

By: Representatives Barnett (92nd), Bozeman, To: Education;  
Green (96th), Hudson, Jennings, Ketchings, Appropriations  
Livingston, Malone, McCoy, Moak, Nettles,  
Roberson, Weathersby, Williams

HOUSE BILL NO. 706  
(As Sent to Governor)

1 AN ACT TO CREATE THE MISSISSIPPI SCHOOL OF THE ARTS; TO  
2 DEFINE CERTAIN TERMS USED IN THE ACT; TO PROVIDE THAT THE SCHOOL  
3 SHALL BE A RESIDENTIAL FACILITY FOR TALENTED ELEVENTH AND TWELFTH  
4 GRADE STUDENTS; TO PROVIDE THAT THE SCHOOL SHALL BE GOVERNED BY  
5 THE STATE BOARD OF EDUCATION; TO REQUIRE THE BOARD TO DEVELOP A  
6 PLAN FOR THE OPENING, OPERATION AND FUNDING OF THE SCHOOL TO BE  
7 PRESENTED TO THE 2000 LEGISLATURE; TO ESTABLISH AN ADVISORY PANEL  
8 TO ASSIST IN DEVELOPING THE PLAN FOR THE SCHOOL; TO AUTHORIZE THE  
9 BOARD TO HIRE A DIRECTOR OF THE SCHOOL; TO REQUIRE THE BOARD TO  
10 DEVELOP RULES AND REGULATIONS FOR THE ADMINISTRATION OF THE SCHOOL  
11 AND TO PREPARE THE ANNUAL BUDGET FOR THE SCHOOL; TO AUTHORIZE THE  
12 BOARD TO ACCEPT CONTRIBUTIONS FOR THE SUPPORT OF THE SCHOOL; TO  
13 AUTHORIZE THE BOARD TO ENTER INTO AGREEMENTS WITH THE MISSISSIPPI  
14 SYMPHONY ORCHESTRA AND OTHER PROFESSIONAL ORGANIZATIONS FOR  
15 INSTRUCTION AND EDUCATIONAL SERVICES AT THE SCHOOL AND OTHER  
16 PUBLIC SCHOOLS; TO AMEND SECTION 37-3-13, MISSISSIPPI CODE OF  
17 1972, TO PROVIDE THAT THE SALARIES OF EMPLOYEES OF THE MISSISSIPPI  
18 SCHOOL OF ARTS SHALL BE SET BY THE STATE BOARD OF EDUCATION; AND  
19 FOR RELATED PURPOSES.

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

21 SECTION 1. As used in this act, the following words and  
22 phrases shall have the meanings ascribed in this section unless  
23 the context clearly indicates otherwise:

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

25 (b) "School" means the Mississippi School of the Arts.

26 SECTION 2. (1) There is created the Mississippi School of  
27 the Arts, which shall be a residential school for eleventh and  
28 twelfth grade high school students located on the campus of  
29 Whitworth College in Brookhaven, Mississippi. The purpose of the  
30 school shall be to provide a more challenging educational  
31 experience for artistically talented and gifted students of the  
32 state to develop their full potential, including the teaching of  
33 humanities, creative writing, literature, theater, music, dance  
34 and visual arts, and the school's curriculum and admissions

35 policies shall reflect that purpose.

36 (2) The 2001-2002 school year shall be the first year that  
37 the school shall admit students for enrollment, which shall be  
38 limited to students in the eleventh grade during the school's  
39 first year. Beginning with the 2002-2003 school year, the school  
40 shall enroll students in the eleventh and twelfth grades.

41 SECTION 3. (1) The school shall be governed by the State  
42 Board of Education. The board shall develop a plan relating to  
43 the opening, operation and funding of the school to be presented  
44 to the Legislature during the 2000 Regular Session. The plan  
45 shall include an equitable and reasonable plan for student  
46 recruitment without regard to race, creed or color.

47 (2) The State Superintendent of Public Education shall  
48 appoint an advisory panel to assist the board in developing the  
49 plan relating to the school. The advisory panel shall consist of  
50 the following twelve (12) appointed or designated members:

51 (a) Three (3) licensed school teachers or  
52 administrators, one (1) to be appointed from each of the three (3)  
53 Mississippi Supreme Court Districts;

54 (b) Three (3) citizens or professionals representing  
55 the areas of dance, creative writing, literature, music, theater  
56 arts or visual arts, one (1) to be appointed from each of the  
57 three (3) Mississippi Supreme Court Districts;

58 (c) Three (3) citizens knowledgeable in business,  
59 personnel management or public administration, with at least three  
60 years' actual experience therein, one (1) to be appointed from  
61 each of the three (3) Mississippi Supreme Court Districts.

62 (d) One (1) member shall be a representative of the  
63 Mississippi Arts Commission to be designated by the commission,  
64 one (1) member shall be a representative of the Mississippi  
65 Humanities Council to be designated by the council, and one (1)  
66 member shall be a representative of the state institutions of  
67 higher learning in Mississippi which offer degrees in visual, fine  
68 and performing arts, to be designated by the Board of Trustees of  
69 State Institutions of Higher Learning.

70 Appointments to the advisory panel shall be made within  
71 ninety (90) days of passage of this act. The advisory panel shall

72 meet upon the call of the State Superintendent of Public Education  
73 and shall organize for business by selecting a chairman and vice  
74 chairman/secretary for keeping records of the panel. Members of  
75 the advisory panel shall receive no compensation but may be  
76 reimbursed for necessary expenses and mileage for attending  
77 meetings and necessary business of the panel, in the amount  
78 authorized for state employees under Section 25-3-41.

79 (3) The board may utilize the staff of the State Department  
80 of Education and other state agencies as may be required for the  
81 implementation of this act. The department may employ any  
82 personnel deemed necessary by the board for assisting in the  
83 development and implementation of the plan relating to the  
84 opening, operation and funding of the school. The board also may  
85 contract or enter into agreements with other agencies or private  
86 entities which it deems necessary to carry out its duties and  
87 functions relating to the opening and operation of the school.

88 (4) To the extent possible, the board shall enter into  
89 agreements with the Board of Trustees of the Brookhaven Municipal  
90 Separate School District for the dual enrollment of students for  
91 the purpose of teaching academic courses to students attending the  
92 school, and the local school board shall be fully authorized to  
93 offer any such courses to students attending the school. The  
94 State Board of Education may develop and issue necessary  
95 regulations for the coordination of such courses for these  
96 students, the preparation and transfer of transcripts, and the  
97 reimbursement of any costs incurred by the school district for  
98 providing such services.

99 (5) The board may enter into agreements with public school  
100 districts to authorize students enrolled in such school districts  
101 to participate in the fine arts programs at the school to the  
102 extent that adequate space is available. The parent or guardian  
103 of any student participating in fine arts programs at the school  
104 under this subsection shall be responsible for transporting the

105 student to and from the school.

106       SECTION 4. Subject to the availability of funding  
107 appropriated therefor, the board may hire a director of the  
108 school, who shall serve at the will and pleasure of the board.  
109 The director shall be the chief administrative officer of the  
110 school and shall administer the school in accordance with the  
111 policies established by the board. The director shall be  
112 responsible for those administrative duties and functions  
113 prescribed by the board, and the board, in its discretion, may  
114 delegate to the director such powers and duties as it deems  
115 appropriate.

116       SECTION 5. The board shall be the exclusive governing body  
117 of the school and shall promulgate rules and regulations required  
118 for the administration and operation of the school. The emphasis  
119 of the school shall be on the education and training of students  
120 in the performing, visual and literary arts and in the humanities,  
121 but this emphasis shall not preclude the teaching of those liberal  
122 arts and science courses, math and science deemed necessary by the  
123 board to provide students with a well-rounded education.

124       SECTION 6. The board shall prepare the annual budget for the  
125 school. For the operation and support of the school, the board  
126 may receive contributions, donations, gifts, bequests of money,  
127 other forms of financial assistance and property, equipment,  
128 materials or manpower from persons, foundations, trust funds,  
129 corporations, organizations and other sources, public or private,  
130 to be expended and utilized by the board in carrying out this act.

131       SECTION 7. All expenditures for the school shall be paid by  
132 the State Treasurer on warrants issued by the State Fiscal  
133 Officer, and the State Fiscal Officer shall issue his warrants  
134 upon requisition signed by the proper person, officer or officers.

135       SECTION 8. (1) The State Board of Education may enter into  
136 agreements with the Mississippi Symphony Orchestra for providing  
137 classical music educational services to students in Grades

138 Kindergarten through 12 at the Mississippi School of the Arts or  
139 at any other public school facility in Mississippi, subject to  
140 specific appropriation therefor by the Legislature. Such  
141 educational services shall include: (a) music history, music  
142 instrument, and music performance instruction in the classroom;  
143 (b) symphony concerts for the students, programmed to support and  
144 enhance the teaching of history, literature and science; (c)  
145 chamber ensemble and chamber orchestra performances where members  
146 serve as educators as well as performers; (d) organizing and  
147 developing student performing ensembles, where members serve as  
148 music instrument instructors, conductors and performers; (e)  
149 symphony concerts for students, parents and other residents to  
150 enhance the position of the school as center of the local  
151 community; and (f) other services to be determined by agreement.

152 (2) The State Board of Education is encouraged to enter into  
153 contractual agreements with professional arts organizations,  
154 including the Mississippi Museum of Art, New Stage Theatre and the  
155 Mississippi Symphony Orchestra, for providing instruction,  
156 concerts, exhibits, performances and other outreach programs at  
157 the Mississippi School of the Arts or at any other public school  
158 facility in Mississippi.

159 SECTION 9. Section 37-3-13, Mississippi Code of 1972, is  
160 amended as follows:

161 37-3-13. (1) Until July 1, 1984, the Assistant State  
162 Superintendent of Public Education, the directors, supervisors,  
163 clerical assistants, and employees shall be selected by, and hold  
164 office subject to the will of, the State Superintendent, except as  
165 provided in Section 37-3-17. The Assistant State Superintendent  
166 may be authorized to act in the absence or disability of the State  
167 Superintendent and shall perform such other duties as may be  
168 assigned to him by the State Superintendent. The State  
169 Superintendent shall have the power to assign to any division such  
170 clerical help as he may deem necessary and to discharge such

171 clerical help among the divisions at any time necessity requires,  
172 except as provided in Section 37-3-17.

173 (2) From and after July 1, 1984, the deputy superintendents,  
174 associate superintendents and directors shall be selected by and  
175 hold office subject to the will of the State Superintendent of  
176 Public Education subject to the approval of the State Board of  
177 Education. All other personnel shall be competitively appointed  
178 by the State Superintendent and shall be dismissed only for cause  
179 in accordance with the rules and regulations of the State  
180 Personnel Board. The State Board of Education shall set the  
181 salary of the deputy superintendents, associate superintendents  
182 and divisional directors, and the members of the teaching staffs  
183 and employees of the Mississippi School of the Arts. The State  
184 Superintendent, subject to the approval of the State Personnel  
185 Board, shall fix the amount of compensation of all other employees  
186 of the State Department of Education. All salaries, compensation  
187 or expenses of any of the personnel of the department shall be  
188 paid upon the requisition of the State Superintendent of Public  
189 Education and warrant issued thereunder by the State Auditor out  
190 of funds appropriated by the Legislature in a lump sum upon the  
191 basis of budgetary requirements submitted by the Superintendent of  
192 Education or out of funds otherwise made available. The entire  
193 expense of administering the department shall never exceed the  
194 amount appropriated therefor, plus funds received from other  
195 sources other than state appropriations. For a violation of this  
196 provision, the superintendent shall be liable, and he and the  
197 sureties on his bond shall be required to restore any such excess.

198 SECTION 10. This act shall take effect and be in force from  
199 and after July 1, 1999.