

By: Senator(s) Harden, Furniss

To: Education;  
Appropriations

## SENATE BILL NO. 2860

1 AN ACT RELATING TO THE JUNIOR RESERVE OFFICER TRAINING CORPS  
2 (JROTC) PROGRAM; TO REQUIRE THE STATE SUPERINTENDENT OF PUBLIC  
3 EDUCATION TO EMPLOY A STATEWIDE COORDINATOR FOR JROTC PROGRAMS AND  
4 TO ESTABLISH THE DUTIES OF THE STATEWIDE COORDINATOR; TO AMEND  
5 SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE  
6 BOARD OF EDUCATION TO DEVELOP A PROCESS FOR CERTIFIED JROTC  
7 INSTRUCTORS TO PURSUE A STANDARD LICENSE TO TEACH IN MISSISSIPPI  
8 AND TO REQUIRE THE BOARD TO REPORT TO THE EDUCATION COMMITTEES OF  
9 THE HOUSE AND SENATE ON THE LICENSING PROCESS BEFORE THE 2002  
10 SESSION; TO AMEND SECTION 37-61-33, MISSISSIPPI CODE OF 1972, TO  
11 INCLUDE JROTC INSTRUCTORS IN THE DISTRIBUTION OF EDUCATION  
12 ENHANCEMENT FUNDS ALLOCATED FOR CLASSROOM SUPPLIES; TO ESTABLISH A  
13 JROTC MATCHING GRANT PROGRAM TO ASSIST LOCAL SCHOOLS IN FUNDING  
14 JROTC PROGRAMS; TO REQUIRE SCHOOL DISTRICTS TO AWARD STUDENTS  
15 PARTICIPATING IN JROTC FOR FOUR YEARS A CREDIT TOWARD GRADUATION  
16 REQUIREMENTS; TO ESTABLISH A SCHOLARSHIP PROGRAM FOR JROTC  
17 STUDENTS WHO CONTINUE THEIR PARTICIPATION IN ROTC IN COLLEGE; AND  
18 FOR RELATED PURPOSES.

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

20 SECTION 1. (1) The State Superintendent of Public Education  
21 shall employ within the State Department of Education a statewide  
22 coordinator for Junior Reserve Officer Training Corps (JROTC)  
23 programs in the public schools. The JROTC statewide coordinator  
24 must be an active member of the Mississippi National Guard and a  
25 licensed teacher and must meet any additional qualifications that  
26 may be established for the position by the State Superintendent of  
27 Public Education or State Personnel Board.

28 (2) The following are the powers and duties of the JROTC  
29 statewide coordinator:

30 (a) To coordinate training of new JROTC instructors and  
31 continuing education programs for certified instructors;

32 (b) To facilitate communication between JROTC programs  
33 in the various public schools;

- 34           (c) To assist in organizing competitions among JROTC  
35 units from different high schools;
- 36           (d) To assist in the development of the JROTC  
37 curriculum;
- 38           (e) To compile information on scholarships available to  
39 JROTC participants and to solicit support for such scholarships;
- 40           (f) To assist in establishing support groups for  
41 parents of students participating in a JROTC program;
- 42           (g) To assist certified JROTC instructors in securing a  
43 standard teaching license from the Commission on Teacher and  
44 Administrator Education, Certification and Licensure and  
45 Development;
- 46           (h) To solicit financial support for JROTC programs  
47 from private sector donors;
- 48           (i) To promote the involvement of JROTC units within  
49 their local communities;
- 50           (j) To facilitate interaction between JROTC units and  
51 the Mississippi National Guard;
- 52           (k) To promote, in general, the JROTC program in high  
53 schools throughout the state;
- 54           (l) To assist local schools with the application  
55 process for establishing new JROTC programs in high schools; and
- 56           (m) To perform such other duties relating to the JROTC  
57 program established by the State Superintendent of Public  
58 Education or State Board of Education.

59           SECTION 2. Section 37-3-2, Mississippi Code of 1972, is  
60 amended as follows:

61           37-3-2. (1) There is established within the State  
62 Department of Education the Commission on Teacher and  
63 Administrator Education, Certification and Licensure and  
64 Development. It shall be the purpose and duty of the commission  
65 to make recommendations to the State Board of Education regarding  
66 standards for the certification and licensure and continuing

67 professional development of those who teach or perform tasks of an  
68 educational nature in the public schools of Mississippi.

69 (2) The commission shall be composed of fifteen (15)  
70 qualified members. The membership of the commission shall be  
71 composed of the following members to be appointed, three (3) from  
72 each congressional district: four (4) classroom teachers; three  
73 (3) school administrators; one (1) representative of schools of  
74 education of institutions of higher learning located within the  
75 state to be recommended by the Board of Trustees of State  
76 Institutions of Higher Learning; one (1) representative from the  
77 schools of education of independent institutions of higher  
78 learning to be recommended by the Board of the Mississippi  
79 Association of Independent Colleges; one (1) representative from  
80 public community and junior colleges located within the state to  
81 be recommended by the State Board for Community and Junior  
82 Colleges; one (1) local school board member; and four (4) lay  
83 persons. All appointments shall be made by the State Board of  
84 Education after consultation with the State Superintendent of  
85 Public Education. The first appointments by the State Board of  
86 Education shall be made as follows: five (5) members shall be  
87 appointed for a term of one (1) year; five (5) members shall be  
88 appointed for a term of two (2) years; and five (5) members shall  
89 be appointed for a term of three (3) years. Thereafter, all  
90 members shall be appointed for a term of four (4) years.

91 (3) The State Board of Education when making appointments  
92 shall designate a chairman. The commission shall meet at least  
93 once every two (2) months or more often if needed. Members of the  
94 commission shall be compensated at a rate of per diem as  
95 authorized by Section 25-3-69 and be reimbursed for actual and  
96 necessary expenses as authorized by Section 25-3-41.

97 (4) An appropriate staff member of the State Department of  
98 Education shall be designated and assigned by the State  
99 Superintendent of Public Education to serve as executive secretary

100 and coordinator for the commission. No less than two (2) other  
101 appropriate staff members of the State Department of Education  
102 shall be designated and assigned by the State Superintendent of  
103 Public Education to serve on the staff of the commission.

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

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

108 (b) Recommend to the State Board of Education each year  
109 approval or disapproval of each educator preparation program in  
110 the state;

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

114 (d) Establish, subject to the approval of the State  
115 Board of Education, standards for the renewal of teacher licenses  
116 in all fields;

117 (e) Review and evaluate objective measures of teacher  
118 performance, such as test scores, which may form part of the  
119 licensure process, and to make recommendations for their use;

120 (f) Review all existing requirements for certification  
121 and licensure;

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

124 (h) Prepare reports from time to time on current  
125 practices and issues in the general area of teacher education and  
126 certification and licensure;

127 (i) Hold hearings concerning standards for teachers'  
128 and administrators' education and certification and licensure with  
129 approval of the State Board of Education;

130 (j) Hire expert consultants with approval of the State  
131 Board of Education;

132           (k) Set up ad hoc committees to advise on specific  
133 areas; and

134           (1) Perform such other functions as may fall within  
135 their general charge and which may be delegated to them by the  
136 State Board of Education.

137           (6) (a) **Standard License - Approved Program Route.** An  
138 educator entering the school system of Mississippi for the first  
139 time and meeting all requirements as established by the State  
140 Board of Education shall be granted a standard five-year license.  
141 Persons who possess two (2) years of classroom experience as an  
142 assistant teacher or who have taught for one (1) year in an  
143 accredited public or private school shall be allowed to fulfill  
144 student teaching requirements under the supervision of a qualified  
145 participating teacher approved by an accredited college of  
146 education. The local school district in which the assistant  
147 teacher is employed shall compensate such assistant teachers at  
148 the required salary level during the period of time such  
149 individual is completing student teaching requirements.

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

151           (i) An application on a department form;

152           (ii) An official transcript of completion of a  
153 teacher education program or a bachelor of science degree with  
154 child development emphasis from a program accredited by the  
155 American Association of Family and Consumer Sciences (AAFCS)  
156 approved by the department or a nationally accredited program,  
157 subject to the following: Licensure to teach in Mississippi  
158 prekindergarten through kindergarten classrooms shall require  
159 completion of a teacher education program or a bachelor of science  
160 degree with child development emphasis from a program accredited  
161 by the American Association of Family and Consumer Sciences  
162 (AAFCS). Licensure to teach in Mississippi kindergarten, for  
163 those applicants who have completed a teacher education program,  
164 and in Grade 1 through Grade 4 shall require the completion of an

165 interdisciplinary program of studies. Licenses for Grades 4  
166 through 8 shall require the completion of an interdisciplinary  
167 program of studies with two (2) or more areas of concentration.  
168 Licensure to teach in Mississippi Grades 7 through 12 shall  
169 require a major in an academic field other than education, or a  
170 combination of disciplines other than education. Students  
171 preparing to teach a subject shall complete a major in the  
172 respective subject discipline. All applicants for standard  
173 licensure shall demonstrate that such person's college preparation  
174 in those fields was in accordance with the standards set forth by  
175 the National Council for Accreditation of Teacher Education  
176 (NCATE) or the National Association of State Directors of Teacher  
177 Education and Certification (NASDTEC) or, for those applicants who  
178 have a bachelor of science degree with child development emphasis,  
179 the American Association of Family and Consumer Sciences (AAFCS);

180 (iii) A copy of test scores evidencing  
181 satisfactory completion of nationally administered examinations of  
182 achievement, such as the Educational Testing Service's teacher  
183 testing examinations; and

184 (iv) Any other document required by the State  
185 Board of Education.

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

187 Applicants for a Standard License - Alternate Teaching Route shall  
188 submit to the department:

189 (i) An application on a department form;

190 (ii) An official transcript evidencing a  
191 bachelor's degree from an accredited institution of higher  
192 learning;

193 (iii) A copy of test scores evidencing  
194 satisfactory completion of an examination of achievement specified  
195 by the commission and approved by the State Board of Education;

196 (iv) An official transcript evidencing appropriate  
197 credit hours or a copy of test scores evidencing successful

198 completion of tests as required by the State Board of Education;  
199 and

200 (v) Any other document required by the State Board  
201 of Education.

202 The State Board of Education shall develop a process for  
203 certified Junior Reserve Officer Training Corps (JROTC)  
204 instructors to pursue a Standard License - Alternate Teaching  
205 Route. In developing this process, the board shall consider the  
206 credentials required for certification as a JROTC instructor. The  
207 board shall present a report on the alternate licensing process to  
208 the Chairman of the Education Committees of the House of  
209 Representatives and Senate before December 15, 2001, which report  
210 must include recommended legislation necessary to effectuate the  
211 alternate licensing route for JROTC instructors.

212 A Standard License - Approved Program Route and a Standard  
213 License - Alternate Teaching Route shall be issued for a five-year  
214 period, and may be renewed. Recognizing teaching as a profession,  
215 a hiring preference shall be granted to persons holding a Standard  
216 License - Approved Program Route or Standard License - Alternate  
217 Teaching Route over persons holding any other license.

218 (c) **Special License - Expert Citizen.** In order to  
219 allow a school district to offer specialized or technical courses,  
220 the State Department of Education, in accordance with rules and  
221 regulations established by the State Board of Education, may grant  
222 a one-year expert citizen-teacher license to local business or  
223 other professional personnel to teach in a public school or  
224 nonpublic school accredited or approved by the state. Such person  
225 may begin teaching upon his employment by the local school board  
226 and licensure by the Mississippi Department of Education. The  
227 board shall adopt rules and regulations to administer the expert  
228 citizen-teacher license. A special license - expert citizen may  
229 be renewed in accordance with the established rules and  
230 regulations of the State Department of Education.

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

237           (e) **Nonlicensed Teaching Personnel.** A nonlicensed  
238 person may teach for a maximum of three (3) periods per teaching  
239 day in a public school or a nonpublic school accredited/approved  
240 by the state. Such person shall submit to the department a  
241 transcript or record of his education and experience which  
242 substantiates his preparation for the subject to be taught and  
243 shall meet other qualifications specified by the commission and  
244 approved by the State Board of Education. In no case shall any  
245 local school board hire nonlicensed personnel as authorized under  
246 this paragraph in excess of five percent (5%) of the total number  
247 of licensed personnel in any single school.

248           (f) In the event any school district meets Level 4 or 5  
249 accreditation standards, the State Board of Education, in its  
250 discretion, may exempt such school district from any restrictions  
251 in paragraph (e) relating to the employment of nonlicensed  
252 teaching personnel.

253           (7) **Administrator License.** The State Board of Education is  
254 authorized to establish rules and regulations and to administer  
255 the licensure process of the school administrators in the State of  
256 Mississippi. There will be four (4) categories of administrator  
257 licensure with exceptions only through special approval of the  
258 State Board of Education.

259           (a) **Administrator License - Nonpracticing.** Those  
260 educators holding administrative endorsement but have no  
261 administrative experience or not serving in an administrative  
262 position on January 15, 1997.



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

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

271           (d) **Administrator License - Alternate Route.** The board  
272 may establish an alternate route for licensing administrative  
273 personnel. Such alternate route for administrative licensure  
274 shall be available for persons holding, but not limited to, a  
275 master of business administration degree, a master of public  
276 administration degree or a master of public planning and policy  
277 degree from an accredited college or university, with five (5)  
278 years of administrative or supervisory experience. Successful  
279 completion of the requirements of alternate route licensure for  
280 administrators shall qualify the person for a standard  
281 administrator license.

282           Beginning with the 1997-1998 school year, individuals seeking  
283 school administrator licensure under paragraph (b), (c) or (d)  
284 shall successfully complete a training program and an assessment  
285 process prescribed by the State Board of Education. Applicants  
286 seeking school administrator licensure prior to June 30, 1997, and  
287 completing all requirements for provisional or standard  
288 administrator certification and who have never practiced, shall be  
289 exempt from taking the Mississippi Assessment Battery Phase I.  
290 Applicants seeking school administrator licensure during the  
291 period beginning July 1, 1997, through June 30, 1998, shall  
292 participate in the Mississippi Assessment Battery, and upon  
293 request of the applicant, the department shall reimburse the  
294 applicant for the cost of the assessment process required. After  
295 June 30, 1998, all applicants for school administrator licensure

296 shall meet all requirements prescribed by the department under  
297 paragraph (b), (c) or (d), and the cost of the assessment process  
298 required shall be paid by the applicant.

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

303       (b) The department shall grant a nonrenewable special  
304 license to any individual who possesses a credential which is less  
305 than a standard license or certification from another state, or  
306 who possesses a standard license from another state but has less  
307 than two (2) years of full-time teaching or administration  
308 experience. Such special license shall be valid for the current  
309 school year plus one (1) additional school year to expire on June  
310 30 of the second year, not to exceed a total period of twenty-four  
311 (24) months, during which time the applicant shall be required to  
312 complete the requirements for a standard license in Mississippi.

313       (9) **Renewal and Reinstatement of Licenses.** The State Board  
314 of Education is authorized to establish rules and regulations for  
315 the renewal and reinstatement of educator and administrator  
316 licenses. Effective May 15, 1997, the valid standard license held  
317 by an educator shall be extended five (5) years beyond the  
318 expiration date of the license in order to afford the educator  
319 adequate time to fulfill new renewal requirements established  
320 pursuant to this subsection. An educator completing a master of  
321 education, educational specialist or doctor of education degree in  
322 May 1997 for the purpose of upgrading the educator's license to a  
323 higher class shall be given this extension of five (5) years plus  
324 five (5) additional years for completion of a higher degree.

325       (10) All controversies involving the issuance, revocation,  
326 suspension or any change whatsoever in the licensure of an  
327 educator required to hold a license shall be initially heard in a  
328 hearing de novo, by the commission or by a subcommittee

329 established by the commission and composed of commission members  
330 for the purpose of holding hearings. Any complaint seeking the  
331 denial of issuance, revocation or suspension of a license shall be  
332 by sworn affidavit filed with the Commission of Teacher and  
333 Administrator Education, Certification and Licensure and  
334 Development. The decision thereon by the commission or its  
335 subcommittee shall be final, unless the aggrieved party shall  
336 appeal to the State Board of Education, within ten (10) days, of  
337 the decision of the committee or its subcommittee. An appeal to  
338 the State Board of Education shall be on the record previously  
339 made before the commission or its subcommittee unless otherwise  
340 provided by rules and regulations adopted by the board. The State  
341 Board of Education in its authority may reverse, or remand with  
342 instructions, the decision of the committee or its subcommittee.  
343 The decision of the State Board of Education shall be final.

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

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

349 (b) The applicant has a physical, emotional or mental  
350 disability that renders the applicant unfit to perform the duties  
351 authorized by the license, as certified by a licensed psychologist  
352 or psychiatrist;

353 (c) The applicant is actively addicted to or actively  
354 dependent on alcohol or other habit-forming drugs or is a habitual  
355 user of narcotics, barbiturates, amphetamines, hallucinogens, or  
356 other drugs having similar effect, at the time of application for  
357 a license;

358 (d) Revocation of an applicant's certificate or license  
359 by another state;

360 (e) Fraud or deceit committed by the applicant in  
361 securing or attempting to secure such certification and license;

362 (f) Failing or refusing to furnish reasonable evidence  
363 of identification;

364 (g) The applicant has been convicted, has pled guilty  
365 or entered a plea of nolo contendere to a felony, as defined by  
366 federal or state law; or

367 (h) The applicant has been convicted, has pled guilty  
368 or entered a plea of nolo contendere to a sex offense as defined  
369 by federal or state law.

370 (12) The State Board of Education, acting on the  
371 recommendation of the commission, may revoke or suspend any  
372 teacher or administrator license for specified periods of time for  
373 one or more of the following:

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

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

380 (c) Suspension or revocation of a certificate or  
381 license by another state shall result in immediate suspension or  
382 revocation and shall continue until records in the prior state  
383 have been cleared;

384 (d) The license holder has been convicted, has pled  
385 guilty or entered a plea of nolo contendere to a felony, as  
386 defined by federal or state law;

387 (e) The license holder has been convicted, has pled  
388 guilty or entered a plea of nolo contendere to a sex offense, as  
389 defined by federal or state law; or

390 (f) The license holder knowingly and willfully  
391 committing any of the acts affecting validity of mandatory uniform  
392 test results as provided in Section 37-16-4(1).

393 (13) (a) Dismissal or suspension of a licensed employee by  
394 a local school board pursuant to Section 37-9-59 may result in the

395 suspension or revocation of a license for a length of time which  
396 shall be determined by the commission and based upon the severity  
397 of the offense.

398 (b) Any offense committed or attempted in any other  
399 state shall result in the same penalty as if committed or  
400 attempted in this state.

401 (c) A person may voluntarily surrender a license. The  
402 surrender of such license may result in the commission  
403 recommending any of the above penalties without the necessity of a  
404 hearing. However, any such license which has voluntarily been  
405 surrendered by a licensed employee may be reinstated by a  
406 unanimous vote of all members of the commission.

407 (14) A person whose license has been suspended on any  
408 grounds except criminal grounds may petition for reinstatement of  
409 the license after one (1) year from the date of suspension, or  
410 after one-half (1/2) of the suspended time has lapsed, whichever  
411 is greater. A license suspended on the criminal grounds may be  
412 reinstated upon petition to the commission filed after expiration  
413 of the sentence and parole or probationary period imposed upon  
414 conviction. A revoked license may be reinstated upon satisfactory  
415 showing of evidence of rehabilitation. The commission shall  
416 require all who petition for reinstatement to furnish evidence  
417 satisfactory to the commission of good character, good mental,  
418 emotional and physical health and such other evidence as the  
419 commission may deem necessary to establish the petitioner's  
420 rehabilitation and fitness to perform the duties authorized by the  
421 license.

422 (15) Reporting procedures and hearing procedures for dealing  
423 with infractions under this section shall be promulgated by the  
424 commission, subject to the approval of the State Board of  
425 Education. The revocation or suspension of a license shall be  
426 effected at the time indicated on the notice of suspension or  
427 revocation. The commission shall immediately notify the

428 superintendent of the school district or school board where the  
429 teacher or administrator is employed of any disciplinary action  
430 and also notify the teacher or administrator of such revocation or  
431 suspension and shall maintain records of action taken. The State  
432 Board of Education may reverse or remand with instructions any  
433 decision of the commission regarding a petition for reinstatement  
434 of a license, and any such decision of the State Board of  
435 Education shall be final.

436 (16) An appeal from the action of the State Board of  
437 Education in denying an application, revoking or suspending a  
438 license or otherwise disciplining any person under the provisions  
439 of this section, shall be filed in the Chancery Court of the First  
440 Judicial District of Hinds County on the record made, including a  
441 verbatim transcript of the testimony at the hearing. The appeal  
442 shall be filed within thirty (30) days after notification of the  
443 action of the board is mailed or served and the proceedings in  
444 chancery court shall be conducted as other matters coming before  
445 the court. The appeal shall be perfected upon filing notice of  
446 the appeal and by the prepayment of all costs, including the cost  
447 of preparation of the record of the proceedings by the State Board  
448 of Education, and the filing of a bond in the sum of Two Hundred  
449 Dollars (\$200.00) conditioned that if the action of the board be  
450 affirmed by the chancery court, the applicant or license holder  
451 shall pay the costs of the appeal and the action of the chancery  
452 court.

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

457 (18) The granting of a license shall not be deemed a  
458 property right nor a guarantee of employment in any public school  
459 district. A license is a privilege indicating minimal eligibility  
460 for teaching in the public schools of Mississippi. This section

461 shall in no way alter or abridge the authority of local school  
462 districts to require greater qualifications or standards of  
463 performance as a prerequisite of initial or continued employment  
464 in such districts.

465 (19) In addition to the reasons specified in subsections  
466 (12) and (13) of this section, the board shall be authorized to  
467 suspend the license of any licensee for being out of compliance  
468 with an order for support, as defined in Section 93-11-153. The  
469 procedure for suspension of a license for being out of compliance  
470 with an order for support, and the procedure for the reissuance or  
471 reinstatement of a license suspended for that purpose, and the  
472 payment of any fees for the reissuance or reinstatement of a  
473 license suspended for that purpose, shall be governed by Section  
474 93-11-157 or 93-11-163, as the case may be. Actions taken by the  
475 board in suspending a license when required by Section 93-11-157  
476 or 93-11-163 are not actions from which an appeal may be taken  
477 under this section. Any appeal of a license suspension that is  
478 required by Section 93-11-157 or 93-11-163 shall be taken in  
479 accordance with the appeal procedure specified in Section  
480 93-11-157 or 93-11-163, as the case may be, rather than the  
481 procedure specified in this section. If there is any conflict  
482 between any provision of Section 93-11-157 or 93-11-163 and any  
483 provision of this chapter, the provisions of Section 93-11-157 or  
484 93-11-163, as the case may be, shall control.

485 SECTION 3. Section 37-61-33, Mississippi Code of 1972, is  
486 amended as follows:

487 **[Until July 1, 2002, this section reads as follows:]**

488 37-61-33. (1) There is \* \* \* created within the State  
489 Treasury a special fund to be designated the "Education  
490 Enhancement Fund" into which shall be deposited all the revenues  
491 collected pursuant to Sections 27-65-75(7) and (8), 27-67-31(a)  
492 and (b) and 27-103-203(1).

493 (2) Of the amount deposited into the Education Enhancement  
494 Fund, excluding revenues deposited pursuant to Section  
495 27-103-203(1), Sixteen Million Dollars (\$16,000,000.00) shall be  
496 appropriated each fiscal year to the State Department of Education  
497 to be distributed to all school districts. Such money shall be  
498 distributed to all school districts in the proportion that the  
499 average daily attendance of each school district bears to the  
500 average daily attendance of all school districts within the state  
501 for the following purposes:

502 (a) Purchasing, erecting, repairing, equipping,  
503 remodeling and enlarging school buildings and related facilities,  
504 including gymnasiums, auditoriums, lunchrooms, vocational training  
505 buildings, libraries, teachers' homes, school barns,  
506 transportation vehicles (which shall include new and used  
507 transportation vehicles) and garages for transportation vehicles,  
508 and purchasing land therefor.

509 (b) Establishing and equipping school athletic fields  
510 and necessary facilities connected therewith, and purchasing land  
511 therefor.

512 (c) Providing necessary water, light, heating, air  
513 conditioning and sewerage facilities for school buildings, and  
514 purchasing land therefor.

515 (d) As a pledge to pay all or a portion of the debt  
516 service on debt issued by the school district under Sections  
517 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351  
518 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302  
519 and 37-41-81, or debt issued by boards of supervisors for  
520 agricultural high schools pursuant to Section 37-27-65, if such  
521 pledge is accomplished pursuant to a written contract or  
522 resolution approved and spread upon the minutes of an official  
523 meeting of the district's school board or board of supervisors.  
524 The annual grant to such district in any subsequent year during  
525 the term of the resolution or contract shall not be reduced below



526 an amount equal to the district's grant amount for the year in  
527 which the contract or resolution was adopted. The intent of this  
528 provision is to allow school districts to irrevocably pledge a  
529 certain, constant stream of revenue as security for long-term  
530 obligations issued under the code sections enumerated in this  
531 paragraph or as otherwise allowed by law. It is the intent of the  
532 Legislature that the provisions of this paragraph shall be  
533 cumulative and supplemental to any existing funding programs or  
534 other authority conferred upon school districts or school boards.  
535 Debt of a district secured by a pledge of sales tax revenue  
536 pursuant to this paragraph shall not be subject to any debt  
537 limitation contained in the foregoing enumerated code sections.

538 (3) The remainder of the money deposited into the Education  
539 Enhancement Fund, excluding funds deposited pursuant to Section  
540 27-103-203(1), shall be appropriated as follows:

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

542 (i) Eight and thirty-five one-hundredths percent  
543 (8.35%) to be distributed to public school districts for the  
544 funding of textbooks and other educational materials and to be  
545 used by the State Department of Education for the purchase of  
546 textbooks to be loaned under Sections 37-43-1 through 37-43-59 to  
547 approved nonpublic schools, as described under Section 37-43-1.  
548 The amount of funds under this item to be used by the department  
549 for purchasing textbooks to loan to approved nonpublic schools  
550 shall be in the proportion that the average daily attendance of  
551 the nonpublic schools that are loaned textbooks by the state bears  
552 to the average daily attendance of all school districts in the  
553 state. The funds distributed to the school districts under this  
554 item shall be in the proportion that the average daily attendance  
555 of each school district bears to the average daily attendance of  
556 all school districts within the state and shall be used to assist  
557 in the funding of textbooks and other educational materials, to  
558 include not more than Two Million Dollars (\$2,000,000.00) each

559 year for technology enhancement projects for elementary and  
560 secondary education programs;

561 (ii) Seven and ninety-seven one-hundredths percent  
562 (7.97%) to assist the funding of transportation operations and  
563 maintenance pursuant to Section 37-19-23;

564 (iii) Eight and twenty-six one-hundredths percent  
565 (8.26%) to assist the funding of the Uniform Millage Assistance  
566 Grant Program pursuant to Section 37-22-1; and

567 (iv) Nine and sixty-one one-hundredths percent  
568 (9.61%) for classroom supplies, instructional materials and  
569 equipment, including computers and computer software, to be  
570 distributed to all school districts in the proportion that the  
571 average daily attendance of each school district bears to the  
572 average daily attendance of all school districts within the state.

573 Such funds shall not be expended for administrative purposes.

574 Local school districts shall allocate classroom supply funds

575 equally among all classroom teachers and Junior Reserve Officer

576 Training Corps (JROTC) instructors in the school district. For

577 purposes of this subparagraph, "teacher" shall mean any employee

578 of the school board of a school district who is required by law to

579 obtain a teacher's license from the State Board of Education and

580 who is assigned to an instructional area of work as defined by the

581 State Department of Education, but shall not include a federally

582 funded teacher. Two (2) or more teachers or JROTC instructors may

583 agree to pool their classroom supply funds for the benefit of a

584 school within the district pursuant to the development of a

585 spending plan that supports the overall goals of the school which

586 includes the type, quantity and quality of such supplies,

587 instructional materials, equipment, computers or computer

588 software. This plan shall be submitted, in writing, to the school

589 principal for approval. Classroom supply funds allocated under

590 this subparagraph shall supplement, not replace, other local and

591 state funds available for the same purposes. School districts

592 need not fully expend the funds received under this subparagraph  
593 in the year in which they are received, but such funds may be  
594 carried forward for expenditure in any succeeding school year.  
595 The State Board of Education shall develop and promulgate rules  
596 and regulations for the administration of this subparagraph  
597 consistent with the above criteria, with particular emphasis on  
598 allowing the individual teachers and JROTC instructors to expend  
599 funds as they deem appropriate, with minimum input from school  
600 principals;

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

604 (c) Fourteen and forty-one one-hundredths percent  
605 (14.41%) to the State Board for Community and Junior Colleges for  
606 the purpose of providing support to community and junior colleges.

607 (4) The amount remaining in the Education Enhancement Fund  
608 after funds are distributed as provided in subsections (2) and (3)  
609 of this section, excluding funds deposited pursuant to Section  
610 27-103-203(1), shall be disbursed as follows:

611 (a) Twenty-five Million Dollars (\$25,000,000.00) shall  
612 be deposited into the Working Cash-Stabilization Reserve Fund  
613 created pursuant to Section 27-103-203(1), until the balance in  
614 such fund reaches the maximum balance of seven and one-half  
615 percent (7-1/2%) of the General Fund appropriations in the  
616 appropriate fiscal year. After the maximum balance in the Working  
617 Cash-Stabilization Reserve Fund is reached, such money shall  
618 remain in the Education Enhancement Fund to be appropriated in the  
619 manner provided for in paragraph (b) of this section.

620 (b) The remainder shall be appropriated for other  
621 educational needs.

622 (5) None of the funds appropriated pursuant to subsection  
623 (3)(a) of this section shall be used to reduce the state's general

624 fund appropriation for the categories listed in an amount below  
625 the following amounts:

626           (a) For subsection (3)(a)(i) of this section, Six  
627 Million Three Hundred Thirty Thousand Nine Hundred Twenty Dollars  
628 (\$6,330,920.00);

629           (b) For subsection (3)(a)(ii) of this section  
630 Thirty-six Million Seven Hundred Thousand Dollars  
631 (\$36,700,000.00);

632           (c) For subsection (3)(a)(iii) of this section,  
633 Twenty-one Million Four Hundred Thousand Dollars (\$21,400,000.00);  
634 and

635           (d) For the aggregate of minimum program allotments  
636 provided for in Chapter 19, Title 37, Mississippi Code of 1972, as  
637 amended, excluding those funds for transportation as provided for  
638 in subsection (5)(b) herein.

639           (6) At the end of a fiscal year, such amounts as required by  
640 Section 27-103-203(1) to be transferred to the Education  
641 Enhancement Fund shall be deposited into the Education Enhancement  
642 Fund and shall be kept separate from other monies in the fund by  
643 the State Treasurer.\* \* \* The monies in such special fund  
644 deposited pursuant to \* \* \* Section 27-103-203(1) shall be subject  
645 to appropriation by the Legislature in the following manner: (a)  
646 fifty percent (50%) to support public education, including but not  
647 limited to, Grades K through 12, Mississippi Educational  
648 Television and/or the Mississippi Library Commission; (b)  
649 twenty-five percent (25%) to support institutions of higher  
650 learning; and (c) twenty-five percent (25%) to support the junior  
651 or community colleges. Any amount of such monies transferred into  
652 the separate fund pursuant to Section 27-103-203(1) which is not  
653 appropriated by the Legislature shall not lapse but shall carry  
654 over and be subject to appropriation by the Legislature in the  
655 succeeding fiscal year in the same manner provided in this  
656 subsection \* \* \*. The interest earned on the investment of such

657 monies transferred pursuant to Section 27-103-203(1) shall be paid  
658 into the separate fund within the Education Enhancement Fund.

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

660 37-61-33. (1) There is \* \* \* created within the State  
661 Treasury a special fund to be designated the "Education  
662 Enhancement Fund" into which shall be deposited all the revenues  
663 collected pursuant to Sections 27-65-75(7) and (8), 27-67-31(a)  
664 and (b) and 27-103-203(1).

665 (2) Of the amount deposited into the Education Enhancement  
666 Fund, excluding revenues deposited pursuant to Section  
667 27-103-203(1), Sixteen Million Dollars (\$16,000,000.00) shall be  
668 appropriated each fiscal year to the State Department of Education  
669 to be distributed to all school districts. Such money shall be  
670 distributed to all school districts in the proportion that the  
671 average daily attendance of each school district bears to the  
672 average daily attendance of all school districts within the state  
673 for the following purposes:

674 (a) Purchasing, erecting, repairing, equipping,  
675 remodeling and enlarging school buildings and related facilities,  
676 including gymnasiums, auditoriums, lunchrooms, vocational training  
677 buildings, libraries, teachers' homes, school barns,  
678 transportation vehicles (which shall include new and used  
679 transportation vehicles) and garages for transportation vehicles,  
680 and purchasing land therefor.

681 (b) Establishing and equipping school athletic fields  
682 and necessary facilities connected therewith, and purchasing land  
683 therefor.

684 (c) Providing necessary water, light, heating, air  
685 conditioning and sewerage facilities for school buildings, and  
686 purchasing land therefor.

687 (d) As a pledge to pay all or a portion of the debt  
688 service on debt issued by the school district under Sections  
689 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351

690 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302  
691 and 37-41-81, or debt issued by boards of supervisors for  
692 agricultural high schools pursuant to Section 37-27-65, if such  
693 pledge is accomplished pursuant to a written contract or  
694 resolution approved and spread upon the minutes of an official  
695 meeting of the district's school board or board of supervisors.  
696 The annual grant to such district in any subsequent year during  
697 the term of the resolution or contract shall not be reduced below  
698 an amount equal to the district's grant amount for the year in  
699 which the contract or resolution was adopted. The intent of this  
700 provision is to allow school districts to irrevocably pledge a  
701 certain, constant stream of revenue as security for long-term  
702 obligations issued under the code sections enumerated in this  
703 paragraph or as otherwise allowed by law. It is the intent of the  
704 Legislature that the provisions of this paragraph shall be  
705 cumulative and supplemental to any existing funding programs or  
706 other authority conferred upon school districts or school boards.  
707 Debt of a district secured by a pledge of sales tax revenue  
708 pursuant to this paragraph shall not be subject to any debt  
709 limitation contained in the foregoing enumerated code sections.

710 (3) The remainder of the money deposited into the Education  
711 Enhancement Fund, excluding funds deposited pursuant to Section  
712 27-103-203(1), shall be appropriated as follows:

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

714 (i) Sixteen and sixty-one one-hundredths percent  
715 (16.61%) to the cost of the adequate education program determined  
716 under Section 37-151-7;

717 (ii) Seven and ninety-seven one-hundredths percent  
718 (7.97%) to assist the funding of transportation operations and  
719 maintenance pursuant to Section 37-19-23; and

720 (iii) Nine and sixty-one one-hundredths percent  
721 (9.61%) for classroom supplies, instructional materials and  
722 equipment, including computers and computer software, to be

723 distributed to all school districts in the proportion that the  
724 average daily attendance of each school district bears to the  
725 average daily attendance of all school districts within the state.  
726 It is the intent of the Legislature that all classroom teachers  
727 and Junior Reserve Officer Training Corps (JROTC) instructors  
728 shall be involved in the development of a spending plan that  
729 addresses individual classroom needs and supports the overall  
730 goals of the school regarding supplies, instructional materials,  
731 equipment, computers or computer software under the provisions of  
732 this subparagraph, including the type, quantity and quality of  
733 such supplies, materials and equipment. This plan shall be  
734 submitted to the school principal for approval. School districts  
735 need not fully expend the funds received under this subparagraph  
736 in the year in which they are received, but such funds may be  
737 carried forward for expenditure in any succeeding school year;

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

741 (c) Fourteen and forty-one one-hundredths percent  
742 (14.41%) to the State Board for Community and Junior Colleges for  
743 the purpose of providing support to community and junior colleges.

744 (4) The amount remaining in the Education Enhancement Fund  
745 after funds are distributed as provided in subsections (2) and (3)  
746 of this section, excluding funds deposited pursuant to Section  
747 27-103-203(1), shall be disbursed as follows:

748 (a) Twenty-five Million Dollars (\$25,000,000.00) shall  
749 be deposited into the Working Cash-Stabilization Reserve Fund  
750 created pursuant to Section 27-103-203(1), until the balance in  
751 such fund reaches the maximum balance of seven and one-half  
752 percent (7-1/2%) of the General Fund appropriations in the  
753 appropriate fiscal year. After the maximum balance in the Working  
754 Cash-Stabilization Reserve Fund is reached, such money shall

755 remain in the Education Enhancement Fund to be appropriated in the  
756 manner provided for in paragraph (b) of this section.

757 (b) The remainder shall be appropriated for other  
758 educational needs.

759 (5) None of the funds appropriated pursuant to subsection  
760 (3)(a) of this section shall be used to reduce the state's general  
761 fund appropriation for the categories listed in an amount below  
762 the following amounts:

763 (a) For subsection (3)(a)(ii) of this section  
764 Thirty-six Million Seven Hundred Thousand Dollars  
765 (\$36,700,000.00); and

766 (b) For the aggregate of minimum program allotments in  
767 the 1997 fiscal year, formerly provided for in Chapter 19, Title  
768 37, Mississippi Code of 1972, as amended, excluding those funds  
769 for transportation as provided for in subsection (5)(a) herein.

770 (6) At the end of a fiscal year, such amounts as required by  
771 Section 27-103-203(1) to be transferred to the Education  
772 Enhancement Fund shall be deposited into the Education Enhancement  
773 Fund and shall be kept separate from other monies in the fund by  
774 the State Treasurer. \* \* \* The monies in such special fund  
775 deposited pursuant to said Section 27-103-203(1) shall be subject  
776 to appropriation by the Legislature in the following manner: (a)  
777 fifty percent (50%) to support public education, including but not  
778 limited to, Grades K through 12, Mississippi Educational  
779 Television and/or the Mississippi Library Commission; (b)  
780 twenty-five percent (25%) to support institutions of higher  
781 learning; and (c) twenty-five percent (25%) to support the junior  
782 or community colleges. Any amount of such monies transferred into  
783 the separate fund pursuant to Section 27-103-203(1) which is not  
784 appropriated by the Legislature shall not lapse but shall carry  
785 over and be subject to appropriation by the Legislature in the  
786 succeeding fiscal year in the same manner provided in this  
787 subsection \* \* \*. The interest earned on the investment of such



788 monies transferred pursuant to Section 27-103-203(1) shall be paid  
789 into said separate fund within the Education Enhancement Fund.

790       SECTION 4. There is established within the State Department  
791 of Education a Junior Reserve Officer Training Corps (JROTC) grant  
792 program available to public schools to assist in financing JROTC  
793 programs. The school board of a local school district may apply  
794 annually to the department on behalf of a high school or high  
795 schools within that district which have a JROTC program for a  
796 grant in the amount of Five Hundred Dollars (\$500.00) for each  
797 JROTC program per school year. The department shall create a  
798 grant application form and shall designate the date by which  
799 applications must be received by the department. In order to be  
800 eligible for a grant under the program during any school year, the  
801 school district or high school receiving the grant must agree to  
802 provide to the school's JROTC program Five Hundred Dollars  
803 (\$500.00) from local school funds. Funds received through the  
804 JROTC grant program may be used for expenses associated with a  
805 high school's JROTC program, including: supplies; travel costs  
806 for students and instructors on official JROTC sponsored trips or  
807 attending JROTC functions; instructional materials; JROTC  
808 uniforms; official JROTC sponsored social events; and any other  
809 expenses incurred in the operations of the JROTC program.

810       SECTION 5. Students who participate in the Junior Reserve  
811 Officer Training Corps (JROTC) program shall be required to  
812 complete the core curriculum defined by the State Board of  
813 Education. In addition, a student who successfully completes four  
814 (4) years in the JROTC program must be awarded credit for one (1)  
815 additional high school unit earned through the JROTC program,  
816 which unit must apply toward, and must be recognized by the State  
817 Board of Education in fulfillment of, the local school district's  
818 graduation requirements.

819       SECTION 6. (1) There is established a Junior Reserve  
820 Officer Training Corps (ROTC) scholarship program, the purpose of

821 which is to encourage and aid eligible high school graduates to  
822 continue their participation in an ROTC program while pursuing a  
823 college education.

824 (2) Any student classified as a freshman or sophomore at a  
825 baccalaureate degree-granting institution of higher learning in  
826 the state accredited by the Southern Association of Colleges and  
827 Schools and approved by the Mississippi Commission on College  
828 Accreditation or an accredited, nonprofit community or junior  
829 college in the state who graduated from a high school in  
830 Mississippi and who maintained a 2.00 grade point average  
831 calculated on a 4.00 scale in a Junior ROTC program for four (4)  
832 years in high school may apply for a scholarship under this  
833 program. An application must be accompanied by written letters of  
834 recommendation from the principal and Junior ROTC instructor of  
835 the high school from which the applicant graduated and any other  
836 information that may be required pursuant to rules or regulations  
837 established under subsection (5) of this section. In order to be  
838 eligible for a scholarship, an applicant must enroll in an ROTC  
839 program at the institution in which the applicant is enrolled or  
840 accepted for enrollment.

841 (3) The maximum annual scholarship that may be awarded to a  
842 student under this program is One Thousand Dollars (\$1,000.00) per  
843 academic year. For purposes of this section, the term "academic  
844 year" means August 1 through the next succeeding July 31. The  
845 Junior ROTC scholarship is additional to any other scholarship or  
846 financial aid that the student receives and may be used for any  
847 expenses associated with the student pursuing a higher education.  
848 A student may not receive more than two (2) annual awards under  
849 the Junior ROTC scholarship program.

850 (4) As a condition for renewal of a scholarship, a student  
851 must make steady academic progress toward a certificate or  
852 associate or baccalaureate degree, as certified by the  
853 institution's registrar, and must maintain a cumulative grade

854 point average of at least 2.50 calculated on a 4.00 scale at the  
855 end of each term. In addition, the student must maintain a 3.00  
856 grade point average calculated on a 4.00 scale in the ROTC  
857 program.

858 (5) The Board of Trustees of State Institutions of Higher  
859 Learning and the State Board of Education jointly shall promulgate  
860 rules and regulations necessary to carry out the purposes and  
861 intent of this section. The Board of Trustees of State  
862 Institutions of Higher Learning shall be the administering agency  
863 of the program.

864 (6) It is the intent of the Legislature to fully fund  
865 scholarships to eligible students under this program. If funds  
866 are insufficient to fully fund scholarships to all eligible  
867 applicants, the board shall award the scholarships to first-time  
868 students on a first-come, first-served basis; however, priority  
869 consideration must be given to persons previously receiving awards  
870 under the program.

871 SECTION 7. This act shall take effect and be in force from  
872 and after July 1, 2001.