

By: Senator(s) Chaney, White, Dearing

To: Education;  
AppropriationsSENATE BILL NO. 2504  
(As Passed the Senate)

1 AN ACT ENTITLED THE "MISSISSIPPI EDUCATION REFORM ACT OF  
2 2005"; TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972, TO  
3 PROVIDE ADDITIONAL BASE COMPENSATION FOR TEACHERS HOLDING LICENSES  
4 IN CRITICAL SUBJECT AREAS, TO ESTABLISH A MISSISSIPPI PERFORMANCE  
5 BASED PAY PLAN TO REWARD LICENSED EDUCATION PERSONNEL AT SCHOOLS  
6 SHOWING IMPROVEMENT IN STUDENT TEST SCORES, TO PROVIDE ADDITIONAL  
7 BASE COMPENSATION FOR MENTOR TEACHERS IN MIDDLE SCHOOLS WITH  
8 APPROVED CLASSROOM MANAGEMENT PROGRAMS, TO DIRECT THE STATE  
9 DEPARTMENT OF EDUCATION TO CONDUCT A VALUE-ADDED PILOT PROGRAM ON  
10 TEACHER PERFORMANCE PAY; TO AMEND SECTION 37-3-2, MISSISSIPPI CODE  
11 OF 1972, TO PROVIDE THAT ANY TEACHER FROM ANY STATE MEETING THE  
12 FEDERAL STANDARDS OF A HIGHLY QUALIFIED TEACHER SHALL BE ELIGIBLE  
13 FOR A STANDARD LICENSE IN MISSISSIPPI; TO AMEND SECTIONS 37-3-81,  
14 37-3-83, 37-3-91, 37-3-93 AND 37-7-345, MISSISSIPPI CODE OF 1972,  
15 TO PROVIDE THAT THE MISSISSIPPI SCHOOL SAFETY CENTER SHALL BE  
16 ORGANIZED AS A REGIONAL PROGRAM ADMINISTERED BY THE EDUCATIONAL  
17 SERVICE AGENCIES ELIGIBLE FOR FEDERAL FUNDING; TO AMEND SECTION  
18 37-11-53, MISSISSIPPI CODE OF 1972, TO PRESCRIBE CERTAIN CRIMINAL  
19 PENALTIES FOR PARENTS WHO FAIL TO ATTEND THEIR CHILD'S DISCIPLINE  
20 CONFERENCE; TO AMEND SECTIONS 37-3-4, 37-3-46, 37-3-49, 37-7-337,  
21 37-13-69, 37-15-9, 37-17-6, 37-17-8, 37-17-11 AND 37-21-7,  
22 MISSISSIPPI CODE OF 1972, TO EXEMPT HIGHEST PERFORMING SCHOOLS  
23 DESIGNATED AS LEVEL 4 AND 5 FROM CERTAIN ACCREDITATION PROCESS  
24 STANDARDS PRESCRIBED BY STATUTE OR REGULATION OF THE STATE  
25 DEPARTMENT OF EDUCATION; TO AMEND SECTION 37-13-61, MISSISSIPPI  
26 CODE OF 1972, TO AUTHORIZE THE LOCAL SCHOOL DISTRICTS TO FIX THE  
27 DATE FOR THE OPENING AND CLOSING OF THE SCHOOL TERM; TO AMEND  
28 SECTION 37-13-67, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN  
29 RESTRICTIONS ON SCHOLASTIC MONTH AND SCHOOL DAY; TO AMEND SECTION  
30 37-13-69, MISSISSIPPI CODE OF 1972, TO AUTHORIZE LOCAL SCHOOL  
31 DISTRICTS TO DESIGNATE SCHOOL HOLIDAYS; TO AMEND SECTION 37-41-53,  
32 MISSISSIPPI CODE OF 1972, TO EXEMPT SCHOOL TRANSPORTATION VEHICLES  
33 FROM CERTAIN STATE DEPARTMENT OF EDUCATION REGULATION; TO AMEND  
34 SECTION 37-7-301, MISSISSIPPI CODE OF 1972, TO GRANT PUBLIC SCHOOL  
35 DISTRICTS WITH AN AVERAGE ACCREDITATION RANKING OF LEVEL 4 OR  
36 HIGHER THE POWER TO ADOPT ANY ORDER RELATING TO THE OPERATION OF  
37 THE SCHOOL WHICH IS NOT INCONSISTENT WITH STATE LAW OR THE  
38 MISSISSIPPI CONSTITUTION, WITH CERTAIN EXCEPTIONS; TO AUTHORIZE  
39 LOCAL SCHOOL DISTRICTS TO CONTRACT WITH PRIVATE ENTITIES TO  
40 PROVIDE CERTAIN NONINSTRUCTIONAL SERVICES; TO AMEND SECTIONS  
41 25-11-103 AND 25-11-127, MISSISSIPPI CODE OF 1972, IN CONFORMITY;  
42 TO AUTHORIZE THE ESTABLISHMENT OF A MISSISSIPPI VIRTUAL PUBLIC  
43 SCHOOL PROGRAM; TO AMEND SECTION 37-151-7, MISSISSIPPI CODE OF  
44 1972, TO REQUIRE THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM  
45 APPROPRIATION BILL TO IDENTIFY PROGRAM FUNDING CATEGORIES; TO  
46 AMEND SECTION 37-61-9, MISSISSIPPI CODE OF 1972, TO REQUIRE LOCAL  
47 SCHOOL DISTRICT BUDGETS TO CONTAIN A DETAILED STATEMENT OF THE  
48 ESTIMATED AMOUNTS TO BE EXPENDED BY PROGRAM BUDGET CATEGORIES AND  
49 THE AMOUNT OF SUCH CATEGORIES TO BE PAID FROM ADEQUATE EDUCATION  
50 PROGRAM FUNDS AND FROM LOCAL REVENUE AND OTHER SOURCES; TO AMEND  
51 SECTION 37-61-19, MISSISSIPPI CODE OF 1972, TO REQUIRE SCHOOL  
52 DISTRICT EXPENDITURES TO BE LIMITED TO THE SPECIFIC BUDGET

53 CATEGORIES AND TO PROVIDE PERSONAL LIABILITY THEREFOR; TO AMEND  
54 SECTIONS 37-15-37 AND 37-29-1, MISSISSIPPI CODE OF 1972, RELATING  
55 TO HIGH SCHOOL AND UNIVERSITY OR COMMUNITY COLLEGE DUAL ENROLLMENT  
56 PROGRAMS, TO REVISE CONDITIONS FOR PARTICIPATION IN THE PROGRAM,  
57 TO PROVIDE THAT TUITION AND COSTS FOR UNIVERSITY LEVEL AND  
58 COMMUNITY LEVEL COURSES SHALL BE NEGOTIATED BETWEEN SCHOOL  
59 DISTRICTS AND THE UNIVERSITY OR COMMUNITY COLLEGE, AND TO CLARIFY  
60 THAT ALL COURSE WORK TAKEN UNDER THE PROGRAM SHALL BE DUAL CREDIT;  
61 TO CODIFY SECTION 37-15-39, MISSISSIPPI CODE OF 1972, TO DIRECT  
62 SCHOOL DISTRICTS TO OFFER PRE-ADVANCED PLACEMENT COURSES AND TO  
63 REQUIRE FUNDING FOR THE 2007-2008 SCHOOL YEAR FOR ALL SOPHOMORES  
64 TO TAKE A NATIONALLY RECOGNIZED APTITUDE TEST FOR ADVANCED  
65 PLACEMENT CLASSES; TO AMEND SECTIONS 37-16-7, 37-31-61, 37-31-69,  
66 37-31-205 AND 37-31-207, MISSISSIPPI CODE OF 1972, TO AUTHORIZE  
67 AND DIRECT THE STATE BOARD OF EDUCATION AND THE STATE BOARD FOR  
68 COMMUNITY AND JUNIOR COLLEGES TO UTILIZE FEDERAL WORKFORCE  
69 INVESTMENT ACT AND OTHER FEDERAL FUNDS TO ESTABLISH INDUSTRY  
70 SPECIFIC CURRICULUM TO ALLOW STUDENTS TO RECEIVE  
71 INDUSTRY-RECOGNIZED CERTIFICATION WHILE COMPLETING THEIR HIGH  
72 SCHOOL COURSE WORK, TO INCLUDE SUCH COURSE WORK IN APPROPRIATE  
73 GRADUATION STANDARDS, TO DEVELOP A UNIT OF SPECIALISTS IN  
74 VOCATIONAL EDUCATION AS PART OF THE CURRICULUM, AND TO ESTABLISH  
75 PARTNERSHIPS WITH THE PRIVATE SECTOR TO OFFER POTENTIAL HIGH  
76 SCHOOL DROPOUT STUDENTS A SEMESTER SCHOLARSHIP FOR INDUSTRY  
77 SPECIFIC TRAINING AFTER GRADUATION; TO ESTABLISH A MISSISSIPPI  
78 HIGH SCHOOL REDESIGN COMMISSION AND PRESCRIBE ITS MEMBERSHIP, TO  
79 STUDY THE RELEVANCE OF THE HIGH SCHOOL EXPERIENCE IN MISSISSIPPI;  
80 TO AMEND SECTION 37-21-55, MISSISSIPPI CODE OF 1972, TO DIRECT  
81 STATE ENTITIES DEALING WITH EARLY CHILDHOOD EDUCATION TO BE  
82 COORDINATED THROUGH THE ADVISORY BOARD OF THE INTERAGENCY ADVISORY  
83 COMMITTEE FOR EARLY CHILDHOOD SERVICES TO BE ADMINISTERED BY THE  
84 MISSISSIPPI DEPARTMENT OF HUMAN SERVICES OFFICE OF CHILDREN AND  
85 YOUTH AND TO AUTHORIZE THE ADVISORY COUNSEL TO ASSESS THE  
86 EDUCATIONAL COMPONENTS FOR THE STATE'S TIERED REIMBURSEMENT  
87 STRUCTURE FOR CHILD CARE FACILITIES; TO AMEND SECTION 37-9-3,  
88 MISSISSIPPI CODE OF 1972, TO PROVIDE MINIMUM QUALIFICATIONS FOR  
89 SCHOOL BUSINESS ADMINISTRATORS EMPLOYED BY PUBLIC SCHOOL  
90 DISTRICTS; AND FOR RELATED PURPOSES.

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

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

94 (2) The Legislature finds and determines that the quality  
95 and accountability of public education and its effect upon the  
96 social, cultural and economic enhancement of the people of  
97 Mississippi is a matter of public policy, the object of which is  
98 the education and performance of its children and youth.

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

101 37-19-7. (1) This section shall be known and may be cited  
102 as the Mississippi "Teacher Opportunity Program (TOP)." The  
103 allowance in the minimum education program and the Mississippi  
104 Adequate Education Program for teachers' salaries in each county

105 and separate school district shall be determined and paid in  
 106 accordance with the scale for teachers' salaries as provided in  
 107 this subsection. For teachers holding the following types of  
 108 licenses or the equivalent as determined by the State Board of  
 109 Education, and the following number of years of teaching  
 110 experience, the scale shall be as follows:

111 **2004-2005 School Year**

112 **Less Than 25 Years of Teaching Experience**

113	AAAA.....	\$ 31,775.00
114	AAA.....	30,850.00
115	AA.....	29,925.00
116	A.....	28,000.00

117 **25 or More Years of Teaching Experience**

118	AAAA.....	\$ 33,775.00
119	AAA.....	32,850.00
120	AA.....	31,925.00
121	A.....	30,000.00

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

133 **2005-2006 School Year and School Years Thereafter**

134 **Less Than 25 Years of Teaching Experience**

135	AAAA.....	\$ 34,000.00
136	AAA.....	33,000.00
137	AA.....	32,000.00

138	A.....	30,000.00
139	<b>25 or More Years of Teaching Experience</b>	
140	AAAA.....	\$ 36,000.00
141	AAA.....	35,000.00
142	AA.....	34,000.00
143	A.....	32,000.00

144 The State Board of Education shall revise the salary scale  
145 prescribed above for the 2005-2006 school year to conform to any  
146 adjustments made to the salary scale in prior fiscal years due to  
147 revenue growth over and above five percent (5%). For each one  
148 percent (1%) that the Sine Die General Fund Revenue Estimate  
149 Growth exceeds five percent (5%) for fiscal year 2006, as  
150 certified by the Legislative Budget Office to the State Board of  
151 Education and subject to specific appropriation therefor by the  
152 Legislature, the State Board of Education shall revise the salary  
153 scale to provide an additional one percent (1%) across the board  
154 increase in the base salaries for each type of license.

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

163 All teachers employed on a full-time basis shall be paid a  
164 minimum salary in accordance with the above scale. However, no  
165 school district shall receive any funds under this section for any  
166 school year during which the local supplement paid to any  
167 individual teacher shall have been reduced to a sum less than that  
168 paid to that individual teacher for performing the same duties  
169 from local supplement during the immediately preceding school  
170 year. The amount actually spent for the purposes of group health

171 and/or life insurance shall be considered as a part of the  
172 aggregate amount of local supplement but shall not be considered a  
173 part of the amount of individual local supplement.

174 **2004-2005 School Year Annual Increment**

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

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

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

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

196 **2005-2006 School Year**

197 **and School Years Thereafter Annual Increments**

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

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

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

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

218 The level of professional training of each teacher to be used  
219 in establishing the salary allotment for the teachers for each  
220 year shall be determined by the type of valid teacher's license  
221 issued to those teachers on or before October 1 of the current  
222 school year.

223 (2) (a) The following employees shall receive an annual  
224 salary supplement in the amount of Six Thousand Dollars  
225 (\$6,000.00), plus fringe benefits, in addition to any other  
226 compensation to which the employee may be entitled:

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

236 Department of Education prior to February 15 in order to be  
237 eligible for a prorated salary supplement beginning with the  
238 second term of the school year.

239           (ii) A licensed nurse who has met the requirements  
240 and acquired a certificate from the National Board for  
241 Certification of School Nurses, Inc., and who is employed by a  
242 local school board or the State Board of Education as a school  
243 nurse and not as an administrator. The licensed school nurse  
244 shall submit documentation to the State Department of Education  
245 that the certificate was received before October 15 in order to be  
246 eligible for the full salary supplement in the current school  
247 year, or the licensed school nurse shall submit the documentation  
248 to the State Department of Education before February 15 in order  
249 to be eligible for a prorated salary supplement beginning with the  
250 second term of the school year. Provided, however, that the total  
251 number of licensed school nurses eligible for a salary supplement  
252 under this paragraph (ii) shall not exceed twenty (20).

253           (iii) Any licensed school counselor who has met  
254 the requirements and acquired a National Certified School  
255 Counselor (NCSC) endorsement from the National Board of Certified  
256 Counselors and who is employed by a local school board or the  
257 State Board of Education as a counselor and not as an  
258 administrator. Such licensed school counselor shall submit  
259 documentation to the State Department of Education that the  
260 endorsement was received prior to October 15 in order to be  
261 eligible for the full salary supplement in the current school  
262 year, or the licensed school counselor shall submit such  
263 documentation to the State Department of Education prior to  
264 February 15 in order to be eligible for a prorated salary  
265 supplement beginning with the second term of the school year.  
266 However, any school counselor who started the National Board for  
267 Professional Teaching Standards process for school counselors  
268 between June 1, 2003, and June 30, 2004, and completes the

269 requirements and acquires the master teacher certificate shall be  
270 entitled to the master teacher supplement, and those counselors  
271 who complete the process shall be entitled to a one (1) time  
272 reimbursement for the actual cost of the process as outlined in  
273 paragraph (b) of this subsection.

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

287 (b) An employee shall be reimbursed one (1) time for  
288 the actual cost of completing the process of acquiring the  
289 certificate or endorsement, excluding any costs incurred for  
290 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)  
291 for a school counselor or speech-language pathologist and  
292 audiologist, regardless of whether or not the process resulted in  
293 the award of the certificate or endorsement. A local school  
294 district or any private individual or entity may pay the cost of  
295 completing the process of acquiring the certificate or endorsement  
296 for any employee of the school district described under paragraph  
297 (a), and the State Department of Education shall reimburse the  
298 school district for such cost, regardless of whether or not the  
299 process resulted in the award of the certificate or endorsement.  
300 If a private individual or entity has paid the cost of completing  
301 the process of acquiring the certificate or endorsement for an



302 employee, the local school district may agree to directly  
303 reimburse the individual or entity for such cost on behalf of the  
304 employee.

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

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

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

333 (4) (a) This section shall be known and may be cited as the  
334 "Mississippi Performance Based Pay (MPBP)" plan. In addition to

335 the minimum base pay described in this section, if funds are  
336 available for that purpose, the State of Mississippi may provide  
337 monies from state funds to school districts as defined below for  
338 the purposes of rewarding certified teachers and administrators on  
339 an equal basis at individual schools showing improvement in  
340 student test scores at the top fifty percent (50%) of individual  
341 schools. The MPBP plan shall be developed by the Mississippi  
342 Department of Education based on the following criteria:

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

347 (ii) To ensure that all of Mississippi's teachers  
348 at all schools have equal access to the monies set aside in this  
349 section, the MPBP program shall be designed to calculate each  
350 school's performance as determined by said school's increase in  
351 scores from the prior school year. The MPBP program shall be  
352 based on a standardized scores rating where all levels of schools  
353 can be judged in a statistically fair and reasonable way. At the  
354 end of each year, after all student achievement scores have been  
355 standardized, the Mississippi Department of Education shall  
356 determine the number of schools scoring in the top fifty percent  
357 (50%) in terms of student improvement and allocate the money  
358 provided for as described in this section on the following basis:

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

363 2. Schools ranking in the second quartile in  
364 terms of student improvement will receive thirty-five percent  
365 (35%) of the money set aside as described in this section, and to  
366 be equally divided among teachers and administrators.

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

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

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

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

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

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

396                   (iv) The study should be "blind" defined as  
397 personally identifying information of the teachers' and students'  
398 data being measured in the research kept anonymous. The

399 population sample should also be selected in a randomly stratified  
400 way and not based on volunteers.

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

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

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

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

416 (c) If funds are available for that purpose, the state  
417 shall provide additional funding under this subsection (5) for  
418 only two (2) mentor teachers per middle school, however, this  
419 shall not prohibit local school districts from providing  
420 additional salary supplements for more than two (2) teacher  
421 mentors from nonadequate education program funds.

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

424 37-3-2. (1) There is established within the State  
425 Department of Education the Commission on Teacher and  
426 Administrator Education, Certification and Licensure and  
427 Development. It shall be the purpose and duty of the commission  
428 to make recommendations to the State Board of Education regarding  
429 standards for the certification and licensure and continuing  
430 professional development of those who teach or perform tasks of an  
431 educational nature in the public schools of Mississippi.

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

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

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

465 shall be designated and assigned by the State Superintendent of  
466 Public Education to serve on the staff of the commission.

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

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

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

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

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

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

483 (f) Review all existing requirements for certification  
484 and licensure;

485 (g) Consult with groups whose work may be affected by  
486 the commission's decisions;

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

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

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

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

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

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

514 (i) An application on a department form;

515 (ii) An official transcript of completion of a  
516 teacher education program approved by the department or a  
517 nationally accredited program, subject to the following:

518 Licensure to teach in Mississippi prekindergarten through  
519 kindergarten classrooms shall require completion of a teacher  
520 education program or a bachelor of science degree with child  
521 development emphasis from a program accredited by the American  
522 Association of Family and Consumer Sciences (AAFCS) or by the  
523 National Association for Education of Young Children (NAEYC) or by  
524 the National Council for Accreditation of Teacher Education  
525 (NCATE). Licensure to teach in Mississippi kindergarten, for  
526 those applicants who have completed a teacher education program,  
527 and in Grade 1 through Grade 4 shall require the completion of an  
528 interdisciplinary program of studies. Licenses for Grades 4  
529 through 8 shall require the completion of an interdisciplinary

530 program of studies with two (2) or more areas of concentration.  
531 Licensure to teach in Mississippi Grades 7 through 12 shall  
532 require a major in an academic field other than education, or a  
533 combination of disciplines other than education. Students  
534 preparing to teach a subject shall complete a major in the  
535 respective subject discipline. All applicants for standard  
536 licensure shall demonstrate that such person's college preparation  
537 in those fields was in accordance with the standards set forth by  
538 the National Council for Accreditation of Teacher Education  
539 (NCATE) or the National Association of State Directors of Teacher  
540 Education and Certification (NASDTEC) or, for those applicants who  
541 have a bachelor of science degree with child development emphasis,  
542 the American Association of Family and Consumer Sciences (AAFCS);

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

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

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

560 (i) The Teach Mississippi Institute (TMI) shall  
561 include an intensive eight-week, nine-semester-hour summer program  
562 or a curriculum of study in which the student matriculates in the



563 fall or spring semester, which shall include, but not be limited  
564 to, instruction in education, effective teaching strategies,  
565 classroom management, state curriculum requirements, planning and  
566 instruction, instructional methods and pedagogy, using test  
567 results to improve instruction, and a one (1) semester three-hour  
568 supervised internship to be completed while the teacher is  
569 employed as a full-time teacher intern in a local school district.  
570 The TMI shall be implemented on a pilot program basis, with  
571 courses to be offered at up to four (4) locations in the state,  
572 with one (1) TMI site to be located in each of the three (3)  
573 Mississippi Supreme Court districts.

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

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

592 (iv) During the semester of internship in the  
593 school district, the teacher preparation institution shall monitor  
594 the performance of the intern teacher. The school district that  
595 employs the provisional teacher shall supervise the provisional

596 teacher during the teacher's intern year of employment under a  
597 nontraditional provisional license, and shall, in consultation  
598 with the teacher intern's mentor at the school district of  
599 employment, submit to the commission a comprehensive evaluation of  
600 the teacher's performance sixty (60) days prior to the expiration  
601 of the nontraditional provisional license. If the comprehensive  
602 evaluation establishes that the provisional teacher intern's  
603 performance fails to meet the standards of the approved  
604 nontraditional teacher preparation internship program, the  
605 individual shall not be approved for a standard license.

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

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

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

626 (viii) The local school district in which the  
627 nontraditional teacher intern or provisional licensee is employed  
628 shall compensate such teacher interns at Step 1 of the required

629 salary level during the period of time such individual is  
630 completing teacher internship requirements and shall compensate  
631 such Standard License-Nontraditional Route teachers at Step 3 of  
632 the required salary level when they complete license requirements.

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

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

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

658 (c) **Special License - Expert Citizen.** In order to  
659 allow a school district to offer specialized or technical courses,  
660 the State Department of Education, in accordance with rules and  
661 regulations established by the State Board of Education, may grant

662 a one-year expert citizen-teacher license to local business or  
663 other professional personnel to teach in a public school or  
664 nonpublic school accredited or approved by the state. Such person  
665 may begin teaching upon his employment by the local school board  
666 and licensure by the Mississippi Department of Education. The  
667 board shall adopt rules and regulations to administer the expert  
668 citizen-teacher license. A special license - expert citizen may  
669 be renewed in accordance with the established rules and  
670 regulations of the State Department of Education.

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

677 (e) **Nonlicensed Teaching Personnel.** A nonlicensed  
678 person may teach for a maximum of three (3) periods per teaching  
679 day in a public school or a nonpublic school accredited/approved  
680 by the state. Such person shall submit to the department a  
681 transcript or record of his education and experience which  
682 substantiates his preparation for the subject to be taught and  
683 shall meet other qualifications specified by the commission and  
684 approved by the State Board of Education. In no case shall any  
685 local school board hire nonlicensed personnel as authorized under  
686 this paragraph in excess of five percent (5%) of the total number  
687 of licensed personnel in any single school. Schools meeting Level  
688 4 or 5 accreditation standards shall be exempted from any  
689 restrictions in this paragraph relating to the employment of  
690 nonlicensed teaching personnel.

691 (f) **Special License - Transitional Bilingual Education.**  
692 Beginning July 1, 2003, the commission shall grant special  
693 licenses to teachers of transitional bilingual education who  
694 possess such qualifications as are prescribed in this section.

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

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

725 (7) **Administrator License.** The State Board of Education is  
726 authorized to establish rules and regulations and to administer  
727 the licensure process of the school administrators in the State of

728 Mississippi. There will be four (4) categories of administrator  
729 licensure with exceptions only through special approval of the  
730 State Board of Education.

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

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

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

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

755 The State Department of Education shall compile and report,  
756 in consultation with the commission, information relating to  
757 nontraditional administrator preparation internship programs,  
758 including the number of programs available and geographic areas in  
759 which they are available, the number of individuals who apply for  
760 and possess a nontraditional conditional license and where they

761 are employed, and shall submit its findings and recommendations to  
762 the legislative committees on education by December 1, 2004.

763 Beginning with the 1997-1998 school year, individuals seeking  
764 school administrator licensure under paragraph (b), (c) or (d)  
765 shall successfully complete a training program and an assessment  
766 process prescribed by the State Board of Education. Applicants  
767 seeking school administrator licensure prior to June 30, 1997, and  
768 completing all requirements for provisional or standard  
769 administrator certification and who have never practiced, shall be  
770 exempt from taking the Mississippi Assessment Battery Phase I.  
771 Applicants seeking school administrator licensure during the  
772 period beginning July 1, 1997, through June 30, 1998, shall  
773 participate in the Mississippi Assessment Battery, and upon  
774 request of the applicant, the department shall reimburse the  
775 applicant for the cost of the assessment process required. After  
776 June 30, 1998, all applicants for school administrator licensure  
777 shall meet all requirements prescribed by the department under  
778 paragraph (b), (c) or (d), and the cost of the assessment process  
779 required shall be paid by the applicant.

780 (8) **Reciprocity.** (a) The department shall grant a standard  
781 license to any individual who possesses a valid standard license  
782 from another state \* \* \*.

783 (b) The department shall grant a nonrenewable special  
784 license to any individual who possesses a credential which is less  
785 than a standard license or certification from another state, or  
786 who possesses a standard license from another state but has less  
787 than two (2) years of full-time teaching or administration  
788 experience. Such special license shall be valid for the current  
789 school year plus one (1) additional school year to expire on June  
790 30 of the second year, not to exceed a total period of twenty-four  
791 (24) months, during which time the applicant shall be required to  
792 complete the requirements for a standard license in Mississippi.

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

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



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

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

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

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

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

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

842 (f) Failing or refusing to furnish reasonable evidence  
843 of identification;

844 (g) The applicant has been convicted, has pled guilty  
845 or entered a plea of nolo contendere to a felony, as defined by  
846 federal or state law; or

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

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

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

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

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

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

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

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

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

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

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

888           (14) A person whose license has been suspended on any  
889 grounds except criminal grounds may petition for reinstatement of

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

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

917 (16) An appeal from the action of the State Board of  
918 Education in denying an application, revoking or suspending a  
919 license or otherwise disciplining any person under the provisions  
920 of this section shall be filed in the Chancery Court of the First  
921 Judicial District of Hinds County on the record made, including a  
922 verbatim transcript of the testimony at the hearing. The appeal

923 shall be filed within thirty (30) days after notification of the  
924 action of the board is mailed or served and the proceedings in  
925 chancery court shall be conducted as other matters coming before  
926 the court. The appeal shall be perfected upon filing notice of  
927 the appeal and by the prepayment of all costs, including the cost  
928 of preparation of the record of the proceedings by the State Board  
929 of Education, and the filing of a bond in the sum of Two Hundred  
930 Dollars (\$200.00) conditioned that if the action of the board be  
931 affirmed by the chancery court, the applicant or license holder  
932 shall pay the costs of the appeal and the action of the chancery  
933 court.

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

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

946 (19) In addition to the reasons specified in subsections  
947 (12) and (13) of this section, the board shall be authorized to  
948 suspend the license of any licensee for being out of compliance  
949 with an order for support, as defined in Section 93-11-153. The  
950 procedure for suspension of a license for being out of compliance  
951 with an order for support, and the procedure for the reissuance or  
952 reinstatement of a license suspended for that purpose, and the  
953 payment of any fees for the reissuance or reinstatement of a  
954 license suspended for that purpose, shall be governed by Section  
955 93-11-157 or 93-11-163, as the case may be. Actions taken by the

956 board in suspending a license when required by Section 93-11-157  
957 or 93-11-163 are not actions from which an appeal may be taken  
958 under this section. Any appeal of a license suspension that is  
959 required by Section 93-11-157 or 93-11-163 shall be taken in  
960 accordance with the appeal procedure specified in Section  
961 93-11-157 or 93-11-163, as the case may be, rather than the  
962 procedure specified in this section. If there is any conflict  
963 between any provision of Section 93-11-157 or 93-11-163 and any  
964 provision of this chapter, the provisions of Section 93-11-157 or  
965 93-11-163, as the case may be, shall control.

966 **SECTION 4.** Section 37-3-81, Mississippi Code of 1972, is  
967 amended as follows:

968 37-3-81. (1) Effective July 1, 2005, each regional  
969 educational service agency shall establish and maintain a School  
970 Safety Center, which shall operate a statewide information  
971 clearinghouse that: (a) provides assistance to member school  
972 districts and communities during school crises; and (b) provides  
973 technical assistance, training and current resources to public  
974 school officials and parents in member districts who need  
975 assistance in researching, developing and implementing school  
976 safety plans and in maintaining a safe school environment. \* \* \*

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

980 **SECTION 5.** Section 37-3-83, Mississippi Code of 1972, is  
981 amended as follows:

982 37-3-83. (1) There is established \* \* \* a School Safety  
983 Grant Program, to be administered by regional education service  
984 agencies effective July 1, 2005, and made available to all  
985 eligible public school member districts, to assist in financing  
986 programs to provide school safety. \* \* \*

987 (2) The school board of each member school district, with  
988 the assistance of the regional education service agency School

989 Safety Center, shall adopt a comprehensive local school district  
990 school safety plan \* \* \*.

991 (3) Subject to the extent of appropriations available, the  
992 School Safety Grant Program may offer, but shall not be limited  
993 to, any of the following specific preventive services, and other  
994 additional services appropriate to the most current school  
995 district school safety plan:

996 (a) Metal detectors;

997 (b) Video surveillance cameras, communications  
998 equipment and monitoring equipment for classrooms, school  
999 buildings, school grounds and school buses;

1000 (c) Crisis management/action teams responding to school  
1001 violence;

1002 (d) Violence prevention training, conflict resolution  
1003 training, and other appropriate training designated by the State  
1004 Department of Education for faculty and staff; and

1005 (e) School safety personnel.

1006 (4) Each local member school district of this state may  
1007 annually apply for school safety grant funds subject to  
1008 appropriations by the Legislature or other funding organization.  
1009 School safety grants shall include a base grant amount plus an  
1010 additional amount per student in average daily attendance in the  
1011 school or school district. \* \* \* The regional education service  
1012 agency, working in conjunction with local member districts, shall  
1013 establish procedures for eligibility for funds.

1014 (5) Any local school district may use  
1015 audio/visual-monitoring equipment in classrooms, hallways,  
1016 buildings, grounds and buses for the purpose of monitoring school  
1017 disciplinary problems.

1018 (6) The executive director of the education service agency  
1019 shall make an annual written report to the Office of the Governor  
1020 and Chairs of the House and Senate Education Committees on or  
1021 before December 1 on the operation of the School Safety Center and

1022 the School Safety Grant Program, along with any recommendations  
1023 for expansion or revision of the program.

1024 (7) The executive director of the education service agency  
1025 shall be given full authority to secure any and all funding for  
1026 the enhancement of the School Safety Grant Program.

1027 **SECTION 6.** Section 37-3-91, Mississippi Code of 1972, is  
1028 amended as follows:

1029 37-3-91. \* \* \* Effective July 1, 2005, regional behavioral  
1030 institutes will be established and maintained by the state's  
1031 regional education service agencies for the purpose of providing  
1032 state-of-the-art training to teachers and administrators in  
1033 discipline and classroom management strategies.

1034 \* \* \*

1035 **SECTION 7.** Section 37-3-93, Mississippi Code of 1972, is  
1036 amended as follows:

1037 37-3-93. (1) Subject to the availability of funding  
1038 specifically appropriated for such purpose, there is established a  
1039 School Crisis Management Program to be administered by the state's  
1040 regional education service agencies. \* \* \* Under this program,  
1041 the designated education service agency shall develop a quick  
1042 response team of personnel trained in school safety and crisis  
1043 management to respond to traumatic or violent situations that  
1044 impact students and faculty in the public schools in Mississippi.  
1045 The School Crisis Management Program shall operate in accordance  
1046 with the following:

1047 (a) The basic response team shall consist of those  
1048 personnel designated by the executive director of the designated  
1049 education service agency, or their designees, depending on the  
1050 size of the member school and the nature of the event.

1051 (b) In order to access the services of a response team,  
1052 the request must be made by the local school principal or the  
1053 superintendent of schools, who shall make the request to the

1054 executive director of the designated education service agency, or  
1055 his contact designee.

1056 (c) A response team shall enter a school to work with  
1057 students and faculty for a period of no more than three (3) days,  
1058 unless otherwise requested by the school district.

1059 (d) The State Department of Education, or its designee,  
1060 shall operate a toll-free incoming wide area telephone service for  
1061 the purpose of automatically relaying reports of suspected cases  
1062 of school violence and other traumatic situations impacting on  
1063 students and faculty in the public schools to the designated  
1064 regional service agency.

1065 (e) The request made by a member school district to  
1066 access the services of a response team following a school safety  
1067 incident may seek a review of the local member school district's  
1068 safety plan, and the results of this evaluation may be published  
1069 by the local school board in a newspaper with wide circulation in  
1070 the district.

1071 (f) Subject to the availability of funds specifically  
1072 appropriated therefor by the Legislature or other funding source,  
1073 the expenses of the quick response teams and their administrative  
1074 support shall be provided from state funds. The executive  
1075 director of the regional education service agency may apply for  
1076 and expend funds for the support and maintenance of this program  
1077 from private and other funding sources.

1078 (2) Local member school districts, school superintendents  
1079 and principals may request and utilize the services of quick  
1080 response teams provided for under this section; however, this  
1081 section does not require school officials to request the services  
1082 of quick response teams.

1083 \* \* \*

1084 **SECTION 8.** Section 37-7-345, Mississippi Code of 1972, is  
1085 amended as follows:



1086           37-7-345. (1) A regional educational service agency (ESA)  
1087 may be established in a region of the state when twelve (12) or  
1088 more school districts determine there are benefits and services  
1089 that can be derived from the collective and collaborative  
1090 formation of an agency for the purpose of pooling and leveraging  
1091 resources for the common benefit of students, teachers,  
1092 administrators and taxpayers. An educational service agency shall  
1093 be incorporated in the State of Mississippi and organized under  
1094 the laws of the State of Mississippi as a nonprofit corporation.  
1095 The educational service agency shall obtain 501(c)(3) status with  
1096 the Internal Revenue Service.

1097           (2) The operation and management of the educational service  
1098 agency shall be the responsibility of a public advisory board  
1099 composed of the superintendents of schools or their designees from  
1100 each participating school district.

1101           (3) A board of directors shall be elected on an annual basis  
1102 from the advisory board to oversee the day-to-day operations of  
1103 the agency.

1104           (4) The executive board shall hire an executive director to  
1105 serve as the executive agent of the board of the regional  
1106 educational service agency.

1107           (5) The board of directors of a regional educational service  
1108 agency shall have the authority to establish policies for the  
1109 regional educational service to determine the programs and  
1110 services to be provided, to employ staff, to prepare and expend  
1111 the budget, to provide for financing programs and projects of the  
1112 regional educational service agency, and to annually evaluate the  
1113 performance of the agency. The board may purchase, hold, encumber  
1114 and dispose of real property, in the name of the agency, for use  
1115 as its office or for any educational service provided by the  
1116 agency.

1117           (6) The educational service agency is authorized and  
1118 empowered to: develop, manage and provide support services and/or

1119 programs as determined by the needs of the local school district.

1120 Educational service agencies (ESAs) shall:

1121 (a) Act primarily as service agencies in providing  
1122 services and/or programs as identified and requested by member  
1123 school districts (services may include, but are not limited to,  
1124 professional development, instructional materials, educational  
1125 technology, curriculum development and alternative educational  
1126 programs);

1127 (b) Provide for economy, efficiency and cost  
1128 effectiveness in the cooperative delivery and purchase or lease of  
1129 educational services, materials and products (services may  
1130 include, but are not limited to, purchasing cooperatives,  
1131 insurance cooperatives, business manager services, auditing and  
1132 accounting services, school safety/risk prevention, and data  
1133 processing and student records);

1134 (c) Provide administrative services (services may  
1135 include, but are not limited to, communications/public  
1136 information, employee background checks, grants management,  
1137 printing/publications and internships);

1138 (d) Provide educational services through leadership,  
1139 research and development in elementary and secondary education;

1140 (e) Act in a cooperative and supportive role, including  
1141 contracting, with the Mississippi Department of Education,  
1142 Mississippi Institutes of Higher Learning, Mississippi Community  
1143 Colleges and other state educational organizations in the  
1144 development and implementation of long-range plans, strategies and  
1145 goals for the enhancement of educational opportunities in  
1146 elementary and secondary education; \* \* \*

1147 (f) Serve, when appropriate and as funds become  
1148 available, as a repository, clearinghouse and administrator of  
1149 federal, state, local and private funds on behalf of school  
1150 districts which choose to participate in special programs,

1151 projects or grants in order to enhance the quality of education in  
1152 Mississippi schools; and

1153 (g) Assume responsibility to member districts for the  
1154 School Safety Centers and Regional Behavior Institute as defined  
1155 in Sections 37-3-81, 37-3-83, 37-3-91 and 37-3-93.

1156 (7) All school districts shall become members of a  
1157 designated educational service agency no later than June 30, 2006.

1158 **SECTION 9.** Section 37-11-53, Mississippi Code of 1972, is  
1159 amended as follows:

1160 37-11-53. (1) A copy of the school district's discipline  
1161 plan shall be distributed to each student enrolled in the  
1162 district, and the parents, guardian or custodian of such student  
1163 shall sign a statement verifying that they have been given notice  
1164 of the discipline policies of their respective school district.  
1165 The school board shall have its official discipline plan and code  
1166 of student conduct legally audited on an annual basis to insure  
1167 that its policies and procedures are currently in compliance with  
1168 applicable statutes, case law and state and federal constitutional  
1169 provisions. As part of the first legal audit occurring after July  
1170 1, 2001, the provisions of this section, Section 37-11-55 and  
1171 Section 37-11-18.1 shall be fully incorporated into the school  
1172 district's discipline plan and code of student conduct.

1173 (2) All discipline plans of school districts shall include,  
1174 but not be limited to, the following:

1175 (a) A parent, guardian or custodian of a  
1176 compulsory-school-age child enrolled in a public school district  
1177 shall be responsible financially for his or her minor child's  
1178 destructive acts against school property or persons;

1179 (b) A parent, guardian or custodian of a  
1180 compulsory-school-age child enrolled in a public school district  
1181 may be requested to appear at school by the school attendance  
1182 officer or an appropriate school official for a conference  
1183 regarding acts of the child specified in paragraph (a) of this

1184 subsection, or for any other discipline conference regarding the  
1185 acts of the child;

1186 (c) Any parent, guardian or custodian of a  
1187 compulsory-school-age child enrolled in a school district who  
1188 refuses or willfully fails to attend such discipline conference  
1189 specified in paragraph (b) of this section may be summoned by  
1190 proper notification by the superintendent of schools or the school  
1191 attendance officer and be required to attend such discipline  
1192 conference; and

1193 (d) A parent, guardian or custodian of a  
1194 compulsory-school-age child enrolled in a public school district  
1195 shall be responsible for any criminal fines brought against such  
1196 student for unlawful activity occurring on school grounds or  
1197 buses.

1198 (3) Any parent, guardian or custodian of a  
1199 compulsory-school-age child who \* \* \* fails to attend a discipline  
1200 conference within three (3) school days of official school  
1201 notification to which such parent, guardian or custodian has been  
1202 summoned under the provisions of this section, or who refuses or  
1203 willfully fails to perform any other duties imposed upon him or  
1204 her under the provisions of this section, shall be guilty of a  
1205 misdemeanor and, upon conviction, shall be:

1206 (a) Fined an amount not to exceed Two Hundred Fifty  
1207 Dollars (\$250.00);

1208 (b) Perform community service of up to twenty-five (25)  
1209 hours; and/or

1210 (c) With the consent of the student's teacher(s),  
1211 attend class with the student for a period of time agreed upon by  
1212 the court, in consultation with the reporting teacher and school  
1213 principal. If the parent, guardian or custodian does not agree to  
1214 attend class with the student or fails to attend class with the  
1215 student, the student shall be suspended in accordance with the

1216 code of student conduct and discipline policies of the school  
1217 district.

1218 (4) Any public school district shall be entitled to recover  
1219 damages in an amount not to exceed Twenty Thousand Dollars  
1220 (\$20,000.00), plus necessary court costs, from the parents of any  
1221 minor under the age of eighteen (18) years and over the age of six  
1222 (6) years, who maliciously and willfully damages or destroys  
1223 property belonging to such school district. However, this section  
1224 shall not apply to parents whose parental control of such child  
1225 has been removed by court order or decree. The action authorized  
1226 in this section shall be in addition to all other actions which  
1227 the school district is entitled to maintain and nothing in this  
1228 section shall preclude recovery in a greater amount from the minor  
1229 or from a person, including the parents, for damages to which such  
1230 minor or other person would otherwise be liable.

1231 \* \* \*

1232 **SECTION 10.** Section 37-3-4, Mississippi Code of 1972, is  
1233 amended as follows:

1234 37-3-4. (1) There is established within the State  
1235 Department of Education, the School Executive Management  
1236 Institute. The director shall be appointed by the State Board of  
1237 Education upon recommendation by the State Superintendent of  
1238 Public Education. The State Superintendent of Public Education,  
1239 with the approval of the State Board of Education, shall assign  
1240 sufficient staff members from the State Department of Education to  
1241 the institute.

1242 (2) It shall be the purpose and duty of the institute to  
1243 conduct thorough empirical studies and analyses of the school  
1244 management needs of the local school districts throughout the  
1245 state, to make recommendations to the State Board of Education  
1246 regarding standards and programs of training that aid in the  
1247 development of administrative and management skills of local  
1248 school administrators, and to conduct such programs related to

1249 these purposes as they are implemented under guidelines  
1250 established by the State Board of Education.

1251 (3) The State Board of Education shall develop and implement  
1252 through the School Executive Management Institute a program for  
1253 the development of administrative and management skills of local  
1254 school administrators under which all local school administrators  
1255 shall be required to participate. Subject to the extent of  
1256 appropriations available for such purpose, the School Executive  
1257 Management Institute or the Mississippi School Boards Association  
1258 shall be required to offer courses at least twice a year on the  
1259 uses of technology to principals, superintendents and other  
1260 administrative personnel. These courses shall relate to the  
1261 application of technology to learning, as well as administrative  
1262 problems.

1263 (4) (a) The institute shall have an advisory board composed  
1264 of ten (10) qualified members appointed by the State Board of  
1265 Education after consultation with the State Superintendent of  
1266 Public Education. This advisory board will offer recommendations  
1267 to the institute on the types of training to be instituted and  
1268 supported. The membership of the advisory board shall be composed  
1269 of the following members, two (2) to be appointed from each  
1270 congressional district: three (3) school administrators; one (1)  
1271 representative of public community/junior colleges within the  
1272 state; one (1) representative of a school of education in an  
1273 institution of higher learning within the state; two (2) local  
1274 school board members; one (1) classroom teacher; and two (2) lay  
1275 persons. In making the initial appointments, three (3) members  
1276 shall be appointed for a term of one (1) year, three (3) members  
1277 shall be appointed for a term of two (2) years, two (2) members  
1278 shall be appointed for a term of three (3) years, and two (2)  
1279 members shall be appointed for a term of four (4) years.  
1280 Thereafter, all members shall be appointed for a term of four (4)  
1281 years. The advisory board shall meet when called by the director,

1282 but in no event fewer than three (3) times per year. The members  
1283 of the advisory board shall be compensated at the per diem rate  
1284 authorized by Section 25-3-69 and reimbursed for actual and  
1285 necessary expenses as authorized by Section 25-3-41.

1286 (b) Board members of the Oxford-Lafayette Business and  
1287 Industrial Complex shall be paid per diem and reimbursed for  
1288 expenses and mileage from local funds in accordance with Section  
1289 37-6-13.

1290 (5) (a) Basic Education Course. Subject to the extent of  
1291 appropriations available for such purpose, the School Executive  
1292 Management Institute of the State Department of Education shall  
1293 prepare and conduct a course of training for basic education for  
1294 the local school board members of this state, in order for board  
1295 members to carry out their duties more effectively and be exposed  
1296 to new ideas involving school restructuring. The basic course  
1297 shall be known as the "School Board Member Training Course" and  
1298 shall consist of at least twelve (12) hours of training. The  
1299 School Executive Management Institute shall issue certificates of  
1300 completion to those school board members who complete the basic  
1301 education course.

1302 (b) Continuing Education Course. The Mississippi  
1303 School Boards Association shall be responsible for preparing and  
1304 conducting a course of training for continuing education for the  
1305 local school board members of this state, in order for board  
1306 members to carry out their duties more effectively and be exposed  
1307 to new ideas involving school restructuring. The continuing  
1308 education course shall be known as the "Continuing Education  
1309 Course for School Board Members" and shall consist of at least six  
1310 (6) hours of training.

1311 The Mississippi School Boards Association shall issue  
1312 certificates of completion to those school board members who  
1313 complete the continuing education course. All costs and expenses  
1314 for preparing and conducting the continuing education course

1315 provided for in this paragraph shall be paid out of any funds  
1316 which are made available to the Mississippi School Boards  
1317 Association upon authorization and appropriation by the  
1318 Legislature to the State Department of Education.

1319 (6) The Mississippi School Boards Association shall prepare  
1320 and submit a report each year to the State Board of Education and  
1321 to the respective Chairs of the House and Senate Education  
1322 Committees describing the activities and providing an evaluation  
1323 of the continuing education programs offered by the association  
1324 each year.

1325 (7) The School Executive Management Institute of the State  
1326 Department of Education, or the Mississippi School Boards  
1327 Association with the oversight of the State Board of Education, at  
1328 least twice a year, shall prepare and conduct required courses of  
1329 training for continuing education for the elementary and secondary  
1330 school principals of this state, in order for principals to carry  
1331 out their duties more effectively and be exposed to new ideas  
1332 involving school management. The continuing education course  
1333 shall be known as the "Continuing Education Course for Principals"  
1334 and shall consist of at least six (6) hours of training. The  
1335 content of the continuing education courses and the time and place  
1336 such courses are to be conducted shall be determined by the School  
1337 Executive Management Institute or the Mississippi School Boards  
1338 Association; however, to the extent practicable, such training  
1339 sessions shall be held within geographical proximity of local  
1340 districts in order that travel times and costs shall not be  
1341 prohibitive.

1342 The institute shall issue certificates of completion to those  
1343 principals who complete such courses. All costs and expenses for  
1344 preparing and conducting the basic and continuing education  
1345 courses provided for in this subsection shall be paid out of any  
1346 funds which are made available to the institute upon authorization  
1347 and appropriation by the Legislature.



1348       (8) Principals and other administrators at schools meeting  
1349 Level 4 or 5 accreditation standards shall be exempted from the  
1350 provisions of this section.

1351       **SECTION 11.** Section 37-3-46, Mississippi Code of 1972, is  
1352 amended as follows:

1353       37-3-46. From and after July 1, 1983, the State Department  
1354 of Education shall:

1355           (a) Provide to local school districts financial,  
1356 training and other assistance to implement and maintain a state  
1357 program of educational accountability and assessment of  
1358 performance.

1359           (b) Provide to local school districts technical  
1360 assistance and training in the development, implementation and  
1361 administration of a personnel appraisal and compensation system  
1362 for all school employees. The State Board of Education shall  
1363 report to the Legislature on January 5, 1986, with recommendations  
1364 based upon the personnel appraisal and compensation system  
1365 developed under this subsection.

1366           (c) Provide to local school districts technical  
1367 assistance in the development, implementation and administration  
1368 of programs designed to keep children in school voluntarily and to  
1369 prevent dropouts.

1370           (d) Schools meeting Level 4 or 5 accreditation  
1371 standards shall be exempted from the provisions of this section.

1372       **SECTION 12.** Section 37-3-49, Mississippi Code of 1972, is  
1373 amended as follows:

1374       37-3-49. (1) The State Department of Education shall  
1375 provide an instructional program and establish guidelines and  
1376 procedures for managing such program in the public schools as part  
1377 of the State Program of Educational Accountability and Assessment  
1378 of Performance as prescribed in Section 37-3-46. Public school  
1379 districts may (a) elect to adopt the instructional program and  
1380 management system provided by the State Department of Education,

1381 or (b) elect to adopt an instructional program and management  
1382 system which meets or exceeds criteria established by the State  
1383 Department of Education for such. This provision shall begin with  
1384 the courses taught in Grades K-8 which contain skills tested  
1385 through the Mississippi Basic Skills Assessment Program and shall  
1386 proceed through all secondary school courses mandated for  
1387 graduation and all secondary school courses in the Mississippi  
1388 end-of-course testing program. Other state core objectives must  
1389 be included in the district's instructional program as they are  
1390 provided by the State Department of Education along with  
1391 instructional practices, resources, evaluation items and  
1392 management procedures. Districts are encouraged to adapt this  
1393 program and accompanying procedures to all other instructional  
1394 areas. The department shall provide that such program and  
1395 guidelines, or a program and guidelines developed by a local  
1396 school district which incorporates the core objectives from the  
1397 curriculum structure are enforced through the performance-based  
1398 accreditation system. It is the intent of the Legislature that  
1399 every effort be made to protect the instructional time in the  
1400 classroom and reduce the amount of paperwork which must be  
1401 completed by teachers. The State Department of Education shall  
1402 take steps to insure that school districts properly use staff  
1403 development time to work on the districts' instructional  
1404 management plans.

1405 (2) The State Department of Education shall provide such  
1406 instructional program and management guidelines which shall  
1407 require for every public school district that:

1408 (a) All courses taught in Grades K-8 which contain  
1409 skills which are tested through the Mississippi Basic Skills  
1410 Assessment Program, all secondary school courses mandated for  
1411 graduation, and all courses in the end-of-course testing program  
1412 shall include the State Department of Education's written list of  
1413 learning objectives.

1414           (b) The local school board must adopt the objectives  
1415 that will form the core curriculum which will be systematically  
1416 delivered throughout the district.

1417           (c) The set of objectives provided by the State  
1418 Department of Education must be accompanied by suggested  
1419 instructional practices and resources that would help teachers  
1420 organize instruction so as to promote student learning of the  
1421 objectives. Objectives added by the school district must also be  
1422 accompanied by suggested instructional practices and resources  
1423 that would help teachers organize instruction. The instructional  
1424 practices and resources that are identified are to be used as  
1425 suggestions and not as requirements that teachers must follow. The  
1426 goal of the program is to have students to achieve the desired  
1427 objective and not to limit teachers in the way they teach.

1428           (d) Standards for student performance must be  
1429 established for each core objective in the local program and those  
1430 standards establish the district's definition of mastery for each  
1431 objective.

1432           (e) There shall be an annual review of student  
1433 performance in the instructional program against locally  
1434 established standards. When weaknesses exist in the local  
1435 instructional program, the district shall take action to improve  
1436 student performance.

1437           (3) The State Board of Education and the board of trustees  
1438 of each school district shall adopt policies to limit and reduce  
1439 the number and length of written reports that classroom teachers  
1440 are required to prepare.

1441           (4) This section shall not be construed to limit teachers  
1442 from using their own professional skills to help students master  
1443 instructional objectives, nor shall it be construed as a call for  
1444 more detailed or complex lesson plans or any increase in testing  
1445 at the local school district level.

1446       (5) Schools meeting Level 4 or 5 accreditation standards  
1447 shall be exempted from the provisions of this section.

1448       **SECTION 13.** Section 37-7-337, Mississippi Code of 1972, is  
1449 amended as follows:

1450       37-7-337. (1) The governing authorities of the county,  
1451 counties or city in which a school district is located and the  
1452 school board of each school district shall develop a five-year  
1453 plan to encourage community involvement with the schools in such  
1454 district. Such plan shall be filed with the State Department of  
1455 Education on or before January 1, 1993.

1456       (2) Schools meeting Level 4 or 5 accreditation standards  
1457 shall be exempted from the provisions of this section.

1458       **SECTION 14.** Section 37-13-61, Mississippi Code of 1972, is  
1459 amended as follows:

1460       37-13-61. The local school board shall have the power and  
1461 authority to fix the date for the opening and closing of the  
1462 school term, subject to the full one hundred eighty (180) days  
1463 required for a school term of a scholastic year in Section  
1464 37-13-63. \* \* \* Provided, however, that local school boards are  
1465 authorized to keep school in session in excess of the minimum  
1466 number of days prescribed in Section 37-13-63.

1467       **SECTION 15.** Section 37-13-67, Mississippi Code of 1972, is  
1468 amended as follows:

1469       37-13-67. \* \* \* The number of hours of actual teaching which  
1470 shall constitute a school day shall be determined and fixed by the  
1471 board of trustees of the school district at not less than five (5)  
1472 hours \* \* \*.

1473       **SECTION 16.** Section 37-13-69, Mississippi Code of 1972, is  
1474 amended as follows:

1475       37-13-69. (1) All public schools of this state may observe  
1476 such legal holidays as may be designated by the local school  
1477 board, and no sessions of school shall be held on holidays so  
1478 designated and observed. However, all schools shall operate for

1479 the full minimum term required by law exclusive of the holidays  
1480 authorized by this section. The holidays thus observed shall not  
1481 be deducted from the reports of the superintendents, principals  
1482 and teachers, and such superintendents, principals and teachers  
1483 shall be allowed pay for full time as though they had taught on  
1484 said holidays. However, such holidays shall not be counted or  
1485 included in any way in determining the average daily attendance of  
1486 the school.

1487       **SECTION 17.** Section 37-15-9, Mississippi Code of 1972, is  
1488 amended as follows:

1489       37-15-9. (1) Except as provided in subsection (2) and  
1490 subject to the provisions of subsection (3) of this section, no  
1491 child shall be enrolled or admitted to any kindergarten which is a  
1492 part of the free public school system during any school year  
1493 unless such child will reach his fifth birthday on or before  
1494 September 1 of said school year, and no child shall be enrolled or  
1495 admitted to the first grade in any school which is a part of the  
1496 free public school system during any school year unless such child  
1497 will reach his sixth birthday on or before September 1 of said  
1498 school year. No pupil shall be permanently enrolled in a school  
1499 in the State of Mississippi who formerly was enrolled in another  
1500 public or private school within the state until the cumulative  
1501 record of the pupil shall have been received from the school from  
1502 which he transferred. Should such record have become lost or  
1503 destroyed, then it shall be the duty of the superintendent or  
1504 principal of the school where the pupil last attended school to  
1505 initiate a new record.

1506       (2) Subject to the provisions of subsection (3) of this  
1507 section, any child who transfers from an out-of-state public or  
1508 private school in which that state's law provides for a  
1509 first-grade or kindergarten enrollment date subsequent to  
1510 September 1, shall be allowed to enroll in the public schools of

1511 Mississippi, at the same grade level as their prior out-of-state  
1512 enrollment, if:

1513           (a) The parent, legal guardian or custodian of such  
1514 child was a legal resident of the state from which the child is  
1515 transferring;

1516           (b) The out-of-state school from which the child is  
1517 transferring is duly accredited by that state's appropriate  
1518 accrediting authority;

1519           (c) Such child was legally enrolled in a public or  
1520 private school for a minimum of four (4) weeks in the previous  
1521 state; and

1522           (d) The superintendent of schools in the applicable  
1523 Mississippi school district has determined that the child was  
1524 making satisfactory educational progress in the previous state.

1525           (3) When any child applies for admission or enrollment in  
1526 any public school in the state, the parent, guardian or child, in  
1527 the absence of an accompanying parent or guardian, shall indicate  
1528 on the school registration form if the enrolling child has been  
1529 expelled from any public or private school or is currently a party  
1530 to an expulsion proceeding. If it is determined from the child's  
1531 cumulative record or application for admission or enrollment that  
1532 the child has been expelled, the school district may deny the  
1533 student admission and enrollment until the superintendent of the  
1534 school, or his designee, has reviewed the child's cumulative  
1535 record and determined that the child has participated in  
1536 successful rehabilitative efforts including, but not limited to,  
1537 progress in an alternative school or similar program. If the  
1538 child is a party to an expulsion proceeding, the child may be  
1539 admitted to a public school pending final disposition of the  
1540 expulsion proceeding. If the expulsion proceeding results in the  
1541 expulsion of the child, the public school may revoke such  
1542 admission to school. If the child was expelled or is a party to  
1543 an expulsion proceeding for an act involving violence, weapons,

1544 alcohol, illegal drugs or other activity that may result in  
1545 expulsion, the school district shall not be required to grant  
1546 admission or enrollment to the child before one (1) calendar year  
1547 after the date of the expulsion.

1548 (4) The State Department of Education shall develop a policy  
1549 based upon certain academically based exceptions for Level 4 and 5  
1550 schools to become exempted from this process standard.

1551 **SECTION 18.** Section 37-17-6, Mississippi Code of 1972, is  
1552 amended as follows:

1553 37-17-6. (1) The State Board of Education, acting through  
1554 the Commission on School Accreditation, shall establish and  
1555 implement a permanent performance-based accreditation system, and  
1556 all public elementary and secondary schools shall be accredited  
1557 under this system.

1558 (2) No later than June 30, 1995, the State Board of  
1559 Education, acting through the Commission on School Accreditation,  
1560 shall require school districts to provide school classroom space  
1561 that is air conditioned as a minimum requirement for  
1562 accreditation.

1563 (3) (a) Beginning with the 1994-1995 school year, the State  
1564 Board of Education, acting through the Commission on School  
1565 Accreditation, shall require that school districts employ  
1566 certified school librarians according to the following formula:

1567	Number of Students	Number of Certified
1568	Per School Library	School Librarians
1569	0 - 499 Students	1/2 Full-time Equivalent
1570		Certified Librarian
1571	500 or More Students	1 Full-time Certified
1572		Librarian

1573 (b) The State Board of Education, however, may increase  
1574 the number of positions beyond the above requirements.

1575 (c) The assignment of such school librarians to the  
1576 particular schools shall be at the discretion of the local school

1577 district. No individual shall be employed as a certified school  
1578 librarian without appropriate training and certification as a  
1579 school librarian by the State Department of Education.

1580 (d) School librarians in such district shall spend at  
1581 least fifty percent (50%) of direct work time in a school library  
1582 and shall devote no more than one-fourth (1/4) of the workday to  
1583 administrative activities which are library related.

1584 (e) Nothing in this subsection shall prohibit any  
1585 school district from employing more certified school librarians  
1586 than are provided for in this section.

1587 (f) Schools meeting Level 4 or 5 accreditation  
1588 standards shall be exempted from the provisions of this section.

1589 (g) Any additional millage levied to fund school  
1590 librarians required for accreditation under this subsection shall  
1591 be included in the tax increase limitation set forth in Sections  
1592 37-57-105 and 37-57-107 and shall not be deemed a new program for  
1593 purposes of the limitation.

1594 (4) On or before December 31, 2002, the State Board of  
1595 Education shall implement the performance-based accreditation  
1596 system for school districts and for individual schools which shall  
1597 include the following:

1598 (a) High expectations for students and high standards  
1599 for all schools, with a focus on the basic curriculum;

1600 (b) Strong accountability for results with appropriate  
1601 local flexibility for local implementation;

1602 (c) A process to implement accountability at both the  
1603 school district level and the school level;

1604 (d) Individual schools shall be held accountable for  
1605 student growth and performance;

1606 (e) Set annual performance standards for each of the  
1607 schools of the state and measure the performance of each school  
1608 against itself through the standard that has been set for it;



1609           (f) A determination of which schools exceed their  
1610 standards and a plan for providing recognition and rewards to such  
1611 schools;

1612           (g) A determination of which schools are failing to  
1613 meet their standards and a determination of the appropriate role  
1614 of the State Board of Education and the State Department of  
1615 Education in providing assistance and initiating possible  
1616 intervention; and

1617           (h) Development of a comprehensive student assessment  
1618 system to implement these requirements.

1619           The State Board of Education may continue to assign school  
1620 district performance levels by using a number classification and  
1621 may assign individual school performance levels by using a number  
1622 classification to be consistent with school district performance  
1623 levels.

1624           (5) Nothing in this section shall be deemed to require a  
1625 nonpublic school which receives no local, state or federal funds  
1626 for support to become accredited by the State Board of Education.

1627           (6) The State Board of Education shall create an  
1628 accreditation audit unit under the Commission on School  
1629 Accreditation to determine whether schools are complying with  
1630 accreditation standards.

1631           (7) The State Board of Education shall be specifically  
1632 authorized and empowered to withhold adequate minimum education  
1633 program or adequate education program fund allocations, whichever  
1634 is applicable, to any public school district for failure to timely  
1635 report student, school personnel and fiscal data necessary to meet  
1636 state and/or federal requirements.

1637           (8) [Deleted]

1638           (9) The State Board of Education shall establish, for those  
1639 school districts failing to meet accreditation standards, a  
1640 program of development to be complied with in order to receive  
1641 state funds, except as otherwise provided in subsection (14) of

1642 this section when the Governor has declared a state of emergency  
1643 in a school district or as otherwise provided in Section 206,  
1644 Mississippi Constitution of 1890. The state board, in  
1645 establishing these standards, shall provide for notice to schools  
1646 and sufficient time and aid to enable schools to attempt to meet  
1647 these standards, unless procedures under subsection (14) of this  
1648 section have been invoked.

1649 (10) Beginning July 1, 1998, the State Board of Education  
1650 shall be charged with the implementation of the program of  
1651 development in each applicable school district as follows:

1652 (a) Develop an impairment report for each district  
1653 failing to meet accreditation standards in conjunction with school  
1654 district officials;

1655 (b) Notify any applicable school district failing to  
1656 meet accreditation standards that it is on probation until  
1657 corrective actions are taken or until the deficiencies have been  
1658 removed. The local school district shall develop a corrective  
1659 action plan to improve its deficiencies. For district academic  
1660 deficiencies, the corrective action plan for each such school  
1661 district shall be based upon a complete analysis of the following:

1662 student test data, student grades, student attendance reports,  
1663 student drop-out data, existence and other relevant data. The  
1664 corrective action plan shall describe the specific measures to be  
1665 taken by the particular school district and school to improve:

1666 (i) instruction; (ii) curriculum; (iii) professional development;  
1667 (iv) personnel and classroom organization; (v) student incentives  
1668 for performance; (vi) process deficiencies; and (vii) reporting to  
1669 the local school board, parents and the community. The corrective  
1670 action plan shall describe the specific individuals responsible  
1671 for implementing each component of the recommendation and how each  
1672 will be evaluated. All corrective action plans shall be provided  
1673 to the State Board of Education as may be required. The decision

1674 of the State Board of Education establishing the probationary  
1675 period of time shall be final;

1676 (c) Offer, during the probationary period, technical  
1677 assistance to the school district in making corrective actions.  
1678 Beginning July 1, 1998, subject to the availability of funds, the  
1679 State Department of Education shall provide technical and/or  
1680 financial assistance to all such school districts in order to  
1681 implement each measure identified in that district's corrective  
1682 action plan through professional development and on-site  
1683 assistance. Each such school district shall apply for and utilize  
1684 all available federal funding in order to support its corrective  
1685 action plan in addition to state funds made available under this  
1686 paragraph;

1687 (d) Contract, in its discretion, with the institutions  
1688 of higher learning or other appropriate private entities to assist  
1689 school districts;

1690 (e) Provide for publication of public notice at least  
1691 one (1) time during the probationary period, in a newspaper  
1692 published within the jurisdiction of the school district failing  
1693 to meet accreditation standards, or if no newspaper is published  
1694 therein, then in a newspaper having a general circulation therein.  
1695 The publication shall include the following: declaration of  
1696 school system's status as being on probation; all details relating  
1697 to the impairment report, and other information as the State Board  
1698 of Education deems appropriate. Public notices issued under this  
1699 section shall be subject to Section 13-3-31 and not contrary to  
1700 other laws regarding newspaper publication.

1701 (11) (a) If the recommendations for corrective action are  
1702 not taken by the local school district or if the deficiencies are  
1703 not removed by the end of the probationary period, the Commission  
1704 on School Accreditation shall conduct a hearing to allow such  
1705 affected school district to present evidence or other reasons why  
1706 its accreditation should not be withdrawn. Subsequent to its

1707 consideration of the results of such hearing, the Commission on  
1708 School Accreditation shall be authorized, with the approval of the  
1709 State Board of Education, to withdraw the accreditation of a  
1710 public school district, and issue a request to the Governor that a  
1711 state of emergency be declared in that district.

1712 (b) If the State Board of Education and the Commission  
1713 on School Accreditation determine that an extreme emergency  
1714 situation exists in a school district which jeopardizes the  
1715 safety, security or educational interests of the children enrolled  
1716 in the schools in that district and such emergency situation is  
1717 believed to be related to a serious violation or violations of  
1718 accreditation standards or state or federal law, the State Board  
1719 of Education may request the Governor to declare a state of  
1720 emergency in that school district. For purposes of this  
1721 paragraph, such declarations of a state of emergency shall not be  
1722 limited to those instances when a school district's impairments  
1723 are related to a lack of financial resources, but also shall  
1724 include serious failure to meet minimum academic standards, as  
1725 evidenced by a continued pattern of poor student performance.

1726 (c) Whenever the Governor declares a state of emergency  
1727 in a school district in response to a request made under paragraph  
1728 (a) or (b) of this subsection, the State Board of Education may  
1729 take one or more of the following actions:

1730 (i) Declare a state of emergency, under which some  
1731 or all of state funds can be escrowed except as otherwise provided  
1732 in Section 206, Constitution of 1890, until the board determines  
1733 corrective actions are being taken or the deficiencies have been  
1734 removed, or that the needs of students warrant the release of  
1735 funds. Such funds may be released from escrow for any program  
1736 which the board determines to have been restored to standard even  
1737 though the state of emergency may not as yet be terminated for the  
1738 district as a whole;

1739                   (ii) Override any decision of the local school  
1740 board or superintendent of education, or both, concerning the  
1741 management and operation of the school district, or initiate and  
1742 make decisions concerning the management and operation of the  
1743 school district;

1744                   (iii) Assign an interim conservator who will have  
1745 those powers and duties prescribed in subsection (14) of this  
1746 section;

1747                   (iv) Grant transfers to students who attend this  
1748 school district so that they may attend other accredited schools  
1749 or districts in a manner which is not in violation of state or  
1750 federal law;

1751                   (v) For states of emergency declared under  
1752 paragraph (a) only, if the accreditation deficiencies are related  
1753 to the fact that the school district is too small, with too few  
1754 resources, to meet the required standards and if another school  
1755 district is willing to accept those students, abolish that  
1756 district and assign that territory to another school district or  
1757 districts. If the school district has proposed a voluntary  
1758 consolidation with another school district or districts, then if  
1759 the State Board of Education finds that it is in the best interest  
1760 of the pupils of the district for such consolidation to proceed,  
1761 the voluntary consolidation shall have priority over any such  
1762 assignment of territory by the State Board of Education;

1763                   (vi) For states of emergency declared under  
1764 paragraph (b) only, reduce local supplements paid to school  
1765 district employees, including, but not limited to, instructional  
1766 personnel, assistant teachers and extracurricular activities  
1767 personnel, if the district's impairment is related to a lack of  
1768 financial resources, but only to an extent which will result in  
1769 the salaries being comparable to districts similarly situated, as  
1770 determined by the State Board of Education;

1771                   (vii) For states of emergency declared under  
1772 paragraph (b) only, the State Board of Education must take such  
1773 action as prescribed in Section 37-17-13.

1774                   (d) At such time as satisfactory corrective action has  
1775 been taken in a school district in which a state of emergency has  
1776 been declared, the State Board of Education may request the  
1777 Governor to declare that the state of emergency no longer exists  
1778 in the district.

1779                   (e) Not later than July 1 of each year, the State  
1780 Department of Education shall develop an itemized accounting of  
1781 the expenditures associated with the management of the conservator  
1782 process with regard to each school district in which a conservator  
1783 has been appointed, and an assessment as to the extent to which  
1784 the conservator has achieved, or failed to achieve, the goals for  
1785 which the conservator was appointed to guide the local school  
1786 district.

1787                   (12) Upon the declaration of a state of emergency in a  
1788 school district under subsection (11) of this section, the  
1789 Commission on School Accreditation shall be responsible for public  
1790 notice at least once a week for at least three (3) consecutive  
1791 weeks in a newspaper published within the jurisdiction of the  
1792 school district failing to meet accreditation standards, or if no  
1793 newspaper is published therein, then in a newspaper having a  
1794 general circulation therein. The size of such notice shall be no  
1795 smaller than one-fourth (1/4) of a standard newspaper page and  
1796 shall be printed in bold print. If a conservator has been  
1797 appointed for the school district, such notice shall begin as  
1798 follows: "By authority of Section 37-17-6, Mississippi Code of  
1799 1972, as amended, adopted by the Mississippi Legislature during  
1800 the 1991 Regular Session, this school district (name of school  
1801 district) is hereby placed under the jurisdiction of the State  
1802 Department of Education acting through its appointed conservator  
1803 (name of conservator)."

1804           The notice also shall include, in the discretion of the State  
1805 Board of Education, any or all details relating to the school  
1806 district's emergency status, including the declaration of a state  
1807 of emergency in the school district and a description of the  
1808 district's impairment deficiencies, conditions of any  
1809 conservatorship and corrective actions recommended and being  
1810 taken. Public notices issued under this section shall be subject  
1811 to Section 13-3-31 and not contrary to other laws regarding  
1812 newspaper publication.

1813           Upon termination of the state of emergency in a school  
1814 district, the Commission on School Accreditation shall cause  
1815 notice to be published in the school district in the same manner  
1816 provided in this section, to include any or all details relating  
1817 to the corrective action taken in the school district which  
1818 resulted in the termination of the state of emergency.

1819           (13) The State Board of Education or the Commission on  
1820 School Accreditation shall have the authority to require school  
1821 districts to produce the necessary reports, correspondence,  
1822 financial statements, and any other documents and information  
1823 necessary to fulfill the requirements of this section.

1824           Nothing in this section shall be construed to grant any  
1825 individual, corporation, board or conservator the authority to  
1826 levy taxes except in accordance with presently existing statutory  
1827 provisions.

1828           (14) (a) Whenever the Governor declares a state of  
1829 emergency in a school district in response to a request made under  
1830 subsection (11) of this section, the State Board of Education, in  
1831 its discretion, may assign an interim conservator to the school  
1832 district who will be responsible for the administration,  
1833 management and operation of the school district, including, but  
1834 not limited to, the following activities:

1835                       (i) Approving or disapproving all financial  
1836 obligations of the district, including, but not limited to, the

1837 employment, termination, nonrenewal and reassignment of all  
1838 certified and noncertified personnel, contractual agreements and  
1839 purchase orders, and approving or disapproving all claim dockets  
1840 and the issuance of checks; in approving or disapproving  
1841 employment contracts of superintendents, assistant superintendents  
1842 or principals, the interim conservator shall not be required to  
1843 comply with the time limitations prescribed in Sections 37-9-15  
1844 and 37-9-105;

1845                   (ii) Supervising the day-to-day activities of the  
1846 district's staff, including reassigning the duties and  
1847 responsibilities of personnel in a manner which, in the  
1848 determination of the conservator, will best suit the needs of the  
1849 district;

1850                   (iii) Reviewing the district's total financial  
1851 obligations and operations and making recommendations to the  
1852 district for cost savings, including, but not limited to,  
1853 reassigning the duties and responsibilities of staff;

1854                   (iv) Attending all meetings of the district's  
1855 school board and administrative staff;

1856                   (v) Approving or disapproving all athletic, band  
1857 and other extracurricular activities and any matters related to  
1858 those activities;

1859                   (vi) Maintaining a detailed account of  
1860 recommendations made to the district and actions taken in response  
1861 to those recommendations;

1862                   (vii) Reporting periodically to the State Board of  
1863 Education on the progress or lack of progress being made in the  
1864 district to improve the district's impairments during the state of  
1865 emergency; and

1866                   (viii) Appointing a parent advisory committee,  
1867 comprised of parents of students in the school district, which may  
1868 make recommendations to the conservator concerning the  
1869 administration, management and operation of the school district.



1870           Except when, in the determination of the State Board of  
1871 Education, the school district's impairment is related to a lack  
1872 of financial resources, the cost of the salary of the conservator  
1873 and any other actual and necessary costs related to the  
1874 conservatorship paid by the State Department of Education shall be  
1875 reimbursed by the local school district from nonminimum program  
1876 funds. The department shall submit an itemized statement to the  
1877 superintendent of the local school district for reimbursement  
1878 purposes, and any unpaid balance may be withheld from the  
1879 district's minimum or adequate education program funds.

1880           At such time as the Governor, pursuant to the request of the  
1881 State Board of Education, declares that the state of emergency no  
1882 longer exists in a school district, the powers and  
1883 responsibilities of the interim conservator assigned to such  
1884 district shall cease.

1885           (b) In order to provide loans to school districts under  
1886 a state of emergency which have impairments related to a lack of  
1887 financial resources, the School District Emergency Assistance Fund  
1888 is created as a special fund in the State Treasury into which  
1889 monies may be transferred or appropriated by the Legislature from  
1890 any available public education funds. The maximum amount that may  
1891 be appropriated or transferred to the School District Emergency  
1892 Assistance Fund for any one (1) emergency shall be Two Million  
1893 Dollars (\$2,000,000.00), and the maximum amount that may be  
1894 appropriated during any fiscal year shall be Three Million Dollars  
1895 (\$3,000,000.00).

1896           The State Board of Education may loan monies from the School  
1897 District Emergency Assistance Fund to a school district that is  
1898 under a state of emergency in such amounts, as determined by the  
1899 board, which are necessary to correct the district's impairments  
1900 related to a lack of financial resources. The loans shall be  
1901 evidenced by an agreement between the school district and the  
1902 State Board of Education and shall be repayable in principal,

1903 without necessity of interest, to the State General Fund or the  
1904 Education Enhancement Fund, depending on the source of funding for  
1905 such loan, by the school district from any allowable funds that  
1906 are available. The total amount loaned to the district shall be  
1907 due and payable within five (5) years after the impairments  
1908 related to a lack of financial resources are corrected. If a  
1909 school district fails to make payments on the loan in accordance  
1910 with the terms of the agreement between the district and the State  
1911 Board of Education, the State Department of Education, in  
1912 accordance with rules and regulations established by the State  
1913 Board of Education, may withhold that district's minimum program  
1914 funds in an amount and manner that will effectuate repayment  
1915 consistent with the terms of the agreement; such funds withheld by  
1916 the department shall be deposited into the State General Fund or  
1917 the Education Enhancement Fund, as the case may be.

1918 If the State Board of Education determines that an extreme  
1919 emergency exists, simultaneous with the powers exercised in this  
1920 subsection, it shall take immediate action against all parties  
1921 responsible for the affected school districts having been  
1922 determined to be in an extreme emergency. Such action shall  
1923 include, but not be limited to, initiating civil actions to  
1924 recover funds and criminal actions to account for criminal  
1925 activity. Any funds recovered by the State Auditor or the State  
1926 Board of Education from the surety bonds of school officials or  
1927 from any civil action brought under this subsection shall be  
1928 applied toward the repayment of any loan made to a school district  
1929 hereunder.

1930 (15) In the event a majority of the membership of the school  
1931 board of any school district resigns from office, the State Board  
1932 of Education shall be authorized to assign an interim conservator,  
1933 who shall be responsible for the administration, management and  
1934 operation of the school district until such time as new board  
1935 members are selected or the Governor declares a state of emergency

1936 in that school district under subsection (11), whichever occurs  
1937 first. In such case, the State Board of Education, acting through  
1938 the interim conservator, shall have all powers which were held by  
1939 the previously existing school board, and may take such action as  
1940 prescribed in Section 37-17-13 and/or one or more of the actions  
1941 authorized in this section.

1942 (16) Beginning with the school district audits conducted for  
1943 the 1997-1998 fiscal year, the State Board of Education, acting  
1944 through the Commission on School Accreditation, shall require each  
1945 school district to comply with standards established by the State  
1946 Department of Audit for the verification of fixed assets and the  
1947 auditing of fixed assets records as a minimum requirement for  
1948 accreditation.

1949 (17) Before December 1, 1999, the State Board of Education  
1950 shall recommend a program to the Education Committees of the House  
1951 of Representatives and the Senate for identifying and rewarding  
1952 public schools that improve or are high performing. The program  
1953 shall be described by the board in a written report, which shall  
1954 include criteria and a process through which improving schools and  
1955 high-performing schools will be identified and rewarded.

1956 The State Superintendent of Education and the State Board of  
1957 Education also shall develop a comprehensive accountability plan  
1958 to ensure that local school boards, superintendents, principals  
1959 and teachers are held accountable for student achievement. A  
1960 written report on the accountability plan shall be submitted to  
1961 the Education Committees of both houses of the Legislature before  
1962 December 1, 1999, with any necessary legislative recommendations.

1963 **SECTION 19.** Section 37-17-8, Mississippi Code of 1972, is  
1964 amended as follows:

1965 37-17-8. (1) The State Board of Education, through the  
1966 Commission on School Accreditation, shall establish criteria for  
1967 comprehensive in-service staff development plans. These criteria  
1968 shall: (a) include, but not be limited to, formula and guidelines

1969 for allocating available state funds for in-service training to  
1970 local school districts; (b) require that a portion of the plans be  
1971 devoted exclusively for the purpose of providing staff development  
1972 training for beginning teachers within that local school district  
1973 and for no other purpose; and (c) require that a portion of the  
1974 school district's in-service training for administrators and  
1975 teachers be dedicated to the application and utilization of  
1976 various disciplinary techniques. The board shall each year make  
1977 recommendations to the Legislature concerning the amount of funds  
1978 which shall be appropriated for this purpose.

1979 (2) Beginning with the 1998-1999 school year, school  
1980 districts shall not be required to submit staff development plans  
1981 to the Commission on School Accreditation for approval. However,  
1982 any school district accredited at Level 1 or Level 2 shall  
1983 include, as a part of any required corrective action plan,  
1984 provisions to address staff development in accordance with State  
1985 Board of Education requirements. All school districts, unless  
1986 specifically exempt from this section, must maintain on file staff  
1987 development plans as required under this section. The plan shall  
1988 have been prepared by a district committee appointed by the  
1989 district superintendent and consisting of teachers,  
1990 administrators, school board members, and lay people, and it shall  
1991 have been approved by the district superintendent.

1992 (3) In order to insure that teachers are not overburdened  
1993 with paperwork and written reports, local school districts and  
1994 the State Board of Education shall take such steps as may be  
1995 necessary to further the reduction of paperwork requirements on  
1996 teachers.

1997 (4) Schools meeting Level 4 or 5 accreditation standards  
1998 shall be exempted from the provisions of this section.

1999 **SECTION 20.** Section 37-17-11, Mississippi Code of 1972, is  
2000 amended as follows:

2001           37-17-11. (1) (a) Effective July 1, 2005, schools with  
2002 Level 4 or 5 accreditation standards, shall be exempted from the  
2003 provisions pursuant to Sections 37-3-4, 37-3-46, 37-3-49,  
2004 37-7-301, 37-7-306, 37-7-337, 37-9-79, 37-13-61, 37-13-67,  
2005 37-15-9, 37-17-6, 37-17-8, 37-21-7, 37-25-9, 37-41-53, 37-151-5  
2006 and 37-151-77, Mississippi Code of 1972, or (b) the process  
2007 standards included in the *Mississippi Public Schools*  
2008 *Accountability Manual* not required by law.

2009           (b) Effective upon official issuance of State Board of  
2010 Education accreditation ratings, each school initially meeting a  
2011 Level 4 or 5 accreditation rating shall have their exemption  
2012 status reevaluated every three (3) years. If a previously exempted  
2013 school's rating is reduced to a Level 1, 2 or 3 then that school  
2014 shall automatically lose its exempt status until it again achieves  
2015 a Level 4 or 5 ranking.

2016           (2) For the purposes of this section, a Level 4 and 5 school  
2017 is defined as designated by the State Board of Education  
2018 accreditation ratings.

2019           (3) The State Department of Education is directed to provide  
2020 a report of all exempted process standards and nonexempted process  
2021 standards to the Office of the Governor, the Chairs of the House  
2022 and Senate Education Committees, and the Mississippi Association  
2023 of State Superintendents by December 1, 2005.

2024           **SECTION 21.** Section 37-21-7, Mississippi Code of 1972, is  
2025 amended as follows:

2026           37-21-7. (1) This section shall be referred to as the  
2027 "Mississippi Elementary Schools Assistant Teacher Program," the  
2028 purpose of which shall be to provide an early childhood education  
2029 program that assists in the instruction of basic skills. The  
2030 State Board of Education is authorized, empowered and directed to  
2031 implement a statewide system of assistant teachers in kindergarten  
2032 classes and in the first, second and third grades. The assistant

2033 teacher shall assist pupils in actual instruction under the strict  
2034 supervision of a licensed teacher.

2035       (2) (a) Except as otherwise authorized under subsection  
2036 (7), each school district shall employ the total number of  
2037 assistant teachers funded under subsection (6) of this section.  
2038 The superintendent of each district shall assign the assistant  
2039 teachers to the kindergarten, first-, second- and third-grade  
2040 classes in the district in a manner that will promote the maximum  
2041 efficiency, as determined by the superintendent, in the  
2042 instruction of skills such as verbal and linguistic skills,  
2043 logical and mathematical skills, and social skills.

2044       (b) If a licensed teacher to whom an assistant teacher  
2045 has been assigned is required to be absent from the classroom, the  
2046 assistant teacher may assume responsibility for the classroom in  
2047 lieu of a substitute teacher. However, no assistant teacher shall  
2048 assume sole responsibility of the classroom for more than three  
2049 (3) consecutive school days. Further, in no event shall any  
2050 assistant teacher be assigned to serve as a substitute teacher for  
2051 any teacher other than the licensed teacher to whom that assistant  
2052 teacher has been assigned.

2053       (3) Assistant teachers shall have, at a minimum, a high  
2054 school diploma or a GED equivalent, and shall show demonstratable  
2055 proficiency in reading and writing skills. The State Department  
2056 of Education shall develop a testing procedure for assistant  
2057 teacher applicants to be used in all school districts in the  
2058 state.

2059       (4) (a) In order to receive funding, each school district  
2060 shall:

2061               (i) Submit a plan on the implementation of a  
2062 reading improvement program to the State Department of Education;  
2063 and

2064 (ii) Develop a plan of educational accountability  
2065 and assessment of performance, including pretests and posttests,  
2066 for reading in Grades 1 through 6.

2067 (b) Additionally, each school district shall:

2068 (i) Provide annually a mandatory preservice  
2069 orientation session, using an existing in-school service day, for  
2070 administrators and teachers on the effective use of assistant  
2071 teachers as part of a team in the classroom setting and on the  
2072 role of assistant teachers, with emphasis on program goals;

2073 (ii) Hold periodic workshops for administrators  
2074 and teachers on the effective use and supervision of assistant  
2075 teachers;

2076 (iii) Provide training annually on specific  
2077 instructional skills for assistant teachers;

2078 (iv) Annually evaluate their program in accordance  
2079 with their educational accountability and assessment of  
2080 performance plan; and

2081 (v) Designate the necessary personnel to supervise  
2082 and report on their program.

2083 (5) The State Department of Education shall:

2084 (a) Develop and assist in the implementation of a  
2085 statewide uniform training module, subject to the availability of  
2086 funds specifically appropriated therefor by the Legislature, which  
2087 shall be used in all school districts for training administrators,  
2088 teachers and assistant teachers. The module shall provide for the  
2089 consolidated training of each assistant teacher and teacher to  
2090 whom the assistant teacher is assigned, working together as a  
2091 team, and shall require further periodical training for  
2092 administrators, teachers and assistant teachers regarding the role  
2093 of assistant teachers;

2094 (b) Annually evaluate the program on the district and  
2095 state level. Subject to the availability of funds specifically  
2096 appropriated therefor by the Legislature, the department shall

2097 develop: (i) uniform evaluation reports, to be performed by the  
2098 principal or assistant principal, to collect data for the annual  
2099 overall program evaluation conducted by the department; or (ii) a  
2100 program evaluation model that, at a minimum, addresses process  
2101 evaluation; and

2102 (c) Promulgate rules, regulations and such other  
2103 standards deemed necessary to effectuate the purposes of this  
2104 section. Noncompliance with the provisions of this section and  
2105 any rules, regulations or standards adopted by the department may  
2106 result in a violation of compulsory accreditation standards as  
2107 established by the State Board of Education and Commission on  
2108 School Accreditation.

2109 (6) In addition to other funds allotted under the Minimum  
2110 Education or Adequate Education Program, each school district  
2111 shall be allotted sufficient funding for the purpose of employing  
2112 assistant teachers. No assistant teacher shall be paid less than  
2113 the amount he or she received in the prior school year. No school  
2114 district shall receive any funds under this section for any school  
2115 year during which the aggregate amount of the local contribution  
2116 to the salaries of assistant teachers by the district shall have  
2117 been reduced below such amount for the previous year.

2118 For the 2001-2002 school year, the minimum salary for  
2119 assistant teachers shall be Nine Thousand Three Hundred Sixty-five  
2120 Dollars (\$9,365.00).

2121 For the 2002-2003 school year, the minimum salary for  
2122 assistant teachers shall be Nine Thousand Nine Hundred Dollars  
2123 (\$9,900.00).

2124 For the 2003-2004 school year, the minimum salary for  
2125 assistant teachers shall be Ten Thousand Five Hundred Dollars  
2126 (\$10,500.00).

2127 For the 2004-2005 school year, the minimum salary for  
2128 assistant teachers shall be Eleven Thousand Two Hundred Dollars  
2129 (\$11,200.00).



2130           For the 2005-2006 school year and school years thereafter,  
2131 the minimum salary for assistant teachers shall be Twelve Thousand  
2132 Dollars (\$12,000.00).

2133           In addition, for each one percent (1%) that the Sine Die  
2134 General Fund Revenue Estimate Growth exceeds five percent (5%) in  
2135 fiscal year 2003, 2004, 2005 or 2006, as certified by the  
2136 Legislative Budget Office to the State Board of Education and  
2137 subject to the specific appropriation therefor by the Legislature,  
2138 the State Board of Education shall revise the salary scale in the  
2139 appropriate year to provide an additional one percent (1%) across  
2140 the board increase in the base salaries for assistant teachers.  
2141 The State Board of Education shall revise the salaries prescribed  
2142 above for assistant teachers to conform to any adjustments made in  
2143 prior fiscal years due to revenue growth over and above five  
2144 percent (5%). The assistant teachers shall not be restricted to  
2145 working only in the grades for which the funds were allotted, but  
2146 may be assigned to other classes as provided in subsection (2)(a)  
2147 of this section.

2148           (7) (a) As an alternative to employing assistant teachers,  
2149 any school district may use the allotment provided under  
2150 subsection (6) of this section for the purpose of employing  
2151 licensed teachers for kindergarten, first-, second- and  
2152 third-grade classes; however, no school district shall be  
2153 authorized to use the allotment for assistant teachers for the  
2154 purpose of employing licensed teachers unless the district has  
2155 established that the employment of licensed teachers using such  
2156 funds will reduce the teacher:student ratio in the kindergarten,  
2157 first-, second- and third-grade classes. All state funds for  
2158 assistant teachers shall be applied to reducing teacher:student  
2159 ratio in Grades K-3.

2160           It is the intent of the Legislature that no school district  
2161 shall dismiss any assistant teacher for the purpose of using the  
2162 assistant teacher allotment to employ licensed teachers. School

2163 districts may rely only upon normal attrition to reduce the number  
2164 of assistant teachers employed in that district.

2165 (b) Schools meeting Level 4 or 5 accreditation  
2166 standards shall be exempted from the provisions of this section.

2167 **SECTION 22.** Section 37-41-53, Mississippi Code of 1972, is  
2168 amended as follows:

2169 37-41-53. (1) Each school board, person, firm or  
2170 corporation transporting public school children on the public  
2171 roads, streets and highways of the state with motor vehicles shall  
2172 have said motor vehicles inspected according to the laws of the  
2173 state \* \* \*. Each motor vehicle shall be inspected by a competent  
2174 mechanic to be safe for transporting pupils on the roads, streets  
2175 and highways of the state before it is released for such purpose.  
2176 If such motor vehicle is found to be unsafe for transporting  
2177 pupils, then it shall be properly repaired or adjusted as  
2178 necessary before being used to transport pupils. The provisions  
2179 of this subsection (1) shall not apply to vehicles owned by  
2180 individuals and under private contract to the school district and  
2181 used exclusively for transporting members of their immediate  
2182 families.

2183 (2) The State Department of Education may, at its  
2184 discretion, inspect any school bus used for transporting pupils to  
2185 and from the public schools or for activity purposes to determine  
2186 the safety of such motor vehicle for operation on the roads,  
2187 streets and highways of this state. In the event a vehicle is  
2188 inspected and is found to be unsafe for transporting pupils, a  
2189 report shall be filed with the appropriate school official  
2190 indicating its deficiencies with recommendations for correcting  
2191 such deficiencies.

2192 (3) If it is determined that any buses are in such defective  
2193 condition as to constitute an emergency safety hazard, those buses  
2194 may be condemned and removed from service and shall not be  
2195 returned to service until adequate repairs are completed and such

2196 buses are reinspected by the State Department of Education. Any  
2197 school official who approves the operation of any school bus that  
2198 has been removed from service under the conditions listed above,  
2199 prior to being reinspected by the State Department of Education,  
2200 shall be guilty of a misdemeanor and upon conviction shall be  
2201 punished by imprisonment in the county jail for a period not to  
2202 exceed sixty (60) days, or a fine of not less than Five Hundred  
2203 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),  
2204 or by both such fine and imprisonment, in the discretion of the  
2205 court.

2206       **SECTION 23.** Section 37-7-301, Mississippi Code of 1972, is  
2207 amended as follows:

2208       37-7-301. The school boards of all school districts shall  
2209 have the following powers, authority and duties in addition to all  
2210 others imposed or granted by law, to wit:

2211           (a) To organize and operate the schools of the district  
2212 and to make such division between the high school grades and  
2213 elementary grades as, in their judgment, will serve the best  
2214 interests of the school;

2215           (b) To introduce public school music, art, manual  
2216 training and other special subjects into either the elementary or  
2217 high school grades, as the board shall deem proper;

2218           (c) To be the custodians of real and personal school  
2219 property and to manage, control and care for same, both during the  
2220 school term and during vacation;

2221           (d) To have responsibility for the erection, repairing  
2222 and equipping of school facilities and the making of necessary  
2223 school improvements;

2224           (e) To suspend or to expel a pupil or to change the  
2225 placement of a pupil to the school district's alternative school  
2226 or home-bound program for misconduct in the school or on school  
2227 property, as defined in Section 37-11-29, on the road to and from  
2228 school, or at any school-related activity or event, or for conduct

2229 occurring on property other than school property or other than at  
2230 a school-related activity or event when such conduct by a pupil,  
2231 in the determination of the school superintendent or principal,  
2232 renders that pupil's presence in the classroom a disruption to the  
2233 educational environment of the school or a detriment to the best  
2234 interest and welfare of the pupils and teacher of such class as a  
2235 whole, and to delegate such authority to the appropriate officials  
2236 of the school district;

2237 (f) To visit schools in the district, in their  
2238 discretion, in a body for the purpose of determining what can be  
2239 done for the improvement of the school in a general way;

2240 (g) To support, within reasonable limits, the  
2241 superintendent, principal and teachers where necessary for the  
2242 proper discipline of the school;

2243 (h) To exclude from the schools students with what  
2244 appears to be infectious or contagious diseases; provided,  
2245 however, such student may be allowed to return to school upon  
2246 presenting a certificate from a public health officer, duly  
2247 licensed physician or nurse practitioner that the student is free  
2248 from such disease;

2249 (i) To require those vaccinations specified by the  
2250 State Health Officer as provided in Section 41-23-37, Mississippi  
2251 Code of 1972;

2252 (j) To see that all necessary utilities and services  
2253 are provided in the schools at all times when same are needed;

2254 (k) To authorize the use of the school buildings and  
2255 grounds for the holding of public meetings and gatherings of the  
2256 people under such regulations as may be prescribed by said board;

2257 (l) To prescribe and enforce rules and regulations not  
2258 inconsistent with law or with the regulations of the State Board  
2259 of Education for their own government and for the government of  
2260 the schools, and to transact their business at regular and special  
2261 meetings called and held in the manner provided by law;

2262 (m) To maintain and operate all of the schools under  
2263 their control for such length of time during the year as may be  
2264 required;

2265 (n) To enforce in the schools the courses of study and  
2266 the use of the textbooks prescribed by the proper authorities;

2267 (o) To make orders directed to the superintendent of  
2268 schools for the issuance of pay certificates for lawful purposes  
2269 on any available funds of the district and to have full control of  
2270 the receipt, distribution, allotment and disbursement of all funds  
2271 provided for the support and operation of the schools of such  
2272 school district whether such funds be derived from state  
2273 appropriations, local ad valorem tax collections, or otherwise;

2274 (p) To select all school district personnel in the  
2275 manner provided by law, and to provide for such employee fringe  
2276 benefit programs, including accident reimbursement plans, as may  
2277 be deemed necessary and appropriate by the board;

2278 (q) To provide athletic programs and other school  
2279 activities and to regulate the establishment and operation of such  
2280 programs and activities;

2281 (r) To join, in their discretion, any association of  
2282 school boards and other public school-related organizations, and  
2283 to pay from local funds other than minimum foundation funds, any  
2284 membership dues;

2285 (s) To expend local school activity funds, or other  
2286 available school district funds, other than minimum education  
2287 program funds, for the purposes prescribed under this paragraph.  
2288 "Activity funds" shall mean all funds received by school officials  
2289 in all school districts paid or collected to participate in any  
2290 school activity, such activity being part of the school program  
2291 and partially financed with public funds or supplemented by public  
2292 funds. The term "activity funds" shall not include any funds  
2293 raised and/or expended by any organization unless commingled in a  
2294 bank account with existing activity funds, regardless of whether

2295 the funds were raised by school employees or received by school  
2296 employees during school hours or using school facilities, and  
2297 regardless of whether a school employee exercises influence over  
2298 the expenditure or disposition of such funds. Organizations shall  
2299 not be required to make any payment to any school for the use of  
2300 any school facility if, in the discretion of the local school  
2301 governing board, the organization's function shall be deemed to be  
2302 beneficial to the official or extracurricular programs of the  
2303 school. For the purposes of this provision, the term  
2304 "organization" shall not include any organization subject to the  
2305 control of the local school governing board. Activity funds may  
2306 only be expended for any necessary expenses or travel costs,  
2307 including advances, incurred by students and their chaperons in  
2308 attending any in-state or out-of-state school-related programs,  
2309 conventions or seminars and/or any commodities, equipment, travel  
2310 expenses, purchased services or school supplies which the local  
2311 school governing board, in its discretion, shall deem beneficial  
2312 to the official or extracurricular programs of the district,  
2313 including items which may subsequently become the personal  
2314 property of individuals, including yearbooks, athletic apparel,  
2315 book covers and trophies. Activity funds may be used to pay  
2316 travel expenses of school district personnel. The local school  
2317 governing board shall be authorized and empowered to promulgate  
2318 rules and regulations specifically designating for what purposes  
2319 school activity funds may be expended. The local school governing  
2320 board shall provide (i) that such school activity funds shall be  
2321 maintained and expended by the principal of the school generating  
2322 the funds in individual bank accounts, or (ii) that such school  
2323 activity funds shall be maintained and expended by the  
2324 superintendent of schools in a central depository approved by the  
2325 board. The local school governing board shall provide that such  
2326 school activity funds be audited as part of the annual audit  
2327 required in Section 37-9-18. The State Auditor shall prescribe a

2328 uniform system of accounting and financial reporting for all  
2329 school activity fund transactions;

2330 (t) To contract, on a shared savings, lease or  
2331 lease-purchase basis, for energy efficiency services and/or  
2332 equipment as provided for in Section 31-7-14, not to exceed ten  
2333 (10) years;

2334 (u) To maintain accounts and issue pay certificates on  
2335 school food service bank accounts;

2336 (v) (i) To lease a school building from an individual,  
2337 partnership, nonprofit corporation or a private for-profit  
2338 corporation for the use of such school district, and to expend  
2339 funds therefor as may be available from any nonminimum program  
2340 sources. The school board of the school district desiring to  
2341 lease a school building shall declare by resolution that a need  
2342 exists for a school building and that the school district cannot  
2343 provide the necessary funds to pay the cost or its proportionate  
2344 share of the cost of a school building required to meet the  
2345 present needs. The resolution so adopted by the school board  
2346 shall be published once each week for three (3) consecutive weeks  
2347 in a newspaper having a general circulation in the school district  
2348 involved, with the first publication thereof to be made not less  
2349 than thirty (30) days prior to the date upon which the school  
2350 board is to act on the question of leasing a school building. If  
2351 no petition requesting an election is filed prior to such meeting  
2352 as hereinafter provided, then the school board may, by resolution  
2353 spread upon its minutes, proceed to lease a school building. If  
2354 at any time prior to said meeting a petition signed by not less  
2355 than twenty percent (20%) or fifteen hundred (1500), whichever is  
2356 less, of the qualified electors of the school district involved  
2357 shall be filed with the school board requesting that an election  
2358 be called on the question, then the school board shall, not later  
2359 than the next regular meeting, adopt a resolution calling an  
2360 election to be held within such school district upon the question

2361 of authorizing the school board to lease a school building. Such  
2362 election shall be called and held, and notice thereof shall be  
2363 given, in the same manner for elections upon the questions of the  
2364 issuance of the bonds of school districts, and the results thereof  
2365 shall be certified to the school board. If at least three-fifths  
2366 (3/5) of the qualified electors of the school district who voted  
2367 in such election shall vote in favor of the leasing of a school  
2368 building, then the school board shall proceed to lease a school  
2369 building. The term of the lease contract shall not exceed twenty  
2370 (20) years, and the total cost of such lease shall be either the  
2371 amount of the lowest and best bid accepted by the school board  
2372 after advertisement for bids or an amount not to exceed the  
2373 current fair market value of the lease as determined by the  
2374 averaging of at least two (2) appraisals by certified general  
2375 appraisers licensed by the State of Mississippi. The term "school  
2376 building" as used in this item (v) shall be construed to mean any  
2377 building or buildings used for classroom purposes in connection  
2378 with the operation of schools and shall include the site therefor,  
2379 necessary support facilities, and the equipment thereof and  
2380 appurtenances thereto such as heating facilities, water supply,  
2381 sewage disposal, landscaping, walks, drives and playgrounds. The  
2382 term "lease" as used in this item (v)(i) may include a  
2383 lease/purchase contract;

2384 (ii) If two (2) or more school districts propose  
2385 to enter into a lease contract jointly, then joint meetings of the  
2386 school boards having control may be held but no action taken shall  
2387 be binding on any such school district unless the question of  
2388 leasing a school building is approved in each participating school  
2389 district under the procedure hereinabove set forth in item (v)(i).  
2390 All of the provisions of item (v)(i) regarding the term and amount  
2391 of the lease contract shall apply to the school boards of school  
2392 districts acting jointly. Any lease contract executed by two (2)  
2393 or more school districts as joint lessees shall set out the amount



2394 of the aggregate lease rental to be paid by each, which may be  
2395 agreed upon, but there shall be no right of occupancy by any  
2396 lessee unless the aggregate rental is paid as stipulated in the  
2397 lease contract. All rights of joint lessees under the lease  
2398 contract shall be in proportion to the amount of lease rental paid  
2399 by each;

2400 (w) To employ all noninstructional and noncertificated  
2401 employees and fix the duties and compensation of such personnel  
2402 deemed necessary pursuant to the recommendation of the  
2403 superintendent of schools;

2404 (x) To employ and fix the duties and compensation of  
2405 such legal counsel as deemed necessary;

2406 (y) Subject to rules and regulations of the State Board  
2407 of Education, to purchase, own and operate trucks, vans and other  
2408 motor vehicles, which shall bear the proper identification  
2409 required by law;

2410 (z) To expend funds for the payment of substitute  
2411 teachers and to adopt reasonable regulations for the employment  
2412 and compensation of such substitute teachers;

2413 (aa) To acquire in its own name by purchase all real  
2414 property which shall be necessary and desirable in connection with  
2415 the construction, renovation or improvement of any public school  
2416 building or structure. Whenever the purchase price for such real  
2417 property is greater than Fifty Thousand Dollars (\$50,000.00), the  
2418 school board shall not purchase the property for an amount  
2419 exceeding the fair market value of such property as determined by  
2420 the average of at least two (2) independent appraisals by  
2421 certified general appraisers licensed by the State of Mississippi.  
2422 If the board shall be unable to agree with the owner of any such  
2423 real property in connection with any such project, the board shall  
2424 have the power and authority to acquire any such real property by  
2425 condemnation proceedings pursuant to Section 11-27-1 et seq.,  
2426 Mississippi Code of 1972, and for such purpose, the right of

2427 eminent domain is hereby conferred upon and vested in said board.  
2428 Provided further, that the local school board is authorized to  
2429 grant an easement for ingress and egress over sixteenth section  
2430 land or lieu land in exchange for a similar easement upon  
2431 adjoining land where the exchange of easements affords substantial  
2432 benefit to the sixteenth section land; provided, however, the  
2433 exchange must be based upon values as determined by a competent  
2434 appraiser, with any differential in value to be adjusted by cash  
2435 payment. Any easement rights granted over sixteenth section land  
2436 under such authority shall terminate when the easement ceases to  
2437 be used for its stated purpose. No sixteenth section or lieu land  
2438 which is subject to an existing lease shall be burdened by any  
2439 such easement except by consent of the lessee or unless the school  
2440 district shall acquire the unexpired leasehold interest affected  
2441 by the easement;

2442 (bb) To charge reasonable fees related to the  
2443 educational programs of the district, in the manner prescribed in  
2444 Section 37-7-335;

2445 (cc) Subject to rules and regulations of the State  
2446 Board of Education, to purchase relocatable classrooms for the use  
2447 of such school district, in the manner prescribed in Section  
2448 37-1-13;

2449 (dd) Enter into contracts or agreements with other  
2450 school districts, political subdivisions or governmental entities  
2451 to carry out one or more of the powers or duties of the school  
2452 board, or to allow more efficient utilization of limited resources  
2453 for providing services to the public;

2454 (ee) To provide for in-service training for employees  
2455 of the district. Until June 30, 1994, the school boards may  
2456 designate two (2) days of the minimum school term, as defined in  
2457 Section 37-19-1, for employee in-service training for  
2458 implementation of the new statewide testing system as developed by  
2459 the State Board of Education. Such designation shall be subject

2460 to approval by the State Board of Education pursuant to uniform  
2461 rules and regulations;

2462 (ff) As part of their duties to prescribe the use of  
2463 textbooks, to provide that parents and legal guardians shall be  
2464 responsible for the textbooks and for the compensation to the  
2465 school district for any books which are not returned to the proper  
2466 schools upon the withdrawal of their dependent child. If a  
2467 textbook is lost or not returned by any student who drops out of  
2468 the public school district, the parent or legal guardian shall  
2469 also compensate the school district for the fair market value of  
2470 the textbooks;

2471 (gg) To conduct fund-raising activities on behalf of  
2472 the school district that the local school board, in its  
2473 discretion, deems appropriate or beneficial to the official or  
2474 extracurricular programs of the district; provided that:

2475 (i) Any proceeds of the fund-raising activities  
2476 shall be treated as "activity funds" and shall be accounted for as  
2477 are other activity funds under this section; and

2478 (ii) Fund-raising activities conducted or  
2479 authorized by the board for the sale of school pictures, the  
2480 rental of caps and gowns or the sale of graduation invitations for  
2481 which the school board receives a commission, rebate or fee shall  
2482 contain a disclosure statement advising that a portion of the  
2483 proceeds of the sales or rentals shall be contributed to the  
2484 student activity fund;

2485 (hh) To allow individual lessons for music, art and  
2486 other curriculum-related activities for academic credit or  
2487 nonacademic credit during school hours and using school equipment  
2488 and facilities, subject to uniform rules and regulations adopted  
2489 by the school board;

2490 (ii) To charge reasonable fees for participating in an  
2491 extracurricular activity for academic or nonacademic credit for

2492 necessary and required equipment such as safety equipment, band  
2493 instruments and uniforms;

2494 (jj) To conduct or participate in any fund-raising  
2495 activities on behalf of or in connection with a tax-exempt  
2496 charitable organization;

2497 (kk) To exercise such powers as may be reasonably  
2498 necessary to carry out the provisions of this section;

2499 (ll) To expend funds for the services of nonprofit arts  
2500 organizations or other such nonprofit organizations who provide  
2501 performances or other services for the students of the school  
2502 district;

2503 (mm) To expend federal No Child Left Behind Act funds,  
2504 or any other available funds that are expressly designated and  
2505 authorized for that use, to pay training, educational expenses,  
2506 salary incentives and salary supplements to employees of local  
2507 school districts; except that incentives shall not be considered  
2508 part of the local supplement as defined in Section 37-151-5(o),  
2509 nor shall incentives be considered part of the local supplement  
2510 paid to an individual teacher for the purposes of Section  
2511 37-19-7(1). Mississippi Adequate Education Program funds or any  
2512 other state funds may not be used for salary incentives or salary  
2513 supplements as provided in this paragraph (mm);

2514 (nn) To use any available funds, not appropriated or  
2515 designated for any other purpose, for reimbursement to the  
2516 state-licensed employees from both in-state and out-of-state, who  
2517 enter into a contract for employment in a school district, for the  
2518 expense of moving when the employment necessitates the relocation  
2519 of the licensed employee to a different geographical area than  
2520 that in which the licensed employee resides before entering into  
2521 the contract. The reimbursement shall not exceed One Thousand  
2522 Dollars (\$1,000.00) for the documented actual expenses incurred in  
2523 the course of relocating, including the expense of any  
2524 professional moving company or persons employed to assist with the

2525 move, rented moving vehicles or equipment, mileage in the amount  
2526 authorized for county and municipal employees under Section  
2527 25-3-41 if the licensed employee used his personal vehicle or  
2528 vehicles for the move, meals and such other expenses associated  
2529 with the relocation. No licensed employee may be reimbursed for  
2530 moving expenses under this section on more than one (1) occasion  
2531 by the same school district. Nothing in this section shall be  
2532 construed to require the actual residence to which the licensed  
2533 employee relocates to be within the boundaries of the school  
2534 district that has executed a contract for employment in order for  
2535 the licensed employee to be eligible for reimbursement for the  
2536 moving expenses. However, the licensed employee must relocate  
2537 within the boundaries of the State of Mississippi. Any individual  
2538 receiving relocation assistance through the Critical Teacher  
2539 Shortage Act as provided in Section 37-159-5 shall not be eligible  
2540 to receive additional relocation funds as authorized in this  
2541 paragraph;

2542           (oo) To use any available funds, not appropriated or  
2543 designated for any other purpose, to reimburse persons who  
2544 interview for employment as a licensed employee with the district  
2545 for the mileage and other actual expenses incurred in the course  
2546 of travel to and from the interview at the rate authorized for  
2547 county and municipal employees under Section 25-3-41;

2548           (pp) Consistent with the report of the Task Force to  
2549 Conduct a Best Financial Management Practices Review, to improve  
2550 school district management and use of resources and identify cost  
2551 savings as established in Section 8 of Chapter 610, Laws of 2002,  
2552 local school boards are encouraged to conduct independent reviews  
2553 of the management and efficiency of schools and school districts.  
2554 Such management and efficiency reviews shall provide state and  
2555 local officials and the public with the following:

2556           (i) An assessment of a school district's  
2557 governance and organizational structure;

2558                   (ii) An assessment of the school district's  
2559 financial and personnel management;  
2560                   (iii) An assessment of revenue levels and sources;  
2561                   (iv) An assessment of facilities utilization,  
2562 planning and maintenance;  
2563                   (v) An assessment of food services, transportation  
2564 and safety/security systems;  
2565                   (vi) An assessment of instructional and  
2566 administrative technology;  
2567                   (vii) A review of the instructional management and  
2568 the efficiency and effectiveness of existing instructional  
2569 programs; and  
2570                   (viii) Recommended methods for increasing  
2571 efficiency and effectiveness in providing educational services to  
2572 the public;  
2573                   (qq) To enter into agreements with other local school  
2574 boards for the establishment of an educational service agency  
2575 (ESA) to provide for the cooperative needs of the region in which  
2576 the school district is located, as provided in Section 37-7-345.  
2577 This paragraph shall repeal on July 1, 2007;  
2578                   (rr) To implement a financial literacy program for  
2579 students in Grades 10 and 11. The board may review the national  
2580 programs and obtain free literature from various nationally  
2581 recognized programs. After review of the different programs, the  
2582 board may certify a program that is most appropriate for the  
2583 school districts' needs. If a district implements a financial  
2584 literacy program, then any student in Grade 10 or 11 may  
2585 participate in the program. The financial literacy program shall  
2586 include, but is not limited to, instruction in the same areas of  
2587 personal business and finance as required under Section  
2588 37-1-3(2)(b). The school board may coordinate with volunteer  
2589 teachers from local community organizations, including, but not  
2590 limited to, the following: United States Department of

2591 Agriculture Rural Development, United States Department of Housing  
2592 and Urban Development, Junior Achievement, bankers and other  
2593 nonprofit organizations. Nothing in this paragraph shall be  
2594 construed as to require school boards to implement a financial  
2595 literacy program;

2596           (ss) To collaborate with the State Board of Education,  
2597 Community Action Agencies or the Department of Human Services to  
2598 develop and implement a voluntary program to provide services for  
2599 a full day prekindergarten program that addresses the cognitive,  
2600 social, and emotional needs of four-year-old and three-year-old  
2601 children. The school board may utilize nonstate source special  
2602 funds, grants, donations or gifts to fund the voluntary program;

2603           (tt) The governing authority of each individual school  
2604 district that obtains an average school accreditation ranking of  
2605 Level 4 or higher shall have the power to adopt any orders,  
2606 resolutions or ordinances with respect to school district affairs,  
2607 property and finances which are not inconsistent with the  
2608 Mississippi Constitution of 1890, the Mississippi Code of 1972, or  
2609 any other statute or law of the State of Mississippi. Except as  
2610 otherwise provided, the powers granted to governing authorities of  
2611 school districts are complete without the existence of or  
2612 reference to any specific authority granted in any other statute  
2613 or law of the State of Mississippi and may be exercised unless  
2614 specifically prohibited by a statute or law of the State of  
2615 Mississippi. Unless such actions are specifically authorized by  
2616 another statute or law of the State of Mississippi, this section  
2617 shall not authorize the governing authority of a school district  
2618 to (i) levy taxes of any kind or increase the levy of any  
2619 authorized tax, (ii) issue bonds of any kind, or (iii) the  
2620 authority to enter into collective bargaining agreements. All  
2621 other powers of the governing authorities of school districts may  
2622 be exercised unless specifically prohibited by the statutes or  
2623 laws of the State of Mississippi;

2624           (uu) In order to provide for economy, efficiency and  
2625 cost effectiveness in the delivery of education local district  
2626 school boards are hereby given explicit authority and  
2627 encouragement to delegate, privatize or otherwise enter into a  
2628 contract with private entities for the operation of any and all  
2629 functions of nonacademic school process, procedures and  
2630 operations, including, but not limited to, cafeteria workers,  
2631 janitorial services, transportation, professional development,,  
2632 achievement, and instructional consulting services materials and  
2633 products, purchasing cooperatives, insurance, business manager  
2634 services, auditing and accounting services, school safety/risk  
2635 prevention, data processing and student records, and other staff  
2636 services. Local districts, working through their regional  
2637 education service agency, are encouraged to enter into buying  
2638 consortia with other member districts for the purposes of more  
2639 efficient use of state resources as described in Section 37-7-345.

2640           **SECTION 24.** Section 25-11-103, Mississippi Code of 1972, is  
2641 amended as follows:

2642           25-11-103. The following words and phrases as used in  
2643 Articles 1 and 3, unless a different meaning is plainly required  
2644 by the context, have the following meanings:

2645           (a) "Accumulated contributions" means the sum of all  
2646 the amounts deducted from the compensation of a member and  
2647 credited to his individual account in the annuity savings account,  
2648 together with regular interest as provided in Section 25-11-123.

2649           (b) "Actuarial cost" means the amount of funds  
2650 presently required to provide future benefits as determined by the  
2651 board based on applicable tables and formulas provided by the  
2652 actuary.

2653           (c) "Actuarial equivalent" means a benefit of equal  
2654 value to the accumulated contributions, annuity or benefit, as the  
2655 case may be, when computed upon the basis of such mortality tables  
2656 as adopted by the board of trustees, and regular interest.



2657           (d) "Actuarial tables" means such tables of mortality  
2658 and rates of interest as adopted by the board in accordance with  
2659 the recommendation of the actuary.

2660           (e) "Agency" means any governmental body employing  
2661 persons in the state service.

2662           (f) "Average compensation" means the average of the  
2663 four (4) highest years of earned compensation reported for an  
2664 employee in a fiscal or calendar year period, or combination  
2665 thereof that do not overlap, or the last forty-eight (48)  
2666 consecutive months of earned compensation reported for an  
2667 employee. The four (4) years need not be successive or joined  
2668 years of service. In no case shall the average compensation so  
2669 determined be in excess of One Hundred Fifty Thousand Dollars  
2670 (\$150,000.00). In computing the average compensation, any amount  
2671 lawfully paid in a lump sum for personal leave or major medical  
2672 leave shall be included in the calculation to the extent that the  
2673 amount does not exceed an amount that is equal to thirty (30) days  
2674 of earned compensation and to the extent that it does not cause  
2675 the employees' earned compensation to exceed the maximum  
2676 reportable amount specified in Section 25-11-103(k); however, this  
2677 thirty-day limitation shall not prevent the inclusion in the  
2678 calculation of leave earned under federal regulations before July  
2679 1, 1976, and frozen as of that date as referred to in Section  
2680 25-3-99. Only the amount of lump sum pay for personal leave due  
2681 and paid upon the death of a member attributable for up to one  
2682 hundred fifty (150) days shall be used in the deceased member's  
2683 average compensation calculation in determining the beneficiary's  
2684 benefits. In computing the average compensation, no amounts shall  
2685 be used that are in excess of the amount on which contributions  
2686 were required and paid, and no nontaxable amounts paid by the  
2687 employer for health or life insurance premiums for the employee  
2688 shall be used. If any member who is or has been granted any  
2689 increase in annual salary or compensation of more than eight

2690 percent (8%) retires within twenty-four (24) months from the date  
2691 that the increase becomes effective, then the board shall exclude  
2692 that part of the increase in salary or compensation that exceeds  
2693 eight percent (8%) in calculating that member's average  
2694 compensation for retirement purposes. The board may enforce this  
2695 provision by rule or regulation. However, increases in  
2696 compensation in excess of eight percent (8%) per year granted  
2697 within twenty-four (24) months of the date of retirement may be  
2698 included in the calculation of average compensation if  
2699 satisfactory proof is presented to the board showing that the  
2700 increase in compensation was the result of an actual change in the  
2701 position held or services rendered, or that the compensation  
2702 increase was authorized by the State Personnel Board or was  
2703 increased as a result of statutory enactment, and the employer  
2704 furnishes an affidavit stating that the increase granted within  
2705 the last twenty-four (24) months was not contingent on a promise  
2706 or agreement of the employee to retire. Nothing in Section  
2707 25-3-31 shall affect the calculation of the average compensation  
2708 of any member for the purposes of this article. The average  
2709 compensation of any member who retires before July 1, 1992, shall  
2710 not exceed the annual salary of the Governor.

2711 (g) "Beneficiary" means any person entitled to receive  
2712 a retirement allowance, an annuity or other benefit as provided by  
2713 Articles 1 and 3. The term "beneficiary" may also include an  
2714 organization, estate, trust or entity; however, a beneficiary  
2715 designated or entitled to receive monthly payments under an  
2716 optional settlement based on life contingency or pursuant to a  
2717 statutory monthly benefit may only be a natural person. In the  
2718 event of the death before retirement of any member whose spouse  
2719 and/or children are not entitled to a retirement allowance on the  
2720 basis that the member has less than four (4) years of service  
2721 credit and/or has not been married for a minimum of one (1) year  
2722 or the spouse has waived his or her entitlement to a retirement

2723 allowance under Section 25-11-114, the lawful spouse of a member  
2724 at the time of the death of the member shall be the beneficiary of  
2725 the member unless the member has designated another beneficiary  
2726 after the date of marriage in writing, and filed that writing in  
2727 the office of the executive director of the board of trustees. No  
2728 designation or change of beneficiary shall be made in any other  
2729 manner.

2730           (h) "Board" means the board of trustees provided in  
2731 Section 25-11-15 to administer the retirement system created under  
2732 this article.

2733           (i) "Creditable service" means "prior service,"  
2734 "retroactive service" and all lawfully credited unused leave not  
2735 exceeding the accrual rates and limitations provided in Section  
2736 25-3-91 et seq., as of the date of withdrawal from service plus  
2737 "membership service" for which credit is allowable as provided in  
2738 Section 25-11-109. Except to limit creditable service reported to  
2739 the system for the purpose of computing an employee's retirement  
2740 allowance or annuity or benefits provided in this article, nothing  
2741 in this paragraph shall limit or otherwise restrict the power of  
2742 the governing authority of a municipality or other political  
2743 subdivision of the state to adopt such vacation and sick leave  
2744 policies as it deems necessary.

2745           (j) "Child" means either a natural child of the member,  
2746 a child that has been made a child of the member by applicable  
2747 court action before the death of the member, or a child under the  
2748 permanent care of the member at the time of the latter's death,  
2749 which permanent care status shall be determined by evidence  
2750 satisfactory to the board.

2751           (k) "Earned compensation" means the full amount earned  
2752 by an employee for a given pay period including any maintenance  
2753 furnished up to a maximum of One Hundred Fifty Thousand Dollars  
2754 (\$150,000.00) per year, and proportionately for less than one (1)  
2755 year of service. The value of that maintenance when not paid in

2756 money shall be fixed by the employing state agency, and, in case  
2757 of doubt, by the board of trustees as defined in Section 25-11-15.  
2758 Earned compensation shall not include any nontaxable amounts paid  
2759 by the employer for health or life insurance premiums for an  
2760 employee. In any case, earned compensation shall be limited to  
2761 the regular periodic compensation paid, exclusive of litigation  
2762 fees, bond fees, and other similar extraordinary nonrecurring  
2763 payments. In addition, any member in a covered position, as  
2764 defined by Public Employees' Retirement System laws and  
2765 regulations, who is also employed by another covered agency or  
2766 political subdivision shall have the earnings of that additional  
2767 employment reported to the Public Employees' Retirement System  
2768 regardless of whether the additional employment is sufficient in  
2769 itself to be a covered position. In addition, computation of  
2770 earned compensation shall be governed by the following:

2771           (i) In the case of constables, the net earnings  
2772 from their office after deduction of expenses shall apply, except  
2773 that in no case shall earned compensation be less than the total  
2774 direct payments made by the state or governmental subdivisions to  
2775 the official.

2776           (ii) In the case of chancery or circuit clerks,  
2777 the net earnings from their office after deduction of expenses  
2778 shall apply as expressed in Section 25-11-123(f)(4).

2779           (iii) In the case of members of the State  
2780 Legislature, all remuneration or amounts paid, except mileage  
2781 allowance, shall apply.

2782           (iv) The amount by which an eligible employee's  
2783 salary is reduced under a salary reduction agreement authorized  
2784 under Section 25-17-5 shall be included as earned compensation  
2785 under this paragraph, provided this inclusion does not conflict  
2786 with federal law, including federal regulations and federal  
2787 administrative interpretations under the federal law, pertaining

2788 to the Federal Insurance Contributions Act or to Internal Revenue  
2789 Code Section 125 cafeteria plans.

2790 (v) Compensation in addition to an employee's base  
2791 salary that is paid to the employee under the vacation and sick  
2792 leave policies of a municipality or other political subdivision of  
2793 the state that employs him that exceeds the maximums authorized by  
2794 Section 25-3-91 et seq. shall be excluded from the calculation of  
2795 earned compensation under this article.

2796 (vi) The maximum salary applicable for retirement  
2797 purposes before July 1, 1992, shall be the salary of the Governor.

2798 (vii) Nothing in Section 25-3-31 shall affect the  
2799 determination of the earned compensation of any member for the  
2800 purposes of this article.

2801 (1) "Employee" means any person legally occupying a  
2802 position in the state service, and shall include the employees of  
2803 the retirement system created under this article. The term  
2804 "employee" shall not include any employee of a private entity  
2805 which leases staff to a local school board to provide  
2806 noninstructional services pursuant to Section 37-7-301(uu).

2807 (m) "Employer" means the State of Mississippi or any of  
2808 its departments, agencies or subdivisions from which any employee  
2809 receives his compensation.

2810 (n) "Executive director" means the secretary to the  
2811 board of trustees, as provided in Section 25-11-15(9), and the  
2812 administrator of the Public Employees' Retirement System and all  
2813 systems under the management of the board of trustees. Wherever  
2814 the term "Executive Secretary of the Public Employees' Retirement  
2815 System" or "executive secretary" appears in this article or in any  
2816 other provision of law, it shall be construed to mean the  
2817 Executive Director of the Public Employees' Retirement System.

2818 (o) "Fiscal year" means the period beginning on July 1  
2819 of any year and ending on June 30 of the next succeeding year.

2820           (p) "Medical board" means the board of physicians or  
2821 any governmental or nongovernmental disability determination  
2822 service designated by the board of trustees that is qualified to  
2823 make disability determinations as provided for in Section  
2824 25-11-119.

2825           (q) "Member" means any person included in the  
2826 membership of the system as provided in Section 25-11-105.

2827           (r) "Membership service" means service as an employee  
2828 rendered while a member of the retirement system.

2829           (s) "Position" means any office or any employment in  
2830 the state service, or two (2) or more of them, the duties of which  
2831 call for services to be rendered by one (1) person, including  
2832 positions jointly employed by federal and state agencies  
2833 administering federal and state funds. The employer shall  
2834 determine upon initial employment and during the course of  
2835 employment of an employee who does not meet the criteria for  
2836 coverage in the Public Employees' Retirement System based on the  
2837 position held, whether the employee is or becomes eligible for  
2838 coverage in the Public Employees' Retirement System based upon any  
2839 other employment in a covered agency or political subdivision. If  
2840 or when the employee meets the eligibility criteria for coverage  
2841 in the other position, then the employer must withhold  
2842 contributions and report wages from the noncovered position in  
2843 accordance with the provisions for reporting of earned  
2844 compensation. Failure to deduct and report those contributions  
2845 shall not relieve the employee or employer of liability thereof.  
2846 The board shall adopt such rules and regulations as necessary to  
2847 implement and enforce this provision.

2848           (t) "Prior service" means service rendered before  
2849 February 1, 1953, for which credit is allowable under Sections  
2850 25-11-105 and 25-11-109, and which shall allow prior service for  
2851 any person who is now or becomes a member of the Public Employees'

2852 Retirement System and who does contribute to the system for a  
2853 minimum period of four (4) years.

2854 (u) "Regular interest" means interest compounded  
2855 annually at such a rate as determined by the board in accordance  
2856 with Section 25-11-121.

2857 (v) "Retirement allowance" means an annuity for life as  
2858 provided in this article, payable each year in twelve (12) equal  
2859 monthly installments beginning as of the date fixed by the board.  
2860 The retirement allowance shall be calculated in accordance with  
2861 Section 25-11-111. However, any spouse who received a spouse  
2862 retirement benefit in accordance with Section 25-11-111(d) before  
2863 March 31, 1971, and those benefits were terminated because of  
2864 eligibility for a social security benefit, may again receive his  
2865 spouse retirement benefit from and after making application with  
2866 the board of trustees to reinstate the spouse retirement benefit.

2867 (w) "Retroactive service" means service rendered after  
2868 February 1, 1953, for which credit is allowable under Section  
2869 25-11-105(b) and Section 25-11-105(k).

2870 (x) "System" means the Public Employees' Retirement  
2871 System of Mississippi established and described in Section  
2872 25-11-101.

2873 (y) "State" means the State of Mississippi or any  
2874 political subdivision thereof or instrumentality of the state.

2875 (z) "State service" means all offices and positions of  
2876 trust or employment in the employ of the state, or any political  
2877 subdivision or instrumentality of the state, that elect to  
2878 participate as provided by Section 25-11-105(f), including the  
2879 position of elected or fee officials of the counties and their  
2880 deputies and employees performing public services or any  
2881 department, independent agency, board or commission thereof, and  
2882 also includes all offices and positions of trust or employment in  
2883 the employ of joint state and federal agencies administering state  
2884 and federal funds and service rendered by employees of the public

2885 schools. Effective July 1, 1973, all nonprofessional public  
2886 school employees, such as bus drivers, janitors, maids,  
2887 maintenance workers and cafeteria employees, shall have the option  
2888 to become members in accordance with Section 25-11-105(b), and  
2889 shall be eligible to receive credit for services before July 1,  
2890 1973, provided that the contributions and interest are paid by the  
2891 employee in accordance with that section; in addition, the county  
2892 or municipal separate school district may pay the employer  
2893 contribution and pro rata share of interest of the retroactive  
2894 service from available funds. From and after July 1, 1998,  
2895 retroactive service credit shall be purchased at the actuarial  
2896 cost in accordance with Section 25-11-105(b).

2897 (aa) "Withdrawal from service" or "termination from  
2898 service" means complete severance of employment in the state  
2899 service of any member by resignation, dismissal or discharge.

2900 (bb) The masculine pronoun, wherever used, includes the  
2901 feminine pronoun.

2902 **SECTION 25.** Section 25-11-127, Mississippi Code of 1972, is  
2903 amended as follows:

2904 25-11-127. (1) (a) No person who is being paid a  
2905 retirement allowance or a pension after retirement under this  
2906 article shall be employed or paid for any service by the State of  
2907 Mississippi, except as provided in this section.

2908 (b) No retiree of this retirement system who is  
2909 reemployed or is reelected to office after retirement shall  
2910 continue to draw retirement benefits while so reemployed, except  
2911 as provided in this section.

2912 (c) No person employed or elected under the exceptions  
2913 provided for in this section shall become a member under Article 3  
2914 of the retirement system.

2915 (2) Any person who has been retired under the provisions of  
2916 Article 3 and who is later reemployed in service covered by this  
2917 article shall cease to receive benefits under this article and



2918 shall again become a contributing member of the retirement system.  
2919 When the person retires again, if the reemployment exceeds six (6)  
2920 months, the person shall have his or her benefit recomputed,  
2921 including service after again becoming a member, provided that the  
2922 total retirement allowance paid to the retired member in his or  
2923 her previous retirement shall be deducted from the member's  
2924 retirement reserve and taken into consideration in recalculating  
2925 the retirement allowance under a new option selected.

2926 (3) The board shall have the right to prescribe rules and  
2927 regulations for carrying out the provisions of this section.

2928 (4) The provisions of this section shall not be construed to  
2929 prohibit any retiree, regardless of age, from being employed and  
2930 drawing a retirement allowance either:

2931 (a) For a period of time not to exceed one-half (1/2)  
2932 of the normal working days for the position in any fiscal year  
2933 during which the retiree will receive no more than one-half (1/2)  
2934 of the salary in effect for the position at the time of  
2935 employment, or

2936 (b) For a period of time in any fiscal year sufficient  
2937 in length to permit a retiree to earn not in excess of twenty-five  
2938 percent (25%) of retiree's average compensation.

2939 To determine the normal working days for a position under  
2940 paragraph (a) of this subsection, the employer shall determine the  
2941 required number of working days for the position on a full-time  
2942 basis and the equivalent number of hours representing the  
2943 full-time position. The retiree then may work up to one-half  
2944 (1/2) of the required number of working days or up to one-half  
2945 (1/2) of the equivalent number of hours and receive up to one-half  
2946 (1/2) of the salary for the position. In the case of employment  
2947 with multiple employers, the limitation shall equal one-half (1/2)  
2948 of the number of days or hours for a single full-time position.

2949 Notice shall be given in writing to the executive director,  
2950 setting forth the facts upon which the employment is being made,

2951 and the notice shall be given within five (5) days from the date  
2952 of employment and also from the date of termination of the  
2953 employment.

2954 (5) Any member may continue in municipal or county elected  
2955 office or be elected to a municipal or county office, provided  
2956 that the person:

2957 (a) Files annually, in writing, in the office of the  
2958 employer and the office of the executive director of the system  
2959 before the person takes office or as soon as possible after  
2960 retirement, a waiver of all salary or compensation and elects to  
2961 receive in lieu of that salary or compensation a retirement  
2962 allowance as provided in this section, in which event no salary or  
2963 compensation shall thereafter be due or payable for those  
2964 services; however, any such officer or employee may receive, in  
2965 addition to the retirement allowance, office expense allowance,  
2966 mileage or travel expense authorized by any statute of the State  
2967 of Mississippi; or

2968 (b) Elects to receive compensation for that elective  
2969 office in an amount not to exceed twenty-five percent (25%) of the  
2970 retiree's average compensation. As used in this paragraph, the  
2971 term "compensation" shall not include office expense allowance,  
2972 mileage or travel expense authorized by a statute of the State of  
2973 Mississippi. In order to receive compensation as allowed in this  
2974 paragraph, the member shall file annually, in writing, in the  
2975 office of the employer and the office of the executive director of  
2976 the system, an election to receive, in addition to a retirement  
2977 allowance, compensation as allowed in this paragraph.

2978 This section shall not be construed to mean that any employee  
2979 of a private entity which leases staff to local school boards to  
2980 provide noninstructional services as authorized in Section  
2981 37-7-301(uu) shall become a member of the retirement system.

2982 **SECTION 26.** (1) For purposes of the establishment of the  
2983 Mississippi Virtual Public School (MVPS):

2984           (a) "Educational activity" means an activity of a  
2985 student enrolled in a virtual school that is considered for  
2986 purposes of a student's minimum hours of instruction required by a  
2987 charter granted under this subchapter or rules adopted under this  
2988 subchapter.

2989           (b) "Virtual school" means a school authorized and  
2990 operating under this subchapter that uses technology, especially  
2991 the Internet, to deliver the school's instruction outside of a  
2992 central campus.

2993           (2) The State Board of Education may create one statewide  
2994 virtual school serving Grades Kindergarten through 12 to open as  
2995 soon as possible.

2996           (a) Students shall have been enrolled at a Mississippi  
2997 public school during the prior school year to be eligible to  
2998 enroll in the virtual school with the following exceptions:

2999                   (i) Students in Kindergarten and first grade do  
3000 not have to have been enrolled in Mississippi public schools in  
3001 fall of the previous year.

3002                   (ii) Other exceptions as provided by the  
3003 chartering authorities.

3004           (b) Children enrolled in MVPS will be considered  
3005 Mississippi public school students in determining their  
3006 eligibility for the subsequent year.

3007           (c) MVPS shall serve all children in the State of  
3008 Mississippi. The school shall make reasonable efforts to recruit  
3009 in all areas of the state so that the school enrollment shall  
3010 reflect the demographics of the state.

3011           (3) The Mississippi Virtual Public School must:

3012                   (a) Provide each student enrolled in the school with  
3013 access to the Mississippi State Department of Education's  
3014 curriculum framework and must meet or exceeds state academic and  
3015 graduation standards;

3016 (b) Allow eligible students to work at a grade level  
3017 other than the grade level in which the student is enrolled;

3018 (c) An average of at least once each week during the  
3019 school year, assess each student's performance in each subject in  
3020 the foundation curriculum in which the student is enrolled;

3021 (d) Ensure that a parent or legal guardian of each  
3022 student verifies the number of hours of educational activities  
3023 completed by the student each school year;

3024 (e) Make available to the parent or legal guardian of  
3025 each student:

3026 (i) A computer and printer;

3027 (ii) Physical copies of any instructional  
3028 materials related to the student's curriculum; and

3029 (iii) Reimbursement for any fees related to  
3030 accessing the Internet for educational activities;

3031 (f) Give preference in enrollment to students with  
3032 educational or medical needs that require the student to receive  
3033 educational services in a home setting, except that preferential  
3034 enrollment status may not be given to a student who is in an  
3035 alternative education setting because of the student's suspension  
3036 or expulsion under Chapter 37 or local school board policy;

3037 (g) To the extent possible, provide that at least  
3038 twenty-five percent (25%) of the students enrolled in the school  
3039 are disadvantaged students;

3040 (h) Provide special education services as required by  
3041 the federal IDEA guidelines and procedures.

3042 (4) A student enrolled in a virtual charter school shall  
3043 complete:

3044 (a) At least seven hundred twenty (720) hours of  
3045 educational activities each school year if the student is enrolled  
3046 in Grade two or lower; and

3047 (b) At least nine hundred (900) hours of educational  
3048 activities each school year if the student is enrolled in Grade  
3049 three or higher.

3050 (5) A teacher employed by a virtual school:

3051 (a) Must be appropriately certified;

3052 (b) Shall, at least six (6) times each school year, be  
3053 available to meet with the parent or legal guardian of each  
3054 student enrolled in the teacher's class; and

3055 (c) Shall be reasonably available each school day by  
3056 electronic communication or other means to respond to questions  
3057 from a student, parent or legal guardian.

3058 (6) The Mississippi Virtual Public School shall each year  
3059 produce a report showing:

3060 (a) Any increase in student achievement, as measured  
3061 using state academic standards and standards described by the  
3062 charter;

3063 (b) The academic, fiscal and operational performance of  
3064 the school.

3065 (7) State Funding. If funding is available for that  
3066 purpose, for each enrolled student in average daily attendance,  
3067 The Mississippi Virtual Public School is entitled to funding at a  
3068 level equal to the funding for each student in average daily  
3069 attendance in the school district where the student resides.

3070 **SECTION 27.** Section 37-151-7, Mississippi Code of 1972, is  
3071 amended as follows:

3072 37-151-7. The annual allocation to each school district for  
3073 the operation of the adequate education program shall be  
3074 determined as follows:

3075 (1) **Computation of the basic amount to be included for**  
3076 **current operation in the adequate education program.** The  
3077 following procedure shall be followed in determining the annual  
3078 allocation to each school district:

3079           (a) **Determination of average daily attendance.** During  
3080 months two (2) and three (3) of the current school year, the  
3081 average daily attendance of a school district shall be computed,  
3082 or the average daily attendance for the prior school year shall be  
3083 used, whichever is greater. The district's average daily  
3084 attendance shall be computed and currently maintained in  
3085 accordance with regulations promulgated by the State Board of  
3086 Education.

3087           (b) **Determination of base student cost.** The State  
3088 Board of Education, on or before August 1, with adjusted estimate  
3089 no later than January 2, shall annually submit to the Legislative  
3090 Budget Office and the Governor a proposed base student cost  
3091 adequate to provide the following cost components of educating a  
3092 pupil in an average school district meeting Level III  
3093 accreditation standards required by the Commission on School  
3094 Accreditation: (i) Instructional Cost; (ii) Administrative Cost;  
3095 (iii) Operation and Maintenance of Plant; and (iv) Ancillary  
3096 Support Cost. The department shall utilize a statistical  
3097 methodology which considers such factors as, but not limited to,  
3098 (i) school size; (ii) assessed valuation per pupil; (iii) the  
3099 percentage of students receiving free lunch; (iv) the local  
3100 district maintenance tax levy; (v) other local school district  
3101 revenues; and (vi) the district's accreditation level, in the  
3102 selection of the representative Mississippi school districts for  
3103 which cost information shall be obtained for each of the above  
3104 listed cost areas.

3105           For the instructional cost component, the department shall  
3106 determine the instructional cost of each of the representative  
3107 school districts selected above, excluding instructional cost of  
3108 self-contained special education programs and vocational education  
3109 programs, and the average daily attendance in the selected school  
3110 districts. The instructional cost is then totaled and divided by  
3111 the total average daily attendance for the selected school

3112 districts to yield the instructional cost component. For the  
3113 administrative cost component, the department shall determine the  
3114 administrative cost of each of the representative school districts  
3115 selected above, excluding administrative cost of self-contained  
3116 special education programs and vocational education programs, and  
3117 the average daily attendance in the selected school districts.  
3118 The administrative cost is then totaled and divided by the total  
3119 average daily attendance for the selected school districts to  
3120 yield the administrative cost component. For the plant and  
3121 maintenance cost component, the department shall determine the  
3122 plant and maintenance cost of each of the representative school  
3123 districts selected above, excluding plant and maintenance cost of  
3124 self-contained special education programs and vocational education  
3125 programs, and the average daily attendance in the selected school  
3126 districts. The plant and maintenance cost is then totaled and  
3127 divided by the total average daily attendance for the selected  
3128 school districts to yield the plant and maintenance cost  
3129 component. For the ancillary support cost component, the  
3130 department shall determine the ancillary support cost of each of  
3131 the representative school districts selected above, excluding  
3132 ancillary support cost of self-contained special education  
3133 programs and vocational education programs, and the average daily  
3134 attendance in the selected school districts. The ancillary  
3135 support cost is then totaled and divided by the total average  
3136 daily attendance for the selected school districts to yield the  
3137 ancillary support cost component. The total base cost for each  
3138 year shall be the sum of the instructional cost component,  
3139 administrative cost component, plant and maintenance cost  
3140 component and ancillary support cost component, and any estimated  
3141 adjustments for additional state requirements as determined by the  
3142 State Board of Education. Provided, however, that the base  
3143 student cost in fiscal year 1998 shall be Two Thousand Six Hundred  
3144 Sixty-four Dollars (\$2,664.00).

3145                   (c) **Determination of the basic adequate education**  
3146 **program cost.** The basic amount for current operation to be  
3147 included in the Mississippi Adequate Education Program for each  
3148 school district shall be computed as follows:

3149                   Multiply the average daily attendance of the district by the  
3150 base student cost as established by the Legislature, which yields  
3151 the total base program cost for each school district.

3152                   Beginning with fiscal year 2006-2007 and each fiscal year  
3153 thereafter, the annual appropriation bill to fund the Mississippi  
3154 Adequate Education Program shall identify the amount appropriated  
3155 to fund each component of instructional cost, including teacher  
3156 salaries, administrative cost, plant and maintenance and ancillary  
3157 support, as provided under paragraphs (b) and (c).

3158                   (d) **Adjustment to the base student cost for at-risk**  
3159 **pupils.** The amount to be included for at-risk pupil programs for  
3160 each school district shall be computed as follows: Multiply the  
3161 base student cost for the appropriate fiscal year as determined  
3162 under paragraph (b) by five percent (5%), and multiply that  
3163 product by the number of pupils participating in the federal free  
3164 school lunch program in such school district, which yields the  
3165 total adjustment for at-risk pupil programs for such school  
3166 district. Beginning with fiscal year 2006-2007 and each fiscal  
3167 year thereafter, the appropriation bill to fund the Mississippi  
3168 Adequate Education Program shall identify the amount appropriated  
3169 to fund the at-risk pupil program component provided under this  
3170 paragraph (d).

3171                   (e) **Add-on program cost.** The amount to be allocated to  
3172 school districts in addition to the adequate education program  
3173 cost for add-on programs for each school district shall be  
3174 computed as follows:

3175                   (i) Transportation cost shall be the amount  
3176 allocated to such school district for the operational support of  
3177 the district transportation system from state funds.



3178 (ii) Vocational or technical education program  
3179 cost shall be the amount allocated to such school district from  
3180 state funds for the operational support of such programs.

3181 (iii) Special education program cost shall be the  
3182 amount allocated to such school district from state funds for the  
3183 operational support of such programs.

3184 (iv) Gifted education program cost shall be the  
3185 amount allocated to such school district from state funds for the  
3186 operational support of such programs.

3187 (v) Alternative school program cost shall be the  
3188 amount allocated to such school district from state funds for the  
3189 operational support of such programs.

3190 (vi) Extended school year programs shall be the  
3191 amount allocated to school districts for those programs authorized  
3192 by law which extend beyond the normal school year.

3193 (vii) University-based programs shall be the  
3194 amount allocated to school districts for those university-based  
3195 programs for handicapped children as defined and provided for in  
3196 Section 37-23-131 et seq., Mississippi Code of 1972.

3197 (viii) Bus driver training programs shall be the  
3198 amount provided for those driver training programs as provided for  
3199 in Section 37-41-1, Mississippi Code of 1972.

3200 The sum of the items listed above (i) transportation, (ii)  
3201 vocational or technical education, (iii) special education, (iv)  
3202 gifted education, (v) alternative school, (vi) extended school  
3203 year, (vii) university-based, and (viii) bus driver training shall  
3204 yield the add-on cost for each school district. Beginning with  
3205 fiscal year 2006-2007 and each fiscal year thereafter, the  
3206 appropriation bill to fund the Mississippi Adequate Education  
3207 Program shall identify the amount appropriated to fund each add-on  
3208 cost component provided under this paragraph (e).

3209 (f) **Total projected adequate education program cost.**

3210 The total Mississippi Adequate Education Program Cost shall be the

3211 sum of the total basic adequate education program cost (paragraph  
3212 (c)), and the adjustment to the base student cost for at-risk  
3213 pupils (paragraph (d)) for each school district.

3214 (g) **Supplemental grant to school districts.** In  
3215 addition to the adequate education program grant, the State  
3216 Department of Education shall annually distribute an additional  
3217 amount as follows: Multiply the base student cost for the  
3218 appropriate fiscal year as determined under paragraph (b) by  
3219 thirteen one-hundredths percent (.13%) and multiply that product  
3220 by the average daily attendance of each school district. Such  
3221 grant shall not be subject to the local revenue requirement  
3222 provided in subsection (2).

3223 (2) **Computation of the required local revenue in support of**  
3224 **the adequate education program.** The amount that each district  
3225 shall provide toward the cost of the adequate education program  
3226 shall be calculated as follows:

3227 (a) The State Board of Education shall certify to each  
3228 school district that twenty-eight (28) mills, less the estimated  
3229 amount of the yield of the School Ad Valorem Tax Reduction Fund  
3230 grants as determined by the State Department of Education, is the  
3231 millage rate required to provide the district required local  
3232 effort for that year, or twenty-seven percent (27%) of the basic  
3233 adequate education program cost for such school district as  
3234 determined under subsection (c), whichever is a lesser amount. In  
3235 the case of an agricultural high school the millage requirement  
3236 shall be set at a level which generates an equitable amount per  
3237 pupil to be determined by the State Board of Education.

3238 (b) The State Board of Education shall determine (i)  
3239 the total assessed valuation of nonexempt property for school  
3240 purposes in each school district; (ii) assessed value of exempt  
3241 property owned by homeowners aged sixty-five (65) or older or  
3242 disabled as defined in Section 27-33-67(2), Mississippi Code of  
3243 1972; (iii) the school district's tax loss from exemptions

3244 provided to applicants under the age of sixty-five (65) and not  
3245 disabled as defined in Section 27-33-67(1), Mississippi Code of  
3246 1972; and (iv) the school district's homestead reimbursement  
3247 revenues.

3248 (c) The amount of the total adequate education program  
3249 funding which shall be contributed by each school district shall  
3250 be the sum of the ad valorem receipts generated by the millage  
3251 required under this subsection plus the following local revenue  
3252 sources for the appropriate fiscal year which are or may be  
3253 available for current expenditure by the school district:

3254 One hundred percent (100%) of Grand Gulf income as prescribed  
3255 in Section 27-35-309.

3256 (3) **Computation of the required state effort in support of**  
3257 **the adequate education program.**

3258 (a) The required state effort in support of the  
3259 adequate education program shall be determined by subtracting the  
3260 sum of the required local tax effort as set forth in subsection  
3261 (2)(a) of this section and the other local revenue sources as set  
3262 forth in subsection (2)(c) of this section in an amount not to  
3263 exceed twenty-seven percent (27%) of the total projected adequate  
3264 education program cost as set forth in subsection (1)(f) of this  
3265 section from the total projected adequate education program cost  
3266 as set forth in subsection (1)(f) of this section.

3267 (b) Provided, however, that in fiscal year 1998 and in  
3268 the fiscal year in which the adequate education program is fully  
3269 funded by the Legislature, any increase in the said state  
3270 contribution, including the supplemental grant to school districts  
3271 provided under subsection (1)(g), to any district calculated under  
3272 this section shall be not less than eight percent (8%) in excess  
3273 of the amount received by said district from state funds for the  
3274 fiscal year immediately preceding. For purposes of this paragraph  
3275 (b), state funds shall include minimum program funds less the  
3276 add-on programs, state Uniform Millage Assistance Grant funds,

3277 Education Enhancement Funds appropriated for Uniform Millage  
3278 Assistance Grants and state textbook allocations, and State  
3279 General Funds allocated for textbooks.

3280 (c) If the appropriation is less than full funding for  
3281 fiscal year 2003, allocations for state contributions to school  
3282 districts in support of the adequate education program will be  
3283 determined by the State Department of Education in the following  
3284 manner:

3285 (i) Calculation of the full funding amount under  
3286 this chapter, with proportionate reductions as required by the  
3287 appropriation level.

3288 (ii) Calculation of the amount equal to the state  
3289 funds allocated to school districts for fiscal year 2002 plus the  
3290 estimated amount to fund the adequate education program salary  
3291 schedule for fiscal year 2003. For purposes of this item (ii),  
3292 state funds shall be those described in paragraph (b) and an  
3293 amount equal to the allocation for the adequate education program  
3294 in fiscal year 2002, plus any additional amount required to  
3295 satisfy fiscal year 2003 pledges in accordance with paragraphs  
3296 (d), (e) and (f) of subsection (5) of this section. If a school  
3297 district's fiscal year 2003 pledge is different than the pledge  
3298 amount for fiscal year 2002, the district shall receive an amount  
3299 equal to the fiscal year 2003 pledge or the amount of funds  
3300 calculated under the adequate education formula for fiscal year  
3301 2002 before any pledge guarantee for fiscal year 2002, whichever  
3302 is greater. If the pledge is no longer in effect, the district  
3303 shall receive the amount of funds calculated under the formula for  
3304 fiscal year 2002 before any pledge guarantee for fiscal year 2002.

3305 (iii) The portion of any district's allocation  
3306 calculated in item (i) of this paragraph which exceeds amounts as  
3307 calculated in item (ii) shall be reduced by an amount not to  
3308 exceed twenty-one percent (21%). The amount of funds generated by  
3309 this reduction of funds shall be redistributed proportionately

3310 among those districts receiving insufficient funds to meet the  
3311 amount calculated in item (ii). In no case may any district  
3312 receive funds in an amount greater than the amount that the  
3313 district would have received under full funding of the program for  
3314 fiscal year 2003.

3315 (d) (i) If the school board of any school district  
3316 shall determine that it is not economically feasible or  
3317 practicable to operate any school within the district for the full  
3318 one hundred eighty (180) days required for a school term of a  
3319 scholastic year as required in Section 37-13-63, Mississippi Code  
3320 of 1972, due to an enemy attack, a manmade, technological or  
3321 natural disaster in which the Governor has declared a disaster  
3322 emergency under the laws of this state or the President of the  
3323 United States has declared an emergency or major disaster to exist  
3324 in this state, said school board may notify the State Department  
3325 of Education of such disaster and submit a plan for altering the  
3326 school term. If the State Board of Education finds such disaster  
3327 to be the cause of the school not operating for the contemplated  
3328 school term and that such school was in a school district covered  
3329 by the Governor's or President's disaster declaration, it may  
3330 permit said school board to operate the schools in its district  
3331 for less than one hundred eighty (180) days and, in such case, the  
3332 State Department of Education shall not reduce the state  
3333 contributions to the adequate education program allotment for such  
3334 district, because of the failure to operate said schools for one  
3335 hundred eighty (180) days.

3336 (ii) Schools meeting Level 4 or 5 accreditation  
3337 standards shall be exempted from the provisions of this section.

3338 (4) If during the year for which adequate education program  
3339 funds are appropriated, any school district experiences a three  
3340 percent (3%) or greater increase in average daily attendance  
3341 during the second and third month over the preceding year's second  
3342 and third month and the school district has requested a minimum

3343 increase of four percent (4%) in local ad valorem revenues over  
3344 the previous year as authorized in Sections 37-57-104 and  
3345 37-57-105, an additional allocation of adequate education program  
3346 funds calculated in the following manner shall be granted to that  
3347 district, using any additional funds available to the Department  
3348 of Education that exceed the amount of funds due to the school  
3349 districts under the basic adequate education program distribution  
3350 as provided for in this chapter:

3351           (a) Determine the percentage increase in average daily  
3352 attendance for the second and third months of the year for which  
3353 adequate education program funds are appropriated over the  
3354 preceding year's second and third month average daily attendance.

3355           (b) For those districts that have a three percent (3%)  
3356 or greater increase as calculated in paragraph (a) of this  
3357 subsection, multiply the total increase in students in average  
3358 daily attendance for the second and third months of the year for  
3359 which adequate education program funds are appropriated over the  
3360 preceding year's second and third month average daily attendance  
3361 times the base student cost used in the appropriation.

3362           (c) Subtract the percentage of the district's local  
3363 contribution arrived at in subsection (2) of this section from the  
3364 amount calculated in paragraph (b) of this subsection. The  
3365 remainder is the additional allocation in adequate education  
3366 program funds for that district.

3367           If the funds available to the Department of Education are not  
3368 sufficient to fully fund the additional allocations to school  
3369 districts eligible for those allocations, then the department  
3370 shall prorate the available funds among the eligible school  
3371 districts, using the same percentage of the total funds that the  
3372 school district would have received if the allocations were fully  
3373 funded. The State Department of Education shall study and develop  
3374 a report to the Chairmen of the Senate and House Committees on  
3375 Education by January 1, 2005, with options for legislative

3376 consideration that will insure that the Mississippi Adequate  
3377 Education Program funds are distributed to school districts based  
3378 on current year student attendance or enrollment.

3379 This subsection (4) shall stand repealed on July 1, 2006.

3380 (5) The Interim School District Capital Expenditure Fund is  
3381 hereby established in the State Treasury which shall be used to  
3382 distribute any funds specifically appropriated by the Legislature  
3383 to such fund to school districts entitled to increased allocations  
3384 of state funds under the adequate education program funding  
3385 formula prescribed in Sections 37-151-3 through 37-151-7,  
3386 Mississippi Code of 1972, until such time as the said adequate  
3387 education program is fully funded by the Legislature. The  
3388 following percentages of the total state cost of increased  
3389 allocations of funds under the adequate education program funding  
3390 formula shall be appropriated by the Legislature into the Interim  
3391 School District Capital Expenditure Fund to be distributed to all  
3392 school districts under the formula: Nine and two-tenths percent  
3393 (9.2%) shall be appropriated in fiscal year 1998, twenty percent  
3394 (20%) shall be appropriated in fiscal year 1999, forty percent  
3395 (40%) shall be appropriated in fiscal year 2000, sixty percent  
3396 (60%) shall be appropriated in fiscal year 2001, eighty percent  
3397 (80%) shall be appropriated in fiscal year 2002, and one hundred  
3398 percent (100%) shall be appropriated in fiscal year 2003 into the  
3399 State Adequate Education Program Fund created in subsection (4).  
3400 Until July 1, 2002, such money shall be used by school districts  
3401 for the following purposes:

3402 (a) Purchasing, erecting, repairing, equipping,  
3403 remodeling and enlarging school buildings and related facilities,  
3404 including gymnasiums, auditoriums, lunchrooms, vocational training  
3405 buildings, libraries, school barns and garages for transportation  
3406 vehicles, school athletic fields and necessary facilities  
3407 connected therewith, and purchasing land therefor. Any such  
3408 capital improvement project by a school district shall be approved

3409 by the State Board of Education, and based on an approved  
3410 long-range plan. The State Board of Education shall promulgate  
3411 minimum requirements for the approval of school district capital  
3412 expenditure plans.

3413 (b) Providing necessary water, light, heating, air  
3414 conditioning, and sewerage facilities for school buildings, and  
3415 purchasing land therefor.

3416 (c) Paying debt service on existing capital improvement  
3417 debt of the district or refinancing outstanding debt of a district  
3418 if such refinancing will result in an interest cost savings to the  
3419 district.

3420 (d) From and after October 1, 1997, through June 30,  
3421 1998, pursuant to a school district capital expenditure plan  
3422 approved by the State Department of Education, a school district  
3423 may pledge such funds until July 1, 2002, plus funds provided for  
3424 in paragraph (e) of this subsection (5) that are not otherwise  
3425 permanently pledged under such paragraph (e) to pay all or a  
3426 portion of the debt service on debt issued by the school district  
3427 under Sections 37-59-1 through 37-59-45, 37-59-101 through  
3428 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,  
3429 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt  
3430 issued by boards of supervisors for agricultural high schools  
3431 pursuant to Section 37-27-65, Mississippi Code of 1972, or  
3432 lease-purchase contracts entered into pursuant to Section 31-7-13,  
3433 Mississippi Code of 1972, or to retire or refinance outstanding  
3434 debt of a district, if such pledge is accomplished pursuant to a  
3435 written contract or resolution approved and spread upon the  
3436 minutes of an official meeting of the district's school board or  
3437 board of supervisors. It is the intent of this provision to allow  
3438 school districts to irrevocably pledge their Interim School  
3439 District Capital Expenditure Fund allotments as a constant stream  
3440 of revenue to secure a debt issued under the foregoing code  
3441 sections. To allow school districts to make such an irrevocable



3442 pledge, the state shall take all action necessary to ensure that  
3443 the amount of a district's Interim School District Capital  
3444 Expenditure Fund allotments shall not be reduced below the amount  
3445 certified by the department or the district's total allotment  
3446 under the Interim Capital Expenditure Fund if fully funded, so  
3447 long as such debt remains outstanding.

3448           (e) From and after October 1, 1997, through June 30,  
3449 1998, in addition to any other authority a school district may  
3450 have, any school district may issue State Aid Capital Improvement  
3451 Bonds secured in whole by a continuing annual pledge of any  
3452 Mississippi Adequate Education Program funds available to the  
3453 district, in an amount not to exceed One Hundred Sixty Dollars  
3454 (\$160.00) per pupil based on the latest completed average daily  
3455 attendance count certified by the department prior to the issuance  
3456 of the bonds. Such State Aid Capital Improvement Bonds may be  
3457 issued for the purposes enumerated in paragraphs (a), (b), (c) and  
3458 (g) of this section. Prior to issuing such bonds, the school  
3459 board of the district shall adopt a resolution declaring the  
3460 necessity for and its intention of issuing such bonds and  
3461 borrowing such money, specifying the approximate amount to be so  
3462 borrowed, how such money is to be used and how such indebtedness  
3463 is to be evidenced. Any capital improvement project financed with  
3464 State Aid Capital Improvement Bonds shall be approved by the  
3465 department, and based on an approved long-range plan. The State  
3466 Board of Education shall promulgate minimum requirements for the  
3467 approval of such school district capital expenditure plans. The  
3468 State Board of Education shall not approve any capital expenditure  
3469 plan for a pledge of funds under this paragraph unless it  
3470 determines (i) that the quality of instruction in such district  
3471 will not be reduced as a result of this pledge, and (ii) the  
3472 district has other revenue available to attain and maintain at  
3473 least Level III accreditation.

3474           A district issuing State Aid Capital Improvement Bonds may  
3475 pledge for the repayment of such bonds all funds received by the  
3476 district from the state, in an amount not to exceed One Hundred  
3477 Sixty Dollars (\$160.00) per pupil in average daily attendance in  
3478 the school district as set forth above, and not otherwise  
3479 permanently pledged under paragraph (d) of this subsection or  
3480 under Section 37-61-33(2)(d), Mississippi Code of 1972. The  
3481 district's school board shall specify by resolution the amount of  
3482 state funds, which are being pledged by the district for the  
3483 repayment of the State Aid Capital Improvement Bonds. Once such a  
3484 pledge is made to secure the bonds, the district shall notify the  
3485 department of such pledge. Upon making such a pledge, the school  
3486 district may request the department which may agree to irrevocably  
3487 transfer a specified amount or percentage of the district's state  
3488 revenue pledged to repay the district's State Aid Capital  
3489 Improvement Bonds directly to a state or federally chartered bank  
3490 serving as a trustee or paying agent on such bonds for the payment  
3491 of all or portion of such State Aid Capital Improvement Bonds.  
3492 Such instructions shall be incorporated into a resolution by the  
3493 school board for the benefit of holders of the bonds and may  
3494 provide that such withholding and transfer of such other available  
3495 funds shall be made only upon notification by a trustee or paying  
3496 agent on such bonds that the amounts available to pay such bonds  
3497 on any payment date will not be sufficient. It is the intent of  
3498 this provision to allow school districts to irrevocably pledge a  
3499 certain, constant stream of revenue as security for State Aid  
3500 Capital Improvement Bonds issued hereunder. To allow school  
3501 districts to make such an irrevocable pledge, the state shall take  
3502 all action necessary to ensure that the amount of a district's  
3503 state revenues up to an amount equal to One Hundred Sixty Dollars  
3504 (\$160.00) per pupil as set forth above which have been pledged to  
3505 repay debt as set forth herein shall not be reduced so long as any  
3506 State Aid Capital Improvement Bonds are outstanding.

3507 Any such State Aid Capital Improvement bonds shall mature as  
3508 determined by the district's school bond over a period not to  
3509 exceed twenty (20) years. Such bonds shall not bear a greater  
3510 overall maximum interest rate to maturity than that allowed in  
3511 Section 75-17-101, Mississippi Code of 1972. The further details  
3512 and terms of such bonds shall be as determined by the school board  
3513 of the district.

3514 The provisions of this subsection shall be cumulative and  
3515 supplemental to any existing funding programs or other authority  
3516 conferred upon school districts or school boards. Debt of a  
3517 school district secured in whole by a pledge of revenue pursuant  
3518 to this section shall not be subject to any debt limitation.

3519 For purposes of this paragraph (e), "State Aid Capital  
3520 Improvement Bond" shall mean any bond, note, or other certificate  
3521 of indebtedness issued by a school district under the provisions  
3522 hereof.

3523 This paragraph (e) shall stand repealed from and after June  
3524 30, 1998.

3525 (f) As an alternative to the authority granted under  
3526 paragraph (e), a school district, in its discretion, may authorize  
3527 the State Board of Education to withhold an amount of the  
3528 district's adequate education program allotment equal to up to One  
3529 Hundred Sixty Dollars (\$160.00) per student in average daily  
3530 attendance in the district to be allocated to the State Public  
3531 School Building Fund to the credit of such school district. A  
3532 school district may choose the option provided under this  
3533 paragraph (e) or paragraph (f), but not both. In addition to the  
3534 grants made by the state pursuant to Section 37-47-9, a school  
3535 district shall be entitled to grants based on the allotments to  
3536 the State Public School Building Fund credited to such school  
3537 district under this paragraph. This paragraph (f) shall stand  
3538 repealed from and after June 30, 1998.

3539           (g) The State Board of Education may authorize the  
3540 school district to expend not more than twenty percent (20%) of  
3541 its annual allotment of such funds or Twenty Thousand Dollars  
3542 (\$20,000.00), whichever is greater, for technology needs of the  
3543 school district, including computers, software,  
3544 telecommunications, cable television, interactive video, film  
3545 low-power television, satellite communications, microwave  
3546 communications, technology-based equipment installation and  
3547 maintenance, and the training of staff in the use of such  
3548 technology-based instruction. Any such technology expenditure  
3549 shall be reflected in the local district technology plan approved  
3550 by the State Board of Education under Section 37-151-17,  
3551 Mississippi Code of 1972.

3552           (h) To the extent a school district has not utilized  
3553 twenty percent (20%) of its annual allotment for technology  
3554 purposes under paragraph (g), a school district may expend not  
3555 more than twenty percent (20%) of its annual allotment or Twenty  
3556 Thousand Dollars (\$20,000.00), whichever is greater, for  
3557 instructional purposes. The State Board of Education may  
3558 authorize a school district to expend more than said twenty  
3559 percent (20%) of its annual allotment for instructional purposes  
3560 if it determines that such expenditures are needed for  
3561 accreditation purposes.

3562           (i) The State Department of Education or the State  
3563 Board of Education may require that any project commenced pursuant  
3564 to this section with an estimated project cost of not less than  
3565 Five Million Dollars (\$5,000,000.00) shall be done only pursuant  
3566 to program management of the process with respect to design and  
3567 construction. Any individuals, partnerships, companies or other  
3568 entities acting as a program manager on behalf of a local school  
3569 district and performing program management services for projects  
3570 covered under this subsection shall be approved by the State  
3571 Department of Education.

3572 Any interest accruing on any unexpended balance in the  
3573 Interim School District Capital Expenditure Fund shall be invested  
3574 by the State Treasurer and placed to the credit of each school  
3575 district participating in such fund in its proportionate share.

3576 The provisions of this subsection (5) shall be cumulative and  
3577 supplemental to any existing funding programs or other authority  
3578 conferred upon school districts or school boards.

3579 **SECTION 28.** Section 37-61-9, Mississippi Code of 1972, is  
3580 amended as follows:

3581 37-61-9. (1) On or before the fifteenth day of August of  
3582 each year, the local school board of each school district, with  
3583 the assistance of the superintendent of schools, shall prepare and  
3584 file with the levying authority for the school district, as  
3585 defined in Section 37-57-1, Mississippi Code of 1972, at least two  
3586 (2) copies of a budget of estimated expenditures for the support,  
3587 maintenance and operation of the public schools of the school  
3588 district for the fiscal year commencing on July 1 of such year.  
3589 Such budget shall be prepared on forms prescribed and provided by  
3590 the State Auditor and shall contain such information as the State  
3591 Auditor may require. Beginning with fiscal year 2006-2007 and  
3592 fiscal years thereafter, each school district's budget shall  
3593 contain a detailed statement of the estimated amounts to be  
3594 expended for each instructional program and add-on program  
3595 component identified in the annual legislative appropriation bill  
3596 to fund the Mississippi Adequate Education Program as provided in  
3597 Section 37-151-7(1)(b), (d) and (e), and it shall show separately  
3598 the amounts of such expenses to be paid from adequate education  
3599 program funds, local school district maintenance funds and other  
3600 available funds. The budget shall also contain a detailed  
3601 statement of the revenues which will be available for defraying  
3602 the expenses of and maintaining and operating the schools of such  
3603 district during the fiscal year for which the budget is prepared,  
3604 which statement of estimated revenues shall be divided as to

3605 sources and shall show the amount available from each source. The  
3606 State Board of Education shall prescribe and provide forms to each  
3607 school district for this purpose. When an operating budget has  
3608 been approved by the local school board and Mississippi Adequate  
3609 Education Program funds have been provided by appropriation of the  
3610 Legislature, the amount approved shall be available by budget  
3611 category and each budget category shall constitute the maximum  
3612 amount of obligations or indebtedness which may be incurred by the  
3613 school district for such purpose during the fiscal year. In the  
3614 event any emergency or unforeseen circumstances shall arise, the  
3615 local school superintendent, with the approval of the local school  
3616 board, may authorize increases in major objects of expenditure  
3617 within such school district's allocation of each specific budget  
3618 category within the appropriation bill for the current year,  
3619 provided that other major objects of expenditure are decreased by  
3620 a corresponding dollar amount. The superintendent of schools for  
3621 such school district requesting a transfer shall submit written  
3622 justification for the transfer to the local school board on or  
3623 before the fifteenth of the month prior to the effective date of  
3624 the transfer and the transfer shall be effective the first working  
3625 day of the month following timely submissions required herein.

3626 (2) In addition, on or before the fifteenth day of August of  
3627 each year, the local school board of each school district, with  
3628 the assistance of the superintendent of schools, shall prepare and  
3629 file with the State Department of Education such budgetary  
3630 information as the State Board of Education may require. The  
3631 State Board of Education shall prescribe and provide forms to each  
3632 school district for this purpose.

3633 (3) Prior to the adoption of a budget pursuant to this  
3634 section, the school board of each school district shall hold at  
3635 least one (1) public hearing to provide the general public with an  
3636 opportunity to comment on the taxing and spending plan  
3637 incorporated in the proposed budget. The public hearing shall be

3638 held at least one (1) week prior to the adoption of the budget  
3639 with advance notice. After final adoption of the budget, a  
3640 synopsis of such budget in a form prescribed by the State  
3641 Department of Audit shall be published in a newspaper having  
3642 general circulation in the school district on a date different  
3643 from the date on which the county or any municipality therein may  
3644 publish its budget.

3645 (4) Beginning with the fiscal year 1995-1996, there shall be  
3646 imposed limitations on budgeted expenditures for certain  
3647 administration costs, as defined hereinafter, in an amount not  
3648 greater than One Hundred Fifty Thousand Dollars (\$150,000.00) plus  
3649 four percent (4%) of the expenditures of all school districts each  
3650 year. For purposes of this subsection, "administration costs"  
3651 shall be defined as expenditures for salaries and fringe benefits  
3652 paid for central administration costs from all sources of revenue  
3653 in the following expenditure functions as defined in the  
3654 MISSISSIPPI PUBLIC SCHOOL DISTRICT FINANCIAL ACCOUNTING MANUAL:

- 3655 2300 = Support Services - General Administration
- 3656 2310 = Board of Education Services
- 3657 2320 = Executive Administration Services
- 3658 2330 = Special Area Administration Services
- 3659 2500 = Business Services
- 3660 2510 = Fiscal Services
- 3661 2520 = Purchasing Services
- 3662 2530 = Warehousing and Distributing Services
- 3663 2540 = Printing, Publishing and Duplicating Services
- 3664 2590 = Other Support Services - Business
- 3665 2800 = Support Services - Central
- 3666 2810 = Planning, Research, Development and Evaluation
- 3667 2820 = Information Services
- 3668 2830 = Staff Services
- 3669 2840 = Data Processing Services

3670 Any costs classified as "administration costs" for purposes  
3671 of this subsection which can be demonstrated by the local school  
3672 district to be an expenditure that results in a net cost savings  
3673 to the district that may otherwise require budget expenditures for  
3674 functions not covered under the definition of administration costs  
3675 herein may be excluded from the limitations imposed herein. The  
3676 local school board shall make a specific finding of such costs and  
3677 spread such finding upon its minutes, which shall be subject to  
3678 the approval of the Office of Educational Accountability of the  
3679 State Department of Education. Any school district required to  
3680 make expenditure cuts, as a result of application of this  
3681 subsection, shall not be required to reduce such expenditures more  
3682 than twenty-five percent (25%) in any year in order to comply with  
3683 this mandate.

3684 The State Auditor shall ensure that functions in all  
3685 expenditure categories to which this administrative limitation  
3686 applies shall be properly classified.

3687 This section shall not apply to central administration with  
3688 five (5) or less full-time employees, or to those school districts  
3689 which can substantiate that comparable reductions have occurred in  
3690 administrative costs for the five-year period immediately prior to  
3691 school year 1993-1994. In the event the application of this  
3692 section may jeopardize the fiscal integrity or operations of the  
3693 school district, have an adverse impact on the ability of the  
3694 district to deliver educational services, or otherwise restrict  
3695 the district from achieving or maintaining a quality education  
3696 program, the State Board of Education shall be authorized to  
3697 exempt the application of this section to such school district  
3698 pursuant to rules and regulations of the State Board of Education  
3699 consistent with the intent of this section.

3700 **SECTION 29.** Section 37-61-19, Mississippi Code of 1972, is  
3701 amended as follows:



3702           37-61-19. It shall be the duty of the superintendents of  
3703 schools and the school boards of all school districts to limit the  
3704 expenditure of school funds during the fiscal year to the  
3705 resources available. It shall be unlawful for any school district  
3706 to budget expenditures from a fund or specific budget category as  
3707 provided in Section 37-61-9(1), in excess of the resources  
3708 available within that fund. Furthermore, it shall be unlawful for  
3709 any contract to be entered into or any obligation incurred or  
3710 expenditure made in excess of the resources available for such  
3711 fiscal year. Any member of the school board, superintendent of  
3712 schools, or other school official, who shall knowingly enter into  
3713 any contract, incur any obligation, or make any expenditure in  
3714 excess of the amount available in a specific budget category for  
3715 the fiscal year shall be personally liable for the amount of such  
3716 excess. However, no school board member, superintendent or other  
3717 school official shall be personally liable (a) in the event of any  
3718 reduction in adequate education program payments by action of the  
3719 Governor acting through the Department of Finance and  
3720 Administration, or (b) for claims, damages, awards or judgments,  
3721 on account of any wrongful or tortious act or omission or breach  
3722 of implied term or condition of any warranty or contract;  
3723 provided, however, that the foregoing immunity provisions shall  
3724 not be a defense in cases of fraud, criminal action or an  
3725 intentional breach of fiduciary obligations imposed by statute.

3726           **SECTION 30.** Section 37-15-37, Mississippi Code of 1972, is  
3727 amended as follows:

3728           37-15-37. The local school boards of public school districts  
3729 and the Board of Trustees of State Institutions of Higher Learning  
3730 are authorized to establish a dual enrollment and dual credit  
3731 program under which high school students meeting the requirements  
3732 prescribed in this section may enroll at an institution of higher  
3733 learning in Mississippi while they are still attending high school  
3734 and enrolled in high school courses, with tuition and costs to be

3735 negotiated between school districts and the state institutions of  
3736 higher learning and may be paid by grants, foundations or other  
3737 private sources. Students may be admitted to enroll in  
3738 university-level courses under the dual enrollment program if they  
3739 meet the following recommended admission requirements:

3740 (a) Students must have completed a minimum of fourteen  
3741 (14) core high school units;

3742 (b) Students must have a 2.5 grade point average on a  
3743 4.0 scale, or better, on all high school courses, as documented by  
3744 an official high school transcript; a home-schooled student must  
3745 submit a transcript prepared by a parent, guardian or custodian  
3746 with a signed, sworn affidavit to meet the requirement of this  
3747 paragraph; and

3748 (c) Students must have an unconditional written  
3749 recommendation from their high school principal and/or guidance  
3750 counselor. A home-schooled student must submit a parent, legal  
3751 guardian or custodian's written recommendation to meet the  
3752 requirement of this paragraph.

3753 Students may be considered for the dual enrollment program  
3754 who have not completed the minimum of fourteen (14) core high  
3755 school units if they have a minimum ACT composite score of  
3756 twenty-eight (28) or the equivalent SAT score, and have the  
3757 required grade point average and recommendations prescribed above.

3758 Tuition and costs for university-level courses under this  
3759 program shall be negotiated between school districts and state  
3760 institutions of higher learning and may be paid from grants,  
3761 foundations or other private sources, to be paid directly to the  
3762 participating university. Students admitted in the dual  
3763 enrollment program shall be counted for adequate education program  
3764 funding purposes in the average daily attendance of the public  
3765 school district in which they attend high school. Any additional  
3766 transportation required by a student to participate in the dual  
3767 enrollment program shall be the responsibility of the parents or

3768 legal guardians of the student, but may be paid for from private  
3769 sources. Grades and college credits earned by students admitted  
3770 to the dual enrollment program shall be recorded on the college  
3771 transcript at the university where the student attends classes and  
3772 where appropriate, as prescribed by the Mississippi Department of  
3773 Education's high school graduation requirements, the state  
3774 institutions of higher learning's admission requirements, and as  
3775 described in the articulation agreement authorized in Section  
3776 37-101-28, shall be counted as dual credit. The transcript of  
3777 such university course work may be released to another institution  
3778 or used for college graduation requirements only after the student  
3779 has received his high school diploma.

3780       **SECTION 31.** Section 37-29-1, Mississippi Code of 1972, is  
3781 amended as follows:

3782       37-29-1. (1) The creation, establishment, maintenance and  
3783 operation of community and junior colleges is authorized.  
3784 Community and junior colleges may admit students if they have  
3785 earned one (1) unit less than the number of units required for  
3786 high school graduation established by State Board of Education  
3787 policy or have earned a General Education Diploma (GED) in courses  
3788 correlated to those of senior colleges or professional schools.  
3789 They shall offer education and training preparatory for  
3790 occupations such as agriculture, industry, business, homemaking  
3791 and for other occupations on the semiprofessional and  
3792 vocational-technical level. They may offer courses and services  
3793 to students regardless of their previous educational attainment or  
3794 further academic plans.

3795       (2) The boards of trustees of the community and junior  
3796 college districts are authorized to establish a dual enrollment  
3797 program under which high school students meeting the requirements  
3798 prescribed in this section may enroll and receive dual credit at a  
3799 community or junior college while they are still attending high  
3800 school and enrolled in high school courses. Students may be

3801 admitted to enroll in community or junior college courses under  
3802 the dual enrollment program if they meet the following recommended  
3803 admission requirements:

3804           (a) Students must have completed a minimum of fourteen  
3805 (14) core high school units;

3806           (b) Students must have a 2.5 grade point average on a  
3807 4.0 scale, or better, on all high school courses, as documented by  
3808 an official high school transcript; a home-schooled student must  
3809 submit a transcript prepared by a parent, guardian or custodian  
3810 with a signed, sworn affidavit to meet the requirement of this  
3811 paragraph; and

3812           (c) Students must have an unconditional written  
3813 recommendation from their high school principal and/or guidance  
3814 counselor. A home-schooled student must submit a parent, legal  
3815 guardian or custodian's written recommendation to meet the  
3816 requirement of this paragraph.

3817           Students may be considered for the dual enrollment program  
3818 who have not completed the minimum of fourteen (14) core high  
3819 school units if they have a minimum ACT composite score of  
3820 twenty-eight (28) or the equivalent SAT score, and have the  
3821 required grade point average and recommendations prescribed above.

3822           Students admitted in the dual enrollment program shall be  
3823 counted for adequate education program funding purposes in the  
3824 average daily attendance of the public school district in which  
3825 they attend high school. Any additional transportation required  
3826 by a student to participate in the dual enrollment program shall  
3827 be the responsibility of the parents or legal guardians of the  
3828 student. Grades and college credits earned by students admitted  
3829 to the dual enrollment program shall be recorded on the college  
3830 transcript at the community or junior college where the student  
3831 attends classes. The transcript of such college course work may  
3832 be released to another institution or used for college graduation

3833 requirements only after the student has received his high school  
3834 diploma.

3835       (3) The boards of trustees of the community and junior  
3836 college districts are authorized to establish an early admission  
3837 program under which applicants meeting all requirements prescribed  
3838 in subsection (2)(a) through (c) and having a minimum ACT  
3839 composite score of twenty-four (24) or the equivalent SAT score  
3840 may be admitted as full-time college students if the principal or  
3841 guidance counselor of the student recommends in writing that it is  
3842 in the best educational interest of the student. Such  
3843 recommendation shall also state that the student's age will not  
3844 keep him from being a successful full-time college student.  
3845 Students admitted in the early admission program shall not be  
3846 counted for adequate education program funding purposes in the  
3847 average daily attendance of the school district in which they  
3848 reside, and transportation required by a student to participate in  
3849 the early admission program shall be the responsibility of the  
3850 parents or legal guardians of the student. Grades and college  
3851 credits earned by students admitted to the early admission program  
3852 shall be recorded on the college transcript at the community or  
3853 junior college where the student attends classes, and may be  
3854 released to another institution or used for college graduation  
3855 requirements only after the student has successfully completed one  
3856 (1) full semester of course work.

3857       (4) The community and junior colleges shall provide, through  
3858 courses or other acceptable educational measures, the general  
3859 education necessary to individuals and groups which will tend to  
3860 make them capable of living satisfactory lives consistent with the  
3861 ideals of a democratic society.

3862       **SECTION 32.** The following provision shall be codified as  
3863 Section 37-15-39, Mississippi Code of 1972:

3864       37-15-39. (1) The purpose of this section is to ensure that  
3865 each student has a sufficient education for success after high

3866 school and that all students have equal access to a substantive  
3867 and rigorous curriculum that is designed to challenge their minds  
3868 and enhance their knowledge skill.

3869 (2) For purposes of this section:

3870 (a) "Advanced placement course" means any high school  
3871 level preparatory course for a college advanced placement test  
3872 that:

3873 (i) Incorporates all topics specified by  
3874 recognized advanced placement authorities on standards for a given  
3875 subject area; and

3876 (ii) Is approved by recognized advanced placement  
3877 authorities;

3878 (b) "Dual enrollment course" means a postsecondary  
3879 level course(s) offered by state institutions of higher learning  
3880 and community or junior colleges, upon successful completion would  
3881 qualify for academic credit in both the postsecondary institution  
3882 and public high school;

3883 (c) "Pre-advanced placement course" means a middle  
3884 school, junior high school or high school level course that  
3885 specifically prepares students to enroll and to participate in an  
3886 advanced placement course;

3887 (d) "Vertical team" means a group of educators from  
3888 different grade levels in a given discipline who work  
3889 cooperatively to develop and implement a vertically aligned  
3890 program aimed at helping students from diverse backgrounds acquire  
3891 the academic skills necessary for success in the advanced  
3892 placement program and other challenging course work; and

3893 (e) "High concentration of low-income students," used  
3894 with respect to a public school or public school district, means a  
3895 public school or public school district that serves a student  
3896 population fifty percent (50%) or more of whom are low-income  
3897 individuals ages five (5) through seventeen (17) years from a  
3898 low-income family on the basis data on children eligible for the

3899 free or reduced-price lunches under the National School Lunch Act,  
3900 data on children in families receiving assistance under Part A of  
3901 Title IV of the Social Security Act, or data on children eligible  
3902 to receive medical assistance under the Medicaid program under  
3903 Title XIX of the Social Security Act, or through an alternate  
3904 method that combines or extrapolates from those data sets.

3905 (3) (a) A teacher of an advanced placement and/or  
3906 pre-advanced placement course must obtain appropriate training.

3907 (b) The State Board of Education shall establish clear,  
3908 specific, and challenging training guidelines that require  
3909 teachers of advanced placement courses and teachers of  
3910 pre-advanced placement courses to obtain a recognized advanced  
3911 placement authority endorsed training.

3912 (4) (a) In order to ensure that each student has a  
3913 sufficient education for success after high school and that all  
3914 students have equal access to a substantive and rigorous  
3915 curriculum that is designed to challenge their minds and enhance  
3916 their knowledge skill, school districts should offer pre-advanced  
3917 placement courses to prepare students for the demands of advanced  
3918 placement course work.

3919 (b) Funding shall be made available for the 2007-2008  
3920 school year so that all sophomores in Mississippi's public schools  
3921 shall take a recognized advance placement authority approved  
3922 examination that measures students' ability to succeed in an  
3923 advance placement course.

3924 (c) The State Department of Education shall:

3925 (i) Approve all classes designated as pre-advanced  
3926 placement courses;

3927 (ii) Develop rules necessary for the  
3928 implementation of advanced placement courses;

3929 (iii) Seek federal funding through the Advanced  
3930 Placement Incentive Grant Program and other available funding; and

3931 (iv) Focus funding with the intent to carry out  
3932 activities that target school districts serving a high  
3933 concentration of low-income students.

3934 (5) Beginning with the 2007-2008 school year, all school  
3935 districts shall offer at least one (1) advanced placement course  
3936 in each of the four (4) core areas of math, English, science and  
3937 social studies for a total of four (4) courses. The use of the  
3938 state's on-line Advanced Placement Instructional Program is an  
3939 appropriate alternative.

3940 (6) Any high school offering the International Baccalaureate  
3941 Diploma Programme shall be exempt from the provisions of  
3942 subsection 5 of this section but shall have the right to  
3943 participate in teacher training and program funding as any high  
3944 school offering advanced placement courses.

3945 **SECTION 33.** Section 37-16-7, Mississippi Code of 1972, is  
3946 amended as follows:

3947 37-16-7. (1) Each district school board shall establish  
3948 standards for graduation from its schools which shall include as a  
3949 minimum:

3950 (a) Mastery of minimum academic skills as measured by  
3951 assessments developed and administered by the State Board of  
3952 Education.

3953 (b) Completion of a minimum number of academic credits,  
3954 and all other applicable requirements prescribed by the district  
3955 school board.

3956 (2) A student who meets all requirements prescribed in  
3957 subsection (1) of this section shall be awarded a standard diploma  
3958 in a form prescribed by the state board.

3959 (3) The State Board of Education may establish student  
3960 proficiency standards for promotion to grade levels leading to  
3961 graduation.

3962 (4) In developing an industry-recognized certification  
3963 program pursuant to Section 37-31-61, 37-31-69, 37-31-205 and



3964 37-31-207, the State Board of Education, working with its Division  
3965 of Vocational and Technical Education and the State Board for  
3966 Community and Junior Colleges, shall:

3967 (a) For the purposes of awarding credit for graduation,  
3968 approve the use of additional or substitute tests for the  
3969 correlated Mississippi Curriculum Framework assessment, such as  
3970 academic achievement tests, industry certifications or state  
3971 licensure examinations; and

3972 (b) Permit students participating in vocational and  
3973 technical education programs designed to enable such students to  
3974 pass such industry certification examinations or state licensure  
3975 examinations to be awarded, upon obtaining satisfactory scores on  
3976 such industry certification or licensure examinations, the  
3977 appropriate verified units of credit for one or more vocational  
3978 and technical education classes which have been integrated into  
3979 the Mississippi Curriculum Framework. Such industry certification  
3980 and state licensure examinations may cover relevant classes  
3981 related to the Mississippi Curriculum Framework and may, at the  
3982 discretion of the board, address some Mississippi Curriculum  
3983 Framework for required classes.

3984 **SECTION 34.** Section 37-31-61, Mississippi Code of 1972, is  
3985 amended as follows:

3986 37-31-61. (1) For the development of industry-recognized  
3987 certifications, the State Board of Education shall incorporate  
3988 into its vocational education program a comparable curriculum  
3989 framework for mathematics, science, English and social studies,  
3990 including history, and other subject areas as may be appropriate.  
3991 The board may also authorize, in its regulations for accrediting  
3992 public schools in Mississippi, the substitution of industry  
3993 certification and state licensure examinations for the curriculum  
3994 framework assessments for the purpose of awarding verified units  
3995 of credit for vocational education courses, where appropriate.

3996           (2) In coordination with the Department of Employment  
3997 Security, there shall be established, within the Department of  
3998 Education, a unit of specialists in vocational education. The  
3999 unit shall (a) assist in developing and revising local vocational  
4000 education programs to integrate into the Mississippi Department of  
4001 Education's curriculum framework, (b) provide professional  
4002 development for vocational education personnel to improve the  
4003 quality of vocational education, and (c) seek the input of  
4004 business and industry representatives regarding the content and  
4005 direction of the vocational education programs in the public  
4006 schools of Mississippi.

4007           (3) The trustees of such school district, as classified and  
4008 defined by law, including those already having this authority, and  
4009 the trustees of agricultural high schools and community/junior  
4010 colleges may, with the consent in writing of the State Board of  
4011 Education, establish and conduct such schools, classes or courses,  
4012 under the provisions herein stated and under the general  
4013 supervision of the board.

4014           **SECTION 35.** Section 37-31-69, Mississippi Code of 1972, is  
4015 amended as follows:

4016           37-31-69. (1) The school board of a local school district,  
4017 in its discretion, may establish and implement a vocational  
4018 apprenticeship program in the high schools in that district  
4019 through which students may earn high school units for vocational  
4020 experience or an industry-recognized certification as defined in  
4021 Section 37-31-61 as an alternative to those high school units  
4022 required by the school district in addition to the core curriculum  
4023 defined by the State Board of Education. The purpose of a  
4024 vocational apprenticeship program established pursuant to this  
4025 section shall be to provide those students with skills and  
4026 training that will lead to gainful employment in a trade or other  
4027 specialized vocation or an industry-recognized certification.

4028           (2) Students who participate in the vocational  
4029 apprenticeship or an industry-recognized certification program  
4030 shall be required to complete all high school units comprising the  
4031 core curriculum, as defined by the State Board of Education  
4032 pursuant to Section 37-31-61. In addition, a student in the  
4033 vocational apprenticeship program may be awarded credit for an  
4034 additional eight (8) high school units earned through the  
4035 vocational apprenticeship or an industry-recognized certification  
4036 program, which units shall apply toward, and must be recognized by  
4037 the State Board of Education in fulfillment of, the local school  
4038 district's graduation requirements. Units may be awarded in the  
4039 vocational apprenticeship program, whereby a student gains actual  
4040 work experience through employment in a job approved by the local  
4041 school district. The local school district shall adopt policies  
4042 governing the participation of students in the vocational  
4043 apprenticeship or an industry-recognized certification program.

4044           (3) Students successfully completing a vocational  
4045 apprenticeship or an industry-recognized certification program  
4046 established pursuant to this section are entitled to a diploma  
4047 evidencing graduation from a high school in Mississippi.

4048           **SECTION 36.** Section 37-31-205, Mississippi Code of 1972, is  
4049 amended as follows:

4050           37-31-205. (1) The State Board of Education shall have the  
4051 authority to:

4052                   (a) Expend funds received either by appropriation or  
4053 directly from federal or private sources;

4054                   (b) Channel funds to secondary schools, community and  
4055 junior colleges and regional vocational-technical facilities  
4056 according to priorities set by the board;

4057                   (c) Allocate funds on an annual budgetary basis;

4058                   (d) Set standards for and approve all vocational and  
4059 technical education programs or an industry-recognized  
4060 certification program in the public school system and community

4061 and junior colleges or other agencies or institutions which  
4062 receive state funds and federal funds for such purposes,  
4063 including, but not limited to, the following vocational and  
4064 technical education programs: agriculture, trade and industry,  
4065 occupational home economics, consumer and homemaking education,  
4066 distributive education, business and office, health, industrial  
4067 arts, guidance services, technical education, cooperative  
4068 education, and all other specialized training not requiring a  
4069 bachelor's degree, with the exception of programs of nursing  
4070 education regulated under the provisions of Section 37-129-1. The  
4071 State Board of Education shall authorize local school boards,  
4072 within such school board's discretion, to offer distributive  
4073 education as a one-hour or two-hour block course. There shall be  
4074 no reduction of payments from state funding for distributive  
4075 education due to the selection of either the one-hour or two-hour  
4076 course offering;

4077           (e) Set and publish licensure standards for vocational  
4078 and technical education personnel. The State Board of Education  
4079 shall recognize a vocational and technical education teacher's  
4080 work when school is not in session which is in the teacher's  
4081 particular field of instruction as a means for the teacher to  
4082 fulfill the requirements for renewal of the teacher's license.  
4083 The board shall establish, by rules and regulations, the  
4084 documentation of such work which must be submitted to the board  
4085 and the number of actual working hours required to fulfill renewal  
4086 requirements. If a vocational and technical education teacher who  
4087 does not have a bachelor's degree takes classes in fulfillment of  
4088 licensure renewal requirements, such classes must be in  
4089 furtherance of a bachelor's degree;

4090           (f) Require data and information on program performance  
4091 from those programs receiving state funds;

4092           (g) Expend funds to expand career information;

4093           (h) Supervise and maintain the Division of Vocational  
4094 and Technical Education and to utilize, to the greatest extent  
4095 possible, the division as the administrative unit of the board  
4096 responsible for coordinating programs and services with local  
4097 institutions;

4098           (i) Utilize appropriate staff of the State Department  
4099 of Education to perform services for the vocational student  
4100 organizations, including, but not limited to, procurement,  
4101 accounting services, tax services and banking services. The  
4102 department may also procure and pay for annual audits of the  
4103 vocational student organizations using vocational funds or other  
4104 available funds of the State Department of Education. It is the  
4105 intent of this provision that any related costs be paid with  
4106 vocational funds appropriated by the Legislature;

4107           (j) Promulgate such rules and regulations necessary to  
4108 carry out the provisions of this chapter in accordance with  
4109 Section 25-43-1 et seq.;

4110           (k) Set standards and approve all vocational and  
4111 technical education equipment and facilities purchased and/or  
4112 leased with state and federal vocational funds;

4113           (l) Encourage provisions for lifelong learning and  
4114 changing personal career preferences and advancement of vocational  
4115 and technical education students through articulated programs  
4116 between high schools and community and junior colleges;

4117           (m) Encourage the establishment of new linkages with  
4118 business and industry which will provide for a better  
4119 understanding of essential labor market concepts;

4120           (n) Periodically review the funding and reporting  
4121 processes required of local school districts by the board or  
4122 division with the aim of simplifying or eliminating inefficient  
4123 practices and procedures;

4124           (o) Assist in the development of high technology  
4125 programs and resource centers to support current and projected  
4126 industrial needs;

4127           (p) Assist in the development of a technical assistance  
4128 program for business and industry which will provide for  
4129 industrial training and services, including the transfer of  
4130 information relative to new applications and advancements in  
4131 technology; and

4132           (q) Enter into contracts and agreements with the State  
4133 Board for Community and Junior Colleges for conditions under which  
4134 vocational and technical education programs in community and  
4135 junior colleges shall receive state and federal funds which flow  
4136 through the State Board of Education for such purposes.

4137       (2) It is the intent of the Legislature that no vocational  
4138 and technical education course or program existing on June 30,  
4139 1982, shall be eliminated by the State Board of Education under  
4140 the authority vested in paragraph (d) of subsection (1) of this  
4141 section prior to June 30, 1985. It is further the intent of the  
4142 Legislature that no vocational and technical education teacher or  
4143 other personnel employed on June 30, 1983, shall be discharged due  
4144 to licensure standards promulgated by the board under paragraph  
4145 (e) of subsection (1) of this section, if any such teacher or  
4146 personnel shall have complied with any newly published licensure  
4147 standards by June 30, 1985. Nothing contained in this section  
4148 shall be construed to abrogate or affect in any manner the  
4149 authority of local public school districts or community and junior  
4150 colleges to eliminate vocational and technical education courses  
4151 or programs or to discharge any vocational and technical education  
4152 teacher or other personnel.

4153       (3) The State Board of Education and the State Board for  
4154 Community and Junior Colleges may provide that every vocational  
4155 and technical education course or program in Mississippi may  
4156 integrate academic and vocational-technical education through

4157 coherent sequences of courses, so that students in such programs  
4158 achieve both academic and occupational competencies or an  
4159 industry-recognized certification. The boards may expend federal  
4160 funds available from the 1990 Perkins Act, or other available  
4161 federal funds, for an industry-recognized certification through  
4162 the accreditation process and the teacher licensure process.

4163 **SECTION 37.** Section 37-31-207, Mississippi Code of 1972, is  
4164 amended as follows:

4165 37-31-207. (1) The State Board of Education shall have the  
4166 following duties:

4167 (a) To seek the best available projections of  
4168 employment and occupations for Mississippians;

4169 (b) To utilize these projections and other  
4170 considerations to set vocational and technical education  
4171 priorities;

4172 (c) To utilize the services of all state agencies  
4173 having information regarding the purposes of this chapter;

4174 (d) To cooperate with the Governor's Office of Job  
4175 Development and Training and the Board of Economic Development to  
4176 prevent duplication and provide continuity of employment and  
4177 training services;

4178 (e) To conduct evaluations of the success or failure of  
4179 vocational-technical programs, including the extent to which  
4180 training actually leads to jobs in the field in which the student  
4181 was trained;

4182 (f) Obtain and publish data and information on program  
4183 performance from those vocational-technical programs receiving  
4184 state funds; and

4185 (g) To notify local school districts and public  
4186 community/junior colleges prior to March 1 annually of any  
4187 discontinuation of ongoing vocational programs which would affect  
4188 the renewing of contracts with vocational personnel.

4189       (2) The State Board of Education is directed to partner with  
4190 the State Board for Community and Junior Colleges and the  
4191 representatives of the business community appointed by the  
4192 Governor to establish the "Industry Certification Partnership"  
4193 program whose mission it will be to develop and implement a  
4194 program designed to encourage businesses in Mississippi to offer  
4195 potential high school dropout students a semester scholarship at a  
4196 community or junior college for industry specific training after  
4197 their graduation in return for their promise or compact to stay in  
4198 school.

4199       **SECTION 38.** (1) There is established a commission to be  
4200 known as the "Mississippi High School Redesign Commission."

4201       (2) The commission shall consist of four (4) members, who  
4202 shall serve ex officio, as follows:

4203           (a) The Governor of the State of Mississippi, who shall  
4204 serve as Chairman;

4205           (b) The State Superintendent of Education;

4206           (c) The Commissioner of the State Board for Community  
4207 and Junior Colleges; and

4208           (d) The Commissioner of Higher Education.

4209       (3) The mission of the Mississippi High School Redesign  
4210 Commission shall include, but not be limited to, the following:

4211           (a) Assess the dropout crisis in Mississippi and  
4212 recommend action steps to address it;

4213           (b) Create a set of common definitions for graduation  
4214 and dropout rates that can be used to compare their progress  
4215 relative to other states;

4216           (c) Facilitate agreements to make the Mississippi high  
4217 school experience more meaningful;

4218           (d) To encourage more rigor and relevance in the high  
4219 school experience;

4220           (e) Facilitate the transferability of education from  
4221 secondary to postsecondary institutions;



4222 (f) Raise state awareness on the need for improving  
4223 Mississippi's high schools;

4224 (g) Develop a series of best practices policy actions  
4225 state policymakers and legislators can implement to achieve  
4226 system-wide high school reform; and

4227 (h) Convene town hall meetings around the state where  
4228 students, teachers, administrators and parents can talk about high  
4229 school, the senior year and impediments to greater success.

4230 (4) The commission may prepare an annual report for the  
4231 consideration of the Chairmen of the House and Senate Education  
4232 and University and College Committees pertaining to the  
4233 information gathered in pursuit of their mission.

4234 (5) The commission members shall meet at times and places  
4235 they deem necessary and use all available resources to fulfill its  
4236 mission.

4237 **SECTION 39.** Section 37-21-55, Mississippi Code of 1972, is  
4238 amended as follows:

4239 37-21-55. (1) The Interagency Advisory Committee for Early  
4240 Childhood Services is created to develop and make recommendations  
4241 to the Early Childhood Services Interagency Coordinating Council  
4242 established under Section 37-21-53 as deemed necessary to  
4243 implement the council's responsibilities relating to all programs  
4244 serving preschool children and their families in Mississippi.

4245 (2) The membership of the Interagency Advisory Committee for  
4246 Early Childhood Services shall be as follows:

4247 (a) The Chairmen of the Senate Education, Public Health  
4248 and Welfare and Appropriations Committees, or their Senate  
4249 designees;

4250 (b) The Chairmen of the House Education, Public Health  
4251 and Welfare and Appropriations Committees, or their House  
4252 designees;

4253 (c) A representative of the Governor;

4254                   (d) A representative of the State Department of  
4255 Education;

4256                   (e) A representative of the State Department of Health;

4257                   (f) A representative of the Department of Human  
4258 Services;

4259                   (g) A representative of the State Department of Mental  
4260 Health;

4261                   (h) A representative of the State Department of  
4262 Rehabilitation Services;

4263                   (i) The following representatives of the early  
4264 childhood profession:

4265                         (i) The President of the Mississippi Head Start  
4266 Association;

4267                         (ii) A representative from a regulated family  
4268 child care home network appointed by the Governor;

4269                         (iii) A representative from a licensed child care  
4270 center appointed by the President of the Senate;

4271                         (iv) A representative from a public school  
4272 prekindergarten program appointed by the Speaker of the House;

4273                         (v) A representative from a private school  
4274 prekindergarten program appointed by the Governor;

4275                         (vi) A representative from a half-day church  
4276 sponsored prekindergarten program appointed by the Speaker of the  
4277 House;

4278                         (vii) A representative from a university or  
4279 college early childhood program appointed by the President of the  
4280 Senate;

4281                         (viii) A representative of a tribal early  
4282 childhood program appointed by the Governor;

4283                         (ix) A representative of an early childhood  
4284 professional organization appointed by the President of the  
4285 Senate;

4286 (x) A representative of an advocacy organization  
4287 appointed by the Speaker of the House; and

4288 (xi) A representative of a community or junior  
4289 college early childhood program appointed by the Governor;

4290 (j) A parent of a preschool-age child appointed by the  
4291 Governor;

4292 (k) A parent of a preschool-age child with special  
4293 needs appointed by the Speaker of the House;

4294 (l) A representative of the cooperative extension  
4295 services appointed by the President of the Senate;

4296 (m) A physician who is a member of the Mississippi  
4297 Chapter of the American Academy of Pediatrics, appointed by the  
4298 Director of the University Medical Center;

4299 (n) The Director of the Mississippi Public Education  
4300 Forum, or his designee; and

4301 (o) The Executive Director of the Mississippi Economic  
4302 Council, or his designee.

4303 To the extent possible, any representative of a state agency  
4304 designated to serve on the Interagency Advisory Committee shall be  
4305 the same individual designated to assist the Interagency  
4306 Coordinating Council in performing its duties and  
4307 responsibilities.

4308 (3) The advisory committee shall meet upon call of the Early  
4309 Childhood Services Interagency Coordinating Council before August  
4310 1, 2000, and the council shall appoint a chairman from among the  
4311 membership of the advisory committee. The chairman shall serve  
4312 for a one-year term and may be reappointed for subsequent terms.  
4313 The advisory committee shall adopt internal organizational  
4314 procedures necessary for efficient operation of the advisory  
4315 committee and may establish subcommittees for conducting specific  
4316 programs and activities. Advisory committee procedures must  
4317 include duties of officers, a process for selecting officers,  
4318 duties of subcommittees, quorum requirements for conducting

4319 business and policies for any staff. The members of the Early  
4320 Childhood Services Interagency Coordinating Council shall  
4321 designate necessary staff of their departments to assist the  
4322 advisory committee in performing its duties and responsibilities.  
4323 The advisory committee shall meet and conduct business at least  
4324 quarterly. Quarterly meetings of the advisory committee shall be  
4325 open to the public, and opportunity for public comment must be  
4326 made available at each meeting. The staff of the advisory  
4327 committee shall notify all persons who request such notice as to  
4328 the date, time and place of each meeting.

4329 (4) The Interagency Advisory Committee for Early Childhood  
4330 Services, in addition to responsibilities assigned by the Early  
4331 Childhood Services Interagency Coordinating Council, shall perform  
4332 each of the following duties:

4333 (a) Assist in the implementation of the study conducted  
4334 by the Task Force on the Development and Implementation of  
4335 Comprehensive Early Childhood Services in Mississippi established  
4336 under Laws, 1999, Chapter 584;

4337 (b) Identify services to children which impact early  
4338 childhood development and education;

4339 (c) Identify and recommend methods to facilitate  
4340 interagency coordination of service programs for preschool  
4341 children; and

4342 (d) Serve as a forum for information exchange regarding  
4343 recommendations and priorities in early childhood development and  
4344 education. \* \* \*

4345 (5) The Advisory Board of the Interagency Council, with the  
4346 consent of a majority of its members, shall have the authority to  
4347 compel any state entity with early childhood responsibilities to  
4348 be coordinated through the Office of Children and Youth for the  
4349 purposes of alignment of the State of Mississippi's early  
4350 childhood educational efforts.

4351       (6) Beginning in July 1, 2005, the Advisory Board of the  
4352 Interagency Council shall meet at the discretion of the Director  
4353 of the Office of Children and Youth to assess the appropriate  
4354 criteria for determining, and implementation of, the educational  
4355 components of the state's tiered reimbursement structure.

4356       **SECTION 40.** Section 37-9-3, Mississippi Code of 1972, is  
4357 amended as follows:

4358       37-9-3. (1) Within the limits of the available funds, the  
4359 superintendent of schools of a school district shall recommend to  
4360 the school board thereof all noninstructional employees to be  
4361 employed and may prescribe the duties thereof. Compensation for  
4362 such employees may be paid from any lawful funds.

4363       (2) From and after July 1, 2006, to be eligible for  
4364 employment by a public school district as a school business  
4365 administrator, the individual shall have one (1) of the following  
4366 minimum qualifications: (a) certificate endorsed in School  
4367 Administration with a minimum of nine (9) specified semester hours  
4368 in accounting; or (b) a bachelors degree in a business-related  
4369 curriculum (accounting, finance or business administration)  
4370 including a minimum of nine (9) specified semester hours in  
4371 accounting; or (c) a bachelors degree in a nonrelated area with a  
4372 minimum of twenty-four (24) semester hours of recommended  
4373 business-related courses, twelve (12) of which must be in  
4374 specified courses; or (d) a graduate degree in a business-related  
4375 field; or (e) be a licensed certified public accountant in  
4376 Mississippi.

4377       (3) Any person employed by a public school district as a  
4378 school business administrator on June 30, 2006, shall be exempt  
4379 from the qualification requirements of subsection (2).

4380       **SECTION 41.** This act shall take effect and be in force from  
4381 and after July 1, 2006.