

By: Representative Flaggs

To: Education;  
Appropriations

## HOUSE BILL NO. 246

1 AN ACT RELATING TO PUBLIC EDUCATION; TO AMEND SECTION  
2 37-13-10, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A SCHOOL  
3 DISTRICT'S READING SUFFICIENCY PLAN MAY INCLUDE SUMMER ENRICHMENT  
4 PROGRAMS, AND TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO  
5 MONITOR THE DELIVERY OF READING INSTRUCTION IN THE SCHOOLS; TO  
6 AMEND SECTIONS 37-13-91 AND 37-15-9, MISSISSIPPI CODE OF 1972, TO  
7 INCLUDE KINDERGARTEN-AGE CHILDREN UNDER THE MISSISSIPPI COMPULSORY  
8 SCHOOL ATTENDANCE LAW; TO BRING FORWARD SECTION 37-13-92,  
9 MISSISSIPPI CODE OF 1972, WHICH RELATES TO THE ALTERNATIVE SCHOOL  
10 PROGRAMS; TO PROVIDE AN ALLOTMENT OF FUNDS UNDER THE MINIMUM  
11 EDUCATION PROGRAM FOR THE PURPOSE OF EMPLOYING SCHOOL SOCIAL  
12 WORKERS; TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO  
13 DELETE THE REQUIREMENT THAT APPLICANTS PASS AN EXAMINATION AS A  
14 PREREQUISITE TO TEACHER LICENSURE; TO REPEAL SECTION 37-9-11,  
15 MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE STATE BOARD OF  
16 EDUCATION TO REQUIRE TESTING OF APPLICANTS FOR TEACHER LICENSURE;  
17 TO AMEND SECTION 37-7-339, MISSISSIPPI CODE OF 1972, TO EXPAND THE  
18 SCOPE OF HOME RULE IN SCHOOL DISTRICTS; TO AMEND SECTION 37-19-7,  
19 MISSISSIPPI CODE OF 1972, TO INCREASE THE SALARIES OF TEACHERS; TO  
20 AMEND SECTION 37-19-21, MISSISSIPPI CODE OF 1972, TO INCREASE THE  
21 MINIMUM EDUCATION PROGRAM ALLOTMENT FOR SUPPORTIVE SERVICES; TO  
22 AMEND SECTION 37-21-7, MISSISSIPPI CODE OF 1972, TO INCREASE THE  
23 SALARIES OF ASSISTANT TEACHERS; TO AMEND SECTION 25-15-255,  
24 MISSISSIPPI CODE OF 1972, INCLUDE COVERAGE FOR MAMMOGRAPHY UNDER  
25 THE PUBLIC SCHOOL EMPLOYEES HEALTH INSURANCE PLAN; AND FOR RELATED  
26 PURPOSES.

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

28 SECTION 1. Section 37-13-10, Mississippi Code of 1972, is  
29 amended as follows:

30 37-13-10. (1) The State Board of Education shall develop  
31 and implement a Reading Sufficiency Program of Instruction  
32 beginning with the 1998-1999 school year, designed to enable each  
33 student to acquire the appropriate grade level of reading skills.

34 In order to implement the Reading Sufficiency Program of  
35 Instruction, each local school board shall develop a Reading  
36 Sufficiency Plan for its school district which may include the  
37 following components:

38 (a) Sufficient additional in-school instructional time  
39 for the development of reading and comprehension skills of the

40 student;

41 (b) Readiness intervention programs, such as  
42 kindergarten programs, extended school day or school year  
43 programs, summer school enrichment programs and program  
44 initiatives to reduce class size;

45 (c) Utilization of research-based teaching  
46 methodologies or strategies for providing direct instruction in  
47 phonics, vocabulary and comprehension development, including  
48 systematic, intensive, explicit phonics, using decodable  
49 vocabulary-controlled texts (texts in which ninety-five percent  
50 (95%) of the words are decodable), as is determined appropriate by  
51 the State Board of Education; and

52 (d) Professional development for assistant teachers,  
53 teachers and administrators to assist students in implementing the  
54 Reading Sufficiency Program.

55 (2) Pursuant to appropriation by the Legislature  
56 specifically for such purpose, the State Department of Education  
57 shall provide in-service training, computer software and certified  
58 reading instructor personnel for training local school district  
59 certificated personnel to assist students in implementing the  
60 Reading Sufficiency Program required under this section. Under  
61 the program, the department shall monitor the delivery of reading  
62 instruction in the public schools.

63 (3) The State Board of Education, beginning on January 1,  
64 1999, and annually on January 1 of each succeeding year, shall  
65 develop a report on the implementation of the Reading Sufficiency  
66 Program in each school district as required under this section,  
67 which shall include an assessment of the acquisition of reading  
68 skills by each student for the appropriate grade level in which  
69 the student is enrolled.

70 SECTION 2. Section 37-13-91, Mississippi Code of 1972, is  
71 amended as follows:

72 37-13-91. (1) This section shall be referred to as the  
73 "Mississippi Compulsory School Attendance Law."

74 (2) The following terms as used in this section are defined  
75 as follows:

76 (a) "Parent" means the father or mother to whom a child  
77 has been born, or the father or mother by whom a child has been  
78 legally adopted.

79 (b) "Guardian" means a guardian of the person of a  
80 child, other than a parent, who is legally appointed by a court of  
81 competent jurisdiction.

82 (c) "Custodian" means any person having the present  
83 care or custody of a child, other than a parent or guardian of the  
84 child.

85 (d) "School day" means not less than five (5) and not  
86 more than eight (8) hours of actual teaching in which both  
87 teachers and pupils are in regular attendance for scheduled  
88 schoolwork.

89 (e) "School" means any public school in this state or  
90 any nonpublic school in this state which is in session each school  
91 year for at least one hundred eighty (180) school days, except  
92 that the "nonpublic" school term shall be the number of days that  
93 each school shall require for promotion from grade to grade.

94 (f) "Compulsory-school-age child" means a child who has  
95 attained or will attain the age of five (5) years on or before  
96 September 1 of the calendar year and who has not attained the age  
97 of seventeen (17) years on or before September 1 of the calendar  
98 year.

99 (g) "School attendance officer" means a person employed  
100 by the State Department of Education pursuant to Section 37-13-89.

101 (h) "Appropriate school official" means the  
102 superintendent of the school district or his designee or, in the  
103 case of a nonpublic school, the principal or the headmaster.

104 (i) "Nonpublic school" means an institution for the  
105 teaching of children, consisting of a physical plant, whether  
106 owned or leased, including a home, instructional staff members and  
107 students, and which is in session each school year. This

108 definition shall include, but not be limited to, private, church,  
109 parochial and home instruction programs.

110 (3) A parent, guardian or custodian of a  
111 compulsory-school-age child in this state shall cause the child to  
112 enroll in and attend a public school or legitimate nonpublic  
113 school for the period of time that the child is of compulsory  
114 school age, except under the following circumstances:

115 (a) When a compulsory-school-age child is physically,  
116 mentally or emotionally incapable of attending school as  
117 determined by the appropriate school official based upon  
118 sufficient medical documentation.

119 (b) When a compulsory-school-age child is enrolled in  
120 and pursuing a course of special education, remedial education or  
121 education for handicapped or physically or mentally disadvantaged  
122 children.

123 (c) When a compulsory-school-age child is being  
124 educated in a legitimate home instruction program.

125 The parent, guardian or custodian of a compulsory-school-age  
126 child described in this subsection, or the parent, guardian or  
127 custodian of a compulsory-school-age child attending any nonpublic  
128 school, or the appropriate school official for any or all children  
129 attending a nonpublic school shall complete a "certificate of  
130 enrollment" in order to facilitate the administration of this  
131 section.

132 The form of the certificate of enrollment shall be prepared  
133 by the Office of Compulsory School Attendance Enforcement of the  
134 State Department of Education and shall be designed to obtain the  
135 following information only:

136 (i) The name, address, telephone number and date  
137 of birth of the compulsory-school-age child;

138 (ii) The name, address and telephone number of the  
139 parent, guardian or custodian of the compulsory-school-age child;

140 (iii) A simple description of the type of  
141 education the compulsory-school-age child is receiving and, if the

142 child is enrolled in a nonpublic school, the name and address of  
143 the school; and

144 (iv) The signature of the parent, guardian or  
145 custodian of the compulsory-school-age child or, for any or all  
146 compulsory-school-age child or children attending a nonpublic  
147 school, the signature of the appropriate school official and the  
148 date signed.

149 The certificate of enrollment shall be returned to the school  
150 attendance officer where the child resides on or before September  
151 15 of each year. Any parent, guardian or custodian found by the  
152 school attendance officer to be in noncompliance with this section  
153 shall comply, after written notice of the noncompliance by the  
154 school attendance officer, with this subsection within ten (10)  
155 days after the notice or be in violation of this section.

156 However, in the event the child has been enrolled in a public  
157 school within fifteen (15) calendar days after the first day of  
158 the school year as required in subsection (6), the parent or  
159 custodian may at a later date enroll the child in a legitimate  
160 nonpublic school or legitimate home instruction program and send  
161 the certificate of enrollment to the school attendance officer and  
162 be in compliance with this subsection.

163 For the purposes of this subsection, a legitimate nonpublic  
164 school or legitimate home instruction program shall be those not  
165 operated or instituted for the purpose of avoiding or  
166 circumventing the compulsory attendance law.

167 (4) An "unlawful absence" is an absence during a school day  
168 by a compulsory-school-age child, which absence is not due to a  
169 valid excuse for temporary nonattendance. Days missed from school  
170 due to disciplinary suspension shall not be considered an  
171 "excused" absence under this section. This subsection shall not  
172 apply to children enrolled in a nonpublic school.

173 Each of the following shall constitute a valid excuse for  
174 temporary nonattendance of a compulsory-school-age child enrolled  
175 in a public school, provided satisfactory evidence of the excuse

176 is provided to the superintendent of the school district or his  
177 designee:

178 (a) An absence is excused when the absence results from  
179 the compulsory-school-age child's attendance at an authorized  
180 school activity with the prior approval of the superintendent of  
181 the school district or his designee. These activities may include  
182 field trips, athletic contests, student conventions, musical  
183 festivals and any similar activity.

184 (b) An absence is excused when the absence results from  
185 illness or injury which prevents the compulsory-school-age child  
186 from being physically able to attend school.

187 (c) An absence is excused when isolation of a  
188 compulsory-school-age child is ordered by the county health  
189 officer, by the State Board of Health or appropriate school  
190 official.

191 (d) An absence is excused when it results from the  
192 death or serious illness of a member of the immediate family of a  
193 compulsory-school-age child. The immediate family members of a  
194 compulsory-school-age child shall include children, spouse,  
195 grandparents, parents, brothers and sisters, including  
196 stepbrothers and stepsisters.

197 (e) An absence is excused when it results from a  
198 medical or dental appointment of a compulsory-school-age child  
199 where an approval of the superintendent of the school district or  
200 his designee is gained before the absence, except in the case of  
201 emergency.

202 (f) An absence is excused when it results from the  
203 attendance of a compulsory-school-age child at the proceedings of  
204 a court or an administrative tribunal if the child is a party to  
205 the action or under subpoena as a witness.

206 (g) An absence may be excused if the religion to which  
207 the compulsory-school-age child or the child's parents adheres,  
208 requires or suggests the observance of a religious event. The  
209 approval of the absence is within the discretion of the

210 superintendent of the school district or his designee, but  
211 approval should be granted unless the religion's observance is of  
212 such duration as to interfere with the education of the child.

213 (h) An absence may be excused when it is demonstrated  
214 to the satisfaction of the superintendent of the school district  
215 or his designee that the purpose of the absence is to take  
216 advantage of a valid educational opportunity such as travel  
217 including vacations or other family travel. Approval of the  
218 absence must be gained from the superintendent of the school  
219 district or his designee before the absence, but the approval  
220 shall not be unreasonably withheld.

221 (i) An absence may be excused when it is demonstrated  
222 to the satisfaction of the superintendent of the school district  
223 or his designee that conditions are sufficient to warrant the  
224 compulsory-school-age child's nonattendance. However, no absences  
225 shall be excused by the school district superintendent or his  
226 designee when any student suspensions or expulsions circumvent the  
227 intent and spirit of the compulsory attendance law.

228 (5) Any parent, guardian or custodian of a  
229 compulsory-school-age child subject to this section who refuses or  
230 willfully fails to perform any of the duties imposed upon him or  
231 her under this section or who intentionally falsifies any  
232 information required to be contained in a certificate of  
233 enrollment, shall be guilty of contributing to the neglect of a  
234 child and, upon conviction, shall be punished in accordance with  
235 Section 97-5-39.

236 Upon prosecution of a parent, guardian or custodian of a  
237 compulsory-school-age child for violation of this section, the  
238 presentation of evidence by the prosecutor that shows that the  
239 child has not been enrolled in school within eighteen (18)  
240 calendar days after the first day of the school year of the public  
241 school which the child is eligible to attend, or that the child  
242 has accumulated twelve (12) unlawful absences during the school  
243 year at the public school in which the child has been enrolled,

244 shall establish a prima facie case that the child's parent,  
245 guardian or custodian is responsible for the absences and has  
246 refused or willfully failed to perform the duties imposed upon him  
247 or her under this section. However, no proceedings under this  
248 section shall be brought against a parent, guardian or custodian  
249 of a compulsory-school-age child unless the school attendance  
250 officer has contacted promptly the home of the child and has  
251 provided written notice to the parent, guardian or custodian of  
252 the requirement for the child's enrollment or attendance.

253 (6) If a compulsory-school-age child has not been enrolled  
254 in a school within fifteen (15) calendar days after the first day  
255 of the school year of the school which the child is eligible to  
256 attend or the child has accumulated five (5) unlawful absences  
257 during the school year of the public school in which the child is  
258 enrolled, the school district superintendent shall report, within  
259 two (2) school days or within five (5) calendar days, whichever is  
260 less, the absences to the school attendance officer. The State  
261 Department of Education shall prescribe a uniform method for  
262 schools to utilize in reporting the unlawful absences to the  
263 school attendance officer. The superintendent, or his designee,  
264 also shall report any student suspensions or student expulsions to  
265 the school attendance officer when they occur.

266 (7) When a school attendance officer has made all attempts  
267 to secure enrollment and/or attendance of a compulsory-school-age  
268 child and is unable to effect the enrollment and/or attendance,  
269 the attendance officer shall file a petition with the youth court  
270 under Section 43-21-451 or shall file a petition in a court of  
271 competent jurisdiction as it pertains to parent or child. The  
272 youth court shall expedite a hearing to make an appropriate  
273 adjudication and a disposition to ensure compliance with the  
274 Compulsory School Attendance Law, and may order the child to  
275 enroll or reenroll in school. The superintendent of the school  
276 district to which the child is ordered may assign, in his  
277 discretion, the child to the alternative school program of the



278 school established pursuant to Section 37-13-92.

279 (8) The State Board of Education shall adopt rules and  
280 regulations for the purpose of reprimanding any school  
281 superintendents who fail to timely report unexcused absences under  
282 the provisions of this section.

283 (9) Notwithstanding any provision or implication herein to  
284 the contrary, it is not the intention of this section to impair  
285 the primary right and the obligation of the parent or parents, or  
286 person or persons in loco parentis to a child, to choose the  
287 proper education and training for such child, and nothing in this  
288 section shall ever be construed to grant, by implication or  
289 otherwise, to the State of Mississippi, any of its officers,  
290 agencies or subdivisions any right or authority to control,  
291 manage, supervise or make any suggestion as to the control,  
292 management or supervision of any private or parochial school or  
293 institution for the education or training of children, of any kind  
294 whatsoever that is not a public school according to the laws of  
295 this state; and this section shall never be construed so as to  
296 grant, by implication or otherwise, any right or authority to any  
297 state agency or other entity to control, manage, supervise,  
298 provide for or affect the operation, management, program,  
299 curriculum, admissions policy or discipline of any such school or  
300 home instruction program.

301 SECTION 3. Section 37-15-9, Mississippi Code of 1972, is  
302 amended as follows:

303 37-15-9. (1) Except as provided in subsection (2) and  
304 subject to the provision of subsection (3) of this section, no  
305 child shall be enrolled or admitted to any school which is a part  
306 of the free public school system during any school year unless  
307 such child will reach his fifth birthday on or before September 1  
308 of said school year. No pupil shall be permanently enrolled in a  
309 school in the State of Mississippi who formerly was enrolled in  
310 another public or private school within the state until the  
311 cumulative record of the pupil shall have been received from the

312 school from which he transferred. Should such record have become  
313 lost or destroyed, then it shall be the duty of the superintendent  
314 or principal of the school where the pupil last attended school to  
315 initiate a new record.

316 (2) Subject to the provisions of subsection (3) of this  
317 section, any child who transfers from an out-of-state public or  
318 private school in which that state's law provides for a  
319 first-grade or kindergarten enrollment date subsequent to  
320 September 1, shall be allowed to enroll in the public schools of  
321 Mississippi, at the same grade level as their prior out-of-state  
322 enrollment, if:

323 (a) The parent, legal guardian or custodian of such  
324 child was a legal resident of the state from which the child is  
325 transferring;

326 (b) The out-of-state school from which the child is  
327 transferring is duly accredited by that state's appropriate  
328 accrediting authority;

329 (c) Such child was legally enrolled in a public or  
330 private school for a minimum of four (4) weeks in the previous  
331 state; and

332 (d) The superintendent of schools in the applicable  
333 Mississippi school district has determined that the child was  
334 making satisfactory educational progress in the previous state.

335 (3) When any child applies for admission or enrollment in  
336 any public school in the state, the parent, guardian or child, in  
337 the absence of an accompanying parent or guardian, shall indicate  
338 on the school registration form if the enrolling child has been  
339 expelled from any public or private school or is currently a party  
340 to an expulsion proceeding. If it is determined from the child's  
341 cumulative record or application for admission or enrollment that  
342 the child has been expelled, the school district may deny the  
343 student admission and enrollment until the superintendent of the  
344 school or his designee has reviewed the child's cumulative record  
345 and determined that the child has participated in successful

346 rehabilitative efforts including, but not limited to, progress in  
347 an alternative school or similar program. If the child is a party  
348 to an expulsion proceeding, the child may be admitted to a public  
349 school pending final disposition of the expulsion proceeding. If  
350 the expulsion proceeding results in the expulsion of the child,  
351 the public school may revoke such admission to school. If the  
352 child was expelled or is a party to an expulsion proceeding for an  
353 act involving violence, weapons, alcohol, illegal drugs or other  
354 activity that may result in expulsion, the school district shall  
355 not be required to grant admission or enrollment to the child  
356 before one (1) calendar year after the date of the expulsion.

357 SECTION 4. Section 37-13-92, Mississippi Code of 1972, is  
358 brought forward as follows:

359 37-13-92. (1) Beginning with the school year 1993-1994, the  
360 school boards of all school districts shall establish, maintain  
361 and operate, in connection with the regular programs of the school  
362 district, an alternative school program for, but not limited to,  
363 the following categories of compulsory-school-age students:

364 (a) Any compulsory-school-age child who has been  
365 suspended for more than ten (10) days or expelled from school,  
366 except for any student expelled for possession of a weapon or  
367 other felonious conduct;

368 (b) Any compulsory-school-age child referred to such  
369 alternative school based upon a documented need for placement in  
370 the alternative school program by the parent, legal guardian or  
371 custodian of such child due to disciplinary problems; and

372 (c) Any compulsory-school-age child referred to such  
373 alternative school program by the dispositive order of a  
374 chancellor or youth court judge, with the consent of the  
375 superintendent of the child's school district.

376 (2) The principal or program administrator of any such  
377 alternative school program shall require verification from the  
378 appropriate guidance counselor of any such child referred to the  
379 alternative school program regarding the suitability of such child

380 for attendance at the alternative school program. Before a  
381 student may be removed to an alternative school education program,  
382 the superintendent of the student's school district must determine  
383 that the written and distributed disciplinary policy of the local  
384 district is being followed. The policy shall include standards  
385 for:

386 (a) The removal of a student to an alternative  
387 education program that will include a process of educational  
388 review to develop the student's individual instruction plan and  
389 the evaluation at regular intervals of the student's educational  
390 progress; the process shall include classroom teachers and/or  
391 other appropriate professional personnel, as defined in the  
392 district policy, to ensure a continuing educational program for  
393 the removed student;

394 (b) The duration of alternative placement; and

395 (c) The notification of parents or guardians, and their  
396 appropriate inclusion in the removal and evaluation process, as  
397 defined in the district policy. Nothing in this paragraph should  
398 be defined in a manner to circumvent the principal's or the  
399 superintendent's authority to remove a student to alternative  
400 education.

401 (3) The local school board or the superintendent shall  
402 provide for the continuing education of a student who has been  
403 removed to an alternative school program.

404 (4) A school district, in its discretion, may provide a  
405 program of general educational development (GED) preparatory  
406 instruction in the alternative school program. However, any GED  
407 preparation program offered in an alternative school program must  
408 be administered in compliance with the rules and regulations  
409 established for such programs under Sections 37-35-1 through  
410 37-35-11 and by the State Board for Community and Junior Colleges.  
411 The school district may administer the General Educational  
412 Development (GED) Testing Program under the policies and  
413 guidelines of the GED Testing Service of the American Council on

414 Education in the alternative school program or may authorize the  
415 test to be administered through the community/junior college  
416 district in which the alternative school is situated.

417 (5) Any such alternative school program operated under the  
418 authority of this section shall meet all appropriate accreditation  
419 requirements of the State Department of Education.

420 (6) The alternative school program may be held within such  
421 school district or may be operated by two (2) or more adjacent  
422 school districts, pursuant to a contract approved by the State  
423 Board of Education. When two (2) or more school districts  
424 contract to operate an alternative school program, the school  
425 board of a district designated to be the lead district shall serve  
426 as the governing board of the alternative school program.

427 Transportation for students attending the alternative school  
428 program shall be the responsibility of the local school district.

429 The expense of establishing, maintaining and operating such  
430 alternative school program may be paid from funds contributed or  
431 otherwise made available to the school district for such purpose  
432 or from local district maintenance funds.

433 (7) The State Board of Education shall promulgate minimum  
434 guidelines for alternative school programs. The guidelines shall  
435 require, at a minimum, the formulation of an individual  
436 instruction plan for each student referred to the alternative  
437 school program and, upon a determination that it is in a student's  
438 best interest for that student to receive general educational  
439 development (GED) preparatory instruction, that the local school  
440 board assign the student to a GED preparatory program established  
441 under subsection (4) of this section. The minimum guidelines for  
442 alternative school programs shall also require the following  
443 components:

444 (a) Clear guidelines and procedures for placement of  
445 students into alternative education programs which at a minimum  
446 shall prescribe due process procedures for disciplinary and  
447 general educational development (GED) placement;

- 448           (b) Clear and consistent goals for students and  
449 parents;
- 450           (c) Curricula addressing cultural and learning style  
451 differences;
- 452           (d) Direct supervision of all activities on a closed  
453 campus;
- 454           (e) Full-day attendance with a rigorous workload and  
455 minimal time off;
- 456           (f) Selection of program from options provided by the  
457 local school district, Division of Youth Services or the youth  
458 court, including transfer to a community-based alternative school;
- 459           (g) Continual monitoring and evaluation and formalized  
460 passage from one step or program to another;
- 461           (h) A motivated and culturally diverse staff;
- 462           (i) Counseling for parents and students;
- 463           (j) Administrative and community support for the  
464 program; and
- 465           (k) Clear procedures for annual alternative school  
466 program review and evaluation.

467           (8) On request of a school district, the State Department of  
468 Education shall provide the district informational material on  
469 developing an alternative school program that takes into  
470 consideration size, wealth and existing facilities in determining  
471 a program best suited to a district.

472           (9) Any compulsory-school-age child who becomes involved in  
473 any criminal or violent behavior shall be removed from such  
474 alternative school program and, if probable cause exists, a case  
475 shall be referred to the youth court.

476           (10) The State Board of Education, in its discretion, may  
477 exempt not more than four (4) school district alternative school  
478 programs in the state from any compulsory standard of  
479 accreditation for a period of three (3) years. During this  
480 period, the State Department of Education shall conduct a study of  
481 all alternative school programs in the state, and on or before

482 January 1, 2000, shall develop and promulgate accreditation  
483 standards for all alternative school programs, including any  
484 recommendations for necessary legislation relating to such  
485 alternative school programs.

486 SECTION 5. (1) Beginning with the 1999-2000 school year,  
487 the State Department of Education shall allot sufficient funding  
488 under the minimum education program to each school district for  
489 the purpose of employing school social workers.

490 (2) The State Department of Education shall determine the  
491 amount of the additional allotment for employing school social  
492 workers, considering the needs of school districts, as indicated  
493 by records of the State Department of Education and the Division  
494 of Youth Services of the Department of Human Services which  
495 reflect incidences of crime and violence.

496 (3) The State Department of Education may increase the  
497 number of social worker positions funded each year beyond the  
498 above requirements as money is made available.

499 (4) Any individual employed by a school district with funds  
500 allotted pursuant to this section must be appropriately licensed  
501 as a social worker under Sections 73-53-1 through 73-53-29. The  
502 State Department of Education shall specify which license a social  
503 worker must hold as a qualification to being employed in a  
504 position funded under this section.

505 (5) To qualify for minimum program funding, school social  
506 workers must be full-time professional personnel and must spend at  
507 least seventy-five percent (75%) of their work time in a direct  
508 relationship with students. School social workers may not devote  
509 more than twenty-five percent (25%) of the work day to  
510 administrative activities related to their social work.

511 (6) Nothing in this section shall prohibit a school district  
512 from employing social workers with local funds.

513 (7) The State Department of Education may adopt rules and  
514 regulations regarding the activities of the school social workers.

515 School social workers may perform those services that are not

516 inconsistent with such rules and regulations.

517 SECTION 6. Section 37-3-2, Mississippi Code of 1972, is  
518 amended as follows:

519 37-3-2. (1) There is hereby established within the State  
520 Department of Education the Commission on Teacher and  
521 Administrator Education, Certification and Licensure and  
522 Development. It shall be the purpose and duty of the commission  
523 to make recommendations to the State Board of Education regarding  
524 standards for the certification and licensure and continuing  
525 professional development of those who teach or perform tasks of an  
526 educational nature in the public schools of Mississippi.

527 (2) The commission shall be composed of fifteen (15)  
528 qualified members. The membership of the commission shall be  
529 composed of the following members to be appointed three (3) from  
530 each congressional district: four (4) classroom teachers; three  
531 (3) school administrators; one (1) representative of schools of  
532 education of institutions of higher learning located within the  
533 state to be recommended by the Board of Trustees of State  
534 Institutions of Higher Learning; one (1) representative from the  
535 schools of education of independent institutions of higher  
536 learning to be recommended by the Board of the Mississippi  
537 Association of Independent Colleges; one (1) representative from  
538 public community and junior colleges located within the state to  
539 be recommended by the State Board for Community and Junior  
540 Colleges; one (1) local school board member; and four (4) lay  
541 persons. All appointments shall be made by the State Board of  
542 Education after consultation with the State Superintendent of  
543 Public Education. The first appointments by the State Board of  
544 Education shall be made as follows: five (5) members shall be  
545 appointed for a term of one (1) year; five (5) members shall be  
546 appointed for a term of two (2) years; and five (5) members shall  
547 be appointed for a term of three (3) years. Thereafter, all  
548 members shall be appointed for a term of four (4) years.

549 (3) The State Board of Education when making appointments



550 shall designate a chairman. The commission shall meet at least  
551 once every two (2) months or more often if needed. Members of the  
552 commission shall be compensated at a rate of per diem as  
553 authorized by Section 25-3-69 and be reimbursed for actual and  
554 necessary expenses as authorized by Section 25-3-41.

555 (4) An appropriate staff member of the State Department of  
556 Education shall be designated and assigned by the State  
557 Superintendent of Public Education to serve as executive secretary  
558 and coordinator for the commission. No less than two (2) other  
559 appropriate staff members of the State Department of Education  
560 shall be designated and assigned by the State Superintendent of  
561 Public Education to serve on the staff of the commission.

562 (5) It shall be the duty of the commission to:

563 (a) Set standards and criteria, subject to the approval  
564 of the State Board of Education, for all educator preparation  
565 programs in the state;

566 (b) Recommend to the State Board of Education each year  
567 approval or disapproval of each educator preparation program in  
568 the state;

569 (c) Establish, subject to the approval of the State  
570 Board of Education, standards for initial teacher certification  
571 and licensure in all fields;

572 (d) Establish, subject to the approval of the State  
573 Board of Education, standards for the renewal of teacher licenses  
574 in all fields;

575 (e) Review and evaluate objective measures of teacher  
576 performance \* \* \* which may form part of the licensure process,  
577 and to make recommendations for their use;

578 (f) Review all existing requirements for certification  
579 and licensure;

580 (g) Consult with groups whose work may be affected by  
581 the commission's decisions;

582 (h) Prepare reports from time to time on current  
583 practices and issues in the general area of teacher education and

584 certification and licensure;

585 (i) Hold hearings concerning standards for teachers'  
586 and administrators' education and certification and licensure with  
587 approval of the State Board of Education;

588 (j) Hire expert consultants with approval of the State  
589 Board of Education;

590 (k) Set up ad hoc committees to advise on specific  
591 areas; and

592 (l) Perform such other functions as may fall within  
593 their general charge and which may be delegated to them by the  
594 State Board of Education.

595 (6) (a) **Standard License - Approved Program Route.** An  
596 educator entering the school system of Mississippi for the first  
597 time and meeting all requirements as established by the State  
598 Board of Education shall be granted a standard five-year license.

599 Persons who possess two (2) years of classroom experience as an  
600 assistant teacher or who have taught for one (1) year in an  
601 accredited public or private school shall be allowed to fulfill  
602 student teaching requirements under the supervision of a qualified  
603 participating teacher approved by an accredited college of  
604 education. The local school district in which the assistant  
605 teacher is employed shall compensate such assistant teachers at  
606 the required salary level during the period of time such  
607 individual is completing student teaching requirements.

608 Applicants for a standard license shall submit to the department:

609 (i) An application on a department form;

610 (ii) An official transcript of completion of a  
611 teacher education program approved by the department or a  
612 nationally accredited program, subject to the following:

613 Licensure to teach in Mississippi kindergarten through Grade 4  
614 shall require the completion of an interdisciplinary program of  
615 studies. Licenses for Grades 4 through 8 shall require the  
616 completion of an interdisciplinary program of studies with two (2)  
617 or more areas of concentration. Licensure to teach in Mississippi

618 Grades 7 through 12 shall require a major in an academic field  
619 other than education, or a combination of disciplines other than  
620 education. Students preparing to teach a subject shall complete a  
621 major in the respective subject discipline. All applicants for  
622 standard licensure shall demonstrate that such person's college  
623 preparation in those fields was in accordance with the standards  
624 set forth by the National Council for Accreditation of Teacher  
625 Education (NCATE) or the National Association of State Directors  
626 of Teacher Education and Certification (NASDTEC); and

627 \* \* \*

628 (iii) Any other document required by the State  
629 Board of Education.

630 (b) **Standard License - Alternate Teaching Route.**

631 Applicants for a standard license-alternate teaching route shall  
632 submit to the department:

633 (i) An application on a department form;

634 (ii) An official transcript evidencing a bachelors  
635 degree from an accredited institution of higher learning;

636 \* \* \*

637 (iii) An official transcript evidencing  
638 appropriate credit hours or a copy of test scores evidencing  
639 successful completion of tests as required by the State Board of  
640 Education; and

641 (iv) Any other document required by the State  
642 Board of Education.

643 A Standard License-Approved Program Route and a Standard  
644 License-Alternate Teaching Route shall be issued for a five-year  
645 period, and may be renewed. Recognizing teaching as a profession,  
646 a hiring preference shall be granted to persons holding a Standard  
647 License-Approved Program Route or Standard License-Alternate  
648 Teaching Route over persons holding any other license.

649 (c) **Special License - Expert Citizen.** In order to  
650 allow a school district to offer specialized or technical courses,  
651 the State Department of Education, in accordance with rules and

652 regulations established by the State Board of Education, may grant  
653 a one-year expert citizen-teacher license to local business or  
654 other professional personnel to teach in a public school or  
655 nonpublic school accredited or approved by the state. Such person  
656 may begin teaching upon his employment by the local school board  
657 and licensure by the Mississippi Department of Education. The  
658 board shall adopt rules and regulations to administer the expert  
659 citizen-teacher license. A special license-expert citizen may be  
660 renewed in accordance with the established rules and regulations  
661 of the State Department of Education.

662 (d) **Special License - Nonrenewable.** The State Board of  
663 Education is authorized to establish rules and regulations to  
664 allow those educators not meeting requirements in subsection  
665 (6)(a), (b) or (c) to be licensed for a period of not more than  
666 three (3) years, except by special approval of the State Board of  
667 Education.

668 (e) **Nonlicensed Teaching Personnel.** A nonlicensed  
669 person may teach for a maximum of three (3) periods per teaching  
670 day in a public school or a nonpublic school accredited/approved by  
671 the state. Such person shall submit to the department a transcript  
672 or record of his education and experience which substantiates his  
673 preparation for the subject to be taught and shall meet other  
674 qualifications specified by the commission and approved by the  
675 State Board of Education. In no case shall any local school board  
676 hire nonlicensed personnel as authorized under this paragraph in  
677 excess of five percent (5%) of the total number of licensed  
678 personnel in any single school.

679 (f) In the event any school district meets Level 4 or 5  
680 accreditation standards, the State Board of Education may, in its  
681 discretion, exempt such school district from any restrictions in  
682 paragraph (e) relating to the employment of nonlicensed teaching  
683 personnel.

684 (7) **Administrator License.** The State Board of Education is  
685 authorized to establish rules and regulations and to administer

686 the licensure process of the school administrators in the State of  
687 Mississippi. There will be four (4) categories of administrator  
688 licensure with exceptions only through special approval of the  
689 State Board of Education.

690           (a) **Administrator License - Nonpracticing.** Those  
691 educators holding administrative endorsement but have no  
692 administrative experience or not serving in an administrative  
693 position on January 15, 1997.

694           (b) **Administrator License - Entry Level.** Those  
695 educators holding administrative endorsement and having met the  
696 department's qualifications to be eligible for employment in a  
697 Mississippi school district. Administrator license - entry level  
698 shall be issued for a five-year period and shall be nonrenewable.

699           (c) **Standard Administrator License - Career Level.** An  
700 administrator who has met all the requirements of the department  
701 for standard administrator licensure.

702           (d) **Administrator License-Alternate Route.** The board  
703 may establish an alternate route for licensing administrative  
704 personnel. Such alternate route for administrative licensure  
705 shall be available for persons holding, but not limited to, a  
706 masters of business administration degree, a masters of public  
707 administration degree or a masters of public planning and policy  
708 degree from an accredited college or university, with five (5)  
709 years of administrative or supervisory experience. Successful  
710 completion of the requirements of alternate route licensure for  
711 administrators shall qualify the person for a standard  
712 administrator license.

713           Beginning with the 1997-1998 school year, individuals seeking  
714 school administrator licensure under paragraph (b), (c) or (d)  
715 shall successfully complete a training program and an assessment  
716 process prescribed by the State Board of Education. Applicants  
717 seeking school administrator licensure prior to June 30, 1997, and  
718 completing all requirements for provisional or standard  
719 administrator certification and who have never practiced, shall be

720 exempt from taking the Mississippi Assessment Battery Phase I.  
721 Applicants seeking school administrator licensure during the  
722 period beginning July 1, 1997, through June 30, 1998, shall  
723 participate in the Mississippi Assessment Battery, and upon  
724 request of the applicant, the department shall reimburse the  
725 applicant for the cost of the assessment process required. After  
726 June 30, 1998, all applicants for school administrator licensure  
727 shall meet all requirements prescribed by the department under  
728 paragraph (b), (c) or (d), and the cost of the assessment process  
729 required shall be paid by the applicant.

730       (8) **Reciprocity.** (a) The department shall grant a standard  
731 license to any individual who possesses a valid standard license  
732 from another state and has a minimum of two (2) years of full-time  
733 teaching or administrator experience.

734       (b) The department shall grant a nonrenewable special  
735 license to any individual who possesses a credential which is less  
736 than a standard license or certification from another state, or  
737 who possesses a standard license from another state but has less  
738 than two (2) years of full-time teaching or administration  
739 experience. Such special license shall be valid for the current  
740 school year plus one (1) additional school year to expire on June  
741 30 of the second year, not to exceed a total period of twenty-four  
742 (24) months, during which time the applicant shall be required to  
743 complete the requirements for a standard license in Mississippi.

744       (9) **Renewal and Reinstatement of Licenses.** The State Board  
745 of Education is authorized to establish rules and regulations for  
746 the renewal and reinstatement of educator and administrator  
747 licenses.

748       (10) All controversies involving the issuance, revocation,  
749 suspension or any change whatsoever in the licensure of an  
750 educator required to hold a license shall be initially heard in a  
751 hearing de novo, by the commission or by a subcommittee  
752 established by the commission and composed of commission members  
753 for the purpose of holding hearings. Any complaint seeking the

754 denial of issuance, revocation or suspension of a license shall be  
755 by sworn affidavit filed with the Commission of Teacher and  
756 Administrator Education, Certification and Licensure and  
757 Development. The decision thereon by the commission or its  
758 subcommittee shall be final, unless the aggrieved party shall  
759 appeal to the State Board of Education, within ten (10) days, of  
760 the decision of the committee or its subcommittee. An appeal to  
761 the State Board of Education shall be on the record previously  
762 made before the commission or its subcommittee unless otherwise  
763 provided by rules and regulations adopted by the board. The State  
764 Board of Education in its authority may reverse, or remand with  
765 instructions, the decision of the committee or its subcommittee.  
766 The decision of the State Board of Education shall be final.

767 (11) The State Board of Education, acting through the  
768 commission, may deny an application for any teacher or  
769 administrator license for one or more of the following:

770 (a) Lack of qualifications which are prescribed by law  
771 or regulations adopted by the State Board of Education;

772 (b) Has a physical, emotional or mental disability that  
773 renders the applicant unfit to perform the duties authorized by  
774 the license, as certified by a licensed psychologist or  
775 psychiatrist;

776 (c) Is actively addicted to or actively dependent on  
777 alcohol or other habit-forming drugs or is a habitual user of  
778 narcotics, barbiturates, amphetamines, hallucinogens, or other  
779 drugs having similar effect, at the time of application for a  
780 license;

781 (d) Revocation of a certificate or license by another  
782 state;

783 (e) Committed fraud or deceit in securing or attempting  
784 to secure such certification and license;

785 (f) Fails or refuses to furnish reasonable evidence of  
786 identification;

787 (g) Has been convicted, has pled guilty or entered a

788 plea of nolo contendere to a felony, as defined by federal or  
789 state law; or

790 (h) Has been convicted, has pled guilty or entered a  
791 plea of nolo contendere to a sex offense as defined by federal or  
792 state law.

793 (12) The State Board of Education, acting on the  
794 recommendation of the commission, may revoke or suspend any  
795 teacher or administrator license for specified periods of time for  
796 one or more of the following:

797 (a) Breach of contract or abandonment of employment may  
798 result in the suspension of the license for one (1) school year as  
799 provided in Section 37-9-57;

800 (b) Obtaining a license by fraudulent means shall  
801 result in immediate suspension and continued suspension for one  
802 (1) year after correction is made;

803 (c) Suspension or revocation of a certificate or  
804 license by another state shall result in immediate suspension or  
805 revocation and shall continue until records in the prior state  
806 have been cleared;

807 (d) Has been convicted, has pled guilty or entered a  
808 plea of nolo contendere to a felony, as defined by federal or  
809 state law;

810 (e) Has been convicted, has pled guilty or entered a  
811 plea of nolo contendere to a sex offense, as defined by federal or  
812 state law; or

813 (f) Knowingly and willfully committing any of the acts  
814 affecting validity of mandatory uniform test results as provided  
815 in Section 37-16-4(1).

816 (13) (a) Dismissal or suspension of a licensed employee by  
817 a local school board pursuant to Section 37-9-59 may result in the  
818 suspension or revocation of a license for a length of time which  
819 shall be determined by the commission and based upon the severity  
820 of the offense.

821 (b) Any offense committed or attempted in any other



822 state shall result in the same penalty as if committed or  
823 attempted in this state.

824 (c) A person may voluntarily surrender a license. The  
825 surrender of such license may result in the commission  
826 recommending any of the above penalties without the necessity of a  
827 hearing. However, any such license which has voluntarily been  
828 surrendered by a licensed employee may be reinstated by a  
829 unanimous vote of all members of the commission.

830 (14) A person whose license has been suspended on any  
831 grounds except criminal grounds may petition for reinstatement of  
832 the license after one (1) year from the date of suspension, or  
833 after one-half (1/2) of the suspended time has lapsed, whichever  
834 is greater. A license suspended on the criminal grounds may be  
835 reinstated upon petition to the commission filed after expiration  
836 of the sentence and parole or probationary period imposed upon  
837 conviction. A revoked license may be reinstated upon satisfactory  
838 showing of evidence of rehabilitation. The commission shall  
839 require all who petition for reinstatement to furnish evidence  
840 satisfactory to the commission of good character, good mental,  
841 emotional and physical health and such other evidence as the  
842 commission may deem necessary to establish the petitioner's  
843 rehabilitation and fitness to perform the duties authorized by the  
844 license.

845 (15) Reporting procedures and hearing procedures for dealing  
846 with infractions under this section shall be promulgated by the  
847 commission, subject to the approval of the State Board of  
848 Education. The revocation or suspension of a license shall be  
849 effected at the time indicated on the notice of suspension or  
850 revocation. The commission shall immediately notify the  
851 superintendent of the school district or school board where the  
852 teacher or administrator is employed of any disciplinary action  
853 and also notify the teacher or administrator of such revocation or  
854 suspension and shall maintain records of action taken. The State  
855 Board of Education may reverse or remand with instructions any

856 decision of the commission regarding a petition for reinstatement  
857 of a license, and any such decision of the State Board of  
858 Education shall be final.

859 (16) An appeal from the action of the State Board of  
860 Education in denying an application, revoking or suspending a  
861 license or otherwise disciplining any person under the provisions  
862 of this section, shall be filed in the Chancery Court of the First  
863 Judicial District of Hinds County on the record made, including a  
864 verbatim transcript of the testimony at the hearing. The appeal  
865 shall be filed within thirty (30) days after notification of the  
866 action of the board is mailed or served and the proceedings in  
867 chancery court shall be conducted as other matters coming before  
868 the court. The appeal shall be perfected upon filing notice of  
869 the appeal and by the prepayment of all costs, including the cost  
870 of preparation of the record of the proceedings by the State Board  
871 of Education, and the filing of a bond in the sum of Two Hundred  
872 Dollars (\$200.00) conditioned that if the action of the board be  
873 affirmed by the chancery court, the applicant or license holder  
874 shall pay the costs of the appeal and the action of the chancery  
875 court.

876 (17) All such programs, rules, regulations, standards and  
877 criteria recommended or authorized by the commission shall become  
878 effective upon approval by the State Board of Education as  
879 designated by appropriate orders entered upon the minutes thereof.

880 (18) The granting of a license shall not be deemed a  
881 property right nor a guarantee of employment in any public school  
882 district. A license is a privilege indicating minimal eligibility  
883 for teaching in the public schools of Mississippi. This section  
884 shall in no way alter or abridge the authority of local school  
885 districts to require greater qualifications or standards of  
886 performance as a prerequisite of initial or continued employment  
887 in such districts.

888 (19) In addition to the reasons specified in subsection (8)  
889 of this section, the board shall be authorized to suspend the

890 license of any licensee for being out of compliance with an order  
891 for support, as defined in Section 93-11-153. The procedure for  
892 suspension of a license for being out of compliance with an order  
893 for support, and the procedure for the reissuance or reinstatement  
894 of a license suspended for that purpose, and the payment of any  
895 fees for the reissuance or reinstatement of a license suspended  
896 for that purpose, shall be governed by Section 93-11-157 or  
897 93-11-163, as the case may be. Actions taken by the board in  
898 suspending a license when required by Section 93-11-157 or  
899 93-11-163 are not actions from which an appeal may be taken under  
900 this section. Any appeal of a license suspension that is required  
901 by Section 93-11-157 or 93-11-163 shall be taken in accordance  
902 with the appeal procedure specified in Section 93-11-157 or  
903 93-11-163, as the case may be, rather than the procedure specified  
904 in this section. If there is any conflict between any provision  
905 of Section 93-11-157 or 93-11-163 and any provision of this  
906 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
907 case may be, shall control.

908 SECTION 7. Section 37-9-11, Mississippi Code of 1972, which  
909 authorizes the State Board of Education to require testing of  
910 applicants for teacher licensure, is repealed.

911 SECTION 8. Section 37-7-339, Mississippi Code of 1972, is  
912 amended as follows:

913 37-7-339. (1) The school board of any local school  
914 district, in its discretion, may provide extended day and extended  
915 school year programs for kindergarten or compulsory-school-age  
916 students, or both, and may expend any funds for these purposes  
917 which are available from nonminimum or nonadequate education  
918 program sources. It is not the intent of the Legislature, in  
919 enacting this section, to interfere with the Headstart program.  
920 School boards, in their discretion, may charge participants a  
921 reasonable fee for such programs.

922 (2) (a) The school board of any school district may adopt  
923 any orders, policies, rules or regulations \* \* \* within that

924 school district for which no specific provision has been made by  
925 general law and which are not inconsistent with the Mississippi  
926 Constitution of 1890, the Mississippi Code of 1972, or any order,  
927 policy, rule or regulation of the State Board of Education; those  
928 school boards also may alter, modify and repeal any orders,  
929 policies, rules or regulations enacted under this subsection. Any  
930 such program pertaining to reading must further the goal that  
931 Mississippi students will demonstrate a growing proficiency in  
932 reading and will reach or exceed the national average within the  
933 next decade.

934 Except as otherwise provided in paragraph (b) of this  
935 subsection, the powers granted to the school boards of school  
936 districts in this subsection are complete without the existence of  
937 or reference to any specific authority granted in any other  
938 statute or law of the State of Mississippi.

939 (b) This subsection shall not authorize the school  
940 board of any school district to take any of the following actions  
941 unless the action is authorized specifically by another statute or  
942 law of the State of Mississippi:

943 (i) Request the levying authority for the school  
944 district, as defined in Section 37-57-1, to levy taxes other than  
945 those authorized by statute or to increase the levy of any  
946 authorized tax beyond statutorily established limits;

947 (ii) Issue bonds of any kind;

948 (iii) Change the requirements, practices or  
949 procedures for the election or appointment of school board members  
950 or for filling vacancies in the school board;

951 (iv) Change the composition of the school board;

952 (v) Change the procedures for the abolition of the  
953 school district, the alteration of district boundaries, or the  
954 consolidation of school districts;

955 (vi) Use any school district funds, equipment,  
956 supplies or materials for any private purpose;

957 (vii) Grant any donation; or

958                   (viii) Waive any compulsory standard for  
959 accreditation established by the State Board of Education or  
960 statute.

961           (3) This section shall stand repealed from and after July 1,  
962 2002.

963           SECTION 9. Section 37-19-7, Mississippi Code of 1972, is  
964 amended as follows:

965           37-19-7. (1) The allowance in the minimum education program  
966 for teachers' salaries in each county and separate school district  
967 shall be determined and paid in accordance with the scale for  
968 teachers' salaries as provided in this subsection for the number  
969 of teachers employed not in excess of the number of teacher units  
970 allotted. For teachers holding the following types of licenses or  
971 the equivalent as determined by the State Board of Education, and  
972 the following number of years of teaching experience, the scale  
973 shall be as follows:

974                                   **1999-2000 School Year**

975                                   **and School Years Thereafter**

976                                   **Less Than 25 Years of Teaching Experience**

977	AAAA.....	<u>\$25,445.00</u>
978	AAA.....	<u>24,595.00</u>
979	AA.....	<u>23,745.00</u>
980	A.....	<u>22,695.00</u>

981                                   **25 or More Years of Teaching Experience**

982	AAAA.....	<u>\$26,445.00</u>
983	AAA.....	<u>25,595.00</u>
984	AA.....	<u>24,745.00</u>
985	A.....	<u>23,695.00</u>

986           It is the intent of the Legislature that any state funds made  
987 available for salaries of licensed personnel in excess of the  
988 funds paid for such salaries for the 1986-1987 school year shall  
989 be paid to licensed personnel pursuant to a personnel appraisal  
990 and compensation system implemented by the State Board of  
991 Education. The State Board of Education shall have the authority

992 to adopt and amend rules and regulations as are necessary to  
993 establish, administer and maintain the system.

994 All teachers employed on a full-time basis shall be paid a  
995 minimum salary in accordance with the above scale. However, no  
996 school district shall receive any funds under this section for any  
997 school year during which the local supplement paid to any  
998 individual teacher shall have been reduced to a sum less than that  
999 paid to that individual teacher for performing the same duties  
1000 from local supplement during the immediately preceding school  
1001 year. The amount actually spent for the purposes of group health  
1002 and/or life insurance shall be considered as a part of the  
1003 aggregate amount of local supplement but shall not be considered  
1004 a part of the amount of individual local supplement.

1005 For teachers holding a Class AAAA license, the minimum base  
1006 pay specified in this subsection shall be increased by the sum of  
1007 Six Hundred Fifty-five Dollars (\$655.00) for each year of teaching  
1008 experience possessed by the person holding such license until such  
1009 person shall have twenty-five (25) years of teaching experience.

1010 For teachers holding a Class AAA license, the minimum base  
1011 pay specified in this subsection shall be increased by the sum of  
1012 Five Hundred Ninety Dollars (\$590.00) for each year of teaching  
1013 experience possessed by the person holding such license until such  
1014 person shall have twenty-five (25) years of teaching experience.

1015 For teachers holding a Class AA license, the minimum base pay  
1016 specified in this subsection shall be increased by the sum of Five  
1017 Hundred Twenty Dollars (\$520.00) for each year of teaching  
1018 experience possessed by the person holding such license until such  
1019 person shall have twenty-five (25) years of teaching experience.

1020 For teachers holding a Class A license, the minimum base pay  
1021 specified in this subsection shall be increased by the sum of Four  
1022 Hundred Twenty-five Dollars (\$425.00) for each year of teaching  
1023 experience possessed by the person holding such license until such  
1024 person shall have twenty-one (21) years of teaching experience.

1025 The level of professional training of each teacher to be used

1026 in establishing the salary allotment for the teachers for each  
1027 year shall be determined by the type of valid teacher's license  
1028 issued to those teachers on or before October 1 of the current  
1029 school year.

1030 (2) Prior to April 15 of any school year in which a teacher  
1031 meets the standard requirements, any licensed teacher who shall  
1032 have met the requirements and acquired a Master Teacher  
1033 certificate from the National Board for Professional Teaching  
1034 Standards and who is employed by a local school board or the State  
1035 Board of Education as a teacher and not as an administrator shall  
1036 receive a salary supplement in the amount of Six Thousand Dollars  
1037 (\$6,000.00) in addition to any other compensation to which the  
1038 teacher may be entitled. The teacher shall be reimbursed one (1)  
1039 time for the actual cost of completing the process of acquiring  
1040 the Master Teacher certificate, regardless of whether or not the  
1041 process resulted in the award of the Master Teacher certificate.  
1042 All such salary supplements and process reimbursement shall be  
1043 paid directly by the State Department of Education to the local  
1044 school district and shall be in addition to its minimum education  
1045 program allotments and not a part thereof in accordance with  
1046 regulations promulgated by the State Board of Education, and  
1047 subject to appropriation by the Legislature. Local school  
1048 districts shall not reduce the local supplement paid to any  
1049 teacher receiving such salary supplement, and the teacher shall  
1050 receive any local supplement to which teachers with similar  
1051 training and experience are otherwise entitled.

1052 SECTION 10. Section 37-19-21, Mississippi Code of 1972, is  
1053 amended as follows:

1054 37-19-21. In addition to other funds allowed in this  
1055 chapter, each school district shall be allotted Five Thousand Six  
1056 Hundred Eighty-eight Dollars (\$5,688.00) annually per teacher unit  
1057 for use in supportive services.

1058 SECTION 11. Section 37-21-7, Mississippi Code of 1972, is  
1059 amended as follows:

1060           **[Until July 1, 2002, Section 37-21-7 will read as follows:]**

1061           37-21-7. (1) This section shall be referred to as the  
1062 "Mississippi Elementary Schools Assistant Teacher Program," the  
1063 purpose of which shall be to provide an early childhood education  
1064 program that assists in the instruction of basic skills. The  
1065 State Board of Education is authorized, empowered and directed to  
1066 implement a statewide system of assistant teachers in kindergarten  
1067 classes and in the first, second and third grades. The assistant  
1068 teacher shall assist pupils in actual instruction under the strict  
1069 supervision of a licensed teacher.

1070           (2) (a) Each school district shall employ the total number  
1071 of assistant teachers funded under subsection (6) of this  
1072 section. The superintendent of each district shall assign the  
1073 assistant teachers to the kindergarten, first-, second- and  
1074 third-grade classes in the district in a manner that will promote  
1075 the maximum efficiency, as determined by the superintendent, in  
1076 the instruction of skills such as verbal and linguistic skills,  
1077 logical and mathematical skills, and social skills.

1078           (b) If a licensed teacher to whom an assistant teacher  
1079 has been assigned is required to be absent from the classroom, the  
1080 assistant teacher may assume responsibility for the classroom in  
1081 lieu of a substitute teacher. However, no assistant teacher shall  
1082 assume sole responsibility of the classroom for more than three

1083 (3) consecutive school days. Further, in no event shall any  
1084 assistant teacher be assigned to serve as a substitute teacher for  
1085 any teacher other than the licensed teacher to whom that assistant  
1086 teacher has been assigned.

1087           (3) Assistant teachers shall have, at a minimum, a high  
1088 school diploma and shall show demonstratable proficiency in  
1089 reading and writing skills. The State Department of Education  
1090 shall develop a testing procedure for assistant teacher applicants  
1091 to be used in all school districts in the state.

1092           (4) (a) In order to receive funding, each school district  
1093 shall:



1094 (i) Submit a plan on the implementation of a  
1095 reading improvement program to the State Department of Education;  
1096 and

1097 (ii) Develop a plan of educational accountability  
1098 and assessment of performance, including pretests and posttests,  
1099 for reading in Grades 1 through 6.

1100 (b) Additionally, each school district shall:

1101 (i) Provide annually a mandatory preservice  
1102 orientation session, using an existing in-school service day, for  
1103 administrators and teachers on the effective use of assistant  
1104 teachers as part of a team in the classroom setting and on the  
1105 role of assistant teachers, with emphasis on program goals;

1106 (ii) Hold periodic workshops for administrators  
1107 and teachers on the effective use and supervision of assistant  
1108 teachers;

1109 (iii) Provide training annually on specific  
1110 instructional skills for assistant teachers;

1111 (iv) Annually evaluate their program in accordance  
1112 with their educational accountability and assessment of  
1113 performance plan; and

1114 (v) Designate the necessary personnel to supervise  
1115 and report on their program.

1116 (5) The State Department of Education shall:

1117 (a) Develop and assist in the implementation of a  
1118 statewide uniform training module, subject to the availability of  
1119 funds specifically appropriated therefor by the Legislature, which  
1120 shall be used in all school districts for training administrators,  
1121 teachers and assistant teachers. The module shall provide for the  
1122 consolidated training of each assistant teacher and teacher to  
1123 whom the assistant teacher is assigned, working together as a  
1124 team, and shall require further periodical training for  
1125 administrators, teachers and assistant teachers regarding the role  
1126 of assistant teachers;

1127 (b) Annually evaluate the program on the district and

1128 state level. Subject to the availability of funds specifically  
1129 appropriated therefor by the Legislature, the department shall  
1130 develop: (i) uniform evaluation reports, to be performed by the  
1131 principal or assistant principal, to collect data for the annual  
1132 overall program evaluation conducted by the department; or (ii) a  
1133 program evaluation model that, at a minimum, addresses process  
1134 evaluation; and

1135 (c) Promulgate rules, regulations and such other  
1136 standards deemed necessary to effectuate the purposes of this  
1137 section. Noncompliance with the provisions of this section and  
1138 any rules, regulations or standards adopted by the department may  
1139 result in a violation of compulsory accreditation standards as  
1140 established by the State Board of Education and Commission on  
1141 School Accreditation.

1142 (6) In addition to other funds allotted under the Minimum  
1143 Education Program, each school district shall be allotted Nine  
1144 Thousand Seven Hundred Seventy Dollars (\$9,770.00) per teacher  
1145 unit as prescribed in Section 37-19-5 for Grades 1, 2 and 3 for  
1146 the purpose of employing an assistant teacher. Assistant teachers  
1147 shall be paid a minimum annual salary of Nine Thousand Seven  
1148 Hundred Seventy Dollars (\$9,770.00). However, no assistant  
1149 teacher shall be paid less than the amount he or she received in  
1150 the prior school year. In the 1995-1996 school year and school  
1151 years thereafter, no school district shall receive any funds under  
1152 this section for any school year during which the aggregate amount  
1153 of the local contribution to the salaries of assistant teachers by  
1154 the district shall have been reduced below such amount for the  
1155 previous year. The assistant teachers shall not be restricted to  
1156 working only in the grades for which the funds were allotted, but  
1157 may be assigned to other classes as provided in subsection (2)(a)  
1158 of this section.

1159 (7) (a) As an alternative to employing assistant teachers,  
1160 the State Board of Education may authorize any school district  
1161 meeting Level 3, 4 or 5 accreditation requirements to use the

1162 minimum program allotment provided under subsection (6) of this  
1163 section for the purpose of employing licensed teachers for  
1164 kindergarten, first-, second- and third-grade classes; however, no  
1165 school district shall be authorized to use the minimum program  
1166 allotment for assistant teachers for the purpose of employing  
1167 licensed teachers unless the district has established that the  
1168 employment of licensed teachers using such funds will reduce the  
1169 teacher:student ratio in the kindergarten, first-, second- and  
1170 third-grade classes. All minimum program funds for assistant  
1171 teachers shall be applied to reducing teacher:student ratio in  
1172 Grades K-3.

1173 It is the intent of the Legislature that no school district  
1174 shall dismiss any assistant teacher for the purpose of using the  
1175 minimum program assistant teacher allotment to employ licensed  
1176 teachers. School districts may rely only upon normal attrition to  
1177 reduce the number of assistant teachers employed in that district.

1178 (b) In the event any school district meets Level 4 or 5  
1179 accreditation requirements, the State Board of Education, in its  
1180 discretion, may exempt such school district from any accreditation  
1181 requirements for the district's early childhood education program  
1182 or reading improvement program.

1183 **[From and after July 1, 2002, this section reads as follows:]**

1184 37-21-7. (1) This section shall be referred to as the  
1185 "Mississippi Elementary Schools Assistant Teacher Program," the  
1186 purpose of which shall be to provide an early childhood education  
1187 program that assists in the instruction of basic skills. The  
1188 State Board of Education is authorized, empowered and directed to  
1189 implement a statewide system of assistant teachers in kindergarten  
1190 classes and in the first, second and third grades. The assistant  
1191 teacher shall assist pupils in actual instruction under the strict  
1192 supervision of a certified teacher.

1193 (2) (a) Each school district shall employ the total number  
1194 of assistant teachers funded under subsection (6) of this section.

1195 The superintendent of each district shall assign the assistant

1196 teachers to the kindergarten, first-, second- and third-grade  
1197 classes in the district in a manner that will promote the maximum  
1198 efficiency, as determined by the superintendent, in the  
1199 instruction of skills such as verbal and linguistic skills,  
1200 logical and mathematical skills, and social skills.

1201 (b) If a certified teacher to whom an assistant teacher  
1202 has been assigned is required to be absent from the classroom, the  
1203 assistant teacher may assume responsibility for the classroom in  
1204 lieu of a substitute teacher. However, no assistant teacher shall  
1205 assume sole responsibility of the classroom for more than three  
1206 (3) consecutive school days. Further, in no event shall any  
1207 assistant teacher be assigned to serve as a substitute teacher for  
1208 any teacher other than the certified teacher to whom that  
1209 assistant teacher has been assigned.

1210 (3) Assistant teachers shall have, at a minimum, a high  
1211 school diploma or a GED equivalent, and shall show demonstratable  
1212 proficiency in reading and writing skills. The State Department  
1213 of Education shall develop a testing procedure for assistant  
1214 teacher applicants to be used in all school districts in the  
1215 state.

1216 (4) (a) In order to receive funding, each school district  
1217 shall:

1218 (i) Submit a plan on the implementation of a  
1219 reading improvement program to the State Department of Education;  
1220 and

1221 (ii) Develop a plan of educational accountability  
1222 and assessment of performance, including pretests and posttests,  
1223 for reading in Grades 1 through 6.

1224 (b) Additionally, each school district shall:

1225 (i) Provide annually a mandatory preservice  
1226 orientation session, using an existing in-school service day, for  
1227 administrators and teachers on the effective use of assistant  
1228 teachers as part of a team in the classroom setting and on the  
1229 role of assistant teachers, with emphasis on program goals;

1230                   (ii) Hold periodic workshops for administrators  
1231 and teachers on the effective use and supervision of assistant  
1232 teachers;

1233                   (iii) Provide training annually on specific  
1234 instructional skills for assistant teachers;

1235                   (iv) Annually evaluate their program in accordance  
1236 with their educational accountability and assessment of  
1237 performance plan; and

1238                   (v) Designate the necessary personnel to supervise  
1239 and report on their program.

1240           (5) The State Department of Education shall:

1241                   (a) Develop and assist in the implementation of a  
1242 statewide uniform training module, subject to the availability of  
1243 funds specifically appropriated therefor by the Legislature, which  
1244 shall be used in all school districts for training administrators,  
1245 teachers and assistant teachers. The module shall provide for the  
1246 consolidated training of each assistant teacher and teacher to  
1247 whom the assistant teacher is assigned, working together as a  
1248 team, and shall require further periodical training for  
1249 administrators, teachers and assistant teachers regarding the role  
1250 of assistant teachers;

1251                   (b) Annually evaluate the program on the district and  
1252 state level. Subject to the availability of funds specifically  
1253 appropriated therefor by the Legislature, the department shall  
1254 develop: (i) uniform evaluation reports, to be performed by the  
1255 principal or assistant principal, to collect data for the annual  
1256 overall program evaluation conducted by the department; or (ii) a  
1257 program evaluation model that, at a minimum, addresses process  
1258 evaluation; and

1259                   (c) Promulgate rules, regulations and such other  
1260 standards deemed necessary to effectuate the purposes of this  
1261 section. Noncompliance with the provisions of this section and  
1262 any rules, regulations or standards adopted by the department may  
1263 result in a violation of compulsory accreditation standards as

1264 established by the State Board of Education and Commission on  
1265 School Accreditation.

1266 (6) No assistant teacher shall be paid less than the amount  
1267 he or she received in the prior school year. In the 1995-1996  
1268 school year and school years thereafter, no school district shall  
1269 receive any funds under this section for any school year during  
1270 which the aggregate amount of the local contribution to the  
1271 salaries of assistant teachers by the district shall have been  
1272 reduced below such amount for the previous year. The assistant  
1273 teachers shall not be restricted to working only in the grades for  
1274 which the funds were allotted, but may be assigned to other  
1275 classes as provided in subsection (2)(a) of this section.

1276 (7) (a) As an alternative to employing assistant teachers,  
1277 the State Board of Education may authorize any school district  
1278 meeting Level 3, 4 or 5 accreditation requirements to use the  
1279 adequate education program allotments for the purpose of employing  
1280 certified teachers for kindergarten, first-, second- and  
1281 third-grade classes; however, no school district shall be  
1282 authorized to use the funds for assistant teachers for the purpose  
1283 of employing certified teachers unless the district has  
1284 established that the employment of certified teachers using such  
1285 funds will reduce the teacher:student ratio in the kindergarten,  
1286 first-, second- and third-grade classes. All adequate education  
1287 program funds for assistant teachers shall be applied to reducing  
1288 teacher:student ratio in Grades K-3.

1289 It is the intent of the Legislature that no school district  
1290 shall dismiss any assistant teacher for the purpose of using state  
1291 funds to employ certified teachers. School districts may rely  
1292 only upon normal attrition to reduce the number of assistant  
1293 teachers employed in that district.

1294 (b) In the event any school district meets Level 4 or 5  
1295 accreditation requirements, the State Board of Education, in its  
1296 discretion, may exempt such school district from any accreditation  
1297 requirements for the district's early childhood education program

1298 or reading improvement program.

1299 SECTION 12. Section 25-15-255, Mississippi Code of 1972, is  
1300 amended as follows:

1301 25-15-255. (1) (a) The Department of Finance and  
1302 Administration shall design a plan of health insurance for  
1303 employees which provides benefits for semiprivate rooms in  
1304 addition to other incidental coverages which the department deems  
1305 necessary. The plan also shall include coverage for annual  
1306 screenings by low-dose mammography for all female employees  
1307 thirty-five (35) years of age or older for the presence of occult  
1308 breast cancer within the provisions of the policy. Such benefits  
1309 shall be at least as favorable as for other radiological  
1310 examinations and subject to the same dollar limits, deductibles  
1311 and coinsurance factors. For purposes of this section, "low-dose  
1312 mammography" means the x-ray examination of the breast using  
1313 equipment dedicated specifically for mammography, including the  
1314 x-ray tube, filter, compression device, screens, films and  
1315 cassettes with a radiation exposure which is diagnostically  
1316 valuable and in keeping with the recommended "Average Patient  
1317 Exposure Guides" as published by the Conference of Radiation  
1318 Control Program Directors, Inc.

1319 The amount of the coverages shall be in such reasonable  
1320 amount as may be determined by the department to be adequate,  
1321 after due consideration of current health costs in Mississippi.  
1322 The plan shall also include major medical benefits in such amounts  
1323 as the department shall determine. The department is also  
1324 authorized to accept bids for alternate coverage and optional  
1325 benefits. Any contract for alternative coverage and optional  
1326 benefits shall be awarded by the department after it has carefully  
1327 studied and evaluated the bids and selected the best and most  
1328 cost-effective bid. The department may reject all such bids;  
1329 however, the department shall notify all bidders of the rejection  
1330 and shall actively solicit new bids if all bids are rejected.

1331 It is the intent of the Legislature that coverage under this

1332 plan may be self-insured by the State of Mississippi and the same  
1333 as coverage provided state employees under the Public Employees  
1334 Health Insurance Plan created in Section 25-15-3 et seq. The  
1335 department may contract the administration and service of the  
1336 self-insured program to a third party; however, before executing  
1337 any contract, the department shall actively solicit bids for the  
1338 administration and service of the program.

1339 The department shall conduct the solicitation and contracting  
1340 process in strict accordance with Section 25-15-301.

1341 Beginning on January 1, 1996, any contract entered into  
1342 between the department for the administration and/or service of  
1343 the self-insured plan and a third party shall be for the calendar  
1344 year that begins on the first day of January and expires on the  
1345 following thirty-first day of December.

1346 The department may employ or contract for such consulting or  
1347 actuarial services as may be necessary to formulate the Public  
1348 School Employees Health Insurance Plan, and to assist the  
1349 department in the preparation of specifications and in the process  
1350 of advertising for the bids for the plan. Such contracts shall be  
1351 solicited and entered into in accordance with Section 25-15-5.  
1352 The department shall keep a record of all persons, agents and  
1353 corporations who contract with or assist the department in  
1354 preparing and developing the plan. The department, in a timely  
1355 manner, shall provide copies of this record to the members of the  
1356 advisory council created in paragraph (b) of this subsection and  
1357 those legislators, or their designees, who may attend meetings of  
1358 the advisory council. The department shall provide copies of this  
1359 record in the solicitation of bids for the administration and  
1360 servicing of the self-insured program. Each person, agent or  
1361 corporation which, during the previous fiscal year, has assisted  
1362 in the development of the plan or employed or compensated any  
1363 person who assisted in the development of the plan, and which bids  
1364 on the administration or servicing of the plan, shall submit to  
1365 the department a statement accompanying the bid explaining in



1366 detail its participation with the development of the plan. This  
1367 statement shall include the amount of compensation paid by the  
1368 bidder to any such employee during the previous fiscal year. The  
1369 department shall make all such information available to the  
1370 members of the advisory council and those legislators, or their  
1371 designees, who may attend meetings of the advisory council before  
1372 any action is taken by the department on the bids submitted. The  
1373 failure of any bidder to fully and accurately comply with this  
1374 paragraph shall result in the rejection of any bid submitted by  
1375 that bidder or the cancellation of any contract executed when the  
1376 failure is discovered after the acceptance of that bid.

1377 The department is authorized to promulgate rules and  
1378 regulations to implement the provisions of this subsection. After  
1379 expiration or termination of the contract between the state and  
1380 the administering corporation existing immediately before the date  
1381 on which the plan becomes self-insured by the State of  
1382 Mississippi, the remainder of funds in the Premium Stabilization  
1383 Fund shall revert to the Public School Employees Insurance Fund  
1384 and shall be used exclusively for payment of future premiums.

1385 Any corporation, association, company or individual that  
1386 contracts with the department for the third-party claims  
1387 administration of the self-insured plan shall prepare and keep on  
1388 file an explanation of benefits for each claim processed. The  
1389 explanation of benefits shall contain such information relative to  
1390 each processed claim which the department deems necessary, and at  
1391 a minimum, each explanation shall provide the claimant's name,  
1392 claim number, provider number, provider name, service dates, type  
1393 of services, amount of charges, amount allowed to the claimant and  
1394 reason codes.

1395 The information contained in the explanation of benefits  
1396 shall be available for inspection upon request by the department.  
1397 The department shall have access to all claims information  
1398 utilized in the issuance of payments to employees and providers.

1399 Any corporation, association, company or individual that contracts

1400 with the department for the administration and/or service of the  
1401 self-insured plan shall remit one hundred percent (100%) of all  
1402 savings or discounts resulting from any contract to the department  
1403 and/or participant. Any corporation, association, company or  
1404 individual that contracts with the department for the  
1405 administration and/or service of the self-insured plan shall  
1406 allow, upon notice by the department, the department or its  
1407 designee to audit records of the corporation, association, company  
1408 or individual relative to the corporation, association, company or  
1409 individual's performance under any contract with the department.  
1410 The information maintained by any corporation, association,  
1411 company or individual, relating to such contracts, shall be  
1412 available for inspection upon request by the department and such  
1413 information shall be compiled in a manner that will provide a  
1414 clear audit trail.

1415           (b) There is created an advisory council to the  
1416 department to advise the department in the formulation of the  
1417 Public School Employees Health Insurance Plan. The advisory  
1418 council and those legislators, or their designees, authorized to  
1419 attend meetings of the advisory council pursuant to this  
1420 subsection shall be informed in a timely manner concerning each  
1421 aspect of the formulation and development of the plan. No change  
1422 in the terms of the Public School Employees Health Insurance Plan  
1423 may be made effective unless the Executive Director of the  
1424 Department of Finance and Administration, or his designee, has  
1425 provided notice to the Public School Employees Health Insurance  
1426 Advisory Council and has called a meeting of the council at least  
1427 fifteen (15) days before the effective date of such change. In  
1428 the event that the Public School Employees Health Insurance  
1429 Advisory Council does not meet to advise the department on the  
1430 proposed changes, the changes to the plan shall become effective  
1431 at such times as the department has informed the council that the  
1432 changes shall become effective.

1433           The council shall be composed of the State Insurance

1434 Commissioner or his designee, two (2) certificated public school  
1435 administrators appointed by the State Board of Education, two (2)  
1436 certificated classroom teachers appointed by the State Board of  
1437 Education, a noncertificated school employee appointed by the  
1438 State Board of Education, and a community/junior college employee  
1439 appointed by the State Board for Community and Junior Colleges.  
1440 Members of the council shall serve at the will and pleasure of the  
1441 appointing authorities; however, no member shall serve for a  
1442 period of less than one (1) year. The members of the council  
1443 shall serve without compensation, per diem or expense  
1444 reimbursement.

1445 The Chairman of the Senate Insurance Committee, the Chairman  
1446 of the Senate Education Committee, the Chairman of the House of  
1447 Representatives Insurance Committee and the Chairman of the House  
1448 of Representatives Education Committee, and/or their designees  
1449 from their respective houses, may attend any meeting of the  
1450 advisory council. The legislators, or their designees, shall have  
1451 no jurisdiction or vote on any matter within the jurisdiction of  
1452 the council. For attending meetings of the council, the  
1453 legislators shall receive per diem and expenses which shall be  
1454 paid from the contingent expense funds of their respective houses  
1455 in the same amounts as provided for committee meetings when the  
1456 Legislature is not in session; however, no per diem and expenses  
1457 for attending meetings of the council will be paid while the  
1458 Legislature is in session. No per diem and expenses will be paid  
1459 except for attending meetings of the council without prior  
1460 approval of the proper committee in their respective houses.

1461 (c) **Medical benefits for retired employees and**  
1462 **dependents under age sixty-five (65) years.** The same health  
1463 insurance coverage as for all other active employees and their  
1464 dependents shall be available to retired employees and all  
1465 dependents under age sixty-five (65) years, the level of benefits  
1466 to be the same level as for all other active participants. This  
1467 section will apply to those employees who retire due to one

1468 hundred percent (100%) medical disability as well as those  
1469 employees electing early retirement.

1470 (d) **Medical benefits for retired employees over age**  
1471 **sixty-five (65)**. The health insurance coverage available to  
1472 retired employees over age sixty-five (65) years, and all  
1473 dependents over age sixty-five (65) years, shall be the major  
1474 medical coverage with the lifetime maximum of One Million Dollars  
1475 (\$1,000,000.00). Benefits shall be reduced by Medicare benefits  
1476 as though such Medicare benefits were the base plan.

1477 All covered individuals shall be assumed to have full  
1478 Medicare coverage, Parts A and B; and any Medicare payments under  
1479 both Parts A and B shall be computed to reduce benefits payable  
1480 under this plan.

1481 (2) **Nonduplication of benefits-reduction of benefits by**  
1482 **Title XIX benefits**. When benefits would be payable under more  
1483 than one group plan, benefits under those plans will be  
1484 coordinated to the extent that the total benefits under all plans  
1485 will not exceed the total expenses incurred.

1486 Benefits for hospital or surgical or medical benefits shall  
1487 be reduced by any similar benefits payable in accordance with  
1488 Title XIX of the Social Security Act or under any amendments  
1489 thereto, or any implementing legislation.

1490 Benefits for hospital or surgical or medical benefits shall  
1491 be reduced by any similar benefits payable by workers'  
1492 compensation.

1493 (3) The department is hereby authorized to determine the  
1494 manner in which premiums and contributions by the state and local  
1495 school districts shall be collected to provide the self-insured  
1496 health insurance program for school employees and community/junior  
1497 college employees as provided under this article.

1498 (4) Any premium differentials, differences in coverages,  
1499 discounts determined by risk or by any other factors shall be  
1500 uniformly applied to all active employees participating in the  
1501 insurance plan. It is the intent of the Legislature that the

1502 state contribution to the plan be the same for each employee  
1503 throughout the state.

1504 (5) Any participant of the State Employees Health Insurance  
1505 Plan who otherwise would lose coverage and who would be eligible  
1506 as a dependent under an existing Public School Employees Health  
1507 Insurance Plan contract may transfer to the Public School  
1508 Employees Health Insurance Plan as a dependent under the existing  
1509 contract. Any participant of the Public School Employees Health  
1510 Insurance Plan who otherwise would lose coverage and who would be  
1511 eligible as a dependent under an existing State Employees Health  
1512 Insurance Plan contract may transfer to the State Employees Health  
1513 Insurance Plan as a dependent under the existing contract. A  
1514 transfer pursuant to this subsection must occur within thirty-one  
1515 (31) days of losing coverage. Credit shall be given for any  
1516 deductible amount satisfied, out-of-pocket expenses and time  
1517 served toward the twelve-month pre-existing waiting period.

1518 (6) The Department of Finance and Administration shall  
1519 annually report to the Joint Legislative Budget Committee the  
1520 condition of the Public School Employees Health Insurance Plan.  
1521 Such report shall contain, but not be limited to, a report of the  
1522 plan's financial condition at the close of the most recent  
1523 complete calendar year. The report shall also include all  
1524 recommendations made to the department by consultants regarding  
1525 the plan and its administration, including a complete departmental  
1526 response to each recommendation. The department shall also list  
1527 the history of yearly claims paid and premiums received for each  
1528 employee subgroup, including, but not limited to, active  
1529 employees, dependents and retirees and shall also publish the loss  
1530 ratios for these subgroups. For purposes of this subsection, the  
1531 term "loss ratios" shall mean claims paid by the plan for each  
1532 subgroup divided by premiums received by the plan for the  
1533 insurance coverage of the members in that subgroup. Any plan  
1534 revisions made during the previous year shall also be listed in  
1535 the report and fully described in the report. The department

1536 shall also provide the Joint Legislative Budget Committee with a  
1537 monthly statement of plan utilization.

1538 In addition to the information provided for herein, the  
1539 department shall provide to the Joint Legislative Budget Committee  
1540 budgetary information on the Public School Employees Health  
1541 Insurance Plan. All information shall be provided to the Joint  
1542 Legislative Budget Committee in a format designated by the  
1543 committee. The information shall be provided in September of each  
1544 year, and at such times throughout the year as the committee deems  
1545 necessary. The information shall include, but not be limited to:

1546 (a) A detailed breakdown of all expenditures of the  
1547 plan, administrative and otherwise, for the most recently  
1548 completed fiscal year and projected expenditures for the current  
1549 fiscal year;

1550 (b) A schedule of all contracts, administrative and  
1551 otherwise, executed for the benefit of the plan during the most  
1552 recent completed fiscal year, and those executed and anticipated  
1553 for the current fiscal year;

1554 (c) Anticipated plan expenditures, administrative and  
1555 otherwise, for the next fiscal year.

1556 The department shall also provide to the Joint Legislative  
1557 Committee on Performance Evaluation and Expenditure Review (PEER)  
1558 all information described in paragraph (b) in this subsection.  
1559 The PEER Committee shall prepare a report by January 1 of each  
1560 year on all contractors utilized by the department for the health  
1561 plans, excluding the third-party administrator contract. The  
1562 committee's report shall address the processes by which the  
1563 department procured the contractors, the contractors' work  
1564 products and contract expenditures. The review provided for  
1565 herein shall be supplemental to the review provided for in Section  
1566 25-15-301.

1567 (7) (a) The department may offer medical savings accounts  
1568 as defined in Section 71-9-3 as a plan option. Provided, however,  
1569 that prior to offering such accounts as a plan option, the

1570 Department of Finance and Administration shall prepare and present  
1571 to the Legislature by December 15, 1996, a comprehensive study of  
1572 medical savings accounts to include a proposed implementation  
1573 timetable and potential actuarial effects of such accounts on the  
1574 existing public school employees' health plan. The department's  
1575 study shall also include, but not be limited to, recommended  
1576 employer contribution levels, recommended employee contribution  
1577 levels, recommendations on annual rollover of balances or  
1578 withdrawals for nonmedical purposes, and, recommendations on  
1579 medical coverage for persons who expend their account balances.  
1580 The department shall use existing staff resources and those of  
1581 other agencies to conduct this study. In no case shall the  
1582 department employ a consultant or contractor other than an actuary  
1583 to conduct this study. No later than July 15, 1996, the  
1584 Department of Finance and Administration shall meet with the staff  
1585 of the PEER Committee and the Legislative Budget Office to receive  
1586 recommendations on the issues and methods which the department  
1587 shall consider in preparing its report. No later than October 15,  
1588 1996, the Department of Finance and Administration shall submit a  
1589 copy of its draft report to the PEER Committee and the Legislative  
1590 Budget Office which shall analyze the report and prepare comments  
1591 for publication in the final report to be submitted to the House  
1592 and Senate Insurance Committees on December 15, 1996.

1593 (b) In no case shall the department offer medical  
1594 savings accounts as an option to health plan participants prior to  
1595 January 1, 1998.

1596 SECTION 13. This act shall take effect and be in force from  
1597 and after July 1, 1999.