

By: Senator(s) Chaney

To: Education; Finance

SENATE BILL NO. 2980

1 AN ACT TO AMEND SECTIONS 37-140-1 THROUGH 37-140-15,
2 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MISSISSIPPI SCHOOL
3 FOR THE ARTS SHALL BE ORGANIZED UNDER THE LAWS OF THE STATE OF
4 MISSISSIPPI AS A NONPROFIT TAX EXEMPT CORPORATION, AND THAT THE
5 OPERATION OF THE SCHOOL SHALL BE THE RESPONSIBILITY OF A BOARD OF
6 DIRECTORS APPOINTED BY THE PUBLIC ADVISORY PANEL; AND FOR RELATED
7 PURPOSES.

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

9 SECTION 1. Section 37-140-1, Mississippi Code of 1972, is
10 amended as follows:

11 37-140-1. As used in this chapter, the following words and
12 phrases shall have the meanings ascribed in this section unless
13 the context clearly indicates otherwise:

14 (a) "Board" means the Board of Directors of the Mississippi
15 School for the Arts appointed as provided in Section 37-140-5.

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

17 SECTION 2. Section 37-140-3, Mississippi Code of 1972, is
18 amended as follows:

19 37-140-3. (1) * * * The Mississippi School of the Arts,
20 which shall be a residential school for eleventh and twelfth grade
21 high school students located on the campus of Whitworth College in
22 Brookhaven, Mississippi, shall be incorporated in the State of
23 Mississippi and organized under the laws of the State of
24 Mississippi as a non-profit corporation. The school shall obtain
25 501(c)(3) status with the Internal Revenue Service. The purpose
26 of the school shall be to provide a more challenging educational
27 experience for artistically talented and gifted students of the
28 state to develop their full potential, including the teaching of
29 humanities, creative writing, literature, theater, music, dance

30 and visual arts, and the school's curriculum and admissions
31 policies shall reflect that purpose.

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

37 **SECTION 3.** Section 37-140-5, Mississippi Code of 1972, is
38 amended as follows:

39 37-140-5. (1) The school shall be governed by a Board of
40 Directors elected on an annual basis from the membership of the
41 advisory panel established in subsection (2) of this section. The
42 board shall develop a plan relating to the opening, operation and
43 funding of the school * * *. The plan shall include an equitable
44 and reasonable plan for student recruitment without regard to
45 race, creed or color.

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

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

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

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

61 (d) One (1) member shall be a representative of the
62 Mississippi Arts Commission to be designated by the commission,

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

69 Appointments to the advisory panel shall be made within
70 ninety (90) days of April 23, 1999. The advisory panel shall meet
71 upon the call of the State Superintendent of Public Education and
72 shall organize for business by selecting a chairman and vice
73 chairman/secretary for keeping records of the panel. Members of
74 the advisory panel shall receive no compensation but may be
75 reimbursed for necessary expenses and mileage for attending
76 meetings and necessary business of the panel, from any funds
77 available therefore.

78 (3) The board * * * may contract or enter into agreements
79 with other agencies or private entities which it deems necessary
80 to carry out its duties and functions relating to the opening and
81 operation of the school. The board * * * may contract or enter
82 into agreements with other agencies or private entities which it
83 deems necessary to carry out its duties and functions relating to
84 the opening and operation of the school.

85 (4) To the extent possible, the board shall enter into
86 agreements with the Board of Trustees of the Brookhaven Municipal
87 Separate School District for the dual enrollment of students for
88 the purpose of teaching academic courses to students attending the
89 school, and the local school board shall be fully authorized to
90 offer any such courses to students attending the school. The
91 Board of Directors may provide * * * for the coordination of such
92 courses for these students, the preparation and transfer of
93 transcripts, and the reimbursement of any costs incurred by the
94 school district for providing such services.

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

102 **SECTION 4.** Section 37-140-7, Mississippi Code of 1972, is
103 amended as follows:

104 37-140-7. * * * The Board of Directors may hire a director
105 of the school, who shall serve at the will and pleasure of the
106 board. The director shall be the chief administrative officer of
107 the school and shall administer the school in accordance with the
108 policies established by the board. The director shall be
109 responsible for those administrative duties and functions
110 prescribed by the board, and the board, in its discretion, may
111 delegate to the director such powers and duties as it deems
112 appropriate.

113 **SECTION 5.** Section 37-140-9, Mississippi Code of 1972, is
114 amended as follows:

115 37-140-9. The Board of Directors shall be the exclusive
116 governing body of the school and shall promulgate rules and
117 regulations required for the administration and operation of the
118 school. The emphasis of the school shall be on the education and
119 training of students in the performing, visual and literary arts
120 and in the humanities, but this emphasis shall not preclude the
121 teaching of those liberal arts and science courses, math and
122 science deemed necessary by the board to provide students with a
123 well-rounded education.

124 **SECTION 6.** Section 37-140-11, Mississippi Code of 1972, is
125 amended as follows:

126 37-140-11. The Board of Directors shall prepare the annual
127 budget for the school. For the operation and support of the

128 school, the board may receive contributions, donations, gifts,
129 bequests of money, other forms of financial assistance and
130 property, equipment, materials or manpower from persons,
131 foundations, trust funds, corporations, organizations and other
132 sources, public or private, to be expended and utilized by the
133 board in carrying out this chapter.

134 **SECTION 7.** Section 37-140-13, Mississippi Code of 1972, is
135 amended as follows:

136 37-140-13. (Deleted)

137 **SECTION 8.** Section 37-140-15, Mississippi Code of 1972, is
138 amended as follows:

139 37-140-15. (1) The Board of Directors may enter into
140 agreements with the Mississippi Symphony Orchestra for providing
141 classical music educational services to students in Grades
142 Kindergarten through 12 at the Mississippi School of the Arts or
143 at any other public school facility in Mississippi, subject to
144 specific appropriation therefor by the Legislature. Such
145 educational services shall include: (a) music history, music
146 instrument and music performance instruction in the classroom; (b)
147 symphony concerts for the students, programmed to support and
148 enhance the teaching of history, literature and science; (c)
149 chamber ensemble and chamber orchestra performances where members
150 serve as educators as well as performers; (d) organizing and
151 developing student performing ensembles, where members serve as
152 music instrument instructors, conductors and performers; (e)
153 symphony concerts for students, parents and other residents to
154 enhance the position of the school as center of the local
155 community; and (f) other services to be determined by agreement.

156 (2) The Board of Directors is encouraged to enter into
157 contractual agreements with professional arts organizations,
158 including the Mississippi Museum of Art, New Stage Theatre and the
159 Mississippi Symphony Orchestra, for providing instruction,
160 concerts, exhibits, performances and other outreach programs at

161 the Mississippi School of the Arts or at any other public school
162 facility in Mississippi.

163 **SECTION 9.** This act shall take effect and be in force from
164 and after July 1, 2004.