

By: Representative Barnett

To: Education; Universities
and Colleges

HOUSE BILL NO. 1405

1 AN ACT TO AMEND SECTIONS 37-140-1 THROUGH 37-140-15,
2 MISSISSIPPI CODE OF 1972, TO TRANSFER THE RESPONSIBILITIES OF THE
3 STATE BOARD OF EDUCATION RELATING TO THE ADMINISTRATION OF THE
4 MISSISSIPPI SCHOOL OF THE ARTS TO THE BOARD OF TRUSTEES OF STATE
5 INSTITUTIONS OF HIGHER LEARNING ACTING THROUGH THE UNIVERSITY OF
6 SOUTHERN MISSISSIPPI; AND FOR RELATED PURPOSES.

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

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

10 37-140-1. As used in this chapter, the following words and
11 phrases shall have the meanings ascribed in this section unless
12 the context clearly indicates otherwise:

13 (a) "Board" means the Board of Trustees of State
14 Institutions of Higher Learning acting through the University of
15 Southern Mississippi.

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) There is created the Mississippi School of
20 the Arts, which shall be a residential school for eleventh and
21 twelfth grade high school students located on the campus of
22 Whitworth College in Brookhaven, Mississippi. The purpose of the
23 school shall be to provide a more challenging educational
24 experience for artistically talented and gifted students of the
25 state to develop their full potential, including the teaching of
26 humanities, creative writing, literature, theater, music, dance
27 and visual arts, and the school's curriculum and admissions
28 policies shall reflect that purpose.

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

34 (3) From and after July 1, 2005, all powers and duties
35 granted hereunder to the State Board of Education for the
36 administration of the Mississippi School of the Arts shall be
37 transferred to the Board of Trustees of State Institutions of
38 Higher Learning. The board shall contract with the University of
39 Southern Mississippi for the administration of the Mississippi
40 School of the Arts.

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

43 37-140-5. (1) The school shall be governed by the Board of
44 Trustees of State Institutions of Higher Learning acting through
45 the University of Southern Mississippi. The board shall develop a
46 plan relating to the opening, operation and funding of the school
47 to be presented to the Legislature during the 2000 Regular
48 Session. The plan shall include an equitable and reasonable plan
49 for student recruitment without regard to race, creed or color.

50 (2) The President of the University of Southern Mississippi
51 shall appoint an advisory panel to assist the board in developing
52 the plan relating to the school. The advisory panel shall consist
53 of the following twelve (12) appointed or designated members, and
54 may consist of the same members appointed by the State
55 Superintendent of Education prior to passage of this Senate Bill
56 No. 1405, Regular Session 2005:

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

60 (b) Three (3) citizens or professionals representing
61 the areas of dance, creative writing, literature, music, theater

62 arts or visual arts, one (1) to be appointed from each of the
63 three (3) Mississippi Supreme Court Districts;

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

68 (d) One (1) member shall be a representative of the
69 Mississippi Arts Commission to be designated by the commission,
70 one (1) member shall be a representative of the Mississippi
71 Humanities Council to be designated by the council, and one (1)
72 member shall be a representative of the state institutions of
73 higher learning in Mississippi which offer degrees in visual, fine
74 and performing arts, to be designated by the Board of Trustees of
75 State Institutions of Higher Learning.

76 Appointments to the advisory panel by the President of the
77 University of Southern Mississippi shall be made within ninety
78 (90) days of passage of this act. The advisory panel shall meet
79 upon the call of the President of the University of Southern
80 Mississippi and shall organize for business by selecting a
81 chairman and vice chairman/secretary for keeping records of the
82 panel. Members of the advisory panel shall receive no
83 compensation but may be reimbursed for necessary expenses and
84 mileage for attending meetings and necessary business of the
85 panel, in the amount authorized for state employees under Section
86 25-3-41.

87 (3) The board may utilize the staff of the Board of Trustees
88 of State Institutions of Higher Learning, the staff of the State
89 Department of Education and other state agencies as may be
90 required for the implementation of this chapter. The board may
91 employ any personnel deemed necessary by the board for assisting
92 in the development and implementation of the plan relating to the
93 opening, operation and funding of the school. The board also may
94 contract or enter into agreements with other agencies or private

95 entities which it deems necessary to carry out its duties and
96 functions relating to the opening and operation of the school.

97 (4) To the extent possible, the board shall enter into
98 agreements with the Board of Trustees of the Brookhaven Municipal
99 Separate School District for the dual enrollment of students for
100 the purpose of teaching academic courses to students attending the
101 school, and the local school board shall be fully authorized to
102 offer any such courses to students attending the school. The
103 Board of Trustees of State Institutions of Higher Learning acting
104 through the University of Southern Mississippi may develop and
105 issue necessary regulations for the coordination of such courses
106 for these students, the preparation and transfer of transcripts,
107 and the reimbursement of any costs incurred by the school district
108 for providing such services.

109 (5) The board may enter into agreements with public school
110 districts to authorize students enrolled in such school districts
111 to participate in the fine arts programs at the school to the
112 extent that adequate space is available. The parent or guardian
113 of any student participating in fine arts programs at the school
114 under this subsection shall be responsible for transporting the
115 student to and from the school.

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

118 37-140-7. Subject to the availability of funding
119 appropriated therefor, the President of the University of Southern
120 Mississippi, with the approval of the Board of Trustees of State
121 Institutions of Higher Learning, may hire a director of the
122 school, who shall serve at the will and pleasure of the Board of
123 Trustees of State Institutions of Higher Learning acting through
124 the University of Southern Mississippi. The director shall be the
125 chief administrative officer of the school and shall administer
126 the school in accordance with the policies established by the
127 board. The director shall be responsible for those administrative

128 duties and functions prescribed by the board, and the board, in
129 its discretion, may delegate to the director such powers and
130 duties as it deems appropriate.

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

133 37-140-9. The Board of Trustees of State Institutions of
134 Higher Learning acting through the University of Southern
135 Mississippi shall be the exclusive governing body of the school
136 and shall promulgate rules and regulations required for the
137 administration and operation of the school. The emphasis of the
138 school shall be on the education and training of students in the
139 performing, visual and literary arts and in the humanities, but
140 this emphasis shall not preclude the teaching of those liberal
141 arts and science courses, math and science deemed necessary by the
142 board to provide students with a well-rounded education.

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

145 37-140-11. The Board of Trustees of State Institutions of
146 Higher Learning acting through the University of Southern
147 Mississippi shall prepare the annual budget for the school. For
148 the operation and support of the school, the board may receive
149 contributions, donations, gifts, bequests of money, other forms of
150 financial assistance and property, equipment, materials or
151 manpower from persons, foundations, trust funds, corporations,
152 organizations and other sources, public or private, to be expended
153 and utilized by the board in carrying out this chapter.

154 **SECTION 7.** Section 37-140-13, Mississippi Code of 1972, is
155 brought forward as follows:

156 37-140-13. All expenditures for the school shall be paid by
157 the State Treasurer on warrants issued by the State Fiscal
158 Officer, and the State Fiscal Officer shall issue his warrants
159 upon requisition signed by the proper person, officer or officers.

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

162 37-140-15. (1) The Board of Trustees of State Institutions
163 of Higher Learning acting through the University of Southern
164 Mississippi may enter into agreements with the Mississippi
165 Symphony Orchestra for providing classical music educational
166 services to students in Grades Kindergarten through 12 at the
167 Mississippi School of the Arts or at any other public school
168 facility in Mississippi, subject to specific appropriation
169 therefor by the Legislature. Such educational services shall
170 include: (a) music history, music instrument and music
171 performance instruction in the classroom; (b) symphony concerts
172 for the students, programmed to support and enhance the teaching
173 of history, literature and science; (c) chamber ensemble and
174 chamber orchestra performances where members serve as educators as
175 well as performers; (d) organizing and developing student
176 performing ensembles, where members serve as music instrument
177 instructors, conductors and performers; (e) symphony concerts for
178 students, parents and other residents to enhance the position of
179 the school as center of the local community; and (f) other
180 services to be determined by agreement.

181 (2) The Board of Trustees of State Institutions of Higher
182 Learning acting through the University of Southern Mississippi is
183 encouraged to enter into contractual agreements with professional
184 arts organizations, including the Mississippi Museum of Art, New
185 Stage Theatre and the Mississippi Symphony Orchestra, for
186 providing instruction, concerts, exhibits, performances and other
187 outreach programs at the Mississippi School of the Arts or at any
188 other public school facility in Mississippi.

189 **SECTION 9.** This act shall take effect and be in force from
190 and after July 1, 2005.