

By: Senator(s) Harden

To: Education;  
Appropriations

## SENATE BILL NO. 2197

1 AN ACT ENTITLED THE "EDUCATION INDEPENDENCE AND  
2 ACCOUNTABILITY ACT OF 2003"; TO PROVIDE ACCOUNTABILITY FOR STATE  
3 MANDATES ON LOCAL SCHOOL DISTRICTS BY THE STATE DEPARTMENT OF  
4 EDUCATION; TO AMEND SECTIONS 37-1-2 AND 37-1-3, MISSISSIPPI CODE  
5 OF 1972, TO REQUIRE THE STATE BOARD OF EDUCATION AND THE STATE  
6 DEPARTMENT OF EDUCATION TO ESTABLISH AND PUBLISH A FISCAL NOTE  
7 BEFORE ENACTING ANY RULES OR REGULATIONS WHICH RESULT IN UNFUNDED  
8 MANDATES FOR LOCAL SCHOOL DISTRICTS; TO REPEAL EFFECTIVE JULY 1,  
9 2007, SECTIONS 37-1-1, 37-1-2, 37-1-3, 37-1-4, 37-1-5, 37-1-7,  
10 37-1-9, 37-1-11 AND 37-1-13, MISSISSIPPI CODE OF 1972, WHICH  
11 ESTABLISH THE STATE DEPARTMENT OF EDUCATION AND PRESCRIBE ITS  
12 DUTIES AND RESPONSIBILITIES, SECTIONS 37-3-1, 37-3-2, 37-3-3,  
13 37-3-4, 37-3-5, 37-3-7, 37-3-8, 37-3-9, 37-3-11, 37-3-12, 37-3-13,  
14 37-3-25, 37-3-39, 37-3-46, 37-3-49, 37-3-51, 37-3-53, 37-3-59,  
15 37-3-61, 37-3-63, 37-3-65, 37-3-67, 37-3-69, 37-3-71, 37-3-73,  
16 37-3-75, 37-3-77, 37-3-79, 37-3-81, 37-3-83, 37-3-84, 37-3-85,  
17 37-3-87, 37-3-89, 37-3-91, 37-3-93 AND 37-3-95, MISSISSIPPI CODE  
18 OF 1972, WHICH ESTABLISH AND PROVIDE FOR CERTAIN INSTRUCTIONAL AND  
19 OTHER PROGRAMS IN SCHOOL DISTRICTS ADMINISTERED BY THE STATE  
20 DEPARTMENT OF EDUCATION, SECTIONS 37-7-315, 37-7-317, 37-7-319,  
21 37-7-321, 37-7-323, 37-7-325, 37-7-327, 37-7-329, 37-7-333,  
22 37-7-335, 37-7-337, 37-7-339, 37-7-351, 37-7-353, 37-7-355,  
23 37-7-357, 37-7-359, 37-7-401, 37-7-403, 37-7-405, 37-7-407,  
24 37-7-409, 37-7-411, 37-7-413, 37-7-415, 37-7-417, 37-7-419,  
25 37-7-431, 37-7-433, 37-7-435, 37-7-437, 37-7-451, 37-7-455,  
26 37-7-471, 37-7-473, 37-7-475, 37-7-477, 37-7-479, 37-7-481,  
27 37-7-483, 37-7-501, 37-7-503, 37-7-505, 37-7-507, 37-7-509 AND  
28 37-7-511, WHICH AUTHORIZE CERTAIN PROCEDURES FOR THE OPERATION OF  
29 SCHOOL DISTRICTS SUBJECT TO THE APPROVAL OF THE STATE DEPARTMENT  
30 OF EDUCATION, SECTIONS 37-13-9, 37-13-10, 37-13-21, 37-13-41,  
31 37-13-58, 37-13-59, 37-13-60, 37-13-60.1, 37-13-61, 37-13-63,  
32 37-13-65, 37-13-67, 37-13-69, 37-13-81, 37-13-83, 37-13-85,  
33 37-13-87, 37-13-89, 37-13-91, 37-13-92, 37-13-107, 37-13-131,  
34 37-13-133, 37-13-135, 37-13-151, 37-13-153, 37-13-155, 37-13-161,  
35 37-13-163, 37-13-171, 37-13-173, 37-13-175, 37-13-181, 37-13-183  
36 AND 37-13-185, MISSISSIPPI CODE OF 1972, WHICH PRESCRIBE  
37 CURRICULUM AND OTHER REQUIRED PROGRAMS IN THE PUBLIC SCHOOLS  
38 SUPERVISED BY THE STATE DEPARTMENT OF EDUCATION, SECTIONS 37-16-1,  
39 37-16-3, 37-16-4, 37-16-5, 37-16-7, 37-16-9, 37-16-11, 37-16-13,  
40 37-17-1, 37-17-3, 37-17-5, 37-17-6, 37-17-7, 37-17-8, 37-17-9,  
41 37-17-11, 37-17-13, 37-18-1, 37-18-3, 37-18-5, 37-18-7, 37-20-1,  
42 37-20-3, 37-20-5, 37-20-7, 37-20-9, 37-25-1, 37-25-3, 37-25-5,  
43 37-25-7, 37-25-9, 37-25-11, 37-25-13, 37-25-17, 37-25-21,  
44 37-25-23, 37-25-25 AND 37-25-27, MISSISSIPPI CODE OF 1972, WHICH  
45 PROVIDE CURRICULUM REQUIREMENTS FOR SCHOOL DISTRICTS, TESTING  
46 REQUIREMENTS FOR SCHOOL DISTRICTS, PROVIDE FOR ACCREDITATION OF  
47 SCHOOLS AND SCHOOL DISTRICTS AND PROVIDE REQUIREMENTS FOR DRIVER  
48 EDUCATION CURRICULUM, SECTIONS 37-45-1, 37-45-3, 37-45-5, 37-45-7,  
49 37-45-9, 37-45-11, 37-45-13, 37-45-15, 37-45-17, 37-45-19,  
50 37-45-21, 37-45-23, 37-45-25, 37-45-27, 37-45-29, 37-45-31,  
51 37-45-33, 37-45-35, 37-45-37, 37-45-39, 37-45-41, 37-45-43,  
52 37-45-45, 37-45-47, 37-45-49, 37-45-51, 37-45-53, 37-45-55,



53 37-45-57, 37-45-59, 37-45-61, 37-45-63, 37-47-1, 37-47-3, 37-47-5,  
54 37-47-7, 37-47-9, 37-47-11, 37-47-13, 37-47-15, 37-47-17,  
55 37-47-19, 37-47-21, 37-47-23, 37-47-25, 37-47-27, 37-47-29,  
56 37-47-31, 37-47-33, 37-47-35, 37-47-37, 37-47-39, 37-47-41,  
57 37-47-43, 37-47-45, 37-47-47, 37-47-49, 37-47-51, 37-47-53,  
58 37-47-55, 37-47-57, 37-47-59, 37-47-61, 37-47-63, 37-47-65 AND  
59 37-47-67, MISSISSIPPI CODE OF 1972, WHICH PROVIDE A PROGRAM OF  
60 STATE AID TO PUBLIC SCHOOLS FOR CONSTRUCTION ADMINISTERED BY THE  
61 STATE DEPARTMENT OF EDUCATION; AND FOR RELATED PURPOSES.

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

63 **SECTION 1.** (1) This act shall be known and may be cited as  
64 the "Education Independence and Accountability Act of 2003".

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

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

77 37-1-2. The Legislature finds and determines that the  
78 quality of public education and its effect upon the social,  
79 cultural and economic enhancement of the people of Mississippi is  
80 a matter of public policy, the object of which is the education  
81 and performance of its children and youth. The Legislature hereby  
82 declares the following to be the policy of the State of  
83 Mississippi:

84 (a) That the students, parents, general citizenry,  
85 local schoolteachers and administrators, local governments, local  
86 school boards, and state government have a joint and shared  
87 responsibility for the quality of education delivered through the  
88 public education system in the State of Mississippi;



- 89                   (b) To produce a functionally literate school  
90 population;
- 91                   (c) To ensure that all students master the most  
92 essential parts of a basic education;
- 93                   (d) To establish, raise and maintain educational  
94 standards;
- 95                   (e) To improve the quality of education by  
96 strengthening it and elevating its goals;
- 97                   (f) To provide quality education for all school-age  
98 children in the state;
- 99                   (g) That excellence and high achievement of all  
100 students should be the ultimate goal;
- 101                   (h) To encourage the common efforts of students,  
102 parents, teachers, administrators and business and professional  
103 leaders for the establishment of specific goals for performance;
- 104                   (i) To improve instructional and administrative  
105 quality, to relate the education community to other policymakers,  
106 to achieve increased competency among students, teachers and  
107 administrators, to provide for continuing professional development  
108 for teachers, counselors and administrators, to assure that the  
109 budget process, the planning function and the allocation of  
110 personnel of the state department of education are commensurate  
111 with its educational goals;
- 112                   (j) That the return on public education which is the  
113 single largest investment for the state be the effectiveness of  
114 the delivery system and the product it is designed to produce;
- 115                   (k) That the investment in public education can be  
116 justified on the basis of the economic benefits that will accrue  
117 both to the individual and to society, recognizing that the return  
118 on such investment is long term and dramatic progress is not  
119 immediate;
- 120                   (l) That emphasis must be placed upon early mastery of  
121 the skills necessary to success in school and that quality,



122 performance-based early childhood education programs are an  
123 essential element of a comprehensive education system;

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

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

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

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

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

148 (r) That local school districts should not be required  
149 to bear the burden of absorbing unfunded mandates from the state,  
150 through action by the Legislature, the State Board of Education or  
151 the State Department of Education; that no action shall be taken  
152 nor shall any rules, regulations or procedures be promulgated by  
153 the State Board of Education or the State Department of Education  
154 which may result in costs, direct or indirect, for local schools



155 to implement without first having established and published a  
156 fiscal note describing the estimated costs of such action, rules,  
157 regulations or procedures;

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

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

168 37-1-3. (1) The State Board of Education shall adopt rules  
169 and regulations and set standards and policies for the  
170 organization, operation, management, planning, budgeting and  
171 programs of the State Department of Education.

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

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

184 (c) The board shall effectively use the personnel and  
185 resources of the department to enhance technical assistance to  
186 school districts in instruction and management therein.



187           (d) The board shall establish and maintain a central  
188 budget policy.

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

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

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

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

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

213                   (ii) Balancing a checkbook;

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

216                   (iv) Completing a loan application;

217                   (v) The implications of an inheritance;

218                   (vi) The basics of personal insurance policies;

219                   (vii) Consumer rights and responsibilities;



- 220 (viii) Dealing with salesmen and merchants;  
221 (ix) Computing state and federal income taxes;  
222 (x) Local tax assessments;  
223 (xi) Computing interest rates by various  
224 mechanisms;  
225 (xii) Understanding simple contracts; and  
226 (xiii) Contesting an incorrect billing statement.

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

229 (4) No action shall be taken nor shall any rules,  
230 regulations or procedures be promulgated by the State Board of  
231 Education or the State Department of Education without first  
232 having made and published a determination that such action is  
233 consistent with legislative intent expressed in Senate Bill No.  
234 2197, 2003 Regular Session, regarding the financial and  
235 operational impact on local school districts.

236 **SECTION 4.** Effective July 1, 2007, Sections 37-1-1, 37-1-2,  
237 37-1-3, 37-1-4, 37-1-5, 37-1-7, 37-1-9, 37-1-11 and 37-1-13,  
238 Mississippi Code of 1972, which establish the State Department of  
239 Education and prescribe its duties and responsibilities, Sections  
240 37-3-1, 37-3-2, 37-3-3, 37-3-4, 37-3-5, 37-3-7, 37-3-8, 37-3-9,  
241 37-3-11, 37-3-12, 37-3-13, 37-3-25, 37-3-39, 37-3-46, 37-3-49,  
242 37-3-51, 37-3-53, 37-3-59, 37-3-61, 37-3-63, 37-3-65, 37-3-67,  
243 37-3-69, 37-3-71, 37-3-73, 37-3-75, 37-3-77, 37-3-79, 37-3-81,  
244 37-3-83, 37-3-84, 37-3-85, 37-3-87, 37-3-89, 37-3-91, 37-3-93 and  
245 37-3-95, Mississippi Code of 1972, which establish and provide for  
246 certain instructional and other programs in school districts  
247 administered by the State Department of Education, Sections  
248 37-7-315, 37-7-317, 37-7-319, 37-7-321, 37-7-323, 37-7-325,  
249 37-7-327, 37-7-329, 37-7-333, 37-7-335, 37-7-337, 37-7-339,  
250 37-7-351, 37-7-353, 37-7-355, 37-7-357, 37-7-359, 37-7-401,  
251 37-7-403, 37-7-405, 37-7-407, 37-7-409, 37-7-411, 37-7-413,  
252 37-7-415, 37-7-417, 37-7-419, 37-7-431, 37-7-433, 37-7-435,



253 37-7-437, 37-7-451, 37-7-455, 37-7-471, 37-7-473, 37-7-475,  
254 37-7-477, 37-7-479, 37-7-481, 37-7-483, 37-7-501, 37-7-503,  
255 37-7-505, 37-7-507, 37-7-509 and 37-7-511, which authorize certain  
256 procedures for the operation of school districts subject to the  
257 approval of the State Department of Education, Sections 37-13-9,  
258 37-13-10, 37-13-21, 37-13-41, 37-13-58, 37-13-59, 37-13-60,  
259 37-13-60.1, 37-13-61, 37-13-63, 37-13-65, 37-13-67, 37-13-69,  
260 37-13-81, 37-13-83, 37-13-85, 37-13-87, 37-13-89, 37-13-91,  
261 37-13-92, 37-13-107, 37-13-131, 37-13-133, 37-13-135, 37-13-151,  
262 37-13-153, 37-13-155, 37-13-161, 37-13-163, 37-13-171, 37-13-173,  
263 37-13-175, 37-13-181, 37-13-183 and 37-13-185, Mississippi Code of  
264 1972, which prescribe curriculum and other required programs in  
265 the public schools supervised by the State Department of  
266 Education, Sections 37-16-1, 37-16-3, 37-16-4, 37-16-5, 37-16-7,  
267 37-16-9, 37-16-11, 37-16-13, 37-17-1, 37-17-3, 37-17-5, 37-17-6,  
268 37-17-7, 37-17-8, 37-17-9, 37-17-11, 37-17-13, 37-18-1, 37-18-3,  
269 37-18-5, 37-18-7, 37-20-1, 37-20-3, 37-20-5, 37-20-7, 37-20-9,  
270 37-25-1, 37-25-3, 37-25-5, 37-25-7, 37-25-9, 37-25-11, 37-25-13,  
271 37-25-17, 37-25-21, 37-25-23, 37-25-25 and 37-25-27, Mississippi  
272 Code of 1972, which provide curriculum requirements for school  
273 districts, testing requirements for school districts, provide for  
274 accreditation of schools and school districts and provide  
275 requirements for driver education curriculum, Sections 37-45-1,  
276 37-45-3, 37-45-5, 37-45-7, 37-45-9, 37-45-11, 37-45-13, 37-45-15,  
277 37-45-17, 37-45-19, 37-45-21, 37-45-23, 37-45-25, 37-45-27,  
278 37-45-29, 37-45-31, 37-45-33, 37-45-35, 37-45-37, 37-45-39,  
279 37-45-41, 37-45-43, 37-45-45, 37-45-47, 37-45-49, 37-45-51,  
280 37-45-53, 37-45-55, 37-45-57, 37-45-59, 37-45-61, 37-45-63,  
281 37-47-1, 37-47-3, 37-47-5, 37-47-7, 37-47-9, 37-47-11, 37-47-13,  
282 37-47-15, 37-47-17, 37-47-19, 37-47-21, 37-47-23, 37-47-25,  
283 37-47-27, 37-47-29, 37-47-31, 37-47-33, 37-47-35, 37-47-37,  
284 37-47-39, 37-47-41, 37-47-43, 37-47-45, 37-47-47, 37-47-49,  
285 37-47-51, 37-47-53, 37-47-55, 37-47-57, 37-47-59, 37-47-61,





286 37-47-63, 37-47-65 and 37-47-67, Mississippi Code of 1972, which  
287 provide a program of state aid to public schools for construction  
288 administered by the State Department of Education, shall stand  
289 repealed.

290         **SECTION 5.** This act shall take effect and be in force from  
291 and after July 1, 2003.

