

By: Senator(s) Hewes, Gollott

To: Universities and
Colleges

SENATE BILL NO. 2803

1 AN ACT TO PROVIDE FOR THE ABOLISHMENT OF THE STATE BOARD FOR
 2 COMMUNITY AND JUNIOR COLLEGES AND THE BOARDS OF TRUSTEES OF THE
 3 COMMUNITY AND JUNIOR COLLEGE DISTRICTS; TO TRANSFER THE POWERS AND
 4 DUTIES OF THE STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES TO THE
 5 BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING; TO
 6 AMEND SECTIONS 37-4-3, 37-29-413 AND 37-101-15, MISSISSIPPI CODE
 7 OF 1972, IN CONFORMITY THERETO; TO AUTHORIZE THE BOARD OF TRUSTEES
 8 OF STATE INSTITUTIONS OF HIGHER LEARNING TO OFFER UNDERGRADUATE
 9 AND POSTGRADUATE LEVEL COURSES AT ANY CAMPUS IN THE MISSISSIPPI
 10 GULF COAST COMMUNITY COLLEGE DISTRICT; TO AMEND SECTIONS 25-3-39,
 11 25-9-107, 25-15-9, 29-1-205, 37-3-2, 37-4-9, 37-4-11, 37-11-17,
 12 37-13-92, 37-29-69, 37-29-71, 37-29-169, 37-29-268, 37-31-205,
 13 37-35-1, 37-35-5 THROUGH 37-35-11, 37-61-33, 37-63-3, 37-101-3,
 14 37-102-3, 37-106-9, 37-149-1, 37-151-17, 37-151-69, 37-151-75,
 15 37-153-7, 37-155-9, 37-157-1, 41-87-5, 43-1-30, 45-4-3, 69-2-5,
 16 75-59-1, 75-60-3 THROUGH 75-60-5, 75-60-19 AND 75-60-43,
 17 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS
 18 ACT; TO REPEAL SECTION 37-4-4, MISSISSIPPI CODE OF 1972, WHICH
 19 REQUIRES THE COMMISSIONER OF HIGHER EDUCATION TO ATTEND MEETINGS
 20 OF THE STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES, SECTION
 21 37-4-5, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE MEANING
 22 OF THE TERM "JUNIOR COLLEGE COMMISSION," AND SECTION 37-4-7,
 23 MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE STATE BOARD FOR
 24 COMMUNITY AND JUNIOR COLLEGES TO STUDY THE FEASIBILITY OF
 25 IMPLEMENTING A UNIFORM STATE EMPLOYMENT CONTRACT; AND FOR RELATED
 26 PURPOSES.

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

28 **SECTION 1.** (1) From and after July 1, 2002, the State Board
 29 for Community and Junior Colleges is abolished, and all powers,
 30 duties and responsibilities of the State Board for Community and
 31 Junior Colleges are transferred to the Board of Trustees of State
 32 Institutions of Higher Learning. All records, property,
 33 contractual rights and obligations, unexpended balances of
 34 appropriations, allocations or other funds of the State Board for
 35 Community and Junior Colleges are transferred to the Board of
 36 Trustees of State Institutions of Higher Learning.

37 (2) All references in the laws of this state to the "State
 38 Board for Community and Junior Colleges" or to the "board" when
 39 referring to the State Board for Community and Junior Colleges



40 means the Board of Trustees of State Institutions of Higher
41 Learning.

42 **SECTION 2.** Section 37-4-3, Mississippi Code of 1972, is
43 amended as follows:

44 37-4-3. (1) From and after July 1, 2002, the Board of
45 Trustees of State Institutions of Higher Learning * * * shall
46 receive and distribute funds appropriated by the Legislature for
47 the use of the public community and junior colleges and funds from
48 federal and other sources that are transmitted through the state
49 governmental organization for use by said colleges. The Board of
50 Trustees of State Institutions of Higher Learning shall provide
51 general coordination of the public community and junior colleges,
52 assemble reports and such other duties as may be prescribed by
53 law.

54 * * *

55 (2) The powers and duties of the Board of Trustees of State
56 Institutions of Higher Learning specifically relating to the
57 community colleges shall be:

58 (a) To authorize disbursements of state appropriated
59 funds to community and junior colleges through orders in the
60 minutes of the board.

61 (b) To make studies of the needs of the state as they
62 relate to the mission of the community and junior colleges.

63 (c) To approve new, changes to and deletions of
64 vocational and technical programs to the various colleges.

65 (d) To require community and junior colleges to supply
66 such information as the board of trustees may request and compile,
67 publish and make available such reports based thereon as the board
68 of trustees may deem advisable.

69 (e) To approve proposed new attendance centers (campus
70 locations) as the local boards of trustees should determine to be
71 in the best interest of the district. Provided, however, that no



72 new community/junior college branch campus shall be approved
73 without an authorizing act of the Legislature.

74 (f) To serve as the state approving agency for federal
75 funds for proposed contracts to borrow money for the purpose of
76 acquiring land, erecting, repairing, etc. dormitories, dwellings
77 or apartments for students and/or faculty, such loans to be paid
78 from revenue produced by such facilities as requested by local
79 boards of trustees.

80 (g) To approve applications from community and junior
81 colleges for state funds for vocational-technical education
82 facilities.

83 (h) To approve any university branch campus offering
84 lower undergraduate level courses for credit.

85 (i) To appoint members to the Post-Secondary
86 Educational Assistance Board.

87 (j) To appoint members to the Authority for Educational
88 Television.

89 (k) To contract with other boards, commissions,
90 governmental entities, foundations, corporations or individuals
91 for programs, services, grants and awards when such are needed for
92 the operation and development of the state public community and
93 junior college system.

94 (l) To fix standards for community and junior colleges
95 to qualify for appropriations, and qualifications for community
96 and junior college teachers.

97 (m) To have sign-off approval on the State Plan for
98 Vocational Education which is developed in cooperation with
99 appropriate units of the State Department of Education.

100 (n) To approve or disapprove of any proposed inclusion
101 within municipal corporate limits of state-owned buildings and
102 grounds of any community college or junior college and to approve
103 or disapprove of land use development, zoning requirements,
104 building codes and delivery of governmental services applicable to



105 state-owned buildings and grounds of any community college or
106 junior college. Any agreement by a local board of trustees of a
107 community college or junior college to annexation of state-owned
108 property or other conditions described in this paragraph shall be
109 void unless approved by the board of trustees and by the board of
110 supervisors of the county in which the state-owned property is
111 located.

112 **SECTION 3.** Section 37-29-413, Mississippi Code of 1972, is
113 amended as follows:

114 37-29-413. The Mississippi Gulf Coast Junior College
115 District is hereby authorized and empowered to operate junior
116 college attendance centers at Perkinston, Mississippi, in the
117 vicinity of Gulfport and Biloxi and in the vicinity of Pascagoula
118 and Moss Point and at such other places within the district,
119 subject to the approval of the Board of Trustees of State
120 Institutions of Higher Learning, and may offer undergraduate and
121 postgraduate courses at the various campuses.

122 **SECTION 4.** Section 37-101-15, Mississippi Code of 1972, is
123 amended as follows:

124 37-101-15. (a) The Board of Trustees of State Institutions
125 of Higher Learning shall succeed to and continue to exercise
126 control of all records, books, papers, equipment, and supplies,
127 and all lands, buildings, and other real and personal property
128 belonging to or assigned to the use and benefit of the board of
129 trustees formerly supervising and controlling the institutions of
130 higher learning named in Section 37-101-1. The board shall have
131 and exercise control of the use, distribution and disbursement of
132 all funds, appropriations and taxes, now and hereafter in
133 possession, levied and collected, received, or appropriated for
134 the use, benefit, support, and maintenance or capital outlay
135 expenditures of the community colleges and institutions of higher
136 learning, including the authorization of employees to sign
137 vouchers for the disbursement of funds for the various community



138 colleges and institutions, except where otherwise specifically
139 provided by law.

140 (b) The board shall have general supervision of the affairs
141 of all the community colleges and institutions of higher learning,
142 including the departments and the schools thereof. The board
143 shall have the power in its discretion to determine who shall be
144 privileged to enter, to remain in, or to graduate therefrom. The
145 board shall have general supervision of the conduct of libraries
146 and laboratories, the care of dormitories, buildings, and grounds;
147 the business methods and arrangement of accounts and records; the
148 organization of the administrative plan of each college and
149 institution; and all other matters incident to the proper
150 functioning of the community colleges and institutions. The board
151 shall have the authority to establish minimum standards of
152 achievement as a prerequisite for entrance into any of the
153 community colleges and institutions under its jurisdiction, which
154 standards need not be uniform between the various community
155 colleges and institutions and which may be based upon such
156 criteria as the board may establish.

157 (c) The board shall exercise all the powers and prerogatives
158 conferred upon it under the laws establishing and providing for
159 the operation of the several community colleges and
160 institutions * * *. The board shall adopt such bylaws and
161 regulations from time to time as it deems expedient for the proper
162 supervision and control of the several community colleges and
163 institutions of higher learning, insofar as such bylaws and
164 regulations are not repugnant to the Constitution and laws, and
165 not inconsistent with the object for which these community
166 colleges and institutions were established. The board shall have
167 power and authority to prescribe rules and regulations for
168 policing the campuses and all buildings of the respective
169 community colleges and institutions, to authorize the arrest of
170 all persons violating on any campus any criminal law of the state,



171 and to have such law violators turned over to the civil
172 authorities.

173 (d) For all community colleges and institutions * * *, the
174 board shall provide a uniform system of recording and of
175 accounting approved by the State Department of Audit. The board
176 shall annually prepare, or cause to be prepared, a budget for each
177 community college and institution of higher learning for the
178 succeeding year which must be prepared and in readiness for at
179 least thirty (30) days before the convening of the regular session
180 of the Legislature. All relationships and negotiations between
181 the state Legislature and its various committees and the community
182 colleges and institutions * * * shall be carried on through the
183 board of trustees. No official, employee or agent representing
184 any of the separate community colleges or institutions shall
185 appear before the Legislature or any committee thereof except upon
186 the written order of the board or upon the request of the
187 Legislature or a committee thereof.

188 (e) For all community colleges and institutions * * *, the
189 board shall prepare an annual report to the Legislature setting
190 forth the disbursements of all monies appropriated to the
191 respective community colleges and institutions. Each report to
192 the Legislature shall show how the money appropriated to the
193 several community colleges and institutions has been expended,
194 beginning and ending with the fiscal years of the community
195 colleges and institutions, showing the name of each teacher,
196 officer, and employee, and the salary paid each, and an itemized
197 statement of each and every item of receipts and expenditures.
198 Each report must be balanced, and must begin with the former
199 balance. If any property belonging to the state or the community
200 college or institution is used for profit, the reports shall show
201 the expense incurred in managing the property and the amount
202 received therefrom. The reports shall also show a summary of the
203 gross receipts and gross disbursements for each year and shall



204 show the money on hand at the beginning of the fiscal period of
205 the community college and institution next preceding each session
206 of the Legislature and the necessary amount of expense to be
207 incurred from said date to January 1 following. The board shall
208 keep the annual expenditures of each community college and
209 institution * * * within the income derived from legislative
210 appropriations and other sources, but in case of emergency arising
211 from acts of providence, epidemics, fire or storm with the written
212 approval of the Governor and by written consent of a majority of
213 the Senators and of the Representatives it may exceed the income.
214 The board shall require a surety bond in a surety company
215 authorized to do business in this state, of every employee who is
216 the custodian of funds belonging to one or more of the community
217 colleges and institutions * * *, which bond shall be in a sum to
218 be fixed by the board in an amount that will properly safeguard
219 the said funds, the premium for which shall be paid out of the
220 funds appropriated for said community colleges and institutions.

221 (f) The board shall have the power and authority to elect
222 the heads of the various community colleges and institutions of
223 higher learning and to contract with all deans, professors, and
224 other members of the teaching staff, and all administrative
225 employees of said community colleges and institutions for a term
226 of not exceeding four (4) years. The board shall have the power
227 and authority to terminate any such contract at any time for
228 malfeasance, inefficiency, or contumacious conduct, but never for
229 political reasons. It shall be the policy of the board to permit
230 the executive head of each community college and institution to
231 nominate for election by the board all subordinate employees of
232 the community college or institution over which he presides. It
233 shall be the policy of the board to elect all officials for a
234 definite tenure of service and to reelect during the period of
235 satisfactory service. The board shall have the power to make any
236 adjustments it thinks necessary between the various departments



237 and schools of any community college or institution or between the
238 different community colleges and institutions.

239 (g) The board shall keep complete minutes and records of all
240 proceedings which shall be open for inspection by any citizen of
241 the state.

242 (h) The board shall have the power to contract, on a
243 shared-savings, lease or lease-purchase basis, for energy
244 efficiency services and/or equipment as prescribed in Section
245 31-7-14, not to exceed ten (10) years.

246 (i) The Board of Trustees of State Institutions of Higher
247 Learning, for and on behalf of Jackson State University, is hereby
248 authorized to convey by donation or otherwise easements across
249 portions of certain real estate located in the City of Jackson,
250 Hinds County, Mississippi, for right-of-way required for the Metro
251 Parkway Project.

252 (j) From and after July 1, 2001, the Board of Trustees of
253 State Institutions of Higher Learning shall exercise control of
254 all records, books, papers, equipment and supplies, and all lands,
255 buildings and other real and personal property belonging to or
256 assigned to the use and benefit of the State Board for Community
257 and Junior Colleges on June 30, 2001. The Board of Trustees of
258 State Institutions of Higher Learning shall exercise all powers
259 and duties granted by law which, on June 30, 2001, were exercised
260 by the State Board for Community and Junior Colleges.

261 (k) The Board of Trustees of State Institutions of Higher
262 Learning is empowered and authorized to offer such lower
263 undergraduate level freshman, sophomore, junior and senior courses
264 that may be required for completion of the universities'
265 bachelor's degree programs at any campus in the Mississippi Gulf
266 Coast Community College District, and to offer graduate and
267 postgraduate level courses on such campus that may be required for
268 universities' masters and doctorate programs.



269 **SECTION 5.** Section 25-3-39, Mississippi Code of 1972, is
270 amended as follows:

271 25-3-39. (1) No public officer, public employee,
272 administrator, or executive head of any arm or agency of the
273 state, in the executive branch of government, shall be paid a
274 salary or compensation, directly or indirectly, in excess of the
275 salary fixed in Section 25-3-31 for the Governor. All academic
276 officials, members of the teaching staffs and employees of the
277 state institutions of higher learning, * * * and community and
278 junior colleges, and licensed physicians who are public employees,
279 shall be exempt from this subsection. In addition, the Executive
280 Director of the Department of Economic and Community Development
281 and the Chief of Staff of the Governor's Office shall be exempt
282 from this subsection. The Governor shall fix the annual salary of
283 the Executive Director of the Department of Economic and Community
284 Development and the annual salary of the Chief of Staff of the
285 Governor's Office, which salaries shall be completely paid by the
286 state and may not be supplemented with any funds from any source,
287 including federal or private funds. Provided, however, that the
288 salary of the Executive Director of the Department of Economic and
289 Community Development and the Governor's Chief of Staff shall not
290 be greater than fifty percent (50%) in excess of the salary of the
291 Governor.

292 (2) No public officer, employee or administrator shall be
293 paid a salary or compensation, directly or indirectly, in excess
294 of the salary of the executive head of the state agency or
295 department in which he is employed. The State Personnel Board,
296 based upon its findings of fact, may exempt physicians and
297 actuaries from this subsection when the acquisition of such
298 professional services is precluded based on the prevailing wage in
299 the relevant labor market.

300 **SECTION 6.** Section 25-9-107, Mississippi Code of 1972, is
301 amended as follows:



302 25-9-107. The following terms, when used in this chapter,
303 unless a different meaning is plainly required by the context,
304 shall have the following meanings:

305 (a) "Board" shall mean the State Personnel Board
306 created under the provisions of this chapter.

307 (b) "State service" shall mean all employees of state
308 departments, agencies and institutions as defined herein, except
309 those officers and employees excluded by this chapter.

310 (c) "Nonstate service" shall mean the following
311 officers and employees excluded from the state service by this
312 chapter. The following are excluded from the state service:

313 (i) Members of the state Legislature, their staffs
314 and other employees of the legislative branch;

315 (ii) The Governor and staff members of the
316 immediate Office of the Governor;

317 (iii) Justices and judges of the judicial branch
318 or members of appeals boards on a per diem basis;

319 (iv) The Lieutenant Governor, staff members of the
320 immediate Office of the Lieutenant Governor and officers and
321 employees directly appointed by the Lieutenant Governor;

322 (v) Officers and officials elected by popular vote
323 and persons appointed to fill vacancies in elective offices;

324 (vi) Members of boards and commissioners appointed
325 by the Governor, Lieutenant Governor or the state Legislature;

326 (vii) All academic officials, members of the
327 teaching staffs and employees of the state institutions of higher
328 learning * * * and community and junior colleges;

329 (viii) Officers and enlisted members of the
330 National Guard of the state;

331 (ix) Prisoners, inmates, student or patient help
332 working in or about institutions;

333 (x) Contract personnel; provided, that any agency
334 which employs state service employees may enter into contracts for



335 personal and professional services only if such contracts are
336 approved in compliance with the rules and regulations promulgated
337 by the State Personal Service Contract Review Board under Section
338 25-9-120(3). Before paying any warrant for such contractual
339 services in excess of One Hundred Thousand Dollars (\$100,000.00),
340 the Auditor of Public Accounts, or the successor to those duties,
341 shall determine whether the contract involved was for personal or
342 professional services, and, if so, was approved by the State
343 Personal Service Contract Review Board;

344 (xi) Part-time employees; provided, however,
345 part-time employees shall only be hired into authorized employment
346 positions classified by the board, shall meet minimum
347 qualifications as set by the board, and shall be paid in
348 accordance with the Variable Compensation Plan as certified by the
349 board;

350 (xii) Persons appointed on an emergency basis for
351 the duration of the emergency; the effective date of the emergency
352 appointments shall not be earlier than the date approved by the
353 State Personnel Director, and shall be limited to thirty (30)
354 working days. Emergency appointments may be extended to sixty
355 (60) working days by the State Personnel Board;

356 (xiii) Physicians, dentists, veterinarians, nurse
357 practitioners and attorneys, while serving in their professional
358 capacities in authorized employment positions who are required by
359 statute to be licensed, registered or otherwise certified as such,
360 provided that the State Personnel Director shall verify that the
361 statutory qualifications are met prior to issuance of a payroll
362 warrant by the auditor;

363 (xiv) Personnel who are employed and paid from
364 funds received from a federal grant program which has been
365 approved by the Legislature or the Department of Finance and
366 Administration whose length of employment has been determined to
367 be time-limited in nature. This subparagraph shall apply to



368 personnel employed under the provisions of the Comprehensive
369 Employment and Training Act of 1973, as amended, and other special
370 federal grant programs which are not a part of regular federally
371 funded programs wherein appropriations and employment positions
372 are appropriated by the Legislature. Such employees shall be paid
373 in accordance with the Variable Compensation Plan and shall meet
374 all qualifications required by federal statutes or by the
375 Mississippi Classification Plan;

376 (xv) The administrative head who is in charge of
377 any state department, agency, institution, board or commission,
378 wherein the statute specifically authorizes the Governor, board,
379 commission or other authority to appoint said administrative head;
380 provided, however, that the salary of such administrative head
381 shall be determined by the State Personnel Board in accordance
382 with the Variable Compensation Plan unless otherwise fixed by
383 statute;

384 (xvi) The State Personnel Board shall exclude top
385 level positions if the incumbents determine and publicly advocate
386 substantive program policy and report directly to the agency head,
387 or the incumbents are required to maintain a direct confidential
388 working relationship with a key excluded official. Provided
389 further, a written job classification shall be approved by the
390 board for each such position, and positions so excluded shall be
391 paid in conformity with the Variable Compensation Plan;

392 (xvii) Employees whose employment is solely in
393 connection with an agency's contract to produce, store or
394 transport goods, and whose compensation is derived therefrom;

395 (xviii) Repealed;

396 (xix) The associate director, deputy directors and
397 bureau directors within the Department of Agriculture and
398 Commerce;

399 (xx) Personnel employed by the Mississippi
400 Industries for the Blind; provided, that any agency may enter into



401 contracts for the personal services of MIB employees without the
402 prior approval of the State Personnel Board or the State Personal
403 Service Contract Review Board; however, any agency contracting for
404 the personal services of an MIB employee shall provide the MIB
405 employee with not less than the entry level compensation and
406 benefits that the agency would provide to a full-time employee of
407 the agency who performs the same services.

408 (d) "Agency" means any state board, commission,
409 committee, council, department or unit thereof created by the
410 Constitution or statutes if such board, commission, committee,
411 council, department, unit or the head thereof, is authorized to
412 appoint subordinate staff by the Constitution or statute, except a
413 legislative or judicial board, commission, committee, council,
414 department or unit thereof.

415 **SECTION 7.** Section 25-15-9, Mississippi Code of 1972, is
416 amended as follows:

417 25-15-9. (1) (a) The board shall design a plan of health
418 insurance for state employees which provides benefits for
419 semiprivate rooms in addition to other incidental coverages which
420 the board deems necessary. The amount of the coverages shall be
421 in such reasonable amount as may be determined by the board to be
422 adequate, after due consideration of current health costs in
423 Mississippi. The plan shall also include major medical benefits
424 in such amounts as the board shall determine. The board is also
425 authorized to accept bids for such alternate coverage and optional
426 benefits as the board shall deem proper. Any contract for
427 alternative coverage and optional benefits shall be awarded by the
428 board after it has carefully studied and evaluated the bids and
429 selected the best and most cost-effective bid. The board may
430 reject all such bids; however, the board shall notify all bidders
431 of the rejection and shall actively solicit new bids if all bids
432 are rejected. The board may employ or contract for such
433 consulting or actuarial services as may be necessary to formulate



434 the plan, and to assist the board in the preparation of
435 specifications and in the process of advertising for the bids for
436 the plan. Such contracts shall be solicited and entered into in
437 accordance with Section 25-15-5. The board shall keep a record of
438 all persons, agents and corporations who contract with or assist
439 the board in preparing and developing the plan. The board in a
440 timely manner shall provide copies of this record to the members
441 of the advisory council created in this section and those
442 legislators, or their designees, who may attend meetings of the
443 advisory council. The board shall provide copies of this record
444 in the solicitation of bids for the administration or servicing of
445 the self-insured program. Each person, agent or corporation
446 which, during the previous fiscal year, has assisted in the
447 development of the plan or employed or compensated any person who
448 assisted in the development of the plan, and which bids on the
449 administration or servicing of the plan, shall submit to the board
450 a statement accompanying the bid explaining in detail its
451 participation with the development of the plan. This statement
452 shall include the amount of compensation paid by the bidder to any
453 such employee during the previous fiscal year. The board shall
454 make all such information available to the members of the advisory
455 council and those legislators, or their designees, who may attend
456 meetings of the advisory council before any action is taken by the
457 board on the bids submitted. The failure of any bidder to fully
458 and accurately comply with this paragraph shall result in the
459 rejection of any bid submitted by that bidder or the cancellation
460 of any contract executed when the failure is discovered after the
461 acceptance of that bid. The board is authorized to promulgate
462 rules and regulations to implement the provisions of this
463 subsection.

464 The board shall develop plans for the insurance plan
465 authorized by this section in accordance with the provisions of
466 Section 25-15-5.



467 Any corporation, association, company or individual that
468 contracts with the board for the third-party claims administration
469 of the self-insured plan shall prepare and keep on file an
470 explanation of benefits for each claim processed. The explanation
471 of benefits shall contain such information relative to each
472 processed claim which the board deems necessary, and, at a
473 minimum, each explanation shall provide the claimant's name, claim
474 number, provider number, provider name, service dates, type of
475 services, amount of charges, amount allowed to the claimant and
476 reason codes. The information contained in the explanation of
477 benefits shall be available for inspection upon request by the
478 board. The board shall have access to all claims information
479 utilized in the issuance of payments to employees and providers.

480 (b) There is created an advisory council to advise the
481 board in the formulation of the State and School Employees Health
482 Insurance Plan. The council shall be composed of the State
483 Insurance Commissioner or his designee, an employee-representative
484 of the institutions of higher learning appointed by the board of
485 trustees thereof, an employee-representative of the Department of
486 Transportation appointed by the director thereof, an
487 employee-representative of the State Tax Commission appointed by
488 the Commissioner of Revenue, an employee-representative of the
489 Mississippi Department of Health appointed by the State Health
490 Officer, an employee-representative of the Mississippi Department
491 of Corrections appointed by the Commissioner of Corrections, and
492 an employee-representative of the Department of Human Services
493 appointed by the Executive Director of Human Services, two (2)
494 certificated public school administrators appointed by the State
495 Board of Education, two (2) certificated classroom teachers
496 appointed by the State Board of Education, a noncertificated
497 school employee appointed by the State Board of Education and a
498 community/junior college employee appointed by the Board of
499 Trustees of State Institutions of Higher Learning.



500 The Lieutenant Governor may designate the Secretary of the
501 Senate, the Chairman of the Senate Appropriations Committee, the
502 Chairman of the Senate Education Committee and the Chairman of the
503 Senate Insurance Committee, and the Speaker of the House of
504 Representatives may designate the Clerk of the House, the Chairman
505 of the House Appropriations Committee, the Chairman of the House
506 Education Committee and the Chairman of the House Insurance
507 Committee, to attend any meeting of the State and School Employees
508 Insurance Advisory Council. The appointing authorities may
509 designate an alternate member from their respective houses to
510 serve when the regular designee is unable to attend such meetings
511 of the council. Such designees shall have no jurisdiction or vote
512 on any matter within the jurisdiction of the council. For
513 attending meetings of the council, such legislators shall receive
514 per diem and expenses which shall be paid from the contingent
515 expense funds of their respective houses in the same amounts as
516 provided for committee meetings when the Legislature is not in
517 session; however, no per diem and expenses for attending meetings
518 of the council will be paid while the Legislature is in session.
519 No per diem and expenses will be paid except for attending
520 meetings of the council without prior approval of the proper
521 committee in their respective houses.

522 (c) No change in the terms of the State and School
523 Employees Health Insurance Plan may be made effective unless the
524 board, or its designee, has provided notice to the State and
525 School Employees Health Insurance Advisory Council and has called
526 a meeting of the council at least fifteen (15) days before the
527 effective date of such change. In the event that the State and
528 School Employees Health Insurance Advisory Council does not meet
529 to advise the board on the proposed changes, the changes to the
530 plan shall become effective at such time as the board has informed
531 the council that the changes shall become effective.



532 (d) **Medical benefits for retired employees and**
533 **dependents under age sixty-five (65) years and not eligible for**
534 **Medicare benefits.** The same health insurance coverage as for all
535 other active employees and their dependents shall be available to
536 retired employees and all dependents under age sixty-five (65)
537 years who are not eligible for Medicare benefits, the level of
538 benefits to be the same level as for all other active
539 participants. This section will apply to those employees who
540 retire due to one hundred percent (100%) medical disability as
541 well as those employees electing early retirement.

542 (e) **Medical benefits for retired employees and**
543 **dependents over age sixty-five (65) years or otherwise eligible**
544 **for Medicare benefits.** The health insurance coverage available to
545 retired employees over age sixty-five (65) years or otherwise
546 eligible for Medicare benefits, and all dependents over age
547 sixty-five (65) years or otherwise eligible for Medicare benefits,
548 shall be the major medical coverage with the lifetime maximum of
549 One Million Dollars (\$1,000,000.00). Benefits shall be reduced by
550 Medicare benefits as though such Medicare benefits were the base
551 plan.

552 All covered individuals shall be assumed to have full
553 Medicare coverage, Parts A and B; and any Medicare payments under
554 both Parts A and B shall be computed to reduce benefits payable
555 under this plan.

556 (2) Nonduplication of benefits--reduction of benefits by
557 Title XIX benefits: When benefits would be payable under more
558 than one (1) group plan, benefits under those plans will be
559 coordinated to the extent that the total benefits under all plans
560 will not exceed the total expenses incurred.

561 Benefits for hospital or surgical or medical benefits shall
562 be reduced by any similar benefits payable in accordance with
563 Title XIX of the Social Security Act or under any amendments
564 thereto, or any implementing legislation.



565 Benefits for hospital or surgical or medical benefits shall
566 be reduced by any similar benefits payable by workers'
567 compensation.

568 (3) (a) Schedule of life insurance benefits--group term:
569 The amount of term life insurance for each active employee of a
570 department, agency or institution of the state government shall
571 not be in excess of One Hundred Thousand Dollars (\$100,000.00), or
572 twice the amount of the employee's annual wage to the next highest
573 One Thousand Dollars (\$1,000.00), whichever may be less, but in no
574 case less than Thirty Thousand Dollars (\$30,000.00), with a like
575 amount for accidental death and dismemberment on a
576 twenty-four-hour basis. The plan will further contain a premium
577 waiver provision if a covered employee becomes totally and
578 permanently disabled prior to age sixty-five (65) years.
579 Employees retiring after June 30, 1999, shall be eligible to
580 continue life insurance coverage in an amount of Five Thousand
581 Dollars (\$5,000.00), Ten Thousand Dollars (\$10,000.00) or Twenty
582 Thousand Dollars (\$20,000.00) into retirement.

583 (b) Effective October 1, 1999, schedule of life
584 insurance benefits--group term: The amount of term life insurance
585 for each active employee of any school district, community/junior
586 college, public library or university-based program authorized
587 under Section 37-23-31 for deaf, aphasic and emotionally disturbed
588 children or any regular nonstudent bus driver shall not be in
589 excess of One Hundred Thousand Dollars (\$100,000.00), or twice the
590 amount of the employee's annual wage to the next highest One
591 Thousand Dollars (\$1,000.00), whichever may be less, but in no
592 case less than Thirty Thousand Dollars (\$30,000.00), with a like
593 amount for accidental death and dismemberment on a
594 twenty-four-hour basis. The plan will further contain a premium
595 waiver provision if a covered employee of any school district,
596 community/junior college, public library or university-based
597 program authorized under Section 37-23-31 for deaf, aphasic and



598 emotionally disturbed children or any regular nonstudent bus
599 driver becomes totally and permanently disabled prior to age
600 sixty-five (65) years. Employees of any school district,
601 community/junior college, public library or university-based
602 program authorized under Section 37-23-31 for deaf, aphasic and
603 emotionally disturbed children or any regular nonstudent bus
604 driver retiring after September 30, 1999, shall be eligible to
605 continue life insurance coverage in an amount of Five Thousand
606 Dollars (\$5,000.00), Ten Thousand Dollars (\$10,000.00) or Twenty
607 Thousand Dollars (\$20,000.00) into retirement.

608 (4) Any eligible employee who on March 1, 1971, was
609 participating in a group life insurance program which has
610 provisions different from those included herein and for which the
611 State of Mississippi was paying a part of the premium may, at his
612 discretion, continue to participate in such plan. Such employee
613 shall pay in full all additional costs, if any, above the minimum
614 program established by this article. Under no circumstances shall
615 any individual who begins employment with the state after March 1,
616 1971, be eligible for the provisions of this paragraph.

617 (5) The board may offer medical savings accounts as defined
618 in Section 71-9-3 as a plan option.

619 (6) Any premium differentials, differences in coverages,
620 discounts determined by risk or by any other factors shall be
621 uniformly applied to all active employees participating in the
622 insurance plan. It is the intent of the Legislature that the
623 state contribution to the plan be the same for each employee
624 throughout the state.

625 (7) On October 1, 1999, any school district,
626 community/junior college district or public library may elect to
627 remain with an existing policy or policies of group life insurance
628 with an insurance company approved by the State and School
629 Employees Health Insurance Management Board, in lieu of
630 participation in the State and School Life Insurance Plan. The



631 state's contribution of up to fifty percent (50%) of the active
632 employee's premium under the State and School Life Insurance Plan
633 may be applied toward the cost of coverage for full-time employees
634 participating in the approved life insurance company group plan.
635 For purposes of this subsection (7), "life insurance company group
636 plan" means a plan administered or sold by a private insurance
637 company. After October 1, 1999, the board may assess charges in
638 addition to the existing State and School Life Insurance Plan
639 rates to such employees as a condition of enrollment in the State
640 and School Life Insurance Plan. In order for any life insurance
641 company group plan existing as of October 1, 1999, to be approved
642 by the State and School Employees Health Insurance Management
643 Board under this subsection (7), it shall meet the following
644 criteria:

645 (a) The insurance company offering the group life
646 insurance plan shall be rated "A-" or better by A.M. Best state
647 insurance rating service and be licensed as an admitted carrier in
648 the State of Mississippi by the Mississippi Department of
649 Insurance.

650 (b) The insurance company group life insurance plan
651 shall provide the same life insurance, accidental death and
652 dismemberment insurance and waiver of premium benefits as provided
653 in the State and School Life Insurance Plan.

654 (c) The insurance company group life insurance plan
655 shall be fully insured, and no form of self-funding life insurance
656 by such company shall be approved.

657 (d) The insurance company group life insurance plan
658 shall have one (1) composite rate per One Thousand Dollars
659 (\$1,000.00) of coverage for active employees regardless of age and
660 one (1) composite rate per One Thousand Dollars (\$1,000.00) of
661 coverage for all retirees regardless of age or type of retiree.

662 (e) The insurance company and its group life insurance
663 plan shall comply with any administrative requirements of the



664 State and School Employees Health Insurance Management Board. In
665 the event any insurance company providing group life insurance
666 benefits to employees under this subsection (7) fails to comply
667 with any requirements specified herein or any administrative
668 requirements of the board, the state shall discontinue providing
669 funding for the cost of such insurance.

670 **SECTION 8.** Section 29-1-205, Mississippi Code of 1972, is
671 amended as follows:

672 29-1-205. (1) The Department of Finance and Administration,
673 Bureau of Building, Grounds and Real Property Management, is
674 hereby authorized, empowered and directed to sell and convey on
675 behalf of the State of Mississippi to a nationally recognized
676 organization which has as its purpose the recognition and
677 promotion of scholarship, leadership and service among two-year
678 college students throughout the country for the purpose of
679 constructing a national headquarters thereon, the following
680 described state-owned lands. The property authorized to be sold
681 and conveyed is a certain parcel of land situated in the Northwest
682 1/4 of the Northeast 1/4 of Section 25, T6N, R1E, Jackson, Hinds
683 County, Mississippi, and being more particularly described as
684 follows, to wit:

685 Commence at the Southwest corner of Lot 2 of Northeast
686 Heights, a subdivision on file and of record in the
687 office of the Chancery Clerk at Jackson, Hinds County,
688 Mississippi, in Plat Book 10 at Page 45; run thence
689 Southerly along the extension of the West line of said
690 Lot 2 for a distance of 80.00 feet to a point on the
691 South Line of Eastover Drive; turn thence right through
692 a deflection angle of 89 degrees 13 minutes and run
693 westerly along the South line of Eastover Drive for a
694 distance of 43.84 feet to the POINT OF BEGINNING; thence
695 leaving said South line of Eastover Drive, turn left
696 through a deflection angle of 95 degrees 41 minutes 50



697 seconds and run Southerly along a line twenty five feet
698 from and parallel to the centerline of a 31 foot asphalt
699 drive for a distance of 118.08 feet; turn thence right
700 through a deflection angle of 3 degrees 07 minutes 37
701 seconds and continue Southerly along a line twenty five
702 feet from and parallel to the centerline of a 31 foot
703 asphalt drive for a distance of 132.71 feet to a point
704 on the North line of a United Gas Pipe Line Company
705 easement; turn thence right through a deflection angle
706 of 59 degrees 18 minutes 47 seconds and run
707 Southwesterly along the North line of said United Gas
708 Pipe Line Company easement for a distance of 520.00
709 feet; turn thence right through a deflection angle of 90
710 degrees 00 minutes 00 seconds and run Northwesterly for
711 a distance of 410.00 feet; turn thence right through a
712 deflection angle of 69 degrees 42 minutes 33 seconds and
713 run Northeasterly for a distance of 238.99 feet to a
714 point on the South line of said Eastover Drive; said
715 point further being on a 2 degrees 27 minutes curve
716 bearing to the right, said curve having a central angle
717 of 8 degrees 58 minutes 45 seconds and a radius of
718 2258.60 feet; turn thence right through a deflection
719 angle of 53 degrees 12 minutes 08 seconds and run
720 Easterly along the chord of said 2 degrees 27 minutes
721 curve bearing to the right and the South line of said
722 Eastover Drive for a distance of 27.26 feet to the Point
723 of Tangency; turn thence right through a deflection
724 angle of 00 degrees 20 minutes 45 seconds and run
725 Easterly along the South line said Eastover Drive for a
726 distance of 472.74 feet to the POINT OF BEGINNING,
727 containing 5.44 acres more or less.

728 (2) The Legislature recognizes that Mississippi's public
729 two-year college system is the oldest system of its kind in the



730 nation, and further recognizes that this system enjoys national
731 notoriety and respect for its achievement and promotion of
732 educational, civic, social and cultural excellence. The
733 Legislature declares and finds that the purpose of this
734 legislation is to promote, enhance and foster continued excellence
735 in Mississippi's two-year college system and the overall
736 educational development and improvement of the State of
737 Mississippi and the educational, civic, social, cultural, moral
738 and economic welfare thereof, and that such purposes will be
739 accomplished by the conveyance of the above-described property to
740 an organization within the aforesaid classification for
741 construction of a national headquarters thereon.

742 (3) The conveyance to be executed by the Department of
743 Finance and Administration, acting through the Bureau of Building,
744 Grounds and Real Property Management, shall be within the limits
745 contained in Sections 29-1-205 and 29-1-209 and contain a
746 provision reserving unto the state all oil, gas and mineral rights
747 of every kind and character. The conveyance shall make provision
748 for reasonable access to the conveyed premises over existing
749 roadways and to existing utility lines for the benefit of the
750 conveyed premises. The conveyance shall include terms granting to
751 the Board of Trustees of State Institutions of Higher
752 Learning * * * and to the Mississippi Authority for Educational
753 Television reasonable rights to utilize the improvements to be
754 constructed thereon, or portions thereof, for conference or
755 meeting purposes, specifying the architectural style of the
756 improvements and providing a reasonable setback of wooded
757 undeveloped property contiguous to the improvements in order to
758 maintain the natural environment of the site.

759 (4) The conveyance herein shall be for such consideration as
760 determined appropriate by the Public Procurement Review Board.
761 Such consideration may be paid or provided in installments over a
762 period of time (not to exceed twenty-five (25) years) and may also



763 be provided in kind. In kind consideration may include the
764 reasonable use of the improvements constructed on the property by
765 the Board of Trustees of State Institutions of Higher Learning and
766 its institutions, the State Board for Community and Junior
767 Colleges and the community and junior colleges, and the
768 Mississippi Authority for Educational Television and other state
769 agencies, and the provision of leadership training certification
770 programs for community and junior college faculty and others.
771 Such in-kind consideration may also constitute full and fair
772 consideration for the property. In establishing consideration,
773 the board may take into account the appraised value of the
774 property, but shall allow reasonable credit to the purchaser for
775 benefits accruing to the State of Mississippi, including the
776 enhancement of the state's community and junior college program
777 and the promotion of excellence in public education afforded by
778 the location of such organization and its headquarters in this
779 state, the increase in employment made possible, and that the only
780 use which can be made of the conveyed premises is for the
781 organization's national headquarters with reversion to the state
782 otherwise.

783 **SECTION 9.** Section 37-3-2, Mississippi Code of 1972, is
784 amended as follows:

785 37-3-2. (1) There is established within the State
786 Department of Education the Commission on Teacher and
787 Administrator Education, Certification and Licensure and
788 Development. It shall be the purpose and duty of the commission
789 to make recommendations to the State Board of Education regarding
790 standards for the certification and licensure and continuing
791 professional development of those who teach or perform tasks of an
792 educational nature in the public schools of Mississippi.

793 (2) The commission shall be composed of fifteen (15)
794 qualified members. The membership of the commission shall be
795 composed of the following members to be appointed, three (3) from



796 each congressional district: four (4) classroom teachers; three
797 (3) school administrators; one (1) representative of schools of
798 education of institutions of higher learning located within the
799 state to be recommended by the Board of Trustees of State
800 Institutions of Higher Learning; one (1) representative from the
801 schools of education of independent institutions of higher
802 learning to be recommended by the Board of the Mississippi
803 Association of Independent Colleges; one (1) representative from
804 public community and junior colleges located within the state to
805 be recommended by the Board of Trustees of State Institutions of
806 Higher Learning; one (1) local school board member; and four (4)
807 lay persons. All appointments shall be made by the State Board of
808 Education after consultation with the State Superintendent of
809 Public Education. The first appointments by the State Board of
810 Education shall be made as follows: five (5) members shall be
811 appointed for a term of one (1) year; five (5) members shall be
812 appointed for a term of two (2) years; and five (5) members shall
813 be appointed for a term of three (3) years. Thereafter, all
814 members shall be appointed for a term of four (4) years.

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

821 (4) An appropriate staff member of the State Department of
822 Education shall be designated and assigned by the State
823 Superintendent of Public Education to serve as executive secretary
824 and coordinator for the commission. No less than two (2) other
825 appropriate staff members of the State Department of Education
826 shall be designated and assigned by the State Superintendent of
827 Public Education to serve on the staff of the commission.

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



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

832 (b) Recommend to the State Board of Education each year
833 approval or disapproval of each educator preparation program in
834 the state;

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

838 (d) Establish, subject to the approval of the State
839 Board of Education, standards for the renewal of teacher licenses
840 in all fields;

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

844 (f) Review all existing requirements for certification
845 and licensure;

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

848 (h) Prepare reports from time to time on current
849 practices and issues in the general area of teacher education and
850 certification and licensure;

851 (i) Hold hearings concerning standards for teachers'
852 and administrators' education and certification and licensure with
853 approval of the State Board of Education;

854 (j) Hire expert consultants with approval of the State
855 Board of Education;

856 (k) Set up ad hoc committees to advise on specific
857 areas; and

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



861 (6) (a) **Standard License - Approved Program Route.** An
862 educator entering the school system of Mississippi for the first
863 time and meeting all requirements as established by the State
864 Board of Education shall be granted a standard five-year license.
865 Persons who possess two (2) years of classroom experience as an
866 assistant teacher or who have taught for one (1) year in an
867 accredited public or private school shall be allowed to fulfill
868 student teaching requirements under the supervision of a qualified
869 participating teacher approved by an accredited college of
870 education. The local school district in which the assistant
871 teacher is employed shall compensate such assistant teachers at
872 the required salary level during the period of time such
873 individual is completing student teaching requirements.
874 Applicants for a standard license shall submit to the department:
875 (i) An application on a department form;
876 (ii) An official transcript of completion of a
877 teacher education program or a bachelor of science degree with
878 child development emphasis from a program accredited by the
879 American Association of Family and Consumer Sciences (AAFCS)
880 approved by the department or a nationally accredited program,
881 subject to the following: Licensure to teach in Mississippi
882 prekindergarten through kindergarten classrooms shall require
883 completion of a teacher education program or a bachelor of science
884 degree with child development emphasis from a program accredited
885 by the American Association of Family and Consumer Sciences
886 (AAFCS). Licensure to teach in Mississippi kindergarten, for
887 those applicants who have completed a teacher education program,
888 and in Grade 1 through Grade 4 shall require the completion of an
889 interdisciplinary program of studies. Licenses for Grades 4
890 through 8 shall require the completion of an interdisciplinary
891 program of studies with two (2) or more areas of concentration.
892 Licensure to teach in Mississippi Grades 7 through 12 shall
893 require a major in an academic field other than education, or a



894 combination of disciplines other than education. Students
895 preparing to teach a subject shall complete a major in the
896 respective subject discipline. All applicants for standard
897 licensure shall demonstrate that such person's college preparation
898 in those fields was in accordance with the standards set forth by
899 the National Council for Accreditation of Teacher Education
900 (NCATE) or the National Association of State Directors of Teacher
901 Education and Certification (NASDTEC) or, for those applicants who
902 have a bachelor of science degree with child development emphasis,
903 the American Association of Family and Consumer Sciences (AAFCS);

904 (iii) A copy of test scores evidencing
905 satisfactory completion of nationally administered examinations of
906 achievement, such as the Educational Testing Service's teacher
907 testing examinations; and

908 (iv) Any other document required by the State
909 Board of Education.

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

911 Applicants for a Standard License - Alternate Teaching Route shall
912 submit to the department:

913 (i) An application on a department form;

914 (ii) An official transcript evidencing a
915 bachelor's degree from an accredited institution of higher
916 learning;

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

920 (iv) An official transcript evidencing appropriate
921 credit hours or a copy of test scores evidencing successful
922 completion of tests as required by the State Board of Education;
923 and

924 (v) Any other document required by the State Board
925 of Education.



926 A Standard License - Approved Program Route and a Standard
927 License - Alternate Teaching Route shall be issued for a five-year
928 period, and may be renewed. Recognizing teaching as a profession,
929 a hiring preference shall be granted to persons holding a Standard
930 License - Approved Program Route or Standard License - Alternate
931 Teaching Route over persons holding any other license.

932 (c) **Special License - Expert Citizen.** In order to
933 allow a school district to offer specialized or technical courses,
934 the State Department of Education, in accordance with rules and
935 regulations established by the State Board of Education, may grant
936 a one-year expert citizen-teacher license to local business or
937 other professional personnel to teach in a public school or
938 nonpublic school accredited or approved by the state. Such person
939 may begin teaching upon his employment by the local school board
940 and licensure by the Mississippi Department of Education. The
941 board shall adopt rules and regulations to administer the expert
942 citizen-teacher license. A special license - expert citizen may
943 be renewed in accordance with the established rules and
944 regulations of the State Department of Education.

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

951 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
952 person may teach for a maximum of three (3) periods per teaching
953 day in a public school or a nonpublic school accredited/approved
954 by the state. Such person shall submit to the department a
955 transcript or record of his education and experience which
956 substantiates his preparation for the subject to be taught and
957 shall meet other qualifications specified by the commission and
958 approved by the State Board of Education. In no case shall any



959 local school board hire nonlicensed personnel as authorized under
960 this paragraph in excess of five percent (5%) of the total number
961 of licensed personnel in any single school.

962 (f) In the event any school district meets Level 4 or 5
963 accreditation standards, the State Board of Education, in its
964 discretion, may exempt such school district from any restrictions
965 in paragraph (e) relating to the employment of nonlicensed
966 teaching personnel.

967 (7) **Administrator License.** The State Board of Education is
968 authorized to establish rules and regulations and to administer
969 the licensure process of the school administrators in the State of
970 Mississippi. There will be four (4) categories of administrator
971 licensure with exceptions only through special approval of the
972 State Board of Education.

973 (a) **Administrator License - Nonpracticing.** Those
974 educators holding administrative endorsement but have no
975 administrative experience or not serving in an administrative
976 position on January 15, 1997.

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

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

985 (d) **Administrator License - Alternate Route.** The board
986 may establish an alternate route for licensing administrative
987 personnel. Such alternate route for administrative licensure
988 shall be available for persons holding, but not limited to, a
989 master of business administration degree, a master of public
990 administration degree or a master of public planning and policy
991 degree from an accredited college or university, with five (5)



992 years of administrative or supervisory experience. Successful
993 completion of the requirements of alternate route licensure for
994 administrators shall qualify the person for a standard
995 administrator license.

996 Beginning with the 1997-1998 school year, individuals seeking
997 school administrator licensure under paragraph (b), (c) or (d)
998 shall successfully complete a training program and an assessment
999 process prescribed by the State Board of Education. Applicants
1000 seeking school administrator licensure prior to June 30, 1997, and
1001 completing all requirements for provisional or standard
1002 administrator certification and who have never practiced, shall be
1003 exempt from taking the Mississippi Assessment Battery Phase I.
1004 Applicants seeking school administrator licensure during the
1005 period beginning July 1, 1997, through June 30, 1998, shall
1006 participate in the Mississippi Assessment Battery, and upon
1007 request of the applicant, the department shall reimburse the
1008 applicant for the cost of the assessment process required. After
1009 June 30, 1998, all applicants for school administrator licensure
1010 shall meet all requirements prescribed by the department under
1011 paragraph (b), (c) or (d), and the cost of the assessment process
1012 required shall be paid by the applicant.

1013 (8) **Reciprocity.** (a) The department shall grant a standard
1014 license to any individual who possesses a valid standard license
1015 from another state and has a minimum of two (2) years of full-time
1016 teaching or administrator experience.

1017 (b) The department shall grant a nonrenewable special
1018 license to any individual who possesses a credential which is less
1019 than a standard license or certification from another state, or
1020 who possesses a standard license from another state but has less
1021 than two (2) years of full-time teaching or administration
1022 experience. Such special license shall be valid for the current
1023 school year plus one (1) additional school year to expire on June
1024 30 of the second year, not to exceed a total period of twenty-four



1025 (24) months, during which time the applicant shall be required to
1026 complete the requirements for a standard license in Mississippi.

1027 (9) **Renewal and Reinstatement of Licenses.** The State Board
1028 of Education is authorized to establish rules and regulations for
1029 the renewal and reinstatement of educator and administrator
1030 licenses. Effective May 15, 1997, the valid standard license held
1031 by an educator shall be extended five (5) years beyond the
1032 expiration date of the license in order to afford the educator
1033 adequate time to fulfill new renewal requirements established
1034 pursuant to this subsection. An educator completing a master of
1035 education, educational specialist or doctor of education degree in
1036 May 1997 for the purpose of upgrading the educator's license to a
1037 higher class shall be given this extension of five (5) years plus
1038 five (5) additional years for completion of a higher degree.

1039 (10) All controversies involving the issuance, revocation,
1040 suspension or any change whatsoever in the licensure of an
1041 educator required to hold a license shall be initially heard in a
1042 hearing de novo, by the commission or by a subcommittee
1043 established by the commission and composed of commission members
1044 for the purpose of holding hearings. Any complaint seeking the
1045 denial of issuance, revocation or suspension of a license shall be
1046 by sworn affidavit filed with the Commission of Teacher and
1047 Administrator Education, Certification and Licensure and
1048 Development. The decision thereon by the commission or its
1049 subcommittee shall be final, unless the aggrieved party shall
1050 appeal to the State Board of Education, within ten (10) days, of
1051 the decision of the committee or its subcommittee. An appeal to
1052 the State Board of Education shall be on the record previously
1053 made before the commission or its subcommittee unless otherwise
1054 provided by rules and regulations adopted by the board. The State
1055 Board of Education in its authority may reverse, or remand with
1056 instructions, the decision of the committee or its subcommittee.
1057 The decision of the State Board of Education shall be final.



1058 (11) The State Board of Education, acting through the
1059 commission, may deny an application for any teacher or
1060 administrator license for one or more of the following:

1061 (a) Lack of qualifications which are prescribed by law
1062 or regulations adopted by the State Board of Education;

1063 (b) The applicant has a physical, emotional or mental
1064 disability that renders the applicant unfit to perform the duties
1065 authorized by the license, as certified by a licensed psychologist
1066 or psychiatrist;

1067 (c) The applicant is actively addicted to or actively
1068 dependent on alcohol or other habit-forming drugs or is a habitual
1069 user of narcotics, barbiturates, amphetamines, hallucinogens, or
1070 other drugs having similar effect, at the time of application for
1071 a license;

1072 (d) Revocation of an applicant's certificate or license
1073 by another state;

1074 (e) Fraud or deceit committed by the applicant in
1075 securing or attempting to secure such certification and license;

1076 (f) Failing or refusing to furnish reasonable evidence
1077 of identification;

1078 (g) The applicant has been convicted, has pled guilty
1079 or entered a plea of nolo contendere to a felony, as defined by
1080 federal or state law; or

1081 (h) The applicant has been convicted, has pled guilty
1082 or entered a plea of nolo contendere to a sex offense as defined
1083 by federal or state law.

1084 (12) The State Board of Education, acting on the
1085 recommendation of the commission, may revoke or suspend any
1086 teacher or administrator license for specified periods of time for
1087 one or more of the following:

1088 (a) Breach of contract or abandonment of employment may
1089 result in the suspension of the license for one (1) school year as
1090 provided in Section 37-9-57;



1091 (b) Obtaining a license by fraudulent means shall
1092 result in immediate suspension and continued suspension for one
1093 (1) year after correction is made;

1094 (c) Suspension or revocation of a certificate or
1095 license by another state shall result in immediate suspension or
1096 revocation and shall continue until records in the prior state
1097 have been cleared;

1098 (d) The license holder has been convicted, has pled
1099 guilty or entered a plea of nolo contendere to a felony, as
1100 defined by federal or state law;

1101 (e) The license holder has been convicted, has pled
1102 guilty or entered a plea of nolo contendere to a sex offense, as
1103 defined by federal or state law; or

1104 (f) The license holder knowingly and willfully
1105 committing any of the acts affecting validity of mandatory uniform
1106 test results as provided in Section 37-16-4(1).

1107 (13) (a) Dismissal or suspension of a licensed employee by
1108 a local school board pursuant to Section 37-9-59 may result in the
1109 suspension or revocation of a license for a length of time which
1110 shall be determined by the commission and based upon the severity
1111 of the offense.

1112 (b) Any offense committed or attempted in any other
1113 state shall result in the same penalty as if committed or
1114 attempted in this state.

1115 (c) A person may voluntarily surrender a license. The
1116 surrender of such license may result in the commission
1117 recommending any of the above penalties without the necessity of a
1118 hearing. However, any such license which has voluntarily been
1119 surrendered by a licensed employee may be reinstated by a
1120 unanimous vote of all members of the commission.

1121 (14) A person whose license has been suspended on any
1122 grounds except criminal grounds may petition for reinstatement of
1123 the license after one (1) year from the date of suspension, or



1124 after one-half (1/2) of the suspended time has lapsed, whichever
1125 is greater. A license suspended on the criminal grounds may be
1126 reinstated upon petition to the commission filed after expiration
1127 of the sentence and parole or probationary period imposed upon
1128 conviction. A revoked license may be reinstated upon satisfactory
1129 showing of evidence of rehabilitation. The commission shall
1130 require all who petition for reinstatement to furnish evidence
1131 satisfactory to the commission of good character, good mental,
1132 emotional and physical health and such other evidence as the
1133 commission may deem necessary to establish the petitioner's
1134 rehabilitation and fitness to perform the duties authorized by the
1135 license.

1136 (15) Reporting procedures and hearing procedures for dealing
1137 with infractions under this section shall be promulgated by the
1138 commission, subject to the approval of the State Board of
1139 Education. The revocation or suspension of a license shall be
1140 effected at the time indicated on the notice of suspension or
1141 revocation. The commission shall immediately notify the
1142 superintendent of the school district or school board where the
1143 teacher or administrator is employed of any disciplinary action
1144 and also notify the teacher or administrator of such revocation or
1145 suspension and shall maintain records of action taken. The State
1146 Board of Education may reverse or remand with instructions any
1147 decision of the commission regarding a petition for reinstatement
1148 of a license, and any such decision of the State Board of
1149 Education shall be final.

1150 (16) An appeal from the action of the State Board of
1151 Education in denying an application, revoking or suspending a
1152 license or otherwise disciplining any person under the provisions
1153 of this section, shall be filed in the Chancery Court of the First
1154 Judicial District of Hinds County on the record made, including a
1155 verbatim transcript of the testimony at the hearing. The appeal
1156 shall be filed within thirty (30) days after notification of the



1157 action of the board is mailed or served and the proceedings in
1158 chancery court shall be conducted as other matters coming before
1159 the court. The appeal shall be perfected upon filing notice of
1160 the appeal and by the prepayment of all costs, including the cost
1161 of preparation of the record of the proceedings by the State Board
1162 of Education, and the filing of a bond in the sum of Two Hundred
1163 Dollars (\$200.00) conditioned that if the action of the board be
1164 affirmed by the chancery court, the applicant or license holder
1165 shall pay the costs of the appeal and the action of the chancery
1166 court.

1167 (17) All such programs, rules, regulations, standards and
1168 criteria recommended or authorized by the commission shall become
1169 effective upon approval by the State Board of Education as
1170 designated by appropriate orders entered upon the minutes thereof.

1171 (18) The granting of a license shall not be deemed a
1172 property right nor a guarantee of employment in any public school
1173 district. A license is a privilege indicating minimal eligibility
1174 for teaching in the public schools of Mississippi. This section
1175 shall in no way alter or abridge the authority of local school
1176 districts to require greater qualifications or standards of
1177 performance as a prerequisite of initial or continued employment
1178 in such districts.

1179 (19) In addition to the reasons specified in subsections
1180 (12) and (13) of this section, the board shall be authorized to
1181 suspend the license of any licensee for being out of compliance
1182 with an order for support, as defined in Section 93-11-153. The
1183 procedure for suspension of a license for being out of compliance
1184 with an order for support, and the procedure for the reissuance or
1185 reinstatement of a license suspended for that purpose, and the
1186 payment of any fees for the reissuance or reinstatement of a
1187 license suspended for that purpose, shall be governed by Section
1188 93-11-157 or 93-11-163, as the case may be. Actions taken by the
1189 board in suspending a license when required by Section 93-11-157



1190 or 93-11-163 are not actions from which an appeal may be taken
1191 under this section. Any appeal of a license suspension that is
1192 required by Section 93-11-157 or 93-11-163 shall be taken in
1193 accordance with the appeal procedure specified in Section
1194 93-11-157 or 93-11-163, as the case may be, rather than the
1195 procedure specified in this section. If there is any conflict
1196 between any provision of Section 93-11-157 or 93-11-163 and any
1197 provision of this chapter, the provisions of Section 93-11-157 or
1198 93-11-163, as the case may be, shall control.

1199 **SECTION 10.** Section 37-4-9, Mississippi Code of 1972, is
1200 amended as follows:

1201 37-4-9. The Board of Trustees of State Institutions of
1202 Higher Learning is authorized to receive income from voluntary
1203 fees, contributions, donations, other forms of financial
1204 assistance, materials or manpower from persons, corporations,
1205 organizations and other sources, private or public, to be utilized
1206 and expended by the board in carrying out the incentive
1207 certification program mandated by the Work Force and Education Act
1208 of 1994 in Sections 37-151-63 through 37-151-75 * * *.
1209 Additionally, awards or scholarships to industry or to students or
1210 both are authorized.

1211 **SECTION 11.** Section 37-4-11, Mississippi Code of 1972, is
1212 amended as follows:

1213 37-4-11. (1) The purpose of this section is to insure the
1214 uniform management, oversight and accountability of the
1215 state-funded Industrial Training Programs, and postsecondary Adult
1216 Short-term Training Programs and Workforce Education Programs
1217 administered by the Board of Trustees of State Institutions of
1218 Higher Learning for adults provided to the citizens of
1219 Mississippi.

1220 (2) Effective July 1, 1999, all state-funded Industrial
1221 Training Programs and postsecondary Adult Short-term Training
1222 Programs administered by and through the State Department of



1223 Education on June 30, 1999, shall be transferred to the Workforce
1224 Education Program of the Board of Trustees of State Institutions
1225 of Higher Learning. The Legislature shall appropriate annually to
1226 the Board of Trustees of State Institutions of Higher Learning
1227 funds necessary to administer these programs.

1228 (3) Effective July 1, 1999, all funds, unexpended balances,
1229 assets, liabilities and property of the State Department of
1230 Education which are used in the delivery of postsecondary Adult
1231 Short-term Training Programs and Industrial Training Programs,
1232 excluding funds, unexpended balances, assets, liabilities and
1233 property associated with the Research and Curriculum Unit at
1234 Mississippi State University, shall be transferred to the
1235 Workforce Education Program funds of the Board of Trustees of
1236 State Institutions of Higher Learning. The State Department of
1237 Education also shall transfer to the Board of Trustees of State
1238 Institutions of Higher Learning all positions and funds employed
1239 by the State Department of Education and community colleges which
1240 render industrial training, postsecondary adult short-term
1241 training or workforce education services, including the seven (7)
1242 administrative and support positions providing support to these
1243 programs. Sufficient staff positions shall be transferred from
1244 the State Department of Education, which will have a reduction in
1245 training and educational responsibilities by virtue of this act,
1246 to the Board of Trustees of State Institutions of Higher Learning
1247 to assure that the transferred responsibilities will be properly
1248 managed and administered. Any funds available to the State
1249 Department of Education for Industrial Training Programs and
1250 state-funded postsecondary Adult Short-term Training Programs
1251 which are subject to carryover shall be transferred to the Work
1252 Force Carryover Fund established by Chapter 498, Laws of 1995, for
1253 use by the Board of Trustees of State Institutions of Higher
1254 Learning, on or before August 15, 1999.



1255 (4) The Board of Trustees of State Institutions of Higher
1256 Learning shall develop an accountability system that shall report
1257 and describe all classes taught in the area of workforce
1258 education, the number of persons taught in these classes, and the
1259 location and cost of each class taught. To assess the impact of
1260 these programs, the Board of Trustees of State Institutions of
1261 Higher Learning also shall report:

1262 (a) Whether the needs of industry have been met through
1263 training program offerings;

1264 (b) Any changes in the income of trainees between the
1265 completion of training and the date of the report;

1266 (c) The number of jobs created and the number of jobs
1267 retained through the programs; and

1268 (d) Trainee success in passing proficiency tests, where
1269 applicable.

1270 This information shall be reported on a fiscal year basis and
1271 shall be provided to the House and Senate Education Committees
1272 before December 15 of each year.

1273 (5) This section shall be repealed on July 1, 2003.

1274 **SECTION 12.** Section 37-11-17, Mississippi Code of 1972, is
1275 amended as follows:

1276 37-11-17. (1) The State Board of Education, the Board of
1277 Trustees of State Institutions of Higher Learning, * * * the
1278 county boards of education, the governing authorities of any
1279 county, municipal or other public school districts, such other
1280 boards set up by law for any educational institution, school,
1281 college or university, or their authorized representative, or the
1282 State Health Officer or his authorized representative, may require
1283 any teacher, supervisor, janitor or other employee of the school
1284 to submit to a thorough physical examination, deemed advisable to
1285 determine whether he has any infectious or communicable disease.

1286 (2) The State Board of Education may develop a program to
1287 accomplish the identification of public school students with



1288 abnormal spinal curvature. No state funds shall be expended for
1289 the purposes of implementing this subsection. Such program shall:

1290 (a) Provide that an adequate number of school personnel
1291 in each district be instructed by qualified medical experts in the
1292 proper examination of students for abnormal spinal curvatures;

1293 (b) Provide that all public school students who are at
1294 least ten (10) years old be screened at least every two (2) years
1295 but at least in the fourth, sixth, eighth and tenth grades or at
1296 such other times as may be recommended by medical experts on a per
1297 case basis;

1298 (c) Provide that students identified as having abnormal
1299 spinal curvatures or potential for abnormal spinal curvatures be
1300 referred to the county health officer or to the student's personal
1301 physician or chiropractor with notice of the evaluation; and

1302 (d) Provide for notification of the parent or guardian
1303 of any student identified under this program and for the supplying
1304 to such parent or guardian information on the condition and
1305 resources available for the correction or treatment of such
1306 condition. However, the requirement for screening shall not apply
1307 to a child whose parent or guardian objects thereto on grounds
1308 that the requirement conflicts with his conscientiously held
1309 religious beliefs.

1310 **SECTION 13.** Section 37-13-92, Mississippi Code of 1972, is
1311 amended as follows:

1312 37-13-92. (1) Beginning with the school year 1993-1994, the
1313 school boards of all school districts shall establish, maintain
1314 and operate, in connection with the regular programs of the school
1315 district, an alternative school program for, but not limited to,
1316 the following categories of compulsory-school-age students:

1317 (a) Any compulsory-school-age child who has been
1318 suspended for more than ten (10) days or expelled from school,
1319 except for any student expelled for possession of a weapon or
1320 other felonious conduct;



1321 (b) Any compulsory-school-age child referred to such
1322 alternative school based upon a documented need for placement in
1323 the alternative school program by the parent, legal guardian or
1324 custodian of such child due to disciplinary problems;

1325 (c) Any compulsory-school-age child referred to such
1326 alternative school program by the dispositive order of a
1327 chancellor or youth court judge, with the consent of the
1328 superintendent of the child's school district; and

1329 (d) Any compulsory-school-age child whose presence in
1330 the classroom, in the determination of the school superintendent
1331 or principal, is a disruption to the educational environment of
1332 the school or a detriment to the best interest and welfare of the
1333 students and teacher of such class as a whole.

1334 (2) The principal or program administrator of any such
1335 alternative school program shall require verification from the
1336 appropriate guidance counselor of any such child referred to the
1337 alternative school program regarding the suitability of such child
1338 for attendance at the alternative school program. Before a
1339 student may be removed to an alternative school education program,
1340 the superintendent of the student's school district must determine
1341 that the written and distributed disciplinary policy of the local
1342 district is being followed. The policy shall include standards
1343 for:

1344 (a) The removal of a student to an alternative
1345 education program that will include a process of educational
1346 review to develop the student's individual instruction plan and
1347 the evaluation at regular intervals of the student's educational
1348 progress; the process shall include classroom teachers and/or
1349 other appropriate professional personnel, as defined in the
1350 district policy, to ensure a continuing educational program for
1351 the removed student;

1352 (b) The duration of alternative placement; and



1353 (c) The notification of parents or guardians, and their
1354 appropriate inclusion in the removal and evaluation process, as
1355 defined in the district policy. Nothing in this paragraph should
1356 be defined in a manner to circumvent the principal's or the
1357 superintendent's authority to remove a student to alternative
1358 education.

1359 (3) The local school board or the superintendent shall
1360 provide for the continuing education of a student who has been
1361 removed to an alternative school program.

1362 (4) A school district, in its discretion, may provide a
1363 program of general educational development (GED) preparatory
1364 instruction in the alternative school program. However, any GED
1365 preparation program offered in an alternative school program must
1366 be administered in compliance with the rules and regulations
1367 established for such programs under Sections 37-35-1 through
1368 37-35-11 and by the Board of Trustees of State Institutions of
1369 Higher Learning. The school district may administer the General
1370 Educational Development (GED) Testing Program under the policies
1371 and guidelines of the GED Testing Service of the American Council
1372 on Education in the alternative school program or may authorize
1373 the test to be administered through the community/junior college
1374 district in which the alternative school is situated.

1375 (5) Any such alternative school program operated under the
1376 authority of this section shall meet all appropriate accreditation
1377 requirements of the State Department of Education.

1378 (6) The alternative school program may be held within such
1379 school district or may be operated by two (2) or more adjacent
1380 school districts, pursuant to a contract approved by the State
1381 Board of Education. When two (2) or more school districts
1382 contract to operate an alternative school program, the school
1383 board of a district designated to be the lead district shall serve
1384 as the governing board of the alternative school program.

1385 Transportation for students attending the alternative school



1386 program shall be the responsibility of the local school district.
1387 The expense of establishing, maintaining and operating such
1388 alternative school program may be paid from funds contributed or
1389 otherwise made available to the school district for such purpose
1390 or from local district maintenance funds.

1391 (7) The State Board of Education shall promulgate minimum
1392 guidelines for alternative school programs. The guidelines shall
1393 require, at a minimum, the formulation of an individual
1394 instruction plan for each student referred to the alternative
1395 school program and, upon a determination that it is in a student's
1396 best interest for that student to receive general educational
1397 development (GED) preparatory instruction, that the local school
1398 board assign the student to a GED preparatory program established
1399 under subsection (4) of this section. The minimum guidelines for
1400 alternative school programs shall also require the following
1401 components:

1402 (a) Clear guidelines and procedures for placement of
1403 students into alternative education programs which at a minimum
1404 shall prescribe due process procedures for disciplinary and
1405 general educational development (GED) placement;

1406 (b) Clear and consistent goals for students and
1407 parents;

1408 (c) Curricula addressing cultural and learning style
1409 differences;

1410 (d) Direct supervision of all activities on a closed
1411 campus;

1412 (e) Full-day attendance with a rigorous workload and
1413 minimal time off;

1414 (f) Selection of program from options provided by the
1415 local school district, Division of Youth Services or the youth
1416 court, including transfer to a community-based alternative school;

1417 (g) Continual monitoring and evaluation and formalized
1418 passage from one step or program to another;



1419 (h) A motivated and culturally diverse staff;
1420 (i) Counseling for parents and students;
1421 (j) Administrative and community support for the
1422 program; and
1423 (k) Clear procedures for annual alternative school
1424 program review and evaluation.

1425 (8) On request of a school district, the State Department of
1426 Education shall provide the district informational material on
1427 developing an alternative school program that takes into
1428 consideration size, wealth and existing facilities in determining
1429 a program best suited to a district.

1430 (9) Any compulsory-school-age child who becomes involved in
1431 any criminal or violent behavior shall be removed from such
1432 alternative school program and, if probable cause exists, a case
1433 shall be referred to the youth court.

1434 (10) The State Board of Education, in its discretion, may
1435 exempt not more than four (4) school district alternative school
1436 programs in the state from any compulsory standard of
1437 accreditation for a period of three (3) years. During this
1438 period, the State Department of Education shall conduct a study of
1439 all alternative school programs in the state, and on or before
1440 January 1, 2000, shall develop and promulgate accreditation
1441 standards for all alternative school programs, including any
1442 recommendations for necessary legislation relating to such
1443 alternative school programs.

1444 **SECTION 14.** Section 37-29-69, Mississippi Code of 1972, is
1445 amended as follows:

1446 37-29-69. Each community/junior college district is hereby
1447 authorized and empowered to operate community/junior college
1448 attendance centers at existing sites of community/junior college
1449 plants and facilities and at such other places within the
1450 district, subject to the approval of the Board of Trustees of



1451 State Institutions of Higher Learning, as the board of trustees
1452 determines to be in the best interest of the district.

1453 Two (2) or more community/junior colleges may cooperate in
1454 establishing, operating and maintaining attendance centers.

1455 **SECTION 15.** Section 37-29-71, Mississippi Code of 1972, is
1456 amended as follows:

1457 37-29-71. Each community/junior college shall annually
1458 prepare and submit to the Board of Trustees of State Institutions
1459 of Higher Learning a budget which shall contain a detailed
1460 estimate of the revenues and expenses anticipated for the ensuing
1461 year for general operation and maintenance and which shall set
1462 forth the reasonable requirements for anticipated needs for
1463 capital outlays for land, buildings, initial equipment for new
1464 buildings and major repairs * * *.

1465 **SECTION 16.** Section 37-29-169, Mississippi Code of 1972, is
1466 amended as follows:

1467 37-29-169. The formula for allocating funds to the state's
1468 public community/junior colleges in support of the purposes set
1469 forth in Section 37-29-163 shall be determined by the Board of
1470 Trustees of State Institutions of Higher Learning based upon need
1471 for the program set forth in the application.

1472 Said board of trustees shall furnish a copy of the
1473 application to the Department of Finance and Administration and a
1474 copy to the Department of Economic and Community Development. The
1475 Department of Economic and Community Development shall review each
1476 application, and if said department finds and determines there
1477 exists a need for said training programs, facilities and
1478 equipment, it shall issue a certificate of necessity to the Board
1479 of Trustees of State Institutions of Higher Learning, which
1480 certificate of necessity shall be a prerequisite for approval.

1481 The Board of Trustees of State Institutions of Higher
1482 Learning shall consider each application with reference to
1483 adequacy of the past, present and prospective use of the



1484 instruction, personnel, curriculum, equipment, budget, operation,
1485 facilities, grants, scholarships, tuition, maintenance and other
1486 similar administrative and technical data as relates to each
1487 community/junior college. The * * * board of trustees shall, by
1488 resolution or order, approve or disapprove the application.

1489 **SECTION 17.** Section 37-29-268, Mississippi Code of 1972, is
1490 amended as follows:

1491 37-29-268. (1) There is hereby created in the State
1492 Treasury a special fund to be designated as the "Community College
1493 Repair and Renovation Fund" which shall consist of monies
1494 appropriated or otherwise made available therefor by the
1495 Legislature. Within the special fund, the State Treasury shall
1496 establish a subaccount for each community and junior college.
1497 Interest earned on monies in the special fund shall be deposited
1498 to the credit of such fund and money shall not lapse at the end of
1499 the fiscal year into the State General Fund. Money in the special
1500 fund shall be appropriated by the Legislature and allocated by the
1501 Bureau of Building, Grounds and Real Property Management,
1502 Department of Finance and Administration, for the repair,
1503 renovation and improvement of existing facilities owned by the
1504 community and junior colleges, including utility infrastructure
1505 projects; heating, ventilation and air conditioning systems; and
1506 the replacement of furniture and equipment. However, the cost of
1507 such repair, renovation and improvement for any one project shall
1508 not exceed One Million Dollars (\$1,000,000.00).

1509 (2) Monies in the special fund shall be allocated to each
1510 community college's subaccount as follows:

1511 (a) One-half (1/2) divided equally among the fifteen
1512 (15) public community and junior colleges; and

1513 (b) One-half (1/2) divided upon the basis of the number
1514 of full-time academic, technical and vocational public community
1515 and junior college students actually enrolled and in attendance on
1516 the last day of the sixth week of the Fall semester of the



1517 preceding year counting only those students who reside within the
1518 State of Mississippi. On or before December 1 of each year, the
1519 Board of Trustees of State Institutions of Higher Learning shall
1520 furnish the Bureau of Building, Grounds and Real Property
1521 Management, Department of Finance and Administration, the
1522 enrollment information required in this paragraph (b), including
1523 the percentage of statewide enrollment attributed to each
1524 community and junior college.

1525 (3) For the purposes of this section, the term "furniture
1526 and equipment" shall be limited to the types of furniture and
1527 equipment items previously recorded in the community college's
1528 inventory.

1529 **SECTION 18.** Section 37-31-205, Mississippi Code of 1972, is
1530 amended as follows:

1531 37-31-205. (1) The State Board of Education shall have the
1532 authority to:

1533 (a) Expend funds received either by appropriation or
1534 directly from federal or private sources;

1535 (b) Channel funds to secondary schools, community and
1536 junior colleges and regional vocational-technical facilities
1537 according to priorities set by the board;

1538 (c) Allocate funds on an annual budgetary basis;

1539 (d) Set standards for and approve all vocational and
1540 technical education programs in the public school system and
1541 community and junior colleges or other agencies or institutions
1542 which receive state funds and federal funds for such purposes,
1543 including, but not limited to, the following vocational and
1544 technical education programs: agriculture, trade and industry,
1545 occupational home economics, consumer and homemaking education,
1546 distributive education, business and office, health, industrial
1547 arts, guidance services, technical education, cooperative
1548 education, and all other specialized training not requiring a
1549 bachelors degree, with the exception of programs of nursing



1550 education regulated under the provisions of Section 37-129-1. The
1551 State Board of Education shall authorize local schools boards,
1552 within such school board's discretion, to offer distributive
1553 education as a one-hour or two-hour block course. There shall be
1554 no reduction of reimbursements from state funding for distributive
1555 education due to the selection of either the one-hour or two-hour
1556 course offering;

1557 (e) Set and publish licensure standards for vocational
1558 and technical education personnel. The State Board of Education
1559 shall recognize a vocational and technical education teacher's
1560 work when school is not in session which is in the teacher's
1561 particular field of instruction as a means for the teacher to
1562 fulfill the requirements for renewal of the teacher's license.
1563 The board shall establish, by rules and regulations, the
1564 documentation of such work which must be submitted to the board
1565 and the number of actual working hours required to fulfill renewal
1566 requirements. If a vocational and technical education teacher who
1567 does not have a bachelor's degree takes classes in fulfillment of
1568 licensure renewal requirements, such classes must be in
1569 furtherance of a bachelor's degree;

1570 (f) Require data and information on program performance
1571 from those programs receiving state funds;

1572 (g) Expend funds to expand career information;

1573 (h) Supervise and maintain the division of vocational
1574 and technical education and to utilize to the greatest extent
1575 possible said division as the administrative unit of the board
1576 responsible for coordinating programs and services with local
1577 institutions;

1578 (i) Promulgate such rules and regulations necessary to
1579 carry out the provisions of this chapter in accordance with
1580 Section 25-43-1 et seq.;



1581 (j) Set standards and approve all vocational and
1582 technical education equipment and facilities purchased and/or
1583 leased with state and federal vocational funds;

1584 (k) Encourage provisions for lifelong learning and
1585 changing personal career preferences and advancement of vocational
1586 and technical education students through articulated programs
1587 between high schools and community and junior colleges;

1588 (l) Encourage the establishment of new linkages with
1589 business and industry which will provide for a better
1590 understanding of essential labor market concepts;

1591 (m) Periodically review the funding and reporting
1592 processes required of local school districts by the board or
1593 division with the aim of simplifying or eliminating inefficient
1594 practices and procedures;

1595 (n) Assist in the development of high technology
1596 programs and resource centers to support current and projected
1597 industrial needs;

1598 (o) Assist in the development of a technical assistance
1599 program for business and industry which will provide for
1600 industrial training and services, including the transfer of
1601 information relative to new applications and advancements in
1602 technology; and

1603 (p) Enter into contracts and agreements with the Board
1604 of Trustees of State Institutions of Higher Learning for
1605 conditions under which vocational and technical education programs
1606 in community and junior colleges shall receive state and federal
1607 funds which flow through the State Board of Education for such
1608 purposes.

1609 (2) It is the intent of the Legislature that no vocational
1610 and technical education course or program existing on June 30,
1611 1982, shall be eliminated by the State Board of Education under
1612 the authority vested in paragraph (d) of subsection (1) of this
1613 section prior to June 30, 1985. It is further the intent of the



1614 Legislature that no vocational and technical education teacher or
1615 other personnel employed on June 30, 1983, shall be discharged due
1616 to licensure standards promulgated by the board under paragraph
1617 (e) of subsection (1) of this section, if any such teacher or
1618 personnel shall have complied with any newly published licensure
1619 standards by June 30, 1985. Nothing contained in this section
1620 shall be construed to abrogate or affect in any manner the
1621 authority of local public school districts or community and junior
1622 colleges to eliminate vocational and technical education courses
1623 or programs or to discharge any vocational and technical education
1624 teacher or other personnel.

1625 (3) The State Board of Education and the Board of Trustees
1626 of State Institutions of Higher Learning may provide that
1627 beginning with the 1995-1996 school year, every vocational and
1628 technical education course or program in Mississippi may integrate
1629 academic and vocational-technical education through coherent
1630 sequences of courses, so that students in such programs achieve
1631 both academic and occupational competencies. The boards may
1632 expend federal funds available from the 1990 Perkins Act, or other
1633 available federal funds, for the alignment of vocational-technical
1634 programs with academic programs through the accreditation process
1635 and the teacher licensure process.

1636 **SECTION 19.** Section 37-35-1, Mississippi Code of 1972, is
1637 amended as follows:

1638 37-35-1. The Board of Trustees of State Institutions of
1639 Higher Learning is authorized and directed to prescribe rules and
1640 regulations, which said rules and regulations when properly
1641 promulgated and not inconsistent with the provisions of this
1642 chapter shall have the force and effect of law, under which a
1643 program may be established, maintained and supervised for the
1644 purpose of supplying educational advantages to adults, which shall
1645 include all persons sixteen (16) years of age and over, not
1646 enrolled in school or required to be enrolled in school by the



1647 compulsory school attendance law, Section 37-13-91, Mississippi
1648 Code of 1972. The aim and purpose of such a program shall be to
1649 reduce illiteracy and to provide a general plan of continuing
1650 education in the fundamental principles of democratic society,
1651 citizenship, public affairs, forums, home family life, arts and
1652 crafts, general cultural subjects with priority to be given to
1653 academic training through high school and training in technical
1654 skills and trades needed by industries, and such other subjects as
1655 the Board of Trustees of State Institutions of Higher Learning may
1656 prescribe for the social and economic advancement of adults. The
1657 Board of Trustees of State Institutions of Higher Learning is
1658 authorized to employ such additional supervisory, secretarial and
1659 clerical personnel as may be necessary to carry out the provisions
1660 of this chapter.

1661 **SECTION 20.** Section 37-35-5, Mississippi Code of 1972, is
1662 amended as follows:

1663 37-35-5. For the purpose of supporting the adult education
1664 program authorized in this chapter, the Board of Trustees of State
1665 Institutions of Higher Learning is authorized to accept for and on
1666 behalf of the State of Mississippi, federal funds made available
1667 to the state for the purpose of adult education. Such funds shall
1668 be used by the Board of Trustees of State Institutions of Higher
1669 Learning for the administration of the program and to supplement
1670 the local funds made available by any school district, provided
1671 such program is conducted under the rules and regulations
1672 established by the Board of Trustees of State Institutions of
1673 Higher Learning. All programs of adult basic education
1674 administered by the State Department of Education on July 1, 1992,
1675 shall be continued with at least the same level of funding, until
1676 July 1, 1995, provided that such programs are financially and
1677 programmatically sound and meet the requirements of federal rules
1678 and regulations. Nothing in Sections 37-35-1 through 37-35-11
1679 shall be interpreted in a manner to prevent or interfere with the



1680 independent operation or administration of adult education under
1681 the Department of Human Services, including but not limited to
1682 those programs administered by the Governor's Office of Literacy
1683 and Workplace Enhancement, or of any general educational
1684 development preparatory instruction and testing administered by a
1685 school district in an alternative school program.

1686 **SECTION 21.** Section 37-35-7, Mississippi Code of 1972, is
1687 amended as follows:

1688 37-35-7. Any funds that may be appropriated by the State
1689 Legislature for the purpose of carrying out a program of adult
1690 education may be used to supplement local funds or to meet the
1691 minimum requirements of the federal government for a program of
1692 adult education in the state, provided such program is conducted
1693 under the rules and regulations established by the Board of
1694 Trustees of State Institutions of Higher Learning.

1695 **SECTION 22.** Section 37-35-9, Mississippi Code of 1972, is
1696 amended as follows:

1697 37-35-9. The Board of Trustees of State Institutions of
1698 Higher Learning is authorized to develop and establish general
1699 educational development preparatory classes in secondary schools
1700 and community/junior colleges and to provide financial assistance
1701 from the state for the specific purpose of preparing persons
1702 sixteen (16) years of age and older, not enrolled in school or
1703 required to be enrolled in school by the Compulsory School
1704 Attendance Law (Section 37-13-91) to successfully write the
1705 general educational development test and earn a certificate of
1706 equivalency which is equivalent to the high school diploma.

1707 The Board of Trustees of State Institutions of Higher
1708 Learning is authorized to administer the General Educational
1709 Development (GED) Testing Program under the policies and
1710 guidelines of the GED Testing Service of the American Council on
1711 Education.



1712 This program shall be administered by the Board of Trustees
1713 of State Institutions of Higher Learning through the secondary
1714 schools and community/junior colleges as the local needs indicate
1715 and are practical.

1716 Full and general supervision over the program by the Board of
1717 Trustees of State Institutions of Higher Learning shall insure
1718 that duplication of effort by secondary schools and
1719 community/junior colleges will be eliminated; however, nothing in
1720 this section shall be construed to prohibit a school district from
1721 implementing a program of general educational development (GED)
1722 preparatory instruction and testing in an alternative school
1723 program.

1724 Adult students for general educational development
1725 preparatory classes may be accepted by schools and
1726 community/junior colleges from any area of the state provided
1727 students are bona fide residents of Mississippi.

1728 Instructors, counselors and supervisors utilized in the
1729 teaching of general educational development preparatory classes
1730 shall be licensed in the appropriate area as required by the Board
1731 of Trustees of State Institutions of Higher Learning.

1732 **SECTION 23.** Section 37-35-11, Mississippi Code of 1972, is
1733 amended as follows:

1734 37-35-11. The Board of Trustees of State Institutions of
1735 Higher Learning shall determine policies and procedures for
1736 administration of this program.

1737 Funds provided under this section and Section 37-35-9 can be
1738 used for matching federal funds if such become available.

1739 Funds provided under this section and Section 37-35-9 shall
1740 be allocated to schools and community/junior colleges on an
1741 average of twelve (12) to fifteen (15) adult students per class in
1742 average attendance, for one hundred fifty (150) hours maximum
1743 instruction per class. Funds will be allocated on a basis of
1744 target population by county for general educational development



1745 preparatory classes based on adults who have from nine (9) to
1746 eleven (11) years of schooling as indicated by the 1990 census.
1747 Schools and community/junior colleges will receive one hundred
1748 percent (100%) of the cost of general educational development
1749 preparatory classes. All classes funded under this section and
1750 Section 37-35-9 shall be considered temporary and shall be renewed
1751 only as long as participation is adequate for continued funding.

1752 An annual report on program activities, adult participation
1753 and results shall be prepared by the Board of Trustees of State
1754 Institutions of Higher Learning and submitted to the Mississippi
1755 Legislature within the first month of regular legislative session
1756 each year.

1757 **SECTION 24.** Section 37-61-33, Mississippi Code of 1972, is
1758 amended as follows:

1759 **[Until July 1, 2002, this section reads as follows:]**

1760 37-61-33. (1) There is created within the State Treasury a
1761 special fund to be designated the "Education Enhancement Fund"
1762 into which shall be deposited all the revenues collected pursuant
1763 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

1764 (2) Of the amount deposited into the Education Enhancement
1765 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be
1766 appropriated each fiscal year to the State Department of Education
1767 to be distributed to all school districts. Such money shall be
1768 distributed to all school districts in the proportion that the
1769 average daily attendance of each school district bears to the
1770 average daily attendance of all school districts within the state
1771 for the following purposes:

1772 (a) Purchasing, erecting, repairing, equipping,
1773 remodeling and enlarging school buildings and related facilities,
1774 including gymnasiums, auditoriums, lunchrooms, vocational training
1775 buildings, libraries, teachers' homes, school barns,
1776 transportation vehicles (which shall include new and used



1777 transportation vehicles) and garages for transportation vehicles,
1778 and purchasing land therefor.

1779 (b) Establishing and equipping school athletic fields
1780 and necessary facilities connected therewith, and purchasing land
1781 therefor.

1782 (c) Providing necessary water, light, heating, air
1783 conditioning and sewerage facilities for school buildings, and
1784 purchasing land therefor.

1785 (d) As a pledge to pay all or a portion of the debt
1786 service on debt issued by the school district under Sections
1787 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
1788 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
1789 and 37-41-81, or debt issued by boards of supervisors for
1790 agricultural high schools pursuant to Section 37-27-65, if such
1791 pledge is accomplished pursuant to a written contract or
1792 resolution approved and spread upon the minutes of an official
1793 meeting of the district's school board or board of supervisors.
1794 The annual grant to such district in any subsequent year during
1795 the term of the resolution or contract shall not be reduced below
1796 an amount equal to the district's grant amount for the year in
1797 which the contract or resolution was adopted. The intent of this
1798 provision is to allow school districts to irrevocably pledge a
1799 certain, constant stream of revenue as security for long-term
1800 obligations issued under the code sections enumerated in this
1801 paragraph or as otherwise allowed by law. It is the intent of the
1802 Legislature that the provisions of this paragraph shall be
1803 cumulative and supplemental to any existing funding programs or
1804 other authority conferred upon school districts or school boards.
1805 Debt of a district secured by a pledge of sales tax revenue
1806 pursuant to this paragraph shall not be subject to any debt
1807 limitation contained in the foregoing enumerated code sections.

1808 (3) The remainder of the money deposited into the Education
1809 Enhancement Fund shall be appropriated as follows:



1810 (a) To the State Department of Education as follows:

1811 (i) Eight and thirty-five one-hundredths percent
1812 (8.35%) to be distributed to public school districts for the
1813 support of educational programs authorized by law. The funds
1814 distributed to the school districts under this item shall be in
1815 the proportion that the average daily attendance of each school
1816 district bears to the average daily attendance of all school
1817 districts within the state;

1818 (ii) Seven and ninety-seven one-hundredths percent
1819 (7.97%) to assist the funding of transportation operations and
1820 maintenance pursuant to Section 37-19-23;

1821 (iii) Eight and twenty-six one-hundredths percent
1822 (8.26%) to assist the funding of the Uniform Millage Assistance
1823 Grant Program pursuant to Section 37-22-1; and

1824 (iv) Nine and sixty-one one-hundredths percent
1825 (9.61%), of which Four Million Six Hundred Thousand Dollars
1826 (\$4,600,000.00) shall be allocated for classroom supplies,
1827 instructional materials and equipment, including computers and
1828 computer software, to be distributed to all school districts in
1829 the proportion that the average daily attendance of each school
1830 district bears to the average daily attendance of all school
1831 districts within the state. Classroom supply funds shall not be
1832 expended for administrative purposes. Local school districts
1833 shall allocate classroom supply funds equally among all classroom
1834 teachers in the school district. For purposes of this
1835 subparagraph, "teacher" shall mean any employee of the school
1836 board of a school district who is required by law to obtain a
1837 teacher's license from the State Board of Education and who is
1838 assigned to an instructional area of work as defined by the State
1839 Department of Education, but shall not include a federally funded
1840 teacher. Two (2) or more teachers may agree to pool their
1841 classroom supply funds for the benefit of a school within the
1842 district pursuant to the development of a spending plan that



1843 supports the overall goals of the school which includes the type,
1844 quantity and quality of such supplies, instructional materials,
1845 equipment, computers or computer software. This plan shall be
1846 submitted, in writing, to the school principal for approval.
1847 Classroom supply funds allocated under this subparagraph shall
1848 supplement, not replace, other local and state funds available for
1849 the same purposes. School districts need not fully expend the
1850 funds received under this subparagraph in the year in which they
1851 are received, but such funds may be carried forward for
1852 expenditure in any succeeding school year. The State Board of
1853 Education shall develop and promulgate rules and regulations for
1854 the administration of this subparagraph consistent with the above
1855 criteria, with particular emphasis on allowing the individual
1856 teachers to expend funds as they deem appropriate, with minimum
1857 input from school principals. The remainder of the funds
1858 appropriated to the State Department of Education under this item
1859 shall be distributed to public school districts in the proportion
1860 that the average daily attendance of each school district bears to
1861 the average daily attendance of all school districts in the state
1862 for the support of educational programs authorized by law;

1863 (b) Twenty-two and nine one-hundredths percent (22.09%)
1864 to the Board of Trustees of State Institutions of Higher Learning
1865 for the purpose of supporting institutions of higher learning; and

1866 (c) Fourteen and forty-one one-hundredths percent
1867 (14.41%) to the Board of Trustees of State Institutions of Higher
1868 Learning for the purpose of providing support to community and
1869 junior colleges.

1870 (4) The amount remaining in the Education Enhancement Fund
1871 after funds are distributed as provided in subsections (2) and (3)
1872 of this section shall be disbursed as follows:

1873 (a) Twenty-five Million Dollars (\$25,000,000.00) shall
1874 be deposited into the Working Cash-Stabilization Reserve Fund
1875 created pursuant to Section 27-103-203(1), until the balance in



1876 such fund reaches the maximum balance of seven and one-half
1877 percent (7-1/2%) of the General Fund appropriations in the
1878 appropriate fiscal year. After the maximum balance in the Working
1879 Cash-Stabilization Reserve Fund is reached, such money shall
1880 remain in the Education Enhancement Fund to be appropriated in the
1881 manner provided for in paragraph (b) of this subsection.

1882 (b) The remainder shall be appropriated for other
1883 educational needs.

1884 (5) None of the funds appropriated pursuant to subsection
1885 (3) (a) of this section shall be used to reduce the state's general
1886 fund appropriation for the categories listed in an amount below
1887 the following amounts:

1888 (a) For subsection (3) (a) (i) of this section, Six
1889 Million Three Hundred Thirty Thousand Nine Hundred Twenty Dollars
1890 (\$6,330,920.00);

1891 (b) For subsection (3) (a) (ii) of this section,
1892 Thirty-six Million Seven Hundred Thousand Dollars
1893 (\$36,700,000.00);

1894 (c) For subsection (3) (a) (iii) of this section,
1895 Twenty-one Million Four Hundred Thousand Dollars (\$21,400,000.00);
1896 and

1897 (d) For the aggregate of minimum program allotments
1898 provided for in Chapter 19, Title 37, Mississippi Code of 1972, as
1899 amended, excluding those funds for transportation as provided for
1900 in subsection (5) (b) of this section.

1901 **[From and after July 1, 2002, this section reads as follows:]**

1902 37-61-33. (1) There is created within the State Treasury a
1903 special fund to be designated the "Education Enhancement Fund"
1904 into which shall be deposited all the revenues collected pursuant
1905 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

1906 (2) Of the amount deposited into the Education Enhancement
1907 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be
1908 appropriated each fiscal year to the State Department of Education



1909 to be distributed to all school districts. Such money shall be
1910 distributed to all school districts in the proportion that the
1911 average daily attendance of each school district bears to the
1912 average daily attendance of all school districts within the state
1913 for the following purposes:

1914 (a) Purchasing, erecting, repairing, equipping,
1915 remodeling and enlarging school buildings and related facilities,
1916 including gymnasiums, auditoriums, lunchrooms, vocational training
1917 buildings, libraries, teachers' homes, school barns,
1918 transportation vehicles (which shall include new and used
1919 transportation vehicles) and garages for transportation vehicles,
1920 and purchasing land therefor.

1921 (b) Establishing and equipping school athletic fields
1922 and necessary facilities connected therewith, and purchasing land
1923 therefor.

1924 (c) Providing necessary water, light, heating, air
1925 conditioning and sewerage facilities for school buildings, and
1926 purchasing land therefor.

1927 (d) As a pledge to pay all or a portion of the debt
1928 service on debt issued by the school district under Sections
1929 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
1930 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
1931 and 37-41-81, or debt issued by boards of supervisors for
1932 agricultural high schools pursuant to Section 37-27-65, if such
1933 pledge is accomplished pursuant to a written contract or
1934 resolution approved and spread upon the minutes of an official
1935 meeting of the district's school board or board of supervisors.
1936 The annual grant to such district in any subsequent year during
1937 the term of the resolution or contract shall not be reduced below
1938 an amount equal to the district's grant amount for the year in
1939 which the contract or resolution was adopted. The intent of this
1940 provision is to allow school districts to irrevocably pledge a
1941 certain, constant stream of revenue as security for long-term



1942 obligations issued under the code sections enumerated in this
1943 paragraph or as otherwise allowed by law. It is the intent of the
1944 Legislature that the provisions of this paragraph shall be
1945 cumulative and supplemental to any existing funding programs or
1946 other authority conferred upon school districts or school boards.
1947 Debt of a district secured by a pledge of sales tax revenue
1948 pursuant to this paragraph shall not be subject to any debt
1949 limitation contained in the foregoing enumerated code sections.

1950 (3) The remainder of the money deposited into the Education
1951 Enhancement Fund shall be appropriated as follows:

1952 (a) To the State Department of Education as follows:

1953 (i) Sixteen and sixty-one one-hundredths percent
1954 (16.61%) to the cost of the adequate education program determined
1955 under Section 37-151-7;

1956 (ii) Seven and ninety-seven one-hundredths percent
1957 (7.97%) to assist the funding of transportation operations and
1958 maintenance pursuant to Section 37-19-23; and

1959 (iii) Nine and sixty-one one-hundredths percent
1960 (9.61%) for classroom supplies, instructional materials and
1961 equipment, including computers and computer software, to be
1962 distributed to all school districts in the proportion that the
1963 average daily attendance of each school district bears to the
1964 average daily attendance of all school districts within the state.

1965 It is the intent of the Legislature that all classroom teachers
1966 shall be involved in the development of a spending plan that
1967 addresses individual classroom needs and supports the overall
1968 goals of the school regarding supplies, instructional materials,
1969 equipment, computers or computer software under the provisions of
1970 this subparagraph, including the type, quantity and quality of
1971 such supplies, materials and equipment. This plan shall be
1972 submitted to the school principal for approval. School districts
1973 need not fully expend the funds received under this subparagraph



1974 in the year in which they are received, but such funds may be
1975 carried forward for expenditure in any succeeding school year;

1976 (b) Twenty-two and nine one-hundredths percent (22.09%)
1977 to the Board of Trustees of State Institutions of Higher Learning
1978 for the purpose of supporting institutions of higher learning; and

1979 (c) Fourteen and forty-one one-hundredths percent
1980 (14.41%) to the Board of Trustees of State Institutions of Higher
1981 Learning for the purpose of providing support to community and
1982 junior colleges.

1983 (4) The amount remaining in the Education Enhancement Fund
1984 after funds are distributed as provided in subsections (2) and (3)
1985 of this section shall be disbursed as follows:

1986 (a) Twenty-five Million Dollars (\$25,000,000.00) shall
1987 be deposited into the Working Cash-Stabilization Reserve Fund
1988 created pursuant to Section 27-103-203(1), until the balance in
1989 such fund reaches the maximum balance of seven and one-half
1990 percent (7-1/2%) of the General Fund appropriations in the
1991 appropriate fiscal year. After the maximum balance in the Working
1992 Cash-Stabilization Reserve Fund is reached, such money shall
1993 remain in the Education Enhancement Fund to be appropriated in the
1994 manner provided for in paragraph (b) of this subsection.

1995 (b) The remainder shall be appropriated for other
1996 educational needs.

1997 (5) None of the funds appropriated pursuant to subsection
1998 (3)(a) of this section shall be used to reduce the state's general
1999 fund appropriation for the categories listed in an amount below
2000 the following amounts:

2001 (a) For subsection (3)(a)(ii) of this section,
2002 Thirty-six Million Seven Hundred Thousand Dollars
2003 (\$36,700,000.00);

2004 (b) For the aggregate of minimum program allotments in
2005 the 1997 fiscal year, formerly provided for in Chapter 19, Title
2006 37, Mississippi Code of 1972, as amended, excluding those funds



2007 for transportation as provided for in subsection (5)(a) in this
2008 section.

2009 **SECTION 25.** Section 37-63-3, Mississippi Code of 1972, is
2010 amended as follows:

2011 37-63-3. The Authority for Educational Television shall
2012 consist of the State Superintendent of Public Education and six
2013 (6) members appointed, with the advice and consent of the Senate.
2014 The Governor shall appoint four (4) members, one (1) of whom shall
2015 be actively engaged as a teacher or principal in a secondary
2016 school system in the State of Mississippi and one (1) of whom
2017 shall be actively engaged as a teacher or principal in an
2018 elementary school system in the State of Mississippi. Beginning
2019 July 1, 1994, the appointee actively engaged as a teacher or
2020 principal in a secondary school shall be appointed for an initial
2021 term of three (3) years. The member actively engaged as a teacher
2022 or principal in an elementary school shall be appointed for an
2023 initial term of four (4) years. The remaining two (2)
2024 gubernatorial appointees shall serve until July 1, 1996.
2025 Beginning July 1, 1996, the Governor shall appoint two (2) members
2026 for initial terms of three (3) and four (4) years, with the
2027 Governor specifically designating which member shall be appointed
2028 for three (3) years and which shall be appointed for four (4)
2029 years. The * * * Board of Trustees of * * * State Institutions of
2030 Higher Learning shall appoint two (2) members. After the
2031 expiration of the initial terms, all members shall serve for terms
2032 of four (4) years. An appointment to fill a vacancy among the
2033 gubernatorial appointees, other than by expiration of a term of
2034 office, shall be made by the Governor for the balance of the
2035 unexpired term.

2036 **SECTION 26.** Section 37-101-3, Mississippi Code of 1972, is
2037 amended as follows:

2038 37-101-3. (1) The Governor, by and with the advice and
2039 consent of the Senate, shall appoint the members of the Board of



2040 Trustees of State Institutions of Higher Learning, one (1) member
2041 from each congressional district of the state as existing as of
2042 March 31, 1944, one (1) member from each Supreme Court district
2043 and two (2) members from the state at large, with the terms of
2044 each to begin on May 8, 1944. One-third (1/3) of the membership
2045 of said board so appointed shall be appointed for a period of four
2046 (4) years, one-third (1/3) for a period of eight (8) years and
2047 one-third (1/3) for a period of twelve (12) years. On the
2048 expiration of any of said terms of office the Governor shall
2049 appoint successors, by and with the advice and consent of the
2050 Senate, for terms of twelve (12) years in each case.

2051 (2) In case of a vacancy on said board by death or
2052 resignation of a member or from any other cause than the
2053 expiration of such member's term of office, the board shall elect
2054 his successor who shall hold office until the end of the next
2055 session of the Legislature. During such term of the session of
2056 the Legislature the Governor shall appoint the successor member of
2057 the board from the district from which his predecessor was
2058 appointed to hold office until the end of the period or term for
2059 which said original trustee was appointed, to the end that
2060 one-third (1/3) of such trustees' terms shall expire each four (4)
2061 years.

2062 * * *

2063 **SECTION 27.** Section 37-102-3, Mississippi Code of 1972, is
2064 amended as follows:

2065 37-102-3. The Board of Trustees of State Institutions of
2066 Higher Learning shall not permit its universities to offer courses
2067 for college credit at the lower undergraduate level at an
2068 off-campus site unless approved by the State Board for Community
2069 and Junior Colleges. The Board of Trustees of State Institutions
2070 of Higher Learning, in cooperation with the State Board for
2071 Community and Junior Colleges, shall study the need and
2072 advisability of offering (a) courses for college credit at the



2073 lower undergraduate level, and (b) advanced centers for technology
2074 partnerships for industrial training and professional development
2075 for credit and noncredit courses, at the following off-campus
2076 sites by four-year public state institutions of higher learning:
2077 the Mississippi Gulf Coast counties; Greenville, Mississippi;
2078 Columbus, Mississippi; McComb, Mississippi; Hattiesburg,
2079 Mississippi; Meridian, Mississippi; Laurel, Mississippi; and any
2080 other proposed area of the state. Any such study shall take into
2081 account the ongoing programs of the community and junior colleges
2082 in the State of Mississippi * * *. It is the intent of the
2083 Legislature to meet the educational needs of students who do not
2084 have ready access to the educational opportunities that they
2085 desire. * * * The board shall establish such rules and
2086 regulations as it deems necessary and proper to carry out the
2087 purposes and intent of this chapter.

2088 **SECTION 28.** Section 37-106-9, Mississippi Code of 1972, is
2089 amended as follows:

2090 37-106-9. (1) There is hereby created the Postsecondary
2091 Education Financial Assistance Board which shall consist of the
2092 following three (3) members: one (1) person to be appointed by
2093 the Board of Trustees of State Institutions of Higher Learning
2094 from its membership for an initial period of four (4) years; one
2095 (1) person representing the state community colleges to be
2096 appointed by the Board of Trustees of State Institutions of Higher
2097 Learning for an initial period of three (3) years; and one (1)
2098 person to be appointed by the Governor for an initial period of
2099 two (2) years. All subsequent appointments shall be for a period
2100 of four (4) years. Vacancies shall be filled for the length of
2101 the unexpired term only. The board shall elect from its
2102 membership a chairman.

2103 (2) The agency shall designate one (1) member of its staff
2104 to serve as director, to administer the provisions of this
2105 financial assistance program. The director shall be assigned by



2106 the agency sufficient staff, professional and clerical, funds and
2107 quarters to administer this program.

2108 (3) The director:

2109 (a) Subject to the review of the board, shall have the
2110 power of final approval of any application submitted;

2111 (b) Subject to the approval of the board and the
2112 agency, shall have authority to promulgate the necessary rules and
2113 regulations for effective administration of this chapter,
2114 including the method of making application for assistance
2115 authorized by this chapter.

2116 **SECTION 29.** Section 37-149-1, Mississippi Code of 1972, is
2117 amended as follows:

2118 37-149-1. (1) There is established within the State
2119 Department of Education, the Mississippi Teacher Center for the
2120 purpose of insuring that the children of our state are taught by
2121 quality professionals. The center shall serve as an interagency
2122 center focused on teacher recruitment, enhanced training and
2123 initial instructional support.

2124 (2) The center shall have a staff which shall consist of one
2125 (1) director, one (1) administrative assistant and professional
2126 teacher recruiters. A steering committee shall be established
2127 which shall consist of one (1) member from each of the following:
2128 the Board of Trustees of State Institutions of Higher
2129 Learning, * * * the State Board of Education, the Board of the
2130 Mississippi Association of Independent Colleges, the Board of the
2131 Mississippi Association of Colleges of Teacher Education, trustees
2132 of the local school boards, teachers and the private sector. The
2133 members of the steering committee shall be appointed by the State
2134 Superintendent with the approval of the board. The steering
2135 committee shall direct the work and establish policies for the
2136 purpose of operating the center.

2137 (3) The center shall provide leadership for the following
2138 initiatives:



- 2139 (a) The initiation and monitoring of high school
2140 programs for teacher recruitment;
- 2141 (b) The initiation and monitoring of college level
2142 programs for teacher recruitment;
- 2143 (c) The establishment of a Beginning Teacher/Mentoring
2144 program, as authorized in Sections 37-9-201 through 37-9-213;
- 2145 (d) The sponsorship of a teacher renewal institute;
- 2146 (e) The continuation of the Teacher Corps program;
- 2147 (f) The enhancement of the William Winter Scholarship
2148 program;
- 2149 (g) Research for the development of professional
2150 teaching standards;
- 2151 (h) Provide additional scholarships for any targeted
2152 populations needing potential teachers; and
- 2153 (i) Provide assistance to local school districts in
2154 identifying and locating specific teacher needs.

2155 **SECTION 30.** Section 37-151-17, Mississippi Code of 1972, is
2156 amended as follows:

2157 37-151-17. (1) There is established the Council for
2158 Education Technology which shall be an advisory group attached to
2159 the State Board of Education. The council shall develop a master
2160 plan for education technology.

2161 (2) The council shall consist of the State Superintendent of
2162 Education, the Executive Director of the Mississippi Department of
2163 Information Technology Services, the Executive Director of
2164 Mississippi Educational Television (ETV), the Executive Director
2165 of the Mississippi Library Commission, * * * and the Commissioner
2166 of Higher Education, who shall serve as ex officio voting members
2167 and four (4) members appointed within thirty (30) days after July
2168 1, 1994, as follows:

2169 (a) One (1) member appointed by the State Board of
2170 Education;

2171 (b) Two (2) members appointed by the Governor; and



2172 (c) One (1) member appointed by the Executive Director
2173 of the Mississippi Development Authority. All appointed members
2174 of the council shall have a demonstrated knowledge in an area of
2175 technology as defined in Section 37-151-15(2). All appointments
2176 to the council shall be made with the advice and consent of the
2177 Senate. A majority of the membership present at any meeting shall
2178 constitute a quorum for the official conduct of business.

2179 (3) Members shall be appointed for four-year terms and may
2180 be reappointed. Members may be reimbursed for mileage and actual
2181 and necessary expenses in accordance with state law, and members
2182 who are not state officers or employees shall receive per diem as
2183 authorized in Section 25-3-69, Mississippi Code of 1972.

2184 (4) Immediately upon receiving notice of the appointment of
2185 all members, the State Superintendent of Education shall call an
2186 organizational meeting. At this meeting the State Superintendent
2187 of Education shall preside as temporary chairman, and the council
2188 shall elect from among the members a chairman and any other
2189 officers it deems necessary, and define the duties of the
2190 officers.

2191 (5) Meetings shall be held at least four (4) times per year,
2192 or upon call of the chairman, at a time and place designated by
2193 the chairman. The State Department of Education shall provide
2194 staff support for the council.

2195 (6) The duties and responsibilities of the council shall
2196 include, but not be limited to, the following:

2197 (a) Developing a long-range master plan for the
2198 efficient and equitable use of technology at all levels from
2199 primary school through higher education, including vocational and
2200 adult education. The plan shall focus on the technology
2201 requirements of classroom instruction, literacy laboratories,
2202 student record management, financial and administrative
2203 management, distance learning and communications as they relate to
2204 the state's performance goals for students. The plan shall be



2205 presented to the Mississippi Department of Information Technology
2206 Services for approval;

2207 (b) Creating, overseeing and monitoring a well-planned
2208 and efficient statewide network of technology services designed to
2209 meet the educational and informational needs of the schools;

2210 (c) Working with private enterprise to encourage the
2211 development of technology products specifically designed to answer
2212 Mississippi's educational needs;

2213 (d) Encouraging an environment receptive to
2214 technological progress in education throughout the state; and

2215 (e) Working with other state entities to maximize the
2216 use and benefit of the state's technology infrastructure, to avoid
2217 duplication of public and private resources and to maximize the
2218 purchasing ability of the state. When appropriate, shared
2219 resources and competitive bidding shall be used.

2220 All contracts, requests for proposals and bid awards shall be
2221 subject to the approval of the Mississippi Department of
2222 Information Technology Services.

2223 **SECTION 31.** Section 37-151-69, Mississippi Code of 1972, is
2224 amended as follows:

2225 37-151-69. (1) There is created the Mississippi Work Force
2226 Development Advisory Council, which shall have the following
2227 duties:

2228 (a) To provide a forum for developing the necessary
2229 collaboration among state agencies at the highest level for
2230 accomplishing the purposes of this article;

2231 (b) To monitor the effectiveness of the career centers
2232 and district councils created pursuant to this article;

2233 (c) To advise the Governor and public schools,
2234 community/junior colleges and institutions of higher learning on
2235 effective school-to-work transition policies and programs that
2236 link students moving from high school to higher education and



2237 students moving between community colleges and four-year
2238 institutions in pursuit of academic and technical skills training;

2239 (d) To work with industry to identify barriers that
2240 inhibit the delivery of quality work force education and the
2241 responsiveness of educational institutions to the needs of
2242 industry; and

2243 (e) To provide periodic assessments on effectiveness
2244 and results of the system of career centers and district councils.

2245 (2) The state council shall be composed of the following
2246 twenty-six (26) persons:

2247 (a) A private sector representative from each of the
2248 fifteen (15) district councils, who will have initial terms as
2249 follows: one (1) year for the representatives of Coahoma
2250 Community College District, Itawamba Community College District,
2251 Hinds Community College District, Jones Junior College District
2252 and Southwest Mississippi Community College District; two (2)
2253 years for representatives of Northeast Mississippi Community
2254 College District, Copiah-Lincoln Community College District, Pearl
2255 River Community College District, Mississippi Gulf Coast Community
2256 College District and East Mississippi Community College District;
2257 and three (3) years for representatives of Northwest Mississippi
2258 Community College District, Mississippi Delta Community College
2259 District, Meridian Community College District, East Central
2260 Community College District and Holmes Community College District.
2261 All subsequent appointments shall be for a term of three (3) years
2262 and continue until their successors are appointed and qualify. An
2263 appointment to fill a vacancy which arises for reasons other than
2264 by expiration of a term of office shall be for the unexpired term
2265 only;

2266 (b) The State Superintendent of Public Education;

2267 (c) The Commissioner of Higher Education;

2268 * * *



2269 (d) The Executive Director of the Mississippi
2270 Employment Security Commission;

2271 (e) The Executive Director of the Mississippi
2272 Department of Human Services;

2273 (f) The Executive Director of the Mississippi
2274 Development Authority;

2275 (g) The Governor of the State of Mississippi;

2276 (h) A representative of the private business sector
2277 appointed by the Governor;

2278 (i) A representative of the State Literacy Resource
2279 Center;

2280 (j) The Executive Director of the Mississippi
2281 Department of Rehabilitation Services;

2282 (k) An employee representing an employee group or
2283 association appointed by the Lieutenant Governor; and

2284 (l) An executive of a major service provider appointed
2285 by the Lieutenant Governor.

2286 (3) The Executive Director of the Mississippi Development
2287 Authority and the Governor's private business sector appointee to
2288 the state council shall serve as the cochairs of the state
2289 council.

2290 (4) The Board of Trustees of State Institutions of Higher
2291 Learning shall provide the necessary staff and administrative
2292 support to the state council.

2293 **SECTION 32.** Section 37-151-75, Mississippi Code of 1972, is
2294 amended as follows:

2295 37-151-75. The Board of Trustees of State Institutions of
2296 Higher Learning is designated as the primary support agency to the
2297 career centers and district councils. The * * * board of trustees
2298 may exercise the following powers:

2299 (a) To provide the career centers the assistance
2300 necessary to accomplish the purposes of this article;



2301 (b) To provide the career centers consistent standards
2302 and benchmarks to guide development of the local work force
2303 development system and to provide a means by which the outcomes of
2304 local services can be measured;

2305 (c) To develop the staff capacity to provide, broker or
2306 contract for the provision of technical assistance to the career
2307 centers, including, but not limited to:

2308 (i) Training local staff in methods of recruiting,
2309 assessment and career counseling;

2310 (ii) Establishing rigorous and comprehensive local
2311 pre-employment training programs;

2312 (iii) Developing local institutional capacity to
2313 deliver Total Quality Management training;

2314 (iv) Developing local institutional capacity to
2315 transfer new technologists into the marketplace;

2316 (v) Expanding the Skills Enhancement Program and
2317 improving the quality of adult literacy programs; and

2318 (vi) Developing data for strategic planning;

2319 (d) To collaborate with the Department of Economic and
2320 Community Development and other economic development organizations
2321 to increase the community college systems' economic development
2322 potential;

2323 (e) To administer presented and approved certification
2324 programs by the community colleges for tax credits and partnership
2325 funding for corporate training;

2326 (f) To create and maintain an evaluation team that
2327 examines which kinds of curricula and programs and what forms of
2328 quality control of training are most productive so that the
2329 knowledge developed at one (1) institution of education can be
2330 transferred to others;

2331 (g) To develop internal capacity to provide services
2332 and to contract for services from universities and other providers
2333 directly to local institutions;



2334 (h) To develop and administer an incentive
2335 certification program; and

2336 (i) To develop and hire staff and purchase equipment
2337 necessary to accomplish the goals set forth in this section.

2338 **SECTION 33.** Section 37-153-7, Mississippi Code of 1972, is
2339 amended as follows:

2340 37-153-7. (1) There is created the Mississippi Work Force
2341 Development Advisory Council, which shall have the following
2342 duties:

2343 (a) To provide a forum for developing the necessary
2344 collaboration among state agencies at the highest level for
2345 accomplishing the purposes of this chapter;

2346 (b) To monitor the effectiveness of the career centers
2347 and district councils created pursuant to this chapter;

2348 (c) To advise the Governor and public schools,
2349 community/junior colleges and institutions of higher learning on
2350 effective school-to-work transition policies and programs that
2351 link students moving from high school to higher education and
2352 students moving between community colleges and four-year
2353 institutions in pursuit of academic and technical skills training;

2354 (d) To work with industry to identify barriers that
2355 inhibit the delivery of quality work force education and the
2356 responsiveness of educational institutions to the needs of
2357 industry; and

2358 (e) To provide periodic assessments on effectiveness
2359 and results of the system of career centers and district councils.

2360 (2) The state council shall be composed of the following
2361 twenty-six (26) persons:

2362 (a) A private sector representative from each of the
2363 fifteen (15) district councils, who will have initial terms as
2364 follows: one (1) year for the representatives of Coahoma
2365 Community College District, Itawamba Community College District,
2366 Hinds Community College District, Jones Junior College District



2367 and Southwest Mississippi Community College District; two (2)
2368 years for representatives of Northeast Mississippi Community
2369 College District, Copiah-Lincoln Community College District, Pearl
2370 River Community College District, Mississippi Gulf Coast Community
2371 College District and East Mississippi Community College District;
2372 and three (3) years for representatives of Northwest Mississippi
2373 Community College District, Mississippi Delta Community College
2374 District, Meridian Community College District, East Central
2375 Community College District and Holmes Community College District.
2376 All subsequent appointments shall be for a term of three (3) years
2377 and continue until their successors are appointed and qualify. An
2378 appointment to fill a vacancy which arises for reasons other than
2379 by expiration of a term of office shall be for the unexpired term
2380 only;

2381 (b) The State Superintendent of Public Education;

2382 (c) The Commissioner of Higher Education;

2383 * * *

2384 (d) The Executive Director of the Mississippi
2385 Employment Security Commission;

2386 (e) The Executive Director of the Mississippi
2387 Department of Human Services;

2388 (f) The Executive Director of the Mississippi
2389 Development Authority;

2390 (g) The Governor of the State of Mississippi;

2391 (h) A representative of the private business sector
2392 appointed by the Governor;

2393 (i) A representative of the State Literacy Resource
2394 Center;

2395 (j) The Executive Director of the Mississippi
2396 Department of Rehabilitation Services;

2397 (k) An employee representing an employee group or
2398 association appointed by the Lieutenant Governor; and



2399 (1) An executive of a major service provider appointed
2400 by the Lieutenant Governor.

2401 (3) The Executive Director of the Mississippi Development
2402 Authority and the Governor's private business sector appointee to
2403 the state council shall serve as the co-chairs of the state
2404 council.

2405 (4) The Board of Trustees of State Institutions of Higher
2406 Learning shall provide the necessary staff and administrative
2407 support to the state council.

2408 **SECTION 34.** Section 37-155-9, Mississippi Code of 1972, is
2409 amended as follows:

2410 37-155-9. In addition to the powers granted by any other
2411 provision of this article, the board of directors shall have the
2412 powers necessary or convenient to carry out the purposes and
2413 provisions of this article, the purposes and objectives of the
2414 trust fund and the powers delegated by any other law of the state
2415 or any executive order thereof, including, but not limited to, the
2416 following express powers:

2417 (a) To adopt and amend bylaws;

2418 (b) To adopt such rules and regulations as are
2419 necessary to implement the provisions of this article;

2420 (c) To invest any funds of the trust fund in any
2421 instrument, obligation, security or property that constitutes
2422 legal investments for public funds in the state and to name and
2423 use depositories for its investments and holdings;

2424 (d) To execute contracts and other necessary
2425 instruments;

2426 (e) To impose reasonable requirements for residency for
2427 beneficiaries at the time of purchase of the contract;

2428 (f) To impose reasonable limits on the number of
2429 contract participants in the trust fund at any given period of
2430 time;



2431 (g) To contract for necessary goods and services, to
2432 employ necessary personnel, and to engage the services of
2433 consultants for administrative and technical assistance in
2434 carrying out the responsibilities of the trust fund;

2435 (h) To solicit and accept gifts, including
2436 bequeathments or other testamentary gifts made by will, trust or
2437 other disposition, grants, loans and other aids from any personal
2438 source or to participate in any other way in any federal, state or
2439 local governmental programs in carrying out the purposes of this
2440 article. Any gifts made to the board under this subsection shall
2441 be deductible from taxable income of the state in the tax year;

2442 (i) To define the terms and conditions under which
2443 payments may be withdrawn or refunded from the trust fund,
2444 including, but not limited to, the amount paid in and an
2445 additional amount in the nature of interest at a rate that
2446 corresponds, at a minimum, to the prevailing interest rates for
2447 savings accounts provided by banks and savings and loan
2448 associations and impose reasonable charges for such withdrawal or
2449 refund;

2450 (j) To ensure applicability to private and out-of-state
2451 tuitions:

2452 (i) Under the program, a state purchaser may enter
2453 into a prepaid tuition contract with the board under which the
2454 purchaser agrees to attend a public institution of higher
2455 education in Mississippi;

2456 (ii) If the beneficiary of a plan described by
2457 Section 37-155-11 enrolls in any in-state or out-of-state
2458 regionally accredited private four- or two-year college or an
2459 out-of-state regionally accredited, state-supported, nonprofit
2460 four- or two-year college or university, the board shall pay to
2461 the institution an amount up to, but not greater than, the tuition
2462 and required fees that the board would have paid had the
2463 beneficiary enrolled in an institution of higher education covered



2464 by the plan selected in the prepaid tuition contract. The
2465 beneficiary is responsible for paying a private institution or an
2466 out-of-state public institution the amount by which the tuition
2467 and required fees of the institution exceed the tuition and
2468 required fees paid by the board;

2469 (k) To impose reasonable time limits on the use of the
2470 tuition benefits provided by the program;

2471 (l) To provide for the receipt of contributions to the
2472 trust fund in lump sums or installment payments;

2473 (m) To adopt an official seal and rules;

2474 (n) To sue and be sued;

2475 (o) To establish agreements or other transactions with
2476 federal, state and local agencies, including state universities
2477 and community colleges;

2478 (p) To appear in its own behalf before boards,
2479 commissions or other governmental agencies;

2480 (q) To segregate contributions and payments to the fund
2481 into various accounts and funds;

2482 (r) To require and collect administrative fees and
2483 charges in connection with any transaction and impose reasonable
2484 penalties, including default, for delinquent payments or for
2485 entering into an advance payment contract on a fraudulent basis;

2486 (s) To procure insurance against any loss in connection
2487 with the property, assets and activities of the fund or the board;

2488 (t) To require that purchasers of advance payment
2489 contracts verify, under oath, any requests for contract
2490 conversions, substitutions, transfers, cancellations, refund
2491 requests or contract changes of any nature;

2492 (u) To administer the fund in a manner that is
2493 sufficiently actuarially sound to meet the obligations of the
2494 program. The board shall annually evaluate or cause to be
2495 evaluated the actuarial soundness of the fund. If the board
2496 perceives a need for additional assets in order to preserve



2497 actuarial soundness, the board may adjust the terms of subsequent
2498 advance payment contracts to ensure such soundness;

2499 (v) To establish a comprehensive investment plan for
2500 the purposes of this section. The comprehensive investment plan
2501 shall specify the investment policies to be utilized by the board
2502 in its administration of the fund. The board may authorize
2503 investments in:

2504 (i) Bonds, notes, certificates and other valid
2505 general obligations of the State of Mississippi, or of any county,
2506 or of any city, or of any supervisors district of any county of
2507 the State of Mississippi, or of any school district bonds of the
2508 State of Mississippi; notes or certificates of indebtedness issued
2509 by the Veterans' Home Purchase Board of Mississippi, provided such
2510 notes or certificates of indebtedness are secured by the pledge of
2511 collateral equal to two hundred percent (200%) of the amount of
2512 the loan, which collateral is also guaranteed at least for fifty
2513 percent (50%) of the face value by the United States government,
2514 and provided that not more than five percent (5%) of the total
2515 investment holdings of the system shall be in Veterans' Home
2516 Purchase Board notes or certificates at any time; real estate
2517 mortgage loans one hundred percent (100%) insured by the Federal
2518 Housing Administration on single family homes located in the State
2519 of Mississippi, where monthly collections and all servicing
2520 matters are handled by Federal Housing Administration approved
2521 mortgagees authorized to make such loans in the State of
2522 Mississippi;

2523 (ii) State of Mississippi highway bonds;

2524 (iii) Funds may be deposited in federally insured
2525 institutions domiciled in the State of Mississippi or a custodial
2526 bank which appears on the State of Mississippi Treasury
2527 Department's approved depository list and/or safekeeper list;

2528 (iv) Corporate bonds of investment grade as rated
2529 by Standard & Poor's or by Moody's Investment Service, with bonds



2530 rated BAA/BBB not to exceed five percent (5%) of the book value of
2531 the total fixed income investments; or corporate short-term
2532 obligations of corporations or of wholly owned subsidiaries of
2533 corporations, whose short-term obligations are rated A-3 or better
2534 by Standard and Poor's or rated P-3 or better by Moody's
2535 Investment Service;

2536 (v) Bonds of the Tennessee Valley Authority;

2537 (vi) Bonds, notes, certificates and other valid
2538 obligations of the United States, and other valid obligations of
2539 any federal instrumentality that issues securities under authority
2540 of an act of Congress and are exempt from registration with the
2541 Securities and Exchange Commission;

2542 (vii) Bonds, notes, debentures and other
2543 securities issued by any federal instrumentality and fully
2544 guaranteed by the United States. Direct obligations issued by the
2545 United States of America shall be deemed to include securities of,
2546 or other interests in, any open-end or closed-end management type
2547 investment company or investment trust registered under the
2548 provisions of 15 USCS Section 80(a)-1 et seq., provided that the
2549 portfolio of such investment company or investment trust is
2550 limited to direct obligations issued by the United States of
2551 America, United States government agencies, United States
2552 government instrumentalities or United States government sponsored
2553 enterprises, and to repurchase agreements fully collateralized by
2554 direct obligations of the United States of America, United States
2555 government agencies, United States government instrumentalities or
2556 United States government sponsored enterprises, and the investment
2557 company or investment trust takes delivery of such collateral for
2558 the repurchase agreement, either directly or through an authorized
2559 custodian. The State Treasurer and the Executive Director of the
2560 Department of Finance and Administration shall review and approve
2561 the investment companies and investment trusts in which funds may
2562 be invested;



2563 (viii) Interest-bearing bonds or notes which are
2564 general obligations of any other state in the United States or of
2565 any city or county therein, provided such city or county had a
2566 population as shown by the federal census next preceding such
2567 investment of not less than twenty-five thousand (25,000)
2568 inhabitants and provided that such state, city or county has not
2569 defaulted for a period longer than thirty (30) days in the payment
2570 of principal or interest on any of its general obligation
2571 indebtedness during a period of ten (10) calendar years
2572 immediately preceding such investment;

2573 (ix) Shares of stocks, common and/or preferred, of
2574 corporations created by or existing under the laws of the United
2575 States or any state, district or territory thereof; provided:

2576 (A) The maximum investments in stocks shall
2577 not exceed fifty percent (50%) of the book value of the total
2578 investment fund of the system;

2579 (B) The stock of such corporation shall:

2580 1. Be listed on a national stock
2581 exchange, or

2582 2. Be traded in the over-the-counter
2583 market, provided price quotations for such over-the-counter stocks
2584 are quoted by the National Association of Securities Dealers
2585 Automated Quotation System (NASDAQ);

2586 (C) The outstanding shares of such
2587 corporation shall have a total market value of not less than Fifty
2588 Million Dollars (\$50,000,000.00);

2589 (D) The amount of investment in any one (1)
2590 corporation shall not exceed three percent (3%) of the book value
2591 of the assets of the system; and

2592 (E) The shares of any one (1) corporation
2593 owned by the system shall not exceed five percent (5%) of that
2594 corporation's outstanding stock;



2595 (x) Bonds rated Single A or better, stocks and
2596 convertible securities of established non-United States companies,
2597 which companies are listed on only primary national stock
2598 exchanges of foreign nations; and in foreign government securities
2599 rated Single A or better by a recognized rating agency; provided
2600 that the total book value of investments under this paragraph
2601 shall at no time exceed twenty percent (20%) of the total book
2602 value of all investments of the system. The board may take
2603 requisite action to effectuate or hedge such transactions through
2604 foreign banks, including the purchase and sale, transfer, exchange
2605 or otherwise disposal of, and generally deal in foreign exchange
2606 through the use of foreign currency, interbank forward contracts,
2607 futures contracts, options contracts, swaps and other related
2608 derivative instruments, notwithstanding any other provisions of
2609 this article to the contrary;

2610 (xi) Covered call and put options on securities
2611 traded on one or more of the regulated exchanges;

2612 (xii) Institutional investment trusts managed by a
2613 corporate trustee or by a Securities and Exchange Commission
2614 registered investment advisory firm retained as an investment
2615 manager by the board of directors, and institutional class shares
2616 of investment companies and unit investment trusts registered
2617 under the Investment Company Act of 1940 where such funds or
2618 shares are comprised of common or preferred stocks, bonds, money
2619 market instruments or other investments authorized under this
2620 section. Any investment manager or managers approved by the board
2621 of directors shall invest such funds or shares as a fiduciary;

2622 (xiii) Pooled or commingled real estate funds or
2623 real estate securities managed by a corporate trustee or by a
2624 Securities and Exchange Commission registered investment advisory
2625 firm retained as an investment manager by the board of directors.
2626 Such investment in commingled funds or shares shall be held in
2627 trust; provided that the total book value of investments under



2628 this paragraph shall at no time exceed five percent (5%) of the
2629 total book value of all investments of the system. Any investment
2630 manager approved by the board of directors shall invest such
2631 commingled funds or shares as a fiduciary;

2632 (w) All investments shall be acquired by the board at
2633 prices not exceeding the prevailing market values for such
2634 securities;

2635 (x) Any limitations herein set forth shall be
2636 applicable only at the time of purchase and shall not require the
2637 liquidation of any investment at any time. All investments shall
2638 be clearly marked to indicate ownership by the system and to the
2639 extent possible shall be registered in the name of the system;

2640 (y) Subject to the above terms, conditions, limitations
2641 and restrictions, the board shall have power to sell, assign,
2642 transfer and dispose of any of the securities and investments of
2643 the system, provided that the sale, assignment or transfer has the
2644 majority approval of the entire board. The board may employ or
2645 contract with investment managers, evaluation services or other
2646 such services as determined by the board to be necessary for the
2647 effective and efficient operation of the system;

2648 (z) Except as otherwise provided herein, no trustee and
2649 no employee of the board shall have any direct or indirect
2650 interest in the income, gains or profits of any investment made by
2651 the board, nor shall any such person receive any pay or emolument
2652 for his services in connection with any investment made by the
2653 board. No trustee or employee of the board shall become an
2654 endorser or surety, or in any manner an obligor for money loaned
2655 by or borrowed from the system;

2656 (aa) All interest derived from investments and any
2657 gains from the sale or exchange of investments shall be credited
2658 by the board to the account of the system;

2659 (bb) To delegate responsibility for administration of
2660 the comprehensive investment plan to a consultant the board



2661 determines to be qualified. Such consultant shall be compensated
2662 by the board. Directly or through such consultant, the board may
2663 contract to provide such services as may be a part of the
2664 comprehensive investment plan or as may be deemed necessary or
2665 proper by the board or such consultant, including, but not limited
2666 to, providing consolidated billing, individual and collective
2667 record keeping and accounting, and asset purchase, control and
2668 safekeeping;

2669 (cc) To annually prepare or cause to be prepared a
2670 report setting forth in appropriate detail an accounting of the
2671 fund and a description of the financial condition of the program
2672 at the close of each fiscal year. Such report shall be submitted
2673 to the Governor, the Lieutenant Governor, the President of the
2674 Senate, the Speaker of the House of Representatives, and members
2675 of the Board of Trustees of State Institutions of Higher
2676 Learning * * * and the State Board of Education on or before March
2677 31 each year. In addition, the board shall make the report
2678 available to purchasers of advance payment contracts. The board
2679 shall provide to the Board of Trustees of State Institutions of
2680 Higher Learning * * * by March 31 each year complete advance
2681 payment contract sales information including projected
2682 postsecondary enrollments of beneficiaries. The accounts of the
2683 fund shall be subject to annual audits by the State Auditor or his
2684 designee;

2685 (dd) To solicit proposals for the marketing of the
2686 Mississippi Prepaid Affordable College Tuition Program. The
2687 entity designated pursuant to this paragraph shall serve as a
2688 centralized marketing agent for the program and shall solely be
2689 responsible for the marketing of the program. Any materials
2690 produced for the purpose of marketing the programs shall be
2691 submitted to the board for review. No such materials shall be
2692 made available to the public before the materials are approved by
2693 the board. Any educational institution may distribute marketing



2694 materials produced for the program; however, all such materials
2695 shall have been approved by the board prior to distribution.

2696 Neither the state nor the board shall be liable for
2697 misrepresentation of the program by a marketing agent; and

2698 (ee) To establish other policies, procedures and
2699 criteria necessary to implement and administer the provisions of
2700 this article.

2701 For efficient and effective administration of the program and
2702 trust fund, the board may authorize the State of Mississippi
2703 Treasury Department and/or the State Treasurer to carry out any or
2704 all of the powers and duties enumerated above.

2705 **SECTION 35.** Section 37-157-1, Mississippi Code of 1972, is
2706 amended as follows:

2707 37-157-1. (1) The tuition at any institution of higher
2708 education in the state shall be paid by the state on behalf of any
2709 student who enrolls in such a school to pursue an academic
2710 undergraduate degree, who applies for the payment thereof, and who
2711 meets all of the following qualifications:

2712 (a) Actual residence in Mississippi during the
2713 twenty-four (24) months immediately preceding university
2714 enrollment. For the purposes of this paragraph, residency shall
2715 be demonstrated by proof of the following as required by the
2716 administering agency:

2717 (i) If registered to vote, being registered in
2718 Mississippi.

2719 (ii) If licensed to drive a motor vehicle, being
2720 in possession of a Mississippi driver's license.

2721 (iii) If owning a motor vehicle located within
2722 Mississippi, being in possession of Mississippi registration for
2723 that vehicle.

2724 (iv) If earning an income, having filed a
2725 Mississippi state income tax return and having complied with state
2726 income tax laws and regulations.



2727 (b) Having a parent or guardian who is a domiciliary of
2728 Mississippi.

2729 (c) Graduation from high school within the two (2)
2730 years preceding the application with a minimum cumulative grade
2731 point average of 2.5 calculated on a 4.0 scale.

2732 (d) Successful completion of seventeen and one-half
2733 (17-1/2) units of high school course work (Grade 9 level or
2734 higher) which constitutes a core curriculum and meets standards
2735 for admission to the desired college or university. The core
2736 curriculum is defined as follows:

2737 (i) English I, II, III and IV (four (4) units).

2738 (ii) Algebra I and II (two (2) units).

2739 (iii) Geometry, Trigonometry, Calculus or
2740 comparable Advanced Mathematics (one (1) unit).

2741 (iv) Biology (one (1) unit).

2742 (v) Chemistry (one (1) unit).

2743 (vi) Earth Science, Environmental Science,
2744 Physical Science, Biology II, Chemistry II or Physics (one (1)
2745 unit).

2746 (vii) American History (one (1) unit).

2747 (viii) World History, World Cultures, Western
2748 Civilization or World Geography (one (1) unit).

2749 (ix) Civics and/or Economics (one (1) unit).

2750 (x) Fine Arts Survey (one (1) unit; or substitute
2751 two (2) units of performance courses in music, dance or theater;
2752 or substitute two (2) units of studio art courses).

2753 (xi) Foreign Language (two (2) units in a single
2754 language).

2755 (xii) Computer Science, Computer Literacy or Data
2756 Processing (one-half (1/2) unit).

2757 (xiii) Electives from the above (one (1) unit).



2758 (e) Having a composite score on the American College
2759 Test of at least twenty (20) on the 1989 version or an equivalent
2760 concordant value on an enhanced version of such test.

2761 (f) Having no criminal record, except for misdemeanor
2762 traffic violations.

2763 (g) Being in financial need.

2764 (2) For purposes of this section:

2765 (a) "Institution of higher education" shall mean any of
2766 the following institutions of higher learning or community or
2767 junior colleges located in Mississippi: Alcorn State University,
2768 Delta State University, Jackson State University, Mississippi
2769 State University, Mississippi University for Women, Mississippi
2770 Valley State University, University of Mississippi, University of
2771 Southern Mississippi, Coahoma Community College, Copiah-Lincoln
2772 Community College, East Central Community College, East
2773 Mississippi Community College, Hinds Community College, Holmes
2774 Community College, Itawamba Community College, Jones County Junior
2775 College, Meridian Community College, Mississippi Delta Community
2776 College, Mississippi Gulf Coast Community College, Northeast
2777 Mississippi Community College, Northwest Mississippi Community
2778 College, Pearl River Community College, Southwest Mississippi
2779 Community College, Belhaven College, Blue Mountain College,
2780 Millsaps College, Mississippi College, Rust College, Tougaloo
2781 College, William Carey College, Mary Holmes College, Magnolia
2782 Bible College and Wood College.

2783 (b) "Tuition" shall mean the semester or trimester or
2784 term charges and all required fees imposed by an institution of
2785 higher education as a condition of enrollment by all students.
2786 However, for a two-year nonpublic institution of higher education
2787 defined in paragraph (a), the tuition payments shall not exceed
2788 the average charges and fees required by all of the two-year
2789 public institutions of higher education defined in paragraph (a),
2790 and for a four-year nonpublic institution of higher education



2791 defined in paragraph (a), the tuition payments shall not exceed
2792 the average charges and fees required by all of the four-year
2793 public institutions of higher education defined in paragraph (a).

2794 (3) The tuition at any institution of higher education in
2795 the state shall be paid by the state on behalf of any student who
2796 enrolls in such a school to pursue an academic undergraduate or
2797 associate degree, who applies for the payment thereof, and who
2798 meets the qualifications enumerated in paragraphs (a), (b), (f)
2799 and (g) of subsection (1) but who fails to meet one (1) of the
2800 particular requirements established by paragraph (c), (d) or (e)
2801 of subsection (1) by an amount of ten percent (10%) or less.

2802 (4) To maintain continued state payment of tuition, once
2803 enrolled in an institution of higher education, a student shall
2804 meet all of the following requirements:

2805 (a) Make steady academic progress toward a degree,
2806 earning not less than the minimum number of hours of credit
2807 required for full-time standing in each academic period requiring
2808 such enrollment;

2809 (b) Maintain continuous enrollment for not less than
2810 two (2) semesters or three (3) quarters in each successive
2811 academic year, unless granted an exception for cause by the
2812 administering agency;

2813 (c) Have a cumulative grade point average of at least
2814 2.5 calculated on a 4.0 scale at the end of the first academic
2815 year and thereafter maintain such a cumulative grade point average
2816 as evaluated at the end of each academic year;

2817 (d) Have no criminal record, except for misdemeanor
2818 traffic violations; and

2819 (e) Be found to be in financial need.

2820 (5) The provisions of this chapter shall be administered by
2821 the Board of Trustees of State Institutions of Higher
2822 Learning * * *. The board may provide by rule for all matters
2823 necessary for the implementation of this chapter.



2824 (6) By rule, the board shall provide for:

2825 (a) A mechanism for informing all students of the
2826 availability of the assistance provided pursuant to this chapter
2827 early enough in their schooling that a salutary motivational
2828 effect is possible.

2829 (b) Applications, forms, financial audit procedures,
2830 eligibility and other program audit procedures and other matters
2831 related to efficient operation.

2832 (c) A procedure for waiver through the 1996-1997
2833 academic year of the program eligibility requirement for
2834 successful completion of a specified core curriculum upon proper
2835 documentation by the applicant that failure to comply with such
2836 requirement is due solely to the fact that the required course or
2837 courses were not available to the applicant at the school
2838 attended.

2839 (7) An applicant shall be found to be in financial need if:

2840 (a) The family has one (1) child under the age of
2841 twenty-one (21), and the two-year average annual adjusted gross
2842 income of the family is less than Thirty-six Thousand Five Hundred
2843 Dollars (\$36,500.00); or

2844 (b) The family has a two-year average annual adjusted
2845 gross income of less than Thirty-six Thousand Five Hundred Dollars
2846 (\$36,500.00) plus Five Thousand Dollars (\$5,000.00) for each
2847 additional child under the age of twenty-one (21).

2848 The two-year average annual adjusted gross income of the
2849 family shall be verified by Internal Revenue Service returns or by
2850 certified affidavits in cases of income that cannot be verified by
2851 such returns.

2852 As used in this subsection, the term "family" for an
2853 unemancipated applicant means the applicant, the applicant's
2854 parents, and other children under age twenty-one (21) of the
2855 applicant's parents. The term "family" for an emancipated



2856 applicant means the applicant, an applicant's spouse, and any
2857 children under age twenty-one (21) of the applicant and spouse.

2858 (8) An appropriation of funds may annually be made to the
2859 board sufficient to cover, in addition to any other available
2860 funds, the costs of tuition required to be paid, both initial and
2861 continuing, for the coming academic year. All such payments shall
2862 be made directly to the institution to which such tuition is due
2863 after notice to the school that the state shall pay the tuition of
2864 a student and after notice from the school that the student has
2865 actually enrolled.

2866 (9) The board may seek, accept and expend funds from any
2867 source, including private business, industry, foundations and
2868 other groups as well as any federal or other governmental funding
2869 available for this purpose.

2870 (10) No student shall receive a grant pursuant to this
2871 chapter in an amount greater than the tuition charged by the
2872 school. The student must apply for a federal grant prior to
2873 receiving state funds.

2874 **SECTION 36.** Section 41-87-5, Mississippi Code of 1972, is
2875 amended as follows:

2876 41-87-5. Unless the context requires otherwise, the
2877 following definitions in this section apply throughout this
2878 chapter:

2879 (a) "Eligible infants and toddlers" or "eligible
2880 children" means children from birth through thirty-six (36) months
2881 of age who need early intervention services because they:

2882 (i) Are experiencing developmental delays as
2883 measured by appropriate diagnostic instruments and procedures in
2884 one or more of the following areas:

2885 (A) Cognitive development;

2886 (B) Physical development, including vision or
2887 hearing;

2888 (C) Communication development;



2889 (D) Social or emotional development;
2890 (E) Adaptive development;
2891 (ii) Have a diagnosed physical or mental
2892 condition, as defined in state policy, that has a high probability
2893 of resulting in developmental delay;

2894 (iii) Are at risk of having substantial
2895 developmental delays if early intervention services are not
2896 provided due to conditions as defined in state policy. (This
2897 category may be served at the discretion of the lead agency
2898 contingent upon available resources.)

2899 (b) "Early intervention services" are developmental
2900 services that:

2901 (i) Are provided under public supervision;
2902 (ii) Are provided at no cost except where federal
2903 or state law provides for a system of payments by families,
2904 including a schedule of sliding fees;

2905 (iii) Are designed to meet the developmental needs
2906 of an infant or toddler with a disability in any one or more of
2907 the following areas:

2908 (A) Physical development;
2909 (B) Cognitive development;
2910 (C) Communication development;
2911 (D) Social or emotional development; or
2912 (E) Adaptive development;

2913 (iv) Meet the requirements of Part C of the
2914 Individuals with Disabilities Education Act (IDEA) and the early
2915 intervention standards of the State of Mississippi;

2916 (v) Include, but are not limited to, the following
2917 services:

2918 (A) Assistive technology devices and
2919 assistive technology services;

2920 (B) Audiology;



- 2921 (C) Family training, counseling and home
2922 visits;
- 2923 (D) Health services necessary to enable a
2924 child to benefit from other early intervention services;
- 2925 (E) Medical services only for diagnostic or
2926 evaluation purposes;
- 2927 (F) Nutrition services;
- 2928 (G) Occupational therapy;
- 2929 (H) Physical therapy;
- 2930 (I) Psychological services;
- 2931 (J) Service coordination (case management);
- 2932 (K) Social work services;
- 2933 (L) Special instruction;
- 2934 (M) Speech-language pathology;
- 2935 (N) Transportation and related costs that are
2936 necessary to enable an infant or toddler and her/his family to
2937 receive early intervention services; and
- 2938 (O) Vision services;
- 2939 (vi) Are provided by qualified personnel as
2940 determined by the state's personnel standards, including:
- 2941 (A) Audiologists;
- 2942 (B) Family therapists;
- 2943 (C) Nurses;
- 2944 (D) Nutritionists;
- 2945 (E) Occupational therapists;
- 2946 (F) Orientation and mobility specialists;
- 2947 (G) Pediatricians and other physicians;
- 2948 (H) Physical therapists;
- 2949 (I) Psychologists;
- 2950 (J) Social workers;
- 2951 (K) Special educators;
- 2952 (L) Speech and language pathologists;



2953 (vii) Are provided, to the maximum extent
2954 appropriate, in natural environments, including the home, and
2955 community settings in which children without disabilities would
2956 participate;

2957 (viii) Are provided in conformity with an
2958 individualized family service plan.

2959 (c) "Council" means the State Interagency Coordinating
2960 Council established under Section 41-87-7.

2961 (d) "Lead agency" means the State Department of Health.

2962 (e) "Participating agencies" includes, but is not
2963 limited to, the State Department of Education, the Department of
2964 Human Services, the State Department of Health, the Division of
2965 Medicaid, the State Department of Mental Health, the University
2966 Medical Center and the Board of Trustees of State Institutions of
2967 Higher Learning * * *.

2968 (f) "Local community" means a county either jointly,
2969 severally, or a portion thereof, participating in the provision of
2970 early intervention services.

2971 (g) "Primary service agency" means the agency, whether
2972 a state agency, local agency, local interagency council or service
2973 provider which is designated by the lead agency to serve as the
2974 fiscal and contracting agent for a local community.

2975 (h) "Multidisciplinary team" means a group comprised of
2976 the parent(s) or legal guardian and the service providers, as
2977 appropriate, described in paragraph (b) of this section, who are
2978 assembled for the purposes of:

2979 (i) Assessing the developmental needs of an infant
2980 or toddler;

2981 (ii) Developing the individualized family service
2982 plan; and

2983 (iii) Providing the infant or toddler and his or
2984 her family with the appropriate early intervention services as
2985 detailed in the individualized family service plan.



2986 (i) "Individualized family service plan" means a
2987 written plan designed to address the needs of the infant or
2988 toddler and his or her family as specified under Section 41-87-13.

2989 (j) "Early intervention standards" means those
2990 standards established by any agency or agencies statutorily
2991 designated the responsibility to establish standards for infants
2992 and toddlers with disabilities, in coordination with the council
2993 and in accordance with Part C of IDEA.

2994 (k) "Early intervention system" means the total
2995 collaborative effort in the state that is directed at meeting the
2996 needs of eligible children and their families.

2997 (l) "Parent," for the purpose of early intervention
2998 services, means a parent, a guardian, a person acting as a parent
2999 of a child, foster parent, or an appointed surrogate parent. The
3000 term does not include the state if the child is a ward of the
3001 state where the child has not been placed with individuals to
3002 serve in a parenting capacity, such as foster parents, or when a
3003 surrogate parent has not been appointed. When a child is the ward
3004 of the state, a Department of Human Services representative will
3005 act as parent for purposes of service authorization.

3006 (m) "Policies" means the state statutes, regulations,
3007 Governor's orders, directives by the lead agency, or other written
3008 documents that represent the state's position concerning any
3009 matter covered under this chapter.

3010 (n) "Regulations" means the United States Department of
3011 Education's regulations concerning the governance and
3012 implementation of Part C of IDEA, the Early Intervention Program
3013 for Infants and Toddlers with Disabilities.

3014 **SECTION 37.** Section 43-1-30, Mississippi Code of 1972, is
3015 amended as follows:

3016 43-1-30. (1) There is hereby created the Mississippi TANF
3017 Implementation Council. It shall serve as the independent, single
3018 state advisory and review council for assuring Mississippi's



3019 compliance with the federal Personal Responsibility and Work
3020 Opportunity Reconciliation Act of 1996 (Public Law 104-193), as
3021 amended. The council shall further cooperation between
3022 government, education and the private sector in meeting the needs
3023 of the TANF program. It shall also further cooperation between
3024 the business and labor communities, education and training
3025 delivery systems, and between businesses in developing highly
3026 skilled workers for high skill, high paying jobs in Mississippi.

3027 (2) The council shall be comprised of thirteen (13) public
3028 members and certain ex officio nonvoting members. All public
3029 members of the council shall be appointed as follows by the
3030 Governor:

3031 Ten (10) members shall be representatives from business and
3032 industry, provided that no fewer than five (5) members are from
3033 the manufacturing and industry sector who are also serving as
3034 members of private industry councils established within the state,
3035 and one (1) member may be a representative of a nonprofit
3036 organization. Three (3) members shall be recipients or former
3037 recipients of TANF assistance appointed from the state at large.

3038 The ex officio nonvoting members of the council shall consist
3039 of the following, or their designees:

3040 (a) The Executive Director of the Mississippi
3041 Department of Human Services;

3042 (b) The Executive Director of the Mississippi
3043 Employment Security Commission;

3044 (c) The Executive Director of the Mississippi
3045 Department of Economic and Community Development;

3046 (d) The State Superintendent of Public Education;

3047 (e) The Commissioner of Higher Education;

3048 (f) The Executive Director of the Division of Medicaid;

3049 (g) The Commissioner of the Mississippi Department of
3050 Corrections; and



3051 (h) The Director of the Mississippi Cooperative
3052 Extension Service.

3053 (3) The Governor shall designate one (1) public member to
3054 serve as chairman of the council for a term of two (2) years and
3055 until a successor as chairman is appointed and qualified.

3056 (4) The term of office for public members appointed by the
3057 Governor shall be four (4) years and until their successors are
3058 appointed and qualified.

3059 (5) Any vacancy shall be filled for the unexpired term by
3060 the Governor in the manner of the original appointment, unless
3061 otherwise specified in this section.

3062 (6) Public members shall receive a per diem as authorized in
3063 Section 25-3-69, for each day actually engaged in meetings of the
3064 council, and shall be reimbursed for mileage and necessary
3065 expenses incurred in the performance of their duties, as provided
3066 in Section 25-3-41.

3067 (7) The council shall:

3068 (a) Annually review and recommend policies and programs
3069 to the Governor and the Legislature that will implement and meet
3070 federal requirements under the TANF program.

3071 (b) Annually review and recommend policies and programs
3072 to the Governor and to the Legislature that will enable citizens
3073 of Mississippi to acquire the skills necessary to maximize their
3074 economic self-sufficiency.

3075 (c) Review the provision of services and the use of
3076 funds and resources under the TANF program, and under all
3077 state-financed job training and job retraining programs, and
3078 advise the Governor and the Legislature on methods of coordinating
3079 such provision of services and use of funds and resources
3080 consistent with the laws and regulations governing such programs.

3081 (d) Assist in developing outcome and output measures to
3082 measure the success of the Department of Human Services' efforts
3083 in implementing the TANF program. These recommendations shall be



3084 made to the Department of Human Services at such times as required
3085 in the event that the department implements new programs to comply
3086 with the TANF program requirements.

3087 (e) Collaborate with the Department of Economic and
3088 Community development, local planning and development districts
3089 and local industrial development boards, and shall develop an
3090 economic development plan for the creation of manufacturing jobs
3091 in each of the counties in the state that has an unemployment rate
3092 of ten percent (10%) or more, which shall include, but not be
3093 limited to, procedures for business development, entrepreneurship
3094 and financial and technical assistance.

3095 (8) A majority of the members of the council shall
3096 constitute a quorum for the conduct of meetings and all actions of
3097 the council shall be by a majority of the members present at a
3098 meeting.

3099 (9) The council shall adopt rules and regulations as it
3100 deems necessary to carry out its responsibilities under this
3101 section and under applicable federal human resources programs.

3102 (10) The council may make and enter into contracts and
3103 interagency agreements as may be necessary and proper.

3104 (11) The council is authorized to commit and expend monies
3105 appropriated to it by the Legislature for its authorized purposes.
3106 The council is authorized to solicit, accept and expend public and
3107 private gifts, grants, awards and contributions related to
3108 furtherance of its statutory duties.

3109 (12) Funds for the operations of the council shall be
3110 derived from federal funds for the operation of state councils
3111 pursuant to applicable federal human resources programs and from
3112 such other monies appropriated to it by the Legislature.

3113 **SECTION 38.** Section 45-4-3, Mississippi Code of 1972, is
3114 amended as follows:



3115 45-4-3. (1) There is hereby created the Board on Jail
3116 Officer Standards and Training, which shall consist of nine (9)
3117 members.

3118 (2) The members shall be appointed as follows:

3119 (a) Two (2) members to be appointed by the Mississippi
3120 Association of Supervisors.

3121 (b) Three (3) members to be appointed by the
3122 Mississippi Association of Sheriffs.

3123 (c) One (1) member to be appointed by the Board of
3124 Trustees of State Institutions of Higher Learning.

3125 (d) One (1) member to be appointed by the Governor.

3126 (e) One (1) member to be appointed by the Mississippi
3127 Association of Chiefs of Police.

3128 (f) One (1) member to be appointed by the Mississippi
3129 Municipal League.

3130 The initial appointments to the board shall be made no later
3131 than twenty (20) days after July 1, 1999, as follows:

3132 The Mississippi Association of Supervisors shall appoint one
3133 (1) member for a term of one (1) year and one (1) member for a
3134 term of three (3) years.

3135 The Mississippi Association of Sheriffs shall appoint one (1)
3136 member for a term of one (1) year, one (1) member for a term of
3137 two (2) years and one (1) member for a term of three (3) years.

3138 The Board of Trustees of State Institutions of Higher
3139 Learning shall appoint one (1) member for a term of two (2) years.

3140 The Governor shall appoint one (1) member for a term of two
3141 (2) years.

3142 The Mississippi Association of Chiefs of Police shall appoint
3143 one (1) member for a term of two (2) years not later than twenty
3144 (20) days after July 1, 2000.

3145 The Mississippi Municipal League shall appoint one (1) member
3146 for a term of two (2) years not later than twenty (20) days after
3147 July 1, 2000.



3148 Upon the expiration of the terms of the initial appointees to
3149 the board, each subsequent appointment shall be made for a term of
3150 three (3) years, beginning on the date of the expiration of the
3151 previous term. A vacancy in any appointed position on the board
3152 prior to the expiration of a term shall be filled by appointment
3153 for the balance of the unexpired term.

3154 (3) Members of the board shall serve without compensation,
3155 but shall be entitled to receive reimbursement for any actual and
3156 reasonable expenses incurred as a necessary incident to such
3157 service, including mileage, as provided in Section 25-3-41,
3158 Mississippi Code of 1972.

3159 (4) There shall be a chairman and a vice chairman of the
3160 board, elected by and from the membership of the board. The board
3161 shall adopt rules and regulations governing times and places for
3162 meetings and governing the manner of conducting its business, but
3163 the board shall meet at least every three (3) months. Any member
3164 who is absent for three (3) consecutive regular meetings of the
3165 board may be removed by a majority vote of the board.

3166 (5) The Governor shall call an organizational meeting of the
3167 board not later than thirty (30) days after July 1, 1999.

3168 (6) The board shall report annually to the Governor and the
3169 Legislature on its activities, and may make such other reports as
3170 it deems desirable.

3171 **SECTION 39.** Section 69-2-5, Mississippi Code of 1972, is
3172 amended as follows:

3173 69-2-5. (1) The Mississippi Cooperative Extension Service
3174 shall act as a clearinghouse for the dissemination of information
3175 regarding programs and services which may be available to help
3176 those persons and businesses which have been adversely affected by
3177 the present emergency in the agricultural community. The
3178 Cooperative Extension Service shall develop a plan of assistance
3179 which shall identify all programs and services available within
3180 the state which can be of assistance to those affected by the



3181 present emergency. The Department of Agriculture and Commerce,
3182 the Department of Finance and Administration, Department of Human
3183 Services, Department of Mental Health, State Department of Health,
3184 Board of Trustees of State Institutions of Higher Learning, * * *
3185 University Research * * * Center, Mississippi Development
3186 Authority, Employment Security Commission, State Board of * * *
3187 Education, Mississippi Authority for Educational Television, and
3188 other agencies of the state which have programs and services that
3189 can be of assistance to those affected by the present emergency,
3190 shall provide information regarding their programs and services to
3191 the Cooperative Extension Service for use in the clearinghouse.
3192 The types of programs and services shall include, but not be
3193 limited to, financial counseling, farm and small business
3194 management, employment services, labor market information, job
3195 re-training, vocational and technical training, food stamp
3196 programs, personal counseling, health services, and free or low
3197 cost legal services. The clearinghouse shall provide a single
3198 contact point to provide program information and referral services
3199 to individuals interested or needing services from state funded
3200 assistance programs affecting agriculture, horticulture,
3201 aquaculture and other agribusinesses or related industries. Such
3202 assistance information shall identify all monies available under
3203 the Small Business Financing Act, the Business Investment Act, the
3204 Emerging Crop Fund legislation and any other sources which may be
3205 used singularly or combined, to provide a comprehensive financing
3206 package. The provisions of this section in establishing a single
3207 contact point for information and referral services shall not be
3208 construed to authorize the hiring of additional personnel.

3209 (2) The Cooperative Extension Service may accept monetary or
3210 in-kind contributions, gifts and grants for the establishment or
3211 operation of the clearinghouse.



3212 (3) The Cooperative Extension Service shall establish a
3213 method for the dissemination of information to those who can be
3214 benefited by the existing programs and services of the state.

3215 (4) The Cooperative Extension Service shall file an annual
3216 report with the Governor, Lieutenant Governor and Speaker of the
3217 House of Representatives regarding the efforts which have been
3218 made in the clearinghouse operation. The report shall also
3219 recommend any additional measures, including legislation, which
3220 may be needed or desired in providing programs and benefits to
3221 those affected by the agricultural emergency.

3222 **SECTION 40.** Section 75-59-1, Mississippi Code of 1972, is
3223 amended as follows:

3224 75-59-1. No person, firm or corporation shall contract to
3225 furnish correspondence courses to persons within the state unless
3226 such person, firm or corporation shall have obtained a permit from
3227 the office of the Secretary of State, either (a) the State
3228 Department of Education * * * or (b) the Board of Trustees of
3229 State Institutions of Higher Learning, whichever is appropriate,
3230 and the Office of the Attorney General. An application for a
3231 permit shall be made on forms furnished by the Secretary of State,
3232 the State Department of Education * * * or the Board of Trustees
3233 of Institutions of Higher Learning, as the case may be, and the
3234 Attorney General and such application shall designate an agent for
3235 the service of summons within the state; shall contain the name
3236 and address of the applicant; the type of courses offered with a
3237 brief summary of the course of studies offered; and one (1) copy
3238 of all textbooks or other teaching aids and training materials
3239 which are incorporated in the course of study shall be filed with
3240 said application. The applicant shall pay the Secretary of State
3241 a fee of Two Hundred Fifty Dollars (\$250.00). The applicant shall
3242 file a bond with his application in the sum of Fifty Thousand
3243 Dollars (\$50,000.00) conditioned to satisfy any judgment rendered
3244 by a court of competent jurisdiction, in favor of any person who



3245 has sustained damages as a result of the breach of a contract of
3246 instruction by the permittee. Such bond shall be executed by the
3247 permittee and a resident surety company qualified to transact
3248 business within the state. Such permit shall be valid for one (1)
3249 year from the date thereof. Suits against the permittee and his
3250 surety may be brought in the county where the plaintiff resides,
3251 or the county where the defendant has his principal place of
3252 business, or where his resident agent resides. This chapter shall
3253 not apply to any business school or business college holding a
3254 current certificate or license issued under the applicable law of
3255 this state. In addition, this chapter shall not apply to
3256 religious instructions offered by a recognized church
3257 denomination; provided, however, that no fee or charge of any kind
3258 whatever may be levied or collected directly or indirectly for
3259 such instructions or certificates issued in connection therewith
3260 or incidental thereto. No person shall be granted a permit unless
3261 he is an individual of good moral character.

3262 **SECTION 41.** Section 75-60-3, Mississippi Code of 1972, is
3263 amended as follows:

3264 75-60-3. As used in this chapter:

3265 (a) "Course of instruction" means the offering of
3266 instruction to individuals for a charge, fee or contribution of
3267 any kind, to a person or persons for the purpose of training or
3268 preparing such person(s) for a field of endeavor in a business,
3269 trade, technical or industrial occupation.

3270 (b) "Program of study" means a curriculum or set of
3271 individual courses in a particular area of specialization for
3272 which a diploma, degree, certificate or other written evidence of
3273 proficiency of achievement is offered or awarded.

3274 (c) "Agent" means any individual who solicits
3275 prospective students in Mississippi to enroll for a fee in a
3276 course of instruction.



3277 (d) "Person" means an individual, corporation,
3278 partnership, association or any other type of organization.

3279 (e) "Board" means the Board of Trustees of State
3280 Institutions of Higher Learning * * *.

3281 (f) "Commission" means the Commission on Proprietary
3282 School and College Registration established under this chapter.

3283 **SECTION 42.** Section 75-60-4, Mississippi Code of 1972, is
3284 amended as follows:

3285 75-60-4. (1) The Board of Trustees of State Institutions of
3286 Higher Learning shall appoint a "Commission on Proprietary School
3287 and College Registration" to be composed of five (5) qualified
3288 members, one (1) appointed from each of the five (5) Mississippi
3289 congressional districts existing on January 1, 1992. The
3290 membership of said commission shall be composed of persons who
3291 have held a teaching, managerial or other similar position with
3292 any public, private, trade, technical or other school; provided,
3293 however, that one (1) member of the commission shall be actively
3294 engaged in teaching, managerial or other similar position with a
3295 privately owned trade, technical or other school. The membership
3296 of said commission shall be appointed by the board of trustees
3297 within ninety (90) days of the passage of this chapter. In making
3298 the first appointments, two (2) members shall be appointed for
3299 three (3) years, two (2) members for four (4) years, and one (1)
3300 member for five (5) years. Thereafter, all members shall be
3301 appointed for a term of five (5) years. If one (1) of the members
3302 appointed by the board of trustees resigns or is otherwise unable
3303 to serve, a new member shall be appointed by the commission to
3304 fill the unexpired term. All five (5) members of the commission
3305 have full voting rights. The members shall not be paid for their
3306 services, but may be compensated for the expenses necessarily
3307 incurred in the attendance at meetings or in performing other
3308 services for the commission at a rate prescribed under Section
3309 25-3-69, Mississippi Code of 1972, plus actual expenses and



3310 mileage as provided by Section 25-3-41, Mississippi Code of 1972.
3311 Members of the commission shall annually elect a chairman from
3312 among its members.

3313 (2) The Board of Trustees of State Institutions of Higher
3314 Learning shall appoint such staff as may be required for the
3315 performance of the commission's duties and provide necessary
3316 facilities.

3317 (3) It shall be the purpose of the Commission on Proprietary
3318 School and College Registration to establish and implement the
3319 registration program as provided in this chapter. All
3320 controversies involving the registration of such schools shall be
3321 initially heard by a duly authorized hearing officer of the
3322 commission before whom a complete record shall be made. After the
3323 conclusion of the hearing, the duly authorized hearing officer of
3324 the commission shall make a recommendation to the commission as to
3325 the resolution of the controversies, and the commission, after
3326 considering the transcribed record and the recommendation of its
3327 hearing officer, shall make its decision which becomes final
3328 unless the school or college or other person involved shall appeal
3329 to the Board of Trustees of State Institutions of Higher Learning,
3330 which appeal shall be on the record previously made before the
3331 commission's hearing officer except as may be provided by rules
3332 and regulations adopted by the Board of Trustees of State
3333 Institutions of Higher Learning. All appeals from the Board of
3334 Trustees of State Institutions of Higher Learning shall be on the
3335 record and shall be filed in the Chancery Court of the First
3336 Judicial District of Hinds County, Mississippi.

3337 **SECTION 43.** Section 75-60-5, Mississippi Code of 1972, is
3338 amended as follows:

3339 75-60-5. The provisions of this chapter do not apply to the
3340 following categories of courses, schools or colleges:

3341 (a) Tuition-free courses or schools conducted by
3342 employers exclusively for their own employees;



3343 (b) Schools, colleges, technical institutes, community
3344 colleges, junior colleges or universities under the jurisdiction
3345 of the Board of Trustees of State Institutions of Higher
3346 Learning * * *;

3347 (c) Schools or courses of instruction under the
3348 jurisdiction of the State Board of Cosmetology or State Board of
3349 Barber Examiners;

3350 (d) Courses of instruction required by law to be
3351 approved or licensed, or given by institutions approved or
3352 licensed, by a state board or agency other than the Commission on
3353 Proprietary School and College Registration; however, a school so
3354 approved or licensed may apply to the Commission on Proprietary
3355 School and College Registration for a certificate of registration
3356 to be issued in accordance with the provisions of this chapter;

3357 (e) Correspondence courses;

3358 (f) Nonprofit private schools offering academic credits
3359 at primary or secondary levels, or conducting classes for
3360 exceptional education as defined by regulations of the State
3361 Department of Education;

3362 (g) Private nonprofit colleges and universities or any
3363 private school offering academic credits at primary, secondary or
3364 postsecondary levels;

3365 (h) Courses of instruction conducted by a public school
3366 district or a combination of public school districts;

3367 (i) Courses of instruction conducted outside the United
3368 States;

3369 (j) A school which offers only instruction in subjects
3370 which the Commission on Proprietary School and College
3371 Registration determines are primarily for avocational, personal
3372 improvement or cultural purposes and which does not represent to
3373 the public that its course of study or instruction will or may
3374 produce income for those who take such study or instruction;



3375 (k) Courses conducted primarily on an individual
3376 tutorial basis, where not more than one (1) student is involved at
3377 any one time, except in those instances where the Commission on
3378 Proprietary School and College Registration determines that the
3379 course is for the purpose of preparing for a vocational objective;

3380 (l) Kindergartens or similar programs for preschool-age
3381 children.

3382 **SECTION 44.** Section 75-60-19, Mississippi Code of 1972, is
3383 amended as follows:

3384 75-60-19. (1) The Commission on Proprietary School and
3385 College Registration may suspend, revoke or cancel a certificate
3386 of registration for any one (1) or any combination of the
3387 following causes:

3388 (a) Violation of any provision of the sections of this
3389 chapter or any regulation made by the commission;

3390 (b) The furnishing of false, misleading or incomplete
3391 information requested by the commission;

3392 (c) The signing of an application or the holding of a
3393 certificate of registration by a person who has pleaded guilty or
3394 has been found guilty of a felony or has pleaded guilty or been
3395 found guilty of any other indictable offense;

3396 (d) The signing of an application or the holding of a
3397 certificate of registration by a person who is addicted to the use
3398 of any narcotic drug, or who is found to be mentally incompetent;

3399 (e) Violation of any commitment made in an application
3400 for a certificate of registration;

3401 (f) Presentation to prospective students of misleading,
3402 false or fraudulent information relating to the course of
3403 instruction, employment opportunity, or opportunities for
3404 enrollment in accredited institutions of higher education after
3405 entering or completing courses offered by the holder of a
3406 certificate of registration;



3407 (g) Failure to provide or maintain premises or
3408 equipment for offering courses of instruction in a safe and
3409 sanitary condition;

3410 (h) Refusal by an agent to display his agent's
3411 certificate of registration upon demand of a prospective student
3412 or other interested person;

3413 (i) Failure to maintain financial resources adequate
3414 for the satisfactory conduct of courses of study as presented in
3415 the plan of operation or to retain a sufficient number and
3416 qualified staff of instruction; however, nothing in this chapter
3417 shall require an instructor to be certificated by the Commission
3418 on Proprietary School and College Registration or to hold any type
3419 of post-high school degree;

3420 (j) Offering training or courses of instruction other
3421 than those presented in the application; however, schools may
3422 offer special courses adapted to the needs of individual students
3423 where the special courses are in the subject field specified in
3424 the application;

3425 (k) Accepting the services of an agent not licensed in
3426 accordance with Sections 75-60-23 through 75-60-37, inclusive;

3427 (l) Conviction or a plea of nolo contendere on the part
3428 of any owner, operator or director of a registered school of any
3429 felony under Mississippi law or the law of another jurisdiction;

3430 (m) Continued employment of a teacher or instructor who
3431 has been convicted of or entered a plea of nolo contendere to any
3432 felony under Mississippi law or the law of another jurisdiction;

3433 (n) Incompetence of any owner or operator to operate a
3434 school.

3435 (2) (a) Any person who believes he has been aggrieved by a
3436 violation of this section shall have the right to file a written
3437 complaint within two (2) years of the alleged violation. The
3438 commission shall maintain a written record of each complaint that
3439 is made. The commission shall also send to the complainant a form



3440 acknowledging the complaint and requesting further information if
3441 necessary and shall advise the director of the school that a
3442 complaint has been made and, where appropriate, the nature of the
3443 complaint.

3444 (b) The commission shall within twenty (20) days of
3445 receipt of such written complaint commence an investigation of the
3446 alleged violation and shall, within ninety (90) days of the
3447 receipt of such written complaint, issue a written finding. The
3448 commission shall furnish such findings to the person who filed the
3449 complaint and to the chief operating officer of the school cited
3450 in the complaint. If the commission finds that there has been a
3451 violation of this section, the commission shall take appropriate
3452 action.

3453 (c) The commission may initiate an investigation
3454 without a complaint.

3455 (3) **Hearing procedures.** (a) Upon a finding that there is
3456 good cause to believe that a school, or an officer, agent,
3457 employee, partner or teacher, has committed a violation of
3458 subsection (1) of this section, the commission shall initiate
3459 proceedings by serving a notice of hearing upon each and every
3460 such party subject to the administrative action. The school or
3461 such party shall be given reasonable notice of hearing, including
3462 the time, place and nature of the hearing and a statement
3463 sufficiently particular to give notice of the transactions or
3464 occurrences intended to be proved, the material elements of each
3465 cause of action and the civil penalties and/or administrative
3466 sanctions sought.

3467 (b) Opportunity shall be afforded to the party to
3468 respond and present evidence and argument on the issues involved
3469 in the hearing including the right of cross-examination. In a
3470 hearing, the school or such party shall be accorded the right to
3471 have its representative appear in person or by or with counsel or
3472 other representative. Disposition may be made in any hearing by



3473 stipulation, agreed settlement, consent order, default or other
3474 informal method.

3475 (c) The commission shall designate an impartial hearing
3476 officer to conduct the hearing, who shall be empowered to:

3477 (i) Administer oaths and affirmations; and

3478 (ii) Regulate the course of the hearings, set the
3479 time and place for continued hearings, and fix the time for filing
3480 of briefs and other documents; and

3481 (iii) Direct the school or such party to appear
3482 and confer to consider the simplification of the issues by
3483 consent; and

3484 (iv) Grant a request for an adjournment of the
3485 hearing only upon good cause shown.

3486 The strict legal rules of evidence shall not apply, but the
3487 decision shall be supported by substantial evidence in the record.

3488 (4) The commission, acting by and through its hearing
3489 officer, is hereby authorized and empowered to issue subpoenas for
3490 the attendance of witnesses and the production of books and papers
3491 at such hearing. Process issued by the commission shall extend to
3492 all parts of the state and shall be served by any person
3493 designated by the commission for such service. Where, in any
3494 proceeding before the hearing officer, any witness fails or
3495 refuses to attend upon a subpoena issued by the commission,
3496 refuses to testify, or refuses to produce any books and papers the
3497 production of which is called for by a subpoena, the attendance of
3498 such witness, the giving of his testimony or the production of the
3499 books and papers shall be enforced by any court of competent
3500 jurisdiction of this state in the manner provided for the
3501 enforcement of attendance and testimony of witnesses in civil
3502 cases in the courts of this state.

3503 (5) **Decision after hearing.** The hearing officer shall make
3504 written findings of fact and conclusions of law, and shall also
3505 recommend in writing to the commission a final decision, including



3506 penalties. The hearing officer shall mail a copy of his findings
3507 of fact, conclusions of law and recommended penalty to the party
3508 and his attorney, or representative. The commission shall make
3509 the final decision, which shall be based exclusively on evidence
3510 and other materials introduced at the hearing. If it is
3511 determined that a party has committed a violation, the commission
3512 shall issue a final order and shall impose penalties in accordance
3513 with this section. The commission shall send by certified mail,
3514 return receipt requested, a copy of the final order to the party
3515 and his attorney, or representative. The commission shall, at the
3516 request of the school or such party, furnish a copy of the
3517 transcript or any part thereof upon payment of the cost thereof.

3518 (6) **Civil penalties and administrative sanctions.** (a) A
3519 hearing officer may recommend, and the commission may impose, a
3520 civil penalty not to exceed Two Thousand Five Hundred Dollars
3521 (\$2,500.00) for any violation of this section. In the case of a
3522 second or further violation committed within the previous five (5)
3523 years, the liability shall be a civil penalty not to exceed Five
3524 Thousand Dollars (\$5,000.00) for each such violation.

3525 (b) Notwithstanding the provisions of paragraph (a) of
3526 this subsection, a hearing officer may recommend and the
3527 commission may impose a civil penalty not to exceed Twenty-five
3528 Thousand Dollars (\$25,000.00) for any of the following violations:
3529 (i) operation of a school without a registration in violation of
3530 this chapter; (ii) operation of a school knowing that the school's
3531 registration has been suspended or revoked; (iii) use of false,
3532 misleading, deceptive or fraudulent advertising; (iv) employment
3533 of recruiters on the basis of a commission, bonus or quota, except
3534 as authorized by the commission; (v) directing or authorizing
3535 recruiters to offer guarantees of jobs upon completion of a
3536 course; (vi) failure to make a tuition refund when such failure is
3537 part of a pattern of misconduct; or (vii) violation of any other
3538 provision of this chapter, or any rule or regulation promulgated



3539 pursuant thereto, when such violation constitutes part of a
3540 pattern of misconduct which significantly impairs the educational
3541 quality of the program or programs being offered by the school.
3542 For each enumerated offense, a second or further violation
3543 committed within the previous five (5) years shall be subject to a
3544 civil penalty not to exceed Fifty Thousand Dollars (\$50,000.00)
3545 for each such violation.

3546 (c) In addition to the penalties authorized in
3547 paragraphs (a) and (b) of this subsection, a hearing officer may
3548 recommend and the commission may impose any of the following
3549 administrative sanctions: (i) a cease and desist order; (ii) a
3550 mandatory direction; (iii) a suspension or revocation of a
3551 certificate of registration; (iv) a probation order; or (v) an
3552 order of restitution.

3553 (d) The commission may suspend a registration upon the
3554 failure of a school to pay any fee, fine or penalty as required by
3555 this chapter unless such failure is determined by the commission
3556 to be for good cause.

3557 (e) All civil penalties, fines and settlements received
3558 shall accrue to the credit of the State General Fund.

3559 (7) Any penalty or administrative sanction imposed by the
3560 commission under this section may be appealed by the school,
3561 college or other person affected to the Board of Trustees of State
3562 Institutions of Higher Learning as provided in Section 75-60-4(3),
3563 which appeal shall be on the record previously made before the
3564 commission's hearing officer. All appeals from the Board of
3565 Trustees of State Institutions of Higher Learning shall be on the
3566 record and shall be filed in the Chancery Court of the First
3567 Judicial District of Hinds County, Mississippi.

3568 **SECTION 45.** Section 75-60-43, Mississippi Code of 1972, is
3569 amended as follows:

3570 75-60-43. The State Department of Education shall supply to
3571 the Board of Trustees of State Institutions of Higher Learning all



3572 records, regulations and forms relating to proprietary school and
3573 college registration. All certificates and permits for
3574 proprietary schools and colleges issued by the State Department of
3575 Education shall be valid until their normal expiration dates
3576 unless suspended or revoked for cause.

3577 **SECTION 46.** Section 37-4-4, Mississippi Code of 1972, which
3578 requires the Commissioner of Higher Education to attend meetings
3579 of the State Board for Community and Junior Colleges, is repealed.
3580 Section 37-4-5, Mississippi Code of 1972, which provides for the
3581 meaning of the term "Junior College Commission," and Section
3582 37-4-7, Mississippi Code of 1972, which requires the State Board
3583 for Community and Junior Colleges to study the feasibility of
3584 implementing a uniform state employment contract, are repealed.

3585 **SECTION 47.** This act shall take effect and be in force from
3586 and after July 1, 2002.

