MISSISSIPPI LEGISLATURE

By: Representative Frierson

HOUSE BILL NO. 1423

AN ACT ENTITLED THE "MISSISSIPPI EDUCATION REFORM ACT OF 2005"; TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972, TO PROVIDE ADDITIONAL BASE COMPENSATION FOR TEACHERS HOLDING LICENSES IN CRITICAL SUBJECT AREAS, TO ESTABLISH A MISSISSIPPI PERFORMANCE BASED PAY PLAN TO REWARD LICENSED EDUCATION PERSONNEL AT SCHOOLS SHOWING IMPROVEMENT IN STUDENT TEST SCORES, TO PROVIDE ADDITIONAL BASE COMPENSATION FOR MENTOR TEACHERS IN MIDDLE SCHOOLS WITH APPROVED CLASSROOM MANAGEMENT PROGRAMS, TO DIRECT THE STATE DEPARTMENT OF EDUCATION TO CONDUCT A VALUE-ADDED PILOT PROGRAM ON TEACHER PERFORMANCE PAY; TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY TEACHER FROM ANY STATE MEETING THE FEDERAL STANDARDS OF A HIGHLY QUALIFIED TEACHER SHALL BE ELIGIBLE FOR A STANDARD LICENSE IN MISSISSIPPI; TO AMEND SECTION 37-11-55, MISSISSIPPI CODE OF 1972, TO ESTABLISH A STUDENT DISCIPLINARY ACTION REVIEW BOARD IN EACH SCHOOL WHEN A PRINCIPAL SENDS A DISRUPTIVE STUDENT BACK TO THE CLASSROOM; TO AMEND SECTIONS 37-3-81, 37-3-83, 37-3-91, 37-3-93 AND 37-7-345, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MISSISSIPPI SCHOOL SAFETY CENTER SHALL BE ORGANIZED AS A REGIONAL PROGRAM ADMINISTERED BY THE EDUCATIONAL SERVICE AGENCIES ELIGIBLE FOR FEDERAL FUNDING; TO AMEND SECTION 37-11-53, MISSISSIPPI CODE OF 1972, TO PRESCRIBE CERTAIN CRIMINAL PENALTIES FOR PARENTS WHO FAIL TO ATTEND THEIR CHILD'S DISCIPLINE CONFERENCE; TO AMEND SECTIONS 37-3-4, 37-3-46, 37-3-49, 37-7-306, 37-7-337, 37-13-65, 37-13-67, 37-13-69, 37-15-9, 37-17-6, 37-17-8, 37-17-11, 37-21-7 AND 37-151-77, MISSISSIPPI CODE OF 1972, TO EXEMPT HIGHEST PERFORMING SCHOOLS DESIGNATED AS LEVEL 4 AND 5 FROM CERTAIN ACCREDITATION PROCESS STANDARDS PRESCRIBED BY STATUTE OR REGULATION OF THE STATE DEPARTMENT OF EDUCATION; TO AMEND SECTION 37-13-61, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE LOCAL SCHOOL DISTRICTS TO FIX THE DATE FOR THE OPENING AND CLOSING OF THE SCHOOL TERM; TO AMEND SECTION 37-13-69, MISSISSIPPI CODE OF 1972, TO AUTHORIZE LOCAL SCHOOL DISTRICTS TO DESIGNATE SCHOOL HOLIDAYS; TO AMEND SECTION 37-41-53, MISSISSIPPI CODE OF 1972, TO EXEMPT SCHOOL TRANSPORTATION VEHICLES FROM CERTAIN STATE DEPARTMENT OF EDUCATION REGULATIONS; TO AMEND SECTION 37-7-301, MISSISSIPPI CODE OF 1972, TO GRANT PUBLIC SCHOOL DISTRICTS WITH AN AVERAGE ACCREDITATION RANKING OF LEVEL 4 OR HIGHER THE POWER TO ADOPT ANY ORDER RELATING TO THE OPERATION OF THE SCHOOL WHICH IS NOT INCONSISTENT WITH STATE LAW OR THE MISSISSIPPI CONSTITUTION, WITH CERTAIN EXCEPTIONS; TO AUTHORIZE LOCAL SCHOOL DISTRICTS TO CONTRACT WITH PRIVATE ENTITIES TO PROVIDE CERTAIN NONINSTRUCTIONAL SERVICES; TO AMEND SECTIONS 25-11-103 AND 25-11-127, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO CREATE A NEW PROCESS FOR ESTABLISHING CHARTER SCHOOLS; TO AUTHORIZE A CHARTER SCHOOL TO BE FORMED BY CREATING A NEW SCHOOL OR BY CONVERSION OF A PUBLIC SCHOOL TO CHARTER STATUS BY THE LOCAL SCHOOL DISTRICT; TO PRESCRIBE CERTAIN REQUIREMENTS FOR CHARTER SCHOOLS; TO ESTABLISH ADMISSION REQUIREMENTS AND POWERS AND DUTIES OF CHARTER SCHOOLS; TO SPECIFY THE TERMS REQUIRED TO BE INCLUDED IN A SCHOOL'S CHARTER; TO ESTABLISH THE PROCESS FOR APPLYING FOR CHARTER SCHOOL STATUS; TO REQUIRE THE AUTOMATIC RENEWAL OF CHARTERS; TO PROVIDE THAT CHARTER SCHOOLS ARE
EXEMPT FROM ALL EDUCATION STATUTES, UNLESS STATED OTHERWISE, AND RULES AND REGULATIONS OF THE STATE BOARD OF EDUCATION AND LOCAL SCHOOL DISTRICTS; TO PROVIDE FOR THE EMPLOYMENT OF TEACHERS BY CHARTER SCHOOLS; TO PROHIBIT UNLAWFUL REPRISALS AGAINST SCHOOL DISTRICT EMPLOYEES WHO ARE INVOLVED IN AN APPLICATION FOR CHARTER SCHOOL STATUS; TO PROVIDE FOR STATE AND LOCAL FUNDING OF CHARTER SCHOOLS; TO AUTHORIZE SCHOOL DISTRICTS TO LEASE SPACE TO CHARTER SCHOOLS; TO REQUIRE CHARTER SCHOOLS TO HAVE A TRANSPORTATION PLAN; TO ESTABLISH THE CHARTER SCHOOLS STIMULUS REVOLVING LOAN FUND IN THE STATE TREASURY TO PROVIDE SUPPORT TO CHARTER SCHOOLS FOR START-UP COSTS; TO PROVIDE FOR THE ELECTION OF THE BOARD OF DIRECTORS OF A CHARTER SCHOOL; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO DISSEMINATE INFORMATION ON HOW TO CREATE AND HOW TO ENROLL STUDENTS IN CHARTER SCHOOLS; TO PROHIBIT CHARTER SCHOOLS FROM LEVYING TAXES OR ISSUING BONDS SECURED BY TAX REVENUES; TO AUTHORIZE THE CONTINUED OPERATION OF CHARTER SCHOOLS ESTABLISHED UNDER THE ORIGINAL CHARTER SCHOOL STATUTES; TO AUTHORIZE THE ESTABLISHMENT OF A MISSISSIPPI VIRTUAL PUBLIC SCHOOL PROGRAM; TO REPEAL SECTIONS 37-28-1 THROUGH 37-28-21, MISSISSIPPI CODE OF 1972, WHICH ESTABLISH A MEANS FOR EXISTING PUBLIC SCHOOLS TO APPLY FOR CHARTER STATUS; TO AMEND SECTION 37-151-7, MISSISSIPPI CODE OF 1972, TO REQUIRE THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM APPROPRIATION BILL TO IDENTIFY PROGRAM FUNDING CATEGORIES; TO AMEND SECTION 37-61-9, MISSISSIPPI CODE OF 1972, TO REQUIRE LOCAL SCHOOL DISTRICT BUDGETS TO CONTAIN A DETAILED STATEMENT OF THE ESTIMATED AMOUNTS TO BE EXPENDED BY PROGRAM BUDGET CATEGORIES AND THE AMOUNT OF SUCH CATEGORIES TO BE PAID FROM ADEQUATE EDUCATION PROGRAM FUNDS AND FROM LOCAL REVENUE AND OTHER SOURCES; TO AMEND SECTION 37-61-19, MISSISSIPPI CODE OF 1972, TO REQUIRE SCHOOL DISTRICT EXPENDITURES TO BE LIMITED TO THE SPECIFIC BUDGET CATEGORIES AND TO PROVIDE PERSONAL LIABILITY THEREFOR; TO AMEND SECTIONS 37-15-37 AND 37-29-1, MISSISSIPPI CODE OF 1972, RELATING TO HIGH SCHOOL AND UNIVERSITY OR COMMUNITY COLLEGE DUAL ENROLLMENT PROGRAMS, TO REVISE CONDITIONS FOR PARTICIPATION IN THE PROGRAM, TO PROVIDE THAT TUITION AND COSTS FOR UNIVERSITY LEVEL AND COMMUNITY LEVEL COURSES SHALL BE NEGOTIATED BETWEEN SCHOOL DISTRICTS AND THE UNIVERSITY OR COMMUNITY COLLEGE, AND TO CLARIFY THAT ALL COURSE WORK TAKEN UNDER THE PROGRAM SHALL BE DUAL CREDIT; TO CODIFY SECTION 37-15-39, MISSISSIPPI CODE OF 1972, TO DIRECT SCHOOL DISTRICTS TO OFFER PRE-ADVANCED PLACEMENT COURSES AND TO REQUIRE FUNDING FOR THE 2007-2008 SCHOOL YEAR FOR ALL SOPHOMORES TO TAKE A NATIONALLY RECOGNIZED APTITUDE TEST FOR ADVANCED PLACEMENT CLASSES; TO AMEND SECTIONS 37-16-7, 37-31-61, 37-31-69, 37-31-205 AND 37-31-207, MISSISSIPPI CODE OF 1972, TO AUTHORIZE AND DIRECT THE STATE BOARD OF EDUCATION AND THE STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES TO UTILIZE FEDERAL WORKFORCE INVESTMENT ACT AND OTHER FEDERAL FUNDS TO ESTABLISH INDUSTRY SPECIFIC CURRICULUM TO ALLOW STUDENTS TO RECEIVE INDUSTRY-RECOGNIZED CERTIFICATION WHILE COMPLETING THEIR HIGH SCHOOL COURSE WORK, TO INCLUDE SUCH COURSE WORK IN APPROPRIATE GRADUATION STANDARDS, TO DEVELOP A UNIT OF SPECIALISTS IN VOCATIONAL EDUCATION AS PART OF THE CURRICULUM, AND TO ESTABLISH PARTNERSHIPS WITH THE PRIVATE SECTOR TO OFFER POTENTIAL HIGH SCHOOL DROPOUT STUDENTS A SEMESTER SCHOLARSHIP FOR INDUSTRY SPECIFIC TRAINING AFTER GRADUATION; TO ESTABLISH A MISSISSIPPI HIGH SCHOOL REDESIGN COMMISSION AND PRESCRIBE ITS MEMBERSHIP, TO STUDY THE RELEVANCE OF THE HIGH SCHOOL EXPERIENCE IN MISSISSIPPI; TO AMEND SECTION 37-21-55, MISSISSIPPI CODE OF 1972, TO DIRECT STATE ENTITIES DEALING WITH EARLY CHILDHOOD EDUCATION TO BE COORDINATED THROUGH THE ADVISORY BOARD OF THE INTERAGENCY ADVISORY COMMITTEE FOR EARLY CHILDHOOD SERVICES TO BE ADMINISTERED BY THE MISSISSIPPI DEPARTMENT OF HUMAN SERVICES OFFICE OF CHILDREN AND YOUTH AND TO AUTHORIZE THE ADVISORY COUNSEL TO ASSESS THE EDUCATIONAL COMPONENTS FOR THE STATE'S TIERED REIMBURSEMENT STRUCTURE FOR CHILD CARE FACILITIES; AND FOR RELATED PURPOSES.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) This act shall be referred to as the "Mississippi Education Reform Act of 2005."

(2) The Legislature finds and determines that the quality and accountability 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.

SECTION 2. Section 37-19-7, Mississippi Code of 1972, is amended as follows:

37-19-7. (1) This section shall be known and may be cited as the Mississippi "Teacher Opportunity Program (TOP)." The allowance in the minimum education program and the Mississippi Adequate Education Program for teachers' salaries in each county and separate school district shall be determined and paid in accordance with the scale for teachers' salaries as provided in this subsection. For teachers holding the following types of licenses or the equivalent as determined by the State Board of Education, and the following number of years of teaching experience, the scale shall be as follows:

2004-2005 School Year

Less Than 25 Years of Teaching Experience

AAAA............................................. $ 31,775.00
AAA................................................ 30,850.00
AA................................................. 29,925.00
A.................................................. 28,000.00

25 or More Years of Teaching Experience

AAAA............................................. $ 33,775.00
AAA................................................ 32,850.00
AA................................................. 31,925.00
A.................................................. 30,000.00

The State Board of Education shall revise the salary scale prescribed above for the 2004-2005 school year to conform to any
adjustments made to the salary scale in prior fiscal years due to revenue growth over and above five percent (5%). For each one percent (1%) that the Sine Die General Fund Revenue Estimate Growth exceeds five percent (5%) for fiscal year 2005, as certified by the Legislative Budget Office to the State Board of Education and subject to specific appropriation therefor by the Legislature, the State Board of Education shall revise the salary scale to provide an additional one percent (1%) across the board increase in the base salaries for each type of license.

2005-2006 School Year and School Years Thereafter

Less Than 25 Years of Teaching Experience

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25 or More Years of Teaching Experience

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It is the intent of the Legislature that any state funds made available for salaries of licensed personnel in excess of the
funds paid for such salaries for the 1986-1987 school year shall be paid to licensed personnel pursuant to a personnel appraisal and compensation system implemented by the State Board of Education. The State Board of Education shall have the authority to adopt and amend rules and regulations as are necessary to establish, administer and maintain the system.

All teachers employed on a full-time basis shall be paid a minimum salary in accordance with the above scale. However, no school district shall receive any funds under this section for any school year during which the local supplement paid to any individual teacher shall have been reduced to a sum less than that paid to that individual teacher for performing the same duties from local supplement during the immediately preceding school year. The amount actually spent for the purposes of group health and/or life insurance shall be considered as a part of the aggregate amount of local supplement but shall not be considered a part of the amount of individual local supplement.

2004-2005 School Year Annual Increment

For teachers holding a Class AAAA license, the minimum base pay specified in this subsection shall be increased by the sum of Seven Hundred Forty Dollars ($740.00) for each year of teaching experience possessed by the person holding such license until such person shall have twenty-five (25) years of teaching experience.

For teachers holding a Class AAA license, the minimum base pay specified in this subsection shall be increased by the sum of Six Hundred Seventy-five Dollars ($675.00) for each year of teaching experience possessed by the person holding such license until such person shall have twenty-five (25) years of teaching experience.

For teachers holding a Class AA license, the minimum base pay specified in this subsection shall be increased by the sum of Six Hundred Ten Dollars ($610.00) for each year of teaching experience.
possessed by the person holding such license until such person shall have twenty-five (25) years of teaching experience.

For teachers holding a Class A license, the minimum base pay specified in this subsection shall be increased by the sum of Four Hundred Sixty-five Dollars ($465.00) for each year of teaching experience possessed by the person holding such license until such person shall have twenty-four (24) years of teaching experience.

2005-2006 School Year and School Years Thereafter Annual Increments

For teachers holding a Class AAAA license, the minimum base pay specified in this subsection shall be increased by the sum of Seven Hundred Seventy Dollars ($770.00) for each year of teaching experience possessed by the person holding such license until such person shall have twenty-five (25) years of teaching experience.

For teachers holding a Class AAA license, the minimum base pay specified in this subsection shall be increased by the sum of Seven Hundred Five Dollars ($705.00) for each year of teaching experience possessed by the person holding such license until such person shall have twenty-five (25) years of teaching experience.

For teachers holding a Class AA license, the minimum base pay specified in this subsection shall be increased by the sum of Six Hundred Forty Dollars ($640.00) for each year of teaching experience possessed by the person holding such license until such person shall have twenty-five (25) years of teaching experience.

For teachers holding a Class A license, the minimum base pay specified in this subsection shall be increased by the sum of Four Hundred Eighty Dollars ($480.00) for each year of teaching experience possessed by the person holding such license until such person shall have twenty-four (24) years of teaching experience.

The level of professional training of each teacher to be used in establishing the salary allotment for the teachers for each year shall be determined by the type of valid teacher's license.

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issued to those teachers on or before October 1 of the current school year.

(2) (a) The following employees shall receive an annual salary supplement in the amount of Six Thousand Dollars ($6,000.00), plus fringe benefits, in addition to any other compensation to which the employee may be entitled:

(i) Any licensed teacher who has met the requirements and acquired a Master Teacher certificate from the National Board for Professional Teaching Standards and who is employed by a local school board or the State Board of Education as a teacher and not as an administrator. Such teacher shall submit documentation to the State Department of Education that the certificate was received prior to October 15 in order to be eligible for the full salary supplement in the current school year, or the teacher shall submit such documentation to the State Department of Education prior to February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year.

(ii) A licensed nurse who has met the requirements and acquired a certificate from the National Board for Certification of School Nurses, Inc., and who is employed by a local school board or the State Board of Education as a school nurse and not as an administrator. The licensed school nurse shall submit documentation to the State Department of Education that the certificate was received before October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed school nurse shall submit the documentation to the State Department of Education before February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year. Provided, however, that the total number of licensed school nurses eligible for a salary supplement under this paragraph (ii) shall not exceed twenty (20).
(iii) Any licensed school counselor who has met the requirements and acquired a National Certified School Counselor (NCSC) endorsement from the National Board of Certified Counselors and who is employed by a local school board or the State Board of Education as a counselor and not as an administrator. Such licensed school counselor shall submit documentation to the State Department of Education that the endorsement was received prior to October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed school counselor shall submit such documentation to the State Department of Education prior to February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year.

However, any school counselor who started the National Board for Professional Teaching Standards process for school counselors between June 1, 2003, and June 30, 2004, and completes the requirements and acquires the master teacher certificate shall be entitled to the master teacher supplement, and those counselors who complete the process shall be entitled to a one (1) time reimbursement for the actual cost of the process as outlined in paragraph (b) of this subsection.

(iv) Any licensed speech-language pathologist and audiologist who has met the requirements and acquired a Certificate of Clinical Competence from the American Speech-Language-Hearing Association and who is employed by a local school board. Such licensed speech-language pathologist and audiologist shall submit documentation to the State Department of Education that the certificate or endorsement was received prior to October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed speech-language pathologist and audiologist shall submit such documentation to the State Department of Education prior to
February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year.

(b) An employee shall be reimbursed one (1) time for the actual cost of completing the process of acquiring the certificate or endorsement, excluding any costs incurred for postgraduate courses, not to exceed Five Hundred Dollars ($500.00) for a school counselor or speech-language pathologist and audiologist, regardless of whether or not the process resulted in the award of the certificate or endorsement. A local school district or any private individual or entity may pay the cost of completing the process of acquiring the certificate or endorsement for any employee of the school district described under paragraph (a), and the State Department of Education shall reimburse the school district for such cost, regardless of whether or not the process resulted in the award of the certificate or endorsement.

If a private individual or entity has paid the cost of completing the process of acquiring the certificate or endorsement for an employee, the local school district may agree to directly reimburse the individual or entity for such cost on behalf of the employee.

(c) All salary supplements, fringe benefits and process reimbursement authorized under this subsection shall be paid directly by the State Department of Education to the local school district and shall be in addition to its minimum education program allotments and not a part thereof in accordance with regulations promulgated by the State Board of Education, and subject to appropriation by the Legislature. Local school districts shall not reduce the local supplement paid to any employee receiving such salary supplement, and the employee shall receive any local supplement to which employees with similar training and experience otherwise are entitled.

(d) The State Department of Education may not pay any process reimbursement to a school district for an employee who
does not complete the certification or endorsement process required to be eligible for the certificate or endorsement. If an employee for whom such cost has been paid in full or in part by a local school district or private individual or entity fails to complete the certification or endorsement process, the employee shall be liable to the school district or individual or entity for all amounts paid by the school district or individual or entity on behalf of that employee toward his or her certificate or endorsement.

(3) Effective July 1, 2006, the Legislature may authorize state funds for additional base compensation for teachers holding licenses in critical subject areas or the equivalent and who teach at least a majority of their courses in a critical subject area, as determined by the State Board of Education.

(4) (a) This section shall be known and may be cited as the "Mississippi Performance Based Pay (MPBP)" plan. In addition to the minimum base pay described in this section, when available, the State of Mississippi may provide monies from state funds to school districts as defined below for the purposes of rewarding certified teachers and administrators on an equal basis at individual schools showing improvement in student test scores at the top fifty percent (50%) of individual schools. The MPBP plan shall be developed by the Mississippi Department of Education based on the following criteria:

(i) It is the express intent of this legislation that the MPBP plan shall utilize only existing standards of accreditation and assessment as established by the State Board of Education.

(ii) To ensure that all of Mississippi's teachers at all schools have equal access to the monies set aside in this section, the MPBP program shall be designed to calculate each school's performance as determined by said school's increase in scores from the prior school year. The MPBP program shall be
based on a standardized scores rating where all levels of schools can be judged in a statistically fair and reasonable way. At the end of each year, after all student achievement scores have been standardized, the Mississippi Department of Education shall determine the number of schools scoring in the top fifty percent (50%) in terms of student improvement and allocate the money provided for as described in this section on the following basis:

1. Schools ranking in the top quartile in terms of student improvement will receive sixty-five percent (65%) of the money set aside as described by this section, and to be equally divided among teachers and administrators.

2. Schools ranking in the second quartile in terms of student improvement will receive thirty-five percent (35%) of the money set aside as described in this section, and to be equally divided among teachers and administrators.

(iii) To ensure all teachers cooperate in the spirit of teamwork, individual schools may submit a plan to the local school educational authority to be approved prior to the beginning of each school year beginning 2006-2007. The plan shall include, but not be limited to, how all teachers, regardless of subject area, and administrators will be responsible for improving student achievement for their individual school.

(b) The Mississippi Department of Education shall ensure that all local educational authorities have access to details of the MPBP program by November 1, 2005, for the purposes of collecting baseline measurements for full implementation during the 2006-2007 school year.

(c) The State Department of Education is directed to conduct research on the feasibility of a value-added model of pay for performance model.

(i) "Value-added" is a statistical approach designed to measure teacher effectiveness while minimizing outside
influences by controlling for factors such as family background, race and socioeconomic status.

(ii) The State Department of Education study should measure at least three (3) years of student test scores in Grades 3 through 8 in reading, math, science, language arts and social studies to provide a longitudinal picture of individual student progress and teacher effectiveness.

(iii) The study should show how each student performs on a year-to-year basis compared to his or her expected score which is calculated on the basis of the pupil's results on prior tests. At the same time, it should track a student's performance against that of his or her peers.

(iv) The study should be "blind" defined as personally identifying information of the teachers' and students' data being measured in the research kept anonymous. The population sample should also be selected in a randomly stratified way and not based on volunteers.

(v) The State Department of Education is authorized to use any appropriate statistical measurements to successful accomplish the intent of this section.

(vi) The State Department of Education shall present an annual report on their findings and progress to the Legislature and Governor's Office beginning in January 2006.

(5) (a) Beginning in the 2005-2006 school year, each middle school in Mississippi shall have at least two (2) mentor teachers, as defined by Sections 37-9-201 through 37-9-213, that shall receive additional base compensation provided for by the State Legislature in the amount of One Thousand Dollars ($1,000.00).

(b) To be eligible for this state funding, the individual school must have a classroom management program approved by the local school board.

(c) The state shall provide additional funding under this subsection (5) for only two (2) mentor teachers per middle
school, however, this shall not prohibit local school districts from providing additional salary supplements for more than two (2) teacher mentors from nonadequate education program funds.

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

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

(2) The commission shall be composed of fifteen (15) qualified members. The membership of the commission shall be composed of the following members to be appointed, three (3) from each congressional district: four (4) classroom teachers; three (3) school administrators; one (1) representative of schools of education of institutions of higher learning located within the state to be recommended by the Board of Trustees of State Institutions of Higher Learning; one (1) representative from the schools of education of independent institutions of higher learning to be recommended by the Board of the Mississippi Association of Independent Colleges; one (1) representative from public community and junior colleges located within the state to be recommended by the State Board for Community and Junior Colleges; one (1) local school board member; and four (4) lay persons. All appointments shall be made by the State Board of Education after consultation with the State Superintendent of Public Education. The first appointments by the State Board of Education shall be made as follows: five (5) members shall be appointed for a term of one (1) year; five (5) members shall be appointed for a term of two (2) years; and five (5) members shall
be appointed for a term of three (3) years. Thereafter, all
members shall be appointed for a term of four (4) years.

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

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

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

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

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

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

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

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

(f) Review all existing requirements for certification
and licensure;
(g) Consult with groups whose work may be affected by the commission's decisions;

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

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

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

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

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

(6) (a) **Standard License - Approved Program Route.** An educator entering the school system of Mississippi for the first time and meeting all requirements as established by the State Board of Education shall be granted a standard five-year license. Persons who possess two (2) years of classroom experience as an assistant teacher or who have taught for one (1) year in an accredited public or private school shall be allowed to fulfill student teaching requirements under the supervision of a qualified participating teacher approved by an accredited college of education. The local school district in which the assistant teacher is employed shall compensate such assistant teachers at the required salary level during the period of time such individual is completing student teaching requirements.

Applicants for a standard license shall submit to the department:

(i) An application on a department form;

(ii) An official transcript of completion of a teacher education program approved by the department or a nationally accredited program, subject to the following:
Licensure to teach in Mississippi prekindergarten through kindergarten classrooms shall require completion of a teacher education program or a bachelor of science degree with child development emphasis from a program accredited by the American Association of Family and Consumer Sciences (AAFCS) or by the National Association for Education of Young Children (NAEYC) or by the National Council for Accreditation of Teacher Education (NCATE). Licensure to teach in Mississippi kindergarten, for those applicants who have completed a teacher education program, and in Grade 1 through Grade 4 shall require the completion of an interdisciplinary program of studies. Licenses for Grades 4 through 8 shall require the completion of an interdisciplinary program of studies with two (2) or more areas of concentration. Licensure to teach in Mississippi Grades 7 through 12 shall require a major in an academic field other than education, or a combination of disciplines other than education. Students preparing to teach a subject shall complete a major in the respective subject discipline. All applicants for standard licensure shall demonstrate that such person’s college preparation in those fields was in accordance with the standards set forth by the National Council for Accreditation of Teacher Education (NCATE) or the National Association of State Directors of Teacher Education and Certification (NASDTEC) or, for those applicants who have a bachelor of science degree with child development emphasis, the American Association of Family and Consumer Sciences (AAFCS);

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

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

(b) **Standard License - Nontraditional Teaching Route.**

Beginning January 1, 2004, an individual who has a passing score
on the Praxis I Basic Skills and Praxis II Specialty Area Test in
the requested area of endorsement may apply for the Teach
Mississippi Institute (TMI) program to teach students in Grades 7
through 12 if the individual meets the requirements of this
paragraph (b). The State Board of Education shall adopt rules
requiring that teacher preparation institutions which provide the
Teach Mississippi Institute (TMI) program for the preparation of
nontraditional teachers shall meet the standards and comply with
the provisions of this paragraph.

(i) The Teach Mississippi Institute (TMI) shall
include an intensive eight-week, nine-semester-hour summer program
or a curriculum of study in which the student matriculates in the
fall or spring semester, which shall include, but not be limited
to, instruction in education, effective teaching strategies,
classroom management, state curriculum requirements, planning and
instruction, instructional methods and pedagogy, using test
results to improve instruction, and a one (1) semester three-hour
supervised internship to be completed while the teacher is
employed as a full-time teacher intern in a local school district.
The TMI shall be implemented on a pilot program basis, with
courses to be offered at up to four (4) locations in the state,
with one (1) TMI site to be located in each of the three (3)
Mississippi Supreme Court districts.

(ii) The school sponsoring the teacher intern
shall enter into a written agreement with the institution
providing the Teach Mississippi Institute (TMI) program, under
terms and conditions as agreed upon by the contracting parties,
providing that the school district shall provide teacher interns
seeking a nontraditional provisional teaching license with a
one-year classroom teaching experience. The teacher intern shall
successfully complete the one (1) semester three-hour intensive
internship in the school district during the semester immediately
following successful completion of the TMI and prior to the end of
the one-year classroom teaching experience.

(iii) Upon completion of the nine-semester-hour
TMI or the fall or spring semester option, the individual shall
submit his transcript to the commission for provisional licensure
of the intern teacher, and the intern teacher shall be issued a
provisional teaching license by the commission, which will allow
the individual to legally serve as a teacher while the person
completes a nontraditional teacher preparation internship program.

(iv) During the semester of internship in the
school district, the teacher preparation institution shall monitor
the performance of the intern teacher. The school district that
employs the provisional teacher shall supervise the provisional
teacher during the teacher's intern year of employment under a
nontraditional provisional license, and shall, in consultation
with the teacher intern's mentor at the school district of
employment, submit to the commission a comprehensive evaluation of
the teacher's performance sixty (60) days prior to the expiration
of the nontraditional provisional license. If the comprehensive
evaluation establishes that the provisional teacher intern's
performance fails to meet the standards of the approved
nontraditional teacher preparation internship program, the
individual shall not be approved for a standard license.

(v) An individual issued a provisional teaching
license under this nontraditional route shall successfully
complete, at a minimum, a one-year beginning teacher mentoring and
induction program administered by the employing school district
with the assistance of the State Department of Education.

(vi) Upon successful completion of the TMI and the
internship provisional license period, applicants for a Standard
License—Nontraditional Route shall submit to the commission a
transcript of successful completion of the twelve (12) semester
hours required in the internship program, and the employing school
district shall submit to the commission a recommendation for
standard licensure of the intern. If the school district
recommends licensure, the applicant shall be issued a Standard
License-Nontraditional Route which shall be valid for a five-year
period and be renewable.

(vii) At the discretion of the teacher preparation
institutions, the individual shall be allowed to credit the twelve
(12) semester hours earned in the nontraditional teacher
internship program toward the graduate hours required for a Master
of Arts in Teacher (MAT) Degree.

(viii) The local school district in which the
nontraditional teacher intern or provisional licensee is employed
shall compensate such teacher interns at Step 1 of the required
salary level during the period of time such individual is
completing teacher internship requirements and shall compensate
such Standard License-Nontraditional Route teachers at Step 3 of
the required salary level when they complete license requirements.

Implementation of the TMI program provided for under this
paragraph (b) shall be contingent upon the availability of funds
appropriated specifically for such purpose by the Legislature.
Such implementation of the TMI program may not be deemed to
prohibit the State Board of Education from developing and
implementing additional alternative route teacher licensure
programs, as deemed appropriate by the board. The emergency
certification program in effect prior to July 1, 2002, shall
remain in effect.

The State Department of Education shall compile and report,
in consultation with the commission, information relating to
nontraditional teacher preparation internship programs, including
the number of programs available and geographic areas in which
they are available, the number of individuals who apply for and
possess a nontraditional conditional license, the subject areas in
which individuals who possess nontraditional conditional licenses
are teaching and where they are teaching, and shall submit its findings and recommendations to the legislative committees on education by December 1, 2004.

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

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

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

(e) **Nonlicensed Teaching Personnel.** A nonlicensed person may teach for a maximum of three (3) periods per teaching day in a public school or a nonpublic school accredited/approved by the state. Such person shall submit to the department a transcript or record of his education and experience which
substantiates his preparation for the subject to be taught and
shall meet other qualifications specified by the commission and
approved by the State Board of Education. In no case shall any
local school board hire nonlicensed personnel as authorized under
this paragraph in excess of five percent (5%) of the total number
of licensed personnel in any single school.

(f) **Special License - Transitional Bilingual Education.**

Beginning July 1, 2003, the commission shall grant special
licenses to teachers of transitional bilingual education who
possess such qualifications as are prescribed in this section.

Teachers of transitional bilingual education shall be compensated
by local school boards at not less than one (1) step on the
regular salary schedule applicable to permanent teachers licensed
under this section. The commission shall grant special licenses
to teachers of transitional bilingual education who present the
commission with satisfactory evidence that they (i) possess a
speaking and reading ability in a language, other than English, in
which bilingual education is offered and communicative skills in
English; (ii) are in good health and sound moral character; (iii)
possess a bachelor's degree or an associate's degree in teacher
education from an accredited institution of higher education; (iv)
meet such requirements as to courses of study, semester hours
therein, experience and training as may be required by the
commission; and (v) are legally present in the United States and
possess legal authorization for employment. A teacher of
transitional bilingual education serving under a special license
shall be under an exemption from standard licensure if he achieves
the requisite qualifications therefor. Two (2) years of service
by a teacher of transitional bilingual education under such an
exemption shall be credited to the teacher in acquiring a Standard
Educator License. Nothing in this paragraph shall be deemed to
prohibit a local school board from employing a teacher licensed in
an appropriate field as approved by the State Department of
Education to teach in a program in transitional bilingual education.

(g) **Highly Qualified Teachers.** Beginning July 1, 2005, any teacher from any state meeting the federal definition of highly qualified, as described in the No Child Left Behind Act, shall be granted a standard five-year license by the Mississippi Department of Education.

(h) Schools meeting Level 4 or 5 accreditation standards shall be exempted from any restrictions in paragraph (e) relating to the employment of nonlicensed teaching personnel.

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

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

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

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

(d) **Administrator License - Nontraditional Route.** The board may establish a nontraditional route for licensing administrative personnel. Such nontraditional route for administrative licensure shall be available for persons holding, but not limited to, a master of business administration degree, a
master of public administration degree, a master of public
planning and policy degree or a doctor of jurisprudence degree
from an accredited college or university, with five (5) years of
administrative or supervisory experience. Successful completion
of the requirements of alternate route licensure for
administrators shall qualify the person for a standard
administrator license.

The State Department of Education shall compile and report,
in consultation with the commission, information relating to
nontraditional administrator preparation internship programs,
including the number of programs available and geographic areas in
which they are available, the number of individuals who apply for
and possess a nontraditional conditional license and where they
are employed, and shall submit its findings and recommendations to
the legislative committees on education by December 1, 2004.

Beginning with the 1997-1998 school year, individuals seeking
school administrator licensure under paragraph (b), (c) or (d)
shall successfully complete a training program and an assessment
process prescribed by the State Board of Education. Applicants
seeking school administrator licensure prior to June 30, 1997, and
completing all requirements for provisional or standard
administrator certification and who have never practiced, shall be
exempt from taking the Mississippi Assessment Battery Phase I.
Applicants seeking school administrator licensure during the
period beginning July 1, 1997, through June 30, 1998, shall
participate in the Mississippi Assessment Battery, and upon
request of the applicant, the department shall reimburse the
applicant for the cost of the assessment process required. After
June 30, 1998, all applicants for school administrator licensure
shall meet all requirements prescribed by the department under
paragraph (b), (c) or (d), and the cost of the assessment process
required shall be paid by the applicant.
(8) **Reciprocity.** (a) The department shall grant a standard license to any individual who possesses a valid standard license from another state.

(b) The department shall grant a nonrenewable special license to any individual who possesses a credential which is less than a standard license or certification from another state, or who possesses a standard license from another state but has less than two (2) years of full-time teaching or administration experience. Such special license shall be valid for the current school year plus one (1) additional school year to expire on June 30 of the second year, not to exceed a total period of twenty-four (24) months, during which time the applicant shall be required to complete the requirements for a standard license in Mississippi.

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

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

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

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

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

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

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

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

(f) Failing or refusing to furnish reasonable evidence of identification;
(g) The applicant has been convicted, has pled guilty or entered a plea of nolo contendere to a felony, as defined by federal or state law; or

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

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

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

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

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

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

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

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

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

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

(c) A person may voluntarily surrender a license. The
surrender of such license may result in the commission
recommending any of the above penalties without the necessity of a
hearing. However, any such license which has voluntarily been
surrendered by a licensed employee may only be reinstated by a
majority vote of all members of the commission present at the
meeting called for such purpose.

(14) A person whose license has been suspended on any
grounds except criminal grounds may petition for reinstatement of
the license after one (1) year from the date of suspension, or
after one-half (1/2) of the suspended time has lapsed, whichever
is greater. A license suspended or revoked on the criminal
grounds may be reinstated upon petition to the commission filed
after expiration of the sentence and parole or probationary period
imposed upon conviction. A revoked, suspended or surrendered
license may be reinstated upon satisfactory showing of evidence of
rehabilitation. The commission shall require all who petition for
reinstatement to furnish evidence satisfactory to the commission
of good character, good mental, emotional and physical health and
such other evidence as the commission may deem necessary to
establish the petitioner's rehabilitation and fitness to perform
the duties authorized by the license.

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

(16) An appeal from the action of the State Board of
Education in denying an application, revoking or suspending a
license or otherwise disciplining any person under the provisions
of this section shall be filed in the Chancery Court of the First
Judicial District of Hinds County on the record made, including a
verbatim transcript of the testimony at the hearing. The appeal
shall be filed within thirty (30) days after notification of the
action of the board is mailed or served and the proceedings in
chancery court shall be conducted as other matters coming before
the court. The appeal shall be perfected upon filing notice of
the appeal and by the prepayment of all costs, including the cost
of preparation of the record of the proceedings by the State Board
of Education, and the filing of a bond in the sum of Two Hundred
Dollars ($200.00) conditioned that if the action of the board be
affirmed by the chancery court, the applicant or license holder
shall pay the costs of the appeal and the action of the chancery
court.

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

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

(19) In addition to the reasons specified in subsections (12) and (13) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SECTION 4. Section 37-11-55, Mississippi Code of 1972, is amended as follows:

37-11-55. The local school board shall adopt and make available to all teachers, school personnel, students and parents or guardians, at the beginning of each school year, a code of student conduct developed in consultation with teachers, school personnel, students and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and shall be made available at the
school level in the student handbook or similar publication. The code shall include, but not be limited to:

(a) Specific grounds for disciplinary action under the school district's discipline plan;

(b) Procedures to be followed for acts requiring discipline, including suspensions and expulsion, which comply with due process requirements;

(c) An explanation of the responsibilities and rights of students with regard to: attendance; respect for persons and property; knowledge and observation of rules of conduct; free speech and student publications; assembly; privacy; and participation in school programs and activities;

(d) Policies and procedures recognizing the teacher as the authority in classroom matters, and supporting that teacher in any decision in compliance with the written discipline code of conduct. Such recognition shall include the right of the teacher to remove from the classroom any student who, in the professional judgment of the teacher, is disrupting the learning environment, to the office of the principal or assistant principal. The principal or assistant principal shall determine the proper placement for the student, who may not be returned to the classroom until a conference of some kind has been held with the parent, guardian or custodian during which the disrupting behavior is discussed and agreements are reached that no further disruption will be tolerated; * * *

(e) Establishment of the Disciplinary Action Review Board in every publicly-funded school in the State of Mississippi:

(i) In the event a principal, or other designated disciplinarian, makes a decision to readmit a student to a teacher's classroom and the teacher objects, the teacher, as the classroom authority, has the right to appeal the principal's decision to the Disciplinary Action Review Board.

(ii) Members shall be appointed as follows:
1. The school's faculty shall choose two (2) teachers to serve as members and one (1) teacher to serve as an alternate member; and

2. The school's principal shall choose one (1) faculty member;

3. The teacher objecting to the student's readmission may not serve on the Student Disciplinary Review Board.

(iii) Students whose readmission is objected to by the disciplining teacher may be temporarily reassigned to another classroom, placed in an in-school suspension, or any other available option at the discretion of the designated disciplinarian until the Student Disciplinary Review Board can meet to hear the case.

(iv) All cases shall be heard within three (3) school days of the designated disciplinarian's decision to readmit the student over the disciplining teacher's objections.

(v) The committee's placement determination regarding a student with a disability who receives special education services is subject to the requirements of the Individuals with Disabilities Education Act and federal regulations, state statutes, and agency requirements necessary to carry out federal law or regulations or state law relating to special education;

(f) Policies and procedures for dealing with a student who causes a disruption in the classroom, on school property or vehicles, or at school-related activities;

(g) Procedures for the development of behavior modification plans by the school principal, reporting teacher and student's parent for a student who causes a disruption in the classroom, on school property or vehicles, or at school-related activities for a second time during the school year; and
(h) Policies and procedures specifically concerning
gang-related activities in the school, on school property or
vehicles, or at school-related activities.

SECTION 5. Section 37-3-81, Mississippi Code of 1972, is
amended as follows:

37-3-81. (1) Effective July 1, 2005, each regional
educational service agency shall establish and maintain a School
Safety Center, which shall operate a statewide information
clearinghouse that: (a) provides assistance to member school
districts and communities during school crises; and (b) provides
technical assistance, training and current resources to public
school officials and parents in member districts who need
assistance in researching, developing and implementing school
safety plans and in maintaining a safe school environment.* * *

(2) The executive director of the educational service agency
shall be given full authority to secure any and all funding for
the enhancement of the School Safety Center program.

SECTION 6. Section 37-3-83, Mississippi Code of 1972, is
amended as follows:

37-3-83. (1) There is established * * * a School Safety
Grant Program, to be administered by regional education service
agencies effective July 1, 2005, and made available to all
eligible public school member districts, to assist in financing
programs to provide school safety. * * *

(2) The school board of each member school district, with
the assistance of the regional education service agency School
Safety Center, shall adopt a comprehensive local school district
school safety plan * * *.

(3) Subject to the extent of appropriations available, the
School Safety Grant Program may offer, but shall not be limited
to, any of the following specific preventive services, and other
additional services appropriate to the most current school
district school safety plan:
(a) Metal detectors;
(b) Video surveillance cameras, communications equipment and monitoring equipment for classrooms, school buildings, school grounds and school buses;
(c) Crisis management/action teams responding to school violence;
(d) Violence prevention training, conflict resolution training, and other appropriate training designated by the State Department of Education for faculty and staff; and
(e) School safety personnel.

(4) Each local member school district of this state may annually apply for school safety grant funds subject to appropriations by the Legislature or other funding organization. School safety grants shall include a base grant amount plus an additional amount per student in average daily attendance in the school or school district. **The regional education service agency, working in conjunction with local member districts, shall establish procedures for eligibility for funds.

(5) Any local school district may use audio/visual-monitoring equipment in classrooms, hallways, buildings, grounds and buses for the purpose of monitoring school disciplinary problems.

(6) The executive director of the education service agency shall make an annual written report to the Office of the Governor and Chairs of the House and Senate Education Committees on or before December 1 on the operation of the School Safety Center and the School Safety Grant Program, along with any recommendations for expansion or revision of the program.

(7) The executive director of the education service agency shall be given full authority to secure any and all funding for the enhancement of the School Safety Grant Program.

SECTION 7. Section 37-3-91, Mississippi Code of 1972, is amended as follows:
Effective July 1, 2005, regional behavioral institutes will be established and maintained by the state's regional education service agencies for the purpose of providing state-of-the-art training to teachers and administrators in discipline and classroom management strategies.

SECTION 8. Section 37-3-93, Mississippi Code of 1972, is amended as follows:

37-3-93. (1) Subject to the availability of funding specifically appropriated for such purpose, there is established a School Crisis Management Program to be administered by the state's regional education service agencies. Under this program, the designated education service agency shall develop a quick response team of personnel trained in school safety and crisis management to respond to traumatic or violent situations that impact students and faculty in the public schools in Mississippi. The School Crisis Management Program shall operate in accordance with the following:

(a) The basic response team shall consist of those personnel designated by the executive director of the designated education service agency, or their designees, depending on the size of the member school and the nature of the event.

(b) In order to access the services of a response team, the request must be made by the local school principal or the superintendent of schools, who shall make the request to the executive director of the designated education service agency, or his contact designee.

(c) A response team shall enter a school to work with students and faculty for a period of no more than three (3) days, unless otherwise requested by the school district.

(d) The State Department of Education, or its designee, shall operate a toll-free incoming wide area telephone service for the purpose of automatically relaying reports of suspected cases
of school violence and other traumatic situations impacting on
students and faculty in the public schools to the designated
regional service agency.

(e) The request made by a member school district to
access the services of a response team following a school safety
incident may seek a review of the local member school district's
safety plan, and the results of this evaluation may be published
by the local school board in a newspaper with wide circulation in
the district.

(f) Subject to the availability of funds specifically
appropriated therefor by the Legislature or other funding source,
the expenses of the quick response teams and their administrative
support shall be provided from state funds. The executive
director of the regional education service agency may apply for
and expend funds for the support and maintenance of this program
from private and other funding sources.

(2) Local member school districts, school superintendents
and principals may request and utilize the services of quick
response teams provided for under this section; however, this
section does not require school officials to request the services
of quick response teams.

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SECTION 9. Section 37-7-345, Mississippi Code of 1972, is
amended as follows:

37-7-345. (1) A regional educational service agency (ESA)
may be established in a region of the state when twelve (12) or
more school districts determine there are benefits and services
that can be derived from the collective and collaborative
formation of an agency for the purpose of pooling and leveraging
resources for the common benefit of students, teachers,
administrators and taxpayers. An educational service agency shall
be incorporated in the State of Mississippi and organized under
the laws of the State of Mississippi as a nonprofit corporation.

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The educational service agency shall obtain 501(c)(3) status with the Internal Revenue Service.

(2) The operation and management of the educational service agency shall be the responsibility of a public advisory board composed of the superintendents of schools or their designees from each participating school district.

(3) A board of directors shall be elected on an annual basis from the advisory board to oversee the day-to-day operations of the agency.

(4) The executive board shall hire an executive director to serve as the executive agent of the board of the regional educational service agency.

(5) The board of directors of a regional educational service agency shall have the authority to establish policies for the regional educational service to determine the programs and services to be provided, to employ staff, to prepare and expend the budget, to provide for financing programs and projects of the regional educational service agency, and to annually evaluate the performance of the agency. The board may purchase, hold, encumber and dispose of real property, in the name of the agency, for use as its office or for any educational service provided by the agency.

(6) The educational service agency is authorized and empowered to: develop, manage and provide support services and/or programs as determined by the needs of the local school district. Educational service agencies (ESAs) shall:

(a) Act primarily as service agencies in providing services and/or programs as identified and requested by member school districts (services may include, but are not limited to, professional development, instructional materials, educational technology, curriculum development and alternative educational programs);
(b) Provide for economy, efficiency and cost effectiveness in the cooperative delivery and purchase or lease of educational services, materials and products (services may include, but are not limited to, purchasing cooperatives, insurance cooperatives, business manager services, auditing and accounting services, school safety/risk prevention, and data processing and student records);

(c) Provide administrative services (services may include, but are not limited to, communications/public information, employee background checks, grants management, printing/publications and internships);

(d) Provide educational services through leadership, research and development in elementary and secondary education;

(e) Act in a cooperative and supportive role, including contracting, with the Mississippi Department of Education, Mississippi Institutes of Higher Learning, Mississippi Community Colleges and other state educational organizations in the development and implementation of long-range plans, strategies and goals for the enhancement of educational opportunities in elementary and secondary education;

(f) Serve, when appropriate and as funds become available, as a repository, clearinghouse and administrator of federal, state, local and private funds on behalf of school districts which choose to participate in special programs, projects or grants in order to enhance the quality of education in Mississippi schools; and

(g) Assume responsibility to member districts for the School Safety Centers and Regional Behavior Institute as defined in Sections 37-3-81, 37-3-83, 37-3-91 and 37-3-93.

(7) All school districts shall become members of a designated educational service agency no later than June 30, 2006.

SECTION 10. Section 37-11-53, Mississippi Code of 1972, is amended as follows:
37-11-53. (1) A copy of the school district's discipline plan shall be distributed to each student enrolled in the district, and the parents, guardian or custodian of such student shall sign a statement verifying that they have been given notice of the discipline policies of their respective school district. The school board shall have its official discipline plan and code of student conduct legally audited on an annual basis to insure that its policies and procedures are currently in compliance with applicable statutes, case law and state and federal constitutional provisions. As part of the first legal audit occurring after July 1, 2001, the provisions of this section, Section 37-11-55 and Section 37-11-18.1 shall be fully incorporated into the school district's discipline plan and code of student conduct.

(2) All discipline plans of school districts shall include, but not be limited to, the following:

(a) A parent, guardian or custodian of a compulsory-school-age child enrolled in a public school district shall be responsible financially for his or her minor child's destructive acts against school property or persons;

(b) A parent, guardian or custodian of a compulsory-school-age child enrolled in a public school district may be requested to appear at school by the school attendance officer or an appropriate school official for a conference regarding acts of the child specified in paragraph (a) of this subsection, or for any other discipline conference regarding the acts of the child;

(c) Any parent, guardian or custodian of a compulsory-school-age child enrolled in a school district who refuses or willfully fails to attend such discipline conference specified in paragraph (b) of this section may be summoned by proper notification by the superintendent of schools or the school attendance officer and be required to attend such discipline conference; and
(d) A parent, guardian or custodian of a compulsory-school-age child enrolled in a public school district shall be responsible for any criminal fines brought against such student for unlawful activity occurring on school grounds or buses.

(3) Any parent, guardian or custodian of a compulsory-school-age child who fails to attend a discipline conference within three (3) school days of official school notification to which such parent, guardian or custodian has been summoned under the provisions of this section, or who refuses or willfully fails to perform any other duties imposed upon him or her under the provisions of this section, shall be guilty of a misdemeanor and, upon conviction, shall be:

(a) Fined an amount not to exceed Two Hundred Fifty Dollars ($250.00); 

(b) Perform community service of up to twenty-five (25) hours; and/or

(c) With the consent of the student's teacher(s), attend class with the student for a period of time agreed upon by the court, in consultation with the reporting teacher and school principal. If the parent, guardian or custodian does not agree to attend class with the student or fails to attend class with the student, the student shall be suspended in accordance with the code of student conduct and discipline policies of the school district.

(4) Any public school district shall be entitled to recover damages in an amount not to exceed Twenty Thousand Dollars ($20,000.00), plus necessary court costs, from the parents of any minor under the age of eighteen (18) years and over the age of six (6) years, who maliciously and willfully damages or destroys property belonging to such school district. However, this section shall not apply to parents whose parental control of such child has been removed by court order or decree. The action authorized

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in this section shall be in addition to all other actions which
the school district is entitled to maintain and nothing in this
section shall preclude recovery in a greater amount from the minor
or from a person, including the parents, for damages to which such
minor or other person would otherwise be liable.

* * *

SECTION 11. Section 37-3-4, Mississippi Code of 1972, is
amended as follows:

37-3-4. (1) There is established within the State
Department of Education, the School Executive Management
Institute. The director shall be appointed by the State Board of
Education upon recommendation by the State Superintendent of
Public Education. The State Superintendent of Public Education,
with the approval of the State Board of Education, shall assign
sufficient staff members from the State Department of Education to
the institute.

(2) It shall be the purpose and duty of the institute to
conduct thorough empirical studies and analyses of the school
management needs of the local school districts throughout the
state, to make recommendations to the State Board of Education
regarding standards and programs of training that aid in the
development of administrative and management skills of local
school administrators, and to conduct such programs related to
these purposes as they are implemented under guidelines
established by the State Board of Education.

(3) The State Board of Education shall develop and implement
through the School Executive Management Institute a program for
the development of administrative and management skills of local
school administrators under which all local school administrators
shall be required to participate. Subject to the extent of
appropriations available for such purpose, the School Executive
Management Institute or the Mississippi School Boards Association
shall be required to offer courses at least twice a year on the
uses of technology to principals, superintendents and other administrative personnel. These courses shall relate to the application of technology to learning, as well as administrative problems.

(4) (a) The institute shall have an advisory board composed of ten (10) qualified members appointed by the State Board of Education after consultation with the State Superintendent of Public Education. This advisory board will offer recommendations to the institute on the types of training to be instituted and supported. The membership of the advisory board shall be composed of the following members, two (2) to be appointed from each congressional district: three (3) school administrators; one (1) representative of public community/junior colleges within the state; one (1) representative of a school of education in an institution of higher learning within the state; two (2) local school board members; one (1) classroom teacher; and two (2) lay persons. In making the initial appointments, three (3) members shall be appointed for a term of one (1) year, three (3) members shall be appointed for a term of two (2) years, two (2) members shall be appointed for a term of three (3) years, and two (2) members shall be appointed for a term of four (4) years. Thereafter, all members shall be appointed for a term of four (4) years. The advisory board shall meet when called by the director, but in no event fewer than three (3) times per year. The members of the advisory board shall be compensated at the per diem rate authorized by Section 25-3-69 and reimbursed for actual and necessary expenses as authorized by Section 25-3-41.

(b) Board members of the Oxford-Lafayette Business and Industrial Complex shall be paid per diem and reimbursed for expenses and mileage from local funds in accordance with Section 37-6-13.

(5) (a) Basic Education Course. Subject to the extent of appropriations available for such purpose, the School Executive
Management Institute of the State Department of Education shall prepare and conduct a course of training for basic education for the local school board members of this state, in order for board members to carry out their duties more effectively and be exposed to new ideas involving school restructuring. The basic course shall be known as the "School Board Member Training Course" and shall consist of at least twelve (12) hours of training. The School Executive Management Institute shall issue certificates of completion to those school board members who complete the basic education course.

(b) Continuing Education Course. The Mississippi School Boards Association shall be responsible for preparing and conducting a course of training for continuing education for the local school board members of this state, in order for board members to carry out their duties more effectively and be exposed to new ideas involving school restructuring. The continuing education course shall be known as the "Continuing Education Course for School Board Members" and shall consist of at least six (6) hours of training.

The Mississippi School Boards Association shall issue certificates of completion to those school board members who complete the continuing education course. All costs and expenses for preparing and conducting the continuing education course provided for in this paragraph shall be paid out of any funds which are made available to the Mississippi School Boards Association upon authorization and appropriation by the Legislature to the State Department of Education.

(6) The Mississippi School Boards Association shall prepare and submit a report each year to the State Board of Education and to the respective Chairs of the House and Senate Education Committees describing the activities and providing an evaluation of the continuing education programs offered by the association each year.

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(7) The School Executive Management Institute of the State Department of Education, or the Mississippi School Boards Association with the oversight of the State Board of Education, at least twice a year, shall prepare and conduct required courses of training for continuing education for the elementary and secondary school principals of this state, in order for principals to carry out their duties more effectively and be exposed to new ideas involving school management. The continuing education course shall be known as the "Continuing Education Course for Principals" and shall consist of at least six (6) hours of training. The content of the continuing education courses and the time and place such courses are to be conducted shall be determined by the School Executive Management Institute or the Mississippi School Boards Association; however, to the extent practicable, such training sessions shall be held within geographical proximity of local districts in order that travel times and costs shall not be prohibitive.

The institute shall issue certificates of completion to those principals who complete such courses. All costs and expenses for preparing and conducting the basic and continuing education courses provided for in this subsection shall be paid out of any funds which are made available to the institute upon authorization and appropriation by the Legislature.

(8) Principals and other administrators at schools meeting Level 4 or 5 accreditation standards shall be exempted from the provisions of this section.

SECTION 12. Section 37-3-46, Mississippi Code of 1972, is amended as follows:

37-3-46. From and after July 1, 1983, the State Department of Education shall:

(a) Provide to local school districts financial, training and other assistance to implement and maintain a state
program of educational accountability and assessment of performance.

(b) Provide to local school districts technical assistance and training in the development, implementation and administration of a personnel appraisal and compensation system for all school employees. The State Board of Education shall report to the Legislature on January 5, 1986, with recommendations based upon the personnel appraisal and compensation system developed under this subsection.

(c) Provide to local school districts technical assistance in the development, implementation and administration of programs designed to keep children in school voluntarily and to prevent dropouts.

(d) Schools meeting Level 4 or 5 accreditation standards shall be exempted from the provisions of this section.

SECTION 13. Section 37-3-49, Mississippi Code of 1972, is amended as follows:

37-3-49. (1) The State Department of Education shall provide an instructional program and establish guidelines and procedures for managing such program in the public schools as part of the State Program of Educational Accountability and Assessment of Performance as prescribed in Section 37-3-46. Public school districts may (a) elect to adopt the instructional program and management system provided by the State Department of Education, or (b) elect to adopt an instructional program and management system which meets or exceeds criteria established by the State Department of Education for such. This provision shall begin with the courses taught in Grades K-8 which contain skills tested through the Mississippi Basic Skills Assessment Program and shall proceed through all secondary school courses mandated for graduation and all secondary school courses in the Mississippi end-of-course testing program. Other state core objectives must be included in the district's instructional program as they are
provided by the State Department of Education along with instructional practices, resources, evaluation items and management procedures. Districts are encouraged to adapt this program and accompanying procedures to all other instructional areas. The department shall provide that such program and guidelines, or a program and guidelines developed by a local school district which incorporates the core objectives from the curriculum structure are enforced through the performance-based accreditation system. It is the intent of the Legislature that every effort be made to protect the instructional time in the classroom and reduce the amount of paperwork which must be completed by teachers. The State Department of Education shall take steps to insure that school districts properly use staff development time to work on the districts' instructional management plans.

(2) The State Department of Education shall provide such instructional program and management guidelines which shall require for every public school district that:

(a) All courses taught in Grades K-8 which contain skills which are tested through the Mississippi Basic Skills Assessment Program, all secondary school courses mandated for graduation, and all courses in the end-of-course testing program shall include the State Department of Education's written list of learning objectives.

(b) The local school board must adopt the objectives that will form the core curriculum which will be systematically delivered throughout the district.

(c) The set of objectives provided by the State Department of Education must be accompanied by suggested instructional practices and resources that would help teachers organize instruction so as to promote student learning of the objectives. Objectives added by the school district must also be accompanied by suggested instructional practices and resources.
that would help teachers organize instruction. The instructional practices and resources that are identified are to be used as suggestions and not as requirements that teachers must follow. The goal of the program is to have students achieve the desired objective and not to limit teachers in the way they teach.

(d) Standards for student performance must be established for each core objective in the local program and those standards establish the district's definition of mastery for each objective.

(e) There shall be an annual review of student performance in the instructional program against locally established standards. When weaknesses exist in the local instructional program, the district shall take action to improve student performance.

(3) The State Board of Education and the board of trustees of each school district shall adopt policies to limit and reduce the number and length of written reports that classroom teachers are required to prepare.

(4) This section shall not be construed to limit teachers from using their own professional skills to help students master instructional objectives, nor shall it be construed as a call for more detailed or complex lesson plans or any increase in testing at the local school district level.

(5) Schools meeting Level 4 or 5 accreditation standards shall be exempted from the provisions of this section.

SECTION 14. Section 37-7-306, Mississippi Code of 1972, is amended as follows:

37-7-306. (1) Every school board member selected after July 1, 2002, shall have a high school diploma or its equivalent.

(2) Every school board member selected after July 1, 1993, shall be required to complete a basic course of training and education for local school board members, in order for board members to carry out their duties more effectively and be exposed
to new ideas involving school restructuring. Such basic course of
training, approved by the State Board of Education, shall be
conducted by the School Executive Management Institute of the
State Department of Education. Upon completion of the basic
course of training, the School Executive Management Institute
shall file a certificate of completion for the school board member
with the office of the local school board. In the event that a
board member fails to complete such training within six (6) months
of his selection, such board member shall no longer be qualified
to serve and shall be removed from office.

(3) In addition to meeting the requirements of subsection
(2) of this section, after taking office, each school board member
shall be required to file annually in the office of the school
board a certificate of completion of a course of continuing
education conducted by the Mississippi School Boards Association.

(4) Every school board member selected after July 1, 2002,
shall spend at least one (1) full day in a school in the district
they represent, without compensation.

(5) Upon the failure of any local school board member to
file with the school board the certificate of completion of the
basic or continuing course of training as provided in subsection
(2) or (3) of this section, the school board member shall be
removed from office by the Attorney General. In the event of a
medical or other catastrophic hardship that prevents such school
board member from obtaining the required training or filing such
certificate, as may be defined by the State Board of Education by
rule and regulation, an additional period of three (3) months may
be allowed to satisfy the requirements of subsection (2) or (3).

(6) Schools meeting Level 4 or 5 accreditation standards
shall be exempted from the provisions of this section.

SECTION 15. Section 37-7-337, Mississippi Code of 1972, is
amended as follows:
37-7-337. (1) The governing authorities of the county, counties or city in which a school district is located and the school board of each school district shall develop a five-year plan to encourage community involvement with the schools in such district. Such plan shall be filed with the State Department of Education on or before January 1, 1993.

(2) Schools meeting Level 4 or 5 accreditation standards shall be exempted from the provisions of this section.

SECTION 16. Section 37-13-61, Mississippi Code of 1972, is amended as follows:

37-13-61. The local school board shall have the power and authority to fix the date for the opening and closing of their school term ***. Provided, however, that local school boards are authorized to keep school in session in excess of the minimum number of days prescribed herein.

SECTION 17. Section 37-13-65, Mississippi Code of 1972, is amended as follows:

37-13-65. Upon application from the school board, the superintendent of schools may close any school because of an epidemic prevailing in the school district or because of the death, resignation, sickness or dismissal of a teacher or teachers or because of any other emergency necessitating the closing of the school. However, all Level 1, 2 and 3 schools so closed shall operate for the required full time after being reopened during the scholastic year.

SECTION 18. Section 37-13-67, Mississippi Code of 1972, is amended as follows:

37-13-67. (1) Twenty (20) days of actual teaching in which both teachers and pupils are in regular attendance for scheduled schoolwork shall constitute a scholastic month. The number of hours of actual teaching which shall constitute a school day shall be determined and fixed by the board of trustees of the school
district at not less than five (5) hours nor more than eight (8) hours.

(2) Schools meeting Level 4 or 5 accreditation standards shall be exempted from the provisions of this section.

SECTION 19. Section 37-13-69, Mississippi Code of 1972, is amended as follows:

37-13-69. (1) All public schools of this state may observe such legal holidays as may be designated by the local school board, and no sessions of school shall be held on holidays so designated and observed. However, all schools shall operate for the full minimum term required by law exclusive of the holidays authorized by this section. The holidays thus observed shall not be deducted from the reports of the superintendents, principals and teachers, and such superintendents, principals and teachers shall be allowed pay for full time as though they had taught on said holidays. However, such holidays shall not be counted or included in any way in determining the average daily attendance of the school.

SECTION 20. Section 37-15-9, Mississippi Code of 1972, is amended as follows:

37-15-9. (1) Except as provided in subsection (2) and subject to the provisions of subsection (3) of this section, no child shall be enrolled or admitted to any kindergarten which is a part of the free public school system during any school year unless such child will reach his fifth birthday on or before September 1 of said school year, and no child shall be enrolled or admitted to the first grade in any school which is a part of the free public school system during any school year unless such child will reach his sixth birthday on or before September 1 of said school year. No pupil shall be permanently enrolled in a school in the State of Mississippi who formerly was enrolled in another public or private school within the state until the cumulative record of the pupil shall have been received from the school from
which he transferred. Should such record have become lost or
destroyed, then it shall be the duty of the superintendent or
principal of the school where the pupil last attended school to
initiate a new record.

(2) Subject to the provisions of subsection (3) of this
section, any child who transfers from an out-of-state public or
private school in which that state's law provides for a
first-grade or kindergarten enrollment date subsequent to
September 1, shall be allowed to enroll in the public schools of
Mississippi, at the same grade level as their prior out-of-state
enrollment, if:

(a) The parent, legal guardian or custodian of such
child was a legal resident of the state from which the child is
transferring;

(b) The out-of-state school from which the child is
transferring is duly accredited by that state's appropriate
accrediting authority;

(c) Such child was legally enrolled in a public or
private school for a minimum of four (4) weeks in the previous
state; and

(d) The superintendent of schools in the applicable
Mississippi school district has determined that the child was
making satisfactory educational progress in the previous state.

(3) When any child applies for admission or enrollment in
any public school in the state, the parent, guardian or child, in
the absence of an accompanying parent or guardian, shall indicate
on the school registration form if the enrolling child has been
expelled from any public or private school or is currently a party
to an expulsion proceeding. If it is determined from the child's
cumulative record or application for admission or enrollment that
the child has been expelled, the school district may deny the
student admission and enrollment until the superintendent of the
school, or his designee, has reviewed the child's cumulative
record and determined that the child has participated in successful rehabilitative efforts including, but not limited to, progress in an alternative school or similar program. If the child is a party to an expulsion proceeding, the child may be admitted to a public school pending final disposition of the expulsion proceeding. If the expulsion proceeding results in the expulsion of the child, the public school may revoke such admission to school. If the child was expelled or is a party to an expulsion proceeding for an act involving violence, weapons, alcohol, illegal drugs or other activity that may result in expulsion, the school district shall not be required to grant admission or enrollment to the child before one (1) calendar year after the date of the expulsion.

(4) The State Department of Education shall develop a policy based upon certain academically based exceptions for Level 4 and 5 schools to become exempted from this process standard.

SECTION 21. Section 37-17-6, Mississippi Code of 1972, is amended as follows:

37-17-6. (1) The State Board of Education, acting through the Commission on School Accreditation, shall establish and implement a permanent performance-based accreditation system, and all public elementary and secondary schools shall be accredited under this system.

(2) No later than June 30, 1995, the State Board of Education, acting through the Commission on School Accreditation, shall require school districts to provide school classroom space that is air conditioned as a minimum requirement for accreditation.

(3) (a) Beginning with the 1994-1995 school year, the State Board of Education, acting through the Commission on School Accreditation, shall require that school districts employ certified school librarians according to the following formula:

| Number of Students | Number of Certified |
(b) The State Board of Education, however, may increase the number of positions beyond the above requirements.

(c) The assignment of such school librarians to the particular schools shall be at the discretion of the local school district. No individual shall be employed as a certified school librarian without appropriate training and certification as a school librarian by the State Department of Education.

(d) School librarians in such district shall spend at least fifty percent (50%) of direct work time in a school library and shall devote no more than one-fourth (1/4) of the workday to administrative activities which are library related.

(e) Nothing in this subsection shall prohibit any school district from employing more certified school librarians than are provided for in this section.

(f) Schools meeting Level 4 or 5 accreditation standards shall be exempted from the provisions of this section.

(g) Any additional millage levied to fund school librarians required for accreditation under this subsection shall be included in the tax increase limitation set forth in Sections 37-57-105 and 37-57-107 and shall not be deemed a new program for purposes of the limitation.

(4) On or before December 31, 2002, the State Board of Education shall implement the performance-based accreditation system for school districts and for individual schools which shall include the following:

(a) High expectations for students and high standards for all schools, with a focus on the basic curriculum;
(b) Strong accountability for results with appropriate local flexibility for local implementation;

(c) A process to implement accountability at both the school district level and the school level;

(d) Individual schools shall be held accountable for student growth and performance;

(e) Set annual performance standards for each of the schools of the state and measure the performance of each school against itself through the standard that has been set for it;

(f) A determination of which schools exceed their standards and a plan for providing recognition and rewards to such schools;

(g) A determination of which schools are failing to meet their standards and a determination of the appropriate role of the State Board of Education and the State Department of Education in providing assistance and initiating possible intervention; and

(h) Development of a comprehensive student assessment system to implement these requirements.

The State Board of Education may continue to assign school district performance levels by using a number classification and may assign individual school performance levels by using a number classification to be consistent with school district performance levels.

(5) Nothing in this section shall be deemed to require a nonpublic school which receives no local, state or federal funds for support to become accredited by the State Board of Education.

(6) The State Board of Education shall create an accreditation audit unit under the Commission on School Accreditation to determine whether schools are complying with accreditation standards.

(7) The State Board of Education shall be specifically authorized and empowered to withhold adequate minimum education
program or adequate education program fund allocations, whichever is applicable, to any public school district for failure to timely report student, school personnel and fiscal data necessary to meet state and/or federal requirements.

(8) [Deleted.]

(9) The State Board of Education shall establish, for those school districts failing to meet accreditation standards, a program of development to be complied with in order to receive state funds, except as otherwise provided in subsection (14) of this section when the Governor has declared a state of emergency in a school district or as otherwise provided in Section 206, Mississippi Constitution of 1890. The state board, in establishing these standards, shall provide for notice to schools and sufficient time and aid to enable schools to attempt to meet these standards, unless procedures under subsection (14) of this section have been invoked.

(10) Beginning July 1, 1998, the State Board of Education shall be charged with the implementation of the program of development in each applicable school district as follows:

(a) Develop an impairment report for each district failing to meet accreditation standards in conjunction with school district officials;

(b) Notify any applicable school district failing to meet accreditation standards that it is on probation until corrective actions are taken or until the deficiencies have been removed. The local school district shall develop a corrective action plan to improve its deficiencies. For district academic deficiencies, the corrective action plan for each such school district shall be based upon a complete analysis of the following: student test data, student grades, student attendance reports, student drop-out data, existence and other relevant data. The corrective action plan shall describe the specific measures to be taken by the particular school district and school to improve:
(i) instruction; (ii) curriculum; (iii) professional development; (iv) personnel and classroom organization; (v) student incentives for performance; (vi) process deficiencies; and (vii) reporting to the local school board, parents and the community. The corrective action plan shall describe the specific individuals responsible for implementing each component of the recommendation and how each will be evaluated. All corrective action plans shall be provided to the State Board of Education as may be required. The decision of the State Board of Education establishing the probationary period of time shall be final;

(c) Offer, during the probationary period, technical assistance to the school district in making corrective actions. Beginning July 1, 1998, subject to the availability of funds, the State Department of Education shall provide technical and/or financial assistance to all such school districts in order to implement each measure identified in that district's corrective action plan through professional development and on-site assistance. Each such school district shall apply for and utilize all available federal funding in order to support its corrective action plan in addition to state funds made available under this paragraph;

(d) Contract, in its discretion, with the institutions of higher learning or other appropriate private entities to assist school districts;

(e) Provide for publication of public notice at least one (1) time during the probationary period, in a newspaper published within the jurisdiction of the school district failing to meet accreditation standards, or if no newspaper is published therein, then in a newspaper having a general circulation therein. The publication shall include the following: declaration of school system's status as being on probation; all details relating to the impairment report, and other information as the State Board of Education deems appropriate. Public notices issued under this
section shall be subject to Section 13-3-31 and not contrary to other laws regarding newspaper publication.

(11) (a) If the recommendations for corrective action are not taken by the local school district or if the deficiencies are not removed by the end of the probationary period, the Commission on School Accreditation shall conduct a hearing to allow such affected school district to present evidence or other reasons why its accreditation should not be withdrawn. Subsequent to its consideration of the results of such hearing, the Commission on School Accreditation shall be authorized, with the approval of the State Board of Education, to withdraw the accreditation of a public school district, and issue a request to the Governor that a state of emergency be declared in that district.

(b) If the State Board of Education and the Commission on School Accreditation determine that an extreme emergency situation exists in a school district which jeopardizes the safety, security or educational interests of the children enrolled in the schools in that district and such emergency situation is believed to be related to a serious violation or violations of accreditation standards or state or federal law, the State Board of Education may request the Governor to declare a state of emergency in that school district. For purposes of this paragraph, such declarations of a state of emergency shall not be limited to those instances when a school district's impairments are related to a lack of financial resources, but also shall include serious failure to meet minimum academic standards, as evidenced by a continued pattern of poor student performance.

(c) Whenever the Governor declares a state of emergency in a school district in response to a request made under paragraph (a) or (b) of this subsection, the State Board of Education may take one or more of the following actions:

(i) Declare a state of emergency, under which some or all of state funds can be escrowed except as otherwise provided by law.
in Section 206, Constitution of 1890, until the board determines
corrective actions are being taken or the deficiencies have been
removed, or that the needs of students warrant the release of
funds. Such funds may be released from escrow for any program
which the board determines to have been restored to standard even
though the state of emergency may not as yet be terminated for the
district as a whole;

(ii) Override any decision of the local school
board or superintendent of education, or both, concerning the
management and operation of the school district, or initiate and
make decisions concerning the management and operation of the
school district;

(iii) Assign an interim conservator who will have
those powers and duties prescribed in subsection (14) of this
section;

(iv) Grant transfers to students who attend this
school district so that they may attend other accredited schools
or districts in a manner which is not in violation of state or
federal law;

(v) For states of emergency declared under
paragraph (a) only, if the accreditation deficiencies are related
to the fact that the school district is too small, with too few
resources, to meet the required standards and if another school
district is willing to accept those students, abolish that
district and assign that territory to another school district or
districts. If the school district has proposed a voluntary
consolidation with another school district or districts, then if
the State Board of Education finds that it is in the best interest
of the pupils of the district for such consolidation to proceed,
the voluntary consolidation shall have priority over any such
assignment of territory by the State Board of Education;

(vi) For states of emergency declared under
paragraph (b) only, reduce local supplements paid to school
district employees, including, but not limited to, instructional personnel, assistant teachers and extracurricular activities personnel, if the district's impairment is related to a lack of financial resources, but only to an extent which will result in the salaries being comparable to districts similarly situated, as determined by the State Board of Education;

(vii) For states of emergency declared under paragraph (b) only, the State Board of Education must take such action as prescribed in Section 37-17-13.

(d) At such time as satisfactory corrective action has been taken in a school district in which a state of emergency has been declared, the State Board of Education may request the Governor to declare that the state of emergency no longer exists in the district.

(e) Not later than July 1 of each year, the State Department of Education shall develop an itemized accounting of the expenditures associated with the management of the conservator process with regard to each school district in which a conservator has been appointed, and an assessment as to the extent to which the conservator has achieved, or failed to achieve, the goals for which the conservator was appointed to guide the local school district.

(12) Upon the declaration of a state of emergency in a school district under subsection (11) of this section, the Commission on School Accreditation shall be responsible for public notice at least once a week for at least three (3) consecutive weeks in a newspaper published within the jurisdiction of the school district failing to meet accreditation standards, or if no newspaper is published therein, then in a newspaper having a general circulation therein. The size of such notice shall be no smaller than one-fourth (1/4) of a standard newspaper page and shall be printed in bold print. If a conservator has been appointed for the school district, such notice shall begin as
follows: "By authority of Section 37-17-6, Mississippi Code of 1972, as amended, adopted by the Mississippi Legislature during the 1991 Regular Session, this school district (name of school district) is hereby placed under the jurisdiction of the State Department of Education acting through its appointed conservator (name of conservator)."

The notice also shall include, in the discretion of the State Board of Education, any or all details relating to the school district's emergency status, including the declaration of a state of emergency in the school district and a description of the district's impairment deficiencies, conditions of any conservatorship and corrective actions recommended and being taken. Public notices issued under this section shall be subject to Section 13-3-31 and not contrary to other laws regarding newspaper publication.

Upon termination of the state of emergency in a school district, the Commission on School Accreditation shall cause notice to be published in the school district in the same manner provided in this section, to include any or all details relating to the corrective action taken in the school district which resulted in the termination of the state of emergency.

(13) The State Board of Education or the Commission on School Accreditation shall have the authority to require school districts to produce the necessary reports, correspondence, financial statements, and any other documents and information necessary to fulfill the requirements of this section.

Nothing in this section shall be construed to grant any individual, corporation, board or conservator the authority to levy taxes except in accordance with presently existing statutory provisions.

(14) (a) Whenever the Governor declares a state of emergency in a school district in response to a request made under subsection (11) of this section, the State Board of Education, in
its discretion, may assign an interim conservator to the school district who will be responsible for the administration, management and operation of the school district, including, but not limited to, the following activities:

(i) Approving or disapproving all financial obligations of the district, including, but not limited to, the employment, termination, nonrenewal and reassignment of all certified and noncertified personnel, contractual agreements and purchase orders, and approving or disapproving all claim dockets and the issuance of checks; in approving or disapproving employment contracts of superintendents, assistant superintendents or principals, the interim conservator shall not be required to comply with the time limitations prescribed in Sections 37-9-15 and 37-9-105;

(ii) Supervising the day-to-day activities of the district's staff, including reassigning the duties and responsibilities of personnel in a manner which, in the determination of the conservator, will best suit the needs of the district;

(iii) Reviewing the district's total financial obligations and operations and making recommendations to the district for cost savings, including, but not limited to, reassigning the duties and responsibilities of staff;

(iv) Attending all meetings of the district's school board and administrative staff;

(v) Approving or disapproving all athletic, band and other extracurricular activities and any matters related to those activities;

(vi) Maintaining a detailed account of recommendations made to the district and actions taken in response to those recommendations;

(vii) Reporting periodically to the State Board of Education on the progress or lack of progress being made in the
(viii) Appointing a parent advisory committee, comprised of parents of students in the school district, which may make recommendations to the conservator concerning the administration, management and operation of the school district.

Except when, in the determination of the State Board of Education, the school district's impairment is related to a lack of financial resources, the cost of the salary of the conservator and any other actual and necessary costs related to the conservatorship paid by the State Department of Education shall be reimbursed by the local school district from nonminimum program funds. The department shall submit an itemized statement to the superintendent of the local school district for reimbursement purposes, and any unpaid balance may be withheld from the district's minimum or adequate education program funds.

At such time as the Governor, pursuant to the request of the State Board of Education, declares that the state of emergency no longer exists in a school district, the powers and responsibilities of the interim conservator assigned to such district shall cease.

(b) In order to provide loans to school districts under a state of emergency which have impairments related to a lack of financial resources, the School District Emergency Assistance Fund is created as a special fund in the State Treasury into which monies may be transferred or appropriated by the Legislature from any available public education funds. The maximum amount that may be appropriated or transferred to the School District Emergency Assistance Fund for any one (1) emergency shall be Two Million Dollars ($2,000,000.00), and the maximum amount that may be appropriated during any fiscal year shall be Three Million Dollars ($3,000,000.00).
The State Board of Education may loan monies from the School District Emergency Assistance Fund to a school district that is under a state of emergency in such amounts, as determined by the board, which are necessary to correct the district's impairments related to a lack of financial resources. The loans shall be evidenced by an agreement between the school district and the State Board of Education and shall be repayable in principal, without necessity of interest, to the State General Fund or the Education Enhancement Fund, depending on the source of funding for such loan, by the school district from any allowable funds that are available. The total amount loaned to the district shall be due and payable within five (5) years after the impairments related to a lack of financial resources are corrected. If a school district fails to make payments on the loan in accordance with the terms of the agreement between the district and the State Board of Education, the State Department of Education, in accordance with rules and regulations established by the State Board of Education, may withhold that district's minimum program funds in an amount and manner that will effectuate repayment consistent with the terms of the agreement; such funds withheld by the department shall be deposited into the State General Fund or the Education Enhancement Fund, as the case may be.

If the State Board of Education determines that an extreme emergency exists, simultaneous with the powers exercised in this subsection, it shall take immediate action against all parties responsible for the affected school districts having been determined to be in an extreme emergency. Such action shall include, but not be limited to, initiating civil actions to recover funds and criminal actions to account for criminal activity. Any funds recovered by the State Auditor or the State Board of Education from the surety bonds of school officials or from any civil action brought under this subsection shall be
applied toward the repayment of any loan made to a school district hereunder.

(15) In the event a majority of the membership of the school board of any school district resigns from office, the State Board of Education shall be authorized to assign an interim conservator, who shall be responsible for the administration, management and operation of the school district until such time as new board members are selected or the Governor declares a state of emergency in that school district under subsection (11), whichever occurs first. In such case, the State Board of Education, acting through the interim conservator, shall have all powers which were held by the previously existing school board, and may take such action as prescribed in Section 37-17-13 and/or one or more of the actions authorized in this section.

(16) Beginning with the school district audits conducted for the 1997-1998 fiscal year, the State Board of Education, acting through the Commission on School Accreditation, shall require each school district to comply with standards established by the State Department of Audit for the verification of fixed assets and the auditing of fixed assets records as a minimum requirement for accreditation.

(17) Before December 1, 1999, the State Board of Education shall recommend a program to the Education Committees of the House of Representatives and the Senate for identifying and rewarding public schools that improve or are high performing. The program shall be described by the board in a written report, which shall include criteria and a process through which improving schools and high-performing schools will be identified and rewarded.

The State Superintendent of Education and the State Board of Education also shall develop a comprehensive accountability plan to ensure that local school boards, superintendents, principals and teachers are held accountable for student achievement. A written report on the accountability plan shall be submitted to

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the Education Committees of both houses of the Legislature before December 1, 1999, with any necessary legislative recommendations.

SECTION 22. Section 37-17-8, Mississippi Code of 1972, is amended as follows:

37-17-8. (1) The State Board of Education, through the Commission on School Accreditation, shall establish criteria for comprehensive in-service staff development plans. These criteria shall: (a) include, but not be limited to, formula and guidelines for allocating available state funds for in-service training to local school districts; (b) require that a portion of the plans be devoted exclusively for the purpose of providing staff development training for beginning teachers within that local school district and for no other purpose; and (c) require that a portion of the school district's in-service training for administrators and teachers be dedicated to the application and utilization of various disciplinary techniques. The board shall each year make recommendations to the Legislature concerning the amount of funds which shall be appropriated for this purpose.

(2) Beginning with the 1998-1999 school year, school districts shall not be required to submit staff development plans to the Commission on School Accreditation for approval. However, any school district accredited at Level 1 or Level 2 shall include, as a part of any required corrective action plan, provisions to address staff development in accordance with State Board of Education requirements. All school districts, unless specifically exempt from this section, must maintain on file staff development plans as required under this section. The plan shall have been prepared by a district committee appointed by the district superintendent and consisting of teachers, administrators, school board members, and lay people, and it shall have been approved by the district superintendent.

(3) In order to insure that teachers are not overburdened with paperwork and written reports, local school districts and
the State Board of Education shall take such steps as may be
necessary to further the reduction of paperwork requirements on
teachers.

(4) Schools meeting Level 4 or 5 accreditation standards
shall be exempted from the provisions of this section.

SECTION 23. Section 37-17-11, Mississippi Code of 1972, is
amended as follows:

37-17-11. (1) (a) Effective July 1, 2005, schools with
Level 4 or 5 accreditation standards, shall be exempted from the
provisions pursuant to Sections 37-3-4, 37-3-46, 37-3-49,
37-7-301, 37-7-306, 37-7-337, 37-9-79, 37-13-61, 37-13-67,
and 37-151-77, Mississippi Code of 1972, or (b) the process
standards included in the Mississippi Public Schools
Accountability Manual not required by law.

(b) Effective upon official issuance of State Board of
Education accreditation ratings, each school initially meeting a
status reevaluated every three (3) years If a previously exempted
school's rating is reduced to a Level 1, 2 or 3 then that school
shall automatically lose its exempt status until it again achieves
a Level 4 or 5 ranking.

(2) For the purposes of this section, a Level 4 and 5 school
is defined as designated by the State Board of Education
accreditation ratings.

(3) The State Department of Education is directed to provide
a report of all exempted process standards and nonexempted process
standards to the Office of the Governor, the Chairs of the House
and Senate Education Committees, and the Mississippi Association
of State Superintendents by December 1, 2005.

SECTION 24. Section 37-21-7, Mississippi Code of 1972, is
amended as follows:
37-21-7. (1) This section shall be referred to as the "Mississippi Elementary Schools Assistant Teacher Program," the purpose of which shall be to provide an early childhood education program that assists in the instruction of basic skills. The State Board of Education is authorized, empowered and directed to implement a statewide system of assistant teachers in kindergarten classes and in the first, second and third grades. The assistant teacher shall assist pupils in actual instruction under the strict supervision of a licensed teacher.

(2) (a) Except as otherwise authorized under subsection (7), each school district shall employ the total number of assistant teachers funded under subsection (6) of this section. The superintendent of each district shall assign the assistant teachers to the kindergarten, first-, second- and third-grade classes in the district in a manner that will promote the maximum efficiency, as determined by the superintendent, in the instruction of skills such as verbal and linguistic skills, logical and mathematical skills, and social skills.

(b) If a licensed teacher to whom an assistant teacher has been assigned is required to be absent from the classroom, the assistant teacher may assume responsibility for the classroom in lieu of a substitute teacher. However, no assistant teacher shall assume sole responsibility of the classroom for more than three (3) consecutive school days. Further, in no event shall any assistant teacher be assigned to serve as a substitute teacher for any teacher other than the licensed teacher to whom that assistant teacher has been assigned.

(3) Assistant teachers shall have, at a minimum, a high school diploma or a GED equivalent, and shall show demonstratable proficiency in reading and writing skills. The State Department of Education shall develop a testing procedure for assistant teacher applicants to be used in all school districts in the state.
In order to receive funding, each school district shall:

(i) Submit a plan on the implementation of a reading improvement program to the State Department of Education; and

(ii) Develop a plan of educational accountability and assessment of performance, including pretests and posttests, for reading in Grades 1 through 6.

Additionally, each school district shall:

(i) Provide annually a mandatory preservice orientation session, using an existing in-school service day, for administrators and teachers on the effective use of assistant teachers as part of a team in the classroom setting and on the role of assistant teachers, with emphasis on program goals;

(ii) Hold periodic workshops for administrators and teachers on the effective use and supervision of assistant teachers;

(iii) Provide training annually on specific instructional skills for assistant teachers;

(iv) Annually evaluate their program in accordance with their educational accountability and assessment of performance plan; and

(v) Designate the necessary personnel to supervise and report on their program.

The State Department of Education shall:

(a) Develop and assist in the implementation of a statewide uniform training module, subject to the availability of funds specifically appropriated therefor by the Legislature, which shall be used in all school districts for training administrators, teachers and assistant teachers. The module shall provide for the consolidated training of each assistant teacher and teacher to whom the assistant teacher is assigned, working together as a team, and shall require further periodical training for...
administrators, teachers and assistant teachers regarding the role of assistant teachers;

(b) Annually evaluate the program on the district and state level. Subject to the availability of funds specifically appropriated therefor by the Legislature, the department shall develop: (i) uniform evaluation reports, to be performed by the principal or assistant principal, to collect data for the annual overall program evaluation conducted by the department; or (ii) a program evaluation model that, at a minimum, addresses process evaluation; and

(c) Promulgate rules, regulations and such other standards deemed necessary to effectuate the purposes of this section. Noncompliance with the provisions of this section and any rules, regulations or standards adopted by the department may result in a violation of compulsory accreditation standards as established by the State Board of Education and Commission on School Accreditation.

(6) In addition to other funds allotted under the Minimum Education or Adequate Education Program, each school district shall be allotted sufficient funding for the purpose of employing assistant teachers. No assistant teacher shall be paid less than the amount he or she received in the prior school year. No school district shall receive any funds under this section for any school year during which the aggregate amount of the local contribution to the salaries of assistant teachers by the district shall have been reduced below such amount for the previous year.

For the 2001-2002 school year, the minimum salary for assistant teachers shall be Nine Thousand Three Hundred Sixty-five Dollars ($9,365.00).

For the 2002-2003 school year, the minimum salary for assistant teachers shall be Nine Thousand Nine Hundred Dollars ($9,900.00).
For the 2003-2004 school year, the minimum salary for assistant teachers shall be Ten Thousand Five Hundred Dollars ($10,500.00).

For the 2004-2005 school year, the minimum salary for assistant teachers shall be Eleven Thousand Two Hundred Dollars ($11,200.00).

For the 2005-2006 school year and school years thereafter, the minimum salary for assistant teachers shall be Twelve Thousand Dollars ($12,000.00).

In addition, for each one percent (1%) that the Sine Die General Fund Revenue Estimate Growth exceeds five percent (5%) in fiscal year 2003, 2004, 2005 or 2006, as certified by the Legislative Budget Office to the State Board of Education and subject to the specific appropriation therefor by the Legislature, the State Board of Education shall revise the salary scale in the appropriate year to provide an additional one percent (1%) across the board increase in the base salaries for assistant teachers.

The State Board of Education shall revise the salaries prescribed above for assistant teachers to conform to any adjustments made in prior fiscal years due to revenue growth over and above five percent (5%). The assistant teachers shall not be restricted to working only in the grades for which the funds were allotted, but may be assigned to other classes as provided in subsection (2)(a) of this section.

(7) (a) As an alternative to employing assistant teachers, any school district may use the allotment provided under subsection (6) of this section for the purpose of employing licensed teachers for kindergarten, first-, second- and third-grade classes; however, no school district shall be authorized to use the allotment for assistant teachers for the purpose of employing licensed teachers unless the district has established that the employment of licensed teachers using such funds will reduce the teacher:student ratio in the kindergarten,
first-, second- and third-grade classes. All state funds for assistant teachers shall be applied to reducing teacher:student ratio in Grades K-3. It is the intent of the Legislature that no school district shall dismiss any assistant teacher for the purpose of using the assistant teacher allotment to employ licensed teachers. School districts may rely only upon normal attrition to reduce the number of assistant teachers employed in that district.

(b) Schools meeting Level 4 or 5 accreditation standards shall be exempted from the provisions of this section.

SECTION 25. Section 37-41-53, Mississippi Code of 1972, is amended as follows:

37-41-53. (1) Each school board, person, firm or corporation transporting public school children on the public roads, streets and highways of the state with motor vehicles shall have said motor vehicles inspected according to the laws of the state. Each motor vehicle shall be inspected by a competent mechanic to be safe for transporting pupils on the roads, streets and highways of the state before it is released for such purpose. If such motor vehicle is found to be unsafe for transporting pupils, then it shall be properly repaired or adjusted as necessary before being used to transport pupils. The provisions of this subsection (1) shall not apply to vehicles owned by individuals and under private contract to the school district and used exclusively for transporting members of their immediate families.

(2) The State Department of Education may, at its discretion, inspect any school bus used for transporting pupils to and from the public schools or for activity purposes to determine the safety of such motor vehicle for operation on the roads, streets and highways of this state. In the event a vehicle is inspected and is found to be unsafe for transporting pupils, a report shall be filed with the appropriate school official.
indicating its deficiencies with recommendations for correcting such deficiencies.

(3) If it is determined that any buses are in such defective condition as to constitute an emergency safety hazard, those buses may be condemned and removed from service and shall not be returned to service until adequate repairs are completed and such buses are reinspected by the State Department of Education. Any school official who approves the operation of any school bus that has been removed from service under the conditions listed above, prior to being reinspected by the State Department of Education, shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for a period not to exceed sixty (60) days, or a fine of not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment, in the discretion of the court.

SECTION 26. Section 37-151-77, Mississippi Code of 1972, is amended as follows:

37-151-77. (1) To qualify for funds provided in this chapter, each school district shall not exceed a pupil-teacher ratio based on enrollment in Grades 1, 2, 3 and 4 as follows: 27:1.

(2) For Grades kindergarten and 5 through 12, pupil-teacher ratio shall be determined based on appropriate accreditation standards developed by the Mississippi Commission on School Accreditation.

(3) Any local district may apply to the State Board of Education for approval of a waiver to this section by submitting and justifying an alternative educational program to serve the needs of enrollment in Grades kindergarten and 1 through 4. The State Board of Education shall approve or disapprove of such waiver forty-five (45) days after receipt of such application. If a school district violates the provisions of this section, the
state aid for the ensuing fiscal year to such school district shall be reduced by the percentage variance that the actual pupil-teacher ratios in such school district has to the required pupil-teacher ratios mandated in this section. Provided, that notwithstanding the provisions of this section, the State Board of Education is authorized to waive the pupil-teacher requirements specified herein upon a finding that a good faith effort is being made by the school district concerned to comply with the ratio provisions but that for lack of classroom space which was beyond its control it is physically impossible for the district to comply, and the cost of temporary classroom space cannot be justified.

(4) Schools meeting Level 4 or 5 accreditation standards shall be exempted from the provisions of this section.

SECTION 27. Section 37-7-301, Mississippi Code of 1972, is amended as follows:

37-7-301. The school boards of all school districts shall have the following powers, authority and duties in addition to all others imposed or granted by law, to wit: (a) To organize and operate the schools of the district and to make such division between the high school grades and elementary grades as, in their judgment, will serve the best interests of the school;

(b) To introduce public school music, art, manual training and other special subjects into either the elementary or high school grades, as the board shall deem proper;

(c) To be the custodians of real and personal school property and to manage, control and care for same, both during the school term and during vacation;

(d) To have responsibility for the erection, repairing and equipping of school facilities and the making of necessary school improvements;
(e) To suspend or to expel a pupil or to change the placement of a pupil to the school district's alternative school or home-bound program for misconduct in the school or on school property, as defined in Section 37-11-29, on the road to and from school, or at any school-related activity or event, or for conduct occurring on property other than school property or other than at a school-related activity or event when such conduct by a pupil, in the determination of the school superintendent or principal, renders that pupil's presence in the classroom a disruption to the educational environment of the school or a detriment to the best interest and welfare of the pupils and teacher of such class as a whole, and to delegate such authority to the appropriate officials of the school district;

(f) To visit schools in the district, in their discretion, in a body for the purpose of determining what can be done for the improvement of the school in a general way;

(g) To support, within reasonable limits, the superintendent, principal and teachers where necessary for the proper discipline of the school;

(h) To exclude from the schools students with what appears to be infectious or contagious diseases; provided, however, such student may be allowed to return to school upon presenting a certificate from a public health officer, duly licensed physician or nurse practitioner that the student is free from such disease;

(i) To require those vaccinations specified by the State Health Officer as provided in Section 41-23-37, Mississippi Code of 1972;

(j) To see that all necessary utilities and services are provided in the schools at all times when same are needed;

(k) To authorize the use of the school buildings and grounds for the holding of public meetings and gatherings of the people under such regulations as may be prescribed by said board;
(l) To prescribe and enforce rules and regulations not inconsistent with law or with the regulations of the State Board of Education for their own government and for the government of the schools, and to transact their business at regular and special meetings called and held in the manner provided by law;

(m) To maintain and operate all of the schools under their control for such length of time during the year as may be required;

(n) To enforce in the schools the courses of study and the use of the textbooks prescribed by the proper authorities;

(o) To make orders directed to the superintendent of schools for the issuance of pay certificates for lawful purposes on any available funds of the district and to have full control of the receipt, distribution, allotment and disbursement of all funds provided for the support and operation of the schools of such school district whether such funds be derived from state appropriations, local ad valorem tax collections, or otherwise;

(p) To select all school district personnel in the manner provided by law, and to provide for such employee fringe benefit programs, including accident reimbursement plans, as may be deemed necessary and appropriate by the board;

(q) To provide athletic programs and other school activities and to regulate the establishment and operation of such programs and activities;

(r) To join, in their discretion, any association of school boards and other public school-related organizations, and to pay from local funds other than minimum foundation funds, any membership dues;

(s) To expend local school activity funds, or other available school district funds, other than minimum education program funds, for the purposes prescribed under this paragraph. "Activity funds" shall mean all funds received by school officials in all school districts paid or collected to participate in any
school activity, such activity being part of the school program and partially financed with public funds or supplemented by public funds. The term "activity funds" shall not include any funds raised and/or expended by any organization unless commingled in a bank account with existing activity funds, regardless of whether the funds were raised by school employees or received by school employees during school hours or using school facilities, and regardless of whether a school employee exercises influence over the expenditure or disposition of such funds. Organizations shall not be required to make any payment to any school for the use of any school facility if, in the discretion of the local school governing board, the organization's function shall be deemed to be beneficial to the official or extracurricular programs of the school. For the purposes of this provision, the term "organization" shall not include any organization subject to the control of the local school governing board. Activity funds may only be expended for any necessary expenses or travel costs, including advances, incurred by students and their chaperons in attending any in-state or out-of-state school-related programs, conventions or seminars and/or any commodities, equipment, travel expenses, purchased services or school supplies which the local school governing board, in its discretion, shall deem beneficial to the official or extracurricular programs of the district, including items which may subsequently become the personal property of individuals, including yearbooks, athletic apparel, book covers and trophies. Activity funds may be used to pay travel expenses of school district personnel. The local school governing board shall be authorized and empowered to promulgate rules and regulations specifically designating for what purposes school activity funds may be expended. The local school governing board shall provide (i) that such school activity funds shall be maintained and expended by the principal of the school generating the funds in individual bank accounts, or (ii) that such school
activity funds shall be maintained and expended by the superintendent of schools in a central depository approved by the board. The local school governing board shall provide that such school activity funds be audited as part of the annual audit required in Section 37-9-18. The State Auditor shall prescribe a uniform system of accounting and financial reporting for all school activity fund transactions;

(t) To contract, on a shared savings, lease or lease-purchase basis, for energy efficiency services and/or equipment as provided for in Section 31-7-14, not to exceed ten (10) years;

(u) To maintain accounts and issue pay certificates on school food service bank accounts;

(v) (i) To lease a school building from an individual, partnership, nonprofit corporation or a private for-profit corporation for the use of such school district, and to expend funds therefor as may be available from any nonminimum program sources. The school board of the school district desiring to lease a school building shall declare by resolution that a need exists for a school building and that the school district cannot provide the necessary funds to pay the cost or its proportionate share of the cost of a school building required to meet the present needs. The resolution so adopted by the school board shall be published once each week for three (3) consecutive weeks in a newspaper having a general circulation in the school district involved, with the first publication thereof to be made not less than thirty (30) days prior to the date upon which the school board is to act on the question of leasing a school building. If no petition requesting an election is filed prior to such meeting as hereinafter provided, then the school board may, by resolution spread upon its minutes, proceed to lease a school building. If at any time prior to said meeting a petition signed by not less than twenty percent (20%) or fifteen hundred (1500), whichever is
less, of the qualified electors of the school district involved shall be filed with the school board requesting that an election be called on the question, then the school board shall, not later than the next regular meeting, adopt a resolution calling an election to be held within such school district upon the question of authorizing the school board to lease a school building. Such election shall be called and held, and notice thereof shall be given, in the same manner for elections upon the questions of the issuance of the bonds of school districts, and the results thereof shall be certified to the school board. If at least three-fifths (3/5) of the qualified electors of the school district who voted in such election shall vote in favor of the leasing of a school building, then the school board shall proceed to lease a school building. The term of the lease contract shall not exceed twenty (20) years, and the total cost of such lease shall be either the amount of the lowest and best bid accepted by the school board after advertisement for bids or an amount not to exceed the current fair market value of the lease as determined by the averaging of at least two (2) appraisals by certified general appraisers licensed by the State of Mississippi. The term "school building" as used in this item (v) shall be construed to mean any building or buildings used for classroom purposes in connection with the operation of schools and shall include the site therefor, necessary support facilities, and the equipment thereof and appurtenances thereto such as heating facilities, water supply, sewage disposal, landscaping, walks, drives and playgrounds. The term "lease" as used in this item (v)(i) may include a lease/purchase contract;

(ii) If two (2) or more school districts propose to enter into a lease contract jointly, then joint meetings of the school boards having control may be held but no action taken shall be binding on any such school district unless the question of leasing a school building is approved in each participating school district involved.
district under the procedure hereinabove set forth in item (v)(i).

All of the provisions of item (v)(i) regarding the term and amount of the lease contract shall apply to the school boards of school districts acting jointly. Any lease contract executed by two (2) or more school districts as joint lessees shall set out the amount of the aggregate lease rental to be paid by each, which may be agreed upon, but there shall be no right of occupancy by any lessee unless the aggregate rental is paid as stipulated in the lease contract. All rights of joint lessees under the lease contract shall be in proportion to the amount of lease rental paid by each;

(w) To employ all noninstructional and noncertificated employees and fix the duties and compensation of such personnel deemed necessary pursuant to the recommendation of the superintendent of schools;

(x) To employ and fix the duties and compensation of such legal counsel as deemed necessary;

(y) Subject to rules and regulations of the State Board of Education, to purchase, own and operate trucks, vans and other motor vehicles, which shall bear the proper identification required by law;

(z) To expend funds for the payment of substitute teachers and to adopt reasonable regulations for the employment and compensation of such substitute teachers;

(aa) To acquire in its own name by purchase all real property which shall be necessary and desirable in connection with the construction, renovation or improvement of any public school building or structure. Whenever the purchase price for such real property is greater than Fifty Thousand Dollars ($50,000.00), the school board shall not purchase the property for an amount exceeding the fair market value of such property as determined by the average of at least two (2) independent appraisals by certified general appraisers licensed by the State of Mississippi.
If the board shall be unable to agree with the owner of any such real property in connection with any such project, the board shall have the power and authority to acquire any such real property by condemnation proceedings pursuant to Section 11-27-1 et seq., Mississippi Code of 1972, and for such purpose, the right of eminent domain is hereby conferred upon and vested in said board.

Provided further, that the local school board is authorized to grant an easement for ingress and egress over sixteenth section land or lieu land in exchange for a similar easement upon adjoining land where the exchange of easements affords substantial benefit to the sixteenth section land; provided, however, the exchange must be based upon values as determined by a competent appraiser, with any differential in value to be adjusted by cash payment. Any easement rights granted over sixteenth section land under such authority shall terminate when the easement ceases to be used for its stated purpose. No sixteenth section or lieu land which is subject to an existing lease shall be burdened by any such easement except by consent of the lessee or unless the school district shall acquire the unexpired leasehold interest affected by the easement;

(bb) To charge reasonable fees related to the educational programs of the district, in the manner prescribed in Section 37-7-335;

(cc) Subject to rules and regulations of the State Board of Education, to purchase relocatable classrooms for the use of such school district, in the manner prescribed in Section 37-1-13;

(dd) Enter into contracts or agreements with other school districts, political subdivisions or governmental entities to carry out one or more of the powers or duties of the school board, or to allow more efficient utilization of limited resources for providing services to the public;
(ee) To provide for in-service training for employees of the district. Until June 30, 1994, the school boards may designate two (2) days of the minimum school term, as defined in Section 37-19-1, for employee in-service training for implementation of the new statewide testing system as developed by the State Board of Education. Such designation shall be subject to approval by the State Board of Education pursuant to uniform rules and regulations;

(ff) As part of their duties to prescribe the use of textbooks, to provide that parents and legal guardians shall be responsible for the textbooks and for the compensation to the school district for any books which are not returned to the proper schools upon the withdrawal of their dependent child. If a textbook is lost or not returned by any student who drops out of the public school district, the parent or legal guardian shall also compensate the school district for the fair market value of the textbooks;

(gg) To conduct fund-raising activities on behalf of the school district that the local school board, in its discretion, deems appropriate or beneficial to the official or extracurricular programs of the district; provided that:
   (i) Any proceeds of the fund-raising activities shall be treated as "activity funds" and shall be accounted for as are other activity funds under this section; and
   (ii) Fund-raising activities conducted or authorized by the board for the sale of school pictures, the rental of caps and gowns or the sale of graduation invitations for which the school board receives a commission, rebate or fee shall contain a disclosure statement advising that a portion of the proceeds of the sales or rentals shall be contributed to the student activity fund;

(hh) To allow individual lessons for music, art and other curriculum-related activities for academic credit or
nonacademic credit during school hours and using school equipment
and facilities, subject to uniform rules and regulations adopted
by the school board;

(ii) To charge reasonable fees for participating in an
extracurricular activity for academic or nonacademic credit for
necessary and required equipment such as safety equipment, band
instruments and uniforms;

(jj) To conduct or participate in any fund-raising
activities on behalf of or in connection with a tax-exempt
charitable organization;

(kk) To exercise such powers as may be reasonably
necessary to carry out the provisions of this section;

(ll) To expend funds for the services of nonprofit arts
organizations or other such nonprofit organizations who provide
performances or other services for the students of the school
district;

(mm) To expend federal No Child Left Behind Act funds,
or any other available funds that are expressly designated and
authorized for that use, to pay training, educational expenses,
salary incentives and salary supplements to employees of local
school districts; except that incentives shall not be considered
part of the local supplement as defined in Section 37-151-5(o),
nor shall incentives be considered part of the local supplement
paid to an individual teacher for the purposes of Section
37-19-7(1). Mississippi Adequate Education Program funds or any
other state funds may not be used for salary incentives or salary
supplements as provided in this paragraph (mm);

(nn) To use any available funds, not appropriated or
designated for any other purpose, for reimbursement to the
state-licensed employees from both in-state and out-of-state, who
enter into a contract for employment in a school district, for the
expense of moving when the employment necessitates the relocation
of the licensed employee to a different geographical area than
that in which the licensed employee resides before entering into
the contract. The reimbursement shall not exceed One Thousand
Dollars ($1,000.00) for the documented actual expenses incurred in
the course of relocating, including the expense of any
professional moving company or persons employed to assist with the
move, rented moving vehicles or equipment, mileage in the amount
authorized for county and municipal employees under Section
25-3-41 if the licensed employee used his personal vehicle or
vehicles for the move, meals and such other expenses associated
with the relocation. No licensed employee may be reimbursed for
moving expenses under this section on more than one (1) occasion
by the same school district. Nothing in this section shall be
construed to require the actual residence to which the licensed
employee relocates to be within the boundaries of the school
district that has executed a contract for employment in order for
the licensed employee to be eligible for reimbursement for the
moving expenses. However, the licensed employee must relocate
within the boundaries of the State of Mississippi. Any individual
receiving relocation assistance through the Critical Teacher
Shortage Act as provided in Section 37-159-5 shall not be eligible
to receive additional relocation funds as authorized in this
paragraph;

(oo) To use any available funds, not appropriated or
designated for any other purpose, to reimburse persons who
interview for employment as a licensed employee with the district
for the mileage and other actual expenses incurred in the course
of travel to and from the interview at the rate authorized for
county and municipal employees under Section 25-3-41;

(pp) Consistent with the report of the Task Force to
Conduct a Best Financial Management Practices Review, to improve
school district management and use of resources and identify cost
savings as established in Section 8 of Chapter 610, Laws of 2002,
of the management and efficiency of schools and school districts. Such management and efficiency reviews shall provide state and local officials and the public with the following:

(i) An assessment of a school district's governance and organizational structure;

(ii) An assessment of the school district's financial and personnel management;

(iii) An assessment of revenue levels and sources;

(iv) An assessment of facilities utilization,

planning and maintenance;

(v) An assessment of food services, transportation and safety/security systems;

(vi) An assessment of instructional and administrative technology;

(vii) A review of the instructional management and the efficiency and effectiveness of existing instructional programs; and

(viii) Recommended methods for increasing efficiency and effectiveness in providing educational services to the public;

(qq) To enter into agreements with other local school boards for the establishment of an educational service agency (ESA) to provide for the cooperative needs of the region in which the school district is located, as provided in Section 37-7-345.

This paragraph shall repeal on July 1, 2007;

(rr) To implement a financial literacy program for students in Grades 10 and 11. The board may review the national programs and obtain free literature from various nationally recognized programs. After review of the different programs, the board may certify a program that is most appropriate for the school districts' needs. If a district implements a financial literacy program, then any student in Grade 10 or 11 may participate in the program. The financial literacy program shall
include, but is not limited to, instruction in the same areas of
personal business and finance as required under Section
37-1-3(2)(b). The school board may coordinate with volunteer
teachers from local community organizations, including, but not
limited to, the following: United States Department of
Agriculture Rural Development, United States Department of Housing
and Urban Development, Junior Achievement, bankers and other
nonprofit organizations. Nothing in this paragraph shall be
construed as to require school boards to implement a financial
literacy program;

(ss) To collaborate with the State Board of Education,
Community Action Agencies or the Department of Human Services to
develop and implement a voluntary program to provide services for
a full day prekindergarten program that addresses the cognitive,
social, and emotional needs of four-year-old and three-year-old
children. The school board may utilize nonstate source special
funds, grants, donations or gifts to fund the voluntary program;

(tt) The governing authority of each individual school
district that obtains an average school accreditation ranking of
Level 4 or higher shall have the power to adopt any orders,
resolutions or ordinances with respect to school district affairs,
property and finances which are not inconsistent with the
Mississippi Constitution of 1890, the Mississippi Code of 1972, or
any other statute or law of the State of Mississippi. Except as
otherwise provided, the powers granted to governing authorities of
school districts are complete without the existence of or
reference to any specific authority granted in any other statute
or law of the State of Mississippi and may be exercised unless
specifically prohibited by a statute or law of the State of
Mississippi. Unless such actions are specifically authorized by
another statute or law of the State of Mississippi, this section
shall not authorize the governing authority of a school district
to (i) levy taxes of any kind or increase the levy of any
authorized tax, (ii) issue bonds of any kind, or (iii) the
authority to enter into collective bargaining agreements. All
other powers of the governing authorities of school districts may
be exercised unless specifically prohibited by the statutes or
laws of the State of Mississippi;

(uu) In order to provide for economy, efficiency and
cost effectiveness in the delivery of education local district
school boards are hereby given explicit authority and
encouragement to delegate, privatize or otherwise enter into a
contract with private entities for the operation of any and all
functions of nonacademic school process, procedures and
operations, including, but not limited to, cafeteria workers,
janitorial services, transportation, professional development,,
achievement, and instructional consulting services materials and
products, purchasing cooperatives, insurance, business manager
services, auditing and accounting services, school safety/risk
prevention, data processing and student records, and other staff
services. Local districts, working through their regional
education service agency, are encouraged to enter into buying
consortia with other member districts for the purposes of more
efficient use of state resources as described in Section 37-7-345.

SECTION 28. Section 25-11-103, Mississippi Code of 1972, is
amended as follows:

25-11-103. The following words and phrases as used in
Articles 1 and 3, unless a different meaning is plainly required
by the context, have the following meanings:

(a) "Accumulated contributions" means the sum of all
the amounts deducted from the compensation of a member and
credited to his individual account in the annuity savings account,
together with regular interest as provided in Section 25-11-123.

(b) "Actuarial cost" means the amount of funds
presently required to provide future benefits as determined by the
board based on applicable tables and formulas provided by the
actuary.

(c) "Actuarial equivalent" means a benefit of equal
value to the accumulated contributions, annuity or benefit, as the
case may be, when computed upon the basis of such mortality tables
as adopted by the board of trustees, and regular interest.

(d) "Actuarial tables" means such tables of mortality
and rates of interest as adopted by the board in accordance with
the recommendation of the actuary.

(e) "Agency" means any governmental body employing
persons in the state service.

(f) "Average compensation" means the average of the
four (4) highest years of earned compensation reported for an
employee in a fiscal or calendar year period, or combination
thereof that do not overlap, or the last forty-eight (48)
consecutive months of earned compensation reported for an
employee. The four (4) years need not be successive or joined
years of service. In no case shall the average compensation so
determined be in excess of One Hundred Fifty Thousand Dollars
($150,000.00). In computing the average compensation, any amount
lawfully paid in a lump sum for personal leave or major medical
leave shall be included in the calculation to the extent that the
amount does not exceed an amount that is equal to thirty (30) days
of earned compensation and to the extent that it does not cause
the employees’ earned compensation to exceed the maximum
reportable amount specified in Section 25-11-103(k); however, this
thirty-day limitation shall not prevent the inclusion in the
calculation of leave earned under federal regulations before July
1, 1976, and frozen as of that date as referred to in Section
25-3-99. Only the amount of lump sum pay for personal leave due
and paid upon the death of a member attributable for up to one
hundred fifty (150) days shall be used in the deceased member's
average compensation calculation in determining the beneficiary's
benefits. In computing the average compensation, no amounts shall be used that are in excess of the amount on which contributions were required and paid, and no nontaxable amounts paid by the employer for health or life insurance premiums for the employee shall be used. If any member who is or has been granted any increase in annual salary or compensation of more than eight percent (8%) retires within twenty-four (24) months from the date that the increase becomes effective, then the board shall exclude that part of the increase in salary or compensation that exceeds eight percent (8%) in calculating that member's average compensation for retirement purposes. The board may enforce this provision by rule or regulation. However, increases in compensation in excess of eight percent (8%) per year granted within twenty-four (24) months of the date of retirement may be included in the calculation of average compensation if satisfactory proof is presented to the board showing that the increase in compensation was the result of an actual change in the position held or services rendered, or that the compensation increase was authorized by the State Personnel Board or was increased as a result of statutory enactment, and the employer furnishes an affidavit stating that the increase granted within the last twenty-four (24) months was not contingent on a promise or agreement of the employee to retire. Nothing in Section 25-3-31 shall affect the calculation of the average compensation of any member for the purposes of this article. The average compensation of any member who retires before July 1, 1992, shall not exceed the annual salary of the Governor.

(g) "Beneficiary" means any person entitled to receive a retirement allowance, an annuity or other benefit as provided by Articles 1 and 3. The term "beneficiary" may also include an organization, estate, trust or entity; however, a beneficiary designated or entitled to receive monthly payments under an optional settlement based on life contingency or pursuant to a
statutory monthly benefit may only be a natural person. In the
event of the death before retirement of any member whose spouse
and/or children are not entitled to a retirement allowance on the
basis that the member has less than four (4) years of service
credit and/or has not been married for a minimum of one (1) year
or the spouse has waived his or her entitlement to a retirement
allowance under Section 25-11-114, the lawful spouse of a member
at the time of the death of the member shall be the beneficiary of
the member unless the member has designated another beneficiary
after the date of marriage in writing, and filed that writing in
the office of the executive director of the board of trustees. No
designation or change of beneficiary shall be made in any other
manner.

(h) "Board" means the board of trustees provided in
Section 25-11-15 to administer the retirement system created under
this article.

(i) "Creditable service" means "prior service,"
"retroactive service" and all lawfully credited unused leave not
exceeding the accrual rates and limitations provided in Section
25-3-91 et seq., as of the date of withdrawal from service plus
"membership service" for which credit is allowable as provided in
Section 25-11-109. Except to limit creditable service reported to
the system for the purpose of computing an employee's retirement
allowance or annuity or benefits provided in this article, nothing
in this paragraph shall limit or otherwise restrict the power of
the governing authority of a municipality or other political
subdivision of the state to adopt such vacation and sick leave
policies as it deems necessary.

(j) "Child" means either a natural child of the member,
a child that has been made a child of the member by applicable
court action before the death of the member, or a child under the
permanent care of the member at the time of the latter's death,
which permanent care status shall be determined by evidence satisfactory to the board.

(k) "Earned compensation" means the full amount earned by an employee for a given pay period including any maintenance furnished up to a maximum of One Hundred Fifty Thousand Dollars ($150,000.00) per year, and proportionately for less than one (1) year of service. The value of that maintenance when not paid in money shall be fixed by the employing state agency, and, in case of doubt, by the board of trustees as defined in Section 25-11-15. Earned compensation shall not include any nontaxable amounts paid by the employer for health or life insurance premiums for an employee. In any case, earned compensation shall be limited to the regular periodic compensation paid, exclusive of litigation fees, bond fees, and other similar extraordinary nonrecurring payments. In addition, any member in a covered position, as defined by Public Employees' Retirement System laws and regulations, who is also employed by another covered agency or political subdivision shall have the earnings of that additional employment reported to the Public Employees' Retirement System regardless of whether the additional employment is sufficient in itself to be a covered position. In addition, computation of earned compensation shall be governed by the following:

(i) In the case of constables, the net earnings from their office after deduction of expenses shall apply, except that in no case shall earned compensation be less than the total direct payments made by the state or governmental subdivisions to the official.

(ii) In the case of chancery or circuit clerks, the net earnings from their office after deduction of expenses shall apply as expressed in Section 25-11-123(f)(4).

(iii) In the case of members of the State Legislature, all remuneration or amounts paid, except mileage allowance, shall apply.
(iv) The amount by which an eligible employee's salary is reduced under a salary reduction agreement authorized under Section 25-17-5 shall be included as earned compensation under this paragraph, provided this inclusion does not conflict with federal law, including federal regulations and federal administrative interpretations under the federal law, pertaining to the Federal Insurance Contributions Act or to Internal Revenue Code Section 125 cafeteria plans.

(v) Compensation in addition to an employee's base salary that is paid to the employee under the vacation and sick leave policies of a municipality or other political subdivision of the state that employs him that exceeds the maximums authorized by Section 25-3-91 et seq. shall be excluded from the calculation of earned compensation under this article.

(vi) The maximum salary applicable for retirement purposes before July 1, 1992, shall be the salary of the Governor.

(vii) Nothing in Section 25-3-31 shall affect the determination of the earned compensation of any member for the purposes of this article.

(l) "Employee" means any person legally occupying a position in the state service, and shall include the employees of the retirement system created under this article. The term "employee" shall not include any employee of a private entity which leases staff to a local school board to provide noninstructional services pursuant to Section 37-7-301(uu).

(m) "Employer" means the State of Mississippi or any of its departments, agencies or subdivisions from which any employee receives his compensation.

(n) "Executive director" means the secretary to the board of trustees, as provided in Section 25-11-15(9), and the administrator of the Public Employees' Retirement System and all systems under the management of the board of trustees. Wherever the term "Executive Secretary of the Public Employees' Retirement System" appears, it shall mean the "Executive director".
System" or "executive secretary" appears in this article or in any other provision of law, it shall be construed to mean the Executive Director of the Public Employees' Retirement System.

(o) "Fiscal year" means the period beginning on July 1 of any year and ending on June 30 of the next succeeding year.

(p) "Medical board" means the board of physicians or any governmental or nongovernmental disability determination service designated by the board of trustees that is qualified to make disability determinations as provided for in Section 25-11-119.

(q) "Member" means any person included in the membership of the system as provided in Section 25-11-105.

(r) "Membership service" means service as an employee rendered while a member of the retirement system.

(s) "Position" means any office or any employment in the state service, or two (2) or more of them, the duties of which call for services to be rendered by one (1) person, including positions jointly employed by federal and state agencies administering federal and state funds. The employer shall determine upon initial employment and during the course of employment of an employee who does not meet the criteria for coverage in the Public Employees' Retirement System based on the position held, whether the employee is or becomes eligible for coverage in the Public Employees' Retirement System based upon any other employment in a covered agency or political subdivision. If or when the employee meets the eligibility criteria for coverage in the other position, then the employer must withhold contributions and report wages from the noncovered position in accordance with the provisions for reporting of earned compensation. Failure to deduct and report those contributions shall not relieve the employee or employer of liability thereof. The board shall adopt such rules and regulations as necessary to implement and enforce this provision.
(t) "Prior service" means service rendered before February 1, 1953, for which credit is allowable under Sections 25-11-105 and 25-11-109, and which shall allow prior service for any person who is now or becomes a member of the Public Employees' Retirement System and who does contribute to the system for a minimum period of four (4) years.

(u) "Regular interest" means interest compounded annually at such a rate as determined by the board in accordance with Section 25-11-121.

(v) "Retirement allowance" means an annuity for life as provided in this article, payable each year in twelve (12) equal monthly installments beginning as of the date fixed by the board. The retirement allowance shall be calculated in accordance with Section 25-11-111. However, any spouse who received a spouse retirement benefit in accordance with Section 25-11-111(d) before March 31, 1971, and those benefits were terminated because of eligibility for a social security benefit, may again receive his spouse retirement benefit from and after making application with the board of trustees to reinstate the spouse retirement benefit.

(w) "Retroactive service" means service rendered after February 1, 1953, for which credit is allowable under Section 25-11-105(b) and Section 25-11-105(k).

(x) "System" means the Public Employees' Retirement System of Mississippi established and described in Section 25-11-101.

(y) "State" means the State of Mississippi or any political subdivision thereof or instrumentality of the state.

(z) "State service" means all offices and positions of trust or employment in the employ of the state, or any political subdivision or instrumentality of the state, that elect to participate as provided by Section 25-11-105(f), including the position of elected or fee officials of the counties and their deputes and employees performing public services or any
department, independent agency, board or commission thereof, and
also includes all offices and positions of trust or employment in
the employ of joint state and federal agencies administering state
and federal funds and service rendered by employees of the public
schools. Effective July 1, 1973, all nonprofessional public
school employees, such as bus drivers, janitors, maids,
maintenance workers and cafeteria employees, shall have the option
to become members in accordance with Section 25-11-105(b), and
shall be eligible to receive credit for services before July 1, 1973, provided that the contributions and interest are paid by the
employee in accordance with that section; in addition, the county
or municipal separate school district may pay the employer
contribution and pro rata share of interest of the retroactive
service from available funds. From and after July 1, 1998,
retroactive service credit shall be purchased at the actuarial
cost in accordance with Section 25-11-105(b).

(aa) "Withdrawal from service" or "termination from
service" means complete severance of employment in the state
service of any member by resignation, dismissal or discharge.

(bb) The masculine pronoun, wherever used, includes the
feminine pronoun.

SECTION 29. Section 25-11-127, Mississippi Code of 1972, is
amended as follows:

25-11-127. (1) (a) No person who is being paid a
retirement allowance or a pension after retirement under this
article shall be employed or paid for any service by the State of
Mississippi, except as provided in this section.

(b) No retiree of this retirement system who is
reemployed or is reelected to office after retirement shall
continue to draw retirement benefits while so reemployed, except
as provided in this section.
(c) No person employed or elected under the exceptions provided for in this section shall become a member under Article 3 of the retirement system.

(2) Any person who has been retired under the provisions of Article 3 and who is later reemployed in service covered by this article shall cease to receive benefits under this article and shall again become a contributing member of the retirement system. When the person retires again, if the reemployment exceeds six (6) months, the person shall have his or her benefit recomputed, including service after again becoming a member, provided that the total retirement allowance paid to the retired member in his or her previous retirement shall be deducted from the member’s retirement reserve and taken into consideration in recalculating the retirement allowance under a new option selected.

(3) The board shall have the right to prescribe rules and regulations for carrying out the provisions of this section.

(4) The provisions of this section shall not be construed to prohibit any retiree, regardless of age, from being employed and drawing a retirement allowance either:

(a) For a period of time not to exceed one-half (1/2) of the normal working days for the position in any fiscal year during which the retiree will receive no more than one-half (1/2) of the salary in effect for the position at the time of employment, or

(b) For a period of time in any fiscal year sufficient in length to permit a retiree to earn not in excess of twenty-five percent (25%) of retiree’s average compensation.

To determine the normal working days for a position under paragraph (a) of this subsection, the employer shall determine the required number of working days for the position on a full-time basis and the equivalent number of hours representing the full-time position. The retiree then may work up to one-half (1/2) of the required number of working days or up to one-half
(1/2) of the equivalent number of hours and receive up to one-half
(1/2) of the salary for the position. In the case of employment
with multiple employers, the limitation shall equal one-half (1/2)
of the number of days or hours for a single full-time position.
Notice shall be given in writing to the executive director,
setting forth the facts upon which the employment is being made,
and the notice shall be given within five (5) days from the date
of employment and also from the date of termination of the
employment.

(5) Any member may continue in municipal or county elected
office or be elected to a municipal or county office, provided
that the person:

(a) Files annually, in writing, in the office of the
employer and the office of the executive director of the system
before the person takes office or as soon as possible after
retirement, a waiver of all salary or compensation and elects to
receive in lieu of that salary or compensation a retirement
allowance as provided in this section, in which event no salary or
compensation shall thereafter be due or payable for those
services; however, any such officer or employee may receive, in
addition to the retirement allowance, office expense allowance,
mileage or travel expense authorized by any statute of the State
of Mississippi; or

(b) Elects to receive compensation for that elective
office in an amount not to exceed twenty-five percent (25%) of the
retiree's average compensation. As used in this paragraph, the
term "compensation" shall not include office expense allowance,
mileage or travel expense authorized by a statute of the State of
Mississippi. In order to receive compensation as allowed in this
paragraph, the member shall file annually, in writing, in the
office of the employer and the office of the executive director of
the system, an election to receive, in addition to a retirement
allowance, compensation as allowed in this paragraph.
This section shall not be construed to mean that any employee of a private entity which leases staff to local school boards to provide noninstructional services as authorized in Section 37-7-301(uu) shall become a member of the retirement system.

SECTION 30. The Legislature declares that the following are the purposes of this act:

(a) To provide increased opportunities in the public school system for students to learn in an educational environment that best meets their needs;

(b) To provide new forms of accountability for schools;

(c) To encourage increased involvement of parents and teachers in the operation and decision-making of a local public school;

(d) To encourage innovative and effective teaching methods; and

(e) To create new professional opportunities for teachers.

SECTION 31. For purposes of this act, the term "charter school" means a school that is operating under the terms of a charter granted by a local school district or the State Board of Education.

SECTION 32. (1) A charter school may be formed in one (1) of the following manners:

(a) By creating a new school, upon application for a new charter school made by any person, group of persons, organization or public institution; or

(b) By a local school board, on its own motion, converting one or more of its schools to charter status.

(2) The organizers of a proposed charter school may apply to, and the school may be sponsored by, the school board of the school district in which the proposed charter school is to be located or the State Board of Education.
SECTION 33. In order for a school to be granted charter status and to maintain charter status, the school must satisfy the following requirements:

(a) The school may not charge tuition;

(b) The school may not discriminate on the basis of ethnicity, national origin, gender, income level, disabling condition or athletic ability;

(c) The school must meet all applicable health, safety and civil rights requirements;

(d) The school must be subject to financial audits in the same manner as public school districts;

(e) The school must be nonsectarian in its programs, admission policies and employment practices;

(f) The school must be accountable to the chartering to authority for performance as required under this act; and

(g) The school must issue annual reports to parents and the chartering authority and must make the reports available to the public. These reports must include a financial statement, a description of the school's progress in reaching academic goals and a measure of parental satisfaction. The school shall submit a copy of the annual report to the State Department of Education.

SECTION 34. (1) A charter school sponsored by a local school district must be open to admission to all students residing in that district. Students from outside the school district may be admitted if the chartering district and the charter school agree to and establish in the school's charter a procedure for the enrollment and admission of such students. If a student from outside the school district enrolls in the charter school, the school district from which the student comes may submit an amount equal to that student's pro rata share of the school district's local funds to the charter school.

(2) A charter school sponsored by the State Board of Education must be open to any student residing in the state.
(3) A school district may not assign students to a charter school.

(4) A charter school is subject to any desegregation court orders in effect in the school district in which the charter school is located.

(5) A charter school must enroll an eligible student who submits a timely application for enrollment unless the number of applications for enrollment in a program, class, grade level or school building exceeds the capacity of that program, class, grade level or school building. If an excess number of applications are received by the charter school, all applicants must have an equal chance of being admitted under the following guidelines:

(a) The school may not limit admission to students on the basis of intellectual ability, measure of achievement or aptitude unless directly related to the school's academic mission, as identified in the charter.

(b) The school may give preference in enrollment in the school's first year of operation to children of the founders and teachers of the charter school. In subsequent years, preference may be given to children of teachers and siblings of students enrolled at the school during the previous year and who will be enrolled in the current school year.

(c) The number of students given preference in enrollment may not exceed fifty percent (50%) of the enrollment capacity of a program, class, grade level or school building.

(d) Charter schools shall determine enrollment by a random selection method. An applicant in a preference category is eligible for inclusion in the general selection process if the applicant is not selected from the preference category.

SECTION 35. (1) A charter school must organize as a nonprofit corporation and must pursue, with due diligence, tax-exempt status under 501(c)(3) of the Internal Revenue Code.

(2) A charter school may sue and be sued.
(3) A charter school may borrow funds and invest funds. Funds received and earnings from investments on gifts from nongovernmental entities may be accounted for separately. If a charter school closes, all unspent government funds, unspent earnings from those funds and assets purchased with government funds will revert to the state. Unspent funds from nongovernmental sources, unspent earnings from those funds, assets purchased with those funds and debts of the school (unless otherwise provided for in the charter or debt instrument) shall revert to the nonprofit entity created to operate the school and may be disposed of according to applicable laws for nonprofit corporations. A government entity shall not be liable for any debt of the charter school unless that entity explicitly authorized the debt and agreed to be liable for nonpayment of the debt. A sponsor's approval of a charter school budget that includes debt does not constitute the sponsor's liability for that debt.

(4) Members of a local school board or the State Board of Education are immune from civil or criminal liability with respect to all activities of a charter school approved or sponsored by the local school board or State Board of Education. The local school board or the State Board of Education, in its official capacity as sponsor of a charter school, may be held liable only for matters with which the respective board has been involved directly.

SECTION 36. (1) The term of a charter shall be five (5) school years.

(2) The charter must include the following:

(a) Assurances that:

(i) The school will not charge tuition or other fees except in those instances when tuition or fees are allowed by law to be charged by public school districts;

(ii) The school will comply with federal, state and local rules, regulations and statutes relating to safety,
civil rights and insurance. The State Department of Education shall publish a list of relevant rules, regulations and statutes to notify charter schools of their responsibilities under this subparagraph;

(iii) The school will be nonsectarian in programs, admission policies and employment practices;

(iv) The school will comply with the same audit requirements as public school districts and will cooperate fully in audits conducted under the direction of the State Auditor; and

(v) The school will comply with all federal and state laws relating to the education of children with disabilities;

(b) A description of the governing body that is responsible for the policy and operational decisions of the charter school, including the names of that body's initial members and a description of the method by which subsequent members will be elected and the method by which fairness and objectivity of those elections will be assured;

(c) A description of the objective method or methods that will be used to measure student progress;

(d) A description of the school’s plan for the transportation of students;

(e) A description of the school’s plan for handling disruptive students;

(f) A description of the school’s plan to provide reasonable public notice of the existence, nature and application requirements of the charter school. This notice must include at least one (1) informational meeting to which the public is invited. Local school districts shall provide reasonable assistance, if requested by the charter school, in providing such notice in their districts. However, the actual expenses incurred by the districts in providing the requested assistance must be paid by the charter school;
(g) Any other matters required by this act to be included in a charter; and

(h) Any other matters that the sponsor and charter school agree to include. Failure to agree on such additional matters shall not constitute grounds for rejection of a charter application.

(3) The charter must include the following attachments:

(a) A description of the program of instruction. A charter school must provide a comprehensive program of instruction for at least one (1) complete grade level of kindergarten, elementary or secondary education. A school may offer this program of instruction with an emphasis on a specific learning philosophy, style or certain subject area. If the school is a high school, the program of instruction must ensure that in order to be eligible for graduation, a student must have earned the minimum number of units required for graduation from public high schools by the State Board of Education. A school may add grade levels during any year of the charter, if notice of the additional grade levels is submitted to the sponsor of the charter school at least six (6) months before the beginning of the school year in which those grade levels will be offered; and

(b) A budget encompassing all necessary items for operating the school, based on one or more projections of the number of students the school anticipates serving in the year for which the budget is prepared.

(4) Provisions of the charter may be amended at any time by agreement between the school and the sponsor of the charter school. The attachments must be submitted to the sponsor by the school on an annual basis and may not be revised by the sponsor unless the information in the submissions indicates a violation of the charter, this act or any other law.
SECTION 37. (1) An application for a charter consists of a proposed charter and all attachments required under Section 54 of this act.

(2) The State Board of Education or a local school board to which an application for a charter has been submitted must respond to the application within thirty (30) days after receiving the application. The response may be in the form of approval of the application as submitted, rejection or approval of the application subject to negotiation of details, which negotiation must be conducted in good faith.

(3) An application for a charter must be approved unless:
   (a) The application does not contain all items required by this act;
   (b) One or more of the application's provisions are not in compliance with applicable law; or
   (c) The sponsor determines that the applicants are incompetent to carry out one or more of the plans described in the application, in which case the incompetence must be documented by the State Board of Education or the local school district to which the application was submitted.

(4) If an application for a charter is rejected, the chartering authority must provide written notice to the applicant of the basis for the rejection.

(5) The rejection of an application by the State Board of Education or by a local school district to which the application was submitted does not bar submission of the same application to a different chartering authority. The State Board of Education must provide technical assistance to an applicant whose application has been rejected.

SECTION 38. (1) At the end of a charter school's fourth year of operation, the sponsor of the school must renew the agreement, with any modifications that are the product of a good
faith negotiation, for an additional five (5) years if the following conditions have been met:

(a) The school substantially has met the requirements for student performance stated in the agreement; and

(b) The school substantially has complied with other provisions of the charter.

(2) A charter issued under this act may be revoked by the sponsor, and the charter school must be closed, if the sponsor determines that one or more of the following have occurred:

(a) Repeated or substantial failure of the charter school to maintain applicable safety standards;

(b) Substantial failure of the charter school to meet auditing or other financial standards as required under this act;

(c) Blatant and recurrent violations of provisions of the charter; or

(d) The existence of one or more grounds for revocation as specified in the charter.

(3) If a charter is revoked, the charter school must remain open until the end of the school year in which the revocation takes effect unless the State Department of Education determines that an extreme emergency situation that jeopardizes the safety and security of the students of the school exists.

(4) The revocation or nonrenewal of a charter must be accompanied by a list of specific reasons for the action. The charter school may seek judicial review of the decision to revoke or not to renew a charter.

SECTION 39. (1) Except as otherwise provided under subsection (2) of this section, all schools chartered under this act are exempt from those statutes applicable to the public schools and the rules, regulations, policies and procedures of the State Board of Education and the local school district. A charter school must comply with general health and safety standards.
(2) Charter schools are not exempt from the following statutes:
   (a) Section 37-9-75, which relates to teacher strikes;
   (b) Section 37-11-20, which prohibits acts of intimidation intended to keep a student from attending school;
   (c) Section 37-11-21, which prohibits parental abuse of school staff;
   (d) Section 37-11-23, which prohibits the willful disruption of school and school meetings;
   (e) Sections 37-11-29 and 37-11-31, which relate to reporting requirements regarding unlawful or violent acts on school property; and
   (f) Section 37-19-53, which prohibits false reporting of student counts by school officials.

SECTION 40. (1) A school district may not assign teachers employed by the district to a charter school. A charter school may hire the teachers to be employed by the school and negotiate contracts.
   (2) Teachers in charter schools are employees of the school.
   (3) The governing body of a charter school must disclose the qualifications of the teachers in the charter school to the students' parents.
   (4) Charter school teachers are eligible for the same health and retirement benefits as other public school teachers. Charter schools may pay for all or part of a teacher's health insurance premiums, including family coverage, as part of the teacher's compensation package.

SECTION 41. (1) A school district, school district employee or any other person who has control over personnel actions may not take unlawful reprisal against an employee of the school district because the employee is directly or indirectly involved in an application to establish a charter school. A school district employee may not take unlawful reprisal against an educational...
program of the school or the school district because an
application to establish a charter school proposes the conversion
of all or a portion of the educational program to a charter
school.

(2) As used in this section, the term "unlawful reprisal"
means:

(a) With respect to a school district employee, an
action that is taken by another school district employee as a
direct result of a lawful application to establish a charter
school and which is adverse to the employee and results in one or
more of the following for the employee:

(i) Disciplinary or corrective action;
(ii) Detail, transfer or reassignment;
(iii) Suspension, demotion or dismissal;
(iv) An unfavorable performance evaluation;
(v) A reduction in pay, benefits or awards;
(vi) Elimination of the employee's position
without a reduction in force by reason of lack of monies or work;

or

(vii) Other significant changes in duties or
responsibilities which are inconsistent with the employee's salary
or employment classification; and

(b) With respect to an educational program, an action
that is taken by a school district employee as a direct result of
a lawful application to establish a charter school and which is
adverse to the educational program and results in one or more of
the following:

(i) Suspension or termination of the program;
(ii) Transfer or reassignment of the program to a
less favorable department;

(iii) Relocation of the program to a less
favorable site within the school or school district; or
(iv) Significant reduction or termination of funding for the program.

SECTION 42. (1) A charter school's funding must be based on the number of students enrolled in and in attendance at the school.

(2) For a school sponsored by a local district, local funding must be negotiated between the school district and the school. State funding shall be calculated by multiplying the average daily attendance at the charter school by the state's portion of the district's per-pupil expenditures two (2) school years preceding the school year being funded. Federal funds must be distributed as dictated by federal law.

(3) A charter school sponsored by the State Board of Education shall notify and request state, local and federal funds from each school district in which a student attending the school resides. Those school districts shall include such students in their average daily attendance reports in a manner determined by the State Board of Education. The charter school also shall send a copy of each notification and request for funding to the State Department of Education. Local and state per-pupil funding shall be equal to the local and state portion, respectively, of the per-pupil expenditures two (2) school years preceding the school year being funded in the district in which the student resides.

(4) The State Board of Education shall define the means by which a school district may require verification of residency and attendance at a charter school. A district must remit requested funds in a timely fashion, as defined by the State Board of Education. When contributions are not forwarded in a timely manner, the state shall assess a ten percent (10%) penalty payable to the charter school for failure to forward the contribution.

(5) For a new charter school, preenrollment or other reasonable information shall be the basis for initial funding. The State Board of Education shall define the types of information...
that may be used for this purpose, as well as methods of
correcting any discrepancies between the original estimates on
which funding is based and the actual average daily attendance.

(6) The charter school may receive gifts and grants from any
public or private sources.

SECTION 43. (1) A school district may lease space or sell
services to a charter school. A school district must make unused
buildings available to a charter school and must bargain in good
faith over the terms of the lease.

(2) A charter school may lease space or secure services from
another public body, nonprofit organization, or private
organization or individual.

(3) A sponsor may issue a charter to a charter school
applicant before the applicant has secured space, equipment and
personnel if the applicant indicates authorization is necessary
for the school to raise working capital.

SECTION 44. The charter school must include a transportation
plan for its students as part of the charter. The state will
provide transportation funds to the charter school at the same
rate as provided for other public school students.

SECTION 45. (1) There is established in the State Treasury
a fund to be known as the "Charter Schools Stimulus Revolving Loan
Fund." The purpose of the fund is to provide financial support to
charter school applicants and charter schools for start-up costs
and costs associated with renovating or remodeling existing
buildings and structures. The fund shall consist of monies
appropriated by the Legislature, repaid loans from borrowers and
grants, gifts, devises and donations from any public or private
source. The State Board of Education shall administer the fund
and may apply for any grants from the federal government or
private sources.

(2) The State Board of Education shall adopt rules and
regulations necessary for the implementation of this section,
including application and notification requirements. If sufficient funds are available for this purpose, monies from the Charter Schools Stimulus Revolving Loan Fund will be distributed to qualifying charter school applicants and charter schools in the following manner:

(a) Each qualifying charter school applicant or charter school will be awarded an initial loan of not more than Fifty Thousand Dollars ($50,000.00) before or during the first year of the charter school's operation. This loan must be repaid over a period of no more than five (5) years. If any applicant for a charter school receives an initial loan pursuant to this paragraph and fails to begin operating a charter school within the following eighteen (18) months, the applicant shall reimburse the Charter Schools Stimulus Revolving Loan Fund for the amount of the initial loan plus interest calculated at a rate of ten percent (10%) per year.

(b) Applicants for charter schools and charter schools that receive initial loans pursuant to paragraph (a) of this subsection may apply for an additional loan of not more than Fifty Thousand Dollars ($50,000.00). This loan must be repaid over a period of no more than five (5) years. If an applicant for a charter school receives an additional loan pursuant to this paragraph and fails to begin operating a charter school within the following eighteen (18) months, the applicant shall reimburse the Charter Schools Stimulus Revolving Loan Fund for the amount of the additional loan, plus interest calculated at a rate of ten percent (10%) per year. A reimbursement required by this paragraph is in addition to any reimbursement required under paragraph (a).

SECTION 46. (1) The initial board of directors of a charter school must be designated by the applicants who have been granted the charter. This initial board shall govern the school's first year of operation.
(2) Not less than six (6) months before the beginning of the charter school's second school year, the school shall hold an election for members of the school's board of directors. The term of office for this board shall be set according to the charter.

(3) Administrative and instructional personnel of the charter school and all parents of children enrolled in the school shall be eligible to participate in any election of members of the board of directors.

(4) Meetings of the charter school's board of directors will be subject to Sections 25-41-1 through 25-41-17 governing open meetings.

SECTION 47. The State Department of Education must disseminate information to the public, directly and through sponsors, on how to form and operate a charter school and how students can enroll in charter schools once they are created.

SECTION 48. A charter school may not levy taxes or issue bonds secured by tax revenues.

SECTION 49. Any charter school that is operating under the terms of a charter granted under the authority of Sections 37-28-1 through 37-28-21 may continue to operate under the terms of that charter for the duration of its term, notwithstanding the repeal of Sections 37-28-1 through 37-28-21. Upon the expiration of the charter, the charter school's sponsor may seek to renew the school's charter by modifying the charter so that the school fully complies with the requirements for being awarded, maintaining and renewing charter status under Sections 42 through 61 of Senate Bill No. _____, 2005 Regular Session.

SECTION 50. (1) For purposes of the establishment of the Mississippi Virtual Public School (MVPS):

(a) "Educational activity" means an activity of a student enrolled in a virtual school that is considered for purposes of a student's minimum hours of instruction required by a
charter granted under this subchapter or rules adopted under this subchapter.

(b) "Virtual school" means a school authorized and operating under this subchapter that uses technology, especially the Internet, to deliver the school's instruction outside of a central campus.

(2) The State Board of Education may create one statewide virtual school serving Grades Kindergarten through 12 to open as soon as possible.

(a) Students shall have been enrolled at a Mississippi public school during the prior school year to be eligible to enroll in the virtual school with the following exceptions:

(i) Students in Kindergarten and first grade do not have to have been enrolled in Mississippi public schools in fall of the previous year.

(ii) Other exceptions as provided by the chartering authorities.

(b) Children enrolled in MVPS will be considered Mississippi public school students in determining their eligibility for the subsequent year.

(c) MVPS shall serve all children in the State of Mississippi. The school shall make reasonable efforts to recruit in all areas of the state so that the school enrollment shall reflect the demographics of the state.

(3) The Mississippi Virtual Public School must:

(a) Provide each student enrolled in the school with access to the Mississippi State Department of Education's curriculum framework and must meet or exceed state academic and graduation standards;

(b) Allow eligible students to work at a grade level other than the grade level in which the student is enrolled;
(c) An average of at least once each week during the school year, assess each student's performance in each subject in the foundation curriculum in which the student is enrolled;

(d) Ensure that a parent or legal guardian of each student verifies the number of hours of educational activities completed by the student each school year;

(e) Make available to the parent or legal guardian of each student:

   (i) A computer and printer;
   (ii) Physical copies of any instructional materials related to the student's curriculum; and
   (iii) Reimbursement for any fees related to accessing the Internet for educational activities;

(f) Give preference in enrollment to students with educational or medical needs that require the student to receive educational services in a home setting, except that preferential enrollment status may not be given to a student who is in an alternative education setting because of the student's suspension or expulsion under Chapter 37 or local school board policy;

(g) To the extent possible, provide that at least twenty-five percent (25%) of the students enrolled in the school are disadvantaged students;

(h) Provide special education services as required by the federal IDEA guidelines and procedures.

(4) A student enrolled in a virtual charter school shall complete:

   (a) At least seven hundred twenty (720) hours of educational activities each school year if the student is enrolled in Grade two or lower; and
   (b) At least nine hundred (900) hours of educational activities each school year if the student is enrolled in Grade three or higher.
(5) A teacher employed by a virtual school:
   (a) Must be appropriately certified;
   (b) Shall, at least six (6) times each school year, be available to meet with the parent or legal guardian of each student enrolled in the teacher's class; and
   (c) Shall be reasonably available each school day by electronic communication or other means to respond to questions from a student, parent or legal guardian.

(6) The Mississippi Virtual Public School shall each year produce a report showing:
   (a) Any increase in student achievement, as measured using state academic standards and standards described by the charter;
   (b) The academic, fiscal and operational performance of the school.

(7) State Funding. For each enrolled student in average daily attendance, The Mississippi Virtual Public School is entitled to funding at a level equal to the funding for each student in average daily attendance in the school district where the student resides.


SECTION 52. Section 37-151-7, Mississippi Code of 1972, is amended as follows:

37-151-7. The annual allocation to each school district for the operation of the adequate education program shall be determined as follows:

(1) Computation of the basic amount to be included for current operation in the adequate education program. The following procedure shall be followed in determining the annual allocation to each school district:
(a) **Determination of average daily attendance.** During months two (2) and three (3) of the current school year, the average daily attendance of a school district shall be computed, or the average daily attendance for the prior school year shall be used, whichever is greater. The district's average daily attendance shall be computed and currently maintained in accordance with regulations promulgated by the State Board of Education.

(b) **Determination of base student cost.** The State Board of Education, on or before August 1, with adjusted estimate no later than January 2, shall annually submit to the Legislative Budget Office and the Governor a proposed base student cost adequate to provide the following cost components of educating a pupil in an average school district meeting Level III accreditation standards required by the Commission on School Accreditation: (i) Instructional Cost; (ii) Administrative Cost; (iii) Operation and Maintenance of Plant; and (iv) Ancillary Support Cost. The department shall utilize a statistical methodology which considers such factors as, but not limited to, (i) school size; (ii) assessed valuation per pupil; (iii) the percentage of students receiving free lunch; (iv) the local district maintenance tax levy; (v) other local school district revenues; and (vi) the district's accreditation level, in the selection of the representative Mississippi school districts for which cost information shall be obtained for each of the above listed cost areas.

For the instructional cost component, the department shall determine the instructional cost of each of the representative school districts selected above, excluding instructional cost of self-contained special education programs and vocational education programs, and the average daily attendance in the selected school districts. The instructional cost is then totaled and divided by the total average daily attendance for the selected school
districts to yield the instructional cost component. For the
administrative cost component, the department shall determine the
administrative cost of each of the representative school districts
selected above, excluding administrative cost of self-contained
special education programs and vocational education programs, and
the average daily attendance in the selected school districts.
The administrative cost is then totaled and divided by the total
average daily attendance for the selected school districts to
yield the administrative cost component. For the plant and
maintenance cost component, the department shall determine the
plant and maintenance cost of each of the representative school
districts selected above, excluding plant and maintenance cost of
self-contained special education programs and vocational education
programs, and the average daily attendance in the selected school
districts. The plant and maintenance cost is then totaled and
divided by the total average daily attendance for the selected
school districts to yield the plant and maintenance cost
component. For the ancillary support cost component, the
department shall determine the ancillary support cost of each of
the representative school districts selected above, excluding
ancillary support cost of self-contained special education
programs and vocational education programs, and the average daily
attendance in the selected school districts. The ancillary
support cost is then totaled and divided by the total average
daily attendance for the selected school districts to yield the
ancillary support cost component. The total base cost for each
year shall be the sum of the instructional cost component,
administrative cost component, plant and maintenance cost
component and ancillary support cost component, and any estimated
adjustments for additional state requirements as determined by the
State Board of Education. Provided, however, that the base
student cost in fiscal year 1998 shall be Two Thousand Six Hundred
Sixty-four Dollars ($2,664.00).
(c) **Determination of the basic adequate education program cost.** The basic amount for current operation to be included in the Mississippi Adequate Education Program for each school district shall be computed as follows:

Multiply the average daily attendance of the district by the base student cost as established by the Legislature, which yields the total base program cost for each school district.

Beginning with fiscal year 2005-2006 and each fiscal year thereafter, the annual appropriation bill to fund the Mississippi Adequate Education Program shall identify the amount appropriated to fund each component of instructional cost, including teacher salaries, administrative cost, plant and maintenance and ancillary support, as provided under paragraphs (b) and (c).

(d) **Adjustment to the base student cost for at-risk pupils.** The amount to be included for at-risk pupil programs for each school district shall be computed as follows: Multiply the base student cost for the appropriate fiscal year as determined under paragraph (b) by five percent (5%), and multiply that product by the number of pupils participating in the federal free school lunch program in such school district, which yields the total adjustment for at-risk pupil programs for such school district. Beginning with fiscal year 2005-2006 and each fiscal year thereafter, the appropriation bill to fund the Mississippi Adequate Education Program shall identify the amount appropriated to fund the at-risk pupil program component provided under this paragraph (d).

(e) **Add-on program cost.** The amount to be allocated to school districts in addition to the adequate education program cost for add-on programs for each school district shall be computed as follows:

(i) Transportation cost shall be the amount allocated to such school district for the operational support of the district transportation system from state funds.
(ii) Vocational or technical education program cost shall be the amount allocated to such school district from state funds for the operational support of such programs.

(iii) Special education program cost shall be the amount allocated to such school district from state funds for the operational support of such programs.

(iv) Gifted education program cost shall be the amount allocated to such school district from state funds for the operational support of such programs.

(v) Alternative school program cost shall be the amount allocated to such school district from state funds for the operational support of such programs.

(vi) Extended school year programs shall be the amount allocated to school districts for those programs authorized by law which extend beyond the normal school year.

(vii) University-based programs shall be the amount allocated to school districts for those university-based programs for handicapped children as defined and provided for in Section 37-23-131 et seq., Mississippi Code of 1972.

(viii) Bus driver training programs shall be the amount provided for those driver training programs as provided for in Section 37-41-1, Mississippi Code of 1972.

The sum of the items listed above (i) transportation, (ii) vocational or technical education, (iii) special education, (iv) gifted education, (v) alternative school, (vi) extended school year, (vii) university-based, and (viii) bus driver training shall yield the add-on cost for each school district. Beginning with fiscal year 2005-2006 and each fiscal year thereafter, the appropriation bill to fund the Mississippi Adequate Education Program shall identify the amount appropriated to fund each add-on cost component provided under this paragraph (e).

(f) Total projected adequate education program cost.

The total Mississippi Adequate Education Program Cost shall be the...
sum of the total basic adequate education program cost (paragraph (c)), and the adjustment to the base student cost for at-risk pupils (paragraph (d)) for each school district.

(g) **Supplemental grant to school districts.** In addition to the adequate education program grant, the State Department of Education shall annually distribute an additional amount as follows: Multiply the base student cost for the appropriate fiscal year as determined under paragraph (b) by thirteen one-hundredths percent (0.13%) and multiply that product by the average daily attendance of each school district. Such grant shall not be subject to the local revenue requirement provided in subsection (2).

(2) **Computation of the required local revenue in support of the adequate education program.** The amount that each district shall provide toward the cost of the adequate education program shall be calculated as follows:

(a) The State Board of Education shall certify to each school district that twenty-eight (28) mills, less the estimated amount of the yield of the School Ad Valorem Tax Reduction Fund grants as determined by the State Department of Education, is the millage rate required to provide the district required local effort for that year, or twenty-seven percent (27%) of the basic adequate education program cost for such school district as determined under subsection (c), whichever is a lesser amount. In the case of an agricultural high school the millage requirement shall be set at a level which generates an equitable amount per pupil to be determined by the State Board of Education.

(b) The State Board of Education shall determine (i) the total assessed valuation of nonexempt property for school purposes in each school district; (ii) assessed value of exempt property owned by homeowners aged sixty-five (65) or older or disabled as defined in Section 27-33-67(2), Mississippi Code of 1972; (iii) the school district's tax loss from exemptions
provided to applicants under the age of sixty-five (65) and not
disabled as defined in Section 27-33-67(1), Mississippi Code of
1972; and (iv) the school district's homestead reimbursement
revenues.

(c) The amount of the total adequate education program
funding which shall be contributed by each school district shall
be the sum of the ad valorem receipts generated by the millage
required under this subsection plus the following local revenue
sources for the appropriate fiscal year which are or may be
available for current expenditure by the school district:

One hundred percent (100%) of Grand Gulf income as prescribed
in Section 27-35-309.

(3) Computation of the required state effort in support of
the adequate education program.

(a) The required state effort in support of the
adequate education program shall be determined by subtracting the
sum of the required local tax effort as set forth in subsection
(2)(a) of this section and the other local revenue sources as set
forth in subsection (2)(c) of this section in an amount not to
exceed twenty-seven percent (27%) of the total projected adequate
education program cost as set forth in subsection (1)(f) of this
section from the total projected adequate education program cost
as set forth in subsection (1)(f) of this section.

(b) Provided, however, that in fiscal year 1998 and in
the fiscal year in which the adequate education program is fully
funded by the Legislature, any increase in the said state
contribution, including the supplemental grant to school districts
provided under subsection (1)(g), to any district calculated under
this section shall be not less than eight percent (8%) in excess
of the amount received by said district from state funds for the
fiscal year immediately preceding. For purposes of this paragraph
(b), state funds shall include minimum program funds less the
add-on programs, state Uniform Millage Assistance Grant funds,
Education Enhancement Funds appropriated for Uniform Millage Assistance Grants and state textbook allocations, and State General Funds allocated for textbooks.

(c) If the appropriation is less than full funding for fiscal year 2003, allocations for state contributions to school districts in support of the adequate education program will be determined by the State Department of Education in the following manner:

(i) Calculation of the full funding amount under this chapter, with proportionate reductions as required by the appropriation level.

(ii) Calculation of the amount equal to the state funds allocated to school districts for fiscal year 2002 plus the estimated amount to fund the adequate education program salary schedule for fiscal year 2003. For purposes of this item (ii), state funds shall be those described in paragraph (b) and an amount equal to the allocation for the adequate education program in fiscal year 2002, plus any additional amount required to satisfy fiscal year 2003 pledges in accordance with paragraphs (d), (e) and (f) of subsection (5) of this section. If a school district's fiscal year 2003 pledge is different than the pledge amount for fiscal year 2002, the district shall receive an amount equal to the fiscal year 2003 pledge or the amount of funds calculated under the adequate education formula for fiscal year 2002 before any pledge guarantee for fiscal year 2002, whichever is greater. If the pledge is no longer in effect, the district shall receive the amount of funds calculated under the formula for fiscal year 2002 before any pledge guarantee for fiscal year 2002.

(iii) The portion of any district's allocation calculated in item (i) of this paragraph which exceeds amounts as calculated in item (ii) shall be reduced by an amount not to exceed twenty-one percent (21%). The amount of funds generated by this reduction of funds shall be redistributed proportionately
among those districts receiving insufficient funds to meet the amount calculated in item (ii). In no case may any district receive funds in an amount greater than the amount that the district would have received under full funding of the program for fiscal year 2003.

(d) (i) If the school board of any school district shall determine that it is not economically feasible or practicable to operate any school within the district for the full one hundred eighty (180) days required for a school term of a scholastic year as required in Section 37-13-63, Mississippi Code of 1972, due to an enemy attack, a manmade, technological or natural disaster in which the Governor has declared a disaster emergency under the laws of this state or the President of the United States has declared an emergency or major disaster to exist in this state, said school board may notify the State Department of Education of such disaster and submit a plan for altering the school term. If the State Board of Education finds such disaster to be the cause of the school not operating for the contemplated school term and that such school was in a school district covered by the Governor's or President's disaster declaration, it may permit said school board to operate the schools in its district for less than one hundred eighty (180) days and, in such case, the State Department of Education shall not reduce the state contributions to the adequate education program allotment for such district, because of the failure to operate said schools for one hundred eighty (180) days.

(ii) Schools meeting Level 4 or 5 accreditation standards shall be exempted from the provisions of this section.

(4) If during the year for which adequate education program funds are appropriated, any school district experiences a three percent (3%) or greater increase in average daily attendance during the second and third month over the preceding year's second and third month and the school district has requested a minimum
increase of four percent (4%) in local ad valorem revenues over the previous year as authorized in Sections 37-57-104 and 37-57-105, an additional allocation of adequate education program funds calculated in the following manner shall be granted to that district, using any additional funds available to the Department of Education that exceed the amount of funds due to the school districts under the basic adequate education program distribution as provided for in this chapter:

(a) Determine the percentage increase in average daily attendance for the second and third months of the year for which adequate education program funds are appropriated over the preceding year's second and third month average daily attendance.

(b) For those districts that have a three percent (3%) or greater increase as calculated in paragraph (a) of this subsection, multiply the total increase in students in average daily attendance for the second and third months of the year for which adequate education program funds are appropriated over the preceding year's second and third month average daily attendance times the base student cost used in the appropriation.

(c) Subtract the percentage of the district's local contribution arrived at in subsection (2) of this section from the amount calculated in paragraph (b) of this subsection. The remainder is the additional allocation in adequate education program funds for that district.

If the funds available to the Department of Education are not sufficient to fully fund the additional allocations to school districts eligible for those allocations, then the department shall prorate the available funds among the eligible school districts, using the same percentage of the total funds that the school district would have received if the allocations were fully funded. The State Department of Education shall study and develop a report to the Chairmen of the Senate and House Committees on Education by January 1, 2005, with options for legislative
consideration that will insure that the Mississippi Adequate Education Program funds are distributed to school districts based on current year student attendance or enrollment.

This subsection (4) shall stand repealed on July 1, 2006.

(5) The Interim School District Capital Expenditure Fund is hereby established in the State Treasury which shall be used to distribute any funds specifically appropriated by the Legislature to such fund to school districts entitled to increased allocations of state funds under the adequate education program funding formula prescribed in Sections 37-151-3 through 37-151-7, Mississippi Code of 1972, until such time as the said adequate education program is fully funded by the Legislature. The following percentages of the total state cost of increased allocations of funds under the adequate education program funding formula shall be appropriated by the Legislature into the Interim School District Capital Expenditure Fund to be distributed to all school districts under the formula: Nine and two-tenths percent (9.2%) shall be appropriated in fiscal year 1998, twenty percent (20%) shall be appropriated in fiscal year 1999, forty percent (40%) shall be appropriated in fiscal year 2000, sixty percent (60%) shall be appropriated in fiscal year 2001, eighty percent (80%) shall be appropriated in fiscal year 2002, and one hundred percent (100%) shall be appropriated in fiscal year 2003 into the State Adequate Education Program Fund created in subsection (4). Until July 1, 2002, such money shall be used by school districts for the following purposes:

(a) Purchasing, erecting, repairing, equipping, remodeling and enlarging school buildings and related facilities, including gymnasiums, auditoriums, lunchrooms, vocational training buildings, libraries, school barns and garages for transportation vehicles, school athletic fields and necessary facilities connected therewith, and purchasing land therefor. Any such capital improvement project by a school district shall be approved.
by the State Board of Education, and based on an approved
long-range plan. The State Board of Education shall promulgate
minimum requirements for the approval of school district capital
expenditure plans.

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

(c) Paying debt service on existing capital improvement
debt of the district or refinancing outstanding debt of a district
if such refinancing will result in an interest cost savings to the
district.

(d) From and after October 1, 1997, through June 30,
1998, pursuant to a school district capital expenditure plan
approved by the State Department of Education, a school district
may pledge such funds until July 1, 2002, plus funds provided for
in paragraph (e) of this subsection (5) that are not otherwise
permanently pledged under such paragraph (e) to pay all or a
portion of the debt service on debt issued by the school district
under Sections 37-59-1 through 37-59-45, 37-59-101 through
37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,
37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt
issued by boards of supervisors for agricultural high schools
pursuant to Section 37-27-65, Mississippi Code of 1972, or
lease-purchase contracts entered into pursuant to Section 31-7-13,
Mississippi Code of 1972, or to retire or refinance outstanding
debt of a district, if such pledge is accomplished pursuant to a
written contract or resolution approved and spread upon the
minutes of an official meeting of the district's school board or
board of supervisors. It is the intent of this provision to allow
school districts to irrevocably pledge their Interim School
District Capital Expenditure Fund allotments as a constant stream
of revenue to secure a debt issued under the foregoing code
sections. To allow school districts to make such an irrevocable
pledge, the state shall take all action necessary to ensure that the amount of a district's Interim School District Capital Expenditure Fund allotments shall not be reduced below the amount certified by the department or the district's total allotment under the Interim Capital Expenditure Fund if fully funded, so long as such debt remains outstanding.

(e) From and after October 1, 1997, through June 30, 1998, in addition to any other authority a school district may have, any school district may issue State Aid Capital Improvement Bonds secured in whole by a continuing annual pledge of any Mississippi Adequate Education Program funds available to the district, in an amount not to exceed One Hundred Sixty Dollars ($160.00) per pupil based on the latest completed average daily attendance count certified by the department prior to the issuance of the bonds. Such State Aid Capital Improvement Bonds may be issued for the purposes enumerated in paragraphs (a), (b), (c) and (g) of this section. Prior to issuing such bonds, the school board of the district shall adopt a resolution declaring the necessity for and its intention of issuing such bonds and borrowing such money, specifying the approximate amount to be so borrowed, how such money is to be used and how such indebtedness is to be evidenced. Any capital improvement project financed with State Aid Capital Improvement Bonds shall be approved by the department, and based on an approved long-range plan. The State Board of Education shall promulgate minimum requirements for the approval of such school district capital expenditure plans. The State Board of Education shall not approve any capital expenditure plan for a pledge of funds under this paragraph unless it determines (i) that the quality of instruction in such district will not be reduced as a result of this pledge, and (ii) the district has other revenue available to attain and maintain at least Level III accreditation.
A district issuing State Aid Capital Improvement Bonds may pledge for the repayment of such bonds all funds received by the district from the state, in an amount not to exceed One Hundred Sixty Dollars ($160.00) per pupil in average daily attendance in the school district as set forth above, and not otherwise permanently pledged under paragraph (d) of this subsection or under Section 37-61-33(2)(d), Mississippi Code of 1972. The district's school board shall specify by resolution the amount of state funds, which are being pledged by the district for the repayment of the State Aid Capital Improvement Bonds. Once such a pledge is made to secure the bonds, the district shall notify the department of such pledge. Upon making such a pledge, the school district may request the department which may agree to irrevocably transfer a specified amount or percentage of the district's state revenue pledged to repay the district's State Aid Capital Improvement Bonds directly to a state or federally chartered bank serving as a trustee or paying agent on such bonds for the payment of all or portion of such State Aid Capital Improvement Bonds. Such instructions shall be incorporated into a resolution by the school board for the benefit of holders of the bonds and may provide that such withholding and transfer of such other available funds shall be made only upon notification by a trustee or paying agent on such bonds that the amounts available to pay such bonds on any payment date will not be sufficient. It is the intent of this provision to allow school districts to irrevocably pledge a certain, constant stream of revenue as security for State Aid Capital Improvement Bonds issued hereunder. To allow school districts to make such an irrevocable pledge, the state shall take all action necessary to ensure that the amount of a district's state revenues up to an amount equal to One Hundred Sixty Dollars ($160.00) per pupil as set forth above which have been pledged to repay debt as set forth herein shall not be reduced so long as any State Aid Capital Improvement Bonds are outstanding.
Any such State Aid Capital Improvement bonds shall mature as determined by the district's school bond over a period not to exceed twenty (20) years. Such bonds shall not bear a greater overall maximum interest rate to maturity than that allowed in Section 75-17-101, Mississippi Code of 1972. The further details and terms of such bonds shall be as determined by the school board of the district.

The provisions of this subsection shall be cumulative and supplemental to any existing funding programs or other authority conferred upon school districts or school boards. Debt of a school district secured in whole by a pledge of revenue pursuant to this section shall not be subject to any debt limitation.

For purposes of this paragraph (e), "State Aid Capital Improvement Bond" shall mean any bond, note, or other certificate of indebtedness issued by a school district under the provisions hereof.

This paragraph (e) shall stand repealed from and after June 30, 1998.

(f) As an alternative to the authority granted under paragraph (e), a school district, in its discretion, may authorize the State Board of Education to withhold an amount of the district's adequate education program allotment equal to up to One Hundred Sixty Dollars ($160.00) per student in average daily attendance in the district to be allocated to the State Public School Building Fund to the credit of such school district. A school district may choose the option provided under this paragraph (e) or paragraph (f), but not both. In addition to the grants made by the state pursuant to Section 37-47-9, a school district shall be entitled to grants based on the allotments to the State Public School Building Fund credited to such school district under this paragraph. This paragraph (f) shall stand repealed from and after June 30, 1998.
(g) The State Board of Education may authorize the school district to expend not more than twenty percent (20%) of its annual allotment of such funds or Twenty Thousand Dollars ($20,000.00), whichever is greater, for technology needs of the school district, including computers, software, telecommunications, cable television, interactive video, film low-power television, satellite communications, microwave communications, technology-based equipment installation and maintenance, and the training of staff in the use of such technology-based instruction. Any such technology expenditure shall be reflected in the local district technology plan approved by the State Board of Education under Section 37-151-17, Mississippi Code of 1972.

(h) To the extent a school district has not utilized twenty percent (20%) of its annual allotment for technology purposes under paragraph (g), a school district may expend not more than twenty percent (20%) of its annual allotment or Twenty Thousand Dollars ($20,000.00), whichever is greater, for instructional purposes. The State Board of Education may authorize a school district to expend more than said twenty percent (20%) of its annual allotment for instructional purposes if it determines that such expenditures are needed for accreditation purposes.

(i) The State Department of Education or the State Board of Education may require that any project commenced pursuant to this section with an estimated project cost of not less than Five Million Dollars ($5,000,000.00) shall be done only pursuant to program management of the process with respect to design and construction. Any individuals, partnerships, companies or other entities acting as a program manager on behalf of a local school district and performing program management services for projects covered under this subsection shall be approved by the State Department of Education.
Any interest accruing on any unexpended balance in the Interim School District Capital Expenditure Fund shall be invested by the State Treasurer and placed to the credit of each school district participating in such fund in its proportionate share.

The provisions of this subsection (5) shall be cumulative and supplemental to any existing funding programs or other authority conferred upon school districts or school boards.

SECTION 53. Section 37-61-9, Mississippi Code of 1972, is amended as follows:

37-61-9. (1) On or before the fifteenth day of August of each year, the local school board of each school district, with the assistance of the superintendent of schools, shall prepare and file with the levying authority for the school district, as defined in Section 37-57-1, Mississippi Code of 1972, at least two (2) copies of a budget of estimated expenditures for the support, maintenance and operation of the public schools of the school district for the fiscal year commencing on July 1 of such year.

Such budget shall be prepared on forms prescribed and provided by the State Auditor and shall contain such information as the State Auditor may require. Beginning with fiscal year 2005-2006 and fiscal years thereafter, each school district's budget shall contain a detailed statement of the estimated amounts to be expended for each instructional program and add-on program component identified in the annual legislative appropriation bill to fund the Mississippi Adequate Education Program as provided in Section 37-151-7(1)(b), (d) and (e), and it shall show separately the amounts of such expenses to be paid from adequate education program funds, local school district maintenance funds and other available funds. The budget shall also contain a detailed statement of the revenues which will be available for defraying the expenses of and maintaining and operating the schools of such district during the fiscal year for which the budget is prepared, which statement of estimated revenues shall be divided as to
sources and shall show the amount available from each source. The State Board of Education shall prescribe and provide forms to each school district for this purpose. When an operating budget has been approved by the local school board and Mississippi Adequate Education Program funds have been provided by appropriation of the Legislature, the amount approved shall be available by budget category and each budget category shall constitute the maximum amount of obligations or indebtedness which may be incurred by the school district for such purpose during the fiscal year. In the event any emergency or unforeseen circumstances shall arise, the local school superintendent, with the approval of the local school board, may authorize increases in major objects of expenditure within such school district's allocation of each specific budget category within the appropriation bill for the current year, provided that other major objects of expenditure are decreased by a corresponding dollar amount. The superintendent of schools for such school district requesting a transfer shall submit written justification for the transfer to the local school board on or before the fifteenth of the month prior to the effective date of the transfer and the transfer shall be effective the first working day of the month following timely submissions required herein.

(2) In addition, on or before the fifteenth day of August of each year, the local school board of each school district, with the assistance of the superintendent of schools, shall prepare and file with the State Department of Education such budgetary information as the State Board of Education may require. The State Board of Education shall prescribe and provide forms to each school district for this purpose.

(3) Prior to the adoption of a budget pursuant to this section, the school board of each school district shall hold at least one (1) public hearing to provide the general public with an opportunity to comment on the taxing and spending plan incorporated in the proposed budget. The public hearing shall be
held at least one (1) week prior to the adoption of the budget
with advance notice. After final adoption of the budget, a
synopsis of such budget in a form prescribed by the State
Department of Audit shall be published in a newspaper having
general circulation in the school district on a date different
from the date on which the county or any municipality therein may
publish its budget.

(4) Beginning with the fiscal year 1995-1996, there shall be
imposed limitations on budgeted expenditures for certain
administration costs, as defined hereinafter, in an amount not
greater than One Hundred Fifty Thousand Dollars ($150,000.00) plus
four percent (4%) of the expenditures of all school districts each
year. For purposes of this subsection, "administration costs"
shall be defined as expenditures for salaries and fringe benefits
paid for central administration costs from all sources of revenue
in the following expenditure functions as defined in the
MISSISSIPPI PUBLIC SCHOOL DISTRICT FINANCIAL ACCOUNTING MANUAL:

2300 = Support Services - General Administration
2310 = Board of Education Services
2320 = Executive Administration Services
2330 = Special Area Administration Services
2500 = Business Services
2510 = Fiscal Services
2520 = Purchasing Services
2530 = Warehousing and Distributing Services
2540 = Printing, Publishing and Duplicating Services
2590 = Other Support Services - Business
2800 = Support Services - Central
2810 = Planning, Research, Development and Evaluation
2820 = Information Services
2830 = Staff Services
2840 = Data Processing Services
Any costs classified as "administration costs" for purposes of this subsection which can be demonstrated by the local school district to be an expenditure that results in a net cost savings to the district that may otherwise require budget expenditures for functions not covered under the definition of administration costs herein may be excluded from the limitations imposed herein. The local school board shall make a specific finding of such costs and spread such finding upon its minutes, which shall be subject to the approval of the Office of Educational Accountability of the State Department of Education. Any school district required to make expenditure cuts, as a result of application of this subsection, shall not be required to reduce such expenditures more than twenty-five percent (25%) in any year in order to comply with this mandate.

The State Auditor shall ensure that functions in all expenditure categories to which this administrative limitation applies shall be properly classified.

This section shall not apply to central administration with five (5) or less full-time employees, or to those school districts which can substantiate that comparable reductions have occurred in administrative costs for the five-year period immediately prior to school year 1993-1994. In the event the application of this section may jeopardize the fiscal integrity or operations of the school district, have an adverse impact on the ability of the district to deliver educational services, or otherwise restrict the district from achieving or maintaining a quality education program, the State Board of Education shall be authorized to exempt the application of this section to such school district pursuant to rules and regulations of the State Board of Education consistent with the intent of this section.

**SECTION 54.** Section 37-61-19, Mississippi Code of 1972, is amended as follows:
37-61-19. It shall be the duty of the superintendents of schools and the school boards of all school districts to limit the expenditure of school funds during the fiscal year to the resources available. It shall be unlawful for any school district to budget expenditures from a fund or specific budget category as provided in Section 37-61-9(1), in excess of the resources available within that fund. Furthermore, it shall be unlawful for any contract to be entered into or any obligation incurred or expenditure made in excess of the resources available for such fiscal year. Any member of the school board, superintendent of schools, or other school official, who shall knowingly enter into any contract, incur any obligation, or make any expenditure in excess of the amount available in a specific budget category for the fiscal year shall be personally liable for the amount of such excess. However, no school board member, superintendent or other school official shall be personally liable (a) in the event of any reduction in adequate education program payments by action of the Governor acting through the Department of Finance and Administration, or (b) for claims, damages, awards or judgments, on account of any wrongful or tortious act or omission or breach of implied term or condition of any warranty or contract; provided, however, that the foregoing immunity provisions shall not be a defense in cases of fraud, criminal action or an intentional breach of fiduciary obligations imposed by statute.

SECTION 55. Section 37-15-37, Mississippi Code of 1972, is amended as follows:

37-15-37. The local school boards of public school districts and the Board of Trustees of State Institutions of Higher Learning are authorized to establish a dual enrollment and dual credit program under which high school students meeting the requirements prescribed in this section may enroll at an institution of higher learning in Mississippi while they are still attending high school and enrolled in high school courses, with tuition and costs to be
negotiated between school districts and the state institutions of higher learning and may be paid by grants, foundations or other private sources. Students may be admitted to enroll in university-level courses under the dual enrollment program if they meet the following recommended admission requirements:

(a) Students must have completed a minimum of fourteen (14) core high school units;

(b) Students must have a 2.5 grade point average on a 4.0 scale, or better, on all high school courses, as documented by an official high school transcript; a home-schooled student must submit a transcript prepared by a parent, guardian or custodian with a signed, sworn affidavit to meet the requirement of this paragraph; and

(c) Students must have an unconditional written recommendation from their high school principal and/or guidance counselor. A home-schooled student must submit a parent, legal guardian or custodian's written recommendation to meet the requirement of this paragraph.

Students may be considered for the dual enrollment program who have not completed the minimum of fourteen (14) core high school units if they have a minimum ACT composite score of twenty-eight (28) or the equivalent SAT score, and have the required grade point average and recommendations prescribed above.

Tuition and costs for university-level courses under this program shall be negotiated between school districts and state institutions of higher learning and may be paid from grants, foundations or other private sources, to be paid directly to the participating university. Students admitted in the dual enrollment program shall be counted for adequate education program funding purposes in the average daily attendance of the public school district in which they attend high school. Any additional transportation required by a student to participate in the dual enrollment program shall be the responsibility of the parents or
legal guardians of the student, but may be paid for from private sources. Grades and college credits earned by students admitted to the dual enrollment program shall be recorded on the college transcript at the university where the student attends classes and where appropriate, as prescribed by the Mississippi Department of Education’s high school graduation requirements, the state institutions of higher learning's admission requirements, and as described in the articulation agreement authorized in Section 37-101-28, shall be counted as dual credit. The transcript of such university course work may be released to another institution or used for college graduation requirements only after the student has received his high school diploma.

SECTION 56. Section 37-29-1, Mississippi Code of 1972, is amended as follows:

37-29-1. (1) The creation, establishment, maintenance and operation of community and junior colleges is authorized. Community and junior colleges may admit students if they have earned one (1) unit less than the number of units required for high school graduation established by State Board of Education policy or have earned a General Education Diploma (GED) in courses correlated to those of senior colleges or professional schools. They shall offer education and training preparatory for occupations such as agriculture, industry, business, homemaking and for other occupations on the semiprofessional and vocational-technical level. They may offer courses and services to students regardless of their previous educational attainment or further academic plans.

(2) The boards of trustees of the community and junior college districts are authorized to establish a dual enrollment program under which high school students meeting the requirements prescribed in this section may enroll and receive dual credit at a community or junior college while they are still attending high school and enrolled in high school courses. Students may be
admitted to enroll in community or junior college courses under the dual enrollment program if they meet the following recommended admission requirements:

(a) Students must have completed a minimum of fourteen (14) core high school units;

(b) Students must have a 2.5 grade point average on a 4.0 scale, or better, on all high school courses, as documented by an official high school transcript; a home-schooled student must submit a transcript prepared by a parent, guardian or custodian with a signed, sworn affidavit to meet the requirement of this paragraph; and

(c) Students must have an unconditional written recommendation from their high school principal and/or guidance counselor. A home-schooled student must submit a parent, legal guardian or custodian's written recommendation to meet the requirement of this paragraph.

Students may be considered for the dual enrollment program who have not completed the minimum of fourteen (14) core high school units if they have a minimum ACT composite score of twenty-eight (28) or the equivalent SAT score, and have the required grade point average and recommendations prescribed above.

Students admitted in the dual enrollment program shall be counted for adequate education program funding purposes in the average daily attendance of the public school district in which they attend high school. Any additional transportation required by a student to participate in the dual enrollment program shall be the responsibility of the parents or legal guardians of the student. Grades and college credits earned by students admitted to the dual enrollment program shall be recorded on the college transcript at the community or junior college where the student attends classes. The transcript of such college course work may be released to another institution or used for college graduation.
requirements only after the student has received his high school diploma.

(3) The boards of trustees of the community and junior college districts are authorized to establish an early admission program under which applicants meeting all requirements prescribed in subsection (2)(a) through (c) and having a minimum ACT composite score of twenty-four (24) or the equivalent SAT score may be admitted as full-time college students if the principal or guidance counselor of the student recommends in writing that it is in the best educational interest of the student. Such recommendation shall also state that the student's age will not keep him from being a successful full-time college student. Students admitted in the early admission program shall not be counted for adequate education program funding purposes in the average daily attendance of the school district in which they reside, and transportation required by a student to participate in the early admission program shall be the responsibility of the parents or legal guardians of the student. Grades and college credits earned by students admitted to the early admission program shall be recorded on the college transcript at the community or junior college where the student attends classes, and may be released to another institution or used for college graduation requirements only after the student has successfully completed one (1) full semester of course work.

(4) The community and junior colleges shall provide, through courses or other acceptable educational measures, the general education necessary to individuals and groups which will tend to make them capable of living satisfactory lives consistent with the ideals of a democratic society.

SECTION 57. The following provision shall be codified as Section 37-15-39, Mississippi Code of 1972:

37-15-39. (1) The purpose of this section is to ensure that each student has a sufficient education for success after high
school and that all students have equal access to a substantive and rigorous curriculum that is designed to challenge their minds and enhance their knowledge skill.

(2) For purposes of this section:

(a) "Advanced placement course" means any high school level preparatory course for a college advanced placement test that:

(i) Incorporates all topics specified by recognized advanced placement authorities on standards for a given subject area; and

(ii) Is approved by recognized advanced placement authorities;

(b) "Dual enrollment course" means a postsecondary level course(s) offered by state institutions of higher learning and community or junior colleges, upon successful completion would qualify for academic credit in both the postsecondary institution and public high school;

(c) "Pre-advanced placement course" means a middle school, junior high school or high school level course that specifically prepares students to enroll and to participate in an advanced placement course;

(d) "Vertical team" means a group of educators from different grade levels in a given discipline who work cooperatively to develop and implement a vertically aligned program aimed at helping students from diverse backgrounds acquire the academic skills necessary for success in the advanced placement program and other challenging course work; and

(e) "High concentration of low-income students," used with respect to a public school or public school district, means a public school or public school district that serves a student population fifty percent (50%) or more of whom are low-income individuals ages five (5) through seventeen (17) years from a low-income family on the basis data on children eligible for the...
free or reduced-price lunches under the National School Lunch Act, data on children in families receiving assistance under Part A of Title IV of the Social Security Act, or data on children eligible to receive medical assistance under the Medicaid program under Title XIX of the Social Security Act, or through an alternate method that combines or extrapolates form those data sets.

(3) (a) A teacher of an advanced placement and/or pre-advanced placement course must obtain appropriate training.

(b) The State Board of Education shall establish clear, specific, and challenging training guidelines that require teachers of advanced placement courses and teachers of pre-advanced placement courses to obtain a recognized advanced placement authority endorsed training.

(4) (a) In order to ensure that each student has a sufficient education for success after high school and that all students have equal access to a substantive and rigorous curriculum that is designed to challenge their minds and enhance their knowledge skill, school districts should offer pre-advanced placement courses to prepare students for the demands of advanced placement course work.

(b) Funding shall be made available for the 2007-2008 school year so that all sophomores in Mississippi's public schools shall take a recognized advance placement authority approved examination that measures students' ability to succeed in an advance placement course.

(c) The State Department of Education shall:

(i) Approve all classes designated as pre-advanced placement courses;

(ii) Develop rules necessary for the implementation of advanced placement courses;

(iii) Seek federal funding through the Advanced Placement Incentive Grant Program and other available funding; and
(iv) Focus funding with the intent to carry out activities that target school districts serving a high concentration of low-income students.

(5) Beginning with the 2007-2008 school year, all school districts shall offer at least one (1) advanced placement course in each of the four (4) core areas of math, English, science and social studies for a total of four (4) courses. The use of the state's on-line Advanced Placement Instructional Program is an appropriate alternative.

(6) Any high school offering the International Baccalaureate Diploma Programme shall be exempt from the provisions of subsection 5 of this section but shall have the right to participate in teacher training and program funding as any high school offering advanced placement courses.

SECTION 58. Section 37-16-7, Mississippi Code of 1972, is amended as follows:

37-16-7. (1) Each district school board shall establish standards for graduation from its schools which shall include as a minimum:

(a) Mastery of minimum academic skills as measured by assessments developed and administered by the State Board of Education.

(b) Completion of a minimum number of academic credits, and all other applicable requirements prescribed by the district school board.

(2) A student who meets all requirements prescribed in subsection (1) of this section shall be awarded a standard diploma in a form prescribed by the state board.

(3) The State Board of Education may establish student proficiency standards for promotion to grade levels leading to graduation.

(4) In developing an industry-recognized certification program pursuant to Section 37-31-61, 37-31-69, 37-31-205 and...
37-31-207, the State Board of Education, working with its Division of Vocational and Technical Education and the State Board for Community and Junior Colleges, shall:

(a) For the purposes of awarding credit for graduation, approve the use of additional or substitute tests for the correlated Mississippi Curriculum Framework assessment, such as academic achievement tests, industry certifications or state licensure examinations; and

(b) Permit students participating in vocational and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations to be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, the appropriate verified units of credit for one or more vocational and technical education classes which have been integrated into the Mississippi Curriculum Framework. Such industry certification and state licensure examinations may cover relevant classes related to the Mississippi Curriculum Framework and may, at the discretion of the board, address some Mississippi Curriculum Framework for required classes.

SECTION 59. Section 37-31-61, Mississippi Code of 1972, is amended as follows:

37-31-61. (1) For the development of industry-recognized certifications, the State Board of Education shall incorporate into its vocational education program a comparable curriculum framework for mathematics, science, English and social studies, including history, and other subject areas as may be appropriate. The board may also authorize, in its regulations for accrediting public schools in Mississippi, the substitution of industry certification and state licensure examinations for the curriculum framework assessments for the purpose of awarding verified units of credit for vocational education courses, where appropriate.
(2) In coordination with the Department of Employment Security, there shall be established, within the Department of Education, a unit of specialists in vocational education. The unit shall (a) assist in developing and revising local vocational education programs to integrate into the Mississippi Department of Education's curriculum framework, (b) provide professional development for vocational education personnel to improve the quality of vocational education, and (c) seek the input of business and industry representatives regarding the content and direction of the vocational education programs in the public schools of Mississippi.

(3) The trustees of such school district, as classified and defined by law, including those already having this authority, and the trustees of agricultural high schools and community/junior colleges may, with the consent in writing of the State Board of Education, establish and conduct such schools, classes or courses, under the provisions herein stated and under the general supervision of the board.

SECTION 60. Section 37-31-69, Mississippi Code of 1972, is amended as follows:

37-31-69. (1) The school board of a local school district, in its discretion, may establish and implement a vocational apprenticeship program in the high schools in that district through which students may earn high school units for vocational experience or an industry-recognized certification as defined in Section 37-31-61 as an alternative to those high school units required by the school district in addition to the core curriculum defined by the State Board of Education. The purpose of a vocational apprenticeship program established pursuant to this section shall be to provide those students with skills and training that will lead to gainful employment in a trade or other specialized vocation or an industry-recognized certification.
(2) Students who participate in the vocational apprenticeship or an industry-recognized certification program shall be required to complete all high school units comprising the core curriculum, as defined by the State Board of Education pursuant to Section 37-31-61. In addition, a student in the vocational apprenticeship program may be awarded credit for an additional eight (8) high school units earned through the vocational apprenticeship or an industry-recognized certification program, which units shall apply toward, and must be recognized by the State Board of Education in fulfillment of, the local school district's graduation requirements. Units may be awarded in the vocational apprenticeship program, whereby a student gains actual work experience through employment in a job approved by the local school district. The local school district shall adopt policies governing the participation of students in the vocational apprenticeship or an industry-recognized certification program.

(3) Students successfully completing a vocational apprenticeship or an industry-recognized certification program established pursuant to this section are entitled to a diploma evidencing graduation from a high school in Mississippi.

SECTION 61. Section 37-31-205, Mississippi Code of 1972, is amended as follows:

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

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

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

(c) Allocate funds on an annual budgetary basis;

(d) Set standards for and approve all vocational and technical education programs or an industry-recognized certification program in the public school system and community.
and junior colleges or other agencies or institutions which receive state funds and federal funds for such purposes, including, but not limited to, the following vocational and technical education programs: agriculture, trade and industry, occupational home economics, consumer and homemaking education, distributive education, business and office, health, industrial arts, guidance services, technical education, cooperative education, and all other specialized training not requiring a bachelor's degree, with the exception of programs of nursing education regulated under the provisions of Section 37-129-1. The State Board of Education shall authorize local school boards, within such school board's discretion, to offer distributive education as a one-hour or two-hour block course. There shall be no reduction of payments from state funding for distributive education due to the selection of either the one-hour or two-hour course offering;

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

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

(g) Expend funds to expand career information;
(h) Supervise and maintain the Division of Vocational and Technical Education and to utilize, to the greatest extent possible, the division as the administrative unit of the board responsible for coordinating programs and services with local institutions;

(i) Utilize appropriate staff of the State Department of Education to perform services for the vocational student organizations, including, but not limited to, procurement, accounting services, tax services and banking services. The department may also procure and pay for annual audits of the vocational student organizations using vocational funds or other available funds of the State Department of Education. It is the intent of this provision that any related costs be paid with vocational funds appropriated by the Legislature;

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

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

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

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

(n) Periodically review the funding and reporting processes required of local school districts by the board or division with the aim of simplifying or eliminating inefficient practices and procedures;
(o) Assist in the development of high technology programs and resource centers to support current and projected industrial needs;

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

(q) Enter into contracts and agreements with the State Board for Community and Junior Colleges for conditions under which vocational and technical education programs in community and junior colleges shall receive state and federal funds which flow through the State Board of Education for such purposes.

(2) It is the intent of the Legislature that no vocational and technical education course or program existing on June 30, 1982, shall be eliminated by the State Board of Education under the authority vested in paragraph (d) of subsection (1) of this section prior to June 30, 1985. It is further the intent of the Legislature that no vocational and technical education teacher or other personnel employed on June 30, 1983, shall be discharged due to licensure standards promulgated by the board under paragraph (e) of subsection (1) of this section, if any such teacher or personnel shall have complied with any newly published licensure standards by June 30, 1985. Nothing contained in this section shall be construed to abrogate or affect in any manner the authority of local public school districts or community and junior colleges to eliminate vocational and technical education courses or programs or to discharge any vocational and technical education teacher or other personnel.

(3) The State Board of Education and the State Board for Community and Junior Colleges may provide that every vocational and technical education course or program in Mississippi may integrate academic and vocational-technical education through
coherent sequences of courses, so that students in such programs achieve both academic and occupational competencies or an industry-recognized certification. The boards may expend federal funds available from the 1990 Perkins Act, or other available federal funds, for an industry-recognized certification through the accreditation process and the teacher licensure process.

SECTION 62. Section 37-31-207, Mississippi Code of 1972, is amended as follows:

37-31-207. (1) The State Board of Education shall have the following duties:

(a) To seek the best available projections of employment and occupations for Mississipians;

(b) To utilize these projections and other considerations to set vocational and technical education priorities;

(c) To utilize the services of all state agencies having information regarding the purposes of this chapter;

(d) To cooperate with the Governor's Office of Job Development and Training and the Board of Economic Development to prevent duplication and provide continuity of employment and training services;

(e) To conduct evaluations of the success or failure of vocational-technical programs, including the extent to which training actually leads to jobs in the field in which the student was trained;

(f) Obtain and publish data and information on program performance from those vocational-technical programs receiving state funds; and

(g) To notify local school districts and public community/junior colleges prior to March 1 annually of any discontinuation of ongoing vocational programs which would affect the renewing of contracts with vocational personnel.
(2) The State Board of Education is directed to partner with the State Board for Community and Junior Colleges and the representatives of the business community appointed by the Governor to establish the "Industry Certification Partnership" program whose mission it will be to develop and implement a program designed to encourage businesses in Mississippi to offer potential high school dropout students a semester scholarship at a community or junior college for industry specific training after their graduation in return for their promise or compact to stay in school.

SECTION 63. (1) There is established a commission to be known as the "Mississippi High School Redesign Commission."

(2) The commission shall consist of four (4) members, who shall serve ex officio, as follows:

(a) The Governor of the State of Mississippi, who shall serve as Chairman;
(b) The State Superintendent of Education;
(c) The Commissioner of the State Board for Community and Junior Colleges; and
(d) The Commissioner of Higher Education.

(3) The mission of the Mississippi High School Redesign Commission shall include, but not be limited to, the following:

(a) Assess the dropout crisis in Mississippi and recommend action steps to address it;
(b) Create a set of common definitions for graduation and dropout rates that can be used to compare their progress relative to other states;
(c) Facilitate agreements to make the Mississippi high school experience more meaningful;
(d) To encourage more rigor and relevance in the high school experience;
(e) Facilitate the transferability of education from secondary to postsecondary institutions;
(f) Raise state awareness on the need for improving Mississippi's high schools;

(g) Develop a series of best practices policy actions state policymakers and legislators can implement to achieve system-wide high school reform; and

(h) Convene town hall meetings around the state where students, teachers, administrators and parents can talk about high school, the senior year and impediments to greater success.

(4) The commission may prepare an annual report for the consideration of the Chairmen of the House and Senate Education and University and College Committees pertaining to the information gathered in pursuit of their mission.

(5) The commission members shall meet at times and places they deem necessary and use all available resources to fulfill its mission.

SECTION 64. Section 37-21-55, Mississippi Code of 1972, is amended as follows:

37-21-55. (1) The Interagency Advisory Committee for Early Childhood Services is created to develop and make recommendations to the Early Childhood Services Interagency Coordinating Council established under Section 37-21-53 as deemed necessary to implement the council's responsibilities relating to all programs serving preschool children and their families in Mississippi.

(2) The membership of the Interagency Advisory Committee for Early Childhood Services shall be as follows:

(a) The Chairmen of the Senate Education, Public Health and Welfare and Appropriations Committees, or their Senate designees;

(b) The Chairmen of the House Education, Public Health and Welfare and Appropriations Committees, or their House designees;

(c) A representative of the Governor;
(d) A representative of the State Department of Education;
(e) A representative of the State Department of Health;
(f) A representative of the Department of Human Services;
(g) A representative of the State Department of Mental Health;
(h) A representative of the State Department of Rehabilitation Services;
(i) The following representatives of the early childhood profession:
   (i) The President of the Mississippi Head Start Association;
   (ii) A representative from a regulated family child care home network appointed by the Governor;
   (iii) A representative from a licensed child care center appointed by the President of the Senate;
   (iv) A representative from a public school prekindergarten program appointed by the Speaker of the House;
   (v) A representative from a private school prekindergarten program appointed by the Governor;
   (vi) A representative from a half-day church sponsored prekindergarten program appointed by the Speaker of the House;
   (vii) A representative from a university or college early childhood program appointed by the President of the Senate;
   (viii) A representative of a tribal early childhood program appointed by the Governor;
   (ix) A representative of an early childhood professional organization appointed by the President of the Senate;
(x) A representative of an advocacy organization appointed by the Speaker of the House; and
(xi) A representative of a community or junior college early childhood program appointed by the Governor;
(j) A parent of a preschool-age child appointed by the Governor;
(k) A parent of a preschool-age child with special needs appointed by the Speaker of the House;
(l) A representative of the cooperative extension services appointed by the President of the Senate;
(m) A physician who is a member of the Mississippi Chapter of the American Academy of Pediatrics, appointed by the Director of the University Medical Center;
(n) The Director of the Mississippi Public Education Forum, or his designee; and
(o) The Executive Director of the Mississippi Economic Council, or his designee.

To the extent possible, any representative of a state agency designated to serve on the Interagency Advisory Committee shall be the same individual designated to assist the Interagency Coordinating Council in performing its duties and responsibilities.

(3) The advisory committee shall meet upon call of the Early Childhood Services Interagency Coordinating Council before August 1, 2000, and the council shall appoint a chairman from among the membership of the advisory committee. The chairman shall serve for a one-year term and may be reappointed for subsequent terms.

The advisory committee shall adopt internal organizational procedures necessary for efficient operation of the advisory committee and may establish subcommittees for conducting specific programs and activities. Advisory committee procedures must include duties of officers, a process for selecting officers, duties of subcommittees, quorum requirements for conducting
business and policies for any staff. The members of the Early Childhood Services Interagency Coordinating Council shall designate necessary staff of their departments to assist the advisory committee in performing its duties and responsibilities. The advisory committee shall meet and conduct business at least quarterly. Quarterly meetings of the advisory committee shall be open to the public, and opportunity for public comment must be made available at each meeting. The staff of the advisory committee shall notify all persons who request such notice as to the date, time and place of each meeting.

(4) The Interagency Advisory Committee for Early Childhood Services, in addition to responsibilities assigned by the Early Childhood Services Interagency Coordinating Council, shall perform each of the following duties:

(a) Assist in the implementation of the study conducted by the Task Force on the Development and Implementation of Comprehensive Early Childhood Services in Mississippi established under Laws, 1999, Chapter 584;

(b) Identify services to children which impact early childhood development and education;

(c) Identify and recommend methods to facilitate interagency coordination of service programs for preschool children; and

(d) Serve as a forum for information exchange regarding recommendations and priorities in early childhood development and education.

(5) The Advisory Board of the Interagency Council, with the consent of a majority of its members, shall have the authority to compel any state entity with early childhood responsibilities to be coordinated through the Office of Children and Youth for the purposes of alignment of the State of Mississippi's early childhood educational efforts.
(6) Beginning in July 1, 2005, the Advisory Board of the Interagency Council shall meet at the discretion of the Director of the Office of Children and Youth to assess the appropriate criteria for determining, and implementation of, the educational components of the state's tiered reimbursement structure.

SECTION 65. This act shall take effect and be in force from and after July 1, 2005.