To: Education; Appropriations

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2002

By: Senator(s) Harden

SENATE BILL NO. 2878

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

SECTION 1. (1) This act shall be known and may be cited as the "Education Independence and Accountability Act of 2002".

(2) It is the intent of the Legislature that local school communities and leaders shall be given freedom from unnecessary, obsolete, or unduly burdensome state control and regulation which inhibits creativity and entrepreneurial ventures at the local level, or which result in an unnecessary or excessive diversion of local resources to comply with state regulations. It is the further intent of the Legislature that local school districts should not be required to bear the burden of absorbing unfunded mandates from the state, through action by the Legislature, the State Board of Education or the State Department of Education.

SECTION 2. Section 37-1-2, Mississippi Code of 1972, is amended as follows:

37-1-2. The Legislature finds and determines that the quality of public education and its effect upon the social, cultural and economic enhancement of the people of Mississippi is a matter of public policy, the object of which is the education and performance of its children and youth. The Legislature hereby declares the following to be the policy of the State of Mississippi:

(a) That the students, parents, general citizenry, local schoolteachers and administrators, local governments, local school boards, and state government have a joint and shared responsibility for the quality of education delivered through the public education system in the State of Mississippi;
(b) To produce a functionally literate school population;
(c) To ensure that all students master the most essential parts of a basic education;
(d) To establish, raise and maintain educational standards;
(e) To improve the quality of education by strengthening it and elevating its goals;
(f) To provide quality education for all school-age children in the state;
(g) That excellence and high achievement of all students should be the ultimate goal;
(h) To encourage the common efforts of students, parents, teachers, administrators and business and professional leaders for the establishment of specific goals for performance;
(i) To improve instructional and administrative quality, to relate the education community to other policymakers, to achieve increased competency among students, teachers and administrators, to provide for continuing professional development for teachers, counselors and administrators, to assure that the budget process, the planning function and the allocation of personnel of the state department of education are commensurate with its educational goals;
(j) That the return on public education which is the single largest investment for the state be the effectiveness of the delivery system and the product it is designed to produce;
(k) That the investment in public education can be justified on the basis of the economic benefits that will accrue both to the individual and to society, recognizing that the return on such investment is long term and dramatic progress is not immediate;
(l) That emphasis must be placed upon early mastery of the skills necessary to success in school and that quality,
performance-based early childhood education programs are an essential element of a comprehensive education system;

(m) That local school districts and their public schools be required to account for the product of their efforts;

(n) That the children of this state receive a period of instruction sufficient to train each in the basic educational skills adequate for the student to take his or her place in society and make a contribution as a citizen of this state, and that all children be encouraged to continue their education until they have completed high school;

(o) To establish an accreditation system based upon measurable elements in school known to be related to instructional effectiveness, to establish a credible process for measuring and rating schools, to establish a method for monitoring continued performance, and to provide for a state response when performance is inadequate;

(p) That the teachers of this state, to the extent possible, receive salaries that are at least equal to the average of the salaries received by teachers in the southeastern United States;

(q) That local school communities and leaders shall be given freedom from unnecessary, obsolete, or unduly burdensome state control and regulation which inhibits creativity and entrepreneurial ventures at the local level, or which result in an unnecessary or excessive diversion of local resources to comply with state regulations;

(r) That local school districts should not be required to bear the burden of absorbing unfunded mandates from the state, through action by the Legislature, the State Board of Education or the State Department of Education; that no action shall be taken nor shall any rules, regulations or procedures be promulgated by the State Board of Education or the State Department of Education which may result in costs, direct or indirect, for local schools;
to implement without first having established and published a
fiscal note describing the estimated costs of such action, rules,
regulations or procedures;

(s) That, while maintaining an appropriate monitoring
and implementation of the statewide assessment and accountability
programs mandated by the Legislature, the State Board of Education
shall take any and all action necessary to ensure that the
mission, organization and operations of the State Department of
Education shall be primarily one of service to local school
districts and not control of school districts, except where
expressly mandated by the Legislature.

SECTION 3. Section 37-1-3, Mississippi Code of 1972, is
amended as follows:

37-1-3. (1) The State Board of Education shall adopt rules
and regulations and set standards and policies for the
organization, operation, management, planning, budgeting and
programs of the State Department of Education.

(a) The board is directed to identify all functions of
the department that contribute to or comprise a part of the state
system of educational accountability and to establish and maintain
within the department the necessary organizational structure,
policies and procedures for effectively coordinating such
functions. Such policies and procedures shall clearly fix and
delineate responsibilities for various aspects of the system and
for overall coordination of the total system and its effective
management.

(b) The board shall establish and maintain a
system-wide plan of performance, policy and directions of public
education not otherwise provided for.

(c) The board shall effectively use the personnel and
resources of the department to enhance technical assistance to
school districts in instruction and management therein.
(d) The board shall establish and maintain a central budget policy.

(e) The board shall establish and maintain within the State Department of Education a central management capacity under the direction of the State Superintendent of Public Education.

(f) The board, with recommendations from the superintendent, shall design and maintain a five-year plan and program for educational improvement that shall set forth objectives for system performance and development and be the basis for budget requests and legislative initiatives.

(2) (a) The State Board of Education shall adopt and maintain a curriculum and a course of study to be used in the public schools that is designed to prepare the state's children and youth to be productive, informed, creative citizens, workers and leaders, and it shall regulate all matters arising in the practical administration of the school system not otherwise provided for.

(b) Before the 1999-2000 school year, the State Board of Education shall develop personal living and finances objectives that focus on money management skills for individuals and families for appropriate, existing courses at the secondary level. The objectives must require the teaching of those skills necessary to handle personal business and finances and must include instruction in the following:

(i) Opening a bank account and assessing the quality of a bank's services;

(ii) Balancing a check book;

(iii) Managing debt, including retail and credit card debt;

(iv) Completing a loan application;

(v) The implications of an inheritance;

(vi) The basics of personal insurance policies;

(vii) Consumer rights and responsibilities;
(viii) Dealing with salesmen and merchants;
(ix) Computing state and federal income taxes;
(x) Local tax assessments;
(xi) Computing interest rates by various mechanisms;
(xii) Understanding simple contracts; and
(xiii) Contesting an incorrect billing statement.

(3) The State Board of Education shall through its actions seek to implement the policies set forth in Section 37-1-2.

(4) No action shall be taken nor shall any rules, regulations or procedures be promulgated by the State Board of Education or the State Department of Education without first having made and published a determination that such action is consistent with legislative intent expressed in Senate Bill No. 1288, 2002 Regular Session, regarding the financial and operational impact on local school districts.

SECTION 4. Effective July 1, 2007, Sections 37-1-1, 37-1-2, 37-1-3, 37-1-4, 37-1-5, 37-1-7, 37-1-9, 37-1-11 and 37-1-13, Mississippi Code of 1972, which establish the State Department of Education and prescribe its duties and responsibilities, Sections 37-3-1, 37-3-2, 37-3-3, 37-3-4, 37-3-5, 37-3-7, 37-3-8, 37-3-9, 37-3-11, 37-3-12, 37-3-13, 37-3-25, 37-3-27, 37-3-29, 37-3-31, 37-3-39, 37-3-46, 37-3-49, 37-3-51, 37-3-53, 37-3-59, 37-3-61, 37-3-63, 37-3-65, 37-3-67, 37-3-69, 37-3-71, 37-3-73, 37-3-75, 37-3-77, 37-3-79, 37-3-81, 37-3-83, 37-3-84, 37-3-85, 37-3-87, 37-3-89, 37-3-91, 37-3-93 and 37-3-95, Mississippi Code of 1972, which establish and provide for certain instructional and other programs in school districts administered by the State Department of Education, Sections 37-7-315, 37-7-317, 37-7-319, 37-7-321, 37-7-323, 37-7-325, 37-7-327, 37-7-329, 37-7-333, 37-7-335, 37-7-337, 37-7-339, 37-7-351, 37-7-353, 37-7-355, 37-7-357, 37-7-359, 37-7-401, 37-7-403, 37-7-405, 37-7-407, 37-7-409, 37-7-411, 37-7-413, 37-7-415, 37-7-417, 37-7-419, 37-7-431,
37-7-433, 37-7-435, 37-7-437, 37-7-451, 37-7-453, 37-7-455,
37-7-471, 37-7-473, 37-7-475, 37-7-477, 37-7-479, 37-7-481,
37-7-483, 37-7-501, 37-7-503, 37-7-505, 37-7-507, 37-7-509 and
37-7-511, which authorize certain procedures for the operation of
school districts subject to the approval of the State Department
of Education, Sections 37-13-9, 37-13-10, 37-13-21, 37-13-41,
and 37-13-185, Mississippi Code of 1972, which prescribe
curriculum and other required programs in the public schools
supervised by the State Department of Education, Sections 37-16-1,
37-16-3, 37-16-4, 37-16-5, 37-16-7, 37-16-9, 37-16-11, 37-16-13,
37-17-1, 37-17-3, 37-17-5, 37-17-6, 37-17-7, 37-17-8, 37-17-9,
37-25-7, 37-25-9, 37-25-11, 37-25-13, 37-25-15, 37-25-17,
Code of 1972, which provide curriculum requirements for school
districts, testing requirements for school districts, provide for
accreditation of schools and school districts and provide
requirements for driver education curriculum, Sections 37-45-1,
37-45-17, 37-45-19, 37-45-21, 37-45-23, 37-45-25, 37-45-27,
ST: "Education Independence and Accountability Act of 2002"; enact and repeal supervision of State Dept of Ed over school districts.

SECTION 5. This act shall take effect and be in force from and after July 1, 2002.