

By: Representatives White, Owen

To: Education

HOUSE BILL NO. 2
(As Passed the House)

1 AN ACT TO CREATE THE "MISSISSIPPI EDUCATION FREEDOM ACT"; TO
2 CREATE NEW SECTION 37-190-1, MISSISSIPPI CODE OF 1972, WHICH
3 ESTABLISHES THE NAME OF THE ACT; TO CREATE NEW SECTION 37-190-3,
4 MISSISSIPPI CODE OF 1972, TO PRESCRIBE THE LEGISLATIVE FINDINGS
5 AND INTENT; TO CREATE NEW SECTION 37-190-5, MISSISSIPPI CODE OF
6 1972, TO PROVIDE TERMS AND DEFINITIONS USED IN THE ACT; TO CREATE
7 NEW SECTION 37-190-7, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
8 THE OFFICE OF THE STATE TREASURER SHALL ADMINISTER THE PROGRAM AS
9 THE FUND MANAGER; TO AUTHORIZE THE FUND MANAGER TO CONTRACT WITH
10 CERTIFIED EDUCATIONAL ASSISTANCE ORGANIZATION(S) (CEAO) AND TO
11 DELEGATE CERTAIN FUNCTIONS TO STATE AGENCIES, INCLUDING THE STATE
12 DEPARTMENT OF EDUCATION; TO PRESCRIBE THE POWERS AND DUTIES OF THE
13 FUND MANAGER, INCLUDING APPLICATION ADMINISTRATION, ELIGIBILITY
14 VERIFICATION, RESIDENCY AND INCOME VERIFICATION, ACCOUNT
15 ESTABLISHMENT AND PAYMENT PROCESSES, PRIORITIZATION AND LOTTERY
16 ADMINISTRATION, AUDIT AND COMPLIANCE ENFORCEMENT, REPORTING AND
17 RULEMAKING AUTHORITY; TO DEFINE AND REGULATE CERTIFIED EDUCATIONAL
18 ASSISTANCE ORGANIZATION(S) (CEAO), INCLUDING PERMITTED
19 ADMINISTRATIVE RETENTION; TO AUTHORIZE FEDERAL VERIFICATION OF
20 IMMIGRATION STATUS FOR LAWFUL PRESENCE PURPOSES; TO PROVIDE A
21 ONE-YEAR EXEMPTION FROM CERTAIN STATE PERSONNEL BOARD RULES FOR
22 PROGRAM IMPLEMENTATION STAFFING; TO PROVIDE THAT THE FUND MANAGER
23 SHALL NOT REGULATE CURRICULUM, INSTRUCTIONAL METHODS, ADMISSIONS,
24 HIRING PRACTICES OR RELIGIOUS INSTRUCTION, EXCEPT AS EXPRESSLY
25 AUTHORIZED; TO CREATE NEW SECTION 37-190-9, MISSISSIPPI CODE OF
26 1972, TO ESTABLISH MAGNOLIA STUDENT ACCOUNTS; TO PRESCRIBE
27 ELIGIBILITY, PARTICIPATION CATEGORIES, ANNUAL PARTICIPATION CAPS,
28 ELIGIBILITY POOLS WITH AUTOMATIC ROLLOVER BETWEEN POOLS, A
29 SEPARATE HOMESCHOOL CATEGORY; TO PROVIDE FOR THE CONTINUED
30 ELIGIBILITY FOR PARTICIPATING STUDENTS WHO REMAIN IN COMPLIANCE
31 WITHOUT REAPPLICATION; TO PROVIDE FOR INCOME-BASED PRIORITIZATION
32 USING AREA MEDIAN INCOME THRESHOLDS; TO PRESCRIBE LOTTERY
33 PROCEDURES WHEN DEMAND EXCEEDS SUPPLY, AND REAPPLICATION
34 REQUIREMENTS WHEN ACCOUNTS ARE UNAVAILABLE; TO CREATE NEW SECTION



35 37-190-11, MISSISSIPPI CODE OF 1972, TO PRESCRIBE ANNUAL FUNDING
36 AMOUNTS FOR MAGNOLIA STUDENT ACCOUNTS BASED ON STUDENT CATEGORY;
37 TO PROVIDE HOUSEHOLD CAPS; TO AUTHORIZE CARRYFORWARD OF UNUSED
38 FUNDS; TO AUTHORIZE POSTSECONDARY USE AFTER GRADUATION OR
39 EQUIVALENCY; TO PROVIDE THAT MSA FUNDS ARE NOT TAXABLE INCOME AND
40 MAY NOT BE CLAIMED AS A TAX BENEFIT; TO CREATE NEW SECTION
41 37-190-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE EQUAL
42 OPPORTUNITY SCHOLARSHIP FOR STUDENTS WITH SPECIAL NEEDS PROGRAM
43 SHALL OPERATE AS A SEPARATE CATEGORICAL COMPONENT OF THE PROGRAM;
44 TO TRANSFER ADMINISTRATIVE OVERSIGHT OF THE EQUAL OPPORTUNITY
45 SCHOLARSHIP FOR STUDENTS WITH SPECIAL NEEDS PROGRAM FROM THE STATE
46 DEPARTMENT OF EDUCATION TO THE OFFICE OF THE STATE TREASURER
47 EFFECTIVE JULY 1, 2027, WHILE MAINTAINING GOVERNING LAW UNDER
48 PROVISIONS OF LAW CREATING THAT PROGRAM AND PROHIBITING
49 SIMULTANEOUS FUNDING UNDER MULTIPLE PROGRAM COMPONENTS; TO CREATE
50 NEW SECTION 37-190-15, MISSISSIPPI CODE OF 1972, TO REQUIRE ANNUAL
51 ASSESSMENTS FOR MSA PARTICIPANTS; TO AUTHORIZE ASSESSMENT OPTIONS
52 AND PARENT SELECTION; TO AUTHORIZE PAYMENT OF ASSESSMENT COSTS AS
53 AN ELIGIBLE EXPENSE; TO REQUIRE REPORTING OF RESULTS TO THE FUND
54 MANAGER; TO PROVIDE EXEMPTIONS FOR CERTAIN STUDENTS WITH
55 DISABILITIES AND FOR STUDENTS IN LEGITIMATE HOME INSTRUCTION
56 PROGRAMS; TO REQUIRE A STATEWIDE PROGRAM-LEVEL REPORT WITHOUT
57 IDENTIFIABLE STUDENT INFORMATION; TO CREATE NEW SECTION 37-190-17,
58 MISSISSIPPI CODE OF 1972, TO ESTABLISH APPROVAL REQUIREMENTS FOR
59 EDUCATION SERVICE PROVIDERS AND PARTICIPATING SCHOOLS, INCLUDING
60 HEALTH AND SAFETY COMPLIANCE AND NONDISCRIMINATION REQUIREMENTS;
61 TO PROVIDE GROUNDS AND PROCEDURES FOR SUSPENSION OR
62 DISQUALIFICATION FOR PARTICIPATION IN THE PROGRAM; TO PROVIDE
63 MAXIMUM FLEXIBILITY FOR PUBLIC SCHOOLS SERVING AS EDUCATION
64 SERVICE PROVIDERS; TO PROHIBIT STATE REGULATION OF CURRICULUM,
65 ADMISSIONS OR RELIGIOUS INSTRUCTION; TO CLARIFY THAT PARTICIPATION
66 DOES NOT CREATE STATE-ACTOR STATUS; TO CREATE NEW SECTION
67 37-190-19, MISSISSIPPI CODE OF 1972, TO PROHIBIT MISUSE OF MSA
68 FUNDS; TO AUTHORIZE ACCOUNT SUSPENSION AND CLOSURE, REPAYMENT AND
69 REFERRAL FOR ENFORCEMENT; TO PROVIDE NOTICE AND AN OPPORTUNITY TO
70 RESPOND BEFORE PERMANENT CLOSURE OF MSAS; TO PROVIDE FOR REVERSION
71 OF REMAINING FUNDS TO THE EDUCATION FREEDOM FUND; TO PRESERVE
72 STUDENT ATHLETIC ELIGIBILITY; TO CREATE NEW SECTION 37-190-21,
73 MISSISSIPPI CODE OF 1972, TO AUTHORIZE POSTSECONDARY EDUCATION AND
74 INDUSTRY CREDENTIAL EXPENSES PAYABLE FROM REMAINING MSA FUNDS; TO
75 PRESCRIBE ALLOWABLE EXPENSES, PAYMENT REQUIREMENTS AND TIME LIMITS
76 FOR WHICH REMAINING MSA MAY BE USED; TO CREATE NEW SECTION
77 37-190-23, MISSISSIPPI CODE OF 1972, TO CREATE THE EDUCATION
78 FREEDOM FUND IN THE STATE TREASURY AND PRESCRIBE ITS FUNDING
79 SOURCES, APPROPRIATION REQUIREMENTS, PERMISSIBLE USES FOR THE
80 PROGRAM'S CATEGORICAL COMPONENTS, REQUIRED ACCOUNTING AND
81 SUBACCOUNTING, AND NONLAPSING STATUS; TO AMEND SECTION 37-15-31,
82 MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT FOR THE SCHOOL
83 BOARD OF THE SCHOOL DISTRICT OF A CHILD'S RESIDENCE CONSENT TO THE
84 RELEASE OF THE STUDENT FOR TRANSFER TO ANOTHER SCHOOL DISTRICT; TO
85 ONLY REQUIRE THAT THE TRANSFEREE SCHOOL BOARD APPROVE OR REFUSE



86 THE TRANSFER OF A STUDENT UPON RECEIVING NOTICE AND OFFICIAL
87 MEETING OF THE BOARD TO ACT ON SUCH TRANSFER; TO AUTHORIZE THE
88 SIBLINGS OF A LAWFULLY TRANSFERRED STUDENT TO ENROLL IN THE
89 TRANSFEREE SCHOOL DISTRICT AT THE DISCRETION OF THEIR PARENT(S) OR
90 LEGAL GUARDIAN(S); THAT A TRANSFER STUDENT'S ATHLETIC ELIGIBILITY
91 SHALL BE DETERMINED IN ACCORDANCE WITH RULES AND REGULATIONS
92 PROMULGATED BY MHSAA GOVERNING STUDENT ELIGIBILITY TO PROVIDE FOR
93 THE ALLOCATION AND DISBURSEMENT OF FUNDS TO A RECEIVING SCHOOL
94 DISTRICT UPON THE COMPLETION AND CERTIFICATION OF A STUDENT
95 TRANSFER REQUEST; TO STIPULATE THAT A SCHOOL OR DISTRICT MAY NOT
96 ACCEPT OR DENY STUDENTS FOR TRANSFER BASED ON THE STUDENT'S
97 ABILITY OR DISABILITY; TO REQUIRE SCHOOL DISTRICTS TO PUBLISH THE
98 NUMBER OF AVAILABLE SEATS OPEN TO TRANSFERS WITHIN THE DISTRICT
99 AND INDIVIDUALIZED BY SCHOOL FACILITY; TO REQUIRE THE DISTRICT TO
100 PUBLISH SUCH INFORMATION AT A REASONABLE TIME BEFORE THE START OF
101 THE SCHOOL YEAR; TO REQUIRE DISTRICTS TO ADOPT AND PUBLISH THE
102 PROCESSES USED TO CHOOSE STUDENTS FOR TRANSFER; TO REQUIRE THE
103 STATE DEPARTMENT OF EDUCATION TO COLLECT AND PUBLISH STUDENT
104 TRANSFER DATA, CATEGORIZED BY ACCEPTANCE, DENIALS AND REASONS FOR
105 DENIALS; TO PROVIDE THAT TRANSFER AUTHORITY OF A DISTRICT TO
106 RECEIVE OR DENY THE ACCEPTANCE OF A STUDENT REQUESTING TRANSFER
107 INTO THE DISTRICT SHALL NOT SUPERSEDE ANY PROVISION OF AN
108 ENFORCEABLE DESEGREGATION ORDER OR A COURT-APPROVED DESEGREGATION
109 PLAN; TO CREATE THE EDUCATION FREEDOM FUND AS A SPECIAL FUND IN
110 THE STATE TREASURY; TO PROVIDE THAT MONIES IN THE FUND SHALL BE
111 EXPENDED BY THE STATE DEPARTMENT OF EDUCATION, UPON APPROPRIATION
112 OF THE LEGISLATURE, FOR THE PURPOSE OF PAYING THE COST OF THE
113 STATE PORTION OF TOTAL FUNDING FORMULA BASE-STUDENT COST FOR THE
114 TRANSFERRING STUDENT AT THE TRANSFEREE DISTRICT'S RATE; TO
115 ESTABLISH THE "TIM TEBOW ACT"; TO DEFINE CERTAIN TERMS; TO
116 AUTHORIZE STUDENTS ENROLLED IN A HOMESCHOOL TO PARTICIPATE IN
117 PUBLIC SCHOOL INTERSCHOLASTIC EXTRACURRICULAR ACTIVITIES; TO
118 PRESCRIBE THE REQUIREMENTS FOR A STUDENT ENROLLED IN A HOMESCHOOL
119 TO PARTICIPATE IN INTERSCHOLASTIC EXTRACURRICULAR ACTIVITIES; TO
120 PROHIBIT DISCRIMINATION AGAINST HOMESCHOOL STUDENT SELECTION OR
121 PARTICIPATION IN SUCH ACTIVITIES; TO PROVIDE THAT PARTICIPATION IN
122 AN EXTRACURRICULAR ACTIVITY IS A PRIVILEGE AND NOT A RIGHT; TO
123 AMEND SECTION 37-28-5, MISSISSIPPI CODE OF 1972, TO REVISE
124 DEFINITIONS RELATED TO THE MISSISSIPPI CHARTER SCHOOL ACT OF 2013;
125 TO AMEND SECTION 37-28-7, MISSISSIPPI CODE OF 1972, TO ALLOW
126 APPLICATIONS TO BE APPROVED FOR CHARTER SCHOOLS IN ALL SCHOOL
127 DISTRICTS; TO AMEND SECTION 37-28-9, MISSISSIPPI CODE OF 1972, TO
128 AUTHORIZE THE CHARTER SCHOOL AUTHORIZER BOARD TO AMEND CHARTER
129 SCHOOL CONTRACTS IN ORDER TO APPROVE MERGERS, CONSOLIDATIONS AND
130 RECONFIGURATIONS AND CONTRACT REORGANIZATIONS WITHOUT CLOSING A
131 CHARTER SCHOOL; TO AMEND SECTION 37-28-11, MISSISSIPPI CODE OF
132 1972, TO PROHIBIT THE AUTHORIZER FROM RETAINING A PORTION OF
133 PER-PUPIL ALLOCATIONS FOR ITS SUPPORT AND PROVIDE THAT THE
134 LEGISLATURE MAY FUND THE AUTHORIZER THROUGH SPECIFIC
135 APPROPRIATION; TO AMEND SECTION 37-28-13, MISSISSIPPI CODE OF
136 1972, TO REQUIRE THE AUTHORIZER TO PUBLISH A PAMPHLET, BY AUGUST 1



137 OF EACH YEAR, INFORMING CHARTER SCHOOLS AND CHARTER APPLICANTS OF
138 ALL EDUCATIONAL STATUTES APPLICABLE TO THE OPERATION AND
139 ADMINISTRATION OF CHARTER SCHOOLS; TO AMEND SECTION 37-28-15,
140 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE CHARTER SCHOOL
141 AUTHORIZER TO LIMIT THE INFORMATION INITIALLY SUBMITTED BY A
142 CHARTER SCHOOL APPLICANT TO THAT WHICH THE AUTHORIZER DEEMS
143 ESSENTIAL; TO AMEND SECTION 37-28-19, MISSISSIPPI CODE OF 1972, TO
144 AUTHORIZE CERTAIN APPLICANTS THAT ARE DENIED A CHARTER TO REMEDY
145 THE APPLICATION'S DEFICIENCIES AND REAPPLY BEFORE THE NEXT REGULAR
146 APPLICATION PROCESS; TO AMEND SECTION 37-28-21, MISSISSIPPI CODE
147 OF 1972, TO REQUIRE THE AUTHORIZER TO ALLOW A CHARTER MANAGEMENT
148 ORGANIZATION TO HOLD A SINGLE CONTRACT AND TO REORGANIZE UNDER A
149 SINGLE CONTRACT WITHOUT REAPPLYING FOR EACH SCHOOL; TO PROVIDE
150 THAT CHARTER SCHOOLS SHALL BE GRANTED A TWO-YEAR DELAY START DATE
151 FOR COMMENCEMENT OF INSTRUCTION OF STUDENTS; TO FURTHER PROVIDE
152 THAT IF THE CHARTER SCHOOL FAILS TO START AFTER TWO YEARS OF BEING
153 APPROVED, IT MUST REAPPLY FOR AUTHORIZATION TO OPEN A CHARTER
154 SCHOOL TO THE MISSISSIPPI CHARTER SCHOOL AUTHORIZER BOARD; TO
155 AMEND SECTION 37-28-23, MISSISSIPPI CODE OF 1972, TO REVISE THE
156 MANNER IN WHICH A CHARTER SCHOOL'S UNDERSERVED POPULATION IS
157 COMPARED TO THAT OF THE LOCAL SCHOOL DISTRICT AND TO AUTHORIZE AN
158 ENROLLMENT PREFERENCE FOR CHILDREN TRANSFERRING TO A CHARTER
159 SCHOOL FROM ANOTHER SCHOOL WHOSE CONTRACT IS HELD BY THE SAME
160 GOVERNING BOARD; TO AMEND SECTION 37-28-29, MISSISSIPPI CODE OF
161 1972, TO REQUIRE ACHIEVEMENT GAPS COMPARISONS FOR PROFICIENCY
162 BETWEEN APPLICABLE SUBGROUPS; TO AMEND SECTION 37-28-31,
163 MISSISSIPPI CODE OF 1972, TO REQUIRE THE AUTHORIZER TO ANNUALLY
164 MONITOR THE PERFORMANCE AND LEGAL COMPLIANCE OF CHARTER SCHOOLS IT
165 HAS AUTHORIZED; TO ALLOW CHARTER SCHOOLS UNDER THE SAME CHARTER
166 CONTRACT TO SUBMIT A SINGLE ANNUAL PERFORMANCE REPORT; TO AMEND
167 SECTION 37-28-33, MISSISSIPPI CODE OF 1972, TO AUTHORIZE CHARTER
168 SCHOOLS THAT RECEIVE A RENEWAL CONTRACT OF LESS THAN FIVE YEARS TO
169 APPEAL THE DECISION IN THE SAME MANNER THAT NONRENEWALS AND
170 REVOCATIONS ARE APPEALED; TO AMEND SECTION 37-28-35, MISSISSIPPI
171 CODE OF 1972, TO PRESCRIBE THE TIMELINE AND PROCEDURES TO BE
172 FOLLOWED BY THE AUTHORIZER IN ITS DECISION TO CLOSE A CHARTER
173 SCHOOL; TO AMEND SECTION 37-28-37, MISSISSIPPI CODE OF 1972, TO
174 STREAMLINE REPORTS FROM A CHARTER SCHOOL AUTHORIZER; TO AMEND
175 SECTION 37-28-39, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A
176 NONPROFIT ENTITY THAT IS PARTY TO A CHARTER CONTRACT, INCLUDING A
177 CHARTER MANAGEMENT ORGANIZATION, IS A NONGOVERNMENTAL ENTITY; TO
178 REQUIRE THE GOVERNING BOARD OF A NONPROFIT ENTITY HOLDING A
179 CHARTER CONTRACT FOR MULTIPLE SCHOOLS TO DETERMINE WHETHER EACH
180 SCHOOL LISTED IN THE CHARTER CONTRACT WILL FUNCTION AS A LOCAL
181 EDUCATION AGENCY OR IF THE NONPROFIT WILL FUNCTION AS SUCH FOR ALL
182 SCHOOLS INCLUDED IN ITS CHARTER CONTRACT; TO AMEND SECTION
183 37-28-41, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE NONPROFIT
184 ENTITY HOLDING A CHARTER CONTRACT TO CONTRACT FOR TRANSPORTATION
185 SERVICES, SPECIAL EDUCATION SERVICES AND VIRTUAL COURSES FOR
186 STUDENTS ENROLLED IN THE CHARTER SCHOOL UNDER ITS CONTRACT; TO
187 AMEND SECTION 37-28-43, MISSISSIPPI CODE OF 1972, TO REQUIRE



188 CHARTER SCHOOLS TO PROVIDE APPROPRIATE SERVICES TO STUDENTS
189 DESIGNATED AS ENGLISH LANGUAGE LEARNERS WHO ARE ENROLLED IN ITS
190 SCHOOLS; TO AMEND SECTION 37-28-45, MISSISSIPPI CODE OF 1972, TO
191 REQUIRE CHARTER SCHOOLS TO RECEIVE PERFORMANCE CLASSIFICATIONS
192 FROM THE STATE DEPARTMENT OF EDUCATION; TO PROVIDE THAT CHARTER
193 SCHOOLS ARE NOT SUBJECT TO ANY RULE, POLICY, REGULATION OR
194 PROCEDURE ADOPTED BY THE STATE BOARD OF EDUCATION UNLESS SUCH WAS
195 ADOPTED PURSUANT TO LAW APPLICABLE TO CHARTER SCHOOLS; TO AMEND
196 SECTION 37-28-47, MISSISSIPPI CODE OF 1972, TO INCREASE THE TOTAL
197 NUMBER OF NONLICENSED TEACHERS EMPLOYED IN AN INSTRUCTIONAL
198 CAPACITY TO 50% AND TO EXCLUDE PROVISIONALLY LICENSED TEACHERS AND
199 LICENSED TEACHERS TEACHING OUT OF FIELD FROM THE 50% LIMITATION ON
200 CHARTER SCHOOL TEACHERS EXEMPT FROM LICENSURE REQUIREMENTS; TO
201 PROVIDE THAT CHARTER SCHOOL EMPLOYEES HAVING SATISFIED ALL THE
202 REQUIREMENTS FOR NATIONAL BOARD CERTIFICATION IN THEIR RESPECTIVE
203 PROFESSIONAL DISCIPLINES, SHALL BE ENTITLED TO A \$6,000.00 ANNUAL
204 SALARY SUPPLEMENT; TO AMEND SECTION 37-28-49, MISSISSIPPI CODE OF
205 1972, TO INSERT REFERENCE TO THE MISSISSIPPI CODE OF EDUCATOR
206 ETHICS; TO AMEND SECTION 37-28-53, MISSISSIPPI CODE OF 1972, TO
207 REQUIRE EACH CHARTER SCHOOL OR CHARTER MANAGEMENT ORGANIZATION TO
208 ANNUALLY CERTIFY INFORMATION NECESSARY TO CALCULATE THE CHARTER
209 SCHOOL'S STATE SHARE OF AND LOCAL CONTRIBUTION TO THE STATE PUBLIC
210 SCHOOL FUNDING FORMULA TO THE STATE DEPARTMENT OF EDUCATION; TO
211 AMEND SECTION 37-28-55, MISSISSIPPI CODE OF 1972, TO REVISE THE
212 MANNER IN WHICH THE PRO RATA SHARE OF LOCAL FUNDS FOR CHARTER
213 SCHOOLS IS CALCULATED; TO AMEND SECTION 37-28-57, MISSISSIPPI CODE
214 OF 1972, TO REQUIRE CHARTER SCHOOLS TO ADHERE TO GENERALLY
215 ACCEPTED ACCOUNTING PRINCIPLES AS DETERMINED BY THE FINANCIAL
216 ACCOUNTING STANDARDS BOARD; TO REQUIRE THE STATE AUDITOR TO
217 DEVELOP FINANCIAL RULES AND REGULATIONS, INCLUDING A FINANCIAL
218 ACCOUNTING MANUAL SPECIFIC FOR CHARTER SCHOOLS; TO PROVIDE FOR THE
219 ANNUAL AUDIT OF RECORDS OF NONPROFIT ENTITIES HOLDING A CHARTER
220 CONTRACT FOR CHARTER SCHOOLS; TO REQUIRE THE STATE DEPARTMENT OF
221 EDUCATION AND EACH AUTHORIZER TO DEVELOP A PROCESS OF SHARING
222 RELEVANT INFORMATION TO AVOID DUPLICATION OF EFFORT; TO BRING
223 FORWARD SECTIONS 37-28-1, 37-28-3, 37-28-17, 37-28-25, 37-28-27,
224 37-28-51, 37-28-59 AND 37-28-61, MISSISSIPPI CODE OF 1972, FOR
225 PURPOSES OF POSSIBLE AMENDMENTS; TO AMEND SECTIONS 31-7-1,
226 37-3-51, 37-17-1, 37-21-3, 37-41-1, 37-17-6, 37-28-55, 37-173-13
227 AND 37-175-13, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE
228 PRECEDING PROVISIONS; TO BRING FORWARD SECTIONS 37-28-5, 37-28-53
229 AND 37-173-9, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE
230 AMENDMENTS; TO REQUIRE THE STATE BOARD OF EDUCATION TO INCORPORATE
231 COMPONENTS WITHIN THE EXISTING FINANCIAL LITERACY CURRICULUM FOR
232 STUDENTS IN GRADES 6 THROUGH 8 BEGINNING WITH THE 2026-2027 SCHOOL
233 YEAR; TO REQUIRE PASSAGE OF A ONE-HALF CARNEGIE UNIT COURSE IN
234 FINANCIAL LITERACY AS A GRADUATION REQUIREMENT FOR ALL PUBLIC
235 SCHOOL STUDENTS, INCLUDING THOSE IN CHARTER SCHOOLS, BEGINNING
236 WITH THE 2031 GRADUATING CLASS; TO ESTABLISH THE FINANCIAL
237 LITERACY TRUST FUND IN THE STATE TREASURY TO SUPPORT FINANCIAL
238 LITERACY EDUCATION; TO REQUIRE THE STATE BOARD OF EDUCATION TO



239 ADMINISTER THE FUND; TO AMEND SECTIONS 37-7-301 AND 37-16-7,
240 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO ESTABLISH A
241 SCHOOL ACCOUNTABILITY DASHBOARD FOR MISSISSIPPI PUBLIC SCHOOLS TO
242 PROMOTE TRANSPARENCY AND PROVIDE PARENTS WITH CRITICAL STUDENT
243 PERFORMANCE DATA; TO REQUIRE SCHOOL DISTRICTS TO PUBLISH THE
244 SCHOOL ACCOUNTABILITY DASHBOARD BEGINNING WITH THE 2026-2027
245 ACADEMIC SCHOOL YEAR; TO SPECIFY THE TIMELINE BY WHICH THE INITIAL
246 AND SUBSEQUENT UPDATES TO THE DASHBOARD ARE REQUIRED TO BE
247 PUBLISHED; TO GRANT THE DEPARTMENT A ONE-YEAR PERIOD TO IDENTIFY
248 ANY RELEVANT DATA NOT CURRENTLY COLLECTED TO DETERMINE WHAT SAID
249 DATA IS AND INCLUDE IT IN THE DASHBOARD BEGINNING WITH THE
250 2027-2028 SCHOOL YEAR; TO REQUIRE THE INFORMATION IN THE DASHBOARD
251 TO BE COMPILED INTO AN EASILY ACCESSIBLE, USER-FRIENDLY
252 SINGLE-PAGE GRAPHIC AND PUBLISHED ON THE MAIN PAGE OF THE SCHOOL
253 DISTRICT'S AND THE DEPARTMENT'S WEBSITE; TO REQUIRE THE STATE
254 DEPARTMENT OF EDUCATION TO ISSUE GUIDANCE AND THE STANDARDIZED
255 DASHBOARD TEMPLATE TO ALL SCHOOL DISTRICTS BY AUGUST 1, 2026; TO
256 REQUIRE THE SCHOOL ACCOUNTABILITY DASHBOARD TO BE ALIGNED WITH THE
257 STATE'S PERFORMANCE-BASED ACCREDITATION SYSTEM AND PRESCRIBE THE
258 MINIMUM DATA METRICS TO BE INCLUDED; TO AMEND SECTION 37-17-8,
259 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION
260 25-11-126, MISSISSIPPI CODE OF 1972, TO REVISE THE CRITERIA AND
261 SCALE OF COMPENSATION FOR ELIGIBLE RETIRED TEACHERS WHO RETURN TO
262 THE TEACHING PROFESSION AS CONTRIBUTING BUT NON-BENEFIT ACCRUING
263 MEMBERS OF THE PERS; TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF
264 1972, TO REMOVE THE 50/50 SPLIT OF EMPLOYER'S CONTRIBUTION OF
265 RETIRED TEACHERS AS PENSION LIABILITY PARTICIPATION ASSESSMENT; TO
266 AMEND SECTIONS 37-181-3, 37-181-5, 37-181-7, 37-181-9, 37-181-11,
267 37-181-15, 37-181-17 AND 37-181-19, MISSISSIPPI CODE OF 1972, TO
268 REMOVE OVERLY RESTRICTIVE LANGUAGE WHICH REQUIRED THE PARENT OR
269 GUARDIAN OF AN ELIGIBLE STUDENT RECEIVING ESA FUNDS TO CERTIFY TO
270 THE STATE DEPARTMENT OF EDUCATION THAT THE STUDENT HAS BEEN
271 ACCEPTED INTO AN ELIGIBLE SCHOOL QUALIFIED TO PROVIDE SERVICES FOR
272 THE PARTICIPATING STUDENT'S DISABILITY OR SPECIAL EDUCATION NEEDS,
273 OR PROVIDE SERVICES ADDRESSING A PARTICIPATING STUDENT'S IEP; TO
274 REMOVE THE REQUIREMENT THAT AN ELIGIBLE SCHOOL THAT FAILS TO
275 COMPLY WITH THE CERTIFICATION REQUIREMENTS OF ITS ABILITY TO
276 PROVIDE SERVICES FOR THE PARTICIPATING STUDENT'S DISABILITY OR
277 SPECIAL EDUCATION NEEDS, OR PROVIDE SERVICES ADDRESSING A
278 PARTICIPATING STUDENT'S IEP SHALL BE INELIGIBLE TO PARTICIPATE IN
279 THE ESA PROGRAM THE FOLLOWING YEAR; TO REMOVE THE WAITLIST
280 REQUIREMENT FOR STUDENTS ELIGIBLE TO RECEIVE AN EDUCATIONAL
281 SCHOLARSHIP ACCOUNT UNDER THE "EQUAL OPPORTUNITY FOR STUDENTS WITH
282 SPECIAL NEEDS ACT"; TO PROVIDE THAT, SUBJECT TO APPROPRIATION,
283 EACH STUDENT'S ESA SHALL BE FUNDED AT THE STUDENT BASE AMOUNT AS
284 DETERMINED UNDER THE "MISSISSIPPI STUDENT FUNDING FORMULA"; TO
285 RESTRUCTURE THE FREQUENCY BY WHICH REIMBURSEMENT PAYMENTS SHALL BE
286 MADE TO SERVICE PROVIDERS AND PARENTS FROM QUARTERLY TO MONTHLY;
287 TO AUTHORIZE THE DEPARTMENT TO ENTER INTO A CONTRACTUAL AGREEMENT
288 WITH A CERTIFIED EDUCATIONAL ASSISTANCE ORGANIZATION(S) (CEAO) TO
289 ADMINISTER THE ESA PROGRAM; TO CREATE THE "AERONAUTICS,



290 GEOSPATIAL, ENGINEERING, NURSING, AND TECHNICAL SKILLS (AGENTS) OF
291 EXCELLENCE PROGRAM ACT"; TO ESTABLISH SPECIALIZED ACADEMIC
292 PROGRAMS FOR HIGH SCHOOL STUDENTS IN GRADES 9 THROUGH 12 IN
293 DISCIPLINES SUCH AS AERONAUTICS, GEOSPATIAL STUDIES, ENGINEERING,
294 NURSING, AND TECHNICAL SKILLS; TO IMPROVE WORKFORCE READINESS AND
295 POSTSECONDARY OUTCOMES FOR STUDENTS ATTENDING AGENTS OF EXCELLENCE
296 HOST INSTITUTIONS; TO DEFINE TERMINOLOGY; TO PROVIDE THAT THE
297 PROGRAM SHALL BE JOINTLY ADMINISTERED BY THE STATE BOARD OF
298 EDUCATION AND THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF
299 HIGHER LEARNING; TO PROVIDE FOR IMPLEMENTATION OF THE PROGRAM
300 CONTINGENT UPON FUNDING BEING APPROPRIATED FOR THAT REASON; TO
301 PRESCRIBE THE MECHANISM BY WHICH HOST INSTITUTIONS SHALL BE PAID
302 FOR PARTICIPATING STUDENTS; TO REQUIRE ANNUAL REPORTS ON
303 ENROLLMENT, OUTCOMES AND FINANCES TO BE SUBMITTED TO THE GOVERNOR
304 AND THE CHAIRPERSON OF THE EDUCATION AND UNIVERSITIES AND COLLEGES
305 COMMITTEES OF THE HOUSE AND SENATE; TO REQUIRE COMPREHENSIVE
306 EVALUATIONS OF THE PROGRAM EVERY THREE YEARS TO ASSESS
307 EFFECTIVENESS; TO BRING FORWARD SECTIONS 37-13-81, 37-13-83,
308 37-13-85, 37-13-87, 37-13-89, 37-13-91 AND 37-13-107, MISSISSIPPI
309 CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; TO REQUIRE THE
310 STATE BOARD OF EDUCATION AND THE STATE DEPARTMENT OF EDUCATION TO
311 APPLY TO THE UNITED STATES DEPARTMENT OF EDUCATION FOR A WAIVER
312 FROM THE ASSESSMENT REQUIREMENTS FOR GRADES 3 THROUGH 8; TO AMEND
313 SECTION 25-11-103, MISSISSIPPI CODE OF 1972, TO REVISE THE
314 DEFINITION OF "AVERAGE COMPENSATION" FOR MEMBERS IN THE NEW TIER
315 TO MEAN THE AVERAGE OF THE FOUR HIGHEST CONSECUTIVE YEARS OF
316 EARNED COMPENSATION, OR OF THE LAST 48 CONSECUTIVE MONTHS OF
317 EARNED COMPENSATION, WHICHEVER IS GREATER; TO BRING FORWARD
318 SECTION 25-11-109, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF
319 AMENDMENT; TO AMEND SECTION 25-11-111, MISSISSIPPI CODE OF 1972,
320 TO PROVIDE THAT MEMBERS IN THE NEW TIER WHO HAVE COMPLETED AT
321 LEAST EIGHT YEARS OF MEMBERSHIP SERVICE SHALL BE ENTITLED TO
322 RECEIVE A RETIREMENT ALLOWANCE UPON WITHDRAWAL FROM SERVICE AT THE
323 AGE OF 60, AND MEMBERS WHO HAVE COMPLETED AT LEAST 30 YEARS OF
324 CREDITABLE SERVICE SHALL BE ENTITLED TO RECEIVE A RETIREMENT
325 ALLOWANCE UPON WITHDRAWAL FROM SERVICE REGARDLESS OF AGE; TO
326 PROVIDE THAT MEMBERS IN THE NEW TIER WHO WITHDRAW FROM SERVICE
327 BEFORE AGE 60 AND HAVE COMPLETED AT LEAST EIGHT YEARS OF
328 MEMBERSHIP SERVICE AND HAVE NOT RECEIVED A REFUND OF THEIR
329 CONTRIBUTIONS SHALL BE ENTITLED TO RECEIVE A RETIREMENT ALLOWANCE
330 UPON ATTAINING THE AGE OF 60; TO PROVIDE THAT THE ANNUAL
331 RETIREMENT ALLOWANCE OF A MEMBER WHO HAS ATTAINED THE AGE OF 60
332 BUT HAS NOT COMPLETED AT LEAST 30 YEARS OF CREDITABLE SERVICE
333 SHALL BE REDUCED BY AN ACTUARIAL EQUIVALENT FACTOR FOR EACH YEAR
334 OF CREDITABLE SERVICE BELOW 30 YEARS OR THE NUMBER OF YEARS IN AGE
335 THAT THE MEMBER IS BELOW AGE 65, WHICHEVER IS LESS; TO BRING
336 FORWARD SECTION 25-11-112, MISSISSIPPI CODE OF 1972, FOR PURPOSES
337 OF AMENDMENT; TO AMEND SECTION 25-11-114, MISSISSIPPI CODE OF
338 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT WITH RESPECT TO
339 RETIREMENT ALLOWANCES FOR DEATH BEFORE RETIREMENT OR DEATH OR
340 DISABILITY IN THE LINE OF DUTY; TO BRING FORWARD SECTIONS



341 25-11-115, 25-11-117 AND 25-11-147, MISSISSIPPI CODE OF 1972, FOR
342 PURPOSES OF POSSIBLE AMENDMENTS; TO AMEND SECTION 25-11-123,
343 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROCEEDING
344 PROVISIONS; TO AMEND SECTION 37-21-7, MISSISSIPPI CODE OF 1972, TO
345 INCREASE THE MINIMUM ASSISTANT TEACHER SALARY TO \$20,000.00; TO
346 AMEND SECTIONS 25-9-127 AND 7-9-5, MISSISSIPPI CODE OF 1972, TO
347 EXEMPT THE PERSONNEL ACTIONS OF THE OFFICE OF THE STATE TREASURER
348 FROM THE APPLICABILITY OF THE RULES AND REGULATIONS OF THE STATE
349 PERSONNEL BOARD WITH REGARD TO THE ADMINISTRATION OF THE
350 MISSISSIPPI EDUCATION FREEDOM ACT FOR ONE-YEAR PERIOD; TO BRING
351 FORWARD SECTIONS 31-7-401, 31-7-403, 31-7-405 AND 31-7-407,
352 MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; TO
353 AUTHORIZE LOCAL LAW ENFORCEMENT AGENCIES WITH PRIMARY LAW
354 ENFORCEMENT AUTHORITY OF ALL PUBLIC AND NONPUBLIC SCHOOLS WITHIN
355 THEIR JURISDICTION TO ENTER INTO MEMORANDUMS OF UNDERSTANDING WITH
356 INDEPENDENT NONPUBLIC SCHOOLS TO EMPLOY LAW ENFORCEMENT OFFICERS
357 AS SCHOOL RESOURCE OFFICERS (SROS) AT SUCH SCHOOLS; TO SPECIFY THE
358 TRAINING REQUIREMENTS FOR INDIVIDUALS SERVING AS SROS AT
359 INDEPENDENT NONPUBLIC SCHOOLS AND CONSEQUENCES FOR NONCOMPLIANCE
360 WITH TRAINING REQUIREMENTS; TO AMEND SECTIONS 21-19-49 AND
361 17-25-11, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO
362 ESTABLISH THE NATIONAL DEFENSE CADET CORPS (NDCC) PILOT PROGRAM
363 GRANT FOR THE PURPOSE OF EXPANDING JROTC PROGRAMS IN SCHOOLS
364 THROUGHOUT THE STATE; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION
365 AND THE ADJUTANT GENERAL OF THE MISSISSIPPI NATIONAL GUARD TO
366 PROMULGATE RULES AND REGULATIONS FOR THE ADMINISTRATION OF THE
367 PILOT PROGRAM, AND TO ESTABLISH QUALIFYING CRITERIA TO BE USED IN
368 DETERMINING THE PRIORITY OF ISSUANCE OF GRANTS UNDER THE PILOT
369 PROGRAM; TO BRING FORWARD SECTION 37-15-29, MISSISSIPPI CODE OF
370 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS; TO CODIFY SECTION
371 37-7-104.10, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IN THE
372 COPIAH COUNTY AND HAZLEHURST CITY SCHOOL DISTRICTS THERE SHALL BE
373 AN ADMINISTRATIVE RESTRUCTURING INTO ONE SCHOOL DISTRICT TO BE
374 DESIGNATED AS THE COPIAH COUNTY SCHOOL DISTRICT EFFECTIVE JULY 1,
375 2028; TO PROVIDE FOR THE COMPOSITION AND SELECTION OF THE BOARD OF
376 TRUSTEES OF THE NEW COPIAH COUNTY SCHOOL DISTRICT; TO DIRECT THE
377 STATE BOARD OF EDUCATION TO ADMINISTRATIVELY CONSOLIDATE ANY
378 SCHOOL DISTRICT WHICH DOES NOT VOLUNTARILY FOLLOW THE
379 RESTRUCTURING ORDER; TO ABOLISH THE FORMER SCHOOL DISTRICTS
380 FOLLOWING THE ADMINISTRATIVE RESTRUCTURING AND PROVIDE FOR THE
381 TRANSFER OF SCHOOL DISTRICT ASSETS AND LIABILITIES; TO PROVIDE FOR
382 EXECUTION OF TEACHER AND SCHOOL DISTRICT EMPLOYEE CONTRACTS AND
383 THE PREPARATION OF A SCHOOL DISTRICT BUDGET IN THE NEW SCHOOL
384 DISTRICT; TO DIRECT THE STATE BOARD OF EDUCATION TO PROMULGATE
385 REGULATIONS TO IMPLEMENT SUCH ADMINISTRATIVE RESTRUCTURING; TO
386 AMEND SECTIONS 37-7-103 AND 37-5-7, MISSISSIPPI CODE OF 1972, IN
387 CONFORMITY; TO AMEND SECTION 37-13-8, MISSISSIPPI CODE OF 1972, TO
388 PERMIT LOCAL SCHOOL BOARDS TO DESIGNATE A PERIOD OF REFLECTION AT
389 THE BEGINNING OF EACH SCHOOL DAY TO PROVIDE FOR STUDENT-INITIATED
390 PRAYER ON A VOLUNTARY BASIS; TO BRING FORWARD SECTION 37-13-4,
391 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;



392 TO AMEND SECTION 37-13-4.1, MISSISSIPPI CODE OF 1972, TO PERMIT
393 LOCAL SCHOOL BOARDS TO DESIGNATE A PERIOD OF PRAYER OR REFLECTION
394 AT SCHOOL EVENTS; TO AMEND SECTION 7-9-9, MISSISSIPPI CODE OF
395 1972, TO REVISE THE POWER AND DUTIES OF THE STATE TREASURER TO
396 INCLUDE THE AUTHORITY GRANTED UNDER THE MISSISSIPPI EDUCATION
397 FREEDOM PROGRAM FOR THE TREASURER TO ADMINISTER THE PROGRAM AND TO
398 ENSURE FIDELITY OF SUCH THROUGH THE PROMULGATION OF RULES AND
399 REGULATIONS FOR THE ADMINISTRATION THEREOF; TO AMEND SECTION
400 37-15-30, MISSISSIPPI CODE OF 1972, TO REQUIRE THE USE OF
401 AUTOMOBILE REGISTRATIONS AS PROOF OF RESIDENCY WHEN ENROLLING
402 STUDENTS IN SCHOOL; TO REQUIRE PARENTS OR LEGAL GUARDIANS WHO DO
403 NOT OWN A VEHICLE TO SUBMIT A SIGNED AFFIDAVIT, ATTESTING THAT NO
404 MOTOR VEHICLE IS OWNED AND AFFIRMING THE STUDENT'S ACTUAL
405 RESIDENCE AT THE STATED ADDRESS WITHIN THE ENROLLING SCHOOL
406 DISTRICT; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO DEVELOP
407 AND SUBMIT A UNIFIED ALLOCATION PLAN TO THE UNITED STATES
408 DEPARTMENT OF EDUCATION ON OR BEFORE DECEMBER 31, 2026; TO REQUEST
409 WAIVERS OF SPECIFIC FEDERAL STATUTORY OR REGULATORY REQUIREMENTS
410 OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965, AS AMENDED
411 BY THE EVERY STUDENT SUCCEEDS ACT, PURSUANT TO SECTION 8401(A)(1),
412 IN ORDER TO INCREASE STATE AND LOCAL FLEXIBILITY; TO ALIGN FEDERAL
413 EDUCATION PROGRAMS AND RESOURCES WITH MISSISSIPPI'S APPROVED ESSA
414 STATE PLAN PRIORITIES; TO STRENGTHEN SCHOOL IMPROVEMENT EFFORTS
415 INFORMED BY STATEWIDE ACCOUNTABILITY, ASSESSMENT AND DATA SYSTEMS;
416 TO SUPPORT LOCAL SCHOOL DISTRICTS IN PRIORITIZING SERVICES FOR
417 STUDENTS MOST IN NEED OF ACADEMIC AND NONACADEMIC SUPPORT; TO
418 ESTABLISH A THREE-PHASE UNIFIED ALLOCATION PLAN FRAMEWORK
419 CONSISTING OF STATE-LEVEL FLEXIBILITY, LOCAL EDUCATIONAL AGENCY
420 FLEXIBILITY AND EQUITABLE SERVICES OPT-IN OPTIONS; TO REQUIRE
421 CONTINUED COMPLIANCE WITH FEDERAL ACCOUNTABILITY, EQUITY AND CIVIL
422 RIGHTS PROTECTIONS; TO AUTHORIZE RULEMAKING BY THE STATE
423 DEPARTMENT OF EDUCATION; AND FOR RELATED PURPOSES.

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

425 **SECTION 1.** The following shall be codified as Section
426 37-190-1, Mississippi Code of 1972:

427 37-190-1. Sections 1 through 13 of this act shall be known
428 and may be cited as the "Mississippi Education Freedom Act".

429 **SECTION 2.** The following shall be codified as Section
430 37-190-3, Mississippi Code of 1972:

431 37-190-3. The Legislature finds and declares the following:



432 (1) Mississippi benefits when every child can access an
433 education that fits his or her needs, circumstances and
434 aspirations. The "Mississippi Education Freedom Act", expands
435 learning options for eligible students by allowing parents to
436 direct state-supported funds to qualifying educational expenses
437 and approved education service providers. This act promotes
438 academic achievement, parental choice, workforce readiness, and
439 efficient stewardship of public funds.

440 (2) The program is designed to reach students with the
441 greatest and most immediate need and phased-in to ensure lawful,
442 and orderly implementation and fiscal responsibility, including:

443 (a) Funding and fiscal integrity of awards calculated
444 with reference to the base student cost, and specified transfers
445 associated with charter and inter-district public school
446 enrollments, while also allowing funds to follow students
447 consistent with their placement in public, charter, private
448 participating schools, participating postsecondary institutions,
449 legitimate home instruction, or approved education service
450 providers, with clear caps where applicable and with rollover
451 authority to support continuity of learning;

452 (b) Instituting parental rights, responsibilities and
453 safeguards for the use of Magnolia Student Account (MSA) funds for
454 clearly defined eligible expenses through eligible students'
455 elementary and secondary learning careers, and limited
456 post-graduation uses which shall be subject to inactivity closures



457 and forfeiture timelines, while simultaneously protecting student
458 privacy and requires clear written guidance to parents regarding
459 allowable uses and responsibilities;

460 (c) Prescribing provider participation, autonomy and
461 accountability guidelines to ensure education service providers
462 and participating schools meet baseline obligations to students,
463 parents and the fund manager, and guaranteeing participating
464 schools retain maximum autonomy, provided that its systems and
465 processes are fair, transparent and remain consistent with state
466 and federal law; and

467 (d) Facilitating a system of transparency, reporting,
468 and continuous improvement through the publication of aggregate
469 program information and current registry of participating schools
470 and providers, district capacities and annual transfer data.

471 (3) Through these findings and declarations, the Legislature
472 affirms that the "Mississippi Education Freedom Act" serves a
473 compelling public purpose: to broaden opportunity, honor family
474 choice, protect student privacy, preserve school autonomy, and
475 ensure responsible, transparent use of public funds so that every
476 Mississippi child can learn, grow and thrive.

477 **SECTION 3.** The following shall be codified as Section
478 37-190-5, Mississippi Code of 1972:

479 37-190-5. As used in this chapter, the following words and
480 phrases have the meanings ascribed in this section, unless the
481 context clearly indicates otherwise:



482 (a) "Academic year" means the twelve-month period
483 beginning on July 1 and ending on the following June 30.

484 (b) "Fund manager" means the Mississippi Office of the
485 State Treasurer.

486 (c) "Mississippi Education Freedom Program" or
487 "program" means the comprehensive education freedom initiative
488 established by this chapter and administered by the fund manager.
489 The program shall consist of the following separate and
490 categorically funded components, each of which shall be
491 administered independently in accordance with the provisions
492 governing that component:

493 (i) Magnolia Student Accounts;

494 (ii) Student portability scholarships administered
495 pursuant to Section 37-15-31; and

496 (iii) Education Scholarship Accounts administered
497 pursuant to the Equal Opportunity Scholarship for Students with
498 Special Needs Act, Section 37-181-1 et seq.

499 (d) "Magnolia Student Account" or "MSA" means an
500 account established and funded under this chapter into which
501 monies are deposited by the fund manager for the parent of a
502 participating student to pay for eligible educational expenses.

503 (e) "Eligible student" means a resident of this state
504 who is eligible to enroll in kindergarten through Grade 12 (K-12)
505 in this state, unless otherwise specified in this chapter. The
506 term does not include a child who is not lawfully present in the



507 United States. For purposes of participation in the Equal
508 Opportunity Scholarship for Students with Special Needs Program,
509 the term "eligible student" shall have the meaning ascribed in
510 Section 37-181-3.

511 (f) "Participating student" means an eligible student
512 who has been approved by the fund manager to participate in the
513 Mississippi Education Freedom Program as provided under this
514 chapter.

515 (g) "Parent" means a resident of this state who is the
516 biological or adoptive parent, legal guardian, custodian, or other
517 individual with legal authority to act on behalf of an eligible
518 student, including a case manager of the Mississippi Department of
519 Child Protection Services.

520 (h) "Education service provider" means a school,
521 including a participating school or participating postsecondary
522 educational institution, or an organization, certified educational
523 assistance organization(s) (CEAO), or individual other than the
524 parent of the participating student that provides educational
525 services or educational goods to a participating student.
526 Payments to education service providers must be only for one or
527 more eligible expenses.

528 (i) "Eligible expenses" means expenses incurred by the
529 parent of a participating student for educational goods or
530 services approved by the fund manager, including:

531 (i) Tuition;



532 (ii) Fees;

533 (iii) The cost of testing;

534 (iv) The cost of required school uniforms, if any,
535 at a school;

536 (v) Expenses determined by a participating school
537 to be necessary for the education of a participating student and
538 required to be paid by a participating student who is enrolled in
539 the participating school, including expenses related to:

540 1. Supplies;

541 2. Equipment;

542 3. Access to technology; and

543 4. Services provided by the participating
544 school;

545 (vi) Fees for after-school or summer education
546 programs;

547 (vii) Instructional or tutoring services;

548 (viii) Curriculum and supplementary materials;

549 (ix) Fees for:

550 1. Courses and associated examinations for
551 college credit;

552 2. Any examination related to postsecondary
553 educational institution admissions;

554 3. Courses and associated examinations for
555 career training that lead to an industry-based credential;



556 4. Any examination required in order to
557 obtain an industry-based credential;

558 5. Any services and expenses for which funds
559 may be currently used under Section 37-181-5(2) for students with
560 disabilities; and

561 6. Account management by a certified
562 educational assistance organization(s) (CEAO) or vendors;

563 (x) Technological devices used to meet a
564 participating student's educational needs, which shall not
565 include:

566 1. A television;

567 2. A videogame console or accessory;

568 3. Home theater or related audio equipment;

569 or

570 4. Virtual reality products;

571 (xi) Costs associated with transportation to and
572 from an education service provider, participating school, or
573 participating postsecondary educational institution; and

574 (xii) Any other education expenses approved by the
575 fund manager.

576 (j) "Participating school" means a nonpublic school,
577 having facilities physically located within the geographical
578 boundaries of this state, which has been approved by the fund
579 manager to participate in the program in accordance with this
580 chapter. A public school may be a participating school only if



581 the school is not physically located in the participating
582 student's resident school district. A participating school must
583 either be accredited or in the process of being accredited by the
584 State Department of Education or a regional, nationally
585 recognized, or specialized accreditation agency that is recognized
586 by the United States Department of Education, or its successor
587 agency that recognizes accreditation agencies, or the Council of
588 Higher Education Accreditation.

589 (k) "Nonparticipating school" means any school, having
590 facilities physically located within the geographical boundaries
591 of this state, in which an eligible student is enrolled that has
592 not been approved by the fund manager as a participating school
593 under this chapter. Nonparticipating school shall not include a
594 legitimate home instruction program.

595 (l) "Participating postsecondary educational
596 institution" means:

597 (i) A Mississippi state institution of higher
598 learning under the jurisdiction and governance of the Board of
599 Trustees of the State Institutions of Higher Learning;

600 (ii) A member institution of the Mississippi
601 Community College Board, which is under the jurisdiction and
602 governance of its respective community college district board of
603 trustees; or

604 (iii) An accredited independent four-year college
605 or university located within the state;



606 (m) "Resident school district" means the public school
607 district to which a student is assigned based on the student's
608 residence.

609 (n) "Charter school" means a public school that is
610 established and operating under the terms of a charter contract.
611 The term "charter school" includes a conversion charter school and
612 start up charter school.

613 **SECTION 4.** The following shall be codified as Section
614 37-190-7, Mississippi Code of 1972:

615 37-190-7. (1) The Mississippi Education Freedom Program
616 shall be administered by the Mississippi Office of the State
617 Treasurer, who shall serve as the fund manager. The fund manager
618 is authorized to contract with one or more certified educational
619 assistance organization(s) (CEAO) for the administration of the
620 program, including application processing, account management,
621 payment processing, compliance monitoring and other administrative
622 functions necessary to implement this chapter.

623 (2) The fund manager shall have all powers and duties
624 necessary to implement and administer this chapter, including, but
625 not limited to, the authority to:

626 (a) Establish and administer application procedures for
627 participating students, parents, participating schools, education
628 service providers and participating postsecondary educational
629 institutions;



630 (b) Verify eligibility, enrollment status and continued
631 participation of participating students;

632 (c) Establish a residence verification for the student
633 and the household which can include verification by a Mississippi
634 issued State Identification or Driver's License of the parent or
635 student.

636 (d) Establish an income-verification process to verify
637 the household income of a participating student for the purpose of
638 executing the income-based enrollment preferences defined in
639 Section 37-190-9.

640 (e) Approve, deny, suspend, or revoke the participation
641 of students, parents, participating schools, education service
642 providers and participating postsecondary educational institutions
643 in accordance with this chapter;

644 (f) Establish and administer Magnolia Student Accounts,
645 including account creation, funding deposits, payment processing,
646 and account closure;

647 (g) Determine allowable payment methods and approve
648 eligible expenses consistent with Section 37-190-5;

649 (h) Establish procedures for the submission,
650 verification, and payment or reimbursement of eligible expenses;

651 (i) Administer prioritization criteria, lotteries,
652 sibling preferences and participation caps in accordance with the
653 criteria for awarding MSA accounts under this chapter;



654 (j) Establish fraud prevention, audit and compliance
655 monitoring procedures;

656 (k) Investigate suspected misuse of funds and enforce
657 program requirements, including suspension or termination of
658 accounts and recovery of misspent funds;

659 (l) Collect data, require documentation and maintain
660 records necessary to administer the program;

661 (m) Compile and publish program-level reports as
662 required by this chapter; and

663 (n) Promulgate rules and procedures necessary to
664 administer this chapter.

665 (3) The fund manager, in its administration of the program,
666 shall:

667 (a) Create and disseminate a standard application form
668 for parents seeking to participate in the program;

669 (b) Establish and publicize an application window by
670 which application forms must be submitted to the department;

671 (c) Provide to parents of participating students a
672 written explanation of qualifying expenses, their responsibilities
673 under the program, the duties and responsibilities of the Office
674 of the State Treasurer, and the provisions of this chapter related
675 to misuse of program funds;

676 (4) (a) The fund manager shall establish a system, which
677 may be administered by a certified educational assistance
678 organization(s) (CEAO) or vendors, by which a parent can make



679 payments from MSAs for eligible expenses, including by electronic
680 or online funds transfer.

681 (b) The certified educational assistance organization,
682 or the fund manager, may retain up to three percent (3%) of a
683 student's fund for administration of the program.

684 (c) Nothing in this act shall be construed as
685 authorizing the payment of program funds directly to a
686 participating student or his or her parent, except as may be
687 required for reimbursement for eligible expenses.

688 (d) For the purposes of this subsection, "certified
689 educational assistance organization(s) (CEAO)" means a for-profit
690 or not-for-profit organization or business with whom the fund
691 manager has legally contracted that provides account management
692 services for MSAs in compliance with Sections 37-190-1 et seq.,
693 and certified by the fund manager as prescribed under subsections
694 (12) and (13) of this section.

695 (5) The fund manager shall adopt and enforce rules necessary
696 to implement this chapter, subject to the Mississippi
697 Administrative Procedures Act. Notwithstanding the Administrative
698 Procedures Act, the fund manager shall adopt emergency rules
699 necessary to promptly and effectively begin administration of the
700 program. Any rule necessary for initial implementation of the
701 program may be adopted as an emergency rule, which shall remain
702 effective for as long as necessary to facilitate initial
703 implementation of the program.



704 (6) For purposes of administering the program, the fund
705 manager may seek federal verification of an individual's
706 immigration status with the federal government pursuant to 8 USCS
707 Section 1373(c). The fund manager shall not attempt to
708 independently make a final determination of whether any individual
709 is lawfully present in the United States.

710 (7) During the first year of the program's implementation,
711 the provisions of Section 25-9-127(1) shall not apply to the
712 personnel actions of the Office of the State Treasurer, in its
713 capacity as fund manager, that are subject to the rules and
714 regulations of the State Personnel Board, as such exemption
715 applies to the State Treasurer's ability to employ persons to
716 facilitate the administration of this act established under
717 Sections 37-190-1 et seq., and all employees of the office hired
718 during that period shall be classified as nonstate service.
719 However, for any employee hired by the office after the one-year
720 period established in this subsection (7), the department shall
721 meet the criteria of the State Personnel Board as it presently
722 exists for employment.

723 (8) The fund manager shall have independent and exclusive
724 autonomy to promulgate rules and regulations necessary for the
725 operation funding, and governance of MSAs, ESAs and the Education
726 Freedom Funds as components of this chapter. Provided, however,
727 that the fund manager may delegate part or all of this authority
728 in accordance with the provisions of this chapter.



729 (9) In exercising its authority under this chapter, the fund
730 manager shall ensure that the administration of the program:

731 (a) Preserves parental choice and control over
732 educational decisions;

733 (b) Minimizes administrative burden on participating
734 families and schools; and

735 (c) Protects against fraud, waste and abuse of public
736 funds.

737 (10) The fund manager shall establish cybersecurity
738 requirements for certified educational assistance organizations,
739 including any best practices and acceptable use policies
740 established under state law.

741 (11) The fund manager may certify educational assistance
742 organizations (CEAOs) to support the administration of the
743 program, including by:

744 (a) Administering wholly or partly:

745 (i) The application process under Section
746 37-190-9; and

747 (ii) The program expenditures process under
748 Section 37-190-11; and

749 (b) Assisting prospective applicants, applicants and
750 program participants with understanding approved education-related
751 expenses and finding preapproved education service providers and
752 vendors of educational products.



753 (12) An organization may apply to the fund manager for
754 certification as a certified educational assistance organization
755 during an application period prescribed by the fund manager. To
756 be eligible for certification under this section, an organization
757 must:

758 (a) Have the ability to perform one or more of the
759 duties and functions required of a certified organization
760 assistance organization under this act;

761 (b) Be registered to do business in this state; and

762 (c) Be able to assist the fund manager in administering
763 the program wholly or partly, including the ability to:

764 (i) Accept, process and track applications for the
765 program;

766 (ii) Assist prospective applicants, applicants and
767 program participants with finding preapproved education service
768 providers and vendors of educational products;

769 (iii) Accept and process payments for approved
770 education-related expenses;

771 (iv) Verify that program funding is used only for
772 approved education-related expenses;

773 (v) Verify that a program participant is eligible
774 to participate in the program;

775 (vi) Accept, track, review and resolve inquiries
776 and complaints received regarding the program; and



777 (vii) Establish and maintain a fund
778 manager-approved Internet website for the program.

779 (13) A certified educational assistance organization
780 designated to perform the duties described in subsection (12)
781 shall communicate with parents interested in participating in the
782 program and program participants through synchronous and
783 asynchronous communication, prioritizing synchronous
784 communication, regarding:

785 (a) The education options available in this state;

786 (b) How and when to apply to the program and
787 preapproved education service providers;

788 (c) How to manage an account, including requesting
789 payments;

790 (d) Program requirements; and

791 (e) Any other information necessary to fulfill the
792 organization's responsibilities under this chapter.

793 (14) (a) The fund manager shall contract with a private
794 entity to audit accounts and program participant eligibility data
795 not less than once per year to ensure compliance with applicable
796 law and program requirements. The audit must
797 include a review of:

798 (i) Each certified educational assistance
799 organization's internal controls over program transactions; and

800 (ii) Compliance by:

801 1. Certified educational assistance



802 organizations and other program requirements;

803 2. Program participants with
804 program requirements; and

805 3. Education service providers and vendors of
806 educational products with program requirements.

807 (b) In conducting an audit, the private entity may
808 require a program participant, education service provider or
809 vendor of educational products, or certified educational
810 assistance organization to provide information and documentation
811 regarding any transaction occurring under the program.

812 (c) The private entity shall report to the fund manager
813 any violation of this chapter or other relevant law and any
814 transactions the entity determines to be unusual or suspicious
815 found by the entity during an audit conducted under the authority
816 of this section. The fund manager shall report the violation or
817 transaction to:

818 (i) The applicable certified educational
819 assistance organization;

820 (ii) The education service provider or vendor of
821 educational products, as applicable; and

822 (iii) Each participating parent who is affected by
823 the violation or transaction.

824 (d) The State Auditor shall audit each certified
825 educational assistance organization's compliance with the
826 organization's duties to verify a student's eligibility to



827 participate in the program and verify that a request for payment
828 is for an approved expense. Each organization shall submit to the
829 State Auditor documentation of:

830 (i) Each item of residency documentation
831 reviewed by the organization;

832 (ii) Each preapproved education-related expense
833 category reviewed by the organization;

834 (iii) The number of transactions approved by the
835 organization; and

836 (iv) The number of transactions denied by the
837 organization.

838 (e) The State Auditor may review and analyze individual
839 transactions approved by a certified educational assistance
840 organization.

841 (f) The State Auditor shall randomly select ten percent
842 (10%) of approved program applications on which to perform an
843 eligibility verification audit. If the audit determines that an
844 applicant was approved based upon falsification of eligibility
845 documentation, that student shall be disqualified from
846 participation for the remainder of the current academic year, and
847 may reapply during the application period established for the
848 succeeding academic year.

849 (15) Nothing in this section shall be construed to authorize
850 the fund manager to regulate the curriculum, instructional
851 methods, admissions policies, hiring practices or religious



852 instruction of a participating school or education service
853 provider, except as expressly provided in this chapter.

854 **SECTION 5.** The following shall be codified as Section
855 37-190-9, Mississippi Code of 1972:

856 37-190-9. (1) Participation in a Magnolia Student Account
857 shall be limited to eligible students who are approved by the fund
858 manager as participating students in accordance with this chapter.

859 (2) Magnolia Student Accounts shall be made available to
860 participating students in the following categories:

861 (a) Participating students who are enrolled in a
862 participating school or participating postsecondary educational
863 institution;

864 (b) Participating students who are enrolled in a
865 nonparticipating school and who are not enrolled in a legitimate
866 home instruction program; and

867 (c) Participating students who are enrolled in a
868 legitimate home instruction program.

869 (3) Magnolia Student Accounts for participating students
870 described in subsection (2) (a) and (b) shall be subject to the
871 following participation limits by academic year:

872 (a) For the 2027-2028 academic year, participation
873 shall be limited to twelve thousand five hundred (12,500)
874 participating students;



875 (b) For the 2028-2029 academic year, participation
876 shall be limited to fifteen thousand (15,000) participating
877 students;

878 (c) For the 2029-2030 academic year, participation
879 shall be limited to seventeen thousand five hundred (17,500)
880 participating students;

881 (d) For the 2030-2031 academic year, participation
882 shall be limited to twenty thousand (20,000) participating
883 students; and

884 (e) For the 2031-2032 academic year and each school
885 year thereafter, the fund manager shall increase the number of
886 MSAs in the manner prescribed under subsection (4).

887 (4) (a) Once the number of approved applications during the
888 fifth year of the program's administration application period
889 reaches one hundred percent (100%) of the total number of MSAs
890 available for that academic year, and a waitlist of eligible
891 students is created as a result, the maximum number of students
892 that may participate in the program shall remain in place for the
893 applicable school year the application was submitted. However,
894 during the immediately subsequent school year for which an
895 increase is automatically triggered, the maximum number of
896 students that may participate in the program for that school year
897 shall be increased to include two thousand five hundred (2,500)
898 additional students allowed to participate in the MSA program



899 divided equally as prescribed above into each categorical pool of
900 eligible students.

901 (b) In any year that the number of MSAs is increased by
902 the fund manager, and there are remaining funds available for the
903 issuance of unused MSAs designated for eligible students
904 categorized under subsection (5)(a) of this section, those
905 remaining funds available for those unused MSAs shall be rolled
906 over into the second category of MSAs established under subsection
907 (5)(b) for use by the fund manager to fund MSAs thereunder for
908 eligible students approved for participation in the program. The
909 provisions of this paragraph shall be specific to newly issued
910 MSAs under the program and shall not be considered as a source of
911 additional funds for existing holders of a MSA.

912 (5) The annual participation limits set forth in subsection
913 (3) shall be divided equally as follows:

914 (a) One-half (1/2) of the available Magnolia Student
915 Accounts shall be reserved for eligible students who attended a
916 public school the immediately preceding school year; and

917 (b) One-half (1/2) of the available Magnolia Student
918 Accounts shall be available to eligible students without regard to
919 prior public or nonpublic school attendance, including students
920 eligible for enrollment for the first time in kindergarten, who
921 satisfy the definition of a compulsory-school-aged child as
922 prescribed in Section 37-13-91(f).



923 (6) If the number of applications submitted pursuant to
924 subsection (5)(a) exceeds the number of accounts available under
925 that paragraph, participating students who are not awarded an
926 account under subsection (5)(a) shall be automatically considered
927 for an account under subsection (5)(b) without the requirement of
928 submitting a separate application. Such students shall retain the
929 same income-based priority ranking for purposes of consideration
930 under subsection (5)(b).

931 (7) (a) Magnolia Student Accounts for participating students
932 described in subsection (2)(c) shall constitute a separate
933 category and shall not be counted toward the participation limits
934 established in subsection (3).

935 (b) MSAs for participating students described in
936 subsection (2)(c) shall be awarded on a first-come, first-served
937 basis, subject to the availability of Education Freedom Funds
938 established for that purpose, as described in Section 37-190-23 of
939 this chapter.

940 (8) A student who is approved by the fund manager as a
941 participating student and who receives a Magnolia Student Account
942 shall remain an approved participating student in each subsequent
943 academic year, without the requirement to reapply, so long as the
944 student remains eligible under this chapter and complies with
945 program requirements. Additionally, a student, once approved
946 by the fund manager to receive a Magnolia Student Account,
947 shall not be required to submit reverification of a



948 qualifying household income, which was used to establish the
949 student's initial eligibility, so long as the student remains
950 eligible under this chapter.

951 (9) In approving applications for Magnolia Student Accounts,
952 the fund manager shall give priority to participating students
953 based on household income, as measured by area median income as
954 defined by the United States Department of Housing and Urban
955 Development (HUD), in the following order:

956 (a) Eligible students whose household income does not
957 exceed one hundred percent (100%) of area median income;

958 (b) Eligible students whose household income exceeds
959 one hundred percent (100%) but does not exceed two hundred percent
960 (200%) of area median income;

961 (c) Eligible students whose household income exceeds
962 two hundred percent (200%) but does not exceed three hundred
963 percent (300%) of area median income; and

964 (d) All other eligible students.

965 (10) Within each income-based priority category established
966 in subsection (9) of this section, applications shall be ranked
967 and awarded in ascending order based on household income, such
968 that participating students with the lowest household income
969 within the applicable category shall receive priority over
970 participating students with higher household income within the
971 same category.



972 (11) The fund manager shall award Magnolia Student Accounts
973 by fully exhausting each income-based priority category in the
974 order set forth in subsection (9) before awarding accounts to
975 participating students in the next lower priority category,
976 subject to the applicable participation limits established in this
977 section.

978 (12) A lottery shall be conducted only if, after awarding
979 Magnolia Student Accounts to all eligible participating students
980 in the income-based priority categories described in subsection
981 (9) (a) through (c), Magnolia Student Accounts remain available for
982 award to participating students described in subsection (9) (d).

983 (13) If a lottery is conducted pursuant to subsection (12),
984 first priority in the lottery shall be given to siblings of
985 participating students and thereafter without regard to household
986 income.

987 (14) Any Magnolia Student Accounts that are authorized but
988 not awarded, and any monies appropriated or otherwise made
989 available for Magnolia Student Accounts that are not deposited
990 into Magnolia Student Accounts, shall remain in or revert to the
991 Education Freedom Fund and shall be available only as authorized
992 by law.

993 (15) If an eligible student submits an application for
994 inclusion to receive a Magnolia Student Account under the program,
995 but is denied due to lack of available MSAs to accommodate the
996 student, then the denied student shall reapply for consideration



997 for a MSA for the subsequent school year in accordance with the
998 deadlines established by the fund manager.

999 (16) Participation, eligibility, funding amounts,
1000 prioritization and administration shall be determined by the
1001 categorical component of the program under which a student or
1002 school district qualifies. No student, parent or school district
1003 may receive funding under more than one (1) categorical component
1004 of the program for the same academic year.

1005 **SECTION 6.** The following shall be codified as Section
1006 37-190-11, Mississippi Code of 1972:

1007 37-190-11. (1) Subject to legislative appropriation and the
1008 participation limits established in Section 37-190-9, the fund
1009 manager shall deposit funds into a Magnolia Student Account for
1010 each participating student in accordance with the funding category
1011 under which the student qualifies.

1012 (2) For a participating student described in Section
1013 37-190-9(2) (a), the amount deposited into the Magnolia Student
1014 Account for each academic year shall be equal to the student base
1015 amount under the total funding formula for the applicable academic
1016 year.

1017 (3) For a participating student described in Section
1018 37-190-9(2) (b), the amount deposited into the Magnolia Student
1019 Account for each academic year shall not exceed Two Thousand
1020 Dollars (\$2,000.00) per participating student; provided that the
1021 total amount deposited for all participating students within the



1022 same familial household under this subsection shall not exceed
1023 Four Thousand Dollars (\$4,000.00) per academic year.

1024 (4) For participating students described in Section
1025 37-190-9(2)(c), the total amount deposited into Magnolia Student
1026 Accounts for all participating students within the same family
1027 shall not exceed One Thousand Dollars (\$1,000.00) per academic
1028 year.

1029 (5) Funds deposited into a Magnolia Student Account shall
1030 carry forward from year to year for as long as the student remains
1031 a participating student under this chapter, subject to the
1032 limitations of this chapter. Any interest or other earnings
1033 attributable to unexpended funds within a participating student's
1034 Magnolia Student Account shall be credited to student's account on
1035 a quarterly basis until such time that the student is deemed no
1036 longer eligible for participation in the program as determined
1037 under the provisions of Section 37-190-19, at which time any
1038 remaining funds shall revert to the Education Freedom Fund as
1039 prescribed under that section.

1040 (6) Funds deposited into a Magnolia Student Account may be
1041 used only for eligible expenses as defined in Section 37-190-5 and
1042 in accordance with this chapter. Upon a participating student's
1043 graduation from a secondary school or attainment of a high school
1044 equivalency credential, any funds remaining in the Magnolia
1045 Student Account may be used for eligible expenses at a
1046 participating postsecondary educational institution, subject to



1047 the provisions of Section 37-190-21 and rules promulgated by the
1048 fund manager.

1049 (7) A participating student shall receive funding only in
1050 accordance with the funding category under which the student
1051 qualifies pursuant to Section 37-190-9 and shall not receive
1052 funding in excess of the applicable funding limits set forth in
1053 this section, regardless of the education services or education
1054 service providers utilized by the participating student.

1055 (8) Funds deposited into a Magnolia Student Account shall
1056 not:

1057 (a) Constitute taxable income of the parent or
1058 participating student;

1059 (b) Be treated as income for purposes of determining
1060 eligibility for any other state program; or

1061 (c) Be claimed as a tax credit, deduction, exemption,
1062 or rebate.

1063 (9) Nothing in this section shall be construed to create an
1064 entitlement to funding beyond amounts appropriated by the
1065 Legislature or to require the fund manager to deposit funds in
1066 excess of available appropriations.

1067 **SECTION 7.** The following shall be codified as Section
1068 37-190-13, Mississippi Code of 1972:

1069 37-190-13. (1) The Equal Opportunity Scholarship for
1070 Students with Special Needs Program, established pursuant to
1071 Section 37-181-1 et seq., shall operate as a separate and



1072 categorically funded component of the Mississippi Education
1073 Freedom Program.

1074 (2) Notwithstanding any provision of law to the contrary,
1075 administrative oversight and implementation of the Equal
1076 Opportunity Scholarship for Students with Special Needs Program
1077 shall be transferred from the State Department of Education to the
1078 Office of the State Treasurer, effective July 1, 2027.

1079 (3) Except as expressly provided in this section, the Equal
1080 Opportunity Scholarship for Students with Special Needs Program
1081 shall continue to be governed by Section 37-181-1 et seq.

1082 (4) The Office of the State Treasurer shall assume all
1083 duties, responsibilities, and authorities previously assigned to
1084 the State Department of Education under Section 37-181-1 et seq.,
1085 that are necessary to administer the Equal Opportunity Scholarship
1086 for Students with Special Needs Program, including, but not
1087 limited to:

1088 (a) Processing and approving applications for eligible
1089 students;

1090 (b) Establishing and administering education
1091 scholarship accounts;

1092 (c) Disbursing funds and overseeing expenditures;

1093 (d) Approving and monitoring participating schools and
1094 education service providers, as applicable;

1095 (e) Ensuring compliance with program requirements; and



1096 (f) Adopting rules and procedures necessary to
1097 implement the program.

1098 (5) The Office of the State Treasurer may contract with one
1099 or more certified educational assistance organization(s) (CEAO) to
1100 administer any aspect of the Equal Opportunity Scholarship for
1101 Students with Special Needs Program, consistent with the authority
1102 provided in this chapter.

1103 (6) Funds awarded under the Equal Opportunity Scholarship
1104 for Students with Special Needs Program shall be separate and
1105 distinct from Magnolia Student Accounts and from student
1106 portability scholarships and shall not be commingled with funds
1107 awarded under any other categorical component of the Mississippi
1108 Education Freedom Program.

1109 (7) A student who participates in the Equal Opportunity
1110 Scholarship for Students with Special Needs Program shall not
1111 simultaneously receive funding under a Magnolia Student Account or
1112 a student portability scholarship for the same academic year.

1113 (8) Nothing in this section shall be construed to expand or
1114 limit eligibility for the Equal Opportunity Scholarship for
1115 Students with Special Needs Program beyond what is authorized
1116 under Section 37-181-1 et seq., or to create an entitlement to
1117 funding beyond amounts appropriated by the Legislature.

1118 **SECTION 8.** The following shall be codified as Section
1119 37-190-15, Mississippi Code of 1972:



1120 37-190-15. (1) Each participating student who receives
1121 funding through a Magnolia Student Account under this chapter
1122 shall annually complete one (1) of the following assessments:

1123 (a) A standardized assessment aligned to the curriculum
1124 of the participating school in which the student is enrolled;

1125 (b) A nationally norm-referenced achievement
1126 assessment; or

1127 (c) A nationally recognized achievement assessment.

1128 (2) The parent of a participating student shall select the
1129 assessment to be administered to the participating student from
1130 among the assessment options authorized under subsection (1) of
1131 this section.

1132 (3) A participating student may satisfy the assessment
1133 requirement of this section by taking the assessment administered
1134 by the participating school in which the student is enrolled,
1135 provided that the assessment meets the requirements of subsection
1136 (1) of this section.

1137 (4) The cost of administering an assessment required under
1138 this section shall be an eligible expense payable from the
1139 participating student's Magnolia Student Account.

1140 (5) The results of the assessment administered pursuant to
1141 this section shall be submitted to the fund manager in a manner
1142 prescribed by the fund manager. At the discretion of a
1143 participating school, the school may submit the assessment results
1144 to the fund manager on behalf of the parent or participating



1145 student. If a parent chooses to independently submit his or
1146 her child's assessment results, apart from the school doing
1147 so, he or she shall identify the name of the school his or
1148 her child attends in its submission of those results to the
1149 fund manager.

1150 (6) (a) A participating student with a disability for whom
1151 the administration of an assessment described in subsection (1) of
1152 this section is not appropriate, as determined by the parent in
1153 consultation with the participating school or education service
1154 provider, shall be exempt from the assessment requirement of this
1155 section.

1156 (7) The fund manager shall annually compile and publish a
1157 program-level report summarizing academic performance results of
1158 participating students on a statewide basis. The report shall not
1159 include personally identifiable student information.

1160 (8) Nothing in this section shall be construed to:

1161 (a) Require a participating school to administer the
1162 Mississippi statewide assessments;

1163 (b) Subject a participating school to state
1164 accountability ratings; or

1165 (c) Authorize the fund manager to regulate the
1166 educational program, curriculum or instructional methods of a
1167 participating school.

1168 (9) A participating student who is enrolled in a legitimate
1169 home instruction program as categorized under Section



1170 37-190-9(2)(c) of this chapter shall be exempt from the assessment
1171 requirements of this section.

1172 **SECTION 9.** The following shall be codified as Section
1173 37-190-17, Mississippi Code of 1972:

1174 37-190-17. (1) To be approved by the fund manager, an
1175 education service provider must:

1176 (a) Provide educational services, instruction, or goods
1177 directly related to the academic or educational needs of a
1178 participating student;

1179 (b) Submit to the fund manager any information required
1180 for implementation and administration of the program including its
1181 address, contact information and a summary of each program or
1182 service it proposes to provide to participating students;

1183 (c) Agree not to refund, rebate or share Magnolia
1184 Student Account funds with a parent or participating student;

1185 (d) Agree to submit annual reports to the office of the
1186 State Treasurer concerning implementation of the program,
1187 including the number of students participating, services provided
1188 and other similar information requested by the fund manager;

1189 (e) Agree not to discriminate based on grounds of race,
1190 color, national origin or economic status in the provision of its
1191 services;

1192 (f) Agree to document amounts received for all
1193 qualifying expenses in a manner prescribed by the fund manager;

1194 and



1195 (g) Agree not to discriminate against participating
1196 students in setting tuition or fees.

1197 (2) To be approved by the fund manager, in addition to
1198 satisfying the requirements of subsection (1) of this section, a
1199 participating school or participating postsecondary educational
1200 institution must:

1201 (a) Agree to comply with all applicable health and
1202 safety laws or codes;

1203 (b) Hold a valid occupancy permit if required by the
1204 municipality where the school is located;

1205 (c) Agree to comply with all state laws on child
1206 protections and mandatory reporting requirements as applicable;
1207 and

1208 (d) Inform the Office of the State Treasurer of a
1209 participating student's graduation, withdrawal from the school,
1210 misuse of program funds, or other events affecting the student's
1211 eligibility for the program.

1212 (3) Fulfillment of the requirements of subsections (1) and
1213 (2) of this section shall be a requirement of continuing approval
1214 as an education service provider or participating school. Failure
1215 to fulfill such requirements shall constitute grounds for the fund
1216 manager, in its discretion, to suspend or disqualify the education
1217 service provider or participating school from receiving program
1218 funds.



1219 (4) A public school that becomes an education service
1220 provider under this act shall be given maximum flexibility to
1221 accommodate participating students and may create a process and
1222 establish requirements for accepting, selecting, or limiting the
1223 number of allowable participating students who are not assigned to
1224 that public school, in a manner consistent with the requirements
1225 of Section 37-15-31, relative to student transfers.

1226 (5) No provision of this act shall be construed to require
1227 any public school, school system, or school district or any
1228 nonpublic school, school system, or school district to enroll any
1229 student.

1230 (6) Except as expressly provided in this chapter, neither
1231 the fund manager, the State Department of Education, nor any other
1232 state agency shall regulate, control, or supervise the educational
1233 program, curriculum, instructional materials, teaching methods,
1234 admissions policies, discipline policies, governance, or daily
1235 operations of a participating school or education service
1236 provider.

1237 (7) Participation in the Mississippi Education Freedom
1238 Program shall not be construed to:

1239 (a) Limit or restrict the ability of a participating
1240 school to determine its mission, creed or religious beliefs;

1241 (b) Limit or restrict the ability of a participating
1242 school to establish and apply admissions standards, academic
1243 standards, codes of conduct or disciplinary policies;



1244 (c) Limit or restrict the ability of a participating
1245 school to employ or contract with individuals who share the
1246 school's mission, creed or religious beliefs;

1247 (d) Require a participating school to administer
1248 statewide assessments required of public schools; or

1249 (e) Subject a participating school or education service
1250 provider to the state accountability system applicable to public
1251 schools.

1252 (8) A participating school that is faith-based may provide
1253 faith-based instruction, religious worship or other religious
1254 activities consistent with its mission and beliefs, and
1255 participation in the program shall not be construed to convert the
1256 school into a public school or state actor.

1257 (9) A participating school or education service provider
1258 shall not be required to alter its creed, religious practices,
1259 admissions policies, hiring practices, curriculum, instructional
1260 materials or instructional methods as a condition of participation
1261 in the Mississippi Education Freedom Program.

1262 (10) Nothing in this chapter shall be construed to permit
1263 discrimination on the basis of race, color or national origin,
1264 consistent with applicable federal law.

1265 (11) Nothing in this chapter shall be construed to make any
1266 education service provider a state actor.

1267 (12) The fund manager may suspend or revoke the approval of
1268 a participating school or education service provider for failure



1269 to comply with the requirements of this chapter, after notice and
1270 an opportunity to respond.

1271 **SECTION 10.** The following shall be codified as Section
1272 37-190-19, Mississippi Code of 1972:

1273 37-190-19. (1) On receipt of money distributed by the fund
1274 manager for purposes of making transfers to the accounts of
1275 participating students, a certified educational assistance
1276 organization shall hold that money in trust for the benefit of
1277 students participating in the program and make transfers to the
1278 account of each participating student served by the organization
1279 on a monthly basis during the academic year.

1280 (2) Each year, the fund manager may deduct from the total
1281 amount of money appropriated for purposes of this chapter, an
1282 amount not to exceed three percent (3%) of that total amount, to
1283 cover the fund manager's cost of administering the program, which
1284 shall be utilized to compensate certified educational assistance
1285 organizations for the cost of providing services under this
1286 chapter.

1287 (3) On or before the first day of October and February, a
1288 certified educational assistance organization shall:

1289 (a) Verify with the agency that each participating
1290 student is not enrolled in a school district or charter school in
1291 a manner in which the student is counted toward the district's or
1292 school's average daily membership for purposes of the allocation
1293 of state funding under the total funding formula; and



1294 (b) Notify the fund manager, if the organization
1295 determines, that a participating student is enrolled in a school
1296 district or charter school in a manner in which the student is
1297 counted toward the district's or school's average daily membership
1298 for purposes of the allocation of state funding under the total
1299 funding formula.

1300 (4) The fund manager by rule shall establish a process by
1301 which a participating parent may authorize the fund manager or a
1302 certified educational assistance organization to make a payment
1303 directly from the participant's account to a preapproved education
1304 service provider or vendor of educational products for an expense
1305 allowed under this act;

1306 (5) On the date on which a student who participated in the
1307 program is no longer eligible to participate in the program under
1308 and payments for any education-related expenses allowed from the
1309 student's account have been completed, the participating student's
1310 account shall be closed and any remaining money returned to the
1311 fund manager for deposit in the program fund.

1312 (6) Each quarter, any interest or other earnings
1313 attributable to undisbursed money held by a certified educational
1314 assistance organization for purposes of the program shall be
1315 remitted to the fund manager for deposit in the Education Freedom
1316 Fund established under Section 37-190-23.

1317 (7) A parent of a participating student shall use funds
1318 deposited into a Magnolia Student Account only for eligible



1319 expenses as defined in this chapter and in accordance with program
1320 requirements.

1321 (8) The following actions by a parent or participating
1322 student are prohibited and shall constitute grounds for suspension
1323 or closure of a Magnolia Student Account:

1324 (a) Knowingly using Magnolia Student Account funds for
1325 any purpose other than an eligible expense;

1326 (b) Knowingly submitting false, misleading or
1327 fraudulent information in connection with an application for a
1328 Magnolia Student Account or the use of account funds;

1329 (c) Allowing any individual other than the parent or
1330 participating student to use Magnolia Student Account funds;

1331 (d) Failing to comply with the testing requirements
1332 established in Section 37-190-15, unless otherwise excused by the
1333 fund manager;

1334 (e) Enrolling the participating student simultaneously
1335 full time in a public school within the student's resident school
1336 district while receiving Magnolia Student Account funds, except as
1337 otherwise authorized by law;

1338 (f) Intentionally misusing account funds under state
1339 law;

1340 (9) Upon a determination by the fund manager that a
1341 violation of this section has occurred, the fund manager may:

1342 (a) Suspend the Magnolia Student Account pending
1343 further review;



1344 (b) Close the Magnolia Student Account;
1345 (c) Require the parent to repay any funds that were
1346 improperly expended; or
1347 (d) Refer the matter to the appropriate law enforcement
1348 or prosecutorial authority, if warranted.

1349 (10) Unless the fund manager determines that closure of a
1350 Magnolia Student Account is warranted under subsection (8) of this
1351 section, a Magnolia Student Account shall remain in force, and
1352 shall roll over from month-to-month and from year-to-year with any
1353 interest or other earnings attributable to unexpended funds within
1354 a participating student's MSA to be credited to a student's
1355 account on a quarterly basis:

1356 (a) Until one (1) full calendar year elapses after any
1357 one of the following actions:

1358 (i) A parent withdraws his or her participating
1359 student from the program;

1360 (ii) A participating student graduates from high
1361 school and fails to enroll in a postsecondary program of study or
1362 workforce training program that leads to a degree, industry-based
1363 credential or certification; or

1364 (iii) A participating student ages out of the
1365 program at the end of the school year.

1366 (11) Before permanently closing a Magnolia Student Account
1367 under this section, the fund manager shall provide the parent with
1368 notice of account closure and an opportunity to respond in a



1369 manner determined by the fund manager. Such notification shall be
1370 sent through certified mail, email, and by telephone, if
1371 applicable.

1372 (12) A Magnolia Student Account that is closed pursuant to a
1373 violation of subsection (8) of this section shall not be reopened
1374 for the participating student, and the student shall be ineligible
1375 to participate in the Magnolia Student Account program in
1376 subsequent academic years, unless the fund manager determines that
1377 mitigating circumstances warrant reinstatement.

1378 (13) Any funds remaining in a Magnolia Student Account at
1379 the time of closure shall revert to the Education Freedom Fund.

1380 (14) Nothing in this section shall be construed to limit the
1381 authority of the fund manager to adopt additional safeguards,
1382 procedures or enforcement mechanisms necessary to ensure program
1383 integrity.

1384 (15) Nothing in this chapter shall change or affect the
1385 athletic eligibility of student-athletes governed by the
1386 Mississippi High School Activities Association, the Midsouth
1387 Association of Independent Schools or similar association.
1388 Additionally, the Mississippi High School Activities Association
1389 nor any similar association shall not establish or enforce any
1390 rule or policy which makes the acceptance of Magnolia Student
1391 Account funds under the provisions of this chapter to be used as
1392 the sole determinative factor of any student's eligibility for



1393 participation in interscholastic athletic and extracurricular
1394 events governed by the association.

1395 **SECTION 11.** The following shall be codified as Section
1396 37-190-21, Mississippi Code of 1972:

1397 37-190-21. (1) Notwithstanding any provision of this
1398 chapter to the contrary, a participating student who has graduated
1399 from a secondary school or attained a high school equivalency
1400 credential may use funds remaining in the student's Magnolia
1401 Student Account for eligible postsecondary education or career
1402 credential expenses, subject to the limitations of this section.

1403 (2) Eligible postsecondary education and career credential
1404 expenses under this section shall include, but are not limited to:

1405 (a) Tuition and mandatory fees at a participating
1406 postsecondary educational institution;

1407 (b) Fees for courses, examinations, or training
1408 programs that lead to an industry-recognized credential,
1409 certification, or license;

1410 (c) Fees for examinations required to obtain or
1411 maintain an industry-recognized credential, certification, or
1412 license; and

1413 (d) Instructional materials, equipment, or supplies
1414 required for enrollment in a postsecondary education program or
1415 career credential program, as approved by the fund manager.

1416 (3) Participating postsecondary educational institutions
1417 shall provide courses that lead to a high-wage, high-demand



1418 certificate or credential or degree that can be obtained
1419 simultaneously with or before high school graduation.

1420 (4) Funds used pursuant to this section shall be paid, at
1421 the direction of the parent, directly to the participating
1422 postsecondary educational institution or other approved education
1423 service provider and shall not be paid directly to the
1424 participating student or parent.

1425 (5) A participating student may use Magnolia Student Account
1426 funds for postsecondary education and career credential expenses
1427 under this section until the earlier of:

1428 (a) Four (4) years after the date of the student's
1429 graduation from secondary school or attainment of a high school
1430 equivalency credential; or

1431 (b) Exhaustion of funds in the student's Magnolia
1432 Student Account.

1433 (6) A participating student who uses Magnolia Student
1434 Account funds pursuant to this section shall not be considered a
1435 participating student for purposes of K-12 participation limits or
1436 funding categories under Section 37-190-9.

1437 (7) Nothing in this section shall be construed to create an
1438 entitlement to postsecondary education or career credential
1439 funding beyond amounts remaining in a participating student's
1440 Magnolia Student Account.

1441 **SECTION 12.** The following shall be codified as Section
1442 37-190-23, Mississippi Code of 1972:



1443 37-190-23. (1) There is hereby created in the State Treasury
1444 a special fund to be known as the Education Freedom Fund, which
1445 shall be administered by the Office of the State Treasurer. Monies
1446 in the fund shall be expended by the fund manager upon
1447 appropriation of the Legislature.

1448 (2) The Education Freedom Fund shall consist of:

1449 (a) Monies appropriated to or transferred into the fund
1450 by the Legislature for the purposes of funding ESAs under the
1451 provisions of the Equal Opportunity for Students with Special
1452 Needs Act, established under Sections 37-181-1 et seq.;

1453 (b) Monies appropriated to or transferred into the fund
1454 by the Legislature for the purposes of funding Magnolia Student
1455 Accounts for eligible students described in Section
1456 37-190-9(2) (a) and (b) of this chapter using total funding formula
1457 calculations, for which the total appropriation shall be based
1458 upon calculations of participations caps set forth in this
1459 chapter.

1460 (c) Monies appropriated to or transferred into the fund
1461 by the Legislature for the purposes of funding Magnolia Student
1462 Accounts for eligible students described in Section 37-190-9(2) (c)
1463 of this chapter, which shall not exceed Five Million Dollars
1464 (\$5,000,000.00);

1465 (d) Monies appropriated to or transferred into the fund
1466 by the Legislature for the purposes of funding student portability
1467 scholarships under the program as provided in 37-15-31. Such



1468 funding shall not exceed Five Million Dollars (\$5,000,000.00) in
1469 any single year of the program.

1470 (e) Monies transferred to the fund from the federal
1471 government, other state agencies or local governments;

1472 (f) Any gifts, grants, donations or other funds
1473 received for purposes of the program or other monies collected by
1474 or for the program to the extent permitted under federal and state
1475 law;

1476 (g) Interest and earnings on monies in the fund, which
1477 shall be credited to the deposit of the fund on a quarterly basis;
1478 and

1479 (h) Any funds required to revert to the Education
1480 Freedom Fund pursuant to this chapter or any other provision of
1481 law.

1482 (3) Monies in the Education Freedom Fund shall be used
1483 solely for the purpose of administering and funding the
1484 categorical components of the Mississippi Education Freedom
1485 Program, including:

1486 (a) Magnolia Student Accounts;

1487 (b) Student portability scholarships administered
1488 pursuant to Section 37-15-31; and

1489 (c) Education Scholarship Accounts administered
1490 pursuant to Section 37-181-1 et seq.

1491 (4) The Office of the State Treasurer shall establish such
1492 accounts, subaccounts and accounting procedures as are necessary



1493 to ensure that funds allocated to each categorical component of
1494 the Mississippi Education Freedom Program are separately tracked,
1495 accounted for and reported and that funds are expended only for
1496 authorized purposes.

1497 (5) Except as otherwise expressly provided in this chapter,
1498 monies in the Education Freedom Fund shall remain in the fund at
1499 the close of the fiscal year and shall not lapse into the State
1500 General Fund.

1501 (6) The Office of the State Treasurer may promulgate rules
1502 and procedures necessary to administer the Education Freedom Fund
1503 and the Mississippi Education Freedom Program, including rules
1504 related to deposits, disbursements, audits, fraud prevention,
1505 fiscal controls and program integrity.

1506 (7) Nothing in this section shall be construed to create an
1507 entitlement to funding under the Mississippi Education Freedom
1508 Program beyond amounts appropriated by the Legislature, nor to
1509 require the Office of the State Treasurer to expend funds in
1510 excess of available appropriations.

1511 **SECTION 13.** Section 37-15-31, Mississippi Code of 1972, is
1512 amended as follows:

1513 37-15-31. (1) (a) Except as provided in subsections (2)
1514 through * * * (7) of this section, upon the petition in writing of
1515 a parent or guardian resident of the school district of an
1516 individual student filed or lodged with the president or secretary
1517 of the school board of a school district * * * to which the



1518 pupil * * * is seeking transfer, individual students living in one
1519 school district * * * may be legally transferred to another school
1520 district, * * * provided that the school board of the school
1521 district to which the transfer is sought consents * * * to receive
1522 the students seeking transfer, which such consent must be given in
1523 writing and spread upon the minutes of * * * the school board of
1524 the transferee school district.

1525 (b) Upon receipt of such notice of petition for
1526 transfer, the school board of the transferee school district shall
1527 act on such request for transfer no later than sixty (60) days of
1528 receipt of the request by the transferee board, and a failure of
1529 such transferee board to act within such time shall constitute an
1530 approval of such request and approved enrollment by the school
1531 board of the transferee school district. If such a transfer is
1532 approved or denied by the school board of the transferee school
1533 district, then such decision shall be final and binding for the
1534 duration of the scholastic year in which such decision was made.

1535 (* * *c) * * * The transferee school district shall
1536 notify, in writing, the school district from which the pupil or
1537 pupils are transferring of the receipt of such transfer request
1538 within a reasonable period of time, and the school board of the
1539 transferor school district shall spread the same upon its minutes.

1540 * * *



1541 (* * *d) Any legal guardianship formed for the purpose
1542 of establishing residency for school district attendance purposes
1543 shall not be recognized by the affected school board.

1544 (e) The legal transfer of a student under this
1545 subsection shall include a provision for the transportation of the
1546 student by either the parent or legal guardian of the student or
1547 the transferee school district, provided that the transferee
1548 school district does not violate the provision of Section
1549 37-15-29(3), prohibiting the transportation of students in excess
1550 of thirty (30) miles from his or her home. In the absence of such
1551 a provision, the responsibility for transporting the student to
1552 the transferee school district shall be that of the parent or
1553 guardian.

1554 (f) The provisions of this subsection (1) of this
1555 section shall not apply to school-age children whose parent(s) or
1556 legal guardian(s) are active members of the United States Armed
1557 Forces complying with Section 37-15-29(5).

1558 (g) Athletic eligibility for a school-age child who
1559 transfers to another school or school district pursuant to this
1560 subsection shall be determined in accordance with rules and
1561 regulations promulgated by the Mississippi High School Association
1562 governing student eligibility for any athletic extracurricular
1563 activities.

1564 (2) (a) Upon the petition in writing of any parent or
1565 guardian who is a resident of Mississippi and is an instructional



1566 or licensed employee of a school district, but not a resident of
1567 such district, the school board of the employer school district
1568 shall consent to the transfer of such employee's dependent
1569 school-age children to its district and shall spread the same upon
1570 the minutes of the board. Upon the petition in writing of any
1571 parent or guardian who is not a resident of Mississippi and who is
1572 an instructional or licensed employee of a school district in
1573 Mississippi, the school board of the employer school district
1574 shall consent to the transfer of such employee's dependent
1575 school-age children to its district and shall spread the same upon
1576 the minutes of the board.

1577 (b) The school board of any school district, in its
1578 discretion, may adopt a uniform policy to allow the enrollment and
1579 attendance of the dependent children of noninstructional and
1580 nonlicensed employees, who are residents of Mississippi but are
1581 not residents of their district. Such policy shall be based upon
1582 the employment needs of the district, implemented according to job
1583 classification groups and renewed each school year.

1584 (c) The employer transferee school district shall
1585 notify in writing the school district from which the pupil or
1586 pupils are transferring, and the school board of the transferor
1587 school district shall spread the same upon its minutes.

1588 (d) Any such agreement by school boards for the legal
1589 transfer of a student shall include a provision providing for the
1590 transportation of the student. In the absence of such a provision



1591 the responsibility for transporting the student to the transferee
1592 school district shall be that of the parent or guardian.

1593 (e) Any school district which accepts a student under
1594 the provisions of this subsection shall not assess any tuition
1595 fees upon such transferring student * * *.

1596 (3) Upon the petition in writing of any parent or legal
1597 guardian of a school-age child who is a resident of an adjacent
1598 school district residing in the geographical situation described
1599 in Section 37-15-29(3), the school board of the school district
1600 operating the school located in closer proximity to the residence
1601 of the child shall consent to the transfer of the child to its
1602 district, and shall spread the same upon the minutes of the board.

1603 * * * The legal transfer of a student under this subsection shall
1604 include a provision for the transportation of the student by
1605 either the * * * parent or legal guardian or the student or the
1606 transferee school district. * * * The responsibility for
1607 transporting the student to the transferee school district shall
1608 be that of the parent or guardian if the transferee school
1609 district does not agree in the consent of transfer, which shall be
1610 spread upon its minutes, to provide transportation for the
1611 student.

1612 * * *

1613 (* * * 4) * * * Before September 1 of each year, the board
1614 of trustees of * * * a municipal separate school district shall
1615 certify to the State Department of Education the number of



1616 students in the added territory of the municipal separate school
1617 district who are transferred to the adjacent school district under
1618 this subsection. The municipal separate school district also
1619 shall certify the total number of students in the school district
1620 residing in the added territory plus the number of those students
1621 who are transferred to the adjacent school district. Based upon
1622 these figures, the department shall calculate the percentage of
1623 the total number of students in the added territory who are
1624 transferred to the adjacent school district and shall certify this
1625 percentage to the levying authority for the municipal separate
1626 school district. The levying authority shall remit to the school
1627 board of the adjacent school district, from the proceeds of the ad
1628 valorem taxes collected for the support of the municipal separate
1629 school district from the added territory of the municipal separate
1630 school district, an amount equal to the percentage of the total
1631 number of students in the added territory who are transferred to
1632 the adjacent school district.

1633 (5) The sibling(s) of any child lawfully transferred in
1634 accordance with this section, may also, at the discretion of their
1635 parent(s) or legal guardian(s), enroll and attend school in the
1636 transferee school district, subject to the provisions of this act.
1637 For purposes of this subsection, the term sibling includes any
1638 biological child, stepchild, adopted child, or foster child in
1639 temporary or permanent placement who resides in the same household
1640 of the parent or legal guardian who has a child lawfully



1641 transferred to another school district under the provisions of
1642 this section, provided that such sibling is transferred to the
1643 same school district as the previously transferred sibling. The
1644 transferee school district shall have the sole discretion to
1645 determine which school within the school district a student
1646 approved for transfer will be placed.

1647 (6) (a) Each school district shall implement an enrollment
1648 options program as provided in this section. The local school
1649 board of each school district shall adopt policies, in its sole
1650 discretion, to govern the process for enrollment options pursuant
1651 to this section. As a part of its adopted policies on enrollment,
1652 the school board of the receiving district shall develop a
1653 timeline for which applications for transfer shall be received.
1654 The policies shall prohibit discrimination against any pupil on
1655 the basis of his residential address, ability, disability, race,
1656 ethnicity, sex or socioeconomic status. The policies shall be
1657 prominently posted to the school district's website.

1658 (b) In the development of its policies, each school
1659 board shall prohibit an evaluation of whether a pupil should be
1660 enrolled based upon the pupil's academic or athletic performance.
1661 The local school board, in its sole discretion, shall calculate
1662 the capacity for each school within the district in accordance
1663 with subsection (8) of this section. School districts may employ
1664 existing entrance criteria for specialized schools or programs if
1665 the criteria are uniformly applied to all individuals submitting



1666 transfer requests. This subsection shall not be construed to
1667 prohibit school districts from using academic performance to
1668 determine eligibility for, or placement in, programs for gifted
1669 and talented pupils established under Section 37-23-179.

1670 (7) For students transferring to a school district in which
1671 the student does not reside, the State Department of Education
1672 shall pay to the transferee school district (receiving school
1673 district) to which the student is transferred an amount equal to
1674 the total funding formula funds, allocated for each student
1675 transferring to a school district outside his or her district of
1676 residence. The amount of funds payable to the receiving school
1677 district by the department must be based on the local school
1678 district of residence's previous year's enrollment data,
1679 determined by using months one (1) through nine (9) average daily
1680 membership, as reported to the State Department of Education by
1681 the transferor local school district. Any such payments made
1682 under this subsection (5) by the State Department of Education to
1683 a receiving school district must be made two (2) business days
1684 prior to the last working day of each month. There shall be paid
1685 to a receiving school district, by electronic funds transfer,
1686 one-twelfth (1/12) of the funds to which the receiving school
1687 district is entitled from funds appropriated for the total funding
1688 formula program fund, or any subsequent funding program which
1689 replaces such program fund, for each child transferred to such
1690 school district under the authority of this section. However, in



1691 December those payments shall be made on December 15 or the next
1692 business day after that date. If a student transfer occurs after
1693 the start date of the scholastic year, the department shall not
1694 make any distribution of payments to the receiving school district
1695 until such time that the receiving school district certifies the
1696 enrollment of the transfer student to the department, which shall
1697 then only make payments to the receiving school district for such
1698 student for the remainder of the scholastic year as a
1699 proportionate share of the one-twelfth (1/12) of funds to which
1700 the receiving school district is entitled.

1701 (8) (a) In determining the capacity for each school within
1702 the school district pursuant to subsection (6) (b) each school
1703 district shall, in its sole discretion, determine the maximum
1704 enrollment for each grade level for each school within the
1705 district. The school district's enrollment options program,
1706 including capacity and grade level enrollment levels, determined
1707 by the school district shall be published on the school district's
1708 website at a reasonable time before the start of the academic
1709 school year. The school district's decision on enrollment levels
1710 shall be final and binding.

1711 (b) Not less than two (2) times during the school year,
1712 each school district shall publicly post on its website the
1713 capacity for each school within the school district as determined
1714 pursuant to subsection (6) (b) and the maximum enrollment for each
1715 grade level for each school as determined pursuant to paragraph



1716 (a) of this subsection. A school district that does not meet the
1717 minimum sample size necessary to prevent unlawful release of
1718 personally identifiable student data established pursuant to
1719 subsection (10) of this section is not subject to the publication
1720 requirements pursuant to this subsection.

1721 (c) Not less than two (2) times during the school
1722 year, every school district shall report to the state reporting
1723 system the capacity for each school within the school district as
1724 determined pursuant to subsection (6) (b) and the maximum
1725 enrollment for each grade level for each school as determined
1726 pursuant to paragraph (a) of this subsection, the number of
1727 transfer requests, the number of accepted transferred pupils and
1728 the number of denied transfer requests.

1729 (9) By August 1 of each year, the State Board of Education
1730 shall collect, analyze and publish to its website the capacity and
1731 transfer data from each school district from the previous year.
1732 The report shall include the number of participants, the number of
1733 denied requests, and other relevant information. The board shall
1734 also report this information to the Legislature no later than
1735 December 31 of each year.

1736 (10) The State Board of Education shall not publish or
1737 release data of a school district if the number of students who
1738 requested a transfer is less than the minimum sample size
1739 necessary for prevention of the unlawful release of personally
1740 identifiable student data. The board shall establish the minimum



1741 number of students necessary to meet the requirements of this
1742 subsection.

1743 (11) The provisions of this section shall not supersede any
1744 provision of an enforceable desegregation court order or a
1745 court-approved desegregation plan.

1746 (12) The receiving school district shall identify each
1747 student it accepts into its district under the transfer authority
1748 of this section and report that data to the State Department of
1749 Education by category of student name, grade classification, grade
1750 point average, gender and ethnicity. The department shall then
1751 compile this data by district, redacting all personally
1752 identifying information of students to prevent any student privacy
1753 violations, and submit an annual report of this information to
1754 each member of the Legislature.

1755 (13) In addition to any other authority provided in this
1756 section, a receiving school district that enrolls a student who
1757 resides outside the district pursuant to this section may apply to
1758 the Office of the State Treasurer for a student portability
1759 scholarship under the Mississippi Education Freedom Program,
1760 subject to the following conditions:

1761 (a) Before applying for a student portability
1762 scholarship under the Education Freedom Program and the
1763 authority granted under this section to do so, the receiving
1764 district shall request from the school district in which the
1765 student resides the funding attributable to each student



1766 accepted for enrollment, as determined by the State
1767 Department of Education in accordance with Section
1768 37-151-211(2) (b) and Section 37-57-105;

1769 (b) If, for any reason, the school district in which
1770 the student resides does not provide the receiving district with
1771 the funding requested by the receiving district pursuant to
1772 paragraph (a) of this subsection, the receiving district may apply
1773 to the fund manager for a student portability scholarship;

1774 (c) A student portability scholarship may be awarded
1775 only upon application by the receiving school district and shall
1776 not be requested, directed or controlled by the student or the
1777 student's parent;

1778 (d) The amount of a student portability scholarship
1779 awarded for an eligible transfer student shall be limited to the
1780 lesser of:

1781 (i) The receiving school district's
1782 out-of-district transfer tuition rate;

1783 (ii) The portion of the local contribution that
1784 does not follow the student under the Mississippi Student Funding
1785 Formula; or

1786 (iii) Two Thousand Dollars (\$2,000.00);

1787 (e) Student portability scholarships shall be awarded
1788 at the discretion of the Office of the State Treasurer and shall
1789 be subject to the availability of funds in the Education Freedom
1790 Fund;



1791 (f) Student portability scholarships shall be awarded
1792 on a first-come, first-served basis;

1793 (g) Funds awarded under this subsection shall be paid
1794 directly to the receiving school district and shall be used solely
1795 to offset local funding that does not follow the student;

1796 (h) A receiving school district that receives a student
1797 portability scholarship on behalf of a transfer student shall not
1798 charge, assess or collect from the student or the student's parent
1799 any additional tuition, fee, or charge related to the student's
1800 enrollment that exceeds amounts otherwise authorized under this
1801 section; and

1802 (i) Nothing in this subsection shall be construed to
1803 create an entitlement to a student portability scholarship or to
1804 require the Office of the State Treasurer to award funds in excess
1805 of available appropriations.

1806 **SECTION 14.** (1) This section shall be known and may be
1807 cited as the "Tim Tebow Act."

1808 (2) As used in this section, the following words and phrases
1809 have the meanings ascribed in this subsection unless the context
1810 clearly indicates otherwise:

1811 (a) "Homeschool" means a legitimate home instruction
1812 program, as described under Section 37-13-91(3).

1813 (b) "Interscholastic extracurricular activity" means
1814 any school-authorized sport or activity sanctioned by the
1815 Mississippi High School Activities Association.



1816 (c) "Appropriate documentation" means:

1817 (i) The results of a nationally recognized

1818 standardized test or its equivalent as determined by the State

1819 Department of Education;

1820 (ii) A portfolio of the student's school work from

1821 the previous year demonstrating the student's proficiency

1822 appropriate for the student's grade level, as determined in the

1823 discretion of the school principal or counselor; or

1824 (iii) If the student was enrolled in a public,

1825 private, parochial or charter school during the preceding school

1826 year, records evidencing the student's eligibility based on the

1827 student's academic success at that school.

1828 (3) (a) A student enrolled in a homeschool is eligible to

1829 participate in interscholastic extracurricular activities

1830 sponsored or engaged in by the school accredited by the State

1831 Department of Education to which the student would be assigned

1832 according to the attendance policies adopted by the school board

1833 of the school or local school district. A homeschool student who

1834 leaves a school accredited by the State Department of Education

1835 during the school year is subject to the transfer protocols that

1836 apply to transfers from one (1) school accredited by the State

1837 Department of Education to such school. A student who is eligible

1838 under this section and selected to participate in an

1839 extracurricular activity must:



1840 (i) Adhere to the same standards of behavior,
1841 responsibility, performance and code of conduct as other
1842 participants in the extracurricular activity;

1843 (ii) Adhere to the same academic standards as
1844 other participants, with those standards confirmed by appropriate
1845 documentation provided by the student to the school accredited by
1846 the State Department of Education providing the extracurricular
1847 activity in which the student participates. However, if the
1848 documentation provided gives the local school board reasonable
1849 suspicion that the documentation is false in its claims of
1850 satisfaction of academic standards and grade placement the student
1851 may be administered a grade-level placement examination;

1852 (iii) Register with the school the student's
1853 intent to participate in the extracurricular activity as a
1854 representative of the school before the beginning date of the
1855 semester during which the extracurricular activity in which the
1856 student wishes to participate is offered; and

1857 (iv) Comply with the same physical examination,
1858 immunization, insurance, age and semester eligibility requirements
1859 as other students participating in the extracurricular activity.

1860 (b) Transportation of a student being educated in a
1861 homeschool to a school accredited by the State Department of
1862 Education to participate in interscholastic extracurricular
1863 activities is the responsibility of the parent, guardian or
1864 student. The student may use the same transportation as other



1865 students so long as additional expenses are not incurred by the
1866 school district.

1867 (c) In selecting the members of an interscholastic
1868 extracurricular team, a school accredited by the State Department
1869 of Education shall not discriminate against a student being
1870 educated in a homeschool who is eligible to participate under this
1871 section.

1872 (4) Participation in an interscholastic extracurricular
1873 activity is a privilege and not a right. Nothing in this act
1874 shall be interpreted to create a cause of action on behalf of a
1875 student against a school accredited by the State Department of
1876 Education or official of such school or against an interscholastic
1877 extracurricular activities association.

1878 (5) With respect to a homeschool student's education
1879 program, nothing in this section shall be construed to permit an
1880 agency of the state, a school accredited by the State Department
1881 of Education or any other governmental body to exercise control,
1882 regulatory authority or supervision over a homeschool student or
1883 parent or person standing in parental relation to a homeschool
1884 student beyond the control, regulatory or supervision required to
1885 participate in league activity.

1886 **SECTION 15.** (1) Sections 15 through 25 of this act shall be
1887 known and may be cited as the "Adolescent Literacy Initiative."

1888 (2) It is the intent of the Legislature that each student's
1889 progression from one grade to another be determined, in part:



1890 upon proficiency in reading and writing; that district school
1891 board policies facilitate reading instruction and intervention
1892 services to address student reading and writing needs; and that
1893 each student and his or her parent or guardian be informed of that
1894 student's progress.

1895 The fundamental goal of an education system is to enable each
1896 student to develop the skills necessary for success in school and
1897 life. The Nation's Report Card reflects no statistically
1898 significant improvement in Grade 8 National Assessment of
1899 Educational Progress (NAEP) Reading scores in thirty (30) years,
1900 from 1992 through 2024, with one-third (1/3) of the nation's
1901 eighth grade students reading below the basic level. It is the
1902 ultimate goal of this Legislature that every student becomes a
1903 skilled reader through: (i) the implementation of evidence-based
1904 reading instruction, which has been proven to accelerate the
1905 progress of all students, including those exhibiting a reading
1906 deficiency; and (ii) the coordinated integration of content areas
1907 in text reading, text discussion, and writing in response to
1908 reading.

1909 Therefore, the Legislature finds that it is essential for a
1910 system of supports to be provided for students in middle grades
1911 who continue to demonstrate difficulty with foundational reading
1912 and writing skills.



1913 **SECTION 16.** As used in Sections 15 through 25 of this act,
1914 the following terms shall have the meanings ascribed in this
1915 section, unless the context of use clearly requires otherwise:

1916 (a) "Science of reading" refers to the large body of
1917 evidence that informs how proficient reading and writing develop;
1918 why some students have difficulty; and how educators can most
1919 effectively assess, teach and, therefore, improve student outcomes
1920 through prevention of and intervention for reading difficulties.

1921 (b) "Three-cueing system" is any model of teaching
1922 students to read based on meaning, structure and syntax, and
1923 visual cues, which may also be known as "MSV". This model is
1924 antiquated, misaligned with the science of reading, and largely
1925 ineffective, especially for students with dyslexia.

1926 (c) "System of assessments" means a comprehensive
1927 assessment system which provides screening, diagnostic, and
1928 summative assessments for use in a school district or charter
1929 school. The system of assessments shall assess key indicators of
1930 reading success, including word recognition, vocabulary, fluency
1931 and comprehension.

1932 (d) "Universal screener" means an assessment that is
1933 administered three (3) times per year (beginning, middle, and end)
1934 to identify or predict students who may be at risk for reading
1935 failure and is typically brief and conducted with all students at
1936 a particular grade level.



1937 (e) "Multi-Tiered System of Support (MTSS)" is a
1938 framework for supporting and increasing academic, behavioral, and
1939 social-emotional outcomes for all students.

1940 (f) "High-Quality Instructional Materials (HQIM)"
1941 refers to instructional curricula and intervention programs,
1942 including, but not limited to, textbooks, teacher guides and
1943 supplemental materials, that are grounded in the science of
1944 reading and evidenced-based research approaches which help all
1945 students achieve grade level learning goals. HQIM incorporates
1946 best practices for building skills essential to reading, follow a
1947 sequential order of lessons which are explicit, systematic, and
1948 cumulative, contain challenging texts that build student
1949 background knowledge, support academic language development, and
1950 critical thinking skills across core content areas, and are
1951 aligned to a state's academic standards. These materials are
1952 rigorous, comprehensive and regularly reviewed and updated to
1953 align to research and best practices. They also provide
1954 curriculum-specific professional development that prepares
1955 teachers to effectively plan and prepare lessons and assessments,
1956 differentiate instruction and monitor student progress.

1957 (g) "Evidence-based" references instructional
1958 strategies or practices with clear and convincing proof from
1959 scientifically based research studies which have been
1960 peer-reviewed.



1961 (h) "Scientifically based reading research" applies
1962 rigorous, systematic, and objective methods to gain knowledge from
1963 multiple disciplines to understand how children learn to read,
1964 strategies and methods which can be used to teach children to
1965 read, and how they can overcome reading difficulties.

1966 (i) "Department" is the State Department of Education.

1967 (j) "Dyslexia" is a specific learning disability that
1968 is neurobiological in origin. Dyslexia is characterized by
1969 difficulties with accurate and fluent word recognition and poor
1970 spelling and decoding abilities. These difficulties typically
1971 result from a deficit in the phonological component of language
1972 that is often unexpected in relation to other cognitive abilities
1973 and the provision of effective classroom instruction. Secondary
1974 consequences may include problems in reading comprehension and
1975 reduced reading experience that can impede growth of vocabulary
1976 and background knowledge.

1977 (k) "Dyslexia screening" is a brief assessment which
1978 measures critical skills which identify potential risks and is a
1979 predictor of future reading success.

1980 (l) "Comprehensive dyslexia evaluation" is the process
1981 of gathering information to identify factors contributing to a
1982 student's difficulty learning to read and spell. An evaluation
1983 encompasses identification, screening, testing, diagnosis and all
1984 the other information gathering involved when the student, his or



1985 her family, and a team of professionals work together to determine
1986 why the student is having difficulty.

1987 (m) "Dyslexia diagnosis" is a clear diagnostic
1988 statement included in a written evaluation report to document the
1989 presence of dyslexia. The evaluation is conducted by a
1990 professional psychologist, psychometrist, or speech-language
1991 pathologist.

1992 (n) "Structured literacy" is an evidence-based approach
1993 to teaching oral and written language aligned to the science of
1994 reading. It is based on the science of how kids learn to read and
1995 is characterized by direct explicit, systematic, sequential,
1996 cumulative, and diagnostic instruction in phonology, phonemic
1997 awareness, sound-symbol association, syllable instruction,
1998 morphology, syntax and semantics.

1999 (o) "Reading intervention" includes evidence-based
2000 strategies from scientifically based reading research frequently
2001 used to improve reading where deficiencies exist and includes, but
2002 is not limited to, individual instruction, multisensory
2003 approaches, dyslexia therapy, tutoring, mentoring, or the use of
2004 technology that targets specific reading skills and abilities.

2005 (p) "Accommodations" allow a student to complete the
2006 same assignment or test as other students, but with a change in
2007 the timing, formatting, setting, scheduling, response and
2008 presentation. Accommodation is provided for both testing and
2009 instruction and changes the way students access information and



2010 demonstrate their knowledge, skills and abilities without lowering
2011 learning or performance expectations and without changing academic
2012 standards or what is being measured. The purpose is to ensure
2013 equal access to the full school experience for students with
2014 dyslexia or other learning disabilities (e.g., providing extended
2015 exam time for a student who has slow processing speed affecting
2016 academic fluency). Accommodation does not change the content of
2017 instruction, give students an unfair advantage, or change the
2018 skills or knowledge that a test measures.

2019 (q) "Educator Preparation Program" or "EPP" means any
2020 program that prepares individuals for certification as educators,
2021 school administrators, or other school personnel.

2022 (r) "Content area teacher" includes all subject area
2023 teachers.

2024 (s) "Multilingual students" include newcomers or
2025 students with limited or interrupted education.

2026 **SECTION 17.** The department shall provide a system of support
2027 for school and district instructional leaders, content area
2028 teachers, literacy coaches, dyslexia therapists, interventionists,
2029 tutors, and other identified personnel across content areas of
2030 fourth, fifth, sixth, seventh and eighth grade students to ensure
2031 that they have the knowledge and skills to support students with
2032 reading difficulties. The system of support shall include:

2033 (a) Professional learning for district instructional
2034 leaders, principals, school level literacy leaders, content area



2035 teachers, special education teachers, literacy coaches, dyslexia
2036 therapists, interventionists, tutors, ELL teachers and other
2037 identified personnel across content areas of fourth, fifth, sixth,
2038 seventh and eighth grade students on the following:

2039 (i) Comprehensive training grounded in the science
2040 of reading to ensure all teachers have the knowledge and skills to
2041 support a range of students with diverse needs, students with
2042 reading difficulties, multilingual students, and students with
2043 characteristics of or diagnosis of dyslexia, including:

2044 1. Explicit, systematic, developmentally and
2045 age-appropriate instruction in phonological awareness, the
2046 alphabetic principle, oral language development, decoding,
2047 encoding, fluency including accuracy, morphology - including
2048 morphological awareness and etymology, vocabulary, syntax,
2049 comprehension and building content knowledge;

2050 2. Strategies to increase educator knowledge
2051 of reading and writing basics for students in Grades 4 through 8;

2052 3. Evidence-based strategies for motivating
2053 and engaging adolescent learners;

2054 4. Scientifically researched and
2055 evidenced-based reading strategies for accommodations and
2056 scaffolding instruction for struggling readers and writers; and

2057 5. Approaches to assist educators in
2058 determining causes of reading difficulties, including dyslexia,
2059 and other learning differences, for students in Grades 4 through 8



2060 and how word reading, vocabulary, content knowledge, comprehension
2061 and writing are affected; and

2062 (ii) The department-approved assessment system
2063 selected by school districts to ensure teachers have the knowledge
2064 and skills to administer the assessment and use the assessment
2065 data to inform instruction based on student needs (i.e., universal
2066 screening, diagnostic screening, summative assessment);

2067 (b) Job-embedded coaching support for teachers of
2068 Grades 4 through 8 that shall include the following:

2069 (i) Provide on-site teacher training on
2070 evidence-based reading strategies and data-based decision making;

2071 (ii) Demonstrate lessons;

2072 (iii) Co-teach and/or observe teaching;

2073 (iv) Provide immediate feedback for improvement;

2074 and

2075 (v) Provide support to teachers and administrators
2076 in data-based decision making; and

2077 (c) Educator preparation programs that equip candidates
2078 seeking certification for elementary, special education and
2079 secondary education with training and instruction to:

2080 (i) Effectively teach reading aligned to
2081 scientifically researched and evidenced-based reading instruction,
2082 including explicit and systematic instruction in phonological
2083 awareness, the alphabetic principle, decoding, encoding, fluency,



2084 morphology including etymology, syntax, vocabulary, comprehension
2085 and building content knowledge;

2086 (ii) Implement reading instruction using
2087 high-quality instructional materials;

2088 (iii) Provide training on the identification of
2089 students not reading on grade level, the selection of appropriate
2090 interventions, and effective instruction and interventions for a
2091 range of students with diverse needs, including multilingual
2092 students, students with characteristics of dyslexia, or diagnosed
2093 with dyslexia;

2094 (iv) Understand and use student data to make
2095 instructional decisions; and

2096 (v) Incorporate literacy instruction across
2097 content areas.

2098 **SECTION 18.** (1) State standards for literacy in
2099 kindergarten through Grade 8 shall align with evidence-based
2100 strategies and scientifically based reading research, and all
2101 students shall have access to high-quality Tier 1 core instruction
2102 that is differentiated to meet students' diverse needs.

2103 (2) The State Department of Education shall develop a list
2104 of High-Quality Instructional Materials (HQIM) core literacy
2105 curricula, interventions and supplemental materials aligned with
2106 scientifically researched and evidenced-based reading instruction
2107 and state standards for use in districts for students in Grades 4
2108 through 8. Standards, as well as HQIM, shall be designed to



2109 address word recognition and language comprehension skills, build
2110 background knowledge and expand students' knowledge across content
2111 areas. Balanced literacy, including, but not limited to, the
2112 three-cueing systems model, which research shows is inconsistent
2113 with scientifically based reading instruction and the science of
2114 reading, shall not be used to teach reading in Mississippi public
2115 schools, state agencies or by anyone who receives state funding.
2116 The list shall be approved by the State Board of Education.

2117 (3) The department shall provide an approved list of one or
2118 more reliable and valid reading assessment systems for school
2119 district use for screening and monitoring student progress toward
2120 becoming a skilled reader. The reading assessment system shall:

2121 (a) Provide a screener to be administered three (3)
2122 times per year (beginning, middle, and end) with progress
2123 monitoring capabilities and a diagnostic tool to support teachers
2124 with targeting instruction based on student needs;

2125 (b) Measure, at a minimum, fluency and comprehension;
2126 and

2127 (c) For students who demonstrate difficulty with these
2128 skills, additional diagnostic screening in foundational skills
2129 (phonological awareness and phonics) is provided to identify
2130 specific skill deficits.

2131 (4) In determining which assessment systems to approve for
2132 use by school districts, the department shall also consider, at a
2133 minimum, the following factors:



2134 (a) The time required to conduct the assessment, with
2135 the intention of minimizing the impact on instructional time;

2136 (b) The availability of accommodation for students with
2137 specialized plans;

2138 (c) The timeliness in reporting assessment results to
2139 teachers, administrators, and parents; and

2140 (d) The integration of assessment and instruction the
2141 system provides.

2142 (5) Districts shall offer reading intervention services to
2143 each fourth, fifth, sixth, seventh, and eighth grade student who
2144 exhibits deficiencies in reading based upon the approved literacy
2145 screener administered within the first thirty (30) days of school,
2146 middle of the year, and end of the year and subsequently
2147 administered diagnostics to inform targeted interventions.

2148 Reading intervention shall be provided to struggling students in
2149 addition to core reading instruction that is provided to all
2150 students in the general education classroom. School districts
2151 should adhere to the MTSS guidance process for Mississippi and
2152 shall consider multiple data points. These services shall:

2153 (a) Ensure that all students in Grades 4 through 8 who
2154 are identified with reading deficiencies, as determined by the
2155 department, must be provided with appropriate interventions. This
2156 includes students who meet the approved assessments system cut
2157 scores, fourth grade students promoted from third grade with a
2158 good cause exemption, students receiving special education



2159 services, students diagnosed with or showing characteristics of
2160 dyslexia, and multilingual learners;

2161 (b) Ensure the determination for the need for
2162 intervention will be made by the examination of multiple data
2163 points, including a diagnostic assessment within the first thirty
2164 (30) days of school;

2165 (c) Provide explicit and systematic instruction in age
2166 and developmentally appropriate phonological awareness, phonics
2167 including decoding and encoding, fluency, vocabulary, morphology
2168 and comprehension, as applicable;

2169 (d) Provide explicit and systematic reading strategies
2170 to develop reading strategies in phonemic awareness, phonics,
2171 fluency, vocabulary, and comprehension, with more extensive
2172 opportunities for guided practice, error correction and feedback;

2173 (e) Monitor the reading progress of each student's
2174 reading skills throughout the school year and provide
2175 differentiated instruction based on screening, diagnostic and
2176 progress monitoring to adjust instruction to meet students'
2177 specific needs;

2178 (f) Be implemented during regular school hours in
2179 addition to any offerings provided before, during or after school
2180 with a trained educator;

2181 (g) Be implemented by a reading specialist, dyslexia
2182 therapist, interventionist or school-based coach who shall have
2183 training in scientifically researched and evidenced-based reading



2184 instruction, fidelity to the selected intervention and
2185 evidence-based literacy instruction practices; and

2186 (h) Be age and developmentally appropriate
2187 interventions should primarily be delivered by a trained educator.
2188 If technology is used, it will serve as supplemental support.

2189 (6) Local school boards, in collaboration with district
2190 literacy leaders, shall develop and implement programs of
2191 prevention, intervention, or remediation for students who are
2192 educationally at-risk including, but not limited to, those who
2193 fail to achieve a passing score on the English-Language Arts state
2194 summative assessment in Grades 3 through 8, multilingual students
2195 and students who show characteristics of or diagnosed with
2196 dyslexia in middle grades. Such programs shall include strategies
2197 and methods that are proven through scientifically researched and
2198 evidence-based instruction. Local school boards shall also
2199 implement programs in Grades 4 through 8 to enhance success.

2200 (7) Each local school board shall employ at least one (1)
2201 reading specialist, interventionist, and/or dyslexia therapist in
2202 any school serving fourth, fifth, sixth, seventh or eighth grade
2203 students. Each such reading specialist shall be required to
2204 participate in professional learning grounded in the science of
2205 reading to include:

2206 (a) Training in the identification of and the use of
2207 appropriate interventions, accommodations and teaching techniques



2208 for students with dyslexia or a related reading disorder and shall
2209 serve as an advisor on dyslexia and related reading disorders; and

2210 (b) State approved training on the definition of
2211 dyslexia and knowledge of:

2212 (i) Techniques to help a student with dyslexia on
2213 the continuum of skills;

2214 (ii) Dyslexia characteristics that may manifest at
2215 different ages and grade levels;

2216 (iii) The basic foundational keys to reading,
2217 including direct, explicit, sequential, systematic and
2218 multisensory and multimodal reading instruction; and

2219 (iv) Appropriate interventions, accommodations and
2220 assistive technology support for students with dyslexia.

2221 **SECTION 19.** Any fourth, fifth, sixth, seventh or eighth
2222 grade student who exhibits deficiencies in reading at any time,
2223 based upon the vetted and approved assessment system, shall
2224 receive an individual reading plan no later than thirty (30) days
2225 after the identification of the reading deficiency. The
2226 individual reading plan shall be created by the teacher,
2227 interventionist, principal, other pertinent school personnel and
2228 the parent or legal guardian, and shall describe the
2229 scientifically researched and evidenced-based reading intervention
2230 services the student shall receive to remedy the reading deficit.
2231 If at all possible, students and parents should have a voice in
2232 scheduling decisions especially when changes affect classes or



2233 electives the student values. Each student shall receive
2234 intensive reading intervention until the student no longer has a
2235 deficiency in reading as determined by multiple data points,
2236 including an approved literacy screener, diagnostic assessment,
2237 and the state's summative assessment. The individual reading plan
2238 shall follow the template provided by the department and include
2239 the documentation of reading intervention services and strategies
2240 outlined within the MTSS Guidance Document, which, at a minimum,
2241 shall include:

2242 (a) The student's specific deficiencies in reading as
2243 determined or identified by diagnostic assessment data or the
2244 literacy screener provided or approved by the department;

2245 (b) The goals and benchmark cut scores for student
2246 growth in reading;

2247 (c) A description of the specific measures that will be
2248 used to evaluate and monitor the student's reading progress;

2249 (d) The alignment to an Individualized Education Plan
2250 (IEP) for students who receive special education services;

2251 (e) The specific evidence-based literacy instruction
2252 that the student will receive;

2253 (f) The strategies, resources, and materials that will
2254 be provided to the student's parent or guardian to support their
2255 student at home in making reading progress;



2256 (g) Any additional services the teacher deems available
2257 and appropriate to accelerate the student's reading development;
2258 and

2259 (h) May include the following services for the student:
2260 instruction from a reading specialist, dyslexia therapist, trained
2261 paraprofessional, or classroom teacher with support from an aide,
2262 extended instructional time in the school day or school year, or,
2263 for students in Grades 6 through 8, a literacy course, in addition
2264 to the required core English-Language Arts course, that provides
2265 the specific evidence-based literacy instruction identified in the
2266 student's reading plan.

2267 **SECTION 20.** The parent of any student in fourth, fifth,
2268 sixth, seventh or eighth grade who exhibits deficiencies in
2269 reading at any time during the school year shall be notified in
2270 writing within ten (10) business days after the identification of
2271 the reading deficiency, and the written notification shall be made
2272 available in the parent's home language, follow the template
2273 provided by the department, and include the following:

2274 (a) That his or her child has been identified as having
2275 deficiencies in reading, and an individual reading plan will be
2276 developed by the teacher(s), interventionist, dyslexia therapist,
2277 principal, other pertinent school personnel and the parent or
2278 legal guardian;

2279 (b) A description of the current services that are
2280 provided to the student;



2281 (c) A description of the proposed interventions and
2282 supplemental instructional services or dyslexia therapy which are
2283 from scientifically researched and evidenced-based reading
2284 instruction and supports that will be provided to the child that
2285 are designed to remedy the identified area(s) of reading
2286 deficiency;

2287 (d) Notification that the parent will be informed in
2288 writing of their child's progress towards becoming a skilled
2289 reader with each progress report; and

2290 (e) Strategies for parents to use at home to help their
2291 child succeed in reading.

2292 **SECTION 21.** (1) Any incoming student in fourth, fifth,
2293 sixth, seventh and eighth grades identified with deficiencies in
2294 reading shall be provided with supplemental or intensive
2295 interventions dependent upon the severity of the deficit skills to
2296 address his or her specific deficiency. Intervention services
2297 shall include effective instructional strategies to accelerate
2298 student progress and be delivered by a reading teacher, reading
2299 specialist, dyslexia therapist or an interventionist who has
2300 received intensive training in remediation of reading difficulties
2301 and fidelity to the selected intervention curriculum. The
2302 district shall provide the following:

2303 (a) Access to a reading teacher, reading specialist,
2304 dyslexia therapist, or interventionist who has received intensive
2305 training in remediation of reading difficulties; and



2306 (b) Reading intervention services and supports from a
2307 vetted and approved list to address the identified area(s) of
2308 reading deficiency, including, but not limited to:

2309 (i) Use of reading strategies and/or programs that
2310 are verified by scientifically and evidenced-based research and
2311 have proven results in accelerating student reading achievement
2312 within the same school year;

2313 (ii) Prescribed targeted small group reading
2314 intervention or dyslexia therapy based on student needs, including
2315 explicit and systematic instruction with detailed explanations,
2316 extensive opportunities for guided practice, and opportunities for
2317 error correction and feedback; and

2318 (iii) Scheduled progress monitoring throughout the
2319 time in which the student is in intervention to adjust instruction
2320 according to student needs.

2321 (2) Summer school remediation programs or other forms of
2322 remediation appropriate to the academic needs of the students may
2323 be offered to students based on the results of the universal
2324 screener, diagnostic assessment, intervention progress monitoring
2325 data and ELA state summative assessment. Summer school
2326 remediation shall not be used to promote a student who failed the
2327 grade level prior to summer school.

2328 (3) A Read-at-Home plan shall be provided in the family's
2329 home language by the district which includes strategies for
2330 parents to use at home to help their child succeed in reading.



2331 **SECTION 22.** (1) (a) The school district shall conduct an
2332 annual review of individual reading plans during the first twenty
2333 (20) days of school for students who had a plan from the previous
2334 school year. The review shall assess the effectiveness of prior
2335 interventions, and any additional support and services needed to
2336 address the identified areas of reading deficiency. This may
2337 include supplemental, scientifically-researched and
2338 evidenced-based reading interventions provided before or after
2339 school by a teacher or tutor with specialized reading training.

2340 (b) Current screener and diagnostic data shall be used
2341 to determine continued reading intervention support.

2342 (2) Each local school board shall annually report in writing
2343 to the department and publish on its website by October 1 of each
2344 year, the following information on the prior school year:

2345 (a) By grade, the number and percentage of all students
2346 in Grades 4 through 8 performing below grade level on local or
2347 statewide assessments;

2348 (b) By grade, the number and percentage of students in
2349 Grades 4 through 8 who received supplemental or intensive reading
2350 intervention the previous year;

2351 (c) By grade, the number and percentage of students in
2352 Grades 4 through 8 who had an individual reading plan but no
2353 longer qualify for them;

2354 (d) By grade, the number and percentage of students
2355 retained in kindergarten through Grade 8; and



2356 (e) By grade, the number and percentage of students
2357 retained in Grades 4 through 8 who have an individual reading
2358 plan.

2359 **SECTION 23.** (1) The department shall provide a uniform
2360 format for school districts to report the required information no
2361 later than ninety (90) days prior to the annual due date.

2362 (2) The department shall provide guidance and technical
2363 assistance to aid school districts in implementing Sections 15
2364 through 25 of this act.

2365 **SECTION 24.** Education preparation programs shall require all
2366 candidates graduating from educator preparation programs in the
2367 State of Mississippi in the areas of social studies, science, and
2368 English-Language Arts Education for Grades 4 through 8 shall be
2369 required to successfully complete AIM Pathways to Proficient
2370 Reading training or an equivalent reading training program
2371 approved by the State Department of Education before
2372 certification.

2373 **SECTION 25.** (1) The State Board of Education shall have
2374 authority to enforce Sections 15 through 25 of this act.

2375 (2) The Legislature shall allocate sufficient funding for
2376 the implementation of Sections 15 through 25 of this act.

2377 **SECTION 26.** Sections 26 through 38 of this act shall be
2378 known and may be cited as the "Mississippi Math Act."

2379 **SECTION 27.** (1) The Legislature finds that:



2380 (a) Early numeracy and fluency with whole-number
2381 operations, decimals and fractions are foundational to secondary
2382 mathematics;

2383 (b) Sustained, job-embedded mathematics coaching
2384 improves teacher practice and student outcomes;

2385 (c) Systematic screening and targeted interventions in
2386 the elementary grades reduce later remediation; and

2387 (d) Ensuring Algebra readiness before middle school
2388 coursework strengthens the state's workforce pipeline.

2389 (2) It is the intent of this act to establish a statewide
2390 framework, Moving Mathematics in Mississippi (M³) to:

2391 (a) Expand mathematics coaching;

2392 (b) Implement kindergarten through Grade 5 mathematics
2393 screening with aligned interventions;

2394 (c) Establish an Algebra readiness indicator using the
2395 Grade 5 statewide mathematics assessment scale score; and

2396 (d) Provide grade-band professional development aligned
2397 to Mississippi's College- and Career-Readiness Standards and
2398 assessments.

2399 **SECTION 28.** As used in Sections 26 through 38 of this act,
2400 the following terms shall have the meanings ascribed in this
2401 section, unless context of use clearly requires otherwise:

2402 (a) "Board" means the State Board of Education.

2403 (b) "Department" means the State Department of
2404 Education.



2405 (c) "M³" means the Moving Mathematics in Mississippi
2406 Program established in Sections 26 through 38 of this act.

2407 (d) "Coach" means a mathematics instructional coach
2408 employed or contracted by the department or a participating
2409 district, trained in the department's coaching model.

2410 (e) "High-Quality Instructional Materials (HQIM)" means
2411 standards-aligned, evidence-based mathematics curricula and
2412 assessments approved by the department.

2413 (f) "K-5 Mathematics Screener" means a universal
2414 screening system for kindergarten through Grade 5 addressing
2415 grade-appropriate mathematics domains and skill progressions, as
2416 determined by the department.

2417 (g) "Algebra readiness indicator" means a scale score
2418 on the Grade 5 Statewide Mathematics Assessment established by the
2419 Department that suggests student readiness for Algebra I and is
2420 used to guide supports and placement.

2421 (h) "Individualized Math Plan (IMP)" means a written
2422 plan for a student identified by a screener as at-risk of not
2423 meeting grade-level expectations, specifying interventions,
2424 progress monitoring and exit criteria.

2425 (i) "MIOP" means the Mathematics Instructional
2426 Observation Protocol adopted by the department for classroom
2427 observation and administrator calibration.

2428 (j) "Professional learning community" means educational
2429 stakeholders who meet regularly to share expertise, analyze data,



2430 plan instruction, and collaborate to improve teaching capacity and
2431 student performance.

2432 **SECTION 29.** (1) There is created within the State
2433 Department of Education the Moving Mathematics in Mississippi (M³)
2434 Program.

2435 (2) The department, through the State Board of Education:

2436 (a) Shall administer M³;

2437 (b) May promulgate rules and regulations;

2438 (c) May enter into contracts; and

2439 (d) May partner with institutions of higher learning,
2440 school districts and nonprofit entities for implementation,
2441 evaluation and professional learning.

2442 (3) The department may issue guidance for district
2443 participation, including model schedules, PLC structures,
2444 intervention blocks, and family engagement resources.

2445 **SECTION 30.** (1) The program shall consist of the following
2446 components:

2447 (a) The placement of mathematics coaches in schools
2448 serving students in kindergarten through Grade 12, with priority
2449 placement in Grades 2 through 6 to provide:

2450 (i) On-site and virtual coaching cycles;

2451 (ii) Modeling;

2452 (iii) Professional Learning Communities
2453 facilitation;

2454 (iv) Data meetings;



2455 (v) Administrator walk-throughs using MIOP; and
2456 (vi) Family math resources;

2457 (b) Implementation of kindergarten through Grade 5
2458 screenings and intervention protocols, which require:

2459 (i) Adoption or development of a kindergarten
2460 through Grade 5 mathematics screener;

2461 (ii) Well-defined scores and skill maps;

2462 (iii) Development and implementation of
2463 Individualized Math Plans (IMPs) for students below benchmark;

2464 (iv) Training for teachers and administrators; and
2465 (v) Periodic progress monitoring;

2466 (c) Use of the Grade 5 Statewide Mathematics Assessment
2467 scale score designated by the department as the Algebra Readiness
2468 Indicator, which provides for the development and implementation
2469 of IMPs for students below the indicator prior to middle school
2470 mathematics; and

2471 (d) Ongoing regional training, virtual courses and
2472 school-based professional development cycles providing lesson
2473 guides, teacher-facing supports and assessment references aligned
2474 to HQIM and effective mathematics teaching practices.

2475 (2) Coaching shall be organized by grade band to include
2476 elementary (K through Grade 6) and secondary (Grades 7 through 12)
2477 and may include college- and career-readiness coaches to align
2478 mathematics with workforce pathways and statewide assessments.



2479 (3) The department may develop crosswalks and training to
2480 support intervention pathways based on students' Grade 5 results.

2481 **SECTION 31.** Coaching qualifications; deployment; fidelity.

2482 (1) Coaches shall meet qualifications set by the Department,
2483 including (a) demonstrated content knowledge; (b) training in the
2484 Department's coaching model; and (c) experience facilitating adult
2485 learning.

2486 (2) The department may employ coaches as state personnel,
2487 educators-in-residence, or through personal service or
2488 professional contracts, and may authorize participating districts
2489 to host coaches via agreements with the department.

2490 (3) The department shall establish coach playbooks, dosage
2491 targets and fidelity expectations; may prioritize placements based
2492 on student need, vacancies and regional access; and shall provide
2493 administrator calibration using MIOP.

2494 **SECTION 32.** (1) Beginning with the 2026-2027 school year,
2495 participating districts shall administer the kindergarten through
2496 Grade 5 Mathematics Screener at least three (3) times annually
2497 (e.g., beginning-, middle- and end-of-year cycles) on a schedule
2498 established by the department.

2499 (2) For each student identified below benchmark, the school
2500 district shall develop an Individualized Math Plan (IMP)
2501 specifying evidence-based interventions, frequency and duration,
2502 the progress-monitoring schedule and exit criteria established by
2503 the department. The IMP shall be shared with the student's parent



2504 or guardian within a timely manner and in parent-centered language
2505 both established by the department.

2506 (3) The department shall provide model IMP templates,
2507 intervention menus and progress-monitoring tools, and may provide
2508 additional support for students with persistent risk.

2509 **SECTION 33.** (1) Beginning with the 2026-2027 school year,
2510 the department shall designate and publish an Algebra Readiness
2511 Indicator scale score for the Grade 5 Statewide Mathematics
2512 Assessment pursuant to a standard-setting process approved by the
2513 State Board of Education.

2514 (2) Districts shall use the Algebra Readiness Indicator to
2515 inform placement, acceleration and the development of
2516 Individualized Math Plans (IMPs) for students scoring below the
2517 indicator prior to entry into middle school mathematics.

2518 (3) The Algebra Readiness Indicator shall be used as an
2519 indicator of readiness not criterion for student promotion or
2520 retention; local policies shall consider multiple measures
2521 consistent with Department guidance.

2522 (4) The department shall recommend the indicator cut score,
2523 ensure alignment to content standards, and establish validity and
2524 reliability evidence. The department shall review the indicator
2525 at least every three (3) years. Exit criteria for students
2526 receiving interventions informed by the indicator shall be set by
2527 the department and may include sustained proficiency on subsequent
2528 mathematics assessments.



2529 **SECTION 34.** (1) The department shall invite districts to
2530 participate and shall prioritize high-need districts based on
2531 achievement gaps, vacancies, rural access and other equity
2532 factors, while ensuring regional coverage.

2533 (2) The department shall require a memorandum of
2534 understanding (MOU) specifying roles, data sharing consistent with
2535 federal and state law, coaching schedules and fidelity
2536 expectations, including the use of HQIM.

2537 **SECTION 35.** (1) All student-level data collected under this
2538 act shall be maintained in compliance with the Family Educational
2539 Rights and Privacy Act (FERPA) and applicable state law.

2540 (2) The department may develop a public dashboard with
2541 district-level results and implementation indicators.
2542 Student-level data shall not be publicly released.

2543 **SECTION 36.** (1) There is created in the State Treasury a
2544 special fund to be known as the "Moving Mathematics in Mississippi
2545 (M³) Fund". The fund shall consist of money appropriated by the
2546 Legislature, grants, gifts and other monies as authorized by law.

2547 (2) Monies in the fund shall be used by the department
2548 solely for the purposes administering the provisions of Sections
2549 26 through 38 of this act, including, but not limited to:

2550 (a) Personnel or contracts for mathematics coaches;

2551 (b) Adoption, licensing or development of the K-5

2552 Mathematics Screener and technical work to set, report and



2553 maintain the Grade 5 Statewide Assessment Algebra Readiness
2554 Indicator and related data systems;

2555 (c) Professional development content and delivery;

2556 (d) Regional trainings and travel;

2557 (e) Evaluation and reporting; and

2558 (f) Program management and operations.

2559 **SECTION 37.** (1) Of the funds appropriated in Section ___ of
2560 House Bill No. ____, 2026, Regular Session for Fiscal Year 2027,
2561 any unexpended balances as of June 30, 2027, not otherwise
2562 obligated, shall be reappropriated and authorized for expenditure
2563 in Fiscal Year 2028 for the same purposes. Such funds shall not
2564 lapse into the State General Fund at the end of the fiscal year.

2565 (2) The Department of Finance and Administration shall be
2566 authorized to carry forward such funds in accordance with Section
2567 27-104-25, Mississippi Code of 1972.

2568 **SECTION 38.** (1) The department may adopt emergency and
2569 permanent rules necessary to implement Sections 26 through 38 of
2570 this act, including establishing cut scores, benchmarking windows,
2571 intervention guidance and reporting templates.

2572 (2) The department shall publish an initial implementation
2573 timeline not later than beginning with the 2026-2027 school year,
2574 including recruitment and placement of coaches, screener
2575 procurement and training calendars, and establishment of the Grade
2576 5 Statewide Mathematics Assessment Algebra Readiness Indicator
2577 scale score no later than December 1, 2026.



2578 **SECTION 39.** Section 37-28-5, Mississippi Code of 1972, is
2579 amended as follows:

2580 37-28-5. As used in this chapter, the following words and
2581 phrases have the meanings ascribed in this section unless the
2582 context clearly indicates otherwise:

2583 (a) "Applicant" means any person * * *, group or
2584 nonprofit entity that develops and submits an application for a
2585 charter school to *the* authorizer.

2586 (b) "Application" means a proposal from an applicant to
2587 *the* authorizer to enter into a charter contract whereby the
2588 proposed school obtains charter school status.

2589 (c) "Authorizer" means * * * an entity permitted under
2590 Section 37-28-7 to review applications, decide whether to approve
2591 or reject applications, enter into charter contracts * * *,
2592 oversee charter schools, and decide whether to renew, not renew,
2593 or revoke charter contracts.

2594 (d) "Charter contract" means a fixed-term, renewable
2595 contract between the governing board of a nonprofit entity with an
2596 approved application for a charter school and *the* authorizer which
2597 establishes the charter and outlines the roles, powers,
2598 responsibilities and performance expectations for each party to
2599 the contract.

2600 (e) "Charter management organization" means a nonprofit
2601 entity whose purpose is to operate more than one (1) charter
2602 school in Mississippi and which holds one or more charter



2603 contract(s) that include(s) one or more of its authorized schools.
2604 A charter management organization may operate its schools as a
2605 single local educational agency or as multiple local educational
2606 agencies.

2607 (* * * f) "Charter school" means a public school that
2608 is established and operating under the terms of charter
2609 contract * * *. The term "charter school" includes a conversion
2610 charter school and start-up charter school. A charter school may
2611 serve children in any grades prekindergarten through Grade 12.
2612 This definition does not create a right to state public school
2613 formula funding for prekindergarten children where none exists.

2614 (* * * g) "Conversion charter school" means a charter
2615 school that existed as a noncharter public school before becoming
2616 a charter school.

2617 (* * * h) "Education service provider" means a * * *
2618 partner entity with which * * * the governing board intends to
2619 subcontract for * * * full or substantial educational services,
2620 including, but not limited to, comprehensive management. An
2621 education service provider does not itself hold a charter contract
2622 as defined in this section. A charter management organization
2623 operating its own schools is not an education service provider.

2624 (* * * i) "Governing board" means the * * * board of
2625 directors of a * * * nonprofit entity, including a charter
2626 management organization, which is party to the charter contract
2627 with *the* authorizer and whose members have been elected or



2628 selected pursuant to the * * * bylaws of the nonprofit entity or
2629 charter management organization.

2630 (* * *j) "Noncharter public school" means a public
2631 school that is under the direct management, governance and control
2632 of a school board or the state.

2633 (* * *k) "Parent" means a parent, guardian or other
2634 person or entity having legal custody of a child.

2635 (* * *l) "School board" or "local school board" means
2636 a * * * governmental board exercising management and control over
2637 a * * * school district and the schools of that district pursuant
2638 to the State Constitution and state statutes.

2639 (* * *m) "School district" or "district" means a
2640 governmental entity that establishes and supervises one or more
2641 public schools within its geographical limits pursuant to state
2642 statutes.

2643 (* * *n) "Start-up charter school" means a charter
2644 school that did not exist as a noncharter public school before
2645 becoming a charter school.

2646 (* * *o) "Student" means any child who is eligible for
2647 attendance in a public school in the state.

2648 (* * *p) "Underserved students" means students
2649 qualifying as low-income or qualifying for a special education
2650 program under Section 37-151-201.

2651 **SECTION 40.** Section 37-28-7, Mississippi Code of 1972, is
2652 amended as follows:



2653 37-28-7. (1) There is created the Mississippi Charter
2654 School Authorizer Board as a state agency with * * * chartering
2655 jurisdiction in the State of Mississippi. Unless otherwise
2656 authorized by law, no other governmental agency or entity may
2657 assume any charter authorizing function or duty in any form.

2658 (2) (a) The mission of the Mississippi Charter School
2659 Authorizer Board is to authorize high-quality charter schools,
2660 particularly schools designed to expand opportunities for
2661 underserved students, consistent with the purposes of this
2662 chapter. Subject to the restrictions and conditions prescribed in
2663 this subsection, the Mississippi Charter School Authorizer Board
2664 may authorize charter schools within the geographical boundaries
2665 of any school district.

2666 * * *

2667 (* * *b) * * * The Mississippi Charter School
2668 Authorizer Board may authorize charter schools within the
2669 geographical boundaries of any school district, regardless of the
2670 accountability rating assigned to such district under the
2671 accreditation rating system established by the State Department of
2672 Education, which has one or more "D" or "F" rated schools located
2673 therein.

2674 (c) The authorizer shall implement a separate
2675 accountability standard to be used in addition to the
2676 accountability model established in the Mississippi Performance
2677 Framework under Section 37-17-6, which shall be used in an



2678 evaluative manner to determine the expansion of an existing
2679 charter school, closure or revocation.

2680 (d) The Mississippi Charter School Authorizer Board may
2681 approve a charter application for a school designed to serve
2682 students with autism, an emotional disability, an intellectual
2683 disability, and/or dyslexia, provided the diagnosis of dyslexia
2684 meets the eligibility criteria under the Individuals with
2685 Disabilities Education Act (IDEA) that warrants the development of
2686 an Individualized Education Program (IEP), in any school district,
2687 regardless of the district's performance classification.

2688 (3) The Mississippi Charter School Authorizer Board shall
2689 consist of * * * nine (9) members, to be appointed as follows:

2690 (a) The State Superintendent of Public Education, or
2691 his or her designee;

2692 (b) The Executive Director of the Mississippi Charter
2693 School Association, or his or her designee;

2694 (* * * c) Three (3) members appointed by the Governor,
2695 with one (1) member being from each of the Mississippi Supreme
2696 Court Districts * * *, as follows:

2697 (i) One (1) of whom shall be an appointee from
2698 AccelerateMS;

2699 (ii) One (1) of whom shall be an individual
2700 possessing an extensive background in alternative education, who
2701 shall be upon the consultation and advice of the Speaker of the
2702 House; and



2703 (iii) One (1) of whom shall be a parent of a child
2704 enrolled in a public charter school;

2705 (* * *d) Three (3) members appointed by the Lieutenant
2706 Governor, with one (1) member being from each of the Mississippi
2707 Supreme Court Districts * * *, as follows:

2708 (i) One (1) of whom shall be an individual
2709 possessing an extensive business background;

2710 (ii) One (1) of whom shall be a member of the
2711 Mississippi Senate, who shall be an ex officio, nonvoting member;
2712 and

2713 (iii) One (1) of whom shall be an individual
2714 possessing an extensive expertise in special education, who shall
2715 be upon the consultation and advice of the Speaker of the House;

2716 (* * *e) One (1) member * * * of the House of
2717 Representatives appointed by the Speaker of the House who shall be
2718 an ex officio, nonvoting member.

2719 * * * In making the appointments, the appointing authority
2720 shall ensure diversity among members of the Mississippi Charter
2721 School Authorizer Board.

2722 (4) Members appointed to the Mississippi Charter School
2723 Authorizer Board collectively must possess strong experience and
2724 expertise in public and nonprofit governance, management and
2725 finance, public school leadership, assessment, curriculum and
2726 instruction, and public education law. Each member of the
2727 Mississippi Charter School Authorizer Board must have demonstrated



2728 an understanding of and commitment to charter schooling as a
2729 strategy for strengthening public education.

2730 (5) (a) The terms of members of the authorizer board
2731 serving on January 1, 2026, shall expire on September 1, 2026,
2732 except as otherwise provided in paragraph (b) of this subsection.
2733 To establish staggered terms of office of members appointed to the
2734 authorizer board before September 1, 2026, shall be as follows:

2735 (i) The initial term of office for the three (3)
2736 Mississippi Charter School Authorizer Board members appointed by
2737 the Governor shall be four (4) years and thereafter shall be three
2738 (3) years;

2739 (ii) The initial term of office for the * * * two
2740 (2) nonlegislative members appointed by the Lieutenant Governor
2741 shall be three (3) years and thereafter shall be three (3)
2742 years; * * *

2743 (iii) * * * The Executive Director of the
2744 Mississippi Charter School Association, or his or her designee, by
2745 virtue of his or her office, shall serve on the board until he or
2746 she no longer serves in the capacity as the association's
2747 executive director;

2748 (iv) The State Superintendent of Public Education,
2749 or his or her designee, by virtue of his or her office, shall
2750 serve on the board until he or she is no longer employed by the
2751 State Board of Education; and



2752 (v) The initial term of legislator appointees
2753 shall be two (2) years and thereafter shall be four (4) years,
2754 relative to his or her term of elected office.

2755 (b) Notwithstanding the expiration of terms prescribed
2756 in paragraph (a) of this subsection, any member of the authorizer
2757 board serving on January 1, 2026, who is reappointed to the board,
2758 and whose term of office is scheduled to expire after September 1,
2759 2026, shall continue to serve in his or her appointed capacity
2760 until such time that his or her original term of appointment is
2761 scheduled to expire.

2762 (c) No member may serve more than two (2) consecutive
2763 terms. The initial appointments must be made before September
2764 1, * * * 2026.

2765 (6) The Mississippi Charter School Authorizer Board shall
2766 meet as soon as practical after September 1, * * * 2026, upon the
2767 call of the Governor, and shall organize for business by selecting
2768 a * * * chairperson and adopting bylaws. Subsequent meetings
2769 shall be called by the * * * chairperson who shall be selected
2770 from among the members appointed by the Governor.

2771 (7) An individual member of the Mississippi Charter School
2772 Authorizer Board may be removed by the board if the member's
2773 personal incapacity renders the member incapable or unfit to
2774 discharge the duties of the office or if the member is absent from
2775 a number of meetings of the board, as determined and specified by
2776 the board in its bylaws. Whenever a vacancy on the Mississippi



2777 Charter School Authorizer Board exists, the original appointing
2778 authority shall appoint a member for the remaining portion of the
2779 term.

2780 (8) No member of the Mississippi Charter School Authorizer
2781 Board or employee, agent or representative of the board may serve
2782 simultaneously as an employee, trustee, agent, representative,
2783 vendor or contractor of a charter school authorized by the board.

2784 (9) (a) The Mississippi Charter School Authorizer Board
2785 shall appoint an individual to serve as the Executive Director of
2786 the Mississippi Charter School Authorizer Board, which shall be
2787 made with the advice and consent of the Senate. The executive
2788 director shall possess the qualifications established by the board
2789 which * * * shall be based on national best practices, and shall
2790 possess an understanding of state and federal education law. The
2791 executive director, who shall serve at the will and pleasure of
2792 the board, shall devote his or her full time to the proper
2793 administration of the board and the duties assigned to him or her
2794 by the board to assist charter schools with achieving and
2795 maintaining compliance and manage the day-to-day operations of the
2796 Mississippi charter school system, and shall be paid a salary
2797 established by the board, subject to the approval of the State
2798 Personnel Board. Subject to the availability of funding, the
2799 executive director may employ such administrative staff as may be
2800 necessary to assist the director and board in carrying out the



2801 duties and directives of the Mississippi Charter School Authorizer
2802 Board.

2803 (b) The Mississippi Charter School Authorizer Board
2804 shall employ an attorney and accountant to serve the board and
2805 executive director for the purpose of providing legal advice and
2806 counsel and Generally Accepted Accounting Principles (GAAP).

2807 (10) The Mississippi Charter School Authorizer Board is
2808 authorized to obtain suitable office space for administrative
2809 purposes. In acquiring a facility or office space, the authorizer
2810 board shall adhere to all policies and procedures required by the
2811 Department of Finance and Administration and the Public
2812 Procurement Review Board.

2813 **SECTION 41.** Section 37-28-9, Mississippi Code of 1972, is
2814 amended as follows:

2815 37-28-9. (1) *The* authorizer is responsible for exercising,
2816 in accordance with this chapter, the following powers and duties:

2817 (a) Developing, approving, maintaining, publishing via
2818 its website and the Administrative Procedures Bulletin, and
2819 operating in accordance with written chartering policies and * * *

2820 practices consistent with nationally recognized principles and
2821 standards for quality charter authorizing in all major areas of
2822 authorizing responsibility, including:

2823 (i) Authorizer organizational capacity and
2824 infrastructure;



2825 (ii) Solicitation and evaluation of charter
2826 applications;

2827 (iii) Performance contracting;

2828 (iv) Ongoing charter school oversight and
2829 evaluation; and

2830 (v) Charter renewal, nonrenewal and revocation
2831 decision-making;

2832 (b) Approving quality charter applications that meet
2833 identified educational needs and promote a diversity of
2834 educational choices;

2835 (c) Declining to approve weak or inadequate charter
2836 applications;

2837 (d) Negotiating and executing charter contracts with
2838 the governing boards of nonprofit entities with approved
2839 charter * * * school applications;

2840 (e) Amending charter school contracts, including, but
2841 not limited to, executing the following:

2842 (i) Approving material amendments for expansions,
2843 mergers, consolidations or grade reconfigurations of operating
2844 charter schools under the same governing board;

2845 (ii) Transfers of charter contracts or one or more
2846 charter schools under a single charter contract to other eligible
2847 nonprofit entities, including when such transfers are for the
2848 purpose of merging or consolidating two (2) or more operating
2849 charter schools; and



2850 (iii) Reorganizations of separate charter
2851 contracts held by the governing board of the same nonprofit
2852 entity, including a charter management organization, into a single
2853 charter contract;

2854 (* * *f) Monitoring, in accordance with charter
2855 contract terms, the performance and legal compliance of charter
2856 schools;

2857 (* * *g) Determining whether each charter contract
2858 merits renewal, nonrenewal or revocation; * * *

2859 (* * *h) Applying for any federal funds that may be
2860 available for the implementation of charter school programs * * *;
2861 and

2862 (i) Complying with provisions of the Open Meetings Act,
2863 established under Section 25-41-1 et seq., the Mississippi Public
2864 Records Act of 1983, and any other provision of Mississippi law
2865 pertaining to the conduct of public bodies, including abiding by
2866 the Mississippi Administrative Procedures Law for the adoption of
2867 any rule, policy, guideline or other regulation, including any
2868 performance framework, renewal framework or any other relevant
2869 document with which charter schools are mandated to comply.

2870 (2) *The* authorizer shall carry out all its duties under this
2871 chapter in a manner consistent with nationally recognized
2872 principles and standards and with the spirit and intent of this
2873 act.



2874 (3) The authorizer may, as it deems appropriate, delegate or
2875 withdraw delegation of one or more of its duties to the executive
2876 director * * *.

2877 (4) Regulation by *the* authorizer shall be limited to those
2878 powers and duties prescribed in this section and all others
2879 prescribed by law, consistent with the spirit and intent of this
2880 chapter. The authorizer may not issue directives or mandates to
2881 charter schools except as pursuant to an applicable law or a
2882 policy properly adopted by its board and published on its website
2883 and in the Administrative Procedures Bulletin. The authorizer
2884 shall not launch investigations without reasonable suspicion that
2885 a school has violated a specific provision of law, its contract or
2886 a properly adopted policy.

2887 (5) Except in the case of gross negligence or reckless
2888 disregard of the safety and well-being of another person, *the*
2889 authorizer, members of *the* authorizer board in their official
2890 capacity, and employees of *the* authorizer in their official
2891 capacity are immune from civil liability with respect to all
2892 activities related to a charter school approved by *the* authorizer.

2893 **SECTION 42.** Section 37-28-11, Mississippi Code of 1972, is
2894 amended as follows:

2895 37-28-11. * * *

2896 (* * *1) *The* authorizer may receive appropriate gifts,
2897 grants and donations of any kind from any public or private entity
2898 to carry out the purposes of this chapter, subject to all lawful



2899 terms and conditions under which the gifts, grants or donations
2900 are given.

2901 (* * *2) *The* authorizer may expend its resources, seek
2902 grant funds and establish partnerships to support its charter
2903 school authorizing activities.

2904 (3) The Legislature may fund the authorizer through specific
2905 appropriation thereof.

2906 **SECTION 43.** Section 37-28-13, Mississippi Code of 1972, is
2907 amended as follows:

2908 37-28-13. (1) Upon request, the State Department of
2909 Education shall assist the Mississippi Charter School Authorizer
2910 Board with implementing the authorizer's decisions by providing
2911 such technical assistance and information as may be necessary for
2912 the implementation of this chapter.

2913 (2) Before * * * August 1 of each year, the authorizer shall
2914 publish a pamphlet, which may be in electronic form, containing:

2915 (a) All statutes in Title 37, Mississippi Code of 1972,
2916 which are applicable to * * * charter schools;

2917 (b) Any rules, regulations and policies adopted by the
2918 State Superintendent of Public Education, the State Board of
2919 Education or the State Department of Education with which charter
2920 schools must comply by virtue of the applicability to charter
2921 schools, as well as other public schools, of the state law to
2922 which those relevant rules, regulations and policies pertain; and



2923 (c) Any other state and federal laws and matters that
2924 are relevant to the establishment and operation of charter schools
2925 in the State of Mississippi.

2926 * * * Each authorizer shall make the pamphlet available to
2927 the public on * * * its website and shall notify all prospective
2928 applicants and authorized charter schools of the pamphlet.

2929 **SECTION 44.** Section 37-28-15, Mississippi Code of 1972, is
2930 amended as follows:

2931 37-28-15. (1) To solicit, encourage and guide the
2932 development of quality charter school applications, * * * each
2933 authorizer shall issue and publicize a request for proposals
2934 before September * * * 30 of the calendar year prior to the year
2935 in which the authorizer shall make a final decision on approving
2936 applications. The content and dissemination of the request for
2937 proposals must be consistent with the purposes and requirements of
2938 this chapter.

2939 (2) * * * Each authorizer annually shall establish and
2940 disseminate a statewide timeline for charter approval or denial
2941 decisions, which may include a rolling application process.

2942 (3) * * * Each authorizer's request for proposals must
2943 include the following:

2944 (a) A clear statement of any preferences the authorizer
2945 wishes to grant to applications intended to help underserved
2946 students;



2947 (b) A description of the performance framework that the
2948 authorizer has developed for charter school oversight and
2949 evaluation in accordance with Section 37-28-29;

2950 (c) The criteria that will guide the authorizer's
2951 decision to approve or deny a charter application; and

2952 (d) A clear statement of appropriately detailed
2953 questions, as well as guidelines, concerning the format and
2954 content essential for applicants to demonstrate the capacities
2955 necessary to establish and operate a successful charter school.

2956 (4) In addition to all other requirements, and subject to
2957 the provisions of subsection (5) of this section, the request for
2958 proposals must require charter applications to provide or describe
2959 thoroughly all of the following * * * elements of the proposed
2960 school plan:

2961 (a) An executive summary;

2962 (b) The mission and vision of the proposed charter
2963 school, including identification of the targeted student
2964 population and the community the school hopes to serve;

2965 (c) The location or geographic area proposed for the
2966 school;

2967 (d) The grades to be served each year * * * until the
2968 school reaches its proposed capacity;

2969 (e) Minimum, planned and maximum enrollment per grade
2970 per year * * * until the school reaches its proposed capacity;



2971 (f) Evidence of need and community support for the
2972 proposed charter school;

2973 (g) Background information, including proof of United
2974 States citizenship, on the applicants, the proposed founding
2975 governing board members and, if identified, members of the
2976 proposed school leadership and management team. The background
2977 information must include annual student achievement data,
2978 disaggregated by subgroup, for every school under the current or
2979 prior management of each * * * leadership team member;

2980 (h) The school's proposed calendar, including the
2981 proposed opening and closing dates for the school term, which
2982 shall be no less than the minimum number of school days
2983 established for all public schools in Section 37-13-63, and a
2984 sample daily schedule * * *;

2985 (i) A description of the school's academic program,
2986 aligned with state standards;

2987 (j) A description of the school's instructional design,
2988 including the type of learning environment (such as
2989 classroom-based or independent study), class size and structure,
2990 curriculum overview and teaching methods;

2991 (k) The school's plan for using internal and external
2992 assessments to measure and report student progress on the
2993 performance framework developed by the authorizer in accordance
2994 with Section 37-28-29;



2995 (l) The school's plan for identifying and successfully
2996 serving students with disabilities (including all of the school's
2997 proposed policies pursuant to the Individuals with Disabilities
2998 Education Improvement Act of 2004, 20 USCS Section 1400 et seq.,
2999 Section 504 of the Rehabilitation Act of 1973, 29 USCS Section
3000 794, and Title 11 of the Americans with Disabilities Act, 42 USCS
3001 Section 12101 et seq., and the school's procedures for securing
3002 and providing evaluations and related services pursuant to federal
3003 law), students who are English language learners, students who are
3004 academically behind, and gifted students, including, but not
3005 limited to, compliance with any applicable laws and regulations;

3006 (m) A description of cocurricular or extracurricular
3007 programs and how those programs will be funded and delivered;

3008 (n) Plans and timelines for student recruitment and
3009 enrollment, including lottery policies and procedures that ensure
3010 that every student has an equal opportunity to be considered in
3011 the lottery and that the lottery is equitable, randomized,
3012 transparent and impartial so that students are accepted in a
3013 charter school without regard to disability, income level, race,
3014 religion or national origin;

3015 (o) The school's student discipline policies, including
3016 those for * * * students with disabilities;

3017 (p) An organizational chart that clearly presents the
3018 school's organizational structure, including lines of authority
3019 and reporting * * * among the governing board, charter management



3020 organization staff, if applicable, or the education service
3021 provider (if any), school leadership team and staff, related
3022 bodies (such as advisory bodies or parent and teacher councils),
3023 and all other external organizations that will play a role in
3024 managing the school;

3025 (q) A clear description of the roles and
3026 responsibilities of the governing board, charter management
3027 organization staff, if applicable, or education service provider
3028 (if any), school leadership team, management team and all other
3029 entities shown in the organizational chart;

3030 (r) A staffing chart for the school's first year, and a
3031 staffing plan for the * * * first five (5) years;

3032 (s) Plans for recruiting and developing school
3033 leadership and staff, which may not include utilization of
3034 nonimmigrant foreign worker visa programs;

3035 (t) The school's leadership and teacher employment
3036 policies, including performance evaluation plans;

3037 (u) Proposed or adopted governing bylaws of the
3038 governing board of the nonprofit entity proposed to hold the
3039 charter contract and any relevant sub-entities controlled by the
3040 nonprofit entity;

3041 (v) Explanations of any partnerships or contractual
3042 relationships central to the school's operations or mission;



3043 (w) The school's plans for providing transportation,
3044 food service and all other significant operational or ancillary
3045 services;

3046 (x) Opportunities and expectations for * * * family
3047 engagement;

3048 (y) A detailed school start-up plan, identifying tasks,
3049 timelines and responsible individuals;

3050 (z) A description of the school's financial plans and
3051 policies, including financial controls and audit requirements;

3052 (aa) A description of the insurance coverage the school
3053 will obtain;

3054 (bb) Start-up and five-year budgets with clearly stated
3055 assumptions;

3056 (cc) Start-up and first-year cash flow projections with
3057 clearly stated assumptions;

3058 (dd) A disclosure of all sources of private funding and
3059 all funds from foreign sources, including gifts from foreign
3060 governments, foreign legal entities and domestic entities
3061 affiliated with either foreign governments or foreign legal
3062 entities. For the purposes of this paragraph, the term "foreign"
3063 means a country or jurisdiction outside of any state or territory
3064 of the United States;

3065 (ee) Evidence of anticipated fundraising contributions,
3066 if claimed in the application; and



3067 (ff) A sound facilities plan, including backup or
3068 contingency plans if appropriate.

3069 (5) The authorizer may limit its initial request for
3070 proposals to those elements enumerated in subsection (4) which it
3071 deems essential for an initial review, and applications may be
3072 rejected based upon the information provided for those elements.
3073 However, an applicant must submit, and the authorizer must
3074 evaluate, all elements enumerated in subsection (4) before an
3075 application may be approved.

3076 (* * *6) In the case of an application to establish a
3077 charter school by converting an existing noncharter public school
3078 to charter school status, the request for proposals additionally
3079 shall require the applicant to demonstrate support for the
3080 proposed charter school conversion by a petition signed by a
3081 majority of teachers or a majority of parents of students in the
3082 existing noncharter public school, or by a majority vote of the
3083 local school board or, in the case of schools in districts under
3084 state conservatorship, by the State Board of Education.

3085 (* * *7) In the case of a proposed charter school that
3086 intends to subcontract with an education service provider for full
3087 or substantial educational services, comprehensive management
3088 services or both types of services, the request for proposals
3089 additionally shall require the applicant to:

3090 (a) Provide evidence of the education service
3091 provider's success in serving student populations similar to the



3092 targeted population, including demonstrated academic achievement
3093 as well as successful management of nonacademic school functions,
3094 if applicable;

3095 (b) Provide a term sheet setting forth: the proposed
3096 duration of the service contract; roles and responsibilities of
3097 the governing board, the school staff and the education service
3098 provider; the scope of services and resources to be provided by
3099 the education service provider; performance evaluation measures
3100 and timelines; the compensation structure, including clear
3101 identification of all fees to be paid to the education service
3102 provider; methods of contract oversight and enforcement;
3103 investment disclosure; and conditions for renewal and termination
3104 of the contract;

3105 (c) Disclose and explain any existing or potential
3106 conflicts of interest between the school governing board and
3107 proposed service provider or any affiliated business entities; and

3108 (d) Background information, including proof of United
3109 States citizenship, on the principal individuals affiliated with
3110 the education service provider.

3111 (* * *8) In the case of a charter school proposal from an
3112 applicant that currently operates one or more schools in any state
3113 or nation, the request for proposals additionally shall require
3114 the applicant to provide evidence of past performance and current
3115 capacity for organizational growth. * * *



3116 (9) In the case of a governing board of an operating charter
3117 school, including a school within a charter management
3118 organization, seeking to expand the school's grades, whether
3119 upwards or downwards, beyond those originally authorized, the
3120 authorizer shall evaluate a plan for expansion as a material
3121 contract amendment and not require a new application as described
3122 in subsection (4) of this section. Expanded grades shall be
3123 listed as a separate school under the amended charter contract if
3124 requested by the governing board, and, if so, shall be evaluated
3125 separately for accountability and closure purposes as prescribed
3126 by law. The requirements for approving contract amendments for
3127 expansion shall be transparent, based on merit and not unduly
3128 burdensome and in accordance with law and board-adopted, published
3129 policies. The authorizer shall approve expansion requests by the
3130 governing board of any charter school meeting overall expectations
3131 in the areas of academic, financial and organizational performance
3132 per the school's most recent performance framework, regardless of
3133 the performance classification of either the charter school or the
3134 school district in which a charter school is located. The
3135 authorizer shall approve or deny expansions within ninety (90)
3136 calendar days of submission of a completed request by the
3137 governing board.

3138 (10) (a) The Mississippi Community College Board and the
3139 Board of Trustees of State Institutions of Higher Learning, shall
3140 oversee the development and implementation of on-campus



3141 early-college high schools, charter schools or partner schools.
3142 The boards shall have independent and exclusive autonomy to
3143 promulgate rules and regulations necessary for the operation,
3144 funding and governance of on-campus early-college high schools,
3145 charter schools or partner schools to be administered on the
3146 campuses of or in partnership with postsecondary educational
3147 institutions approved by the appropriate board with proper
3148 jurisdictional governance. Each board shall serve as the
3149 authorizer for the school as specified under the AGENTS of
3150 Excellence Program prescribed under Sections 98 through 105,
3151 notwithstanding any provision of the Mississippi Charter Schools
3152 Act of 2013 to the contrary. The Mississippi Community College
3153 Board and the Board of Trustees of State Institutions of Higher
3154 Learning shall serve as authorizers independent of the Mississippi
3155 Charter School Authorizer Board. However, if needed, the
3156 Mississippi Charter School Authorizer Board may provide technical
3157 assistance to the Mississippi Community College Board and the
3158 Board of Trustees of State Institutions of Higher Learning.

3159 (b) In addition to serving as authorizers, the boards
3160 may allow its member postsecondary educational institutions to
3161 establish and enter into a contractual partnership with a local
3162 public school district for the operation of a charter school on or
3163 near the campus of the postsecondary educational institution or
3164 within the existing facilities of the public school partner.



3165 **SECTION 45.** Section 37-28-19, Mississippi Code of 1972, is
3166 amended as follows:

3167 37-28-19. (1) In reviewing and evaluating charter
3168 applications, *the* authorizer shall employ written, adopted and
3169 published procedures, practices and criteria consistent with
3170 nationally recognized principles and standards for quality charter
3171 authorizing. These procedures must provide clear standards for
3172 meeting authorizer expectations on each required element of the
3173 proposed school plan as described in Section 37-28-15, including
3174 any points overall or per section of the application necessary for
3175 approval. The application review process must include thorough
3176 evaluation of each written charter application and an in-person
3177 interview with the applicant group. Evaluations shall be
3178 conducted by the Executive Director of the Mississippi Charter
3179 School Authorizer Board and a quorum of board members of the
3180 authorizer.

3181 (2) In deciding whether to approve charter applications, *the*
3182 authorizer must:

3183 (a) Grant charters only to applicants that have
3184 provided evidence of competence in each element of *the*
3185 authorizer's published approval criteria, and in the case of an
3186 applicant that currently operates one or more schools in any state
3187 or nation, clear evidence that the management or leadership team
3188 of the charter school or schools currently operated by the
3189 applicant has produced * * * sustained improvement in student



3190 achievement or consistently produced proficiency levels as
3191 measured on state achievement tests, although unusual
3192 circumstances such as a global pandemic or other disaster may be
3193 taken into account;

3194 (b) Base decisions on documented evidence collected
3195 through the application review process; and

3196 (c) Follow charter-granting policies and practices that
3197 are transparent, based on merit and avoid conflicts of interest or
3198 any appearance thereof.

3199 (3) Before the expiration of one hundred eighty (180) days
3200 after the filing of a charter application, *the* authorizer must
3201 approve or deny the charter application; however, an application
3202 submitted by a public historically black college or university
3203 (HBCU), in partnership with a national nonprofit public HBCU
3204 support organization, for a charter school to be operated on or
3205 near the campus of the HBCU must be considered for expedited
3206 approval by *the* authorizer. Each authorizer shall adopt by
3207 resolution all charter approval or denial decisions in an open
3208 meeting of the authorizer's board.

3209 (4) An approval decision may include, if appropriate,
3210 reasonable conditions that the charter applicant must meet before
3211 a charter contract may be executed pursuant to Section 37-28-21.
3212 A charter applicant must have achieved nonprofit entity status
3213 prior to the execution of a contract if the applicant was not a
3214 nonprofit entity prior to submission of the application.



3215 (5) For a charter denial, *the* authorizer shall state
3216 clearly, for public record, its reasons for denial. A denied
3217 applicant may reapply subsequently with the denying authorizer.
3218 The applicant who is denied after having progressed past any
3219 initial stage in the evaluation process shall not be required to
3220 wait until the next regular application process to reapply but
3221 must be allowed one (1) opportunity before the next regular
3222 application process to demonstrate to the relevant authorizer that
3223 the applicant has remedied the conditions upon which the denial
3224 was based. The initial stage described in this subsection shall
3225 be defined by each authorizer in its request for proposals.

3226 (6) Before the expiration of ten (10) days after taking
3227 action to approve or deny a charter application, *the* authorizer
3228 shall provide a report to the applicant. The report must include
3229 a copy of the authorizer's resolution setting forth the action
3230 taken and reasons for the decision and assurances as to compliance
3231 with all of the procedural requirements and application elements
3232 set forth in this chapter.

3233 **SECTION 46.** Section 37-28-21, Mississippi Code of 1972, is
3234 amended as follows:

3235 37-28-21. (1) *The* authorizer shall grant an initial charter
3236 contract to each qualified applicant for a term of five (5)
3237 operating school years. In the case of a charter contract
3238 including more than one (1) school, the contract shall contain a
3239 separate addendum for each school listing the school's approved



3240 term of operation; the initial term for each school shall be five
3241 (5) operating school years. The overall term of the contract with
3242 an entity that operates more than one (1) charter school shall
3243 extend until the latest date of any approved charter school in a
3244 contract addendum. The term of the charter contract shall
3245 commence on the charter school's first day of operation, or the
3246 first charter school's first day of operation for a contract that
3247 includes more than one (1) school, as specified in the contract.

3248 An approved charter school may delay its opening for * * * two (2)
3249 school years in order to plan and prepare for the school's
3250 opening. If the school requires an opening delay of more
3251 than * * * two (2) school years, the school must request an
3252 extension from the authorizer. The authorizer may grant or deny
3253 the extension depending on the particular school's circumstances.

3254 (2) (a) *The* authorizer and the governing board of * * * a
3255 nonprofit entity with one or more approved charter schools shall
3256 execute a charter contract that clearly sets forth the academic,
3257 financial and operational performance expectations and measures by
3258 which * * * each charter school will be judged, as specified in
3259 Section 37-28-29; and the administrative relationship between the
3260 authorizer, the governing board and each charter school, including
3261 each party's rights and duties. * * *

3262 (b) The charter contract must be signed by the * * *
3263 chairperson of the authorizer board and the * * * chairperson
3264 of * * * a charter school's governing board.



3265 (c) A charter school may not commence operations
3266 without a charter contract executed in accordance with this
3267 section and approved in an open meeting of *the* authorizer board.

3268 (3) *The* authorizer * * * shall establish and publish
3269 reasonable preopening requirements or conditions to monitor the
3270 start-up progress of * * * each of its newly approved charter
3271 schools and to ensure that * * * each school is prepared to open
3272 smoothly on the date agreed and that * * * each school meets all
3273 building, health, safety, insurance and other legal requirements
3274 before * * * each school's opening. These preopening requirements
3275 may include enrollment benchmarks that ensure the school can open
3276 at, or within a reasonable variance of, its contracted enrollment.
3277 The authorizer may establish school-specific preopening
3278 requirements or conditions for any of its newly approved schools.
3279 The authorizer must keep documentation that any and all such
3280 preopening requirements have been met prior to the school's
3281 opening.

3282 (4) The charter contract of each charter school must include
3283 the following provisions at a minimum:

3284 (a) The charter contract shall require a charter school
3285 to adopt a transportation plan for students attending a charter
3286 school;

3287 (b) The charter contract shall include, by reference,
3288 all preopening requirements pursuant to subsection (3) of this



3289 section and list any school-specific preopening requirements of
3290 the authorizer;

3291 (c) The charter contract shall list and require, as a
3292 material part of the charter contract, information needed by the
3293 authorizer from the governing board of a charter school for the
3294 authorizer's performance framework reports; and

3295 (d) The charter contract shall require the nonprofit
3296 entity to complete one (1) annual audit in which every Mississippi
3297 charter school that it is authorized to operate is reported as a
3298 program under the nonprofit entity, regardless of how many
3299 separate Mississippi contracts the nonprofit holds.

3300 (5) The authorizer must allow a nonprofit entity authorized
3301 to operate more than one (1) school, including a charter
3302 management organization, to hold a contract with more than one (1)
3303 of its approved Mississippi schools without requiring the
3304 nonprofit entity to apply for the right to hold such a contract.
3305 Nothing in this section grants a nonprofit entity the right to
3306 unilaterally establish new charter schools by adding them to such
3307 a contract without the prior authorization of its authorizer
3308 pursuant to this chapter. A contract with more than one (1)
3309 school must provide the following:

3310 (a) Each school listed within the contract shall have
3311 its own addendum to include its operating term, as well as any
3312 unique elements such as essential educational terms, mission and
3313 vision, grades and enrollment projections, location or facilities,



3314 school-selected indicators or goals, any enrollment policies and
3315 procedures or any preopening requirements that differ from other
3316 schools listed in the contract;

3317 (b) The nonprofit entity may jointly manage all assets,
3318 funds and property of all schools listed in the contract, provided
3319 that funds are tracked and reported by school, and comply with
3320 policies for financial transparency and accountability of the
3321 authorizer. All state funds, and assets and property purchased
3322 with state funds, must be used only for the benefit of approved
3323 Mississippi charter schools and their students;

3324 (c) The authorizer may issue notices of concern or
3325 breach of contract to an individual charter school listed within
3326 the contract without implicating or adversely affecting the
3327 remaining schools listed in the contract;

3328 (d) The authorizer may close a charter school within
3329 the contract without closing the remainder of the charter schools
3330 within that contract. In the event of closure of one or more
3331 schools, but when other schools listed in the contract remain
3332 operational, the nonprofit entity shall retain ownership of the
3333 assets and property of the closed school or schools to be used at
3334 its remaining Mississippi schools, except for unspent governmental
3335 funds or unspent earnings of governmental funds which shall be
3336 redirected on a per-pupil basis to the school districts or charter
3337 schools to which students of the closed school transfer, as
3338 allowable. If the authorizer concludes the appropriate recipient



3339 of unspent governmental funds and unspent earnings is difficult to
3340 determine as a practical matter, the unspent governmental funds
3341 and unspent earnings will revert to the school district in which
3342 the charter school was located as provided by law. A nonprofit
3343 entity whose entire portfolio of Mississippi schools is closed by
3344 the authorizer must follow authorizer policies for school closure
3345 and disposition of assets, funds and property as provided by law.
3346 The authorizer may not close an entire portfolio of Mississippi
3347 schools within a contract without due cause for closing each
3348 school as required by Section 37-28-35. However, if such a burden
3349 is met, the entire contract is considered terminated;

3350 (e) In the case of a nonprofit entity reorganizing
3351 separate existing charter contracts into the same contract, the
3352 nonprofit entity shall retain all assets, funds and property from
3353 the charter schools for use in the schools reorganized under the
3354 same contract; and

3355 (f) Each Mississippi charter school within the contract
3356 of a nonprofit entity authorized to operate more than one (1)
3357 school must be considered for renewal according to each school's
3358 term of operation as specified in the contract.

3359 (6) In the case of the proposed merger, consolidation, or
3360 grade reconfiguration of two (2) or more schools operated by the
3361 same nonprofit entity, whether originally within a single contract
3362 or separate contracts held by the governing board of the same
3363 nonprofit entity, the nonprofit entity shall retain all assets,



3364 funds and property for use in the newly merged, consolidated or
3365 reconfigured school or schools as specified in the amended
3366 contract effectuating the merger, consolidation or
3367 reconfiguration.

3368 (7) The governing board of a nonprofit entity that is party
3369 to a charter contract or, in the case of the required or voluntary
3370 closure of such a nonprofit entity, the charter school leader or
3371 leadership team of the operating charter school established by the
3372 contract may request its authorizer to transfer the charter
3373 contract to another eligible nonprofit entity. The authorizer may
3374 approve transfers through a material contract amendment, and the
3375 transfer shall become effective upon the consent of the authorizer
3376 and the parties to the transfer agreement. By assuming a charter
3377 contract, a nonprofit entity also assumes all assets, liabilities,
3378 revenues and expenses ascribable to a transferred charter school
3379 as specified in the transfer agreement. The authorizer may not
3380 require the transfer of a charter contract unless a nonprofit
3381 entity plans to close a school meeting authorizer expectations,
3382 and the authorizer seeks to enable the school to continue to
3383 operate.

3384 (8) Mergers, consolidations, grade reconfigurations and
3385 transfers of charter schools as well as reorganization of charter
3386 schools from separate contracts into the same contract as
3387 specified in subsections (5) through (7) of this section, or any
3388 analogous situation, shall not require or constitute closure and



3389 restart of the affected charter schools and shall not require
3390 reversion of their assets. Furthermore, the authorizer shall not
3391 require the governing board of such schools to file a new school
3392 application as described in Section 37-28-15, but shall approve
3393 all such mergers, consolidations, grade reconfigurations,
3394 transfers and reorganizations as material contract amendments.

3395 (9) In the case of merged or consolidating nonprofit
3396 entities where one (1) nonprofit entity is party to a charter
3397 contract, the successor entity shall become the party to the
3398 charter contract upon the effective date of the merger or
3399 consolidation and shall assume all assets, liabilities, revenues
3400 and expenses ascribable to the charter school. Charter schools
3401 affected by this provision shall not be considered closed and
3402 restarted nor shall the schools have to revert their assets.
3403 Furthermore, the governing board of the successor entity shall not
3404 have to file a new school application as described in Section
3405 37-28-15, unless the authorizer does not consent to the assumption
3406 of the contract by the successor entity. In such cases, the
3407 successor entity must reapply for the right to hold the charter
3408 contract, or the contract is considered terminated.

3409 (10) Except to the extent authorized under paragraph (c),
3410 (d) or (e) of Section 37-28-41, the powers, obligations and
3411 responsibilities set forth in the charter contract may not be
3412 delegated or assigned by either party.



3413 **SECTION 47.** Section 37-28-23, Mississippi Code of 1972, is
3414 amended as follows:

3415 37-28-23. (1) A charter school must be open to:

3416 (a) Any student residing in the geographical boundaries
3417 of the state whose permanent residence is within or outside of the
3418 school district in which the charter school is located; * * *

3419 * * *

3420 (b) The siblings or foster siblings of any enrolled
3421 charter school student residing in the same household of any
3422 charter school student, regardless of the performance
3423 classification of the resident school district at the time the
3424 sibling or foster sibling enrolls;

3425 (c) The child of an employee of a charter school,
3426 regardless of the performance classification of their resident
3427 school district at the time a child of an employee enrolls; and

3428 (d) Any student who qualifies to transfer under Section
3429 37-15-29(3), 37-15-29(5) or 37-15-31.

3430 (2) A school district may not require any student enrolled
3431 in the school district to attend a charter school.

3432 (3) Except as otherwise provided under subsection (8) (d) of
3433 this section, a charter school may not limit admission based on
3434 race, ethnicity, national origin, religion, gender, income level,
3435 disabling condition, proficiency in the English language, or
3436 academic or athletic ability.



3437 (4) A charter school may limit admission to students within
3438 a given age group or grade level, including pre-kindergarten
3439 students, and may be organized around a special emphasis, theme or
3440 concept as stated in the school's application.

3441 * * *

3442 (* * *5) A charter school must enroll all students who wish
3443 to attend the school unless the number of students exceeds the
3444 capacity of a program, class, grade level or building.

3445 (* * *6) If capacity is insufficient to enroll all students
3446 who wish to attend the school based on initial application, the
3447 charter school must select students through a lottery.

3448 (* * *7) (a) Any noncharter public school or part of a
3449 noncharter public school converting to a charter school shall
3450 adopt and maintain a policy giving an enrollment preference to
3451 students who reside within the former attendance area of that
3452 public school. If the charter school has excess capacity after
3453 enrolling students residing within the former attendance area of
3454 the school, students outside of the former attendance area of the
3455 school, but within the geographical boundaries of the school
3456 district in which the charter school is located, are eligible for
3457 enrollment. If the number of students applying for admission
3458 exceeds the capacity of a program, class, grade level or building
3459 of the charter school, the charter school must admit students on
3460 the basis of a lottery.



3461 (b) A charter school must give an enrollment preference
3462 to students enrolled in the charter school during the preceding
3463 school year and to siblings of students already enrolled in the
3464 charter school. An enrollment preference for returning students
3465 excludes those students from entering into a lottery.

3466 (c) A charter school may give an enrollment preference
3467 to children of the charter school's applicant, governing board
3468 members and full-time employees, so long as those children
3469 constitute no more than ten percent (10%) of the charter school's
3470 total student population.

3471 * * *

3472 (d) A charter school may give an enrollment preference
3473 to children transferring from a charter school under the same
3474 contract or whose contract is held by the same governing board,
3475 such as schools under the operation of the same charter management
3476 organization. This enrollment preference includes children who
3477 have completed the final grade of their current school and are
3478 transferring to a higher grade in a different school. An
3479 enrollment preference for such students excludes those students
3480 from entering into a lottery.

3481 (e) This section does not preclude the formation of a
3482 charter school whose mission is focused on serving students with
3483 disabilities, students of the same gender, students who pose such
3484 severe disciplinary problems that they warrant a specific
3485 educational program, or students who are at risk of academic



3486 failure. If capacity is insufficient to enroll all students who
3487 wish to attend the school, the charter school must select students
3488 through a lottery.

3489 **SECTION 48.** Section 37-28-29, Mississippi Code of 1972, is
3490 amended as follows:

3491 37-28-29. (1) The performance provisions within a charter
3492 contract for each charter school must be based on a performance
3493 framework that clearly sets forth the academic, financial and
3494 operational performance indicators, measures and metrics that will
3495 guide the authorizer's evaluations of the charter school. The
3496 performance framework must include indicators, measures and
3497 metrics, at a minimum, for the following:

- 3498 (a) Student academic proficiency;
- 3499 (b) Student academic growth;
- 3500 (c) Achievement gaps in * * * proficiency and * * *
3501 between major student subgroups, as applicable;
- 3502 (d) Attendance;
- 3503 (e) Recurrent enrollment from year to year;
- 3504 (f) In-school and out-of-school suspension rates and
3505 expulsion rates;
- 3506 (g) For each charter high * * * school, postsecondary
3507 readiness, including the percentage of graduates submitting
3508 applications to postsecondary institutions * * * and graduation
3509 and high school completion * * * rates;



3510 (h) Financial performance and sustainability as
3511 follows:

3512 (i) For a nonprofit entity authorized to operate a
3513 single school and which has no or minimal other financial activity
3514 than that pertaining to the charter school, financial performance
3515 and sustainability of the nonprofit entity;

3516 (ii) For a nonprofit entity authorized to operate
3517 one or more schools and which has at least some financial activity
3518 other than that pertaining to the charter schools, financial
3519 performance of each Mississippi charter school as a program of the
3520 nonprofit entity as well as relevant financial performance and
3521 sustainability of the nonprofit entity, provided that school and
3522 organizational indicators, measures and metrics are logical and
3523 not unduly duplicative;

3524 (iii) For a nonprofit entity authorized to operate
3525 more than one (1) school and which has no or minimal financial
3526 activity other than that pertaining to the charter schools, such
3527 as a charter management organization, financial performance of
3528 each charter school as a program of the nonprofit entity as well
3529 as financial performance and sustainability of the nonprofit
3530 entity, provided that school and organizational indicators,
3531 measures and metrics are logical and not unduly duplicative; and

3532 (i) Board performance and stewardship, including
3533 compliance with all applicable laws, regulations and terms of the
3534 charter contract.



3535 * * * (* * *2) Annual performance targets must be set by
3536 each charter school in conjunction with the authorizer and must be
3537 designed to help each school meet applicable federal, state and
3538 authorizer expectations.

3539 (* * *3) The performance framework must allow the inclusion
3540 of additional rigorous, valid and reliable indicators proposed by
3541 the governing board of a charter school to augment external
3542 evaluations of * * * school and organizational performance;
3543 however, * * * its authorizer must approve the quality and rigor
3544 of any indicators proposed by the governing board of a charter
3545 school, which indicators must be consistent with the purposes of
3546 this chapter.

3547 (* * *4) The performance framework must require the
3548 disaggregation of all student performance data by major student
3549 subgroups (gender, race, poverty status, special education
3550 status * * * and English learner status * * *). However,
3551 achievement gap measures must be deemed sufficient for evaluating
3552 subgroup performance without additional duplicative measures.

3553 (* * *5) The authorizer shall collect, analyze and report
3554 all data from state assessments and other necessary sources in
3555 accordance with * * * its performance framework * * *.

3556 * * *

3557 **SECTION 49.** Section 37-28-31, Mississippi Code of 1972, is
3558 amended as follows:



3559 37-28-31. (1) * * * Each authorizer shall monitor annually
3560 the performance and legal compliance of each charter school it
3561 oversees, including collecting and analyzing data to support the
3562 school's evaluation according to the charter contract. *The*
3563 authorizer may conduct or require oversight activities that enable
3564 the authorizer to fulfill its responsibilities under this chapter,
3565 including conducting appropriate inquiries and investigations
3566 based on reasonable suspicion of misconduct or a violation of law,
3567 properly adopted authorizer policy or the charter contract, so
3568 long as those activities are consistent with the intent of
3569 this * * * chapter, adhere to written policies and procedures of
3570 the authorizer and the terms of the charter contract and do not
3571 unduly inhibit the autonomy granted to charter schools. The
3572 authorizer shall not discuss its oversight activities, inquiries
3573 or investigations in executive session unless clear and convincing
3574 evidence exists that an investigation would be irreparably harmed
3575 by discussing it in an open session.

3576 (2) As part of its annual report to the Legislature, the
3577 authorizer shall publish and provide a performance report for each
3578 charter school it oversees in accordance with the performance
3579 framework set forth in the charter contract. The report must be
3580 made available to the public at the same time as it is submitted
3581 to the Legislature. The authorizer may require each charter
3582 school it oversees to submit an annual report to assist the
3583 authorizer in gathering complete information about each school,



3584 consistent with the performance framework. The authorizer shall
3585 not require charter schools under the same contract or whose
3586 contracts are held by the same nonprofit entity to submit separate
3587 reports but shall instead require one (1) annual report from the
3588 nonprofit entity on behalf of all of its authorized schools.

3589 (3) If a charter school's performance or legal compliance is
3590 unsatisfactory, * * * its authorizer shall notify promptly the
3591 charter school of the problem and provide reasonable opportunity
3592 for the school to remedy the problem unless the problem warrants
3593 revocation, in which case the revocation timeframes will apply.

3594 (4) *The* authorizer may take appropriate corrective actions
3595 or exercise sanctions in response to * * * clear and convincing
3596 evidence of deficiencies in a charter school's performance or
3597 legal compliance. If warranted, the actions or sanctions may
3598 include requiring a charter school to develop and execute a
3599 corrective action plan within a specified timeframe.

3600 **SECTION 50.** Section 37-28-33, Mississippi Code of 1972, is
3601 amended as follows:

3602 37-28-33. (1) The contract for * * * a charter school or
3603 the term for a charter school within a contract that includes more
3604 than one (1) school may be renewed for successive five-year terms
3605 of duration. Any charter school meeting its authorizer's
3606 expectations as evidenced by the school's most recent overall
3607 performance framework results shall be renewed for a full term of
3608 five (5) years. *The* authorizer may grant renewal with specific



3609 conditions for necessary improvements to a charter school not
3610 meeting overall expectation on its most recent performance
3611 framework, and may lessen the renewal term based on the school's
3612 performance, demonstrated capacities and particular circumstances
3613 of each charter school if these do not meet published renewal
3614 criteria. A charter school renewed for fewer than five (5) years
3615 has the same right to appeal as a charter school for which a
3616 charter is revoked or not renewed. The authorizer must describe
3617 its rationale in writing for a renewal of fewer than five (5)
3618 years in the same manner as required under subsections (10) and
3619 (11) of this section.

3620 (2) Before September 30 of each year, * * * each authorizer
3621 shall issue a charter school performance report and charter
3622 renewal application guidance to any charter school whose charter
3623 term will expire the following year. The performance report must
3624 summarize the charter school's performance record to date, based
3625 on the data required by this chapter and the charter contract, and
3626 must provide notice of any weaknesses or concerns perceived by the
3627 authorizer which may jeopardize the charter school's position in
3628 seeking renewal if not timely rectified. The charter school must
3629 respond and submit any corrections or clarifications for the
3630 performance report within ninety (90) days after receiving the
3631 report.

3632 (3) The charter renewal application guidance must provide,
3633 at a minimum, an opportunity for the charter school to:



3634 (a) Present additional evidence, beyond the data
3635 contained in the performance report, supporting its case for
3636 charter renewal;

3637 (b) Describe improvements undertaken or planned for the
3638 school; and

3639 (c) Detail the school's plans for the next charter
3640 term.

3641 (4) The charter renewal application guidance must include or
3642 refer explicitly to the criteria that will guide the authorizer's
3643 renewal decision, which must be based on the performance framework
3644 set forth in the charter contract and consistent with this
3645 chapter.

3646 (5) Before * * * December 1 in the final year of charter
3647 school's approved term, the governing board of a charter school
3648 seeking renewal shall submit a renewal application to *the*
3649 authorizer pursuant to the charter renewal application guidance
3650 issued by * * * that authorizer. The authorizer shall adopt a
3651 resolution ruling on the renewal application no later than ninety
3652 (90) days after the filing of the renewal application. However,
3653 nothing shall preclude a school from seeking, or being granted in
3654 accordance with authorizer policies, renewal in the penultimate
3655 year of its term, provided the school meets overall expectations
3656 on its performance framework in the two (2) most recent years of
3657 its operation.



3658 (6) In making each charter renewal decision, *the* authorizer
3659 must:

3660 (a) Ground its decision in evidence of the school's
3661 performance over the term of the charter contract in accordance
3662 with the performance framework set forth in the charter contract
3663 and the renewal criteria published in the authorizer's renewal
3664 application guidance;

3665 (b) Ensure that data used in making the renewal
3666 decision is available to the school and the public; and

3667 (c) Provide a public report summarizing the evidence
3668 that is the basis for the renewal decision.

3669 (7) A charter contract or the term of a charter school
3670 within a contract that includes more than one (1) school must be
3671 revoked at any time or not renewed if * * * its authorizer
3672 determines by clear and convincing evidence that the charter
3673 school has done any of the following or otherwise failed to comply
3674 with the provisions of this chapter:

3675 (a) Committed a material and substantial violation of
3676 any of the terms, conditions, standards or procedures required
3677 under this chapter or the charter contract;

3678 (b) Failed to meet or make sufficient progress toward
3679 the performance expectations set forth in the charter contract by
3680 the end of the contract term;

3681 (c) Failed to meet generally accepted standards of
3682 fiscal management; or



3683 (d) Substantially violated any material provision of
3684 law which is applicable to the charter school.

3685 (8) * * * Each authorizer shall develop revocation and
3686 nonrenewal processes that:

3687 (a) Provide the governing board of a charter school
3688 with a timely notification of the prospect of revocation or
3689 nonrenewal and of the reasons for such possible closure, which are
3690 limited to those prescribed in subsection (7) of this section;

3691 (b) Allow the governing board a reasonable amount of
3692 time in which to prepare a response;

3693 (c) Provide the governing board with an opportunity to
3694 submit documents and give testimony challenging the rationale for
3695 closure and in support of the continuation of the school at an
3696 orderly proceeding held for that purpose;

3697 (d) Allow the governing board access to representation
3698 by counsel and to call witnesses on the school's behalf;

3699 (e) Permit the recording of such proceedings; and

3700 (f) After a reasonable period for deliberation, require
3701 a final determination to be made and conveyed in writing to the
3702 governing board.

3703 (9) * * * Notwithstanding any provision to the contrary, the
3704 authorizer may not renew the charter of any charter school that,
3705 during the school's final two (2) operating years under the term
3706 of the charter contract, is designated an "F" school under the
3707 school accreditation rating system.



3708 (10) If *the* authorizer revokes * * *, does not renew or
3709 renews for less than a five-year term, the contract of a charter
3710 school or the term of a charter school within a contract that
3711 includes more than one (1) school, the authorizer must state
3712 clearly, in a resolution * * * adopted by the authorizer board,
3713 the reasons for the revocation * * *, nonrenewal or shortened
3714 renewal term, which shall be one or more of the reasons prescribed
3715 in subsection (7) of this section.

3716 (11) Within ten (10) days after taking action to renew, not
3717 renew or revoke a charter contract or the term of any charter
3718 school within a contract that includes more than one (1) school,
3719 *the* authorizer shall provide a report to the charter school. The
3720 report must include a copy of the authorizer's * * * resolution
3721 setting forth the action taken, reasons for the * * * authorizer's
3722 decision and assurances as to compliance with all of the
3723 requirements set forth in this chapter.

3724 **SECTION 51.** Section 37-28-35, Mississippi Code of 1972, is
3725 amended as follows:

3726 37-28-35. (1) Before implementing a charter school closure
3727 decision, *the* authorizer must develop a charter school closure
3728 protocol to ensure timely notification to parents, orderly
3729 transition of students and student records to new schools, and
3730 proper disposition of school funds, property and assets in
3731 accordance with the requirements of this chapter. The protocol
3732 must specify tasks, timelines and responsible parties, including



3733 delineating the respective duties of the school, its governing
3734 board and nonprofit entity and the authorizer. If a charter
3735 school is to be closed for any reason, the authorizer shall
3736 oversee and work with the closing school and its governing board
3737 and nonprofit entity to ensure a smooth and orderly closure and
3738 transition for students and parents, as guided by the closure
3739 protocol. No charter school shall be closed by its authorizer
3740 before the end of the school year in which the decision for
3741 closure is made, unless the authorizer determines that the health
3742 and safety of the students in the school warrant its immediate
3743 closure.

3744 (2) If a charter school closes, all unspent government
3745 funds, unspent earnings from those funds and assets purchased with
3746 government funds must revert to the local school district in which
3747 the charter school is located unless the school operates under a
3748 nonprofit entity authorized to operate more than one (1)
3749 Mississippi school, in which the requirements of Section 37-28-21
3750 shall apply. Unless otherwise provided for in the charter
3751 contract or a debt instrument or grant agreement, unspent funds
3752 from nongovernmental sources, unspent earnings from those funds,
3753 assets purchased with those funds and debts of the school must
3754 revert to the nonprofit entity * * * which held the charter
3755 contract for the school and may be used, retained or disposed of
3756 according to applicable laws for nonprofit corporations.



3757 **SECTION 52.** Section 37-28-37, Mississippi Code of 1972, is
3758 amended as follows:

3759 37-28-37. (1) Before * * * December 1 of each year,
3760 beginning in the year that *the* * * * authorizer has had at least
3761 one (1) charter school operating for a full school year, * * *
3762 each authorizer shall issue to the Governor, Legislature, State
3763 Board of Education and the public an annual report on * * * its
3764 charter schools for the preceding school year. * * * The report
3765 must include the authorizer's assessment of the successes,
3766 challenges and areas for improvement in meeting the purposes of
3767 this chapter. The report also must include an assessment on
3768 whether the number and size of operating charter schools are
3769 sufficient to meet demand, as calculated according to admissions
3770 data and the number of students denied enrollment based on lottery
3771 results. * * *

3772 (2) *The Joint Legislative Committee on Performance*
3773 *Evaluation and Expenditure Review (PEER) shall prepare an annual*
3774 *report assessing the sufficiency of funding for charter schools,*
3775 *the efficacy of the state formula for authorizer funding, and any*
3776 *suggested changes in state law or policy necessary to strengthen*
3777 *the state's charter schools.*

3778 (3) The report due from *the* authorizer under this section
3779 must be coordinated with reports due from charter * * * schools,
3780 as near as possible, to decrease or eliminate duplication.



3781 **SECTION 53.** Section 37-28-39, Mississippi Code of 1972, is
3782 amended as follows:

3783 37-28-39. (1) Notwithstanding any provision of law to the
3784 contrary, to the extent that any provision of this chapter is
3785 inconsistent with any other state or local law, rule or
3786 regulation, the provisions of this act govern and are controlling.

3787 (2) * * * The entity holding a charter contract, including a
3788 charter management organization, and any education service
3789 provider which provides comprehensive management for a charter
3790 school must be a nonprofit education organization.

3791 (3) A charter school is subject to all federal laws and
3792 authorities specified in this chapter or agreed upon with *the*
3793 authorizer in the charter contract, where such contracting is
3794 consistent with applicable laws, rules and regulations.

3795 (4) To the extent approved by *the* authorizer, a charter
3796 contract may consist of one or more schools. Each charter school
3797 that is part of a charter contract must be separate and distinct
3798 from any other charter school for oversight and renewal,
3799 nonrenewal or revocation purposes.

3800 (5) A single governing board may hold one or more charter
3801 contracts.

3802 (6) The governing board of a nonprofit entity holding a
3803 charter contract for more than one (1) school, including a charter
3804 management organization, shall choose whether each school listed
3805 in its contract shall function as a local educational agency or if



3806 the nonprofit entity will function as a local educational agency.
3807 If a nonprofit entity only operates a single charter school, * * *
3808 the charter school must function as a local educational
3809 agency * * *. Any local education agency composed of one or more
3810 charter schools is responsible for meeting the requirements of
3811 local educational agencies under applicable federal laws,
3812 including those relating to special education, receipt of federal
3813 funds and compliance with federal funding requirements. Status as
3814 a local educational agency, however, does not preclude the
3815 governing board of a charter school from developing, by mutual
3816 agreement or formal contract, links with the local school district
3817 for services, resources and programs. A charter school shall pay
3818 to a local school district any federal or state aid attributable
3819 to a student with a disability attending the charter school in
3820 proportion to the level of services for that student which the
3821 local school district provides directly or indirectly.

3822 **SECTION 54.** Section 37-28-41, Mississippi Code of 1972, is
3823 amended as follows:

3824 37-28-41. * * * The governing board of the nonprofit entity
3825 holding a charter contract may exercise those powers necessary for
3826 carrying out the terms of its charter contract, including, but not
3827 limited to, the following powers:

3828 (a) To receive and disburse funds authorized by law for
3829 school purposes;



3830 (b) To secure appropriate insurance and to enter into
3831 contracts and leases;

3832 (c) To contract with an education service provider for
3833 the management and operation of the charter school so long as the
3834 school's governing board retains oversight authority over the
3835 school;

3836 (d) To contract with a school district or private
3837 provider to provide transportation to the school's students;

3838 (e) To negotiate and enter into a contract for the
3839 provision of and payment for special education services with a
3840 local school district or other qualified service providers,
3841 including, but not necessarily limited to, a reasonable reserve
3842 not to exceed five percent (5%) of the local school district's
3843 total special education services budget. The reserve may be used
3844 by the local school district only to offset excess costs of
3845 providing services to students with disabilities enrolled in the
3846 charter school;

3847 (f) To contract with an accredited online course
3848 provider for the delivery of virtual courses to students enrolled
3849 in the charter school;

3850 (* * *g) To solicit and accept any gifts or grants for
3851 school purposes subject to applicable laws and the terms of its
3852 charter contract;

3853 (* * *h) To acquire real property for use as its
3854 facility or facilities, from public or private sources; and



3855 (* * *i) To sue and be sued in its own name.

3856 **SECTION 55.** Section 37-28-43, Mississippi Code of 1972, is
3857 amended as follows:

3858 37-28-43. (1) A charter school may not discriminate against
3859 any person on the basis of race, creed, color, sex, disability,
3860 national origin or any other category that would be unlawful if
3861 done by a noncharter public school.

3862 (2) A charter school may not engage in any sectarian
3863 practices in its educational program, admissions or employment
3864 policies or operations.

3865 (3) A charter school may not discriminate against any
3866 student on the basis of national origin, minority status or
3867 limited proficiency in English. Consistent with federal civil
3868 rights laws, charter schools must provide * * * students
3869 designated as English learners with appropriate services designed
3870 to teach them English and the general curriculum.

3871 (4) A charter school may not charge tuition or fees that
3872 would be unlawful if charged by a noncharter public school, except
3873 as permitted pursuant to Section 37-7-335.

3874 * * *

3875 **SECTION 56.** Section 37-28-45, Mississippi Code of 1972, is
3876 amended as follows:

3877 37-28-45. (1) Charter schools are subject to the same civil
3878 rights, health and safety requirements applicable to noncharter



3879 public schools in the state, except as otherwise specifically
3880 provided in this chapter.

3881 (2) Charter schools are subject to the student
3882 assessment * * * requirements applicable to noncharter public
3883 schools in the state and must receive a performance classification
3884 from the State Department of Education in a manner consistent with
3885 the accountability rating system for school districts with grade
3886 level point allocations for elementary and secondary schools based
3887 on the grade level offering of charter schools as administered by
3888 its charter management organization; however, this requirement
3889 does not preclude a charter school from establishing additional
3890 student assessment measures that go beyond state
3891 requirements * * *.

3892 (3) Although a charter school is geographically located
3893 within the boundaries of a particular school district and * * *
3894 may enroll students who reside within the school district, the
3895 charter school may not be considered a school within that district
3896 under the purview of the school district's school board. The
3897 rules, regulations, policies and procedures established by the
3898 school board for the noncharter public schools that are in the
3899 school district in which the charter school is geographically
3900 located do not apply to the charter school unless otherwise
3901 required under the charter contract or any contract entered into
3902 between the charter * * * school's governing board and the local
3903 school board.



3904 (4) Whenever the provisions of Title 37, Mississippi Code of
3905 1972, relating to the elementary and secondary education of public
3906 school students establish a requirement for or grant authority to
3907 local school districts, their school boards and the schools within
3908 the respective school districts, the language "school districts,"
3909 "school boards," "boards of trustees," "the schools within a
3910 school district," or any other similar phraseology does not
3911 include a charter school and the governing board of a charter
3912 school unless the statute specifically is made applicable to
3913 charter schools as well as noncharter public schools.

3914 (5) A charter school is not subject to any rule, regulation,
3915 policy or procedure adopted by the State Board of Education or the
3916 State Department of Education unless such rule, regulation, policy
3917 or procedure is or was adopted pursuant to a law applicable to
3918 charter schools, including federal law, or otherwise required by
3919 this chapter. The authorizer * * * may not make any rule,
3920 regulation, policy or procedure adopted by the State Board of
3921 Education or the State Department of Education applicable to
3922 charter schools, which is not otherwise applicable under this
3923 chapter.

3924 (6) Charter schools and their governing boards, when
3925 conducting charter school business, are not exempt from the
3926 following statutes:

3927 (a) Chapter 41, Title 25, Mississippi Code of 1972,
3928 which relate to open meetings of public bodies.



3929 (b) Chapter 61, Title 25, Mississippi Code of 1972,
3930 which relate to public access to public records.

3931 (c) Section 37-3-51, which requires notice by the
3932 district attorney of licensed school employees who are convicted
3933 of certain sex offenses.

3934 (d) Section 37-3-53, which requires publication of the
3935 Mississippi Report Card by the State Board of Education.

3936 (e) Section 37-11-18, which requires the automatic
3937 expulsion of a student possessing a weapon or controlled substance
3938 on educational property.

3939 (f) Section 37-11-18.1, which requires expulsion of
3940 certain habitually disruptive students.

3941 (g) Section 37-11-19, which requires suspension or
3942 expulsion of a student who damages school property.

3943 (h) Section 37-11-20, which prohibits acts of
3944 intimidation intended to keep a student from attending school.

3945 (i) Section 37-11-21, which prohibits parental abuse of
3946 school staff.

3947 (j) Section 37-11-23, which prohibits the willful
3948 disruption of school and school meetings.

3949 (k) Sections 37-11-29 and 37-11-31, which relate to
3950 reporting requirements regarding unlawful or violent acts on
3951 school property.

3952 (l) Section 37-11-67, which prohibits bullying or
3953 harassing behavior in public schools.



3954 (m) Section 37-13-3, which prohibits doctrinal,
3955 sectarian or denominational teaching in public schools.

3956 (n) Sections 37-13-5 and 37-13-6, which require the
3957 flags of the United States and the State of Mississippi to be
3958 displayed near the school building.

3959 (o) Section 37-13-63(1), which prescribes the minimum
3960 number of days which public schools must be kept in session during
3961 a scholastic year.

3962 (p) Section 37-13-91, which is the Mississippi
3963 Compulsory School Attendance Law.

3964 (q) Section 37-13-171(2) and (4), which requires any
3965 course containing sex-related education to include instruction in
3966 abstinence-only or abstinence-plus education.

3967 (r) Section 37-13-173, which requires notice to parents
3968 before instruction on human sexuality is provided in public
3969 classrooms.

3970 (s) Section 37-13-193, which relates to civil rights
3971 and human rights education in the public schools.

3972 (t) Sections 37-15-1 and 37-15-3, which relate to the
3973 maintenance and transfer of permanent student records in public
3974 schools.

3975 (u) Section 37-15-6, which requires the State
3976 Department of Education to maintain a record of expulsions from
3977 the public schools.



3978 (v) Section 37-15-9, which establishes minimum age
3979 requirements for kindergarten and first grade enrollment in public
3980 schools.

3981 (w) Section 37-15-11, which requires a parent, legal
3982 guardian or custodian to accompany a child seeking enrollment in a
3983 public school.

3984 (x) Sections 37-16-1, 37-16-3, 37-16-4 and 37-16-9,
3985 which relate to the statewide assessment testing program.

3986 (y) Section 37-18-1, which establishes the
3987 Superior-Performing Schools Program and Exemplary Schools Program
3988 to recognize public schools that improve.

3989 (z) Section 37-7-301 and Section 81 of this act, which
3990 requires all high school students to pass a one-half (1/2)
3991 Carnegie Unit credit course in personal finance or a full Carnegie
3992 Unit course where half the course standards are financial literacy
3993 as a requirement for earning a high school diploma.

3994 **SECTION 57.** Section 37-28-47, Mississippi Code of 1972, is
3995 amended as follows:

3996 37-28-47. (1) (a) Charter schools must comply with
3997 applicable federal laws, rules and regulations regarding the
3998 qualification of teachers and other instructional staff. No more
3999 than * * * fifty percent (50%) of teachers in a charter school may
4000 be exempt from state teacher licensure requirements.
4001 Provisionally licensed teachers as well as licensed teachers
4002 teaching out of field may not be counted against a charter



4003 school's fifty percent (50%) exemption. The authorizer may
4004 consider the small staff size of the school in determining what
4005 consequences apply in cases where more than fifty percent (50%) of
4006 a charter school's staff is unlicensed. Administrators of charter
4007 schools are exempt from state administrator licensure
4008 requirements. However, teachers and administrators must have a
4009 bachelor's degree as a minimum requirement, and teachers must have
4010 demonstrated subject-matter competency. * * *

4011 (b) A charter school may not staff positions for
4012 teachers, administrators, ancillary support personnel or other
4013 employees by utilizing or otherwise relying on nonimmigrant
4014 foreign worker visa programs. However, a charter school may
4015 submit a request to * * * its authorizer for an exception allowing
4016 the employment of a nonimmigrant foreign worker before the worker
4017 is employed. The authorizer may grant permission for the
4018 employment of the nonimmigrant foreign worker only if the charter
4019 school makes a satisfactory showing of efforts to recruit lawful
4020 permanent residents of the United States to fill the position and
4021 a lack of qualified applicants to fill the position.

4022 (2) Employees in charter schools must have the same general
4023 rights and privileges as other public school employees, except
4024 such employees are not:

4025 (a) Covered under the Education Employment Procedures
4026 Law (Section 37-9-103); and



4027 (b) Subject to the state salary requirements prescribed
4028 in Section 37-19-7.

4029 (3) For the purpose of eligibility for participation in the
4030 Public Employees' Retirement System, a public charter school is
4031 considered to be a political subdivision of the state; however,
4032 the nonprofit entity holding the charter contract is not a
4033 political subdivision. Employees * * * paid through governmental
4034 funds, which are provided for the operation of a public charter
4035 school, are eligible for participation in the Public Employee's
4036 Retirement System, as well as other benefits programs, if the
4037 governing board of the nonprofit entity holding the charter
4038 contract chooses for the charter school to participate.

4039 (4) (a) The following charter school employees shall
4040 receive an annual salary supplement in the amount of Six Thousand
4041 Dollars (\$6,000.00), in addition to any other compensation to
4042 which the charter employee may be entitled:

4043 (i) Any licensed teacher who has met the
4044 requirements and acquired a Master Teacher certificate from the
4045 National Board for Professional Teaching Standards and who is
4046 employed by a charter school as a teacher and not as an
4047 administrator. Such teacher shall submit documentation to the
4048 State Department of Education that the certificate was received
4049 prior to October 15 in order to be eligible for the full salary
4050 supplement in the current school year, or the teacher shall submit
4051 such documentation to the State Department of Education prior to



4052 February 15 in order to be eligible for a prorated salary
4053 supplement beginning with the second term of the school year.

4054 (ii) A licensed nurse who has met the requirements
4055 and acquired a certificate from the National Board for
4056 Certification of School Nurses, Inc., and who is employed by a
4057 charter school as a school nurse and not as an administrator. The
4058 licensed school nurse shall submit documentation to the State
4059 Department of Education that the certificate was received before
4060 October 15 in order to be eligible for the full salary supplement
4061 in the current school year, or the licensed school nurse shall
4062 submit the documentation to the State Department of Education
4063 before February 15 in order to be eligible for a prorated salary
4064 supplement beginning with the second term of the school year.

4065 (iii) Any licensed school counselor who has met
4066 the requirements and acquired a National Certified School
4067 Counselor (NCSC) endorsement from the National Board of Certified
4068 Counselors and who is employed by a charter school as a counselor
4069 and not as an administrator. Such licensed school counselor shall
4070 submit documentation to the State Department of Education that the
4071 endorsement was received prior to October 15 in order to be
4072 eligible for the full salary supplement in the current school
4073 year, or the licensed school counselor shall submit such
4074 documentation to the State Department of Education prior to
4075 February 15 in order to be eligible for a prorated salary
4076 supplement beginning with the second term of the school year.



4077 (iv) Any licensed speech language pathologist and
4078 audiologist who has met the requirements and acquired a
4079 Certificate of Clinical Competence from the American Speech
4080 Language Hearing Association and any certified academic language
4081 therapist (CALT) who has met the certification requirements of the
4082 Academic Language Therapy Association and who is employed by a
4083 local school board. The licensed speech language pathologist and
4084 audiologist and certified academic language therapist shall submit
4085 documentation to the State Department of Education that the
4086 certificate or endorsement was received before October 15 in order
4087 to be eligible for the full salary supplement in the current
4088 school year, or the licensed speech language pathologist and
4089 audiologist and certified academic language therapist shall submit
4090 the documentation to the State Department of Education before
4091 February 15 in order to be eligible for a prorated salary
4092 supplement beginning with the second term of the school year.

4093 (v) Any licensed athletic trainer who has met the
4094 requirements and acquired Board Certification for the Athletic
4095 Trainer from the Board of Certification, Inc., and who is employed
4096 by a charter school as an athletic trainer and not as an
4097 administrator. The licensed athletic trainer shall submit
4098 documentation to the State Department of Education that the
4099 certificate was received before October 15 in order to be eligible
4100 for the full salary supplement in the current school year, or the
4101 licensed athletic trainer shall submit the documentation to the



4102 State Department of Education before February 15 in order to be
4103 eligible for a prorated salary supplement beginning with the
4104 second term of the school year.

4105 (vi) An occupational therapist who has met the
4106 requirements and acquired initial certification as an Occupational
4107 Therapist Registered from the National Board for Certification in
4108 Occupational Therapy, Inc., and who is employed by a charter
4109 school as an occupational therapist and not an administrator. The
4110 certified occupational therapist shall submit documentation to the
4111 State Department of Education that the certification was received
4112 before October 15 of each year in order to be eligible for the
4113 full salary supplement in the current school year, or the
4114 occupational therapist shall submit the documentation to the State
4115 Department of Education before February 15 of each year in order
4116 to be eligible for a prorated salary supplement beginning with the
4117 second term of the school year.

4118 (vii) Any licensed school psychologist who has met
4119 the requirements and acquired certification as a Nationally
4120 Certified School Psychologist (NCSP) from the National Association
4121 of School Psychologists (NASP), and who is employed by a charter
4122 school as a school psychologist. The licensed school psychologist
4123 shall submit documentation to the State Department of Education
4124 that the certificate was received before October 15 in order to be
4125 eligible for the full salary supplement in the current school
4126 year, or the licensed school psychologist shall submit the



4127 documentation to the State Department of Education before February
4128 15 in order to be eligible for a prorated salary supplement
4129 beginning with the second term of the school year.

4130 (b) A charter school employee shall be reimbursed for
4131 the actual cost of completing each component of acquiring the
4132 certificate or endorsement, excluding any costs incurred for
4133 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)
4134 for each component, not to exceed four (4) components, for a
4135 teacher, school counselor or speech language pathologist and
4136 audiologist, regardless of whether or not the process resulted in
4137 the award of the certificate or endorsement. The charter school
4138 governing board or any private individual or entity may pay the
4139 cost of completing the process of acquiring the certificate or
4140 endorsement for any employee of the school district described
4141 under paragraph (a), and the State Department of Education shall
4142 reimburse the charter school for such cost, regardless of whether
4143 or not the process resulted in the award of the certificate or
4144 endorsement. If a private individual or entity has paid the cost
4145 of completing the process of acquiring the certificate or
4146 endorsement for an employee, the charter school may agree to
4147 directly reimburse the individual or entity for such cost on
4148 behalf of the employee.

4149 (c) All salary supplements and process reimbursement
4150 authorized under this subsection shall be paid directly by the
4151 State Department of Education to the charter school for payment to



4152 the employee who earned it and shall be in addition to its
4153 adequate education program or any successor state public school
4154 funding formula allotments and not a part thereof in accordance
4155 with regulations promulgated by the State Board of Education.
4156 However, an educational employee shall receive the salary
4157 supplement in the amount of Six Thousand Dollars (\$6,000.00) for
4158 only one (1) of the qualifying certifications authorized under
4159 paragraph (a) of this subsection. No charter school shall provide
4160 more than one (1) annual salary supplement under the provisions of
4161 this subsection to any one (1) individual employee holding
4162 multiple qualifying national certifications.

4163 (d) If an employee for whom such cost has been paid, in
4164 full or in part, by a charter school governing board or private
4165 individual or entity fails to complete the certification or
4166 endorsement process, the employee shall be liable to the charter
4167 school or individual or entity for all amounts paid by the charter
4168 school governing board or individual or entity on behalf of that
4169 employee toward his or her certificate or endorsement.

4170 **SECTION 58.** Section 37-28-49, Mississippi Code of 1972, is
4171 amended as follows:

4172 37-28-49. (1) Charter school teachers and other school
4173 personnel, as well as members of the governing board and any
4174 education service provider with whom * * * the governing board
4175 contracts, are subject to criminal history record checks and
4176 fingerprinting requirements applicable to employees of other



4177 public schools. * * * Each authorizer shall require that current
4178 criminal records background checks and current child abuse
4179 registry checks are obtained, and that the criminal record
4180 information and registry checks are on file at the charter school
4181 for any new hires applying for employment. In order to determine
4182 an applicant's suitability for employment, the applicant must be
4183 fingerprinted. If no disqualifying record is identified at the
4184 state level, the fingerprints must be forwarded by the Department
4185 of Public Safety to the Federal Bureau of Investigation for a
4186 national criminal history record check. Under no circumstances
4187 may * * * anyone associated with the authorizer, member of * * * a
4188 charter school governing board or any individual other than the
4189 subject of the criminal history record checks view or disseminate
4190 information received through the checks except as may be required
4191 to fulfill the purposes of this section. The determination
4192 whether the applicant has a disqualifying crime, as set forth in
4193 subsection (2) of this section, must be made by the appropriate
4194 state or federal governmental authority, which must notify the
4195 charter school whether a disqualifying crime exists.

4196 (2) If the fingerprinting or criminal record checks disclose
4197 a felony conviction, guilty plea or plea of nolo contendere to a
4198 felony of possession or sale of drugs, murder, manslaughter, armed
4199 robbery, rape, sexual battery, sex offense listed in Section
4200 45-33-23(g), child abuse, arson, grand larceny, burglary,
4201 gratification of lust or aggravated assault which has not been



4202 reversed on appeal or for which a pardon has not been granted,
4203 the * * * applicant is not eligible to be employed at the charter
4204 school. However, the charter school, in its discretion, may allow
4205 any applicant aggrieved by the employment decision under this
4206 section to show mitigating circumstances that exist and may allow,
4207 subject to the approval of * * * its authorizer, the * * *
4208 applicant to be employed at the school. *The* authorizer may
4209 approve the employment depending on the mitigating circumstances,
4210 which may include, but need not be limited to: (a) age at which
4211 the crime was committed; (b) circumstances surrounding the crime;
4212 (c) length of time since the conviction and criminal history since
4213 the conviction; (d) work history; (e) current employment and
4214 character references; and (f) other evidence demonstrating the
4215 ability of the person to perform the employment responsibilities
4216 competently and that the person does not pose a threat to the
4217 health or safety of children.

4218 (3) No charter school, charter school employee, member of
4219 the charter school governing board, * * * or member or employee of
4220 *the* * * * authorizer may be held liable in any employment
4221 discrimination suit in which an allegation of discrimination is
4222 made regarding an employment decision authorized under this
4223 section.

4224 (4) A charter school shall terminate any teacher or
4225 administrator for committing one or more of the following acts:



4226 (a) Engaging in unethical conduct relating to an
4227 educator-student relationship as identified by the
4228 Mississippi * * * Educator Code of Ethics;

4229 (b) Fondling a student as described in Section 97-5-23
4230 or engaging in any type of sexual involvement with a student as
4231 described in Section 97-3-95; or

4232 (c) Failure to report sexual involvement of a charter
4233 school employee with a student as required by Section 97-5-24.

4234 **SECTION 59.** Section 37-28-53, Mississippi Code of 1972, is
4235 amended as follows:

4236 37-28-53. (1) Each charter school, or charter management
4237 organization, on its behalf, shall certify annually to the State
4238 Department of Education its student enrollment, net enrollment and
4239 student participation in federal programs. Nothing in this
4240 section shall be construed to allow the State Department of
4241 Education to collect information not necessary for these
4242 calculations unless otherwise specifically authorized by law.

4243 (2) Each charter school shall certify annually to the school
4244 board of the school district in which the charter school is
4245 located the number of enrolled charter school students residing in
4246 the school district.

4247 **SECTION 60.** Section 37-28-55, Mississippi Code of 1972, is
4248 amended as follows:

4249 37-28-55. (1) (a) The State Department of Education shall
4250 make payments to charter schools for each student in net



4251 enrollment at the charter school, as determined under Section
4252 37-151-207, equal to the state share of total funding formula
4253 payments for each student, as determined under Section 37-151-211.

4254 (b) Payments made pursuant to this subsection by the
4255 State Department of Education must be made at the same time and in
4256 the same manner as total funding formula payments are made to
4257 school districts under Sections 37-151-101 and 37-151-103.
4258 Amounts payable to a charter school must be determined by the
4259 State Department of Education pursuant to this section and the
4260 total funding formula. Enrollment projections made under Section
4261 37-151-207 to determine the net enrollment of a charter school for
4262 calculating the state share payment must be reconciled with a
4263 charter school's net enrollment using months two (2) and three (3)
4264 for the year for which total funding formula funds are being
4265 appropriated, and any necessary adjustments must be made to
4266 payments during the school's following year of operation. Any
4267 necessary adjustment must be based on the state share of the per
4268 pupil amount in effect for the year for which net membership did
4269 not meet enrollment projections and not any new amount
4270 appropriated for the year in which the adjustment will be made.
4271 If a charter school is closed by the authorizer before the
4272 following year, it must pay to the state any amounts due before
4273 completion of the closure.

4274 (2) (a) For students attending a charter school located in
4275 the school district in which the student resides, the school



4276 district in which the charter school is located shall pay directly
4277 to the charter school an amount as follows: the sum of the local
4278 pro rata amount, as calculated by the State Department of
4279 Education in accordance with Section 37-151-211(2) (b) (local
4280 contribution), and the local pro rata amount, as calculated by the
4281 State Department of Education in accordance with Section 37-57-105
4282 (school district operational levy), multiplied by the number of
4283 resident students enrolled in the charter school, based on the
4284 charter school's months two (2) and three (3) net enrollment of
4285 resident students for the current school year. However, the
4286 amount to the charter school may not include any taxes levied for
4287 the retirement of the local school district's bonded indebtedness
4288 or short-term notes or any taxes levied for the support of
4289 vocational-technical education programs.

4290 (b) The amount must be paid by the school district to
4291 the charter school before January 16 of the current fiscal year.
4292 If the local school district does not pay the required amount to
4293 the charter school before January 16, the State Department of
4294 Education shall reduce the local school district's January
4295 transfer of total funding formula funds by the amount owed to the
4296 charter school and shall redirect that amount to the charter
4297 school. Any such payments made under this paragraph by the State
4298 Department of Education to a charter school must be made at the
4299 same time and in the same manner as total funding formula payments



4300 are made to school districts under Sections 37-151-101 and
4301 37-151-103.

4302 (3) (a) For students attending a charter school located in
4303 a school district in which the student does not reside, the State
4304 Department of Education shall pay to the charter school in which
4305 the students are enrolled an amount as follows: the sum of the
4306 local pro rata amount, as calculated by the State Department of
4307 Education in accordance with Section 37-151-211(2) (b) (local
4308 contribution), and the local pro rata amount, as calculated by the
4309 State Department of Education in accordance with Section 37-57-105
4310 (school district operational levy), multiplied by the number of
4311 students enrolled in the charter school but residing in that
4312 district, based on the charter school's months two (2) and three
4313 (3) net enrollment of these students for the current school year.
4314 However, the amount to the charter school may not include any
4315 taxes levied for the retirement of the local school district's
4316 bonded indebtedness or short-term notes or any taxes levied for
4317 the support of vocational-technical education programs.

4318 (b) The State Department of Education shall reduce the
4319 school district's January transfer of total funding formula funds
4320 by the amount owed to the charter school and shall redirect that
4321 amount to the charter school. Any such payments made under this
4322 subsection (3) by the State Department of Education to a charter
4323 school must be made at the same time and in the same manner as



4324 total funding formula payments are made to school districts under
4325 Sections 37-151-101 and 37-151-103.

4326 (4) (a) The State Department of Education shall direct the
4327 proportionate share of monies generated under federal programs,
4328 including, but not limited to, special education, vocational,
4329 English Language Learner, and other programs, to charter schools
4330 serving students eligible for such funding. The department shall
4331 ensure that charter schools with rapidly expanding enrollments are
4332 treated equitably in the calculation and disbursement of all
4333 federal program dollars. Each charter school that serves students
4334 who may be eligible to receive services provided through such
4335 programs shall comply with all reporting requirements to receive
4336 the aid.

4337 (b) A charter school shall pay to a local school
4338 district any federal or state aid attributable to a student with a
4339 disability attending the charter school in proportion to the level
4340 of services for that student which the local school district
4341 provides directly or indirectly.

4342 (c) * * * A charter school and a local school district
4343 may negotiate and enter into a contract for the provision of and
4344 payment for special education services, including, but not
4345 necessarily limited to, a reasonable reserve not to exceed five
4346 percent (5%) of the local school district's total budget for
4347 providing special education services. The reserve may be used by
4348 the local school district only to offset excess costs of providing



4349 services to students with disabilities enrolled in the charter
4350 school.

4351 (5) (a) The State Department of Education shall disburse
4352 state transportation funding to a charter school on the same basis
4353 and in the same manner as it is paid to school districts under the
4354 Section 37-151-201, et. seq.

4355 (b) A charter school may enter into a contract with a
4356 school district or private provider to provide transportation to
4357 the school's students.

4358 (6) The State Department of Education shall disburse
4359 Education Enhancement Funds for classroom supplies, instructional
4360 materials and equipment, including computers and computer software
4361 to all eligible charter school teachers on the same basis and in
4362 the same manner as it is paid to school districts under Section
4363 37-61-33(3)(a)(iii) for the purpose of issuing procurement cards
4364 or credentials for a digital solution to eligible teachers.

4365 (7) Payments for charter schools operated by a charter
4366 management organization shall, if requested by the charter
4367 management organization, be made to the charter management
4368 organization rather than to the individual charter schools.

4369 **SECTION 61.** Section 37-28-57, Mississippi Code of 1972, is
4370 amended as follows:

4371 37-28-57. (1) (a) A charter school must adhere to
4372 generally accepted accounting principles as determined by the
4373 Financial Accounting Standards Board. The State Auditor, in



4374 consultation with nationally recognized experts in charter school
4375 financial accountability, shall develop financial rules and
4376 regulations, including a financial accounting manual, for charter
4377 schools that ensure accountability, transparency and comparability
4378 but reflect charter schools' autonomy and the nongovernmental,
4379 nonprofit status of the entities which hold their contracts.

4380 (b) Charter schools shall not be required to adhere to
4381 the financial accounting manual in use by the State Department of
4382 Education for school districts or any State Department of
4383 Education financial policy or procedure whose legal authority
4384 derives from a law not applicable to charter schools, unless
4385 otherwise made applicable by this chapter. Charter schools must
4386 comply with financial policies required for receipt and use of
4387 federal funds.

4388 (2) A nonprofit entity holding a charter contract for one or
4389 more charter schools shall have its financial records audited
4390 annually, with each school reported as a program under the entity,
4391 at the end of each fiscal year, either by the State Auditor or by
4392 a certified public accountant approved by the State Auditor.

4393 However, a certified public accountant may not be selected to
4394 perform the annual audit of a nonprofit entity holding a charter
4395 contract for one or more charter schools * * * for more than three

4396 (3) consecutive years. Certified public accountants must be
4397 selected in a manner determined by the State Auditor. The * * *
4398 nonprofit entity shall file a copy of * * * its audit report and



4399 accompanying management letter with the authorizer before * * *
4400 December 1 of the calendar year the audit is conducted.

4401 (3) A nonprofit entity holding a charter contract for one or
4402 more charter schools shall not be required to report duplicative
4403 information, financial or otherwise, to both the State Department
4404 of Education and its authorizer on behalf of its schools. The
4405 State Department of Education and each authorizer shall enact a
4406 process to share relevant information as required by this chapter
4407 such that a nonprofit entity holding a charter contract for one or
4408 more charter schools must only report such information once.

4409 **SECTION 62.** Section 37-28-1, Mississippi Code of 1972, is
4410 brought forward as follows:

4411 37-28-1. This chapter shall be known and may be cited as the
4412 "Mississippi Charter Schools Act of 2013."

4413 **SECTION 63.** Section 37-28-3, Mississippi Code of 1972, is
4414 brought forward as follows:

4415 37-28-3. (1) The Legislature finds and declares that the
4416 general purposes of the state's charter schools are as follows:

4417 (a) To improve student learning by creating
4418 high-quality schools with high standards for student performance;

4419 (b) To close achievement gaps between high-performing
4420 and low-performing groups of public school students;

4421 (c) To increase high-quality educational opportunities
4422 within the public education system for all students, especially
4423 those with a likelihood of academic failure;



4424 (d) To create new professional opportunities for
4425 teachers, school administrators and other school personnel which
4426 allow them to have a direct voice in the operation of their
4427 schools;

4428 (e) To encourage the use of different, high-quality
4429 models of teaching, governing, scheduling and other aspects of
4430 schooling which meet a variety of student needs;

4431 (f) To allow public schools freedom and flexibility in
4432 exchange for exceptional levels of results driven accountability;

4433 (g) To provide students, parents, community members and
4434 local entities with expanded opportunities for involvement in the
4435 public education system; and

4436 (h) To encourage the replication of successful charter
4437 schools.

4438 (2) All charter schools in the state established under this
4439 chapter are public schools and are part of the state's public
4440 education system.

4441 (3) No provision of this chapter may be interpreted to allow
4442 the conversion of private schools into charter schools.

4443 **SECTION 64.** Section 37-28-17, Mississippi Code of 1972, is
4444 brought forward as follows:

4445 37-28-17. (1) The following are the purposes of a charter
4446 application:

4447 (a) To present the proposed charter school's academic
4448 and operational vision and plans;



4449 (b) To demonstrate the applicant's capacities to
4450 execute the proposed vision and plans; and

4451 (c) To provide the authorizer a clear basis for
4452 assessing the applicant's plans and capacities.

4453 (2) An approved charter application may not serve as the
4454 school's charter contract.

4455 **SECTION 65.** Section 37-28-25, Mississippi Code of 1972, is
4456 brought forward as follows:

4457 37-28-25. If a student previously enrolled in a charter
4458 school enrolls in another public school in this state, the
4459 student's new school must accept credits earned by the student in
4460 courses or instructional programs at the charter school in a
4461 uniform and consistent manner and according to the same criteria
4462 that are used to accept academic credits from other public
4463 schools.

4464 **SECTION 66.** Section 37-28-27, Mississippi Code of 1972, is
4465 brought forward as follows:

4466 37-28-27. A school district must provide or publicize to
4467 parents and the general public information about charter schools
4468 as an enrollment option within the district to the same extent and
4469 through the same means that the district provides and publicizes
4470 information about noncharter public schools in the district.

4471 **SECTION 67.** Section 37-28-51, Mississippi Code of 1972, is
4472 brought forward as follows:



4473 37-28-51. A charter school is eligible to participate in
4474 state-sponsored or district-sponsored athletic and academic
4475 interscholastic leagues, competitions, awards, scholarships and
4476 recognition programs for students, educators, administrators and
4477 schools to the same extent as noncharter public schools.

4478 **SECTION 68.** Section 37-28-59, Mississippi Code of 1972, is
4479 brought forward as follows:

4480 37-28-59. (1) Any monies received by a charter school from
4481 any source remaining in the charter school's accounts at the end
4482 of a budget year must remain in the charter school's accounts for
4483 use by the charter school during subsequent budget years.

4484 (2) Nothing in this chapter may be construed to prohibit any
4485 person or organization from providing funding or other assistance
4486 to the establishment or operation of a charter school. The
4487 governing board of a charter school may accept gifts, donations
4488 and grants of any kind made to the charter school and may expend
4489 or use such gifts, donations and grants in accordance with the
4490 conditions prescribed by the donor; however, a gift, donation or
4491 grant may not be accepted if it is subject to a condition that is
4492 contrary to any provision of law or term of the charter contract.

4493 (3) A charter school must disclose publicly all sources of
4494 private funding and all funds received from foreign sources,
4495 including gifts from foreign governments, foreign legal entities
4496 and domestic entities affiliated with either foreign governments
4497 or foreign legal entities. For the purposes of this subsection,



4498 the term "foreign" means a country or jurisdiction outside of any
4499 state or territory of the United States.

4500 **SECTION 69.** Section 37-28-61, Mississippi Code of 1972, is
4501 brought forward as follows:

4502 37-28-61. (1) A charter school has a right of first refusal
4503 to purchase or lease at or below fair market value a closed public
4504 school facility or property or unused portions of a public school
4505 facility or property in the school district in which the charter
4506 school is located if the school district decides to sell or lease
4507 the public school facility or property. If a conversion charter
4508 school application is successful, the local school district owning
4509 the conversion charter school's facility must offer to lease or
4510 sell the building to the conversion charter school at or below
4511 fair market value.

4512 (2) A charter school may negotiate and contract at or below
4513 fair market value with a school district, state institution of
4514 higher learning, public community or junior college, or any other
4515 public or for-profit or nonprofit private entity for the use of a
4516 facility for a school building.

4517 (3) Public entities, including, but not limited to,
4518 libraries, community service organizations, museums, performing
4519 arts venues, theatres, cinemas, churches, community and junior
4520 colleges, colleges and universities, may provide space to charter
4521 schools within their facilities under their preexisting zoning and
4522 land use designations.



4523 **SECTION 70.** Section 31-7-1, Mississippi Code of 1972, is
4524 amended as follows:

4525 31-7-1. The following terms are defined for the purposes of
4526 this chapter to have the following meanings:

4527 (a) "Agency" means any state board, commission,
4528 committee, council, university, department or unit thereof created
4529 by the Constitution or statutes if such board, commission,
4530 committee, council, university, department, unit or the head
4531 thereof is authorized to appoint subordinate staff by the
4532 Constitution or statute, except a legislative or judicial board,
4533 commission, committee, council, department or unit thereof; except
4534 a charter school authorized by the Mississippi Charter School
4535 Authorizer Board or any other charter school authorizing entity
4536 under the provisions of Section 37-28-7; and except the
4537 Mississippi State Port Authority; except the Mississippi School of
4538 the Arts (MSA) established in Section 37-140-1 et seq., for the
4539 sole purpose of the application of the term "agency" as it
4540 pertains to the Public Procurement Review Board's powers and
4541 responsibilities as defined in Section 27-104-7(2) (a), but without
4542 application to the use of the term within this chapter, effective
4543 July 1, 2020; and except the Mississippi School for the Blind and
4544 the Mississippi School for the Deaf (MSBD) for the sole purpose of
4545 the application of the term "agency" as it pertains to the Public
4546 Procurement Review Board's powers and responsibilities as defined
4547 in Section 27-104-7(2) (a), but without application to the use of



4548 the term within this chapter, effective July 1, 2021. An academic
4549 medical center or health sciences school as defined in Section
4550 37-115-50 is not an "agency" for those purchases of commodities as
4551 defined in this section that are used for clinical purposes and
4552 (i) intended for use in the diagnosis of disease or other
4553 conditions or in the cure, mitigation, treatment or prevention of
4554 disease, and (ii) medical devices, biological, drugs and radiation
4555 emitting devices as defined by the United States Food and Drug
4556 Administration.

4557 (b) "Governing authority" means boards of supervisors,
4558 governing boards of all school districts, all boards of directors
4559 of public water supply districts, boards of directors of master
4560 public water supply districts, municipal public utility
4561 commissions, governing authorities of all municipalities, port
4562 authorities, Mississippi State Port Authority, commissioners and
4563 boards of trustees of any public hospitals, boards of trustees of
4564 public library systems, district attorneys, school attendance
4565 officers and any political subdivision of the state supported
4566 wholly or in part by public funds of the state or political
4567 subdivisions thereof, including commissions, boards and agencies
4568 created or operated under the authority of any county or
4569 municipality of this state. The term "governing authority" shall
4570 not include economic development authorities supported in part by
4571 private funds, or commissions appointed to hold title to and
4572 oversee the development and management of lands and buildings



4573 which are donated by private individuals to the public for the use
4574 and benefit of the community and which are supported in part by
4575 private funds. The term "governing authority" also shall not
4576 include the governing board of a charter school. The term
4577 "governing authority" also shall not include the Mississippi
4578 School of the Arts established in Section 37-140-1 et seq., for
4579 the sole purpose of the application of the term "agency" as it
4580 pertains to the Public Procurement Review Board's powers and
4581 responsibilities as defined in Section 27-104-7(2) (a), but without
4582 application to the use of the term within this chapter, effective
4583 July 1, 2020. The term "governing authority" also shall not
4584 include the Mississippi School for the Blind and the Mississippi
4585 School for the Deaf (MSBD) for the sole purpose of the application
4586 of the term "governing authority" as it pertains to the Public
4587 Procurement Review Board's powers and responsibilities as defined
4588 in Section 27-104-7(2) (a), but without application to the use of
4589 the term within this chapter, effective July 1, 2021.

4590 (c) "Purchasing agent" means any administrator,
4591 superintendent, purchase clerk or other chief officer so
4592 designated having general or special authority to negotiate for
4593 and make private contract for or purchase for any governing
4594 authority or agency, including issue purchase orders, invitations
4595 for bid, requests for proposals, and receive and accept bids.



4596 (d) "Public funds" means and includes any appropriated
4597 funds, special funds, fees or any other emoluments received by an
4598 agency or governing authority.

4599 (e) "Commodities" means and includes the various
4600 commodities, goods, merchandise, furniture, equipment, automotive
4601 equipment of every kind, and other personal property purchased by
4602 the agencies of the state and governing authorities, but not
4603 commodities purchased for resale or raw materials converted into
4604 products for resale.

4605 (i) "Equipment" shall be construed to include:
4606 automobiles, trucks, tractors, office appliances and all other
4607 equipment of every kind and description.

4608 (ii) "Furniture" shall be construed to include:
4609 desks, chairs, tables, seats, filing cabinets, bookcases and all
4610 other items of a similar nature as well as dormitory furniture,
4611 appliances, carpets and all other items of personal property
4612 generally referred to as home, office or school furniture.

4613 (f) "Emergency" means any circumstances caused by fire,
4614 flood, explosion, storm, earthquake, epidemic, riot, insurrection
4615 or caused by any inherent defect due to defective construction, or
4616 when the immediate preservation of order or of public health is
4617 necessary by reason of unforeseen emergency, or when the immediate
4618 restoration of a condition of usefulness of any public building,
4619 equipment, road or bridge appears advisable, or in the case of a
4620 public utility when there is a failure of any machine or other



4621 thing used and useful in the generation, production or
4622 distribution of electricity, water or natural gas, or in the
4623 transportation or treatment of sewage; or when the delay incident
4624 to obtaining competitive bids could cause adverse impact upon the
4625 governing authorities or agency, its employees or its citizens; or
4626 in the case of a public airport, when the delay incident to
4627 publishing an advertisement for competitive bids would endanger
4628 public safety in a specific (not general) manner, result in or
4629 perpetuate a specific breach of airport security, or prevent the
4630 airport from providing specific air transportation services.

4631 (g) "Construction" means the process of building,
4632 altering, improving, renovating or demolishing a public structure,
4633 public building, or other public real property. It does not
4634 include routine operation, routine repair or regularly scheduled
4635 maintenance of existing public structures, public buildings or
4636 other public real property.

4637 (h) "Purchase" means buying, renting, leasing or
4638 otherwise acquiring.

4639 (i) "Certified purchasing office" means any purchasing
4640 office in which fifty percent (50%) or more of the purchasing
4641 agents hold a certification from the Universal Public Purchasing
4642 Certification Council or other nationally recognized purchasing
4643 certification, and in which, in the case of a state agency
4644 purchasing office, in addition to the national certification, one
4645 hundred percent (100%) of the purchasing officials hold a



4646 certification from the State of Mississippi's Basic or Advanced
4647 Purchasing Certification Program.

4648 (j) "Certified Mississippi Purchasing Agent" means a
4649 state agency purchasing official who holds a certification from
4650 the Mississippi Basic Purchasing Certification Program as
4651 established by the Office of Purchasing, Travel and Fleet
4652 Management.

4653 (k) "Certified Mississippi Procurement Manager" means a
4654 state agency purchasing official who holds a certification from
4655 the Mississippi Advanced Purchasing Certification Program as
4656 established by the Office of Purchasing, Travel and Fleet
4657 Management.

4658 **SECTION 71.** Section 37-3-51, Mississippi Code of 1972, is
4659 amended as follows:

4660 37-3-51. (1) Upon the conviction of any licensed personnel,
4661 as defined in Section 37-9-1, employed by a public school district
4662 or any person employed by a charter or private elementary or
4663 secondary school in a position that requires licensure in the
4664 public school districts, of any felony, or of a sex offense as
4665 defined in subsection (2) of this section, the district attorney
4666 or other prosecuting attorney shall identify those defendants for
4667 the circuit clerk. Each circuit clerk shall provide the State
4668 Department of Education with notice of the conviction of any such
4669 personnel of a felony or a sex offense. In addition, if the
4670 convicted person is an employee of a charter school, the circuit



4671 clerk must provide the same notice to the Mississippi Charter
4672 School Authorizer Board or the appropriate entity empowered under
4673 the provisions of Section 37-28-7 to authorize charter schools.

4674 (2) "Sex offense" shall mean any of the following offenses:

4675 (a) Section 97-3-65, Mississippi Code of 1972, relating
4676 to the carnal knowledge of a child under fourteen (14) years of
4677 age;

4678 (b) Section 97-3-95, Mississippi Code of 1972, relating
4679 to sexual battery;

4680 (c) Section 97-5-21, Mississippi Code of 1972, relating
4681 to seduction of a child under age eighteen (18);

4682 (d) Section 97-5-23, Mississippi Code of 1972, relating
4683 to the touching of a child for lustful purposes;

4684 (e) Section 97-5-27, Mississippi Code of 1972, relating
4685 to the dissemination of sexually oriented material to children;

4686 (f) Section 97-5-33, Mississippi Code of 1972, relating
4687 to the exploitation of children;

4688 (g) Section 97-5-41, Mississippi Code of 1972, relating
4689 to the carnal knowledge of a stepchild, adopted child, or child of
4690 a cohabitating partner;

4691 (h) Section 97-29-59, Mississippi Code of 1972,
4692 relating to unnatural intercourse; or

4693 (i) Any other offense committed in another jurisdiction
4694 which, if committed in this state, would be deemed to be such a
4695 crime without regard to its designation elsewhere.



4696 (3) In addition, the State Department of Education is
4697 considered to be the employer of such personnel for purposes of
4698 requesting criminal record background checks.

4699 **SECTION 72.** Section 37-17-1, Mississippi Code of 1972, is
4700 amended as follows:

4701 37-17-1. (1) The power and authority to prescribe standards
4702 for the accreditation of noncharter public schools, to ensure
4703 compliance with such standards and to establish procedures for the
4704 accreditation of noncharter public schools is hereby vested in the
4705 State Board of Education. The board shall, by orders placed upon
4706 its minutes, adopt all necessary rules and regulations to
4707 effectuate the purposes of this chapter and shall provide, through
4708 the State Department of Education, for the necessary personnel for
4709 the enforcement of standards so established.

4710 (2) A charter school authorized by * * * a charter school
4711 authorizing entity under the provisions of Section 37-28-7 must be
4712 granted accreditation by the State Board of Education based solely
4713 on the approval of the school by the authorizer. If the
4714 authorizer, at any time, revokes a school's charter, the State
4715 Board of Education shall withdraw the accreditation of the charter
4716 school immediately.

4717 **SECTION 73.** Section 37-21-3, Mississippi Code of 1972, is
4718 amended as follows:

4719 37-21-3. (1) No person shall act in the capacity of master
4720 teacher, teacher or assistant teacher in any federal or



4721 state-funded program of early childhood education or "Head Start,"
4722 or perform any of the functions, duties or powers of the same,
4723 unless that person shall be qualified in the following manner:

4724 (a) A master teacher or any other employee or
4725 consultant receiving a salary or fee equivalent to that of a
4726 master teacher shall meet the qualifications of a teacher in this
4727 section, including the requirement that a teacher may be required
4728 to hold a state teaching license by the State Department of
4729 Education, and have demonstrated effectiveness as an early
4730 childhood educator. Effectiveness as an early childhood educator
4731 may be demonstrated by a rating of highly effective on a state
4732 evaluation of teaching, if available, or with evidence that the
4733 teacher has a record of raising the achievement outcomes of
4734 prekindergarten students.

4735 (b) A teacher shall possess a bachelor's degree in
4736 early childhood education, child development or an equivalent
4737 field. A teacher may also possess a bachelor's degree in any
4738 field as well as have at least twelve (12) credit hours of
4739 coursework in early childhood education, child development, or an
4740 equivalent field approved by an institution granting a bachelor's
4741 degree in the early childhood education, child development or an
4742 equivalent field; or have a bachelor's degree in any field as well
4743 as have completed a specialized early childhood training program
4744 deemed equivalent by the State Department of Education to twelve
4745 (12) hours of approved coursework.



4746 (c) An assistant teacher shall possess an associate's
4747 degree in early childhood education, child development or an
4748 equivalent field; or an associate's degree in any field and a
4749 Child Development Associate credential, a Montessori certification
4750 or an equivalent certification; or a high school diploma/GED and a
4751 Child Development Associate credential, a Montessori certification
4752 or an equivalent certification. Public school assistant teachers
4753 in the voluntary prekindergarten program established by the Early
4754 Learning Collaborative Act of 2013 may be required by the State
4755 Department of Education to meet the definition of a highly
4756 qualified paraprofessional in addition to these requirements.

4757 The State Department of Education shall adopt any necessary
4758 rules, policies or procedures to implement this section.

4759 (2) Persons employed as a teacher, assistant teacher or in
4760 any other capacity in a prekindergarten or early childhood
4761 education program in a charter school authorized by * * * a
4762 charter school authorizing entity under the provisions of Section
4763 37-28-7 are exempt from the requirements of this section.

4764 **SECTION 74.** Section 37-41-1, Mississippi Code of 1972, is
4765 amended as follows:

4766 37-41-1. The State Board of Education is authorized,
4767 empowered and directed to promulgate rules and regulations
4768 relating to the transportation of students enrolled in the public
4769 school districts, including rules and regulations for:



4770 (a) Setting standards for public school district bus
4771 routes;

4772 (b) Setting standards for public school district buses;

4773 (c) Setting standards for public school district bus
4774 drivers;

4775 (d) Formulating procedure for selecting public school
4776 district bus drivers;

4777 (e) Formulating courses of training for public school
4778 district bus drivers and mechanics, and assist in administering
4779 and financing such courses;

4780 (f) Providing operation procedure for public school
4781 district buses to insure safety of pupils;

4782 (g) Formulating specifications for use in purchasing
4783 public school district buses; getting bids on public school
4784 district buses; equipment and supplies; and fixing prices based
4785 upon said bids which school districts may not exceed in purchasing
4786 said equipment;

4787 (h) Formulating specifications for use by school
4788 districts in purchasing used school buses; and

4789 (i) Providing a system of records and reports for the
4790 purpose of carrying out the provisions of Sections 37-41-1 through
4791 37-41-51, and providing the superintendent of schools with a
4792 sufficient supply of report forms.

4793 All rules and regulations adopted and promulgated by the
4794 State Board of Education relating to school district bus drivers



4795 shall also be applicable to drivers of privately owned buses
4796 transporting public school district children.

4797 All rules and regulations adopted and promulgated by the
4798 State Board of Education pursuant to the authority conferred by
4799 this section shall be spread at large upon the minutes of the
4800 State Board of Education and copies thereof shall be furnished to
4801 all school boards not less than thirty (30) days prior to the
4802 effective date of such rules and regulations.

4803 The provisions of this chapter are applicable to school
4804 districts and the transportation of students enrolled in public
4805 school districts. Charter schools authorized by * * * a charter
4806 school authorizing entity under the provisions of Section 37-28-7
4807 are exempt from the provisions of this chapter.

4808 **SECTION 75.** Section 37-7-301, Mississippi Code of 1972, is
4809 amended as follows:

4810 37-7-301. The school boards of all school districts shall
4811 have the following powers, authority and duties in addition to all
4812 others imposed or granted by law, to wit:

4813 (a) To organize and operate the schools of the district
4814 and to make such division between the high school grades and
4815 elementary grades as, in their judgment, will serve the best
4816 interests of the school;

4817 (b) To introduce public school music, art, manual
4818 training and other special subjects into either the elementary or
4819 high school grades, as the board shall deem proper;



4820 (c) To be the custodians of real and personal school
4821 property and to manage, control and care for same, both during the
4822 school term and during vacation;

4823 (d) To have responsibility for the erection, repairing
4824 and equipping of school facilities and the making of necessary
4825 school improvements;

4826 (e) To suspend or to expel a pupil or to change the
4827 placement of a pupil to the school district's alternative school
4828 or homebound program for misconduct in the school or on school
4829 property, as defined in Section 37-11-29, on the road to and from
4830 school, or at any school-related activity or event, or for conduct
4831 occurring on property other than school property or other than at
4832 a school-related activity or event when such conduct by a pupil,
4833 in the determination of the school superintendent or principal,
4834 renders that pupil's presence in the classroom a disruption to the
4835 educational environment of the school or a detriment to the best
4836 interest and welfare of the pupils and teacher of such class as a
4837 whole, and to delegate such authority to the appropriate officials
4838 of the school district;

4839 (f) To visit schools in the district, in their
4840 discretion, in a body for the purpose of determining what can be
4841 done for the improvement of the school in a general way;

4842 (g) To support, within reasonable limits, the
4843 superintendent, principal and teachers where necessary for the
4844 proper discipline of the school;



4845 (h) To exclude from the schools students with what
4846 appears to be infectious or contagious diseases; * * * however,
4847 such student may be allowed to return to school upon presenting a
4848 certificate from a public health officer, duly licensed physician
4849 or nurse practitioner that the student is free from such disease;

4850 (i) To require those vaccinations specified by the
4851 State Health Officer as provided in Section 41-23-37;

4852 (j) To see that all necessary utilities and services
4853 are provided in the schools at all times when same are needed;

4854 (k) To authorize the use of the school buildings and
4855 grounds for the holding of public meetings and gatherings of the
4856 people under such regulations as may be prescribed by * * * the
4857 board;

4858 (l) To prescribe and enforce rules and regulations not
4859 inconsistent with law or with the regulations of the State Board
4860 of Education for their own government and for the government of
4861 the schools, and to transact their business at regular and special
4862 meetings called and held in the manner provided by law;

4863 (m) To maintain and operate all of the schools under
4864 their control for such length of time during the year as may be
4865 required;

4866 (n) To enforce in the schools the courses of study and
4867 the use of the textbooks prescribed by the proper authorities;

4868 (o) To make orders directed to the superintendent of
4869 schools for the issuance of pay certificates for lawful purposes



4870 on any available funds of the district and to have full control of
4871 the receipt, distribution, allotment and disbursement of all funds
4872 provided for the support and operation of the schools of such
4873 school district whether such funds be derived from state
4874 appropriations, local ad valorem tax collections, or otherwise.
4875 The local school board shall be authorized and empowered to
4876 promulgate rules and regulations that specify the types of claims
4877 and set limits of the dollar amount for payment of claims by the
4878 superintendent of schools to be ratified by the board at the next
4879 regularly scheduled meeting after payment has been made;

4880 (p) To select all school district personnel in the
4881 manner provided by law, and to provide for such employee fringe
4882 benefit programs, including accident reimbursement plans, as may
4883 be deemed necessary and appropriate by the board;

4884 (q) To provide athletic programs and other school
4885 activities and to regulate the establishment and operation of such
4886 programs and activities;

4887 (r) To join, in their discretion, any association of
4888 school boards and other public school-related organizations, and
4889 to pay from local funds other than total funding formula funds,
4890 any membership dues;

4891 (s) To expend local school activity funds, or other
4892 available school district funds, other than total funding formula
4893 funds, for the purposes prescribed under this paragraph.

4894 "Activity funds" shall mean all funds received by school officials



4895 in all school districts paid or collected to participate in any
4896 school activity, such activity being part of the school program
4897 and partially financed with public funds or supplemented by public
4898 funds. The term "activity funds" shall not include any funds
4899 raised and/or expended by any organization unless commingled in a
4900 bank account with existing activity funds, regardless of whether
4901 the funds were raised by school employees or received by school
4902 employees during school hours or using school facilities, and
4903 regardless of whether a school employee exercises influence over
4904 the expenditure or disposition of such funds. Organizations shall
4905 not be required to make any payment to any school for the use of
4906 any school facility if, in the discretion of the local school
4907 governing board, the organization's function shall be deemed to be
4908 beneficial to the official or extracurricular programs of the
4909 school. For the purposes of this provision, the term
4910 "organization" shall not include any organization subject to the
4911 control of the local school governing board. Activity funds may
4912 only be expended for any necessary expenses or travel costs,
4913 including advances, incurred by students and their chaperons in
4914 attending any in-state or out-of-state school-related programs,
4915 conventions or seminars and/or any commodities, equipment, travel
4916 expenses, purchased services or school supplies which the local
4917 school governing board, in its discretion, shall deem beneficial
4918 to the official or extracurricular programs of the district,
4919 including items which may subsequently become the personal



4920 property of individuals, including yearbooks, athletic apparel,
4921 book covers and trophies. Activity funds may be used to pay
4922 travel expenses of school district personnel. The local school
4923 governing board shall be authorized and empowered to promulgate
4924 rules and regulations specifically designating for what purposes
4925 school activity funds may be expended. The local school governing
4926 board shall provide: (i) that such school activity funds shall be
4927 maintained and expended by the principal of the school generating
4928 the funds in individual bank accounts * * *; or (ii) that such
4929 school activity funds shall be maintained and expended by the
4930 superintendent of schools in a central depository approved by the
4931 board. The local school governing board shall provide that such
4932 school activity funds be audited as part of the annual audit
4933 required in Section 37-9-18. The State Department of Education
4934 shall prescribe a uniform system of accounting and financial
4935 reporting for all school activity fund transactions;

4936 (t) To enter into an energy performance contract,
4937 energy services contract, on a shared-savings, lease or
4938 lease-purchase basis, for energy efficiency services and/or
4939 equipment as provided for in Section 31-7-14;

4940 (u) To maintain accounts and issue pay certificates on
4941 school food service bank accounts;

4942 (v) (i) To lease a school building from an individual,
4943 partnership, nonprofit corporation or a private for-profit
4944 corporation for the use of such school district, and to expend



4945 funds therefor as may be available from any sources other than
4946 total funding formula funds * * *. The school board of the school
4947 district desiring to lease a school building shall declare by
4948 resolution that a need exists for a school building and that the
4949 school district cannot provide the necessary funds to pay the cost
4950 or its proportionate share of the cost of a school building
4951 required to meet the present needs. The resolution so adopted by
4952 the school board shall be published once each week for three (3)
4953 consecutive weeks in a newspaper having a general circulation in
4954 the school district involved, with the first publication thereof
4955 to be made not less than thirty (30) days prior to the date upon
4956 which the school board is to act on the question of leasing a
4957 school building. If no petition requesting an election is filed
4958 prior to such meeting as hereinafter provided, then the school
4959 board may, by resolution spread upon its minutes, proceed to lease
4960 a school building. If at any time * * * before the meeting a
4961 petition signed by not less than twenty percent (20%) or fifteen
4962 hundred (1500), whichever is less, of the qualified electors of
4963 the school district involved shall be filed with the school board
4964 requesting that an election be called on the question, then the
4965 school board shall, not later than the next regular meeting, adopt
4966 a resolution calling an election to be held within such school
4967 district upon the question of authorizing the school board to
4968 lease a school building. Such election shall be called and held,
4969 and notice thereof shall be given, in the same manner for



4970 elections upon the questions of the issuance of the bonds of
4971 school districts, and the results thereof shall be certified to
4972 the school board. If at least three-fifths (3/5) of the qualified
4973 electors of the school district who voted in such election shall
4974 vote in favor of the leasing of a school building, then the school
4975 board shall proceed to lease a school building. The term of the
4976 lease contract shall not exceed twenty (20) years, and the total
4977 cost of such lease shall be either the amount of the lowest and
4978 best bid accepted by the school board after advertisement for bids
4979 or an amount not to exceed the current fair market value of the
4980 lease as determined by the averaging of at least two (2)
4981 appraisals by certified general appraisers licensed by the State
4982 of Mississippi. The term "school building" as used in this
4983 paragraph (v) (i) shall be construed to mean any building or
4984 buildings used for classroom purposes in connection with the
4985 operation of schools and shall include the site therefor,
4986 necessary support facilities, and the equipment thereof and
4987 appurtenances thereto such as heating facilities, water supply,
4988 sewage disposal, landscaping, walks, drives and playgrounds. The
4989 term "lease" as used in this paragraph (v) (i) may include a
4990 lease-purchase contract;

4991 (ii) If two (2) or more school districts propose
4992 to enter into a lease contract jointly, then joint meetings of the
4993 school boards having control may be held but no action taken shall
4994 be binding on any such school district unless the question of



4995 leasing a school building is approved in each participating school
4996 district under the procedure hereinabove set forth in paragraph
4997 (v) (i). All of the provisions of paragraph (v) (i) regarding the
4998 term and amount of the lease contract shall apply to the school
4999 boards of school districts acting jointly. Any lease contract
5000 executed by two (2) or more school districts as joint lessees
5001 shall set out the amount of the aggregate lease rental to be paid
5002 by each, which may be agreed upon, but there shall be no right of
5003 occupancy by any lessee unless the aggregate rental is paid as
5004 stipulated in the lease contract. All rights of joint lessees
5005 under the lease contract shall be in proportion to the amount of
5006 lease rental paid by each;

5007 (w) To employ all noninstructional and * * *
5008 nonlicensed employees and fix the duties and compensation of such
5009 personnel deemed necessary pursuant to the recommendation of the
5010 superintendent of schools;

5011 (x) To employ and fix the duties and compensation of
5012 such legal counsel as deemed necessary;

5013 (y) Subject to rules and regulations of the State Board
5014 of Education, to purchase, own and operate trucks, vans and other
5015 motor vehicles, which shall bear the proper identification
5016 required by law;

5017 (z) To expend funds for the payment of substitute
5018 teachers and to adopt reasonable regulations for the employment
5019 and compensation of such substitute teachers;



5020 (aa) To acquire in its own name by purchase all real
5021 property which shall be necessary and desirable in connection with
5022 the construction, renovation or improvement of any public school
5023 building or structure. Whenever the purchase price for such real
5024 property is greater than Fifty Thousand Dollars (\$50,000.00), the
5025 school board shall not purchase the property for an amount
5026 exceeding the fair market value of such property as determined by
5027 the average of at least two (2) independent appraisals by
5028 certified general appraisers licensed by the State of Mississippi.
5029 If the board shall be unable to agree with the owner of any such
5030 real property in connection with any such project, the board shall
5031 have the power and authority to acquire any such real property by
5032 condemnation proceedings pursuant to Section 11-27-1 et
5033 seq., * * * and for such purpose, the right of eminent domain is
5034 hereby conferred upon and vested in * * * the board. * * * The
5035 local school board is authorized to grant an easement for ingress
5036 and egress over sixteenth section land or lieu land in exchange
5037 for a similar easement upon adjoining land where the exchange of
5038 easements affords substantial benefit to the sixteenth section
5039 land; * * * however, the exchange must be based upon values as
5040 determined by a competent appraiser, with any differential in
5041 value to be adjusted by cash payment. Any easement rights granted
5042 over sixteenth section land under such authority shall terminate
5043 when the easement ceases to be used for its stated purpose. No
5044 sixteenth section or lieu land which is subject to an existing



5045 lease shall be burdened by any such easement except by consent of
5046 the lessee or unless the school district shall acquire the
5047 unexpired leasehold interest affected by the easement;

5048 (bb) To charge reasonable fees related to the
5049 educational programs of the district, in the manner prescribed in
5050 Section 37-7-335;

5051 (cc) Subject to rules and regulations of the State
5052 Board of Education, to purchase relocatable classrooms for the use
5053 of such school district, in the manner prescribed in Section
5054 37-1-13;

5055 (dd) Enter into contracts or agreements with other
5056 school districts, political subdivisions or governmental entities
5057 to carry out one or more of the powers or duties of the school
5058 board, or to allow more efficient utilization of limited resources
5059 for providing services to the public;

5060 (ee) To provide for in-service training for employees
5061 of the district;

5062 (ff) As part of their duties to prescribe the use of
5063 textbooks, to provide that parents and legal guardians shall be
5064 responsible for the textbooks and for the compensation to the
5065 school district for any books which are not returned to the proper
5066 schools upon the withdrawal of their dependent child. If a
5067 textbook is lost or not returned by any student who drops out of
5068 the public school district, the parent or legal guardian shall



5069 also compensate the school district for the fair market value of
5070 the textbooks;

5071 (gg) To conduct fund-raising activities on behalf of
5072 the school district that the local school board, in its
5073 discretion, deems appropriate or beneficial to the official or
5074 extracurricular programs of the district * * *, subject to the
5075 following:

5076 (i) Any proceeds of the fund-raising activities
5077 shall be treated as "activity funds" and shall be accounted for as
5078 are other activity funds under this section; and

5079 (ii) Fund-raising activities conducted or
5080 authorized by the board for the sale of school pictures, the
5081 rental of caps and gowns or the sale of graduation invitations for
5082 which the school board receives a commission, rebate or fee shall
5083 contain a disclosure statement advising that a portion of the
5084 proceeds of the sales or rentals shall be contributed to the
5085 student activity fund;

5086 (hh) To allow individual lessons for music, art and
5087 other curriculum-related activities for academic credit or
5088 nonacademic credit during school hours and using school equipment
5089 and facilities, subject to uniform rules and regulations adopted
5090 by the school board;

5091 (ii) To charge reasonable fees for participating in an
5092 extracurricular activity for academic or nonacademic credit for



5093 necessary and required equipment such as safety equipment, band
5094 instruments and uniforms;

5095 (jj) To conduct or participate in any fund-raising
5096 activities on behalf of or in connection with a tax-exempt
5097 charitable organization;

5098 (kk) To exercise such powers as may be reasonably
5099 necessary to carry out the provisions of this section;

5100 (ll) To expend funds for the services of nonprofit arts
5101 organizations or other such nonprofit organizations who provide
5102 performances or other services for the students of the school
5103 district;

5104 (mm) To expend federal No Child Left Behind Act funds,
5105 or any other available funds that are expressly designated and
5106 authorized for that use, to pay training, educational expenses,
5107 salary incentives and salary supplements to employees of local
5108 school districts; except that incentives shall not be considered
5109 part of the local supplement, nor shall incentives be considered
5110 part of the local supplement paid to an individual teacher for the
5111 purposes of Section 37-19-7(1);

5112 (nn) To use any available funds, not appropriated or
5113 designated for any other purpose, for reimbursement to the
5114 state-licensed employees from both in state and out of state, who
5115 enter into a contract for employment in a school district, for the
5116 expense of moving when the employment necessitates the relocation
5117 of the licensed employee to a different geographical area than



5118 that in which the licensed employee resides before entering into
5119 the contract. The reimbursement shall not exceed One Thousand
5120 Dollars (\$1,000.00) for the documented actual expenses incurred in
5121 the course of relocating, including the expense of any
5122 professional moving company or persons employed to assist with the
5123 move, rented moving vehicles or equipment, mileage in the amount
5124 authorized for county and municipal employees under Section
5125 25-3-41 if the licensed employee used his personal vehicle or
5126 vehicles for the move, meals and such other expenses associated
5127 with the relocation. No licensed employee may be reimbursed for
5128 moving expenses under this section on more than one (1) occasion
5129 by the same school district. Nothing in this section shall be
5130 construed to require the actual residence to which the licensed
5131 employee relocates to be within the boundaries of the school
5132 district that has executed a contract for employment in order for
5133 the licensed employee to be eligible for reimbursement for the
5134 moving expenses. However, the licensed employee must relocate
5135 within the boundaries of the State of Mississippi. Any individual
5136 receiving relocation assistance through the Critical Teacher
5137 Shortage Act as provided in Section 37-159-5 shall not be eligible
5138 to receive additional relocation funds as authorized in this
5139 paragraph;

5140 (oo) To use any available funds, not appropriated or
5141 designated for any other purpose, to reimburse persons who
5142 interview for employment as a licensed employee with the district



5143 for the mileage and other actual expenses incurred in the course
5144 of travel to and from the interview at the rate authorized for
5145 county and municipal employees under Section 25-3-41;

5146 (pp) Consistent with the report of the Task Force to
5147 Conduct a Best Financial Management Practices Review, to improve
5148 school district management and use of resources and identify cost
5149 savings as established in Section 8 of Chapter 610, Laws of 2002,
5150 local school boards are encouraged to conduct independent reviews
5151 of the management and efficiency of schools and school districts.
5152 Such management and efficiency reviews shall provide state and
5153 local officials and the public with the following:

5154 (i) An assessment of a school district's
5155 governance and organizational structure;

5156 (ii) An assessment of the school district's
5157 financial and personnel management;

5158 (iii) An assessment of revenue levels and sources;

5159 (iv) An assessment of facilities utilization,
5160 planning and maintenance;

5161 (v) An assessment of food services, transportation
5162 and safety/security systems;

5163 (vi) An assessment of instructional and
5164 administrative technology;

5165 (vii) A review of the instructional management and
5166 the efficiency and effectiveness of existing instructional
5167 programs; and



5168 (viii) Recommended methods for increasing
5169 efficiency and effectiveness in providing educational services to
5170 the public;

5171 (qq) To enter into agreements with other local school
5172 boards for the establishment of an educational service agency
5173 (ESA) to provide for the cooperative needs of the region in which
5174 the school district is located, as provided in Section 37-7-345;

5175 (rr) To * * * incorporate financial literacy * * *
5176 components within the current curriculum offered to for students
5177 in Grades * * * 6 through 8. The current curriculum for Grades 6
5178 through 12 shall include content on financial literacy education.
5179 Each student during Grade 9, 10, 11 or 12 shall take and pass a
5180 one-half (1/2) Carnegie Unit course in personal finance or a full
5181 Carnegie Unit course where half the course standards are financial
5182 literacy in order to earn a high school diploma. The financial
5183 literacy program shall include, but is not limited to, instruction
5184 in the same areas of personal business and finance as required
5185 under Section 37-1-3(2) (b). The school board may coordinate with
5186 volunteer teachers from local community organizations, including,
5187 but not limited to, the following: United States Department of
5188 Agriculture Rural Development, United States Department of Housing
5189 and Urban Development, Junior Achievement, bankers and other
5190 nonprofit organizations. * * * In addition to any financial
5191 literacy standards required by the State Department of Education
5192 in the College and Career Readiness Standards, the financial



5193 literacy program for students in Grades 9, 10, 11 and 12 shall

5194 include:

5195 (i) Decision making;

5196 (ii) Earning an income;

5197 (iii) Saving and spending;

5198 (iv) Use of credit; and

5199 (v) Budgeting.

5200 The school board shall require schools to make best efforts

5201 to cover as many of these topics as possible through the

5202 curriculum implemented for Grades 6 through 8;

5203 (ss) To collaborate with the State Board of Education,
5204 Community Action Agencies or the Department of Human Services to
5205 develop and implement a voluntary program to provide services for
5206 a prekindergarten program that addresses the cognitive, social,
5207 and emotional needs of four-year-old and three-year-old children.

5208 The school board may utilize any source of available revenue to
5209 fund the voluntary program. Effective with the 2013-2014 school
5210 year, to implement voluntary prekindergarten programs under the
5211 Early Learning Collaborative Act of 2013 pursuant to state funds
5212 awarded by the State Department of Education on a matching basis;

5213 (tt) With respect to any lawful, written obligation of
5214 a school district, including, but not limited to, leases
5215 (excluding leases of sixteenth section public school trust land),
5216 bonds, notes, or other agreement, to agree in writing with the



5217 obligee that the Department of Revenue or any state agency,
5218 department or commission created under state law may:

5219 (i) Withhold all or any part (as agreed by the
5220 school board) of any monies which such local school board is
5221 entitled to receive from time to time under any law and which is
5222 in the possession of the Department of Revenue, or any state
5223 agency, department or commission created under state law; and

5224 (ii) Pay the same over to any financial
5225 institution, trustee or other obligee, as directed in writing by
5226 the school board, to satisfy all or part of such obligation of the
5227 school district.

5228 The school board may make such written agreement to withhold
5229 and transfer funds irrevocable for the term of the written
5230 obligation and may include in the written agreement any other
5231 terms and provisions acceptable to the school board. If the
5232 school board files a copy of such written agreement with the
5233 Department of Revenue, or any state agency, department or
5234 commission created under state law then the Department of Revenue
5235 or any state agency, department or commission created under state
5236 law shall immediately make the withholdings provided in such
5237 agreement from the amounts due the local school board and shall
5238 continue to pay the same over to such financial institution,
5239 trustee or obligee for the term of the agreement.

5240 This paragraph (tt) shall not grant any extra authority to a
5241 school board to issue debt in any amount exceeding statutory



5242 limitations on assessed value of taxable property within such
5243 school district or the statutory limitations on debt maturities,
5244 and shall not grant any extra authority to impose, levy or collect
5245 a tax which is not otherwise expressly provided for, and shall not
5246 be construed to apply to sixteenth section public school trust
5247 land;

5248 (uu) With respect to any matter or transaction that is
5249 competitively bid by a school district, to accept from any bidder
5250 as a good-faith deposit or bid bond or bid surety, the same type
5251 of good-faith deposit or bid bond or bid surety that may be
5252 accepted by the state or any other political subdivision on
5253 similar competitively bid matters or transactions. This paragraph
5254 (uu) shall not be construed to apply to sixteenth section public
5255 school trust land. The school board may authorize the investment
5256 of any school district funds in the same kind and manner of
5257 investments, including pooled investments, as any other political
5258 subdivision, including community hospitals;

5259 (vv) To utilize the alternate method for the conveyance
5260 or exchange of unused school buildings and/or land, reserving a
5261 partial or other undivided interest in the property, as
5262 specifically authorized and provided in Section 37-7-485;

5263 (ww) To delegate, privatize or otherwise enter into a
5264 contract with private entities for the operation of any and all
5265 functions of nonacademic school process, procedures and operations
5266 including, but not limited to, cafeteria workers, janitorial



5267 services, transportation, professional development, achievement
5268 and instructional consulting services materials and products,
5269 purchasing cooperatives, insurance, business manager services,
5270 auditing and accounting services, school safety/risk prevention,
5271 data processing and student records, and other staff services;
5272 however, the authority under this paragraph does not apply to the
5273 leasing, management or operation of sixteenth section lands.
5274 Local school districts, working through their regional education
5275 service agency, are encouraged to enter into buying consortia with
5276 other member districts for the purposes of more efficient use of
5277 state resources as described in Section 37-7-345;

5278 (xx) To partner with entities, organizations and
5279 corporations for the purpose of benefiting the school district;

5280 (yy) To borrow funds from the Rural Economic
5281 Development Authority for the maintenance of school buildings;

5282 (zz) To fund and operate voluntary early childhood
5283 education programs, defined as programs for children less than
5284 five (5) years of age on or before September 1, and to use any
5285 source of revenue for such early childhood education programs.
5286 Such programs shall not conflict with the Early Learning
5287 Collaborative Act of 2013;

5288 (aaa) To issue and provide for the use of procurement
5289 cards by school board members, superintendents and licensed school
5290 personnel consistent with the rules and regulations of the



5291 Mississippi Department of Finance and Administration under Section
5292 31-7-9; and

5293 (bbb) To conduct an annual comprehensive evaluation of
5294 the superintendent of schools consistent with the assessment
5295 components of paragraph (pp) of this section and the assessment
5296 benchmarks established by the Mississippi School Board Association
5297 to evaluate the success the superintendent has attained in meeting
5298 district goals and objectives, the superintendent's leadership
5299 skill and whether or not the superintendent has established
5300 appropriate standards for performance, is monitoring success and
5301 is using data for improvement.

5302 **SECTION 76.** Section 37-17-6, Mississippi Code of 1972, is
5303 amended as follows:

5304 37-17-6. (1) The State Board of Education, acting through
5305 the Commission on School Accreditation, shall establish and
5306 implement a permanent performance-based accreditation system, and
5307 all noncharter public elementary and secondary schools shall be
5308 accredited under this system.

5309 (2) School districts and charter schools shall be required
5310 to provide school classroom space that is air-conditioned as a
5311 minimum requirement for accreditation.

5312 (3) (a) The State Board of Education, acting through the
5313 Commission on School Accreditation, shall require that school
5314 districts employ certified school librarians according to the
5315 following formula:



5316	Number of Students	Number of Certified
5317	Per School Library	School Librarians
5318	0 - 499 Students	1/2 Full-time Equivalent
5319		Certified Librarian
5320	500 or More Students	1 Full-time Certified
5321		Librarian

5322 (b) The State Board of Education, however, may increase
5323 the number of positions beyond the above requirements.

5324 (c) The assignment of certified school librarians to
5325 the particular schools shall be at the discretion of the local
5326 school district. No individual shall be employed as a certified
5327 school librarian without appropriate training and certification as
5328 a school librarian by the State Department of Education.

5329 (d) School librarians in the district shall spend at
5330 least fifty percent (50%) of direct work time in a school library
5331 and shall devote no more than one-fourth (1/4) of the workday to
5332 administrative activities that are library related.

5333 (e) Nothing in this subsection shall prohibit any
5334 school district from employing more certified school librarians
5335 than are provided for in this section.

5336 (f) Any additional millage levied to fund school
5337 librarians required for accreditation under this subsection shall
5338 be included in the tax increase limitation set forth in Sections
5339 37-57-105 and 37-57-107 and shall not be deemed a new program for
5340 purposes of the limitation.



5341 (4) [Deleted]

5342 (5) (a) The State Department of Education, acting through
5343 the Mississippi Commission on School Accreditation, shall
5344 implement a single "A" through "F" school and school district
5345 accountability system complying with applicable federal and state
5346 requirements in order to reach the following educational goals:

5347 (i) To mobilize resources and supplies to ensure
5348 that all students exit third grade reading on grade level;

5349 (ii) To reduce the student dropout rate to ten
5350 percent (10%) by 2015; and

5351 (iii) To have sixty percent (60%) of students
5352 scoring proficient and advanced on assessments.

5353 (b) The State Department of Education shall combine the
5354 state school and school district accountability system with the
5355 federal system in order to have a single system.

5356 (c) The State Department of Education shall establish
5357 five (5) performance categories ("A," "B," "C," "D" and "F") for
5358 the accountability system based on the following criteria:

5359 (i) Student Achievement: the percent of students
5360 proficient and advanced on the current state assessments;

5361 (ii) Individual student growth: the percent of
5362 students making one (1) year's progress in one (1) year's time on
5363 the state assessment, with an emphasis on the progress of the
5364 lowest twenty-five percent (25%) of students in the school or
5365 district;



5366 (iii) Four-year graduation rate: the percent of
5367 students graduating with a standard high school diploma in four
5368 (4) years, as defined by federal regulations;

5369 (iv) The system shall include the federally
5370 compliant four-year graduation rate in school and school district
5371 accountability system calculations. Graduation rate will apply to
5372 high school, charter school and school district accountability
5373 ratings as a compensatory component. The system shall discontinue
5374 the use of the High School Completer Index (HSCI);

5375 (v) The school and school district accountability
5376 system shall incorporate a standards-based growth model, in order
5377 to support improvement of individual student learning;

5378 (vi) The State Department of Education shall
5379 determine feeder patterns of schools that do not earn a school
5380 grade because the grades and subjects taught at the school do not
5381 have statewide standardized assessments needed to calculate a
5382 school grade. Upon determination of the feeder pattern, the
5383 department shall notify schools and school districts prior to the
5384 release of the school grades. Feeder schools will be assigned the
5385 accountability designation of the school to which they provide
5386 students;

5387 (vii) Standards for student, school and school
5388 district performance will be increased when student proficiency is
5389 at a seventy-five percent (75%) and/or when sixty-five percent
5390 (65%) of the schools and/or school districts and charter schools



5391 are earning a grade of "B" or higher, in order to raise the
5392 standard on performance after targets are met; and

5393 (viii) The system shall include student
5394 performance on the administration of a career-readiness
5395 assessment, such as, but not limited to, the ACT WorkKeys
5396 Assessment, deemed appropriate by the State Department of
5397 Education working in coordination with the Office of Workforce
5398 Development.

5399 (d) The department shall assist the Mississippi Charter
5400 School Authorizer Board in the development and implementation of a
5401 separate accountability standard to be used in addition to the
5402 accountability model established in this section, which shall be
5403 used in an evaluative manner to determine the expansion, closure
5404 or revocation of an existing charter school. The department shall
5405 establish a procedure under the accountability rating system for
5406 the calculation of additional quality points to be awarded to
5407 school districts wherein charter schools are located.

5408 (6) Nothing in this section shall be deemed to require a
5409 nonpublic school that receives no local, state or federal funds
5410 for support to become accredited by the State Board of Education.

5411 (7) The State Board of Education shall create an
5412 accreditation audit unit under the Commission on School
5413 Accreditation to determine whether schools are complying with
5414 accreditation standards.



5415 (8) The State Board of Education shall be specifically
5416 authorized and empowered to withhold allocations from the total
5417 funding formula funds as provided in Sections 37-151-200 through
5418 37-151-215 to any public school district or charter school for
5419 failure to timely report student, school personnel and fiscal data
5420 necessary to meet state and/or federal requirements.

5421 (9) [Deleted]

5422 (10) The State Board of Education shall establish, for those
5423 school districts and charter schools failing to meet accreditation
5424 standards, a program of development to be complied with in order
5425 to receive state funds, except as otherwise provided in subsection
5426 (15) of this section when the Governor has declared a state of
5427 emergency in a school district or as otherwise provided in Section
5428 206, Mississippi Constitution of 1890. The state board, in
5429 establishing these standards, shall provide for notice to schools
5430 and sufficient time and aid to enable schools to attempt to meet
5431 these standards, unless procedures under subsection (15) of this
5432 section have been invoked.

5433 (11) The State Board of Education shall be charged with the
5434 implementation of the program of development in each applicable
5435 school district as follows:

5436 (a) Develop an impairment report for each district
5437 failing to meet accreditation standards in conjunction with school
5438 district officials;



5439 (b) Notify any applicable school district failing to
5440 meet accreditation standards that it is on probation until
5441 corrective actions are taken or until the deficiencies have been
5442 removed. The local school district shall develop a corrective
5443 action plan to improve its deficiencies. For district academic
5444 deficiencies, the corrective action plan for each such school
5445 district shall be based upon a complete analysis of the following:
5446 student test data, student grades, student attendance reports,
5447 student dropout data, existence and other relevant data. The
5448 corrective action plan shall describe the specific measures to be
5449 taken by the particular school district and school to improve:
5450 (i) instruction; (ii) curriculum; (iii) professional development;
5451 (iv) personnel and classroom organization; (v) student incentives
5452 for performance; (vi) process deficiencies; and (vii) reporting to
5453 the local school board, parents and the community. The corrective
5454 action plan shall describe the specific individuals responsible
5455 for implementing each component of the recommendation and how each
5456 will be evaluated. All corrective action plans shall be provided
5457 to the State Board of Education as may be required. The decision
5458 of the State Board of Education establishing the probationary
5459 period of time shall be final;

5460 (c) Offer, during the probationary period, technical
5461 assistance to the school district in making corrective actions.
5462 Subject to appropriations, the State Department of Education shall
5463 provide technical and/or financial assistance to all such school



5464 districts in order to implement each measure identified in that
5465 district's corrective action plan through professional development
5466 and on-site assistance. Each such school district shall apply for
5467 and utilize all available federal funding in order to support its
5468 corrective action plan in addition to state funds made available
5469 under this paragraph;

5470 (d) Assign department personnel or contract, in its
5471 discretion, with the institutions of higher learning or other
5472 appropriate private entities with experience in the academic,
5473 finance and other operational functions of schools to assist
5474 school districts;

5475 (e) Provide for publication of public notice at least
5476 one time during the probationary period, in a newspaper published
5477 within the jurisdiction of the school district failing to meet
5478 accreditation standards, or if no newspaper is published therein,
5479 then in a newspaper having a general circulation therein. The
5480 publication shall include the following: declaration of school
5481 system's status as being on probation; all details relating to the
5482 impairment report; and other information as the State Board of
5483 Education deems appropriate. Public notices issued under this
5484 section shall be subject to Section 13-3-31 and not contrary to
5485 other laws regarding newspaper publication.

5486 (12) (a) If the recommendations for corrective action are
5487 not taken by the local school district or if the deficiencies are
5488 not removed by the end of the probationary period, the Commission



5489 on School Accreditation shall conduct a hearing to allow the
5490 affected school district to present evidence or other reasons why
5491 its accreditation should not be withdrawn. Additionally, if the
5492 local school district violates accreditation standards that have
5493 been determined by the policies and procedures of the State Board
5494 of Education to be a basis for withdrawal of school district's
5495 accreditation without a probationary period, the Commission on
5496 School Accreditation shall conduct a hearing to allow the affected
5497 school district to present evidence or other reasons why its
5498 accreditation should not be withdrawn. After its consideration of
5499 the results of the hearing, the Commission on School Accreditation
5500 shall be authorized, with the approval of the State Board of
5501 Education, to withdraw the accreditation of a public school
5502 district, and issue a request to the Governor that a state of
5503 emergency be declared in that district.

5504 (b) (i) If the State Board of Education and the
5505 Commission on School Accreditation determine that an extreme
5506 emergency situation exists in a school district that jeopardizes
5507 the safety, security or educational interests of the children
5508 enrolled in the schools in that district and that emergency
5509 situation is believed to be related to a serious violation or
5510 violations of accreditation standards or state or federal law, the
5511 State Board of Education may request the Governor to declare a
5512 state of emergency in that school district. For purposes of this
5513 paragraph, the declarations of a state of emergency district's



5514 impairments are related to a lack of financial may include the
5515 school district's serious failure to meet minimum academic
5516 standards, as evidenced by a continued pattern of poor student
5517 performance, or impairments related to a lack of financial
5518 resources.

5519 (ii) If the State Board of Education determines
5520 that a public school or district in the state which, during each
5521 of two (2) consecutive school years or during two (2) of three (3)
5522 consecutive school years, receives an "F" designation by the State
5523 Board of Education under the accountability rating system or has
5524 been persistently failing as defined by the State Board of
5525 Education; or if the State Board of Education determines that a
5526 public school or district in the state which, during each of four
5527 (4) consecutive school years, receives a "D" or "F" designation by
5528 the State Board of Education under the accountability rating
5529 system or has been persistently failing as defined by the State
5530 Board of Education; or if more than fifty percent (50%) of the
5531 schools within a school district are designated as Schools-At-Risk
5532 in any one (1) year, then the board may place such school or
5533 district into a District of Transformation. The State Board of
5534 Education shall take over only the number of schools and districts
5535 for which it has the capacity to serve. The State Board of
5536 Education shall adopt rules and regulations governing any
5537 additional requirements for placement into a District of
5538 Transformation and the operation thereof. School districts or



5539 schools that are eligible to be placed into a District of
5540 Transformation due to poor academic performance but are not
5541 absorbed due to the capacity of the State Board of Education,
5542 shall develop and implement a district improvement plan with
5543 prescriptive guidance and support from the Mississippi Department
5544 of Education, with the goal of helping the district improve
5545 student achievement. Failure of the school board, superintendent
5546 and school district staff to implement the plan with fidelity and
5547 participate in the activities provided as support by the
5548 department shall result in the school district retaining its
5549 eligibility for placement into a District of Transformation.

5550 (iii) If the State Board of Education determined
5551 that a school district is impaired with a serious lack of
5552 financial resources, the State Board of Education may place the
5553 school district into a District of Transformation. If a school
5554 district is placed into a District of Transformation for financial
5555 reasons, the school district shall be required to reimburse the
5556 state for any costs incurred by the state on behalf of the school
5557 district.

5558 (c) Whenever the Governor declares a state of emergency
5559 in a school district in response to a request made under paragraph
5560 (a) or (b) of this subsection, or when the State Board of
5561 Education places a school district into a District of
5562 Transformation due to poor academic performance or financial



5563 reasons, the State Board of Education may take one or more of the
5564 following actions:

5565 (i) Declare a state of emergency, under which some
5566 or all of state funds can be escrowed except as otherwise provided
5567 in Section 206, Constitution of 1890, until the board determines
5568 corrective actions are being taken or the deficiencies have been
5569 removed, or that the needs of students warrant the release of
5570 funds. The funds may be released from escrow for any program
5571 which the board determines to have been restored to standard even
5572 though the state of emergency may not as yet be terminated for the
5573 district as a whole;

5574 (ii) Override any decision of the local school
5575 board or superintendent of education, or both, concerning the
5576 management and operation of the school district, or initiate and
5577 make decisions concerning the management and operation of the
5578 school district;

5579 (iii) Assign an interim superintendent, or in its
5580 discretion, contract with a private entity with experience in the
5581 academic, finance and other operational functions of schools and
5582 school districts, who will have those powers and duties prescribed
5583 in subsection (15) of this section;

5584 (iv) Grant transfers to students who attend this
5585 school district so that they may attend other accredited schools
5586 or districts in a manner that is not in violation of state or
5587 federal law;



5588 (v) For states of emergency declared under
5589 paragraph (a) only, if the accreditation deficiencies are related
5590 to the fact that the school district is too small, with too few
5591 resources, to meet the required standards and if another school
5592 district is willing to accept those students, abolish that
5593 district and assign that territory to another school district or
5594 districts. If the school district has proposed a voluntary
5595 consolidation with another school district or districts, then if
5596 the State Board of Education finds that it is in the best interest
5597 of the pupils of the district for the consolidation to proceed,
5598 the voluntary consolidation shall have priority over any such
5599 assignment of territory by the State Board of Education;

5600 (vi) For actions taken pursuant to paragraph (b)
5601 only, reduce local supplements paid to school district employees,
5602 including, but not limited to, instructional personnel, assistant
5603 teachers and extracurricular activities personnel, if the
5604 district's impairment is related to a lack of financial resources,
5605 but only to an extent that will result in the salaries being
5606 comparable to districts similarly situated, as determined by the
5607 State Board of Education;

5608 (vii) For actions taken pursuant to paragraph (b)
5609 only, the State Board of Education may take any action as
5610 prescribed in Section 37-17-13.

5611 (d) At the time that satisfactory corrective action has
5612 been taken in a school district in which a state of emergency has



5613 been declared, the State Board of Education may request the
5614 Governor to declare that the state of emergency no longer exists
5615 in the district.

5616 (e) The parent or legal guardian of a school-age child
5617 who is enrolled in a school district whose accreditation has been
5618 withdrawn by the Commission on School Accreditation and without
5619 approval of that school district may file a petition in writing to
5620 a school district accredited by the Commission on School
5621 Accreditation for a legal transfer. The school district
5622 accredited by the Commission on School Accreditation may grant the
5623 transfer according to the procedures of Section 37-15-31(1)(b).
5624 In the event the accreditation of the student's home district is
5625 restored after a transfer has been approved, the student may
5626 continue to attend the transferee school district. The per pupil
5627 amount of the total funding formula allotment for the student's
5628 home school district shall be transferred monthly to the school
5629 district accredited by the Commission on School Accreditation that
5630 has granted the transfer of the school-age child.

5631 (f) Upon the declaration of a state of emergency for
5632 any school district in which the Governor has previously declared
5633 a state of emergency, the State Board of Education may either:

5634 (i) Place the school district into district
5635 transformation, in which the school district shall remain until it
5636 has fulfilled all conditions related to district transformation.
5637 If the district was assigned an accreditation rating of "D" or "F"



5638 when placed into district transformation, the district shall be
5639 eligible to return to local control when the school district has
5640 attained a "C" rating or higher for three (3) consecutive years;

5641 (ii) Abolish the school district and
5642 administratively consolidate the school district with one or more
5643 existing school districts;

5644 (iii) Reduce the size of the district and
5645 administratively consolidate parts of the district, as determined
5646 by the State Board of Education. However, no school district
5647 which is not in district transformation shall be required to
5648 accept additional territory over the objection of the district; or

5649 (iv) Require the school district to develop and
5650 implement a district improvement plan with prescriptive guidance
5651 and support from the State Department of Education, with the goal
5652 of helping the district improve student achievement. Failure of
5653 the school board, superintendent and school district staff to
5654 implement the plan with fidelity and participate in the activities
5655 provided as support by the department shall result in the school
5656 district retaining its eligibility for district transformation.

5657 (13) Upon the declaration of a state of emergency in a
5658 school district under subsection (12) of this section, or upon the
5659 State Board of Education's placement of a school district into a
5660 District of Transformation for academic or financial reasons, the
5661 Commission on School Accreditation shall be responsible for public
5662 notice at least once a week for at least three (3) consecutive



5663 weeks in a newspaper published within the jurisdiction of the
5664 school district failing to meet accreditation standards, or if no
5665 newspaper is published therein, then in a newspaper having a
5666 general circulation therein. The size of the notice shall be no
5667 smaller than one-fourth (1/4) of a standard newspaper page and
5668 shall be printed in bold print. If an interim superintendent has
5669 been appointed for the school district, the notice shall begin as
5670 follows: "By authority of Section 37-17-6, * * * as amended,
5671 adopted by the Mississippi Legislature during the 1991 Regular
5672 Session, this school district (name of school district) is hereby
5673 placed under the jurisdiction of the State Department of Education
5674 acting through its appointed interim superintendent (name of
5675 interim superintendent)."

5676 The notice also shall include, in the discretion of the State
5677 Board of Education, any or all details relating to the school
5678 district's emergency status, including the declaration of a state
5679 of emergency in the school district and a description of the
5680 district's impairment deficiencies, conditions of any district
5681 transformation status and corrective actions recommended and being
5682 taken. Public notices issued under this section shall be subject
5683 to Section 13-3-31 and not contrary to other laws regarding
5684 newspaper publication.

5685 Upon termination of a school district in a District of
5686 Transformation, the Commission on School Accreditation shall cause
5687 notice to be published in the school district in the same manner



5688 provided in this section, to include any or all details relating
5689 to the corrective action taken in the school district that
5690 resulted in the termination of the state of emergency.

5691 (14) The State Board of Education or the Commission on
5692 School Accreditation shall have the authority to require school
5693 districts to produce the necessary reports, correspondence,
5694 financial statements, and any other documents and information
5695 necessary to fulfill the requirements of this section.

5696 Nothing in this section shall be construed to grant any
5697 individual, corporation, board or interim superintendent the
5698 authority to levy taxes except in accordance with presently
5699 existing statutory provisions.

5700 (15) (a) Whenever the Governor declares a state of
5701 emergency in a school district in response to a request made under
5702 subsection (12) of this section, or when the State Board of
5703 Education places a school district into a District of
5704 Transformation for academic or financial reasons, the State Board
5705 of Education, in its discretion, may assign an interim
5706 superintendent to the school district, or in its discretion, may
5707 contract with an appropriate private entity with experience in the
5708 academic, finance and other operational functions of schools and
5709 school districts, who will be responsible for the administration,
5710 management and operation of the school district, including, but
5711 not limited to, the following activities:



5712 (i) Approving or disapproving all financial
5713 obligations of the district, including, but not limited to, the
5714 employment, termination, nonrenewal and reassignment of all
5715 licensed and nonlicensed personnel, contractual agreements and
5716 purchase orders, and approving or disapproving all claim dockets
5717 and the issuance of checks; in approving or disapproving
5718 employment contracts of superintendents, assistant superintendents
5719 or principals, the interim superintendent shall not be required to
5720 comply with the time limitations prescribed in Sections 37-9-15
5721 and 37-9-105;

5722 (ii) Supervising the day-to-day activities of the
5723 district's staff, including reassigning the duties and
5724 responsibilities of personnel in a manner which, in the
5725 determination of the interim superintendent, will best suit the
5726 needs of the district;

5727 (iii) Reviewing the district's total financial
5728 obligations and operations and making recommendations to the
5729 district for cost savings, including, but not limited to,
5730 reassigning the duties and responsibilities of staff;

5731 (iv) Attending all meetings of the district's
5732 school board and administrative staff;

5733 (v) Approving or disapproving all athletic, band
5734 and other extracurricular activities and any matters related to
5735 those activities;



5736 (vi) Maintaining a detailed account of
5737 recommendations made to the district and actions taken in response
5738 to those recommendations;

5739 (vii) Reporting periodically to the State Board of
5740 Education on the progress or lack of progress being made in the
5741 district to improve the district's impairments during the state of
5742 emergency; and

5743 (viii) Appointing a parent advisory committee,
5744 comprised of parents of students in the school district that may
5745 make recommendations to the interim superintendent concerning the
5746 administration, management and operation of the school district.

5747 The cost of the salary of the interim superintendent and any
5748 other actual and necessary costs related to district
5749 transformation status paid by the State Department of Education
5750 shall be reimbursed by the local school district from funds other
5751 than total funding formula funds as provided in Sections
5752 37-151-200 through 37-151-215. In the alternative, the local
5753 school district may pay the cost of the salary of the interim
5754 superintendent. The department shall submit an itemized statement
5755 to the superintendent of the local school district for
5756 reimbursement purposes, and any unpaid balance may be withheld
5757 from the district's funding formula funds.

5758 At the time that the Governor, in accordance with the request
5759 of the State Board of Education, declares that the state of
5760 emergency no longer exists in a school district, the interim



5761 superintendent assigned to the district shall remain in place for
5762 a period of two (2) years and shall work alongside the newly
5763 reconstituted school board. A new superintendent may be hired by
5764 the newly reconstituted board after the one (1) year state of
5765 emergency no longer exists, but he or she shall serve as deputy to
5766 the interim superintendent while the interim superintendent is
5767 assigned to the district.

5768 (b) In order to provide loans to school districts under
5769 a state of emergency or in district transformation status that
5770 have impairments related to a lack of financial resources, the
5771 School District Emergency Assistance Fund is created as a special
5772 fund in the State Treasury into which monies may be transferred or
5773 appropriated by the Legislature from any available public
5774 education funds. Funds in the School District Emergency
5775 Assistance Fund up to a maximum balance of Three Million Dollars
5776 (\$3,000,000.00) annually shall not lapse but shall be available
5777 for expenditure in subsequent years subject to approval of the
5778 State Board of Education. Any amount in the fund in excess of
5779 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
5780 year shall lapse into the State General Fund or the Education
5781 Enhancement Fund, depending on the source of the fund.

5782 The State Board of Education may loan monies from the School
5783 District Emergency Assistance Fund to a school district that is
5784 under a state of emergency or in district transformation status,
5785 in those amounts, as determined by the board, that are necessary



5786 to correct the district's impairments related to a lack of
5787 financial resources. The loans shall be evidenced by an agreement
5788 between the school district and the State Board of Education and
5789 shall be repayable in principal, without necessity of interest, to
5790 the School District Emergency Assistance Fund by the school
5791 district from any allowable funds that are available. The total
5792 amount loaned to the district shall be due and payable within five
5793 (5) years after the impairments related to a lack of financial
5794 resources are corrected. If a school district fails to make
5795 payments on the loan in accordance with the terms of the agreement
5796 between the district and the State Board of Education, the State
5797 Department of Education, in accordance with rules and regulations
5798 established by the State Board of Education, may withhold that
5799 district's total funding formula funds in an amount and manner
5800 that will effectuate repayment consistent with the terms of the
5801 agreement; the funds withheld by the department shall be deposited
5802 into the School District Emergency Assistance Fund.

5803 The State Board of Education shall develop a protocol that
5804 will outline the performance standards and requisite timeline
5805 deemed necessary for extreme emergency measures. If the State
5806 Board of Education determines that an extreme emergency exists,
5807 simultaneous with the powers exercised in this subsection, it
5808 shall take immediate action against all parties responsible for
5809 the affected school districts having been determined to be in an
5810 extreme emergency. The action shall include, but not be limited



5811 to, initiating civil actions to recover funds and criminal actions
5812 to account for criminal activity. Any funds recovered by the
5813 State Auditor or the State Board of Education from the surety
5814 bonds of school officials or from any civil action brought under
5815 this subsection shall be applied toward the repayment of any loan
5816 made to a school district hereunder.

5817 (16) [Deleted]

5818 (17) [Deleted]

5819 (18) The State Board of Education, acting through the
5820 Commission on School Accreditation, shall require each school
5821 district to comply with standards established by the State
5822 Department of Audit for the verification of fixed assets and the
5823 auditing of fixed assets records as a minimum requirement for
5824 accreditation.

5825 (19) [Deleted]

5826 (20) [Deleted]

5827 (21) If a local school district is determined as failing and
5828 placed into district transformation status for reasons authorized
5829 by the provisions of this section, the interim superintendent
5830 appointed to the district shall, within forty-five (45) days after
5831 being appointed, present a detailed and structured corrective
5832 action plan to move the local school district out of district
5833 transformation status to the deputy superintendent. A copy of the
5834 interim superintendent's corrective action plan shall also be
5835 filed with the State Board of Education.



5836 (22) The State Board of Education shall integrate the
5837 requirements of the School Accountability Dashboard into the
5838 existing performance-based accreditation system and ensure
5839 compliance by all public schools and districts.

5840 **SECTION 77.** Section 37-21-7, Mississippi Code of 1972, is
5841 amended as follows:

5842 37-21-7. (1) This section shall be referred to as the
5843 "Mississippi Elementary Schools Assistant Teacher Program," the
5844 purpose of which shall be to provide an early childhood education
5845 program that assists in the instruction of basic skills. The
5846 State Board of Education is authorized, empowered and directed to
5847 implement a statewide system of assistant teachers in kindergarten
5848 classes and in the first, second and third grades. The assistant
5849 teacher shall assist pupils in actual instruction under the strict
5850 supervision of a licensed teacher.

5851 (2) (a) Except as otherwise authorized under subsection
5852 (7), each school district shall employ the total number of
5853 assistant teachers funded under subsection (6) of this section.
5854 The superintendent of each district shall assign the assistant
5855 teachers to the kindergarten, first-, second- and third-grade
5856 classes in the district in a manner that will promote the maximum
5857 efficiency, as determined by the superintendent, in the
5858 instruction of skills such as verbal and linguistic skills,
5859 logical and mathematical skills, and social skills.



5860 (b) If a licensed teacher to whom an assistant teacher
5861 has been assigned is required to be absent from the classroom, the
5862 assistant teacher may assume responsibility for the classroom in
5863 lieu of a substitute teacher. However, no assistant teacher shall
5864 assume sole responsibility of the classroom for more than three
5865 (3) consecutive school days. Further, in no event shall any
5866 assistant teacher be assigned to serve as a substitute teacher for
5867 any teacher other than the licensed teacher to whom that assistant
5868 teacher has been assigned.

5869 (3) Assistant teachers shall have, at a minimum, a high
5870 school diploma or a High School Equivalency Diploma equivalent,
5871 and shall show demonstratable proficiency in reading and writing
5872 skills. The State Department of Education shall develop a testing
5873 procedure for assistant teacher applicants to be used in all
5874 school districts in the state.

5875 (4) (a) In order to receive funding, each school district
5876 shall:

5877 (i) Submit a plan on the implementation of a
5878 reading improvement program to the State Department of Education;
5879 and

5880 (ii) Develop a plan of educational accountability
5881 and assessment of performance, including pretests and posttests,
5882 for reading in Grades 1 through 6.

5883 (b) Additionally, each school district shall:



5884 (i) Provide annually a mandatory preservice
5885 orientation session, using an existing in-school service day, for
5886 administrators and teachers on the effective use of assistant
5887 teachers as part of a team in the classroom setting and on the
5888 role of assistant teachers, with emphasis on program goals;

5889 (ii) Hold periodic workshops for administrators
5890 and teachers on the effective use and supervision of assistant
5891 teachers;

5892 (iii) Provide training annually on specific
5893 instructional skills for assistant teachers;

5894 (iv) Annually evaluate their program in accordance
5895 with their educational accountability and assessment of
5896 performance plan; and

5897 (v) Designate the necessary personnel to supervise
5898 and report on their program.

5899 (5) The State Department of Education shall:

5900 (a) Develop and assist in the implementation of a
5901 statewide uniform training module, subject to the availability of
5902 funds specifically appropriated therefor by the Legislature, which
5903 shall be used in all school districts for training administrators,
5904 teachers and assistant teachers. The module shall provide for the
5905 consolidated training of each assistant teacher and teacher to
5906 whom the assistant teacher is assigned, working together as a
5907 team, and shall require further periodic training for



5908 administrators, teachers and assistant teachers regarding the role
5909 of assistant teachers;

5910 (b) Annually evaluate the program on the district and
5911 state level. Subject to the availability of funds specifically
5912 appropriated therefor by the Legislature, the department shall
5913 develop: (i) uniform evaluation reports, to be performed by the
5914 principal or assistant principal, to collect data for the annual
5915 overall program evaluation conducted by the department; or (ii) a
5916 program evaluation model that, at a minimum, addresses process
5917 evaluation; and

5918 (c) Promulgate rules, regulations and such other
5919 standards deemed necessary to effectuate the purposes of this
5920 section. Noncompliance with the provisions of this section and
5921 any rules, regulations or standards adopted by the department may
5922 result in a violation of compulsory accreditation standards as
5923 established by the State Board of Education and the Commission on
5924 School Accreditation.

5925 (6) Each school district shall be allotted sufficient
5926 funding under the total funding formula provided in Sections
5927 37-151-200 through 37-151-215 for the purpose of employing
5928 assistant teachers. No assistant teacher shall be paid less than
5929 the amount he or she received in the prior school year. No school
5930 district shall receive any funds under this section for any school
5931 year during which the aggregate amount of the local contribution



5932 to the salaries of assistant teachers by the district shall have
5933 been reduced below such amount for the previous year.

5934 For assistant teachers, the minimum annual salary shall be as
5935 follows:

5936 * * * 2026-2027 and Subsequent Years Minimum Salary.....
5937 * * * \$20,000.00

5938 In addition, for each one percent (1%) that the Sine Die
5939 General Fund Revenue Estimate Growth exceeds five percent (5%) in
5940 fiscal year 2006, as certified by the Legislative Budget Office to
5941 the State Board of Education and subject to the specific
5942 appropriation therefor by the Legislature, the State Board of
5943 Education shall revise the salary scale in the appropriate year to
5944 provide an additional one percent (1%) across-the-board increase
5945 in the base salaries for assistant teachers. The State Board of
5946 Education shall revise the salaries prescribed above for assistant
5947 teachers to conform to any adjustments made in prior fiscal years
5948 due to revenue growth over and above five percent (5%). The
5949 assistant teachers shall not be restricted to working only in the
5950 grades for which the funds were allotted, but may be assigned to
5951 other classes as provided in subsection (2)(a) of this section.

5952 (7) (a) As an alternative to employing assistant teachers,
5953 any school district may use the funding provided under subsection
5954 (6) of this section for the purpose of employing licensed teachers
5955 for kindergarten, first-, second- and third-grade classes;
5956 however, no school district shall be authorized to use the funding



5957 for assistant teachers for the purpose of employing licensed
5958 teachers unless the district has established that the employment
5959 of licensed teachers using such funds will reduce the
5960 teacher:student ratio in the kindergarten, first-, second- and
5961 third-grade classes. All state funds for assistant teachers shall
5962 be applied to reducing teacher:student ratio in Grades K-3.

5963 It is the intent of the Legislature that no school district
5964 shall dismiss any assistant teacher for the purpose of using the
5965 assistant teacher funding to employ licensed teachers. School
5966 districts may rely only upon normal attrition to reduce the number
5967 of assistant teachers employed in that district.

5968 (b) Districts meeting the highest levels of
5969 accreditation standards, as defined by the State Board of
5970 Education, shall be exempted from the provisions of subsection (4)
5971 of this section.

5972 **SECTION 78.** Section 37-173-9, Mississippi Code of 1972, is
5973 brought forward as follows:

5974 37-173-9. (1) (a) The parent or legal guardian is not
5975 required to accept the offer of enrolling in another public school
5976 in lieu of requesting a Mississippi Dyslexia Therapy Scholarship
5977 to a nonpublic school. However, if the parent or legal guardian
5978 chooses the public school option, the student may continue
5979 attending a public school chosen by the parent or legal guardian
5980 until the student completes Grade 12.



5981 (b) If the parent or legal guardian chooses a public
5982 school within the district, the school district shall provide
5983 transportation to the public school selected by the parent or
5984 legal guardian. However, if the parent or legal guardian chooses
5985 a public school in another district, the parent or legal guardian
5986 is responsible to provide transportation to the school of choice.

5987 These provisions do not prohibit a parent or legal guardian
5988 of a student diagnosed with dyslexia, at any time, from choosing
5989 the option of a Mississippi Dyslexia Therapy Scholarship which
5990 would allow the student to attend another public school or
5991 nonpublic special purpose school.

5992 (2) If the parent or legal guardian chooses the nonpublic
5993 school option and the student is accepted by the nonpublic school
5994 pending the availability of a space for the student, the parent or
5995 legal guardian of the student must notify the department thirty
5996 (30) days before the first scholarship payment and before entering
5997 the nonpublic school in order to be eligible for the scholarship
5998 when a space becomes available for the student in the nonpublic
5999 school.

6000 (3) The parent or legal guardian of a student may choose, as
6001 an alternative, to enroll the student in and transport the student
6002 to a public school in an adjacent school district which has
6003 available space and has a program with dyslexia services that
6004 provide daily dyslexia therapy sessions delivered by a department
6005 licensed dyslexia therapist, and that school district shall accept



6006 the student and report the student for purposes of the district's
6007 funding under the total funding formula provided in Sections
6008 37-151-200 through 37-151-215.

6009 **SECTION 79.** Section 37-173-13, Mississippi Code of 1972, is
6010 amended as follows:

6011 37-173-13. (1) The maximum scholarship granted per eligible
6012 student with dyslexia shall be an amount equivalent to the student
6013 base amount under the total funding formula provided in Sections
6014 37-151-200 through 37-151-215, and an additional Two Thousand
6015 Dollars (\$2,000.00) above the base student cost for the applicable
6016 school year.

6017 (2) (a) The nonpublic school under this program shall
6018 report to the State Department of Education the number of students
6019 with dyslexia who are enrolled in nonpublic schools on the
6020 Mississippi Dyslexia Therapy Scholarships as of September 30 of
6021 each year in order to determine funding for the subsequent year.
6022 Funds may not be transferred from any funding provided to the
6023 Mississippi School for the Deaf and the Blind for program
6024 participants who are eligible under Section 37-173-5.

6025 (b) The State Department of Education will disburse
6026 payments to nonpublic schools under this program in twelve (12)
6027 substantially equal installments. The initial payment shall be
6028 made after department verification of admission acceptance, and
6029 subsequent payments shall be made upon verification of continued
6030 enrollment and attendance at the nonpublic school.



6031 **SECTION 80.** Section 37-175-13, Mississippi Code of 1972, is
6032 amended as follows:

6033 37-175-13. (1) The maximum scholarship granted per eligible
6034 student with speech-language impairment shall be an amount
6035 equivalent to the * * * base student * * * amount under the total
6036 funding formula provided in Sections 37-151-200 through
6037 37-151-215 * * * , and an additional Two Thousand Dollars
6038 (\$2,000.00) above the base student cost for the applicable school
6039 year.

6040 (2) (a) Any nonpublic school under this program shall
6041 report to the State Department of Education the number of students
6042 with speech-language impairment who are enrolled in nonpublic
6043 schools on the Mississippi Speech-Language Therapy Scholarships as
6044 of September 30 of each year in order to determine funding for the
6045 subsequent year. Funds may not be transferred from any funding
6046 provided to the Mississippi School for the Deaf and the Blind for
6047 program participants who are eligible under Section 37-175-5.

6048 (b) The State Department of Education shall make
6049 payments to nonpublic schools for each student at the nonpublic
6050 school equal to the state share of the total funding formula
6051 payments for each student in net enrollment at the school district
6052 from which the student transferred. In calculating the local
6053 contribution for purposes of determining the state share of the
6054 total funding formula payments, the department shall deduct the
6055 pro rata local contribution of the school district in which the



6056 student resides, to be determined as provided in Section
6057 37-151-211(2).

6058 (c) Payments made pursuant to this subsection by the
6059 State Department of Education must be made at the same time and in
6060 the same manner as the total funding formula payments are made to
6061 school districts under Sections 37-151-101 and 37-151-103.
6062 Amounts payable to a nonpublic school must be determined by the
6063 State Department of Education.

6064 (3) If the parent opts to remove a child from a public
6065 school to a nonpublic special purpose school and to receive a
6066 scholarship under this chapter, then transportation shall be
6067 provided at the parent's or guardian's expense.

6068 **SECTION 81.** (1) Beginning with the 2026-2027 academic
6069 school year, the State Board of Education shall incorporate
6070 financial literacy components within the existing curriculum
6071 offered in Grades 6 through 8. This section shall be applicable
6072 to all schools accredited by the State Department of Education and
6073 public charter schools.

6074 (2) Beginning with the graduating class of 2031, each public
6075 school student during Grade 9, 10, 11 or 12, shall take and pass a
6076 one-half (1/2) Carnegie Unit credit course in personal finance or
6077 a full Carnegie Unit course where half the course standards are
6078 financial literacy in order to earn a high school diploma.

6079 (3) There is established in the State Treasury a special
6080 fund to be known as the "Financial Literacy Trust Fund" to provide



6081 financial literacy education for this program. The fund shall be
6082 administered by the State Board of Education and may accept
6083 private contributions, publicly or privately funded grants, any
6084 eligible funds from settlements or penalties collected by the
6085 state or any state agency, and funds appropriated by the state or
6086 federal government. No expenditure from the fund shall cause the
6087 fund to be in deficiency at the close of the fiscal year.
6088 Unexpended monies remaining in the fund at the end of the fiscal
6089 year shall not lapse into the General Fund but shall be available
6090 for expenditure in the subsequent fiscal year. The fund shall be
6091 an expendable trust fund and shall not be subject to appropriation
6092 or allotment.

6093 (4) The State Board of Education shall develop rules and
6094 regulations for the implementation of the trust. The trust may
6095 expend funds to administer the fund, which shall include an
6096 independent audit of the financial activities of the fund every
6097 three (3) years. The trust also may enter into contracts with
6098 private corporations to manage and implement the programmatic,
6099 fiduciary or administrative goals of the trust, subject to the
6100 approval of the board. The board shall annually report to the
6101 Legislature all programmatic and financial activities and balances
6102 of the fund on or before December 31 of each year.

6103 **SECTION 82.** Section 37-16-7, Mississippi Code of 1972, is
6104 amended as follows:



6105 37-16-7. (1) Each district school board shall establish
6106 standards for graduation from its schools which shall include as a
6107 minimum:

6108 (a) Mastery of minimum academic skills as measured by
6109 assessments developed and administered by the State Board of
6110 Education * * *; and

6111 (b) Completion of a minimum number of academic credits,
6112 including a one-half (1/2) Carnegie Unit credit course in personal
6113 finance or a full Carnegie Unit course where half the course
6114 standards are financial literacy as set forth in Section 81 of
6115 this act, and all other applicable requirements prescribed by the
6116 district school board.

6117 (* * *2) By school, each school district shall maintain and
6118 report information on high school graduation rates. High schools
6119 with graduation rates lower than eighty percent (80%) must submit
6120 a detailed plan to the * * * State Department of Education to
6121 restructure the high school experience to improve graduation
6122 rates.

6123 (* * *3) A student who meets all requirements prescribed in
6124 subsection (1) of this section shall be awarded a standard diploma
6125 in a form prescribed by the State Board of Education.

6126 (* * *4) The State Board of Education may establish student
6127 proficiency standards for promotion to grade levels leading to
6128 graduation.



6129 (* * *5) The State Board of Education shall develop a
6130 curriculum related to the study of sign language. Any such class
6131 developed by the board may count as an academic credit for foreign
6132 languages for the purposes of high school graduation requirements.

6133 **SECTION 83.** Sections 83 through 86 of this act shall be
6134 known as the "Mississippi School Accountability Dashboard Act".

6135 **SECTION 84.** The Legislature finds that providing parents,
6136 educators and communities with clear, comprehensive and accessible
6137 school performance information enhances transparency, fosters
6138 accountability and supports student success. Mississippi's
6139 performance-based accreditation system offers the foundation for
6140 reporting this data.

6141 **SECTION 85.** (1) (a) Beginning with the 2026-2027 academic
6142 school year, all school districts shall publish their initial
6143 School Accountability Dashboards by September 30, 2026.
6144 Subsequently, districts shall provide an updated dashboard within
6145 three (3) weeks of receiving their annual district accountability
6146 rating as published by the State Department of Education in the
6147 Mississippi Succeeds Report Card, and annually thereafter subject
6148 to the three-week grace period of publication of the Mississippi
6149 Succeeds Report Card.

6150 (b) Except as otherwise provided in paragraph (c), the
6151 data required under Section 86 of this act to be reported in the
6152 dashboard shall be compiled into an easily accessible,
6153 user-friendly single-page graphic and published on the main page



6154 of the school district's and in a centralized database on the
6155 department's website. Additional data included on a district's
6156 accountability dashboard may consist of measures and statistics
6157 the local school board believes to be relevant to the overall
6158 performance of schools in that school district, which shall be
6159 clearly distinguished from statutorily required reporting metrics.

6160 (c) The department shall be granted a one-year grace
6161 period to identify any relevant statistical data that is not
6162 currently collected to be subsequently in all dashboard reports
6163 beginning with the published dashboards for the 2027-2028 school
6164 year.

6165 (2) The State Department of Education shall issue guidance
6166 and the standardized dashboard template to all school districts by
6167 August 1, 2026. The department shall develop a School
6168 Accountability Dashboard website, that is independent of the
6169 department's official website, which shall be administered
6170 strictly for the purpose of providing detailed monthly reports of
6171 actual revenue, receipts, expenditures and disbursements as
6172 further provided in this section. In the development of School
6173 Accountability Dashboard website, the department shall provide an
6174 online tool for comparison of public school district budgets and
6175 expenditures, in total and on a per-pupil basis.

6176 **SECTION 86.** (1) The State Department of Education shall
6177 develop and provide a standardized template for a School
6178 Accountability Dashboard, which shall be aligned with the state's



6179 performance-based accreditation system to ensure consistency in
6180 reporting by all public schools and districts.

6181 (2) Unless otherwise exempted under Section 85(1)(c) the
6182 dashboard shall include, but not be limited to, the following
6183 metrics:

6184 (a) Schoolwide Metrics:

6185 (i) School accountability letter grade;

6186 (ii) School district accountability letter grade;

6187 (iii) Graduation rate;

6188 (iv) Grade 8 reading and math proficiency and
6189 growth;

6190 (v) Grade 3 reading and math proficiency and
6191 growth;

6192 (vi) Truancy/absenteeism rate;

6193 (vii) Dropout rate; and

6194 (viii) Student-to-teacher ratio;

6195 (b) College, Career, and Workforce Readiness Metrics:

6196 (i) College placement rate;

6197 (ii) Job placement rate;

6198 (iii) Military placement rate;

6199 (iv) Average ACT and ACT WorkKeys scores; and

6200 (v) Specialty class offerings (e.g., advanced
6201 placement, career-technical education, dual credit, industry
6202 internships);

6203 (vi) College and career-readiness index scores;



6204 (c) Teacher and Staffing Metrics:
6205 (i) Number of teachers with advanced
6206 degrees/certifications;
6207 (ii) Number of teachers with industry experience;
6208 (iii) Teacher turnover rate; and
6209 (iv) Number of long-term substitute teachers
6210 utilized; and

6211 (d) School fiscal accounting and expenditure reports.

6212 (3) After the initial submission of school fiscal data in
6213 the School Accountability Dashboard by September 30, 2026,
6214 required under Section 86(1), beginning October 15, 2026, and the
6215 fifteenth day of each month thereafter, each school district shall
6216 submit a detailed fiscal accounting report to the State Department
6217 of Education, identifying and itemizing every fund allocated,
6218 received and expended by the district during the calendar year,
6219 before such funds are assigned codes for specific functions and
6220 objects. At a minimum, the school district fiscal accounting
6221 report shall include:

6222 (a) The actual amount of total monthly expenditures,
6223 which shall be further identified and itemized by:

6224 (i) Amount of each single, independent
6225 expenditure;

6226 (ii) Date of specific expenditure;

6227 (iii) The purpose for which the expenditure was
6228 made;



6229 (iv) To whom the expenditure of funds was paid;
6230 (v) The function and object code associated with
6231 each single, independent expenditure;
6232 (vi) Contracts for each month, including, without
6233 limitation, the identity of each vendor, the purpose of each
6234 contract and payments associated with each contract;
6235 (vii) An identification of all funding sources,
6236 and the monthly beginning and ending balance of those sources; and
6237 (viii) The funding source from which the funds
6238 were expended for each transaction;
6239 (b) A reporting of all district staff and personnel
6240 expenditures separated as follows:
6241 (i) Total aggregate expenditures for staff and
6242 personnel who are compensated according to a statutory salary
6243 schedule during the monthly reporting period;
6244 (ii) Total aggregate expenditures for staff and
6245 personnel who are not compensated according to a statutory salary
6246 schedule during the monthly reporting period; and
6247 (iii) By June 30 of each year, an aggregate
6248 accounting of salaries for all district personnel, whether
6249 compensated in accordance with a statutory salary schedule,
6250 through contractual obligation or regular hourly wages, which
6251 further identifies each employee's title or job function, their
6252 duties and responsibilities and the aggregate amount of



6253 compensation disbursed to each employee during the fiscal year;
6254 and

6255 (c) By June 30 of each year, an identification of all
6256 supplemental pay provided by the school district, to teachers,
6257 teacher assistants and other district personnel, regardless of
6258 capacity for which they serve as a full-time or part-time
6259 employee.

6260 (4) The State Department of Education, in accordance with
6261 rules and regulations established by the State Board of Education,
6262 shall withhold a school district's total funding formula
6263 allocation for failure of the district to timely report fiscal and
6264 personnel data necessary to meet the requirements of this section.
6265 Noncompliance with such rules and regulations shall result in a
6266 violation of compulsory accreditation standards as established by
6267 the State Board of Education and Commission on School
6268 Accreditation.

6269 **SECTION 87.** Section 37-17-8, Mississippi Code of 1972, is
6270 amended as follows:

6271 37-17-8. (1) The State Board of Education, through the
6272 Commission on School Accreditation, shall establish criteria for
6273 comprehensive in-service staff development plans. These criteria
6274 shall: (a) include, but not be limited to, formula and guidelines
6275 for allocating available state funds for in-service training to
6276 local school districts; (b) require that a portion of the plans be
6277 devoted exclusively for the purpose of providing staff development



6278 training for beginning teachers within that local school district
6279 and for no other purpose; and (c) require that a portion of the
6280 school district's in-service training for administrators and
6281 teachers be dedicated to the application and utilization of
6282 various disciplinary techniques. The board shall each year make
6283 recommendations to the Legislature concerning the amount of funds
6284 which shall be appropriated for this purpose.

6285 (2) School districts shall not be required to submit staff
6286 development plans to the Commission on School Accreditation for
6287 approval. However, any school district accredited at the lowest
6288 performance levels, as defined by the State Board of Education,
6289 shall include, as a part of any required corrective action plan,
6290 provisions to address staff development in accordance with State
6291 Board of Education requirements. All school districts, unless
6292 specifically exempt from this section, must maintain on file staff
6293 development plans as required under this section. The plan shall
6294 have been prepared by a district committee appointed by the
6295 district superintendent and consisting of teachers,
6296 administrators, school board members, and lay people, and it shall
6297 have been approved by the district superintendent.

6298 (3) In order to ensure that teachers are not overburdened
6299 with paperwork and written reports, local school districts and
6300 the State Board of Education shall take such steps as may be
6301 necessary to further the reduction of paperwork requirements on
6302 teachers.



6303 (4) Districts meeting the highest levels of accreditation
6304 standards, as defined by the State Board of Education, shall be
6305 exempted from the mandatory provisions of this section relating to
6306 staff development plans.

6307 (5) The School Accountability Dashboard shall serve as a
6308 public reporting tool and shall not impose additional punitive
6309 measures based solely on the data reported therein. The State
6310 Department of Education shall oversee the accuracy and consistency
6311 of dashboard data across districts and provide technical
6312 assistance as needed.

6313 **SECTION 88.** Section 25-11-126, Mississippi Code of 1972, is
6314 amended as follows:

6315 25-11-126. (1) Any person who has at least thirty (30)
6316 years of creditable service, who was employed as a public school
6317 teacher at the time of his or her retirement, has been retired at
6318 least ninety (90) days and is receiving a retirement allowance,
6319 and holds a standard teaching license in Mississippi, may be
6320 employed as a teacher in a public school district after
6321 retirement, and choose to continue receiving the retirement
6322 allowance under this article during his or her employment as a
6323 teacher after retirement in addition to receiving the salary
6324 authorized under this section, along with the local contribution
6325 of the school district in which the retiree is employed, at the
6326 discretion of the school district. Any teacher who has retired
6327 with at least twenty-five (25) years of creditable service as of



6328 July 1, 2024, may also participate in this program if the teacher
6329 otherwise qualifies under this section.

6330 (2) A retired teacher, under the authority of this section
6331 may * * * be hired to teach in * * * any school district * * *,
6332 and shall hold the related standard teaching license and/or
6333 endorsements to teach in the subject area for which he or she is
6334 employed. The base compensation authorized for returning retired
6335 teachers under Section 37-19-7 shall not be graduated annually in
6336 the same manner as teachers who are employed by a school district
6337 under traditional employment guidelines, but shall remain static
6338 for the entirety of his or her * * * teaching period as a retired
6339 teacher.

6340 (3) (a) A retired teacher may be employed as a teacher,
6341 continue receiving his or her retirement allowance and be a
6342 contributing member of the system without accruing additional
6343 retirement benefits * * *.

6344 * * * A school district shall * * * adhere to the salary
6345 schedule prescribed in Section 37-19-7 in considering the salary
6346 for a retired teacher, which shall not be less than the amount
6347 comparable to teacher's salary at his or her retirement as
6348 determined by the teacher's years of service and license
6349 type * * *. However, * * * the school district may allocate up to
6350 one hundred and twenty-five percent (125%) of the amount provided
6351 under the salary schedule comparable to the teacher's years of



6352 service and license type as salary and assessment under the
6353 program.

6354 * * *

6355 (b) * * * The salary authorized under Section 37-19-7
6356 for retired teachers shall be * * * adjusted accordingly to
6357 reflect * * * the contractual agreement entered into by an
6358 employing school district and a retired teacher * * * to perform
6359 instructional responsibility on a part-time or full-time basis.

6360 (c) The State Department of Education shall transfer to
6361 the system the * * * total funding formula funds of local school
6362 districts that on or after July 1, 2024, hire retired members as
6363 teachers under this section and other funds that otherwise would
6364 have been payable to the districts if the districts had not taken
6365 advantage of this section. The crediting of assets and financing
6366 shall follow the provisions of Section 25-11-123.

6367 (d) Local educational agencies shall transfer to the
6368 system * * * the total funding formula funds of local school
6369 districts that on or after July 1, 2024, hire retired members as
6370 teachers under this section and other funds that otherwise would
6371 have been payable to the districts if the districts had not taken
6372 advantage of this section. The crediting of assets and financing
6373 must follow the provisions of Section 25-11-123.

6374 * * *

6375 (* * *4) A person may be hired under this section subject
6376 to the following conditions:



6377 (a) The retired member holds any teacher's professional
6378 license or certificate as may be required in Section 37-3-2, and
6379 holds the related standard teaching license and/or endorsements to
6380 teach in the applicable subject area of instruction provided to
6381 students;

6382 (b) The superintendent of the employing school district
6383 certifies in writing to the State Department of Education that the
6384 retired member has the requisite experience, training and
6385 expertise for the position to be filled;

6386 (c) The superintendent of the school district certifies
6387 or the principal of the school certifies that there was no
6388 preexisting arrangement for the person to be hired; and

6389 (d) The person had a satisfactory performance review
6390 for the most recent period before retirement * * *.

6391 * * *

6392 (* * *5) The State Superintendent of Public Education shall
6393 report the persons who are employed under this section to the
6394 Executive Director of the Public Employees' Retirement System.

6395 (* * *6) The department of education shall promulgate
6396 regulations that prescribe a salary schedule that reflects the
6397 provisions of this section. Each school district shall create a
6398 policy, approved by the local school board, related to the hiring
6399 of retired teachers and including, but not limited to, the hiring
6400 of full- and part-time retired teacher employees under this
6401 section and Section 25-11-127.



6402 (* * *7) Any retired teacher who returns to work in
6403 accordance with this section shall not be eligible to return to
6404 work under the provisions of Section 25-11-127.

6405 **SECTION 89.** Section 37-19-7, Mississippi Code of 1972, is
6406 amended as follows:

6407 37-19-7. (1) Teachers' salaries in each public school
6408 district shall be determined and paid in accordance with the scale
6409 for teachers' salaries as provided in this subsection. For
6410 teachers holding the following types of licenses or the equivalent
6411 as determined by the State Board of Education, and the following
6412 number of years of teaching experience, the scale shall be as
6413 follows:

6414 **2022-2023 AND SUBSEQUENT SCHOOL YEARS MINIMUM SALARY SCHEDULE**

6415	Exp.	AAAA	AAA	AA	A
6416	0	45,500.00	44,000.00	43,000.00	41,500.00
6417	1	46,100.00	44,550.00	43,525.00	41,900.00
6418	2	46,700.00	45,100.00	44,050.00	42,300.00
6419	3	47,300.00	45,650.00	44,575.00	42,700.00
6420	4	47,900.00	46,200.00	45,100.00	43,100.00
6421	5	49,250.00	47,500.00	46,350.00	44,300.00
6422	6	49,850.00	48,050.00	46,875.00	44,700.00
6423	7	50,450.00	48,600.00	47,400.00	45,100.00
6424	8	51,050.00	49,150.00	47,925.00	45,500.00
6425	9	51,650.00	49,700.00	48,450.00	45,900.00
6426	10	53,000.00	51,000.00	49,700.00	47,100.00



6427	11	53,600.00	51,550.00	50,225.00	47,500.00
6428	12	54,200.00	52,100.00	50,750.00	47,900.00
6429	13	54,800.00	52,650.00	51,275.00	48,300.00
6430	14	55,400.00	53,200.00	51,800.00	48,700.00
6431	15	56,750.00	54,500.00	53,050.00	49,900.00
6432	16	57,350.00	55,050.00	53,575.00	50,300.00
6433	17	57,950.00	55,600.00	54,100.00	50,700.00
6434	18	58,550.00	56,150.00	54,625.00	51,100.00
6435	19	59,150.00	56,700.00	55,150.00	51,500.00
6436	20	60,500.00	58,000.00	56,400.00	52,700.00
6437	21	61,100.00	58,550.00	56,925.00	53,100.00
6438	22	61,700.00	59,100.00	57,450.00	53,500.00
6439	23	62,300.00	59,650.00	57,975.00	53,900.00
6440	24	62,900.00	60,200.00	58,500.00	54,300.00
6441	25	65,400.00	62,700.00	61,000.00	56,800.00
6442	26	66,000.00	63,250.00	61,525.00	57,200.00
6443	27	66,600.00	63,800.00	62,050.00	57,600.00
6444	28	67,200.00	64,350.00	62,575.00	58,000.00
6445	29	67,800.00	64,900.00	63,100.00	58,400.00
6446	30	68,400.00	65,450.00	63,625.00	58,800.00
6447	31	69,000.00	66,000.00	64,150.00	59,200.00
6448	32	69,600.00	66,550.00	64,675.00	59,600.00
6449	33	70,200.00	67,100.00	65,200.00	60,000.00
6450	34	70,800.00	67,650.00	65,725.00	60,400.00
6451	35				



6452 & above 71,400.00 68,200.00 66,250.00 60,800.00

6453 **2024-2025 AND SUBSEQUENT SCHOOL YEARS MINIMUM SALARY SCHEDULE**

6454 The school district, with assistance from the Department of
6455 Education, shall consider the teacher's years of service and
6456 license type and determine the corresponding salary for the
6457 retired teacher. After determining the retired teacher's
6458 corresponding salary, the school district may allocate up to one
6459 hundred twenty-five percent (125%) of the amount provided under
6460 the salary schedule for such teacher, as applicable, as salary and
6461 assessment under the program.

6462 * * *

6463 It is the intent of the Legislature that any state funds made
6464 available for salaries of licensed personnel in excess of the
6465 funds paid for such salaries for the 1986-1987 school year shall
6466 be paid to licensed personnel pursuant to a personnel appraisal
6467 and compensation system implemented by the State Board of
6468 Education. The State Board of Education shall have the authority
6469 to adopt and amend rules and regulations as are necessary to
6470 establish, administer and maintain the system.

6471 All teachers employed on a full-time basis shall be paid a
6472 minimum salary in accordance with the above scale. However, no
6473 school district shall receive any funds under this section for any
6474 school year during which the local supplement paid to any
6475 individual teacher shall have been reduced to a sum less than that
6476 paid to that individual teacher for performing the same duties



6477 from local supplement during the immediately preceding school
6478 year. The amount actually spent for the purposes of group health
6479 and/or life insurance shall be considered as a part of the
6480 aggregate amount of local supplement but shall not be considered a
6481 part of the amount of individual local supplement.

6482 The level of professional training of each teacher to be used
6483 in establishing the salary for the teacher for each year shall be
6484 determined by the type of valid teacher's license issued to that
6485 teacher on or before October 1 of the current school year.
6486 However, school districts are authorized, in their discretion, to
6487 negotiate the salary levels applicable to licensed employees who
6488 are receiving retirement benefits from the retirement system of
6489 another state.

6490 (2) (a) The following employees shall receive an annual
6491 salary supplement in the amount of Six Thousand Dollars
6492 (\$6,000.00), plus fringe benefits, in addition to any other
6493 compensation to which the employee may be entitled:

6494 (i) Any licensed teacher or retired teacher
6495 employed by a school district under the authority of Section
6496 25-11-126 who has met the requirements and acquired a Master
6497 Teacher certificate from the National Board for Professional
6498 Teaching Standards and who is employed by a local school board or
6499 the State Board of Education as a teacher and not as an
6500 administrator. Such teacher shall submit documentation to the
6501 State Department of Education that the certificate was received



6502 prior to October 15 in order to be eligible for the full salary
6503 supplement in the current school year, or the teacher shall submit
6504 such documentation to the State Department of Education prior to
6505 February 15 in order to be eligible for a prorated salary
6506 supplement beginning with the second term of the school year.

6507 (ii) A licensed nurse who has met the requirements
6508 and acquired a certificate from the National Board for
6509 Certification of School Nurses, Inc., and who is employed by a
6510 local school board or the State Board of Education as a school
6511 nurse and not as an administrator. The licensed school nurse
6512 shall submit documentation to the State Department of Education
6513 that the certificate was received before October 15 in order to be
6514 eligible for the full salary supplement in the current school
6515 year, or the licensed school nurse shall submit the documentation
6516 to the State Department of Education before February 15 in order
6517 to be eligible for a prorated salary supplement beginning with the
6518 second term of the school year.

6519 (iii) Any licensed school counselor who has met
6520 the requirements and acquired a National Certified School
6521 Counselor (NCSC) endorsement from the National Board of Certified
6522 Counselors and who is employed by a local school board or the
6523 State Board of Education as a counselor and not as an
6524 administrator. Such licensed school counselor shall submit
6525 documentation to the State Department of Education that the
6526 endorsement was received prior to October 15 in order to be



6527 eligible for the full salary supplement in the current school
6528 year, or the licensed school counselor shall submit such
6529 documentation to the State Department of Education prior to
6530 February 15 in order to be eligible for a prorated salary
6531 supplement beginning with the second term of the school year.
6532 However, any school counselor who started the National Board for
6533 Professional Teaching Standards process for school counselors
6534 between June 1, 2003, and June 30, 2004, and completes the
6535 requirements and acquires the Master Teacher certificate shall be
6536 entitled to the master teacher supplement, and those counselors
6537 who complete the process shall be entitled to a one-time
6538 reimbursement for the actual cost of the process as outlined in
6539 paragraph (b) of this subsection.

6540 (iv) Any licensed speech-language pathologist and
6541 audiologist who has met the requirements and acquired a
6542 Certificate of Clinical Competence from the American
6543 Speech-Language-Hearing Association and any certified academic
6544 language therapist (CALT) who has met the certification
6545 requirements of the Academic Language Therapy Association and who
6546 is employed by a local school board. The licensed speech-language
6547 pathologist and audiologist and certified academic language
6548 therapist shall submit documentation to the State Department of
6549 Education that the certificate or endorsement was received before
6550 October 15 in order to be eligible for the full salary supplement
6551 in the current school year, or the licensed speech-language



6552 pathologist and audiologist and certified academic language
6553 therapist shall submit the documentation to the State Department
6554 of Education before February 15 in order to be eligible for a
6555 prorated salary supplement beginning with the second term of the
6556 school year.

6557 (v) Any licensed athletic trainer who has met the
6558 requirements and acquired Board Certification for the Athletic
6559 Trainer from the Board of Certification, Inc., and who is employed
6560 by a local school board or the State Board of Education as an
6561 athletic trainer and not as an administrator. The licensed
6562 athletic trainer shall submit documentation to the State
6563 Department of Education that the certificate was received before
6564 October 15 in order to be eligible for the full salary supplement
6565 in the current school year, or the licensed athletic trainer shall
6566 submit the documentation to the State Department of Education
6567 before February 15 in order to be eligible for a prorated salary
6568 supplement beginning with the second term of the school year.

6569 (b) An employee shall be reimbursed for the actual cost
6570 of completing each component of acquiring the certificate or
6571 endorsement, excluding any costs incurred for postgraduate
6572 courses, not to exceed Five Hundred Dollars (\$500.00) for each
6573 component, not to exceed four (4) components, for a teacher,
6574 school counselor or speech-language pathologist and audiologist,
6575 regardless of whether or not the process resulted in the award of
6576 the certificate or endorsement. A local school district or any



6577 private individual or entity may pay the cost of completing the
6578 process of acquiring the certificate or endorsement for any
6579 employee of the school district described under paragraph (a), and
6580 the State Department of Education shall reimburse the school
6581 district for such cost, regardless of whether or not the process
6582 resulted in the award of the certificate or endorsement. If a
6583 private individual or entity has paid the cost of completing the
6584 process of acquiring the certificate or endorsement for an
6585 employee, the local school district may agree to directly
6586 reimburse the individual or entity for such cost on behalf of the
6587 employee.

6588 (c) All salary supplements, fringe benefits and process
6589 reimbursement authorized under this subsection shall be paid
6590 directly by the State Department of Education to the local school
6591 district and shall be in addition to its allotments from the total
6592 funding formula provided in Sections 37-151-200 through 37-151-215
6593 and not a part thereof in accordance with regulations promulgated
6594 by the State Board of Education. Local school districts shall not
6595 reduce the local supplement paid to any employee receiving such
6596 salary supplement, and the employee shall receive any local
6597 supplement to which employees with similar training and experience
6598 otherwise are entitled. However, an educational employee shall
6599 receive the salary supplement in the amount of Six Thousand
6600 Dollars (\$6,000.00) for only one (1) of the qualifying
6601 certifications authorized under paragraph (a) of this subsection.



6602 No school district shall provide more than one (1) annual salary
6603 supplement under the provisions of this subsection to any one (1)
6604 individual employee holding multiple qualifying national
6605 certifications.

6606 (d) If an employee for whom such cost has been paid, in
6607 full or in part, by a local school district or private individual
6608 or entity fails to complete the certification or endorsement
6609 process, the employee shall be liable to the school district or
6610 individual or entity for all amounts paid by the school district
6611 or individual or entity on behalf of that employee toward his or
6612 her certificate or endorsement.

6613 (3) The following employees shall receive an annual salary
6614 supplement in the amount of Four Thousand Dollars (\$4,000.00),
6615 plus fringe benefits, in addition to any other compensation to
6616 which the employee may be entitled:

6617 Effective July 1, 2016, if funds are available for that
6618 purpose, any licensed teacher or retired teacher employed by a
6619 local school district under the authority of Section 25-11-126 who
6620 has met the requirements and acquired a Master Teacher Certificate
6621 from the National Board for Professional Teaching Standards and
6622 who is employed in a public school district located in one (1) of
6623 the following counties: Claiborne, Adams, Jefferson, Wilkinson,
6624 Amite, Bolivar, Coahoma, Leflore, Quitman, Sharkey, Issaquena,
6625 Sunflower, Washington, Holmes, Yazoo and Tallahatchie. The salary
6626 supplement awarded under the provisions of this subsection (3)



6627 shall be in addition to the salary supplement awarded under the
6628 provisions of subsection (2) of this section.

6629 Teachers who meet the qualifications for a salary supplement
6630 under this subsection (3) who are assigned for less than one (1)
6631 full year or less than full time for the school year shall receive
6632 the salary supplement in a prorated manner, with the portion of
6633 the teacher's assignment to the critical geographic area to be
6634 determined as of June 15th of the school year.

6635 (4) (a) This subsection shall be known and may be cited as
6636 the "Mississippi Performance-Based Pay (MPBP)" plan. In addition
6637 to the minimum base pay described in this section, only if funds
6638 are available for that purpose, the State of Mississippi may
6639 provide monies from state funds to school districts for the
6640 purposes of rewarding licensed teachers, administrators and
6641 nonlicensed personnel at individual schools showing improvement in
6642 student test scores. The MPBP plan shall be developed by the
6643 State Department of Education based on the following criteria:

6644 (i) It is the express intent of this legislation
6645 that the MPBP plan shall utilize only existing standards of
6646 accreditation and assessment as established by the State Board of
6647 Education.

6648 (ii) To ensure that all of Mississippi's teachers,
6649 administrators and nonlicensed personnel at all schools have equal
6650 access to the monies set aside in this section, the MPBP program
6651 shall be designed to calculate each school's performance as



6652 determined by the school's increase in scores from the prior
6653 school year. The MPBP program shall be based on a standardized
6654 scores rating where all levels of schools can be judged in a
6655 statistically fair and reasonable way upon implementation. At the
6656 end of each year, after all student achievement scores have been
6657 standardized, the State Department of Education shall implement
6658 the MPBP plan.

6659 (iii) To ensure all teachers cooperate in the
6660 spirit of teamwork, individual schools shall submit a plan to the
6661 local school district to be approved before the beginning of each
6662 school year. The plan shall include, but not be limited to, how
6663 all teachers, regardless of subject area, and administrators will
6664 be responsible for improving student achievement for their
6665 individual school.

6666 (b) The State Board of Education shall develop the
6667 processes and procedures for designating schools eligible to
6668 participate in the MPBP. State assessment results, growth in
6669 student achievement at individual schools and other measures
6670 deemed appropriate in designating successful student achievement
6671 shall be used in establishing MPBP criteria.

6672 (5) (a) If funds are available for that purpose, each
6673 school in Mississippi shall have mentor teachers, as defined by
6674 Sections 37-9-201 through 37-9-213, who shall receive additional
6675 base compensation provided for by the State Legislature in the
6676 amount of One Thousand Dollars (\$1,000.00) per each beginning



6677 teacher that is being mentored. The additional state compensation
6678 shall be limited to those mentor teachers that provide mentoring
6679 services to beginning teachers. For the purposes of such funding,
6680 a beginning teacher shall be defined as any teacher in any school
6681 in Mississippi that has less than one (1) year of classroom
6682 experience teaching in a public school. For the purposes of such
6683 funding, no full-time academic teacher shall mentor more than two
6684 (2) beginning teachers.

6685 (b) To be eligible for this state funding, the
6686 individual school must have a classroom management program
6687 approved by the local school board.

6688 (6) Effective with the 2014-2015 school year, the school
6689 districts participating in the Pilot Performance-Based
6690 Compensation System pursuant to Section 37-19-9 may award
6691 additional teacher and administrator pay based thereon.

6692 **SECTION 90.** Section 37-181-3, Mississippi Code of 1972, is
6693 amended as follows:

6694 37-181-3. The terms used in this chapter shall have the
6695 meanings ascribed herein, unless the context clearly indicates
6696 otherwise:

6697 (a) "ESA program" means the Education Scholarship
6698 Account (ESA) program created in this chapter as a categorically
6699 funded program administered by the fund manager under the
6700 Mississippi Education Freedom Act.



6701 (b) "Eligible student" means any student who has had an
6702 active Individualized Education Program (IEP) or Individualized
6703 Service Plan (ISP) within the past three (3) years and has
6704 maintained eligibility.

6705 (c) "Participating student" means any student who meets
6706 the qualifications of an eligible student as defined in paragraph
6707 (b) of this section and is participating in an ESA program at an
6708 eligible school.

6709 (d) "Parent" means a resident of this state who is a
6710 parent, legal guardian, custodian or other person with the
6711 authority to act on behalf of the eligible student.

6712 (e) "Department" means the State Department of
6713 Education.

6714 (f) "Home school district" means the public school
6715 district in which the student resides.

6716 (g) "Eligible school" means a state-accredited special
6717 purpose school, a state-accredited nonpublic school, or a
6718 nonpublic school located in the state that has enrolled a
6719 participating student and is providing services for the
6720 participating student's disability or special education needs, or
6721 is providing services addressing a participating student's IEP or
6722 ISP. An eligible school does not include a home instruction
6723 program under Section 37-13-91 * * *.

6724 (h) "Tutor" means a person who is certified or licensed
6725 by a state, regional, or national certification, licensing, or



6726 accreditation organization or who has earned a valid teacher's
6727 license or who has experience teaching at an eligible
6728 postsecondary institution.

6729 (i) "Postsecondary institution" means a community
6730 college, college, or university accredited by a state, regional or
6731 national accrediting organization.

6732 (j) "Educational service provider" means an eligible
6733 school, tutor * * * or other person or organization that provides
6734 education-related services and products to participating students.

6735 (k) "Awarded ESA school year" means the duration of the
6736 school year in which ESA program funds are deposited in a
6737 student's ESA.

6738 (l) Nothing in this section shall negate federal law
6739 requiring public school districts to identify and provide services
6740 to students with disabilities who live within the public school
6741 district, including those enrolled in nonpublic schools or home
6742 instruction programs.

6743 (m) An eligible school shall provide notice to a
6744 participating student's home school district when the eligible
6745 student enrolls in the eligible school with an ESA. Furthermore,
6746 a public school district providing special education services to a
6747 participating student enrolled in an eligible school shall be
6748 reimbursed by the eligible school, or parent or guardian who
6749 submitted the ESA application, fair market value for any special
6750 education services rendered to the eligible student in an amount



6751 not to exceed the amount of ESA funds reimbursed to the eligible
6752 student during the awarded ESA school year.

6753 (n) "Fund manager" means the Mississippi Office of the
6754 State Treasurer.

6755 **SECTION 91.** Section 37-181-5, Mississippi Code of 1972, is
6756 amended as follows:

6757 37-181-5. (1) An eligible student shall qualify to
6758 participate in the ESA program if the parent or guardian signs an
6759 agreement promising:

6760 (a) To provide an organized, appropriate educational
6761 program with measurable annual goals to their participating
6762 student and to provide an education for the participating student
6763 in at least the subjects of reading, grammar, mathematics, social
6764 studies and science;

6765 (b) To document their participating student's
6766 disability at intervals and in a manner required under subsection
6767 (8) of this section;

6768 (c) Not to enroll their participating student in a
6769 public school and to acknowledge as part of the agreement that the
6770 eligible school has provided clear notice to the parent or
6771 guardian that the participating student has no individual
6772 entitlement to a free appropriate public education (FAPE) from
6773 their home school district, including special education and
6774 related services, for as long as the student is participating in
6775 the ESA program;



6776 (d) Not to file for their participating student a
6777 certificate of enrollment indicating participation in a home
6778 instruction program under Section 37-13-91 * * *; and

6779 (e) Not to participate in the Mississippi Dyslexia
6780 Therapy Scholarship for Students with Dyslexia Program or the
6781 Mississippi Speech-Language Therapy Scholarship for Students with
6782 Speech-Language Impairments Program while participating in the ESA
6783 program.

6784 (2) A certified educational assistance organization(s)
6785 (CEAO), at the direction of the parents or guardians shall use the
6786 funds deposited in a participating student's ESA for any of the
6787 following qualifying expenses, which shall be incurred within the
6788 awarded ESA school year, to educate the student using any of the
6789 below methods or combination of methods that meet the requirement
6790 in subsection (1)(a) of this section:

6791 (a) Tuition and/or academic fees at an eligible school;

6792 (b) Textbooks related to academic coursework;

6793 (c) Payment to a tutor, as defined in Section
6794 37-181-3(h);

6795 (d) Payment for purchase of curriculum, including any
6796 supplemental materials required by the curriculum;

6797 (e) Fees for nationally standardized norm-referenced
6798 achievement tests, including alternate assessments; and fees for
6799 Advanced Placement examinations or similar courses and any
6800 examinations related to college or university admission;



6801 (f) Educational services or therapies from a licensed
6802 or certified practitioner or provider, including licensed or
6803 certified paraprofessionals or educational aides;

6804 (g) Tuition and fees related to dual enrollment at a
6805 postsecondary institution;

6806 (h) Textbooks related to academic coursework at a
6807 postsecondary institution;

6808 (i) Surety bond payments if required by the department;

6809 (j) No more than Fifty Dollars (\$50.00) in annual
6810 consumable school supplies necessary for educational services and
6811 therapies, daily classroom activities, and tutoring;

6812 (k) Computer hardware and software and other
6813 technological devices if an eligible school, licensed or certified
6814 tutor, licensed or certified educational service practitioner or
6815 provider, or licensed medical professional verifies in writing
6816 that these items are essential for the student to meet annual,
6817 measurable educational and academic goals or goals within the
6818 scope of the eligible student's IEP. Once a student is no longer
6819 participating in the ESA program, computer hardware and software
6820 and other technological devices purchased with ESA funds shall be
6821 donated to a public school or public library. Qualifying expenses
6822 for computer hardware and software include only those expenses
6823 incurred within the awarded ESA school year * * *; and

6824 (l) Fees charged by a certified educational assistance
6825 organization(s) (CEAO) to administer the accounts.



6826 * * *

6827 (* * *3) Neither a participating student, nor anyone on the
6828 student's behalf, may receive cash or cash-equivalent items, such
6829 as gift cards or store credit, from any refunds or rebates from
6830 any provider of services or products in the ESA program. Any
6831 refunds or rebates shall be credited directly to the participating
6832 student's ESA. The funds in an ESA may only be used for
6833 education-related purposes as defined in this chapter.

6834 (* * *4) (a) Eligible schools, postsecondary institutions
6835 and educational service providers that serve participating
6836 students shall provide the parent or guardian who submitted the
6837 ESA program application with an original itemized receipt,
6838 including the service provider's name and address, for all
6839 qualifying expenses. The parent or guardian who submitted the ESA
6840 application shall provide the original itemized receipt to
6841 the * * * fund manager.

6842 (b) In lieu of providing the parent or guardian who
6843 submitted the ESA program application with an original itemized
6844 receipt, the eligible schools, postsecondary institutions and
6845 educational service providers may provide to the * * * fund
6846 manager an original itemized receipt approved and signed off on by
6847 the parent or guardian who submitted the ESA application,
6848 including the service provider's name and address, for all
6849 qualifying expenses.



6850 (* * *5) Payment for educational services through an ESA
6851 shall not preclude parents or guardians from paying for
6852 educational services using non-ESA funds.

6853 (* * *6) For purposes of continuity of educational
6854 attainment, students who enroll in the ESA program shall remain
6855 eligible to receive * * * monthly ESA payments until the
6856 participating student returns to a public school, completes high
6857 school, completes the school year in which the student reaches the
6858 age of twenty-one (21), or does not have eligibility verified by a
6859 parent or guardian as required under subsection (8) of this
6860 section, whichever occurs first. Any interest or other earnings
6861 attributable to unexpended funds within a participating student's
6862 Magnolia Student Account shall be credited to a student's account
6863 on a quarterly basis until such time that the student is deemed no
6864 longer eligible for participation in the program as determined
6865 under the provisions of Section 37-190-19, at which time any
6866 remaining funds shall revert to the Education Freedom Fund as
6867 prescribed under that section.

6868 (* * *7) Any funds remaining in a student's Education
6869 Scholarship Account upon completion of high school shall * * *
6870 remain accessible to the student for the period prescribed in
6871 Section 37-190-15(2) (f), and a failure to adhere to those
6872 provisions shall result in the student's ESA being closed and any
6873 remaining monies shall be forfeited to the credit of the Education



6874 Freedom Fund established in the State Treasury under Section
6875 37-190-17.

6876 (* * *8) Every three (3) years after initial enrollment in
6877 the ESA program, a parent or guardian of a participating student,
6878 except a student diagnosed as being a person with a permanent
6879 disability, shall document that the student continues to be
6880 identified by the school district, a federal or state government
6881 agency, or a licensed physician or psychometrist as a child with a
6882 disability, as defined by the federal Individuals with
6883 Disabilities Education Act (20 USCS Section 1401(3)).

6884 (* * *9) An eligible student shall be allowed to return to
6885 his home school district at any time after enrolling in the ESA
6886 program, in compliance with regulations adopted by the department
6887 providing for the least disruptive process for doing so. Upon the
6888 participating student's return to his or her home school district,
6889 the student's Education Scholarship Account shall be closed and
6890 any remaining funds shall be distributed to the student's home
6891 school district at the end of the awarded ESA school year.

6892 (10) Each quarter, any interest or other earnings
6893 attributable to undisbursed money held by a certified educational
6894 assistance organization for purposes of this program shall be
6895 remitted to the fund manager for deposit in the Education Freedom
6896 Fund established under Section 37-190-23.

6897 **SECTION 92.** Section 37-181-7, Mississippi Code of 1972, is
6898 amended as follows:



6899 37-181-7. (1) New enrollment in the ESA program created in
6900 this chapter shall be * * * available to all eligible students, as
6901 defined in Section 37-181-3. Subject to appropriation from the
6902 General Fund, each student's ESA shall be funded at * * * the
6903 student base amount as determined under Section 37-151-203, and
6904 shall increase or decrease by the same proportion as the student
6905 base amount under Section 37-151-203 is increased or decreased.
6906 Beginning with the 2027-2028 school year and for each subsequent
6907 year, an additional Two Thousand Dollars (\$2,000.00) above the
6908 base student cost for the applicable school year for eligible
6909 students.

6910 (2) Subject to appropriation, eligible students shall be
6911 approved for participation in the ESA program as follows:

6912 (a) Students shall be approved on a first-come,
6913 first-served basis, with applications being reviewed on a rolling
6914 basis; and

6915 * * *

6916 (* * * b) Participating students who remain eligible
6917 for the ESA program are automatically approved for participation
6918 for the following year * * *.

6919 (3) No funds for an ESA may be expended from the total
6920 funding formula funds provided in this chapter, nor shall any
6921 school district be required to provide funding for an ESA.

6922 **SECTION 93.** Section 37-181-9, Mississippi Code of 1972, is
6923 amended as follows:



6924 37-181-9. (1) The * * * fund manager shall create a
6925 standard form that parents or guardians of students submit to
6926 establish their student's eligibility for an Education Scholarship
6927 Account. The * * * fund manager shall ensure that the application
6928 is readily available to interested families through various
6929 sources, including the department's and the Mississippi Office of
6930 the State Treasurer's websites and the copy of procedural
6931 safeguards annually given to parents or guardians. * * *

6932 (2) The department and the fund manager shall provide
6933 parents or guardians of participating students with a written
6934 explanation of the allowable uses of Education Scholarship
6935 Accounts, the responsibilities of parents and the duties of
6936 the * * * fund manager. This information shall also be made
6937 available on the department's and the Mississippi Office of the
6938 State Treasurer's websites.

6939 (3) The fund manager shall require the department * * * to
6940 annually notify all students with an IEP of the existence of the
6941 ESA program and shall ensure that lower-income families are made
6942 aware of their potential eligibility.

6943 (4) The * * * fund manager * * * shall receive an annual
6944 appropriation for the costs of overseeing the funds and
6945 administering the ESA program, which such funds may also be used
6946 to cover up to three percent (3%) of the cost assessed by a
6947 certified educational assistance origination (CEAO) with whom the



6948 fund manager has entered a contractual agreement to administer the
6949 program and ensure compliance with state regulations.

6950 (5) (a) The * * * fund manager shall make a determination
6951 of eligibility, and shall approve the application, within
6952 twenty-one (21) business days of receiving an application for
6953 participation in the ESA program, subject to the provisions of
6954 Section 37-181-3(b). Upon approval of a student's application for
6955 eligibility, the fund manager shall facilitate the creation of an
6956 individual ESA for the newly approved student.

6957 (b) The fund manager shall require the department shall
6958 provide for a procedure that children with a ruling of hearing
6959 impairment or children suspected of a hearing loss shall receive a
6960 comprehensive educational assessment which may include the areas
6961 of cognitive development, language/speech, audiological and
6962 academic achievement from the state-funded Mississippi Assistance
6963 Center for Hearing Loss. Children with a ruling of visual
6964 impairment or children suspected of a visual impairment shall
6965 receive a comprehensive low vision evaluation from the
6966 state-funded Low Vision Clinic.

6967 (6) The home school district shall provide the parent or
6968 guardian of a participating student with a complete copy of the
6969 student's school records, while complying with the Family
6970 Educational Rights and Privacy Act of 1974 (20 USCS Section
6971 1232(g)). The record shall be provided no later than thirty (30)



6972 days after a parent signs an agreement to participate in the ESA
6973 program.

6974 **SECTION 94.** Section 37-181-11, Mississippi Code of 1972, is
6975 amended as follows:

6976 37-181-11. (1) To ensure that funds are spent
6977 appropriately, the * * * fund manager shall adopt rules and
6978 policies necessary for the administration of the ESA program,
6979 including the auditing of Education Scholarship Accounts, and
6980 shall conduct or contract for random audits throughout the year.

6981 (2) (a) The * * * fund manager shall develop a system for
6982 payment of benefits, including, but not limited to, allowing
6983 educational service providers to invoice the * * * fund manager
6984 for qualified expenses consistent with Section 37-181-5(2), or
6985 allowing the parent or guardian who submitted the ESA program
6986 application to seek reimbursement for qualified expenses
6987 consistent with Section 37-181-5(2).

6988 (b) The * * * certified educational assistance
6989 organization(s) (CEAO) or vendors, at the direction of the parents
6990 or guardians, may make payments to educational service
6991 providers * * * via check or warrant or electronic funds transfer
6992 or any other means of payment deemed to be commercially viable or
6993 cost-effective.

6994 (c) The * * * fund manager may also establish by rule
6995 that some payments to educational service providers will be made
6996 on a * * * monthly basis, rather than an annual basis, if the



6997 educational services will be rendered over an extended period of
6998 time.

6999 (3) The * * * fund manager shall adopt a process for
7000 removing educational service providers that defraud parents and
7001 for referring cases of fraud to law enforcement.

7002 * * *

7003 **SECTION 95.** Section 37-181-15, Mississippi Code of 1972, is
7004 amended as follows:

7005 37-181-15. * * * To ensure that students are treated fairly
7006 and kept safe, all eligible schools shall:

7007 (a) Comply with the nondiscrimination policies set
7008 forth in 42 USCS 1981;

7009 (b) Prior to a participating student's application for
7010 enrollment, provide parents or guardians with details of the
7011 school's programs, record of student achievement, qualifications,
7012 experience, capacities to serve students with special needs, and
7013 capacity to serve the participating student within the scope of
7014 their IEP;

7015 (c) Comply with all health and safety laws or codes
7016 that apply to nonpublic schools;

7017 (d) Hold a valid occupancy permit if required by their
7018 municipality;

7019 (e) Have no public record of fraud or malfeasance;

7020 (f) Require participating students to take a
7021 pre-assessment at the beginning of the school year and a



7022 post-assessment at the end of the school year. The eligible
7023 school shall have the option to select their current assessment
7024 used to demonstrate academic progress, a nationally standardized
7025 norm-referenced achievement test, or a current state
7026 board-approved screener;

7027 (g) Notify a parent or guardian applying for the ESA
7028 program that the parent or guardian waives the right of the
7029 participating student to an individual entitlement to a free and
7030 appropriate public education (FAPE) from their home school
7031 district, including special education and related services, for as
7032 long as the student is participating in the ESA program;

7033 (h) Conduct criminal background checks on employees
7034 and:

7035 (i) Exclude from employment any person not
7036 permitted by state law to work in a nonpublic school; and

7037 (ii) Exclude from employment any person who might
7038 reasonably pose a threat to the safety of students; and

7039 (i) An eligible school shall certify to the department
7040 upon enrollment of a participating student that the eligible
7041 school shall provide services for the participating student's
7042 disability or special education needs, or shall provide services
7043 addressing a participating student's IEP. Such certification must
7044 be received by the department before the ESA is reimbursed to an
7045 eligible student.

7046 * * *



7047 **SECTION 96.** Section 37-181-17, Mississippi Code of 1972, is
7048 amended as follows:

7049 37-181-17. (1) An eligible nonpublic school is autonomous
7050 and not an agent of the state or federal government and therefore:

7051 (a) The State Department of Education, Mississippi
7052 Office of the State Treasurer, acting in the capacity as fund
7053 manager or any other government agency shall not regulate the
7054 educational program of a nonpublic school, postsecondary
7055 institution or educational service provider that accepts funds
7056 from the parent or guardian of a participating student beyond the
7057 requirements of the ESA program as promulgated in this chapter;

7058 (b) The creation of the Education Scholarship Account
7059 program does not expand the regulatory authority of the state, its
7060 officers, or any school district to impose any additional
7061 regulation of nonpublic schools, postsecondary institutions or
7062 educational service providers beyond those necessary to enforce
7063 the requirements of the ESA program; and

7064 (c) Eligible schools, postsecondary institutions and
7065 educational service providers shall be given the maximum freedom
7066 to provide for the educational needs of their students without
7067 governmental control. No eligible school, postsecondary
7068 institution or educational service provider shall be required to
7069 alter its creed, practices, admission policies or curriculum in
7070 order to accept participating students.



7071 (2) Eligible schools, or the parent or guardian who
7072 submitted the ESA application, must submit student performance
7073 data to the State Department of Education at the end of the school
7074 year, including the individual results of the pre-assessment and
7075 post-assessment required in Section 37-181-15(f). The department
7076 shall develop a uniformed reporting format for eligible schools to
7077 use when submitting assessment results.

7078 (3) In any legal proceeding challenging the application of
7079 this chapter to an eligible school, postsecondary institution or
7080 educational service provider the state bears the burden of
7081 establishing that the law is necessary and does not impose any
7082 undue burden on the eligible school, postsecondary institution or
7083 educational service provider.

7084 **SECTION 97.** Section 37-181-19, Mississippi Code of 1972, is
7085 amended as follows:

7086 37-181-19. (1) The * * * Mississippi Office of the State
7087 Treasurer in its capacity as fund manager may receive and expend
7088 contributions from any public or private source to fund ESAs for
7089 participating students.

7090 (2) The fund manager may enter into a contractual agreement
7091 with a certified educational assistance organization(s) (CEAO) or
7092 vendors to administer the ESA program and ensure compliance with
7093 state regulations.



7094 **SECTION 98.** Sections 98 through 105 of this act shall be
7095 known and cited as the "Aeronautics, Geospatial, Engineering,
7096 Nursing, and Technical Skills (AGENTS) of Excellence Program Act".

7097 **SECTION 99.** The purpose of Aeronautics, Geospatial,
7098 Engineering, Nursing, and Technical Skills (AGENTS) of Excellence
7099 Program Act is to establish the AGENTS of Excellence Program to:

7100 (a) Create specialized, regional academic programs for
7101 students in Grades 9 through 12, focused on high-demand
7102 disciplines, including:

7103 (i) Aeronautics;

7104 (ii) Geospatial studies;

7105 (iii) Engineering;

7106 (iv) Nursing; or

7107 (v) Technical skills, trades and workforce
7108 development through credentialing and certification;

7109 (b) Improve workforce readiness and postsecondary
7110 educational outcomes for students;

7111 (c) Serve as on-campus schools modeled after the
7112 Mississippi School for Mathematics and Science, established in
7113 Section 37-139-1 et seq., and the Mississippi School of the Arts
7114 established in Section 37-140-1 et seq., offering rigorous
7115 academics and career-oriented training; and

7116 (d) Enhance access to advanced education for
7117 underserved student populations by providing residential boarding
7118 options, subject to funding.



7119 **SECTION 100.** As used in this act, the following terms have
7120 the meaning herein ascribed, unless the context of use clearly
7121 requires otherwise:

7122 (a) "Boards" means:

7123 (i) The Mississippi Community College Board of
7124 Education, vested with authority under Section 37-4-1 et seq.; and

7125 (ii) The Board of Trustees of State Institutions
7126 of Higher Learning, vested with authority under Section 37-101-1
7127 et seq.

7128 (b) "Eligible students" means any student who resides
7129 within the geographical boundaries of this state and enrolled in
7130 Grades 9 through 12, whether in a public or nonpublic school.

7131 (c) "Host institution" means a qualifying state
7132 institution of higher learning or community or junior college
7133 selected by the respective governing board to serve as the
7134 early-college high school or charter school for eligible students.

7135 (d) "Program" means the Aeronautics, Geospatial,
7136 Engineering, Nursing, and Technical Skills (AGENTS) of Excellence
7137 Program established under this act.

7138 **SECTION 101.** (1) The Aeronautics, Geospatial, Engineering,
7139 Nursing, and Technical Skills (AGENTS) of Excellence Program shall
7140 be jointly governed and administered by the Mississippi Community
7141 College Board and the Board of Trustees of State Institutions of
7142 Higher Learning, and shall oversee the development and
7143 implementation of on-campus early-college high schools or charter



7144 schools that emphasize curriculum on aeronautics, geospatial,
7145 engineering, nursing or technical skills, trades and workforce
7146 development which optimize credentialing and certification or any
7147 combination thereof.

7148 (2) To solicit, encourage and guide the development of
7149 quality early-college high schools, the Mississippi Community
7150 College Board and the Board of Trustees of State Institutions of
7151 Higher Learning shall each issue and publicize a request for
7152 proposals to each of its member postsecondary educational
7153 institutions before December 1, 2026. The boards' requests for
7154 proposals must include the following:

7155 (a) A clear statement of any preferences the boards
7156 wish to grant to applicants intended to help underserved students;

7157 (b) A description of the performance framework that the
7158 respective boards have developed for early-college high school or
7159 charter school oversight and evaluation;

7160 (c) The criteria that will guide the boards decisions
7161 to approve or deny applications of its member postsecondary
7162 educational institutions; and

7163 (d) A clear statement of appropriately detailed
7164 questions, as well as guidelines, concerning the format and
7165 content essential for applicants to demonstrate the capacities
7166 necessary to establish and operate a successful early-college high
7167 school or charter school.



7168 (3) In addition to all other requirements, the request for
7169 proposals must require applications to provide or describe
7170 thoroughly all of the following mandatory elements of the proposed
7171 school plan:

7172 (a) An executive summary;

7173 (b) The mission and vision of the proposed
7174 early-college high school or charter school, including
7175 identification of the targeted student population;

7176 (c) Minimum, planned and maximum enrollment per grade
7177 per year;

7178 (f) Evidence of need and community support for the
7179 proposed early-college high school or charter school;

7180 (g) The host institution's proposed calendar, including
7181 the proposed opening and closing dates for the school term, and a
7182 sample daily schedule. The school must be kept in session no less
7183 than the minimum number of school days established for traditional
7184 public schools in Section 37-13-63;

7185 (h) A description of the host institution's academic
7186 programs and associated curriculum;

7187 (i) A description of the host institution's
7188 instructional design, including the type of learning environment,
7189 class size and structure, curriculum overview and teaching
7190 methods;



7191 (j) The host institution's plan for using internal and
7192 external assessments to measure and report student progress on the
7193 performance framework developed by the host institution;

7194 (k) The host institution's plan for identifying and
7195 successfully serving students with disabilities (including all of
7196 the proposed policies pursuant to the Individuals with
7197 Disabilities Education Improvement Act of 2004, 20 USCS Section
7198 1400 et seq., Section 504 of the Rehabilitation Act of 1973, 29
7199 USCS Section 794, and Title 11 of the Americans with Disabilities
7200 Act, 42 USCS Section 12101 et seq., and the school's procedures
7201 for securing and providing evaluations and related services
7202 pursuant to federal law), students who are English language
7203 learners, students who require academic remediation and gifted
7204 students;

7205 (l) A description of cocurricular or extracurricular
7206 programs and how those programs will be funded and delivered;

7207 (m) Plans and timelines for student recruitment and
7208 enrollment, including policies and procedures that ensure that
7209 every student has an equal opportunity to be considered for
7210 enrollment through the use of an equitable, randomized,
7211 transparent and impartial lottery process, so that students are
7212 accepted in a host institution's early-college high school or
7213 charter school without regard to disability, income level, race,
7214 religion or national origin;



7215 (n) The host institution's student discipline policies,
7216 including those for special education students;

7217 (o) A staffing chart for the early-college high school
7218 or charter school's first year, and a staffing plan for subsequent
7219 years of operation;

7220 (p) The host institution's leadership and teacher
7221 employment policies, including performance evaluation plans;

7222 (q) Proposed governing bylaws;

7223 (r) Explanations of any partnerships or contractual
7224 relationships central to the early-college high school or charter
7225 school's operations or mission;

7226 (s) The host institution's plans for providing
7227 transportation, food service and all other significant operational
7228 or ancillary services;

7229 (t) A detailed school start-up plan, identifying tasks,
7230 timelines and responsible individuals;

7231 (u) A description of the host institution's financial
7232 plans and policies, including financial controls and audit
7233 requirements; and

7234 (v) A disclosure of all sources of private funding and
7235 all funds from foreign sources, including gifts from foreign
7236 governments, foreign legal entities and domestic entities
7237 affiliated with either foreign governments or foreign legal
7238 entities. For the purposes of this paragraph, the term "foreign"



7239 means a country or jurisdiction outside of any state or territory
7240 of the United States.

7241 The boards shall have independent and exclusive autonomy to
7242 promulgate rules and regulations necessary for the operation,
7243 funding and governance of the AGENTS of Excellence Program by
7244 member postsecondary educational institutions approved by the
7245 appropriate board to serve as a host institution. If the boards'
7246 advertisements of requests for proposals is charter
7247 school-focused, each board shall act as the authorizer for the
7248 school, notwithstanding any provision to the contrary under the
7249 Mississippi Charter Schools Act of 2013, established under Section
7250 37-28-1 et seq.

7251 (4) The boards may utilize the staff of their respective
7252 organizations, State Department of Education and other state
7253 agencies as may be required for the implementation of this
7254 section. The department may employ any personnel deemed necessary
7255 by the boards for assisting in the development and implementation
7256 of the plan relating to the implementation, operation and funding
7257 the program. The boards may also contract or enter into
7258 agreements with other agencies or private entities deemed
7259 necessary to carry out the duties and functions relating to the
7260 opening and operation of early-college high schools or charter
7261 schools on the campus of an approved postsecondary educational
7262 institution.



7263 (5) To the extent possible, the boards shall enter into
7264 agreements with each host institution for the dual enrollment of
7265 eligible students attending the program. The boards may develop
7266 and issue necessary regulations for the coordination of such
7267 courses for these students and the preparation and transfer of
7268 transcripts upon completion and graduation.

7269 (6) Host institutions shall:

7270 (a) Allocate space within existing facilities or
7271 construct appropriate facilities for classrooms, laboratories, and
7272 optional residential housing for students selected to participate
7273 in the AGENTS of Excellence Program; and

7274 (b) Employ the requisite number of licensed teachers,
7275 administrators, staff and certified instructors with specific
7276 subject matter credentials in the content areas and subsidiary
7277 courses offered at each host institution to meet academic and
7278 operational requirements.

7279 (7) Host institutions are encouraged to establish
7280 partnerships with local businesses, industries and educational
7281 organizations to provide mentorship, internships and career
7282 development opportunities for students to:

7283 (a) Establish minimum standards governing annual
7284 increases in the academic performance indicators that are agreed
7285 upon with the board and each respective host institution;

7286 (b) No later than thirty (30) days following the
7287 initial start of the school year, conduct ongoing assessments of



7288 student performance enrolled in the program, including an initial
7289 baseline assessment of knowledge and skills in each grade level
7290 and academic content area in which instruction is provided;

7291 (c) Establish data-driven instructional programs;

7292 (d) Provide curriculum that is aligned with state
7293 academic standards for college and career readiness;

7294 (e) Develop appropriate educational goals for each
7295 student and offer differentiated instruction to meet the needs of
7296 all students;

7297 (f) Provide academic support and interventions,
7298 including tutoring and other appropriate educational assistance,
7299 that are targeted for students who perform below proficiency
7300 standards on an academic performance indicator;

7301 (g) Provide for a minimum of instructional hours as
7302 applicable, which may include any of the following:

7303 (i) An extended school day;

7304 (ii) An extended school year;

7305 (iii) A minimum of four (4) weeks of summer
7306 school; and

7307 (iv) Saturday instructional classes;

7308 (h) Provide programs to improve professional
7309 development programs for administrators, teachers and support
7310 professionals that focus on communication centered upon students'
7311 academic and career goals;



7312 (i) Formulate and implement programs designed to
7313 improve the learning environment and school culture, which shall
7314 include measures to ensure the safety of students and staff, and
7315 may include the following:

- 7316 (i) Positive behavioral supports;
- 7317 (ii) Professional development; and
- 7318 (iii) Coordination with community partners.

7319 **SECTION 102.** (1) Enrollment in the Aeronautics, Geospatial,
7320 Engineering, Nursing, and Technical Skills (AGENTS) of Excellence
7321 Program shall be open on a first-come, first-served basis to
7322 students in Grades 9 through 12. Priority shall be given to
7323 low-income students attending schools or enrolled in school
7324 districts with low academic performance as determined by Section
7325 37-17-6.

7326 (2) The program shall offer a rigorous academic curriculum
7327 and specialized focus areas which, at a minimum, shall include:

- 7328 (a) Aeronautics and aviation technology;
- 7329 (b) Geospatial technologies and geographic information
7330 systems (GIS);
- 7331 (c) Engineering and robotics;
- 7332 (d) Nursing and allied healthcare pathways;
- 7333 (e) Skilled trades, including welding, coding,
7334 auto-mechanics, HVAC and advanced manufacturing;



7335 (f) Dual enrollment opportunities with host
7336 institutions shall be provided in accordance with Section
7337 37-15-38; or

7338 (g) Any combination thereof of the preceding
7339 components.

7340 (3) Additionally, the program shall ensure that tutoring,
7341 counseling, and career mentorship shall be available to all
7342 students.

7343 (4) A residential option shall be offered to students
7344 accepted into the program and residing more than thirty (30) miles
7345 from the main campus of the host institution of enrollment,
7346 contingent upon funding. Provided that funding is made available
7347 to facilitate a residential boarding component of the program,
7348 such facilities shall include dormitories, dining services and
7349 staff supervision, adhering to safety standards prescribed under
7350 Section 45-11-101.

7351 **SECTION 103.** (1) (a) Implementation and operation of the
7352 AGENTS of Excellence Program are contingent upon annual
7353 appropriations by the Legislature to the boards, which shall not
7354 exceed Five Million Dollars (\$5,000,000.00) each, for a maximum
7355 aggregate not to exceed Ten Million Dollars (\$10,000,000.00)
7356 annually for a period not to exceed five (5) years and an
7357 aggregate program total of Fifty Million Dollars (\$50,000,000.00)
7358 to be apportioned equally amongst the boards.



7359 (2) Joint annual budget estimates shall be prepared by the
7360 Board of Trustees of State Institutions of Higher Learning and the
7361 Mississippi Community College Board, and submitted to the
7362 Legislature. For the operation and support of the program, the
7363 boards or host institutions may receive contributions, donations,
7364 gifts, bequests of money, other forms of financial assistance and
7365 property, equipment, materials or manpower from persons,
7366 foundations, trust funds, corporations, organizations and other
7367 sources, public or private, to be expended and utilized by the
7368 boards in carrying out the AGENTS of Excellence Program.

7369 **SECTION 104.** (1) The boards shall conduct a study and
7370 prepare an annual written report on the effectiveness of the
7371 program and shall submit the same to the Governor, the
7372 chairpersons of the Education Committees of the House and Senate
7373 and the chairpersons of the Universities and Colleges Committees
7374 of the House and Senate. The report shall include:

- 7375 (a) Enrollment and demographic data;
7376 (b) Academic and workforce outcomes; and
7377 (c) Financial summaries and funding needs.

7378 (2) A comprehensive program evaluation shall be conducted
7379 every three (3) years to assess effectiveness in improving
7380 academic performance and workforce readiness.

7381 **SECTION 105.** Prior to the enrollment of students into the
7382 AGENTS of Excellence Program, the Mississippi Community College
7383 Board and the Board of Trustees of State Institutions of Higher



7384 Learning shall conduct a public meeting at each host institution,
7385 which shall include a presentation on the AGENTS of Excellence
7386 Program, distribution of information materials on the program's
7387 purpose, application process and benefits, and a question and
7388 answer session with parents and community members to address the
7389 implementation of the program. Upon being notified by the State
7390 Department of Education of a proposed meeting date, each school
7391 district within the affected counties of region of impact shall
7392 provide public notice for each community meeting.

7393 **SECTION 106.** Section 37-13-81, Mississippi Code of 1972, is
7394 brought forward as follows:

7395 37-13-81. There is created the Office of Compulsory School
7396 Attendance Enforcement within the Office of Dropout Prevention of
7397 the State Department of Education. The office shall be
7398 responsible for the administration of a statewide system of
7399 enforcement of the Mississippi Compulsory School Attendance Law
7400 (Section 37-13-91) and for the supervision of school attendance
7401 officers throughout the state.

7402 **SECTION 107.** Section 37-13-83, Mississippi Code of 1972, is
7403 brought forward as follows:

7404 37-13-83. The State Superintendent of Public Education shall
7405 appoint a director for the Office of Compulsory School Attendance
7406 Enforcement, who shall meet all qualifications established for
7407 school attendance officer supervisors and any additional
7408 qualifications that may be established by the State Superintendent



7409 of Public Education or State Personnel Board. The director shall
7410 be responsible for the proper administration of the Office of
7411 Compulsory School Attendance Enforcement in conformity with the
7412 Mississippi Compulsory School Attendance Law and any other
7413 regulations or policies that may be adopted by the State Board of
7414 Education. The director shall report directly to the Director of
7415 the Office of Dropout Prevention.

7416 **SECTION 108.** Section 37-13-85, Mississippi Code of 1972, is
7417 brought forward as follows:

7418 37-13-85. The Office of Compulsory School Attendance
7419 Enforcement shall have the following powers and duties, in
7420 addition to all others imposed or granted by law:

7421 (a) To establish any policies or guidelines concerning
7422 the employment of school attendance officers which serve to
7423 effectuate a uniform system of enforcement under the Mississippi
7424 Compulsory School Attendance Law throughout the state, and to
7425 designate the number of school attendance officers which shall be
7426 employed to serve in each school district area;

7427 (b) To supervise and assist school attendance officer
7428 supervisors in the performance of their duties;

7429 (c) To establish minimum standards for enrollment and
7430 attendance for the state and each individual school district, and
7431 to monitor the success of the state and districts in achieving the
7432 required levels of performance;



7433 (d) To provide to school districts failing to meet the
7434 established standards for enrollment and attendance assistance in
7435 reducing absenteeism or the dropout rates in those districts;

7436 (e) To establish any qualifications, in addition to
7437 those required under Section 37-13-89, for school attendance
7438 officers as the office deems necessary to further the purposes of
7439 the Mississippi Compulsory School Attendance Law;

7440 (f) To develop and implement a system under which
7441 school districts are required to maintain accurate records that
7442 document enrollment and attendance in such a manner that the
7443 records reflect all changes in enrollment and attendance, and to
7444 require school attendance officers to submit information
7445 concerning public school attendance on a monthly basis to the
7446 office;

7447 (g) To prepare the form of the certificate of
7448 enrollment required under the Mississippi Compulsory School
7449 Attendance Law and to furnish a sufficient number of the
7450 certificates of enrollment to each school attendance officer in
7451 the state;

7452 (h) To provide to the State Board of Education
7453 statistical information concerning absenteeism, dropouts and other
7454 attendance-related problems as requested by the State Board of
7455 Education;

7456 (i) To provide for the certification of school
7457 attendance officers;



7458 (j) To provide for a course of training and education
7459 for school attendance officers, and to require successful
7460 completion of the course as a prerequisite to certification by the
7461 office as school attendance officers;

7462 (k) To adopt any guidelines or policies the office
7463 deems necessary to effectuate an orderly transition from the
7464 supervision of school attendance officers by district attorneys to
7465 the supervision by the school attendance officer supervisors;

7466 (l) Beginning on July 1, 1998, to require school
7467 attendance officer supervisors to employ persons employed by
7468 district attorneys before July 1, 1998, as school attendance
7469 officers without requiring such persons to submit an application
7470 or interview for employment with the State Department of
7471 Education;

7472 (m) To adopt policies or guidelines linking the duties
7473 of school attendance officers to the appropriate courts, law
7474 enforcement agencies and community service providers; and

7475 (n) To adopt any other policies or guidelines that the
7476 office deems necessary for the enforcement of the Mississippi
7477 Compulsory School Attendance Law; however, the policies or
7478 guidelines shall not add to or contradict with the requirements of
7479 Section 37-13-91.

7480 **SECTION 109.** Section 37-13-87, Mississippi Code of 1972, is
7481 brought forward as follows:



7482 37-13-87. (1) The Director of the Office of Compulsory
7483 School Attendance Enforcement shall employ three (3) school
7484 attendance officer supervisors, each to maintain an office within
7485 a different Supreme Court district. Each supervisor shall be
7486 responsible for the enforcement of the Mississippi Compulsory
7487 School Attendance Law within his district and shall exercise
7488 direct supervision over the school attendance officers in the
7489 district. The supervisors, who shall report to the director of
7490 the office, shall assist the school attendance officers in the
7491 performance of their duties as established by law or otherwise.

7492 (2) No person having less than eight (8) years combined
7493 actual experience as a school attendance officer, school teacher,
7494 school administrator, law enforcement officer possessing a college
7495 degree with a major in a behavioral science or a related field,
7496 and/or social worker in the state shall be employed as a school
7497 attendance officer supervisor. Further, a school attendance
7498 officer supervisor shall possess a college degree with a major in
7499 a behavioral science or a related field or shall have actual
7500 experience as a school teacher, school administrator, law
7501 enforcement officer possessing such degree or social worker;
7502 however, these requirements shall not apply to persons employed as
7503 school attendance officers before January 1, 1987. School
7504 attendance officers shall meet any additional
7505 qualificationsestablished by the State Personnel Board for school
7506 attendance—officers or school attendance officer supervisors. The



7507 school attendance officer supervisors shall receive an annual
7508 salary to be set by the State Superintendent of Public Education,
7509 subject to the approval of the State Personnel Board.

7510 **SECTION 110.** Section 37-13-89, Mississippi Code of 1972, is
7511 brought forward as follows:

7512 37-13-89. (1) In each school district within the state,
7513 there shall be employed the number of school attendance officers
7514 determined by the Office of Compulsory School Attendance
7515 Enforcement to be necessary to adequately enforce the provisions
7516 of the Mississippi Compulsory School Attendance Law; however, this
7517 number shall not exceed one hundred fifty-three (153) school
7518 attendance officers at any time. From and after July 1, 1998, all
7519 school attendance officers employed pursuant to this section shall
7520 be employees of the State Department of Education. The State
7521 Department of Education shall employ all persons employed as
7522 school attendance officers by district attorneys before July 1,
7523 1998, and shall assign them to school attendance responsibilities
7524 in the school district in which they were employed before July 1,
7525 1998. The first twelve (12) months of employment for each school
7526 attendance officer shall be the probationary period of state
7527 service.

7528 (2) (a) The State Department of Education shall obtain
7529 current criminal records background checks and current child abuse
7530 registry checks on all persons applying for the position of school
7531 attendance officer after July 2, 2002. The criminal records



7532 information and registry checks must be kept on file for any new
7533 hires. In order to determine an applicant's suitability for
7534 employment as a school attendance officer, the applicant must be
7535 fingerprinted. If no disqualifying record is identified at the
7536 state level, the Department of Public Safety shall forward the
7537 fingerprints to the Federal Bureau of Investigation (FBI) for a
7538 national criminal history record check. The applicant shall pay
7539 the fee, not to exceed Fifty Dollars (\$50.00), for the
7540 fingerprinting and criminal records background check; however, the
7541 State Department of Education, in its discretion, may pay the fee
7542 for the fingerprinting and criminal records background check on
7543 behalf of any applicant. Under no circumstances may a member of
7544 the State Board of Education, employee of the State Department of
7545 Education or any person other than the subject of the criminal
7546 records background check disseminate information received through
7547 any such checks except insofar as required to fulfill the purposes
7548 of this subsection.

7549 (b) If the fingerprinting or criminal records check
7550 discloses a felony conviction, guilty plea or plea of nolo
7551 contendere to a felony of possession or sale of drugs, murder,
7552 manslaughter, armed robbery, rape, sexual battery, sex offense
7553 listed in Section 45-33-23(h), child abuse, arson, grand larceny,
7554 burglary, gratification of lust or aggravated assault which has
7555 not been reversed on appeal or for which a pardon has not been
7556 granted, the applicant is not eligible to be employed as a school



7557 attendance officer. Any employment of an applicant pending the
7558 results of the fingerprinting and criminal records check is
7559 voidable if the new hire receives a disqualifying criminal records
7560 check. However, the State Board of Education, in its discretion,
7561 may allow an applicant aggrieved by an employment decision under
7562 this subsection to appear before the board, or before a hearing
7563 officer designated for that purpose, to show mitigating
7564 circumstances that may exist and allow the new hire to be employed
7565 as a school attendance officer. The State Board of Education may
7566 grant waivers for mitigating circumstances, which may include, but
7567 are not necessarily limited to:

- 7568 (i) Age at which the crime was committed;
- 7569 (ii) Circumstances surrounding the crime;
- 7570 (iii) Length of time since the conviction and
7571 criminal history since the conviction;
- 7572 (iv) Work history;
- 7573 (v) Current employment and character references;

7574 and

- 7575 (vi) Other evidence demonstrating the ability of
7576 the person to perform the responsibilities of a school attendance
7577 officer competently and that the person does not pose a threat to
7578 the health or safety of children.

7579 (c) A member of the State Board of Education or
7580 employee of the State Department of Education may not be held
7581 liable in any employment discrimination suit in which an



7582 allegation of discrimination is made regarding an employment
7583 decision authorized under this section.

7584 (3) Each school attendance officer shall possess a college
7585 degree with a major in a behavioral science or a related field or
7586 shall have no less than three (3) years combined actual experience
7587 as a school teacher, school administrator, law enforcement officer
7588 possessing such degree, and/or social worker; however, these
7589 requirements shall not apply to persons employed as school
7590 attendance officers before January 1, 1987. School attendance
7591 officers also shall satisfy any additional requirements that may
7592 be established by the State Personnel Board for the position of
7593 school attendance officer.

7594 (4) It shall be the duty of each school attendance officer
7595 to:

7596 (a) Cooperate with any public agency to locate and
7597 identify all compulsory-school-age children who are not attending
7598 school;

7599 (b) Cooperate with all courts of competent
7600 jurisdiction;

7601 (c) Investigate all cases of nonattendance and unlawful
7602 absences by compulsory-school-age children not enrolled in a
7603 nonpublic school;

7604 (d) Provide appropriate counseling to encourage all
7605 school-age children to attend school until they have completed
7606 high school;



7607 (e) Attempt to secure the provision of social or
7608 welfare services that may be required to enable any child to
7609 attend school;

7610 (f) Contact the home or place of residence of a
7611 compulsory-school-age child and any other place in which the
7612 officer is likely to find any compulsory-school-age child when the
7613 child is absent from school during school hours without a valid
7614 written excuse from school officials, and when the child is found,
7615 the officer shall notify the parents and school officials as to
7616 where the child was physically located;

7617 (g) Contact promptly the home of each
7618 compulsory-school-age child in the school district within the
7619 officer's jurisdiction who is not enrolled in school or is not in
7620 attendance at public school and is without a valid written excuse
7621 from school officials; if no valid reason is found for the
7622 nonenrollment or absence from the school, the school attendance
7623 officer shall give written notice to the parent, guardian or
7624 custodian of the requirement for the child's enrollment or
7625 attendance;

7626 (h) Collect and maintain information concerning
7627 absenteeism, dropouts and other attendance-related problems, as
7628 may be required by law or the Office of Compulsory School
7629 Attendance Enforcement; and



7630 (i) Perform all other duties relating to compulsory
7631 school attendance established by the State Department of Education
7632 or district school attendance supervisor, or both .

7633 (5) While engaged in the performance of his duties, each
7634 school attendance officer shall carry on his person a badge
7635 identifying him as a school attendance officer under the Office of
7636 Compulsory School Attendance Enforcement of the State Department
7637 of Education and an identification card designed by the State
7638 Superintendent of Public Education and issued by the school
7639 attendance officer supervisor. Neither the badge nor the
7640 identification card shall bear the name of any elected public
7641 official.

7642 (6) The State Personnel Board shall develop a salary scale
7643 for school attendance officers as part of the variable
7644 compensation plan. The various pay ranges of the salary scale
7645 shall be based upon factors including, but not limited to,
7646 education, professional certification and licensure, and number of
7647 years of experience. School attendance officers shall be paid in
7648 accordance with this salary scale. The minimum salaries under the
7649 scale shall be no less than the following:

7650 (a) For school attendance officers holding a bachelor's
7651 degree or any other attendance officer who does not hold such a
7652 degree, the annual salary shall be based on years of experience as
7653 a school attendance officer or related field of service or
7654 employment, no less than as follows:



7655	Years of Experience	Salary
7656	0 - 4 years	\$24,528.29
7657	5 - 8 years	26,485.29
7658	9 - 12 years	28,050.89
7659	13 - 16 years	29,616.49
7660	Over 17 years	31,182.09

7661 (b) For school attendance officers holding a license as
7662 a social worker, the annual salary shall be based on years of
7663 experience as a school attendance officer or related field of
7664 service or employment, no less than as follows:

7665	Years of Experience	Salary
7666	0 - 4 years	\$25,558.29
7667	5 - 8 years	27,927.29
7668	9 - 12 years	29,822.49
7669	13 - 16 years	31,717.69
7670	17 - 20 years	33,612.89
7671	Over 21 years	35,415.39

7672 (c) For school attendance officers holding a master's
7673 degree in a behavioral science or a related field, the annual
7674 salary shall be based on years of experience as a school
7675 attendance officer or related field of service or employment, no
7676 less than as follows:

7677	Years of Experience	Salary
7678	0 - 4 years	\$26,382.29
7679	5 - 8 years	29,008.79



7680	9 - 12 years	31,109.99
7681	13 - 16 years	33,211.19
7682	17 - 20 years	35,312.39
7683	Over 21 years	37,413.59

7684 (7) (a) Each school attendance officer employed by a
7685 district attorney on June 30, 1998, who became an employee of the
7686 State Department of Education on July 1, 1998, shall be awarded
7687 credit for personal leave and major medical leave for his
7688 continuous service as a school attendance officer under the
7689 district attorney, and if applicable, the youth or family court or
7690 a state agency. The credit for personal leave shall be in an
7691 amount equal to one-third (1/3) of the maximum personal leave the
7692 school attendance officer could have accumulated had he been
7693 credited with such leave under Section 25-3-93 during his
7694 employment with the district attorney, and if applicable, the
7695 youth or family court or a state agency. The credit for major
7696 medical leave shall be in an amount equal to one-half (1/2) of the
7697 maximum major medical leave the school attendance officer could
7698 have accumulated had he been credited with such leave under
7699 Section 25-3-95 during his employment with the district attorney,
7700 and if applicable, the youth or family court or a state agency.
7701 However, if a district attorney who employed a school attendance
7702 officer on June 30, 1998, certifies, in writing, to the State
7703 Department of Education that the school attendance officer had
7704 accumulated, pursuant to a personal leave policy or major medical



7705 leave policy lawfully adopted by the district attorney, a number
7706 of days of unused personal leave or major medical leave, or both,
7707 which is greater than the number of days to which the school
7708 attendance officer is entitled under this paragraph, the State
7709 Department of Education shall authorize the school attendance
7710 officer to retain the actual unused personal leave or major
7711 medical leave, or both, certified by the district attorney,
7712 subject to the maximum amount of personal leave and major medical
7713 leave the school attendance officer could have accumulated had he
7714 been credited with such leave under Sections 25-3-93 and 25-3-95.

7715 (b) For the purpose of determining the accrual rate for
7716 personal leave under Section 25-3-93 and major medical leave under
7717 Section 25-3-95, the State Department of Education shall give
7718 consideration to all continuous service rendered by a school
7719 attendance officer before July 1, 1998, in addition to the service
7720 rendered by the school attendance officer as an employee of the
7721 department.

7722 (c) In order for a school attendance officer to be
7723 awarded credit for personal leave and major medical leave or to
7724 retain the actual unused personal leave and major medical leave
7725 accumulated by him before July 1, 1998, the district attorney who
7726 employed the school attendance officer must certify, in writing,
7727 to the State Department of Education the hire date of the school
7728 attendance officer. For each school attendance officer employed
7729 by the youth or family court or a state agency before being



7730 designated an employee of the district attorney who has not had a
7731 break in continuous service, the hire date shall be the date that
7732 the school attendance officer was hired by the youth or family
7733 court or state agency. The department shall prescribe the date by
7734 which the certification must be received by the department and
7735 shall provide written notice to all district attorneys of the
7736 certification requirement and the date by which the certification
7737 must be received.

7738 (8) (a) School attendance officers shall maintain regular
7739 office hours on a year-round basis; however, during the school
7740 term, on those days that teachers in all of the school districts
7741 served by a school attendance officer are not required to report
7742 to work, the school attendance officer also shall not be required
7743 to report to work. (For purposes of this subsection, a school
7744 district's school term is that period of time identified as the
7745 school term in contracts entered into by the district with
7746 licensed personnel.) A school attendance officer shall be
7747 required to report to work on any day recognized as an official
7748 state holiday if teachers in any school district served by that
7749 school attendance officer are required to report to work on that
7750 day, regardless of the school attendance officer's status as an
7751 employee of the State Department of Education, and compensatory
7752 leave may not be awarded to the school attendance officer for
7753 working during that day. However, a school attendance officer may



7754 be allowed by the school attendance officer's supervisor to use
7755 earned leave on such days.

7756 (b) The State Department of Education annually shall
7757 designate a period of six (6) consecutive weeks in the summer
7758 between school years during which school attendance officers shall
7759 not be required to report to work. A school attendance officer
7760 who elects to work at any time during that period may not be
7761 awarded compensatory leave for such work and may not opt to be
7762 absent from work at any time other than during the six (6) weeks
7763 designated by the department unless the school attendance officer
7764 uses personal leave or major medical leave accrued under Section
7765 25-3-93 or 25-3-95 for such absence.

7766 (9) The State Department of Education shall provide all
7767 continuing education and training courses that school attendance
7768 officers are required to complete under state law or rules and
7769 regulations of the department.

7770 **SECTION 111.** Section 37-13-91, Mississippi Code of 1972, is
7771 brought forward as follows:

7772 37-13-91. (1) This section shall be referred to as the
7773 "Mississippi Compulsory School Attendance Law."

7774 (2) The following terms as used in this section are defined
7775 as follows:

7776 (a) "Parent" means the father or mother to whom a child
7777 has been born, or the father or mother by whom a child has been
7778 legally adopted.



7779 (b) "Guardian" means a guardian of the person of a
7780 child, other than a parent, who is legally appointed by a court of
7781 competent jurisdiction.

7782 (c) "Custodian" means any person having the present
7783 care or custody of a child, other than a parent or guardian of the
7784 child.

7785 (d) "School day" means not less than five and one-half
7786 (5-1/2) and not more than eight (8) hours of actual teaching in
7787 which both teachers and pupils are in regular attendance for
7788 scheduled schoolwork.

7789 (e) "School" means any public school, including a
7790 charter school, in this state or any nonpublic school in this
7791 state which is in session each school year for at least one
7792 hundred eighty (180) school days, except that the "nonpublic"
7793 school term shall be the number of days that each school shall
7794 require for promotion from grade to grade.

7795 (f) "Compulsory-school-age child" means a child who has
7796 attained or will attain the age of six (6) years on or before
7797 September 1 of the calendar year and who has not attained the age
7798 of seventeen (17) years on or before September 1 of the calendar
7799 year; and shall include any child who has attained or will attain
7800 the age of five (5) years on or before September 1 and has
7801 enrolled in a full-day public school kindergarten program.

7802 (g) "School attendance officer" means a person employed
7803 by the State Department of Education pursuant to Section 37-13-89.



7804 (h) "Appropriate school official" means the
7805 superintendent of the school district, or his designee, or, in the
7806 case of a nonpublic school, the principal or the headmaster.

7807 (i) "Nonpublic school" means an institution for the
7808 teaching of children, consisting of a physical plant, whether
7809 owned or leased, including a home, instructional staff members and
7810 students, and which is in session each school year. This
7811 definition shall include, but not be limited to, private, church,
7812 parochial and home instruction programs.

7813 (3) A parent, guardian or custodian of a
7814 compulsory-school-age child in this state shall cause the child to
7815 enroll in and attend a public school or legitimate nonpublic
7816 school for the period of time that the child is of compulsory
7817 school age, except under the following circumstances:

7818 (a) When a compulsory-school-age child is physically,
7819 mentally or emotionally incapable of attending school as
7820 determined by the appropriate school official based upon
7821 sufficient medical documentation.

7822 (b) When a compulsory-school-age child is enrolled in
7823 and pursuing a course of special education, remedial education or
7824 education for children with physical or mental disadvantages or
7825 disabilities.

7826 (c) When a compulsory-school-age child is being
7827 educated in a legitimate home instruction program.



7828 The parent, guardian or custodian of a compulsory-school-age
7829 child described in this subsection, or the parent, guardian or
7830 custodian of a compulsory-school-age child attending any charter
7831 school or nonpublic school, or the appropriate school official for
7832 any or all children attending a charter school or nonpublic school
7833 shall complete a "certificate of enrollment" in order to
7834 facilitate the administration of this section.

7835 The form of the certificate of enrollment shall be prepared
7836 by the Office of Compulsory School Attendance Enforcement of the
7837 State Department of Education and shall be designed to obtain the
7838 following information only:

7839 (i) The name, address, telephone number and date
7840 of birth of the compulsory-school-age child;

7841 (ii) The name, address and telephone number of the
7842 parent, guardian or custodian of the compulsory-school-age child;

7843 (iii) A simple description of the type of
7844 education the compulsory-school-age child is receiving and, if the
7845 child is enrolled in a nonpublic school, the name and address of
7846 the school; and

7847 (iv) The signature of the parent, guardian or
7848 custodian of the compulsory-school-age child or, for any or all
7849 compulsory-school-age child or children attending a charter school
7850 or nonpublic school, the signature of the appropriate school
7851 official and the date signed.



7852 The certificate of enrollment shall be returned to the school
7853 attendance officer where the child resides on or before September
7854 15 of each year. Any parent, guardian or custodian found by the
7855 school attendance officer to be in noncompliance with this section
7856 shall comply, after written notice of the noncompliance by the
7857 school attendance officer, with this subsection within ten (10)
7858 days after the notice or be in violation of this section.
7859 However, in the event the child has been enrolled in a public
7860 school within fifteen (15) calendar days after the first day of
7861 the school year as required in subsection (6), the parent or
7862 custodian may, at a later date, enroll the child in a legitimate
7863 nonpublic school or legitimate home instruction program and send
7864 the certificate of enrollment to the school attendance officer and
7865 be in compliance with this subsection.

7866 For the purposes of this subsection, a legitimate nonpublic
7867 school or legitimate home instruction program shall be those not
7868 operated or instituted for the purpose of avoiding or
7869 circumventing the compulsory attendance law.

7870 (4) An "unlawful absence" is an absence for an entire school
7871 day or during part of a school day by a compulsory-school-age
7872 child, which absence is not due to a valid excuse for temporary
7873 nonattendance. For purposes of reporting absenteeism under
7874 subsection (6) of this section, if a compulsory-school-age child
7875 has an absence that is more than thirty-seven percent (37%) of the
7876 instructional day, as fixed by the school board for the school at



7877 which the compulsory-school-age child is enrolled, the child must
7878 be considered absent the entire school day. Days missed from
7879 school due to disciplinary suspension shall not be considered an
7880 "excused" absence under this section. This subsection shall not
7881 apply to children enrolled in a nonpublic school.

7882 Each of the following shall constitute a valid excuse for
7883 temporary nonattendance of a compulsory-school-age child enrolled
7884 in a noncharter public school, provided satisfactory evidence of
7885 the excuse is provided to the superintendent of the school
7886 district, or his designee:

7887 (a) An absence is excused when the absence results from
7888 the compulsory-school-age child's attendance at an authorized
7889 school activity with the prior approval of the superintendent of
7890 the school district, or his designee. These activities may
7891 include field trips, athletic contests, student conventions,
7892 musical festivals and any similar activity.

7893 (b) An absence is excused when the absence results from
7894 illness or injury which prevents the compulsory-school-age child
7895 from being physically able to attend school.

7896 (c) An absence is excused when isolation of a
7897 compulsory-school-age child is ordered by the county health
7898 officer, by the State Board of Health or appropriate school
7899 official.

7900 (d) An absence is excused when it results from the
7901 death or serious illness of a member of the immediate family of a



7902 compulsory-school-age child. The immediate family members of a
7903 compulsory-school-age child shall include children, spouse,
7904 grandparents, parents, brothers and sisters, including
7905 stepbrothers and stepsisters.

7906 (e) An absence is excused when it results from a
7907 medical or dental appointment of a compulsory-school-age child.

7908 (f) An absence is excused when it results from the
7909 attendance of a compulsory-school-age child at the proceedings of
7910 a court or an administrative tribunal if the child is a party to
7911 the action or under subpoena as a witness.

7912 (g) An absence may be excused if the religion to which
7913 the compulsory-school-age child or the child's parents adheres,
7914 requires or suggests the observance of a religious event. The
7915 approval of the absence is within the discretion of the
7916 superintendent of the school district, or his designee, but
7917 approval should be granted unless the religion's observance is of
7918 such duration as to interfere with the education of the child.

7919 (h) An absence may be excused when it is demonstrated
7920 to the satisfaction of the superintendent of the school district,
7921 or his designee, that the purpose of the absence is to take
7922 advantage of a valid educational opportunity such as travel,
7923 including vacations or other family travel. Approval of the
7924 absence must be gained from the superintendent of the school
7925 district, or his designee, before the absence, but the approval
7926 shall not be unreasonably withheld.



7927 (i) An absence may be excused when it is demonstrated
7928 to the satisfaction of the superintendent of the school district,
7929 or his designee, that conditions are sufficient to warrant the
7930 compulsory-school-age child's nonattendance. However, no absences
7931 shall be excused by the school district superintendent, or his
7932 designee, when any student suspensions or expulsions circumvent
7933 the intent and spirit of the compulsory attendance law.

7934 (j) An absence is excused when it results from the
7935 attendance of a compulsory-school-age child participating in
7936 official organized events sponsored by the 4-H or Future Farmers
7937 of America (FFA). The excuse for the 4-H or FFA event must be
7938 provided in writing to the appropriate school superintendent by
7939 the Extension Agent or High School Agricultural Instructor/FFA
7940 Advisor.

7941 (k) An absence is excused when it results from the
7942 compulsory-school-age child officially being employed to serve as
7943 a page at the State Capitol for the Mississippi House of
7944 Representatives or Senate.

7945 (5) Any parent, guardian or custodian of a
7946 compulsory-school-age child subject to this section who refuses or
7947 willfully fails to perform any of the duties imposed upon him or
7948 her under this section or who intentionally falsifies any
7949 information required to be contained in a certificate of
7950 enrollment, shall be guilty of contributing to the neglect of a



7951 child and, upon conviction, shall be punished in accordance with
7952 Section 97-5-39.

7953 Upon prosecution of a parent, guardian or custodian of a
7954 compulsory-school-age child for violation of this section, the
7955 presentation of evidence by the prosecutor that shows that the
7956 child has not been enrolled in school within eighteen (18)
7957 calendar days after the first day of the school year of the public
7958 school which the child is eligible to attend, or that the child
7959 has accumulated twelve (12) unlawful absences during the school
7960 year at the public school in which the child has been enrolled,
7961 shall establish a prima facie case that the child's parent,
7962 guardian or custodian is responsible for the absences and has
7963 refused or willfully failed to perform the duties imposed upon him
7964 or her under this section. However, no proceedings under this
7965 section shall be brought against a parent, guardian or custodian
7966 of a compulsory-school-age child unless the school attendance
7967 officer has contacted promptly the home of the child and has
7968 provided written notice to the parent, guardian or custodian of
7969 the requirement for the child's enrollment or attendance.

7970 (6) If a compulsory-school-age child has not been enrolled
7971 in a school within fifteen (15) calendar days after the first day
7972 of the school year of the school which the child is eligible to
7973 attend or the child has accumulated five (5) unlawful absences
7974 during the school year of the public school in which the child is
7975 enrolled, the school district superintendent, or his designee,



7976 shall report, within two (2) school days or within five (5)
7977 calendar days, whichever is less, the absences to the school
7978 attendance officer. The State Department of Education shall
7979 prescribe a uniform method for schools to utilize in reporting the
7980 unlawful absences to the school attendance officer. The
7981 superintendent, or his designee, also shall report any student
7982 suspensions or student expulsions to the school attendance officer
7983 when they occur.

7984 (7) When a school attendance officer has made all attempts
7985 to secure enrollment and/or attendance of a compulsory-school-age
7986 child and is unable to effect the enrollment and/or attendance,
7987 the attendance officer shall file a petition with the youth court
7988 under Section 43-21-451 or shall file a petition in a court of
7989 competent jurisdiction as it pertains to parent or child.
7990 Sheriffs, deputy sheriffs and municipal law enforcement officers
7991 shall be fully authorized to investigate all cases of
7992 nonattendance and unlawful absences by compulsory-school-age
7993 children, and shall be authorized to file a petition with the
7994 youth court under Section 43-21-451 or file a petition or
7995 information in the court of competent jurisdiction as it pertains
7996 to parent or child for violation of this section. The youth court
7997 shall expedite a hearing to make an appropriate adjudication and a
7998 disposition to ensure compliance with the Compulsory School
7999 Attendance Law, and may order the child to enroll or re-enroll in
8000 school. The superintendent of the school district to which the



8001 child is ordered may assign, in his discretion, the child to the
8002 alternative school program of the school established pursuant to
8003 Section 37-13-92.

8004 (8) The State Board of Education shall adopt rules and
8005 regulations for the purpose of reprimanding any school
8006 superintendents who fail to timely report unexcused absences under
8007 the provisions of this section.

8008 (9) Notwithstanding any provision or implication herein to
8009 the contrary, it is not the intention of this section to impair
8010 the primary right and the obligation of the parent or parents, or
8011 person or persons in loco parentis to a child, to choose the
8012 proper education and training for such child, and nothing in this
8013 section shall ever be construed to grant, by implication or
8014 otherwise, to the State of Mississippi, any of its officers,
8015 agencies or subdivisions any right or authority to control,
8016 manage, supervise or make any suggestion as to the control,
8017 management or supervision of any private or parochial school or
8018 institution for the education or training of children, of any kind
8019 whatsoever that is not a public school according to the laws of
8020 this state; and this section shall never be construed so as to
8021 grant, by implication or otherwise, any right or authority to any
8022 state agency or other entity to control, manage, supervise,
8023 provide for or affect the operation, management, program,
8024 curriculum, admissions policy or discipline of any such school or
8025 home instruction program.



8026 **SECTION 112.** Section 37-13-107, Mississippi Code of 1972, is
8027 brought forward as follows:

8028 37-13-107. (1) Every school attendance officer shall be
8029 required annually to attend and complete a comprehensive course of
8030 training and education which is provided or approved by the Office
8031 of Compulsory School Attendance Enforcement of the State
8032 Department of Education. Attendance shall be required beginning
8033 with the first training seminar conducted after the school
8034 attendance officer is employed as a school attendance officer.

8035 (2) The Office of Compulsory School Attendance Enforcement
8036 shall provide or approve a course of training and education for
8037 school attendance officers of the state. The course shall consist
8038 of at least twelve (12) hours of training per year. The content
8039 of the course of training and when and where it is to be conducted
8040 shall be approved by the office. A certificate of completion
8041 shall be furnished by the State Department of Education to those
8042 school attendance officers who complete the course. Each
8043 certificate shall be made a permanent record of the school
8044 attendance officer supervisor's office where the school attendance
8045 officer is employed.

8046 (3) Upon the failure of any person employed as a school
8047 attendance officer to receive the certificate of completion from
8048 the State Department of Education within the first year of his
8049 employment, the person shall not be allowed to carry out any of
8050 the duties of a school attendance officer and shall not be



8051 entitled to compensation for the period of time during which the
8052 certificate has not been obtained.

8053 **SECTION 113.** (1) For purposes of this section, the
8054 following terms shall have the meanings ascribed in this
8055 subsection, unless context of use clearly requires otherwise:

8056 (a) "Assessment requirement" means the statutory or
8057 regulatory requirement under the Elementary and Secondary
8058 Education Act of 1965 (ESEA), as amended by the Every Student
8059 Succeeds Act (ESSA), requiring annual statewide assessments,
8060 including summative assessments, in reading/language arts and
8061 mathematics for students in Grades 3 through 8.

8062 (b) "Board" means the State Board of Education.

8063 (c) "Department" means the State Department of
8064 Education.

8065 (d) "LEA" means a local school district in its role as
8066 the local educational agency.

8067 (d) "SEA" means the State Department of Education in
8068 its role as the state educational agency.

8069 (2) (a) The State Board and the SEA, jointly, shall prepare
8070 and submit to the United States Department of Education a waiver
8071 request under Section 8401 of the ESEA (or any successor
8072 provision), seeking to waive the assessment requirement for
8073 students in Grades 3 through 8 for all or part of the required
8074 assessments, as applicable, for as long as permitted under federal
8075 law.



8076 (b) The waiver request shall be submitted no later than
8077 March 1, 2026, unless a later date is necessary to satisfy all
8078 federal requirements, in which case the deadline may be adjusted
8079 by rule of the State Board of Education upon a finding that such
8080 extension is necessary.

8081 (3) The waiver request shall include, but not be limited to,
8082 all items required under Section 8401(b) of the ESEA, including:

8083 (a) A clear description of which assessments and
8084 associated statutory or regulatory requirements are to be waived;

8085 (b) A plan for how waiving such assessments will
8086 advance student academic achievement in reading/language arts and
8087 mathematics, especially for historically underserved and
8088 disadvantaged student subgroups;

8089 (c) A description of how the state will monitor and
8090 regularly evaluate the effectiveness of the waiver during the
8091 waiver period, including metrics, alternative assessments or other
8092 indicators;

8093 (d) Assurance that the same student populations
8094 currently served by the assessments will continue to be served
8095 under the waiver; and

8096 (e) Transparent reporting to parents, the public, and
8097 school districts on student achievement, school performance, and
8098 subgroup performance, even during the waiver period.

8099 (4) (a) Before submitting the waiver request, the SEA shall
8100 publish notice of its intent to submit the waiver request in a



8101 manner customary for such notices, and shall allow reasonable
8102 opportunity for public comment, including from school districts
8103 (LEAs), parents, teachers and other stakeholders.

8104 (b) The SEA shall collect and document all comments
8105 received, respond to them, and include the summary of comments and
8106 responses in the waiver request to the United States Department of
8107 Education.

8108 (5) (a) The SEA shall annually report to the board and to
8109 the Legislature on:

8110 (i) The status of the waiver requests as pending,
8111 approved, denied or extended, etc.;

8112 (ii) Interim findings on the impact of the waiver,
8113 if approved, including student achievement, subgroup performance,
8114 any unintended consequences and comparisons with prior
8115 assessments; and

8116 (iii) Any modifications to instructional,
8117 assessment or accountability practices undertaken to compensate
8118 for the waiver.

8119 (b) The SEA shall ensure that schools and LEAs continue
8120 to meet all other applicable federal and state accountability and
8121 reporting requirements, except those specifically waived.

8122 **SECTION 114.** Section 25-11-103, Mississippi Code of 1972, is
8123 amended as follows:



8124 25-11-103. (1) The following words and phrases as used in
8125 Articles 1 and 3, unless a different meaning is plainly required
8126 by the context, have the following meanings:

8127 (a) "Accumulated contributions" means the sum of all
8128 the amounts deducted from the compensation of a member and
8129 credited to his or her individual account in the annuity savings
8130 account, together with regular interest as provided in Section
8131 25-11-123.

8132 (b) "Actuarial cost" means the amount of funds
8133 presently required to provide future benefits as determined by the
8134 board based on applicable tables and formulas provided by the
8135 actuary.

8136 (c) "Actuarial equivalent" means a benefit of equal
8137 value to the accumulated contributions, annuity or benefit, as the
8138 case may be, when computed upon the basis of such mortality tables
8139 as adopted by the board of trustees, and regular interest.

8140 (d) "Actuarial tables" mean such tables of mortality
8141 and rates of interest as adopted by the board in accordance with
8142 the recommendation of the actuary.

8143 (e) "Agency" means any governmental body employing
8144 persons in the state service.

8145 (f) "Average compensation" means, for persons who
8146 became members of the system before March 1, 2026, the average of
8147 the four (4) highest years of earned compensation reported for an
8148 employee in a fiscal or calendar year period, or combination



8149 thereof that do not overlap, or the last forty-eight (48)
8150 consecutive months of earned compensation reported for an
8151 employee. The four (4) years need not be successive or joined
8152 years of service. "Average compensation" means, for persons who
8153 became members of the system on or after March 1, 2026, the
8154 average of the * * * four (4) highest consecutive years of earned
8155 compensation reported for an employee in a fiscal or calendar year
8156 period, or of the last * * * forty-eight (48) consecutive months
8157 of earned compensation reported for an employee, whichever is
8158 greater.

8159 In computing the average compensation for retirement,
8160 disability or survivor benefits, any amount lawfully paid in a
8161 lump sum for personal leave or major medical leave shall be
8162 included in the calculation to the extent that the amount does not
8163 exceed an amount that is equal to thirty (30) days of earned
8164 compensation and to the extent that it does not cause the
8165 employee's earned compensation to exceed the maximum reportable
8166 amount specified in paragraph (k) of this subsection; however,
8167 this thirty-day limitation shall not prevent the inclusion in the
8168 calculation of leave earned under federal regulations before July
8169 1, 1976, and frozen as of that date as referred to in Section
8170 25-3-99. In computing the average compensation, no amounts shall
8171 be used that are in excess of the amount on which contributions
8172 were required and paid, and no nontaxable amounts paid by the
8173 employer for health or life insurance premiums for the employee



8174 shall be used. If any member who is or has been granted any
8175 increase in annual salary or compensation of more than eight
8176 percent (8%) retires within twenty-four (24) months from the date
8177 that the increase becomes effective, then the board shall exclude
8178 that part of the increase in salary or compensation that exceeds
8179 eight percent (8%) in calculating that member's average
8180 compensation for retirement purposes. The board may enforce this
8181 provision by rule or regulation. However, increases in
8182 compensation in excess of eight percent (8%) per year granted
8183 within twenty-four (24) months of the date of retirement may be
8184 included in the calculation of average compensation if
8185 satisfactory proof is presented to the board showing that the
8186 increase in compensation was the result of an actual change in the
8187 position held or services rendered, or that the compensation
8188 increase was authorized by the State Personnel Board or was
8189 increased as a result of statutory enactment, and the employer
8190 furnishes an affidavit stating that the increase granted within
8191 the last twenty-four (24) months was not contingent on a promise
8192 or agreement of the employee to retire. Nothing in Section
8193 25-3-31 shall affect the calculation of the average compensation
8194 of any member for the purposes of this article. The average
8195 compensation of any member who retires before July 1, 1992, shall
8196 not exceed the annual salary of the Governor.

8197 (g) "Beneficiary" means any person entitled to receive
8198 a retirement allowance, an annuity or other benefit as provided by



8199 Articles 1 and 3. The term "beneficiary" may also include an
8200 organization, estate, trust or entity; however, a beneficiary
8201 designated or entitled to receive monthly payments under an
8202 optional settlement based on life contingency or under a statutory
8203 monthly benefit may only be a natural person. In the event of the
8204 death before retirement of any member who became a member of the
8205 system before July 1, 2007, and whose spouse and/or children are
8206 not entitled to a retirement allowance on the basis that the
8207 member has less than four (4) years of membership service credit,
8208 or who became a member of the system on or after July 1, 2007, and
8209 whose spouse and/or children are not entitled to a retirement
8210 allowance on the basis that the member has less than eight (8)
8211 years of membership service credit, and/or has not been married
8212 for a minimum of one (1) year or the spouse has waived his or her
8213 entitlement to a retirement allowance under Section 25-11-114, the
8214 lawful spouse of a member at the time of the death of the member
8215 shall be the beneficiary of the member unless the member has
8216 designated another beneficiary after the date of marriage in
8217 writing, and filed that writing in the office of the executive
8218 director of the board of trustees. No designation or change of
8219 beneficiary shall be made in any other manner.

8220 (h) "Board" means the board of trustees provided in
8221 Section 25-11-15 to administer the retirement system created under
8222 this article.



8223 (i) "Creditable service" means "prior service,"
8224 "retroactive service" and all lawfully credited unused leave not
8225 exceeding the accrual rates and limitations provided in Section
8226 25-3-91 et seq., as of the date of withdrawal from service plus
8227 "membership service" and other service for which credit is
8228 allowable as provided in Section 25-11-109. Except to limit
8229 creditable service reported to the system for the purpose of
8230 computing an employee's retirement allowance or annuity or
8231 benefits provided in this article, nothing in this paragraph shall
8232 limit or otherwise restrict the power of the governing authority
8233 of a municipality or other political subdivision of the state to
8234 adopt such vacation and sick leave policies as it deems necessary.

8235 (j) "Child" means either a natural child of the member,
8236 a child that has been made a child of the member by applicable
8237 court action before the death of the member, or a child under the
8238 permanent care of the member at the time of the latter's death,
8239 which permanent care status shall be determined by evidence
8240 satisfactory to the board. For purposes of this paragraph, a
8241 natural child of the member is a child of the member that is
8242 conceived before the death of the member.

8243 (k) "Earned compensation" means the full amount earned
8244 during a fiscal year by an employee not to exceed the employee
8245 compensation limit set pursuant to Section 401(a)(17) of the
8246 Internal Revenue Code for the calendar year in which the fiscal
8247 year begins and proportionately for less than one (1) year of



8248 service. Except as otherwise provided in this paragraph, the
8249 value of maintenance furnished to an employee shall not be
8250 included in earned compensation. Earned compensation shall not
8251 include any amounts paid by the employer for health or life
8252 insurance premiums for an employee. Earned compensation shall be
8253 limited to the regular periodic compensation paid, exclusive of
8254 litigation fees, bond fees, performance-based incentive payments,
8255 and other similar extraordinary nonrecurring payments. In
8256 addition, any member in a covered position, as defined by Public
8257 Employees' Retirement System laws and regulations, who is also
8258 employed by another covered agency or political subdivision shall
8259 have the earnings of that additional employment reported to the
8260 Public Employees' Retirement System regardless of whether the
8261 additional employment is sufficient in itself to be a covered
8262 position. In addition, computation of earned compensation shall
8263 be governed by the following:

8264 (i) In the case of constables, the net earnings
8265 from their office after deduction of expenses shall apply, except
8266 that in no case shall earned compensation be less than the total
8267 direct payments made by the state or governmental subdivisions to
8268 the official.

8269 (ii) In the case of chancery or circuit clerks,
8270 the net earnings from their office after deduction of expenses
8271 shall apply as expressed in Section 25-11-123(f)(4).



8272 (iii) In the case of members of the State
8273 Legislature, all remuneration or amounts paid, except mileage
8274 allowance, shall apply.

8275 (iv) The amount by which an eligible employee's
8276 salary is reduced under a salary reduction agreement authorized
8277 under Section 25-17-5 shall be included as earned compensation
8278 under this paragraph, provided this inclusion does not conflict
8279 with federal law, including federal regulations and federal
8280 administrative interpretations under the federal law, pertaining
8281 to the Federal Insurance Contributions Act or to Internal Revenue
8282 Code Section 125 cafeteria plans.

8283 (v) Compensation in addition to an employee's base
8284 salary that is paid to the employee under the vacation and sick
8285 leave policies of a municipality or other political subdivision of
8286 the state that employs him or her that exceeds the maximums
8287 authorized by Section 25-3-91 et seq. shall be excluded from the
8288 calculation of earned compensation under this article.

8289 (vi) The maximum salary applicable for retirement
8290 purposes before July 1, 1992, shall be the salary of the Governor.

8291 (vii) Nothing in Section 25-3-31 shall affect the
8292 determination of the earned compensation of any member for the
8293 purposes of this article.

8294 (viii) The value of maintenance furnished to an
8295 employee before July 1, 2013, for which the proper amount of
8296 employer and employee contributions have been paid, shall be



8297 included in earned compensation. From and after July 1, 2013, the
8298 value of maintenance furnished to an employee shall be reported as
8299 earned compensation only if the proper amount of employer and
8300 employee contributions have been paid on the maintenance and the
8301 employee was receiving maintenance and having maintenance reported
8302 to the system as of June 30, 2013. The value of maintenance when
8303 not paid in money shall be fixed by the employing state agency,
8304 and, in case of doubt, by the board of trustees as defined in
8305 Section 25-11-15.

8306 (ix) Except as otherwise provided in this
8307 paragraph, the value of any in-kind benefits provided by the
8308 employer shall not be included in earned compensation. As used in
8309 this subparagraph, "in-kind benefits" shall include, but not be
8310 limited to, group life insurance premiums, health or dental
8311 insurance premiums, nonpaid major medical and personal leave,
8312 employer contributions for social security and retirement, tuition
8313 reimbursement or educational funding, day care or transportation
8314 benefits.

8315 (l) "Employee" means any person legally occupying a
8316 position in the state service, and shall include the employees of
8317 the retirement system created under this article.

8318 (m) "Employer" means the State of Mississippi or any of
8319 its departments, agencies or subdivisions from which any employee
8320 receives his or her compensation.



8321 (n) "Executive director" means the secretary to the
8322 board of trustees, as provided in Section 25-11-15(9), and the
8323 administrator of the Public Employees' Retirement System and all
8324 systems under the management of the board of trustees. Wherever
8325 the term "Executive Secretary of the Public Employees' Retirement
8326 System" or "executive secretary" appears in this article or in any
8327 other provision of law, it shall be construed to mean the
8328 Executive Director of the Public Employees' Retirement System.

8329 (o) "Fiscal year" means the period beginning on July 1
8330 of any year and ending on June 30 of the next succeeding year.

8331 (p) "Medical board" means the board of physicians or
8332 any governmental or nongovernmental disability determination
8333 service designated by the board of trustees that is qualified to
8334 make disability determinations as provided for in Section
8335 25-11-119.

8336 (q) "Member" means any person included in the
8337 membership of the system as provided in Section 25-11-105. For
8338 purposes of Sections 25-11-103, 25-11-105, 25-11-109, 25-11-111,
8339 25-11-113, 25-11-114, 25-11-115 and 25-11-117, if a member of the
8340 system withdrew from state service and received a refund of the
8341 amount of the accumulated contributions to the credit of the
8342 member in the annuity savings account before July 1, 2007, and the
8343 person reenters state service and becomes a member of the system
8344 again on or after July 1, 2007, and repays all or part of the
8345 amount received as a refund and interest in order to receive



8346 creditable service for service rendered before July 1, 2007, the
8347 member shall be considered to have become a member of the system
8348 on or after July 1, 2007, subject to the eight-year membership
8349 service requirement, as applicable in those sections. For
8350 purposes of Sections 25-11-103, 25-11-111, 25-11-114 and
8351 25-11-115, if a member of the system withdrew from state service
8352 and received a refund of the amount of the accumulated
8353 contributions to the credit of the member in the annuity savings
8354 account before July 1, 2011, and the person reenters state service
8355 and becomes a member of the system again on or after July 1, 2011,
8356 and repays all or part of the amount received as a refund and
8357 interest in order to receive creditable service for service
8358 rendered before July 1, 2011, the member shall be considered to
8359 have become a member of the system on or after July 1, 2011. If a
8360 member of the system withdrew from state service and received a
8361 refund of the amount of the accumulated contributions to the
8362 credit of the member in the annuity savings account before March
8363 1, 2026, and the person reenters state service and becomes a
8364 member of the system again on or after March 1, 2026, the member
8365 shall be considered to have become a member of the system on or
8366 after March 1, 2026, and may not receive creditable service for
8367 service rendered before March 1, 2026.

8368 (r) "Membership service" means service as an employee
8369 in a covered position rendered while a contributing member of the
8370 retirement system.



8371 (s) "Position" means any office or any employment in
8372 the state service, or two (2) or more of them, the duties of which
8373 call for services to be rendered by one (1) person, including
8374 positions jointly employed by federal and state agencies
8375 administering federal and state funds. The employer shall
8376 determine upon initial employment and during the course of
8377 employment of an employee who does not meet the criteria for
8378 coverage in the Public Employees' Retirement System based on the
8379 position held, whether the employee is or becomes eligible for
8380 coverage in the Public Employees' Retirement System based upon any
8381 other employment in a covered agency or political subdivision. If
8382 or when the employee meets the eligibility criteria for coverage
8383 in the other position, then the employer must withhold
8384 contributions and report wages from the noncovered position in
8385 accordance with the provisions for reporting of earned
8386 compensation. Failure to deduct and report those contributions
8387 shall not relieve the employee or employer of liability thereof.
8388 The board shall adopt such rules and regulations as necessary to
8389 implement and enforce this provision.

8390 (t) "Prior service" means:

8391 (i) For persons who became members of the system
8392 before July 1, 2007, service rendered before February 1, 1953, for
8393 which credit is allowable under Sections 25-11-105 and 25-11-109,
8394 and which shall allow prior service for any person who is now or
8395 becomes a member of the Public Employees' Retirement System and



8396 who does contribute to the system for a minimum period of four (4)
8397 years.

8398 (ii) For persons who became members of the system
8399 on or after July 1, 2007, service rendered before February 1,
8400 1953, for which credit is allowable under Sections 25-11-105 and
8401 25-11-109, and which shall allow prior service for any person who
8402 is now or becomes a member of the Public Employees' Retirement
8403 System and who does contribute to the system for a minimum period
8404 of eight (8) years.

8405 (u) "Regular interest" means interest compounded
8406 annually at such a rate as determined by the board in accordance
8407 with Section 25-11-121.

8408 (v) "Retirement allowance" means an annuity for life as
8409 provided in this article, payable each year in twelve (12) equal
8410 monthly installments beginning as of the date fixed by the board.
8411 The retirement allowance shall be calculated in accordance with
8412 Section 25-11-111. However, any spouse who received a spouse
8413 retirement benefit in accordance with Section 25-11-111(d) before
8414 March 31, 1971, and those benefits were terminated because of
8415 eligibility for a social security benefit, may again receive his
8416 or her spouse retirement benefit from and after making application
8417 with the board of trustees to reinstate the spouse retirement
8418 benefit.



8419 (w) "Retroactive service" means service rendered after
8420 February 1, 1953, for which credit is allowable under Section
8421 25-11-105(b) and Section 25-11-105(k).

8422 (x) "System" means the Public Employees' Retirement
8423 System of Mississippi established and described in Section
8424 25-11-101.

8425 (y) "State" means the State of Mississippi or any
8426 political subdivision thereof or instrumentality of the state.

8427 (z) "State service" means all offices and positions of
8428 trust or employment in the employ of the state, or any political
8429 subdivision or instrumentality of the state, that elect to
8430 participate as provided by Section 25-11-105(f), including the
8431 position of elected or fee officials of the counties and their
8432 deputies and employees performing public services or any
8433 department, independent agency, board or commission thereof, and
8434 also includes all offices and positions of trust or employment in
8435 the employ of joint state and federal agencies administering state
8436 and federal funds and service rendered by employees of the public
8437 schools. Effective July 1, 1973, all nonprofessional public
8438 school employees, such as bus drivers, janitors, maids,
8439 maintenance workers and cafeteria employees, shall have the option
8440 to become members in accordance with Section 25-11-105(b), and
8441 shall be eligible to receive credit for services before July 1,
8442 1973, provided that the contributions and interest are paid by the
8443 employee in accordance with that section; in addition, the county



8444 or municipal separate school district may pay the employer
8445 contribution and pro rata share of interest of the retroactive
8446 service from available funds. "State service" shall not include
8447 the President of the Mississippi Lottery Corporation and personnel
8448 employed by the Mississippi Lottery Corporation. From and after
8449 July 1, 1998, retroactive service credit shall be purchased at the
8450 actuarial cost in accordance with Section 25-11-105(b).

8451 (aa) "Withdrawal from service" or "termination from
8452 service" means complete severance of employment in the state
8453 service of any member by resignation, dismissal or discharge.

8454 (bb) The masculine pronoun, wherever used, includes the
8455 feminine pronoun.

8456 (2) For purposes of this article, the term "political
8457 subdivision" shall have the meaning ascribed to such term in
8458 Section 25-11-5 and shall also include public charter schools.

8459 **SECTION 115.** Section 25-11-109, Mississippi Code of 1972, is
8460 brought forward as follows:

8461 25-11-109. (1) Under such rules and regulations as the
8462 board of trustees shall adopt, each person who becomes a member of
8463 this retirement system, as provided in Section 25-11-105, on or
8464 before July 1, 1953, or who became a member of the system before
8465 July 1, 2007, and contributes to the system for a minimum period
8466 of four (4) years, or who became a member of the system on or
8467 after July 1, 2007, and contributes to the system for a minimum
8468 period of eight (8) years, shall receive credit for all state



8469 service rendered before February 1, 1953. To receive that credit,
8470 the member shall file a detailed statement of all services as an
8471 employee rendered by him in the state service before February 1,
8472 1953. For any member who joined the system after July 1, 1953,
8473 and before July 1, 2007, any creditable service for which the
8474 member is not required to make contributions shall not be credited
8475 to the member until the member has contributed to the system for a
8476 minimum period of at least four (4) years. For any member who
8477 joined the system on or after July 1, 2007, but before March 1,
8478 2026, any creditable service for which the member is not required
8479 to make contributions shall not be credited to the member until
8480 the member has contributed to the system for a minimum period of
8481 at least eight (8) years.

8482 (2) (a) (i) In the computation of creditable service for
8483 service rendered before July 1, 2017, under the provisions of this
8484 article, the total months of accumulative service during any
8485 fiscal year shall be calculated in accordance with the schedule as
8486 follows: ten (10) or more months of creditable service during any
8487 fiscal year shall constitute a year of creditable service; seven
8488 (7) months to nine (9) months inclusive, three-quarters (3/4) of a
8489 year of creditable service; four (4) months to six (6) months
8490 inclusive, one-half (1/2) year of creditable service; one (1)
8491 month to three (3) months inclusive, one-quarter (1/4) of a year
8492 of creditable service.



8493 (ii) In the computation of creditable service
8494 rendered on or after July 1, 2017, under the provisions of this
8495 article, service credit shall be awarded in monthly increments in
8496 a manner prescribed by regulations of the board.

8497 (b) In no case shall credit be allowed for any period
8498 of absence without compensation except for disability while in
8499 receipt of a disability retirement allowance, nor shall less than
8500 fifteen (15) days of service in any month, or service less than
8501 the equivalent of one-half (1/2) of the normal working load for
8502 the position and less than one-half (1/2) of the normal
8503 compensation for the position in any month, constitute a month of
8504 creditable service, nor shall more than one (1) year of service be
8505 creditable for all services rendered in any one (1) fiscal year;
8506 however, for a school employee, substantial completion of the
8507 legal school term when and where the service was rendered shall
8508 constitute a year of service credit. Any state or local elected
8509 official shall be deemed a full-time employee for the purpose of
8510 creditable service. However, an appointed or elected official
8511 compensated on a per diem basis only shall not be allowed
8512 creditable service for terms of office.

8513 (c) In the computation of any retirement allowance or
8514 any annuity or benefits provided in this article, any fractional
8515 period of service of less than one (1) year shall be taken into
8516 account and a proportionate amount of such retirement allowance,



8517 annuity or benefit shall be granted for any such fractional period
8518 of service.

8519 (d) (i) In the computation of unused leave for
8520 creditable service authorized in Section 25-11-103, the following
8521 shall govern for members who retire before July 1, 2017:
8522 twenty-one (21) days of unused leave shall constitute one (1)
8523 month of creditable service and in no case shall credit be allowed
8524 for any period of unused leave of less than fifteen (15) days.
8525 The number of months of unused leave shall determine the number of
8526 quarters or years of creditable service in accordance with the
8527 above schedule for membership and prior service.

8528 (ii) In the computation of unused leave for
8529 creditable service authorized in Section 25-11-103, the following
8530 shall govern for members who retire on or after July 1, 2017:
8531 creditable service for unused leave shall be calculated in monthly
8532 increments in which one (1) month of service credit shall be
8533 awarded for each twenty-one (21) days of unused leave, except that
8534 the first fifteen (15) to fifty-seven (57) days of leave shall
8535 constitute three (3) months of service for those who became a
8536 member of the system before July 1, 2017.

8537 (iii) In order for the member to receive
8538 creditable service for the number of days of unused leave under
8539 this paragraph, the system must receive certification from the
8540 governing authority.



8541 (iv) For anyone who becomes a member of the system
8542 on or after March 1, 2026, no service credit shall be awarded for
8543 unused leave.

8544 (e) For the purposes of this subsection, members of the
8545 system who retire on or after July 1, 2010, shall receive credit
8546 for one-half (1/2) day of leave for each full year of membership
8547 service accrued after June 30, 2010. The amount of leave received
8548 by a member under this paragraph shall be added to the lawfully
8549 credited unused leave for which creditable service is provided
8550 under Section 25-11-103(i).

8551 (f) For the purpose of this subsection, for members of
8552 the system who are elected officers and who retire on or after
8553 July 1, 1987, the following shall govern:

8554 (i) For service before July 1, 1984, the members
8555 shall receive credit for leave (combined personal and major
8556 medical) for service as an elected official before that date at
8557 the rate of thirty (30) days per year.

8558 (ii) For service on and after July 1, 1984, the
8559 member shall receive credit for personal and major medical leave
8560 beginning July 1, 1984, at the rates authorized in Sections
8561 25-3-93 and 25-3-95, computed as a full-time employee.

8562 (iii) If a member is employed in a covered
8563 nonelected position and a covered elected position simultaneously,
8564 that member may not receive service credit for accumulated unused
8565 leave for both positions at retirement for the period during which



8566 the member was dually employed. During the period during which
8567 the member is dually employed, the member shall only receive
8568 credit for leave as provided for in this paragraph for an elected
8569 official.

8570 (iv) For any elected official who becomes a member
8571 of the system on or after March 1, 2026, no service credit shall
8572 be awarded for leave.

8573 (3) Subject to the above restrictions and to such other
8574 rules and regulations as the board may adopt, the board shall
8575 verify, as soon as practicable after the filing of such statements
8576 of service, the services therein claimed.

8577 (4) Upon verification of the statement of prior service, the
8578 board shall issue a prior service certificate certifying to each
8579 member the length of prior service for which credit shall have
8580 been allowed on the basis of his statement of service. So long as
8581 membership continues, a prior service certificate shall be final
8582 and conclusive for retirement purposes as to such service,
8583 provided that any member may within five (5) years from the date
8584 of issuance or modification of such certificate request the board
8585 of trustees to modify or correct his prior service certificate.
8586 Any modification or correction authorized shall only apply
8587 prospectively.

8588 When membership ceases, such prior service certificates shall
8589 become void. Should the employee again become a member, he shall
8590 enter the system as an employee not entitled to prior service



8591 credit except as provided in Sections 25-11-105(I), 25-11-113 and
8592 25-11-117.

8593 (5) Creditable service at retirement, on which the
8594 retirement allowance of a member shall be based, shall consist of
8595 the membership service rendered by him since he last became a
8596 member, and also, if he has a prior service certificate that is in
8597 full force and effect, the amount of the service certified on his
8598 prior service certificate.

8599 (6) Any member who served on active duty in the Armed Forces
8600 of the United States, who served in the Commissioned Corps of the
8601 United States Public Health Service before 1972 or who served in
8602 maritime service during periods of hostility in World War II,
8603 shall be entitled to creditable service at no cost for his service
8604 on active duty in the Armed Forces, in the Commissioned Corps of
8605 the United States Public Health Service before 1972 or in such
8606 maritime service, provided he entered state service after his
8607 discharge from the Armed Forces or entered state service after he
8608 completed such maritime service. The maximum period for such
8609 creditable service for all military service as defined in this
8610 subsection (6) shall not exceed four (4) years unless positive
8611 proof can be furnished by such person that he was retained in the
8612 Armed Forces during World War II or in maritime service during
8613 World War II by causes beyond his control and without opportunity
8614 of discharge. The member shall furnish proof satisfactory to the
8615 board of trustees of certification of military service or maritime



8616 service records showing dates of entrance into active duty service
8617 and the date of discharge. From and after July 1, 1993, no
8618 creditable service shall be granted for any military service or
8619 maritime service to a member who qualifies for a retirement
8620 allowance in another public retirement system administered by the
8621 Board of Trustees of the Public Employees' Retirement System
8622 based, in whole or in part, on such military or maritime service.
8623 In no case shall the member receive creditable service if the
8624 member received a dishonorable discharge from the Armed Forces of
8625 the United States.

8626 (7) (a) Any member of the Public Employees' Retirement
8627 System whose membership service is interrupted as a result of
8628 qualified military service within the meaning of Section 414(u) (5)
8629 of the Internal Revenue Code, and who has received the maximum
8630 service credit available under subsection (6) of this section,
8631 shall receive creditable service for the period of qualified
8632 military service that does not qualify as creditable service under
8633 subsection (6) of this section upon reentering membership service
8634 in an amount not to exceed five (5) years if:

8635 (i) The member pays the contributions he would
8636 have made to the retirement system if he had remained in
8637 membership service for the period of qualified military service
8638 based upon his salary at the time his membership service was
8639 interrupted;



8640 (ii) The member returns to membership service
8641 within ninety (90) days of the end of his qualified military
8642 service; and

8643 (iii) The employer at the time the member's
8644 service was interrupted and to which employment the member returns
8645 pays the contributions it would have made into the retirement
8646 system for such period based on the member's salary at the time
8647 the service was interrupted.

8648 (b) The payments required to be made in paragraph
8649 (a) (i) of this subsection may be made over a period beginning with
8650 the date of return to membership service and not exceeding three
8651 (3) times the member's qualified military service; however, in no
8652 event shall such period exceed five (5) years.

8653 (c) The member shall furnish proof satisfactory to the
8654 board of trustees of certification of military service showing
8655 dates of entrance into qualified service and the date of discharge
8656 as well as proof that the member has returned to active employment
8657 within the time specified.

8658 (8) Any member of the Public Employees' Retirement System
8659 who became a member of the system before July 1, 2007, and who has
8660 at least four (4) years of membership service credit, or who
8661 became a member of the system on or after July 1, 2007, but before
8662 March 1, 2026, and who has at least eight (8) years of membership
8663 service credit, shall be entitled to receive a maximum of five (5)
8664 years' creditable service for service rendered in another state as



8665 a public employee of such other state, or a political subdivision,
8666 public education system or other governmental instrumentality
8667 thereof, or service rendered as a teacher in American overseas
8668 dependent schools conducted by the Armed Forces of the United
8669 States for children of citizens of the United States residing in
8670 areas outside the continental United States, provided that:

8671 (a) The member shall furnish proof satisfactory to the
8672 board of trustees of certification of such services from the
8673 state, public education system, political subdivision or
8674 retirement system of the state where the services were performed
8675 or the governing entity of the American overseas dependent school
8676 where the services were performed; and

8677 (b) The member is not receiving or will not be entitled
8678 to receive from the public retirement system of the other state or
8679 from any other retirement plan, including optional retirement
8680 plans, sponsored by the employer, a retirement allowance including
8681 such services; and

8682 (c) The member shall pay to the retirement system on
8683 the date he or she is eligible for credit for such out-of-state
8684 service or at any time thereafter before the date of retirement
8685 the actuarial cost as determined by the actuary for each year of
8686 out-of-state creditable service. The provisions of this
8687 subsection are subject to the limitations of Section 415 of the
8688 Internal Revenue Code and regulations promulgated under that
8689 section.



8690 (9) Any member of the Public Employees' Retirement System
8691 who became a member of the system before July 1, 2007, and has at
8692 least four (4) years of membership service credit, or who became a
8693 member of the system on or after July 1, 2007, but before March 1,
8694 2026, and has at least eight (8) years of membership service
8695 credit, and who receives, or has received, professional leave
8696 without compensation for professional purposes directly related to
8697 the employment in state service shall receive creditable service
8698 for the period of professional leave without compensation
8699 provided:

8700 (a) The professional leave is performed with a public
8701 institution or public agency of this state, or another state or
8702 federal agency;

8703 (b) The employer approves the professional leave
8704 showing the reason for granting the leave and makes a
8705 determination that the professional leave will benefit the
8706 employee and employer;

8707 (c) Such professional leave shall not exceed two (2)
8708 years during any ten-year period of state service;

8709 (d) The employee shall serve the employer on a
8710 full-time basis for a period of time equivalent to the
8711 professional leave period granted immediately following the
8712 termination of the leave period;

8713 (e) The contributing member shall pay to the retirement
8714 system the actuarial cost as determined by the actuary for each



8715 year of professional leave. The provisions of this subsection are
8716 subject to the regulations of the Internal Revenue Code
8717 limitations;

8718 (f) Such other rules and regulations consistent
8719 herewith as the board may adopt and in case of question, the board
8720 shall have final power to decide the questions.

8721 Any actively contributing member participating in the School
8722 Administrator Sabbatical Program established in Section 37-9-77
8723 shall qualify for continued participation under this subsection
8724 (9).

8725 (10) Any member of the Public Employees' Retirement System
8726 who became a member of the system before July 1, 2007, and has at
8727 least four (4) years of credited membership service, or who became
8728 a member of the system on or after July 1, 2007, but before March
8729 1, 2026, and has at least eight (8) years of credited membership
8730 service, shall be entitled to receive a maximum of ten (10) years
8731 creditable service for:

8732 (a) Any service rendered as an employee of any
8733 political subdivision of this state, or any instrumentality
8734 thereof, that does not participate in the Public Employees'
8735 Retirement System; or

8736 (b) Any service rendered as an employee of any
8737 political subdivision of this state, or any instrumentality
8738 thereof, that participates in the Public Employees' Retirement
8739 System but did not elect retroactive coverage; or



8740 (c) Any service rendered as an employee of any
8741 political subdivision of this state, or any instrumentality
8742 thereof, for which coverage of the employee's position was or is
8743 excluded; provided that the member pays into the retirement system
8744 the actuarial cost as determined by the actuary for each year, or
8745 portion thereof, of such service. After a member has made full
8746 payment to the retirement system for all or any part of such
8747 service, the member shall receive creditable service for the
8748 period of such service for which full payment has been made to the
8749 retirement system.

8750 **SECTION 116.** Section 25-11-111, Mississippi Code of 1972, is
8751 amended as follows:

8752 25-11-111. (a) (1) Any member who became a member of the
8753 system before July 1, 2007, upon withdrawal from service upon or
8754 after attainment of the age of sixty (60) years who has completed
8755 at least four (4) years of membership service, or any member who
8756 became a member of the system before July 1, 2011, upon withdrawal
8757 from service regardless of age who has completed at least
8758 twenty-five (25) years of creditable service, shall be entitled to
8759 receive a retirement allowance, which shall begin on the first of
8760 the month following the date the member's application for the
8761 allowance is received by the board, but in no event before
8762 withdrawal from service.

8763 (2) Any member who became a member of the system on or
8764 after July 1, 2007, * * * upon withdrawal from service upon or



8765 after attainment of the age of sixty (60) years who has completed
8766 at least eight (8) years of membership service, or any member who
8767 became a member of the system on or after July 1, 2011, * * * upon
8768 withdrawal from service regardless of age who has completed at
8769 least thirty (30) years of creditable service, shall be entitled
8770 to receive a retirement allowance, which shall begin on the first
8771 of the month following the date the member's application for the
8772 allowance is received by the board, but in no event before
8773 withdrawal from service.

8774 * * *

8775 (b) (1) Any member who became a member of the system before
8776 July 1, 2007, whose withdrawal from service occurs before
8777 attaining the age of sixty (60) years who has completed four (4)
8778 or more years of membership service and has not received a refund
8779 of his accumulated contributions, shall be entitled to receive a
8780 retirement allowance, beginning upon his attaining the age of
8781 sixty (60) years, of the amount earned and accrued at the date of
8782 withdrawal from service. The retirement allowance shall begin on
8783 the first of the month following the date the member's application
8784 for the allowance is received by the board, but in no event before
8785 withdrawal from service.

8786 (2) Any member who became a member of the system on or
8787 after July 1, 2007, * * * whose withdrawal from service occurs
8788 before attaining the age of sixty (60) years who has completed
8789 eight (8) or more years of membership service and has not received



8790 a refund of his accumulated contributions, shall be entitled to
8791 receive a retirement allowance, beginning upon his attaining the
8792 age of sixty (60) years, of the amount earned and accrued at the
8793 date of withdrawal from service. The retirement allowance shall
8794 begin on the first of the month following the date the member's
8795 application for the allowance is received by the board, but in no
8796 event before withdrawal from service.

8797 * * *

8798 (c) Any member in service who has qualified for retirement
8799 benefits may select any optional method of settlement of
8800 retirement benefits by notifying the Executive Director of the
8801 Board of Trustees of the Public Employees' Retirement System in
8802 writing, on a form prescribed by the board, of the option he has
8803 selected and by naming the beneficiary of the option and
8804 furnishing necessary proof of age. The option, once selected, may
8805 be changed at any time before actual retirement or death, but upon
8806 the death or retirement of the member, the optional settlement
8807 shall be placed in effect upon proper notification to the
8808 executive director.

8809 (d) Any member who became a member of the system before July
8810 1, 2011, shall be entitled to an annual retirement allowance which
8811 shall consist of:

8812 (1) A member's annuity, which shall be the actuarial
8813 equivalent of the accumulated contributions of the member at the



8814 time of retirement computed according to the actuarial table in
8815 use by the system; and

8816 (2) An employer's annuity, which, together with the
8817 member's annuity provided above, shall be equal to two percent
8818 (2%) of the average compensation for each year of service up to
8819 and including twenty-five (25) years of creditable service, and
8820 two and one-half percent (2-1/2%) of the average compensation for
8821 each year of service exceeding twenty-five (25) years of
8822 creditable service.

8823 (3) Any retired member or beneficiary thereof who was
8824 eligible to receive a retirement allowance before July 1, 1991,
8825 and who is still receiving a retirement allowance on July 1, 1992,
8826 shall receive an increase in the annual retirement allowance of
8827 the retired member equal to one-eighth of one percent (1/8 of 1%)
8828 of the average compensation for each year of state service in
8829 excess of twenty-five (25) years of membership service up to and
8830 including thirty (30) years. The maximum increase shall be
8831 five-eighths of one percent (5/8 of 1%). In no case shall a
8832 member who has been retired before July 1, 1987, receive less than
8833 Ten Dollars (\$10.00) per month for each year of creditable service
8834 and proportionately for each quarter year thereof. Persons
8835 retired on or after July 1, 1987, shall receive at least Ten
8836 Dollars (\$10.00) per month for each year of service and
8837 proportionately for each quarter year thereof reduced for the
8838 option selected. However, such Ten Dollars (\$10.00) minimum per



8839 month for each year of creditable service shall not apply to a
8840 retirement allowance computed under Section 25-11-114 based on a
8841 percentage of the member's average compensation.

8842 (e) Any member who became a member of the system on or after
8843 July 1, 2011, but before March 1, 2026, shall be entitled to an
8844 annual retirement allowance which shall consist of:

8845 (1) A member's annuity, which shall be the actuarial
8846 equivalent of the accumulated contributions of the member at the
8847 time of retirement computed according to the actuarial table in
8848 use by the system; and

8849 (2) An employer's annuity, which, together with the
8850 member's annuity provided above, shall be equal to two percent
8851 (2%) of the average compensation for each year of service up to
8852 and including thirty (30) years of creditable service, and two and
8853 one-half percent (2-1/2%) of average compensation for each year of
8854 service exceeding thirty (30) years of creditable service.

8855 (f) Any member who became a member of the system on or after
8856 July 1, 2011, but before March 1, 2026, upon withdrawal from
8857 service upon or after attaining the age of sixty (60) years who
8858 has completed at least eight (8) years of membership service, or
8859 any such member upon withdrawal from service regardless of age who
8860 has completed at least thirty (30) years of creditable service,
8861 shall be entitled to receive a retirement allowance computed in
8862 accordance with the formula set forth in subsection (e) of this
8863 section. In the case of the retirement of any member who has



8864 attained age sixty (60) but who has not completed at least thirty
8865 (30) years of creditable service, the retirement allowance shall
8866 be computed in accordance with the formula set forth in subsection
8867 (e) of this section except that the total annual retirement
8868 allowance shall be reduced by an actuarial equivalent factor for
8869 each year of creditable service below thirty (30) years or the
8870 number of years in age that the member is below age sixty-five
8871 (65), whichever is less.

8872 (g) Any member who became a member of the system on or after
8873 March 1, 2026, upon withdrawal from service upon or after
8874 attainment of the age of * * * sixty (60) years who has completed
8875 at least eight (8) years of membership service, * * * or upon
8876 withdrawal from service regardless of age who has completed at
8877 least * * * thirty (30) years of creditable service, shall be
8878 entitled to an annual retirement allowance which shall consist of
8879 a member's annuity, which annuity shall be equal to one percent
8880 (1%) of the average compensation for each year of creditable
8881 service. In the case of the retirement of any member who has
8882 attained the age of * * * sixty (60) but has not completed at
8883 least thirty (30) years of creditable service, the total annual
8884 retirement allowance specified in this subsection (g) shall be
8885 reduced by an actuarial equivalent factor for each year of
8886 creditable service below thirty (30) years or the number of years
8887 in age that the member is below age sixty-five (65), whichever is
8888 less.



8889 (h) No member, except members excluded by the Age
8890 Discrimination in Employment Act Amendments of 1986 (Public Law
8891 99-592), under either Article 1 or Article 3 in state service
8892 shall be required to retire because of age.

8893 (i) No payment on account of any benefit granted under the
8894 provisions of this section shall become effective or begin to
8895 accrue until January 1, 1953.

8896 (j) (1) A retiree or beneficiary may, on a form prescribed
8897 by and filed with the retirement system, irrevocably waive all or
8898 a portion of any benefits from the retirement system to which the
8899 retiree or beneficiary is entitled. The waiver shall be binding
8900 on the heirs and assigns of any retiree or beneficiary and the
8901 same must agree to forever hold harmless the Public Employees'
8902 Retirement System of Mississippi from any claim to the waived
8903 retirement benefits.

8904 (2) Any waiver under this subsection shall apply only
8905 to the person executing the waiver. A beneficiary shall be
8906 entitled to benefits according to the option selected by the
8907 member at the time of retirement. However, a beneficiary may, at
8908 the option of the beneficiary, execute a waiver of benefits under
8909 this subsection.

8910 (3) The retirement system shall retain in the annuity
8911 reserve account amounts that are not used to pay benefits because
8912 of a waiver executed under this subsection.



8913 (4) The board of trustees may provide rules and
8914 regulations for the administration of waivers under this
8915 subsection.

8916 **SECTION 117.** Section 25-11-112, Mississippi Code of 1972, is
8917 brought forward as follows:

8918 25-11-112. (1) Any member who became a member of the system
8919 before March 1, 2026, and is receiving a retirement allowance for
8920 service or disability retirement, or any beneficiary thereof, who
8921 has received a monthly benefit for at least one (1) full fiscal
8922 year, shall be eligible to receive an additional benefit, on
8923 December 1 or July 1 of the year as provided in subsection (3) of
8924 this section, equal to an amount calculated under paragraph (a) or
8925 (b) below:

8926 (a) For any member who became a member of the system
8927 before July 1, 2011, the sum of:

8928 (i) An amount equal to three percent (3%) of the
8929 annual retirement allowance multiplied by the number of full
8930 fiscal years in retirement before the end of the fiscal year in
8931 which the member reaches age fifty-five (55), plus

8932 (ii) An additional amount equal to three percent
8933 (3%) compounded by the number of full fiscal years in retirement
8934 beginning with the fiscal year in which the member reaches age
8935 fifty-five (55), multiplied by the amount of the annual retirement
8936 allowance.



8937 (b) For any member who became a member of the system on
8938 or after July 1, 2011, but before March 1, 2026, the sum of:

8939 (i) An amount equal to three percent (3%) of the
8940 annual retirement allowance multiplied by the number of full
8941 fiscal years in retirement before the end of the fiscal year in
8942 which the member reaches age sixty (60), plus

8943 (ii) An additional amount equal to three percent
8944 (3%) compounded by the number of full fiscal years in retirement
8945 beginning with the fiscal year in which the member reaches age
8946 sixty (60), multiplied by the amount of the annual retirement
8947 allowance.

8948 (2) The calculation of the beneficiary's additional benefit
8949 under subsection (1)(a) or (b) of this section shall be based on
8950 the member's age and full fiscal years in retirement as if the
8951 member had lived.

8952 (3) (a) The additional benefit provided for under this
8953 section shall be paid in one (1) payment in December of each year
8954 to those persons who are receiving a retirement allowance on
8955 December 1 of that year, unless an election is made under this
8956 subsection. However, if a retiree who is receiving a retirement
8957 allowance that will terminate upon the retiree's death is
8958 receiving the additional benefit in one (1) payment and dies on or
8959 after July 1 but before December 1, the beneficiary designated on
8960 the retirement application, if any, shall receive in a single
8961 payment a fractional part of the additional benefit based on the



8962 number of months in which a retirement allowance was received
8963 during the fiscal year. Likewise, if a retiree is receiving a
8964 retirement allowance that will terminate upon his or her death in
8965 two (2) to six (6) monthly installments, any remaining payments of
8966 the additional benefit will be paid in a lump sum to the
8967 beneficiary designated on the application, or if none, pursuant to
8968 Section 25-11-117.1(1). Any similar remaining payments of
8969 additional benefits payable under this section to a deceased
8970 beneficiary who was receiving a monthly benefit shall be payable
8971 in accordance with the provisions of Section 25-11-117.1(2). If
8972 the additional monthly benefit is being received in one (1)
8973 payment, the additional benefit shall also be prorated based on
8974 the number of months in which a retirement allowance was received
8975 during the fiscal year when (i) the monthly benefit payable to a
8976 beneficiary terminates due to the expiration of an option,
8977 remarriage or cessation of dependent status or due to the
8978 retiree's return to covered employment, and (ii) the monthly
8979 benefit terminates on or after July 1 and before December 1. The
8980 board may, in its discretion, allow a retired member or a
8981 beneficiary thereof who is receiving the additional annual payment
8982 in the manner provided for in this paragraph to change the manner
8983 in which the additional annual payment is received to that
8984 provided for in paragraph (b) of this subsection if the retired
8985 member or beneficiary submits satisfactory documentation that the
8986 continued receipt of the additional annual payment as provided for



8987 in this paragraph will cause a financial hardship to the retired
8988 member or beneficiary.

8989 (b) Retired members or beneficiaries thereof who on
8990 July 1, 1999, or July 1 of any fiscal year thereafter, are
8991 receiving a retirement allowance, may elect by an irrevocable
8992 agreement in writing filed in the Office of the Public Employees'
8993 Retirement System no less than thirty (30) days before July 1 of
8994 the appropriate year, to begin receiving the additional benefit
8995 provided for under this section in twelve (12) equal monthly
8996 installments beginning July 1, 1999, or July 1 of any fiscal year
8997 thereafter. This irrevocable agreement shall be binding on the
8998 member and subsequent beneficiaries. Payment of those monthly
8999 installments shall not extend beyond the month in which a
9000 retirement allowance is due and payable. The board may, in its
9001 discretion, allow a retired member or a beneficiary thereof who is
9002 receiving the additional annual payment in the manner provided for
9003 in this paragraph to change the manner in which the additional
9004 annual payment is received to that provided for in paragraph (a)
9005 of this subsection if the retired member or beneficiary submits
9006 satisfactory documentation that the continued receipt of the
9007 additional annual payment as provided for in this paragraph will
9008 cause a financial hardship to the retired member or beneficiary.

9009 (4) The additional payment or payments provided for under
9010 this section are for the fiscal year in which they are paid.



9011 (5) (a) The amount provided for under subsection (1)
9012 (a)(ii) of this section is calculated using the following formula:
9013 $[(1.03)^n - 1] \times [\text{annual retirement allowance}]$,
9014 where n is the number of full fiscal years in retirement beginning
9015 with the fiscal year in which the member reaches age fifty-five
9016 (55).

9017 (b) The amount provided for under subsection (1)(b)(ii)
9018 of this section is calculated using the following formula:
9019 $[(1.03)^n - 1] \times [\text{annual retirement allowance}]$,
9020 where n is the number of full fiscal years in retirement beginning
9021 with the fiscal year in which the member reaches age sixty (60).

9022 (6) Any retired member or beneficiary thereof who has
9023 previously elected to receive the additional annual payment in
9024 monthly installments may elect, upon application on a form
9025 prescribed by the board of trustees, to have that payment made in
9026 one (1) additional payment each year. This written election must
9027 be filed in the Office of the Public Employees' Retirement System
9028 before June 1, 2000, and shall be effective for the fiscal year
9029 beginning July 1, 2000.

9030 (7) In the event of death of a retired member or a
9031 beneficiary thereof who is receiving the additional annual payment
9032 in two (2) to six (6) monthly installments pursuant to an election
9033 made before July 1, 1999, and who would otherwise be eligible to
9034 receive the additional benefit provided for under this section in
9035 one (1) payment in December of the current fiscal year, any



9036 remaining amounts shall be paid in a lump sum to the designated
9037 beneficiary.

9038 (8) When a member retires after July 1 and has previously
9039 received a retirement allowance for one or more full fiscal years,
9040 the retired member shall be eligible immediately for the
9041 additional benefit. The additional benefit shall be based on the
9042 current retirement allowance and the number of full fiscal years
9043 in retirement and shall be prorated and paid in monthly
9044 installments based on the number of months a retirement allowance
9045 is paid during the fiscal year.

9046 (9) A member who became a member of the system on or after
9047 March 1, 2026, is not entitled to the additional annual benefit
9048 under this section; however, the Legislature may provide an
9049 additional benefit for a specific year.

9050 **SECTION 118.** Section 25-11-114, Mississippi Code of 1972, is
9051 amended as follows:

9052 25-11-114. (1) The applicable benefits provided in
9053 subsections (2) and (3) of this section shall be paid to eligible
9054 beneficiaries of any member who became a member of the system
9055 before July 1, 2007, and has completed four (4) or more years of
9056 membership service, or who became a member of the system on or
9057 after July 1, 2007, and has completed eight (8) or more years of
9058 membership service, and who dies before retirement and who has not
9059 filed a Pre-Retirement Optional Retirement Form as provided in
9060 Section 25-11-111.



9061 (2) (a) The surviving spouse of a member who dies before
9062 retirement shall receive a monthly benefit computed in accordance
9063 with paragraph (d) of this subsection (2) as if the member had
9064 nominated his spouse as beneficiary if:

9065 (i) The member completed the requisite minimum
9066 number of years of membership service to qualify for a retirement
9067 allowance at age sixty (60) * * *;

9068 (ii) The spouse has been married to the member for
9069 not less than one (1) year preceding the death of the member;

9070 (iii) The member has not exercised any other
9071 option.

9072 (b) If, at the time of the member's death, there are no
9073 dependent children, and the surviving spouse, who otherwise would
9074 receive the annuity under this subsection (2), has filed with the
9075 system a signed written waiver of his or her rights to the annuity
9076 and that waiver was in effect at the time of the member's death, a
9077 lump-sum distribution of the deceased member's accumulated
9078 contributions shall be refunded in accordance with Section
9079 25-11-117.

9080 (c) The spouse annuity shall begin on the first day of
9081 the month following the date of the member's death, but in case of
9082 late filing, retroactive payments will be made for a period of not
9083 more than one (1) year.



9084 (d) The spouse of a member who is eligible to receive a
9085 monthly benefit under paragraph (a) of this subsection (2) shall
9086 receive a benefit for life equal to the higher of the following:

9087 (i) The greater of twenty percent (20%) of the
9088 deceased member's average compensation as defined in Section
9089 25-11-103 at the time of death or Fifty Dollars (\$50.00) monthly;
9090 or

9091 (ii) Benefits calculated under Option 2 of Section
9092 25-11-115. The method of calculating the retirement benefits
9093 shall be on the same basis as provided in Section 25-11-111(d),
9094 (e) or (g), as applicable. However, if the member dies before
9095 being qualified for a full, unreduced retirement allowance, then
9096 the benefits shall be reduced by an actuarially determined
9097 percentage or factor based on the lesser of either the number of
9098 years of service credit or the number of years in age required to
9099 qualify for a full, unreduced retirement allowance in Section
9100 25-11-111(d), (e) or (g), as applicable.

9101 (e) The surviving spouse of a deceased member who
9102 previously received spouse retirement benefits under paragraph
9103 (d)(i) of this subsection from and after July 1, 1992, and whose
9104 benefits were terminated before July 1, 2004, because of
9105 remarriage, may again receive the retirement benefits authorized
9106 under paragraph (d)(i) of this subsection by making application
9107 with the board to reinstate those benefits. Any reinstatement of
9108 the benefits shall be prospective only and shall begin after the



9109 first of the month following the date of the application for
9110 reinstatement, but no earlier than July 1, 2004. From and after
9111 July 1, 2010, any spouse who chose Option 2 from and after July 1,
9112 1992, but before July 1, 2004, where the benefit, although payable
9113 for life, was less than the benefit available under the
9114 calculation in paragraph (d)(i) of this subsection shall have his
9115 or her benefit increased to the amount which provides the greater
9116 benefit.

9117 (3) (a) Subject to the maximum limitation provided in this
9118 paragraph, the member's dependent children each shall receive an
9119 annuity of the greater of ten percent (10%) of the member's
9120 average compensation as defined in Section 25-11-103 at the time
9121 of the death of the member or Fifty Dollars (\$50.00) monthly;
9122 however, if there are more than three (3) dependent children, each
9123 dependent child shall receive an equal share of a total annuity
9124 equal to thirty percent (30%) of the member's average
9125 compensation, provided that the total annuity shall not be less
9126 than One Hundred Fifty Dollars (\$150.00) per month for all
9127 children.

9128 (b) A child shall be considered to be a dependent child
9129 until marriage, or the attainment of age nineteen (19), whichever
9130 comes first; however, this age limitation shall be extended beyond
9131 age nineteen (19), but in no event beyond the attainment of age
9132 twenty-three (23), as long as the child is a student regularly
9133 pursuing a full-time course of resident study or training in an



9134 accredited high school, trade school, technical or vocational
9135 institute, junior or community college, college, university or
9136 comparable recognized educational institution duly licensed by a
9137 state. A student child who is receiving a retirement allowance as
9138 of June 30, 2016, whose birthday falls during the school year
9139 (September 1 through June 30) is considered not to reach age
9140 twenty-three (23) until the July 1 following the actual
9141 twenty-third birthday. A full-time course of resident study or
9142 training means a day or evening noncorrespondence course that
9143 includes school attendance at the rate of at least thirty-six (36)
9144 weeks per academic year or other applicable period with a subject
9145 load sufficient, if successfully completed, to attain the
9146 educational or training objective within the period generally
9147 accepted as minimum for completion, by a full-time day student, of
9148 the academic or training program concerned. Any child who is
9149 physically or mentally incompetent, as adjudged by either a
9150 Mississippi court of competent jurisdiction or by the board, shall
9151 receive benefits for as long as the incompetency exists.

9152 (c) If there are more than three (3) dependent
9153 children, upon a child's ceasing to be a dependent child, his
9154 annuity shall terminate and there shall be a redetermination of
9155 the amounts payable to any remaining dependent children.

9156 (d) Annuities payable under this subsection (3) shall
9157 begin the first day of the month following the date of the
9158 member's death or in case of late filing, retroactive payments



9159 will be made for a period of not more than one (1) year. Those
9160 benefits may be paid to a surviving parent or the lawful custodian
9161 of a dependent child for the use and benefit of the child without
9162 the necessity of appointment as guardian.

9163 (4) (a) Death benefits in the line of duty. Regardless of
9164 the number of years of the member's creditable service, the spouse
9165 and/or the dependent children of an active member who is killed or
9166 dies as a direct result of a physical injury sustained from an
9167 accident or a traumatic event caused by external violence or
9168 physical force occurring in the line of performance of duty shall
9169 qualify, on approval of the board, for a retirement allowance on
9170 the first of the month following the date of death, but in the
9171 case of late filing, retroactive payments will be made for a
9172 period of not more than one (1) year. The spouse shall receive a
9173 retirement allowance for life equal to one-half (1/2) of the
9174 average compensation as defined in Section 25-11-103. In addition
9175 to the retirement allowance for the spouse, or if there is no
9176 surviving spouse, the member's dependent child shall receive a
9177 retirement allowance in the amount of one-fourth (1/4) of the
9178 member's average compensation as defined in Section 25-11-103;
9179 however, if there are two (2) or more dependent children, each
9180 dependent child shall receive an equal share of a total annuity
9181 equal to one-half (1/2) of the member's average compensation. If
9182 there are more than two (2) dependent children, upon a child's
9183 ceasing to be a dependent child, his annuity shall terminate and



9184 there shall be a redetermination of the amounts payable to any
9185 remaining dependent children. Those benefits shall cease to be
9186 paid for the support and maintenance of each child upon the child
9187 attaining the age of nineteen (19) years; however, the spouse
9188 shall continue to be eligible for the aforesaid retirement
9189 allowance. Those benefits may be paid to a surviving parent or
9190 lawful custodian of the children for the use and benefit of the
9191 children without the necessity of appointment as guardian. Any
9192 spouse who received spouse retirement benefits under this
9193 paragraph (a) from and after April 4, 1984, and whose benefits
9194 were terminated before July 1, 2004, because of remarriage, may
9195 again receive the retirement benefits authorized under this
9196 paragraph (a) by making application with the board to reinstate
9197 those benefits. Any reinstatement of the benefits shall be
9198 prospective only and shall begin after the first of the month
9199 following the date of the application for reinstatement, but not
9200 earlier than July 1, 2004.

9201 (b) A child shall be considered to be a dependent child
9202 until marriage, or the attainment of age nineteen (19), whichever
9203 comes first; however, this age limitation shall be extended beyond
9204 age nineteen (19), but in no event beyond the attainment of age
9205 twenty-three (23), as long as the child is a student regularly
9206 pursuing a full-time course of resident study or training in an
9207 accredited high school, trade school, technical or vocational
9208 institute, junior or community college, college, university or



9209 comparable recognized educational institution duly licensed by a
9210 state. A student child who is receiving a retirement allowance as
9211 of June 30, 2016, whose birthday falls during the school year
9212 (September 1 through June 30) is considered not to reach age
9213 twenty-three (23) until the July 1 following the actual
9214 twenty-third birthday. A full-time course of resident study or
9215 training means a day or evening noncorrespondence course that
9216 includes school attendance at the rate of at least thirty-six (36)
9217 weeks per academic year or other applicable period with a subject
9218 load sufficient, if successfully completed, to attain the
9219 educational or training objective within the period generally
9220 accepted as minimum for completion, by a full-time day student, of
9221 the academic or training program concerned. Any child who is
9222 physically or mentally incompetent, as adjudged by either a
9223 Mississippi court of competent jurisdiction or by the board, shall
9224 receive benefits for as long as the incompetency exists.

9225 (5) If all the annuities provided for in this section
9226 payable on account of the death of a member terminate before there
9227 has been paid an aggregate amount equal to the member's
9228 accumulated contributions standing to the member's credit in the
9229 annuity savings account at the time of the member's death, the
9230 difference between the accumulated contributions and the aggregate
9231 amount of annuity payments shall be paid to the person that the
9232 member has nominated by written designation duly executed and
9233 filed with the board. If there is no designated beneficiary



9234 surviving at termination of benefits, the difference shall be
9235 payable under Section 25-11-117.1(1).

9236 (6) Regardless of the number of years of creditable service,
9237 upon the application of a member or employer, any active member
9238 who becomes disabled as a direct result of a physical injury
9239 sustained from an accident or traumatic event caused by external
9240 violence or physical force occurring in the line of performance of
9241 duty, provided that the medical board or other designated
9242 governmental agency after a medical examination certifies that the
9243 member is mentally or physically incapacitated for the further
9244 performance of duty and the incapacity is likely to be permanent,
9245 may be retired by the board of trustees on the first of the month
9246 following the date of filing the application but in no event shall
9247 the retirement allowance begin before the termination of state
9248 service. If a member who has been approved for a retirement
9249 allowance under this subsection does not terminate state service
9250 within ninety (90) days after the approval, the retirement
9251 allowance and the application for the allowance shall be void.
9252 The retirement allowance shall equal the allowance on disability
9253 retirement as provided in Section 25-11-113 but shall not be less
9254 than fifty percent (50%) of average compensation. Line of duty
9255 disability benefits under this section shall be administered in
9256 accordance with the provisions of Section 25-11-113(1)(b), (c),
9257 (d), (e) and (f), (3), (4), (5) and (6).



9258 (7) For purposes of determining death or disability benefits
9259 under this section, the following shall apply:

9260 (a) Death or permanent and total disability resulting
9261 from a cardiovascular, pulmonary or musculoskeletal condition that
9262 was not a direct result of a physical injury sustained from an
9263 accident or a traumatic event caused by external violence or
9264 physical force occurring in the performance of duty shall be
9265 deemed a natural death or an ordinary disability.

9266 (b) A mental disability based exclusively on employment
9267 duties occurring on an ongoing basis shall be deemed an ordinary
9268 disability.

9269 (8) If the deceased or disabled member has less than four
9270 (4) years of membership service, the average compensation as
9271 defined in Section 25-11-103 shall be the average of all annual
9272 earned compensation in state service for the purposes of benefits
9273 provided in this section.

9274 (9) In case of death or total and permanent disability under
9275 subsection (4) or subsection (6) of this section and before the
9276 board shall consider any application for a retirement allowance,
9277 the employer must certify to the board that the member's death or
9278 disability was a direct result of an accident or a traumatic event
9279 occurring during and as a result of the performance of the regular
9280 and assigned duties of the employee and that the death or
9281 disability was not the result of the willful negligence of the
9282 employee.



9283 (10) The application for the retirement allowance must be
9284 filed within one (1) year after death of an active member who is
9285 killed in the line of performance of duty or dies as a direct
9286 result of an accident occurring in the line of performance of duty
9287 or traumatic event; but the board of trustees may consider an
9288 application for disability filed after the one-year period if it
9289 can be factually demonstrated to the satisfaction of the board of
9290 trustees that the disability is due to the accident and that the
9291 filing was not accomplished within the one-year period due to a
9292 delayed manifestation of the disability or to circumstances beyond
9293 the control of the member. However, in case of late filing,
9294 retroactive payments will be made for a period of not more than
9295 one (1) year only.

9296 (11) (a) Notwithstanding any other section of this article
9297 and in lieu of any payments to a designated beneficiary for a
9298 refund of contributions under Section 25-11-117, the spouse and/or
9299 children shall be eligible for the benefits payable under this
9300 section, and the spouse may elect, for both the spouse and/or
9301 children, to receive benefits in accordance with either
9302 subsections (2) and (3) or subsection (4) of this section;
9303 otherwise, the contributions to the credit of the deceased member
9304 shall be refunded in accordance with Section 25-11-117.

9305 (b) Notwithstanding any other section of this article,
9306 a spouse who is entitled to receive a monthly benefit under either
9307 subsection (2) or (4) of this section and who is also the named



9308 beneficiary for a refund of accumulated contributions in the
9309 member's annuity savings account, may, after the death of the
9310 member, elect to receive a refund of accumulated contributions in
9311 lieu of a monthly allowance, provided that there are no dependent
9312 children entitled to benefits under subsection (3) of this
9313 section.

9314 (12) If the member has previously received benefits from the
9315 system to which he was not entitled and has not repaid in full all
9316 amounts payable by him to the system, the annuity amounts
9317 otherwise provided by this section shall be withheld and used to
9318 effect repayment until the total of the withholdings repays in
9319 full all amounts payable by him to the system.

9320 **SECTION 119.** Section 25-11-115, Mississippi Code of 1972, is
9321 brought forward as follows:

9322 25-11-115. (1) Upon application for superannuation or
9323 disability retirement, any member may elect to receive his or her
9324 benefit in a retirement allowance payable throughout life with no
9325 further payments to anyone at the member's death, except that if
9326 the member's total retirement payments under this article do not
9327 equal the member's total contributions under this article, the
9328 named beneficiary shall receive the difference in cash at the
9329 member's death. Or the member may elect upon retirement, or upon
9330 becoming eligible for retirement, to receive the actuarial
9331 equivalent subject to the provisions of subsection (3) of this



9332 section of his or her retirement allowance in a reduced retirement
9333 allowance payable throughout life with the provision that:

9334 **Option 1.** If the retired member dies before he or she has
9335 received in annuity payment the value of the member's annuity
9336 savings account as it was at the time of the member's retirement,
9337 the balance shall be paid to the legal representative or to such
9338 person as the member has nominated by written designation duly
9339 acknowledged and filed with the board;

9340 **Option 2.** Upon the retired member's death, his or her
9341 reduced retirement allowance shall be continued throughout the
9342 life of, and paid to, such person as the member has nominated by
9343 written designation duly acknowledged and filed with the board of
9344 trustees at the time of his or her retirement;

9345 **Option 3.** Upon the retired member's death, one-half (1/2) of
9346 his or her reduced retirement allowance shall be continued
9347 throughout the life of, and paid to, such person as the member has
9348 nominated by written designation duly acknowledged and filed with
9349 the board of trustees at the time of his or her retirement, and
9350 the other one-half (1/2) of his or her reduced retirement
9351 allowance to some other designated beneficiary;

9352 **Option 4.** Upon the retired member's death, three-fourths
9353 (3/4) of his or her reduced retirement allowance, or such other
9354 specified amount, shall be continued throughout the life of, and
9355 paid to, such person as the member has nominated by written



9356 designation duly acknowledged and filed with the board of trustees
9357 at the time of his or her retirement;

9358 **Option 4-A.** Upon the retired member's death, one-half (1/2)
9359 of his or her reduced retirement allowance, or such other
9360 specified amount, shall be continued throughout the life of, and
9361 paid to, such person as the member has nominated by written
9362 designation duly acknowledged and filed with the board of trustees
9363 at the time of his or her retirement;

9364 **Option 4-B.** A reduced retirement allowance shall be
9365 continued throughout the life of the retirant, but with the
9366 further guarantee of payments to the named beneficiary or
9367 beneficiaries for a specified number of years certain. If the
9368 retired member or the last designated beneficiary both die before
9369 receiving all guaranteed payments due, the actuarial equivalent of
9370 the remaining payments shall be paid to the successors of the
9371 retired member under Section 25-11-117.1(1);

9372 **Option 6.** Any member who became a member of the system
9373 before July 1, 2007, and who has at least twenty-eight (28) years
9374 of creditable service at the time of retirement or who is at least
9375 sixty-three (63) years of age and eligible to retire, may select
9376 the maximum retirement benefit or an optional benefit as provided
9377 in this subsection together with a partial lump-sum distribution.
9378 Any member who became a member of the system on or after July 1,
9379 2007, but before July 1, 2011, and who has at least twenty-eight
9380 (28) years of creditable service at the time of retirement may



9381 select the maximum retirement benefit or any optional benefit as
9382 provided in this subsection together with a partial lump-sum
9383 distribution. Any member who became a member of the system on or
9384 after July 1, 2011, but before March 1, 2026, and who has at least
9385 thirty-three (33) years of creditable service at the time of
9386 retirement may select the maximum retirement benefit or any
9387 optional benefit as provided in this subsection together with a
9388 partial lump-sum distribution. Any member who became a member of
9389 the system on or after March 1, 2026, shall not be eligible for a
9390 partial lump-sum distribution. The amount of the lump-sum
9391 distribution under this option shall be equal to the maximum
9392 monthly benefit multiplied by twelve (12), twenty-four (24) or
9393 thirty-six (36) as selected by the member. The maximum retirement
9394 benefit shall be actuarially reduced to reflect the amount of the
9395 lump-sum distribution selected and further reduced for any other
9396 optional benefit selected. The annuity and lump-sum distribution
9397 shall be computed to result in no actuarial loss to the system.
9398 The lump-sum distribution shall be made as a single payment
9399 payable at the time the first monthly annuity payment is paid to
9400 the retiree. The amount of the lump-sum distribution shall be
9401 deducted from the member's annuity savings account in computing
9402 what contributions remain at the death of the retiree and/or a
9403 beneficiary. The lump-sum distribution option may be elected only
9404 once by a member upon initial retirement, and may not be elected



9405 by a retiree, by members applying for a disability retirement
9406 annuity, or by survivors.

9407 (2) No change in the option selected shall be permitted
9408 after the member's death or after the member has received his or
9409 her first retirement check except as provided in subsections (3)
9410 and (4) of this section and in Section 25-11-127. Members who are
9411 pursuing a disability retirement allowance and simultaneously or
9412 later elect to begin to receive a service retirement allowance
9413 while continuing to pursue a disability retirement allowance,
9414 shall not be eligible to select Option 6 and that option may not
9415 be selected at a later time if the application for a disability
9416 retirement allowance is voided or denied. However, any retired
9417 member who is receiving a retirement allowance under Option 2 or
9418 Option 4-A upon July 1, 1992, and whose designated beneficiary
9419 predeceased him or her or whose marriage to a spouse who is his or
9420 her designated beneficiary is terminated by divorce or other
9421 dissolution, upon written notification to the retirement system of
9422 the death of the designated beneficiary or of the termination of
9423 the retired member's marriage to the designated beneficiary, the
9424 retirement allowance payable to the member after receipt of that
9425 notification by the retirement system shall be equal to the
9426 retirement allowance that would have been payable if the member
9427 had not elected the option. In addition, any retired member who
9428 is receiving the maximum retirement allowance for life, a
9429 retirement allowance under Option 1 or who is receiving a



9430 retirement allowance under Option 2 or Option 4-A on July 1, 1992,
9431 may elect to provide survivor benefits under Option 2 or Option
9432 4-A to a spouse who was not previously the member's beneficiary
9433 and whom the member married before July 1, 1992.

9434 (3) Any retired member who is receiving a reduced retirement
9435 allowance under Option 2, Option 4 or Option 4-A whose designated
9436 beneficiary predeceases him or her, or whose marriage to a spouse
9437 who is his or her designated beneficiary is terminated by divorce
9438 or other dissolution, may elect to cancel the reduced retirement
9439 allowance and receive the maximum retirement allowance for life in
9440 an amount equal to the amount that would have been payable if the
9441 member had not elected Option 2, Option 4 or Option 4-A. That
9442 election must be made in writing to the office of the executive
9443 director of the system on a form prescribed by the board. Any
9444 such election shall be effective the first of the month following
9445 the date the election is received by the system; however, the
9446 election may be applied retroactively for not more than three (3)
9447 months but no earlier than the first of the month following the
9448 date of the death of the beneficiary.

9449 (4) Any retired member who is receiving the maximum
9450 retirement allowance for life, or a retirement allowance under
9451 Option 1, and who marries after his or her retirement may elect to
9452 cancel the maximum retirement allowance and receive a reduced
9453 retirement allowance under Option 2, Option 4 or Option 4-A to
9454 provide continuing lifetime benefits to his or her spouse. That



9455 election must be made in writing to the office of the executive
9456 director of the system on a form prescribed by the board not
9457 earlier than the date of the marriage and not later than one (1)
9458 year from the date of the marriage. Any such election shall be
9459 effective the first of the month following the date the election
9460 is received by the system.

9461 (5) (a) Except as otherwise provided in this subsection, if
9462 the election of an optional benefit is made after the member has
9463 attained the age of sixty-five (65) years, the actuarial
9464 equivalent factor shall be used to compute the reduced retirement
9465 allowance as if the election had been made on his or her
9466 sixty-fifth birthday; however, from and after January 1, 2003, if
9467 there is an election of Option 6 after the member has attained the
9468 age of sixty-five (65) years, the actuarial equivalent factor
9469 based on the retiree's age at the time of retirement shall be used
9470 to compute the reduced maximum monthly retirement allowance.
9471 However, if a retiree marries or remarries after retirement and
9472 elects either Option 2 or Option 4-A as provided in subsection (2)
9473 or (4) of this section, the actuarial equivalent factor used to
9474 compute the reduced retirement allowance shall be the factor for
9475 the age of the retiree and his or her beneficiary at the time such
9476 election for recalculation of benefits is made.

9477 (b) For members who retire on or after July 1, 2012,
9478 the actuarial equivalent factor used to compute the reduced
9479 retirement allowance at retirement or upon any subsequent



9480 recalculation of the benefit shall be the factor for the age of
9481 the retiree and his or her beneficiary at the time of retirement
9482 or at the time an election for recalculation of benefits is made.

9483 (6) Notwithstanding any provision of Section 25-11-1 et
9484 seq., no payments may be made for a retirement allowance on a
9485 monthly basis for a period of time in excess of that allowed by
9486 federal law.

9487 (7) If a retirant and his or her eligible beneficiary, if
9488 any, both die before they have received in annuity payments a
9489 total amount equal to the accumulated contributions standing to
9490 the retirant's credit in the annuity savings account at the time
9491 of his or her retirement, the difference between the accumulated
9492 contributions and the total amount of annuities received by them
9493 shall be paid to such persons as the retirant has nominated by
9494 written designation duly executed and filed in the office of the
9495 executive director. If no designated person survives the retirant
9496 and his or her beneficiary, the difference, if any, shall be paid
9497 under Section 25-11-117.1(1).

9498 (8) Any retired member who retired on Option 2(5) or 4-A(5)
9499 before July 1, 1992, who is still receiving a retirement allowance
9500 on July 1, 1994, shall receive an increase in the annual
9501 retirement allowance effective July 1, 1994, equal to the amount
9502 they would have received under Option 2 or Option 4-A without a
9503 reduction for Option 5 based on the ages at retirement of the



9504 retiree and beneficiary and option factors in effect on July 1,
9505 1992. That increase shall be prospective only.

9506 **SECTION 120.** Section 25-11-117, Mississippi Code of 1972, is
9507 brought forward as follows:

9508 25-11-117. (1) A member may be paid a refund of the amount
9509 of accumulated contributions to the credit of the member in the
9510 annuity savings account, provided that the member has withdrawn
9511 from state service and has not returned to state service on the
9512 date the refund of the accumulated contributions would be paid.
9513 That refund of the contributions to the credit of the member in
9514 the annuity savings account shall be paid within ninety (90) days
9515 from receipt in the office of the retirement system of the
9516 properly completed form requesting the payment. In the event of
9517 death before retirement of any member whose spouse and/or children
9518 are not entitled to a retirement allowance, the accumulated
9519 contributions to the credit of the deceased member in the annuity
9520 savings account shall be paid to the designated beneficiary on
9521 file in writing in the office of the executive director of the
9522 board of trustees within ninety (90) days from receipt of a
9523 properly completed form requesting the payment. If there is no
9524 such designated beneficiary on file for the deceased member in the
9525 office of the system, upon the filing of a proper request with the
9526 board, the contributions to the credit of the deceased member in
9527 the annuity savings account shall be refunded under Section
9528 25-11-117.1(1). The payment of the refund shall discharge all



9529 obligations of the retirement system to the member on account of
9530 any creditable service rendered by the member before the receipt
9531 of the refund. By the acceptance of the refund, the member shall
9532 waive and relinquish all accrued rights in the system.

9533 (2) Under the Unemployment Compensation Amendments of 1992
9534 (Public Law 102-318 (UCA)), a member or the spouse of a member who
9535 is an eligible beneficiary entitled to a refund under this section
9536 may elect, on a form prescribed by the board under rules and
9537 regulations established by the board, to have an eligible rollover
9538 distribution of accumulated contributions payable under this
9539 section paid directly to an eligible retirement plan, as defined
9540 under applicable federal law, or an individual retirement account.
9541 If the member or the spouse of a member who is an eligible
9542 beneficiary makes that election and specifies the eligible
9543 retirement plan or individual retirement account to which the
9544 distribution is to be paid, the distribution will be made in the
9545 form of a direct trustee-to-trustee transfer to the specified
9546 eligible retirement plan. A nonspouse beneficiary may elect to
9547 have an eligible rollover distribution paid in the form of a
9548 direct trustee-to-trustee transfer to an individual retirement
9549 account established to receive the distribution on behalf of the
9550 nonspouse beneficiary. Flexible rollovers under this subsection
9551 shall not be considered assignments under Section 25-11-129.

9552 (3) (a) If any person who has received a refund, reenters
9553 the state service and again becomes a member of the system before



9554 July 1, 2007, the member may repay all or part of the amounts
9555 previously received as a refund, together with regular interest
9556 covering the period from the date of refund to the date of
9557 repayment; however, the amounts that are repaid by the member and
9558 the creditable service related thereto shall not be used in any
9559 benefit calculation or determination until the member has remained
9560 a contributor to the system for a period of at least four (4)
9561 years after the member's reentry into state service. Repayment
9562 for that time shall be made beginning with the most recent service
9563 for which refund has been made. Upon the repayment of all or part
9564 of that refund and interest, the member shall again receive credit
9565 for the period of creditable service for which full repayment has
9566 been made to the system.

9567 (b) If any person who has received a refund, reenters
9568 the state service and again becomes a member of the system on or
9569 after July 1, 2007, but before March 1, 2026, the member may repay
9570 all or part of the amounts previously received as a refund,
9571 together with regular interest covering the period from the date
9572 of refund to the date of repayment; however, the amounts that are
9573 repaid by the member and the creditable service related thereto
9574 shall not be used in any benefit calculation or determination
9575 until the member has remained a contributor to the system for a
9576 period of at least eight (8) years after the member's reentry into
9577 state service. Repayment for that time shall be made beginning
9578 with the most recent service for which refund has been made. Upon



9579 the repayment of all or part of that refund and interest, the
9580 member shall again receive credit for the period of creditable
9581 service for which full repayment has been made to the system.

9582 (c) If any person who has received a refund reenters
9583 state service and again becomes a member of the system on or after
9584 March 1, 2026, the member shall not be eligible to repay any
9585 portion of amounts previously received as a refund and may not
9586 receive creditable service for service rendered before March 1,
9587 2026.

9588 (4) (a) In order to provide a source of income to members
9589 who have applied for disability benefits under Section 25-11-113
9590 or 25-11-114, the board may provide, at the employee's election, a
9591 temporary benefit to be paid from the member's accumulated
9592 contributions, if any, without forfeiting the right to pursue
9593 disability benefits, provided that the member has exhausted all
9594 personal and medical leave and has terminated his or her
9595 employment. The board may prescribe rules and regulations for
9596 carrying out the provisions of this subsection (4).

9597 (b) If a member who has elected to receive temporary
9598 benefits under this subsection later applies for a refund of his
9599 or her accumulated contributions, all amounts paid under this
9600 subsection shall be deducted from the accumulated contributions
9601 and the balance will be paid to the member. If a member who has
9602 elected to receive temporary benefits under this subsection is
9603 later approved for a disability retirement allowance, and a



9604 service retirement allowance or survivor benefits are paid on the
9605 account, the board shall adjust the benefits in such a manner that
9606 no more than the actuarial equivalent of the benefits to which the
9607 member or beneficiary was or is entitled shall be paid.

9608 (c) The board may study, develop and propose a
9609 disability benefit structure, including short- and long-term
9610 disability benefits, provided that it is the actuarial equivalent
9611 of the benefits currently provided in Section 25-11-113 or
9612 25-11-114.

9613 **SECTION 121.** Section 25-11-123, Mississippi Code of 1972, is
9614 amended as follows:

9615 25-11-123. All of the assets of the system shall be credited
9616 according to the purpose for which they are held to one (1) of
9617 four (4) reserves; namely, the annuity savings account, the
9618 annuity reserve, the employer's accumulation account, and the
9619 expense account; however, any employee who became a member of the
9620 system on or after March 1, 2026, shall also have a defined
9621 contribution plan administered by the system, as provided in
9622 Section 25-11-147.

9623 (a) **Annuity savings account.** In the annuity savings
9624 account shall be accumulated the contributions made by members to
9625 provide for their annuities, including interest thereon which
9626 shall be posted monthly. Credits to and charges against the
9627 annuity savings account shall be made as follows:



9628 (1) Beginning July 1, 2010, except as otherwise
9629 provided in Section 25-11-126, the employer shall cause to be
9630 deducted from the salary of each member on each and every payroll
9631 of the employer for each and every payroll period nine percent
9632 (9%) of earned compensation as defined in Section 25-11-103;
9633 however, for any employee who became a member of the system on or
9634 after March 1, 2026, only four percent (4%) of such earned
9635 compensation shall be deposited into the annuity savings account,
9636 with the remaining five percent (5%), to be deposited into the
9637 employee's defined contribution account authorized in Section
9638 25-11-147. Future contributions shall be fixed biennially by the
9639 board on the basis of the liabilities of the retirement system for
9640 the various allowances and benefits as shown by actuarial
9641 valuation; however, any member earning at a rate less than Sixteen
9642 Dollars and Sixty-seven Cents (\$16.67) per month, or Two Hundred
9643 Dollars (\$200.00) per year, shall contribute not less than One
9644 Dollar (\$1.00) per month, or Twelve Dollars (\$12.00) per year.

9645 (2) The deductions provided in paragraph (1) of
9646 this subsection shall be made notwithstanding that the minimum
9647 compensation provided by law for any member is reduced by the
9648 deduction. Every member shall be deemed to consent and agree to
9649 the deductions made and provided for in paragraph (1) of this
9650 subsection and shall receipt for his full salary or compensation,
9651 and payment of salary or compensation less the deduction shall be
9652 a full and complete discharge and acquittance of all claims and



9653 demands whatsoever for the services rendered by the person during
9654 the period covered by the payment, except as to the benefits
9655 provided under Articles 1 and 3. The board shall provide by rules
9656 for the methods of collection of contributions from members and
9657 the employer. The board shall have full authority to require the
9658 production of evidence necessary to verify the correctness of
9659 amounts contributed.

9660 (b) **Annuity reserve.** The annuity reserve shall be the
9661 account representing the actuarial value of all annuities in
9662 force, and to it shall be charged all annuities and all benefits
9663 in lieu of annuities, payable as provided in this article. If a
9664 beneficiary retired on account of disability is restored to active
9665 service with a compensation not less than his average final
9666 compensation at the time of his last retirement, the remainder of
9667 his contributions shall be transferred from the annuity reserve to
9668 the annuity savings account and credited to his individual account
9669 therein, and the balance of his annuity reserve shall be
9670 transferred to the employer's accumulation account.

9671 (c) **Employer's accumulation account.** The employer's
9672 accumulation account shall represent the accumulation of all
9673 reserves for the payment of all retirement allowances and other
9674 benefits payable from contributions made by the employer, and
9675 against this account shall be charged all retirement allowances
9676 and other benefits on account of members. Credits to and charges



9677 against the employer's accumulation account shall be made as
9678 follows:

9679 (1) (i) On account of each member who became a
9680 member of the system before March 1, 2026, there shall be paid
9681 monthly into the employer's accumulation account by the employers
9682 for the preceding fiscal year an amount equal to a certain
9683 percentage of the total earned compensation, as defined in Section
9684 25-11-103, of each member. From and after May 9, 2024, the
9685 increase in the employer's contribution rate scheduled to take
9686 effect on July 1, 2024, is rescinded and shall not take effect;
9687 however, on July 1 of each year from 2024 through 2028, the
9688 employer's contribution rate shall be increased by one-half
9689 percent (1/2%). For each member who became a member of the system
9690 on or after March 1, 2026, except as provided in Section
9691 25-11-147, the employer's monthly payment under this paragraph (1)
9692 shall be applied to the accrued liability contribution fund.

9693 (ii) Persons who choose to continue receiving
9694 a retirement allowance during their employment as teachers as
9695 authorized by Section 25-11-126, the percentage rate of the
9696 contributions to be paid into the employer's accumulation account
9697 by the employers of those persons shall be twenty-seven and four
9698 tenths percent (27.4%) of the total earned compensation of those
9699 persons as of July 1, 2025, and shall be increased by one-half
9700 percent (1/2%) through July 1, 2028 in accordance with the
9701 requirements of subparagraph (i) of this paragraph (1). However,



9702 if after January 1, 2029, the Legislature increases the percentage
9703 rate of the employer's contribution required under the provisions
9704 of subparagraph (i) of this paragraph (1), or the Legislature
9705 increases the percentage rate of the contribution required under
9706 subsection (a)(1) of this section, or the Legislature increases
9707 both of those percentage rates, then the percentage rate of the
9708 contributions to be paid into the employer's accumulation account
9709 by the employers of those persons under this subparagraph (ii)
9710 shall be increased by the total amount of the increase or
9711 increases in the percentage rate or rates made by the Legislature.

9712 (2) For the public good, any recommendation by the
9713 board to adjust the employer contributions may be accompanied by
9714 at least two (2) assessments from actuaries who are independent
9715 from each other and the retirement plan. The actuaries shall
9716 analyze the economic impact of any such recommendation to the
9717 system and state, including, but not limited to, information
9718 showing the fiscal impact to every agency and arm of the state,
9719 including, but not limited to, state agencies, cities, counties
9720 and school districts. The actuarial assessments, with any such
9721 recommendation to adjust the employer contributions, shall be
9722 submitted to the Lieutenant Governor, Speaker of the House,
9723 Chairman of the Senate Appropriations Committee and Chairman of
9724 the House Appropriations Committee.

9725 (3) The board shall have the authority to make
9726 recommendations regarding additional funding sources for the



9727 retirement plan, including employer contribution increases, based
9728 on the assets and liabilities of the retirement plan, and the
9729 analyses required by paragraph (2) of this subsection (c). The
9730 Legislature shall have the sole authority to implement any such
9731 recommendations. It is the intent of the Legislature that, in the
9732 2025 Regular Session, a law be enacted to create a new tier for
9733 future members of the system, in furtherance of the system's
9734 continued financial stability and sustainability.

9735 (4) This section shall not be construed to provide
9736 authority to reduce or eliminate any earned benefits to be
9737 provided by the state to persons who, before July 1, 2025, are
9738 drawing a retirement allowance or are members of the system.

9739 (5) On the basis of regular interest and of such
9740 mortality and other tables as are adopted by the board of
9741 trustees, the actuary engaged by the board to make each valuation
9742 required by this article during the period over which the accrued
9743 liability contribution is payable, immediately after making that
9744 valuation, shall determine the uniform and constant percentage of
9745 the earnable compensation of each member which, if contributed by
9746 the employer on the basis of compensation of the member throughout
9747 his entire period of membership service, would be sufficient to
9748 provide for the payment of any retirement allowance payable on his
9749 account for that service. The percentage rate so determined shall
9750 be known as the "normal contribution rate." After the accrued
9751 liability contribution has ceased to be payable, the normal



9752 contribution rate shall be the percentage rate of the salary of
9753 all members obtained by deducting from the total liabilities on
9754 account of membership service the amount in the employer's
9755 accumulation account, and dividing the remainder by one percent
9756 (1%) of the present value of the prospective future salaries of
9757 all members as computed on the basis of the mortality and service
9758 tables adopted by the board of trustees and regular interest. The
9759 normal rate of contributions shall be determined by the actuary
9760 after each valuation.

9761 (6) The total amount payable in each year to the
9762 employer's accumulation account shall not be less than the sum of
9763 the percentage rate known as the "normal contribution rate" and
9764 the "accrued liability contribution rate" of the total
9765 compensation earnable by all members during the preceding year,
9766 provided that the payment by the employer shall be sufficient,
9767 when combined with the amounts in the account, to provide the
9768 allowances and other benefits chargeable to this account during
9769 the year then current.

9770 (7) The accrued liability contribution shall be
9771 discontinued as soon as the accumulated balance in the employer's
9772 accumulation account shall equal the present value, computed on
9773 the basis of the normal contribution rate then in force, or the
9774 prospective normal contributions to be received on account of all
9775 persons who are at that time members.



9776 (8) All allowances and benefits in lieu thereof,
9777 with the exception of those payable on account of members who
9778 receive no prior service credit, payable from contributions of the
9779 employer, shall be paid from the employer's accumulation account.

9780 (9) Upon the retirement of a member, an amount
9781 equal to his retirement allowance shall be transferred from the
9782 employer's accumulation account to the annuity reserve.

9783 (10) The employer's accumulation account shall be
9784 credited with any assets authorized by law to be credited to the
9785 account.

9786 (d) **Expense account.** The expense account shall be the
9787 account to which the expenses of the administration of the system
9788 shall be charged, exclusive of amounts payable as retirement
9789 allowances and as other benefits provided herein. The Legislature
9790 shall make annual appropriations in amounts sufficient to
9791 administer the system, which shall be credited to this account.
9792 There shall be transferred to the State Treasury from this
9793 account, not less than once per month, an amount sufficient for
9794 payment of the estimated expenses of the system for the succeeding
9795 thirty (30) days. Any interest earned on the expense account
9796 shall accrue to the benefit of the system. However,
9797 notwithstanding the provisions of Sections 25-11-15(10) and
9798 25-11-105(f) (v)5, all expenses of the administration of the system
9799 shall be paid from the interest earnings, provided the interest
9800 earnings are in excess of the actuarial interest assumption as



9801 determined by the board, and provided the present cost of the
9802 administrative expense fee of two percent (2%) of the
9803 contributions reported by the political subdivisions and
9804 instrumentalities shall be reduced to one percent (1%) from and
9805 after July 1, 1983, through June 30, 1984, and shall be eliminated
9806 thereafter.

9807 (e) **Collection of contributions.** The employer shall
9808 cause to be deducted on each and every payroll of a member for
9809 each and every payroll period, beginning subsequent to January 31,
9810 1953, the contributions payable by the member as provided in
9811 Articles 1 and 3.

9812 The employer shall make deductions from salaries of employees
9813 as provided in Articles 1 and 3 and shall transmit monthly, or at
9814 such time as the board of trustees designates, the amount
9815 specified to be deducted to the Executive Director of the Public
9816 Employees' Retirement System. The executive director, after
9817 making a record of all those receipts, shall deposit such amounts
9818 as provided by law.

9819 (f) (1) The sum of the normal contribution rate and
9820 the accrued liability contribution rate shall be known as the
9821 "employer's contribution rate."

9822 (2) The amount payable by the employer on account
9823 of normal and accrued liability contributions shall be determined
9824 by applying the employer's contribution rate to the amount of
9825 compensation earned by employees who are members of the system.



9826 Monthly, or at such time as the board of trustees designates, each
9827 department or agency shall compute the amount of the employer's
9828 contribution payable, with respect to the salaries of its
9829 employees who are members of the system, and shall cause that
9830 amount to be paid to the board of trustees from the personal
9831 service allotment of the amount appropriated for the operation of
9832 the department or agency, or from funds otherwise available to the
9833 agency, for the payment of salaries to its employees.

9834 (3) Except as otherwise provided in Section
9835 25-11-106:

9836 (i) Constables shall pay employer and
9837 employee contributions on their net fee income as well as the
9838 employee contributions on all direct treasury or county payroll
9839 income.

9840 (ii) The county shall be responsible for the
9841 employer contribution on all direct treasury or county payroll
9842 income of constables.

9843 (4) Except as otherwise provided in Section
9844 25-11-106.1, chancery and circuit clerks shall be responsible for
9845 both the employer and employee share of contributions on the
9846 proportionate share of net income attributable to fees, as well as
9847 the employee share of net income attributable to direct treasury
9848 or county payroll income, and the employing county shall be
9849 responsible for the employer contributions on the net income
9850 attributable to direct treasury or county payroll income.



9851 (5) Once each year, under procedures established
9852 by the system, each employer shall submit to the Public Employees'
9853 Retirement System a copy of their report to Social Security of all
9854 employees' earnings.

9855 (6) The board shall provide by rules for the
9856 methods of collection of contributions of employers and members.
9857 The amounts determined due by an agency to the various funds as
9858 specified in Articles 1 and 3 are made obligations of the agency
9859 to the board and shall be paid as provided herein. Failure to
9860 deduct those contributions shall not relieve the employee and
9861 employer from liability thereof. Delinquent employee
9862 contributions and any accrued interest shall be the obligation of
9863 the employee and delinquent employer contributions and any accrued
9864 interest shall be the obligation of the employer. The employer
9865 may, in its discretion, elect to pay any or all of the interest on
9866 delinquent employee contributions. From and after July 1, 1996,
9867 under rules and regulations established by the board, all
9868 employers are authorized and shall transfer all funds due to the
9869 Public Employees' Retirement System electronically and shall
9870 transmit any wage or other reports by computerized reporting
9871 systems.

9872 **SECTION 122.** Section 25-11-147, Mississippi Code of 1972, is
9873 brought forward as follows:

9874 25-11-147. (1) Each person becoming a member of the system
9875 on or after March 1, 2026, shall have, in addition to the defined



9876 benefit plan under this article, a defined contribution plan
9877 meeting the requirements of Section 401(a) of the Internal Revenue
9878 Code. A portion of the employee's contributions shall be
9879 deposited into the employee's defined contribution account, as
9880 provided in Section 25-11-123, and in addition, the employer may
9881 elect to contribute an amount up to the maximum pretax amount
9882 allowable under federal law for plans under Section 401(a) of the
9883 Internal Revenue Code. Members shall be vested immediately in the
9884 defined contribution plan.

9885 (2) (a) Pursuant to Section 401(a) of the Internal Revenue
9886 Code, the board may establish a defined contribution, qualified
9887 plan under which a portion of the employee's mandatory
9888 contributions shall be deposited and which meets all requirements
9889 under federal and state law. To the extent state law conflicts
9890 with federal law, federal law shall govern the plan document to
9891 maintain the federal tax qualified status. The board, in its
9892 fiduciary capacity, may seek approval from the Internal Revenue
9893 Service.

9894 (b) The administration of the defined contribution plan
9895 shall be under the direction of the system. The defined
9896 contribution plan shall be operated in accordance with the
9897 guidelines established by the Internal Revenue Service for Section
9898 401(a) plans as reflected in the plan document, as may be modified
9899 from time to time by the board of trustees, and including optional
9900 variable employer contributions and a process for hardship



9901 withdrawals by members. Payroll reductions shall be made, in each
9902 instance, by the appropriate payroll officer. The administrator
9903 of the defined contribution plan may contract with a private
9904 corporation or institution for providing consolidated billing and
9905 other administrative services if deemed necessary by the
9906 administrator.

9907 (c) The board of trustees may assess the employer an
9908 amount, out of the employer's contribution rate under Section
9909 25-11-123, up to two-tenths percent (0.2%) of the participant's
9910 total earned compensation as defined in Section 25-11-103 to
9911 provide for the administrative expenses of operating the defined
9912 contribution plan, including, but not limited to, the services of
9913 auditors, consultants, money managers and third-party
9914 administrators.

9915 (3) Each participating member shall direct the investment of
9916 the individual's accumulated employer and employee contributions
9917 and earnings to one or more investment choices within available
9918 categories of investment provided by the board. The board shall
9919 provide an investment menu of investment options. In establishing
9920 the investment options, the board shall:

9921 (a) Include predetermined investment portfolio options
9922 constructed to reflect different risk profiles that automatically
9923 reallocate and rebalance contributions as a participating member
9924 ages; and



9925 (b) Allow a participating member to construct an
9926 investment portfolio using some or all of the investment options.

9927 **SECTION 123.** Section 25-9-127, Mississippi Code of 1972, is
9928 amended as follows:

9929 25-9-127. (1) No employee of any department, agency or
9930 institution who is included under this chapter or hereafter
9931 included under its authority, and who is subject to the rules and
9932 regulations prescribed by the state personnel system, may be
9933 dismissed or otherwise adversely affected as to compensation or
9934 employment status except for inefficiency or other good cause, and
9935 after written notice and hearing within the department, agency or
9936 institution as shall be specified in the rules and regulations of
9937 the State Personnel Board complying with due process of law; and
9938 any employee who has by written notice of dismissal or action
9939 adversely affecting his compensation or employment status shall,
9940 on hearing and on any appeal of any decision made in such action,
9941 be required to furnish evidence that the reasons stated in the
9942 notice of dismissal or action adversely affecting his compensation
9943 or employment status are not true or are not sufficient grounds
9944 for the action taken; however, this provision shall not apply:

9945 (a) to persons separated from any department, agency or
9946 institution due to curtailment of funds or reduction in staff when
9947 such separation is in accordance with rules and regulations of the
9948 state personnel system; (b) during the probationary period of
9949 state service of twelve (12) months; and (c) to an executive



9950 officer of any state agency who serves at the will and pleasure of
9951 the Governor, board, commission or other appointing authority.

9952 (2) The operation of a state-owned motor vehicle without a
9953 valid Mississippi driver's license by an employee of any
9954 department, agency or institution that is included under this
9955 chapter and that is subject to the rules and regulations of the
9956 state personnel system shall constitute good cause for dismissal
9957 of such person from employment.

9958 (3) Beginning July 1, 1999, every male between the ages of
9959 eighteen (18) and twenty-six (26) who is required to register
9960 under the federal Military Selective Service Act, 50 USCS App.
9961 453, and who is an employee of the state shall not be promoted to
9962 any higher position of employment with the state until he submits
9963 to the person, commission, board or agency by which he is employed
9964 satisfactory documentation of his compliance with the draft
9965 registration requirements of the Military Selective Service Act.
9966 The documentation shall include a signed affirmation under penalty
9967 of perjury that the male employee has complied with the
9968 requirements of the Military Selective Service Act.

9969 (4) For a period of two (2) years beginning July 1, 2014,
9970 the provisions of subsection (1) shall not apply to the personnel
9971 actions of the State Department of Education that are subject to
9972 the rules and regulations of the State Personnel Board, and all
9973 employees of the department shall be classified as nonstate
9974 service during that period. However, any employee hired after



9975 July 1, 2014, by the department shall meet the criteria of the
9976 State Personnel Board as it presently exists for employment. The
9977 State Superintendent of Public Education and the State Board of
9978 Education shall consult with the Office of the Attorney General
9979 before taking personnel actions authorized by this section to
9980 review those actions for compliance with applicable state and
9981 federal law.

9982 It is not the intention or effect of this section to include
9983 any school attendance officer in any exemption from coverage under
9984 the State Personnel Board policy or regulations, including, but
9985 not limited to, termination and conditions of employment.

9986 (5) (a) For a period of two (2) years beginning July 1,
9987 2015, the provisions of subsection (1) shall not apply to the
9988 personnel actions of the Department of Corrections, and all
9989 employees of the department shall be classified as nonstate
9990 service during that period. However, any employee hired after
9991 July 1, 2015, by the department shall meet the criteria of the
9992 State Personnel Board as it presently exists for employment.

9993 (b) Additionally, for a period of one (1) year
9994 beginning July 1, 2016, the personnel actions of the Commissioner
9995 of the Department of Corrections shall be exempt from State
9996 Personnel Board rules, regulations and procedures in order to give
9997 the commissioner flexibility in making an orderly, effective and
9998 timely reorganization and realignment of the department.



9999 (c) The Commissioner of Corrections shall consult with
10000 the Office of the Attorney General before personnel actions
10001 authorized by this section to review those actions for compliance
10002 with applicable state and federal law.

10003 (6) Through July 1, 2020, the provisions of subsection (1)
10004 of this section shall not apply to the personnel actions of the
10005 Department of Human Services that are subject to the rules and
10006 regulations of the State Personnel Board, and all employees of the
10007 department shall be classified as nonstate service during that
10008 period. Any employee hired on or after July 1, 2020, by the
10009 department shall meet the criteria of the State Personnel Board as
10010 it presently exists for employment. The Executive Director of
10011 Human Services shall consult with the Office of the Attorney
10012 General before taking personnel actions authorized by this section
10013 to review those actions for compliance with applicable state and
10014 federal law.

10015 (7) Through July 1, 2020, the provisions of subsection (1)
10016 of this section shall not apply to the personnel actions of the
10017 Department of Child Protection Services that are subject to the
10018 rules and regulations of the State Personnel Board, and all
10019 employees of the department shall be classified as nonstate
10020 service during that period. Any employee hired on or after July
10021 1, 2020, by the division shall meet the criteria of the State
10022 Personnel Board as it presently exists for employment. The
10023 Commissioner of Child Protection Services shall consult with the



10024 Office of the Attorney General before taking personnel actions
10025 authorized by this section to review those actions for compliance
10026 with applicable state and federal law.

10027 (8) Any agency requesting an exemption from the State
10028 Personnel Board as it presently exists for employment shall submit
10029 to the Legislature and State Personnel Board a written plan
10030 describing the justification for the requested exemption and the
10031 actions the agency plans to implement if granted the exemption.
10032 The written plan shall include:

10033 (a) Justification for the requested exemption,
10034 including the identification of issues the agency intends to
10035 address;

10036 (b) Actions to be taken during the exemption period
10037 including the reasons for such actions; and

10038 (c) The number of affected positions, associated costs
10039 and the source of funds to pay for each action.

10040 (9) Any state agency whose personnel actions are exempted in
10041 this section from the rules, regulations and procedures of the
10042 State Personnel Board shall file with the State Personnel Board,
10043 Lieutenant Governor, Speaker of the House of Representatives,
10044 Legislative Budget Office, Joint Legislative Committee on
10045 Performance Evaluation and Expenditure Review (PEER), and the
10046 members of the Senate and House Accountability, Efficiency and
10047 Transparency Committees an annual report no later than July 1 of



10048 each year while under the exemption. Such annual report shall
10049 contain the following information:

10050 (a) The number of current employees who received an
10051 increase in salary during the past fiscal year and the amount of
10052 the increase;

10053 (b) The number of employees who were dismissed from the
10054 agency or otherwise adversely affected as to compensation or
10055 employment status during the past fiscal year, including a
10056 description of such adverse effects;

10057 (c) The number of new employees hired during the past
10058 fiscal year and the starting salaries of each new employee;

10059 (d) Quantifiable measures showing that the actions
10060 taken under authority of an exemption granted by this section have
10061 improved efficiency or effectiveness, or both, of the agency's
10062 operations;

10063 (e) The number of staff hired or promoted without the
10064 minimum qualifications for their positions during the exemption
10065 period; and

10066 (f) Evidence to demonstrate that staff hired without
10067 minimum qualifications are competent to perform their job duties.

10068 (10) Upon fulfilling the requirements of subsection (8) of
10069 this section, the personnel actions of the Office of the State
10070 Treasurer, for a period of one (1) year following the effective
10071 date of this act, shall be exempt from the provisions of
10072 subsection (1) of this section and any applicable rules and



10073 regulations of the State Personnel Board, as such exemption
10074 applies to the State Treasurer's administration of the Mississippi
10075 Education Freedom Act established under Sections 37-190-1 through
10076 37-190-17, and all employees of the office hired during that
10077 period shall be classified as nonstate service. However, any
10078 employee hired by the office after the one-year period the
10079 department shall meet the criteria of the State Personnel Board as
10080 it presently exists for employment.

10081 **SECTION 124.** Section 7-9-5, Mississippi Code of 1972, is
10082 amended as follows:

10083 7-9-5. The State Treasurer shall be entitled to a
10084 bookkeeper, a chief clerk, a bond clerk, and a stenographer to
10085 assist him in the discharge of the duties of his office; and he
10086 may appoint a deputy who shall possess all the powers and may
10087 perform any of the duties of the treasurer. If a deputy treasurer
10088 be appointed, he shall also perform all the duties of the chief
10089 clerk and shall receive the salary of such clerk, and thereafter
10090 no chief clerk shall be employed. The bond of the said deputy
10091 shall be One Hundred Thousand Dollars (\$100,000.00), and the
10092 premium thereon shall be paid as other premiums of state officers.
10093 However, if for any reason within the one (1) year of the
10094 effective date of this act, the State Treasurer, in his or her
10095 capacity as fund manager of Magnolia Student Accounts, employs
10096 personnel for the purpose of assisting with the administration of
10097 the Mississippi Educational Freedom Act established under Sections



10098 37-190-1 through 37-190-17, the employment of such persons shall
10099 not be subject to the rules and regulations of the State Personnel
10100 Board, except as otherwise provided in Section 25-9-127(10).

10101 **SECTION 125.** Section 31-7-401, Mississippi Code of 1972, is
10102 brought forward as follows:

10103 31-7-401. Except as otherwise provided by law, the
10104 provisions of Sections 31-7-401 through 31-7-423 shall apply to
10105 every procurement of commodities, supplies, equipment,
10106 construction, technology, personal and professional services other
10107 than those in Section 27-104-7(2)(f) and (8), state agency
10108 employee benefits, supplemental insurance and cafeteria plans,
10109 that are solicited by any state agency by a request for proposals
10110 or request for qualifications, except any personal or professional
10111 services contract entered into by an agency for the design,
10112 operation or maintenance of museum exhibits, purchases made by an
10113 agency related to the fabrication, construction, installation or
10114 refurbishing of museum exhibits. The following provisions are
10115 intended to ensure that the best practices for soliciting requests
10116 for proposals or requests for qualifications are implemented. Any
10117 agency that is required to receive approval by the Public
10118 Procurement Review Board before entering into a personal or
10119 professional services contract as provided in subsection (2)(g) of
10120 Section 27-104-7 shall implement the best practices specified in
10121 Sections 31-7-401 through 31-7-423. The Public Procurement Review



10122 Board shall promulgate any necessary rules and regulations to
10123 administer the provisions of Sections 31-7-401 through 31-7-423.

10124 **SECTION 126.** Section 31-7-403, Mississippi Code of 1972, is
10125 brought forward as follows:

10126 31-7-403. **Conditions for use.** (1) Competitive sealed
10127 bidding is the preferred method of procurement; however, if it is
10128 not practicable and advantageous, a request for proposals or
10129 request for qualifications may be used. The terms "practicable"
10130 and "advantageous" are to be given ordinary dictionary meanings.
10131 The term "practicable" denotes what may be accomplished or put
10132 into practical application. "Advantageous" denotes a judgmental
10133 assessment of what is in the state's best interest.

10134 (2) The following factors shall be considered when
10135 determining advantageousness:

10136 (a) The need for flexibility;

10137 (b) The type of evaluations that will be needed after
10138 offers are received;

10139 (c) Whether the evaluation factors involve the relative
10140 abilities of offerers to perform, including degrees of technical
10141 or professional experience or expertise;

10142 (d) Whether the type of need to be satisfied involves
10143 weighing artistic and aesthetic values to the extent that price is
10144 a secondary consideration;



10145 (e) Whether the types of supplies, services or
10146 construction may require the use of comparative judgmental
10147 evaluations to evaluate them adequately; and

10148 (f) Whether prior procurements indicate that a request
10149 for proposals may result in more beneficial contracts for the
10150 state.

10151 (3) The following factors shall be considered when
10152 determining practicability:

10153 (a) Whether the contract needs to be a contract other
10154 than a fixed-price type contract;

10155 (b) Whether oral or written discussions may need to be
10156 conducted with offerers concerning technical and price aspects of
10157 their proposals;

10158 (c) Whether offerers may need to be afforded the
10159 opportunity to revise their proposals, including price;

10160 (d) Whether the award may need to be based upon a
10161 comparative evaluation of differing price and contractual factors
10162 as well as quality factors that include technical and performance
10163 capability and the content of the technical proposal; and

10164 (e) Whether the primary consideration in determining
10165 award may not be price.

10166 (4) On or before January 1 of each year, and every time a
10167 chief procurement officer is hired, each state agency shall
10168 provide to the state purchasing agent the name of the state
10169 agency's chief procurement officer and information identifying the



10170 state agency's central purchasing office, if applicable. If the
10171 chief procurement officer of an agency or his or her designee
10172 determines, in writing, that the use of competitive sealed bidding
10173 is either not practicable or not advantageous to the state, he or
10174 she shall submit a detailed explanation of the reasons for that
10175 determination to the Public Procurement Review Board. If the
10176 Public Procurement Review Board determines that competitive sealed
10177 bidding is either not practicable or not advantageous to the
10178 state, then a contract may be entered into for the procurement of
10179 commodities, supplies, equipment, construction, technology,
10180 personal and professional services, state agency purchased
10181 employee benefits or state agency supplemental insurance and
10182 cafeteria plans, by a request for proposals or request for
10183 qualifications. However, these procurements contracted for
10184 through a request for proposals or request for qualifications may
10185 not be combined or included in a contract with other procurements
10186 that are required to be procured through competitive sealed
10187 bidding so as to avoid the statutory obligation for procurement
10188 through competitive sealed bidding. The board may modify or
10189 revoke its determination at any time, and the determination should
10190 be reviewed for current applicability from time to time.

10191 In addition to determining whether a request for proposals or
10192 request for qualifications would be practicable and advantageous
10193 to the state, when making the decision to use a request for



10194 proposals or request for qualifications, the chief procurement
10195 officer shall consider the following factors:

10196 (a) Whether quality, availability or capability is
10197 overriding in relation to price in procurements for research and
10198 development, technical supplies or services;

10199 (b) Whether the initial installation needs to be
10200 evaluated together with later maintenance and service capabilities
10201 and what priority should be given to these requirements in the
10202 best interests of the state; and

10203 (c) Whether the marketplace will respond better to a
10204 solicitation permitting not only a range of alternative proposals
10205 but evaluation and discussion of them before making the award.

10206 **SECTION 127.** Section 31-7-405, Mississippi Code of 1972, is
10207 brought forward as follows:

10208 31-7-405. **Content of the request for proposals or request**
10209 **for qualifications.** (1) The request for proposals or request for
10210 qualifications shall include the following:

10211 (a) Instructions and information to offerers concerning
10212 the request for proposals or request for qualifications submission
10213 requirements, including the time and date set for receipt of
10214 proposals or qualifications, the address of the office to which
10215 proposals or qualifications are to be delivered, the maximum time
10216 for proposal or qualification acceptance by the state, the manner
10217 in which proposals or qualifications are to be submitted,



10218 including any forms for that purpose and any other special
10219 information;

10220 (b) The purchase description, evaluation factors,
10221 delivery or performance schedule and any inspection and acceptance
10222 requirements that are not included in the purchase description;

10223 (c) The contract terms and conditions, including
10224 warranty and bonding or other security requirements, as
10225 applicable;

10226 (d) A statement that discussions may be conducted with
10227 offerers who submit proposals or qualifications determined to be
10228 reasonably susceptible of being selected for the award, but that
10229 proposals or qualifications may be accepted without such
10230 discussions; and

10231 (e) A statement of when and how price should be
10232 submitted.

10233 (2) The request for proposals or request for qualifications
10234 may incorporate documents by reference provided that the request
10235 for proposals or request for qualifications specifies where those
10236 documents can be obtained.

10237 (3) Proposal or qualification preparation time shall be set
10238 to provide offerers a reasonable time to prepare their proposals
10239 or qualifications. A minimum of thirty (30) days shall be
10240 provided unless a shorter time is deemed necessary for a
10241 particular procurement as determined in writing by the chief
10242 procurement officer of the requesting agency.



10243 **SECTION 128.** Section 31-7-407, Mississippi Code of 1972, is
10244 brought forward as follows:

10245 31-7-407. **Public notice.** (1) In addition to any method of
10246 public notice regarding the solicitation of requests for proposals
10247 or requests for qualifications currently being used by state
10248 agencies, the chief procurement officer shall also have posted on
10249 the Mississippi procurement portal and on the soliciting agency's
10250 website, public notification of a pending procurement through
10251 request for proposals or request for qualifications. The notice
10252 shall include the following:

10253 (a) The due date for responses;

10254 (b) The name and phone number of the officer conducting
10255 the procurement; and

10256 (c) The means of obtaining the solicitation.

10257 (2) The notice shall be posted at least thirty (30) days
10258 before the date that proposals or qualifications are to be
10259 submitted to the chief procurement officer, unless a shorter time
10260 is deemed necessary for a particular procurement as determined in
10261 writing by the chief procurement officer of the requesting agency.

10262 (3) Each chief procurement officer may determine that other
10263 methods of public notification are best for that particular agency
10264 or that particular request for proposals or request for
10265 qualifications. If such a determination is made, the chief
10266 procurement officer may provide notice in an alternative manner
10267 about the request for proposals or request for qualifications in



10268 addition to the methods provided for in Sections 31-7-401 through
10269 31-7-423.

10270 (4) The Department of Finance and Administration (DFA) shall
10271 monitor agency websites and the Mississippi procurement portal to
10272 ensure that the agencies are posting the required notice. DFA
10273 shall audit agencies and report its findings to the Chairs of the
10274 House of Representatives and Senate Accountability, Efficiency and
10275 Transparency Committees and House of Representatives and Senate
10276 Appropriations Committees by December 31 of each year.

10277 **SECTION 129.** (1) Local law enforcement agencies having
10278 primary law enforcement authority over all public and nonpublic
10279 schools within their jurisdiction, in conjunction with the
10280 governing boards of independent nonpublic schools within the State
10281 of Mississippi, through a Memorandum of Understanding (MOU),
10282 signed by the law enforcement executive and the appropriate school
10283 official(s), shall employ individuals to serve as school resource
10284 officers (SROs) at independent nonpublic schools, under the
10285 authority of Section 21-19-49(2), provided that the MOU shall
10286 require a minimum of one (1) school resource officer to be
10287 assigned to each independent nonpublic school campus operating
10288 under the authority and control of the governing board of the
10289 independent nonpublic school.

10290 (2) Any person employed, under the authority of Section
10291 21-19-49(2), by the governing board of the independent nonpublic
10292 school as a security guard or school resource officer (SRO) or in



10293 any other position that has the powers of a peace officer, who is
10294 not a sworn law enforcement officer, must receive a minimum level
10295 of basic law enforcement training, as determined and prescribed by
10296 the Board on Law Enforcement Officer Standards and Training,
10297 within two (2) years of the person's initial employment in such
10298 position. The failure of any person employed in such position to
10299 receive the required training within the designated time will
10300 result in the withdrawal of that person's authority to exercise
10301 the powers of a peace officer in or on the property of the
10302 independent nonpublic school.

10303 (3) For purposes of this section, the following terms shall
10304 have the meanings ascribed in this subsection unless context of
10305 use requires otherwise:

10306 (a) "Independent nonpublic school" means a nonpublic
10307 school operating within the State of Mississippi that:

10308 (i) Is a member of the Midsouth Association of
10309 Independent Schools (MAIS) and located in the State of
10310 Mississippi;

10311 (ii) Is accredited by a state, regional or
10312 national accrediting organization, including the State Board of
10313 Education; and

10314 (iii) Is not subject to the purview of authority
10315 of the State Board of Education, unless such school is accredited
10316 by the board.



10317 (b) "Governing board" means the board or other
10318 governing body of an accredited independent nonpublic school, as
10319 such governing body is prescribed in the charter, bylaws or other
10320 governing documents of the independent nonpublic school.

10321 (c) "School resource officer" or "SRO" means a sworn
10322 law enforcement officer employed by a local law enforcement agency
10323 and assigned to independent nonpublic elementary or secondary
10324 school campuses to provide community policing efforts to combat
10325 school violence and improve student and school safety in or on the
10326 property of the school campus to which he or she is assigned.

10327 **SECTION 130.** Section 21-19-49, Mississippi Code of 1972, is
10328 amended as follows:

10329 21-19-49. (1) The governing authority of any municipality
10330 or the board of supervisors of any county are hereby authorized
10331 and empowered to appropriate money or dedicate and convey
10332 municipally-owned buildings and property or county-owned buildings
10333 and property, as the case may be, to the school district or
10334 districts situated within that municipality or county for the
10335 purpose of erecting, purchasing or otherwise providing the school
10336 building or a site for such school building of such school
10337 district, in cases where the governing authority or board of
10338 supervisors are of the opinion that the location of such school
10339 building within the corporate limits of the municipality or the
10340 county, or in close proximity thereto, will be of special benefit
10341 to the inhabitants of the municipality or county.



10342 (2) Municipalities, municipal police departments and the
10343 sheriffs' departments may contract with the school board of any
10344 school district or the governing board of any independent
10345 nonpublic school to provide additional Law Enforcement Officers
10346 Training Academy-certified police protection to said school
10347 district or independent nonpublic school on such terms and for
10348 such reimbursement as the school district or independent nonpublic
10349 school and the entity may agree in their discretion.

10350 (3) (a) The governing authority of any municipality or the
10351 board of supervisors of any county may allow off-duty municipal or
10352 county law enforcement officers who are hired individually for
10353 security purposes by the school district * * *, districts or
10354 nonpublic schools within that municipality or county to use
10355 municipal or county law enforcement uniforms and equipment, which
10356 includes vehicles, during such off-duty employment.

10357 (b) If the person or entity, and the person's or
10358 entity's insurer, fails or refuses to endorse, indemnify and hold
10359 harmless the employing jurisdiction, the employing jurisdiction
10360 shall not approve the use of the official vehicle of the employing
10361 jurisdiction for private security services.

10362 (4) The governing authority of any municipality, in its
10363 discretion, may donate funds, equipment or in-kind services to any
10364 school district or independent nonpublic school located within the
10365 boundaries of the municipality to assist the voluntary character



10366 development or public service programs of that school district or
10367 independent nonpublic school.

10368 **SECTION 131.** Section 17-25-11, Mississippi Code of 1972, is
10369 amended as follows:

10370 17-25-11. (1) Certified law enforcement officers or
10371 certified part-time law enforcement officers, as defined in
10372 Section 45-6-3, who are employed by a county, municipality or the
10373 Department of Public Safety may wear the official uniform and may
10374 utilize the official firearm and the official vehicle issued by
10375 the employing jurisdiction while in the performance of private
10376 security services in off-duty hours. The governing authority of a
10377 municipality must approve of such use of the uniform, official
10378 weapon and vehicle by municipal law enforcement officers by act
10379 spread upon the minutes of such board and approved by the chief
10380 executive. The sheriff of a county must approve such use of the
10381 uniform, official weapon and vehicle by deputy sheriffs. The
10382 Commissioner of the Department of Public Safety must approve such
10383 use of the uniform, official weapon and vehicle by officers of the
10384 department. Approval shall be on an employee-by-employee basis
10385 and not by general order. Any proceedings regarding application
10386 or approval and the minutes regarding same shall be a public
10387 record.

10388 (2) Each governing board and chief executive, sheriff or the
10389 Commissioner of the Department of Public Safety shall determine
10390 before the use of the official uniform, weapon and vehicle is



10391 approved that the proposed employment is not likely to bring
10392 disrepute to the employing jurisdiction or its law enforcement
10393 agency, the officer at issue, or law enforcement generally, and
10394 that the use of the official uniform, weapon and vehicle in the
10395 discharge of the officer's private security endeavor promotes the
10396 public interest.

10397 (3) (a) Acts and omissions of an officer in discharge of
10398 private security employment shall be deemed to be the acts and
10399 omissions of the person or entity who hires or enters into any
10400 independent contractual service agreement with an officer for the
10401 private security services, and not the acts and omissions of the
10402 employing jurisdiction whose uniform, weapon and vehicle are
10403 approved for the private security use.

10404 (b) The person or entity, and the person's or entity's
10405 insurer, who hires or enters into any independent contractual
10406 service agreement with an officer for private security services
10407 shall:

10408 (i) Hold harmless the employing jurisdiction and
10409 fully indemnify the employing jurisdiction for any expense or
10410 loss, including attorney's fees and any damage to the official
10411 vehicle, which results from any action taken against the employing
10412 jurisdiction arising out of the acts or omissions of the officer
10413 in discharge of private security services while wearing the
10414 official uniform or using the official weapon or vehicle; and



10415 (ii) Name the employing jurisdiction as a named
10416 insured on its general liability and automobile liability policies
10417 for at least the amount of recovery provided for in Section
10418 11-46-15 for any damage to the official vehicle.

10419 (c) If the person or entity, and the person's or
10420 entity's insurer, fails or refuses to endorse, indemnify and hold
10421 harmless the employing jurisdiction, the employing jurisdiction
10422 shall not approve the use of the official vehicle of the employing
10423 jurisdiction for private security services.

10424 (d) Neither the state nor any subdivision thereof shall
10425 be liable for a claim or injury arising from the acts or omissions
10426 of an officer in the discharge of any private security employment
10427 duties under this section, including travel to and from private
10428 security employment duties in the official vehicle.

10429 (e) The provisions of paragraphs (a) through (d) of
10430 this subsection shall not apply to any municipal or county law
10431 enforcement officers employed in the capacity as a school resource
10432 officer at a nonpublic school under the authority granted to
10433 municipalities, municipal police departments and sheriffs'
10434 departments to contract with the school board of any school
10435 district or the governing board of any independent nonpublic
10436 school for such services as prescribed in Section 21-19-49(2).

10437 (4) Certified police officers performing private jobs during
10438 their off-duty hours are required to notify the appropriate law



10439 enforcement agency of the place of employment, the hours to be
10440 worked, and the type of employment.

10441 (5) The official uniform, weapon and vehicle may be worn and
10442 utilized only at locations which are within the jurisdiction of
10443 the governmental entity whose uniform, weapon and vehicle are
10444 involved.

10445 **SECTION 132.** (1) There is established the National Defense
10446 Cadet Corps (NDCC) Pilot Program to provide financial grant
10447 assistance for the purpose of expanding Junior Reserve Officer
10448 Training Corps (JROTC) programs in school districts throughout the
10449 State of Mississippi. The State Department of Education and the
10450 Adjutant General of the Mississippi National Guard shall cooperate
10451 in the promulgation of rules and regulations for the joint
10452 administration of the program, which shall include the
10453 establishment of an application process and qualifying criteria to
10454 be used in determining the priority of issuance of grants under
10455 the pilot program.

10456 (2) The National Defense Cadet Corps (NDCC) Pilot Program
10457 shall:

10458 (a) Be operated for a period of three (3) consecutive
10459 years beginning on July 1, 2026, and continuing through July 1,
10460 2029;

10461 (b) Require the State Department of Education and the
10462 Mississippi National Guard to receive and review grant
10463 applications immediately upon the commencement of the program;



10464 (c) Require the State Department of Education and the
10465 Mississippi National Guard to determine the number of grants to be
10466 administered during the pilot program, which shall award selected
10467 grantees for a period of three (3) from the date of application
10468 approval, provided that there shall be an equal number of grantees
10469 represented in each of the state's four (4) Congressional
10470 Districts, as those districts existed on January 1, 2026, as funds
10471 are appropriated by the legislature for such purposes; and

10472 (d) Require school district that receive grant funds to
10473 transition to a self-funded program at the end of the three-year
10474 pilot program period, until such time that the school district is
10475 able to demonstrate the viability of its program to the servicing
10476 command of the military branch with which its program is
10477 affiliated.

10478 (3) Upon a demonstration of program viability as a
10479 self-funded program, as required under subsection (2)(d), the
10480 school district shall make application to the servicing command of
10481 the military branch with which its program is affiliated, seeking
10482 approval for federal assistance from the Department of War to
10483 become a fully service JROTC funded program by the appropriate
10484 servicing command.

10485 (4) To receive assistance from the NDCC Pilot Program, the
10486 applying school district must be assessed according to the
10487 guidelines developed by the State Department of Education and the



10488 Mississippi National Guard to determine the need for such programs
10489 and the priority of approving grant applications.

10490 (5) The State JROTC Coordinator within the State Department
10491 of Education shall submit a report to the Legislature on or before
10492 January 1, 2027, and on or before January 1st of each year
10493 thereafter until the end of the pilot program period. The report
10494 shall include, but is not limited to, the following information:

10495 (a) Total spent on program funding;

10496 (b) The amount of administrative costs to operate the
10497 program; and

10498 (c) The number of school districts served by the
10499 program, and which Congressional District the programs are
10500 located; and

10501 (d) The efficacy of the program.

10502 (6) The Legislature shall appropriate funds to implement the
10503 "National Defense Cadet Corps (NDCC) Pilot Program" on a phased-in
10504 basis with each phase based on a state appropriation of not less
10505 than Ten Million Dollars (\$10,000,000.00) for each fiscal year of
10506 the pilot program, which shall be allocated to approved grantee
10507 school districts based on total number of applications received and
10508 approved in accordance with the criteria established by the State
10509 Department of Education and the Mississippi National Guard.

10510 **SECTION 133.** Section 37-15-29, Mississippi Code of 1972, is
10511 brought forward as follows:



10512 37-15-29. (1) Except as provided in subsections (2), (3),
10513 (4) and (5) of this section, no minor child may enroll in or
10514 attend any school except in the school district of his residence,
10515 unless such child be lawfully transferred from the school district
10516 of his residence to a school in another school district in accord
10517 with the statutes of this state now in effect or which may be
10518 hereafter enacted.

10519 (2) Those children whose parent(s) or legal guardian(s) are
10520 instructional personnel or certificated employees of a school
10521 district may at such employee's discretion enroll and attend the
10522 school or schools of their parent's or legal guardian's employment
10523 regardless of the residence of the child.

10524 (3) No child shall be required to be transported in excess
10525 of thirty (30) miles on a school bus from his or her home to
10526 school, or in excess of thirty (30) miles from school to his or
10527 her home, if there is another school in an adjacent school
10528 district located on a shorter school bus transportation route by
10529 the nearest traveled road. Those children residing in such
10530 geographical situations may, at the discretion of their parent(s)
10531 or legal guardian(s), enroll and attend the nearer school,
10532 regardless of the residence of the child. In the event the parent
10533 or legal guardian of such child and the school board are unable to
10534 agree on the school bus mileage required to transport the child
10535 from his or her home to school, an appeal shall lie to the State
10536 Board of Education, or its designee, whose decision shall be



10537 final. The school districts involved in the appeal shall provide
10538 the Mississippi Department of Education with any school bus route
10539 information requested, including riding the buses as necessary, in
10540 order to measure the bus routes in question, as needed by the
10541 State Board of Education in considering the appeal.

10542 (4) Those children lawfully transferred from the school
10543 district of his residence to a school in another school district
10544 prior to July 1, 1992, may, at the discretion of their parent(s)
10545 or legal guardian(s), continue to enroll and attend school in the
10546 transferee school district. Provided further, that the brother(s)
10547 and sister(s) of said children lawfully transferred prior to July
10548 1, 1992, may also, at the discretion of their parent(s) or legal
10549 guardian(s), enroll and attend school in the transferee school
10550 district.

10551 (5) (a) Those children whose parent(s) or legal guardian(s)
10552 are active duty, or Active Guard and Reserve duty, members of the
10553 United States Armed Forces, but not those who are performing
10554 inactive duty training, may, at the discretion of their parent(s)
10555 or legal guardian(s), enroll and attend the school district and
10556 school campus of their parent's or legal guardian's choosing,
10557 regardless of the residence of the child.

10558 (b) Those children whose parent(s) or legal guardian(s)
10559 are civilian military personnel and reside on a military base
10560 may, at the discretion of their parent(s) or legal guardian(s),
10561 enroll and attend the school district and school campus of their



10562 parent's or legal guardian's choosing, regardless of the residence
10563 of the child.

10564 (c) For purposes of paragraphs (a) and (b) of this
10565 subsection (5):

10566 (i) A school district is not required to provide
10567 transportation to a student who enrolls in or transfers to another
10568 school district or school campus within the district of chosen
10569 attendance;

10570 (ii) A student eligible for enrollment or transfer
10571 shall be allowed only one (1) school transfer per academic year;

10572 (iii) Once admitted, and unless expelled, the
10573 parent(s) or legal guardian(s) of students transferring under the
10574 authority of this subsection shall not be required to reapply for
10575 admission for continued enrollment in the school district or
10576 school campus of last attendance for any subsequent years of
10577 attendance therein; and

10578 (iv) If the school district is unable to
10579 accommodate a request for enrollment for transfer due to a lack of
10580 capacity to accept the student in to the district or a specific
10581 school campus, the school board shall deny the request and spread
10582 the same upon its minutes.

10583 (d) (i) As used in this subsection (5), "active duty"
10584 means full-time duty in the active military service of the United
10585 States.



10586 (ii) As used in this subsection (5), "Active Guard
10587 and Reserve duty" means active duty or full-time National Guard
10588 duty performed by a member of a reserve component of the Army,
10589 Navy, Air Force, Space Force or Marine Corps, which is pursuant to
10590 an order to active duty or full-time National Guard duty for a
10591 period of one hundred eighty (180) consecutive days or more.

10592 (iii) Before enrolling his or her child in the
10593 selected school of choice, the service member shall provide the
10594 school of enrollment with a copy of his or her Department of
10595 Defense photo identification, and a "Statement of Service" from
10596 the installation adjutant general or official letter from a
10597 commander above the Lieutenant Colonel rank signifying that the
10598 service member is on active duty, or Active Guard and Reserve
10599 duty, assignment or has been mobilized within the state.

10600 **SECTION 134.** The following shall be codified as Section
10601 37-7-104.10, Mississippi Code of 1972:

10602 37-7-104.10. (1) In Copiah County, Mississippi, in which
10603 are located, as of January 1, 2026, two (2) school districts,
10604 there shall be an administrative restructuring of all of those
10605 school districts in the county into one (1) new countywide school
10606 district to be designated as the Copiah County School District
10607 which shall consist of the territory of the former Copiah County
10608 School District and the Hazlehurst City School District, effective
10609 on July 1, 2028. At such time that the administrative
10610 restructuring becomes effective, the central administrative office



10611 of the Covich County School District shall be located in
10612 Hazlehurst, Mississippi.

10613 (2) Within two (2) years prior to the date of restructuring,
10614 or as soon as practicable after July 1, 2026, a financial advisor
10615 and/or other facilitator with school district experience may be
10616 assigned by the Mississippi Department of Education to oversee the
10617 budgeting and financial matters relating to the restructuring of
10618 the districts slated for restructuring. The financial advisor
10619 and/or facilitator may, at the discretion of the Mississippi
10620 Department of Education, continue duties for one (1) year after
10621 the restructuring to ensure that all financial matters are in
10622 place. All financial expenditures of districts that are closing
10623 must be approved by the financial advisor and/or facilitator. If
10624 the superintendent and/or school board approves expenditures
10625 outside of this approval, they shall be personally liable for the
10626 excess expenditures. The State Board of Education shall determine
10627 the compensation to be paid to the financial advisor and/or
10628 facilitator which shall be paid by the local school district to
10629 which the financial advisor and/or facilitator is assigned.

10630 (3) (a) On or before July 1, 2027, the State Board of
10631 Education shall serve the local school boards of the Covich County
10632 School District and the Hazlehurst City School District with
10633 notice and instructions regarding the timetable for action to be
10634 taken to comply with the administrative restructuring required in
10635 this section. The State Board of Education shall provide for the



10636 administrative restructuring of Copiah County School District and
10637 the Hazlehurst City School District on or before July 1, 2028. In
10638 the new Copiah County School District, there shall be a new county
10639 board of education elected in a November 2027 special election,
10640 which shall be called by the Governor for that purpose. The new
10641 county board of education shall be elected and the terms of office
10642 established as provided in Section 37-5-7(3). The State Board of
10643 Education shall declare that the territory embraced by Copiah
10644 County, Mississippi, shall be the boundary lines for the territory
10645 of the new Copiah County School District and shall spread a legal
10646 description of the new school district on the minutes of its
10647 August 2027 meeting and shall serve the applicable school boards
10648 and the board of supervisors with an adequate legal description of
10649 these new boundaries. It shall be the responsibility of the board
10650 of supervisors of such county to apportion the newly restructured
10651 school district into five (5) new single member board of education
10652 election districts, which shall be consistent with the supervisors
10653 district lines in the county. The board of supervisors of the
10654 county shall thereafter publish the same in some newspaper of
10655 general circulation in the county for at least three (3)
10656 consecutive weeks and after having given notice of publication and
10657 recording the same upon the minutes of the school boards of each
10658 appropriate school district in the county, the new district lines
10659 will thereafter be effective for the November 2027 special
10660 election.



10661 (b) Any school district affected by the required
10662 administrative restructuring in Copiah County that does not
10663 voluntarily consolidate as ordered by the State Board of Education
10664 shall be administratively restructured by the State Board of
10665 Education, to be effective on July 1 following the November 2027
10666 special election of the new school board members. The State Board
10667 of Education shall promptly move on its own motion to
10668 administratively consolidate a school district which does not
10669 voluntarily consolidate in order to enable the affected school
10670 districts to reasonably accomplish the resulting administrative
10671 restructuring into the Copiah County School District by July 1,
10672 2028, following the election of the new board of trustees. The
10673 affected school districts shall comply with any restructuring
10674 order issued by the State Board of Education on or before July 1
10675 following the election of the new board of trustees.

10676 (4) (a) On July 1, 2028, following the election of the new
10677 board of trustees of the Copiah County School District, the former
10678 county board of education for Copiah County and the former board
10679 of trustees of the Hazlehurst City School Districts shall be
10680 abolished. All real and personal property which is owned or
10681 titled in the name of the school district located in such former
10682 school districts shall be transferred to the new Copiah County
10683 School District.

10684 (b) The new board of trustees of the Copiah County
10685 School District shall be responsible for establishing the



10686 contracts for teachers, principals, clerical and administrative
10687 staff personnel for the 2028-2029 school year and each school year
10688 thereafter.

10689 (c) The new board of trustees for the Copiah County
10690 School District shall appoint the superintendent of schools for
10691 the school district. The superintendent of schools for the Copiah
10692 County School District may appoint an assistant superintendent of
10693 schools for the district, but in no instance shall the
10694 administrative leadership of the Copiah County School District
10695 have more than one (1) assistant superintendent of education. The
10696 subsequent superintendent of schools of the restructured school
10697 district shall not be elected, but shall continue to be appointed
10698 by the successor board of trustees in the manner provided in
10699 Section 37-9-25. It shall be the responsibility of the successor
10700 board of trustees to prepare and approve the budget of the new
10701 restructured district, and the successor board of trustees may use
10702 staff from the former school districts to prepare the budget. Any
10703 proposed order of the State Board of Education directing the
10704 transfer of the assets, real or personal property of an affected
10705 school district in the county, shall be final and conclusive for
10706 the purposes of the transfer of property required by such
10707 administrative restructuring.

10708 (d) Any person or school district aggrieved by an order
10709 of the successor newly selected board of trustees of the Copiah
10710 County School District pursuant to the required administrative



10711 restructuring may appeal therefrom within ten (10) days from the
10712 date of the adjournment of the meeting at which such order is
10713 entered. The appeal shall be taken in the same manner as appeals
10714 are taken from judgments or decisions of the board of supervisors
10715 as provided in Section 11-51-75, the provisions of which shall be
10716 fully applicable to appeals taken hereunder. The board of
10717 trustees of the Copiah County School District shall not pass upon
10718 or approve or disapprove any such order until the time for an
10719 appeal therefrom has expired, nor shall the board pass upon or
10720 approve or disapprove any such order from which an appeal is taken
10721 until said appeal has been finally determined.

10722 (5) Nothing in this section shall be construed to require
10723 the closing of any school or school facility, unless the facility
10724 is an unneeded administrative office located within a school
10725 district which has been abolished under the provisions of this
10726 section. All administrative restructuring under this section
10727 shall be accomplished so as not to delay or in any manner
10728 negatively affect the desegregation of another school district in
10729 the county pursuant to court order.

10730 (6) The State Board of Education shall promulgate rules and
10731 regulations to facilitate the administrative restructuring of the
10732 school districts in Copiah County pursuant to this section. The
10733 restructured districts shall make an election within one (1) year
10734 of restructuring concerning the group term life insurance
10735 described in subsection (6) of Section 25-15-9.



10736 (7) The County Board of Education and the Superintendent of
10737 Education of the former Copiah County School District and the
10738 local school board and Superintendent of Schools of the Hazlehurst
10739 City School District shall cooperate with the State Department of
10740 Education, as soon as practicable after the effective date of this
10741 act, for the planning and transition of programs, services and
10742 alignment of curriculum for the administratively restructured
10743 school districts.

10744 **SECTION 135.** Section 37-7-103, Mississippi Code of 1972, is
10745 amended as follows:

10746 37-7-103. From and after July 1, 1987, the school board of
10747 any school district shall have full jurisdiction, power and
10748 authority, at any regular meeting thereof or at any special
10749 meeting called for that purpose, to abolish such existing
10750 district, or to reorganize, change or alter the boundaries of any
10751 such district. In addition thereto, with the consent of the
10752 school board of the school district involved, the school board may
10753 add to such school district any part of the school district
10754 adjoining same, and with the consent of the school board of the
10755 school district involved, may detach territory from such school
10756 district and annex same to an adjoining district. Provided,
10757 however, that the consent of the school board of the school
10758 districts involved in implementing the provisions of Section
10759 37-7-104, 37-7-104.2, 37-7-104.3, 37-7-104.4, 37-7-104.5,
10760 37-7-104.6, 37-7-104.7 * * *, 37-7-104.8 or 37-104.10 shall not be



10761 required for the administrative * * * restructuring of such school
10762 districts pursuant to the order of the State Board of Education.

10763 **SECTION 136.** Section 37-5-7, Mississippi Code of 1972, is
10764 amended as follows:

10765 37-5-7. (1) On the first Tuesday after the first Monday in
10766 May * * * 1954, an election shall be held in each county in this
10767 state in the same manner as general state and county elections are
10768 held and conducted, which election shall be held for the purpose
10769 of electing the county boards of education established under the
10770 provisions of this chapter. At such election, the members of the
10771 said board from Supervisors Districts * * * 1 and * * * 2 shall be
10772 elected for the term expiring on the first Monday of January * * *
10773 1957; members of the board from Supervisors Districts * * * 3
10774 and * * * 4 shall be elected for a term expiring on the first
10775 Monday of January * * * 1959; and the member of the board from
10776 Supervisors District * * * 5 shall be elected for a term expiring
10777 on the first Monday of January * * * 1955. Except as otherwise
10778 provided in subsection (2), all subsequent members of the board
10779 shall be elected for a term of six (6) years at the regular
10780 general election held on the first Monday in November next
10781 preceding the expiration of the term of office of the respective
10782 member or members of such board. All members of the county board
10783 of education as herein constituted, shall take office on the first
10784 Monday of January following the date of their election.



10785 (2) On the first Tuesday after the first Monday in November,
10786 in any year in which any county shall elect to utilize the
10787 authority contained in Section 37-5-1(2), an election shall be
10788 held in each such county in this state for the purpose of electing
10789 the county boards of education in such counties. At said election
10790 the members of the said county board of education from
10791 Districts * * * 1 and * * * 2 shall be elected for a term of four
10792 (4) years, the members from Districts * * * 3 and * * * 4 shall be
10793 elected for a term of six (6) years, and the member from
10794 District * * * 5 shall be elected for a term of two (2) years.
10795 Thereafter, members shall be elected at general elections as
10796 vacancies occur for terms of six (6) years each. All members of
10797 the county board of education shall take office on the first
10798 Monday of January following the date of their election.

10799 (3) (a) Current members of the Board of Trustees of the
10800 Greenwood Public School District serving on November 1, 2017,
10801 shall continue in office as the new County Board of Education of
10802 the Greenwood-Leflore School District until their successors are
10803 elected as follows:

10804 (i) The two (2) appointed board members of the
10805 Greenwood Public School District whose terms are nearest to
10806 expiration shall expire on January 1, 2019, and thereafter become
10807 permanently elected positions to be filled by persons elected as
10808 board members from Supervisors Districts 2 and 3 in a November
10809 2018 election held for that purpose, in the manner prescribed in



10810 Section 37-7-203, and the newly elected members will take office
10811 on January 1, 2019, for a term of four (4) years;

10812 (ii) The final two (2) appointed board members of
10813 the Greenwood Public School District whose terms are the farthest
10814 removed from expiration shall expire on January 1, 2020, and
10815 thereafter become permanently elected positions to be filled by
10816 persons elected as board members from Supervisors Districts 4 and
10817 5 in a November 2019 election held for that purpose, in the manner
10818 prescribed in Section 37-7-203, and the newly elected members will
10819 take office on January 1, 2020, for a term of four (4) years; and

10820 (iii) One (1) appointed board member of the
10821 Greenwood Public School District whose term is next nearest to
10822 expiration shall expire on January 1, 2021, and thereafter become
10823 a permanently elected position to be filled by a person elected as
10824 a board member from Supervisors District 1 in a November 2020
10825 election held for that purpose, in the manner prescribed in
10826 Section 37-7-203, and the newly elected members will take office
10827 on January 1, 2021, for a term of four (4) years.

10828 (b) All subsequent members shall be elected for a term
10829 of four (4) years at the regular general election held on the
10830 first Monday in November next preceding the expiration of the term
10831 of office of the respective members, and shall take office on
10832 January 1 next succeeding the election.

10833 (4) On the first Tuesday after the first Monday in November
10834 2017, an election shall be held in Holmes County for the purpose



10835 of electing the county board of education in the new Holmes County
10836 Consolidated School District. At the election, the members of the
10837 said county board of education shall be elected from single member
10838 board of education districts, which shall be consistent with the
10839 supervisors district lines in the county, and shall be elected for
10840 an initial term of six (6) years. Subsequent elections for the
10841 Holmes County Board of Education shall be held on the first
10842 Tuesday after the first Monday in November 2023 and every four (4)
10843 years thereafter at the same time and manner as other general
10844 elections are held, and the member shall be elected for a term of
10845 four (4) years. All members of the county board of education in
10846 the new Holmes County Consolidated School District shall take
10847 office on the first Monday of January following the date of their
10848 election.

10849 (5) On the first Tuesday after the first Monday in November
10850 2023, an election shall be held in Chickasaw County for the
10851 purpose of electing the county board of education in the new
10852 Chickasaw County School District. The board of supervisors shall
10853 declare and designate posts for each member of the new board. At
10854 said election, the members of the said county board of education
10855 from Posts One and Two shall be elected for a term of four (4)
10856 years, the members from Posts Three and Four shall be elected for
10857 a term of three (3) years and the member from Post Five shall be
10858 elected for a term of two (2) years. Thereafter, members shall be
10859 elected at general elections as vacancies occur for terms of four



10860 (4) years each. All members of the county board of education in
10861 the new Chickasaw County School District shall take office on the
10862 first Monday of January following the date of their election.

10863 (6) On the first Tuesday after the first Monday in November
10864 2027, an election shall be held in Covich County for the purpose
10865 of electing the county board of education in the new Covich County
10866 School District. The board of supervisors shall declare and
10867 designate posts for each member of the new board. At the
10868 election, the members of the said county board of education shall
10869 be elected from single member board of education districts, which
10870 shall be consistent with the supervisors district lines in the
10871 county, and shall be elected for an initial term of six (6) years.
10872 Subsequent elections for the Covich County Board of Education
10873 shall be held on the first Tuesday after the first Monday in
10874 November 2033 and every four (4) years thereafter at the same time
10875 and manner as other general elections are held, and the member
10876 shall be elected for a term of four (4) years. All members of the
10877 county board of education in the new Covich County School District
10878 shall take office on the first Monday of January following the
10879 date of their election.

10880 **SECTION 137.** Section 37-13-8, Mississippi Code of 1972, is
10881 amended as follows:

10882 37-13-8. (1) In each public school classroom, the local
10883 school governing board may * * * designate a * * * period of * * *
10884 reflection * * * at the opening of school upon every school day in



10885 which nonsectarian, nonproselytizing student-initiated prayer must
10886 be allowed in silence or audible communication for those students
10887 desiring to voluntarily participate.

10888 (2) The moment of * * * reflection authorized by subsection
10889 (1) of this section is not intended to be and shall not be
10890 conducted as a religious service or exercise but is considered an
10891 opportunity for a moment of * * * reflection that does not
10892 conflict with the authority granted under Sections 37-13-4 and
10893 37-13-4.1.

10894 **SECTION 138.** Section 37-13-4, Mississippi Code of 1972, is
10895 brought forward as follows:

10896 37-13-4. It shall be lawful for any teacher or school
10897 administrator in any of the schools of the state which are
10898 supported, in whole or in part, by the public funds of the state,
10899 to permit the voluntary participation by students or others in
10900 prayer. Nothing contained in this section shall authorize any
10901 teacher or other school authority to prescribe the form or content
10902 of any prayer. The provisions of this section shall not be
10903 construed to amend or repeal the provisions of Section 37-13-4.1
10904 but shall be considered as supplemental and in addition to the
10905 provisions of Section 37-13-4.1.

10906 **SECTION 139.** Section 37-13-4.1, Mississippi Code of 1972, is
10907 amended as follows:

10908 37-13-4.1. (1) The legislative intent and purpose for this
10909 section is to protect the freedom of speech guaranteed by the



10910 First Amendment to the United States Constitution, to define for
10911 the citizens of Mississippi the rights and privileges that are
10912 accorded them on public school property, other public property or
10913 other property at school-related events; and to provide guidance
10914 to public school officials on the rights and requirements of law
10915 that they must apply. The intent and purpose of the Legislature
10916 is to accommodate the free exercise of religious rights of its
10917 student citizens in the public schools and at public school events
10918 as provided to them by the First Amendment to the United States
10919 Constitution and the judicial interpretations thereof as given by
10920 the United States Supreme Court.

10921 (2) On public school property, other public property or
10922 other property, invocations, benedictions or nonsectarian,
10923 nonproselytizing student-initiated voluntary prayer shall be
10924 permitted during compulsory or noncompulsory school-related
10925 student assemblies, student sporting events, graduation or
10926 commencement ceremonies and other school-related student events.
10927 The local school board may designate a period of reflection or
10928 prayer during school-related student events at which prayer is
10929 permitted under this subsection.

10930 (3) This section shall not diminish the right of any student
10931 or person to exercise his rights of free speech and religion,
10932 including prayer, as permitted by the United States Constitution,
10933 on public school property, other public property or other



10934 property, at times or events other than those stated in subsection
10935 (2) of this section.

10936 (4) The exercise of the rights guaranteed under subsection
10937 (2) of this section shall not be construed to indicate any
10938 support, approval or sanction of the contents of any such prayer,
10939 invocation, benediction or other activity, or be construed as an
10940 unconstitutional use of any public property or other property by
10941 the State of Mississippi or any agency, department, board,
10942 commission, institution or other instrumentality thereof or any
10943 political subdivision of the state, including any county or
10944 municipality and any instrumentality thereof. The exercise of
10945 these rights on public school property, other public property or
10946 on other property for school-related activities, by students or
10947 others, shall not be construed as the promotion or establishment
10948 of any religion or religious belief.

10949 (5) The provisions of this section are severable. If any
10950 part of this section is declared invalid or unconstitutional, that
10951 declaration shall not affect the part or parts that remain.

10952 **SECTION 140.** Section 7-9-9, Mississippi Code of 1972, is
10953 amended as follows:

10954 7-9-9. (1) It shall be the duty of the State Treasurer to
10955 receive and keep the * * * monies of the state in the manner
10956 provided by law, to disburse the same agreeably to law, and to
10957 take receipts or vouchers for * * * monies which he shall
10958 disburse. He shall:



10959 (a) Keep regular, fair * * * and proper accounts of the
10960 receipts and expenditures of the public money; * * *

10961 (b) Keep accounts in his books in the name of the
10962 state, in which he shall enter the amount of all money, stock,
10963 securities * * * and all other property in the Treasury or which
10964 may at any time be received by him, keeping the receipts and
10965 disbursements of each fiscal year in separate accounts, and
10966 closing the same with the close of the fiscal year; and * * *

10967 (c) Open and keep accounts in his books for all
10968 appropriations of money made by law, so that the appropriation of
10969 money and the application thereof in conformity thereto may
10970 clearly and distinctly appear on the books of the Treasury.

10971 (2) In addition to the duties prescribed in subsection (1)
10972 of this section, the State Treasurer shall administer the
10973 Mississippi Education Freedom Act, established under the
10974 provisions of Sections 37-190-1 et seq., and take any necessary
10975 actions to ensure the fidelity of the program through the
10976 promulgation of rules and regulations for purposes thereof.

10977 **SECTION 141.** Section 37-15-30, Mississippi Code of 1972, is
10978 amended as follows:

10979 37-15-30. (1) Notwithstanding any provision of law, a pupil
10980 complies with the residency requirements for school attendance in
10981 a school district if the parent of the pupil is transferred to, or
10982 is pending transfer to, a military installation within this state



10983 while on active military duty pursuant to an official military
10984 order.

10985 (2) A school district shall accept an application for
10986 enrollment and course registration by electronic means for a pupil
10987 who meets the requirements prescribed in subsection (1) of this
10988 section, including enrollment in a specific school or program
10989 within the school district.

10990 (3) The parent of a pupil who meets the requirement
10991 prescribed in subsection (1) of this section shall provide proof
10992 of residence to the school district within ten (10) days after the
10993 published arrival date provided on official documentation * * *,
10994 in the following manners:

10995 (a) The parent may use the address of any of the
10996 following as proof of residence for the purposes of this
10997 subsection:

10998 (* * *i) A temporary on-base billeting
10999 facility * * *;

11000 (* * *ii) A purchased or leased home or
11001 apartment * * *; or

11002 (* * *iii) Any federal government housing or
11003 off-base military housing, including off-base military housing
11004 that may be provided through a public-private venture * * *; and

11005 (b) (i) To further establish proof of residence, the
11006 parent or legal guardian with whom the student resides shall
11007 provide a current, valid Mississippi automobile registration



11008 issued in the name of the parent or legal guardian and reflecting
11009 the residential address at which the student resides. The
11010 automobile registration shall constitute acceptable proof of
11011 residence, subject to verification by the school district.
11012 Additionally, the school district shall require the submission of
11013 any two (2) additional documentation it deems necessary to
11014 accurately verify residency.

11015 (ii) If the parent or legal guardian with whom the
11016 student resides does not own a motor vehicle, he or she shall
11017 submit a signed affidavit, under penalty of perjury, attesting
11018 that no motor vehicle is owned and affirming the student's actual
11019 residence at the stated address within the enrolling school
11020 district. Additionally, the school district shall require the
11021 submission of any two (2) additional documentation it deems
11022 necessary to accurately verify residency, including, but not
11023 limited to, utility bills, lease or rental agreements, mortgage
11024 statements, property tax receipts, voter registration records and
11025 precinct identification, government benefit correspondence or
11026 other reliable evidence of domicile within the enrolling school
11027 district.

11028 (4) For the purposes of this section:

11029 (a) "Active military duty" means full-time military
11030 duty status in the active uniformed service of the United States,
11031 including members of the National Guard and the State Military
11032 Reserve on active duty orders.



11033 (b) "Military installation" means a base, camp, post,
11034 station, yard, center, homeport facility for any ship, or other
11035 installation under the jurisdiction of the United States
11036 Department of Defense or the United States Coast Guard.

11037 **SECTION 142.** (1) The Legislature finds that:

11038 (a) Federal education funds authorized under the
11039 Elementary and Secondary Education Act of 1965, as amended by the
11040 Every Student Succeeds Act (ESEA) impose substantial
11041 administrative and compliance obligations on state and local
11042 education agencies;

11043 (b) Excessive administrative burden diverts financial
11044 and human resources away from direct instructional improvement and
11045 student support;

11046 (c) Greater flexibility in the administration of
11047 federal education funds would enable Mississippi to better align
11048 federal resources with state and local education priorities; and

11049 (d) Section 8401(a)(1) of the ESEA authorizes the
11050 United States Secretary of Education to waive specific federal
11051 statutory or regulatory requirements to advance student academic
11052 achievement.

11053 (2) It is therefore the intent of the Legislature to require
11054 the State Department of Education to develop and submit a Unified
11055 Allocation Plan to the United States Department of Education
11056 seeking a federal waiver to modernize, consolidate and streamline
11057 federal education program administration, thereby redirecting



11058 resources from compliance activities to classroom instruction and
11059 student services.

11060 (3) For purpose of this section, the following terms shall
11061 have the meanings ascribed in this subsection, unless context of
11062 use clearly requires otherwise:

11063 (a) "Department" means the State Department of
11064 Education.

11065 (b) "Unified Allocation Plan" means a comprehensive
11066 plan consolidating eligible administrative and state-level
11067 activities across multiple ESEA programs to increase flexibility,
11068 reduce duplicative reporting and align federal resources with
11069 Mississippi's education priorities.

11070 (c) "USED" means the United States Department of
11071 Education.

11072 (d) "ESEA program" includes, but is not limited to,

11073 (i) Title I, Part A (Basic Programs), prescribed
11074 in the ESEA Sections 1127(b) and 8303;

11075 (ii) Title I, Part C (Migrant), prescribed in the
11076 ESEA in Section 1306(b) and 8303(a), (b) and (c);

11077 (iii) Title I, Part D (Neglected and Delinquent),
11078 prescribed in the ESEA Section 8303(a), (b) and (c);

11079 (iv) Title II, Part A (Supporting Effective
11080 Instruction), prescribed in the ESEA Sections 2101(d), 2104(a) and
11081 8303(a), (b) and (c);



11082 (v) Title III, Part A (English Language Learners),
11083 prescribed in the ESEA Section 8303(a), (b) and (c);

11084 (vi) Title IV, Part A (Student Support and
11085 Academic Enrichment), prescribed in the ESEA Section 8303(a), (b)
11086 and (c);

11087 (vii) Title IV, Part B (21st Century Community
11088 Learning Centers), prescribed in the ESEA Section 8303(a), (b) and
11089 (c); and

11090 (viii) Title V (Rural Education Achievement
11091 Program), prescribed in the ESEA Sections 5224 and 8303(a), (b) and
11092 (c).

11093 (4) (a) On or before December 31, 2026, the State
11094 Department of Education shall submit to the United States
11095 Department of Education a Unified Allocation Plan together with a
11096 formal request for waiver authority pursuant to Section 8401(a)(1)
11097 of the ESEA, through which the consolidation of funds will enable
11098 the State Department of Education to:

11099 (i) Direct administrative funds toward broader
11100 cross-program activities, such as technical assistance,
11101 dissemination of best practices, enhanced monitoring and fiscal
11102 support teams (8201(b)(2)(A)-(I));

11103 (ii) Streamline financial tracking and reporting
11104 using proportional allocation methods across the consolidated
11105 fund;



11106 (iii) Eliminate duplicative recordkeeping
11107 otherwise required when each program maintains separate
11108 administrative cost records (8201(c)); and
11109 (iv) Apply unused administrative funds toward
11110 programmatic priorities in alignment with Title I and other
11111 programs (8201(e) and (f)).

11112 (b) The waiver request shall request that USED give
11113 full consideration to waiving specific federal statutory or
11114 regulatory requirements necessary to implement Mississippi's
11115 Unified Allocation Plan in order to:

11116 (i) Align ESSA programs and federal resources with
11117 Mississippi's ESSA State Plan priorities;

11118 (ii) Strengthen school improvement strategies
11119 informed by Mississippi's accountability determinations,
11120 assessments and data systems; and

11121 (iii) Support local school districts in
11122 prioritizing services for students most in need of academic and
11123 nonacademic support.

11124 (5) (a) The Unified Allocation Plan submitted by the
11125 department shall, at a minimum:

11126 (i) Identify the federal ESEA programs affected by
11127 the requested waiver;

11128 (ii) Specify the federal statutory or regulatory
11129 requirements proposed to be waived;



11130 (iii) Describe how the requested waivers will
11131 advance student academic achievement, reduce administrative burden
11132 and redirect resources to instructional improvement;

11133 (iv) Describe the methods by which the department
11134 will monitor and regularly evaluate the effectiveness of the
11135 Unified Allocation Plan;

11136 (v) Include only information directly related to
11137 the waiver request; and

11138 (vi) Describe how schools will continue to provide
11139 services and protections to the same student populations served
11140 under existing ESEA programs, including students from low-income
11141 families, English learners, migratory students, neglected or
11142 delinquent youth, students experiencing homelessness and students
11143 in rural communities.

11144 (b) The Unified Allocation Plan shall be organized into
11145 the following three (3) phases, aligned to Mississippi's ESSA
11146 State Plan framework:

11147 (i) Phase I: State educational agency
11148 flexibility, which serves as the ESSA waiver request, focused on
11149 consolidating state-level administrative and state-level activity
11150 funds across eligible ESEA programs, streamlining reporting
11151 requirements and reducing duplicative compliance obligations to
11152 maximize alignment with Mississippi's statewide education
11153 priorities;



11154 (ii) Phase II: Local educational agency
11155 flexibility, which provides for the pursuit of additional
11156 flexibility for local school districts through available federal
11157 waiver mechanisms, including Education Flexibility Partnership
11158 (Ed-Flex) authority and existing ESSA administrative
11159 flexibilities, to allow districts to administer federal funds in a
11160 manner responsive to local needs; and

11161 (iii) Phase III: Equitable services opt-in
11162 options, which shall establish voluntary opt-in administrative
11163 options allowing school districts and nonpublic schools, through
11164 meaningful consultation, to utilize third-party providers to
11165 administer equitable services, without requesting additional
11166 federal waivers.

11167 (6) The department shall:

11168 (a) Ensure that all federal civil rights protections
11169 and core accountability requirements under the ESEA remain in
11170 effect; and

11171 (b) Annually evaluate and report to the Legislature on
11172 the impact of the Unified Allocation Plan on student achievement,
11173 administrative efficiency and resource reallocation.

11174 (7) Nothing in this section shall be construed to waive or
11175 diminish Mississippi's obligations under ESSA relating to maintain
11176 academic standards, statewide assessments, or public reporting
11177 requirements required under federal law unless expressly approved
11178 by USED.



11179 **SECTION 143.** If any one or more sections, clauses, sentences
11180 or parts of this act shall for any reason be questioned in any
11181 court and shall be adjudged unconstitutional or invalid, such
11182 judgment shall not affect, impair or invalidate the remaining
11183 provisions of this act, but shall be confined in its operations to
11184 the specific provisions so held invalid, and inapplicability or
11185 invalidity of any such section, clause, provision or part shall
11186 not be taken to affect or prejudice in any way the remaining part
11187 or parts of this act.

11188 **SECTION 144.** Sections 114 through 122 of this act shall take
11189 effect and be in force from and after its passage. The remaining
11190 provisions of this act shall take effect and be in force from and
11191 after July 1, 2026.

