourth-inch solid black border. The  
915 notice may not be placed in that portion of the newspaper where  
916 legal notices and classified advertisements appear. The first  
917 publication of the notice shall be made not less than twenty-one  
918 (21) days before the date fixed for the referendum, and the last  
919 publication shall be made not more than seven (7) days before that  
920 date. If no newspaper is published in the school district, then  
921 the notice shall be published in a newspaper having a general  
922 circulation in the school district. The referendum shall be held,  
923 as far as is practicable, in the same manner as other referendums  
924 and elections are held in the county or municipality. At the  
925 referendum, all registered, qualified electors of the school  
926 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



952 the requested dollar amount does not require any increase in the  
953 then existing millage rate. Further, nothing in this subsection  
954 shall be construed to require a referendum in a school district  
955 where, because of a decrease in the assessed valuation of the  
956 district, a millage rate of greater than fifty-five (55) mills is  
957 necessary to generate funds equal to the dollar amount generated  
958 by the ad valorem tax effort for the currently existing fiscal  
959 year.

960 (b) \* \* \* However, \* \* \* if a levying authority is  
961 levying in excess of fifty-five (55) mills on July 1, 1997, the  
962 levying authority may levy an additional amount not exceeding  
963 three (3) mills in the aggregate for the period beginning July 1,  
964 1997, and ending June 30, 2003, subject to the limitation on  
965 increased receipts from ad valorem taxes prescribed in Sections  
966 37-57-105 and 37-57-107.

967 (c) If the levying authority for any school district  
968 lawfully has decreased the millage levied for school district  
969 purposes, but subsequently determines that there is a need to  
970 increase the millage rate due to a disaster in which the Governor  
971 has declared a disaster emergency or the President of the United  
972 States has declared an emergency or major disaster, then the  
973 levying authority may increase the millage levied for school  
974 district purposes up to an amount that does not exceed the millage  
975 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



1196 shall also be excluded from the limitation described herein in the  
1197 same manner as they are excluded under Section 37-57-107.

1198 **SECTION 16.** Section 37-57-107, Mississippi Code of 1972, is  
1199 amended as follows:

1200 37-57-107. (1) Beginning with the tax levy for the 1997  
1201 fiscal year and for each fiscal year thereafter, the aggregate  
1202 receipts from taxes levied for school district purposes pursuant  
1203 to Sections 37-57-105 and 37-57-1 shall not exceed the aggregate  
1204 receipts from those sources during any one (1) of the immediately  
1205 preceding three (3) fiscal years, as determined by the school  
1206 board, plus an increase not to exceed seven percent (7%). For the  
1207 purpose of this limitation, the term "aggregate receipts" when  
1208 used in connection with the amount of funds generated in a  
1209 preceding fiscal year shall not include excess receipts required  
1210 by law to be deposited into a special account. However, the term  
1211 "aggregate receipts" includes any receipts required by law to be  
1212 paid to a charter school. The additional revenue from the ad  
1213 valorem tax on any newly constructed properties or any existing  
1214 properties added to the tax rolls or any properties previously  
1215 exempt which were not assessed in the next preceding year may be  
1216 excluded from the seven percent (7%) increase limitation set forth  
1217 herein. Taxes levied for payment of principal of and interest on  
1218 general obligation school bonds issued heretofore or hereafter  
1219 shall be excluded from the seven percent (7%) increase limitation  
1220 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





1271 be expended during the fiscal year in which such excess funds are  
1272 collected.

1273 (4) For the purposes of determining ad valorem tax receipts  
1274 for a preceding fiscal year under this section, the term "fiscal  
1275 year" means the fiscal year beginning October 1 and ending  
1276 September 30.

1277 (5) Beginning with the 2013-2014 school year, each school  
1278 district in which a charter school is located shall pay to the  
1279 charter school an amount for each student enrolled in the charter  
1280 school equal to the ad valorem taxes levied per pupil for the  
1281 support of the school district in which the charter school is  
1282 located. The pro rata ad valorem taxes to be transferred to the  
1283 charter school must include all levies for the support of the  
1284 school district under Sections 37-57-1 (local contribution to  
1285 the \* \* \* Investing in the Needs of Students to Prioritize, Impact  
1286 and Reform Education (INSPIRE) formula) and 37-57-105 (school  
1287 district operational levy) but may not include any taxes levied  
1288 for the retirement of school district bonded indebtedness or  
1289 short-term notes or any taxes levied for the support of  
1290 vocational-technical education programs. Payments made pursuant  
1291 to this subsection by a school district to a charter school must  
1292 be made before the expiration of three (3) business days after the  
1293 funds are distributed to the school district.

1294 **SECTION 17.** Section 37-61-33, Mississippi Code of 1972, is  
1295 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.



1445 (6) Any funds appropriated from the Education Enhancement  
1446 Fund that are unexpended at the end of a fiscal year shall lapse  
1447 into the Education Enhancement Fund, except as otherwise provided  
1448 in subsection (3)(a)(iii) of this section.

1449 **SECTION 18.** Section 27-65-75, Mississippi Code of 1972, is  
1450 amended as follows:

1451 27-65-75. On or before the fifteenth day of each month, the  
1452 revenue collected under the provisions of this chapter during the  
1453 preceding month shall be paid and distributed as follows:

1454 (1) (a) On or before August 15, 1992, and each succeeding  
1455 month thereafter through July 15, 1993, eighteen percent (18%) of  
1456 the total sales tax revenue collected during the preceding month  
1457 under the provisions of this chapter, except that collected under  
1458 the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on  
1459 business activities within a municipal corporation shall be  
1460 allocated for distribution to the municipality and paid to the  
1461 municipal corporation. Except as otherwise provided in this  
1462 paragraph (a), on or before August 15, 1993, and each succeeding  
1463 month thereafter, eighteen and one-half percent (18-1/2%) of the  
1464 total sales tax revenue collected during the preceding month under  
1465 the provisions of this chapter, except that collected under the  
1466 provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and  
1467 27-65-24, on business activities within a municipal corporation  
1468 shall be allocated for distribution to the municipality and paid  
1469 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



1893 month thereafter through July 15, 2021, two percent (2%) of the  
1894 total sales tax revenue collected during the preceding month from  
1895 restaurants and hotels shall be allocated for distribution to the  
1896 Mississippi Development Authority Tourism Advertising Fund  
1897 established under Section 57-1-64, to be used exclusively for the  
1898 purpose stated therein. On or before August 15, 2021, and each  
1899 month thereafter, three percent (3%) of the total sales tax  
1900 revenue collected during the preceding month from restaurants and  
1901 hotels shall be allocated for distribution to the Mississippi  
1902 Development Authority Tourism Advertising Fund established under  
1903 Section 57-1-64, to be used exclusively for the purpose stated  
1904 therein. The revenue diverted pursuant to this subsection shall  
1905 not be available for expenditure until February 1, 2020.

1906 (b) The Joint Legislative Committee on Performance  
1907 Evaluation and Expenditure Review (PEER) must provide an annual  
1908 report to the Legislature indicating the amount of funds deposited  
1909 into the Mississippi Development Authority Tourism Advertising  
1910 Fund established under Section 57-1-64, and a detailed record of  
1911 how the funds are spent.

1912 (25) The remainder of the amounts collected under the  
1913 provisions of this chapter shall be paid into the State Treasury  
1914 to the credit of the General Fund.

1915 (26) (a) It shall be the duty of the municipal officials of  
1916 any municipality that expands its limits, or of any community that  
1917 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.



1943           **SECTION 19.** Section 27-67-31, Mississippi Code of 1972, is  
1944 brought forward as follows:

1945           27-67-31. All administrative provisions of the sales tax  
1946 law, and amendments thereto, including those which fix damages,  
1947 penalties and interest for failure to comply with the provisions  
1948 of said sales tax law, and all other requirements and duties  
1949 imposed upon taxpayer, shall apply to all persons liable for use  
1950 taxes under the provisions of this article. The commissioner  
1951 shall exercise all power and authority and perform all duties with  
1952 respect to taxpayers under this article as are provided in said  
1953 sales tax law, except where there is conflict, then the provisions  
1954 of this article shall control.

1955           The commissioner may require transportation companies to  
1956 permit the examination of waybills, freight bills, or other  
1957 documents covering shipments of tangible personal property into  
1958 this state.

1959           On or before the fifteenth day of each month, the amount  
1960 received from taxes, damages and interest under the provisions of  
1961 this article during the preceding month shall be paid and  
1962 distributed as follows:

1963           (a) On or before July 15, 1994, through July 15, 2000,  
1964 and each succeeding month thereafter, two and two hundred  
1965 sixty-six one-thousandths percent (2.266%) of the total use tax  
1966 revenue collected during the preceding month under the provisions  
1967 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



2018 revenue collected during the preceding month under the provisions  
2019 of this article shall be deposited into the special fund created  
2020 in Section 27-67-35(1). On or before August 15, 2022, and each  
2021 succeeding month thereafter, fifteen percent (15%) of the total  
2022 use tax revenue collected during the preceding month under the  
2023 provisions of this article shall be deposited into the special  
2024 fund created in Section 27-67-35(1).

2025 (f) On or before August 15, 2019, and each succeeding  
2026 month thereafter through July 15, 2020, three and three-fourths  
2027 percent (3-3/4%) of the total use tax revenue collected during the  
2028 preceding month under the provisions of this article shall be  
2029 deposited into the special fund created in Section 27-67-35(2).  
2030 On or before August 15, 2020, and each succeeding month thereafter  
2031 through July 15, 2021, seven and one-half percent (7-1/2%) of the  
2032 total use tax revenue collected during the preceding month under  
2033 the provisions of this article shall be deposited into the special  
2034 fund created in Section 27-67-35(2). On or before August 15,  
2035 2021, and each succeeding month thereafter through July 15, 2022,  
2036 eleven and one-fourth percent (11-1/4%) of the total use tax  
2037 revenue collected during the preceding month under the provisions  
2038 of this article shall be deposited into the special fund created  
2039 in Section 27-67-35(2). On or before August 15, 2022, and each  
2040 succeeding month thereafter, fifteen percent (15%) of the total  
2041 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





2465 of Students to Prioritize, Impact and Reform Education (INSPIRE)  
2466 in the same manner as is prescribed for other civil judgments.

2467 **SECTION 26.** Section 27-25-706, Mississippi Code of 1972, is  
2468 amended as follows:

2469 27-25-706. The board of supervisors of any county in the  
2470 State of Mississippi bordering on the Pearl River and having a  
2471 population according to the 1970 census of not less than forty  
2472 thousand (40,000) and not more than fifty thousand (50,000), and  
2473 through which Interstate Highway 20 runs, and wherein there is  
2474 being constructed or has been constructed a plant for the  
2475 extracting of sulphur from natural gas, and the board of  
2476 supervisors of any county in the State of Mississippi bordering on  
2477 the Pearl River and having a population according to the 1970  
2478 census of not less than nineteen thousand (19,000) and not more  
2479 than twenty-one thousand (21,000) and wherein U.S. Highway 49 and  
2480 Mississippi Highway 28 intersect and wherein there is being  
2481 constructed or has been constructed a plant for the extracting of  
2482 sulphur from natural gas, are hereby authorized and empowered, in  
2483 their discretion, to pledge all or any part of the county's share  
2484 of the severance tax on gas extracted, handled or processed  
2485 through such extraction plant, as additional security for the  
2486 payment of bonds issued for the purpose of constructing,  
2487 reconstructing, overlaying and/or repairing, an access road or  
2488 roads or publicly owned railroads to and from such sulphur  
2489 extraction plant. The amount so pledged for the payment of the



2490 principal of and the interest on such bonds shall be deducted and  
2491 set aside by such board of supervisors prior to the distribution  
2492 of such severance taxes in the manner provided by law, and only  
2493 the amount of such severance taxes remaining after such deduction  
2494 shall be subject to such distribution. The board of supervisors  
2495 in such counties may pledge only up to fifty percent (50%) of such  
2496 severance taxes as their respective county may receive to retire  
2497 the bonds and interest pursuant to the authority of this section.  
2498 The required local contribution of said counties to the cost  
2499 of \* \* \* Investing in the Needs of Students to Prioritize, Impact  
2500 and Reform Education (INSPIRE) shall not be reduced nor shall the  
2501 obligation of the state under \* \* \* the funding formula to said  
2502 counties be increased because \* \* \* of this section.

2503 Such bonds shall be issued under the provisions of Sections  
2504 19-9-1 through \* \* \* 19-9-19.

2505 **SECTION 27.** Section 27-33-3, Mississippi Code of 1972, is  
2506 amended as follows:

2507 27-33-3. In order to recognize and give effect to the  
2508 principle of tax-free homes as a public policy in Mississippi, to  
2509 encourage home building and ownership, and to give additional  
2510 security to family groups, it is hereby declared that homes  
2511 legally assessed on the land roll, owned and actually occupied as  
2512 a home by bona fide residents of this state, who are heads of  
2513 families, shall be exempt from the ad valorem taxes herein  
2514 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



2615 all other jointly owned property, the amount of the allowable  
2616 exemption shall be determined on the basis of each individual  
2617 joint owner's qualifications and pro rata share of the property.

2618 (d) Homeowners who qualify for exemption under  
2619 subsection (c) of this section will not be included in the  
2620 limitations of Section 27-33-59(e).

2621 Reimbursement by the State of Mississippi to the various  
2622 taxing units for the tax losses incurred because of the additional  
2623 exemptions provided for under these subsections shall be made in  
2624 accordance with the procedures outlined in Section 27-33-41.

2625 This section shall not apply to claims for homestead  
2626 exemptions filed in any calendar year subsequent to the 1984  
2627 calendar year.

2628 **SECTION 28.** Section 27-39-317, Mississippi Code of 1972, is  
2629 amended as follows:

2630 27-39-317. The board of supervisors of each county shall, at  
2631 its regular meeting in September of each year, levy the county ad  
2632 valorem taxes for the fiscal year, and shall, by order, fix the  
2633 tax rate, or levy, for the county, for the road districts, if any,  
2634 and for the school districts, if any, and for any other taxing  
2635 districts; and the rates, or levies, for the county and for any  
2636 district shall be expressed in mills or a decimal fraction of a  
2637 mill. Said tax rates, or levies, shall determine the ad valorem  
2638 taxes to be collected upon each dollar of valuation, upon the  
2639 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.



2689 (d) For road bonds and the interest thereon, separately  
2690 for countywide bonds and for the bonds of each road district.

2691 (e) For school bonds and the interest thereon,  
2692 separately for countywide bonds and for the bonds of each school  
2693 district.

2694 (f) For countywide bonds, and the interest thereon,  
2695 other than for road bonds and school bonds.

2696 (g) For loans, notes or any other obligation, and the  
2697 interest thereon, if permitted by the law.

2698 (h) For any other purpose for which a levy is lawfully  
2699 made.

2700 The order shall state all of the purposes for which the  
2701 general county levy is made, using the administrative items  
2702 suggested by the State Department of Audit \* \* \* under the county  
2703 budget law in its uniform system of accounts for counties, but the  
2704 rate or levy for any item or purpose need not be shown; and if a  
2705 countywide levy is made for any general or special purpose under  
2706 the provisions of any law other than Section 27-39-303, each such  
2707 levy shall be separately stated.

2708 During the month of February of each year, if the order or  
2709 resolution of the board of trustees of any school district of said  
2710 county or partly in said county, is filed with it requesting the  
2711 levying of ad valorem taxes for the support and maintenance of  
2712 such school district for the following fiscal year, then the board  
2713 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





2862 of the provisions of this section shall be liable personally and  
2863 on his official bond for the safety of the funds so loaned.

2864 **SECTION 32.** Section 29-3-137, Mississippi Code of 1972, is  
2865 amended as follows:

2866 29-3-137. (1) Beginning with the 1985-1986 fiscal year the  
2867 Legislature of the State of Mississippi shall appropriate to the  
2868 State Department of Education a sum of One Million Dollars  
2869 (\$1,000,000.00) to be disbursed to the Chickasaw counties, and an  
2870 additional One Million Dollars (\$1,000,000.00) each succeeding  
2871 fiscal year thereafter until a maximum appropriation of Five  
2872 Million Dollars (\$5,000,000.00) is made for the fiscal year  
2873 1989-1990. Beginning with the appropriation for the 1990-1991  
2874 fiscal year, the amount appropriated under the provisions of this  
2875 section shall not exceed the total average annual expendable  
2876 revenue \* \* \* received by the Choctaw counties from school lands,  
2877 or Five Million Dollars (\$5,000,000.00), whichever is the lesser.

2878 (2) The State Department of Education is hereby authorized,  
2879 empowered and directed to allocate for distribution such funds  
2880 appropriated each year under subsection (1) of this section in  
2881 proportion to the \* \* \* amount of funding allotted under \* \* \*  
2882 Investing in the Needs of Students to Prioritize, Impact and  
2883 Reform Education (INSPIRE) to such school districts affected by  
2884 the sale of Chickasaw cession school lands. School districts not  
2885 wholly situated in Chickasaw cession affected territory shall  
2886 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



2936 amounts due on the cards shall incur interest charges as set forth  
2937 in Section 31-7-305 and shall not be considered debt.

2938           (c) Pursuant to the provision of Section  
2939 37-61-33( \* \* \*2), the Office of Purchasing, Travel and Fleet  
2940 Management of the Department of Finance and Administration is  
2941 authorized to issue procurement cards or credentials for a digital  
2942 solution to all public school district classroom teachers, charter  
2943 school teachers, full- or part-time gifted or special education  
2944 teachers and other necessary direct support personnel at the  
2945 beginning of the school year, but no later than August 1 of each  
2946 year, for the purchase of instructional supplies using Educational  
2947 Enhancement Funds. The cards will be issued in equal amounts per  
2948 teacher determined by the total number of qualifying personnel and  
2949 the then current state appropriation for classroom instructional  
2950 supplies under the Education Enhancement Fund. All purchases  
2951 shall be in accordance with state law and teachers are responsible  
2952 for verification of capital asset requirements when pooling monies  
2953 to purchase equipment. The cards will expire on a predetermined  
2954 date at the end of each school year, but not before April 1 of  
2955 each year. All unexpended amounts will be carried forward, to be  
2956 combined with the following year's instructional supply fund  
2957 allocation, and reallocated for the following year. The  
2958 Department of Finance and Administration is authorized to loan any  
2959 start-up funds at the beginning of the school year to fund this  
2960 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



2986 agents at state agencies. Such regulations shall require entities  
2987 desiring to be classified as certified purchasing offices to  
2988 submit applications and applicable documents on an annual basis,  
2989 and in the case of a state agency purchasing office, to have one  
2990 hundred percent (100%) participation and completion by purchasing  
2991 agents in the Mississippi Purchasing Certification Program, at  
2992 which time the Office of Purchasing, Travel and Fleet Management  
2993 may provide the governing entity with a certification valid for  
2994 one (1) year from the date of issuance. The Office of Purchasing,  
2995 Travel and Fleet Management shall set a fee in an amount that  
2996 recovers its costs to administer the Mississippi Purchasing  
2997 Certification Program, which shall be assessed to the  
2998 participating state agencies.

2999 (4) The Office of Purchasing, Travel and Fleet Management  
3000 shall adopt purchasing regulations authorizing rural water  
3001 associations to purchase at the state contract price afforded to  
3002 agencies and governing authorities under this chapter.

3003 **SECTION 34.** Section 31-7-10, Mississippi Code of 1972, is  
3004 amended as follows:

3005 31-7-10. (1) For the purposes of this section, the term  
3006 "equipment" shall mean equipment, furniture, and if applicable,  
3007 associated software and other applicable direct costs associated  
3008 with the acquisition. In addition to its other powers and duties,  
3009 the Department of Finance and Administration shall have the  
3010 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



3356 opinion, the superintendent may submit the statement of facts to  
3357 the Attorney General, and it shall be the duty of the Attorney  
3358 General forthwith to examine such statement and suggest the proper  
3359 decision to be made upon such fact;

3360 (j) To require annually, and as often as the State  
3361 Superintendent may deem proper, of all superintendents, detailed  
3362 reports on the educational business of the various districts;

3363 (k) On or before January 10 in each year to prepare,  
3364 under the direction of the State Board of Education, the annual  
3365 information report of the State Department of Education as  
3366 described in Section 37-151-97;

3367 (l) To determine the number of educable children in the  
3368 several school districts under rules and regulations prescribed by  
3369 the State Board of Education; and

3370 (m) To perform such other duties as may be prescribed  
3371 by the State Board of Education.

3372 **SECTION 37.** Section 37-3-83, Mississippi Code of 1972, is  
3373 amended as follows:

3374 37-3-83. (1) There is established within the State  
3375 Department of Education, using only existing staff and resources,  
3376 a School Safety Grant Program, available to all eligible public  
3377 school districts, to assist in financing programs to provide  
3378 school safety. However, no monies from the Temporary Assistance  
3379 for Needy Families grant may be used for the School Safety Grant  
3380 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



3976 (bbb) To conduct an annual comprehensive evaluation of  
3977 the superintendent of schools consistent with the assessment  
3978 components of paragraph (pp) of this section and the assessment  
3979 benchmarks established by the Mississippi School Board Association  
3980 to evaluate the success the superintendent has attained in meeting  
3981 district goals and objectives, the superintendent's leadership  
3982 skill and whether or not the superintendent has established  
3983 appropriate standards for performance, is monitoring success and  
3984 is using data for improvement.

3985 **SECTION 40.** Section 37-7-302, Mississippi Code of 1972, is  
3986 amended as follows:

3987 37-7-302. The board of trustees of any school district shall  
3988 be authorized to borrow such funds as may be reasonable and  
3989 necessary from the federal government, the State of Mississippi or  
3990 any political subdivision or entity thereof, or any other  
3991 governmental agency, from any individual, partnership, nonprofit  
3992 corporation or private for-profit corporation, to aid such school  
3993 districts in asbestos removal, to be repaid out of any \* \* \* funds  
3994 other than Investing in the Needs of Students to Prioritize,  
3995 Impact and Reform Education (INSPIRE) funds; provided, however,  
3996 that the grant of authority shall in no way be construed to  
3997 require said boards of trustees to remove asbestos material or  
3998 substances from any facilities under their control, nor shall  
3999 there be any liability to said school districts or boards for the  
4000 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



4075 Workers' Compensation Commission shall approve such group  
4076 self-insurance programs subject to uniform rules and regulations  
4077 as may be adopted by the commission applicable to all groups.

4078 **SECTION 42.** Section 37-7-307, Mississippi Code of 1972, is  
4079 amended as follows:

4080 37-7-307. (1) For purposes of this section, the term  
4081 "licensed employee" means any employee of a public school district  
4082 required to hold a valid license by the Commission on Teacher and  
4083 Administrator Education, Certification and Licensure and  
4084 Development.

4085 (2) The school board of a school district shall establish by  
4086 rules and regulations a policy of sick leave with pay for licensed  
4087 employees and teacher assistants employed in the school district,  
4088 and such policy shall include the following minimum provisions for  
4089 sick and emergency leave with pay:

4090 (a) Each licensed employee and teacher assistant, at  
4091 the beginning of each school year, shall be credited with a  
4092 minimum sick leave allowance, with pay, of seven (7) days for  
4093 absences caused by illness or physical disability of the employee  
4094 during that school year.

4095 (b) Any unused portion of the total sick leave  
4096 allowance shall be carried over to the next school year and  
4097 credited to such licensed employee and teacher assistant if the  
4098 licensed employee or teacher assistant remains employed in the  
4099 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



4348 leave donated by each donor employee to the total number of days  
4349 of leave donated by all donor employees.

4350 (vii) Donated leave shall not be used in lieu of  
4351 disability retirement.

4352 (11) Effective January 1, 2020, the provisions of this  
4353 section shall be fully applicable to any licensed employee of the  
4354 Mississippi School of the Arts (MSA).

4355 **SECTION 43.** Section 37-7-319, Mississippi Code of 1972, is  
4356 amended as follows:

4357 37-7-319. All public school boards may purchase group  
4358 insurance coverage for the liability of all of its active  
4359 full-time instructional and noninstructional personnel. Such  
4360 policy shall be paid for with any funds available other than \* \* \*  
4361 Investing in the Needs of Students to Prioritize, Impact and  
4362 Reform Education (INSPIRE) funds.

4363 **SECTION 44.** Section 37-7-333, Mississippi Code of 1972, is  
4364 amended as follows:

4365 37-7-333. The school boards of all school districts shall  
4366 have full control of the receipt, distribution, allotment and  
4367 disbursement of all funds which may be provided for the support  
4368 and maintenance of the schools of such district whether such funds  
4369 be \* \* \* Investing in the Needs of Students to Prioritize, Impact  
4370 and Reform Education (INSPIRE) allotments, funds derived from  
4371 supplementary tax levies as authorized by law, or funds derived  
4372 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



4422 boards, in their discretion, may charge participants a reasonable  
4423 fee for such programs.

4424 (2) The school board of any school district may adopt any  
4425 orders, policies, rules or regulations with respect to instruction  
4426 within that school district for which no specific provision has  
4427 been made by general law and which are not inconsistent with the  
4428 Mississippi Constitution of 1890, the Mississippi Code of 1972, or  
4429 any order, policy, rule or regulation of the State Board of  
4430 Education; those school boards also may alter, modify and repeal  
4431 any orders, policies, rules or regulations enacted under this  
4432 subsection. Any such program pertaining to reading must further  
4433 the goal that Mississippi students will demonstrate a growing  
4434 proficiency in reading and will reach or exceed the national  
4435 average within the next decade.

4436 **SECTION 46.** Section 37-7-419, Mississippi Code of 1972, is  
4437 amended as follows:

4438 37-7-419. The various school districts which may become  
4439 parties to any such agreement are authorized to appropriate and  
4440 expend for the purposes thereof any and all funds which may be  
4441 required to carry out the terms of any such agreement from any  
4442 funds available to any such party to such an agreement not  
4443 otherwise appropriated without limitation as to the source of such  
4444 funds, including \* \* \* Investing in the Needs of Students to  
4445 Prioritize, Impact and Reform Education (INSPIRE) funds, sixteenth  
4446 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,



4572 burglary, gratification of lust or aggravated assault which has  
4573 not been reversed on appeal or for which a pardon has not been  
4574 granted, the new hire shall not be eligible to be employed at such  
4575 school. Any employment contract for a new hire executed by the  
4576 superintendent of the local school district or any employment of a  
4577 new hire by a superintendent/director of a new school under the  
4578 purview of the State Board of Education or by a private firm shall  
4579 be voidable if the new hire receives a disqualifying criminal  
4580 record check. However, the State Board of Education or the school  
4581 board may, in its discretion, allow any applicant aggrieved by the  
4582 employment decision under this section to appear before the  
4583 respective board, or before a hearing officer designated for such  
4584 purpose, to show mitigating circumstances which may exist and  
4585 allow the new hire to be employed at the school. The State Board  
4586 of Education or local school board may grant waivers for such  
4587 mitigating circumstances, which shall include, but not be limited  
4588 to: (a) age at which the crime was committed; (b) circumstances  
4589 surrounding the crime; (c) length of time since the conviction and  
4590 criminal history since the conviction; (d) work history; (e)  
4591 current employment and character references; (f) other evidence  
4592 demonstrating the ability of the person to perform the employment  
4593 responsibilities competently and that the person does not pose a  
4594 threat to the health or safety of the children at the school.

4595 (4) No local school district, local school district  
4596 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





4846 construed to prohibit any school district from complying with the  
4847 school district employee furlough provisions of Section 37-7-308.

4848 (2) Each school district shall provide an annual report to  
4849 the State Department of Education on the number of \* \* \* licensed  
4850 and \* \* \* nonlicensed employees receiving a salary from the school  
4851 district who are also receiving retirement benefits from the  
4852 Public Employees' Retirement System. This report shall include  
4853 the name of the employee(s), the hours per week for which the  
4854 employee is under contract and the services for which the employee  
4855 is under contract. Said required annual report shall be in a form  
4856 and deadline promulgated by the State Board of Education.

4857 **SECTION 52.** Section 37-9-35, Mississippi Code of 1972, is  
4858 amended as follows:

4859 37-9-35. \* \* \* A reduction in the average daily \* \* \*  
4860 membership during a current year from that existing in the  
4861 preceding year shall not authorize the discharge or release of a  
4862 teacher or teachers during such current year. \* \* \*

4863 **SECTION 53.** Section 37-9-37, Mississippi Code of 1972, is  
4864 amended as follows:

4865 37-9-37. The amount of the salary to be paid any  
4866 superintendent, principal or licensed employee shall be fixed by  
4867 the school board, provided that the requirements of \* \* \* this  
4868 title are met as to superintendents, principals and licensed  
4869 employees paid, in whole or in part, from \* \* \* Investing in the  
4870 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





5244 in high school to do so. A qualified dually enrolled high school  
5245 student must be allowed to earn an unlimited number of college or  
5246 university credits for dual credit.

5247 (16) **Dual credit program allowances.** A student may be  
5248 granted credit delivered through the following means:

5249 (a) Examination preparation taught at a high school by  
5250 a qualified teacher. A student may receive credit at the  
5251 secondary level after completion of an approved course and passing  
5252 the standard examination, such as an Advanced Placement or  
5253 International Baccalaureate course through which a high school  
5254 student is allowed CLEP credit by making a three (3) or higher on  
5255 the end-of-course examination.

5256 (b) College or university courses taught at a high  
5257 school or designated postsecondary site by a qualified teacher who  
5258 is an employee of the school district and approved as an  
5259 instructor by the collaborating college or university.

5260 (c) College or university courses taught at a college,  
5261 university or high school by an instructor employed by the college  
5262 or university and approved by the collaborating school district.

5263 (d) Online courses of any public university, community  
5264 or junior college in Mississippi.

5265 (17) **Qualifications of dual credit instructors.** A dual  
5266 credit academic instructor must meet the requirements set forth by  
5267 the regional accrediting association (Southern Association of  
5268 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,



5518 the State Board of Education, acting through the State Department  
5519 of Education, is further authorized and directed to change the  
5520 school and school district accreditation rating system to a simple  
5521 "A," "B," "C," "D," and "F" designation based on a combination of  
5522 student achievement scores and student growth as measured by the  
5523 statewide testing programs developed by the State Board of  
5524 Education pursuant to Chapter 16, Title 37, Mississippi Code of  
5525 1972. In any statute or regulation containing the former  
5526 accreditation designations, the new designations shall be  
5527 applicable;

5528 (h) Development of a comprehensive student assessment  
5529 system to implement these requirements; and

5530 (i) The State Board of Education may, based on a  
5531 written request that contains specific reasons for requesting a  
5532 waiver from the school districts affected by Hurricane Katrina of  
5533 2005, hold harmless school districts from assignment of district  
5534 and school level accountability ratings for the 2005-2006 school  
5535 year. The State Board of Education upon finding an extreme  
5536 hardship in the school district may grant the request. It is the  
5537 intent of the Legislature that all school districts maintain the  
5538 highest possible academic standards and instructional programs in  
5539 all schools as required by law and the State Board of Education.

5540 (5) (a) Effective with the 2013-2014 school year, the State  
5541 Department of Education, acting through the Mississippi Commission  
5542 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



5765 of the pupils of the district for the consolidation to proceed,  
5766 the voluntary consolidation shall have priority over any such  
5767 assignment of territory by the State Board of Education;

5768 (vi) For states of emergency declared under  
5769 paragraph (b) only, reduce local supplements paid to school  
5770 district employees, including, but not limited to, instructional  
5771 personnel, assistant teachers and extracurricular activities  
5772 personnel, if the district's impairment is related to a lack of  
5773 financial resources, but only to an extent that will result in the  
5774 salaries being comparable to districts similarly situated, as  
5775 determined by the State Board of Education;

5776 (vii) For states of emergency declared under  
5777 paragraph (b) only, the State Board of Education may take any  
5778 action as prescribed in Section 37-17-13.

5779 (d) At the time that satisfactory corrective action has  
5780 been taken in a school district in which a state of emergency has  
5781 been declared, the State Board of Education may request the  
5782 Governor to declare that the state of emergency no longer exists  
5783 in the district.

5784 (e) The parent or legal guardian of a school-age child  
5785 who is enrolled in a school district whose accreditation has been  
5786 withdrawn by the Commission on School Accreditation and without  
5787 approval of that school district may file a petition in writing to  
5788 a school district accredited by the Commission on School  
5789 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



6901 meeting the established performance goals shall be reported to the  
6902 public.

6903           **SECTION 68.** Section 37-23-15, Mississippi Code of 1972, is  
6904 amended as follows:

6905           37-23-15. (1) The State Department of Education, in  
6906 accordance with Sections 37-23-1 through 37-23-75, and any  
6907 additional authority granted in this chapter, shall:

6908           (a) Adopt pilot programs under which certain students  
6909 enrolled or enrolling in public schools in this state shall be  
6910 tested for dyslexia and related disorders as may be necessary.  
6911 The pilot programs shall provide that upon the request of a  
6912 parent, student, school nurse, classroom teacher or other school  
6913 personnel who has reason to believe that a student has a need to  
6914 be tested for dyslexia, such student shall be reviewed for  
6915 appropriate services. However, a student shall not be tested for  
6916 dyslexia whose parent or guardian objects thereto on grounds that  
6917 such testing conflicts with his conscientiously held religious  
6918 beliefs.

6919           (b) In accordance with the pilot programs adopted by  
6920 the State Department of Education, such school boards shall  
6921 provide remediation in an appropriate multi-sensory, systematic  
6922 language-based regular education program or programs, as  
6923 determined by the school district, such as the Texas Scottish Rite  
6924 Hospital Dyslexia Training Program, pertinent to the child's  
6925 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



7050 would have been used for those placements may be paid into a pool  
7051 of funds with funds from other state agencies to be used for the  
7052 implementation of the individualized plans of care for those  
7053 children. If there are sufficient funds to serve additional  
7054 exceptional children because of cost savings as a result of  
7055 serving these students at home and/or matching the pooled funds  
7056 with federal dollars, the funds may be used to implement  
7057 individualized plans of care for those additional exceptional  
7058 children. Each local or regional provider of services included in  
7059 the individualized plans of care shall comply with all appropriate  
7060 state and federal regulations. The State Board of Education may  
7061 promulgate regulations that are necessary to implement this  
7062 section.

7063 The State Department of Education may also provide for the  
7064 payment of that financial assistance in installments and for  
7065 proration of that financial assistance in the case of children  
7066 attending a school or clinic for less than a full school session  
7067 and, if available funds are insufficient, may allocate the  
7068 available funds among the qualified applicants and local school  
7069 districts by reducing the maximum assistance provided for in this  
7070 section.

7071 Any monies provided an applicant under Sections 37-23-61  
7072 through 37-23-75 shall be applied by the receiving educational  
7073 institution as a reduction in the amount of the educational costs  
7074 paid by the applicant, and the total educational costs paid by the



7075 applicant shall not exceed the total educational costs paid by any  
7076 other child in similar circumstances enrolled in the same program  
7077 in that institution. However, this limitation shall not prohibit  
7078 the waiving of all or part of the educational costs for a limited  
7079 number of children based upon demonstrated financial need, and the  
7080 State Department of Education may adopt and enforce reasonable  
7081 rules and regulations to carry out the intent of these provisions.

7082         **SECTION 70.** Section 37-23-109, Mississippi Code of 1972, is  
7083 amended as follows:

7084         37-23-109. Any child development center created under the  
7085 provisions of Sections 37-23-91 through 37-23-111 shall be  
7086 entitled to receive all contributions and benefits allowed to the  
7087 other school districts from the federal and state governments  
7088 including, but not limited to, contributions on the basis of the  
7089 average daily \* \* \* membership per child, school textbooks and  
7090 school lunch program.

7091         **SECTION 71.** Section 37-23-179, Mississippi Code of 1972, is  
7092 amended as follows:

7093         37-23-179. (1) The board shall specifically promulgate  
7094 rules, regulations and guidelines which establish model programs  
7095 of gifted education and also establish minimum criteria for gifted  
7096 education programs. In providing programs of gifted education,  
7097 the local district may use the model programs prepared by the  
7098 board or may itself develop programs of gifted education which,  
7099 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



7125 the approval of the State Board of Education. Beginning with the  
7126 1997-1998 school year, all local school districts shall have  
7127 programs of gifted education for intellectually gifted students in  
7128 Grades 2, 3, 4, 5 and 6, subject to the approval of the State  
7129 Board of Education. \* \* \* Each local school district shall  
7130 include as a part of its five-year plan a description of any  
7131 proposed gifted education programs of the district. \* \* \*

7132 **SECTION 72.** Section 37-27-55, Mississippi Code of 1972, is  
7133 amended as follows:

7134 37-27-55. When any pupils shall attend any agricultural high  
7135 school or community or junior college under the provisions of  
7136 Section 37-27-51, such pupils shall be reported and accounted for  
7137 the allocation of \* \* \* Investing in the Needs of Students to  
7138 Prioritize, Impact and Reform Education (INSPIRE) funds and  
7139 building funds just as though such pupils were attending the  
7140 regular schools of the district in which they reside. For this  
7141 purpose reports shall be made to the board of trustees of the  
7142 school district involved by the agricultural high school or  
7143 community or junior college of the number of children in average  
7144 daily \* \* \* membership, and the average daily \* \* \* membership of  
7145 such pupils shall thereupon be included in reports made to the  
7146 county or school district \* \* \*. The allocation of \* \* \*  
7147 Investing in the Needs of Students to Prioritize, Impact and  
7148 Reform Education (INSPIRE) funds and state public school building  
7149 funds shall be made for such children just as though such children



7150 were attending the regular schools of the district. However,  
7151 all \* \* \* funding formula funds which accrue to any district as a  
7152 result of the pupils who are in attendance at such agricultural  
7153 high school or community or junior college \* \* \* shall be paid by  
7154 the board of trustees of the municipal separate school district or  
7155 the county board of education, as the case may be, to the  
7156 agricultural high school or community or junior college at which  
7157 the pupils are in attendance, and shall be expended by said  
7158 agricultural high school or community or junior college for the  
7159 instruction of said pupils \* \* \*. Funds allotted to the school  
7160 district for building purposes under Chapter 47 of this title,  
7161 shall, however, be retained by the school district entitled  
7162 thereto. The term "school district" as used in Sections 37-27-51  
7163 through 37-27-59 shall be defined as including all public school  
7164 districts in this state and also all agricultural high schools not  
7165 located on the campus of a community or junior college.

7166 **SECTION 73.** Section 37-27-57, Mississippi Code of 1972, is  
7167 amended as follows:

7168 37-27-57. Any additional or supplemental expenses incurred  
7169 by the agricultural high school or community or junior college in  
7170 the instruction of such pupils above that defrayed by \* \* \*  
7171 Investing in the Needs of Students to Prioritize, Impact and  
7172 Reform Education (INSPIRE) funds as provided in Section 37-27-55,  
7173 shall be paid either from the amounts received from the state  
7174 appropriation for the support of agricultural high schools or from



7175 the tax levy for the support of such agricultural high school or  
7176 community or junior college or from any other funds which such  
7177 agricultural high school or community or junior college may have  
7178 available for such purpose.

7179         **SECTION 74.** Section 37-28-5, Mississippi Code of 1972, is  
7180 amended as follows:

7181         37-28-5. As used in this chapter, the following words and  
7182 phrases have the meanings ascribed in this section unless the  
7183 context clearly indicates otherwise:

7184                 (a) "Applicant" means any person or group that develops  
7185 and submits an application for a charter school to the authorizer.

7186                 (b) "Application" means a proposal from an applicant to  
7187 the authorizer to enter into a charter contract whereby the  
7188 proposed school obtains charter school status.

7189                 (c) "Authorizer" means the Mississippi Charter School  
7190 Authorizer Board established under Section 37-28-7 to review  
7191 applications, decide whether to approve or reject applications,  
7192 enter into charter contracts with applicants, oversee charter  
7193 schools, and decide whether to renew, not renew, or revoke charter  
7194 contracts.

7195                 (d) "Charter contract" means a fixed-term, renewable  
7196 contract between a charter school and the authorizer which  
7197 outlines the roles, powers, responsibilities and performance  
7198 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.





7224 (l) "School district" means a governmental entity that  
7225 establishes and supervises one or more public schools within its  
7226 geographical limits pursuant to state statutes.

7227 (m) "Start-up charter school" means a charter school  
7228 that did not exist as a noncharter public school before becoming a  
7229 charter school.

7230 (n) "Student" means any child who is eligible for  
7231 attendance in a public school in the state.

7232 (o) "Underserved students" means students \* \* \*  
7233 qualifying as low income or qualifying for a special education  
7234 program under Section 37-151-203.

7235 **SECTION 75.** Section 37-28-53, Mississippi Code of 1972, is  
7236 amended as follows:

7237 37-28-53. (1) Each charter school shall certify annually to  
7238 the State Department of Education its student enrollment, average  
7239 daily attendance and student participation in \* \* \* federal  
7240 programs \* \* \*.

7241 (2) Each charter school shall certify annually to the school  
7242 board of the school district in which the charter school is  
7243 located the number of enrolled charter school students residing in  
7244 the school district.

7245 **SECTION 76.** Section 37-28-55, Mississippi Code of 1972, is  
7246 amended as follows:

7247 37-28-55. (1) (a) The State Department of Education shall  
7248 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



7299 Department of Education to a charter school must be made at the  
7300 same time and in the same manner as \* \* \* funding formula payments  
7301 are made to school districts under Sections 37-151-101 and  
7302 37-151-103.

7303 (3) (a) For students attending a charter school located in  
7304 a school district in which the student does not reside, the State  
7305 Department of Education shall pay to the charter school in which  
7306 the students \* \* \* are enrolled an amount as follows: the sum of  
7307 the local pro rata amount, as calculated by the State Department  
7308 of Education in accordance with Section 37-151-217(2)(b) (local  
7309 contribution), and the local pro rata amount, as calculated by the  
7310 State Department of Education in accordance with Section 37-57-105  
7311 (school district operational levy), multiplied by the number of  
7312 students enrolled in the charter school but residing in that  
7313 district, based on the charter school's months two (2) and three  
7314 (3) average daily membership of these students for the current  
7315 school year. However, the amount to the charter school may not  
7316 include \* \* \* any taxes levied for the retirement of the local  
7317 school district's bonded indebtedness or short-term notes or any  
7318 taxes levied for the support of vocational-technical education  
7319 programs.

7320 (b) \* \* \* The State Department of Education shall  
7321 reduce the school district's January transfer of \* \* \* INSPIRE  
7322 funds by the amount owed to the charter school and shall redirect  
7323 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:



7448 37-29-303. As used in Sections 37-29-301 through 37-29-305,  
7449 the following terms shall be defined as provided in this section:

7450 (a) "Full-time equivalent (FTE) enrollment" means the  
7451 process by which the Southern Regional Education Board (SREB)  
7452 calculates FTE by taking total undergraduate semester credit hours  
7453 divided by thirty (30); total undergraduate quarter hours divided  
7454 by forty-five (45); total graduate semester credit hours divided  
7455 by twenty-four (24); and total graduate quarter hours divided by  
7456 thirty-six (36).

7457 (b) "State funds" means all funds appropriated by the  
7458 Legislature including funds from the State General Fund, Education  
7459 Enhancement Fund, Budget Contingency Fund and Health Care  
7460 Expendable Fund.

7461 (c) "E & G operations" means education and general  
7462 expenses of the colleges and universities.

7463 (d) \* \* \* "Average daily membership (ADM)" has the same  
7464 meaning as ascribed to that term under Section 37-151-203.

7465 **SECTION 80.** Section 37-31-13, Mississippi Code of 1972, is  
7466 amended as follows:

7467 37-31-13. (1) Any appropriation that may be made under the  
7468 provisions of Sections 37-31-1 through 37-31-15 shall be used by  
7469 the board for the promotion of vocational education as provided  
7470 for in the "Smith-Hughes Act" and for the purpose set forth in  
7471 Sections 37-31-1 through 37-31-15. The state appropriation shall  
7472 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



7548 terms of the agreement under any existing laws authorizing the  
7549 issuance or sale of bonds, negotiable notes or other evidences of  
7550 indebtedness to provide funds for any capital improvement.

7551         **SECTION 82.** Section 37-35-3, Mississippi Code of 1972, is  
7552 amended as follows:

7553             37-35-3. (1) The board of trustees of any school district,  
7554 including any community or junior college, may establish and  
7555 maintain classes for adults, including general educational  
7556 development classes, under the regulations authorized in this  
7557 chapter and pursuant to the standards prescribed in subsection  
7558 (3). The property and facilities of the public school districts  
7559 may be used for this purpose where such use does not conflict with  
7560 uses already established.

7561             (2) The trustees of any school district desiring to  
7562 establish such program may request the taxing authority of the  
7563 district to levy additional ad valorem taxes for the support of  
7564 this program. The board of supervisors, in the case of a county  
7565 school district, a special municipal separate school district, or  
7566 a community or junior college district, and the governing  
7567 authority of any municipality, in the case of a municipal separate  
7568 school district, is authorized, in its discretion, to levy a tax  
7569 not exceeding one (1) mill upon all the taxable property of the  
7570 district for the support of this program. The tax shall be in  
7571 addition to all other taxes authorized by law to be levied. In  
7572 addition to the funds realized from any such levy, the board of



7573 trustees of any school district is authorized to use any surplus  
7574 funds that it may have or that may be made available to it from  
7575 local sources to supplement this program.

7576 (3) (a) Any student participating in an approved High  
7577 School Equivalency Diploma Option program administered by a local  
7578 school district or a local school district with an approved  
7579 contractual agreement with a community or junior college or other  
7580 local entity shall not be considered a dropout. Students in such  
7581 a program administered by a local school district shall be  
7582 considered as enrolled within the school district of origin for  
7583 the purpose of enrollment for \* \* \* Investing in the Needs of  
7584 Students to Prioritize, Impact and Reform Education (INSPIRE)  
7585 only. Such students shall not be considered as enrolled in the  
7586 regular school program for academic or programmatic purposes.

7587 (b) Students participating in an approved High School  
7588 Equivalency Diploma Option program shall have an individual career  
7589 plan developed at the time of placement to insure that the  
7590 student's academic and job skill needs will be met. The  
7591 Individual Career Plan will address, but is not limited to, the  
7592 following:

- 7593 (i) Academic and instructional needs of the  
7594 student;
- 7595 (ii) Job readiness needs of the student; and
- 7596 (iii) Work experience program options available  
7597 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





7822 department shall be empowered to advance or lend \* \* \* the school  
7823 district such sums as in the opinion of the department are  
7824 necessary to be expended for capital improvements by \* \* \* that  
7825 school district. Such loans or advances shall be evidenced by  
7826 appropriate agreements, and shall be repayable in principal by the  
7827 school district from the annual grants to which the school  
7828 district shall become entitled and from such other funds as may be  
7829 available. Such loans or advances shall not constitute a debt of  
7830 the school district within the meaning of any provision or  
7831 limitation of the Constitution or statutes of the State of  
7832 Mississippi. The department shall not advance or lend to any  
7833 school district any sum in excess of seventy-five percent (75%) of  
7834 the estimated sum which will accrue to the \* \* \* school district  
7835 on account of grants to be made to the \* \* \* school district  
7836 within the twenty (20) years next following the date of the loan  
7837 or advance. In determining the maximum allowable advance or loan,  
7838 the department shall assume that the average daily \* \* \*  
7839 membership in the schools of the school district for the past  
7840 preceding scholastic year, as confirmed by the audit of average  
7841 daily \* \* \* membership made by the State Department of Audit, will  
7842 continue for the period during which the loan is to be repaid.

7843 **SECTION 89.** Section 37-47-33, Mississippi Code of 1972, is  
7844 amended as follows:

7845 37-47-33. For the purpose of: (a) providing funds to enable  
7846 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



7872 supplemental school district tax levies authorized by law shall be  
7873 used exclusively for the support, maintenance and operation of the  
7874 schools in the manner provided by law for the fiscal years for  
7875 which such funds were appropriated, collected or otherwise made  
7876 available, and no part of said funds or allotments shall be used  
7877 in paying any expenses incurred during any preceding fiscal year.  
7878 However, this shall not be construed to prohibit the payment of  
7879 expenses incurred during the fiscal year after the close of such  
7880 fiscal year from amounts remaining on hand at the end of such  
7881 fiscal year, provided that such expenses were properly payable  
7882 from such amounts. Moreover, this shall not be construed to  
7883 prohibit the payment of the salaries of superintendents,  
7884 principals and teachers and other school employees whose salaries  
7885 are payable in twelve (12) monthly installments after the close of  
7886 the fiscal year from amounts on hand for such purpose at the end  
7887 of the fiscal year.

7888         **SECTION 91.** Section 37-61-5, Mississippi Code of 1972, is  
7889 amended as follows:

7890         37-61-5. If in any year there should remain a balance in  
7891 the \* \* \* Investing in the Needs of Students to Prioritize, Impact  
7892 and Reform Education (INSPIRE) funds of any school district on  
7893 June 30 which amount is not to be used or is not needed in the  
7894 payment of expenses for the preceding fiscal year properly payable  
7895 out of such \* \* \* funding formula funds, then such balance on hand  
7896 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



8046 practice school shall be credited directly to such demonstration  
8047 or practice school, and all of the provisions of Chapter 47 of  
8048 this title shall be fully applicable thereto.

8049 **SECTION 99.** Section 37-131-9, Mississippi Code of 1972, is  
8050 amended as follows:

8051 37-131-9. In addition to the amounts paid to the  
8052 demonstration or practice school from \* \* \* Investing in the Needs  
8053 of Students to Prioritize, Impact and Reform Education (INSPIRE)  
8054 funds, as provided in Section 37-131-7, the board of trustees of  
8055 the school district involved may contract with the \* \* \*  
8056 demonstration or practice school for the payment of additional  
8057 amounts thereto to defray expenses over and above those defrayed  
8058 by \* \* \* the funding formula funds, which additional amounts shall  
8059 be paid from any funds available to the school district other  
8060 than \* \* \* funding formula funds, whether produced by a  
8061 supplemental district tax levy or otherwise.

8062 If the total funds paid to the demonstration or practice  
8063 school by the school district are inadequate to defray the cost  
8064 and expense of maintaining and operating such demonstration or  
8065 practice school then the president or executive head of the  
8066 institution may, subject to the approval of the Board of Trustees  
8067 of State Institutions of Higher Learning, require the payment of  
8068 additional fees or tuition in an amount to be fixed by the  
8069 president or executive head of the institution, subject to the  
8070 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



8096 available to the institutions for such purpose whether made  
8097 available by legislative appropriation or otherwise.

8098         **SECTION 100.** Section 37-131-11, Mississippi Code of 1972, is  
8099 amended as follows:

8100         37-131-11. All demonstration or practice schools established  
8101 under the provisions of Section 37-131-1 shall, as far as may be  
8102 practicable, be subject to and governed by the same laws as other  
8103 public schools of the State of Mississippi, and shall make all  
8104 reports required by law to be made by public schools to the State  
8105 Board of Education \* \* \* at the same time and in the same manner  
8106 as such reports are made by other public schools. However, for  
8107 the purpose of the allocation of \* \* \* Investing in the Needs of  
8108 Students to Prioritize, Impact and Reform Education (INSPIRE)  
8109 funds, the reports of children in average daily \* \* \* membership  
8110 shall be made to the school district involved by \* \* \* the  
8111 demonstration or practice school, and a copy thereof shall be  
8112 filed with the State Board of Education. The school district  
8113 shall use \* \* \* the reports so filed with it in making its reports  
8114 to the State Board of Education for the purpose of the allocation  
8115 of \* \* \* Investing in the Needs of Students to Prioritize, Impact  
8116 and Reform Education (INSPIRE) funds, but the average daily \* \* \*  
8117 membership of the pupils attending such demonstration or practice  
8118 school shall be segregated and separated in such reports from the  
8119 average daily \* \* \* membership in the regular schools of the  
8120 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



8295 contained shall prohibit any school district from adopting or  
8296 continuing a program or plan whereby teachers are paid varying  
8297 salaries according to the teaching ability, classroom performance  
8298 and other similar standards.

8299 For purposes of this section, the term "local supplement"  
8300 means the additional amount paid to an individual teacher over and  
8301 above the salary schedule prescribed in Section 37-19-7 for the  
8302 performance of regular teaching duties by that teacher.

8303 **SECTION 104.** Section 37-151-89, Mississippi Code of 1972, is  
8304 amended as follows:

8305 37-151-89. The minimum base pay for all classroom teachers  
8306 may be increased by the district from any funds available to  
8307 it \* \* \*.

8308 **SECTION 105.** Section 37-151-91, Mississippi Code of 1972, is  
8309 amended as follows:

8310 37-151-91. The school boards of all school districts may  
8311 establish salary schedules based on training, experience and other  
8312 such factors as may be incorporated therein, including student  
8313 progress and performance as developed by the State Board of  
8314 Education, paying teachers greater amounts than the scale  
8315 provided \* \* \* in Section 37-19-7, but no teacher may be paid less  
8316 than the amount based upon the minimum scale of pay provided  
8317 in \* \* \* Section 37-19-7, \* \* \* and all supplements paid from  
8318 local funds shall be based upon the salary schedules so  
8319 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





8617 the option of a Mississippi Dyslexia Therapy Scholarship which  
8618 would allow the student to attend another public school or  
8619 nonpublic special purpose school.

8620 (2) If the parent or legal guardian chooses the nonpublic  
8621 school option and the student is accepted by the nonpublic school  
8622 pending the availability of a space for the student, the parent or  
8623 legal guardian of the student must notify the department thirty  
8624 (30) days before the first scholarship payment and before entering  
8625 the nonpublic school in order to be eligible for the scholarship  
8626 when a space becomes available for the student in the nonpublic  
8627 school.

8628 (3) The parent or legal guardian of a student may choose, as  
8629 an alternative, to enroll the student in and transport the student  
8630 to a public school in an adjacent school district which has  
8631 available space and has a program with dyslexia services that  
8632 provide daily dyslexia therapy sessions delivered by a department  
8633 licensed dyslexia therapist, and that school district shall accept  
8634 the student and report the student for purposes of the district's  
8635 funding under \* \* \* Investing in the Needs of Students to  
8636 Prioritize, Impact and Reform Education (INSPIRE).

8637 **SECTION 115.** Section 37-173-13, Mississippi Code of 1972, is  
8638 amended as follows:

8639 37-173-13. (1) The maximum scholarship granted per eligible  
8640 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.



8691 (3) If the parent opts to remove a child from a public  
8692 school to a nonpublic special purpose school and to receive a  
8693 scholarship under this chapter, then transportation shall be  
8694 provided at the parent's or guardian's expense.

8695 **SECTION 117.** Section 37-179-3, Mississippi Code of 1972, is  
8696 amended as follows:

8697 37-179-3. (1) A district which is an applicant to be  
8698 designated as a district of innovation under Section 37-179-1  
8699 shall:

8700 (a) Establish goals and performance targets for the  
8701 district of innovation proposal, which may include:

8702 (i) Reducing achievement gaps among groups of  
8703 public school students by expanding learning experiences for  
8704 students who are identified as academically low-achieving;

8705 (ii) Increasing pupil learning through the  
8706 implementation of high, rigorous standards for pupil performance;

8707 (iii) Increasing the participation of students in  
8708 various curriculum components and instructional components within  
8709 selected schools to enhance at each grade level;

8710 (iv) Increasing the number of students who are  
8711 college and career-ready;

8712 (v) Motivating students at different grade levels  
8713 by offering more curriculum choices and student learning  
8714 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.





8814           **SECTION 118.** Section 37-181-7, Mississippi Code of 1972, is  
8815 amended as follows:

8816           37-181-7. (1) The ESA program created in this chapter shall  
8817 be limited to five hundred (500) students in the school year  
8818 2015-2016, with new enrollment limited to five hundred (500)  
8819 additional students each year thereafter. Subject to  
8820 appropriation from the General Fund, each student's ESA shall be  
8821 funded at Six Thousand Five Hundred Dollars (\$6,500.00) for school  
8822 year 2015-2016. For each subsequent year, this amount shall  
8823 increase or decrease by the same proportion as the \* \* \* student  
8824 base amount under Section \* \* \* 37-151-207 is increased or  
8825 decreased.

8826           (2) Subject to appropriation, eligible students shall be  
8827 approved for participation in the ESA program as follows:

8828           (a) Until participation in the ESA program reaches  
8829 fifty percent (50%) of the annual enrollment limits in subsection  
8830 (1) of this section, students shall be approved on a first-come,  
8831 first-served basis, with applications being reviewed on a rolling  
8832 basis;

8833           (b) After participation reaches fifty percent (50%) of  
8834 the annual enrollment limits in subsection (1) of this section,  
8835 the department shall set annual application deadlines for the  
8836 remaining number of available ESAs and begin to maintain a waiting  
8837 list of eligible students. The waitlist will be maintained in the  
8838 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%)



9304 for the next payment month and each subsequent payment month until  
9305 the requirements of this subsection are met.

9306 (6) (a) If the parent or caretaker relative applying for  
9307 TANF assistance is work eligible, as determined by the Department  
9308 of Human Services, the person shall be required to engage in an  
9309 allowable work activity once the department determines the parent  
9310 or caretaker relative is determined work eligible, or once the  
9311 parent or caretaker relative has received TANF assistance under  
9312 the program for twenty-four (24) months, whether or not  
9313 consecutive, whichever is earlier. No TANF benefits shall be  
9314 given to any person to whom this section applies who fails without  
9315 good cause to comply with the Employability Development Plan  
9316 prepared by the department for the person, or who has refused to  
9317 accept a referral or offer of employment, training or education in  
9318 which he or she is able to engage, subject to the penalties  
9319 prescribed in paragraph (e) of this subsection. A person shall be  
9320 deemed to have refused to accept a referral or offer of  
9321 employment, training or education if he or she:

9322 (i) Willfully fails to report for an interview  
9323 with respect to employment when requested to do so by the  
9324 department; or

9325 (ii) Willfully fails to report to the department  
9326 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.

