

By: Representatives Baker (74th), Moore

To: Education;
Appropriations

HOUSE BILL NO. 1085

1 AN ACT TO AMEND SECTION 37-3-9, MISSISSIPPI CODE OF 1972, TO
 2 PROVIDE THAT THE STATE SUPERINTENDENT OF PUBLIC EDUCATION SHALL BE
 3 APPOINTED BY THE GOVERNOR; TO REPEAL SECTIONS 37-1-1 AND 37-1-4,
 4 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE ESTABLISHMENT OF
 5 THE STATE BOARD OF EDUCATION AND THE TRANSITION OF THE BOARD; TO
 6 AMEND SECTIONS 37-1-3, 37-1-5, 37-1-7, 37-1-9, 37-1-11 AND
 7 37-1-13, MISSISSIPPI CODE OF 1972, TO TRANSFER THE POWERS AND
 8 DUTIES OF THE STATE BOARD OF EDUCATION TO THE STATE SUPERINTENDENT
 9 OF PUBLIC EDUCATION; TO AMEND SECTIONS 25-9-120, 25-15-9,
 10 27-19-56.26, 27-19-56.34, 31-7-13, 37-3-1, 37-3-2, 37-3-4, 37-3-5,
 11 37-3-8, 37-3-11, 37-3-13, 37-3-25, 37-3-49, 37-3-53, 37-3-59,
 12 37-3-61, 37-3-71, 37-3-73, 37-3-75, 37-3-83, 37-3-85, 37-3-87,
 13 37-3-89, 37-3-95, 37-6-13, 37-7-105, 37-7-113, 37-7-115, 37-7-301,
 14 37-7-306, 37-7-307, 37-7-315, 37-7-321, 37-7-329, 37-7-339,
 15 37-7-401, 37-7-409, 37-7-411, 37-7-417, 37-7-505, 37-9-7, 37-9-11,
 16 37-9-14, 37-9-17, 37-9-18, 37-9-23, 37-9-57, 37-9-69, 37-9-77,
 17 37-9-251, 37-11-6, 37-11-11, 37-11-17, 37-11-29, 37-11-54,
 18 37-11-57, 37-13-9, 37-13-10, 37-13-61, 37-13-63, 37-13-69,
 19 37-13-83, 37-13-85, 37-13-89, 37-13-91, 37-13-92, 37-13-151,
 20 37-13-153, 37-13-185, 37-15-1, 37-15-4, 37-15-8, 37-15-10,
 21 37-15-29, 37-15-31, 37-16-3, 37-16-4, 37-16-5, 37-16-7, 37-16-11,
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 24 37-20-9, 37-21-7, 37-21-53, 37-23-1, 37-23-3, 37-23-13, 37-23-31,
 25 37-23-33, 37-23-69, 37-23-73, 37-23-91, 37-23-125, 37-23-135,
 26 37-23-137, 37-23-145, 37-23-147, 37-23-175, 37-23-179, 37-23-201,
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 28 37-27-17, 37-27-19, 37-28-1, 37-28-3, 37-28-5, 37-28-7, 37-28-9,
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 30 37-31-13, 37-31-15, 37-31-31, 37-31-33, 37-31-35, 37-31-37,
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 32 37-31-81, 37-31-103, 37-31-201, 37-31-205, 37-31-207, 37-31-209,
 33 37-31-211, 37-35-3, 37-41-1, 37-41-2, 37-41-3, 37-41-7, 37-41-17,
 34 37-41-21, 37-41-23, 37-41-27, 37-41-29, 37-41-31, 37-41-35,
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 36 37-41-97, 37-41-101, 37-41-103, 37-43-1, 37-43-2, 37-43-23,
 37 37-43-24, 37-43-31, 37-43-47, 37-43-51, 37-43-59, 37-45-3,
 38 37-45-47, 37-47-33, 37-57-104, 37-57-105, 37-61-9, 37-61-21,
 39 37-61-33, 37-101-28, 37-101-29, 37-106-35, 37-131-7, 37-131-11,
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 42 37-151-10, 37-151-11, 37-151-13, 37-151-17, 37-151-19, 37-151-23,
 43 37-151-25, 37-151-61, 37-151-77, 37-151-81, 37-151-83, 37-151-85,
 44 37-151-91, 37-151-95, 37-151-97, 37-151-103, 37-151-105,
 45 37-151-107, 37-155-9, 37-155-117, 37-159-3, 37-159-5, 37-159-7,
 46 37-159-9, 37-159-11, 37-159-13, 41-29-169, 41-29-171, 41-79-3,
 47 43-5-1, 43-5-5, 43-5-8, 43-5-11, 43-5-13, 43-5-15, 43-5-17,
 48 43-21-621, 45-6-7, 57-67-5, 63-3-103, 75-60-13 AND 79-11-505,
 49 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS
 50 ACT; AND FOR RELATED PURPOSES.

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

52 **SECTION 1.** Section 37-3-9, Mississippi Code of 1972, is
53 amended as follows:

54 37-3-9. (1) * * * There shall be a State Superintendent of
55 Public Education who shall be appointed by the Governor, with the
56 advice and consent of the Senate, and serve at the Governor's will
57 and pleasure. The superintendent shall be the chief
58 administrative officer for the State Department of Education and
59 shall administer the department in accordance with the policies
60 established by him. He shall receive such compensation in an
61 amount equal to ninety percent (90%) of the salary of the
62 Commissioner of Higher Education. The State Superintendent of
63 Public Education shall have at least a master's degree in any
64 field and a minimum of five (5) years' experience in
65 administration in the educational field.

66 (2) The state superintendent shall give bond in the penalty
67 of Seventy-five Thousand Dollars (\$75,000.00), with sureties to be
68 approved by the Governor, conditioned according to law. Said bond
69 when approved shall be filed and recorded in the office of the
70 Secretary of State.

71 (3) The powers and duties performed by the State Board of
72 Education shall be transferred to the State Superintendent of
73 Public Education.

74 **SECTION 2.** Sections 37-1-1 and 37-1-4, Mississippi Code of
75 1972, which provide for the establishment of the State Board of
76 Education and the transition of the board, are repealed.

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

79 37-1-3. (1) The State Superintendent of Public Education
80 shall adopt rules and regulations and set standards and policies
81 for the organization, operation, management, planning, budgeting
82 and programs of the State Department of Education.

83 (a) The state superintendent is directed to identify
84 all functions of the department that contribute to or comprise a

85 part of the state system of educational accountability and to
86 establish and maintain within the department the necessary
87 organizational structure, policies and procedures for effectively
88 coordinating such functions. Such policies and procedures shall
89 clearly fix and delineate responsibilities for various aspects of
90 the system and for overall coordination of the total system and
91 its effective management.

92 (b) The state superintendent shall establish and
93 maintain a system-wide plan of performance, policy and directions
94 of public education not otherwise provided for.

95 (c) The state superintendent shall effectively use the
96 personnel and resources of the department to enhance technical
97 assistance to school districts in instruction and management
98 therein.

99 (d) The state superintendent shall establish and
100 maintain a central budget policy.

101 (e) The state superintendent shall establish and
102 maintain within the State Department of Education a central
103 management capacity * * *.

104 (f) The state superintendent shall design and maintain
105 a five-year plan and program for educational improvement that
106 shall set forth objectives for system performance and development
107 and be the basis for budget requests and legislative initiatives.

108 (2) (a) The State Superintendent of Public Education shall
109 adopt and maintain a curriculum and a course of study to be used
110 in the public schools that is designed to prepare the state's
111 children and youth to be productive, informed, creative citizens,
112 workers and leaders, and it shall regulate all matters arising in
113 the practical administration of the school system not otherwise
114 provided for.

115 (b) * * * The State Superintendent of Public Education
116 shall develop personal living and finances objectives that focus
117 on money management skills for individuals and families for

118 appropriate, existing courses at the secondary level. The
119 objectives must require the teaching of those skills necessary to
120 handle personal business and finances and must include instruction
121 in the following:

- 122 (i) Opening a bank account and assessing the
123 quality of a bank's services;
- 124 (ii) Balancing a checkbook;
- 125 (iii) Managing debt, including retail and credit
126 card debt;
- 127 (iv) Completing a loan application;
- 128 (v) The implications of an inheritance;
- 129 (vi) The basics of personal insurance policies;
- 130 (vii) Consumer rights and responsibilities;
- 131 (viii) Dealing with salesmen and merchants;
- 132 (ix) Computing state and federal income taxes;
- 133 (x) Local tax assessments;
- 134 (xi) Computing interest rates by various
135 mechanisms;
- 136 (xii) Understanding simple contracts; and
137 (xiii) Contesting an incorrect billing statement.

138 (3) The State Superintendent of Public Education shall have
139 authority to expend any available federal funds, or any other
140 funds expressly designated, to pay training, educational expenses,
141 salary incentives and salary supplements to licensed teachers
142 employed in local school districts or schools administered by the
143 state superintendent. Such incentive payments shall not be
144 considered part of a school district's local supplement as defined
145 in Section 37-151-5(o), nor shall the incentives be considered
146 part of the local supplement paid to an individual teacher for the
147 purposes of Section 37-19-7(1). MAEP funds or any other state
148 funds shall not be used to provide such incentives unless
149 specifically authorized by law.

150 (4) The State Superintendent of Public Education shall * * *
151 seek to implement the policies set forth in Section 37-1-2.

152 **SECTION 4.** Section 37-1-5, Mississippi Code of 1972, is
153 amended as follows:

154 37-1-5. (1) The State Superintendent of Public Education
155 shall decide all appeals from the decisions of the local school
156 district superintendents, as authorized by statute. All matters
157 relating to appeals shall be presented in writing, and the
158 decision of the state superintendent shall be final.

159 (2) The State Superintendent of Public Education shall adopt
160 procedures for conducting any such appeals as are authorized by
161 statute. Such procedures shall include notification of the time
162 and place of any hearing requested by the appealing party. Any
163 such hearing shall be conducted by a hearing officer designated by
164 the State Superintendent of Public Education. At such hearing,
165 the hearing officer and any person affected by the appeal may
166 conduct reasonable questioning of persons who make relevant
167 factual allegations concerning the appeal. The hearing officer
168 shall require that all persons be sworn before they may offer any
169 testimony at the hearing, and the hearing officer is authorized to
170 administer oaths. Any person so choosing may be represented by
171 counsel at the hearing. A record of the hearing shall be made,
172 which shall consist of a transcript of all testimony received, all
173 documents and other material introduced by any interested person,
174 and such other material as the hearing officer considers relevant,
175 including his own recommendation, which he shall make within a
176 reasonable period of time after the hearing is closed and after he
177 has had an opportunity to review, study and analyze the evidence
178 presented during the hearing. The completed record shall be
179 certified to the State Superintendent of Public Education, which
180 shall consider only the record in making his decision, and shall
181 not consider any evidence or material which is not included
182 therein. The State Superintendent of Public Education shall make

183 his written findings and issue its order after reviewing the
184 record.

185 **SECTION 5.** Section 37-1-7, Mississippi Code of 1972, is
186 amended as follows:

187 37-1-7. For continued neglect of duty, drunkenness,
188 incompetency or official misconduct, the State Superintendent of
189 Public Education may remove a local school district
190 superintendent. However, before the removal, the officer shall
191 have ten (10) days' notice of the charge, and shall be allowed
192 opportunity to make defense.

193 **SECTION 6.** Section 37-1-9, Mississippi Code of 1972, is
194 amended as follows:

195 37-1-9. The * * * State Superintendent of Public
196 Education may administer oaths and to take or cause depositions to
197 be taken. The superintendent shall have the power of a court to
198 compel witnesses to attend and testify in all matters of
199 investigation by the board.

200 **SECTION 7.** Section 37-1-11, Mississippi Code of 1972, is
201 amended as follows:

202 37-1-11. (1) The school day shall be preserved for the
203 purpose of teaching. It is the intent of the Legislature that
204 every effort be made by the State Department of Education and the
205 local school boards to protect the instructional time in the
206 classroom and to reduce the amount of paperwork which must be
207 completed by teachers.

208 (2) The State Superintendent of Public Education shall adopt
209 rules that provide for simplifying and reducing the number and
210 length of written reports and other written documents that the
211 State Department of Education requires from school districts and
212 school district employees. The superintendent shall conduct a
213 comprehensive review of his rules to simplify and to reduce the
214 number and length of reports required from school districts and
215 school district employees. The State Department of Education

216 shall provide nonmandatory models to school districts of lesson
217 plans, curriculum guides and other required reports that comply
218 with department reporting requirements.

219 (3) As part of the superintendent's annual report to the
220 Legislature, the State Superintendent of Public Education shall
221 include a statement of the total number and length of reports that
222 he requires school districts and school district employees to
223 prepare and of his efforts to reduce overall reporting
224 requirements. The superintendent shall identify for the
225 Legislature those reports required by federal law or rule, those
226 reports specifically required by state law and those reports
227 required by department rule.

228 (4) The State Superintendent of Public Education and the
229 school board of each school district shall adopt policies to limit
230 and reduce the number and length of written reports that classroom
231 teachers are required to prepare.

232 **SECTION 8.** Section 37-1-13, Mississippi Code of 1972, is
233 amended as follows:

234 37-1-13. (1) The State Superintendent of Public Education
235 shall issue regulations:

236 (a) Setting minimum specifications for relocatable
237 classrooms for public schools;

238 (b) Approving or disapproving plans for relocatable
239 classrooms for public schools;

240 (c) Providing a system of requiring local school
241 districts to receive State Department of Education approval before
242 purchase of such relocatable classrooms.

243 (2) The State Department of Education may, in its
244 discretion, inspect the facilities of any manufacturer of
245 relocatable classrooms for the purpose of determining if State
246 Department of Education minimum specifications are being met.

247 (3) The State Department of Education shall insure that
248 local school districts advertise for and receive bids as required

249 by state law for purchase of relocatable classrooms. The State
250 Department of Education shall approve plans for relocatable
251 classrooms by persons, firms, corporations or associations
252 permitted to submit bids for consideration, before such bids are
253 submitted to local school districts. The State Department of
254 Education shall have the right to reject any and all relocatable
255 classroom plans submitted. Bids may not be submitted to local
256 school districts, unless persons, firms, corporations or
257 associations have State Department of Education approval.

258 **SECTION 9.** Section 25-9-120, Mississippi Code of 1972, is
259 amended as follows:

260 25-9-120. (1) Contract personnel, whether classified as
261 contract workers or independent contractors shall not be deemed
262 state service or nonstate service employees of the State of
263 Mississippi, and shall not be eligible to participate in the
264 Public Employees' Retirement System, or the state employee health
265 plan, nor be allowed credit for personal and sick leave and other
266 leave benefits as employees of the State of Mississippi,
267 notwithstanding Sections 25-3-91 through 25-3-101; 25-9-101
268 through 25-9-151; 25-11-1 through 25-11-126; 25-11-128 through
269 25-11-131; 25-15-1 through 25-15-23 and for the purpose set forth
270 herein. Contract workers, i.e., contract personnel who do not
271 meet the criteria of independent contractors, shall be subject to
272 the provisions of Section 25-11-127.

273 (2) There is hereby created the Personal Service Contract
274 Review Board, which shall be composed of the State Personnel
275 Director, the Executive Director of the Department of Finance and
276 Administration, or his designee, the Commissioner of Corrections,
277 or his designee, the Executive Director of the Mississippi
278 Department of Wildlife and Fisheries, or his designee, and the
279 Executive Director of the Department of Environmental Quality, or
280 his designee. The State Personnel Director shall be chairman and
281 shall preside over the meetings of the board. The board shall

282 annually elect a vice chairman, who shall serve in the absence of
283 the chairman. No business shall be transacted, including adoption
284 of rules of procedure, without the presence of a quorum of the
285 board. Three (3) members shall be a quorum. No action shall be
286 valid unless approved by the chairman and two (2) other of those
287 members present and voting, entered upon the minutes of the board
288 and signed by the chairman. Necessary clerical and administrative
289 support for the board shall be provided by the State Personnel
290 Board. Minutes shall be kept of the proceedings of each meeting,
291 copies of which shall be filed on a monthly basis with the
292 Legislative Budget Office.

293 (3) The Personal Service Contract Review Board shall have
294 the following powers and responsibilities:

295 (a) Promulgate rules and regulations governing the
296 solicitation and selection of contractual services personnel
297 including personal and professional services contracts for any
298 form of consulting, policy analysis, public relations, marketing,
299 public affairs, legislative advocacy services or any other
300 contract that the board deems appropriate for oversight, with the
301 exception of any personal service contracts entered into for
302 computer or information technology-related services governed by
303 the Mississippi Department of Information Technology Services, any
304 personal service contracts entered into by the Mississippi
305 Department of Transportation, and any contract for attorney,
306 accountant, auditor, physician, dentist, architect, engineer,
307 veterinarian and utility rate expert services. Any such rules and
308 regulations shall provide for maintaining continuous internal
309 audit covering the activities of such agency affecting its revenue
310 and expenditures as required under Section 7-7-3(6)(d),
311 Mississippi Code of 1972;

312 (b) Approve all personal and professional services
313 contracts involving the expenditures of funds in excess of One
314 Hundred Thousand Dollars (\$100,000.00);

315 (c) Develop standards with respect to contractual
316 services personnel which require invitations for public bid,
317 requests for proposals, record keeping and financial
318 responsibility of contractors. The Personal Service Contract
319 Review Board may, in its discretion, require the agency involved
320 to advertise such contract for public bid, and may reserve the
321 right to reject any or all bids;

322 (d) Prescribe certain circumstances whereby agency
323 heads may enter into contracts for personal and professional
324 services without receiving prior approval from the Personal
325 Service Contract Review Board. The Personal Service Contract
326 Review Board may establish a pre-approved list of providers of
327 various personal and professional services for set prices with
328 which state agencies may contract without bidding or prior
329 approval from the board;

330 (e) To provide standards for the issuance of requests
331 for proposals, the evaluation of proposals received, consideration
332 of costs and quality of services proposed, contract negotiations,
333 the administrative monitoring of contract performance by the
334 agency and successful steps in terminating a contract;

335 (f) To present recommendations for governmental
336 privatization and to evaluate privatization proposals submitted by
337 any state agency;

338 (g) To authorize personal and professional service
339 contracts to be effective for more than one (1) year provided a
340 funding condition is included in any such multiple year contract,
341 except the State Superintendent of Public Education, which shall
342 have the authority to enter into contractual agreements for
343 student assessment for a period up to ten (10) years. The State
344 Superintendent of Public Education shall procure these services in
345 accordance with the Personal Service Contract Review Board
346 procurement regulations;

347 (h) To request the State Auditor to conduct a
348 performance audit on any personal or professional service
349 contract;

350 (i) Prepare an annual report to the Legislature
351 concerning the issuance of personal service contracts during the
352 previous year, collecting any necessary information from state
353 agencies in making such report.

354 (4) No member of the Personal Service Contract Review Board
355 shall use his official authority or influence to coerce, by threat
356 of discharge from employment, or otherwise, the purchase of
357 commodities or the contracting for personal or professional
358 services under this section.

359 **SECTION 10.** Section 25-15-9, Mississippi Code of 1972, is
360 amended as follows:

361 **[Through June 30 of the year in which Section 25-11-143**
362 **becomes effective as provided in subsection (1) of Section**
363 **25-11-143, this section shall read as follows:]**

364 25-15-9. (1) (a) The board shall design a plan of health
365 insurance for state employees which provides benefits for
366 semiprivate rooms in addition to other incidental coverages which
367 the board deems necessary. The amount of the coverages shall be
368 in such reasonable amount as may be determined by the board to be
369 adequate, after due consideration of current health costs in
370 Mississippi. The plan shall also include major medical benefits
371 in such amounts as the board shall determine. The board is also
372 authorized to accept bids for such alternate coverage and optional
373 benefits as the board shall deem proper. Any contract for
374 alternative coverage and optional benefits shall be awarded by the
375 board after it has carefully studied and evaluated the bids and
376 selected the best and most cost-effective bid. The board may
377 reject all such bids; however, the board shall notify all bidders
378 of the rejection and shall actively solicit new bids if all bids
379 are rejected. The board may employ or contract for such

380 consulting or actuarial services as may be necessary to formulate
381 the plan, and to assist the board in the preparation of
382 specifications and in the process of advertising for the bids for
383 the plan. Such contracts shall be solicited and entered into in
384 accordance with Section 25-15-5. The board shall keep a record of
385 all persons, agents and corporations who contract with or assist
386 the board in preparing and developing the plan. The board in a
387 timely manner shall provide copies of this record to the members
388 of the advisory council created in this section and those
389 legislators, or their designees, who may attend meetings of the
390 advisory council. The board shall provide copies of this record
391 in the solicitation of bids for the administration or servicing of
392 the self-insured program. Each person, agent or corporation
393 which, during the previous fiscal year, has assisted in the
394 development of the plan or employed or compensated any person who
395 assisted in the development of the plan, and which bids on the
396 administration or servicing of the plan, shall submit to the board
397 a statement accompanying the bid explaining in detail its
398 participation with the development of the plan. This statement
399 shall include the amount of compensation paid by the bidder to any
400 such employee during the previous fiscal year. The board shall
401 make all such information available to the members of the advisory
402 council and those legislators, or their designees, who may attend
403 meetings of the advisory council before any action is taken by the
404 board on the bids submitted. The failure of any bidder to fully
405 and accurately comply with this paragraph shall result in the
406 rejection of any bid submitted by that bidder or the cancellation
407 of any contract executed when the failure is discovered after the
408 acceptance of that bid. The board is authorized to promulgate
409 rules and regulations to implement the provisions of this
410 subsection.

411 The board shall develop plans for the insurance plan
412 authorized by this section in accordance with the provisions of
413 Section 25-15-5.

414 Any corporation, association, company or individual that
415 contracts with the board for the third-party claims administration
416 of the self-insured plan shall prepare and keep on file an
417 explanation of benefits for each claim processed. The explanation
418 of benefits shall contain such information relative to each
419 processed claim which the board deems necessary, and, at a
420 minimum, each explanation shall provide the claimant's name, claim
421 number, provider number, provider name, service dates, type of
422 services, amount of charges, amount allowed to the claimant and
423 reason codes. The information contained in the explanation of
424 benefits shall be available for inspection upon request by the
425 board. The board shall have access to all claims information
426 utilized in the issuance of payments to employees and providers.

427 (b) There is created an advisory council to advise the
428 board in the formulation of the State and School Employees Health
429 Insurance Plan. The council shall be composed of the State
430 Insurance Commissioner or his designee, an employee-representative
431 of the institutions of higher learning appointed by the board of
432 trustees thereof, an employee-representative of the Department of
433 Transportation appointed by the director thereof, an
434 employee-representative of the State Tax Commission appointed by
435 the Commissioner of Revenue, an employee-representative of the
436 Mississippi Department of Health appointed by the State Health
437 Officer, an employee-representative of the Mississippi Department
438 of Corrections appointed by the Commissioner of Corrections, and
439 an employee-representative of the Department of Human Services
440 appointed by the Executive Director of Human Services, two (2)
441 certificated public school administrators appointed by the State
442 Superintendent of Public Education, two (2) certificated classroom
443 teachers appointed by the State Superintendent of Public

444 Education, a noncertificated school employee appointed by the
445 State Superintendent of Public Education and a community/junior
446 college employee appointed by the State Board for Community and
447 Junior Colleges.

448 The Lieutenant Governor may designate the Secretary of the
449 Senate, the Chairman of the Senate Appropriations Committee, the
450 Chairman of the Senate Education Committee and the Chairman of the
451 Senate Insurance Committee, and the Speaker of the House of
452 Representatives may designate the Clerk of the House, the Chairman
453 of the House Appropriations Committee, the Chairman of the House
454 Education Committee and the Chairman of the House Insurance
455 Committee, to attend any meeting of the State and School Employees
456 Insurance Advisory Council. The appointing authorities may
457 designate an alternate member from their respective houses to
458 serve when the regular designee is unable to attend such meetings
459 of the council. Such designees shall have no jurisdiction or vote
460 on any matter within the jurisdiction of the council. For
461 attending meetings of the council, such legislators shall receive
462 per diem and expenses which shall be paid from the contingent
463 expense funds of their respective houses in the same amounts as
464 provided for committee meetings when the Legislature is not in
465 session; however, no per diem and expenses for attending meetings
466 of the council will be paid while the Legislature is in session.
467 No per diem and expenses will be paid except for attending
468 meetings of the council without prior approval of the proper
469 committee in their respective houses.

470 (c) No change in the terms of the State and School
471 Employees Health Insurance Plan may be made effective unless the
472 board, or its designee, has provided notice to the State and
473 School Employees Health Insurance Advisory Council and has called
474 a meeting of the council at least fifteen (15) days before the
475 effective date of such change. In the event that the State and
476 School Employees Health Insurance Advisory Council does not meet

477 to advise the board on the proposed changes, the changes to the
478 plan shall become effective at such time as the board has informed
479 the council that the changes shall become effective.

480 (d) **Medical benefits for retired employees and**
481 **dependents under age sixty-five (65) years and not eligible for**
482 **Medicare benefits.** For employees who retire before July 1, 2005,
483 and for employees retiring due to work-related disability under
484 the Public Employees' Retirement System, the same health insurance
485 coverage as for all other active employees and their dependents
486 shall be available to retired employees and all dependents under
487 age sixty-five (65) years who are not eligible for Medicare
488 benefits, the level of benefits to be the same level as for all
489 other active participants. For employees who retire on or after
490 July 1, 2005, and not retiring due to work-related disability
491 under the Public Employees' Retirement System, the same health
492 insurance coverage as for all other active employees and their
493 dependents shall be available to such retiring employees and all
494 dependents under age sixty-five (65) years who are not eligible
495 for Medicare benefits only if the retiring employees were
496 participants in the State and School Employees Health Insurance
497 Plan for four (4) years or more before their retirement, the level
498 of benefits to be the same level as for all other active
499 participants. This section will apply to those employees who
500 retire due to one hundred percent (100%) medical disability as
501 well as those employees electing early retirement.

502 (e) **Medical benefits for retired employees and**
503 **dependents over age sixty-five (65) years or otherwise eligible**
504 **for Medicare benefits.** For employees who retire before July 1,
505 2005, and for employees retiring due to work-related disability
506 under the Public Employees' Retirement System, the health
507 insurance coverage available to retired employees over age
508 sixty-five (65) years or otherwise eligible for Medicare benefits,
509 and all dependents over age sixty-five (65) years or otherwise

510 eligible for Medicare benefits, shall be the major medical
511 coverage with the lifetime maximum of One Million Dollars
512 (\$1,000,000.00). For employees retiring on or after July 1, 2005,
513 and not retiring due to work-related disability under the Public
514 Employees' Retirement System, the health insurance coverage
515 described herein shall be available to such retiring employees
516 only if they were participants in the State and School Employees
517 Health Insurance Plan for four (4) years or more and are over age
518 sixty-five (65) years or otherwise eligible for Medicare benefits,
519 and to all dependents over age sixty-five (65) years or otherwise
520 eligible for Medicare benefits. Benefits shall be reduced by
521 Medicare benefits as though such Medicare benefits were the base
522 plan.

523 All covered individuals shall be assumed to have full
524 Medicare coverage, Parts A and B; and any Medicare payments under
525 both Parts A and B shall be computed to reduce benefits payable
526 under this plan.

527 (2) Nonduplication of benefits--reduction of benefits by
528 Title XIX benefits: When benefits would be payable under more
529 than one (1) group plan, benefits under those plans will be
530 coordinated to the extent that the total benefits under all plans
531 will not exceed the total expenses incurred.

532 Benefits for hospital or surgical or medical benefits shall
533 be reduced by any similar benefits payable in accordance with
534 Title XIX of the Social Security Act or under any amendments
535 thereto, or any implementing legislation.

536 Benefits for hospital or surgical or medical benefits shall
537 be reduced by any similar benefits payable by workers'
538 compensation.

539 (3) (a) Schedule of life insurance benefits--group term:
540 The amount of term life insurance for each active employee of a
541 department, agency or institution of the state government shall
542 not be in excess of One Hundred Thousand Dollars (\$100,000.00), or

543 twice the amount of the employee's annual wage to the next highest
544 One Thousand Dollars (\$1,000.00), whichever may be less, but in no
545 case less than Thirty Thousand Dollars (\$30,000.00), with a like
546 amount for accidental death and dismemberment on a
547 twenty-four-hour basis. The plan will further contain a premium
548 waiver provision if a covered employee becomes totally and
549 permanently disabled prior to age sixty-five (65) years.
550 Employees retiring after June 30, 1999, shall be eligible to
551 continue life insurance coverage in an amount of Five Thousand
552 Dollars (\$5,000.00), Ten Thousand Dollars (\$10,000.00) or Twenty
553 Thousand Dollars (\$20,000.00) into retirement.

554 (b) Effective October 1, 1999, schedule of life
555 insurance benefits--group term: The amount of term life insurance
556 for each active employee of any school district, community/junior
557 college, public library or university-based program authorized
558 under Section 37-23-31 for deaf, aphasic and emotionally disturbed
559 children or any regular nonstudent bus driver shall not be in
560 excess of One Hundred Thousand Dollars (\$100,000.00), or twice the
561 amount of the employee's annual wage to the next highest One
562 Thousand Dollars (\$1,000.00), whichever may be less, but in no
563 case less than Thirty Thousand Dollars (\$30,000.00), with a like
564 amount for accidental death and dismemberment on a
565 twenty-four-hour basis. The plan will further contain a premium
566 waiver provision if a covered employee of any school district,
567 community/junior college, public library or university-based
568 program authorized under Section 37-23-31 for deaf, aphasic and
569 emotionally disturbed children or any regular nonstudent bus
570 driver becomes totally and permanently disabled prior to age
571 sixty-five (65) years. Employees of any school district,
572 community/junior college, public library or university-based
573 program authorized under Section 37-23-31 for deaf, aphasic and
574 emotionally disturbed children or any regular nonstudent bus
575 driver retiring after September 30, 1999, shall be eligible to

576 continue life insurance coverage in an amount of Five Thousand
577 Dollars (\$5,000.00), Ten Thousand Dollars (\$10,000.00) or Twenty
578 Thousand Dollars (\$20,000.00) into retirement.

579 (4) Any eligible employee who on March 1, 1971, was
580 participating in a group life insurance program which has
581 provisions different from those included herein and for which the
582 State of Mississippi was paying a part of the premium may, at his
583 discretion, continue to participate in such plan. Such employee
584 shall pay in full all additional costs, if any, above the minimum
585 program established by this article. Under no circumstances shall
586 any individual who begins employment with the state after March 1,
587 1971, be eligible for the provisions of this subsection.

588 (5) The board may offer medical savings accounts as defined
589 in Section 71-9-3 as a plan option.

590 (6) Any premium differentials, differences in coverages,
591 discounts determined by risk or by any other factors shall be
592 uniformly applied to all active employees participating in the
593 insurance plan. It is the intent of the Legislature that the
594 state contribution to the plan be the same for each employee
595 throughout the state.

596 (7) On October 1, 1999, any school district,
597 community/junior college district or public library may elect to
598 remain with an existing policy or policies of group life insurance
599 with an insurance company approved by the State and School
600 Employees Health Insurance Management Board, in lieu of
601 participation in the State and School Life Insurance Plan. On or
602 after July 1, 2004, until October 1, 2004, any school district,
603 community/junior college district or public library may elect to
604 choose a policy or policies of group life insurance existing on
605 October 1, 1999, with an insurance company approved by the State
606 and School Employees Health Insurance Management Board in lieu of
607 participation in the State and School Life Insurance Plan. The
608 state's contribution of up to fifty percent (50%) of the active

609 employee's premium under the State and School Life Insurance Plan
610 may be applied toward the cost of coverage for full-time employees
611 participating in the approved life insurance company group plan.
612 For purposes of this subsection (7), "life insurance company group
613 plan" means a plan administered or sold by a private insurance
614 company. After October 1, 1999, the board may assess charges in
615 addition to the existing State and School Life Insurance Plan
616 rates to such employees as a condition of enrollment in the State
617 and School Life Insurance Plan. In order for any life insurance
618 company group plan to be approved by the State and School
619 Employees Health Insurance Management Board under this subsection
620 (7), it shall meet the following criteria:

621 (a) The insurance company offering the group life
622 insurance plan shall be rated "A-" or better by A.M. Best state
623 insurance rating service and be licensed as an admitted carrier in
624 the State of Mississippi by the Mississippi Department of
625 Insurance.

626 (b) The insurance company group life insurance plan
627 shall provide the same life insurance, accidental death and
628 dismemberment insurance and waiver of premium benefits as provided
629 in the State and School Life Insurance Plan.

630 (c) The insurance company group life insurance plan
631 shall be fully insured, and no form of self-funding life insurance
632 by such company shall be approved.

633 (d) The insurance company group life insurance plan
634 shall have one (1) composite rate per One Thousand Dollars
635 (\$1,000.00) of coverage for active employees regardless of age and
636 one (1) composite rate per One Thousand Dollars (\$1,000.00) of
637 coverage for all retirees regardless of age or type of retiree.

638 (e) The insurance company and its group life insurance
639 plan shall comply with any administrative requirements of the
640 State and School Employees Health Insurance Management Board. In
641 the event any insurance company providing group life insurance

642 benefits to employees under this subsection (7) fails to comply
643 with any requirements specified herein or any administrative
644 requirements of the board, the state shall discontinue providing
645 funding for the cost of such insurance.

646 **[From and after July 1 of the year in which Section 25-11-143**
647 **becomes effective as provided in subsection (1) of Section**
648 **25-11-143, this section shall read as follows:]**

649 25-15-9. (1) (a) The board shall design a plan of health
650 insurance for state employees that provides benefits for
651 semiprivate rooms in addition to other incidental coverages that
652 the board deems necessary. The amount of the coverages shall be
653 in such reasonable amount as may be determined by the board to be
654 adequate, after due consideration of current health costs in
655 Mississippi. The plan shall also include major medical benefits
656 in such amounts as the board shall determine. The board is also
657 authorized to accept bids for such alternate coverage and optional
658 benefits as the board deems proper. Any contract for alternative
659 coverage and optional benefits shall be awarded by the board after
660 it has carefully studied and evaluated the bids and selected the
661 best and most cost-effective bid. The board may reject all such
662 bids; however, the board shall notify all bidders of the rejection
663 and shall actively solicit new bids if all bids are rejected. The
664 board may employ or contract for such consulting or actuarial
665 services as may be necessary to formulate the plan, and to assist
666 the board in the preparation of specifications and in the process
667 of advertising for the bids for the plan. Those contracts shall
668 be solicited and entered into in accordance with Section 25-15-5.
669 The board shall keep a record of all persons, agents and
670 corporations who contract with or assist the board in preparing
671 and developing the plan. The board in a timely manner shall
672 provide copies of this record to the members of the advisory
673 council created in this section and those legislators, or their
674 designees, who may attend meetings of the advisory council. The

675 board shall provide copies of this record in the solicitation of
676 bids for the administration or servicing of the self-insured
677 program. Each person, agent or corporation that, during the
678 previous fiscal year, has assisted in the development of the plan
679 or employed or compensated any person who assisted in the
680 development of the plan, and that bids on the administration or
681 servicing of the plan, shall submit to the board a statement
682 accompanying the bid explaining in detail its participation with
683 the development of the plan. This statement shall include the
684 amount of compensation paid by the bidder to any such employee
685 during the previous fiscal year. The board shall make all such
686 information available to the members of the advisory council and
687 those legislators, or their designees, who may attend meetings of
688 the advisory council before any action is taken by the board on
689 the bids submitted. The failure of any bidder to fully and
690 accurately comply with this paragraph shall result in the
691 rejection of any bid submitted by that bidder or the cancellation
692 of any contract executed when the failure is discovered after the
693 acceptance of that bid. The board is authorized to promulgate
694 rules and regulations to implement the provisions of this
695 subsection.

696 The board shall develop plans for the insurance plan
697 authorized by this section in accordance with the provisions of
698 Section 25-15-5.

699 Any corporation, association, company or individual that
700 contracts with the board for the third-party claims administration
701 of the self-insured plan shall prepare and keep on file an
702 explanation of benefits for each claim processed. The explanation
703 of benefits shall contain such information relative to each
704 processed claim which the board deems necessary, and, at a
705 minimum, each explanation shall provide the claimant's name, claim
706 number, provider number, provider name, service dates, type of
707 services, amount of charges, amount allowed to the claimant and

708 reason codes. The information contained in the explanation of
709 benefits shall be available for inspection upon request by the
710 board. The board shall have access to all claims information
711 utilized in the issuance of payments to employees and providers.

712 (b) There is created an advisory council to advise the
713 board in the formulation of the State and School Employees Health
714 Insurance Plan. The council shall be composed of the State
715 Insurance Commissioner or his designee, an employee-representative
716 of the state institutions of higher learning appointed by the
717 board of trustees thereof, an employee-representative of the
718 Mississippi Department of Transportation appointed by the director
719 thereof, an employee-representative of the State Tax Commission
720 appointed by the Commissioner of Revenue, an
721 employee-representative of the State Department of Health
722 appointed by the State Health Officer, an employee-representative
723 of the Mississippi Department of Corrections appointed by the
724 Commissioner of Corrections, and an employee-representative of the
725 Mississippi Department of Human Services appointed by the
726 Executive Director of Human Services, two (2) certificated public
727 school administrators appointed by the State Superintendent of
728 Public Education, two (2) certificated classroom teachers
729 appointed by the State Superintendent of Public Education, a
730 noncertificated school employee appointed by the State
731 Superintendent of Public Education and a community/junior college
732 employee appointed by the State Board for Community and Junior
733 Colleges.

734 The Lieutenant Governor may designate the Secretary of the
735 Senate, the Chairman of the Senate Appropriations Committee, the
736 Chairman of the Senate Education Committee and the Chairman of the
737 Senate Insurance Committee, and the Speaker of the House of
738 Representatives may designate the Clerk of the House, the Chairman
739 of the House Appropriations Committee, the Chairman of the House
740 Education Committee and the Chairman of the House Insurance

741 Committee, to attend any meeting of the State and School Employees
742 Insurance Advisory Council. The appointing authorities may
743 designate an alternate member from their respective houses to
744 serve when the regular designee is unable to attend such meetings
745 of the council. Those designees shall have no jurisdiction or
746 vote on any matter within the jurisdiction of the council. For
747 attending meetings of the council, those legislators shall receive
748 per diem and expenses, which shall be paid from the contingent
749 expense funds of their respective houses in the same amounts as
750 provided for committee meetings when the Legislature is not in
751 session; however, no per diem and expenses for attending meetings
752 of the council will be paid while the Legislature is in session.
753 No per diem and expenses will be paid except for attending
754 meetings of the council without prior approval of the proper
755 committee in their respective houses.

756 (c) No change in the terms of the State and School
757 Employees Health Insurance Plan may be made effective unless the
758 board, or its designee, has provided notice to the State and
759 School Employees Health Insurance Advisory Council and has called
760 a meeting of the council at least fifteen (15) days before the
761 effective date of the change. If the State and School Employees
762 Health Insurance Advisory Council does not meet to advise the
763 board on the proposed changes, the changes to the plan will become
764 effective at such time as the board has informed the council that
765 the changes will become effective.

766 (2) Nonduplication of benefits--reduction of benefits by
767 Title XIX benefits: When benefits would be payable under more
768 than one (1) group plan, benefits under those plans will be
769 coordinated to the extent that the total benefits under all plans
770 will not exceed the total expenses incurred.

771 Benefits for hospital or surgical or medical benefits shall
772 be reduced by any similar benefits payable in accordance with

773 Title XIX of the Social Security Act or under any amendments
774 thereto, or any implementing legislation.

775 Benefits for hospital or surgical or medical benefits shall
776 be reduced by any similar benefits payable by workers'
777 compensation.

778 (3) (a) Schedule of life insurance benefits--group term:
779 The amount of term life insurance for each active employee of a
780 department, agency or institution of the state government shall
781 not be in excess of One Hundred Thousand Dollars (\$100,000.00), or
782 twice the amount of the employee's annual wage to the next highest
783 One Thousand Dollars (\$1,000.00), whichever may be less, but in no
784 case less than Thirty Thousand Dollars (\$30,000.00), with a like
785 amount for accidental death and dismemberment on a
786 twenty-four-hour basis.

787 (b) Effective October 1, 1999, schedule of life
788 insurance benefits--group term: The amount of term life insurance
789 for each active employee of any school district, community/junior
790 college, public library, university-based program authorized under
791 Section 37-23-31 for deaf, aphasic and emotionally disturbed
792 children, or any regular nonstudent bus driver shall not be in
793 excess of One Hundred Thousand Dollars (\$100,000.00), or twice the
794 amount of the employee's annual wage to the next highest One
795 Thousand Dollars (\$1,000.00), whichever may be less, but in no
796 case less than Thirty Thousand Dollars (\$30,000.00), with a like
797 amount for accidental death and dismemberment on a
798 twenty-four-hour basis. The plan will further contain a premium
799 waiver provision if a covered employee of any school district,
800 community/junior college, public library, university-based program
801 authorized under Section 37-23-31 for deaf, aphasic and
802 emotionally disturbed children, or any regular nonstudent bus
803 driver becomes totally and permanently disabled before age
804 sixty-five (65) years.

805 (4) Any eligible employee who on March 1, 1971, was
806 participating in a group life insurance program that has
807 provisions different from those included in this section and for
808 which the State of Mississippi was paying a part of the premium
809 may, at his discretion, continue to participate in that plan. The
810 employee shall pay in full all additional costs, if any, above the
811 minimum program established by this article. Under no
812 circumstances shall any individual who begins employment with the
813 state after March 1, 1971, be eligible for the provisions of this
814 subsection.

815 (5) The board may offer medical savings accounts as defined
816 in Section 71-9-3 as a plan option.

817 (6) Any premium differentials, differences in coverages,
818 discounts determined by risk or by any other factors shall be
819 uniformly applied to all active employees participating in the
820 insurance plan. It is the intent of the Legislature that the
821 state contribution to the plan be the same for each employee
822 throughout the state.

823 (7) On October 1, 1999, any school district,
824 community/junior college district or public library may elect to
825 remain with an existing policy or policies of group life insurance
826 with an insurance company approved by the State and School
827 Employees Health Insurance Management Board, in lieu of
828 participation in the State and School Life Insurance Plan. On or
829 after July 1, 2004, until October 1, 2004, any school district,
830 community/junior college district or public library may elect to
831 choose a policy or policies of group life insurance existing on
832 October 1, 1999, with an insurance company approved by the State
833 and School Employees Health Insurance Management Board in lieu of
834 participation in the State and School Life Insurance Plan. The
835 state's contribution of up to fifty percent (50%) of the active
836 employee's premium under the State and School Life Insurance Plan
837 may be applied toward the cost of coverage for full-time employees

838 participating in the approved life insurance company group plan.
839 For purposes of this subsection (7), "life insurance company group
840 plan" means a plan administered or sold by a private insurance
841 company. After October 1, 1999, the board may assess charges in
842 addition to the existing State and School Life Insurance Plan
843 rates to those employees as a condition of enrollment in the State
844 and School Life Insurance Plan. In order for any life insurance
845 company group plan to be approved by the State and School
846 Employees Health Insurance Management Board under this subsection
847 (7), it shall meet the following criteria:

848 (a) The insurance company offering the group life
849 insurance plan shall be rated "A-" or better by A.M. Best state
850 insurance rating service and be licensed as an admitted carrier in
851 the State of Mississippi by the Mississippi Department of
852 Insurance.

853 (b) The insurance company group life insurance plan
854 shall provide the same life insurance, accidental death and
855 dismemberment insurance and waiver of premium benefits as provided
856 in the State and School Life Insurance Plan.

857 (c) The insurance company group life insurance plan
858 shall be fully insured, and no form of self-funding life insurance
859 by such company shall be approved.

860 (d) The insurance company group life insurance plan
861 shall have one (1) composite rate per One Thousand Dollars
862 (\$1,000.00) of coverage for active employees regardless of age.

863 (e) The insurance company and its group life insurance
864 plan shall comply with any administrative requirements of the
865 State and School Employees Health Insurance Management Board. If
866 any insurance company providing group life insurance benefits to
867 employees under this subsection (7) fails to comply with any
868 requirements specified in this subsection or any administrative
869 requirements of the board, the state shall discontinue providing
870 funding for the cost of that insurance.

871 **SECTION 11.** Section 27-19-56.26, Mississippi Code of 1972,
872 is amended as follows:

873 27-19-56.26. (1) Public school teachers who own motor
874 vehicles, upon complying with the motor vehicle laws relating to
875 registration and licensing of motor vehicles, and upon payment of
876 the road and bridge privilege taxes, ad valorem taxes and
877 registration fees as prescribed by law for private carriers of
878 passengers, pickup trucks and other noncommercial motor vehicles,
879 and upon payment of an additional annual fee in the amount of
880 Fifty Dollars (\$50.00), shall be issued a special license tag
881 which identifies such person as a public school teacher.

882 (2) The distinctive tags shall be of such color and design
883 as agreed upon by the State Superintendent of Public Education and
884 the State Tax Commission. The State Tax Commission shall have
885 final approval of the color and design of the tags.

886 (3) Application for the special license tags shall be made
887 to the county tax collector on forms prescribed by the State Tax
888 Commission. Applicants for such distinctive license tags shall
889 present to the issuing official proof of their employment as a
890 public school teacher. The application and the additional fee,
891 less five percent (5%) thereof to be retained by the tax
892 collector, shall be remitted to the State Tax Commission on a
893 monthly basis as prescribed by the commission. The portion of the
894 additional fee retained by the tax collector shall be deposited
895 into the county general fund.

896 (4) The special license tag shall be issued for a one-year
897 period. The additional annual fee shall be due and payable at the
898 time of renewal registration.

899 (5) The State Tax Commission shall deposit all fees into the
900 State Treasury on the day received. At the end of each month, the
901 State Tax Commission shall certify the total fees collected under
902 this section to the State Treasurer who shall deposit such
903 collections in a special fund hereby created in the State

904 Treasury. The fund shall be administered by the State Department
905 of Education. The State Department of Education shall use the
906 money in the fund to provide educational financial assistance to
907 persons who are pursuing educational requirements necessary to
908 become a public school teacher. Such assistance shall be awarded
909 based upon such criteria as the State Superintendent of Public
910 Education may establish.

911 **SECTION 12.** Section 27-19-56.34, Mississippi Code of 1972,
912 is amended as follows:

913 27-19-56.34. (1) Any owner of a motor vehicle who is a
914 resident of this state, upon payment of the road and bridge
915 privilege taxes, ad valorem taxes and registration fees as
916 prescribed by law for private carriers of passengers, pickup
917 trucks and other noncommercial motor vehicles, and upon payment of
918 an additional fee in the amount provided in subsection (3) of this
919 section, shall be issued a distinctive license tag for each motor
920 vehicle registered in his name identifying such person as a
921 supporter of Mississippi public education. The distinctive
922 license tags so issued shall be of such color and design as the
923 State Tax Commission, with the advice of the State Superintendent
924 of Public Education, may prescribe, and shall consist of such
925 letters or numbers, or both, as may be necessary to distinguish
926 each license tag.

927 (2) Application for the distinctive license tags authorized
928 by this section shall be made to the county tax collector on forms
929 prescribed by the State Tax Commission. The application and the
930 additional fee imposed under subsection (3) of this section, less
931 Two Dollars (\$2.00) thereof to be retained by the tax collector,
932 shall be remitted to the State Tax Commission on a monthly basis
933 as prescribed by the commission. The portion of the additional
934 fee retained by the tax collector shall be deposited into the
935 county general fund.

936 (3) Beginning with any registration year commencing on or
937 after July 1, 2002, any person applying for a distinctive license
938 tag under this section shall pay an additional fee in the amount
939 of Thirty Dollars (\$30.00) for each distinctive license tag
940 applied for under this section, which shall be in addition to all
941 other taxes and fees. The additional fee paid shall be for a
942 period of time to run concurrent with the vehicle's established
943 license tag year. The additional fee is due and payable at the
944 time the original application is made for a distinctive license
945 tag under this section and thereafter annually at the time of
946 renewal registration as long as the owner retains the distinctive
947 license tag. If the owner does not wish to retain the distinctive
948 license tag, he must surrender it to the local county tax
949 collector.

950 (4) The State Tax Commission shall deposit all fees into the
951 State Treasury on the day collected. At the end of each month,
952 the State Tax Commission shall certify to the State Treasurer the
953 total fees collected under this section from the issuance of the
954 distinctive license tags issued under this section. The State
955 Treasurer shall distribute such collections as follows:

956 (a) Twenty-four Dollars (\$24.00) of each additional fee
957 collected on distinctive license tags issued pursuant to this
958 section shall be deposited into the Public Education Support Fund
959 created under Section 37-61-37.

960 (b) One Dollar (\$1.00) of each additional fee collected
961 on distinctive license tags issued pursuant to this section shall
962 be deposited into the Mississippi Fire Fighter's Memorial Burn
963 Center Fund created pursuant to Section 7-9-70.

964 (c) Two Dollars (\$2.00) of each additional fee
965 collected on distinctive license tags issued pursuant to this
966 section shall be deposited to the credit of the State Highway Fund
967 to be expended solely for the repair, maintenance, construction or
968 reconstruction of highways.

969 (d) One Dollar (\$1.00) of each additional fee collected
970 on distinctive license tags issued pursuant to this section shall
971 be deposited to the credit of the special fund created in Section
972 27-19-44.2.

973 (5) A regular license tag must be properly displayed as
974 required by law until replaced by a distinctive license tag under
975 this section. The regular license tag must be surrendered to the
976 tax collector upon issuance of the distinctive license tag under
977 this section. The tax collector shall issue up to two (2) license
978 decals for each distinctive license tag issued under this section,
979 which will expire the same month and year as the regular license
980 tag.

981 (6) In the case of loss or theft of a distinctive license
982 tag issued under this section, the owner may make application and
983 affidavit for a replacement distinctive license tag as provided by
984 Section 27-19-37. The fee for a replacement distinctive license
985 tag shall be Ten Dollars (\$10.00). The tax collector receiving
986 such application and affidavit shall be entitled to retain and
987 deposit into the county general fund five percent (5%) of the fee
988 for such replacement license tag and the remainder shall be
989 distributed proportionately in the same manner as funds from the
990 sale of regular distinctive license tags issued under this
991 section.

992 **SECTION 13.** Section 31-7-13, Mississippi Code of 1972, is
993 amended as follows:

994 31-7-13. All agencies and governing authorities shall
995 purchase their commodities and printing; contract for garbage
996 collection or disposal; contract for solid waste collection or
997 disposal; contract for sewage collection or disposal; contract for
998 public construction; and contract for rentals as herein provided.

999 (a) **Bidding procedure for purchases not over \$3,500.00.**
1000 Purchases which do not involve an expenditure of more than Three
1001 Thousand Five Hundred Dollars (\$3,500.00), exclusive of freight or

1002 shipping charges, may be made without advertising or otherwise
1003 requesting competitive bids. However, nothing contained in this
1004 paragraph (a) shall be construed to prohibit any agency or
1005 governing authority from establishing procedures which require
1006 competitive bids on purchases of Three Thousand Five Hundred
1007 Dollars (\$3,500.00) or less.

1008 (b) **Bidding procedure for purchases over \$3,500.00 but**
1009 **not over \$15,000.00.** Purchases which involve an expenditure of
1010 more than Three Thousand Five Hundred Dollars (\$3,500.00) but not
1011 more than Fifteen Thousand Dollars (\$15,000.00), exclusive of
1012 freight and shipping charges may be made from the lowest and best
1013 bidder without publishing or posting advertisement for bids,
1014 provided at least two (2) competitive written bids have been
1015 obtained. Any governing authority purchasing commodities pursuant
1016 to this paragraph (b) may authorize its purchasing agent, or his
1017 designee, with regard to governing authorities other than
1018 counties, or its purchase clerk, or his designee, with regard to
1019 counties, to accept the lowest and best competitive written bid.
1020 Such authorization shall be made in writing by the governing
1021 authority and shall be maintained on file in the primary office of
1022 the agency and recorded in the official minutes of the governing
1023 authority, as appropriate. The purchasing agent or the purchase
1024 clerk, or their designee, as the case may be, and not the
1025 governing authority, shall be liable for any penalties and/or
1026 damages as may be imposed by law for any act or omission of the
1027 purchasing agent or purchase clerk, or their designee,
1028 constituting a violation of law in accepting any bid without
1029 approval by the governing authority. The term "competitive
1030 written bid" shall mean a bid submitted on a bid form furnished by
1031 the buying agency or governing authority and signed by authorized
1032 personnel representing the vendor, or a bid submitted on a
1033 vendor's letterhead or identifiable bid form and signed by
1034 authorized personnel representing the vendor. "Competitive" shall

1035 mean that the bids are developed based upon comparable
1036 identification of the needs and are developed independently and
1037 without knowledge of other bids or prospective bids. Bids may be
1038 submitted by facsimile, electronic mail or other generally
1039 accepted method of information distribution. Bids submitted by
1040 electronic transmission shall not require the signature of the
1041 vendor's representative unless required by agencies or governing
1042 authorities.

1043 (c) **Bidding procedure for purchases over \$15,000.00.**

1044 (i) **Publication requirement.** Purchases which
1045 involve an expenditure of more than Fifteen Thousand Dollars
1046 (\$15,000.00), exclusive of freight and shipping charges, may be
1047 made from the lowest and best bidder after advertising for
1048 competitive sealed bids once each week for two (2) consecutive
1049 weeks in a regular newspaper published in the county or
1050 municipality in which such agency or governing authority is
1051 located. The date as published for the bid opening shall not be
1052 less than seven (7) working days after the last published notice;
1053 however, if the purchase involves a construction project in which
1054 the estimated cost is in excess of Fifteen Thousand Dollars
1055 (\$15,000.00), such bids shall not be opened in less than fifteen
1056 (15) working days after the last notice is published and the
1057 notice for the purchase of such construction shall be published
1058 once each week for two (2) consecutive weeks. The notice of
1059 intention to let contracts or purchase equipment shall state the
1060 time and place at which bids shall be received, list the contracts
1061 to be made or types of equipment or supplies to be purchased, and,
1062 if all plans and/or specifications are not published, refer to the
1063 plans and/or specifications on file. If there is no newspaper
1064 published in the county or municipality, then such notice shall be
1065 given by posting same at the courthouse, or for municipalities at
1066 the city hall, and at two (2) other public places in the county or
1067 municipality, and also by publication once each week for two (2)

1068 consecutive weeks in some newspaper having a general circulation
1069 in the county or municipality in the above provided manner. On
1070 the same date that the notice is submitted to the newspaper for
1071 publication, the agency or governing authority involved shall mail
1072 written notice to, or provide electronic notification to the main
1073 office of the Mississippi Contract Procurement Center that
1074 contains the same information as that in the published notice.

1075 (ii) **Bidding process amendment procedure.** If all
1076 plans and/or specifications are published in the notification,
1077 then the plans and/or specifications may not be amended. If all
1078 plans and/or specifications are not published in the notification,
1079 then amendments to the plans/specifications, bid opening date, bid
1080 opening time and place may be made, provided that the agency or
1081 governing authority maintains a list of all prospective bidders
1082 who are known to have received a copy of the bid documents and all
1083 such prospective bidders are sent copies of all amendments. This
1084 notification of amendments may be made via mail, facsimile,
1085 electronic mail or other generally accepted method of information
1086 distribution. No addendum to bid specifications may be issued
1087 within two (2) working days of the time established for the
1088 receipt of bids unless such addendum also amends the bid opening
1089 to a date not less than five (5) working days after the date of
1090 the addendum.

1091 (iii) **Filing requirement.** In all cases involving
1092 governing authorities, before the notice shall be published or
1093 posted, the plans or specifications for the construction or
1094 equipment being sought shall be filed with the clerk of the board
1095 of the governing authority. In addition to these requirements, a
1096 bid file shall be established which shall indicate those vendors
1097 to whom such solicitations and specifications were issued, and
1098 such file shall also contain such information as is pertinent to
1099 the bid.

1100 (iv) **Specification restrictions.**

1101 1. Specifications pertinent to such bidding
1102 shall be written so as not to exclude comparable equipment of
1103 domestic manufacture. However, if valid justification is
1104 presented, the Department of Finance and Administration or the
1105 board of a governing authority may approve a request for specific
1106 equipment necessary to perform a specific job. Further, such
1107 justification, when placed on the minutes of the board of a
1108 governing authority, may serve as authority for that governing
1109 authority to write specifications to require a specific item of
1110 equipment needed to perform a specific job. In addition to these
1111 requirements, * * * vendors of relocatable classrooms and the
1112 specifications for the purchase of such relocatable classrooms
1113 published by local school boards shall meet all pertinent
1114 regulations of the State Superintendent of Public Education,
1115 including prior approval of such bid by the State Department of
1116 Education.

1117 2. Specifications for construction projects
1118 may include an allowance for commodities, equipment, furniture,
1119 construction materials or systems in which prospective bidders are
1120 instructed to include in their bids specified amounts for such
1121 items so long as the allowance items are acquired by the vendor in
1122 a commercially reasonable manner and approved by the
1123 agency/governing authority. Such acquisitions shall not be made
1124 to circumvent the public purchasing laws.

1125 (v) Agencies and governing authorities may
1126 establish secure procedures by which bids may be submitted via
1127 electronic means.

1128 (d) **Lowest and best bid decision procedure.**

1129 (i) **Decision procedure.** Purchases may be made
1130 from the lowest and best bidder. In determining the lowest and
1131 best bid, freight and shipping charges shall be included.
1132 Life-cycle costing, total cost bids, warranties, guaranteed
1133 buy-back provisions and other relevant provisions may be included

1134 in the best bid calculation. All best bid procedures for state
1135 agencies must be in compliance with regulations established by the
1136 Department of Finance and Administration. If any governing
1137 authority accepts a bid other than the lowest bid actually
1138 submitted, it shall place on its minutes detailed calculations and
1139 narrative summary showing that the accepted bid was determined to
1140 be the lowest and best bid, including the dollar amount of the
1141 accepted bid and the dollar amount of the lowest bid. No agency
1142 or governing authority shall accept a bid based on items not
1143 included in the specifications.

1144 (ii) **Decision procedure for Certified Purchasing**
1145 **Offices.** In addition to the decision procedure set forth in
1146 paragraph (d)(i), Certified Purchasing Offices may also use the
1147 following procedure: Purchases may be made from the bidder
1148 offering the best value. In determining the best value bid,
1149 freight and shipping charges shall be included. Life-cycle
1150 costing, total cost bids, warranties, guaranteed buy-back
1151 provisions, documented previous experience, training costs and
1152 other relevant provisions may be included in the best value
1153 calculation. This provision shall authorize Certified Purchasing
1154 Offices to utilize a Request For Proposals (RFP) process when
1155 purchasing commodities. All best value procedures for state
1156 agencies must be in compliance with regulations established by the
1157 Department of Finance and Administration. No agency or governing
1158 authority shall accept a bid based on items or criteria not
1159 included in the specifications.

1160 (iii) **Construction project negotiations authority.**
1161 If the lowest and best bid is not more than ten percent (10%)
1162 above the amount of funds allocated for a public construction or
1163 renovation project, then the agency or governing authority shall
1164 be permitted to negotiate with the lowest bidder in order to enter
1165 into a contract for an amount not to exceed the funds allocated.

1166 (e) **Lease-purchase authorization.** For the purposes of
1167 this section, the term "equipment" shall mean equipment, furniture
1168 and, if applicable, associated software and other applicable
1169 direct costs associated with the acquisition. Any lease-purchase
1170 of equipment which an agency is not required to lease-purchase
1171 under the master lease-purchase program pursuant to Section
1172 31-7-10 and any lease-purchase of equipment which a governing
1173 authority elects to lease-purchase may be acquired by a
1174 lease-purchase agreement under this paragraph (e). Lease-purchase
1175 financing may also be obtained from the vendor or from a
1176 third-party source after having solicited and obtained at least
1177 two (2) written competitive bids, as defined in paragraph (b) of
1178 this section, for such financing without advertising for such
1179 bids. Solicitation for the bids for financing may occur before or
1180 after acceptance of bids for the purchase of such equipment or,
1181 where no such bids for purchase are required, at any time before
1182 the purchase thereof. No such lease-purchase agreement shall be
1183 for an annual rate of interest which is greater than the overall
1184 maximum interest rate to maturity on general obligation
1185 indebtedness permitted under Section 75-17-101, and the term of
1186 such lease-purchase agreement shall not exceed the useful life of
1187 equipment covered thereby as determined according to the upper
1188 limit of the asset depreciation range (ADR) guidelines for the
1189 Class Life Asset Depreciation Range System established by the
1190 Internal Revenue Service pursuant to the United States Internal
1191 Revenue Code and regulations thereunder as in effect on December
1192 31, 1980, or comparable depreciation guidelines with respect to
1193 any equipment not covered by ADR guidelines. Any lease-purchase
1194 agreement entered into pursuant to this paragraph (e) may contain
1195 any of the terms and conditions which a master lease-purchase
1196 agreement may contain under the provisions of Section 31-7-10(5),
1197 and shall contain an annual allocation dependency clause
1198 substantially similar to that set forth in Section 31-7-10(8).

1199 Each agency or governing authority entering into a lease-purchase
1200 transaction pursuant to this paragraph (e) shall maintain with
1201 respect to each such lease-purchase transaction the same
1202 information as required to be maintained by the Department of
1203 Finance and Administration pursuant to Section 31-7-10(13).
1204 However, nothing contained in this section shall be construed to
1205 permit agencies to acquire items of equipment with a total
1206 acquisition cost in the aggregate of less than Ten Thousand
1207 Dollars (\$10,000.00) by a single lease-purchase transaction. All
1208 equipment, and the purchase thereof by any lessor, acquired by
1209 lease-purchase under this paragraph and all lease-purchase
1210 payments with respect thereto shall be exempt from all Mississippi
1211 sales, use and ad valorem taxes. Interest paid on any
1212 lease-purchase agreement under this section shall be exempt from
1213 State of Mississippi income taxation.

1214 (f) **Alternate bid authorization.** When necessary to
1215 ensure ready availability of commodities for public works and the
1216 timely completion of public projects, no more than two (2)
1217 alternate bids may be accepted by a governing authority for
1218 commodities. No purchases may be made through use of such
1219 alternate bids procedure unless the lowest and best bidder cannot
1220 deliver the commodities contained in his bid. In that event,
1221 purchases of such commodities may be made from one (1) of the
1222 bidders whose bid was accepted as an alternate.

1223 (g) **Construction contract change authorization.** In the
1224 event a determination is made by an agency or governing authority
1225 after a construction contract is let that changes or modifications
1226 to the original contract are necessary or would better serve the
1227 purpose of the agency or the governing authority, such agency or
1228 governing authority may, in its discretion, order such changes
1229 pertaining to the construction that are necessary under the
1230 circumstances without the necessity of further public bids;
1231 provided that such change shall be made in a commercially

1232 reasonable manner and shall not be made to circumvent the public
1233 purchasing statutes. In addition to any other authorized person,
1234 the architect or engineer hired by an agency or governing
1235 authority with respect to any public construction contract shall
1236 have the authority, when granted by an agency or governing
1237 authority, to authorize changes or modifications to the original
1238 contract without the necessity of prior approval of the agency or
1239 governing authority when any such change or modification is less
1240 than one percent (1%) of the total contract amount. The agency or
1241 governing authority may limit the number, manner or frequency of
1242 such emergency changes or modifications.

1243 (h) **Petroleum purchase alternative.** In addition to
1244 other methods of purchasing authorized in this chapter, when any
1245 agency or governing authority shall have a need for gas, diesel
1246 fuel, oils and/or other petroleum products in excess of the amount
1247 set forth in paragraph (a) of this section, such agency or
1248 governing authority may purchase the commodity after having
1249 solicited and obtained at least two (2) competitive written bids,
1250 as defined in paragraph (b) of this section. If two (2)
1251 competitive written bids are not obtained, the entity shall comply
1252 with the procedures set forth in paragraph (c) of this section.
1253 In the event any agency or governing authority shall have
1254 advertised for bids for the purchase of gas, diesel fuel, oils and
1255 other petroleum products and coal and no acceptable bids can be
1256 obtained, such agency or governing authority is authorized and
1257 directed to enter into any negotiations necessary to secure the
1258 lowest and best contract available for the purchase of such
1259 commodities.

1260 (i) **Road construction petroleum products price**
1261 **adjustment clause authorization.** Any agency or governing
1262 authority authorized to enter into contracts for the construction,
1263 maintenance, surfacing or repair of highways, roads or streets,
1264 may include in its bid proposal and contract documents a price

1265 adjustment clause with relation to the cost to the contractor,
1266 including taxes, based upon an industry-wide cost index, of
1267 petroleum products including asphalt used in the performance or
1268 execution of the contract or in the production or manufacture of
1269 materials for use in such performance. Such industry-wide index
1270 shall be established and published monthly by the Mississippi
1271 Department of Transportation with a copy thereof to be mailed,
1272 upon request, to the clerks of the governing authority of each
1273 municipality and the clerks of each board of supervisors
1274 throughout the state. The price adjustment clause shall be based
1275 on the cost of such petroleum products only and shall not include
1276 any additional profit or overhead as part of the adjustment. The
1277 bid proposals or document contract shall contain the basis and
1278 methods of adjusting unit prices for the change in the cost of
1279 such petroleum products.

1280 (j) **State agency emergency purchase procedure.** If the
1281 governing board or the executive head, or his designee, of any
1282 agency of the state shall determine that an emergency exists in
1283 regard to the purchase of any commodities or repair contracts, so
1284 that the delay incident to giving opportunity for competitive
1285 bidding would be detrimental to the interests of the state, then
1286 the provisions herein for competitive bidding shall not apply and
1287 the head of such agency shall be authorized to make the purchase
1288 or repair. Total purchases so made shall only be for the purpose
1289 of meeting needs created by the emergency situation. In the event
1290 such executive head is responsible to an agency board, at the
1291 meeting next following the emergency purchase, documentation of
1292 the purchase, including a description of the commodity purchased,
1293 the purchase price thereof and the nature of the emergency shall
1294 be presented to the board and placed on the minutes of the board
1295 of such agency. The head of such agency, or his designee, shall,
1296 at the earliest possible date following such emergency purchase,
1297 file with the Department of Finance and Administration (i) a

1298 statement explaining the conditions and circumstances of the
1299 emergency, which shall include a detailed description of the
1300 events leading up to the situation and the negative impact to the
1301 entity if the purchase is made following the statutory
1302 requirements set forth in paragraph (a), (b) or (c) of this
1303 section, and (ii) a certified copy of the appropriate minutes of
1304 the board of such agency, if applicable. On or before September 1
1305 of each year, the State Auditor shall prepare and deliver to the
1306 Senate Fees, Salaries and Administration Committee, the House Fees
1307 and Salaries of Public Officers Committee and the Joint
1308 Legislative Budget Committee a report containing a list of all
1309 state agency emergency purchases and supporting documentation for
1310 each emergency purchase.

1311 (k) **Governing authority emergency purchase procedure.**

1312 If the governing authority, or the governing authority acting
1313 through its designee, shall determine that an emergency exists in
1314 regard to the purchase of any commodities or repair contracts, so
1315 that the delay incident to giving opportunity for competitive
1316 bidding would be detrimental to the interest of the governing
1317 authority, then the provisions herein for competitive bidding
1318 shall not apply and any officer or agent of such governing
1319 authority having general or special authority therefor in making
1320 such purchase or repair shall approve the bill presented therefor,
1321 and he shall certify in writing thereon from whom such purchase
1322 was made, or with whom such a repair contract was made. At the
1323 board meeting next following the emergency purchase or repair
1324 contract, documentation of the purchase or repair contract,
1325 including a description of the commodity purchased, the price
1326 thereof and the nature of the emergency shall be presented to the
1327 board and shall be placed on the minutes of the board of such
1328 governing authority.

1329 (l) **Hospital purchase, lease-purchase and lease**
1330 **authorization.**

1331 (i) The commissioners or board of trustees of any
1332 public hospital may contract with such lowest and best bidder for
1333 the purchase or lease-purchase of any commodity under a contract
1334 of purchase or lease-purchase agreement whose obligatory payment
1335 terms do not exceed five (5) years.

1336 (ii) In addition to the authority granted in
1337 subparagraph (i) of this paragraph (1), the commissioners or board
1338 of trustees is authorized to enter into contracts for the lease of
1339 equipment or services, or both, which it considers necessary for
1340 the proper care of patients if, in its opinion, it is not
1341 financially feasible to purchase the necessary equipment or
1342 services. Any such contract for the lease of equipment or
1343 services executed by the commissioners or board shall not exceed a
1344 maximum of five (5) years' duration and shall include a
1345 cancellation clause based on unavailability of funds. If such
1346 cancellation clause is exercised, there shall be no further
1347 liability on the part of the lessee. Any such contract for the
1348 lease of equipment or services executed on behalf of the
1349 commissioners or board that complies with the provisions of this
1350 subparagraph (ii) shall be excepted from the bid requirements set
1351 forth in this section.

1352 (m) **Exceptions from bidding requirements.** Excepted
1353 from bid requirements are:

1354 (i) **Purchasing agreements approved by department.**
1355 Purchasing agreements, contracts and maximum price regulations
1356 executed or approved by the Department of Finance and
1357 Administration.

1358 (ii) **Outside equipment repairs.** Repairs to
1359 equipment, when such repairs are made by repair facilities in the
1360 private sector; however, engines, transmissions, rear axles and/or
1361 other such components shall not be included in this exemption when
1362 replaced as a complete unit instead of being repaired and the need
1363 for such total component replacement is known before disassembly

1364 of the component; however, invoices identifying the equipment,
1365 specific repairs made, parts identified by number and name,
1366 supplies used in such repairs, and the number of hours of labor
1367 and costs therefor shall be required for the payment for such
1368 repairs.

1369 (iii) **In-house equipment repairs.** Purchases of
1370 parts for repairs to equipment, when such repairs are made by
1371 personnel of the agency or governing authority; however, entire
1372 assemblies, such as engines or transmissions, shall not be
1373 included in this exemption when the entire assembly is being
1374 replaced instead of being repaired.

1375 (iv) **Raw gravel or dirt.** Raw unprocessed deposits
1376 of gravel or fill dirt which are to be removed and transported by
1377 the purchaser.

1378 (v) **Governmental equipment auctions.** Motor
1379 vehicles or other equipment purchased from a federal agency or
1380 authority, another governing authority or state agency of the
1381 State of Mississippi, or any governing authority or state agency
1382 of another state at a public auction held for the purpose of
1383 disposing of such vehicles or other equipment. Any purchase by a
1384 governing authority under the exemption authorized by this
1385 subparagraph (v) shall require advance authorization spread upon
1386 the minutes of the governing authority to include the listing of
1387 the item or items authorized to be purchased and the maximum bid
1388 authorized to be paid for each item or items.

1389 (vi) **Intergovernmental sales and transfers.**
1390 Purchases, sales, transfers or trades by governing authorities or
1391 state agencies when such purchases, sales, transfers or trades are
1392 made by a private treaty agreement or through means of
1393 negotiation, from any federal agency or authority, another
1394 governing authority or state agency of the State of Mississippi,
1395 or any state agency or governing authority of another state.
1396 Nothing in this section shall permit such purchases through public

1397 auction except as provided for in subparagraph (v) of this
1398 section. It is the intent of this section to allow governmental
1399 entities to dispose of and/or purchase commodities from other
1400 governmental entities at a price that is agreed to by both
1401 parties. This shall allow for purchases and/or sales at prices
1402 which may be determined to be below the market value if the
1403 selling entity determines that the sale at below market value is
1404 in the best interest of the taxpayers of the state. Governing
1405 authorities shall place the terms of the agreement and any
1406 justification on the minutes, and state agencies shall obtain
1407 approval from the Department of Finance and Administration, prior
1408 to releasing or taking possession of the commodities.

1409 (vii) **Perishable supplies or food.** Perishable
1410 supplies or food purchased for use in connection with hospitals,
1411 the school lunch programs, homemaking programs and for the feeding
1412 of county or municipal prisoners.

1413 (viii) **Single source items.** Noncompetitive items
1414 available from one (1) source only. In connection with the
1415 purchase of noncompetitive items only available from one (1)
1416 source, a certification of the conditions and circumstances
1417 requiring the purchase shall be filed by the agency with the
1418 Department of Finance and Administration and by the governing
1419 authority with the board of the governing authority. Upon receipt
1420 of that certification the Department of Finance and Administration
1421 or the board of the governing authority, as the case may be, may,
1422 in writing, authorize the purchase, which authority shall be noted
1423 on the minutes of the body at the next regular meeting thereafter.
1424 In those situations, a governing authority is not required to
1425 obtain the approval of the Department of Finance and
1426 Administration.

1427 (ix) **Waste disposal facility construction**
1428 **contracts.** Construction of incinerators and other facilities for
1429 disposal of solid wastes in which products either generated

1430 therein, such as steam, or recovered therefrom, such as materials
1431 for recycling, are to be sold or otherwise disposed of; however,
1432 in constructing such facilities, a governing authority or agency
1433 shall publicly issue requests for proposals, advertised for in the
1434 same manner as provided herein for seeking bids for public
1435 construction projects, concerning the design, construction,
1436 ownership, operation and/or maintenance of such facilities,
1437 wherein such requests for proposals when issued shall contain
1438 terms and conditions relating to price, financial responsibility,
1439 technology, environmental compatibility, legal responsibilities
1440 and such other matters as are determined by the governing
1441 authority or agency to be appropriate for inclusion; and after
1442 responses to the request for proposals have been duly received,
1443 the governing authority or agency may select the most qualified
1444 proposal or proposals on the basis of price, technology and other
1445 relevant factors and from such proposals, but not limited to the
1446 terms thereof, negotiate and enter contracts with one or more of
1447 the persons or firms submitting proposals.

1448 (x) **Hospital group purchase contracts.** Supplies,
1449 commodities and equipment purchased by hospitals through group
1450 purchase programs pursuant to Section 31-7-38.

1451 (xi) **Information technology products.** Purchases
1452 of information technology products made by governing authorities
1453 under the provisions of purchase schedules, or contracts executed
1454 or approved by the Mississippi Department of Information
1455 Technology Services and designated for use by governing
1456 authorities.

1457 (xii) **Energy efficiency services and equipment.**
1458 Energy efficiency services and equipment acquired by school
1459 districts, community and junior colleges, institutions of higher
1460 learning and state agencies or other applicable governmental
1461 entities on a shared-savings, lease or lease-purchase basis
1462 pursuant to Section 31-7-14.

1463 (xiii) **Municipal electrical utility system fuel.**
1464 Purchases of coal and/or natural gas by municipally-owned electric
1465 power generating systems that have the capacity to use both coal
1466 and natural gas for the generation of electric power.

1467 (xiv) **Library books and other reference materials.**
1468 Purchases by libraries or for libraries of books and periodicals;
1469 processed film, video cassette tapes, filmstrips and slides;
1470 recorded audio tapes, cassettes and diskettes; and any such items
1471 as would be used for teaching, research or other information
1472 distribution; however, equipment such as projectors, recorders,
1473 audio or video equipment, and monitor televisions are not exempt
1474 under this subparagraph.

1475 (xv) **Unmarked vehicles.** Purchases of unmarked
1476 vehicles when such purchases are made in accordance with
1477 purchasing regulations adopted by the Department of Finance and
1478 Administration pursuant to Section 31-7-9(2).

1479 (xvi) **Election ballots.** Purchases of ballots
1480 printed pursuant to Section 23-15-351.

1481 (xvii) **Multichannel interactive video systems.**
1482 From and after July 1, 1990, contracts by Mississippi Authority
1483 for Educational Television with any private educational
1484 institution or private nonprofit organization whose purposes are
1485 educational in regard to the construction, purchase, lease or
1486 lease-purchase of facilities and equipment and the employment of
1487 personnel for providing multichannel interactive video systems
1488 (ITSF) in the school districts of this state.

1489 (xviii) **Purchases of prison industry products.**
1490 From and after January 1, 1991, purchases made by state agencies
1491 or governing authorities involving any item that is manufactured,
1492 processed, grown or produced from the state's prison industries.

1493 (xix) **Undercover operations equipment.** Purchases
1494 of surveillance equipment or any other high-tech equipment to be
1495 used by law enforcement agents in undercover operations, provided

1496 that any such purchase shall be in compliance with regulations
1497 established by the Department of Finance and Administration.

1498 (xx) **Junior college books for rent.** Purchases by
1499 community or junior colleges of textbooks which are obtained for
1500 the purpose of renting such books to students as part of a book
1501 service system.

1502 (xxi) **Certain school district purchases.**
1503 Purchases of commodities made by school districts from vendors
1504 with which any levying authority of the school district, as
1505 defined in Section 37-57-1, has contracted through competitive
1506 bidding procedures for purchases of the same commodities.

1507 (xxii) **Garbage, solid waste and sewage contracts.**
1508 Contracts for garbage collection or disposal, contracts for solid
1509 waste collection or disposal and contracts for sewage collection
1510 or disposal.

1511 (xxiii) **Municipal water tank maintenance**
1512 **contracts.** Professional maintenance program contracts for the
1513 repair or maintenance of municipal water tanks, which provide
1514 professional services needed to maintain municipal water storage
1515 tanks for a fixed annual fee for a duration of two (2) or more
1516 years.

1517 (xxiv) **Purchases of Mississippi Industries for the**
1518 **Blind products.** Purchases made by state agencies or governing
1519 authorities involving any item that is manufactured, processed or
1520 produced by the Mississippi Industries for the Blind.

1521 (xxv) **Purchases of state-adopted textbooks.**
1522 Purchases of state-adopted textbooks by public school districts.

1523 (xxvi) **Certain purchases under the Mississippi**
1524 **Major Economic Impact Act.** Contracts entered into pursuant to the
1525 provisions of Section 57-75-9(2) and (3).

1526 (xxvii) **Used heavy or specialized machinery or**
1527 **equipment for installation of soil and water conservation**
1528 **practices purchased at auction.** Used heavy or specialized

1529 machinery or equipment used for the installation and
1530 implementation of soil and water conservation practices or
1531 measures purchased subject to the restrictions provided in
1532 Sections 69-27-331 through 69-27-341. Any purchase by the State
1533 Soil and Water Conservation Commission under the exemption
1534 authorized by this subparagraph shall require advance
1535 authorization spread upon the minutes of the commission to include
1536 the listing of the item or items authorized to be purchased and
1537 the maximum bid authorized to be paid for each item or items.

1538 (xxviii) **Hospital lease of equipment or services.**
1539 Leases by hospitals of equipment or services if the leases are in
1540 compliance with paragraph (1)(ii).

1541 (xxix) **Purchases made pursuant to qualified**
1542 **cooperative purchasing agreements.** Purchases made by certified
1543 purchasing offices of state agencies or governing authorities
1544 under cooperative purchasing agreements previously approved by the
1545 Office of Purchasing and Travel and established by or for any
1546 municipality, county, parish or state government or the federal
1547 government, provided that the notification to potential
1548 contractors includes a clause that sets forth the availability of
1549 the cooperative purchasing agreement to other governmental
1550 entities. Such purchases shall only be made if the use of the
1551 cooperative purchasing agreements is determined to be in the best
1552 interest of the governmental entity.

1553 (xxx) **School yearbooks.** Purchases of school
1554 yearbooks by state agencies or governing authorities; provided,
1555 however, that state agencies and governing authorities shall use
1556 for these purchases the RFP process as set forth in the
1557 Mississippi Procurement Manual adopted by the Office of Purchasing
1558 and Travel.

1559 (xxxi) **Design-build method or the design-build**
1560 **bridging method of contracting.** Contracts entered into the
1561 provisions of Section 31-11-3(9).

1562 (n) **Term contract authorization.** All contracts for the
1563 purchase of:

1564 (i) All contracts for the purchase of commodities,
1565 equipment and public construction (including, but not limited to,
1566 repair and maintenance), may be let for periods of not more than
1567 sixty (60) months in advance, subject to applicable statutory
1568 provisions prohibiting the letting of contracts during specified
1569 periods near the end of terms of office. Term contracts for a
1570 period exceeding twenty-four (24) months shall also be subject to
1571 ratification or cancellation by governing authority boards taking
1572 office subsequent to the governing authority board entering the
1573 contract.

1574 (ii) Bid proposals and contracts may include price
1575 adjustment clauses with relation to the cost to the contractor
1576 based upon a nationally published industry-wide or nationally
1577 published and recognized cost index. The cost index used in a
1578 price adjustment clause shall be determined by the Department of
1579 Finance and Administration for the state agencies and by the
1580 governing board for governing authorities. The bid proposal and
1581 contract documents utilizing a price adjustment clause shall
1582 contain the basis and method of adjusting unit prices for the
1583 change in the cost of such commodities, equipment and public
1584 construction.

1585 (o) **Purchase law violation prohibition and vendor**
1586 **penalty.** No contract or purchase as herein authorized shall be
1587 made for the purpose of circumventing the provisions of this
1588 section requiring competitive bids, nor shall it be lawful for any
1589 person or concern to submit individual invoices for amounts within
1590 those authorized for a contract or purchase where the actual value
1591 of the contract or commodity purchased exceeds the authorized
1592 amount and the invoices therefor are split so as to appear to be
1593 authorized as purchases for which competitive bids are not
1594 required. Submission of such invoices shall constitute a

1595 misdemeanor punishable by a fine of not less than Five Hundred
1596 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),
1597 or by imprisonment for thirty (30) days in the county jail, or
1598 both such fine and imprisonment. In addition, the claim or claims
1599 submitted shall be forfeited.

1600 (p) **Electrical utility petroleum-based equipment**
1601 **purchase procedure.** When in response to a proper advertisement
1602 therefor, no bid firm as to price is submitted to an electric
1603 utility for power transformers, distribution transformers, power
1604 breakers, reclosers or other articles containing a petroleum
1605 product, the electric utility may accept the lowest and best bid
1606 therefor although the price is not firm.

1607 (q) **Fuel management system bidding procedure.** Any
1608 governing authority or agency of the state shall, before
1609 contracting for the services and products of a fuel management or
1610 fuel access system, enter into negotiations with not fewer than
1611 two (2) sellers of fuel management or fuel access systems for
1612 competitive written bids to provide the services and products for
1613 the systems. In the event that the governing authority or agency
1614 cannot locate two (2) sellers of such systems or cannot obtain
1615 bids from two (2) sellers of such systems, it shall show proof
1616 that it made a diligent, good-faith effort to locate and negotiate
1617 with two (2) sellers of such systems. Such proof shall include,
1618 but not be limited to, publications of a request for proposals and
1619 letters soliciting negotiations and bids. For purposes of this
1620 paragraph (q), a fuel management or fuel access system is an
1621 automated system of acquiring fuel for vehicles as well as
1622 management reports detailing fuel use by vehicles and drivers, and
1623 the term "competitive written bid" shall have the meaning as
1624 defined in paragraph (b) of this section. Governing authorities
1625 and agencies shall be exempt from this process when contracting
1626 for the services and products of a fuel management or fuel access

1627 systems under the terms of a state contract established by the
1628 Office of Purchasing and Travel.

1629 (r) **Solid waste contract proposal procedure.** Before
1630 entering into any contract for garbage collection or disposal,
1631 contract for solid waste collection or disposal or contract for
1632 sewage collection or disposal, which involves an expenditure of
1633 more than Fifty Thousand Dollars (\$50,000.00), a governing
1634 authority or agency shall issue publicly a request for proposals
1635 concerning the specifications for such services which shall be
1636 advertised for in the same manner as provided in this section for
1637 seeking bids for purchases which involve an expenditure of more
1638 than the amount provided in paragraph (c) of this section. Any
1639 request for proposals when issued shall contain terms and
1640 conditions relating to price, financial responsibility,
1641 technology, legal responsibilities and other relevant factors as
1642 are determined by the governing authority or agency to be
1643 appropriate for inclusion; all factors determined relevant by the
1644 governing authority or agency or required by this paragraph (r)
1645 shall be duly included in the advertisement to elicit proposals.
1646 After responses to the request for proposals have been duly
1647 received, the governing authority or agency shall select the most
1648 qualified proposal or proposals on the basis of price, technology
1649 and other relevant factors and from such proposals, but not
1650 limited to the terms thereof, negotiate and enter contracts with
1651 one or more of the persons or firms submitting proposals. If the
1652 governing authority or agency deems none of the proposals to be
1653 qualified or otherwise acceptable, the request for proposals
1654 process may be reinitiated. Notwithstanding any other provisions
1655 of this paragraph, where a county with at least thirty-five
1656 thousand (35,000) nor more than forty thousand (40,000)
1657 population, according to the 1990 federal decennial census, owns
1658 or operates a solid waste landfill, the governing authorities of
1659 any other county or municipality may contract with the governing

1660 authorities of the county owning or operating the landfill,
1661 pursuant to a resolution duly adopted and spread upon the minutes
1662 of each governing authority involved, for garbage or solid waste
1663 collection or disposal services through contract negotiations.

1664 (s) **Minority set-aside authorization.** Notwithstanding
1665 any provision of this section to the contrary, any agency or
1666 governing authority, by order placed on its minutes, may, in its
1667 discretion, set aside not more than twenty percent (20%) of its
1668 anticipated annual expenditures for the purchase of commodities
1669 from minority businesses; however, all such set-aside purchases
1670 shall comply with all purchasing regulations promulgated by the
1671 Department of Finance and Administration and shall be subject to
1672 bid requirements under this section. Set-aside purchases for
1673 which competitive bids are required shall be made from the lowest
1674 and best minority business bidder. For the purposes of this
1675 paragraph, the term "minority business" means a business which is
1676 owned by a majority of persons who are United States citizens or
1677 permanent resident aliens (as defined by the Immigration and
1678 Naturalization Service) of the United States, and who are Asian,
1679 Black, Hispanic or Native American, according to the following
1680 definitions:

1681 (i) "Asian" means persons having origins in any of
1682 the original people of the Far East, Southeast Asia, the Indian
1683 subcontinent, or the Pacific Islands.

1684 (ii) "Black" means persons having origins in any
1685 black racial group of Africa.

1686 (iii) "Hispanic" means persons of Spanish or
1687 Portuguese culture with origins in Mexico, South or Central
1688 America, or the Caribbean Islands, regardless of race.

1689 (iv) "Native American" means persons having
1690 origins in any of the original people of North America, including
1691 American Indians, Eskimos and Aleuts.

1692 (t) **Construction punch list restriction.** The
1693 architect, engineer or other representative designated by the
1694 agency or governing authority that is contracting for public
1695 construction or renovation may prepare and submit to the
1696 contractor only one (1) preliminary punch list of items that do
1697 not meet the contract requirements at the time of substantial
1698 completion and one (1) final list immediately before final
1699 completion and final payment.

1700 (u) **Purchase authorization clarification.** Nothing in
1701 this section shall be construed as authorizing any purchase not
1702 authorized by law.

1703 **SECTION 14.** Section 37-3-1, Mississippi Code of 1972, is
1704 amended as follows:

1705 37-3-1. (1) Until July 1, 1983, there shall be a State
1706 Department of Education, which shall consist of a state
1707 superintendent of public education, an assistant state
1708 superintendent of public education, a director of the division of
1709 finance and administration, a director of the division of
1710 instruction, a director of the division of school building and
1711 transportation services, a director of vocational education, a
1712 director of the division of vocational rehabilitation, a director
1713 of the division of junior colleges, and such supervisors,
1714 assistants or employees as may be necessary for the proper
1715 functioning of the above-named divisions.

1716 (2) From and after July 1, 1983, and until July 1, 1984,
1717 there shall be a State Department of Education, which shall
1718 consist of a state superintendent of public education, a director
1719 of the division of finance and administration, a director of the
1720 division of instruction, a director of the division of school
1721 building and transportation services, a director of the division
1722 of vocational and technical education, who shall be an associate
1723 state superintendent of public education, the director of the
1724 division of vocational rehabilitation, a director of the division

1725 of junior colleges and such supervisors, assistants or employees
1726 as may be necessary for the proper functioning of the above-named
1727 divisions.

1728 (3) From and after July 1, 1984, there shall be a State
1729 Department of Education which shall be under the direction and
1730 supervision of the State Superintendent of Public Education. The
1731 State Department of Education shall be organized into functional
1732 divisions as established by the State Superintendent of Public
1733 Education, including any divisions established by law and
1734 prescribing the duties of the directors of such divisions.

1735 **SECTION 15.** Section 37-3-2, Mississippi Code of 1972, is
1736 amended as follows:

1737 37-3-2. (1) There is established within the State
1738 Department of Education the Commission on Teacher and
1739 Administrator Education, Certification and Licensure and
1740 Development. It shall be the purpose and duty of the commission
1741 to make recommendations to the State Superintendent of Public
1742 Education regarding standards for the certification and licensure
1743 and continuing professional development of those who teach or
1744 perform tasks of an educational nature in the public schools of
1745 Mississippi.

1746 (2) The commission shall be composed of fifteen (15)
1747 qualified members. The membership of the commission shall be
1748 composed of the following members to be appointed, three (3) from
1749 each congressional district: four (4) classroom teachers; three
1750 (3) school administrators; one (1) representative of schools of
1751 education of institutions of higher learning located within the
1752 state to be recommended by the Board of Trustees of State
1753 Institutions of Higher Learning; one (1) representative from the
1754 schools of education of independent institutions of higher
1755 learning to be recommended by the Board of the Mississippi
1756 Association of Independent Colleges; one (1) representative from
1757 public community and junior colleges located within the state to

1758 be recommended by the State Board for Community and Junior
1759 Colleges; one (1) local school board member; and four (4) lay
1760 persons. All appointments shall be made by the * * * State
1761 Superintendent of Public Education. The first appointments by the
1762 State Superintendent of Public Education shall be made as follows:
1763 five (5) members shall be appointed for a term of one (1) year;
1764 five (5) members shall be appointed for a term of two (2) years;
1765 and five (5) members shall be appointed for a term of three (3)
1766 years. Thereafter, all members shall be appointed for a term of
1767 four (4) years.

1768 (3) The State Superintendent of Public Education when making
1769 appointments shall designate a chairman. The commission shall
1770 meet at least once every two (2) months or more often if needed.
1771 Members of the commission shall be compensated at a rate of per
1772 diem as authorized by Section 25-3-69 and be reimbursed for actual
1773 and necessary expenses as authorized by Section 25-3-41.

1774 (4) An appropriate staff member of the State Department of
1775 Education shall be designated and assigned by the State
1776 Superintendent of Public Education to serve as executive secretary
1777 and coordinator for the commission. No less than two (2) other
1778 appropriate staff members of the State Department of Education
1779 shall be designated and assigned by the State Superintendent of
1780 Public Education to serve on the staff of the commission.

1781 (5) It shall be the duty of the commission to:

1782 (a) Set standards and criteria, subject to the approval
1783 of the State Superintendent of Public Education, for all educator
1784 preparation programs in the state;

1785 (b) Recommend to the State Superintendent of Public
1786 Education each year approval or disapproval of each educator
1787 preparation program in the state;

1788 (c) Establish, subject to the approval of the State
1789 Superintendent of Public Education, standards for initial teacher
1790 certification and licensure in all fields;

1791 (d) Establish, subject to the approval of the State
1792 Superintendent of Public Education, standards for the renewal of
1793 teacher licenses in all fields;

1794 (e) Review and evaluate objective measures of teacher
1795 performance, such as test scores, which may form part of the
1796 licensure process, and to make recommendations for their use;

1797 (f) Review all existing requirements for certification
1798 and licensure;

1799 (g) Consult with groups whose work may be affected by
1800 the commission's decisions;

1801 (h) Prepare reports from time to time on current
1802 practices and issues in the general area of teacher education and
1803 certification and licensure;

1804 (i) Hold hearings concerning standards for teachers'
1805 and administrators' education and certification and licensure with
1806 approval of the State Superintendent of Public Education;

1807 (j) Hire expert consultants with approval of the State
1808 Superintendent of Public Education;

1809 (k) Set up ad hoc committees to advise on specific
1810 areas; and

1811 (l) Perform such other functions as may fall within
1812 their general charge and which may be delegated to them by the
1813 State Superintendent of Public Education.

1814 (6) (a) **Standard License - Approved Program Route.** An
1815 educator entering the school system of Mississippi for the first
1816 time and meeting all requirements as established by the State
1817 Superintendent of Public Education shall be granted a standard
1818 five-year license. Persons who possess two (2) years of classroom
1819 experience as an assistant teacher or who have taught for one (1)
1820 year in an accredited public or private school shall be allowed to
1821 fulfill student teaching requirements under the supervision of a
1822 qualified participating teacher approved by an accredited college
1823 of education. The local school district in which the assistant

1824 teacher is employed shall compensate such assistant teachers at
1825 the required salary level during the period of time such
1826 individual is completing student teaching requirements.
1827 Applicants for a standard license shall submit to the department:
1828 (i) An application on a department form;
1829 (ii) An official transcript of completion of a
1830 teacher education program approved by the department or a
1831 nationally accredited program, subject to the following:
1832 Licensure to teach in Mississippi prekindergarten through
1833 kindergarten classrooms shall require completion of a teacher
1834 education program or a bachelor of science degree with child
1835 development emphasis from a program accredited by the American
1836 Association of Family and Consumer Sciences (AAFCS) or by the
1837 National Association for Education of Young Children (NAEYC) or by
1838 the National Council for Accreditation of Teacher Education
1839 (NCATE). Licensure to teach in Mississippi kindergarten, for
1840 those applicants who have completed a teacher education program,
1841 and in Grade 1 through Grade 4 shall require the completion of an
1842 interdisciplinary program of studies. Licenses for Grades 4
1843 through 8 shall require the completion of an interdisciplinary
1844 program of studies with two (2) or more areas of concentration.
1845 Licensure to teach in Mississippi Grades 7 through 12 shall
1846 require a major in an academic field other than education, or a
1847 combination of disciplines other than education. Students
1848 preparing to teach a subject shall complete a major in the
1849 respective subject discipline. All applicants for standard
1850 licensure shall demonstrate that such person's college preparation
1851 in those fields was in accordance with the standards set forth by
1852 the National Council for Accreditation of Teacher Education
1853 (NCATE) or the National Association of State Directors of Teacher
1854 Education and Certification (NASDTEC) or, for those applicants who
1855 have a bachelor of science degree with child development emphasis,
1856 the American Association of Family and Consumer Sciences (AAFCS);

1857 (iii) A copy of test scores evidencing
1858 satisfactory completion of nationally administered examinations of
1859 achievement, such as the Educational Testing Service's teacher
1860 testing examinations; and

1861 (iv) Any other document required by the State
1862 Superintendent of Public Education.

1863 (b) **Standard License - Nontraditional Teaching Route.**
1864 Beginning January 1, 2004, an individual who has a passing score
1865 on the Praxis I Basic Skills and Praxis II Specialty Area Test in
1866 the requested area of endorsement may apply for the Teach
1867 Mississippi Institute (TMI) program to teach students in Grades 7
1868 through 12 if the individual meets the requirements of this
1869 paragraph (b). The State Superintendent of Public Education shall
1870 adopt rules requiring that teacher preparation institutions which
1871 provide the Teach Mississippi Institute (TMI) program for the
1872 preparation of nontraditional teachers shall meet the standards
1873 and comply with the provisions of this paragraph.

1874 (i) The Teach Mississippi Institute (TMI) shall
1875 include an intensive eight-week, nine-semester-hour summer program
1876 or a curriculum of study in which the student matriculates in the
1877 fall or spring semester, which shall include, but not be limited
1878 to, instruction in education, effective teaching strategies,
1879 classroom management, state curriculum requirements, planning and
1880 instruction, instructional methods and pedagogy, using test
1881 results to improve instruction, and a one (1) semester three-hour
1882 supervised internship to be completed while the teacher is
1883 employed as a full-time teacher intern in a local school district.
1884 The TMI shall be implemented on a pilot program basis, with
1885 courses to be offered at up to four (4) locations in the state,
1886 with one (1) TMI site to be located in each of the three (3)
1887 Mississippi Supreme Court districts.

1888 (ii) The school sponsoring the teacher intern
1889 shall enter into a written agreement with the institution

1890 providing the Teach Mississippi Institute (TMI) program, under
1891 terms and conditions as agreed upon by the contracting parties,
1892 providing that the school district shall provide teacher interns
1893 seeking a nontraditional provisional teaching license with a
1894 one-year classroom teaching experience. The teacher intern shall
1895 successfully complete the one (1) semester three-hour intensive
1896 internship in the school district during the semester immediately
1897 following successful completion of the TMI and prior to the end of
1898 the one-year classroom teaching experience.

1899 (iii) Upon completion of the nine-semester-hour
1900 TMI or the fall or spring semester option, the individual shall
1901 submit his transcript to the commission for provisional licensure
1902 of the intern teacher, and the intern teacher shall be issued a
1903 provisional teaching license by the commission, which will allow
1904 the individual to legally serve as a teacher while the person
1905 completes a nontraditional teacher preparation internship program.

1906 (iv) During the semester of internship in the
1907 school district, the teacher preparation institution shall monitor
1908 the performance of the intern teacher. The school district that
1909 employs the provisional teacher shall supervise the provisional
1910 teacher during the teacher's intern year of employment under a
1911 nontraditional provisional license, and shall, in consultation
1912 with the teacher intern's mentor at the school district of
1913 employment, submit to the commission a comprehensive evaluation of
1914 the teacher's performance sixty (60) days prior to the expiration
1915 of the nontraditional provisional license. If the comprehensive
1916 evaluation establishes that the provisional teacher intern's
1917 performance fails to meet the standards of the approved
1918 nontraditional teacher preparation internship program, the
1919 individual shall not be approved for a standard license.

1920 (v) An individual issued a provisional teaching
1921 license under this nontraditional route shall successfully
1922 complete, at a minimum, a one-year beginning teacher mentoring and

1923 induction program administered by the employing school district
1924 with the assistance of the State Department of Education.

1925 (vi) Upon successful completion of the TMI and the
1926 internship provisional license period, applicants for a Standard
1927 License - Nontraditional Route shall submit to the commission a
1928 transcript of successful completion of the twelve (12) semester
1929 hours required in the internship program, and the employing school
1930 district shall submit to the commission a recommendation for
1931 standard licensure of the intern. If the school district
1932 recommends licensure, the applicant shall be issued a Standard
1933 License - Nontraditional Route which shall be valid for a
1934 five-year period and be renewable.

1935 (vii) At the discretion of the teacher preparation
1936 institution, the individual shall be allowed to credit the twelve
1937 (12) semester hours earned in the nontraditional teacher
1938 internship program toward the graduate hours required for a Master
1939 of Arts in Teacher (MAT) Degree.

1940 (viii) The local school district in which the
1941 nontraditional teacher intern or provisional licensee is employed
1942 shall compensate such teacher interns at Step 1 of the required
1943 salary level during the period of time such individual is
1944 completing teacher internship requirements and shall compensate
1945 such Standard License - Nontraditional Route teachers at Step 3 of
1946 the required salary level when they complete license requirements.

1947 Implementation of the TMI program provided for under this
1948 paragraph (b) shall be contingent upon the availability of funds
1949 appropriated specifically for such purpose by the Legislature.
1950 Such implementation of the TMI program may not be deemed to
1951 prohibit the State Superintendent of Public Education from
1952 developing and implementing additional alternative route teacher
1953 licensure programs, as deemed appropriate by the board. The
1954 emergency certification program in effect prior to July 1, 2002,
1955 shall remain in effect.

1956 The State Department of Education shall compile and report,
1957 in consultation with the commission, information relating to
1958 nontraditional teacher preparation internship programs, including
1959 the number of programs available and geographic areas in which
1960 they are available, the number of individuals who apply for and
1961 possess a nontraditional conditional license, the subject areas in
1962 which individuals who possess nontraditional conditional licenses
1963 are teaching and where they are teaching, and shall submit its
1964 findings and recommendations to the legislative committees on
1965 education by December 1, 2004.

1966 A Standard License - Approved Program Route shall be issued
1967 for a five-year period, and may be renewed. Recognizing teaching
1968 as a profession, a hiring preference shall be granted to persons
1969 holding a Standard License - Approved Program Route or Standard
1970 License - Nontraditional Teaching Route over persons holding any
1971 other license.

1972 (c) **Special License - Expert Citizen.** In order to
1973 allow a school district to offer specialized or technical courses,
1974 the State Department of Education, in accordance with rules and
1975 regulations established by the State Superintendent of Public
1976 Education, may grant a one-year expert citizen-teacher license to
1977 local business or other professional personnel to teach in a
1978 public school or nonpublic school accredited or approved by the
1979 state. Such person may begin teaching upon his employment by the
1980 local school board and licensure by the Mississippi Department of
1981 Education. The board shall adopt rules and regulations to
1982 administer the expert citizen-teacher license. A Special License
1983 - Expert Citizen may be renewed in accordance with the established
1984 rules and regulations of the State Department of Education.

1985 (d) **Special License - Nonrenewable.** The State
1986 Superintendent of Public Education is authorized to establish
1987 rules and regulations to allow those educators not meeting
1988 requirements in subsection (6)(a), (b) or (c) to be licensed for a

1989 period of not more than three (3) years, except by special
1990 approval of the State Board of Education.

1991 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
1992 person may teach for a maximum of three (3) periods per teaching
1993 day in a public school or a nonpublic school accredited/approved
1994 by the state. Such person shall submit to the department a
1995 transcript or record of his education and experience which
1996 substantiates his preparation for the subject to be taught and
1997 shall meet other qualifications specified by the commission and
1998 approved by the State Superintendent of Public Education. In no
1999 case shall any local school board hire nonlicensed personnel as
2000 authorized under this paragraph in excess of five percent (5%) of
2001 the total number of licensed personnel in any single school.

2002 (f) **Special License - Transitional Bilingual Education.**
2003 Beginning July 1, 2003, the commission shall grant special
2004 licenses to teachers of transitional bilingual education who
2005 possess such qualifications as are prescribed in this section.
2006 Teachers of transitional bilingual education shall be compensated
2007 by local school boards at not less than one (1) step on the
2008 regular salary schedule applicable to permanent teachers licensed
2009 under this section. The commission shall grant special licenses
2010 to teachers of transitional bilingual education who present the
2011 commission with satisfactory evidence that they (i) possess a
2012 speaking and reading ability in a language, other than English, in
2013 which bilingual education is offered and communicative skills in
2014 English; (ii) are in good health and sound moral character; (iii)
2015 possess a bachelor's degree or an associate's degree in teacher
2016 education from an accredited institution of higher education; (iv)
2017 meet such requirements as to courses of study, semester hours
2018 therein, experience and training as may be required by the
2019 commission; and (v) are legally present in the United States and
2020 possess legal authorization for employment. A teacher of
2021 transitional bilingual education serving under a special license

2022 shall be under an exemption from standard licensure if he achieves
2023 the requisite qualifications therefor. Two (2) years of service
2024 by a teacher of transitional bilingual education under such an
2025 exemption shall be credited to the teacher in acquiring a Standard
2026 Educator License. Nothing in this paragraph shall be deemed to
2027 prohibit a local school board from employing a teacher licensed in
2028 an appropriate field as approved by the State Department of
2029 Education to teach in a program in transitional bilingual
2030 education.

2031 (g) In the event any school district meets Level 4 or 5
2032 accreditation standards, the State Superintendent of Public
2033 Education, in its discretion, may exempt such school district from
2034 any restrictions in paragraph (e) relating to the employment of
2035 nonlicensed teaching personnel.

2036 (7) **Administrator License.** The State Superintendent of
2037 Public Education is authorized to establish rules and regulations
2038 and to administer the licensure process of the school
2039 administrators in the State of Mississippi. There will be four
2040 (4) categories of administrator licensure with exceptions only
2041 through special approval of the State Superintendent of Public
2042 Education.

2043 (a) **Administrator License - Nonpracticing.** Those
2044 educators holding administrative endorsement but have no
2045 administrative experience or not serving in an administrative
2046 position on January 15, 1997.

2047 (b) **Administrator License - Entry Level.** Those
2048 educators holding administrative endorsement and having met the
2049 department's qualifications to be eligible for employment in a
2050 Mississippi school district. Administrator License - Entry Level
2051 shall be issued for a five-year period and shall be nonrenewable.

2052 (c) **Standard Administrator License - Career Level.** An
2053 administrator who has met all the requirements of the department
2054 for standard administrator licensure.

2055 (d) **Administrator License - Nontraditional Route.** The
2056 state superintendent may establish a nontraditional route for
2057 licensing administrative personnel. Such nontraditional route for
2058 administrative licensure shall be available for persons holding,
2059 but not limited to, a master of business administration degree, a
2060 master of public administration degree, a master of public
2061 planning and policy degree or a doctor of jurisprudence degree
2062 from an accredited college or university, with five (5) years of
2063 administrative or supervisory experience. Successful completion
2064 of the requirements of alternate route licensure for
2065 administrators shall qualify the person for a standard
2066 administrator license.

2067 The State Department of Education shall compile and report,
2068 in consultation with the commission, information relating to
2069 nontraditional administrator preparation internship programs,
2070 including the number of programs available and geographic areas in
2071 which they are available, the number of individuals who apply for
2072 and possess a nontraditional conditional license and where they
2073 are employed, and shall submit its findings and recommendations to
2074 the legislative committees on education by December 1, 2004.

2075 Beginning with the 1997-1998 school year, individuals seeking
2076 school administrator licensure under paragraph (b), (c) or (d)
2077 shall successfully complete a training program and an assessment
2078 process prescribed by the State Superintendent of Public
2079 Education. Applicants seeking school administrator licensure
2080 prior to June 30, 1997, and completing all requirements for
2081 provisional or standard administrator certification and who have
2082 never practiced, shall be exempt from taking the Mississippi
2083 Assessment Battery Phase I. Applicants seeking school
2084 administrator licensure during the period beginning July 1, 1997,
2085 through June 30, 1998, shall participate in the Mississippi
2086 Assessment Battery, and upon request of the applicant, the
2087 department shall reimburse the applicant for the cost of the

2088 assessment process required. After June 30, 1998, all applicants
2089 for school administrator licensure shall meet all requirements
2090 prescribed by the department under paragraph (b), (c) or (d), and
2091 the cost of the assessment process required shall be paid by the
2092 applicant.

2093 (8) **Reciprocity.** (a) The department shall grant a standard
2094 license to any individual who possesses a valid standard license
2095 from another state and has a minimum of two (2) years of full-time
2096 teaching or administrator experience.

2097 (b) The department shall grant a nonrenewable special
2098 license to any individual who possesses a credential which is less
2099 than a standard license or certification from another state, or
2100 who possesses a standard license from another state but has less
2101 than two (2) years of full-time teaching or administration
2102 experience. Such special license shall be valid for the current
2103 school year plus one (1) additional school year to expire on June
2104 30 of the second year, not to exceed a total period of twenty-four
2105 (24) months, during which time the applicant shall be required to
2106 complete the requirements for a standard license in Mississippi.

2107 (9) **Renewal and Reinstatement of Licenses.** The State
2108 Superintendent of Public Education is authorized to establish
2109 rules and regulations for the renewal and reinstatement of
2110 educator and administrator licenses. Effective May 15, 1997, the
2111 valid standard license held by an educator shall be extended five
2112 (5) years beyond the expiration date of the license in order to
2113 afford the educator adequate time to fulfill new renewal
2114 requirements established pursuant to this subsection. An educator
2115 completing a master of education, educational specialist or doctor
2116 of education degree in May 1997 for the purpose of upgrading the
2117 educator's license to a higher class shall be given this extension
2118 of five (5) years plus five (5) additional years for completion of
2119 a higher degree.

2120 (10) All controversies involving the issuance, revocation,
2121 suspension or any change whatsoever in the licensure of an
2122 educator required to hold a license shall be initially heard in a
2123 hearing de novo, by the commission or by a subcommittee
2124 established by the commission and composed of commission members
2125 for the purpose of holding hearings. Any complaint seeking the
2126 denial of issuance, revocation or suspension of a license shall be
2127 by sworn affidavit filed with the Commission of Teacher and
2128 Administrator Education, Certification and Licensure and
2129 Development. The decision thereon by the commission or its
2130 subcommittee shall be final, unless the aggrieved party shall
2131 appeal to the State Superintendent of Public Education, within ten
2132 (10) days, of the decision of the committee or its subcommittee.
2133 An appeal to the State Superintendent of Public Education shall be
2134 on the record previously made before the commission or its
2135 subcommittee unless otherwise provided by rules and regulations
2136 adopted by the superintendent. The State Superintendent of Public
2137 Education in its authority may reverse, or remand with
2138 instructions, the decision of the committee or its subcommittee.
2139 The decision of the State Superintendent of Public Education shall
2140 be final.

2141 (11) The State Superintendent of Public Education, acting
2142 through the commission, may deny an application for any teacher or
2143 administrator license for one or more of the following:

2144 (a) Lack of qualifications which are prescribed by law
2145 or regulations adopted by the State Superintendent of Public
2146 Education;

2147 (b) The applicant has a physical, emotional or mental
2148 disability that renders the applicant unfit to perform the duties
2149 authorized by the license, as certified by a licensed psychologist
2150 or psychiatrist;

2151 (c) The applicant is actively addicted to or actively
2152 dependent on alcohol or other habit-forming drugs or is a habitual

2153 user of narcotics, barbiturates, amphetamines, hallucinogens or
2154 other drugs having similar effect, at the time of application for
2155 a license;

2156 (d) Revocation of an applicant's certificate or license
2157 by another state;

2158 (e) Fraud or deceit committed by the applicant in
2159 securing or attempting to secure such certification and license;

2160 (f) Failing or refusing to furnish reasonable evidence
2161 of identification;

2162 (g) The applicant has been convicted, has pled guilty
2163 or entered a plea of nolo contendere to a felony, as defined by
2164 federal or state law; or

2165 (h) The applicant has been convicted, has pled guilty
2166 or entered a plea of nolo contendere to a sex offense as defined
2167 by federal or state law.

2168 (12) The State Superintendent of Public Education, acting on
2169 the recommendation of the commission, may revoke or suspend any
2170 teacher or administrator license for specified periods of time for
2171 one or more of the following:

2172 (a) Breach of contract or abandonment of employment may
2173 result in the suspension of the license for one (1) school year as
2174 provided in Section 37-9-57;

2175 (b) Obtaining a license by fraudulent means shall
2176 result in immediate suspension and continued suspension for one
2177 (1) year after correction is made;

2178 (c) Suspension or revocation of a certificate or
2179 license by another state shall result in immediate suspension or
2180 revocation and shall continue until records in the prior state
2181 have been cleared;

2182 (d) The license holder has been convicted, has pled
2183 guilty or entered a plea of nolo contendere to a felony, as
2184 defined by federal or state law;

2185 (e) The license holder has been convicted, has pled
2186 guilty or entered a plea of nolo contendere to a sex offense, as
2187 defined by federal or state law; or

2188 (f) The license holder knowingly and willfully
2189 committing any of the acts affecting validity of mandatory uniform
2190 test results as provided in Section 37-16-4(1).

2191 (13) (a) Dismissal or suspension of a licensed employee by
2192 a local school board pursuant to Section 37-9-59 may result in the
2193 suspension or revocation of a license for a length of time which
2194 shall be determined by the commission and based upon the severity
2195 of the offense.

2196 (b) Any offense committed or attempted in any other
2197 state shall result in the same penalty as if committed or
2198 attempted in this state.

2199 (c) A person may voluntarily surrender a license. The
2200 surrender of such license may result in the commission
2201 recommending any of the above penalties without the necessity of a
2202 hearing. However, any such license which has voluntarily been
2203 surrendered by a licensed employee may only be reinstated by a
2204 majority vote of all members of the commission present at the
2205 meeting called for such purpose.

2206 (14) A person whose license has been suspended on any
2207 grounds except criminal grounds may petition for reinstatement of
2208 the license after one (1) year from the date of suspension, or
2209 after one-half (1/2) of the suspended time has lapsed, whichever
2210 is greater. A license suspended or revoked on the criminal
2211 grounds may be reinstated upon petition to the commission filed
2212 after expiration of the sentence and parole or probationary period
2213 imposed upon conviction. A revoked, suspended or surrendered
2214 license may be reinstated upon satisfactory showing of evidence of
2215 rehabilitation. The commission shall require all who petition for
2216 reinstatement to furnish evidence satisfactory to the commission
2217 of good character, good mental, emotional and physical health and

2218 such other evidence as the commission may deem necessary to
2219 establish the petitioner's rehabilitation and fitness to perform
2220 the duties authorized by the license.

2221 (15) Reporting procedures and hearing procedures for dealing
2222 with infractions under this section shall be promulgated by the
2223 commission, subject to the approval of the State Superintendent of
2224 Public Education. The revocation or suspension of a license shall
2225 be effected at the time indicated on the notice of suspension or
2226 revocation. The commission shall immediately notify the
2227 superintendent of the school district or school board where the
2228 teacher or administrator is employed of any disciplinary action
2229 and also notify the teacher or administrator of such revocation or
2230 suspension and shall maintain records of action taken. The State
2231 Superintendent of Public Education may reverse or remand with
2232 instructions any decision of the commission regarding a petition
2233 for reinstatement of a license, and any such decision of the State
2234 Superintendent of Public Education shall be final.

2235 (16) An appeal from the action of the State Superintendent
2236 of Public Education in denying an application, revoking or
2237 suspending a license or otherwise disciplining any person under
2238 the provisions of this section shall be filed in the Chancery
2239 Court of the First Judicial District of Hinds County on the record
2240 made, including a verbatim transcript of the testimony at the
2241 hearing. The appeal shall be filed within thirty (30) days after
2242 notification of the action of the superintendent is mailed or
2243 served and the proceedings in chancery court shall be conducted as
2244 other matters coming before the court. The appeal shall be
2245 perfected upon filing notice of the appeal and by the prepayment
2246 of all costs, including the cost of preparation of the record of
2247 the proceedings by the State Superintendent of Public Education,
2248 and the filing of a bond in the sum of Two Hundred Dollars
2249 (\$200.00) conditioned that if the action of the state
2250 superintendent is affirmed by the chancery court, the applicant or

2251 license holder shall pay the costs of the appeal and the action of
2252 the chancery court.

2253 (17) All such programs, rules, regulations, standards and
2254 criteria recommended or authorized by the commission shall become
2255 effective upon approval by the State Superintendent of Public
2256 Education as designated by appropriate orders entered upon the
2257 minutes thereof.

2258 (18) The granting of a license shall not be deemed a
2259 property right nor a guarantee of employment in any public school
2260 district. A license is a privilege indicating minimal eligibility
2261 for teaching in the public schools of Mississippi. This section
2262 shall in no way alter or abridge the authority of local school
2263 districts to require greater qualifications or standards of
2264 performance as a prerequisite of initial or continued employment
2265 in such districts.

2266 (19) In addition to the reasons specified in subsections
2267 (12) and (13) of this section, the state superintendent may
2268 suspend the license of any licensee for being out of compliance
2269 with an order for support, as defined in Section 93-11-153. The
2270 procedure for suspension of a license for being out of compliance
2271 with an order for support, and the procedure for the reissuance or
2272 reinstatement of a license suspended for that purpose, and the
2273 payment of any fees for the reissuance or reinstatement of a
2274 license suspended for that purpose, shall be governed by Section
2275 93-11-157 or 93-11-163, as the case may be. Actions taken by the
2276 superintendent in suspending a license when required by Section
2277 93-11-157 or 93-11-163 are not actions from which an appeal may be
2278 taken under this section. Any appeal of a license suspension that
2279 is required by Section 93-11-157 or 93-11-163 shall be taken in
2280 accordance with the appeal procedure specified in Section
2281 93-11-157 or 93-11-163, as the case may be, rather than the
2282 procedure specified in this section. If there is any conflict
2283 between any provision of Section 93-11-157 or 93-11-163 and any

2284 provision of this chapter, the provisions of Section 93-11-157 or
2285 93-11-163, as the case may be, shall control.

2286 **SECTION 16.** Section 37-3-4, Mississippi Code of 1972, is
2287 amended as follows:

2288 37-3-4. (1) There is established within the State
2289 Department of Education, the School Executive Management
2290 Institute. The director shall be appointed by the State
2291 Superintendent of Public Education * * *. The State
2292 Superintendent of Public Education * * * shall assign sufficient
2293 staff members from the State Department of Education to the
2294 institute.

2295 (2) It shall be the purpose and duty of the institute to
2296 conduct thorough empirical studies and analyses of the school
2297 management needs of the local school districts throughout the
2298 state, to make recommendations to the State Superintendent of
2299 Public Education regarding standards and programs of training that
2300 aid in the development of administrative and management skills of
2301 local school administrators, and to conduct such programs related
2302 to these purposes as they are implemented under guidelines
2303 established by the State Superintendent of Public Education.

2304 (3) The State Superintendent of Public Education shall
2305 develop and implement through the School Executive Management
2306 Institute a program for the development of administrative and
2307 management skills of local school administrators under which all
2308 local school administrators shall be required to participate.
2309 Subject to the extent of appropriations available for such
2310 purpose, the School Executive Management Institute or the
2311 Mississippi School Boards Association shall be required to offer
2312 courses at least twice a year on the uses of technology to
2313 principals, superintendents and other administrative personnel.
2314 These courses shall relate to the application of technology to
2315 learning, as well as administrative problems.

2316 (4) (a) The institute shall have an advisory board composed
2317 of ten (10) qualified members appointed by the State
2318 Superintendent of Public Education * * *. This advisory board
2319 will offer recommendations to the institute on the types of
2320 training to be instituted and supported. The membership of the
2321 advisory board shall be composed of the following members, two (2)
2322 to be appointed from each congressional district: three (3)
2323 school administrators; one (1) representative of public
2324 community/junior colleges within the state; one (1) representative
2325 of a school of education in an institution of higher learning
2326 within the state; two (2) local school board members; one (1)
2327 classroom teacher; and two (2) lay persons. In making the initial
2328 appointments, three (3) members shall be appointed for a term of
2329 one (1) year, three (3) members shall be appointed for a term of
2330 two (2) years, two (2) members shall be appointed for a term of
2331 three (3) years, and two (2) members shall be appointed for a term
2332 of four (4) years. Thereafter, all members shall be appointed for
2333 a term of four (4) years. The advisory board shall meet when
2334 called by the director, but in no event fewer than three (3) times
2335 per year. The members of the advisory board shall be compensated
2336 at the per diem rate authorized by Section 25-3-69 and reimbursed
2337 for actual and necessary expenses as authorized by Section
2338 25-3-41.

2339 (b) Board members of the Oxford-Lafayette Business and
2340 Industrial Complex shall be paid per diem and reimbursed for
2341 expenses and mileage from local funds in accordance with Section
2342 37-6-13.

2343 (5) (a) Basic Education Course. Subject to the extent of
2344 appropriations available for such purpose, the School Executive
2345 Management Institute of the State Department of Education shall
2346 prepare and conduct a course of training for basic education for
2347 the local school board members of this state, in order for board
2348 members to carry out their duties more effectively and be exposed

2349 to new ideas involving school restructuring. The basic course
2350 shall be known as the "School Board Member Training Course" and
2351 shall consist of at least twelve (12) hours of training. The
2352 School Executive Management Institute shall issue certificates of
2353 completion to those school board members who complete the basic
2354 education course.

2355 (b) Continuing Education Course. The Mississippi
2356 School Boards Association shall be responsible for preparing and
2357 conducting a course of training for continuing education for the
2358 local school board members of this state, in order for board
2359 members to carry out their duties more effectively and be exposed
2360 to new ideas involving school restructuring. The continuing
2361 education course shall be known as the "Continuing Education
2362 Course for School Board Members" and shall consist of at least six
2363 (6) hours of training.

2364 The Mississippi School Boards Association shall issue
2365 certificates of completion to those school board members who
2366 complete the continuing education course. All costs and expenses
2367 for preparing and conducting the continuing education course
2368 provided for in this paragraph shall be paid out of any funds
2369 which are made available to the Mississippi School Boards
2370 Association upon authorization and appropriation by the
2371 Legislature to the State Department of Education.

2372 (6) The Mississippi School Boards Association shall prepare
2373 and submit a report each year to the State Superintendent of
2374 Public Education and to the respective Chairs of the House and
2375 Senate Education Committees describing the activities and
2376 providing an evaluation of the continuing education programs
2377 offered by the association each year.

2378 (7) The School Executive Management Institute of the State
2379 Department of Education, or the Mississippi School Boards
2380 Association with the oversight of the State Superintendent of
2381 Public Education, at least twice a year, shall prepare and conduct

2382 required courses of training for continuing education for the
2383 elementary and secondary school principals of this state, in order
2384 for principals to carry out their duties more effectively and be
2385 exposed to new ideas involving school management. The continuing
2386 education course shall be known as the "Continuing Education
2387 Course for Principals" and shall consist of at least six (6) hours
2388 of training. The content of the continuing education courses and
2389 the time and place such courses are to be conducted shall be
2390 determined by the School Executive Management Institute or the
2391 Mississippi School Boards Association; however, to the extent
2392 practicable, such training sessions shall be held within
2393 geographical proximity of local districts in order that travel
2394 times and costs shall not be prohibitive.

2395 The institute shall issue certificates of completion to those
2396 principals who complete such courses. All costs and expenses for
2397 preparing and conducting the basic and continuing education
2398 courses provided for in this subsection shall be paid out of any
2399 funds which are made available to the institute upon authorization
2400 and appropriation by the Legislature.

2401 (8) In the event any school district meets Level 4 or 5
2402 accreditation requirements, the State Superintendent of Public
2403 Education, in its discretion, may exempt the school
2404 superintendents, principals and other administrators of such
2405 school district from the provisions of this section.

2406 **SECTION 17.** Section 37-3-5, Mississippi Code of 1972, is
2407 amended as follows:

2408 37-3-5. The State Department of Education is hereby charged
2409 with the execution of all laws relating to the administrative,
2410 supervisory and consultative services to the public schools and
2411 agricultural high schools of the State of Mississippi. The State
2412 Department of Education is also authorized to grant property to
2413 public schools and agricultural high schools of the State of
2414 Mississippi.

2415 * * * The administration, management and control of the
2416 department is * * * vested in the State Superintendent of Public
2417 Education, who shall be directly responsible for the rightful
2418 functioning thereof.

2419 **SECTION 18.** Section 37-3-8, Mississippi Code of 1972, is
2420 amended as follows:

2421 37-3-8. The State Department of Education shall conduct the
2422 following studies and shall report its findings to the State
2423 Superintendent of Public Education * * *, and the superintendent
2424 shall submit these reports to the next regular session of the
2425 Legislature together with any corrective action taken and with
2426 recommendations for any further corrective action that might be
2427 required. The studies shall be updated on an annual basis to
2428 determine the effectiveness of the corrective action which has
2429 been taken:

2430 (a) Teaching out of field. A study shall be conducted
2431 to determine the extent to which teachers are teaching out of
2432 their fields of certification; the conditions that promote such a
2433 practice; and the most appropriate remedies to the problem.

2434 (b) Mastery of subject matter and learning skills. A
2435 study shall be conducted to determine the extent to which children
2436 master one (1) level of course work before being advanced to the
2437 next level; what may be done to assure that progression from one
2438 (1) level to another is properly sequenced; and what steps are now
2439 being taken to assure that children are progressing satisfactorily
2440 toward mastery of the material under study.

2441 **SECTION 19.** Section 37-3-11, Mississippi Code of 1972, is
2442 amended as follows:

2443 37-3-11.

2444 * * *

2445 (1) * * * The State Superintendent of Public Education shall
2446 perform the duties assigned to him by statute, and he shall have
2447 the following duties:

2448 * * *

2449 (a) To be the chief administrative officer of the State
2450 Department of Education;

2451 * * *

2452 (b) To keep a complete record of all official acts of
2453 the state superintendent * * *;

2454 (c) To prepare, have printed and furnish all officers
2455 charged with the administration of the laws pertaining to the
2456 public schools, such blank forms and books as may be necessary to
2457 the proper discharge of their duties, said printing to be paid for
2458 out of funds provided by the Legislature;

2459 (d) To have printed in pamphlet form the laws
2460 pertaining to the public schools and publish therein forms for
2461 conducting school business, the rules and regulations for the
2462 government of schools that the State Superintendent * * * may
2463 recommend, and such other matters as may be deemed worthy of
2464 public interest pertaining to the public schools, said printing to
2465 be paid for out of funds provided by the Legislature;

2466 (e) To meet all superintendents annually at such time
2467 and place as the State Superintendent shall appoint for the
2468 purpose of accumulating facts relative to schools, to review the
2469 educational progress made in the various sections of the state, to
2470 compare views, discuss problems, hear discussions and suggestions
2471 relative to examinations and qualifications of teachers, methods
2472 of instruction, textbooks, summer schools for teachers, visitation
2473 of schools, consolidation of schools, health work in the schools,
2474 vocational education and other matters pertaining to the public
2475 school system;

2476 (f) To advise all superintendents upon all matters
2477 involving the welfare of the schools, and at the request of any
2478 superintendent to give an opinion upon a written statement of
2479 facts on all questions and controversies arising out of the
2480 interpretation and construction of the school laws, in regard to

2481 rights, powers and duties of school officers and superintendents,
2482 and to keep a record of all such decisions. Before giving any
2483 opinion, the superintendent may submit the statement of facts to
2484 the Attorney General, and it shall be the duty of the Attorney
2485 General forthwith to examine such statement and suggest the proper
2486 decision to be made upon such fact;

2487 (g) To require annually, and as often as the State
2488 Superintendent may deem proper, of all superintendents, detailed
2489 reports on the educational business of the various districts;

2490 (h) On or before January 10 in each year to
2491 prepare * * * and have printed the annual report of the state
2492 superintendent to the Legislature showing:

2493 (1) The receipts and disbursements of all school
2494 funds handled by the State Department of Education;

2495 (2) The number of school districts, school
2496 teachers employed, school administrators employed, pupils taught
2497 and the attendance record of pupils therein;

2498 (3) County and district levies for each school
2499 district and agricultural high school;

2500 (4) The condition of vocational education, a list
2501 of schools to which federal and state aid has been given, and a
2502 detailed statement of the expenditures of federal funds and the
2503 state funds that may be provided, and the ranking of subjects
2504 taught as compared with the state's needs;

2505 (5) Such general matters, information and
2506 recommendations as relate, in the superintendent's opinion, to the
2507 educational interests of the state;

2508 (i) To determine the number of educable children in the
2509 several school districts under rules and regulations prescribed by
2510 the State Superintendent of Public Education.

2511 * * *

2512 **SECTION 20.** Section 37-3-13, Mississippi Code of 1972, is
2513 amended as follows:

2514 37-3-13.

2515 * * *

2516 (1) From and after July 1, 1984, the deputy superintendents,
2517 associate superintendents and directors shall be selected by and
2518 hold office subject to the will of the State Superintendent of
2519 Public Education * * *. All other personnel shall be
2520 competitively appointed by the State Superintendent and shall be
2521 dismissed only for cause in accordance with the rules and
2522 regulations of the State Personnel Board. The State
2523 Superintendent of Public Education shall set the salary of the
2524 deputy superintendents, associate superintendents and divisional
2525 directors, and the members of the teaching staffs and employees of
2526 the Mississippi School of the Arts. The State Superintendent,
2527 subject to the approval of the State Personnel Board, shall fix
2528 the amount of compensation of all other employees of the State
2529 Department of Education. All salaries, compensation or expenses
2530 of any of the personnel of the department shall be paid upon the
2531 requisition of the State Superintendent of Public Education and
2532 warrant issued thereunder by the State Auditor out of funds
2533 appropriated by the Legislature in a lump sum upon the basis of
2534 budgetary requirements submitted by the Superintendent of
2535 Education or out of funds otherwise made available. The entire
2536 expense of administering the department shall never exceed the
2537 amount appropriated therefor, plus funds received from other
2538 sources other than state appropriations. For a violation of this
2539 provision, the superintendent shall be liable, and he and the
2540 sureties on his bond shall be required to restore any such excess.

2541 **SECTION 21.** Section 37-3-25, Mississippi Code of 1972, is
2542 amended as follows:

2543 37-3-25. (1) The Director of the Division of Vocational and
2544 Technical Education of the State Department of Education who shall
2545 be an associate state superintendent of education shall be
2546 appointed by the State Superintendent of Public Education. The

2547 director's salary shall be set by the State Superintendent of
2548 Public Education subject to the approval of the State Personnel
2549 Board. His salary, compensation, travel expenses or other
2550 expenses shall be provided for out of any funds made available for
2551 such purpose by the Legislature, the federal government, or other
2552 gifts or grants. The director shall be responsible to the State
2553 Superintendent of Public Education for the proper administration
2554 of the programs of vocational and technical education in
2555 conformity with the policies adopted by the State Superintendent
2556 of Public Education and shall be responsible for appointing any
2557 necessary supervisors, assistants, and employees to assist in
2558 carrying out the programs of vocational and technical education.
2559 The director shall have the authority to employ, compensate,
2560 terminate, promote, demote, transfer or reprimand employees of the
2561 division. The salary and compensation of such employees shall be
2562 subject to the rules and regulations adopted and promulgated by
2563 the State Personnel Board as created under Section 25-9-101 et
2564 seq.

2565 (2) The Director of the Division of Vocational and Technical
2566 Education, subject to the approval of the State Superintendent of
2567 Public Education, shall have charge of and be responsible for
2568 vocational and technical education training in:

- 2569 (a) Agriculture;
- 2570 (b) Occupational and consumer home economics;
- 2571 (c) Consumer and homemaking education;
- 2572 (d) Trades and industry;
- 2573 (e) Distributive education;
- 2574 (f) Secondary adult education;
- 2575 (g) Teacher training and supervision;
- 2576 (h) Business and office;
- 2577 (i) Health;
- 2578 (j) Industrial arts;
- 2579 (k) Guidance services;

2580 (1) Technical education;
2581 (m) Cooperative education; and
2582 (n) All other specialized training not requiring a
2583 bachelors degree, with the exception of programs of nursing
2584 education regulated under the provisions of Section 37-129-1.

2585 **SECTION 22.** Section 37-3-49, Mississippi Code of 1972, is
2586 amended as follows:

2587 37-3-49. (1) The State Department of Education shall
2588 provide an instructional program and establish guidelines and
2589 procedures for managing such program in the public schools as part
2590 of the State Program of Educational Accountability and Assessment
2591 of Performance as prescribed in Section 37-3-46. Public school
2592 districts may (a) elect to adopt the instructional program and
2593 management system provided by the State Department of Education,
2594 or (b) elect to adopt an instructional program and management
2595 system which meets or exceeds criteria established by the State
2596 Department of Education for such. This provision shall begin with
2597 the courses taught in Grades K-8 which contain skills tested
2598 through the Mississippi Basic Skills Assessment Program and shall
2599 proceed through all secondary school courses mandated for
2600 graduation and all secondary school courses in the Mississippi
2601 end-of-course testing program. Other state core objectives must
2602 be included in the district's instructional program as they are
2603 provided by the State Department of Education along with
2604 instructional practices, resources, evaluation items and
2605 management procedures. Districts are encouraged to adapt this
2606 program and accompanying procedures to all other instructional
2607 areas. The department shall provide that such program and
2608 guidelines, or a program and guidelines developed by a local
2609 school district which incorporates the core objectives from the
2610 curriculum structure are enforced through the performance-based
2611 accreditation system. It is the intent of the Legislature that
2612 every effort be made to protect the instructional time in the

2613 classroom and reduce the amount of paperwork which must be
2614 completed by teachers. The State Department of Education shall
2615 take steps to insure that school districts properly use staff
2616 development time to work on the districts' instructional
2617 management plans.

2618 (2) The State Department of Education shall provide such
2619 instructional program and management guidelines which shall
2620 require for every public school district that:

2621 (a) All courses taught in Grades K-8 which contain
2622 skills which are tested through the Mississippi Basic Skills
2623 Assessment Program, all secondary school courses mandated for
2624 graduation, and all courses in the end-of-course testing program
2625 shall include the State Department of Education's written list of
2626 learning objectives.

2627 (b) The local school board must adopt the objectives
2628 that will form the core curriculum which will be systematically
2629 delivered throughout the district.

2630 (c) The set of objectives provided by the State
2631 Department of Education must be accompanied by suggested
2632 instructional practices and resources that would help teachers
2633 organize instruction so as to promote student learning of the
2634 objectives. Objectives added by the school district must also be
2635 accompanied by suggested instructional practices and resources
2636 that would help teachers organize instruction. The instructional
2637 practices and resources that are identified are to be used as
2638 suggestions and not as requirements that teachers must follow. The
2639 goal of the program is to have students to achieve the desired
2640 objective and not to limit teachers in the way they teach.

2641 (d) Standards for student performance must be
2642 established for each core objective in the local program and those
2643 standards establish the district's definition of mastery for each
2644 objective.

2645 (e) There shall be an annual review of student
2646 performance in the instructional program against locally
2647 established standards. When weaknesses exist in the local
2648 instructional program, the district shall take action to improve
2649 student performance.

2650 (3) The State Superintendent of Public Education and the
2651 board of trustees of each school district shall adopt policies to
2652 limit and reduce the number and length of written reports that
2653 classroom teachers are required to prepare.

2654 (4) This section shall not be construed to limit teachers
2655 from using their own professional skills to help students master
2656 instructional objectives, nor shall it be construed as a call for
2657 more detailed or complex lesson plans or any increase in testing
2658 at the local school district level.

2659 (5) In the event any school district meets Level 4 or 5
2660 accreditation requirements, the State Superintendent of Public
2661 Education may, in his discretion, exempt such school district from
2662 the provisions of this section.

2663 **SECTION 23.** Section 37-3-53, Mississippi Code of 1972, is
2664 amended as follows:

2665 37-3-53. Each school year, the State Superintendent of
2666 Public Education, acting through the Office of Educational
2667 Accountability, shall develop a public school reporting system, or
2668 "Mississippi Report Card," on the performance of students and
2669 schools at the local, district and state level. In developing the
2670 report card, the Office of Educational Accountability shall
2671 collect school, district and state level student achievement data
2672 in the appropriate grades as designated by the State
2673 Superintendent of Public Education in all core subjects, and
2674 compare the data with national standards to identify students'
2675 strengths and weaknesses. The Mississippi Report Card shall
2676 provide more than reports to parents on the level at which their
2677 children are performing; the report shall provide clear and

2678 comparable public information on the level at which schools,
2679 school districts and the state public education system are
2680 performing. The Office of Educational Accountability shall
2681 encourage local school districts and the general public to use
2682 Mississippi Report Card information along with local individual
2683 student data to assess the quality of instructional programs and
2684 the performance of schools and to plan and implement programs of
2685 instructional improvement.

2686 Beginning with the 1998-1999 school year, the Mississippi
2687 Report Card shall include information, as compiled by the Office
2688 of Compulsory School Attendance Enforcement, which demonstrates
2689 clearly the absenteeism and dropout rates in each school district
2690 and the state and whether those rates reflect a positive or
2691 negative change from the same information as reported in the
2692 previous year's Mississippi Report Card.

2693 **SECTION 24.** Section 37-3-59, Mississippi Code of 1972, is
2694 amended as follows:

2695 37-3-59. (1) The school boards of all school districts may
2696 establish, maintain and operate, in connection with the
2697 kindergarten program of said district, a summer kindergarten
2698 program for Grade 1 readiness for those pupils making
2699 unsatisfactory progress during the regular kindergarten session.
2700 The summer kindergarten program may be held within such school
2701 district or may be operated by two (2) or more adjacent school
2702 districts, or may be operated by a community/junior college or by
2703 a public or private university or college, pursuant to a contract
2704 approved by the State Superintendent of Public Education.
2705 Transportation for students attending the summer kindergarten
2706 program shall be the responsibility of the local school district.
2707 The expense of establishing, maintaining and operating such summer
2708 kindergarten program may be paid from funds contributed or
2709 otherwise made available to the school district for such purpose

2710 from state appropriation, or otherwise, or from local district
2711 maintenance funds.

2712 (2) The school boards of all school districts may establish,
2713 maintain and operate a summer developmental program for those
2714 students making unsatisfactory progress in Grades 1, 2, 3, 4, 5 or
2715 6, during the first two (2) semesters. Such summer programs shall
2716 be open to those students who are not required to attend summer
2717 classes, but have had difficulty in the first two (2) trimesters,
2718 and shall be open to those students who desire enrichment. The
2719 summer developmental programs may be held within such school
2720 district or may be operated by two (2) or more adjacent school
2721 districts, or may be operated by a community/junior college or by
2722 a public or private university or college, pursuant to a contract
2723 approved by the State Superintendent of Public Education.
2724 Transportation for students required to attend the summer program
2725 for Grades 1-6 shall be the responsibility of the local school
2726 district(s). The expense of establishing, maintaining and
2727 operating such summer program may be paid from funds contributed
2728 or made available to the school district for such purpose from
2729 state appropriation, or otherwise, or from local district
2730 maintenance funds.

2731 (3) The school boards of all school districts a may
2732 establish, maintain and operate a summer developmental program for
2733 those students making unsatisfactory progress in core curriculum
2734 courses in Grades 7 and 8, during the preceding school year. The
2735 summer developmental programs may be held within such school
2736 district or may be operated by two (2) or more adjacent school
2737 districts, or may be operated by a community/junior college or by
2738 a public or private university or college, pursuant to a contract
2739 approved by the State Superintendent of Public Education.
2740 Transportation for students required to attend the summer program
2741 for Grades 7 and 8 shall be the responsibility of the local school
2742 district. The expense of establishing, maintaining and operating

2743 such summer program may be paid from funds contributed or made
2744 available to the school district for such purpose from state
2745 appropriation, or otherwise, or from local district maintenance
2746 funds.

2747 **SECTION 25.** Section 37-3-61, Mississippi Code of 1972, is
2748 amended as follows:

2749 37-3-61. The State Superintendent of Public Education may
2750 provide for the establishment of an Alliance for Families program
2751 for the purpose of mobilizing public and parental support for
2752 education and to strengthen communication between the school,
2753 student and parents. The program's goal shall be to increase
2754 student success in Mississippi public schools, K-12, by generating
2755 focused, effective parent involvement. The objectives of the
2756 program shall be as follows:

2757 (a) To engage parents in supporting the schools and
2758 their children's education.

2759 (b) To implement effective home-school communication
2760 systems which allow parents to be kept well informed about the
2761 school and their children's progress.

2762 (c) To train school administrators on successful
2763 strategies for involving parents both at home and at school and in
2764 developing community support for the schools.

2765 (d) To train teachers on successful strategies for
2766 communicating with parents and teaching parents to reinforce
2767 skills being learned at school.

2768 (e) To promote reading as the key curricular activity
2769 for parental focus.

2770 (f) To involve the business, medical and religious
2771 communities in supporting the schools through direct assistance,
2772 and to develop positive public relations for the schools in the
2773 community.

2774 (g) Publication of a resource manual to assist schools
2775 and school districts in implementation of Alliance for Families
2776 program.

2777 **SECTION 26.** Section 37-3-71, Mississippi Code of 1972, is
2778 amended as follows:

2779 37-3-71. All students in all school districts are eligible
2780 to participate in the Alliance for Families program. The number
2781 of school districts that may participate shall be determined by
2782 the amount of funding. The State Superintendent of Public
2783 Education shall evaluate the Alliance for Families program in
2784 participating school districts and shall report to the Legislature
2785 and the Governor on or before August 1, 1993, identifying
2786 exemplary programs and making recommendations regarding methods
2787 and criteria for funding such programs.

2788 **SECTION 27.** Section 37-3-73, Mississippi Code of 1972, is
2789 amended as follows:

2790 37-3-73. The State Superintendent of Public Education shall
2791 establish an awards program to reward parents for becoming
2792 involved in school improvement efforts. A process shall be
2793 established which shall include, but not be limited to, the
2794 designation of a parent of the year in every school district in
2795 the state and the designation of one (1) "Parent of the Year"
2796 statewide.

2797 **SECTION 28.** Section 37-3-75, Mississippi Code of 1972, is
2798 amended as follows:

2799 37-3-75. The State Superintendent of Public Education shall
2800 establish and design a program of awards for exemplary performing
2801 public schools. The purpose of the awards program shall be to
2802 stimulate innovation and improvement in student achievement
2803 through the provision of awards to schools.

2804 The superintendent shall establish criteria and guidelines
2805 for making awards to exemplary performing public schools.

2806 The superintendent, in conjunction with the Governor, shall
2807 reward schools for exemplary performance and bring best practices
2808 to the attention of other schools. The awards shall include
2809 public recognition by the board and the Governor and the awarding
2810 of plaques, certificates, etc. for schools that perform well. The
2811 superintendent shall have flexibility to recognize not only entire
2812 schools but also to recognize exemplary programs within a school.

2813 **SECTION 29.** Section 37-3-83, Mississippi Code of 1972, is
2814 amended as follows:

2815 37-3-83. (1) There is established within the State
2816 Department of Education, using only existing staff and resources,
2817 a School Safety Grant Program, available to all eligible public
2818 school districts, to assist in financing programs to provide
2819 school safety. However, no monies from the Temporary Assistance
2820 for Needy Families grant may be used for the School Safety Grant
2821 Program.

2822 (2) The school board of each school district, with the
2823 assistance of the State Department of Education School Safety
2824 Center, shall adopt a comprehensive local school district school
2825 safety plan and shall update the plan on an annual basis.

2826 (3) Subject to the extent of appropriations available, the
2827 School Safety Grant Program shall offer any of the following
2828 specific preventive services, and other additional services
2829 appropriate to the most current school district school safety
2830 plan:

2831 (a) Metal detectors;

2832 (b) Video surveillance cameras, communications
2833 equipment and monitoring equipment for classrooms, school
2834 buildings, school grounds and school buses;

2835 (c) Crisis management/action teams responding to school
2836 violence;

2837 (d) Violence prevention training, conflict resolution
2838 training, and other appropriate training designated by the State
2839 Department of Education for faculty and staff; and

2840 (e) School safety personnel.

2841 (4) Each local school district of this state may annually
2842 apply for school safety grant funds subject to appropriations by
2843 the Legislature. School safety grants shall include a base grant
2844 amount plus an additional amount per student in average daily
2845 attendance in the school or school district. The base grant
2846 amount and amount per student shall be determined by the State
2847 Superintendent of Public Education, subject to specific
2848 appropriation therefor by the Legislature. In order to be
2849 eligible for such program, each local school board desiring to
2850 participate shall apply to the State Department of Education by
2851 May 31 before the beginning of the applicable fiscal year on forms
2852 provided by the department, and shall be required to establish a
2853 local School Safety Task Force to involve members of the community
2854 in the school safety effort. The State Department of Education
2855 shall determine by July 1 of each succeeding year which local
2856 school districts have submitted approved applications for school
2857 safety grants.

2858 (5) As part of the School Safety Grant Program, the State
2859 Department of Education may conduct a pilot program to research
2860 the feasibility of using video camera equipment in the classroom
2861 to address the following:

2862 (a) Determine if video cameras in the classroom reduce
2863 student disciplinary problems;

2864 (b) Enable teachers to present clear and convincing
2865 evidence of a student's disruptive behavior to the student, the
2866 principal, the school district superintendent and the student's
2867 parents; and

2868 (c) Enable teachers to review teaching performance and
2869 receive diagnostic feedback for developmental purposes.

2870 (6) Any local school district may use
2871 audio/visual-monitoring equipment in classrooms, hallways,
2872 buildings, grounds and buses for the purpose of monitoring school
2873 disciplinary problems.

2874 (7) The State Department of Education shall report annually
2875 to the Chairmen of the Education Committees in the House of
2876 Representatives and Senate on the operation of the School Safety
2877 Center and the School Safety Grant Program, along with any
2878 recommendations for expansion or revision of the program.

2879 **SECTION 30.** Section 37-3-85, Mississippi Code of 1972, is
2880 amended as follows:

2881 37-3-85. (1) The Legislature finds that:

2882 (a) Students who are serious behavior problems in
2883 school are at risk of becoming juvenile and adult offenders;

2884 (b) Growing numbers of children live in conditions that
2885 place them at risk of school failure;

2886 (c) The provision of school and support services to
2887 these children and their families by public and nonprofit agencies
2888 is fragmented and does not prepare these children to learn
2889 effectively and have a successful school experience;

2890 (d) The lack of collaboration among schools, families,
2891 local agencies and other groups involved in family support and
2892 youth development activities results in the inefficient and
2893 ineffective use of resources to meet the needs of these children;

2894 (e) Schools are dedicating an increasing amount of
2895 their time and resources to responding to disruptive and violent
2896 behavior rather than fulfilling their mission to challenge with
2897 high expectations each child to learn, to achieve and to fulfill
2898 his or her potential;

2899 (f) Responding to the needs of students who are at risk
2900 of school failure and providing for a safe and secure learning
2901 environment are cost-effective because it enables the state to

2902 substitute preventive measures for expensive crisis intervention;
2903 and

2904 (g) Differing local needs and local resources
2905 necessitate the development of locally generated, community-based
2906 plans that coordinate and leverage existing resources, not the
2907 imposition of uniform and inflexible, state-mandated plans.

2908 (2) There is hereby established within the State Department
2909 of Education the Support Our Students (S.O.S.) program. The
2910 purpose of the program is to award grants to neighborhood- and
2911 community-based organizations to establish local S.O.S. programs
2912 that provide high quality after-school mentoring activities for
2913 school-aged children and provide for comprehensive, collaborative
2914 delivery of mentoring services by public and nonpublic agencies to
2915 these children. These services shall be designed to enrich and
2916 make a positive impact on the lives of school-aged children.
2917 These after-school activities may include activities after the
2918 regular school day and activities on days that students are not
2919 required to attend school.

2920 (3) The goals of the S.O.S. program are to:

2921 (a) Reduce juvenile crime in local communities served
2922 by the program;

2923 (b) Recruit community volunteers to provide positive
2924 adult role models for school-aged children and to help supervise
2925 after-school activities;

2926 (c) Reduce the number of students who are unsupervised
2927 after school, otherwise known as "latchkey" children;

2928 (d) Improve the academic performance of students
2929 participating in the program;

2930 (e) Meet the physical, intellectual, emotional and
2931 social needs of students participating in the program and improve
2932 their attitudes and behavior; and

2933 (f) Improve coordination of existing resources and
2934 enhance collaboration so as to provide services to school-aged
2935 children effectively and efficiently.

2936 (4) As used in this section, "school-aged children" means
2937 children enrolled in kindergarten through the ninth grade.

2938 (5) The State Department of Education shall develop and
2939 implement the Support Our Students (S.O.S.) program. The
2940 department shall:

2941 (a) Sponsor a statewide conference each year for teams
2942 of interested representatives to provide background information
2943 and assistance regarding all aspects of the program;

2944 (b) Disseminate information regarding the program to
2945 interested neighborhood and community groups;

2946 (c) Develop and disseminate a request for applications
2947 to establish local S.O.S. programs;

2948 (d) Provide initial technical assistance to grant
2949 applicants and ongoing technical assistance as grants are
2950 implemented;

2951 (e) Administer funds appropriated by the Legislature;

2952 (f) Monitor the grants funded;

2953 (g) Revoke a grant if necessary or appropriate;

2954 (h) Develop and implement a performance-based
2955 evaluation system to evaluate the program;

2956 (i) Report on the program implementation to the
2957 Legislature and the Office of the Governor;

2958 (j) Adopt any rules necessary to implement this
2959 section.

2960 (6) A community- or neighborhood-based 501(c)(3) entity or a
2961 consortium consisting of one or more local 501(c)(3) entities and
2962 one or more local school districts may apply for a grant.

2963 (7) Applicants for grants shall submit to the State
2964 Department of Education an application that includes the following
2965 information:

2966 (a) Identification of one or more neighborhoods to be
2967 served by the local S.O.S. program, based on a needs assessment of
2968 existing conditions for school-aged children to be served. Data
2969 used in the needs assessment may include for each neighborhood to
2970 be served by a local program (i) dropout statistics, (ii) the
2971 number and percentage of school-aged children who participate in
2972 the federal subsidized lunch program, (iii) the number of
2973 suspensions and expulsions involving school-aged children, (iv)
2974 the number of children to be served, (v) the number and percentage
2975 of students with two (2) working parents or one (1) single parent
2976 to be served at a site; (vi) the incidence of juvenile crime in
2977 the neighborhood, and (vii) any other relevant or unique local
2978 demographic data.

2979 Local authorities shall provide this or related information
2980 on a timely basis to local 501(c)(3) entities submitting
2981 applications to establish local S.O.S. programs;

2982 (b) A three-year plan that addresses data used in the
2983 needs assessment and that includes proposed goals and anticipated
2984 outcomes of the local S.O.S. program. The plan shall be prepared
2985 after consultation with local after-school programs, schools,
2986 community organizations or groups which have as their purpose
2987 assisting or helping school-aged children who are at risk of
2988 failing in school or entering the juvenile justice system, or
2989 other appropriate groups. In addition, the three-year plan shall
2990 provide for regular collaborative efforts to seek input and advice
2991 from parents of the students being served and from other citizens
2992 who reflect the demographic conditions of the students being
2993 served;

2994 (c) A statement of how grant funds would be used to
2995 address local problems and what other resources would be used to
2996 address the problems. This statement should include a list of
2997 services to be offered that are related to the goals and outcomes

2998 and should include plans for recruiting volunteers to assist in
2999 the program's activities; and

3000 (d) A process for assessing on an annual basis the
3001 success of the local plan for addressing the goals of the local
3002 S.O.S. program.

3003 (8) The department shall develop and disseminate a request
3004 for applications and establish procedures to be followed in
3005 developing and submitting applications to establish local S.O.S.
3006 programs and administering grants to establish local S.O.S.
3007 programs.

3008 In reviewing grant applications, the State Superintendent of
3009 Public Education shall consider the prevalence of under-served
3010 students and families in low-income neighborhoods and in isolated
3011 rural areas in the area for which the grant is requested, the
3012 severity of the local problems with regard to children at risk of
3013 school failure and with regard to school discipline, whether the
3014 proposed program meets state standards, and the likelihood that
3015 the locally designed plan will deal with the problems
3016 successfully. During the review process, the state superintendent
3017 may recommend modifications in grant applications to applicants.
3018 The state superintendent shall determine which applicants should
3019 receive grants and the amount they should receive.

3020 In selecting grant recipients, the State Superintendent of
3021 Public Education shall consider (a) * * * the geographic location
3022 of the applicants and (b) the demographic profile of the
3023 applicants. After considering these factors, the State
3024 Superintendent of Public Education shall give priority to grant
3025 applications that will serve areas that have a high incidence of
3026 juvenile crime and that propose different approaches that can
3027 serve as models for other communities. The State Superintendent
3028 of Public Education shall select the grant recipients prior to
3029 July 1, 1995, for local programs that will be in operation at the

3030 beginning of the 1995-1996 school year, and prior to July 1 and
3031 thereafter for the appropriate school year.

3032 A grant recipient may request a modification of a grant or
3033 additional funds to implement a grant through the grant
3034 application process. The request shall be reviewed and accepted
3035 or rejected in the same manner as a grant application.

3036 (9) The State Department of Education shall administer the
3037 grant program under the direction of the State Superintendent of
3038 Public Education. The State Department of Education shall provide
3039 technical assistance to grant applicants and recipients.

3040 (10) All agencies of the state and local government,
3041 including departments of human services, health departments, local
3042 mental health, mental retardation, court personnel, law
3043 enforcement agencies and cities and counties shall cooperate with
3044 the State Department of Education and local school boards that
3045 receive grants in coordinating the S.O.S. program at the state
3046 level and in implementing the S.O.S. program at the local level.

3047 (11) The Department of Education shall develop and implement
3048 an evaluation system, under the direction of the State
3049 Superintendent of Public Education, that will assess the
3050 efficiency and effectiveness of the S.O.S. program. However,
3051 private schools shall not be included under the provisions of this
3052 act.

3053 **SECTION 31.** Section 37-3-87, Mississippi Code of 1972, is
3054 amended as follows:

3055 37-3-87. (1) The State Department of Education may
3056 establish a student vision screening program to make eye screening
3057 services available to students in Grades K-12 in the public
3058 schools in order to detect vision problems which can lead to
3059 academic problems. Such eye screening service shall be based on a
3060 process that is screening in nature, and not diagnostic, which is
3061 intended to identify with a reasonably high probability, students
3062 with a wide range of eye problems who should seek the services of

3063 an eye care professional for examination, diagnosis and corrective
3064 recommendation. Such eye screening service shall provide each
3065 student screened with a report of the student's screening results
3066 to be taken home. Each school shall be provided with a list of
3067 the students screened, and their results. Statistical summaries
3068 of the screening results shall be provided to each school, and
3069 composite statistics by school system, county or district shall be
3070 provided to the State Department of Education. The State
3071 Department of Education may contract with any legal entity to
3072 administer the student vision screening program on the school
3073 district level, and such contract shall be let on a competitive
3074 basis. State funding for said program shall only be available
3075 subject to appropriation by the Legislature.

3076 (2) The school board of any local school district shall
3077 cooperate with the State Department of Education and any entity
3078 under contract with the department to implement the student vision
3079 screening program established under this section.

3080 (3) Before September 1, 1996, an advisory committee for the
3081 student vision screening program comprised of six (6) eye care
3082 professionals shall be appointed. The Governor, Lieutenant
3083 Governor and Speaker of the House of Representatives each shall
3084 appoint one (1) member from a list of nominees submitted by the
3085 Mississippi Optometric Association and one (1) member from a list
3086 of nominees submitted by the Mississippi Eye, Ear, Nose and Throat
3087 Association, so that the advisory committee consists of three (3)
3088 representatives from each organization. The members of the
3089 committee shall serve for a term of four (4) years, to run
3090 concurrent with the term of the Governor after the expiration of
3091 the initial term.

3092 In order to protect the health, safety and welfare of
3093 students as related to eye care, the advisory committee shall
3094 review the procedures, methodology and nature of the vision
3095 screening services offered under any contract entered into by the

3096 State Department of Education for the administration of the
3097 student vision screening program. Any advisory opinions adopted
3098 by the committee on the vision screening process may be submitted
3099 to the State Superintendent of Public Education and the State
3100 Board of Health for consideration or any appropriate action.

3101 The advisory committee shall determine the times and
3102 locations of its meetings. Members of the advisory committee
3103 shall serve without compensation.

3104 **SECTION 32.** Section 37-3-89, Mississippi Code of 1972, is
3105 amended as follows:

3106 37-3-89. The State Superintendent of Public Education,
3107 acting through the Commission on Teacher and Administrator
3108 Education, Certification and Licensure and Development, shall
3109 require each educator preparation program in the state, as a
3110 condition for approval, to include a course or courses on school
3111 discipline or classroom management as a required part of the
3112 teacher education program. All school discipline or classroom
3113 management courses offered by a teacher education program shall be
3114 approved by the Educator License Commission.

3115 **SECTION 33.** Section 37-3-95, Mississippi Code of 1972, is
3116 amended as follows:

3117 37-3-95. (1) Subject to the availability of funding for
3118 such purpose, the State Superintendent of Public Education shall
3119 employ within the State Department of Education or, in the
3120 alternative, contract with the Mississippi Military Department for
3121 a statewide coordinator for Junior Reserve Officer Training Corps
3122 (JROTC) programs in the public schools. If employed by the State
3123 Department of Education, the JROTC statewide coordinator must be
3124 an active or retired member of the military and must meet any
3125 additional qualifications that may be established for the position
3126 by the State Superintendent of Public Education or State Personnel
3127 Board.

3128 (2) The following are the powers and duties of the JROTC
3129 statewide coordinator:

3130 (a) To coordinate training of new JROTC instructors and
3131 continuing education programs for certified instructors;

3132 (b) To facilitate communication between JROTC programs
3133 in the various public schools;

3134 (c) To assist in organizing competitions among JROTC
3135 units from different high schools;

3136 (d) To assist in the development of the JROTC
3137 curriculum;

3138 (e) To compile information on scholarships available to
3139 JROTC participants and to solicit support for such scholarships;

3140 (f) To assist in establishing support groups for
3141 parents of students participating in a JROTC program;

3142 (g) To solicit and accept financial support for JROTC
3143 programs from private sector donors;

3144 (h) To promote the involvement of JROTC units within
3145 their local communities;

3146 (i) To facilitate interaction between JROTC units and
3147 the Mississippi National Guard and Mississippi Air National Guard;

3148 (j) To promote, in general, the JROTC program in high
3149 schools throughout the state;

3150 (k) To assist local schools with the application
3151 process for establishing new JROTC programs in high schools; and

3152 (l) To perform such other duties relating to the JROTC
3153 program established by the State Superintendent of Public
3154 Education * * *.

3155 **SECTION 34.** Section 37-6-13, Mississippi Code of 1972, is
3156 amended as follows:

3157 37-6-13. (1) Each person serving as a member of the school
3158 board of any school district shall receive per diem in the amount
3159 of Sixty-seven Dollars (\$67.00) for no more than thirty-six (36)
3160 meetings of the school board during any one (1) fiscal year or, in

3161 his or her discretion, irrevocably may choose to receive as
3162 compensation for his or her services an annual salary in the
3163 amount of Two Thousand Four Hundred Dollars (\$2,400.00), which
3164 choice shall remain in force for all successive terms or periods
3165 of service of that member. The receipt of the compensation shall
3166 not entitle any member of a school board to receive or be eligible
3167 for any state employee group insurance, retirement or other fringe
3168 benefits. Each member shall be reimbursed for the necessary
3169 expenses and mileage in attending meetings of the school board.
3170 In addition to the foregoing, all members may be reimbursed for
3171 mileage and actual expenses incurred in the further performance of
3172 their duties, including attendance at any mandatory school board
3173 training session or at regional and national education meetings,
3174 when such mileage and other expenses are authorized by the board
3175 prior to the date on which they occur. Detailed vouchers shall be
3176 submitted for reimbursement for all expenses authorized by this
3177 section. Such reimbursement shall be in accordance with Section
3178 25-3-41.

3179 Such expenses shall be paid on order of the school board by
3180 pay certificates issued by the superintendent of the school
3181 district involved against the funds available for payment of the
3182 administrative expense of the district.

3183 (2) (a) If a member of a school board misses twenty percent
3184 (20%) or more of the meetings of the school board during a
3185 calendar year, except for absences caused by required military
3186 duty, the member must reimburse the school district that portion
3187 of the total salary paid to the member that year which is
3188 proportionate to the number of meetings missed by the member in
3189 relation to the total number of school board meetings held during
3190 that year. For purposes of this subsection, consideration may be
3191 given only to meetings of which public notice is required.

3192 (b) Before February 1 of each year, the president of
3193 each local school board shall submit a report to the State

3194 Superintendent of Public Education containing the names of any
3195 members of the school board who missed twenty percent (20%) or
3196 more of the school board meetings during the preceding calendar
3197 year.

3198 **SECTION 35.** Section 37-7-105, Mississippi Code of 1972, is
3199 amended as follows:

3200 37-7-105. (1) In cases where two (2) or more school boards
3201 determine that it is appropriate that their existing boundaries be
3202 altered to provide better service to students, each school board
3203 shall enter on its minutes the legal description of new district
3204 lines and shall publish the order altering such districts in some
3205 newspaper published and having a general circulation in such
3206 district(s) once each week for three (3) consecutive weeks, which
3207 said order shall be duly certified by the president of said school
3208 board. If no newspaper be published in said school district, then
3209 such order shall be published for the required time in some
3210 newspaper having a general circulation therein, and, in addition,
3211 a copy of said order shall be posted for the required time at
3212 three (3) public places in the school district. The order so
3213 published shall contain a provision giving notice that said order
3214 shall become final thirty (30) days after the first publication of
3215 said notice unless a petition is filed protesting against same
3216 within such time. In the event no such petition be filed, the
3217 said order shall become final at said time. However, in the event
3218 twenty percent (20%) or fifteen hundred (1500), whichever is less,
3219 of the qualified electors of any school district altered by such
3220 order shall file a petition with the school board, within thirty
3221 (30) days after the first publication of said notice, protesting
3222 against the alteration of such district, then an election shall be
3223 called and held, on order of the school board, by the county
3224 election commission(s), after publication of legal notice of such
3225 election, which said election shall be held within thirty (30)
3226 days after the first publication of the notice of such election.

3227 At such election the question shall be submitted to the qualified
3228 electors of the district or districts in which a petition is filed
3229 as to whether or not such district or districts shall be altered
3230 as provided in the said order of the school board. If a majority
3231 of those voting in said election in each district affected and
3232 from which a petition is filed shall vote in favor of the order of
3233 the school board then such order shall become final. If a
3234 majority of those voting in said election in any district from
3235 which a petition is filed shall vote against the order of the
3236 school board then such order shall be void and of no effect and no
3237 further attempt to make the proposed change in such district shall
3238 be made for a period of at least two (2) years after the date of
3239 said election.

3240 (2) When the orders of all boards adopting the new lines
3241 have been entered and are final, all orders shall be submitted to
3242 and considered by the State Superintendent of Public Education as
3243 prescribed in Section 37-7-113, Mississippi Code of 1972. If the
3244 new lines are approved by the State Superintendent of Public
3245 Education, the new district lines shall be submitted to the
3246 Attorney General of the United States for preclearance or to the
3247 United States District Court for the District of Columbia for a
3248 declaratory judgment in accordance with the provisions of the
3249 Voting Rights Act of 1965, as amended and extended. In the event
3250 the change in the school district lines are either precleared by
3251 the United States Department of Justice, or approved by the United
3252 States District Court, the State Superintendent of Public
3253 Education shall formally declare the new lines as the new
3254 boundaries of the school districts.

3255 (3) Should two (2) or more school districts determine that
3256 they wish to consolidate, the following actions shall be taken by
3257 the districts to perfect this consolidation: (a) each board shall
3258 state its intent to consolidate with the other district or
3259 districts by passing a resolution of the board to that effect and

3260 spreading it on the minutes of the districts; and (b) each school
3261 board shall publish the order consolidating such districts in some
3262 newspaper having a general circulation in such district(s) once
3263 each week for three (3) consecutive weeks, which said order shall
3264 be duly certified by the president of said school board. The
3265 order so published shall contain a provision giving notice that
3266 said order shall become final thirty (30) days after the first
3267 publication of said notice unless a petition is filed protesting
3268 against same within such time. In the event no such petition be
3269 filed, the said order shall become final on said date. However,
3270 in the event twenty percent (20%) or fifteen hundred (1500),
3271 whichever is less, of the qualified electors of any one (1) of the
3272 school districts affected by the proposed consolidation shall file
3273 a petition with the applicable school board, within thirty (30)
3274 days after the first publication of said notice, protesting
3275 against the consolidation of such district or districts, then an
3276 election shall be called and held in such school districts where
3277 petitions were filed, on order of the school board, by the county
3278 election commission(s), after publication of legal notice of such
3279 election, which said election shall be held within thirty (30)
3280 days after the first publication of the notice of such election.
3281 At such election the question shall be submitted to the qualified
3282 electors of any district or districts in which petitions were
3283 filed as to whether or not such district or districts shall be
3284 consolidated as provided in the said order of the school boards.
3285 If a majority of those voting in said election shall vote in favor
3286 of the order of the school boards then such order shall become
3287 final. Should less than a majority of the electors of any single
3288 school district vote in favor of the adoption of the proposed
3289 consolidation, such school district shall not participate in any
3290 voluntary consolidation as authorized in this subsection, and the
3291 proposed consolidation plan adopted by such districts shall be
3292 void.

3293 After the order of the local school boards becomes final, it
3294 shall be submitted to and considered by the State Superintendent
3295 of Public Education. If approved by the State Superintendent of
3296 Public Education, the consolidation shall be submitted by the
3297 local school boards to the appropriate federal agencies for
3298 approval. After all preclearance has been received, the State
3299 Superintendent of Public Education shall declare the new
3300 boundaries of the consolidated school district and all action
3301 shall proceed as outlined under law using the new boundaries.

3302 Upon preclearance of such consolidation, all school boards
3303 shall approve a joint resolution for the election of five (5) new
3304 board members from single member districts as provided by law.
3305 These elections shall be scheduled prior to May 1 of the year in
3306 which the consolidation is to become effective. The new
3307 consolidated district shall become effective on July 1 of that
3308 same year. The superintendent of any district created through
3309 consolidation shall be appointed if all of the school districts
3310 which are consolidating had previously appointed their
3311 superintendents. The superintendent of any district created
3312 through consolidation shall be elected if all of the school
3313 districts which are consolidating had previously elected their
3314 superintendents. In the event two (2) or more school districts
3315 consolidating under the provisions of this section shall have
3316 previously appointed one or more superintendents and elected the
3317 remainder, the superintendent shall be elected or appointed in
3318 accordance with the method utilized by the consolidating school
3319 district or districts with the larger or largest student
3320 populations. The superintendent shall begin work as the
3321 superintendent on July 1 of such year when the consolidation
3322 becomes effective. The order to consolidate shall invalidate the
3323 contracts of the superintendents of the preceding districts and
3324 shall terminate the term of the superintendent if that person was
3325 elected. The order to consolidate shall invalidate the term of

3326 any school board member beyond July 1 of that year whether they
3327 are elected or appointed. Any school board member from any school
3328 district may be eligible to run for election to the new
3329 consolidated school board.

3330 Each school board shall be responsible for establishing the
3331 contracts for teachers and principals for the next school year
3332 with the consultation of the successor school board if they have
3333 been selected at the time such decisions are to be made. The
3334 selection of administrator in the central administration office
3335 shall be the responsibility of the successor school board. No
3336 existing dates for renewal of contracts shall invalidate the
3337 responsibility of the successor school board in taking such
3338 action. The successor school board may enter into these contracts
3339 at any time following their election, but no later than July 1 of
3340 that year. It shall also be the responsibility of the successor
3341 school board to prepare and approve the budget of the new
3342 district. The successor school board may use staff from the
3343 existing districts to prepare the budget. The school board shall
3344 have authority to approve the budget prior to the July 1 date and
3345 shall follow the time line established for budget preparation
3346 under the law. Should either district at the time of
3347 consolidation have more liabilities than assets, then the
3348 successor school board shall be authorized to levy an ad valorem
3349 tax upon the taxable property in the territory of the district
3350 where the deficit exists, a tax not to exceed five percent (5%) of
3351 the existing tax levy for the sole purpose of reducing the
3352 deficit. When the deficit is eliminated, then such tax levy shall
3353 be terminated. Any taxes levied to bring about the equalization
3354 of funding, to equalize pay scales or levied in the territory of a
3355 newly created district where a deficit exists, shall constitute a
3356 "new program" for the purposes of ad valorem tax limitations as
3357 prescribed in Sections 27-39-321 and 37-57-107, Mississippi Code
3358 of 1972.

3359 **SECTION 36.** Section 37-7-113, Mississippi Code of 1972, is
3360 amended as follows:

3361 37-7-113. Notwithstanding any of the foregoing provisions,
3362 it is hereby expressly provided that no order of the school board
3363 reorganizing, abolishing or altering any school district, whether
3364 same be taken with or without a petition therefor, shall be final
3365 unless and until said proposed reorganization, alteration or
3366 abolition shall be submitted to and approved by the State
3367 Superintendent of Public Education. In the event the proposed
3368 action shall be disapproved by the State Superintendent of Public
3369 Education, the same shall be void and of no effect. In the event
3370 of the filing of any petitions with the school board under the
3371 provisions of said sections, the school board shall verify same
3372 and make a determination of whether same are signed by the
3373 requisite number of qualified electors. The finding of the school
3374 board upon such question shall be final and conclusive for the
3375 purpose of the submission of said matter to the State
3376 Superintendent of Public Education and the approval or disapproval
3377 of the action by the superintendent.

3378 **SECTION 37.** Section 37-7-115, Mississippi Code of 1972, is
3379 amended as follows:

3380 37-7-115. Any person aggrieved by an order of the school
3381 board adopted under any of the foregoing provisions may appeal
3382 therefrom within ten (10) days from the date of the adjournment of
3383 the meeting at which such order is entered. Said appeal shall be
3384 taken in the same manner as appeals are taken from judgments or
3385 decisions of the board of supervisors as provided in Section
3386 11-51-75, Mississippi Code of 1972, the provisions of which shall
3387 be fully applicable to appeals taken hereunder. The State
3388 Superintendent of Public Education shall not pass upon or approve
3389 or disapprove any such order until the time for an appeal
3390 therefrom shall have expired, nor shall said superintendent pass

3391 upon or approve or disapprove any such order from which an appeal
3392 is taken until said appeal shall have been finally determined.

3393 **SECTION 38.** Section 37-7-301, Mississippi Code of 1972, is
3394 amended as follows:

3395 37-7-301. The school boards of all school districts shall
3396 have the following powers, authority and duties in addition to all
3397 others imposed or granted by law, to wit:

3398 (a) To organize and operate the schools of the district
3399 and to make such division between the high school grades and
3400 elementary grades as, in their judgment, will serve the best
3401 interests of the school;

3402 (b) To introduce public school music, art, manual
3403 training and other special subjects into either the elementary or
3404 high school grades, as the board shall deem proper;

3405 (c) To be the custodians of real and personal school
3406 property and to manage, control and care for same, both during the
3407 school term and during vacation;

3408 (d) To have responsibility for the erection, repairing
3409 and equipping of school facilities and the making of necessary
3410 school improvements;

3411 (e) To suspend or to expel a pupil or to change the
3412 placement of a pupil to the school district's alternative school
3413 or home-bound program for misconduct in the school or on school
3414 property, as defined in Section 37-11-29, on the road to and from
3415 school, or at any school-related activity or event, or for conduct
3416 occurring on property other than school property or other than at
3417 a school-related activity or event when such conduct by a pupil,
3418 in the determination of the school superintendent or principal,
3419 renders that pupil's presence in the classroom a disruption to the
3420 educational environment of the school or a detriment to the best
3421 interest and welfare of the pupils and teacher of such class as a
3422 whole, and to delegate such authority to the appropriate officials
3423 of the school district;

3424 (f) To visit schools in the district, in their
3425 discretion, in a body for the purpose of determining what can be
3426 done for the improvement of the school in a general way;

3427 (g) To support, within reasonable limits, the
3428 superintendent, principal and teachers where necessary for the
3429 proper discipline of the school;

3430 (h) To exclude from the schools students with what
3431 appears to be infectious or contagious diseases; provided,
3432 however, such student may be allowed to return to school upon
3433 presenting a certificate from a public health officer, duly
3434 licensed physician or nurse practitioner that the student is free
3435 from such disease;

3436 (i) To require those vaccinations specified by the
3437 State Health Officer as provided in Section 41-23-37, Mississippi
3438 Code of 1972;

3439 (j) To see that all necessary utilities and services
3440 are provided in the schools at all times when same are needed;

3441 (k) To authorize the use of the school buildings and
3442 grounds for the holding of public meetings and gatherings of the
3443 people under such regulations as may be prescribed by said board;

3444 (l) To prescribe and enforce rules and regulations not
3445 inconsistent with law or with the regulations of the State
3446 Superintendent of Public Education for their own government and
3447 for the government of the schools, and to transact their business
3448 at regular and special meetings called and held in the manner
3449 provided by law;

3450 (m) To maintain and operate all of the schools under
3451 their control for such length of time during the year as may be
3452 required;

3453 (n) To enforce in the schools the courses of study and
3454 the use of the textbooks prescribed by the proper authorities;

3455 (o) To make orders directed to the superintendent of
3456 schools for the issuance of pay certificates for lawful purposes

3457 on any available funds of the district and to have full control of
3458 the receipt, distribution, allotment and disbursement of all funds
3459 provided for the support and operation of the schools of such
3460 school district whether such funds be derived from state
3461 appropriations, local ad valorem tax collections, or otherwise.
3462 The local school board shall be authorized and empowered to
3463 promulgate rules and regulations that specify the types of claims
3464 and set limits of the dollar amount for payment of claims by the
3465 superintendent of schools to be ratified by the board at the next
3466 regularly scheduled meeting after payment has been made;

3467 (p) To select all school district personnel in the
3468 manner provided by law, and to provide for such employee fringe
3469 benefit programs, including accident reimbursement plans, as may
3470 be deemed necessary and appropriate by the board;

3471 (q) To provide athletic programs and other school
3472 activities and to regulate the establishment and operation of such
3473 programs and activities;

3474 (r) To join, in their discretion, any association of
3475 school boards and other public school-related organizations, and
3476 to pay from local funds other than minimum foundation funds, any
3477 membership dues;

3478 (s) To expend local school activity funds, or other
3479 available school district funds, other than minimum education
3480 program funds, for the purposes prescribed under this paragraph.
3481 "Activity funds" shall mean all funds received by school officials
3482 in all school districts paid or collected to participate in any
3483 school activity, such activity being part of the school program
3484 and partially financed with public funds or supplemented by public
3485 funds. The term "activity funds" shall not include any funds
3486 raised and/or expended by any organization unless commingled in a
3487 bank account with existing activity funds, regardless of whether
3488 the funds were raised by school employees or received by school
3489 employees during school hours or using school facilities, and

3490 regardless of whether a school employee exercises influence over
3491 the expenditure or disposition of such funds. Organizations shall
3492 not be required to make any payment to any school for the use of
3493 any school facility if, in the discretion of the local school
3494 governing board, the organization's function shall be deemed to be
3495 beneficial to the official or extracurricular programs of the
3496 school. For the purposes of this provision, the term
3497 "organization" shall not include any organization subject to the
3498 control of the local school governing board. Activity funds may
3499 only be expended for any necessary expenses or travel costs,
3500 including advances, incurred by students and their chaperons in
3501 attending any in-state or out-of-state school-related programs,
3502 conventions or seminars and/or any commodities, equipment, travel
3503 expenses, purchased services or school supplies which the local
3504 school governing board, in its discretion, shall deem beneficial
3505 to the official or extracurricular programs of the district,
3506 including items which may subsequently become the personal
3507 property of individuals, including yearbooks, athletic apparel,
3508 book covers and trophies. Activity funds may be used to pay
3509 travel expenses of school district personnel. The local school
3510 governing board shall be authorized and empowered to promulgate
3511 rules and regulations specifically designating for what purposes
3512 school activity funds may be expended. The local school governing
3513 board shall provide (i) that such school activity funds shall be
3514 maintained and expended by the principal of the school generating
3515 the funds in individual bank accounts, or (ii) that such school
3516 activity funds shall be maintained and expended by the
3517 superintendent of schools in a central depository approved by the
3518 board. The local school governing board shall provide that such
3519 school activity funds be audited as part of the annual audit
3520 required in Section 37-9-18. The State Auditor shall prescribe a
3521 uniform system of accounting and financial reporting for all
3522 school activity fund transactions;

3523 (t) To contract, on a shared savings, lease or
3524 lease-purchase basis, for energy efficiency services and/or
3525 equipment as provided for in Section 31-7-14, not to exceed ten
3526 (10) years;

3527 (u) To maintain accounts and issue pay certificates on
3528 school food service bank accounts;

3529 (v) (i) To lease a school building from an individual,
3530 partnership, nonprofit corporation or a private for-profit
3531 corporation for the use of such school district, and to expend
3532 funds therefor as may be available from any nonminimum program
3533 sources. The school board of the school district desiring to
3534 lease a school building shall declare by resolution that a need
3535 exists for a school building and that the school district cannot
3536 provide the necessary funds to pay the cost or its proportionate
3537 share of the cost of a school building required to meet the
3538 present needs. The resolution so adopted by the school board
3539 shall be published once each week for three (3) consecutive weeks
3540 in a newspaper having a general circulation in the school district
3541 involved, with the first publication thereof to be made not less
3542 than thirty (30) days prior to the date upon which the school
3543 board is to act on the question of leasing a school building. If
3544 no petition requesting an election is filed prior to such meeting
3545 as hereinafter provided, then the school board may, by resolution
3546 spread upon its minutes, proceed to lease a school building. If
3547 at any time prior to said meeting a petition signed by not less
3548 than twenty percent (20%) or fifteen hundred (1500), whichever is
3549 less, of the qualified electors of the school district involved
3550 shall be filed with the school board requesting that an election
3551 be called on the question, then the school board shall, not later
3552 than the next regular meeting, adopt a resolution calling an
3553 election to be held within such school district upon the question
3554 of authorizing the school board to lease a school building. Such
3555 election shall be called and held, and notice thereof shall be

3556 given, in the same manner for elections upon the questions of the
3557 issuance of the bonds of school districts, and the results thereof
3558 shall be certified to the school board. If at least three-fifths
3559 (3/5) of the qualified electors of the school district who voted
3560 in such election shall vote in favor of the leasing of a school
3561 building, then the school board shall proceed to lease a school
3562 building. The term of the lease contract shall not exceed twenty
3563 (20) years, and the total cost of such lease shall be either the
3564 amount of the lowest and best bid accepted by the school board
3565 after advertisement for bids or an amount not to exceed the
3566 current fair market value of the lease as determined by the
3567 averaging of at least two (2) appraisals by certified general
3568 appraisers licensed by the State of Mississippi. The term "school
3569 building" as used in this paragraph (v)(i) shall be construed to
3570 mean any building or buildings used for classroom purposes in
3571 connection with the operation of schools and shall include the
3572 site therefor, necessary support facilities, and the equipment
3573 thereof and appurtenances thereto such as heating facilities,
3574 water supply, sewage disposal, landscaping, walks, drives and
3575 playgrounds. The term "lease" as used in this paragraph (v)(i)
3576 may include a lease/purchase contract;

3577 (ii) If two (2) or more school districts propose
3578 to enter into a lease contract jointly, then joint meetings of the
3579 school boards having control may be held but no action taken shall
3580 be binding on any such school district unless the question of
3581 leasing a school building is approved in each participating school
3582 district under the procedure hereinabove set forth in paragraph
3583 (v)(i). All of the provisions of paragraph (v)(i) regarding the
3584 term and amount of the lease contract shall apply to the school
3585 boards of school districts acting jointly. Any lease contract
3586 executed by two (2) or more school districts as joint lessees
3587 shall set out the amount of the aggregate lease rental to be paid
3588 by each, which may be agreed upon, but there shall be no right of

3589 occupancy by any lessee unless the aggregate rental is paid as
3590 stipulated in the lease contract. All rights of joint lessees
3591 under the lease contract shall be in proportion to the amount of
3592 lease rental paid by each;

3593 (w) To employ all noninstructional and noncertificated
3594 employees and fix the duties and compensation of such personnel
3595 deemed necessary pursuant to the recommendation of the
3596 superintendent of schools;

3597 (x) To employ and fix the duties and compensation of
3598 such legal counsel as deemed necessary;

3599 (y) Subject to rules and regulations of the State
3600 Superintendent of Public Education, to purchase, own and operate
3601 trucks, vans and other motor vehicles, which shall bear the proper
3602 identification required by law;

3603 (z) To expend funds for the payment of substitute
3604 teachers and to adopt reasonable regulations for the employment
3605 and compensation of such substitute teachers;

3606 (aa) To acquire in its own name by purchase all real
3607 property which shall be necessary and desirable in connection with
3608 the construction, renovation or improvement of any public school
3609 building or structure. Whenever the purchase price for such real
3610 property is greater than Fifty Thousand Dollars (\$50,000.00), the
3611 school board shall not purchase the property for an amount
3612 exceeding the fair market value of such property as determined by
3613 the average of at least two (2) independent appraisals by
3614 certified general appraisers licensed by the State of Mississippi.
3615 If the board shall be unable to agree with the owner of any such
3616 real property in connection with any such project, the board shall
3617 have the power and authority to acquire any such real property by
3618 condemnation proceedings pursuant to Section 11-27-1 et seq.,
3619 Mississippi Code of 1972, and for such purpose, the right of
3620 eminent domain is hereby conferred upon and vested in said board.
3621 Provided further, that the local school board is authorized to

3622 grant an easement for ingress and egress over sixteenth section
3623 land or lieu land in exchange for a similar easement upon
3624 adjoining land where the exchange of easements affords substantial
3625 benefit to the sixteenth section land; provided, however, the
3626 exchange must be based upon values as determined by a competent
3627 appraiser, with any differential in value to be adjusted by cash
3628 payment. Any easement rights granted over sixteenth section land
3629 under such authority shall terminate when the easement ceases to
3630 be used for its stated purpose. No sixteenth section or lieu land
3631 which is subject to an existing lease shall be burdened by any
3632 such easement except by consent of the lessee or unless the school
3633 district shall acquire the unexpired leasehold interest affected
3634 by the easement;

3635 (bb) To charge reasonable fees related to the
3636 educational programs of the district, in the manner prescribed in
3637 Section 37-7-335;

3638 (cc) Subject to rules and regulations of the State
3639 Superintendent of Public Education, to purchase relocatable
3640 classrooms for the use of such school district, in the manner
3641 prescribed in Section 37-1-13;

3642 (dd) Enter into contracts or agreements with other
3643 school districts, political subdivisions or governmental entities
3644 to carry out one or more of the powers or duties of the school
3645 board, or to allow more efficient utilization of limited resources
3646 for providing services to the public;

3647 (ee) To provide for in-service training for employees
3648 of the district. Until June 30, 1994, the school boards may
3649 designate two (2) days of the minimum school term, as defined in
3650 Section 37-19-1, for employee in-service training for
3651 implementation of the new statewide testing system as developed by
3652 the State Superintendent of Public Education. Such designation
3653 shall be subject to approval by the State Superintendent of Public
3654 Education pursuant to uniform rules and regulations;

3655 (ff) As part of their duties to prescribe the use of
3656 textbooks, to provide that parents and legal guardians shall be
3657 responsible for the textbooks and for the compensation to the
3658 school district for any books which are not returned to the proper
3659 schools upon the withdrawal of their dependent child. If a
3660 textbook is lost or not returned by any student who drops out of
3661 the public school district, the parent or legal guardian shall
3662 also compensate the school district for the fair market value of
3663 the textbooks;

3664 (gg) To conduct fund-raising activities on behalf of
3665 the school district that the local school board, in its
3666 discretion, deems appropriate or beneficial to the official or
3667 extracurricular programs of the district; provided that:

3668 (i) Any proceeds of the fund-raising activities
3669 shall be treated as "activity funds" and shall be accounted for as
3670 are other activity funds under this section; and

3671 (ii) Fund-raising activities conducted or
3672 authorized by the board for the sale of school pictures, the
3673 rental of caps and gowns or the sale of graduation invitations for
3674 which the school board receives a commission, rebate or fee shall
3675 contain a disclosure statement advising that a portion of the
3676 proceeds of the sales or rentals shall be contributed to the
3677 student activity fund;

3678 (hh) To allow individual lessons for music, art and
3679 other curriculum-related activities for academic credit or
3680 nonacademic credit during school hours and using school equipment
3681 and facilities, subject to uniform rules and regulations adopted
3682 by the school board;

3683 (ii) To charge reasonable fees for participating in an
3684 extracurricular activity for academic or nonacademic credit for
3685 necessary and required equipment such as safety equipment, band
3686 instruments and uniforms;

3687 (jj) To conduct or participate in any fund-raising
3688 activities on behalf of or in connection with a tax-exempt
3689 charitable organization;

3690 (kk) To exercise such powers as may be reasonably
3691 necessary to carry out the provisions of this section;

3692 (ll) To expend funds for the services of nonprofit arts
3693 organizations or other such nonprofit organizations who provide
3694 performances or other services for the students of the school
3695 district;

3696 (mm) To expend federal No Child Left Behind Act funds,
3697 or any other available funds that are expressly designated and
3698 authorized for that use, to pay training, educational expenses,
3699 salary incentives and salary supplements to employees of local
3700 school districts; except that incentives shall not be considered
3701 part of the local supplement as defined in Section 37-151-5(o),
3702 nor shall incentives be considered part of the local supplement
3703 paid to an individual teacher for the purposes of Section
3704 37-19-7(1). Mississippi Adequate Education Program funds or any
3705 other state funds may not be used for salary incentives or salary
3706 supplements as provided in this paragraph (mm);

3707 (nn) To use any available funds, not appropriated or
3708 designated for any other purpose, for reimbursement to the
3709 state-licensed employees from both in-state and out-of-state, who
3710 enter into a contract for employment in a school district, for the
3711 expense of moving when the employment necessitates the relocation
3712 of the licensed employee to a different geographical area than
3713 that in which the licensed employee resides before entering into
3714 the contract. The reimbursement shall not exceed One Thousand
3715 Dollars (\$1,000.00) for the documented actual expenses incurred in
3716 the course of relocating, including the expense of any
3717 professional moving company or persons employed to assist with the
3718 move, rented moving vehicles or equipment, mileage in the amount
3719 authorized for county and municipal employees under Section

3720 25-3-41 if the licensed employee used his personal vehicle or
3721 vehicles for the move, meals and such other expenses associated
3722 with the relocation. No licensed employee may be reimbursed for
3723 moving expenses under this section on more than one (1) occasion
3724 by the same school district. Nothing in this section shall be
3725 construed to require the actual residence to which the licensed
3726 employee relocates to be within the boundaries of the school
3727 district that has executed a contract for employment in order for
3728 the licensed employee to be eligible for reimbursement for the
3729 moving expenses. However, the licensed employee must relocate
3730 within the boundaries of the State of Mississippi. Any individual
3731 receiving relocation assistance through the Critical Teacher
3732 Shortage Act as provided in Section 37-159-5 shall not be eligible
3733 to receive additional relocation funds as authorized in this
3734 paragraph;

3735 (oo) To use any available funds, not appropriated or
3736 designated for any other purpose, to reimburse persons who
3737 interview for employment as a licensed employee with the district
3738 for the mileage and other actual expenses incurred in the course
3739 of travel to and from the interview at the rate authorized for
3740 county and municipal employees under Section 25-3-41;

3741 (pp) Consistent with the report of the Task Force to
3742 Conduct a Best Financial Management Practices Review, to improve
3743 school district management and use of resources and identify cost
3744 savings as established in Section 8 of Chapter 610, Laws of 2002,
3745 local school boards are encouraged to conduct independent reviews
3746 of the management and efficiency of schools and school districts.
3747 Such management and efficiency reviews shall provide state and
3748 local officials and the public with the following:

3749 (i) An assessment of a school district's
3750 governance and organizational structure;

3751 (ii) An assessment of the school district's
3752 financial and personnel management;

3753 (iii) An assessment of revenue levels and sources;
3754 (iv) An assessment of facilities utilization,
3755 planning and maintenance;
3756 (v) An assessment of food services, transportation
3757 and safety/security systems;
3758 (vi) An assessment of instructional and
3759 administrative technology;
3760 (vii) A review of the instructional management and
3761 the efficiency and effectiveness of existing instructional
3762 programs; and
3763 (viii) Recommended methods for increasing
3764 efficiency and effectiveness in providing educational services to
3765 the public;
3766 (qq) To enter into agreements with other local school
3767 boards for the establishment of an educational service agency
3768 (ESA) to provide for the cooperative needs of the region in which
3769 the school district is located, as provided in Section 37-7-345.
3770 This paragraph shall repeal on July 1, 2007;
3771 (rr) To implement a financial literacy program for
3772 students in Grades 10 and 11. The board may review the national
3773 programs and obtain free literature from various nationally
3774 recognized programs. After review of the different programs, the
3775 board may certify a program that is most appropriate for the
3776 school districts' needs. If a district implements a financial
3777 literacy program, then any student in Grade 10 or 11 may
3778 participate in the program. The financial literacy program shall
3779 include, but is not limited to, instruction in the same areas of
3780 personal business and finance as required under Section
3781 37-1-3(2)(b). The school board may coordinate with volunteer
3782 teachers from local community organizations, including, but not
3783 limited to, the following: United States Department of
3784 Agriculture Rural Development, United States Department of Housing
3785 and Urban Development, Junior Achievement, bankers and other

3786 nonprofit organizations. Nothing in this paragraph shall be
3787 construed as to require school boards to implement a financial
3788 literacy program;

3789 (ss) To collaborate with the State Superintendent of
3790 Public Education, Community Action Agencies or the Department of
3791 Human Services to develop and implement a voluntary program to
3792 provide services for a full-day prekindergarten program that
3793 addresses the cognitive, social, and emotional needs of
3794 four-year-old and three-year-old children. The school board may
3795 utilize nonstate source special funds, grants, donations or gifts
3796 to fund the voluntary program;

3797 (tt) With respect to any lawful, written obligation of
3798 a school district, including, but not limited to, leases
3799 (excluding leases of sixteenth section public school trust land),
3800 bonds, notes, or other agreement, to agree in writing with the
3801 obligee that the State Tax Commission or any state agency,
3802 department or commission created under state law may:

3803 (i) Withhold all or any part (as agreed by the
3804 school board) of any monies which such local school board is
3805 entitled to receive from time to time under any law and which is
3806 in the possession of the State Tax Commission, or any state
3807 agency, department or commission created under state law; and

3808 (ii) Pay the same over to any financial
3809 institution, trustee or other obligee, as directed in writing by
3810 the school board, to satisfy all or part of such obligation of the
3811 school district.

3812 The school board may make such written agreement to withhold
3813 and transfer funds irrevocable for the term of the written
3814 obligation and may include in the written agreement any other
3815 terms and provisions acceptable to the school board. If the
3816 school board files a copy of such written agreement with the State
3817 Tax Commission, or any state agency, department or commission
3818 created under state law then the State Tax Commission or any state

3819 agency, department or commission created under state law shall
3820 immediately make the withholdings provided in such agreement from
3821 the amounts due the local school board and shall continue to pay
3822 the same over to such financial institution, trustee or obligee
3823 for the term of the agreement.

3824 This paragraph (tt) shall not grant any extra authority to a
3825 school board to issue debt in any amount exceeding statutory
3826 limitations on assessed value of taxable property within such
3827 school district or the statutory limitations on debt maturities,
3828 and shall not grant any extra authority to impose, levy or collect
3829 a tax which is not otherwise expressly provided for, and shall not
3830 be construed to apply to sixteenth section public school trust
3831 land;

3832 (uu) With respect to any matter or transaction that is
3833 competitively bid by a school district, to accept from any bidder
3834 as a good faith deposit or bid bond or bid surety, the same type
3835 of good faith deposit or bid bond or bid surety that may be
3836 accepted by the state or any other political subdivision on
3837 similar competitively bid matters or transactions. This paragraph
3838 (uu) shall not be construed to apply to sixteenth section public
3839 school trust land. The school board may authorize the investment
3840 of any school district funds in the same kind and manner of
3841 investments, including pooled investments, as any other political
3842 subdivision, including community hospitals; and

3843 (vv) To utilize the alternate method for the conveyance
3844 or exchange of unused school buildings and/or land, reserving a
3845 partial or other undivided interest in the property, as
3846 specifically authorized and provided in Section 37-7-485,
3847 Mississippi Code of 1972.

3848 **SECTION 39.** Section 37-7-306, Mississippi Code of 1972, is
3849 amended as follows:

3850 37-7-306. (1) Every school board member selected after July
3851 1, 2002, shall have a high school diploma or its equivalent.

3852 (2) Every school board member selected after July 1, 1993,
3853 shall be required to complete a basic course of training and
3854 education for local school board members, in order for board
3855 members to carry out their duties more effectively and be exposed
3856 to new ideas involving school restructuring. Such basic course of
3857 training, approved by the State Superintendent of Public
3858 Education, shall be conducted by the School Executive Management
3859 Institute of the State Department of Education. Upon completion
3860 of the basic course of training, the School Executive Management
3861 Institute shall file a certificate of completion for the school
3862 board member with the office of the local school board. In the
3863 event that a board member fails to complete such training within
3864 six (6) months of his selection, such board member shall no longer
3865 be qualified to serve and shall be removed from office.

3866 (3) In addition to meeting the requirements of subsection
3867 (2) of this section, after taking office, each school board member
3868 shall be required to file annually in the office of the school
3869 board a certificate of completion of a course of continuing
3870 education conducted by the Mississippi School Boards Association.

3871 (4) Every school board member selected after July 1, 2002,
3872 shall spend at least one (1) full day in a school in the district
3873 they represent, without compensation.

3874 (5) Upon the failure of any local school board member to
3875 file with the school board the certificate of completion of the
3876 basic or continuing course of training as provided in subsection
3877 (2) or (3) of this section, the school board member shall be
3878 removed from office by the Attorney General. In the event of a
3879 medical or other catastrophic hardship that prevents such school
3880 board member from obtaining the required training or filing such
3881 certificate, as may be defined by the State Superintendent of
3882 Public Education by rule and regulation, an additional period of
3883 three (3) months may be allowed to satisfy the requirements of
3884 subsection (2) or (3).

3885 **SECTION 40.** Section 37-7-307, Mississippi Code of 1972, is
3886 amended as follows:

3887 37-7-307. (1) For purposes of this section, the term
3888 "licensed employee" means any employee of a public school district
3889 required to hold a valid license by the Commission on Teacher and
3890 Administrator Education, Certification and Licensure and
3891 Development.

3892 (2) The school board of a school district shall establish by
3893 rules and regulations a policy of sick leave with pay for licensed
3894 employees and teacher assistants employed in the school district,
3895 and such policy shall include the following minimum provisions for
3896 sick and emergency leave with pay:

3897 (a) Each licensed employee and teacher assistant, at
3898 the beginning of each school year, shall be credited with a
3899 minimum sick leave allowance, with pay, of seven (7) days for
3900 absences caused by illness or physical disability of the employee
3901 during that school year.

3902 (b) Any unused portion of the total sick leave
3903 allowance shall be carried over to the next school year and
3904 credited to such licensed employee and teacher assistant if the
3905 licensed employee or teacher assistant remains employed in the
3906 same school district. In the event any public school licensed
3907 employee or teacher assistant transfers from one public school
3908 district in Mississippi to another, any unused portion of the
3909 total sick leave allowance credited to such licensed employee or
3910 teacher assistant shall be credited to such licensed employee or
3911 teacher assistant in the computation of unused leave for
3912 retirement purposes under Section 25-11-109. Accumulation of sick
3913 leave allowed under this section shall be unlimited.

3914 (c) No deduction from the pay of such licensed employee
3915 or teacher assistant may be made because of absence of such
3916 licensed employee or teacher assistant caused by illness or
3917 physical disability of the licensed employee or teacher assistant

3918 until after all sick leave allowance credited to such licensed
3919 employee or teacher assistant has been used.

3920 (d) For the first ten (10) days of absence of a
3921 licensed employee because of illness or physical disability, in
3922 any school year, in excess of the sick leave allowance credited to
3923 such licensed employee, there may be deducted from the pay of such
3924 licensed employee the established substitute amount of licensed
3925 employee compensation paid in that local school district,
3926 necessitated because of the absence of the licensed employee as a
3927 result of illness or physical disability. Thereafter, the regular
3928 pay of such absent licensed employee may be suspended and withheld
3929 in its entirety for any period of absence because of illness or
3930 physical disability during that school year.

3931 (3) Beginning with the school year 1983-1984, each licensed
3932 employee at the beginning of each school year shall be credited
3933 with a minimum personal leave allowance, with pay, of two (2) days
3934 for absences caused by personal reasons during that school year.
3935 Such personal leave shall not be taken on the first day of the
3936 school term, the last day of the school term, on a day previous to
3937 a holiday or a day after a holiday, unless on such days an
3938 immediate family member of the employee is being deployed for
3939 military service. Personal leave may be used for professional
3940 purposes, including absences caused by attendance of such licensed
3941 employee at a seminar, class, training program, professional
3942 association or other functions designed for educators. No
3943 deduction from the pay of such licensed employee may be made
3944 because of absence of such licensed employee caused by personal
3945 reasons until after all personal leave allowance credited to such
3946 licensed employee has been used. However, the superintendent of a
3947 school district, in his discretion, may allow a licensed employee
3948 personal leave in addition to any minimum personal leave
3949 allowance, under the condition that there shall be deducted from
3950 the salary of such licensed employee the actual amount of any

3951 compensation paid to any person as a substitute, necessitated
3952 because of the absence of the licensed employee. Any unused
3953 portion of the total personal leave allowance up to five (5) days
3954 shall be carried over to the next school year and credited to such
3955 licensed employee if the licensed employee remains employed in the
3956 same school district.

3957 (4) Beginning with the school year 1992-1993, each licensed
3958 employee shall be credited with a professional leave allowance,
3959 with pay, for each day of absence caused by reason of such
3960 employee's statutorily required membership and attendance at a
3961 regular or special meeting held within the State of Mississippi of
3962 the State Superintendent of Public Education, the Commission on
3963 Teacher and Administrator Education, Certification and Licensure
3964 and Development, the Commission on School Accreditation, the
3965 Mississippi Authority for Educational Television, the meetings of
3966 the state textbook rating committees or other meetings authorized
3967 by local school board policy.

3968 (5) Upon retirement from employment, each licensed and
3969 nonlicensed employee shall be paid for not more than thirty (30)
3970 days of unused accumulated leave earned while employed by the
3971 school district in which the employee is last employed. Such
3972 payment for licensed employees shall be made by the school
3973 district at a rate equal to the amount paid to substitute teachers
3974 and for nonlicensed employees, the payment shall be made by the
3975 school district at a rate equal to the federal minimum wage. The
3976 payment shall be treated in the same manner for retirement
3977 purposes as a lump-sum payment for personal leave as provided in
3978 Section 25-11-103(e). Any remaining lawfully credited unused
3979 leave, for which payment has not been made, shall be certified to
3980 the Public Employees' Retirement System in the same manner and
3981 subject to the same limitations as otherwise provided by law for
3982 unused leave. No payment for unused accumulated leave may be made
3983 to either a licensed or nonlicensed employee at termination or

3984 separation from service for any purpose other than for the purpose
3985 of retirement.

3986 (6) The school board may adopt rules and regulations which
3987 will reasonably aid to implement the policy of sick and personal
3988 leave, including, but not limited to, rules and regulations having
3989 the following general effect:

3990 (a) Requiring the absent employee to furnish the
3991 certificate of a physician or dentist or other medical
3992 practitioner as to the illness of the absent licensed employee,
3993 where the absence is for four (4) or more consecutive school days,
3994 or for two (2) consecutive school days immediately preceding or
3995 following a nonschool day;

3996 (b) Providing penalties, by way of full deduction from
3997 salary, or entry on the work record of the employee, or other
3998 appropriate penalties, for any materially false statement by the
3999 employee as to the cause of absence;

4000 (c) Forfeiture of accumulated or future sick leave, if
4001 the absence of the employee is caused by optional dental or
4002 medical treatment or surgery which could, without medical risk,
4003 have been provided, furnished or performed at a time when school
4004 was not in session;

4005 (d) Enlarging, increasing or providing greater sick or
4006 personal leave allowances than the minimum standards established
4007 by this section in the discretion of the school board of each
4008 school district.

4009 (7) School boards may include in their budgets provisions
4010 for the payment of substitute employees, necessitated because of
4011 the absence of regular licensed employees. All such substitute
4012 employees shall be paid wholly from district funds, except as
4013 otherwise provided for long-term substitute teachers in Section
4014 37-19-20. Such school boards, in their discretion, also may pay,
4015 from district funds other than adequate education program funds,

4016 the whole or any part of the salaries of all employees granted
4017 leaves for the purpose of special studies or training.

4018 (8) The school board may further adopt rules and regulations
4019 which will reasonably implement such leave policies for all other
4020 nonlicensed and hourly paid school employees as the board deems
4021 appropriate.

4022 (9) Vacation leave granted to either licensed or nonlicensed
4023 employees shall be synonymous with personal leave. Unused
4024 vacation or personal leave accumulated by licensed employees in
4025 excess of the maximum five (5) days which may be carried over from
4026 one year to the next may be converted to sick leave. The annual
4027 conversion of unused vacation or personal leave to sick days for
4028 licensed or unlicensed employees shall not exceed the allowable
4029 number of personal leave days as provided in Section 25-3-93. The
4030 annual total number of converted unused vacation and/or personal
4031 days added to the annual unused sick days for any employee shall
4032 not exceed the combined allowable number of days per year provided
4033 in Sections 25-3-93 and 25-3-95. Local school board policies that
4034 provide for vacation, personal and sick leave for employees shall
4035 not exceed the provisions for leave as provided in Sections
4036 25-3-93 and 25-3-95. Any personal or vacation leave previously
4037 converted to sick leave under a lawfully adopted policy before May
4038 1, 2004, or such personal or vacation leave accumulated and
4039 available for use prior to May 1, 2004, under a lawfully adopted
4040 policy but converted to sick leave after May 1, 2004, shall be
4041 recognized as accrued leave by the local school district and
4042 available for use by the employee. The leave converted under a
4043 lawfully adopted policy prior to May 1, 2004, or such personal and
4044 vacation leave accumulated and available for use as of May 1,
4045 2004, which was subsequently converted to sick leave may be
4046 certified to the Public Employees' Retirement System upon
4047 termination of employment and any such leave previously converted

4048 and certified to the Public Employees' Retirement System shall be
4049 recognized.

4050 (10) (a) For the purposes of this subsection, the following
4051 words and phrases shall have the meaning ascribed in this
4052 paragraph unless the context requires otherwise:

4053 (i) "Catastrophic injury or illness" means a
4054 life-threatening injury or illness of an employee or a member of
4055 an employee's immediate family that totally incapacitates the
4056 employee from work, as verified by a licensed physician, and
4057 forces the employee to exhaust all leave time earned by that
4058 employee, resulting in the loss of compensation from the local
4059 school district for the employee. Conditions that are short-term
4060 in nature, including, but not limited to, common illnesses such as
4061 influenza and the measles, and common injuries, are not
4062 catastrophic. Chronic illnesses or injuries, such as cancer or
4063 major surgery, that result in intermittent absences from work and
4064 that are long-term in nature and require long recuperation periods
4065 may be considered catastrophic.

4066 (ii) "Immediate family" means spouse, parent,
4067 stepparent, sibling, child or stepchild.

4068 (b) Any school district employee may donate a portion
4069 of his or her unused accumulated personal leave or sick leave to
4070 another employee of the same or another school district who is
4071 suffering from a catastrophic injury or illness or who has a
4072 member of his or her immediate family suffering from a
4073 catastrophic injury or illness, in accordance with the following:

4074 (i) The employee donating the leave (the "donor
4075 employee") shall designate the employee who is to receive the
4076 leave (the "recipient employee") and the amount of unused
4077 accumulated personal leave and sick leave that is to be donated,
4078 and shall notify the school district superintendent or his
4079 designee of his or her designation.

4080 (ii) The maximum amount of unused accumulated
4081 personal leave that an employee may donate to any other employee
4082 may not exceed a number of days that would leave the donor
4083 employee with fewer than seven (7) days of personal leave
4084 remaining, and the maximum amount of unused accumulated sick leave
4085 that an employee may donate to any other employee may not exceed
4086 fifty percent (50%) of the unused accumulated sick leave of the
4087 donor employee.

4088 (iii) An employee must have exhausted all of his
4089 or her available leave before he or she will be eligible to
4090 receive any leave donated by another employee. Eligibility for
4091 donated leave shall be based upon review and approval by the donor
4092 employee's supervisor.

4093 (iv) Before an employee may receive donated leave,
4094 he or she must provide the school district superintendent or his
4095 designee with a physician's statement that states the beginning
4096 date of the catastrophic injury or illness, a description of the
4097 injury or illness, and a prognosis for recovery and the
4098 anticipated date that the recipient employee will be able to
4099 return to work.

4100 (v) If the total amount of leave that is donated
4101 to any employee is not used by the recipient employee, the whole
4102 days of donated leave shall be returned to the donor employees on
4103 a pro rata basis, based on the ratio of the number of days of
4104 leave donated by each donor employee to the total number of days
4105 of leave donated by all donor employees.

4106 (vi) Donated leave shall not be used in lieu of
4107 disability retirement.

4108 **SECTION 41.** Section 37-7-315, Mississippi Code of 1972, is
4109 amended as follows:

4110 37-7-315. In creating school districts under the provisions
4111 of Article 1 of this chapter, it shall not be necessary that the
4112 school board, in the order creating such districts, specify or

4113 designate the location of the school houses or attendance centers
4114 therein, and existing school buildings shall be retained as places
4115 of attendance until changed in the manner hereinafter set forth.
4116 Where any existing facilities or buildings shall not be used as
4117 attendance centers, the school board may utilize such facilities
4118 and buildings in connection with any related school activity which
4119 said school board may deem advisable.

4120 The school board of any school district shall have the power
4121 and authority to designate the locations for school buildings and
4122 attendance centers in the school district subject to its
4123 jurisdiction and to change, alter or abolish the location of such
4124 school buildings and attendance centers from time to time as may
4125 be required by the educational needs of such school district.
4126 Where students from three (3) or more school districts are in
4127 attendance at one (1) attendance center by order of the respective
4128 school boards of the school districts, the use of the attendance
4129 center shall not be changed, altered or abolished except upon
4130 order of a majority of each of the school boards of the school
4131 districts from which pupils have been in attendance at the
4132 attendance center for the scholastic year; any acts, decisions,
4133 orders or resolutions by the school board of any such school
4134 district in conflict with this provision shall be null and void.
4135 If any change or alteration of the location of a school building
4136 or attendance center shall involve the construction of new school
4137 facilities, or the making of additions to, or the major repair,
4138 alteration or renovation of existing facilities, then such change
4139 or alteration shall not be effective until same shall have been
4140 submitted to and approved by the State Superintendent of Public
4141 Education. There may be located and established in any school
4142 district as many school buildings and attendance centers as the
4143 educational needs of such district shall require. The school
4144 board of the school district shall have the power and authority to
4145 specify the attendance areas which shall be served by each school

4146 building or attendance center, and to change or alter same from
4147 time to time as necessity requires.

4148 **SECTION 42.** Section 37-7-321, Mississippi Code of 1972, is
4149 amended as follows:

4150 37-7-321. (1) The school board of any school district
4151 within the State of Mississippi, in its discretion, may employ one
4152 or more persons as security personnel and may designate such
4153 persons as peace officers in or on any property operated for
4154 school purposes by such board upon their taking such oath and
4155 making such bond as required of a constable of the county in which
4156 the school district is situated.

4157 (2) Any person employed by a school board as a security
4158 guard or school resource officer or in any other position that has
4159 the powers of a peace officer must receive a minimum level of
4160 basic law enforcement training, as jointly determined and
4161 prescribed by the Board on Law Enforcement Officer Standards and
4162 Training and the State Superintendent of Public Education, within
4163 two (2) years of the person's initial employment in such position.
4164 Upon the failure of any person employed in such position to
4165 receive the required training within the designated time, the
4166 person may not exercise the powers of a peace officer in or on the
4167 property of the school district.

4168 (3) The school board is authorized and empowered, in its
4169 discretion, and subject to the approval of the Federal
4170 Communications Commission, to install and operate a noncommercial
4171 radio broadcasting and transmission station for educational and
4172 vocational educational purposes.

4173 **SECTION 43.** Section 37-7-329, Mississippi Code of 1972, is
4174 amended as follows:

4175 37-7-329. In a school district where there are Native
4176 American children, or children of any race not otherwise provided
4177 for by law with educational advantages, sufficient to form a
4178 school, the school board may locate one or more schools

4179 exclusively for Native Americans, or children of such other race,
4180 and pay salaries of teachers for same, and provide for the
4181 transportation of the children, under rules and regulations
4182 prescribed by the State Superintendent of Public Education.
4183 Special licenses may be provided by the director of the division
4184 of instruction for teachers of Native American schools and other
4185 schools mentioned in this section.

4186 **SECTION 44.** Section 37-7-339, Mississippi Code of 1972, is
4187 amended as follows:

4188 37-7-339. (1) The school board of any local school
4189 district, in its discretion, may provide extended day and extended
4190 school year programs for kindergarten or compulsory-school-age
4191 students, or both, and may expend any funds for these purposes
4192 which are available from sources other than the adequate education
4193 program. It is not the intent of the Legislature, in enacting
4194 this section, to interfere with the Headstart program. School
4195 boards, in their discretion, may charge participants a reasonable
4196 fee for such programs.

4197 (2) The school board of any school district may adopt any
4198 orders, policies, rules or regulations with respect to instruction
4199 within that school district for which no specific provision has
4200 been made by general law and which are not inconsistent with the
4201 Mississippi Constitution of 1890, the Mississippi Code of 1972, or
4202 any order, policy, rule or regulation of the State Superintendent
4203 of Public Education; those school boards also may alter, modify
4204 and repeal any orders, policies, rules or regulations enacted
4205 under this subsection. Any such program pertaining to reading
4206 must further the goal that Mississippi students will demonstrate a
4207 growing proficiency in reading and will reach or exceed the
4208 national average within the next decade.

4209 **SECTION 45.** Section 37-7-401, Mississippi Code of 1972, is
4210 amended as follows:

4211 37-7-401. In all cases where the same shall be necessary,
4212 advantageous or desirable from the standpoint of transportation,
4213 the efficiency of operating schools, or other pertinent
4214 considerations, any school district which has been reconstituted,
4215 reorganized or created under the provisions of Article 1 of this
4216 chapter may, with the prior consent and approval of the State
4217 Superintendent of Public Education, acquire land outside of the
4218 boundaries of said school district and thereon construct, erect
4219 and equip any needed school building or other school facility of
4220 such school district. Any available state public school building
4221 funds, or any available funds derived from bonds issued by the
4222 school district for such purpose, or any other funds which are
4223 available to said school district for such purpose, may be
4224 expended for the construction, erecting and equipping of such a
4225 school building or school facility, all, however, subject to the
4226 prior consent and approval of the State Superintendent of Public
4227 Education. Any school building or school facility so constructed
4228 outside of the boundaries of the school district owning same shall
4229 be operated, managed and supervised by the school board of the
4230 school district owning same in the same manner as though the
4231 building or facility were located within the school district, and
4232 all the laws of this state concerning the operation of schools
4233 shall be fully applicable thereto, and the school board shall have
4234 the power to specify the grades which shall be taught therein.

4235 **SECTION 46.** Section 37-7-409, Mississippi Code of 1972, is
4236 amended as follows:

4237 37-7-409. (1) When any school districts shall be authorized
4238 to unite, join and cooperate in the construction, erecting and
4239 equipping of a joint school building or school facility or in the
4240 joint operation of a school erected, constructed and equipped
4241 entirely by one of such districts, any school district so
4242 authorized may, with the prior consent and approval of the State
4243 Superintendent of Public Education, expend in the construction,

4244 erecting and equipping of such joint school building or the school
4245 building which is to be jointly operated any available state
4246 public school building funds, or any available funds derived from
4247 bonds issued by such school district for such purpose, or any
4248 other funds which are otherwise available to such school district
4249 for such purpose, as is set forth and stipulated in the agreement
4250 entered into between the school districts involved. Except as is
4251 herein specifically provided all provisions of law relative to the
4252 construction, erecting and equipping of school buildings, the
4253 acquisition of land therefor, and the expenditure of funds for
4254 such purposes, shall be fully applicable to any joint school
4255 building which has been or is to be constructed, erected and
4256 equipped or which is to be operated jointly pursuant to an
4257 agreement entered into under the provisions of Section 37-7-405.

4258 (2) When a contract is made and entered into for the
4259 construction, erecting and equipping of joint school facilities or
4260 the joint operation of school facilities erected, constructed and
4261 equipped entirely by one of such districts, as provided in Section
4262 37-7-405, and where such contract has been approved by the State
4263 Superintendent of Public Education, then any funds which are
4264 available for the lawful operating and incidental expenses of a
4265 school district may be expended by such school district as
4266 provided and stipulated in the agreement entered into between the
4267 school districts involved (including, but not limited to, funds
4268 for payment of tuition, funds payable as a rental upon the use of
4269 the building and equipment, and funds for maintenance and
4270 incidental costs of operation). The levying authority for the
4271 school district, as defined in Section 37-57-1, upon receipt of a
4272 certified copy of an order adopted by the school board of the
4273 school district in the county requesting same, shall at the same
4274 time and in the same manner as other ad valorem taxes are levied,
4275 levy an annual tax in the amount fixed in such order as may be
4276 required to meet any monetary obligation incurred under such

4277 contract. Notwithstanding any statute to the contrary, such
4278 number of mills as is necessary to defray any such contractual
4279 obligation shall be levied. However, this provision shall in no
4280 way be construed to increase the number of mills now reimbursable
4281 under the homestead exemption laws of the State of Mississippi.

4282 (3) Before levying any taxes under the provisions of this
4283 section, which levy would exceed the limitations otherwise
4284 provided for school purposes, the levying authority for the school
4285 district, as defined in Section 37-57-1, shall adopt a resolution
4286 declaring its intention so to do, stating the amount of millage to
4287 be levied and the purpose for which the proceeds are to be used,
4288 and the date upon which it proposes to make such levy. Such
4289 resolution shall be published once a week for not less than three
4290 (3) consecutive weeks, in at least one (1) newspaper having
4291 general circulation in the school district. The first publication
4292 of such resolution shall be made not less than twenty-one (21)
4293 days prior to the date fixed in such resolution for the levying of
4294 taxes, and the last publication shall be made not more than seven
4295 (7) days prior to such date. If within fifteen (15) days after
4296 the final publication of said resolution, a petition signed by the
4297 lesser of fifteen hundred (1500) or twenty percent (20%) of the
4298 qualified electors of said school district, requesting an election
4299 on the proposition of levying such additional taxes for school
4300 purposes is filed with the clerk of the board of supervisors or
4301 the clerk of the municipality, as the case may be, such levy shall
4302 not be made until an election shall be held to determine whether
4303 or not three-fifths (3/5) of qualified electors of said school
4304 district shall favor the additional levy for school purposes. If
4305 three-fifths (3/5) of the qualified electors of said school
4306 district voting in such election approves the levying of the
4307 additional taxes, then the levy shall be made within the manner,
4308 form and time as required by law. If no such petition is filed
4309 with the clerk as herein provided, then said levy shall be made by

4310 the levying authority in the manner, form and time as required by
4311 law. If any election is held under the provisions of this
4312 section, said election shall be under the supervision of the
4313 county or municipal election commission, as the case may be, in
4314 the manner, form and time as required by law for conducting
4315 general elections in this state.

4316 **SECTION 47.** Section 37-7-411, Mississippi Code of 1972, is
4317 amended as follows:

4318 37-7-411. Subject to the prior consent and approval of the
4319 State Superintendent of Public Education, the school boards of all
4320 school districts involved shall be authorized to agree as to which
4321 of the school boards shall have the power to operate, manage,
4322 govern and control any joint school or school building,
4323 constructed, erected and equipped or which is to be operated
4324 jointly under the provisions of Section 37-7-403, or, in the
4325 alternative, such boards may agree that all of such boards, acting
4326 jointly, or a joint board established and constituted in such
4327 manner as shall be agreed upon, shall have the power to operate,
4328 manage, govern and control any such school or school building.
4329 The board so agreed upon and constituted shall have the full power
4330 and authority to govern, supervise, manage and control such joint
4331 school building in the same manner and to the same extent as
4332 though said school was a regular school of such school district.
4333 All pertinent provisions of the school laws of this state shall be
4334 fully applicable to joint schools established, constructed,
4335 erected and equipped or which are to be jointly operated under the
4336 provisions of Section 37-7-403, except that the eligible children
4337 of all school districts joining and cooperating in the
4338 establishment and/or operation of such joint school who are
4339 assigned to such school by the school board of the district in
4340 which they reside shall be eligible to and shall attend such
4341 school.

4342 **SECTION 48.** Section 37-7-417, Mississippi Code of 1972, is
4343 amended as follows:

4344 37-7-417. The various school districts of this state are
4345 authorized to enter into agreements between such school districts
4346 providing for the construction or operation of regional high
4347 school centers. Any such agreement shall be subject to the
4348 approval of the State Superintendent of Public Education. Any
4349 such agreement may, among other provisions, provide for the method
4350 of financing the construction and operation of such facilities,
4351 the manner in which such facilities are to be controlled, operated
4352 and staffed, and the basis upon which students are to be admitted
4353 thereto and transportation provided for students in attendance
4354 therein. Any such agreement or any subsequent modification
4355 thereof shall be spread at large upon the minutes of each party
4356 thereto after having been duly adopted by the school board of each
4357 school district.

4358 Such agreements may provide for the establishment of boards
4359 of trustees of such high school centers to be made up of
4360 representatives of the school boards of the school districts which
4361 may be parties thereto. Said school boards of the school
4362 districts to such agreement may delegate any and all powers of
4363 said trustees as may be necessary or desirable for the operation
4364 of any such regional high schools to the board of trustees of any
4365 such center so created, except for the power to request or require
4366 the levy of taxes or the power to issue or require the issuance of
4367 any bonds, notes or other evidences of indebtedness, or to call
4368 for an election on the question of the issuance thereof.

4369 **SECTION 49.** Section 37-7-505, Mississippi Code of 1972, is
4370 amended as follows:

4371 37-7-505. When any school district now existing or hereafter
4372 created shall be dissolved, abolished or discontinued, either as
4373 the result of the consolidation, reorganization or reconstitution
4374 of school districts under the provisions of Article 1 of this

4375 chapter, or otherwise, and such school district shall, at the time
4376 of the dissolution or discontinuance thereof, have outstanding
4377 bonds or other indebtedness, the territory formerly composing and
4378 comprising such dissolved school district shall remain liable for
4379 such bonds or other indebtedness, and the board of supervisors of
4380 the county shall continue to levy taxes upon such territory until
4381 such bonds or other indebtedness shall be fully paid according to
4382 the terms thereof. However, in the event a school building or
4383 other school facilities shall have been acquired, erected,
4384 equipped, repaired or remodeled with the proceeds of any such
4385 bonds or other indebtedness outstanding, and such school building
4386 or other school facility shall be utilized by the school district
4387 to which all or any part of the territory of the dissolved
4388 district is annexed, and shall be approved as an attendance center
4389 by the school board, and the State Superintendent of Public
4390 Education, then the school district so utilizing such school
4391 building or other school facility shall become liable for and
4392 assume the payment of such outstanding bonds or other
4393 indebtedness, or such portion thereof as was used in the
4394 acquisition, erection, equipping, repairing or remodeling of the
4395 school building or other school facility involved. Taxes shall be
4396 levied upon all of the taxable property of the school district so
4397 utilizing such school building or other school facility to pay the
4398 balance of the principal and interest upon such outstanding bonds
4399 or other indebtedness in the same manner as if such bonds had
4400 originally been issued or such indebtedness originally incurred by
4401 such district, and, in such case, the title to the school building
4402 or other school facility and the land upon which it is located
4403 shall be vested in the school district so utilizing same. Nothing
4404 herein shall be construed, however, to affect adversely the rights
4405 of the holders of any such outstanding bonds or other
4406 indebtedness, and no school district shall be required to assume
4407 liability for the payment of any bonds or other indebtedness

4408 incurred by a former school district unless the school building or
4409 other school facility acquired, erected, equipped, repaired or
4410 remodeled with the proceeds of such bonds or other indebtedness
4411 shall be utilized by such school district, with the approval of
4412 the school board, and the State Superintendent of Public
4413 Education, as a part of the long-range school program of such
4414 district. In the event the outstanding bonds or other
4415 indebtedness of a dissolved school district are assumed by another
4416 school district as provided in this section, then the remaining
4417 property, assets and funds of the dissolved district which do not
4418 become the property of the school district assuming such
4419 indebtedness shall be disposed of in the manner provided in
4420 Section 37-7-501.

4421 **SECTION 50.** Section 37-9-7, Mississippi Code of 1972, is
4422 amended as follows:

4423 37-9-7. It shall be unlawful for any superintendent,
4424 principal or teacher to be employed or contracted with to teach or
4425 serve in any of the public schools of this state who does not hold
4426 a proper license as required by the State Superintendent of Public
4427 Education. However, the local school board, in its discretion,
4428 may authorize the superintendent to enter into a conditional
4429 contract with a teacher for a scholastic year, as defined in
4430 Section 37-61-1, or a portion thereof, contingent upon (1) the
4431 person's graduation from an approved teacher education program
4432 before September 1 or the issuance of a proper license by the
4433 State Superintendent of Public Education before October 15 for
4434 those individuals to be employed beginning with the first term of
4435 the scholastic year, or (2) the person's graduation from an
4436 approved teacher education program before December 31 or the
4437 issuance of a proper teacher licensed by the State Superintendent
4438 of Public Education before February 15 for those individuals to be
4439 employed beginning with the second term of the scholastic year.
4440 If the individual who is to be employed beginning with the first

4441 term of the scholastic year does not graduate before September 1,
4442 or if the individual who is to be employed beginning with the
4443 second term of the scholastic year does not graduate before
4444 December 31, then any conditional contract executed contingent
4445 upon the person's graduation shall be null and void on September 1
4446 or December 31, as the case may be. If the teacher who is to be
4447 employed beginning with the first term of the scholastic year
4448 fails to obtain a valid license before October 15, or if the
4449 teacher who is to be employed beginning with the second term of
4450 the scholastic year fails to obtain a valid license before
4451 February 15, then any conditional contract executed contingent
4452 upon the issuance of a proper license shall be null and void on
4453 October 15 or February 15, as the case may be. After a contract
4454 is declared null and void, the school district shall withhold from
4455 the employee's final salary payment, or shall take such legal
4456 action as may be necessary to collect from the employee, any
4457 amounts above the amount paid to substitute teachers in that
4458 district which were paid to the employee before the contract
4459 conditioned upon the person's graduation or being issued a proper
4460 license is voided. If the license held by any superintendent,
4461 principal or teacher expires during the life of any such contract
4462 and is not renewed, then such contract shall be null and void upon
4463 the expiration of such license which is not renewed.

4464 **SECTION 51.** Section 37-9-11, Mississippi Code of 1972, is
4465 amended as follows:

4466 37-9-11. The State Superintendent of Public Education may
4467 require tests or an examination of achievement as one of the
4468 requirements for the issuance of public school professional
4469 licenses issued after July 1, 1997, to any person applying for the
4470 first time for a professional license.

4471 Scores on the test or tests shall be made a part of the
4472 record of the applicant and maintained in the files of the Office

4473 of Teacher Certification and Licensure Division of the State
4474 Department of Education.

4475 The State Superintendent of Public Education is further
4476 authorized at its discretion to make determinations of minimum
4477 scores required of a person applying for the first time for a
4478 professional license.

4479 The State Superintendent of Public Education shall, at its
4480 discretion, determine conditions that would prevail should a
4481 person desire to take said test or tests more than once.

4482 **SECTION 52.** Section 37-9-14, Mississippi Code of 1972, is
4483 amended as follows:

4484 37-9-14. (1) It shall be the duty of the superintendent of
4485 schools to administer the schools within his district and to
4486 implement the decisions of the school board.

4487 (2) In addition to all other powers, authority and duties
4488 imposed or granted by law, the superintendent of schools shall
4489 have the following powers, authority and duties:

4490 (a) To enter into contracts in the manner provided by
4491 law with each assistant superintendent, principal and teacher of
4492 the public schools under his supervision, after such assistant
4493 superintendent, principal and teachers have been selected and
4494 approved in the manner provided by law.

4495 (b) To enforce in the public schools of the school
4496 district the courses of study provided by law or the rules and
4497 regulations of the State Superintendent of Public Education, and
4498 to comply with the law with reference to the use and distribution
4499 of free textbooks.

4500 (c) To administer oaths in all cases to persons
4501 testifying before him relative to disputes relating to the schools
4502 submitted to him for determination, and to take testimony in such
4503 cases as provided by law.

4504 (d) To examine the monthly and annual reports submitted
4505 to him by principals and teachers for the purpose of determining
4506 and verifying the accuracy thereof.

4507 (e) To preserve all reports of superintendents,
4508 principals, teachers and other school officers, and to deliver to
4509 his successor or clerk of the board of supervisors all money,
4510 property, books, effects and papers.

4511 (f) To prepare and keep in his office a map or maps
4512 showing the territory embraced in his school district, to furnish
4513 the county assessor with a copy of such map or maps, and to revise
4514 and correct same from time to time as changes in or alterations of
4515 school districts may necessitate.

4516 (g) To keep an accurate record of the names of all of
4517 the members of the school board showing the districts for which
4518 each was elected or appointed, the post office address of each,
4519 and the date of the expiration of his term of office. All
4520 official correspondence shall be addressed to the school board,
4521 and notice to such members shall be regarded as notice to the
4522 residents of the district, and it shall be the duty of the members
4523 to notify such residents.

4524 (h) To deliver in proper time to the assistant
4525 superintendents, principals, teachers and board members such
4526 forms, records and other supplies which will be needed during the
4527 school year as provided by law or any applicable rules and
4528 regulations, and to give to such individuals such information with
4529 regard to their duties as may be required.

4530 (i) To make to the school board reports for each
4531 scholastic month in such form as the school board may require.

4532 (j) To distribute promptly all reports, letters, forms,
4533 circulars and instructions which he may receive for the use of
4534 school officials.

4535 (k) To keep on file and preserve in his office all
4536 appropriate information concerning the affairs of the school
4537 district.

4538 (l) To visit the schools of his school district in his
4539 discretion, and to require the assistant superintendents,
4540 principals and teachers thereof to perform their duties as
4541 prescribed by law.

4542 (m) To observe such instructions and regulations as the
4543 school board and other public officials may prescribe, and to make
4544 special reports to these officers whenever required.

4545 (n) To keep his office open for the transaction of
4546 business upon the days and during the hours to be designated by
4547 the school board.

4548 (o) To make such reports as are required by the State
4549 Superintendent of Public Education.

4550 (p) To make an enumeration of educable children in his
4551 school district as prescribed by law.

4552 (q) To keep in his office and carefully preserve the
4553 public school record provided, to enter therein the proceedings of
4554 the school board and his decision upon cases and his other
4555 official acts, to record therein the data required from the
4556 monthly and term reports of principals and teachers, and from the
4557 summaries of records thus kept.

4558 (r) To delegate student disciplinary matters to
4559 appropriate school personnel.

4560 (s) To make assignments to the various schools in the
4561 district of all noninstructional and nonlicensed employees and all
4562 licensed employees, as provided in Sections 37-9-15 and 37-9-17,
4563 and to make reassignments of such employees from time to time;
4564 however, a reassignment of a licensed employee may only be to an
4565 area in which the employee has a valid license issued by the State
4566 Department of Education. Upon request from any employee

4567 transferred, such assignment shall be subject to review by the
4568 school board.

4569 (t) To employ substitutes for licensed employees,
4570 regardless of whether or not such substitute holds the proper
4571 license, subject to such reasonable rules and regulations as may
4572 be adopted by the State Superintendent of Public Education.

4573 (u) To comply in a timely manner with the compulsory
4574 education reporting requirements prescribed in Section
4575 37-13-91(6).

4576 (v) To perform such other duties as may be required of
4577 him by law.

4578 (w) To notify, in writing, the parent, guardian or
4579 custodian, the youth court and local law enforcement of any
4580 expulsion of a student for criminal activity as defined in Section
4581 37-11-92.

4582 (x) To notify the youth court and local law enforcement
4583 agencies, by affidavit, of the occurrence of any crime committed
4584 by a student or students upon school property or during any
4585 school-related activity, regardless of location and the identity
4586 of the student or students committing the crime.

4587 (y) To employ and dismiss noninstructional and
4588 nonlicensed employees as provided by law.

4589 (3) All funds to the credit of a school district shall be
4590 paid out on pay certificates issued by the superintendent upon
4591 order of the school board of the school district properly entered
4592 upon the minutes thereof, and all such orders shall be supported
4593 by properly itemized invoices from the vendors covering the
4594 materials and supplies purchased. All such orders and the
4595 itemized invoices supporting same shall be filed as a public
4596 record in the office of the superintendent for a period of five
4597 (5) years. The superintendent shall be liable upon his official
4598 bond for the amount of any pay certificate issued in violation of
4599 the provisions of this section. The school board shall have the

4600 power and authority to direct and cause warrants to be issued
4601 against such district funds for the purpose of refunding any
4602 amount of taxes erroneously or illegally paid into such fund when
4603 such refund has been approved in the manner provided by law.

4604 (4) The superintendent of schools shall be special
4605 accounting officer and treasurer with respect to any and all
4606 district school funds for his school district. He or his designee
4607 shall issue all warrants without the necessity of registration
4608 thereof by the chancery clerk. Transactions with the depositories
4609 and with the various tax collecting agencies which involve school
4610 funds for such school district shall be with the superintendent of
4611 schools, or his designee.

4612 (5) The superintendent of schools will have no
4613 responsibility with regard to agricultural high school and junior
4614 college funds.

4615 All agricultural high school and junior college funds shall
4616 be handled and expended in the manner provided for in Sections
4617 37-29-31 through 37-29-39.

4618 (6) It shall be the duty of the superintendent of schools to
4619 keep and preserve the minutes of the proceedings of the school
4620 board.

4621 (7) The superintendent of schools shall maintain as a record
4622 in his office a book or a computer printout in which he shall
4623 enter all demands, claims and accounts paid from any funds of the
4624 school district. The record shall be in a form to be prescribed
4625 by the State Auditor. All demands, claims and accounts filed
4626 shall be preserved by the superintendent of schools as a public
4627 record for a period of five (5) years. All claims found by the
4628 school board to be illegal shall be rejected or disallowed. To
4629 the extent allowed by board policy, all claims which are found to
4630 be legal and proper may be paid and then ratified by the school
4631 board at the next regularly scheduled board meeting, as paid by
4632 the superintendent of schools. All claims as to which a

4633 continuance is requested by the claimant and those found to be
4634 defective but which may be perfected by amendment shall be
4635 continued. The superintendent of schools shall issue a pay
4636 certificate against any legal and proper fund of the school
4637 district in favor of the claimant in payment of claims. The
4638 provisions of this section, however, shall not be applicable to
4639 the payment of salaries and applicable benefits, travel advances,
4640 amounts due private contractors or other obligations where the
4641 amount thereof has been previously approved by a contract or by an
4642 order of the school board entered upon its minutes, or paid by
4643 board policy, or by inclusion in the current fiscal year budget,
4644 and all such amounts may be paid by the superintendent of schools
4645 by pay certificates issued by him against the legal and proper
4646 fund without allowance of a specific claim therefor as provided in
4647 this section, provided that the payment thereof is otherwise in
4648 conformity with law.

4649 **SECTION 53.** Section 37-9-17, Mississippi Code of 1972, is
4650 amended as follows:

4651 37-9-17. (1) On or before April 1 of each year, the
4652 principal of each school shall recommend to the superintendent of
4653 the local school district the licensed employees or
4654 noninstructional employees to be employed for the school involved
4655 except those licensed employees or noninstructional employees who
4656 have been previously employed and who have a contract valid for
4657 the ensuing scholastic year. If such recommendations meet with
4658 the approval of the superintendent, the superintendent shall
4659 recommend the employment of such licensed employees or
4660 noninstructional employees to the local school board, and, unless
4661 good reason to the contrary exists, the board shall elect the
4662 employees so recommended. If, for any reason, the local school
4663 board shall decline to elect any employee so recommended,
4664 additional recommendations for the places to be filled shall be
4665 made by the principal to the superintendent and then by the

4666 superintendent to the local school board as provided above. The
4667 school board of any local school district shall be authorized to
4668 designate a personnel supervisor or another principal employed by
4669 the school district to recommend to the superintendent licensed
4670 employees or noninstructional employees; however, this
4671 authorization shall be restricted to no more than two (2)
4672 positions for each employment period for each school in the local
4673 school district. Any noninstructional employee employed upon the
4674 recommendation of a personnel supervisor or another principal
4675 employed by the local school district must have been employed by
4676 the local school district at the time the superintendent was
4677 elected or appointed to office; a noninstructional employee
4678 employed under this authorization may not be paid compensation in
4679 excess of the statewide average compensation for such
4680 noninstructional position with comparable experience, as
4681 established by the State Department of Education. The school
4682 board of any local school district shall be authorized to
4683 designate a personnel supervisor or another principal employed by
4684 the school district to accept the recommendations of principals or
4685 their designees for licensed employees or noninstructional
4686 employees and to transmit approved recommendations to the local
4687 school board; however, this authorization shall be restricted to
4688 no more than two (2) positions for each employment period for each
4689 school in the local school district.

4690 When the licensed employees have been elected as provided in
4691 the preceding paragraph, the superintendent of the district shall
4692 enter into a contract with such persons in the manner provided in
4693 this chapter.

4694 If, at the commencement of the scholastic year, any licensed
4695 employee shall present to the superintendent a license of a higher
4696 grade than that specified in such individual's contract, such
4697 individual may, if funds are available from adequate education
4698 program funds of the district, or from district funds, be paid

4699 from such funds the amount to which such higher grade license
4700 would have entitled the individual, had the license been held at
4701 the time the contract was executed.

4702 (2) Superintendents/directors of schools under the purview
4703 of the State Superintendent of Public Education, the
4704 superintendent of the local school district and any private firm
4705 under contract with the local public school district to provide
4706 substitute teachers to teach during the absence of a regularly
4707 employed school teacher shall require, through the appropriate
4708 governmental authority, that current criminal records background
4709 checks and current child abuse registry checks are obtained, and
4710 that such criminal record information and registry checks are on
4711 file for any new hires applying for employment as a licensed or
4712 nonlicensed employee at a school and not previously employed in
4713 such school under the purview of the State Superintendent of
4714 Public Education or at such local school district prior to July 1,
4715 2000. In order to determine the applicant's suitability for
4716 employment, the applicant shall be fingerprinted. If no
4717 disqualifying record is identified at the state level, the
4718 fingerprints shall be forwarded by the Department of Public Safety
4719 to the Federal Bureau of Investigation for a national criminal
4720 history record check. The fee for such fingerprinting and
4721 criminal history record check shall be paid by the applicant, not
4722 to exceed Fifty Dollars (\$50.00); however, the State
4723 Superintendent of Public Education, the school board of the local
4724 school district or a private firm under contract with a local
4725 school district to provide substitute teachers to teach during the
4726 temporary absence of the regularly employed school teacher, in its
4727 discretion, may elect to pay the fee for the fingerprinting and
4728 criminal history record check on behalf of any applicant. Under
4729 no circumstances shall * * * the State Superintendent of Public
4730 Education, superintendent/director of schools under the purview of
4731 the State Superintendent of Public Education, local school

4732 district superintendent, local school board member or any
4733 individual other than the subject of the criminal history record
4734 checks disseminate information received through any such checks
4735 except insofar as required to fulfill the purposes of this
4736 section. Any nonpublic school which is accredited or approved by
4737 the State Superintendent of Public Education may avail itself of
4738 the procedures provided for herein and shall be responsible for
4739 the same fee charged in the case of local public schools of this
4740 state. The determination whether the applicant has a
4741 disqualifying crime, as set forth in subsection (3) of this
4742 section, shall be made by the appropriate governmental authority,
4743 and the appropriate governmental authority shall notify the
4744 private firm whether a disqualifying crime exists.

4745 (3) If such fingerprinting or criminal record checks
4746 disclose a felony conviction, guilty plea or plea of nolo
4747 contendere to a felony of possession or sale of drugs, murder,
4748 manslaughter, armed robbery, rape, sexual battery, sex offense
4749 listed in Section 45-33-23(g), child abuse, arson, grand larceny,
4750 burglary, gratification of lust or aggravated assault which has
4751 not been reversed on appeal or for which a pardon has not been
4752 granted, the new hire shall not be eligible to be employed at such
4753 school. Any employment contract for a new hire executed by the
4754 superintendent of the local school district or any employment of a
4755 new hire by a superintendent/director of a new school under the
4756 purview of the State Superintendent of Public Education or by a
4757 private firm shall be voidable if the new hire receives a
4758 disqualifying criminal record check. However, the State
4759 Superintendent of Public Education or the school board may, in its
4760 discretion, allow any applicant aggrieved by the employment
4761 decision under this section to appear before the respective board,
4762 or before a hearing officer designated for such purpose, to show
4763 mitigating circumstances which may exist and allow the new hire to
4764 be employed at the school. The State Superintendent of Public

4765 Education or local school board may grant waivers for such
4766 mitigating circumstances, which shall include, but not be limited
4767 to: (a) age at which the crime was committed; (b) circumstances
4768 surrounding the crime; (c) length of time since the conviction and
4769 criminal history since the conviction; (d) work history; (e)
4770 current employment and character references; (f) other evidence
4771 demonstrating the ability of the person to perform the employment
4772 responsibilities competently and that the person does not pose a
4773 threat to the health or safety of the children at the school.

4774 (4) No local school district, local school district
4775 employee, * * * the State Superintendent of Public Education or
4776 employee of a school under the purview of the State Superintendent
4777 of Public Education shall be held liable in any employment
4778 discrimination suit in which an allegation of discrimination is
4779 made regarding an employment decision authorized under this
4780 Section 37-9-17.

4781 **SECTION 54.** Section 37-9-18, Mississippi Code of 1972, is
4782 amended as follows:

4783 37-9-18. (1) The superintendent of schools shall furnish to
4784 the school board a financial statement of receipts and
4785 disbursements, by funds, on or before the last working day of the
4786 following month covering the prior month. The school board shall
4787 be authorized to investigate and audit all financial records of
4788 the superintendent of schools at any and all times.

4789 (2) The State Auditor, in his discretion, shall audit the
4790 financial records of school districts. The State Auditor shall
4791 give reasonable notice to school districts regarding the times
4792 during which he will perform such audits. In any fiscal year in
4793 which the State Auditor is not scheduled to perform an audit, the
4794 school board shall cause all the financial records of the
4795 superintendent of schools to be audited by a certified public
4796 accountant licensed to practice accounting in the State of
4797 Mississippi. If the school board so elects by resolution adopted

4798 each year, the audit shall be performed by the State Auditor.
4799 Contracts for the audit of public school districts shall be let by
4800 the school board in the manner prescribed by the State Auditor.
4801 The audit shall be conducted in accordance with generally accepted
4802 auditing standards and generally accepted accounting principles,
4803 and the report presented thereon shall be in accordance with
4804 generally accepted accounting principles. If the Auditor's
4805 opinion on the general purpose financial statements is a
4806 disclaimer, as that term is defined by generally accepted auditing
4807 standards, or if the State Auditor determines the existence of
4808 serious financial conditions in the district, the State Auditor
4809 shall immediately notify the State Superintendent of Public
4810 Education. Upon receiving the notice, the State Superintendent of
4811 Public Education shall direct the school district to immediately
4812 cease all expenditures until a financial advisor is appointed by
4813 the state superintendent. However, if the disclaimer is a result
4814 of conditions caused by Hurricane Katrina 2005 and applies to
4815 fiscal years 2005 and/or 2006, then the State Superintendent of
4816 Public Education may appoint a financial advisor, and may direct
4817 the school district to immediately cease all expenditures until a
4818 financial advisor is appointed. The financial advisor shall be an
4819 agent of the State Superintendent of Public Education and shall be
4820 a certified public accountant or a qualified business officer.
4821 The financial advisor shall, with the approval of the State
4822 Superintendent of Public Education:
4823 (a) Approve or disapprove all expenditures and all
4824 financial obligations of the district;
4825 (b) Ensure compliance with any statutes and State
4826 Superintendent of Public Education rules or regulations concerning
4827 expenditures by school districts;
4828 (c) Review salaries and the number of all district
4829 personnel and make recommendations to the local school board of
4830 any needed adjustments. Should such recommendations necessitate

4831 the reduction in local salary supplement, such recommended
4832 reductions shall be only to the extent which will result in the
4833 salaries being comparable to districts similarly situated, as
4834 determined by the State Superintendent of Public Education. The
4835 local school board, in considering either a reduction in personnel
4836 or a reduction in local supplements, shall not be required to
4837 comply with the time limitations prescribed in Sections 37-9-15
4838 and 37-9-105 and, further, shall not be required to comply with
4839 Sections 37-19-11 and 37-19-7(1) in regard to reducing local
4840 supplements and the number of personnel;

4841 (d) Work with the school district's business office to
4842 correct all inappropriate accounting procedures and/or uses of
4843 school district funds and to prepare the school district's budget
4844 for the next fiscal year; and

4845 (e) Report frequently to the State Superintendent of
4846 Public Education on the corrective actions being taken and the
4847 progress being made in the school district. The financial advisor
4848 shall serve until such time as corrective action and progress is
4849 being made in such school district as determined by the State
4850 Superintendent of Public Education with the concurrence of the
4851 State Auditor, or until such time as an interim conservator is
4852 assigned to such district by the State Superintendent of Public
4853 Education under Section 37-17-6. The school district shall be
4854 responsible for all expenses associated with the use of the
4855 financial advisor. If the audit report reflects a failure by the
4856 school district to meet accreditation standards, the State
4857 Superintendent of Public Education shall proceed under Section
4858 37-17-6.

4859 (3) When conducting an audit of a public school district,
4860 the Auditor shall test to insure that the school district is
4861 complying with the requirements of Section 37-61-33(3)(a)(iii)
4862 relating to classroom supply funds. The audit must include a
4863 report of all classroom supply funds carried over from previous

4864 years. Based upon the audit report, the State Auditor shall
4865 compile a report on the compliance or noncompliance by all school
4866 districts with the requirements of Section 37-61-33(3)(a)(iii),
4867 which report must be submitted to the Chairmen of the Education
4868 and Appropriations Committees of the House of Representatives and
4869 Senate.

4870 (4) In the event the State Auditor does not perform the
4871 audit examination, then the audit report of the school district
4872 shall be reviewed by the State Auditor for compliance with
4873 applicable state laws before final payment is made on the audit by
4874 the school board. All financial records, books, vouchers,
4875 cancelled checks and other financial records required by law to be
4876 kept and maintained in the case of municipalities shall be
4877 faithfully kept and maintained in the office of the superintendent
4878 of schools under the same provisions and penalties provided by law
4879 in the case of municipal officials.

4880 **SECTION 55.** Section 37-9-23, Mississippi Code of 1972, is
4881 amended as follows:

4882 37-9-23. The superintendent shall enter into a contract with
4883 each assistant superintendent, principal, licensed employee and
4884 person anticipating graduation from an approved teacher education
4885 program or the issuance of a proper license before October 15 or
4886 February 15, as the case may be, who is elected and approved for
4887 employment by the school board. Such contracts shall be in such
4888 form as shall be prescribed by the State Superintendent of Public
4889 Education and shall be executed in duplicate with one (1) copy to
4890 be retained by the appropriate superintendent and one (1) copy to
4891 be retained by the principal, licensed employee or person
4892 recommended for a licensed position contracted with. The contract
4893 shall show the name of the district, the length of the school
4894 term, the position held (whether an assistant superintendent,
4895 principal or licensed employee), the scholastic years which it
4896 covers, the total amount of the annual salary and how same is

4897 payable. The amount of salary to be shown in such contract shall
4898 be the amount which shall have been fixed and determined by the
4899 school board, but, as to the licensed employees paid in whole or
4900 in part with minimum education program funds, such salary shall
4901 not be less than that required under the provisions of Chapter 19
4902 of this title. The contract entered into with any person
4903 recommended for a licensed position who is anticipating either
4904 graduation from an approved teacher education program before
4905 September 1 or December 31, as the case may be, or the issuance of
4906 a proper license before October 15 or February 15, as the case may
4907 be, shall be a conditional contract and shall include a provision
4908 stating that the contract will be null and void if, as specified
4909 in the contract, the contingency upon which the contract is
4910 conditioned has not occurred. If any superintendent, other than
4911 those elected, principal, licensed employee or person recommended
4912 for a licensed position who has been elected and approved shall
4913 not execute and return the contract within ten (10) days after
4914 same has been tendered to him for execution, then, at the option
4915 of the school board, the election of the licensed employee and the
4916 contract tendered to him shall be void and of no effect.

4917 **SECTION 56.** Section 37-9-57, Mississippi Code of 1972, is
4918 amended as follows:

4919 37-9-57. If any appointed superintendent, principal or
4920 licensed employee in any public school of this state shall
4921 arbitrarily or willfully breach his or her contract and abandon
4922 his or her employment without being released therefrom as provided
4923 in Section 37-9-55, the contract of such superintendent, principal
4924 or licensed employee shall be null and void. In addition thereto
4925 the license of such superintendent, principal or licensed employee
4926 may be suspended by the State Superintendent of Public Education
4927 for a period of one (1) school year as provided in Section
4928 37-3-2(8) upon written recommendation of the majority of the
4929 members of the school board of the school district involved.

4930 **SECTION 57.** Section 37-9-69, Mississippi Code of 1972, is
4931 amended as follows:

4932 37-9-69. It shall be the duty of each superintendent,
4933 principal and teacher in the public schools of this state to
4934 enforce in the schools the courses of study prescribed by law or
4935 by the State Superintendent of Public Education, to comply with
4936 the law in distribution and use of free textbooks, and to observe
4937 and enforce the statutes, rules and regulations prescribed for the
4938 operation of schools. Such superintendents, principals and
4939 teachers shall hold the pupils to strict account for disorderly
4940 conduct at school, on the way to and from school, on the
4941 playgrounds, and during recess.

4942 **SECTION 58.** Section 37-9-77, Mississippi Code of 1972, is
4943 amended as follows:

4944 37-9-77. (1) There is established the Mississippi School
4945 Administrator Sabbatical Program which shall be available to
4946 licensed teachers employed in Mississippi school districts for not
4947 less than three (3) years, for the purpose of allowing such
4948 teachers to become local school district administrators under the
4949 conditions set forth in this section. The State Superintendent of
4950 Public Education, in coordination with the Board of Trustees of
4951 State Institutions of Higher Learning, shall develop guidelines
4952 for the program. Application shall be made to the State
4953 Department of Education for the Mississippi School Administrator
4954 Sabbatical Program by qualified teachers meeting the criteria for
4955 a department-approved administration program and who have been
4956 recommended by the local school board. Administration programs
4957 that are eligible for the administrator sabbatical program shall
4958 be limited to those that have been approved by the department by
4959 the January 1 preceding the date of admission to the program.
4960 Admission into the program shall authorize the applicant to take
4961 university course work and training leading to an administrator's
4962 license.

4963 (2) The salaries of the teachers approved for participation
4964 in the administrator sabbatical program shall be paid by the
4965 employing school district from nonminimum education program funds.
4966 However, the State Department of Education shall reimburse the
4967 employing school districts for the cost of the salaries and paid
4968 fringe benefits of teachers participating in the administrator
4969 sabbatical program for one (1) contract year. Reimbursement shall
4970 be made in accordance with the then current minimum education
4971 program salary schedule under Section 37-19-7, except that the
4972 maximum amount of the reimbursement from state funds shall not
4973 exceed the minimum education program salary for a teacher holding
4974 a Class A license and having five (5) years' experience. The
4975 local school district shall be responsible for that portion of a
4976 participating teacher's salary attributable to the local
4977 supplement and for any portion of the teacher's salary that
4978 exceeds the maximum amount allowed for reimbursement from state
4979 funds as provided in this subsection, and the school board may not
4980 reduce the local supplement payable to that teacher. Any
4981 reimbursements made by the State Department of Education to local
4982 school districts under this section shall be subject to available
4983 appropriations and may be made only to school districts determined
4984 by the State Superintendent of Public Education as being in need
4985 of administrators.

4986 (3) Such teachers participating in the program on a
4987 full-time basis shall continue to receive teaching experience and
4988 shall receive the salary prescribed in Section 37-19-7, including
4989 the annual experience increments. Such participants shall be
4990 fully eligible to continue participation in the Public Employees'
4991 Retirement System and the Public School Employees Health Insurance
4992 Plan during the time they are in the program on a full-time basis.

4993 (4) As a condition for participation in the School
4994 Administrator Sabbatical Program, such teachers shall agree to
4995 employment as administrators in the sponsoring school district for

4996 not less than five (5) years following completion of administrator
4997 licensure requirements. Any person failing to comply with this
4998 employment commitment in any required school year, unless the
4999 commitment is deferred as provided in subsection (5) of this
5000 section, shall immediately be in breach of contract and become
5001 liable to the State Department of Education for that amount of his
5002 salary and paid fringe benefits paid by the state while the
5003 teacher was on sabbatical, less twenty percent (20%) of the amount
5004 of his salary and paid fringe benefits paid by the state for each
5005 year that the person was employed as an administrator following
5006 completion of the administrator licensure requirements. In
5007 addition, the person shall become liable to the local school
5008 district for any portion of his salary and paid fringe benefits
5009 paid by the local school district while the teacher was on
5010 sabbatical that is attributable to the local salary supplement or
5011 is attributable to the amount that exceeds the maximum amount
5012 allowed for reimbursement from state funds as provided in
5013 subsection (2) of this section, less twenty percent (20%) of the
5014 amount of his salary and paid fringe benefits paid by the school
5015 district for each year that the person was employed as an
5016 administrator following completion of the administrator licensure
5017 requirements. Interest on the amount due shall accrue at the
5018 current Stafford Loan rate at the time the breach occurs. If the
5019 claim for repayment of such salary and fringe benefits is placed
5020 in the hands of an attorney for collection after default, then the
5021 obligor shall be liable for an additional amount equal to a
5022 reasonable attorney's fee.

5023 (5) If there is not an administrator position immediately
5024 available in the sponsoring school district after a person has
5025 completed the administrator licensure requirements, or if the
5026 administrator position in the sponsoring school district in which
5027 the person is employed is no longer needed before the completion
5028 of the five-year employment commitment, the local school board

5029 shall defer any part of the employment commitment that has not
5030 been met until such time as an administrator position becomes
5031 available in the sponsoring school district. If such a deferral
5032 is made, the sponsoring school district shall employ the person as
5033 a teacher in the school district during the period of deferral,
5034 unless the person desires to be released from employment by the
5035 sponsoring school district and the district agrees to release the
5036 person from employment. If the sponsoring school district
5037 releases a person from employment, that person may be employed as
5038 an administrator in another school district in the state that is
5039 in need of administrators as determined by the State
5040 Superintendent of Public Education, and that employment for the
5041 other school district shall be applied to any remaining portion of
5042 the five-year employment commitment required under this section.
5043 Nothing in this subsection shall prevent a school district from
5044 not renewing the person's contract before the end of the five-year
5045 employment commitment in accordance with the School Employment
5046 Procedures Law (Section 37-9-101 et seq.). However, if the person
5047 is not employed as an administrator by another school district
5048 after being released by the sponsoring school district, or after
5049 his contract was not renewed by the sponsoring school district, he
5050 shall be liable for repayment of the amount of his salary and
5051 fringe benefits as provided in subsection (4) of this section.

5052 (6) All funds received by the State Department of Education
5053 from the repayment of salary and fringe benefits paid by the state
5054 from program participants shall be deposited in the Mississippi
5055 Critical Teacher Shortage Fund.

5056 (7) This section shall stand repealed on July 1, 2007.

5057 **SECTION 59.** Section 37-9-251, Mississippi Code of 1972, is
5058 amended as follows:

5059 37-9-251. (1) The following words and phrases shall have
5060 the meanings ascribed in this subsection unless the context
5061 clearly indicates otherwise:

5062 (a) "Beginning principal" means a principal who:
5063 (i) Possesses an administrator's license issued by
5064 the Commission on Teacher and Administrator Education,
5065 Certification and Licensure and Development;
5066 (ii) Is employed as a principal by a public school
5067 district; and
5068 (iii) Has served fewer than ninety (90)
5069 consecutive days, or one hundred eighty (180) days total, as a
5070 licensed principal in any public school.

5071 (b) "Formal assistance" means a program provided by a
5072 mentor principal to a beginning principal which includes, but is
5073 not limited to: direct administrative observation and
5074 consultation; assistance in administrative planning and
5075 preparation; support in implementation and delivery of principal
5076 administrative responsibilities; and support in the administrative
5077 functions of school leadership, student psychology, student
5078 health, student drug abuse, human relations, multicultural and
5079 multiethnic relations, crisis management and other assistance
5080 intended to enhance the professional performance and development
5081 of the beginning principal.

5082 (c) "Mentor principal" means a principal who:
5083 (i) Possesses a standard administrative license
5084 issued by the Commission on Teacher and Administrator Education,
5085 Certification and Licensure and Development;
5086 (ii) At the time of selection, is employed under
5087 contract primarily as a principal by a public school district or
5088 is retired from a public school district;
5089 (iii) Has successfully served for three (3) or
5090 more years as a licensed principal in any public school; and
5091 (iv) Has demonstrated mastery of administrative
5092 skills and subject matter knowledge and has been selected and
5093 trained as described in this section.

5094 (2) The School Executive Management Institute of the State
5095 Department of Education shall establish a Beginning Principal
5096 Support Pilot Program to provide eligible beginning principals in
5097 this state with continued and sustained support from a formally
5098 assigned mentor principal during the first full year of principal
5099 service.

5100 (3) The State Superintendent of Public Education shall
5101 select one (1) school district in each of the five (5) Mississippi
5102 congressional districts, pursuant to the application process
5103 provided for in this section, to participate in the Beginning
5104 Principal Support Pilot Program. Two (2) or more districts may
5105 operate jointly a Beginning Principal Support Pilot Program if the
5106 districts meet all the requirements of this section. School
5107 districts may coordinate with institutions of higher learning in
5108 the design, implementation and evaluation of mentorship programs.
5109 Private educational consortia established for approved principal
5110 education programs are eligible to operate a Beginning Principal
5111 Support Pilot Program to serve beginning principals in a
5112 participating school district.

5113 (4) Each district that wishes to participate in the
5114 Beginning Principal Support Pilot Program shall submit a formal
5115 application to the School Executive Management Institute according
5116 to rules of the institute. Along with an application, districts
5117 shall provide the institute with the following information:

5118 (a) The names of all eligible beginning principals
5119 employed by the district and a description of their administrative
5120 duties;

5121 (b) The names of mentor principals selected by a
5122 district and a description of their administrative assignments and
5123 endorsements;

5124 (c) A description of the content and calendar of the
5125 proposed Beginning Principal Support Pilot Program. The program
5126 shall provide a minimum of ninety (90) hours of direct contact

5127 between mentor principals and beginning principals, including
5128 observation or assistance with administrative duties, or both,
5129 during the school day; and

5130 (d) A description of the amount and nature of each
5131 eligible beginning principal's administrative duties.

5132 (5) After consulting with representatives of administrators,
5133 school boards, schools of education of the institutions of higher
5134 learning and such others as it considers appropriate, the School
5135 Executive Management Institute shall develop or approve workshops
5136 to provide training for mentor principals and beginning
5137 principals.

5138 (6) The selection, nature and extent of duties of mentor
5139 principals shall be determined by the school district, subject to
5140 the following:

5141 (a) No principal shall be designated as a mentor
5142 principal unless willing to perform in that role;

5143 (b) Each mentor principal shall complete successfully a
5144 training workshop provided or approved by the School Executive
5145 Management Institute in the Beginning Principal Support Pilot
5146 Program; and

5147 (c) Participating school districts shall be fully
5148 authorized to compensate mentor principals, grant release time for
5149 mentor principals and employ and compensate substitute
5150 administrators for additional duties performed under the Beginning
5151 Principal Support Pilot Program which are in addition to regular
5152 school day responsibilities.

5153 (7) The School Executive Management Institute shall be
5154 responsible for the regular and ongoing evaluation of the
5155 Beginning Principal Support Pilot Program and may contract for
5156 such evaluation. * * *

5157 **SECTION 60.** Section 37-11-6, Mississippi Code of 1972, is
5158 amended as follows:

5159 37-11-6. In order to provide public schools with immediate
5160 access to inclement weather warnings, the State Superintendent of
5161 Public Education shall require each public school district to
5162 provide for the purchase and installation, before July 1, 1997, of
5163 a weather radio for each school in the district.

5164 **SECTION 61.** Section 37-11-11, Mississippi Code of 1972, is
5165 amended as follows:

5166 37-11-11. (1) For the purposes of this section, the term
5167 "hospital" shall include community-based programs and facilities
5168 licensed or approved by the Department of Mental Health for
5169 treatment of chemical substance use and abuse.

5170 (2) When five (5) or more children of educable mind between
5171 the ages of six (6) and twenty-one (21) years who are capable of
5172 pursuing courses of instruction at secondary school level or below
5173 shall be confined in a hospital for an extended period of time,
5174 such children shall be eligible for and shall be provided with a
5175 program of education, instruction and training within such
5176 hospital in the manner hereinafter set forth, provided that the
5177 need for hospitalization for an extended period of time shall be
5178 certified by the chief of staff of such hospital and that the
5179 ability of such children to do school work shall be certified by
5180 qualified psychologists and/or educators approved by the State
5181 Superintendent of Public Education.

5182 (3) When five (5) or more children as set forth herein shall
5183 be confined in the same hospital, then the board of trustees of
5184 the school district in which such hospital is located shall be
5185 authorized and empowered, in its discretion, to provide a program
5186 of education, instruction and training to such children within
5187 such hospital. For such purpose the board shall be authorized and
5188 empowered to employ and contract with teachers, provide textbooks
5189 and other instructional materials, correspondence courses and
5190 instructional equipment and appliances, and otherwise provide for
5191 the furnishing of such program and to administer and supervise the

5192 same. Such program shall be furnished in a manner as prescribed
5193 by rules and regulations adopted by the State Superintendent of
5194 Public Education. The State Superintendent shall have full power
5195 to adopt such rules, regulations, policies and standards as it may
5196 deem necessary to carry out the purpose of this section, including
5197 the establishment of qualifications of any teachers employed under
5198 the provisions hereof. It is expressly provided, however, that no
5199 program shall be furnished under this section except in a hospital
5200 licensed for operation by the State of Mississippi and only in
5201 cases where such hospital shall consent thereto, shall provide any
5202 classroom space, furniture and facilities which may be deemed
5203 necessary, and otherwise shall cooperate in carrying out the
5204 provisions of this section. Before such program of education,
5205 instruction and training shall be provided, the governing
5206 authorities of said hospital shall enter into a contract with the
5207 board of trustees of the school district which stipulates that
5208 said hospital agrees to furnish the necessary classroom space,
5209 furniture and facilities and provide for their upkeep, fuel and
5210 such other things as may be necessary for the successful operation
5211 of the program of education, instruction and training.

5212 (4) In cases when children who are residents of school
5213 districts other than the school district providing such education
5214 program may participate in the program prescribed in this section.
5215 The boards of trustees of the districts of which such children are
5216 residents shall pay to the board of trustees of the school
5217 district furnishing such school program the pro rata part of the
5218 expenses of furnishing such school program within such hospital,
5219 which payments may be made from any funds available for the
5220 operation and maintenance of the schools of the district in which
5221 such child is a resident. The amount so paid shall be based upon,
5222 but shall not exceed, the current per pupil cost of education in
5223 the school district of the child's residence, and the amount to be
5224 so paid by the school district of the child's residence shall be

5225 fixed by the State Superintendent of Public Education. If the
5226 amount to be paid which has been so fixed shall not be paid upon
5227 due demand made by the school district providing a program
5228 therefor, then the State Superintendent of Public Education shall
5229 deduct any such amounts from the next allocation of adequate
5230 education program school funds attributable to any such district
5231 and shall remit the same to the board of trustees of such school
5232 district which is furnishing such school program. If the amounts
5233 so paid by such school districts of the child's residence shall
5234 not be sufficient to pay the expenses of furnishing such program,
5235 then the remainder of such expenses over and above that so paid by
5236 such school districts shall be paid by the State Superintendent of
5237 Public Education to the school district providing such school
5238 program out of any funds available to the State Superintendent of
5239 Public Education, including adequate education program school
5240 funds. However, such payments shall not exceed Three Hundred
5241 Dollars (\$300.00) per child in average daily attendance in such
5242 program. Provided, however, the State Superintendent of Public
5243 Education shall in its discretion be authorized and empowered to
5244 exceed the said Three Hundred Dollars (\$300.00) per pupil
5245 limitation where such limitation would make it impractical to
5246 operate such a program.

5247 **SECTION 62.** Section 37-11-17, Mississippi Code of 1972, is
5248 amended as follows:

5249 37-11-17. (1) The State Superintendent of Public Education,
5250 the Board of Trustees of State Institutions of Higher Learning,
5251 the State Board for Community and Junior Colleges, the boards of
5252 trustees of the several junior colleges, the county boards of
5253 education, the governing authorities of any county, municipal or
5254 other public school districts, such other boards set up by law for
5255 any educational institution, school, college or university, or
5256 their authorized representative, or the State Health Officer or
5257 his authorized representative, may require any teacher,

5258 supervisor, janitor or other employee of the school to submit to a
5259 thorough physical examination, deemed advisable to determine
5260 whether he has any infectious or communicable disease.

5261 (2) The State Superintendent of Public Education may develop
5262 a program to accomplish the identification of public school
5263 students with abnormal spinal curvature. No state funds shall be
5264 expended for the purposes of implementing this subsection. Such
5265 program shall:

5266 (a) Provide that an adequate number of school personnel
5267 in each district be instructed by qualified medical experts in the
5268 proper examination of students for abnormal spinal curvatures;

5269 (b) Provide that all public school students who are at
5270 least ten (10) years old be screened at least every two (2) years
5271 but at least in the fourth, sixth, eighth and tenth grades or at
5272 such other times as may be recommended by medical experts on a per
5273 case basis;

5274 (c) Provide that students identified as having abnormal
5275 spinal curvatures or potential for abnormal spinal curvatures be
5276 referred to the county health officer or to the student's personal
5277 physician or chiropractor with notice of the evaluation; and

5278 (d) Provide for notification of the parent or guardian
5279 of any student identified under this program and for the supplying
5280 to such parent or guardian information on the condition and
5281 resources available for the correction or treatment of such
5282 condition. However, the requirement for screening shall not apply
5283 to a child whose parent or guardian objects thereto on grounds
5284 that the requirement conflicts with his conscientiously held
5285 religious beliefs.

5286 **SECTION 63.** Section 37-11-29, Mississippi Code of 1972, is
5287 amended as follows:

5288 37-11-29. (1) Any principal, teacher or other school
5289 employee who has knowledge of any unlawful activity which occurred
5290 on educational property or during a school related activity or

5291 which may have occurred shall report such activity to the
5292 superintendent of the school district or his designee who shall
5293 notify the appropriate law enforcement officials as required by
5294 this section. In the event of an emergency or if the
5295 superintendent or his designee is unavailable, any principal may
5296 make a report required under this subsection.

5297 (2) Whenever any person who shall be an enrolled student in
5298 any school or educational institution in this state supported in
5299 whole or in part by public funds, or who shall be an enrolled
5300 student in any private school or educational institution, is
5301 arrested for, and lawfully charged with, the commission of any
5302 crime and convicted upon the charge for which he was arrested, or
5303 convicted of any crime charged against him after his arrest and
5304 before trial, the office or law enforcement department of which
5305 the arresting officer is a member, and the justice court judge and
5306 any circuit judge or court before whom such student is tried upon
5307 said charge or charges, shall make or cause to be made a report
5308 thereof to the superintendent or the president or chancellor, as
5309 the case may be, of the school district or other educational
5310 institution in which such student is enrolled.

5311 If the charge upon which such student was arrested, or any
5312 other charges preferred against him are dismissed or nol prossed,
5313 or if upon trial he is either convicted or acquitted of such
5314 charge or charges, same shall be reported to said respective
5315 superintendent or president, or chancellor, as the case may be. A
5316 copy of said report shall be sent to the Secretary of the Board of
5317 Trustees of State Institutions of Higher Learning of the State of
5318 Mississippi, at Jackson, Mississippi.

5319 Said report shall be made within one (1) week after the
5320 arrest of such student and within one (1) week after any charge
5321 placed against him is dismissed or nol prossed, and within one (1)
5322 week after he shall have pled guilty, been convicted, or have been
5323 acquitted by trial upon any charge placed against him. This

5324 section shall not apply to ordinary traffic violations involving a
5325 penalty of less than Fifty Dollars (\$50.00) and costs.

5326 (3) When the superintendent or his designee has a reasonable
5327 belief that an act has occurred on educational property or during
5328 a school related activity involving any of the offenses set forth
5329 in subsection (6) of this section, the superintendent or his
5330 designee shall immediately report the act to the appropriate local
5331 law enforcement agency. For purposes of this subsection, "school
5332 property" shall include any public school building, bus, public
5333 school campus, grounds, recreational area or athletic field in the
5334 charge of the superintendent. The State Superintendent of Public
5335 Education shall prescribe a form for making reports required under
5336 this subsection. Any superintendent or his designee who fails to
5337 make a report required by this section shall be subject to the
5338 penalties provided in Section 37-11-15.

5339 (4) The law enforcement authority shall immediately dispatch
5340 an officer to the educational institution and with probable cause
5341 the officer is authorized to make an arrest if necessary as
5342 provided in Section 99-3-7.

5343 (5) Any superintendent, principal, teacher or other school
5344 personnel participating in the making of a required report
5345 pursuant to this section or participating in any judicial
5346 proceeding resulting therefrom shall be presumed to be acting in
5347 good faith. Any person reporting in good faith shall be immune
5348 from any civil liability that might otherwise be incurred or
5349 imposed.

5350 (6) For purposes of this section, "unlawful activity" means
5351 any of the following:

5352 (a) Possession or use of a deadly weapon, as defined in
5353 Section 97-37-1;

5354 (b) Possession, sale or use of any controlled
5355 substance;

5356 (c) Aggravated assault, as defined in Section 97-3-7;

5357 (d) Simple assault, as defined in Section 97-3-7, upon
5358 any school employee;
5359 (e) Rape, as defined under Mississippi law;
5360 (f) Sexual battery, as defined under Mississippi law;
5361 (g) Murder, as defined under Mississippi law;
5362 (h) Kidnapping, as defined under Mississippi law; or
5363 (i) Fondling, touching, handling, etc., a child for
5364 lustful purposes, as defined in Section 97-5-23.

5365 **SECTION 64.** Section 37-11-54, Mississippi Code of 1972, is
5366 amended as follows:

5367 37-11-54. The State Superintendent of Public Education,
5368 using only existing staff and resources, shall develop a list of
5369 recommended conflict resolution and mediation materials, models
5370 and curricula that address responsible decision making, the causes
5371 and effects of school violence and harassment, cultural diversity,
5372 and nonviolent methods for resolving conflict, including peer
5373 mediation, and shall make the list available to local school
5374 administrative units and school buildings before the beginning of
5375 the 2002-2003 school year. However, no monies from the Temporary
5376 Assistance for Needy Families grant may be used for developing
5377 this list. In developing this list, the State Superintendent
5378 shall emphasize materials, models and curricula that currently are
5379 being used in Mississippi and which the superintendent determines
5380 to be effective. The State Superintendent shall include at least
5381 one (1) model that includes instruction and guidance for the
5382 voluntary implementation of peer mediation programs and one (1)
5383 model that provides instruction and guidance for teachers
5384 concerning the integration of conflict resolution and mediation
5385 lessons into the existing classroom curriculum.

5386 This section shall be repealed on July 1, 2007.

5387 **SECTION 65.** Section 37-11-57, Mississippi Code of 1972, is
5388 amended as follows:

5389 37-11-57. (1) Except in the case of excessive force or
5390 cruel and unusual punishment, a teacher, assistant teacher,
5391 principal, or an assistant principal acting within the course and
5392 scope of his employment shall not be liable for any action carried
5393 out in conformity with state or federal law or rules or
5394 regulations of the State Superintendent of Public Education or the
5395 local school board regarding the control, discipline, suspension
5396 and expulsion of students. The local school board shall provide
5397 any necessary legal defense to a teacher, assistant teacher,
5398 principal, or assistant principal acting within the course and
5399 scope of his employment in any action which may be filed against
5400 such school personnel. A school district shall be entitled to
5401 reimbursement for legal fees and expenses from its employee if a
5402 court finds that the act of the employee was outside the course
5403 and scope of his employment, or that the employee was acting with
5404 criminal intent. Any action by a school district against its
5405 employee and any action by the employee against the school
5406 district for necessary legal fees and expenses shall be tried to
5407 the court in the same suit brought against the school employee.

5408 (2) Corporal punishment administered in a reasonable manner,
5409 or any reasonable action to maintain control and discipline of
5410 students taken by a teacher, assistant teacher, principal or
5411 assistant principal acting within the scope of his employment or
5412 function and in accordance with any state or federal laws or rules
5413 or regulations of the State Superintendent of Public Education or
5414 the local school board does not constitute negligence or child
5415 abuse. No teacher, assistant teacher, principal or assistant
5416 principal so acting shall be held liable in a suit for civil
5417 damages alleged to have been suffered by a student as a result of
5418 the administration of corporal punishment, or the taking of action
5419 to maintain control and discipline of a student, unless the court
5420 determines that the teacher, assistant teacher, principal or
5421 assistant principal acted in bad faith or with malicious purpose

5422 or in a manner exhibiting a wanton and willful disregard of human
5423 rights or safety. For the purposes of this subsection, "corporal
5424 punishment" means the reasonable use of physical force or physical
5425 contact by a teacher, assistant teacher, principal or assistant
5426 principal, as may be necessary to maintain discipline, to enforce
5427 a school rule, for self-protection or for the protection of other
5428 students from disruptive students.

5429 **SECTION 66.** Section 37-13-9, Mississippi Code of 1972, is
5430 amended as follows:

5431 37-13-9. The State Superintendent of Public Education may
5432 appoint a curriculum committee, composed of professional and lay
5433 members, not to exceed seven (7) in number, to make a continuous
5434 study of the curriculum of the public schools and to make
5435 recommendations to the State Superintendent of Public Education
5436 from time to time as to changes which should be made in the
5437 curriculum in the grammar school grades and in the high school
5438 grades. The members of such committee as of July 1, 1954, shall
5439 continue to serve until the expiration of the terms for which they
5440 were appointed; thereafter the members of such committee shall be
5441 appointed and serve for a term of two years and until their
5442 successors are appointed. Each member of said committee shall
5443 receive a per diem of Fifteen Dollars (\$15.00) for each day
5444 actually spent attending the meetings of the committee and, in
5445 addition, each member shall be reimbursed for actual travel
5446 expenses at the rate of Six Cents (\$.06) per mile for each mile
5447 traveled in attending the meetings of the committee. However, the
5448 total amount paid to any member of the committee for per diem
5449 shall not exceed the sum of One Hundred Fifty Dollars (\$150.00) in
5450 any one year. The per diem and travel expenses provided for
5451 herein shall be paid out of such appropriation as may be made for
5452 such purpose by the Legislature.

5453 **SECTION 67.** Section 37-13-10, Mississippi Code of 1972, is
5454 amended as follows:

5455 37-13-10. (1) The State Superintendent of Public Education
5456 shall develop and implement a Reading Sufficiency Program of
5457 Instruction beginning with the 1998-1999 school year, designed to
5458 enable each student to acquire the appropriate grade level of
5459 reading skills. In order to implement the Reading Sufficiency
5460 Program of Instruction, each local school board shall develop a
5461 Reading Sufficiency Plan for its school district which may include
5462 the following components:

5463 (a) Sufficient additional in-school instructional time
5464 for the development of reading and comprehension skills of the
5465 student;

5466 (b) Readiness intervention programs, such as
5467 kindergarten programs, extended school day or school year
5468 programs, and program initiatives to reduce class size;

5469 (c) Utilization of research-based teaching methodologies
5470 or strategies for providing direct instruction in phonics,
5471 vocabulary and comprehension development, including systematic,
5472 intensive, explicit phonics, using decodable vocabulary-controlled
5473 texts (texts in which ninety-five percent (95%) of the words are
5474 decodable), as is determined appropriate by the State
5475 Superintendent of Public Education; and

5476 (d) Professional development for assistant teachers,
5477 teachers and administrators to assist students in implementing the
5478 Reading Sufficiency Program.

5479 (2) Pursuant to appropriation by the Legislature
5480 specifically for such purpose, the State Department of Education
5481 shall provide in-service training, computer software and certified
5482 reading instructor personnel for training local school district
5483 certificated personnel to assist students in implementing the
5484 Reading Sufficiency Program required under this section.

5485 (3) The State Superintendent of Public Education, beginning
5486 on January 1, 1999, and annually on January 1 of each succeeding
5487 year, shall develop a report on the implementation of the Reading

5488 Sufficiency Program in each school district as required under this
5489 section, which shall include an assessment of the acquisition of
5490 reading skills by each student for the appropriate grade level in
5491 which the student is enrolled.

5492 **SECTION 68.** Section 37-13-61, Mississippi Code of 1972, is
5493 amended as follows:

5494 37-13-61. The State Superintendent of Public Education shall
5495 have the power and authority to fix the date for the opening of
5496 the school term in all schools in the state, and shall promulgate
5497 guidelines for an annual school calendar to be observed by all
5498 public school districts. Provided, however, that local school
5499 boards are authorized to keep school in session in excess of the
5500 minimum number of days prescribed herein.

5501 **SECTION 69.** Section 37-13-63, Mississippi Code of 1972, is
5502 amended as follows:

5503 37-13-63. (1) All public schools in the state shall be kept
5504 in session for at least one hundred eighty (180) days in each
5505 scholastic year.

5506 (2) If the school board of any school district shall
5507 determine that it is not economically feasible or practicable to
5508 operate any school within the district for the full one hundred
5509 eighty (180) days required for a scholastic year as contemplated
5510 due to an enemy attack, a man-made, technological or natural
5511 disaster in which the Governor has declared a disaster emergency
5512 under the laws of this state or the President of the United States
5513 has declared an emergency or major disaster to exist in this
5514 state, said school board may notify the State Department of
5515 Education of such disaster and submit a plan for altering the
5516 school term. If the State Superintendent of Public Education
5517 finds such disaster to be the cause of the school not operating
5518 for the contemplated school term and that such school was in a
5519 school district covered by the Governor's or President's disaster

5520 declaration, it may permit the school board to operate the schools
5521 in its district for less than one hundred eighty (180) days.

5522 **SECTION 70.** Section 37-13-69, Mississippi Code of 1972, is
5523 amended as follows:

5524 37-13-69. All public schools of this state may observe such
5525 legal holidays as may be designated by the State Superintendent of
5526 Public Education, and no sessions of school shall be held on
5527 holidays so designated and observed. However, all schools shall
5528 operate for the full minimum term required by law exclusive of the
5529 holidays authorized by this section. The holidays thus observed
5530 shall not be deducted from the reports of the superintendents,
5531 principals and teachers, and such superintendents, principals and
5532 teachers shall be allowed pay for full time as though they had
5533 taught on said holidays. However, such holidays shall not be
5534 counted or included in any way in determining the average daily
5535 attendance of the school.

5536 **SECTION 71.** Section 37-13-83, Mississippi Code of 1972, is
5537 amended as follows:

5538 37-13-83. The State Superintendent of Public Education shall
5539 appoint a director for the Office of Compulsory School Attendance
5540 Enforcement, who shall meet all qualifications established for
5541 school attendance officer supervisors and any additional
5542 qualifications that may be established by the State Superintendent
5543 of Public Education or State Personnel Board. The director shall
5544 be responsible for the proper administration of the Office of
5545 Compulsory School Attendance Enforcement in conformity with the
5546 Mississippi Compulsory School Attendance Law and any other
5547 regulations or policies that may be adopted by the State
5548 Superintendent of Public Education.

5549 **SECTION 72.** Section 37-13-85, Mississippi Code of 1972, is
5550 amended as follows:

5551 37-13-85. The Office of Compulsory School Attendance
5552 Enforcement shall have the following powers and duties, in
5553 addition to all others imposed or granted by law:

5554 (a) To establish any policies or guidelines concerning
5555 the employment of school attendance officers which serve to
5556 effectuate a uniform system of enforcement under the Mississippi
5557 Compulsory School Attendance Law throughout the state, and to
5558 designate the number of school attendance officers which shall be
5559 employed to serve in each school district area;

5560 (b) To supervise and assist school attendance officer
5561 supervisors in the performance of their duties;

5562 (c) To establish minimum standards for enrollment and
5563 attendance for the state and each individual school district, and
5564 to monitor the success of the state and districts in achieving the
5565 required levels of performance;

5566 (d) To provide to school districts failing to meet the
5567 established standards for enrollment and attendance assistance in
5568 reducing absenteeism or the dropout rates in those districts;

5569 (e) To establish any qualifications, in addition to
5570 those required under Section 37-13-89, for school attendance
5571 officers as the office deems necessary to further the purposes of
5572 the Mississippi Compulsory School Attendance Law;

5573 (f) To develop and implement a system under which
5574 school districts are required to maintain accurate records that
5575 document enrollment and attendance in such a manner that the
5576 records reflect all changes in enrollment and attendance, and to
5577 require school attendance officers to submit information
5578 concerning public school attendance on a monthly basis to the
5579 office;

5580 (g) To prepare the form of the certificate of
5581 enrollment required under the Mississippi Compulsory School
5582 Attendance Law and to furnish a sufficient number of the

5583 certificates of enrollment to each school attendance officer in
5584 the state;

5585 (h) To publish a report each year on the work of school
5586 attendance officers in each school district concerning enforcement
5587 of the Mississippi Compulsory School Attendance Law. The report
5588 shall include: figures reflecting school attendance violations
5589 and reductions or increases in the school dropout rates;
5590 information describing attendance-related problems and proposed
5591 solutions for those problems; and any other information that the
5592 State Department of Education may require. The report shall be
5593 submitted to the State Superintendent of Public Education and the
5594 Education Committees of the Senate and House of Representatives
5595 before the first day of July for the immediately preceding school
5596 year;

5597 (i) To provide to the State Superintendent of Public
5598 Education statistical information concerning absenteeism, dropouts
5599 and other attendance-related problems as requested by the State
5600 Superintendent of Public Education;

5601 (j) To provide for the certification of school
5602 attendance officers;

5603 (k) To provide for a course of training and education
5604 for school attendance officers, and to require successful
5605 completion of the course as a prerequisite to certification by the
5606 office as school attendance officers;

5607 (l) To adopt any guidelines or policies the office
5608 deems necessary to effectuate an orderly transition from the
5609 supervision of school attendance officers by district attorneys to
5610 the supervision by the school attendance officer supervisors;

5611 (m) Beginning on July 1, 1998, to require school
5612 attendance officer supervisors to employ persons employed by
5613 district attorneys before July 1, 1998, as school attendance
5614 officers without requiring such persons to submit an application

5615 or interview for employment with the State Department of
5616 Education;

5617 (n) To adopt policies or guidelines linking the duties
5618 of school attendance officers to the appropriate courts, law
5619 enforcement agencies and community service providers; and

5620 (o) To adopt any other policies or guidelines that the
5621 office deems necessary for the enforcement of the Mississippi
5622 Compulsory School Attendance Law; however, the policies or
5623 guidelines shall not add to or contradict with the requirements of
5624 Section 37-13-91.

5625 **SECTION 73.** Section 37-13-89, Mississippi Code of 1972, is
5626 amended as follows:

5627 37-13-89. (1) In each school district within the state,
5628 there shall be employed the number of school attendance officers
5629 determined by the Office of Compulsory School Attendance
5630 Enforcement to be necessary to adequately enforce the provisions
5631 of the Mississippi Compulsory School Attendance Law; however, this
5632 number shall not exceed one hundred fifty-three (153) school
5633 attendance officers at any time. From and after July 1, 1998, all
5634 school attendance officers employed pursuant to this section shall
5635 be employees of the State Department of Education. The State
5636 Department of Education shall employ all persons employed as
5637 school attendance officers by district attorneys before July 1,
5638 1998, and shall assign them to school attendance responsibilities
5639 in the school district in which they were employed before July 1,
5640 1998. The first twelve (12) months of employment for each school
5641 attendance officer shall be the probationary period of state
5642 service.

5643 (2) (a) The State Department of Education shall obtain
5644 current criminal records background checks and current child abuse
5645 registry checks on all persons applying for the position of school
5646 attendance officer after July 2, 2002. The criminal records
5647 information and registry checks must be kept on file for any new

5648 hires. In order to determine an applicant's suitability for
5649 employment as a school attendance officer, the applicant must be
5650 fingerprinted. If no disqualifying record is identified at the
5651 state level, the Department of Public Safety shall forward the
5652 fingerprints to the Federal Bureau of Investigation (FBI) for a
5653 national criminal history record check. The applicant shall pay
5654 the fee, not to exceed Fifty Dollars (\$50.00), for the
5655 fingerprinting and criminal records background check; however, the
5656 State Department of Education, in its discretion, may pay the fee
5657 for the fingerprinting and criminal records background check on
5658 behalf of any applicant. Under no circumstances may * * * the
5659 State Superintendent of Public Education, an employee of the State
5660 Department of Education or any person other than the subject of
5661 the criminal records background check disseminate information
5662 received through any such checks except insofar as required to
5663 fulfill the purposes of this subsection.

5664 (b) If the fingerprinting or criminal records check
5665 discloses a felony conviction, guilty plea or plea of nolo
5666 contendere to a felony of possession or sale of drugs, murder,
5667 manslaughter, armed robbery, rape, sexual battery, sex offense
5668 listed in Section 45-33-23(g), child abuse, arson, grand larceny,
5669 burglary, gratification of lust or aggravated assault which has
5670 not been reversed on appeal or for which a pardon has not been
5671 granted, the applicant is not eligible to be employed as a school
5672 attendance officer. Any employment of an applicant pending the
5673 results of the fingerprinting and criminal records check is
5674 voidable if the new hire receives a disqualifying criminal records
5675 check. However, the State Superintendent of Public Education, in
5676 the superintendent's discretion, may allow an applicant aggrieved
5677 by an employment decision under this subsection to appear before
5678 the superintendent, or before a hearing officer designated for
5679 that purpose, to show mitigating circumstances that may exist and
5680 allow the new hire to be employed as a school attendance officer.

5681 The State Superintendent of Public Education may grant waivers for
5682 mitigating circumstances, which may include, but are not
5683 necessarily limited to: (i) age at which the crime was committed;
5684 (ii) circumstances surrounding the crime; (iii) length of time
5685 since the conviction and criminal history since the conviction;
5686 (iv) work history; (v) current employment and character
5687 references; and (vi) other evidence demonstrating the ability of
5688 the person to perform the responsibilities of a school attendance
5689 officer competently and that the person does not pose a threat to
5690 the health or safety of children.

5691 (c) * * * The State Superintendent of Public Education
5692 or an employee of the State Department of Education may not be
5693 held liable in any employment discrimination suit in which an
5694 allegation of discrimination is made regarding an employment
5695 decision authorized under this section.

5696 (3) Each school attendance officer shall possess a college
5697 degree with a major in a behavioral science or a related field or
5698 shall have no less than three (3) years combined actual experience
5699 as a school teacher, school administrator, law enforcement officer
5700 possessing such degree, and/or social worker; however, these
5701 requirements shall not apply to persons employed as school
5702 attendance officers before January 1, 1987. School attendance
5703 officers also shall satisfy any additional requirements that may
5704 be established by the State Personnel Board for the position of
5705 school attendance officer.

5706 (4) It shall be the duty of each school attendance officer
5707 to:

5708 (a) Cooperate with any public agency to locate and
5709 identify all compulsory-school-age children who are not attending
5710 school;

5711 (b) Cooperate with all courts of competent
5712 jurisdiction;

5713 (c) Investigate all cases of nonattendance and unlawful
5714 absences by compulsory-school-age children not enrolled in a
5715 nonpublic school;

5716 (d) Provide appropriate counseling to encourage all
5717 school-age children to attend school until they have completed
5718 high school;

5719 (e) Attempt to secure the provision of social or
5720 welfare services that may be required to enable any child to
5721 attend school;

5722 (f) Contact the home or place of residence of a
5723 compulsory-school-age child and any other place in which the
5724 officer is likely to find any compulsory-school-age child when the
5725 child is absent from school during school hours without a valid
5726 written excuse from school officials, and when the child is found,
5727 the officer shall notify the parents and school officials as to
5728 where the child was physically located;

5729 (g) Contact promptly the home of each
5730 compulsory-school-age child in the school district within the
5731 officer's jurisdiction who is not enrolled in school or is not in
5732 attendance at public school and is without a valid written excuse
5733 from school officials; if no valid reason is found for the
5734 nonenrollment or absence from the school, the school attendance
5735 officer shall give written notice to the parent, guardian or
5736 custodian of the requirement for the child's enrollment or
5737 attendance;

5738 (h) Collect and maintain information concerning
5739 absenteeism, dropouts and other attendance-related problems, as
5740 may be required by law or the Office of Compulsory School
5741 Attendance Enforcement; and

5742 (i) Perform all other duties relating to compulsory
5743 school attendance established by the State Department of Education
5744 or district school attendance supervisor, or both.

5745 (5) While engaged in the performance of his duties, each
5746 school attendance officer shall carry on his person a badge
5747 identifying him as a school attendance officer under the Office of
5748 Compulsory School Attendance Enforcement of the State Department
5749 of Education and an identification card designed by the State
5750 Superintendent of Public Education and issued by the school
5751 attendance officer supervisor. Neither the badge nor the
5752 identification card shall bear the name of any elected public
5753 official.

5754 (6) The State Personnel Board shall develop a salary scale
5755 for school attendance officers as part of the variable
5756 compensation plan. The various pay ranges of the salary scale
5757 shall be based upon factors including, but not limited to,
5758 education, professional certification and licensure, and number of
5759 years of experience. School attendance officers shall be paid in
5760 accordance with this salary scale. The minimum salaries under the
5761 scale shall be no less than the following:

5762 (a) For school attendance officers holding a bachelor's
5763 degree or any other attendance officer who does not hold such a
5764 degree, the annual salary shall be based on years of experience as
5765 a school attendance officer or related field of service or
5766 employment, no less than as follows:

5767	Years of Experience	Salary
5768	0 - 4 years	\$19,650.00
5769	5 - 8 years	21,550.00
5770	9 - 12 years	23,070.00
5771	13 - 16 years	24,590.00
5772	Over 17 years	26,110.00

5773 (b) For school attendance officers holding a license as
5774 a social worker, the annual salary shall be based on years of
5775 experience as a school attendance officer or related field of
5776 service or employment, no less than as follows:

5777	Years of Experience	Salary
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5778	0 - 4 years	\$20,650.00
5779	5 - 8 years	22,950.00
5780	9 - 12 years	24,790.00
5781	13 - 16 years	26,630.00
5782	17 - 20 years	28,470.00
5783	Over 21 years	30,310.00

5784 (c) For school attendance officers holding a master's
5785 degree in a behavioral science or a related field, the annual
5786 salary shall be based on years of experience as a school
5787 attendance officer or related field of service or employment, no
5788 less than as follows:

5789	Years of Experience	Salary
5790	0 - 4 years	\$21,450.00
5791	5 - 8 years	24,000.00
5792	9 - 12 years	26,040.00
5793	13 - 16 years	28,080.00
5794	17 - 20 years	30,120.00
5795	Over 21 years	32,160.00

5796 (7) (a) Each school attendance officer employed by a
5797 district attorney on June 30, 1998, who became an employee of the
5798 State Department of Education on July 1, 1998, shall be awarded
5799 credit for personal leave and major medical leave for his
5800 continuous service as a school attendance officer under the
5801 district attorney, and if applicable, the youth or family court or
5802 a state agency. The credit for personal leave shall be in an
5803 amount equal to one-third (1/3) of the maximum personal leave the
5804 school attendance officer could have accumulated had he been
5805 credited with such leave under Section 25-3-93 during his
5806 employment with the district attorney, and if applicable, the
5807 youth or family court or a state agency. The credit for major
5808 medical leave shall be in an amount equal to one-half (1/2) of the
5809 maximum major medical leave the school attendance officer could
5810 have accumulated had he been credited with such leave under

5811 Section 25-3-95 during his employment with the district attorney,
5812 and if applicable, the youth or family court or a state agency.
5813 However, if a district attorney who employed a school attendance
5814 officer on June 30, 1998, certifies, in writing, to the State
5815 Department of Education that the school attendance officer had
5816 accumulated, pursuant to a personal leave policy or major medical
5817 leave policy lawfully adopted by the district attorney, a number
5818 of days of unused personal leave or major medical leave, or both,
5819 which is greater than the number of days to which the school
5820 attendance officer is entitled under this paragraph, the State
5821 Department of Education shall authorize the school attendance
5822 officer to retain the actual unused personal leave or major
5823 medical leave, or both, certified by the district attorney,
5824 subject to the maximum amount of personal leave and major medical
5825 leave the school attendance officer could have accumulated had he
5826 been credited with such leave under Sections 25-3-93 and 25-3-95.

5827 (b) For the purpose of determining the accrual rate for
5828 personal leave under Section 25-3-93 and major medical leave under
5829 Section 25-3-95, the State Department of Education shall give
5830 consideration to all continuous service rendered by a school
5831 attendance officer before July 1, 1998, in addition to the service
5832 rendered by the school attendance officer as an employee of the
5833 department.

5834 (c) In order for a school attendance officer to be
5835 awarded credit for personal leave and major medical leave or to
5836 retain the actual unused personal leave and major medical leave
5837 accumulated by him before July 1, 1998, the district attorney who
5838 employed the school attendance officer must certify, in writing,
5839 to the State Department of Education the hire date of the school
5840 attendance officer. For each school attendance officer employed
5841 by the youth or family court or a state agency before being
5842 designated an employee of the district attorney who has not had a
5843 break in continuous service, the hire date shall be the date that

5844 the school attendance officer was hired by the youth or family
5845 court or state agency. The department shall prescribe the date by
5846 which the certification must be received by the department and
5847 shall provide written notice to all district attorneys of the
5848 certification requirement and the date by which the certification
5849 must be received.

5850 (8) (a) School attendance officers shall maintain regular
5851 office hours on a year-round basis; however, during the school
5852 term, on those days that teachers in all of the school districts
5853 served by a school attendance officer are not required to report
5854 to work, the school attendance officer also shall not be required
5855 to report to work. (For purposes of this subsection, a school
5856 district's school term is that period of time identified as the
5857 school term in contracts entered into by the district with
5858 licensed personnel.) A school attendance officer shall be
5859 required to report to work on any day recognized as an official
5860 state holiday if teachers in any school district served by that
5861 school attendance officer are required to report to work on that
5862 day, regardless of the school attendance officer's status as an
5863 employee of the State Department of Education, and compensatory
5864 leave may not be awarded to the school attendance officer for
5865 working during that day. However, a school attendance officer may
5866 be allowed by the school attendance officer's supervisor to use
5867 earned leave on such days.

5868 (b) The State Department of Education annually shall
5869 designate a period of two (2) consecutive weeks in the summer
5870 between school years during which school attendance officers shall
5871 not be required to report to work. A school attendance officer
5872 who elects to work at any time during that period may not be
5873 awarded compensatory leave for such work and may not opt to be
5874 absent from work at any time other than during the two (2) weeks
5875 designated by the department unless the school attendance officer

5876 uses personal leave or major medical leave accrued under Section
5877 25-3-93 or 25-3-95 for such absence.

5878 (9) The State Department of Education shall provide all
5879 continuing education and training courses that school attendance
5880 officers are required to complete under state law or rules and
5881 regulations of the department.

5882 **SECTION 74.** Section 37-13-91, Mississippi Code of 1972, is
5883 amended as follows:

5884 37-13-91. (1) This section shall be referred to as the
5885 "Mississippi Compulsory School Attendance Law."

5886 (2) The following terms as used in this section are defined
5887 as follows:

5888 (a) "Parent" means the father or mother to whom a child
5889 has been born, or the father or mother by whom a child has been
5890 legally adopted.

5891 (b) "Guardian" means a guardian of the person of a
5892 child, other than a parent, who is legally appointed by a court of
5893 competent jurisdiction.

5894 (c) "Custodian" means any person having the present
5895 care or custody of a child, other than a parent or guardian of the
5896 child.

5897 (d) "School day" means not less than five (5) and not
5898 more than eight (8) hours of actual teaching in which both
5899 teachers and pupils are in regular attendance for scheduled
5900 schoolwork.

5901 (e) "School" means any public school in this state or
5902 any nonpublic school in this state which is in session each school
5903 year for at least one hundred eighty (180) school days, except
5904 that the "nonpublic" school term shall be the number of days that
5905 each school shall require for promotion from grade to grade.

5906 (f) "Compulsory-school-age child" means a child who has
5907 attained or will attain the age of six (6) years on or before
5908 September 1 of the calendar year and who has not attained the age

5909 of seventeen (17) years on or before September 1 of the calendar
5910 year; and shall include any child who has attained or will attain
5911 the age of five (5) years on or before September 1 and has
5912 enrolled in a full-day public school kindergarten program.
5913 Provided, however, that the parent or guardian of any child
5914 enrolled in a full-day public school kindergarten program shall be
5915 allowed to disenroll the child from the program on a one-time
5916 basis, and such child shall not be deemed a compulsory-school-age
5917 child until the child attains the age of six (6) years.

5918 (g) "School attendance officer" means a person employed
5919 by the State Department of Education pursuant to Section 37-13-89.

5920 (h) "Appropriate school official" means the
5921 superintendent of the school district, or his designee, or, in the
5922 case of a nonpublic school, the principal or the headmaster.

5923 (i) "Nonpublic school" means an institution for the
5924 teaching of children, consisting of a physical plant, whether
5925 owned or leased, including a home, instructional staff members and
5926 students, and which is in session each school year. This
5927 definition shall include, but not be limited to, private, church,
5928 parochial and home instruction programs.

5929 (3) A parent, guardian or custodian of a
5930 compulsory-school-age child in this state shall cause the child to
5931 enroll in and attend a public school or legitimate nonpublic
5932 school for the period of time that the child is of compulsory
5933 school age, except under the following circumstances:

5934 (a) When a compulsory-school-age child is physically,
5935 mentally or emotionally incapable of attending school as
5936 determined by the appropriate school official based upon
5937 sufficient medical documentation.

5938 (b) When a compulsory-school-age child is enrolled in
5939 and pursuing a course of special education, remedial education or
5940 education for handicapped or physically or mentally disadvantaged
5941 children.

5942 (c) When a compulsory-school-age child is being
5943 educated in a legitimate home instruction program.

5944 The parent, guardian or custodian of a compulsory-school-age
5945 child described in this subsection, or the parent, guardian or
5946 custodian of a compulsory-school-age child attending any nonpublic
5947 school, or the appropriate school official for any or all children
5948 attending a nonpublic school shall complete a "certificate of
5949 enrollment" in order to facilitate the administration of this
5950 section.

5951 The form of the certificate of enrollment shall be prepared
5952 by the Office of Compulsory School Attendance Enforcement of the
5953 State Department of Education and shall be designed to obtain the
5954 following information only:

5955 (i) The name, address, telephone number and date
5956 of birth of the compulsory-school-age child;

5957 (ii) The name, address and telephone number of the
5958 parent, guardian or custodian of the compulsory-school-age child;

5959 (iii) A simple description of the type of
5960 education the compulsory-school-age child is receiving and, if the
5961 child is enrolled in a nonpublic school, the name and address of
5962 the school; and

5963 (iv) The signature of the parent, guardian or
5964 custodian of the compulsory-school-age child or, for any or all
5965 compulsory-school-age child or children attending a nonpublic
5966 school, the signature of the appropriate school official and the
5967 date signed.

5968 The certificate of enrollment shall be returned to the school
5969 attendance officer where the child resides on or before September
5970 15 of each year. Any parent, guardian or custodian found by the
5971 school attendance officer to be in noncompliance with this section
5972 shall comply, after written notice of the noncompliance by the
5973 school attendance officer, with this subsection within ten (10)
5974 days after the notice or be in violation of this section.

5975 However, in the event the child has been enrolled in a public
5976 school within fifteen (15) calendar days after the first day of
5977 the school year as required in subsection (6), the parent or
5978 custodian may, at a later date, enroll the child in a legitimate
5979 nonpublic school or legitimate home instruction program and send
5980 the certificate of enrollment to the school attendance officer and
5981 be in compliance with this subsection.

5982 For the purposes of this subsection, a legitimate nonpublic
5983 school or legitimate home instruction program shall be those not
5984 operated or instituted for the purpose of avoiding or
5985 circumventing the compulsory attendance law.

5986 (4) An "unlawful absence" is an absence during a school day
5987 by a compulsory-school-age child, which absence is not due to a
5988 valid excuse for temporary nonattendance. Days missed from school
5989 due to disciplinary suspension shall not be considered an
5990 "excused" absence under this section. This subsection shall not
5991 apply to children enrolled in a nonpublic school.

5992 Each of the following shall constitute a valid excuse for
5993 temporary nonattendance of a compulsory-school-age child enrolled
5994 in a public school, provided satisfactory evidence of the excuse
5995 is provided to the superintendent of the school district, or his
5996 designee:

5997 (a) An absence is excused when the absence results from
5998 the compulsory-school-age child's attendance at an authorized
5999 school activity with the prior approval of the superintendent of
6000 the school district, or his designee. These activities may
6001 include field trips, athletic contests, student conventions,
6002 musical festivals and any similar activity.

6003 (b) An absence is excused when the absence results from
6004 illness or injury which prevents the compulsory-school-age child
6005 from being physically able to attend school.

6006 (c) An absence is excused when isolation of a
6007 compulsory-school-age child is ordered by the county health

6008 officer, by the State Board of Health or appropriate school
6009 official.

6010 (d) An absence is excused when it results from the
6011 death or serious illness of a member of the immediate family of a
6012 compulsory-school-age child. The immediate family members of a
6013 compulsory-school-age child shall include children, spouse,
6014 grandparents, parents, brothers and sisters, including
6015 stepbrothers and stepsisters.

6016 (e) An absence is excused when it results from a
6017 medical or dental appointment of a compulsory-school-age child
6018 where an approval of the superintendent of the school district, or
6019 his designee, is gained before the absence, except in the case of
6020 emergency.

6021 (f) An absence is excused when it results from the
6022 attendance of a compulsory-school-age child at the proceedings of
6023 a court or an administrative tribunal if the child is a party to
6024 the action or under subpoena as a witness.

6025 (g) An absence may be excused if the religion to which
6026 the compulsory-school-age child or the child's parents adheres,
6027 requires or suggests the observance of a religious event. The
6028 approval of the absence is within the discretion of the
6029 superintendent of the school district, or his designee, but
6030 approval should be granted unless the religion's observance is of
6031 such duration as to interfere with the education of the child.

6032 (h) An absence may be excused when it is demonstrated
6033 to the satisfaction of the superintendent of the school district,
6034 or his designee, that the purpose of the absence is to take
6035 advantage of a valid educational opportunity such as travel,
6036 including vacations or other family travel. Approval of the
6037 absence must be gained from the superintendent of the school
6038 district, or his designee, before the absence, but the approval
6039 shall not be unreasonably withheld.

6040 (i) An absence may be excused when it is demonstrated
6041 to the satisfaction of the superintendent of the school district,
6042 or his designee, that conditions are sufficient to warrant the
6043 compulsory-school-age child's nonattendance. However, no absences
6044 shall be excused by the school district superintendent, or his
6045 designee, when any student suspensions or expulsions circumvent
6046 the intent and spirit of the compulsory attendance law.

6047 (5) Any parent, guardian or custodian of a
6048 compulsory-school-age child subject to this section who refuses or
6049 willfully fails to perform any of the duties imposed upon him or
6050 her under this section or who intentionally falsifies any
6051 information required to be contained in a certificate of
6052 enrollment, shall be guilty of contributing to the neglect of a
6053 child and, upon conviction, shall be punished in accordance with
6054 Section 97-5-39.

6055 Upon prosecution of a parent, guardian or custodian of a
6056 compulsory-school-age child for violation of this section, the
6057 presentation of evidence by the prosecutor that shows that the
6058 child has not been enrolled in school within eighteen (18)
6059 calendar days after the first day of the school year of the public
6060 school which the child is eligible to attend, or that the child
6061 has accumulated twelve (12) unlawful absences during the school
6062 year at the public school in which the child has been enrolled,
6063 shall establish a prima facie case that the child's parent,
6064 guardian or custodian is responsible for the absences and has
6065 refused or willfully failed to perform the duties imposed upon him
6066 or her under this section. However, no proceedings under this
6067 section shall be brought against a parent, guardian or custodian
6068 of a compulsory-school-age child unless the school attendance
6069 officer has contacted promptly the home of the child and has
6070 provided written notice to the parent, guardian or custodian of
6071 the requirement for the child's enrollment or attendance.

6072 (6) If a compulsory-school-age child has not been enrolled
6073 in a school within fifteen (15) calendar days after the first day
6074 of the school year of the school which the child is eligible to
6075 attend or the child has accumulated five (5) unlawful absences
6076 during the school year of the public school in which the child is
6077 enrolled, the school district superintendent shall report, within
6078 two (2) school days or within five (5) calendar days, whichever is
6079 less, the absences to the school attendance officer. The State
6080 Department of Education shall prescribe a uniform method for
6081 schools to utilize in reporting the unlawful absences to the
6082 school attendance officer. The superintendent, or his designee,
6083 also shall report any student suspensions or student expulsions to
6084 the school attendance officer when they occur.

6085 (7) When a school attendance officer has made all attempts
6086 to secure enrollment and/or attendance of a compulsory-school-age
6087 child and is unable to effect the enrollment and/or attendance,
6088 the attendance officer shall file a petition with the youth court
6089 under Section 43-21-451 or shall file a petition in a court of
6090 competent jurisdiction as it pertains to parent or child.
6091 Sheriffs, deputy sheriffs and municipal law enforcement officers
6092 shall be fully authorized to investigate all cases of
6093 nonattendance and unlawful absences by compulsory-school-age
6094 children, and shall be authorized to file a petition with the
6095 youth court under Section 43-21-451 or file a petition or
6096 information in the court of competent jurisdiction as it pertains
6097 to parent or child for violation of this section. The youth court
6098 shall expedite a hearing to make an appropriate adjudication and a
6099 disposition to ensure compliance with the Compulsory School
6100 Attendance Law, and may order the child to enroll or re-enroll in
6101 school. The superintendent of the school district to which the
6102 child is ordered may assign, in his discretion, the child to the
6103 alternative school program of the school established pursuant to
6104 Section 37-13-92.

6105 (8) The State Superintendent of Public Education shall adopt
6106 rules and regulations for the purpose of reprimanding any school
6107 superintendents who fail to timely report unexcused absences under
6108 the provisions of this section.

6109 (9) Notwithstanding any provision or implication herein to
6110 the contrary, it is not the intention of this section to impair
6111 the primary right and the obligation of the parent or parents, or
6112 person or persons in loco parentis to a child, to choose the
6113 proper education and training for such child, and nothing in this
6114 section shall ever be construed to grant, by implication or
6115 otherwise, to the State of Mississippi, any of its officers,
6116 agencies or subdivisions any right or authority to control,
6117 manage, supervise or make any suggestion as to the control,
6118 management or supervision of any private or parochial school or
6119 institution for the education or training of children, of any kind
6120 whatsoever that is not a public school according to the laws of
6121 this state; and this section shall never be construed so as to
6122 grant, by implication or otherwise, any right or authority to any
6123 state agency or other entity to control, manage, supervise,
6124 provide for or affect the operation, management, program,
6125 curriculum, admissions policy or discipline of any such school or
6126 home instruction program.

6127 **SECTION 75.** Section 37-13-92, Mississippi Code of 1972, is
6128 amended as follows:

6129 37-13-92. (1) Beginning with the school year 2004-2005, the
6130 school boards of all school districts shall establish, maintain
6131 and operate, in connection with the regular programs of the school
6132 district, an alternative school program or behavior modification
6133 program as defined by the State Superintendent of Public Education
6134 for, but not limited to, the following categories of
6135 compulsory-school-age students:

6136 (a) Any compulsory-school-age child who has been
6137 suspended for more than ten (10) days or expelled from school,

6138 except for any student expelled for possession of a weapon or
6139 other felonious conduct;

6140 (b) Any compulsory-school-age child referred to such
6141 alternative school based upon a documented need for placement in
6142 the alternative school program by the parent, legal guardian or
6143 custodian of such child due to disciplinary problems;

6144 (c) Any compulsory-school-age child referred to such
6145 alternative school program by the dispositive order of a
6146 chancellor or youth court judge, with the consent of the
6147 superintendent of the child's school district; and

6148 (d) Any compulsory-school-age child whose presence in
6149 the classroom, in the determination of the school superintendent
6150 or principal, is a disruption to the educational environment of
6151 the school or a detriment to the best interest and welfare of the
6152 students and teacher of such class as a whole.

6153 (2) The principal or program administrator of any such
6154 alternative school program shall require verification from the
6155 appropriate guidance counselor of any such child referred to the
6156 alternative school program regarding the suitability of such child
6157 for attendance at the alternative school program. Before a
6158 student may be removed to an alternative school education program,
6159 the superintendent of the student's school district must determine
6160 that the written and distributed disciplinary policy of the local
6161 district is being followed. The policy shall include standards
6162 for:

6163 (a) The removal of a student to an alternative
6164 education program that will include a process of educational
6165 review to develop the student's individual instruction plan and
6166 the evaluation at regular intervals of the student's educational
6167 progress; the process shall include classroom teachers and/or
6168 other appropriate professional personnel, as defined in the
6169 district policy, to ensure a continuing educational program for
6170 the removed student;

6171 (b) The duration of alternative placement; and
6172 (c) The notification of parents or guardians, and their
6173 appropriate inclusion in the removal and evaluation process, as
6174 defined in the district policy. Nothing in this paragraph should
6175 be defined in a manner to circumvent the principal's or the
6176 superintendent's authority to remove a student to alternative
6177 education.

6178 (3) The local school board or the superintendent shall
6179 provide for the continuing education of a student who has been
6180 removed to an alternative school program.

6181 (4) A school district, in its discretion, may provide a
6182 program of general educational development (GED) preparatory
6183 instruction in the alternative school program. However, any GED
6184 preparation program offered in an alternative school program must
6185 be administered in compliance with the rules and regulations
6186 established for such programs under Sections 37-35-1 through
6187 37-35-11 and by the State Board for Community and Junior Colleges.
6188 The school district may administer the General Educational
6189 Development (GED) Testing Program under the policies and
6190 guidelines of the GED Testing Service of the American Council on
6191 Education in the alternative school program or may authorize the
6192 test to be administered through the community/junior college
6193 district in which the alternative school is situated.

6194 (5) Any such alternative school program operated under the
6195 authority of this section shall meet all appropriate accreditation
6196 requirements of the State Department of Education.

6197 (6) The alternative school program may be held within such
6198 school district or may be operated by two (2) or more adjacent
6199 school districts, pursuant to a contract approved by the State
6200 Superintendent of Public Education. When two (2) or more school
6201 districts contract to operate an alternative school program, the
6202 school board of a district designated to be the lead district
6203 shall serve as the governing board of the alternative school

6204 program. Transportation for students attending the alternative
6205 school program shall be the responsibility of the local school
6206 district. The expense of establishing, maintaining and operating
6207 such alternative school program may be paid from funds contributed
6208 or otherwise made available to the school district for such
6209 purpose or from local district maintenance funds.

6210 (7) The State Superintendent of Public Education shall
6211 promulgate minimum guidelines for alternative school programs.
6212 The guidelines shall require, at a minimum, the formulation of an
6213 individual instruction plan for each student referred to the
6214 alternative school program and, upon a determination that it is in
6215 a student's best interest for that student to receive general
6216 educational development (GED) preparatory instruction, that the
6217 local school board assign the student to a GED preparatory program
6218 established under subsection (4) of this section. The minimum
6219 guidelines for alternative school programs shall also require the
6220 following components:

6221 (a) Clear guidelines and procedures for placement of
6222 students into alternative education programs which at a minimum
6223 shall prescribe due process procedures for disciplinary and
6224 general educational development (GED) placement;

6225 (b) Clear and consistent goals for students and
6226 parents;

6227 (c) Curricula addressing cultural and learning style
6228 differences;

6229 (d) Direct supervision of all activities on a closed
6230 campus;

6231 (e) Full-day attendance with a rigorous workload and
6232 minimal time off;

6233 (f) Selection of program from options provided by the
6234 local school district, Division of Youth Services or the youth
6235 court, including transfer to a community-based alternative school;

6236 (g) Continual monitoring and evaluation and formalized
6237 passage from one step or program to another;
6238 (h) A motivated and culturally diverse staff;
6239 (i) Counseling for parents and students;
6240 (j) Administrative and community support for the
6241 program; and
6242 (k) Clear procedures for annual alternative school
6243 program review and evaluation.

6244 (8) On request of a school district, the State Department of
6245 Education shall provide the district informational material on
6246 developing an alternative school program that takes into
6247 consideration size, wealth and existing facilities in determining
6248 a program best suited to a district.

6249 (9) Any compulsory-school-age child who becomes involved in
6250 any criminal or violent behavior shall be removed from such
6251 alternative school program and, if probable cause exists, a case
6252 shall be referred to the youth court.

6253 (10) The State Superintendent of Public Education, in the
6254 superintendent's discretion, may exempt not more than four (4)
6255 school district alternative school programs in the state from any
6256 compulsory standard of accreditation for a period of three (3)
6257 years. During this period, the State Department of Education
6258 shall conduct a study of all alternative school programs in the
6259 state, and on or before January 1, 2000, shall develop and
6260 promulgate accreditation standards for all alternative school
6261 programs, including any recommendations for necessary legislation
6262 relating to such alternative school programs.

6263 **SECTION 76.** Section 37-13-151, Mississippi Code of 1972, is
6264 amended as follows:

6265 37-13-151. Before July 1, 1997, all local school districts
6266 shall provide programs of education in home economics, in Grade
6267 10, 11 or 12, which include course work in responsible parenting
6268 and family living skills. These programs shall contain

6269 instruction to prepare students to understand children's physical,
6270 mental, emotional and social growth and development as well as to
6271 assume responsibility for their care and guidance, with emphasis
6272 on nutrition, emotional health and physical health. All such
6273 programs shall be subject to the approval of the State
6274 Superintendent of Public Education pursuant to Section
6275 37-31-205(1)(d).

6276 **SECTION 77.** Section 37-13-153, Mississippi Code of 1972, is
6277 amended as follows:

6278 37-13-153. State funding for the home economics programs
6279 required in Section 37-13-151 shall be phased in over a period of
6280 three (3) school years, beginning with the 1994-1995 school year.
6281 In the minimum education program and vocational education
6282 appropriation bills for fiscal year 1994-1995, there shall be a
6283 line item specifying the amount that is to be expended to employ
6284 no less than one (1) instructor in each high school in no less
6285 than one-third (1/3) of the school districts in the state. In the
6286 minimum education program and vocational education appropriation
6287 bills for fiscal year 1995-1996, there shall be a line item
6288 specifying the amount that is to be expended to employ no less
6289 than one (1) instructor in each high school in no less than
6290 two-thirds (2/3) of the school districts in the state. In the
6291 minimum education program and vocational education appropriation
6292 bills for fiscal year 1996-1997, there shall be a line item
6293 specifying the amount that is to be expended to employ no less
6294 than one (1) instructor in each high school in each school
6295 district in the state. Any funds so appropriated by line item
6296 which are not expended for this purpose in the vocational
6297 education appropriation may be expended for other related home
6298 economics vocational purposes during the fiscal year for which
6299 those funds were appropriated. The State Superintendent of Public
6300 Education shall determine which districts shall receive funds for

6301 the home economics programs during each of the three (3) years of
6302 the phase-in period.

6303 **SECTION 78.** Section 37-13-185, Mississippi Code of 1972, is
6304 amended as follows:

6305 37-13-185. The State Superintendent of Public Education
6306 shall review the proposed character education programs of the
6307 individual school districts to ascertain if the programs comply
6308 with the criteria set forth in Section 37-13-181. Review of the
6309 programs shall not exceed a time period of sixty (60) days. If a
6310 review extends beyond this time period, the proposal will be
6311 deemed in compliance with the law.

6312 If the proposed character education program is rejected, the
6313 State Superintendent of Public Education shall set forth in
6314 writing the specific areas of objection. These objections must be
6315 based on and limited to the following criteria: the definition of
6316 the character traits chosen by the school district for
6317 implementation shall reflect and be in keeping with both the
6318 spirit and letter of our founding documents; no instruction shall
6319 promote or encourage participation in any conduct that would
6320 violate existing state or federal law; and no student shall be
6321 assessed or evaluated as to whether or not the student evidences a
6322 specific character trait in his or her own life.

6323 **SECTION 79.** Section 37-15-1, Mississippi Code of 1972, is
6324 amended as follows:

6325 37-15-1. The State Superintendent of Public Education shall
6326 prepare and provide necessary forms for keeping permanent records
6327 and cumulative folders for each pupil in the public schools of the
6328 state. In the permanent record and cumulative folders, the
6329 teachers and principals shall keep information concerning the
6330 pupil's date of birth, as verified by the documentation authorized
6331 in this section, record of attendance, grades and withdrawal from
6332 the school, including the date of any expulsion from the school
6333 system and a description of the student's act or behavior

6334 resulting in the expulsion. The records also shall contain
6335 information pertaining to immunization and such other information
6336 as the State Superintendent of Public Education may prescribe.
6337 The cumulative folder, in addition to that information maintained
6338 in the permanent records, also shall contain such other
6339 information as the State Superintendent of Public Education shall
6340 prescribe. It shall be the responsibility of the person in charge
6341 of each school to enforce the requirement for evidence of the age
6342 of each pupil before enrollment. If the first prescribed evidence
6343 is not available, the next evidence obtainable in the order set
6344 forth below shall be accepted:

6345 (a) A certified birth certificate;

6346 (b) A duly attested transcript of a certificate of
6347 baptism showing the date of birth and place of baptism of the
6348 child, accompanied by an affidavit sworn to by a parent,
6349 grandparent or custodian;

6350 (c) An insurance policy on the child's life which has
6351 been in force for at least two (2) years;

6352 (d) A bona fide contemporary Bible record of the
6353 child's birth accompanied by an affidavit sworn to by the parent,
6354 grandparent or custodian;

6355 (e) A passport or certificate of arrival in the United
6356 States showing the age of the child;

6357 (f) A transcript of record of age shown in the child's
6358 school record of at least four (4) years prior to application,
6359 stating date of birth; or

6360 (g) If none of these evidences can be produced, an
6361 affidavit of age sworn to by a parent, grandparent or custodian.

6362 Any child enrolling in Kindergarten or Grade 1 shall present the
6363 required evidence of age upon enrollment. Any child in Grades 2
6364 through 12 not in compliance at the end of sixty (60) days from
6365 enrollment shall be suspended until in compliance.

6366 This section shall stand repealed on July 1, 2007.

6367 **SECTION 80.** Section 37-15-4, Mississippi Code of 1972, is
6368 amended as follows:

6369 37-15-4. The school board of every school district, as
6370 created and empowered by law, shall keep and preserve permanently
6371 a copy of all district-wide reports required by the State
6372 Superintendent of Public Education to be filed on an annual basis.

6373 Copies of those district-wide reports required by the State
6374 Superintendent of Public Education on less than an annual basis
6375 may be destroyed after five (5) years upon approval of the school
6376 board of the school district.

6377 All supporting documents necessary to compile such
6378 district-wide reports, except as delineated in Section 37-15-8 may
6379 be destroyed after three (3) years following the academic year for
6380 which the report was made upon approval of the school board of the
6381 school district.

6382 **SECTION 81.** Section 37-15-8, Mississippi Code of 1972, is
6383 amended as follows:

6384 37-15-8. The superintendent of the school district shall
6385 have the authority, with the approval of the school board of the
6386 school district spread upon its minutes, to dispose of the
6387 following records:

6388 (a) After five (5) years:

6389 (1) Bank statements;

6390 (2) Cancelled warrants and pay certificates;

6391 (3) School board paid bills;

6392 (4) Bids received, either accepted or rejected,
6393 for supplies, materials, equipment and construction;

6394 (5) Depository receipt warrants;

6395 (6) School board claims dockets, where claims are
6396 recorded on the minutes of the board;

6397 (7) Original of school board's orders after such
6398 orders have been recorded in the minute book;

6399 (8) Cancelled bonds and coupons;

6400 (9) Tax collector's reports of tax collection to
6401 superintendent of schools;

6402 (10) Transportation records.

6403 (b) After three (3) years:

6404 (1) Teacher contracts, computed from the
6405 expiration date thereof;

6406 (2) Bus purchase documents;

6407 (3) Teachers' registers, principals' reports and
6408 other evidence necessary to prepare the reports to the State
6409 Superintendent of Public Education.

6410 (c) After a period to be set by the State
6411 Superintendent of Public Education, such other documents of a
6412 temporary or transitory nature as the State Superintendent of
6413 Public Education by regulation shall designate.

6414 Notwithstanding any of the provisions of Sections 37-15-1
6415 through 37-15-4, 37-15-8 and 37-15-10 to the contrary, no records
6416 which are in the process of being audited by the State Department
6417 of Audit, or which are the basis of litigation, shall be destroyed
6418 until at least twelve (12) months after final completion of said
6419 audits and litigation.

6420 **SECTION 82.** Section 37-15-10, Mississippi Code of 1972, is
6421 amended as follows:

6422 37-15-10. The State Superintendent of Public Education shall
6423 administer Sections 37-15-1 through 37-15-4, 37-15-8 and this
6424 section and issue such additional standards and regulations as
6425 might be necessary in carrying out this duty.

6426 **SECTION 83.** Section 37-15-29, Mississippi Code of 1972, is
6427 amended as follows:

6428 37-15-29. (1) Except as provided in subsections (2), (3)
6429 and (4) of this section, no minor child may enroll in or attend
6430 any school except in the school district of his residence, unless
6431 such child be lawfully transferred from the school district of his
6432 residence to a school in another school district in accord with

6433 the statutes of this state now in effect or which may be hereafter
6434 enacted.

6435 (2) Those children whose parent(s) or legal guardian(s) are
6436 instructional personnel or certificated employees of a school
6437 district may at such employee's discretion enroll and attend the
6438 school or schools of their parent's or legal guardian's employment
6439 regardless of the residence of the child.

6440 (3) No child shall be required to be transported in excess
6441 of thirty (30) miles on a school bus from his or her home to
6442 school, or in excess of thirty (30) miles from school to his or
6443 her home, if there is another school in an adjacent school
6444 district located on a shorter school bus transportation route by
6445 the nearest traveled road. Those children residing in such
6446 geographical situations may, at the discretion of their parent(s)
6447 or legal guardian(s), enroll and attend the nearer school,
6448 regardless of the residence of the child. In the event the parent
6449 or legal guardian of such child and the school board are unable to
6450 agree on the school bus mileage required to transport the child
6451 from his or her home to school, an appeal shall lie to the State
6452 Superintendent of Public Education, or the superintendent's
6453 designee, whose decision shall be final.

6454 (4) Those children lawfully transferred from the school
6455 district of his residence to a school in another school district
6456 prior to July 1, 1992, may, at the discretion of their parent(s)
6457 or legal guardian(s), continue to enroll and attend school in the
6458 transferee school district. Provided further, that the brother(s)
6459 and sister(s) of said children lawfully transferred prior to July
6460 1, 1992, may also, at the discretion of their parent(s) or legal
6461 guardian(s), enroll and attend school in the transferee school
6462 district.

6463 **SECTION 84.** Section 37-15-31, Mississippi Code of 1972, is
6464 amended as follows:

6465 37-15-31. (1) (a) Except as provided in subsections (2)
6466 through (5) of this section, upon the petition in writing of a
6467 parent or guardian resident of the school district of an
6468 individual student filed or lodged with the president or secretary
6469 of the school board of a school district in which the pupil has
6470 been enrolled or is qualified to be enrolled as a student under
6471 Section 37-15-9, or upon the aforesaid petition or the initiative
6472 of the school board of a school district as to the transfer of a
6473 grade or grades, individual students living in one school district
6474 or a grade or grades of a school within the districts may be
6475 legally transferred to another school district, by the mutual
6476 consent of the school boards of all school districts concerned,
6477 which consent must be given in writing and spread upon the minutes
6478 of such boards.

6479 (b) The school board of the transferring school
6480 district to which such petition may be addressed shall act thereon
6481 not later than its next regular meeting subsequent to the filing
6482 or lodging of the petition, and a failure to act within that time
6483 shall constitute a rejection of such request. The school board of
6484 the other school district involved (the transferee board) shall
6485 act on such request for transfer as soon as possible after the
6486 transferor board shall have approved or rejected such transfer and
6487 no later than the next regular meeting of the transferee board,
6488 and a failure of such transferee board to act within such time
6489 shall constitute a rejection of such request. If such a transfer
6490 is approved by the transferee board, then such decision shall be
6491 final. If such a transfer should be refused by the school board
6492 of either school district, then such decision shall be final.

6493 (c) Any legal guardianship formed for the purpose of
6494 establishing residency for school district attendance purposes
6495 shall not be recognized by the affected school board.

6496 (2) (a) Upon the petition in writing of any parent or
6497 guardian who is a resident of Mississippi and is an instructional

6498 or licensed employee of a school district, but not a resident of
6499 such district, the school board of the employer school district
6500 shall consent to the transfer of such employee's dependent
6501 school-age children to its district and shall spread the same upon
6502 the minutes of the board. Upon the petition in writing of any
6503 parent or guardian who is not a resident of Mississippi and who is
6504 an instructional or licensed employee of a school district in
6505 Mississippi, the school board of the employer school district
6506 shall consent to the transfer of such employee's dependent
6507 school-age children to its district and shall spread the same upon
6508 the minutes of the board.

6509 (b) The school board of any school district, in its
6510 discretion, may adopt a uniform policy to allow the enrollment and
6511 attendance of the dependent children of noninstructional and
6512 nonlicensed employees, who are residents of Mississippi but are
6513 not residents of their district. Such policy shall be based upon
6514 the employment needs of the district, implemented according to job
6515 classification groups and renewed each school year.

6516 (c) The employer transferee school district shall
6517 notify in writing the school district from which the pupil or
6518 pupils are transferring, and the school board of the transferor
6519 school district shall spread the same upon its minutes.

6520 (d) Any such agreement by school boards for the legal
6521 transfer of a student shall include a provision providing for the
6522 transportation of the student. In the absence of such a provision
6523 the responsibility for transporting the student to the transferee
6524 school district shall be that of the parent or guardian.

6525 (e) Any school district which accepts a student under
6526 the provisions of this subsection shall not assess any tuition
6527 fees upon such transferring student in accordance with the
6528 provisions of Section 37-19-27.

6529 (3) Upon the petition in writing of any parent or legal
6530 guardian of a school-age child who is a resident of an adjacent

6531 school district residing in the geographical situation described
6532 in Section 37-15-29(3), the school board of the school district
6533 operating the school located in closer proximity to the residence
6534 of the child shall consent to the transfer of the child to its
6535 district, and shall spread the same upon the minutes of the board.
6536 Any such agreement by school boards for the legal transfer of a
6537 student under this subsection shall include a provision for the
6538 transportation of the student by either the transferor or the
6539 transferee school district. In the event that either the school
6540 board of the transferee or the transferor school district shall
6541 object to the transfer, it shall have the right to appeal to the
6542 State Superintendent of Public Education whose decision shall be
6543 final. However, if the school boards agreeing on the legal
6544 transfer of any student shall fail to agree on which district
6545 shall provide transportation, the responsibility for transporting
6546 the student to the transferee school district shall be that of the
6547 parent or guardian.

6548 (4) Upon the petition in writing of any parent or legal
6549 guardian of a school-age child who was lawfully transferred to
6550 another school district prior to July 1, 1992, as described in
6551 Section 37-15-29(4), the school board of the transferee school
6552 district shall consent to the transfer of such child and the
6553 transfer of any school-age brother and sister of such child to its
6554 district, and shall spread the same upon the minutes of the board.

6555 (5) (a) If the board of trustees of a municipal separate
6556 school district with added territory does not have a member who is
6557 a resident of the added territory outside the corporate limits,
6558 upon the petition in writing of any parent or legal guardian of a
6559 school-age child who is a resident of the added territory outside
6560 the corporate limits, the board of trustees of the municipal
6561 separate school district and the school board of the school
6562 district adjacent to the added territory shall consent to the
6563 transfer of the child from the municipal separate school district

6564 to the adjacent school district. The agreement must be spread
6565 upon the minutes of the board of trustees of the municipal
6566 separate school district and the school board of the adjacent
6567 school district. The agreement must provide for the
6568 transportation of the student. In the absence of such a
6569 provision, the parent or legal guardian shall be responsible for
6570 transporting the student to the adjacent school district. Any
6571 school district that accepts a student under this subsection may
6572 not assess any tuition fees against the transferring student.

6573 (b) Before September 1 of each year, the board of
6574 trustees of the municipal separate school district shall certify
6575 to the State Department of Education the number of students in the
6576 added territory of the municipal separate school district who are
6577 transferred to the adjacent school district under this subsection.
6578 The municipal separate school district also shall certify the
6579 total number of students in the school district residing in the
6580 added territory plus the number of those students who are
6581 transferred to the adjacent school district. Based upon these
6582 figures, the department shall calculate the percentage of the
6583 total number of students in the added territory who are
6584 transferred to the adjacent school district and shall certify this
6585 percentage to the levying authority for the municipal separate
6586 school district. The levying authority shall remit to the school
6587 board of the adjacent school district, from the proceeds of the ad
6588 valorem taxes collected for the support of the municipal separate
6589 school district from the added territory of the municipal separate
6590 school district, an amount equal to the percentage of the total
6591 number of students in the added territory who are transferred to
6592 the adjacent school district.

6593 **SECTION 85.** Section 37-16-3, Mississippi Code of 1972, is
6594 amended as follows:

6595 37-16-3. (1) The State Department of Education is directed
6596 to implement a program of statewide assessment testing which shall

6597 provide for the improvement of the operation and management of the
6598 public schools. The statewide program shall be timed, as far as
6599 possible, so as not to conflict with ongoing district assessment
6600 programs. As part of the program, the department shall:

6601 (a) Establish, with the approval of the State
6602 Superintendent of Public Education, minimum performance standards
6603 related to the goals for education contained in the state's plan
6604 including, but not limited to, basic skills in reading, writing
6605 and mathematics. The minimum performance standards shall be
6606 approved by April 1 in each year they are established.

6607 (b) Conduct a uniform statewide testing program in
6608 grades deemed appropriate. The program may test skill areas,
6609 basic skills and high school course content.

6610 (c) Monitor the results of the assessment program and,
6611 at any time the composite student performance of a school or basic
6612 program is found to be below the established minimum standards,
6613 notify the district superintendent, the school principal and the
6614 school advisory committee or other existing parent group of the
6615 situation within thirty (30) days of its determination. The
6616 department shall further provide technical assistance to the
6617 district in the identification of the causes of this deficiency
6618 and shall recommend courses of action for its correction.

6619 (d) Provide technical assistance to the school
6620 districts, when requested, in the development of student
6621 performance standards in addition to the established minimum
6622 statewide standards.

6623 (e) Issue security procedure regulations providing for
6624 the security and integrity of the tests that are administered
6625 under the basic skills assessment program.

6626 (2) Uniform basic skills tests shall be completed by each
6627 student in the appropriate grade. In the event of excused or
6628 unexcused student absences, make-up tests shall be given. The
6629 school superintendent of every school district in the state shall

6630 annually certify to the State Department of Education that each
6631 student enrolled in the appropriate grade has completed the
6632 required basic skills assessment test for his or her grade.

6633 **SECTION 86.** Section 37-16-4, Mississippi Code of 1972, is
6634 amended as follows:

6635 37-16-4. (1) It is unlawful for anyone knowingly and
6636 willfully to do any of the following acts regarding mandatory
6637 uniform tests administered to students as required by the State
6638 Department of Education:

6639 (a) Give examinees access to test questions prior to
6640 testing;

6641 (b) Copy or reproduce all or any portion of any secure
6642 test booklet;

6643 (c) Coach examinees during testing or alter or
6644 interfere with examinees' responses in any way;

6645 (d) Make answer keys available to examinees;

6646 (e) Fail to account for all secure test materials
6647 before, during and after testing;

6648 (f) Participate in, direct, aid, counsel, assist in,
6649 encourage or fail to report any of the acts prohibited in this
6650 section.

6651 (2) Any person violating any provisions of subsection (1) of
6652 this section is guilty of a misdemeanor and upon conviction shall
6653 be fined not more than One Thousand Dollars (\$1,000.00), or be
6654 imprisoned for not more than ninety (90) days, or both. Upon
6655 conviction, the State Superintendent of Public Education may
6656 suspend or revoke the administrative or teaching credentials, or
6657 both, of the person convicted.

6658 (3) The district attorney shall investigate allegations of
6659 violations of this section, either on its own initiative following
6660 a receipt of allegations, or at the request of a school district
6661 or the State Department of Education.

6662 (4) The district attorney shall furnish to the State
6663 Superintendent of Public Education a report of the findings of any
6664 investigation conducted pursuant to this section.

6665 (5) The State Superintendent of Public Education shall
6666 establish statistical guidelines to examine the results of state
6667 mandated tests to determine where there is evidence of testing
6668 irregularities resulting in false or misleading results in the
6669 aggregate or composite test scores of the class, grade, age group
6670 or school district. When said irregularities are identified, the
6671 State Superintendent of Public Education may order that any group
6672 of students identified as being required to retake the test at
6673 state expense under state supervision. The school district shall
6674 be given at least thirty (30) days' notice before the next test
6675 administration and shall comply with the order of the State
6676 Superintendent of Public Education. The results from the second
6677 administration of the test shall be final for all uses of that
6678 data.

6679 (6) Nothing in this section may be construed to prohibit or
6680 interfere with the responsibilities of the State Superintendent of
6681 Public Education or the State Department of Education in test
6682 development or selection, test form construction, standard
6683 setting, test scoring, and reporting, or any other related
6684 activities which in the judgment of the State Superintendent of
6685 Public Education are necessary and appropriate.

6686 **SECTION 87.** Section 37-16-5, Mississippi Code of 1972, is
6687 amended as follows:

6688 37-16-5. The school board of every district in this state
6689 shall periodically assess student performance and achievement in
6690 each school. Such assessment programs shall be based upon local
6691 goals and objectives which are compatible with the state's plan
6692 for education and which supplement the minimum performance
6693 standards approved by the State Superintendent of Public
6694 Education. Data from district assessment programs shall be

6695 provided to the State Department of Education when such data is
6696 required in order to evaluate specific instructional programs or
6697 processes or when the data is needed for other research or
6698 evaluation projects. Each district may provide acceptable,
6699 compatible district assessment data to substitute for any
6700 assessment data needed at the state level when the State
6701 Department of Education certifies that such data is acceptable for
6702 the purposes of Section 37-16-3.

6703 **SECTION 88.** Section 37-16-7, Mississippi Code of 1972, is
6704 amended as follows:

6705 37-16-7. (1) Each district school board shall establish
6706 standards for graduation from its schools which shall include as a
6707 minimum:

6708 (a) Mastery of minimum academic skills as measured by
6709 assessments developed and administered by the State Superintendent
6710 of Public Education.

6711 (b) Completion of a minimum number of academic credits,
6712 and all other applicable requirements prescribed by the district
6713 school board.

6714 (2) A student who meets all requirements prescribed in
6715 subsection (1) of this section shall be awarded a standard diploma
6716 in a form prescribed by the State Superintendent.

6717 (3) The State Superintendent of Public Education may
6718 establish student proficiency standards for promotion to grade
6719 levels leading to graduation.

6720 **SECTION 89.** Section 37-16-11, Mississippi Code of 1972, is
6721 amended as follows:

6722 37-16-11. (1) A student who has been properly classified,
6723 in accordance with rules established by the State Superintendent
6724 of Public Education as "educable mentally retarded," "trainable
6725 mentally retarded," "deaf," "specific learning disabled,"
6726 "physically handicapped whose ability to communicate orally or in
6727 writing is seriously impaired" or "emotionally handicapped" shall

6728 not be required to meet all requirements of Section 37-16-7, and
6729 shall, upon meeting all applicable requirements prescribed by the
6730 district school board, be awarded a special diploma in a form
6731 prescribed by the State Superintendent; * * * however, * * * such
6732 special graduation requirements prescribed by the district school
6733 board shall include minimum graduation requirements as prescribed
6734 by the State Superintendent. Any such student who meets all
6735 special requirements of the district school board for his
6736 exceptionality, but is unable to meet the appropriate special
6737 state minimum requirements, shall be awarded a special certificate
6738 of completion in a form prescribed by the State Superintendent.
6739 Nothing provided in this section, however, shall be construed to
6740 limit or restrict the right of an exceptional student solely to a
6741 special diploma. Any such student shall, upon proper request, be
6742 afforded the opportunity to fully meet all requirements of Section
6743 37-16-7 through the standard procedures established therein and
6744 thereby qualify for a standard diploma upon graduation.

6745 (2) The State Superintendent of Public Education shall
6746 develop and issue criteria for a Mississippi Occupational Diploma
6747 for students having a disability as defined by the federal
6748 Individuals with Disabilities Education Act. Beginning with the
6749 2002-2003 school year, any such student, upon proper request,
6750 shall be afforded the opportunity to fully meet such requirements
6751 and qualify for an occupational diploma upon graduation.

6752 **SECTION 90.** Section 37-16-13, Mississippi Code of 1972, is
6753 amended as follows:

6754 37-16-13. (1) The school board of a local school district
6755 may award an honorary high school diploma in a form prescribed and
6756 supplied to school districts by the State Superintendent of Public
6757 Education to veterans of World War II, the Korean Conflict and the
6758 Vietnam Conflict who were unable to complete their education due
6759 to their military service. The honorary diploma is available to
6760 any honorably discharged veteran residing in Mississippi who was

6761 (a) scheduled to graduate between 1941 and 1955 but was inducted
6762 into military service before completing the necessary graduation
6763 requirements, or (b) was scheduled to graduate between 1963 and
6764 1973 but volunteered for military service and received the Vietnam
6765 Service Ribbon. Family members of deceased eligible veterans may
6766 apply for the diploma to be awarded posthumously.

6767 (2) The State Superintendent of Public Education and State
6768 Veterans Affairs Board jointly shall develop a uniform application
6769 for persons seeking a diploma under subsection (1) of this
6770 section. The application shall request no less than the following
6771 information:

6772 (a) The veteran's name, social security number and date
6773 of birth;

6774 (b) The last year the veteran was in school and the
6775 veteran's grade level during that year;

6776 (c) The year the veteran left school to enter World War
6777 II, the Korean Conflict or the Vietnam Conflict;

6778 (d) The year the veteran would have graduated from high
6779 school;

6780 (e) The name and location of the school attended;

6781 (f) The date of the veteran's enlistment or draft;

6782 (g) The veteran's service number;

6783 (h) The veteran's date of honorable discharge;

6784 (i) A copy of the veteran's DD-214 form, if available;

6785 and

6786 (j) Any other information deemed relevant by the State
6787 Superintendent of Public Education or State Veterans Affairs
6788 Board.

6789 The State Superintendent of Public Education shall provide
6790 local school districts, county departments of human services and
6791 local veterans services offices with copies of the uniform
6792 application.

6793 (3) A person may request an application from any local
6794 school district, county department of human services or local
6795 veterans services office. Completed applications for a diploma
6796 may be submitted to the veteran's local school district,
6797 regardless of whether or not the veteran attended school in that
6798 district. Upon verifying the information contained in the
6799 application, including verifying the veteran's military service
6800 information with the State Veterans Affairs Board, and determining
6801 the veteran's eligibility for the honorary high school diploma,
6802 the local school board may award the diploma to the veteran. The
6803 diploma shall indicate clearly that the recipient is a veteran of
6804 World War II, the Korean Conflict or the Vietnam Conflict and that
6805 the diploma was issued at a later date due to the veteran's
6806 participation in the war. The State Department of Education and
6807 the State Veterans Affairs Board may work together to provide
6808 communities with information about hosting a diploma ceremony on
6809 or around Veteran's Day. The diploma shall be provided to the
6810 veteran or, if the veteran is deceased, to the veteran's family.

6811 **SECTION 91.** Section 37-17-1, Mississippi Code of 1972, is
6812 amended as follows:

6813 37-17-1. The power and authority to prescribe standards for
6814 the accreditation of public schools, to insure compliance with
6815 such standards and to establish procedures for the accreditation
6816 of public schools is hereby vested in the State Superintendent of
6817 Public Education. The superintendent shall, by orders placed upon
6818 its minutes, adopt all necessary rules and regulations to
6819 effectuate the purposes of this chapter and shall provide, through
6820 the State Department of Education, for the necessary personnel for
6821 the enforcement of standards so established.

6822 **SECTION 92.** Section 37-17-3, Mississippi Code of 1972, is
6823 amended as follows:

6824 37-17-3. The Commission on School Accreditation created
6825 under this section is hereby continued and reconstituted as
6826 follows:

6827 The State Superintendent of Public Education shall appoint a
6828 "Commission on School Accreditation" to be composed of fifteen
6829 (15) qualified members. The membership of said commission shall
6830 be composed of the following: two (2) classroom teachers, two (2)
6831 principals of schools, one (1) superintendent of a separate school
6832 district, one (1) superintendent of a county or other school
6833 district, one (1) local school board member from a separate school
6834 district; one (1) local school board member from a county or other
6835 school district; and seven (7) members who are not actively
6836 engaged in the education profession. Members of the commission
6837 serving on July 1, 1994, shall continue to serve until their term
6838 of office expires. No new appointments shall be made until such
6839 time as the expiration of a member's term has reduced the
6840 commission to less than fifteen (15) members, at which time new
6841 appointments shall be made from the categories specified
6842 hereinabove. The membership of the commission shall be appointed
6843 by the * * * State Superintendent of Public Education. In making
6844 the first appointments, five (5) members shall be appointed for a
6845 term of one (1) year, five (5) members shall be appointed for a
6846 term of two (2) years, five (5) members shall be appointed for a
6847 term of three (3) years, and five (5) members shall be appointed
6848 for a term of four (4) years. Thereafter, all members shall be
6849 appointed for a term of four (4) years. The commission shall meet
6850 upon call of the State Superintendent of Public Education. There
6851 shall be three (3) members of said commission from each
6852 congressional district. Each member of said commission shall
6853 receive the per diem authorized by Section 25-3-69, Mississippi
6854 Code of 1972, plus actual and necessary expenses and mileage as
6855 authorized by Section 25-3-41, Mississippi Code of 1972, for each
6856 day actually spent in attending the meetings of the commission.

6857 The expenses of said commission shall be paid out of any funds
6858 available for the operation of the State Department of Education.

6859 **SECTION 93.** Section 37-17-5, Mississippi Code of 1972, is
6860 amended as follows:

6861 37-17-5. It shall be the purpose of the Commission on School
6862 Accreditation to continually review the standards on accreditation
6863 and the enforcement thereof and to make recommendations thereon to
6864 the State Superintendent of Public Education. All controversies
6865 involving the accreditation of schools shall be initially heard by
6866 a duly authorized representative of the commission before whom a
6867 complete record shall be made. After the conclusion of the
6868 hearing, the duly authorized representative of the commission
6869 shall make a recommendation to the commission as to the resolution
6870 of the controversies, and the commission, after considering the
6871 transcribed record and the recommendation of its representative,
6872 shall make its decision which becomes final unless the local
6873 school board of the school district involved shall appeal to the
6874 State Superintendent of Public Education, which appeal shall be on
6875 the record previously made before the commission's representative
6876 except as may be provided by rules and regulations adopted by the
6877 State Superintendent of Public Education. Such rules and
6878 regulations may provide for the submission of new factual
6879 evidence. All appeals from the State Superintendent of Public
6880 Education shall be on the record and shall be filed in the Circuit
6881 Court of the First Judicial District of Hinds County, Mississippi.
6882 The commission shall select a competent and qualified court
6883 reporter to record and transcribe all hearings held before its
6884 duly authorized representative whose fees and costs of
6885 transcription shall be paid by the school district involved within
6886 forty-five (45) days after having been notified of such costs and
6887 fees by the commission. An appropriate member of the staff of the
6888 State Department of Education shall be designated by the State

6889 Superintendent of Public Education to serve as executive secretary
6890 of the commission.

6891 **SECTION 94.** Section 37-17-6, Mississippi Code of 1972, is
6892 amended as follows:

6893 37-17-6. (1) The State Superintendent of Public Education,
6894 acting through the Commission on School Accreditation, shall
6895 establish and implement a permanent performance-based
6896 accreditation system, and all public elementary and secondary
6897 schools shall be accredited under this system.

6898 (2) * * * The State Superintendent of Public Education,
6899 acting through the Commission on School Accreditation, shall
6900 require school districts to provide school classroom space that is
6901 air conditioned as a minimum requirement for accreditation.

6902 (3) (a) * * * The State Superintendent of Public Education,
6903 acting through the Commission on School Accreditation, shall
6904 require that school districts employ certified school librarians
6905 according to the following formula:

6906	Number of Students	Number of Certified
6907	Per School Library	School Librarians
6908	0 - 499 Students	½ Full-time Equivalent
6909		Certified Librarian
6910	500 or More Students	1 Full-time Certified
6911		Librarian

6912 (b) The State Superintendent of Public Education,
6913 however, may increase the number of positions beyond the above
6914 requirements.

6915 (c) The assignment of such school librarians to the
6916 particular schools shall be at the discretion of the local school
6917 district. No individual shall be employed as a certified school
6918 librarian without appropriate training and certification as a
6919 school librarian by the State Department of Education.

6920 (d) School librarians in such district shall spend at
6921 least fifty percent (50%) of direct work time in a school library

6922 and shall devote no more than one-fourth (1/4) of the workday to
6923 administrative activities which are library related.

6924 (e) Nothing in this subsection shall prohibit any
6925 school district from employing more certified school librarians
6926 than are provided for in this section.

6927 (f) Any additional mileage levied to fund school
6928 librarians required for accreditation under this subsection shall
6929 be included in the tax increase limitation set forth in Sections
6930 37-57-105 and 37-57-107 and shall not be deemed a new program for
6931 purposes of the limitation.

6932 (4) * * * The State Superintendent of Public Education shall
6933 implement the performance-based accreditation system for school
6934 districts and for individual schools which shall include the
6935 following:

6936 (a) High expectations for students and high standards
6937 for all schools, with a focus on the basic curriculum;

6938 (b) Strong accountability for results with appropriate
6939 local flexibility for local implementation;

6940 (c) A process to implement accountability at both the
6941 school district level and the school level;

6942 (d) Individual schools shall be held accountable for
6943 student growth and performance;

6944 (e) Set annual performance standards for each of the
6945 schools of the state and measure the performance of each school
6946 against itself through the standard that has been set for it;

6947 (f) A determination of which schools exceed their
6948 standards and a plan for providing recognition and rewards to such
6949 schools;

6950 (g) A determination of which schools are failing to
6951 meet their standards and a determination of the appropriate role
6952 of the State Superintendent of Public Education and the State
6953 Department of Education in providing assistance and initiating
6954 possible intervention;

6955 (h) Development of a comprehensive student assessment
6956 system to implement these requirements; and

6957 (i) The State Superintendent of Public Education * * *,
6958 based on a written request that contains specific reasons for
6959 requesting a waiver from the school districts affected by
6960 Hurricane Katrina of 2005, may hold harmless school districts from
6961 assignment of district and school level accountability ratings for
6962 the 2005-2006 school year. The State Superintendent of Public
6963 Education, upon finding an extreme hardship in the school
6964 district, may grant the request. It is the intent of the
6965 Legislature that all school districts maintain the highest
6966 possible academic standards and instructional programs in all
6967 schools as required by law and the State Superintendent of Public
6968 Education.

6969 The State Superintendent of Public Education may continue to
6970 assign school district performance levels by using a number
6971 classification and may assign individual school performance levels
6972 by using a number classification to be consistent with school
6973 district performance levels.

6974 (5) Nothing in this section shall be deemed to require a
6975 nonpublic school which receives no local, state or federal funds
6976 for support to become accredited by the State Superintendent of
6977 Public Education.

6978 (6) The State Superintendent of Public Education shall
6979 create an accreditation audit unit under the Commission on School
6980 Accreditation to determine whether schools are complying with
6981 accreditation standards.

6982 (7) The State Superintendent of Public Education shall be
6983 specifically authorized and empowered to withhold adequate minimum
6984 education program or adequate education program fund allocations,
6985 whichever is applicable, to any public school district for failure
6986 to timely report student, school personnel and fiscal data
6987 necessary to meet state and/or federal requirements.

6988 (8) Deleted.

6989 (9) The State Superintendent of Public Education shall
6990 establish, for those school districts failing to meet
6991 accreditation standards, a program of development to be complied
6992 with in order to receive state funds, except as otherwise provided
6993 in subsection (14) of this section when the Governor has declared
6994 a state of emergency in a school district or as otherwise provided
6995 in Section 206, Mississippi Constitution of 1890. The state
6996 superintendent, in establishing these standards, shall provide for
6997 notice to schools and sufficient time and aid to enable schools to
6998 attempt to meet these standards, unless procedures under
6999 subsection (14) of this section have been invoked.

7000 (10) * * * The State Superintendent of Public Education
7001 shall be charged with the implementation of the program of
7002 development in each applicable school district as follows:

7003 (a) Develop an impairment report for each district
7004 failing to meet accreditation standards in conjunction with school
7005 district officials;

7006 (b) Notify any applicable school district failing to
7007 meet accreditation standards that it is on probation until
7008 corrective actions are taken or until the deficiencies have been
7009 removed. The local school district shall develop a corrective
7010 action plan to improve its deficiencies. For district academic
7011 deficiencies, the corrective action plan for each such school
7012 district shall be based upon a complete analysis of the following:

7013 student test data, student grades, student attendance reports,
7014 student drop-out data, existence and other relevant data. The
7015 corrective action plan shall describe the specific measures to be
7016 taken by the particular school district and school to improve:
7017 (a) instruction; (b) curriculum; (c) professional development; (d)
7018 personnel and classroom organization; (e) student incentives for
7019 performance; (f) process deficiencies; and (g) reporting to the
7020 local school board, parents and the community. The corrective

7021 action plan shall describe the specific individuals responsible
7022 for implementing each component of the recommendation and how each
7023 will be evaluated. All corrective action plans shall be provided
7024 to the State Superintendent of Public Education as may be
7025 required. The decision of the State Superintendent of Public
7026 Education establishing the probationary period of time shall be
7027 final;

7028 (c) Offer, during the probationary period, technical
7029 assistance to the school district in making corrective actions.
7030 Beginning July 1, 1998, subject to the availability of funds, the
7031 State Department of Education shall provide technical and/or
7032 financial assistance to all such school districts in order to
7033 implement each measure identified in that district's corrective
7034 action plan through professional development and on-site
7035 assistance. Each such school district shall apply for and utilize
7036 all available federal funding in order to support its corrective
7037 action plan in addition to state funds made available under this
7038 paragraph;

7039 (d) Contract, in its discretion, with the institutions
7040 of higher learning or other appropriate private entities to assist
7041 school districts;

7042 (e) Provide for publication of public notice at least
7043 one (1) time during the probationary period, in a newspaper
7044 published within the jurisdiction of the school district failing
7045 to meet accreditation standards, or if no newspaper is published
7046 therein, then in a newspaper having a general circulation therein.
7047 The publication shall include the following: declaration of
7048 school system's status as being on probation; all details relating
7049 to the impairment report, and other information as the State
7050 Superintendent of Public Education deems appropriate. Public
7051 notices issued under this section shall be subject to Section
7052 13-3-31 and not contrary to other laws regarding newspaper
7053 publication.

7054 (11) (a) If the recommendations for corrective action are
7055 not taken by the local school district or if the deficiencies are
7056 not removed by the end of the probationary period, the Commission
7057 on School Accreditation shall conduct a hearing to allow such
7058 affected school district to present evidence or other reasons why
7059 its accreditation should not be withdrawn. Subsequent to its
7060 consideration of the results of such hearing, the Commission on
7061 School Accreditation shall be authorized, with the approval of the
7062 State Superintendent of Public Education, to withdraw the
7063 accreditation of a public school district, and issue a request to
7064 the Governor that a state of emergency be declared in that
7065 district.

7066 (b) If the State Superintendent of Public Education and
7067 the Commission on School Accreditation determine that an extreme
7068 emergency situation exists in a school district which jeopardizes
7069 the safety, security or educational interests of the children
7070 enrolled in the schools in that district and such emergency
7071 situation is believed to be related to a serious violation or
7072 violations of accreditation standards or state or federal law, the
7073 State Superintendent of Public Education may request the Governor
7074 to declare a state of emergency in that school district. For
7075 purposes of this paragraph, such declarations of a state of
7076 emergency shall not be limited to those instances when a school
7077 district's impairments are related to a lack of financial
7078 resources, but also shall include serious failure to meet minimum
7079 academic standards, as evidenced by a continued pattern of poor
7080 student performance.

7081 (c) Whenever the Governor declares a state of emergency
7082 in a school district in response to a request made under paragraph
7083 (a) or (b) of this subsection, the State Superintendent of Public
7084 Education may take one or more of the following actions:

7085 (i) Declare a state of emergency, under which some
7086 or all of state funds can be escrowed except as otherwise provided

7087 in Section 206, Constitution of 1890, until the board determines
7088 corrective actions are being taken or the deficiencies have been
7089 removed, or that the needs of students warrant the release of
7090 funds. Such funds may be released from escrow for any program
7091 which the board determines to have been restored to standard even
7092 though the state of emergency may not as yet be terminated for the
7093 district as a whole;

7094 (ii) Override any decision of the local school
7095 board or superintendent of education, or both, concerning the
7096 management and operation of the school district, or initiate and
7097 make decisions concerning the management and operation of the
7098 school district;

7099 (iii) Assign an interim conservator who will have
7100 those powers and duties prescribed in subsection (14) of this
7101 section;

7102 (iv) Grant transfers to students who attend this
7103 school district so that they may attend other accredited schools
7104 or districts in a manner which is not in violation of state or
7105 federal law;

7106 (v) For states of emergency declared under
7107 paragraph (a) only, if the accreditation deficiencies are related
7108 to the fact that the school district is too small, with too few
7109 resources, to meet the required standards and if another school
7110 district is willing to accept those students, abolish that
7111 district and assign that territory to another school district or
7112 districts. If the school district has proposed a voluntary
7113 consolidation with another school district or districts, then if
7114 the State Superintendent of Public Education finds that it is in
7115 the best interest of the pupils of the district for such
7116 consolidation to proceed, the voluntary consolidation shall have
7117 priority over any such assignment of territory by the State
7118 Superintendent of Public Education;

7119 (vi) For states of emergency declared under
7120 paragraph (b) only, reduce local supplements paid to school
7121 district employees, including, but not limited to, instructional
7122 personnel, assistant teachers and extracurricular activities
7123 personnel, if the district's impairment is related to a lack of
7124 financial resources, but only to an extent which will result in
7125 the salaries being comparable to districts similarly situated, as
7126 determined by the State Superintendent of Public Education;

7127 (vii) For states of emergency declared under
7128 paragraph (b) only, the State Superintendent of Public Education
7129 must take such action as prescribed in Section 37-17-13.

7130 (d) At such time as satisfactory corrective action has
7131 been taken in a school district in which a state of emergency has
7132 been declared, the State Superintendent of Public Education may
7133 request the Governor to declare that the state of emergency no
7134 longer exists in the district.

7135 (e) Not later than July 1 of each year, the State
7136 Department of Education shall develop an itemized accounting of
7137 the expenditures associated with the management of the conservator
7138 process with regard to each school district in which a conservator
7139 has been appointed, and an assessment as to the extent to which
7140 the conservator has achieved, or failed to achieve, the goals for
7141 which the conservator was appointed to guide the local school
7142 district.

7143 (12) Upon the declaration of a state of emergency in a
7144 school district under subsection (11) of this section, the
7145 Commission on School Accreditation shall be responsible for public
7146 notice at least once a week for at least three (3) consecutive
7147 weeks in a newspaper published within the jurisdiction of the
7148 school district failing to meet accreditation standards, or if no
7149 newspaper is published therein, then in a newspaper having a
7150 general circulation therein. The size of such notice shall be no
7151 smaller than one-fourth (1/4) of a standard newspaper page and

7152 shall be printed in bold print. If a conservator has been
7153 appointed for the school district, such notice shall begin as
7154 follows: "By authority of Section 37-17-6, Mississippi Code of
7155 1972, as amended, adopted by the Mississippi Legislature during
7156 the 1991 Regular Session, this school district (name of school
7157 district) is hereby placed under the jurisdiction of the State
7158 Department of Education acting through its appointed conservator
7159 (name of conservator)."

7160 The notice also shall include, in the discretion of the State
7161 Superintendent of Public Education, any or all details relating to
7162 the school district's emergency status, including the declaration
7163 of a state of emergency in the school district and a description
7164 of the district's impairment deficiencies, conditions of any
7165 conservatorship and corrective actions recommended and being
7166 taken. Public notices issued under this section shall be subject
7167 to Section 13-3-31 and not contrary to other laws regarding
7168 newspaper publication.

7169 Upon termination of the state of emergency in a school
7170 district, the Commission on School Accreditation shall cause
7171 notice to be published in the school district in the same manner
7172 provided in this section, to include any or all details relating
7173 to the corrective action taken in the school district which
7174 resulted in the termination of the state of emergency.

7175 (13) The State Superintendent of Public Education or the
7176 Commission on School Accreditation shall have the authority to
7177 require school districts to produce the necessary reports,
7178 correspondence, financial statements, and any other documents and
7179 information necessary to fulfill the requirements of this section.

7180 Nothing in this section shall be construed to grant any
7181 individual, corporation, board or conservator the authority to
7182 levy taxes except in accordance with presently existing statutory
7183 provisions.

7184 (14) (a) Whenever the Governor declares a state of
7185 emergency in a school district in response to a request made under
7186 subsection (11) of this section, the State Superintendent of
7187 Public Education, in the superintendent's discretion, may assign
7188 an interim conservator to the school district who will be
7189 responsible for the administration, management and operation of
7190 the school district, including, but not limited to, the following
7191 activities:

7192 (i) Approving or disapproving all financial
7193 obligations of the district, including, but not limited to, the
7194 employment, termination, nonrenewal and reassignment of all
7195 certified and noncertified personnel, contractual agreements and
7196 purchase orders, and approving or disapproving all claim dockets
7197 and the issuance of checks; in approving or disapproving
7198 employment contracts of superintendents, assistant superintendents
7199 or principals, the interim conservator shall not be required to
7200 comply with the time limitations prescribed in Sections 37-9-15
7201 and 37-9-105;

7202 (ii) Supervising the day-to-day activities of the
7203 district's staff, including reassigning the duties and
7204 responsibilities of personnel in a manner which, in the
7205 determination of the conservator, will best suit the needs of the
7206 district;

7207 (iii) Reviewing the district's total financial
7208 obligations and operations and making recommendations to the
7209 district for cost savings, including, but not limited to,
7210 reassigning the duties and responsibilities of staff;

7211 (iv) Attending all meetings of the district's
7212 school board and administrative staff;

7213 (v) Approving or disapproving all athletic, band
7214 and other extracurricular activities and any matters related to
7215 those activities;

7216 (vi) Maintaining a detailed account of
7217 recommendations made to the district and actions taken in response
7218 to those recommendations;

7219 (vii) Reporting periodically to the State
7220 Superintendent of Public Education on the progress or lack of
7221 progress being made in the district to improve the district's
7222 impairments during the state of emergency; and

7223 (viii) Appointing a parent advisory committee,
7224 comprised of parents of students in the school district, which may
7225 make recommendations to the conservator concerning the
7226 administration, management and operation of the school district.

7227 Except when, in the determination of the State Superintendent
7228 of Public Education, the school district's impairment is related
7229 to a lack of financial resources, the cost of the salary of the
7230 conservator and any other actual and necessary costs related to
7231 the conservatorship paid by the State Department of Education
7232 shall be reimbursed by the local school district from * * * funds
7233 other than adequate education program funds. The department shall
7234 submit an itemized statement to the superintendent of the local
7235 school district for reimbursement purposes, and any unpaid balance
7236 may be withheld from the district's minimum or adequate education
7237 program funds.

7238 At such time as the Governor, pursuant to the request of the
7239 State Superintendent of Public Education, declares that the state
7240 of emergency no longer exists in a school district, the powers and
7241 responsibilities of the interim conservator assigned to such
7242 district shall cease.

7243 (b) In order to provide loans to school districts under
7244 a state of emergency which have impairments related to a lack of
7245 financial resources, the School District Emergency Assistance Fund
7246 is created as a special fund in the State Treasury into which
7247 monies may be transferred or appropriated by the Legislature from
7248 any available public education funds. The maximum amount that may

7249 be appropriated or transferred to the School District Emergency
7250 Assistance Fund for any one (1) emergency shall be Two Million
7251 Dollars (\$2,000,000.00), and the maximum amount that may be
7252 appropriated during any fiscal year shall be Three Million Dollars
7253 (\$3,000,000.00).

7254 The State Superintendent of Public Education may loan monies
7255 from the School District Emergency Assistance Fund to a school
7256 district that is under a state of emergency in such amounts, as
7257 determined by the state superintendent, which are necessary to
7258 correct the district's impairments related to a lack of financial
7259 resources. The loans shall be evidenced by an agreement between
7260 the school district and the State Superintendent of Public
7261 Education and shall be repayable in principal, without necessity
7262 of interest, to the State General Fund or the Education
7263 Enhancement Fund, depending on the source of funding for such
7264 loan, by the school district from any allowable funds that are
7265 available. The total amount loaned to the district shall be due
7266 and payable within five (5) years after the impairments related to
7267 a lack of financial resources are corrected. If a school district
7268 fails to make payments on the loan in accordance with the terms of
7269 the agreement between the district and the State Superintendent of
7270 Public Education, the State Department of Education, in accordance
7271 with rules and regulations established by the State Superintendent
7272 of Public Education, may withhold that district's adequate program
7273 funds in an amount and manner that will effectuate repayment
7274 consistent with the terms of the agreement; such funds withheld by
7275 the department shall be deposited into the State General Fund or
7276 the Education Enhancement Fund, as the case may be.

7277 If the State Superintendent of Public Education determines
7278 that an extreme emergency exists, simultaneous with the powers
7279 exercised in this subsection, the state superintendent shall take
7280 immediate action against all parties responsible for the affected
7281 school districts having been determined to be in an extreme

7282 emergency. Such action shall include, but not be limited to,
7283 initiating civil actions to recover funds and criminal actions to
7284 account for criminal activity. Any funds recovered by the State
7285 Auditor or the State Superintendent of Public Education from the
7286 surety bonds of school officials or from any civil action brought
7287 under this subsection shall be applied toward the repayment of any
7288 loan made to a school district hereunder.

7289 (15) In the event a majority of the membership of the school
7290 board of any school district resigns from office, the State
7291 Superintendent of Public Education shall be authorized to assign
7292 an interim conservator, who shall be responsible for the
7293 administration, management and operation of the school district
7294 until such time as new board members are selected or the Governor
7295 declares a state of emergency in that school district under
7296 subsection (11), whichever occurs first. In such case, the State
7297 Superintendent of Public Education, acting through the interim
7298 conservator, shall have all powers which were held by the
7299 previously existing school board, and may take such action as
7300 prescribed in Section 37-17-13 and/or one or more of the actions
7301 authorized in this section.

7302 (16) * * * The State Superintendent of Public Education,
7303 acting through the Commission on School Accreditation, shall
7304 require each school district to comply with standards established
7305 by the State Department of Audit for the verification of fixed
7306 assets and the auditing of fixed assets records as a minimum
7307 requirement for accreditation.

7308 * * *

7309 **SECTION 95.** Section 37-17-7, Mississippi Code of 1972, is
7310 amended as follows:

7311 37-17-7. Any nonpublic school may, through its governing
7312 body, request that the State Superintendent of Public Education
7313 approve such institution. Approval shall be based upon a process
7314 promulgated by the State Superintendent of Public Education; * * *

7315 however, * * * in no event shall the State Superintendent of
7316 Public Education adopt more stringent standards for approval of
7317 nonpublic schools than the accreditation standards applied to
7318 public schools.

7319 **SECTION 96.** Section 37-17-8, Mississippi Code of 1972, is
7320 amended as follows:

7321 37-17-8. (1) The State Superintendent of Public Education,
7322 through the Commission on School Accreditation, shall establish
7323 criteria for comprehensive in-service staff development plans.
7324 These criteria shall: (a) include, but not be limited to, formula
7325 and guidelines for allocating available state funds for in-service
7326 training to local school districts; (b) require that a portion of
7327 the plans be devoted exclusively for the purpose of providing
7328 staff development training for beginning teachers within that
7329 local school district and for no other purpose; and (c) require
7330 that a portion of the school district's in-service training for
7331 administrators and teachers be dedicated to the application and
7332 utilization of various disciplinary techniques. The state
7333 superintendent shall each year make recommendations to the
7334 Legislature concerning the amount of funds which shall be
7335 appropriated for this purpose.

7336 (2) Beginning with the 1998-1999 school year, school
7337 districts shall not be required to submit staff development plans
7338 to the Commission on School Accreditation for approval. However,
7339 any school district accredited at Level 1 or Level 2 shall
7340 include, as a part of any required corrective action plan,
7341 provisions to address staff development in accordance with State
7342 Superintendent of Public Education requirements. All school
7343 districts, unless specifically exempt from this section, must
7344 maintain on file staff development plans as required under this
7345 section. The plan shall have been prepared by a district
7346 committee appointed by the district superintendent and consisting

7347 of teachers, administrators, school board members, and lay people,
7348 and it shall have been approved by the district superintendent.

7349 (3) In order to insure that teachers are not overburdened
7350 with paperwork and written reports, local school districts and the
7351 State Superintendent of Public Education shall take such steps as
7352 may be necessary to further the reduction of paperwork
7353 requirements on teachers.

7354 (4) If any school district meets Level 4 or 5 accreditation
7355 standards, the State Superintendent of Public Education, in its
7356 discretion, may exempt such school district from the provisions of
7357 this section.

7358 **SECTION 97.** Section 37-17-11, Mississippi Code of 1972, is
7359 amended as follows:

7360 37-17-11. The State Superintendent of Public Education, in
7361 his discretion, may exempt any school district which meets Level 4
7362 or 5 accreditation from any compulsory standard of accreditation.
7363 Provided, however, that in the event such standard of
7364 accreditation is an educational policy required by statute, any
7365 such exemption shall only be made if specifically authorized by
7366 law.

7367 **SECTION 98.** Section 37-17-13, Mississippi Code of 1972, is
7368 amended as follows:

7369 37-17-13. (1) Whenever the Governor declares a state of
7370 emergency in a school district in response to a certification by
7371 the State Superintendent of Public Education and the Commission on
7372 School Accreditation made under Section 37-17-6(11)(b), the State
7373 Superintendent of Public Education, in addition to any actions
7374 taken under Section 37-17-6, shall abolish the school district and
7375 assume control and administration of the schools formerly
7376 constituting the district, and appoint a conservator to carry out
7377 this purpose under the direction of the State Superintendent of
7378 Public Education. In such case, the State Superintendent of
7379 Public Education shall have all powers which were held by the

7380 previously existing school board, and the previously existing
7381 superintendent of schools or county superintendent of education,
7382 including, but not limited to, those enumerated in Section
7383 37-7-301, and the authority to request tax levies from the
7384 appropriate governing authorities for the support of the schools
7385 and to receive and expend the tax funds as provided by Section
7386 37-57-1 et seq., and Section 37-57-105 et seq.

7387 (2) When a school district is abolished under this section,
7388 loans from the School District Emergency Assistance Fund may be
7389 made by the State Superintendent of Public Education for the use
7390 and benefit of the schools formerly constituting the district in
7391 accordance with the procedures set forth in Section 37-17-6(14)
7392 for such loans to the district. The abolition of a school
7393 district under this section shall not impair or release the
7394 property of that school district from liability for the payment of
7395 the loan indebtedness, and it shall be the duty of the appropriate
7396 governing authorities to levy taxes on the property of the
7397 district so abolished from year to year according to the terms of
7398 the indebtedness until same shall be fully paid.

7399 (3) After a school district is abolished under this section,
7400 at such time as the State Superintendent of Public Education
7401 determines that the impairments have been substantially corrected,
7402 the State Superintendent of Public Education shall reconstitute,
7403 reorganize or change or alter the boundaries of the previously
7404 existing district; however, no partition or assignment of
7405 territory formerly included in the abolished district to one or
7406 more other school districts may be made by the State
7407 Superintendent of Public Education without the consent of the
7408 school board of the school district to which such territory is to
7409 be transferred, such consent to be spread upon its minutes. At
7410 that time, the State Superintendent of Public Education, in
7411 appropriate cases, shall notify the appropriate governing
7412 authority or authorities of its action and request them to provide

7413 for the election or appointment of school board members and a
7414 superintendent or superintendents to govern the district or
7415 districts affected, in the manner provided by law.

7416 **SECTION 99.** Section 37-18-1, Mississippi Code of 1972, is
7417 amended as follows:

7418 37-18-1. (1) The State Superintendent of Public Education
7419 shall establish, design and implement a Superior-Performing
7420 Schools Program and an Exemplary Schools Program for identifying
7421 and rewarding public schools that improve. The State
7422 Superintendent of Public Education shall develop rules and
7423 regulations for the program, establish criteria and establish a
7424 process through which Superior-Performing and Exemplary Schools
7425 will be identified and rewarded. Upon full implementation of the
7426 statewide testing program, Superior-Performing, Exemplary or
7427 Priority School designation shall be made by the State
7428 Superintendent of Public Education in accordance with the
7429 following:

7430 (a) A growth expectation will be established by testing
7431 students annually and, using a psychometrically approved formula,
7432 by tracking their progress. This growth expectation will result
7433 in a composite score each year for each school.

7434 (b) A determination will be made as to the percentage
7435 of students proficient in each school. This measurement will
7436 define what a student must know in order to be deemed proficient
7437 at each grade level and will clearly show how well a student is
7438 performing. The definition of proficiency shall be developed for
7439 each grade, based on a demonstrated range of performance in
7440 relation to content as reflected in the Mississippi Curriculum
7441 Frameworks. This range of performance must be established through
7442 a formal procedure including educators, parents, community leaders
7443 and other stakeholders.

7444 (c) A school has the following two (2) methods for
7445 designation as either a Superior-Performing or an Exemplary
7446 School, to be determined on an annual basis:

7447 (i) A school exceeds its growth expectation by a
7448 percentage established by the State Superintendent of Public
7449 Education; or

7450 (ii) A school achieves the grade level proficiency
7451 standard established by the State Superintendent of Public
7452 Education.

7453 Any school designated as a Priority School which exceeds its
7454 growth expectation by a percentage established by the State
7455 Superintendent of Public Education shall no longer be considered a
7456 Priority School and shall be eligible for monetary awards under
7457 this section.

7458 (2) Superior-Performing and Exemplary Schools may apply to
7459 the State Superintendent of Public Education for monetary
7460 incentives to be used for selected school needs, as identified by
7461 a vote of all licensed and instructional personnel employed at the
7462 school. These incentive funds may be used for specific school
7463 needs, including, but not limited to:

7464 (a) Funding for professional development activities.
7465 Staff participating in such activities will report to the school
7466 and school district about the benefits and lessons learned from
7467 such training;

7468 (b) Technology needs;

7469 (c) Sabbaticals for teachers or administrators, or
7470 both, to pursue additional professional development or educational
7471 enrichment;

7472 (d) Paid professional leave;

7473 (e) Training for parents, including, but not limited
7474 to, the following:

7475 (i) Curriculum;

7476 (ii) Chapter 1;

- 7477 (iii) Special need students;
7478 (iv) Student rights and responsibility;
7479 (v) School and community relations;
7480 (vi) Effective parenting.

7481 All funds awarded under this subsection shall be subject to
7482 specific appropriation therefor by the Legislature.

7483 (3) The State Superintendent of Public Education shall
7484 provide special recognition to all schools receiving
7485 Superior-Performing or Exemplary designation and their school
7486 districts. Examples of such recognition include, but are not
7487 limited to: public announcements and events; special recognition
7488 of student progress and effort; certificates of recognition and
7489 plaques for teachers, principals, superintendents, support and
7490 classified personnel and parents; and media announcements
7491 utilizing the services of Mississippi Educational Television.

7492 **SECTION 100.** Section 37-18-3, Mississippi Code of 1972, is
7493 amended as follows:

7494 37-18-3. (1) Upon full implementation of the statewide
7495 testing programs developed by the State Superintendent of Public
7496 Education * * *, the superintendent shall establish for those
7497 individual schools failing to meet accreditation standards
7498 established under this chapter, a program of development to be
7499 complied with in order to receive state funds.

7500 (2) Following a thorough analysis of school data each year,
7501 the State Department of Education shall identify those schools
7502 that are deficient in educating students and are in need of
7503 improvement. This analysis shall measure the individual school
7504 performance by determining if a school met its assigned yearly
7505 growth expectation and by determining what percentage of the
7506 students in the school are proficient. A school shall be
7507 identified as needing assistance or a Priority School if the
7508 school: (a) does not meet its growth expectation; and (b) has a

7509 percentage of students functioning below grade level, as
7510 designated by the State Superintendent of Public Education.

7511 (3) Within fifteen (15) days after a Priority School has
7512 been identified, written notice shall be sent by the State
7513 Superintendent of Public Education by certified mail to both the
7514 school principal and the local board of education. Within fifteen
7515 (15) days after notification the State Superintendent of Public
7516 Education shall assign an evaluation team to the school. The
7517 evaluation team shall consist of a minimum of seven (7) trained
7518 members appointed by the State Superintendent of Public
7519 Education * * * from the following categories: (a) school
7520 superintendents; (b) school principals; (c) curriculum
7521 coordinators; (d) at least two (2) teachers; (e) local school
7522 board members; (f) community leaders; (g) parents; and (h)
7523 institutions of higher learning personnel. Optional evaluation
7524 team members in specialized areas may be utilized by the State
7525 Department of Education if needed. These additional members may
7526 include individuals with expertise and knowledge in such areas as
7527 vocational-technical education, special education, federal
7528 programs and school technology. Evaluation team members shall be
7529 independent of the school being evaluated and shall not be
7530 employees of the State Department of Education. The team may
7531 include retired educators who have met certain standards and have
7532 completed all necessary training. All evaluation team members
7533 shall be trained, at a minimum, in the following: (a) school
7534 accreditation legal requirements; (b) data analysis; (c)
7535 curriculum alignment; (d) effective curriculum and instructional
7536 strategies; (e) the State Department of Education school
7537 improvement plan process; (f) personnel appraisal; (g) effective
7538 community involvement; (h) public relations; (i) safe and orderly
7539 school climate; (j) policy development and implementation; (k)
7540 effective school resource allocation; and (l) effective school
7541 management. A team leader shall be chosen by the department for

7542 each evaluation team to provide overall guidance to the team. The
7543 State Department of Education shall assist each evaluation team by
7544 providing administrative and clerical support.

7545 (4) An approved evaluation team shall have the following
7546 powers and duties:

7547 (a) The evaluation team may request any financial
7548 documentation that it deems necessary, and the Priority School,
7549 with the assistance and cooperation of the school district central
7550 office, shall submit such requested financial information to the
7551 evaluation team.

7552 (b) The evaluation team shall analyze the Priority
7553 Schools' data to determine probable areas of weakness before
7554 conducting an on-site audit. The evaluation team shall proceed to
7555 conduct an on-site audit and shall prepare an evaluation report.
7556 If necessary, the evaluation team may request additional
7557 individuals in specialty areas to participate as team members in
7558 preparing the evaluation. After completing the evaluation of the
7559 Priority School, the team shall prepare and adopt its school
7560 evaluation report, which shall be submitted to the State
7561 Superintendent of Public Education for approval within forty-five
7562 (45) calendar days. The school evaluation report shall identify
7563 any personnel who were found by the evaluation team to be in need
7564 of improvement and need to participate in a professional
7565 development plan. Evaluation instruments used to evaluate
7566 teachers, principals, superintendents or any other certified or
7567 classified personnel will be instruments which have been validated
7568 for such purposes.

7569 (5) Following the approval of the evaluation report by the
7570 State Superintendent of Public Education, a representative from
7571 the State Superintendent of Education and the evaluation team
7572 leader shall present the evaluation report to the principal of the
7573 Priority School and to the superintendent and school board members
7574 of the local school district. Following this presentation, the

7575 evaluation report shall be presented to the community served by
7576 the Priority School at an advertised public meeting.

7577 **SECTION 101.** Section 37-18-5, Mississippi Code of 1972, is
7578 amended as follows:

7579 37-18-5. (1) Based on the findings of the evaluation report
7580 and the results of the public meeting, the State Department of
7581 Education and the evaluation team leader shall assist the school
7582 principal and other local school officials in the development of a
7583 school improvement plan to improve its deficiencies. A local
7584 parents/citizens advisory council shall be established by the
7585 evaluation team at the school in order to provide input and
7586 guidance into the development of the school improvement plan and
7587 its evaluation during the implementation period. Local
7588 parent-teacher associations and other community-based
7589 organizations shall have input in the selection of the
7590 parents/citizens advisory council. Where no active local
7591 parent-teacher group exists, the State Department of Education may
7592 request assistance from the Mississippi Parent-Teacher Association
7593 and other community-based organizations in the selection of the
7594 local parents/citizens advisory council. The local
7595 parents/citizens advisory council shall consist of representatives
7596 from each of the following local groups: (a) five (5)
7597 representatives of the local PTA, PTSA or other parent
7598 organization, (b) two (2) local elected officials or community
7599 activist, (c) two (2) students, (d) two (2) local business
7600 leaders. Persons who are employed by the local school district
7601 are not eligible for membership on the parents/citizens advisory
7602 council.

7603 (2) The school improvement plan shall be developed and
7604 approved by the principal of the Priority School, the
7605 superintendent of the local school district, the local school
7606 board and a majority of the teachers of the school, within a time
7607 period to be determined by the evaluation team. If the plan is

7608 not approved, the State Superintendent of Public Education may
7609 approve and implement the plan in the school.

7610 (3) The State Department of Education shall provide
7611 technical assistance and shall assist in identifying funding to
7612 the Priority School in the implementation of the school
7613 improvement plan, including the implementation of any recommended
7614 professional development plan, and the department may contract
7615 with the institutions of higher learning to provide such technical
7616 assistance. The assistance team shall collaborate with school and
7617 school district employees in the implementation and monitoring of
7618 the school improvement plan and the State Department of Education
7619 shall ensure that a report is issued monthly to the local school
7620 board and the local parents/citizens advisory council.

7621 **SECTION 102.** Section 37-18-7, Mississippi Code of 1972, is
7622 amended as follows:

7623 37-18-7. (1) As part of the school improvement plan for a
7624 Priority School, a professional development plan shall be prepared
7625 for those school administrators, teachers or other employees who
7626 are identified by the evaluation team as needing improvement. The
7627 State Department of Education shall assist the Priority School in
7628 identifying funds necessary to fully implement the school
7629 improvement plan.

7630 (2) (a) If a principal is deemed to be in need of
7631 improvement by the evaluation team, a professional development
7632 plan shall be developed for the principal, and the principal's
7633 full participation in the professional development plan shall be a
7634 condition of continued employment. The plan shall provide
7635 professional training in the roles and behaviors of an
7636 instructional leader and shall offer training specifically
7637 identified for that principal's needs. The principal of a
7638 Priority School may be assigned mentors who have demonstrated
7639 expertise as an exemplary-performing principal. Mentors shall
7640 make a personal time commitment to this process and may not be

7641 evaluators of the principals being mentored. The local school
7642 administration shall continue to monitor and evaluate all school
7643 personnel during this period, evaluate their professional
7644 development plans and make personnel decisions as appropriate.

7645 (b) At the end of the second year, if a school
7646 continues to be a Priority School and a principal has been at that
7647 school for three (3) or more years, the administration shall
7648 recommend and the local school board shall dismiss the principal
7649 in a manner consistent with Section 37-9-59, and the State
7650 Superintendent of Public Education may initiate the school
7651 district conservatorship process authorized under Section 37-17-6.
7652 If extenuating circumstances exist, such as the assignment of a
7653 principal at a Priority School for less than two (2) years, other
7654 options may be considered, subject to approval by the State
7655 Superintendent of Public Education.

7656 (3) (a) If a teacher is deemed to be in need of
7657 professional development by the independent evaluation team, that
7658 teacher shall be required to participate in a professional
7659 development plan. This plan will provide professional training
7660 and will be based on each teacher's specific needs and teaching
7661 assignments. The teacher's full participation in the professional
7662 development plan shall be required. This process shall be
7663 followed by a performance-based evaluation, which shall monitor
7664 the teacher's teaching skills and teaching behavior over a period
7665 of time. This monitoring shall include announced and unannounced
7666 reviews. Additionally, the teacher also may be assigned a mentor
7667 who has demonstrated expertise as a high-performing teacher.

7668 (b) If, after one (1) year, the teacher fails to
7669 perform, the local school administration shall reevaluate the
7670 teacher's professional development plan, make any necessary
7671 adjustments to it, and require his participation in the plan for a
7672 second year.

7673 (c) If, after the second year, the teacher fails to
7674 perform, the administration shall recommend and the local school
7675 shall dismiss the teacher in a manner consistent with Section
7676 37-9-59.

7677 (4) (a) If the evaluation report reveals a school district
7678 central office problem, a superintendent of the school district
7679 having a Priority School shall be required to participate in a
7680 professional development plan. Additionally, the superintendent
7681 may be assigned mentors who are high-performing superintendents
7682 and have demonstrated expertise and knowledge of high-performing
7683 schools. The local school board will continue to evaluate the
7684 performance of the superintendent and his participation in a
7685 professional development plan, making appropriate revisions to the
7686 plan as needed.

7687 (b) If a school continues to be a Priority School after
7688 a second year, the local school board may take one (1) of the
7689 following actions:

7690 (i) Impose a cap on the superintendent's salary;
7691 or

7692 (ii) Make any necessary adjustments to his
7693 professional development plan and require his continued
7694 participation in a plan.

7695 (c) If a school continues to be designated a Priority
7696 School after three (3) years of implementing a school improvement
7697 plan the State Superintendent of Public Education shall, or if
7698 more than fifty percent (50%) of the schools within the school
7699 district are designated as Priority Schools in any one (1) year,
7700 the State Superintendent of Public Education may, issue a written
7701 request with documentation to the Governor asking that the office
7702 of the superintendent of such school district be subject to
7703 recall. Whenever the Governor declares that the office of the
7704 superintendent of such school district is subject to recall, the

7705 local school board or the county election commission, as the case
7706 may be, shall take the following action:

7707 (i) If the office of superintendent is an elected
7708 office, in those years in which there is no general election, the
7709 name shall be submitted by the State Superintendent of Public
7710 Education to the county election commission at least sixty (60)
7711 days before the next regular special election, and the county
7712 election commission shall submit the question at the next regular
7713 special election to the voters eligible to vote for the office of
7714 superintendent within the county. The ballot shall read
7715 substantially as follows:

7716 "Shall County Superintendent of Education _____
7717 (here the name of the superintendent shall be inserted) of the
7718 _____ (here the title of the school district shall be
7719 inserted) be retained in office? Yes _____ No _____"

7720 If a majority of those voting on the question votes against
7721 retaining the superintendent in office, a vacancy shall exist
7722 which shall be filled in the manner provided by law; otherwise,
7723 the superintendent shall remain in office for the term of such
7724 office, and at the expiration of such term shall be eligible for
7725 qualification and election to another term or terms.

7726 (ii) If the office of superintendent is an
7727 appointive office, the name of the superintendent shall be
7728 submitted by the president of the local school board at the next
7729 regular meeting of the school board for retention in office or
7730 dismissal from office. If a majority of the school board voting
7731 on the question vote against retaining the superintendent in
7732 office, a vacancy shall exist which shall be filled as provided by
7733 law, otherwise the superintendent shall remain in office for the
7734 duration of his employment contract.

7735 (5) In the event a school continues to be designated a
7736 Priority School after three (3) years of implementing a school
7737 improvement plan the State Superintendent of Public Education

7738 shall, or in the event that more than fifty percent (50%) of the
7739 schools within the school district are designated as Priority
7740 Schools in any one (1) year, the State Superintendent of Public
7741 Education may, issue a written request with documentation to the
7742 Governor that the membership of the school board of such school
7743 district shall be subject to recall. Whenever the Governor
7744 declares that the membership of the school board shall be subject
7745 to recall, the county election commission or the local governing
7746 authorities, as the case may be, shall take the following action:

7747 (a) If the members of the local school board are
7748 elected to office, in those years in which the specific member's
7749 office is not up for election, the name of the school board member
7750 shall be submitted by the State Superintendent of Public Education
7751 to the county election commission at least sixty (60) days before
7752 the next regular special election, and the county election
7753 commission at the next regular special election shall submit the
7754 question to the voters eligible to vote for the particular
7755 member's office within the county or school district, as the case
7756 may be. The ballot shall read substantially as follows:

7757 "Members of the _____ (here the title of the school
7758 district shall be inserted) School Board who are not up for
7759 election this year are subject to recall because of the school
7760 district's continued designation as a Priority School. Shall the
7761 member of the school board representing this area, _____
7762 (here the name of the school board member holding the office shall
7763 be inserted), be retained in office? Yes _____ No _____"

7764 If a majority of those voting on the question vote against
7765 retaining the member of the school board in office, a vacancy in
7766 that board member's office shall exist which shall be filled in
7767 the manner provided by law; otherwise, the school board member
7768 shall remain in office for the term of such office, and at the
7769 expiration of the term of office, the member shall be eligible for
7770 qualification and election to another term or terms of office.

7771 However, if a majority of the school board members are recalled in
7772 the regular special election, the Governor shall authorize the
7773 board of supervisors of the county in which the school district is
7774 situated to appoint members to fill the offices of the members
7775 recalled. The board of supervisors shall make such appointments
7776 in the manner provided by law for filling vacancies on the school
7777 board, and the appointed members shall serve until the office is
7778 filled at the next regular special election or general election.

7779 (b) If the local school board is an appointed school
7780 board, the name of all school board members shall be submitted as
7781 a collective board by the president of the municipal or county
7782 governing authority, as the case may be, at the next regular
7783 meeting of the governing authority for retention in office or
7784 dismissal from office. If a majority of the governing authority
7785 voting on the question vote against retaining the board in office,
7786 a vacancy shall exist in each school board member's office, which
7787 shall be filled as provided by law; otherwise, the members of the
7788 appointed school board shall remain in office for the duration of
7789 their term of appointment, and such members may be reappointed.

7790 (c) If the local school board is comprised of both
7791 elected and appointed members, the elected members shall be
7792 subject to recall in the manner provided in paragraph (a) of this
7793 subsection. Appointed members shall be subject to recall in the
7794 manner provided in paragraph (b).

7795 (6) In the event a school continues to be designated a
7796 Priority School after three (3) years of implementing a school
7797 improvement plan, or in the event that more than fifty percent
7798 (50%) of the schools within the school district are designated as
7799 Priority Schools in any one (1) year, the State Superintendent of
7800 Public Education may request that the Governor declare a state of
7801 emergency in that school district. Upon the declaration of the
7802 state of emergency by the Governor, the State Superintendent of
7803 Public Education may take all such action for dealing with school

7804 districts as is authorized under subsection (11) or (14) of
7805 Section 37-17-6, including the appointment of an interim
7806 conservator.

7807 (7) The State Department of Education shall make a
7808 semiannual report to the State Superintendent of Public Education
7809 identifying the number and names of schools classified as Priority
7810 Schools, which shall include a description of the deficiencies
7811 identified and the actions recommended and implemented. The
7812 department shall also notify the State Superintendent of Public
7813 Education of any Priority School which has successfully completed
7814 their improvement plans and shall notify the Governor and the
7815 Legislature of such school's progress.

7816 (8) The State Superintendent of Public Education shall
7817 direct and provide comprehensive staff development training for
7818 school administrators and teachers on the new requirements of this
7819 chapter. Any new assessment instruments to be used in conjunction
7820 with any evaluation required by this chapter shall be made
7821 available for review by teachers, administrators and other staff.
7822 Before evaluation of individual teachers, administrators and other
7823 staff pre-evaluation interviews will be conducted. Likewise,
7824 after any evaluation is complete, post-evaluation interviews will
7825 be conducted. During such post-interviews, evaluators shall
7826 identify and discuss the following: teaching techniques used,
7827 teaching strengths and weaknesses and an overall assessment of
7828 performance.

7829 (9) No later than July 1 of each year the State
7830 Superintendent of Public Education shall report to the State
7831 Legislature and the public at large:

7832 (a) An itemized accounting of the use of state funds to
7833 provide technical, legal and financial assistance to each Priority
7834 School, and to such schools which had been designated as Priority
7835 Schools within the previous three (3) years, if such schools

7836 received such assistance at any time during the previous three (3)
7837 years;

7838 (b) An explanation of the problems sought to be
7839 addressed in each such school receiving this assistance and for
7840 which such expenditure of funds was undertaken;

7841 (c) The actions taken in each school district to
7842 utilize the funds to address the problems identified in paragraph
7843 (b) immediately above;

7844 (d) An evaluation of the impact of the effort to
7845 address the problems identified;

7846 (e) An assessment of what further actions need to be
7847 undertaken to address these problems, if such problems have not
7848 been entirely alleviated; and

7849 (f) An assessment of the impact which Laws, 1999,
7850 Chapter 421, and Laws, 2000, Chapter 610 are having on the
7851 educational goals which these statutes sought to address.

7852 **SECTION 103.** Section 37-19-7, Mississippi Code of 1972, is
7853 amended as follows:

7854 37-19-7. (1) This section shall be known and may be cited
7855 as the Mississippi "Teacher Opportunity Program (TOP)." The
7856 allowance in the minimum education program and the Mississippi
7857 Adequate Education Program for teachers' salaries in each county
7858 and separate school district shall be determined and paid in
7859 accordance with the scale for teachers' salaries as provided in
7860 this subsection. For teachers holding the following types of
7861 licenses or the equivalent as determined by the State Board of
7862 Education, and the following number of years of teaching
7863 experience, the scale shall be as follows:

7864 * * *

7865 **2005-2006 School Year and School Years Thereafter**

7866 **Less Than 25 Years of Teaching Experience**

7867 AAAA..... \$ 34,000.00
7868 AAA..... 33,000.00

7869	AA.....	32,000.00
7870	A.....	30,000.00
7871	25 or More Years of Teaching Experience	
7872	AAAA.....	\$ 36,000.00
7873	AAA.....	35,000.00
7874	AA.....	34,000.00
7875	A.....	32,000.00

7876 The State Superintendent of Public Education shall revise the
7877 salary scale prescribed above for the 2005-2006 school year to
7878 conform to any adjustments made to the salary scale in prior
7879 fiscal years due to revenue growth over and above five percent
7880 (5%). For each one percent (1%) that the Sine Die General Fund
7881 Revenue Estimate Growth exceeds five percent (5%) for fiscal year
7882 2006, as certified by the Legislative Budget Office to the State
7883 Superintendent of Public Education and subject to specific
7884 appropriation therefor by the Legislature, the State
7885 Superintendent of Public Education shall revise the salary scale
7886 to provide an additional one percent (1%) across the board
7887 increase in the base salaries for each type of license.

7888 It is the intent of the Legislature that any state funds made
7889 available for salaries of licensed personnel in excess of the
7890 funds paid for such salaries for the 1986-1987 school year shall
7891 be paid to licensed personnel pursuant to a personnel appraisal
7892 and compensation system implemented by the State Superintendent of
7893 Public Education. The State Superintendent of Public Education
7894 shall have the authority to adopt and amend rules and regulations
7895 as are necessary to establish, administer and maintain the system.

7896 All teachers employed on a full-time basis shall be paid a
7897 minimum salary in accordance with the above scale. However, no
7898 school district shall receive any funds under this section for any
7899 school year during which the local supplement paid to any
7900 individual teacher shall have been reduced to a sum less than that
7901 paid to that individual teacher for performing the same duties

7902 from local supplement during the immediately preceding school
7903 year. The amount actually spent for the purposes of group health
7904 and/or life insurance shall be considered as a part of the
7905 aggregate amount of local supplement but shall not be considered a
7906 part of the amount of individual local supplement.

7907 * * *

7908 **2005-2006 School Year**

7909 **and School Years Thereafter Annual Increments**

7910 For teachers holding a Class AAAA license, the minimum base
7911 pay specified in this subsection shall be increased by the sum of
7912 Seven Hundred Seventy Dollars (\$770.00) for each year of teaching
7913 experience possessed by the person holding such license until such
7914 person shall have twenty-five (25) years of teaching experience.

7915 For teachers holding a Class AAA license, the minimum base
7916 pay specified in this subsection shall be increased by the sum of
7917 Seven Hundred Five Dollars (\$705.00) for each year of teaching
7918 experience possessed by the person holding such license until such
7919 person shall have twenty-five (25) years of teaching experience.

7920 For teachers holding a Class AA license, the minimum base pay
7921 specified in this subsection shall be increased by the sum of Six
7922 Hundred Forty Dollars (\$640.00) for each year of teaching
7923 experience possessed by the person holding such license until such
7924 person shall have twenty-five (25) years of teaching experience.

7925 For teachers holding a Class A license, the minimum base pay
7926 specified in this subsection shall be increased by the sum of Four
7927 Hundred Eighty Dollars (\$480.00) for each year of teaching
7928 experience possessed by the person holding such license until such
7929 person shall have twenty-four (24) years of teaching experience.

7930 The level of professional training of each teacher to be used
7931 in establishing the salary allotment for the teachers for each
7932 year shall be determined by the type of valid teacher's license
7933 issued to those teachers on or before October 1 of the current
7934 school year.

7935 (2) (a) The following employees shall receive an annual
7936 salary supplement in the amount of Six Thousand Dollars
7937 (\$6,000.00), plus fringe benefits, in addition to any other
7938 compensation to which the employee may be entitled:

7939 (i) Any licensed teacher who has met the
7940 requirements and acquired a Master Teacher certificate from the
7941 National Board for Professional Teaching Standards and who is
7942 employed by a local school board or the State Superintendent of
7943 Public Education as a teacher and not as an administrator. Such
7944 teacher shall submit documentation to the State Department of
7945 Education that the certificate was received prior to October 15 in
7946 order to be eligible for the full salary supplement in the current
7947 school year, or the teacher shall submit such documentation to the
7948 State Department of Education prior to February 15 in order to be
7949 eligible for a prorated salary supplement beginning with the
7950 second term of the school year.

7951 (ii) A licensed nurse who has met the requirements
7952 and acquired a certificate from the National Board for
7953 Certification of School Nurses, Inc., and who is employed by a
7954 local school board or the State Superintendent of Public Education
7955 as a school nurse and not as an administrator. The licensed
7956 school nurse shall submit documentation to the State Department of
7957 Education that the certificate was received before October 15 in
7958 order to be eligible for the full salary supplement in the current
7959 school year, or the licensed school nurse shall submit the
7960 documentation to the State Department of Education before February
7961 15 in order to be eligible for a prorated salary supplement
7962 beginning with the second term of the school year. Provided,
7963 however, that the total number of licensed school nurses eligible
7964 for a salary supplement under this paragraph (ii) shall not exceed
7965 twenty (20).

7966 (iii) Any licensed school counselor who has met
7967 the requirements and acquired a National Certified School

7968 Counselor (NCSC) endorsement from the National Board of Certified
7969 Counselors and who is employed by a local school board or the
7970 State Superintendent of Public Education as a counselor and not as
7971 an administrator. Such licensed school counselor shall submit
7972 documentation to the State Department of Education that the
7973 endorsement was received prior to October 15 in order to be
7974 eligible for the full salary supplement in the current school
7975 year, or the licensed school counselor shall submit such
7976 documentation to the State Department of Education prior to
7977 February 15 in order to be eligible for a prorated salary
7978 supplement beginning with the second term of the school year.
7979 However, any school counselor who started the National Board for
7980 Professional Teaching Standards process for school counselors
7981 between June 1, 2003, and June 30, 2004, and completes the
7982 requirements and acquires the master teacher certificate shall be
7983 entitled to the master teacher supplement, and those counselors
7984 who complete the process shall be entitled to a one-time
7985 reimbursement for the actual cost of the process as outlined in
7986 paragraph (b) of this subsection.

7987 (iv) Any licensed speech-language pathologist and
7988 audiologist who has met the requirements and acquired a
7989 Certificate of Clinical Competence from the American
7990 Speech-Language-Hearing Association and who is employed by a local
7991 school board. Such licensed speech-language pathologist and
7992 audiologist shall submit documentation to the State Department of
7993 Education that the certificate or endorsement was received prior
7994 to October 15 in order to be eligible for the full salary
7995 supplement in the current school year, or the licensed
7996 speech-language pathologist and audiologist shall submit such
7997 documentation to the State Department of Education prior to
7998 February 15 in order to be eligible for a prorated salary
7999 supplement beginning with the second term of the school year.

8000 (b) An employee shall be reimbursed one (1) time for
8001 the actual cost of completing the process of acquiring the
8002 certificate or endorsement, excluding any costs incurred for
8003 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)
8004 for a school counselor or speech-language pathologist and
8005 audiologist, regardless of whether or not the process resulted in
8006 the award of the certificate or endorsement. A local school
8007 district or any private individual or entity may pay the cost of
8008 completing the process of acquiring the certificate or endorsement
8009 for any employee of the school district described under paragraph
8010 (a), and the State Department of Education shall reimburse the
8011 school district for such cost, regardless of whether or not the
8012 process resulted in the award of the certificate or endorsement.
8013 If a private individual or entity has paid the cost of completing
8014 the process of acquiring the certificate or endorsement for an
8015 employee, the local school district may agree to directly
8016 reimburse the individual or entity for such cost on behalf of the
8017 employee.

8018 (c) All salary supplements, fringe benefits and process
8019 reimbursement authorized under this subsection shall be paid
8020 directly by the State Department of Education to the local school
8021 district and shall be in addition to its minimum education program
8022 allotments and not a part thereof in accordance with regulations
8023 promulgated by the State Superintendent of Public Education, and
8024 subject to appropriation by the Legislature. Local school
8025 districts shall not reduce the local supplement paid to any
8026 employee receiving such salary supplement, and the employee shall
8027 receive any local supplement to which employees with similar
8028 training and experience otherwise are entitled.

8029 (d) The State Department of Education may not pay any
8030 process reimbursement to a school district for an employee who
8031 does not complete the certification or endorsement process
8032 required to be eligible for the certificate or endorsement. If an

8033 employee for whom such cost has been paid in full or in part by a
8034 local school district or private individual or entity fails to
8035 complete the certification or endorsement process, the employee
8036 shall be liable to the school district or individual or entity for
8037 all amounts paid by the school district or individual or entity on
8038 behalf of that employee toward his or her certificate or
8039 endorsement.

8040 **SECTION 104.** Section 37-20-9, Mississippi Code of 1972, is
8041 amended as follows:

8042 37-20-9. (1) The State Department of Education shall
8043 provide technical assistance to districts and carry out the
8044 responsibilities of reviewing, monitoring and evaluating the
8045 programs conducted under this chapter.

8046 (2) The State Superintendent of Public Education shall adopt
8047 rules which, in his opinion, are necessary to assure that the
8048 programs in each school district are carried out in a manner
8049 consistent with the purpose and intent of this chapter. The State
8050 Superintendent of Public Education shall develop a procedure for
8051 approving or denying local program applications within sixty (60)
8052 days of their receipt by the State Department of Education. The
8053 State Department of Education shall include in its annual report
8054 the number of students participating in programs under this
8055 chapter, the extent to which student achievement has increased,
8056 the programs which appear to be most successful, and an analysis
8057 of the expenditure of funds by district.

8058 **SECTION 105.** Section 37-21-7, Mississippi Code of 1972, is
8059 amended as follows:

8060 37-21-7. (1) This section shall be referred to as the
8061 "Mississippi Elementary Schools Assistant Teacher Program," the
8062 purpose of which shall be to provide an early childhood education
8063 program that assists in the instruction of basic skills. The
8064 State Superintendent of Public Education is authorized, empowered
8065 and directed to implement a statewide system of assistant teachers

8066 in kindergarten classes and in the first, second and third grades.
8067 The assistant teacher shall assist pupils in actual instruction
8068 under the strict supervision of a licensed teacher.

8069 (2) (a) Except as otherwise authorized under subsection
8070 (7), each school district shall employ the total number of
8071 assistant teachers funded under subsection (6) of this section.
8072 The superintendent of each district shall assign the assistant
8073 teachers to the kindergarten, first-, second- and third-grade
8074 classes in the district in a manner that will promote the maximum
8075 efficiency, as determined by the superintendent, in the
8076 instruction of skills such as verbal and linguistic skills,
8077 logical and mathematical skills, and social skills.

8078 (b) If a licensed teacher to whom an assistant teacher
8079 has been assigned is required to be absent from the classroom, the
8080 assistant teacher may assume responsibility for the classroom in
8081 lieu of a substitute teacher. However, no assistant teacher shall
8082 assume sole responsibility of the classroom for more than three
8083 (3) consecutive school days. Further, in no event shall any
8084 assistant teacher be assigned to serve as a substitute teacher for
8085 any teacher other than the licensed teacher to whom that assistant
8086 teacher has been assigned.

8087 (3) Assistant teachers shall have, at a minimum, a high
8088 school diploma or a GED equivalent, and shall show demonstratable
8089 proficiency in reading and writing skills. The State Department
8090 of Education shall develop a testing procedure for assistant
8091 teacher applicants to be used in all school districts in the
8092 state.

8093 (4) (a) In order to receive funding, each school district
8094 shall:

8095 (i) Submit a plan on the implementation of a
8096 reading improvement program to the State Department of Education;
8097 and

8098 (ii) Develop a plan of educational accountability
8099 and assessment of performance, including pretests and posttests,
8100 for reading in Grades 1 through 6.

8101 (b) Additionally, each school district shall:

8102 (i) Provide annually a mandatory preservice
8103 orientation session, using an existing in-school service day, for
8104 administrators and teachers on the effective use of assistant
8105 teachers as part of a team in the classroom setting and on the
8106 role of assistant teachers, with emphasis on program goals;

8107 (ii) Hold periodic workshops for administrators
8108 and teachers on the effective use and supervision of assistant
8109 teachers;

8110 (iii) Provide training annually on specific
8111 instructional skills for assistant teachers;

8112 (iv) Annually evaluate their program in accordance
8113 with their educational accountability and assessment of
8114 performance plan; and

8115 (v) Designate the necessary personnel to supervise
8116 and report on their program.

8117 (5) The State Department of Education shall:

8118 (a) Develop and assist in the implementation of a
8119 statewide uniform training module, subject to the availability of
8120 funds specifically appropriated therefor by the Legislature, which
8121 shall be used in all school districts for training administrators,
8122 teachers and assistant teachers. The module shall provide for the
8123 consolidated training of each assistant teacher and teacher to
8124 whom the assistant teacher is assigned, working together as a
8125 team, and shall require further periodical training for
8126 administrators, teachers and assistant teachers regarding the role
8127 of assistant teachers;

8128 (b) Annually evaluate the program on the district and
8129 state level. Subject to the availability of funds specifically
8130 appropriated therefor by the Legislature, the department shall

8131 develop: (i) uniform evaluation reports, to be performed by the
8132 principal or assistant principal, to collect data for the annual
8133 overall program evaluation conducted by the department; or (ii) a
8134 program evaluation model that, at a minimum, addresses process
8135 evaluation; and

8136 (c) Promulgate rules, regulations and such other
8137 standards deemed necessary to effectuate the purposes of this
8138 section. Noncompliance with the provisions of this section and
8139 any rules, regulations or standards adopted by the department may
8140 result in a violation of compulsory accreditation standards as
8141 established by the State Superintendent of Public Education and
8142 Commission on School Accreditation.

8143 (6) In addition to other funds allotted under the Minimum
8144 Education or Adequate Education Program, each school district
8145 shall be allotted sufficient funding for the purpose of employing
8146 assistant teachers. No assistant teacher shall be paid less than
8147 the amount he or she received in the prior school year. No school
8148 district shall receive any funds under this section for any school
8149 year during which the aggregate amount of the local contribution
8150 to the salaries of assistant teachers by the district shall have
8151 been reduced below such amount for the previous year.

8152 * * *

8153 For the 2005-2006 school year and school years thereafter,
8154 the minimum salary for assistant teachers shall be Twelve Thousand
8155 Dollars (\$12,000.00).

8156 In addition, for each one percent (1%) that the Sine Die
8157 General Fund Revenue Estimate Growth exceeds five percent (5%) in
8158 fiscal year 2003, 2004, 2005 or 2006, as certified by the
8159 Legislative Budget Office to the State Superintendent of Public
8160 Education and subject to the specific appropriation therefor by
8161 the Legislature, the State Superintendent of Public Education
8162 shall revise the salary scale in the appropriate year to provide
8163 an additional one percent (1%) across the board increase in the

8164 base salaries for assistant teachers. The State Superintendent of
8165 Public Education shall revise the salaries prescribed above for
8166 assistant teachers to conform to any adjustments made in prior
8167 fiscal years due to revenue growth over and above five percent
8168 (5%). The assistant teachers shall not be restricted to working
8169 only in the grades for which the funds were allotted, but may be
8170 assigned to other classes as provided in subsection (2)(a) of this
8171 section.

8172 (7) (a) As an alternative to employing assistant teachers,
8173 any school district may use the allotment provided under
8174 subsection (6) of this section for the purpose of employing
8175 licensed teachers for kindergarten, first-, second- and
8176 third-grade classes; however, no school district shall be
8177 authorized to use the allotment for assistant teachers for the
8178 purpose of employing licensed teachers unless the district has
8179 established that the employment of licensed teachers using such
8180 funds will reduce the teacher:student ratio in the kindergarten,
8181 first-, second- and third-grade classes. All state funds for
8182 assistant teachers shall be applied to reducing teacher:student
8183 ratio in Grades K-3.

8184 It is the intent of the Legislature that no school district
8185 shall dismiss any assistant teacher for the purpose of using the
8186 assistant teacher allotment to employ licensed teachers. School
8187 districts may rely only upon normal attrition to reduce the number
8188 of assistant teachers employed in that district.

8189 (b) In the event any school district meets Level 4 or 5
8190 accreditation requirements, the State Superintendent of Public
8191 Education, in his discretion, may exempt such school district from
8192 any accreditation requirements for the district's early childhood
8193 education program or reading improvement program.

8194 **SECTION 106.** Section 37-21-53, Mississippi Code of 1972, is
8195 amended as follows:

8196 37-21-53. (1) The Early Childhood Services Interagency
8197 Coordinating Council is created to ensure coordination among the
8198 various agencies and programs serving preschool children in order
8199 to support school district's efforts to achieve the goal of
8200 readiness to start school, to facilitate communication,
8201 cooperation and maximum use of resources and to promote high
8202 standards for all programs serving preschool children and their
8203 families in Mississippi.

8204 (2) The membership of the Early Childhood Services
8205 Interagency Coordinating Council shall be as follows:

8206 (a) The State Superintendent of Public Education;

8207 (b) The Executive Director of the State Department of
8208 Health;

8209 (c) The Executive Director of the Department of Human
8210 Services;

8211 (d) The Executive Director of the State Department of
8212 Mental Health;

8213 (e) The Executive Director of the Division of Medicaid,
8214 Office of the Governor;

8215 (f) The Executive Director of the State Department of
8216 Rehabilitation Services;

8217 (g) The Commissioner of Higher Education;

8218 (h) The Executive Director of the State Board for
8219 Community and Junior Colleges; and

8220 (i) The Executive Director of Mississippi Educational
8221 Television.

8222 (3) The council shall meet upon call of the Governor before
8223 August 1, 2000, and shall organize for business by selecting a
8224 chairman, who shall serve for a one-year term and may be selected
8225 for subsequent terms. The council shall adopt internal
8226 organizational procedures necessary for efficient operation of the
8227 council. Council procedures must include duties of officers, a
8228 process for selecting officers, quorum requirements for conducting

8229 business and policies for any council staff. Each member of the
8230 council shall designate necessary staff of their departments to
8231 assist the council in performing its duties and responsibilities.
8232 The council shall meet and conduct business at least twice
8233 annually. Meetings of the council must be open to the public, and
8234 opportunity for public comment must be made available at each
8235 meeting. The chairman of the council shall notify all persons who
8236 request such notice as to the date, time and place of each
8237 meeting.

8238 (4) The Early Childhood Services Interagency Coordinating
8239 Council shall perform each of the following duties:

8240 (a) Serve as interagency coordinating council for the
8241 various agencies and public and private programs serving preschool
8242 children and their families in the State of Mississippi;

8243 (b) Advise the State Board of Health, State
8244 Superintendent of Public Education, Department of Human Services,
8245 State Department of Mental Health, Division of Medicaid, State
8246 Department of Rehabilitation Services and any other appropriate
8247 agency of standards, rules, rule revisions, agency guidelines and
8248 administration affecting child care facilities, prekindergarten
8249 programs, family training programs and other programs and services
8250 for preschool children and families;

8251 (c) Collect, compile and distribute data relating to
8252 all programs and services for preschool children and families,
8253 including, but not limited to, an inventory of the programs and
8254 services available in each county of the state, and identify and
8255 make recommendations with regard to program areas for which an
8256 unfulfilled need exists within the state for accurate and
8257 accessible information;

8258 (d) Review and analyze spending priorities for each
8259 state agency that utilizes state or federal funds in the
8260 administration or provision of programs and services for preschool

8261 children and make recommendations thereon to the Legislative
8262 Budget Committee and the Governor;

8263 (e) Publish annually, before November 1, a
8264 comprehensive report on the status of all programs and services
8265 for preschool children in Mississippi and distribute the report to
8266 the Governor, the Legislature and local school districts and make
8267 the report available to the general public, using the following
8268 criteria:

- 8269 (i) Program name and location;
- 8270 (ii) Dates of operation;
- 8271 (iii) Services provided;
- 8272 (iv) Target population and number served;
- 8273 (v) Eligibility requirements;
- 8274 (vi) Funding sources;
- 8275 (vii) Amount of funding per unit;
- 8276 (viii) Annual cost;
- 8277 (ix) Evaluation type and results; and
- 8278 (x) The state agency administering the program;

8279 (f) Receive and consider recommendations of the
8280 Interagency Advisory Committee for Early Childhood Services
8281 established in Section 37-21-55; and

8282 (g) Apply for, receive and administer funds for
8283 administration, research, pilot, planning and evaluation of all
8284 programs serving preschool children and their families.

8285 (5) If any agency represented on the Early Childhood
8286 Services Interagency Coordinating Council includes a request for
8287 funding for the support of the council in the agency's annual
8288 budget request presented to the Legislative Budget Committee, the
8289 Early Childhood Services Interagency Coordinating Council shall be
8290 abolished, effective on the date that the agency presents its
8291 budget request.

8292 **SECTION 107.** Section 37-23-1, Mississippi Code of 1972, is
8293 amended as follows:

8294 37-23-1. The purpose of Sections 37-23-1 through 37-23-159
8295 is to mandate free appropriate public educational services and
8296 equipment for exceptional children in the age range three (3)
8297 through twenty (20) for whom the regular school programs are not
8298 adequate and to provide, on a permissive basis, a free appropriate
8299 public education, as a part of the state's early intervention
8300 system in accordance with regulations developed in collaboration
8301 with the agency designated as "lead agency" under Part C of the
8302 Individuals with Disabilities Education Act. The portion of the
8303 regulations developed in collaboration with the lead agency which
8304 are necessary to implement the programs under the authority of
8305 the * * * State Superintendent of Public Education * * *. This
8306 specifically includes, but shall not be limited to, provision for
8307 day schools for the deaf and blind of an age under six (6) years,
8308 where early training is in accordance with the most advanced and
8309 best approved scientific methods of instruction, always taking
8310 into consideration the best interests of the child and his
8311 improvement at a time during which he is most susceptible of
8312 improvement. Educational programs to exceptional children under
8313 the age of three (3) years shall be eligible for minimum program
8314 funds as defined in Sections 37-23-3 and 37-19-5.

8315 The educational programs and services provided for
8316 exceptional children in Sections 37-23-1 through 37-23-15,
8317 37-23-31 through 37-23-35, 37-23-61 through 37-23-75 and 37-23-77
8318 shall be designed to provide individualized appropriate special
8319 education and related services that enable a child to reach his or
8320 her appropriate and uniquely designed goals for success. The
8321 State Superintendent of Public Education shall establish an
8322 accountability system for special education programs and students
8323 with disabilities. The system shall establish accountability
8324 standards for services provided to improve the educational skills
8325 designed to prepare children for life after their years in school.

8326 These standards shall be a part of the accreditation system and
8327 shall be implemented before July 1, 1996.

8328 The State Department of Education shall establish goals for
8329 the performance of children with disabilities that will promote
8330 the purpose of IDEA and are consistent, to the maximum extent
8331 appropriate, with other goals and standards for children
8332 established by the State Department of Education. Performance
8333 indicators used to assess progress toward achieving those goals
8334 that, at a minimum, address the performance of children with
8335 disabilities on assessments, drop-out rates, and graduation rates
8336 shall be developed. Every two (2) years, the progress toward
8337 meeting the established performance goals shall be reported to the
8338 public.

8339 **SECTION 108.** Section 37-23-3, Mississippi Code of 1972, is
8340 amended as follows:

8341 37-23-3. (1) An exceptional child shall be defined as any
8342 child as herein defined, in the age range birth through twenty
8343 (20) years of age with mental retardation, hearing impairments
8344 (including deafness), speech or language impairments, visual
8345 impairments (including blindness), emotional disturbance,
8346 orthopedic impairments, autism, traumatic brain injury, other
8347 health impairments, or specific learning disabilities and, by
8348 reason thereof, needs special education and related services. Such
8349 children shall be determined by competent professional persons in
8350 such disciplines as medicine, psychology, special education,
8351 speech pathology and social work and shall be considered
8352 exceptional children for the purposes of Sections 37-23-1 through
8353 37-23-159. Such professional persons shall be approved by the
8354 State Department of Education. The mandate for the provision of
8355 educational programs to exceptional children shall only apply to
8356 the children in the age range three (3) through twenty (20).
8357 Children who are potentially in need of special educational and

8358 related services must be considered for the services on an
8359 individual basis.

8360 (2) During the fiscal year 1995 and fiscal year 1996, the
8361 State Department of Education shall conduct a pilot project in one
8362 or more school districts which shall test the method of providing
8363 language services described in this subsection. For purposes of
8364 this pilot project, a child with a disability as defined in the
8365 Individuals with Disabilities Education Act (IDEA) may not be
8366 denied language services because his measured cognitive
8367 functioning is equivalent to or lower than his measured
8368 functioning level in the language area. In order for language
8369 services to be provided for a child, the measure functioning level
8370 of the child in the language area must indicate a delay relative
8371 to the child's chronological age. Individual determination of a
8372 child's needs must take into consideration the need for
8373 development in the language area, the need for support for basic
8374 adaptive skills in language development and the extent to which the
8375 child's lack of ability in the language area may have interfered
8376 with academic achievement or development milestones. In the area
8377 of language development, a child's need of alternative or
8378 augmentative communication modes and the need for language
8379 development must be considered fundamental in making their
8380 determination of need for services.

8381 (3) The State Department of Education shall report to the
8382 Education Committees of the House of Representatives and the
8383 Senate by December 1, 1995, and December 1, 1996, on the results
8384 of the pilot project described in subsection (2) of this section.
8385 Such reports shall include, but not be limited to, the project;
8386 the number and ages of the children who applied for participation
8387 and who did participate in the pilot project; and evaluation of
8388 the benefits obtained by the children who participated in the
8389 pilot project; an estimate of the number of children who would
8390 likely utilize similar services if provided on a statewide basis;

8391 and an estimate of the cost of providing such services on a
8392 statewide basis.

8393 (4) The State Superintendent of Public Education shall
8394 promulgate regulations which ensure services are provided to
8395 children as such services are defined in this chapter.

8396 **SECTION 109.** Section 37-23-13, Mississippi Code of 1972, is
8397 amended as follows:

8398 37-23-13. (1) The school board of any school district is
8399 hereby authorized to comply with the provisions of the Federal
8400 Americans with Disabilities Act of 1990 (42 USCS Sections
8401 12101-12213 (West Supp. 1991)) by making reasonable accommodations
8402 to the known physical or mental limitations of an otherwise
8403 qualified individual with a disability who is an applicant or
8404 employee, unless the school board can demonstrate that the
8405 accommodation would impose an undue hardship on the operation of
8406 the school. The school board of any such school district
8407 determining that such accommodation is required and reasonable
8408 may, by resolution spread upon its minutes, apply to the State
8409 Department of Education for funds to defray the cost of providing
8410 qualified reader machines or persons, as determined by the school
8411 board to be in the best interest of the individual teacher, for
8412 visually-impaired classroom teachers in compliance with said
8413 federal law.

8414 (2) The State Department of Education, within the
8415 availability of funds appropriated for such purpose, may expend
8416 funds for the purpose of defraying the expenses of school
8417 districts in providing qualified reader machines or persons, as
8418 determined by the school board to be in the best interest of the
8419 individual teacher, for visually-impaired classroom teachers under
8420 the said Americans with Disabilities Act of 1990, with the
8421 approval of the State Superintendent of Public Education. The
8422 department shall, by regulation, prescribe a method and necessary

8423 forms for the purpose of school districts' applications for funds
8424 as authorized herein.

8425 **SECTION 110.** Section 37-23-31, Mississippi Code of 1972, is
8426 amended as follows:

8427 37-23-31. (1) When five (5) or more children under
8428 twenty-one (21) years of age who because of deafness, aphasia,
8429 emotional disturbance and/or other low-incidence conditions, are
8430 unable to have their educational needs met in a regular public
8431 school program, and a special education program in their
8432 particular areas of exceptionality is not available in their
8433 respective local public school districts, a state-supported
8434 university or college shall be authorized and empowered, in its
8435 discretion, to provide a program of education, instruction and
8436 training to such children, provided that such program shall
8437 operate under rules, regulations, policies and standards adopted
8438 by the State Department of Education as provided for in Section
8439 37-23-93. The opinion of a parent or guardian in regard to the
8440 provision of an appropriate special education program in or by
8441 their respective local public school district shall be considered
8442 before a placement decision is finalized. Parents shall have any
8443 and all rights as provided in the Individuals with Disabilities
8444 Education Act, including, but not limited to, the right to equal
8445 participation in their child's Individualized Education Program
8446 (IEP), the right to require review of their child's IEP, and the
8447 right to appeal an IEP Committee decision immediately.

8448 (2) Any state-supported university or college conducting a
8449 full-time medical teaching program acceptable to the State
8450 Superintendent of Public Education may, at his discretion, enter
8451 into such contracts or agreements with any private school or
8452 nonprofit corporation-supported institution, the Mississippi
8453 School for the Deaf, or any state-supported institution, providing
8454 the special education contemplated by this section for such
8455 services, provided the private school or institution offering such

8456 services shall have conducted a program of such services at
8457 standards acceptable to the State Department of Education for a
8458 period of at least one (1) year prior to the date at which the
8459 university or college proposes to enter into an agreement or
8460 contract for special educational services as described above.

8461 **SECTION 111.** Section 37-23-33, Mississippi Code of 1972, is
8462 amended as follows:

8463 37-23-33. Such program of education, instruction and
8464 training as is provided for in Section 37-23-31 shall be furnished
8465 in such manner as shall be provided by rules and regulations
8466 adopted by the State Superintendent of Public Education, which for
8467 such purposes shall have the full power to adopt such rules,
8468 regulations, policies and standards as the superintendent may deem
8469 necessary to carry out the purpose of Sections 37-23-31 through
8470 37-23-35, including the establishment of qualifications of any
8471 teachers employed under the provisions thereof. It is expressly
8472 provided, however, that no program of education, instruction and
8473 training shall be furnished except in a university or college
8474 supported by the State of Mississippi and only in cases where such
8475 university or college shall consent thereto and shall provide any
8476 classroom space, furniture and facilities which may be deemed
8477 necessary in carrying out the provisions of those sections.

8478 The State Department of Education shall require that the
8479 program of education, instruction and training be designed to
8480 provide individualized appropriate special education and related
8481 services that enable a child to reach his or her appropriate and
8482 uniquely designed goals for success.

8483 **SECTION 112.** Section 37-23-69, Mississippi Code of 1972, is
8484 amended as follows:

8485 37-23-69. The State Department of Education may determine
8486 and pay the amount of the financial assistance to be made
8487 available to each applicant, and see that all applicants and the
8488 programs for them meet the requirements of the program for

8489 exceptional children. No financial assistance shall exceed the
8490 obligation actually incurred by the applicant for educational
8491 costs, which shall include special education and related services
8492 as defined by the Mississippi Department of Education Policies and
8493 Procedures Regarding Children with Disabilities under the federal
8494 Individuals with Disabilities Education Act (IDEA). Within the
8495 amount of available state funds appropriated for that purpose,
8496 each such applicant may receive assistance according to the
8497 following allowances:

8498 (a) If the applicant chooses to attend a private
8499 school, a parochial school or a speech, hearing and/or language
8500 clinic having an appropriate program for the applicant, and if the
8501 school or clinic meets federal and state regulations, then the
8502 educational costs reimbursement will be one hundred percent (100%)
8503 of the first Six Hundred Dollars (\$600.00) in educational costs
8504 charged by the school or clinic; or, if the applicant is under six
8505 (6) years of age, and no program appropriate for the child exists
8506 in the public schools of his domicile, then the reimbursement
8507 shall be one hundred percent (100%) of the first Six Hundred
8508 Dollars (\$600.00) in educational costs charged by the school or
8509 clinic, and fifty percent (50%) of the next Eight Hundred Dollars
8510 (\$800.00) in educational costs charged by the school or clinic;

8511 (b) A public school district shall be reimbursed for
8512 the educational costs of an applicant up to an annual maximum
8513 based on a multiple of the base student cost as determined under
8514 the Mississippi Adequate Education Program (MAEP) or other cost
8515 factor as determined by the State Superintendent of Public
8516 Education if the following conditions are met: (i) an applicant
8517 in the age range six (6) through twenty (20) requests the public
8518 school district where he resides to provide an education for him
8519 and the nature of the applicant's educational problem is such
8520 that, according to best educational practices, it cannot be met in
8521 the public school district where the child resides; (ii) the

8522 public school district decides to provide the applicant a free
8523 appropriate education by placing him in a private school, a
8524 parochial school or a speech, hearing and/or language clinic
8525 having an appropriate program for the applicant; (iii) the program
8526 meets federal and state regulations; and (iv) the applicant is
8527 approved for financial assistance by a State Level Review Board
8528 established by the State Superintendent of Public Education. The
8529 Review Board will act on financial assistance requests within five
8530 (5) working days of receipt. Nothing in this paragraph shall
8531 prevent two (2) or more public school districts from forming a
8532 cooperative to meet the needs of low incidence exceptional
8533 children, nor shall the public school be relieved of its
8534 responsibility to provide an education for all children. If state
8535 monies are not sufficient to fund all applicants, there will be a
8536 ratable reduction for all recipients receiving state funds under
8537 this section. School districts may pay additional educational
8538 costs from available federal, state and local funds.

8539 If an exceptional child, as defined in Section 37-23-3, is
8540 placed in a therapeutic or other group home licensed or approved
8541 by the state that has no educational program associated with it,
8542 the local school district in which the home is located shall offer
8543 an appropriate educational program to that child.

8544 At any time that the Individualized Education Program (IEP)
8545 Committee in the district where the home is located determines
8546 that an exceptional child, as defined in Section 37-23-3, residing
8547 in that home can no longer be provided a free appropriate public
8548 education in that school district, and the State Department of
8549 Education agrees with that decision, then the State Department of
8550 Education shall recommend to the Department of Human Services
8551 placement of the child by the Department of Human Services, which
8552 shall take appropriate action. The placement of the exceptional
8553 child in the facility shall be at no cost to the local school
8554 district. Funds available under Sections 37-23-61 through

8555 37-23-77, as well as any available federal funds, may be used to
8556 provide the educational costs of the placement. If the
8557 exceptional child is under the guardianship of the Department of
8558 Human Services or another state agency, the State Department of
8559 Education shall pay only for the educational costs of that
8560 placement, and the other agency shall be responsible for the room,
8561 board and any other costs. The special education and related
8562 services provided to the child shall be in compliance with State
8563 Department of Education and any related federal regulations. The
8564 State Superintendent of Public Education may promulgate
8565 regulations that are necessary to implement this section; and

8566 (c) If an appropriate local or regional system of care,
8567 including a free appropriate public education, is available for
8568 exceptional children who are currently being served in
8569 out-of-district or Department of Human Services placements under
8570 Section 37-23-69(b) or 37-23-77, then the state funds from the
8571 State Department of Education that would have been used for those
8572 placements may be paid into a pool of funds with funds from other
8573 state agencies to be used for the implementation of the
8574 individualized plans of care for those children. If there are
8575 sufficient funds to serve additional exceptional children because
8576 of cost savings as a result of serving these students at home
8577 and/or matching the pooled funds with federal dollars, the funds
8578 may be used to implement individualized plans of care for those
8579 additional exceptional children. Each local or regional provider
8580 of services included in the individualized plans of care shall
8581 comply with all appropriate state and federal regulations. The
8582 State Superintendent of Public Education may promulgate
8583 regulations that are necessary to implement this section.

8584 The State Department of Education may also provide for the
8585 payment of that financial assistance in installments and for
8586 proration of that financial assistance in the case of children
8587 attending a school or clinic for less than a full school session

8588 and, if available funds are insufficient, may allocate the
8589 available funds among the qualified applicants and local school
8590 districts by reducing the maximum assistance provided for in this
8591 section.

8592 Any monies provided an applicant under Sections 37-23-61
8593 through 37-23-75 shall be applied by the receiving educational
8594 institution as a reduction in the amount of the educational costs
8595 paid by the applicant, and the total educational costs paid by the
8596 applicant shall not exceed the total educational costs paid by any
8597 other child in similar circumstances enrolled in the same program
8598 in that institution. However, this limitation shall not prohibit
8599 the waiving of all or part of the educational costs for a limited
8600 number of children based upon demonstrated financial need, and the
8601 State Department of Education may adopt and enforce reasonable
8602 rules and regulations to carry out the intent of these provisions.

8603 **SECTION 113.** Section 37-23-73, Mississippi Code of 1972, is
8604 amended as follows:

8605 37-23-73. In the event of disapproval by the State
8606 Department of Education of an application for financial assistance
8607 payable from department funds, the department shall give notice to
8608 the applicant, through the parent or guardian of, or person
8609 standing in loco parentis to, the applicant, or to the public
8610 school district, by certified mail. Any applicant, through the
8611 parent or guardian of, or the person standing in loco parentis to,
8612 the applicant, or to the public school district, may, within ten
8613 (10) days after receipt of such notice, apply to the State
8614 Superintendent of Public Education for a hearing, and shall be
8615 given a prompt and fair hearing on the question of entitlement to
8616 such financial assistance. The State Superintendent shall render
8617 prompt decision upon such hearing. If the superintendent shall
8618 affirm the previous action of disapproval of the application,
8619 notice shall be given to the applicant, through the parent or
8620 guardian of, or the person standing in loco parentis to, the

8621 applicant, or to the public school district, by certified mail.
8622 Any applicant aggrieved by the action of the superintendent may,
8623 through the parent or guardian of, or the person standing in loco
8624 parentis to, the applicant or to the public school district within
8625 ten (10) days after receipt of such notice, file a petition in the
8626 chancery court of the county in which applicant resides for a
8627 hearing in the matter on all questions of fact and of law. The
8628 petition shall be served upon the State Superintendent of Public
8629 Education. Within thirty (30) days after service of the petition,
8630 the superintendent shall prepare and deposit a certified
8631 transcript of the record in the case in the office of the clerk of
8632 the court, which record shall include a copy of the application
8633 and any official findings, orders and rulings of the
8634 superintendent in the case. The State Superintendent of Public
8635 Education shall have thirty (30) days after the service of the
8636 petition within which to appear and file exceptions, answers or
8637 other pleadings. Additional time for preparation of the certified
8638 transcript of the record and for appearing and filing exceptions,
8639 answers or other pleadings may be granted to the superintendent by
8640 order of the court. The court, after considering the law, the
8641 pleadings and such evidence as may be adduced in the case, may
8642 modify, affirm or reverse the findings of the superintendent and
8643 make, issue and enter its judgment accordingly. Appeal from any
8644 such judgment shall be subject to the procedures applicable to
8645 appeals in ordinary civil actions.

8646 **SECTION 114.** Section 37-23-91, Mississippi Code of 1972, is
8647 amended as follows:

8648 37-23-91. The board of education in any Class 1 county of
8649 the state having a total population of more than one hundred
8650 thousand (100,000) according to the 1960 census and having a total
8651 assessed valuation in excess of Sixty Million Dollars
8652 (\$60,000,000.00), bordering on the Gulf of Mexico and in which
8653 there is a federal military base, under the methods set out in

8654 Sections 37-23-91 through 37-23-111, may establish a child
8655 development center for children in the county who are mentally or
8656 physically retarded or are otherwise unable to attend public
8657 school including, but not limited to, any child of educable or
8658 trainable mind under twenty-one (21) years of age for whose
8659 particular educational needs institutional care and training are
8660 not available in such county, or who cannot pursue regular
8661 classwork due to reason or reasons of defective hearing, vision,
8662 speech, mental retardation or physical conditions, as determined
8663 by competent medical authorities and psychologists who are
8664 approved by the State Superintendent of Public Education. This
8665 specifically includes, but shall not be limited to, provision for
8666 the deaf and blind of an age under six (6) years, where early
8667 training is in accordance with the most advanced and best approved
8668 scientific methods of instruction, always taking into
8669 consideration the best interests of the child and his improvement
8670 at a time during which he is most susceptible to improvement.

8671 **SECTION 115.** Section 37-23-125, Mississippi Code of 1972, is
8672 amended as follows:

8673 37-23-125. (1) The Department of Education is directed to
8674 establish a learning resources system to be implemented and
8675 administered by the department.

8676 (2) The State Superintendent of Public Education shall adopt
8677 and promulgate such rules and regulations as are necessary to
8678 implement and administer this system.

8679 (3) The department is authorized to employ and train such
8680 professional and clerical assistance as is necessary to implement
8681 and administer the system.

8682 (4) The department is authorized to accept any federal,
8683 state or other governmental funds and any funds from private
8684 sources or gifts, grants or donations.

8685 **SECTION 116.** Section 37-23-135, Mississippi Code of 1972, is
8686 amended as follows:

8687 37-23-135. (1) For the purposes of this section, each local
8688 educational agency is eligible for assistance under IDEA Part B
8689 for a fiscal year if, in providing for the education of children
8690 with disabilities within its jurisdiction, policies, procedures
8691 and programs are in effect that are consistent with the
8692 regulations established by the State Department of Education.

8693 (2) The local educational agency shall have in effect
8694 policies, procedures and programs that are consistent with the
8695 State Department of Education's policies and procedures to ensure:

8696 (a) A free appropriate public education is available to
8697 all children with disabilities residing in the state between the
8698 ages of three (3) and twenty (20), inclusive. Educational
8699 services for children with disabilities who have been suspended or
8700 expelled from school shall be provided based on the requirements
8701 of IDEA, applicable federal regulations and state regulations;

8702 (b) The full educational opportunity goal established
8703 by the state is implemented;

8704 (c) All children with disabilities, who are in need of
8705 special education and related services, including children with
8706 disabilities attending private school, regardless of the severity
8707 of their disabilities, are identified, located and evaluated;

8708 (d) An individualized education program is developed,
8709 reviewed and revised for each child with a disability;

8710 (e) Children with disabilities are provided services
8711 within their least restrictive environment;

8712 (f) Children with disabilities and their parents are
8713 afforded the procedural safeguards required under IDEA;

8714 (g) Children with disabilities are evaluated as
8715 required under IDEA;

8716 (h) The State Department of Education and local
8717 education agencies will assure the protection of the
8718 confidentiality of any personally identifiable data, information

8719 and records collected or maintained as required under IDEA and the
8720 Family Rights and Privacy Act.

8721 (i) Children with disabilities participating in early
8722 intervention programs assisted under IDEA Part C who will
8723 participate in preschool programs assisted under IDEA Part B shall
8724 experience a smooth transition. An individualized educational
8725 program shall be developed and implemented by the child's third
8726 birthday;

8727 (j) Children with disabilities enrolled in private
8728 schools by their parents shall be provided special education and
8729 related services to the extent required under IDEA;

8730 (k) Children with disabilities who are placed in
8731 private schools or facilities by the local educational agency
8732 shall be provided special education and related services, in
8733 accordance with an individualized education program, at no cost to
8734 their parents;

8735 (l) A comprehensive system of personnel development has
8736 been developed to ensure appropriately qualified personnel are
8737 available and personnel are trained in accordance with the
8738 requirements of the State Department of Education and IDEA;

8739 (m) Personnel providing educational services to
8740 children with disabilities meet the personnel standards of the
8741 State Department of Education;

8742 (n) The performance goals and indicators shall be
8743 implemented as established by the State Superintendent of Public
8744 Education; and

8745 (o) Children with disabilities are included in
8746 statewide and district-wide assessment programs, with appropriate
8747 accommodations, in accordance with regulations established by the
8748 State Superintendent of Public Education.

8749 (3) The local educational agency shall make available to
8750 parents of children with disabilities and to the general public
8751 all documents relating to the agency's eligibility under IDEA.

8752 (4) If the State Department of Education determines that a
8753 local educational agency is not eligible to receive federal funds
8754 due to compliance violations not being resolved within a specified
8755 timeline, the local educational agency shall be notified of that
8756 determination and shall be provided with reasonable notice and an
8757 opportunity for a hearing. The local educational agency in
8758 receipt of such notice shall, by means of public notice, take such
8759 measures as may be necessary to bring the pendency of an action to
8760 withhold funds to the attention of the public within the
8761 jurisdiction of such agency.

8762 (5) The State Department of Education, after reasonable
8763 notice and an opportunity for a hearing, shall reduce or shall not
8764 provide any further payments to the local educational agency until
8765 the department is satisfied that the violations have been
8766 corrected.

8767 **SECTION 117.** Section 37-23-137, Mississippi Code of 1972, is
8768 amended as follows:

8769 37-23-137. (1) Consent shall be obtained:

8770 (a) Prior to initial evaluation;

8771 (b) Prior to implementation of the initial
8772 individualized educational program for a child with a disability;

8773 (c) Prior to reevaluation, except that such consent is
8774 not required, if the local educational agency can demonstrate that
8775 it had taken reasonable measures to obtain such consent and the
8776 parent failed to respond; and

8777 (d) Prior to the release of educational records as
8778 required under the Family Educational Rights and Privacy Act and
8779 IDEA.

8780 (2) If the parent of a child with a disability refuses
8781 consent for the evaluation, the local educational agency may
8782 continue to pursue an evaluation by utilizing the due process
8783 hearing procedures under IDEA, except to the extent these are not
8784 in conflict with Mississippi law relating to parental consent.

8785 (3) Written prior notice shall be provided to the parents of
8786 the child whenever a local educational agency proposes to initiate
8787 or change or refuses to initiate or change the identification,
8788 evaluation, or educational placement of the child, or the
8789 provision of a free appropriate public education to that child.

8790 (4) Written prior notice shall be provided in the native
8791 language of the parents, unless it clearly is not feasible to do
8792 so.

8793 (5) Written prior notice shall include:

8794 (a) A description of the action proposed or refused by
8795 the local educational agency;

8796 (b) An explanation of why the local educational agency
8797 proposes or refuses to take the action;

8798 (c) A description of any other options that the local
8799 educational agency considered and the reasons why those options
8800 were rejected;

8801 (d) A description of any other factors that are
8802 relevant to the local educational agency's proposal or refusal;

8803 (e) A description of each evaluation procedure, test,
8804 record, or report the local educational agency used as a basis for
8805 the proposed or refused action;

8806 (f) A description of any factors that are relevant to
8807 the local educational agency's proposal or refusal;

8808 (g) A statement that the parents of a child with a
8809 disability have protection under the procedural safeguards under
8810 IDEA and, if the notice is not an initial referral for evaluation,
8811 notification of an individualized educational program meeting or
8812 notice for reevaluation, the means by which a copy of a
8813 description of procedural safeguards can be obtained; and

8814 (h) Sources for parents to contact to obtain assistance
8815 in understanding the provisions under IDEA.

8816 (6) A copy of the procedural safeguards established by the
8817 State Department of Education shall be given to the parents upon:

8818 (a) Initial referral for evaluation;
8819 (b) Each notification of an individualized education
8820 program meeting;
8821 (c) Reevaluation; and
8822 (d) Registration of a complaint under IDEA to the State
8823 Department of Education.

8824 (7) The State Department of Education and each local
8825 educational agency shall establish procedures to ensure parents of
8826 children with disabilities have the opportunity to participate in
8827 meetings with respect to the identification, evaluation, and
8828 education placement of the child, and the provision of a free
8829 appropriate public education of such child. Local educational
8830 agencies shall provide parents of children with disabilities an
8831 opportunity to provide input in the development of the agencies'
8832 application for funding, as required under IDEA.

8833 (8) In conducting the evaluation, the local educational
8834 agency shall:

8835 (a) Use a variety of assessment tools and strategies to
8836 gather relevant functional and developmental information,
8837 including information provided by the parent, that may assist in
8838 determining whether the child is a child with a disability and the
8839 content of the child's individualized education program including
8840 information related to enabling the child to be involved in and
8841 progress in the general curriculum or, for preschool children, to
8842 participate in appropriate activities;

8843 (b) Not use any single procedure as the sole criterion
8844 for determining whether a child is a child with a disability or
8845 determining an appropriate educational program for the child; and

8846 (c) Use technically sound instruments that may assess
8847 the relative contribution of cognitive and behavioral factors, in
8848 addition to physical or developmental factors.

8849 (9) Each local educational agency shall ensure that:

8850 (a) Tests and other evaluation materials used to assess
8851 a child are:

8852 (i) Selected and administered so as not to be
8853 discriminatory on a racial or cultural basis; and

8854 (ii) Provided and administered in the child's
8855 native language or other mode of communication, unless it is
8856 clearly not feasible to do so;

8857 (b) Any standardized tests that are given to the child:

8858 (i) Have been validated for the specific purpose
8859 for which they are used;

8860 (ii) Are administered by trained and knowledgeable
8861 personnel; and

8862 (iii) Are administered in accordance with any
8863 instructions provided by the producer of such tests;

8864 (c) The child is assessed in all areas of suspected
8865 disability; and

8866 (d) Assessment tools and strategies that provide
8867 relevant information that directly assist persons in determining
8868 the educational needs of the child are provided.

8869 (10) Upon completion of administration of tests and other
8870 evaluation materials:

8871 (a) The determination of whether the child is a child
8872 with a disability as defined under IDEA and state regulations
8873 established by the State Superintendent of Public Education shall
8874 be made by a team of qualified professionals and the parent of the
8875 child and certified by a Screening Team as defined by the State
8876 Superintendent of Public Education;

8877 (b) In making such a determination of eligibility, a
8878 child shall not be determined to be a child with a disability if
8879 the determinant factor for such determination is lack of
8880 instruction in reading or math or limited English proficiency; and

8881 (c) A copy of the evaluation report and the
8882 documentation of determination of eligibility will be given to the
8883 parent.

8884 (11) Parents shall have an opportunity to obtain an
8885 independent educational evaluation of their child in accordance
8886 with the requirements under IDEA.

8887 (12) An outside individual or entity contracting with a
8888 local educational agency for the purpose of performing an
8889 observation in order to make recommendations of possible changes
8890 in a child's IEP, or any outside individual or entity making an
8891 observation of a child which results in such recommendations,
8892 shall submit a report of the observation to the local educational
8893 agency. The local educational agency shall notify the parent upon
8894 receipt of this report.

8895 (13) Parents and guardians shall have the right of review or
8896 to receive copies of all educational records, as such records are
8897 defined by the Family Educational Rights and Privacy Act and the
8898 Individuals with Disabilities Education Act, pertaining to their
8899 child. The local educational agency shall be responsible for
8900 making the educational records available to the parent or
8901 guardian. The cost of providing a copy of any information
8902 contained in a student's educational record to the parents or
8903 guardians shall be established by the local school board in
8904 accordance with the requirements of the Family Educational Rights
8905 and Privacy Act and the Individuals with Disabilities Education
8906 Act.

8907 **SECTION 118.** Section 37-23-145, Mississippi Code of 1972, is
8908 amended as follows:

8909 37-23-145. (1) The State Superintendent of Public Education
8910 shall establish and maintain an advisory panel for the purpose of
8911 providing policy guidance with respect to special education and
8912 related services for children with disabilities in the state.

8913 (2) The advisory panel shall consist of members appointed by
8914 the State Superintendent of Public Education who are
8915 representative of the state's population and who are composed of
8916 individuals involved in, or concerned with, the education of
8917 children with disabilities, including:

8918 (a) Parents of children with disabilities;

8919 (b) Individuals with disabilities;

8920 (c) Teachers;

8921 (d) Representatives of institutions of higher education
8922 that prepare special education and related services personnel;

8923 (e) State and local education officials;

8924 (f) Administrators of programs for children with
8925 disabilities;

8926 (g) Representatives of other state agencies involved in
8927 the financing or delivery of related services to children with
8928 disabilities;

8929 (h) Representatives of private schools and public
8930 charter schools;

8931 (i) At least one (1) representative of a vocational,
8932 community or business organization concerned with the provision of
8933 transition services to children with disabilities; and

8934 (j) Representatives from the state juvenile and adult
8935 correction agencies.

8936 (3) A majority of the members of the panel shall be
8937 individuals with disabilities or parents of children with
8938 disabilities.

8939 (4) The duties of the advisory panel shall include:

8940 (a) Advise the State Department of Education of unmet
8941 needs within the state in the education of children with
8942 disabilities;

8943 (b) Comment publicly on any rules or regulations
8944 proposed by the State Department of Education regarding the
8945 education of children with disabilities;

8946 (c) Advise the State Department of Education in
8947 developing evaluations and reporting on data to the secretary in
8948 accordance with the requirements under IDEA;

8949 (d) Advise the State Department of Education in
8950 developing and implementing policies relating to the coordination
8951 of services for children with disabilities; and

8952 (e) Advise the State Department of Education in
8953 developing corrective action plans to address findings identified
8954 in federal monitoring reports under IDEA.

8955 (5) The advisory panel shall be provided the opportunity to
8956 provide comments to the State Superintendent of Public Education
8957 on rules or regulations proposed by the State Department of
8958 Education relating to the implementation of the IDEA 1997
8959 Amendments.

8960 **SECTION 119.** Section 37-23-147, Mississippi Code of 1972, is
8961 amended as follows:

8962 37-23-147. (1) The State Department of Education shall
8963 establish goals for the performance of children with disabilities
8964 that will promote the purpose of IDEA and are consistent, to the
8965 maximum extent appropriate, with other goals and standards for
8966 children established by the State Department of Education.
8967 Performance indicators used to assess progress toward achieving
8968 those goals that, at a minimum, address the performance of
8969 children with disabilities on assessments, drop-out rates, and
8970 graduation rates shall be developed. Every two (2) years, the
8971 progress toward meeting the established performance goals shall be
8972 reported to the public.

8973 (2) To encourage the full inclusion of children with
8974 disabilities in all aspects of academic and extracurricular
8975 activities, the State Department of Education shall provide
8976 special recognition to the schools receiving such designation and
8977 their school districts. Examples of such recognition may include,
8978 but not be limited to: public announcements and events,

8979 certificates of recognition and plaques for teachers, principals,
8980 superintendents and parents, and media announcements utilizing the
8981 services of Mississippi Educational Television. This special
8982 recognition shall be awarded to one (1) elementary, one (1) middle
8983 school, and one (1) high school, based on entries submitted to the
8984 Mississippi Advisory Committee for Special Education by the
8985 deadline of March 31. These entries shall be in the form of a
8986 report, not to exceed five (5) pages, listing name, address and
8987 telephone number of the school district/school; teacher or staff
8988 responsible for administering the program; type of position held
8989 by each of these employees including credentials; description of
8990 the program; number of students with disabilities included; type
8991 and level of severity of disabilities; number of students without
8992 disabilities involved in the program; how long the program has
8993 been in operation; benefit of program to all students; and a
8994 description of how this program could be replicated by other
8995 school districts. Winners of the Exemplary Inclusion Program
8996 contest shall be chosen by the Mississippi Advisory Committee for
8997 Special Education in April of each year.

8998 Recognition shall be given to these schools during the
8999 May * * * State Superintendent of Public Education meeting each
9000 year. Information on these exemplary programs shall be provided
9001 to other school districts and the general public through news
9002 releases, the state department website, and other similar avenues.

9003 **SECTION 120.** Section 37-23-175, Mississippi Code of 1972, is
9004 amended as follows:

9005 37-23-175. For purposes of Sections 37-23-171 through
9006 37-23-181, the following terms shall have the following meanings
9007 unless the context shall prescribe otherwise:

9008 (a) "Gifted children" shall mean children who are found
9009 to have an exceptionally high degree of intellect, and/or
9010 academic, creative or artistic ability.

9011 (b) "Gifted education" shall mean programs for
9012 instruction of intellectually gifted children within Grades 2
9013 through 12 and programs for instruction of academically gifted
9014 children within Grades 9 through 12 and programs for instruction
9015 of creative or artistically gifted children within Grades 2
9016 through 12 of the public elementary and secondary schools of this
9017 state. Such programs shall be designed to meet the individual
9018 needs of gifted children and shall be in addition to and different
9019 from the regular program of instruction provided by the district.

9020 (c) "Department" shall mean the State Department of
9021 Education.

9022 (d) "State superintendent" shall mean the State
9023 Superintendent of Public Education.

9024 **SECTION 121.** Section 37-23-179, Mississippi Code of 1972, is
9025 amended as follows:

9026 37-23-179. (1) The state superintendent shall specifically
9027 promulgate rules, regulations and guidelines which establish model
9028 programs of gifted education and also establish minimum criteria
9029 for gifted education programs. In providing programs of gifted
9030 education, the local district may use the model programs prepared
9031 by the state superintendent or may itself develop programs of
9032 gifted education which, prior to being implemented, shall be
9033 approved by the state superintendent, provided, that no such plan
9034 or program shall be approved or continued unless it meets the
9035 minimum criteria established by the state superintendent.

9036 (2) There is hereby created within the department an office
9037 for gifted education which shall be staffed by such professional,
9038 support and clerical personnel as may be necessary to implement
9039 the provisions of Sections 37-23-171 through 37-23-181.

9040 (3) All local school districts may have programs of gifted
9041 education for intellectually, creatively and/or artistically
9042 gifted students in Grades 2 through 12 and for academically gifted
9043 students in Grades 9 through 12 approved by the state

9044 superintendent. Beginning with the 1993-1994 school year, all
9045 local school districts shall have programs of gifted education for
9046 intellectually gifted students in Grade 2, subject to the approval
9047 of the State Superintendent of Public Education and the
9048 availability of funds appropriated therefor by line-item.
9049 Beginning with the 1994-1995 school year, all local school
9050 districts shall have programs of gifted education for
9051 intellectually gifted students in Grades 2 and 3, subject to the
9052 approval of the State Superintendent of Public Education.
9053 Beginning with the 1995-1996 school year, all local school
9054 districts shall have programs of gifted education for
9055 intellectually gifted students in Grades 2, 3 and 4 subject to the
9056 approval of the State Superintendent of Public Education.
9057 Beginning with the 1996-1997 school year, all local school
9058 districts shall have programs of gifted education for
9059 intellectually gifted students in Grades 2, 3, 4 and 5, subject to
9060 the approval of the State Superintendent of Public Education.
9061 Beginning with the 1997-1998 school year, all local school
9062 districts shall have programs of gifted education for
9063 intellectually gifted students in Grades 2, 3, 4, 5 and 6, subject
9064 to the approval of the State Superintendent of Public Education.
9065 The programs shall be funded as a part of the exceptional child
9066 programs in accordance with Section 37-19-5(3). Each local school
9067 district shall include as a part of its five-year plan a
9068 description of any proposed gifted education programs of the
9069 district. State funded teacher units for gifted education
9070 programs for fiscal year 1994 and thereafter shall be at least the
9071 number funded for gifted education programs for fiscal year 1993
9072 and any additional numbers that may be funded by appropriation of
9073 the Legislature for those programs. Additional programs above the
9074 number authorized statewide and expansion of programs using state
9075 funds shall be allowed only in years in which the funding for
9076 gifted education teacher units exceeds the number funded for

9077 fiscal year 1993. In the Adequate Education Program appropriation
9078 bill each year, there shall be a line item specifying the number
9079 of special education teacher units that are to be used for gifted
9080 education programs.

9081 **SECTION 122.** Section 37-23-201, Mississippi Code of 1972, is
9082 amended as follows:

9083 37-23-201. (1) * * * The State Superintendent of Public
9084 Education shall appoint an advisory committee to expedite the
9085 implementation of this article. The committee shall be composed
9086 of no more than twelve (12) persons * * * from within or outside
9087 of the state, including, but not limited to, representatives of
9088 the following groups:

- 9089 (a) The National Federation of the Blind;
- 9090 (b) The Mississippi Council of the Blind;
- 9091 (c) A parent or guardian of a blind student;
- 9092 (d) The Coalition for Citizens with Disabilities;
- 9093 (e) Producers of Braille textbooks;
- 9094 (f) Specialists in Braille education;
- 9095 (g) Employees of the State Department of Education;
- 9096 (h) Publishers of elementary and high school textbooks;
- 9097 and
- 9098 (i) Consumers, or an advocate of consumers, of Braille
9099 materials.

9100 (2) The State Superintendent of Public Education shall
9101 appoint a chairperson from among the members of the committee.
9102 The committee shall meet upon the call of the state
9103 superintendent, and its functions shall be purely advisory in
9104 nature and effect. Members of the committee shall receive no
9105 compensation or per diem, but each member shall be entitled to
9106 reimbursement for all actual and necessary expenses incurred by
9107 his participation in the committee's activities.

9108 (3) The committee shall perform the following duties:

9109 (a) Consult with textbook publishers on the development
9110 of processes for converting formatted text files to ASCII text
9111 files needed for the production of Braille textbooks with
9112 translation software;

9113 (b) Survey ongoing efforts in Mississippi and elsewhere
9114 to develop computer software needed for automated conversion of
9115 publisher text files to the ASCII format and recommend additional
9116 software development projects, if needed. If additional
9117 development efforts are needed, the committee shall consult with
9118 publishers and software developers to prioritize typesetting
9119 system conversion efforts;

9120 (c) Study the feasibility of implementing a process by
9121 which textbook publishers can transmit computerized textbook ASCII
9122 data files through modem communication directly to the computers
9123 of organizations producing Braille textbook masters; and

9124 (d) Study any other issues that the committee
9125 determines are relevant and necessary to the implementation of the
9126 act.

9127 * * *

9128 **SECTION 123.** Section 37-25-5, Mississippi Code of 1972, is
9129 amended as follows:

9130 37-25-5. The State Superintendent of Public Education
9131 shall * * * adopt rules and regulations governing the
9132 establishment, conduct and scope of driver education and training
9133 programs in secondary schools of this state, subject to the
9134 requirements and exceptions set forth in this chapter. Said
9135 program shall be established and maintained only in accordance
9136 with such rules and regulations. The state driver education and
9137 training program in secondary schools of this state shall include
9138 a program of study for alcohol and safety education as it pertains
9139 to driver and highway safety and shall also include instruction
9140 relating to organ and tissue donation and organ and tissue
9141 donation procedures, and shall include instruction on the litter

9142 laws of the state and the responsibilities of the driver and all
9143 passengers to dispose of litter in the proper container.

9144 The State Superintendent of Public Education shall prepare an
9145 administrative budget from funds made available under this chapter
9146 which budget shall be approved by the State Superintendent of
9147 Public Education. It shall be the responsibility of the State
9148 Superintendent of Public Education to administer this program in
9149 accordance with rules and regulations established by the State
9150 Superintendent of Public Education and to appoint the necessary
9151 supervisors of safety education and the necessary clerical
9152 personnel.

9153 **SECTION 124.** Section 37-25-11, Mississippi Code of 1972, is
9154 amended as follows:

9155 37-25-11. A determination of the cost of a driver education
9156 and training program in a secondary school shall include, but by
9157 no means is limited to, the cost of the replacement of the
9158 automobile or machinery used in the instruction of pupils, the
9159 cost of the instructor's salary, the upkeep and maintenance of
9160 said automobile, and the cost of such other equipment and
9161 classroom data as may be required in a driver education and
9162 training program operated in compliance with the rules and
9163 regulations of the State Superintendent of Public Education.

9164 **SECTION 125.** Section 37-25-13, Mississippi Code of 1972, is
9165 amended as follows:

9166 37-25-13. The State Superintendent of Public Education shall
9167 allow to each school district an amount per pupil * * *, but in no
9168 case to exceed the actual cost per pupil completing the course in
9169 the driver education and training programs in that school district
9170 during the preceding fiscal year in accordance with the
9171 regulations set forth by the State Superintendent of Public
9172 Education to the school districts for instructing pupils in driver
9173 education and training. All such funds made available for the
9174 purposes of this section shall be appropriated by the Legislature

9175 in the same manner as general funds. In the event that the funds
9176 herein authorized by the Legislature for the support of driver
9177 education shall exceed the funds which actually become available,
9178 each participating school district shall have its funds reduced on
9179 a pro rata basis.

9180 No allowance shall be made under this section for the
9181 instruction of pupils in driver education and training unless the
9182 respective school district has complied with the rules and
9183 regulations as set forth by the State Superintendent of Public
9184 Education governing the establishment, conduct and scope of driver
9185 education and training.

9186 **SECTION 126.** Section 37-25-23, Mississippi Code of 1972, is
9187 amended as follows:

9188 37-25-23. In addition to and supplementary of all other
9189 powers authorized by law, the State Superintendent of Public
9190 Education is hereby authorized and empowered to promulgate
9191 reasonable rules and regulations deemed necessary to carry out the
9192 legislative intent of Chapter 341, Laws of the 1962 Regular
9193 Session of the Mississippi Legislature, being Sections 37-25-1 et
9194 seq., Mississippi Code of 1972. The State Superintendent of
9195 Public Education is authorized to purchase for cash or by
9196 lease-purchase agreement all the necessary equipment, visual and
9197 training aids and devices, and related materials required to
9198 administer this act, upon competitive public bids as required by
9199 law for public purchases.

9200 The repeal of Chapter 387, Laws of 1968, authorizing the
9201 purchase of liability insurance upon driver training aids and
9202 devices and motor vehicles transporting the same, shall not affect
9203 any litigation or prosecutions pending on June 30, 1970, or
9204 prevent the filing of any litigation or commencement of any action
9205 accruing prior to said date.

9206 **SECTION 127.** Section 37-27-1, Mississippi Code of 1972, is
9207 amended as follows:

9208 37-27-1. The county board of education in each county in the
9209 state is hereby authorized and empowered to establish not more
9210 than two (2) agricultural high schools in the county, and
9211 determine their location, in which instruction shall be given in
9212 high school branches, theoretical and practical agriculture,
9213 domestic science, and in such other branches as the board may
9214 hereinafter provide for and make a part of the curriculum, subject
9215 to review and correction by the State Superintendent of Public
9216 Education. If only one (1) school be established at first, the
9217 county board of education shall have power at any subsequent time
9218 to establish an additional school whenever the necessity for the
9219 same shall arise.

9220 **SECTION 128.** Section 37-27-3, Mississippi Code of 1972, is
9221 amended as follows:

9222 37-27-3. The board of supervisors of any county where an
9223 agricultural high school shall have been established by the county
9224 board of education, shall levy on the taxable property in the
9225 county at the time the annual tax levy is made, for the support
9226 and maintenance of said school. In case there are two (2)
9227 agricultural high schools in any county, the board shall levy a
9228 separate tax for the support of each school, and the taxes, when
9229 collected, shall only be used for the support and maintenance of
9230 the particular school for which the tax is levied. The tax levy
9231 for agricultural high school purposes for any year shall not be
9232 less than the equivalent uniform minimum school district ad
9233 valorem tax levy for agricultural high school support as certified
9234 by the State Superintendent of Public Education.

9235 Within twenty (20) days after the levy has been made twenty
9236 percent (20%) of the qualified electors of said county may file
9237 with the clerk of the board of supervisors a petition asking that
9238 the tax for the support of either one (1) or both agricultural
9239 high schools be not levied. Thereupon, the question shall be
9240 submitted to an election of the qualified electors of the county

9241 within thirty (30) days after the next meeting of the board of
9242 supervisors after the filing of the petition, at which election
9243 said electors may vote against the tax levy for the support for
9244 either one (1) or both schools. Should the majority of the votes
9245 cast be against the tax levied for the support of one (1) or both
9246 schools, then the levy of the board for the support of that school
9247 or both schools, as the case may be, shall be null and void, and
9248 the tax collector shall refuse to collect such tax so voted
9249 against. Should a majority of the votes be for the tax levied in
9250 support of either or both schools, then the tax collector shall
9251 proceed to collect the tax so authorized as all other taxes are
9252 collected, receiving the lawful commission of such collections.
9253 The tax collected shall be deposited with the county depository,
9254 to be paid out by him on the order of the board of trustees for
9255 the high school or high schools.

9256 When a majority of the votes be for the tax levied in support
9257 of either or both schools, or if the school be established and the
9258 tax levied without an election, then another election shall not be
9259 held for the purpose of voting against the tax levied within a
9260 period of four (4) years from date of said election. In no case
9261 shall the tax levied for an agricultural high school, which
9262 maintains an average high school boarding dormitory patronage of
9263 thirty-five (35) pupils, resident of that county, be submitted to
9264 an election.

9265 **SECTION 129.** Section 37-27-9, Mississippi Code of 1972, is
9266 amended as follows:

9267 37-27-9. In case the county board of education of two (2) or
9268 more counties shall so decide, two (2) or more counties may unite
9269 in establishing a joint agricultural high school, joint
9270 agricultural high school-junior college or two schools. The
9271 county boards of education of the two (2) or more counties shall
9272 meet in joint session to determine the location of the school or
9273 schools, and if no place can be agreed upon by a majority of the

9274 joint boards for either school, the two (2) places receiving the
9275 greatest number of votes shall be certified by the boards to the
9276 State Superintendent of Public Education, and the superintendent
9277 shall select one (1) of them as a site for the school.

9278 In case any county not contributing to the support of an
9279 agricultural high school or agricultural high school-junior
9280 college desires to co-operate in the maintenance of such a school
9281 or schools already established by some other county or counties,
9282 and receive therefrom the full privileges and benefits of such an
9283 institution, such desire shall be made a matter of record on the
9284 minutes of the county board of education of the said county by a
9285 majority vote of said board. After such action by the county
9286 board of education, the board of supervisors of said county may
9287 with the consent of the trustees of the school or schools make a
9288 levy for the support of said agricultural high school or
9289 agricultural high school-junior college. After such levy has been
9290 made, the county shall, so far as the law is concerned, have all
9291 the privileges, rights, and duties concerning the operation of
9292 said school in every respect as the county or counties originally
9293 establishing said agricultural high school or agricultural high
9294 school-junior college.

9295 **SECTION 130.** Section 37-27-17, Mississippi Code of 1972, is
9296 amended as follows:

9297 37-27-17. When the State Superintendent of Public Education
9298 shall have received from the county superintendent of education of
9299 any county a statement showing that an agricultural high school
9300 has been located by the county board of education, that the land
9301 has been acquired, that necessary levy has been made by the board
9302 of supervisors, and that suitable buildings have been erected,
9303 including adequate boarding facilities, then the State
9304 Superintendent shall visit such school and, after a thorough
9305 inspection thereof, make a full and complete report of said
9306 inspection to the State Department of * * * Education. Should it

9307 appear to the State Superintendent of Public Education that it
9308 would be to the interest of the state, and funds have been
9309 appropriated therefor, the superintendent shall draw an order on
9310 the State Auditor in favor of the county depository or
9311 depositories for the sum of One Thousand Dollars (\$1,000.00) for
9312 each county supporting an agricultural high school, for the use of
9313 the trustees of the said high school or schools. The Auditor
9314 shall issue his warrant annually on the depository for this
9315 amount, but not more than One Thousand Dollars (\$1,000.00) for
9316 each county supporting an agricultural high school shall be paid
9317 to any one (1) school in one (1) year for agricultural high school
9318 purposes, except as hereinafter provided.

9319 All schools failing to make an average attendance of forty
9320 (40) or more students for the previous session shall receive only
9321 One Thousand Dollars (\$1,000.00), as provided above.

9322 After Twenty-five Thousand Dollars (\$25,000.00) each year has
9323 been set aside as an equalizing fund to be disbursed by the State
9324 Superintendent of Public Education where the need is greatest,
9325 which amount shall be distributed without reference to attendance,
9326 the remainder shall be distributed on the per capita basis of the
9327 average boarding attendance of the previous session. However, no
9328 school shall receive more than Five Thousand Five Hundred Dollars
9329 (\$5,500.00) a year of the remainder.

9330 Any consolidated school carrying four years' accredited high
9331 school work, doing work in vocational agriculture and vocational
9332 home economics, as defined by the director of the division of
9333 vocational education, shall receive the following amounts under
9334 conditions named:

9335 Schools having enrolled not less than twenty (20) all-day
9336 pupils in these classes shall receive Two Hundred Fifty Dollars
9337 (\$250.00) annually.

9338 Schools having enrolled not less than thirty (30) all-day
9339 pupils in these classes shall receive Five Hundred Dollars
9340 (\$500.00) annually.

9341 Schools having enrolled not less than forty (40) all-day
9342 pupils in these classes shall receive Seven Hundred Fifty Dollars
9343 (\$750.00) annually.

9344 No aid shall be given an agricultural high school until the
9345 State Superintendent of Public Education has approved the plans
9346 for the building and course of study for the same. The
9347 appropriations from the State Treasury shall be made in such
9348 manner as to comply with the law, but the state aid may be
9349 withdrawn at any time, when the State Superintendent of Public
9350 Education finds that a school is not being legally conducted for
9351 the purposes for which established.

9352 **SECTION 131.** Section 37-27-19, Mississippi Code of 1972, is
9353 amended as follows:

9354 37-27-19. The main purpose for an agricultural high school
9355 being to teach theoretical and practical agriculture and home
9356 economics, and to be a real service to the farmers of the county,
9357 any school failing to come up to the following standards shall be
9358 dropped from the list of approved agricultural high schools by the
9359 State Superintendent of Public Education:

9360 (a) Each school shall own and operate a dairy
9361 sufficiently large to furnish milk and butter necessary for use in
9362 the dormitories.

9363 (b) Each school shall own and operate an approved
9364 poultry farm with one or more breeds of chickens, the minimum of
9365 which shall be one hundred (100) hens.

9366 (c) There shall be in every school a model orchard with
9367 a minimum of one (1) acre demonstrating correct methods of
9368 planting, cultivating, pruning and propagation of orchard plants.

9369 (d) There shall be in every school a model garden
9370 sufficiently large to furnish vegetables to the boarders. The

9371 minimum acreage for vegetables and truck crops shall be one (1)
9372 acre for each twenty (20) boarders.

9373 (e) A sufficient number of pure-bred hogs shall be kept
9374 for teaching and demonstrating purposes.

9375 (f) Plots of land shall be cultivated on the school
9376 farm demonstrating the yield per acre and the best method of
9377 cultivation of such crops as cotton, corn, sugar cane, potatoes,
9378 etc., suitable to the different sections of the state.

9379 (g) Students shall be required to take part in the work
9380 thus outlined for the specific purposes of encouraging farm life
9381 in Mississippi and acquiring a practical knowledge of the same.

9382 (h) Schools shall do such extension work and shall
9383 maintain such agricultural and home science laboratory equipment
9384 as may be prescribed by the State Superintendent of Public
9385 Education.

9386 (i) The sciences and other subjects taught in the
9387 agricultural high school shall be connected vitally with the
9388 social and economic life of the school and county.

9389 (j) Each school is required to have a minimum of
9390 one-eighth (1/8) of an acre of ground set apart as a vegetable
9391 garden for use of the home economics department of the school.

9392 (k) Each school is required to own and operate an
9393 incubator for the teaching of poultrying in the home economics
9394 department of the school.

9395 (l) Each school must provide means for the laundering
9396 of plain clothes for the boarding students.

9397 (m) Each school is required to own a modern canning
9398 outfit for the use of the school, and for demonstration work in
9399 the communities of the county.

9400 (n) Each girl boarding in the dormitory of these
9401 schools must do five (5) hours per week of practical work.

9402 (o) All girls who graduate from an agricultural high
9403 school must demonstrate their ability to make their own clothes,

9404 prepare and serve meals, and do other things necessary to ordinary
9405 household management.

9406 The State Superintendent of Public Education shall enforce
9407 the above-named standards. All expenses necessary thereto shall
9408 be paid out of the agricultural high school appropriations, not
9409 exceeding the sum of Seven Thousand Five Hundred Dollars
9410 (\$7,500.00) in any scholastic year for the following: (a)
9411 supervisor's salary not to exceed Four Thousand Dollars
9412 (\$4,000.00) per annum; (b) secretarial work not to exceed One
9413 Thousand Five Hundred Dollars (\$1,500.00) per annum; (c)
9414 supervisor's traveling expenses not to exceed One Thousand Two
9415 Hundred (\$1,200.00) per annum; (d) stamps, telephone, telegraph,
9416 stationery and all other office supplies and expenses not to
9417 exceed One Thousand Dollars (\$1,000.00) per annum.

9418 **SECTION 132.** Section 37-28-1, Mississippi Code of 1972, is
9419 amended as follows:

9420 37-28-1. It is the intent of the Legislature that this
9421 chapter provide a means whereby local public schools may choose to
9422 substitute a binding academic or vocational, or both, performance
9423 based contract approved by the State Superintendent of Public
9424 Education and the school board of the school district in which the
9425 school is located, called a "charter," for rules, regulations,
9426 policies and procedures of the State Board of Education and the
9427 local school district and, except as otherwise provided, the
9428 provisions of Title 37 of the Mississippi Code of 1972 which are
9429 applicable to schools and school districts and their employees and
9430 students.

9431 **SECTION 133.** Section 37-28-3, Mississippi Code of 1972, is
9432 amended as follows:

9433 37-28-3. For purposes of this chapter, the following words
9434 and phrases shall have the meanings respectively ascribed in this
9435 section unless the context clearly indicates otherwise:

9436 (a) "Charter" means an academic or vocational, or both,
9437 performance based contract between the State Superintendent of
9438 Public Education, the school board of the local school district,
9439 and a local school which exempts the school from rules,
9440 regulations, policies and procedures of the State Board of
9441 Education and the local school district and, except as otherwise
9442 provided, the provisions of Title 37 of the Mississippi Code of
9443 1972 which are applicable to schools and school districts and
9444 their employees and students.

9445 (b) "Charter school" means a school that is operating
9446 under the terms of a charter granted by the State Superintendent
9447 of Public Education.

9448 (c) "Local school" means a public school in Mississippi
9449 which is under the management and control of the school board of
9450 the school district in which the school is located.

9451 (d) "Petition" means a proposal to enter into an
9452 academic or vocational, or both, performance based contract
9453 between the State Superintendent of Public Education and a local
9454 school whereby the local school obtains charter school status.

9455 **SECTION 134.** Section 37-28-5, Mississippi Code of 1972, is
9456 amended as follows:

9457 37-28-5. Any local school may submit a petition to the State
9458 Superintendent of Public Education requesting charter school
9459 status. The petition must:

9460 (a) Be approved by the school board of the school
9461 district in which the school is located;

9462 (b) Be agreed to freely by a majority of the faculty
9463 and instructional staff members, by secret ballot, at the school
9464 initiating the petition;

9465 (c) Be agreed to by a majority of the parents of
9466 students enrolled in the school who are present at a meeting
9467 called for the specific purpose of deciding whether or not to
9468 initiate the petition;

9469 (d) Describe a plan for school improvement that
9470 addresses how the school proposes to work toward improving student
9471 learning and meeting state education goals;

9472 (e) Outline proposed academic or vocational, or both,
9473 performance criteria that will be used during the initial period
9474 of the charter to measure progress of the school in improving
9475 student learning and in meeting state education goals;

9476 (f) Describe how the faculty, instructional staff and
9477 parents of students enrolled in the school have been involved in
9478 developing the petition and will be involved in developing and
9479 implementing the improvement plan and identifying academic or
9480 vocational, or both, performance criteria; and

9481 (g) Describe how the concerns of faculty, instructional
9482 staff and parents of students enrolled in the school will be
9483 solicited and addressed in evaluating the effectiveness of the
9484 improvement plan.

9485 **SECTION 135.** Section 37-28-7, Mississippi Code of 1972, is
9486 amended as follows:

9487 37-28-7. (1) The State Superintendent of Public Education
9488 shall establish rules and regulations for the submission of
9489 petitions for charter school status and criteria and procedures
9490 for the operation of charter schools. The superintendent shall
9491 receive and review petitions for charter school status from local
9492 public schools and may approve petitions and grant charter school
9493 status, on a pilot program basis, to up to six (6) local schools
9494 throughout the state. One (1) local public school in each
9495 congressional district, as such districts exist on the effective
9496 date of this chapter, and at least one (1) local public school
9497 situated in the Delta region of the state shall be granted charter
9498 school status by the superintendent, unless there are no petitions
9499 submitted from a particular congressional district or the Delta
9500 region, as the case may be, which are proper under the terms of
9501 this chapter and the rules and regulations established by the

9502 superintendent under this subsection. At least three (3) local
9503 public schools that are granted charter school status shall be in
9504 school districts having an accreditation level of three (3) or
9505 below at the time the school submits its initial petition for
9506 charter school status unless there are no petitions submitted from
9507 such schools which are proper under the terms of this chapter and
9508 the rules and regulations established by the board. In order to
9509 be approved, a petition for charter school status, in the opinion
9510 of the State Superintendent of Public Education, must adequately
9511 include:

9512 (a) A plan for improvement at the school level for
9513 improving student learning and for meeting state education goals;

9514 (b) A set of academic or vocational, or both,
9515 performance based objectives and student achievement based
9516 objectives for the term of the charter and the means for measuring
9517 those objectives on no less than an annual basis;

9518 (c) An agreement to provide a yearly report to parents,
9519 the community, the school board of the school district in which
9520 the charter school is located, and the State Superintendent of
9521 Public Education which indicates the progress made by the charter
9522 school in the previous year in meeting the academic or vocational,
9523 or both, performance objectives; and

9524 (d) A proposal to directly and substantially involve
9525 the parents of students enrolled in the school as well as the
9526 faculty, instructional staff and the broader community in the
9527 process of modifying the petition, if necessary for approval, and
9528 carrying out the terms of the charter.

9529 (2) The State Superintendent of Public Education may allow
9530 local schools to resubmit petitions for charter school status if
9531 the original petition, in the opinion of the superintendent, is
9532 deficient in one or more respects. The State Department of
9533 Education may provide technical assistance to the faculty and

9534 instructional staff of local schools in the creation or
9535 modification of the petitions.

9536 **SECTION 136.** Section 37-28-9, Mississippi Code of 1972, is
9537 amended as follows:

9538 37-28-9. The terms of each charter shall include the
9539 following:

9540 (a) A mechanism for declaring the charter null and void
9541 if a majority of the faculty, instructional staff of the school,
9542 and parents of students enrolled in the school who are present at
9543 a meeting called for the specific purpose of deciding whether or
9544 not to declare the charter null and void request the State
9545 Superintendent of Public Education to withdraw the charter;

9546 (b) A mechanism for declaring the charter null and void
9547 if, at any time, in the opinion of the State Board of Education,
9548 the school operating under charter status fails to fulfill the
9549 terms of the charter;

9550 (c) Clear academic or vocational, or both, performance
9551 based and student achievement based objectives and the means to
9552 measure those objectives on no less than an annual basis;

9553 (d) A mechanism for updating the terms of each charter,
9554 agreed to by all parties and subject to the approval of a majority
9555 of the faculty, instructional staff and parents of students
9556 enrolled in the school who are present at a meeting called for the
9557 specific purpose of updating the terms of the charter, based upon
9558 the yearly progress reports submitted to the State Superintendent
9559 of Public Education by the charter school;

9560 (e) A provision that the charter school shall not have
9561 any authority to request an ad valorem tax levy independent of
9562 such authority exercised by the school district in which the
9563 charter school is located;

9564 (f) A provision that no person shall be denied
9565 admission to the charter school on the basis of race, color, creed
9566 or national origin;

9567 (g) A provision to exempt the school from the rules,
9568 regulations, policies and procedures of the State Superintendent
9569 of Public Education and the local school board and from the
9570 provisions of Title 37 of the Mississippi Code of 1972 which are
9571 not included in this chapter, unless the code sections are
9572 specifically made applicable to charter schools by the State
9573 Superintendent of Public Education in the charter;

9574 (h) A provision that the performance variables
9575 established by the State Superintendent of Public Education,
9576 acting through the Commission on School Accreditation, in the
9577 performance based accreditation system are fully applicable to the
9578 charter school; and

9579 (i) A provision to exempt the charter school from
9580 process standards.

9581 **SECTION 137.** Section 37-28-11, Mississippi Code of 1972, is
9582 amended as follows:

9583 37-28-11. Any request for a petition to obtain charter
9584 school status sent by a local school to the school board of the
9585 school district in which the school is located shall be forwarded
9586 by the local school board to the State Superintendent of Public
9587 Education. If a local school board disapproves of a local
9588 school's request for a petition, the local school board shall
9589 inform the faculty of the local school of the reasons for the
9590 disapproval and shall forward a copy of the reasons to the State
9591 Superintendent of Public Education. The State Superintendent of
9592 Public Education, in its discretion, may request a hearing to
9593 receive further information from the local school board and the
9594 faculty of the local school.

9595 **SECTION 138.** Section 37-28-13, Mississippi Code of 1972, is
9596 amended as follows:

9597 37-28-13. Initial charters issued by the State
9598 Superintendent of Public Education shall be on a pilot program
9599 basis and for a term of four (4) years. Thereafter, the State

9600 Superintendent of Public Education may renew charters on a
9601 one-year or multiyear basis, not to exceed four (4) years, for
9602 local schools, if all parties to the original charter approve the
9603 renewal with a vote of a majority of the faculty, instructional
9604 staff and parents of students enrolled in the school who are
9605 present at a meeting called for the specific purpose of deciding
9606 whether or not to renew the charter.

9607 **SECTION 139.** Section 37-28-15, Mississippi Code of 1972, is
9608 amended as follows:

9609 37-28-15. (1) A charter school may be funded by: federal
9610 grants, grants, gifts, devises or donations from any private
9611 sources; and state funds appropriated for the support of the
9612 charter school; and any other funds that may be received by the
9613 school district. Schools applying for charter status and charter
9614 schools are encouraged to apply for federal funds appropriated
9615 specifically for the support of charter schools under the Omnibus
9616 Consolidated Appropriations Act, 1997 (Public Law No. 104-208
9617 [H.R. 3610] (1996)).

9618 (2) The State Superintendent of Public Education may give
9619 charter schools special preference when allocating grant funds
9620 other than state funds for alternative school programs, classroom
9621 technology, school improvement programs, mentoring programs or
9622 other grant programs designed to improve local school performance.

9623 **SECTION 140.** Section 37-28-19, Mississippi Code of 1972, is
9624 amended as follows:

9625 37-28-19. * * * The State Superintendent of Public Education
9626 shall submit a report to the Legislature on the status of the
9627 charter school program on an annual basis. This report minimally
9628 shall include: (a) a review and compilation of comprehensive
9629 reports and evaluations issued by local school boards concerning
9630 successes or failures of charter schools and formulated
9631 recommendations; (b) a comparison of the academic performance of
9632 charter school students with the performance of ethnically and

9633 economically comparable groups of students in other public schools
9634 who are enrolled in academically comparable courses; (c) the
9635 current and projected impact of charter schools on the delivery of
9636 services by the public schools; (d) an assessment of the students'
9637 academic progress in the charter school as measured, where
9638 available, against the academic year immediately preceding the
9639 first year of the charter school's operation; and (e) the best
9640 practices resulting from charter school operations.

9641 **SECTION 141.** Section 37-29-1, Mississippi Code of 1972, is
9642 amended as follows:

9643 37-29-1. (1) The creation, establishment, maintenance and
9644 operation of community and junior colleges is authorized.
9645 Community and junior colleges may admit students if they have
9646 earned one (1) unit less than the number of units required for
9647 high school graduation established by State Superintendent of
9648 Public Education policy or have earned a General Education Diploma
9649 (GED) in courses correlated to those of senior colleges or
9650 professional schools. They shall offer education and training
9651 preparatory for occupations such as agriculture, industry,
9652 business, homemaking and for other occupations on the
9653 semi-professional and vocational-technical level. They may offer
9654 courses and services to students regardless of their previous
9655 educational attainment or further academic plans.

9656 (2) The boards of trustees of the community and junior
9657 college districts are authorized to establish a dual enrollment
9658 program under which high school students meeting the requirements
9659 prescribed in this section may enroll at a community or junior
9660 college while they are still attending high school and enrolled in
9661 high school courses. Students may be admitted to enroll in
9662 community or junior college courses under the dual enrollment
9663 program if they meet the following recommended admission
9664 requirements:

9665 (a) Students must have completed a minimum of fourteen
9666 (14) core high school units;

9667 (b) Students must have a 3.0 grade point average on a
9668 4.0 scale, or better, on all high school courses, as documented by
9669 an official high school transcript; a home-schooled student must
9670 submit a transcript prepared by a parent, guardian or custodian
9671 with a signed, sworn affidavit to meet the requirement of this
9672 paragraph; and

9673 (c) Students must have an unconditional written
9674 recommendation from their high school principal and/or guidance
9675 counselor. A home-schooled student must submit a parent, legal
9676 guardian or custodian's written recommendation to meet the
9677 requirement of this paragraph.

9678 Students may be considered for the dual enrollment program
9679 who have not completed the minimum of fourteen (14) core high
9680 school units if they have a minimum ACT composite score of thirty
9681 (30) or the equivalent SAT score, and have the required grade
9682 point average and recommendations prescribed above.

9683 Students admitted in the dual enrollment program shall be
9684 counted for adequate education program funding purposes in the
9685 average daily attendance of the public school district in which
9686 they attend high school. Any additional transportation required
9687 by a student to participate in the dual enrollment program shall
9688 be the responsibility of the parents or legal guardians of the
9689 student. Grades and college credits earned by students admitted
9690 to the dual enrollment program shall be recorded on the college
9691 transcript at the community or junior college where the student
9692 attends classes. The transcript of such college course work may
9693 be released to another institution or used for college graduation
9694 requirements only after the student has received his high school
9695 diploma.

9696 (3) The boards of trustees of the community and junior
9697 college districts are authorized to establish an early admission

9698 program under which applicants meeting all requirements prescribed
9699 in subsection (2)(a) through (c) and having a minimum ACT
9700 composite score of twenty-six (26) or the equivalent SAT score may
9701 be admitted as full-time college students if the principal or
9702 guidance counsellor of the student recommends in writing that it
9703 is in the best educational interest of the student. Such
9704 recommendation shall also state that the student's age will not
9705 keep him from being a successful full-time college student.
9706 Students admitted in the early admission program shall not be
9707 counted for adequate education program funding purposes in the
9708 average daily attendance of the school district in which they
9709 reside, and transportation required by a student to participate in
9710 the early admission program shall be the responsibility of the
9711 parents or legal guardians of the student. Grades and college
9712 credits earned by students admitted to the early admission program
9713 shall be recorded on the college transcript at the community or
9714 junior college where the student attends classes, and may be
9715 released to another institution or used for college graduation
9716 requirements only after the student has successfully completed one
9717 (1) full semester of course work.

9718 (4) The community and junior colleges shall provide, through
9719 courses or other acceptable educational measures, the general
9720 education necessary to individuals and groups which will tend to
9721 make them capable of living satisfactory lives consistent with the
9722 ideals of a democratic society.

9723 **SECTION 142.** Section 37-31-7, Mississippi Code of 1972, is
9724 amended as follows:

9725 37-31-7. The State Superintendent of Public Education shall
9726 have all necessary authority to cooperate with the federal board
9727 for vocational education in the administration of the
9728 "Smith-Hughes Act" and all subsequent federal vocational education
9729 and training acts, to administer any legislation pursuant thereto
9730 enacted by the State of Mississippi, and to administer the funds

9731 provided by the federal government and the State of Mississippi
9732 under the provisions of Sections 37-31-1 through 37-31-15 for the
9733 promotion of vocational and technical education not terminating in
9734 a bachelors degree. It shall have full authority to formulate
9735 plans for the promotion of vocational and technical education in
9736 such subjects as are an essential and integral part of the public
9737 school system of education in the State of Mississippi, to provide
9738 for the preparation of teachers of such subjects, and to escrow
9739 funds for students participating in recognized articulated
9740 business/industry specific worksite learning programs. It shall
9741 have authority to fix the compensation of such officials and
9742 assistants as may be necessary to administer the "Smith-Hughes
9743 Act" and Sections 37-31-1 through 37-31-15 for the State of
9744 Mississippi and to pay such compensation and other necessary
9745 expenses of administration from funds appropriated under
9746 provisions of said sections. It shall have authority to make
9747 studies and investigations relating to vocational and technical
9748 education in such subjects; to publish the results of such
9749 investigations and to issue other publications as seem necessary
9750 by the board; to promote and aid in the establishment by local
9751 communities of schools, departments or classes giving training in
9752 such subjects; to cooperate with local communities in the
9753 maintenance of such schools, department or classes; to prescribe
9754 qualifications for the teachers, directors and supervisors of such
9755 subjects, and to have full authority to provide for the licensure
9756 and renewal of licenses of such teachers, directors and
9757 supervisors; to cooperate in the maintenance of classes supported
9758 and controlled by the public for the preparation of teachers,
9759 directors and supervisors of such subjects or to maintain such
9760 classes under its own direction and control; and to establish and
9761 determine by general regulations the qualifications to be
9762 possessed by persons engaged in the training of vocational and
9763 technical teachers.

9764 **SECTION 143.** Section 37-31-9, Mississippi Code of 1972, is
9765 amended as follows:

9766 37-31-9. The State Treasurer is hereby designated and
9767 appointed custodian of all monies received by the state from the
9768 appropriations made by the "Smith-Hughes Act," and he is
9769 authorized to receive and to provide for the proper custody of the
9770 same, and to make disbursements thereof in the manner provided for
9771 in said act and for the purposes therein specified. He shall also
9772 pay out any monies appropriated by the State of Mississippi for
9773 the purpose of carrying out the provisions of Sections 37-31-1
9774 through 37-31-15 upon the order of the State Superintendent of
9775 Public Education.

9776 **SECTION 144.** Section 37-31-13, Mississippi Code of 1972, is
9777 amended as follows:

9778 37-31-13. (1) Any appropriation that may be made under the
9779 provisions of Sections 37-31-1 through 37-31-15 shall be used by
9780 the State Superintendent of Public Education for the promotion of
9781 vocational education as provided for in the "Smith-Hughes Act" and
9782 for the purpose set forth in Sections 37-31-1 through 37-31-15.
9783 The state appropriation shall not be used for payments to high
9784 schools which are now receiving other state funds, except in lieu
9785 of not more than one-half (1/2) the amount that may be due such
9786 high schools from federal funds. Only such portion of the state
9787 appropriation shall be used as may be absolutely necessary to
9788 carry out the provisions of Sections 37-31-1 through 37-31-15, and
9789 to meet the federal requirements. Except as provided in
9790 subsection (2) of this section, the state appropriation shall not
9791 be used for payments to high schools for conducting vocational
9792 programs for more than ten (10) months in any school year, and
9793 only funds other than adequate education program funds may be
9794 expended for such purpose.

9795 (2) Subject to annual approval by the State Superintendent
9796 of Public Education, extended contracts for vocational agriculture

9797 education services and other related vocational education services
9798 which contribute to economic development may be conducted by local
9799 school districts, and state appropriations may be used for
9800 payments to school districts providing such services. The board
9801 of trustees of each school district shall determine whether any
9802 proposed services contribute to the economic development of the
9803 area. Local districts may apply to the Division of Vocational and
9804 Technical Education of the State Department of Education for any
9805 state funds available for these extended contracts. The State
9806 Superintendent of Public Education shall establish the application
9807 process and the selection criteria for this program. The number
9808 of state funded extended contracts approved by the State
9809 Superintendent of Public Education will be determined by the
9810 availability of funds specified for this purpose. The State
9811 Superintendent of Public Education's decision shall be final.
9812 Payments under this subsection shall only be available to those
9813 high schools whose teachers of vocational programs are responsible
9814 for the following programs of instruction during those months
9815 between the academic years: (a) supervision and instruction of
9816 students in agricultural or other vocational experience programs;
9817 (b) group and individual instruction of farmers and
9818 agribusinessmen; (c) supervision of student members of youth
9819 groups who are involved in leadership training or other activity
9820 required by state or federal law; or (d) any program of vocational
9821 agriculture or other vocational-related services established by
9822 the Division of Vocational and Technical Education of the State
9823 Department of Education that contribute to the economic
9824 development of the geographic area.

9825 **SECTION 145.** Section 37-31-15, Mississippi Code of 1972, is
9826 amended as follows:

9827 37-31-15. The school board may, in its discretion, cooperate
9828 with the State Superintendent of Public Education in the
9829 establishment and maintenance of vocational and technical schools

9830 or classes giving instruction in vocational and technical training
9831 which does not terminate in a bachelors degree to persons in need
9832 of such instruction, and may use for paying the cost of such
9833 cooperation any monies raised by public taxation in the same
9834 manner as monies for other school purposes are used for the
9835 maintenance and support of public schools.

9836 **SECTION 146.** Section 37-31-31, Mississippi Code of 1972, is
9837 amended as follows:

9838 37-31-31. The intention of Sections 37-31-31 through
9839 37-31-41 is to enable the State of Mississippi, by and through the
9840 State Superintendent of Public Education, to secure the benefits
9841 of the federal Social Security Act pertaining to services for
9842 crippled children, and said sections shall be liberally construed
9843 in order to effectuate such intention.

9844 **SECTION 147.** Section 37-31-33, Mississippi Code of 1972, is
9845 amended as follows:

9846 37-31-33. For the purpose of enabling the State
9847 Superintendent of Public Education to comply with the provisions
9848 of the federal Social Security Act and to continue to extend and
9849 improve as far as practicable the services now maintained by the
9850 State Superintendent for locating crippled children and for
9851 providing medical, surgical, corrective, and other services, care
9852 and treatment, and facilities for diagnosis, hospitalization, and
9853 after-care for children who are crippled or who are suffering from
9854 conditions which lead to crippling, any and all funds appropriated
9855 for physical restoration of crippled children for the above
9856 purposes may be used for the purposes set forth in this section.

9857 **SECTION 148.** Section 37-31-35, Mississippi Code of 1972, is
9858 amended as follows:

9859 37-31-35. Sections 37-31-31 through 37-31-41, together with
9860 funds made available through that section of those sections of the
9861 federal Social Security Act which relates to crippled children,
9862 together with any and all available state and federal

9863 appropriations, shall be administered by the State Superintendent
9864 of Public Education, and shall be used in the further development
9865 of the state's program of physical restoration of crippled
9866 children. The State Superintendent of Public Education may accept
9867 donations, gifts and bequests and * * * expend same * * * for
9868 purposes approved under regulations of the superintendent.

9869 **SECTION 149.** Section 37-31-37, Mississippi Code of 1972, is
9870 amended as follows:

9871 37-31-37. The State Superintendent of Public Education shall
9872 make such reports, in such form and containing such information,
9873 as the Secretary of Health, Education and Welfare may from time to
9874 time require under the terms of the federal Social Security Act,
9875 and shall comply with such provisions as the secretary may from
9876 time to time find necessary to assure the correctness and
9877 verification of such reports.

9878 **SECTION 150.** Section 37-31-39, Mississippi Code of 1972, is
9879 amended as follows:

9880 37-31-39. The State Superintendent of Public Education shall
9881 cooperate with medical, health, nursing and welfare groups and
9882 organizations and with any other agencies in the state charged
9883 with administering state laws providing for vocational
9884 rehabilitation of physically handicapped children. The State
9885 Superintendent is hereby authorized, empowered and directed to
9886 cooperate with the federal government in such manner as to obtain
9887 the benefits of the provisions of the federal Social Security Act
9888 pertaining to crippled children.

9889 **SECTION 151.** Section 37-31-61, Mississippi Code of 1972, is
9890 amended as follows:

9891 37-31-61. The State Superintendent of Public Education is
9892 hereby authorized and empowered to establish and conduct schools,
9893 classes or courses, for preparing, equipping and training citizens
9894 of the State of Mississippi for employment in gainful vocational
9895 and technical occupations which do not terminate in a bachelors

9896 degree, in conjunction with any public school, agricultural high
9897 school or community/junior college.

9898 The trustees of such school districts, as classified and
9899 defined by law, including those already having this authority, and
9900 the trustees of agricultural high schools and community/junior
9901 colleges may, with the consent in writing of the State
9902 Superintendent of Public Education, establish and conduct such
9903 schools, classes or courses, under the provisions herein stated
9904 and under the general supervision of the superintendent.

9905 **SECTION 152.** Section 37-31-63, Mississippi Code of 1972, is
9906 amended as follows:

9907 37-31-63. The State Superintendent of Public Education, the
9908 trustees of the school districts as classified and defined by law,
9909 and the trustees of agricultural high schools or community/junior
9910 colleges, are hereby authorized and empowered to accept and use
9911 any land, building or buildings, being either the property of the
9912 State of Mississippi or of any of the school districts or
9913 agricultural high schools or community/junior colleges, or being
9914 the property of private sources, which may be designated, donated
9915 or leased for the purpose expressed in Section 37-31-61, and to
9916 use such funds as may be made available, and to accept donations
9917 and contributions for supplies, equipment, and materials incident
9918 to the purpose for which any such schools, classes or courses are
9919 established.

9920 The state superintendent, the trustees of the school
9921 districts, as classified and defined by law, and the trustees of
9922 agricultural high schools or community/junior colleges, are hereby
9923 authorized and empowered to accept and receive donations,
9924 contributions and endowments, to charge tuition and registration
9925 fees, to receive payment for services rendered or commodities
9926 produced incident to training in said schools, courses or classes,
9927 and to accept any funds which may be made available for the

9928 purpose sought to be accomplished in Section 37-31-61 from any
9929 sources.

9930 **SECTION 153.** Section 37-31-65, Mississippi Code of 1972, is
9931 amended as follows:

9932 37-31-65. The funds derived from any sources for any trade
9933 school, such as the Mississippi School for the Deaf, Mississippi
9934 School for the Blind, Oakley Training School or Parchman
9935 Vocational School or other agencies or institutions receiving
9936 funds for the purposes of this chapter, which are not operated in
9937 connection with any public school, agricultural high school or
9938 community/junior college, or by virtue of any tuition,
9939 registration fees, or payment for services rendered or commodities
9940 produced, shall be the property of the State Superintendent of
9941 Public Education. In the event any public school, agricultural
9942 high school or community/junior college establishes any trade
9943 school, classes or courses under Section 37-31-61, such funds
9944 shall be the property of such public school, agricultural high
9945 school or community/junior college, to be expended by the trustees
9946 thereof, and shall be expended solely for the expense of operating
9947 and conducting the trade school, classes or courses in connection
9948 with such public school, agricultural high school or
9949 community/junior college. None of such funds shall be commingled
9950 with the funds of any other of such schools, and none of such
9951 funds shall be commingled with any of the other funds of any of
9952 the public schools, agricultural high schools or community/junior
9953 colleges. All of such funds so created shall be and are hereby
9954 declared to be public funds, as defined by law.

9955 **SECTION 154.** Section 37-31-69, Mississippi Code of 1972, is
9956 amended as follows:

9957 37-31-69. (1) The school board of a local school district,
9958 in its discretion, may establish and implement a vocational
9959 apprenticeship program in the high schools in that district
9960 through which students may earn high school units for vocational

9961 experience as an alternative to those high school units required
9962 by the school district in addition to the core curriculum defined
9963 by the State Superintendent of Public Education. The purpose of a
9964 vocational apprenticeship program established pursuant to this
9965 section shall be to provide those students with skills and
9966 training that will lead to gainful employment in a trade or other
9967 specialized vocation.

9968 (2) Students who participate in the vocational
9969 apprenticeship program shall be required to complete all high
9970 school units comprising the core curriculum, as defined by the
9971 State Superintendent of Public Education. In addition, a student
9972 in the vocational apprenticeship program may be awarded credit for
9973 an additional eight (8) high school units earned through the
9974 vocational apprenticeship program, which units shall apply toward,
9975 and must be recognized by the State Superintendent of Public
9976 Education in fulfillment of, the local school district's
9977 graduation requirements. Units may be awarded in the vocational
9978 apprenticeship program, whereby a student gains actual work
9979 experience through employment in a job approved by the local
9980 school district. The local school district shall adopt policies
9981 governing the participation of students in the vocational
9982 apprenticeship program.

9983 (3) Students successfully completing a vocational
9984 apprenticeship program established pursuant to this section are
9985 entitled to a diploma evidencing graduation from a high school in
9986 Mississippi.

9987 **SECTION 155.** Section 37-31-73, Mississippi Code of 1972, is
9988 amended as follows:

9989 37-31-73. The various school districts, counties,
9990 municipalities and community/junior college districts of this
9991 state are hereby authorized to enter into agreements between such
9992 school districts and between such school districts and any of the
9993 boards of supervisors of any county, the governing authorities of

9994 any municipality, or the boards of trustees of any
9995 community/junior college district providing for the construction
9996 or operation of regional vocational education centers. Any such
9997 agreement shall be subject to the approval of the State
9998 Superintendent of Public Education. Any such agreement will
9999 designate the fiscal agent, among other provisions, provide for
10000 the method of financing the construction and operation of such
10001 facilities, the manner in which such facilities are to be
10002 controlled, operated and staffed, and the basis upon which
10003 students are to be admitted thereto and transportation provided
10004 for students in attendance therein. Any such agreement or any
10005 subsequent modification thereof shall be spread at large upon the
10006 minutes of each party thereto after having been duly adopted by
10007 the governing authorities of each party.

10008 Such agreements may provide for the establishment of regional
10009 vocational education advisory councils to serve in an advisory
10010 capacity to such regional vocational education centers, to be made
10011 up of representatives of the board of trustees of school districts
10012 or community/junior college districts which may be parties
10013 thereto. Said regional vocational education advisory councils of
10014 the parties to such agreement will operate at the will of the
10015 fiscal agent for the regional vocational education center. The
10016 fiscal agent shall have all powers designated to it in the
10017 agreement by the parties to the agreement, except for the power to
10018 request or require the levy of taxes or the power to issue or
10019 require the issuance of any bonds, notes or other evidences of
10020 indebtedness, or to call for an election on the question of the
10021 issuance thereof.

10022 **SECTION 156.** Section 37-31-81, Mississippi Code of 1972, is
10023 amended as follows:

10024 37-31-81. The State Superintendent of Public Education is
10025 hereby authorized and directed to establish Future Farmers of

10026 America camps. Such locations shall be finally determined by the
10027 board.

10028 The superintendent is hereby authorized and empowered to
10029 acquire land and to place thereon such buildings and equipment as
10030 may be deemed appropriate for the establishment and operation of
10031 Future Farmers of America camps. The superintendent shall provide
10032 for the operation, maintenance and upkeep of said camps.

10033 **SECTION 157.** Section 37-31-103, Mississippi Code of 1972, is
10034 amended as follows:

10035 37-31-103. (1) The State Superintendent of Public Education
10036 is authorized to develop and establish special education and skill
10037 training programs to fill specific employment opportunities in
10038 areas of the state that have both employment opportunities and
10039 able-bodied unemployed and underemployed groups of adults, with
10040 priority to be given to unemployed adults.

10041 This program shall be administered by the division of
10042 vocational and technical education in community/junior colleges
10043 and secondary school systems wherever practical, and shall have
10044 general supervision over the programs established by Sections
10045 37-31-101 through 37-31-111. Programs shall parallel, complement
10046 and be compatible with the existing structure of all
10047 vocational-technical education, both state and federal, as
10048 operated under the board.

10049 (2) A comprehensive program of educational activity
10050 including skill training shall be developed and tailored to meet
10051 the needs of each individual student and the needs of industry for
10052 specially trained workers, and programs shall be planned and
10053 operated flexibly in order that students may progress
10054 individually.

10055 Specific employment objectives that are practical for each
10056 student shall be identified early in the program and the
10057 individual trained accordingly.

10058 Programs may include, when needed for employment purposes,
10059 but not be limited to, basic education, remedial education,
10060 attitude training, employability and communications skills,
10061 prevocational, vocational and technical education, and
10062 supplementary and related instruction for on-the-job training
10063 whether conducted at the job site or elsewhere.

10064 (3) Local craft advisory committees made up of potential
10065 employers shall be established to advise on the validity of the
10066 training curriculum being offered.

10067 (4) Programs shall be developed on a project basis, with all
10068 projects considered temporary, and renewed only as long as the
10069 dual needs of qualified students exist and potential job
10070 opportunities can be identified. Each project shall consist of a
10071 minimum of: (a) statement of need, (b) occupational training
10072 plan, (c) budget, and (d) budget backup information.

10073 (5) Full-time (forty (40) hours per week), part-time, and
10074 upgrading programs are authorized, and all programs as conducted
10075 by local school districts shall meet or exceed the standards of
10076 the board, and failure to do so by a school district shall result
10077 in loss of funds as provided in Sections 37-31-101 through
10078 37-31-111.

10079 (6) Utilization shall be made of existing equipment,
10080 materials and facilities purchased by previous programs such as
10081 the Manpower Development and Training Program, Public Law 87-415,
10082 42 USCS 2571, et seq., whenever practical and legal.

10083 (7) The board shall review local public school and
10084 community/junior college project proposals to determine
10085 appropriateness of content, length of training, hours of
10086 instruction per week, and whether estimated costs are realistic,
10087 and shall evaluate, monitor and provide needed services in support
10088 of the local projects.

10089 (8) The board shall be responsible for state level
10090 development and coordination of a vocational and technical program

10091 which shall include, but not be limited to, the following: A
10092 program which will provide immediate training for established
10093 industries and which provides training for prospective employees
10094 for new and expanding industry, such program to be characterized
10095 with a strong emphasis on the employment needs of the state.

10096 **SECTION 158.** Section 37-31-201, Mississippi Code of 1972, is
10097 amended as follows:

10098 37-31-201. Wherever used in this chapter, or in any other
10099 statute, rule or regulation affecting the Vocational Education
10100 Division of the State Department of Education and any of its
10101 functions or duties:

10102 (a) The term "state superintendent" shall mean and
10103 refer to the State Superintendent of Public Education.

10104 (b) The word "division" shall mean and refer to the
10105 Mississippi Division of Vocational and Technical Education of the
10106 State Department of Education.

10107 **SECTION 159.** Section 37-31-205, Mississippi Code of 1972, is
10108 amended as follows:

10109 37-31-205. (1) The State Superintendent of Public Education
10110 shall have the authority to:

10111 (a) Expend funds received either by appropriation or
10112 directly from federal or private sources;

10113 (b) Channel funds to secondary schools, community and
10114 junior colleges and regional vocational-technical facilities
10115 according to priorities set by the state superintendent;

10116 (c) Allocate funds on an annual budgetary basis;

10117 (d) Set standards for and approve all vocational and
10118 technical education programs in the public school system and
10119 community and junior colleges or other agencies or institutions
10120 which receive state funds and federal funds for such purposes,
10121 including, but not limited to, the following vocational and
10122 technical education programs: agriculture, trade and industry,
10123 occupational home economics, consumer and homemaking education,

10124 distributive education, business and office, health, industrial
10125 arts, guidance services, technical education, cooperative
10126 education, and all other specialized training not requiring a
10127 bachelor's degree, with the exception of programs of nursing
10128 education regulated under the provisions of Section 37-129-1. The
10129 State Superintendent of Public Education shall authorize local
10130 school boards, within such school board's discretion, to offer
10131 distributive education as a one-hour or two-hour block course.
10132 There shall be no reduction of payments from state funding for
10133 distributive education due to the selection of either the one-hour
10134 or two-hour course offering;

10135 (e) Set and publish licensure standards for vocational
10136 and technical education personnel. The State Superintendent of
10137 Public Education shall recognize a vocational and technical
10138 education teacher's work when school is not in session which is in
10139 the teacher's particular field of instruction as a means for the
10140 teacher to fulfill the requirements for renewal of the teacher's
10141 license. The state superintendent shall establish, by rules and
10142 regulations, the documentation of such work which must be
10143 submitted to the superintendent and the number of actual working
10144 hours required to fulfill renewal requirements. If a vocational
10145 and technical education teacher who does not have a bachelor's
10146 degree takes classes in fulfillment of licensure renewal
10147 requirements, such classes must be in furtherance of a bachelor's
10148 degree;

10149 (f) Require data and information on program performance
10150 from those programs receiving state funds;

10151 (g) Expend funds to expand career information;

10152 (h) Supervise and maintain the Division of Vocational
10153 and Technical Education and to utilize, to the greatest extent
10154 possible, the division * * * responsible for coordinating programs
10155 and services with local institutions;

10156 (i) Utilize appropriate staff of the State Department
10157 of Education to perform services for the vocational student
10158 organizations, including, but not limited to, procurement,
10159 accounting services, tax services and banking services. The
10160 department may also procure and pay for annual audits of the
10161 vocational student organizations using vocational funds or other
10162 available funds of the State Department of Education. It is the
10163 intent of this provision that any related costs be paid with
10164 vocational funds appropriated by the Legislature.

10165 (j) Promulgate such rules and regulations necessary to
10166 carry out the provisions of this chapter in accordance with
10167 Section 25-43-1 et seq.;

10168 (k) Set standards and approve all vocational and
10169 technical education equipment and facilities purchased and/or
10170 leased with state and federal vocational funds;

10171 (l) Encourage provisions for lifelong learning and
10172 changing personal career preferences and advancement of vocational
10173 and technical education students through articulated programs
10174 between high schools and community and junior colleges;

10175 (m) Encourage the establishment of new linkages with
10176 business and industry which will provide for a better
10177 understanding of essential labor market concepts;

10178 (n) Periodically review the funding and reporting
10179 processes required of local school districts by the state
10180 superintendent or division with the aim of simplifying or
10181 eliminating inefficient practices and procedures;

10182 (o) Assist in the development of high technology
10183 programs and resource centers to support current and projected
10184 industrial needs;

10185 (p) Assist in the development of a technical assistance
10186 program for business and industry which will provide for
10187 industrial training and services, including the transfer of

10188 information relative to new applications and advancements in
10189 technology; and

10190 (q) Enter into contracts and agreements with the State
10191 Board for Community and Junior Colleges for conditions under which
10192 vocational and technical education programs in community and
10193 junior colleges shall receive state and federal funds which flow
10194 through the State Superintendent of Public Education for such
10195 purposes.

10196 (2) It is the intent of the Legislature that no vocational
10197 and technical education course or program existing on June 30,
10198 1982, shall be eliminated by the State Superintendent of Public
10199 Education under the authority vested in paragraph (d) of
10200 subsection (1) of this section prior to June 30, 1985. It is
10201 further the intent of the Legislature that no vocational and
10202 technical education teacher or other personnel employed on June
10203 30, 1983, shall be discharged due to licensure standards
10204 promulgated by the superintendent under paragraph (e) of
10205 subsection (1) of this section, if any such teacher or personnel
10206 shall have complied with any newly published licensure standards
10207 by June 30, 1985. Nothing contained in this section shall be
10208 construed to abrogate or affect in any manner the authority of
10209 local public school districts or community and junior colleges to
10210 eliminate vocational and technical education courses or programs
10211 or to discharge any vocational and technical education teacher or
10212 other personnel.

10213 (3) The State Superintendent of Public Education and the
10214 State Board for Community and Junior Colleges may provide that
10215 every vocational and technical education course or program in
10216 Mississippi may integrate academic and vocational-technical
10217 education through coherent sequences of courses, so that students
10218 in such programs achieve both academic and occupational
10219 competencies. The state superintendent and State Board for
10220 Community and Junior Colleges may expend federal funds available

10221 from the 1990 Perkins Act, or other available federal funds, for
10222 the alignment of vocational-technical programs with academic
10223 programs through the accreditation process and the teacher
10224 licensure process.

10225 **SECTION 160.** Section 37-31-207, Mississippi Code of 1972, is
10226 amended as follows:

10227 37-31-207. The State Superintendent of Public Education
10228 shall have the following duties:

10229 (a) To seek the best available projections of
10230 employment and occupations for Mississippians;

10231 (b) To utilize these projections and other
10232 considerations to set vocational and technical education
10233 priorities;

10234 (c) To utilize the services of all state agencies
10235 having information regarding the purposes of this chapter;

10236 (d) To cooperate with the governor's office of job
10237 development and training and the board of economic development to
10238 prevent duplication and provide continuity of employment and
10239 training services;

10240 (e) To conduct evaluations of the success or failure of
10241 vocational-technical programs, including the extent to which
10242 training actually leads to jobs in the field in which the student
10243 was trained;

10244 (f) Obtain and publish data and information on program
10245 performance from those vocational-technical programs receiving
10246 state funds; and

10247 (g) To notify local school districts and public
10248 community/junior colleges prior to March 1 annually of any
10249 discontinuation of ongoing vocational programs which would affect
10250 the renewing of contracts with vocational personnel.

10251 **SECTION 161.** Section 37-31-209, Mississippi Code of 1972, is
10252 amended as follows:

10253 37-31-209. (1) Any advisory council, other than the special
10254 management advisory board, serving the state superintendent shall
10255 include five (5) members who are presidents of public
10256 community/junior colleges located in the State of Mississippi, and
10257 three (3) members who are superintendents of education of a
10258 countywide, municipal separate or consolidated school district.

10259 (2) In addition to any other requirements of law, it is made
10260 the duty of the advisory council and it is hereby granted the
10261 authority to:

10262 (a) Advise the State Superintendent of Public Education
10263 in the development of comprehensive policies and programs for the
10264 improvement of vocational-technical education in the state;

10265 (b) Assist in the formulation of rules, regulations and
10266 standards relating to vocational-technical education programs by
10267 submitting written recommendations prior to their adoption and
10268 promulgation by the superintendent; and

10269 (c) Assist in the promotion of public understanding of
10270 the purposes, policies and practices regarding
10271 vocational-technical education in this state.

10272 (3) The additional members of the advisory council may meet
10273 with the superintendent.

10274 (4) The additional members required by this section shall be
10275 reimbursed for their expenses in the same manner and from the same
10276 source as other members.

10277 **SECTION 162.** Section 37-31-211, Mississippi Code of 1972, is
10278 amended as follows:

10279 37-31-211. The Legislature shall appropriate to the State
10280 Superintendent of Public Education those state funds to be
10281 expended by the superintendent through the Division of Vocational
10282 and Technical Education of the State Department of Education.

10283 **SECTION 163.** Section 37-35-3, Mississippi Code of 1972, is
10284 amended as follows:

10285 37-35-3. (1) The board of trustees of any school district,
10286 including any community/junior college, may establish and maintain
10287 classes for adults, including general educational development
10288 classes, under the regulations authorized in this chapter and
10289 pursuant to the standards prescribed in subsection (3). The
10290 property and facilities of the public school districts may be used
10291 for this purpose where such use does not conflict with uses
10292 already established.

10293 (2) The trustees of any school district desiring to
10294 establish such program may request the taxing authority of the
10295 district to levy additional ad valorem taxes for the support of
10296 this program. The board of supervisors, in the case of a county
10297 school district, a special municipal separate school district, or
10298 a community/junior college district, and the governing authority
10299 of any municipality, in the case of a municipal separate school
10300 district, is authorized, in its discretion, to levy a tax not
10301 exceeding one (1) mill upon all the taxable property of the
10302 district for the support of this program. The tax shall be in
10303 addition to all other taxes authorized by law to be levied. In
10304 addition to the funds realized from any such levy, the board of
10305 trustees of any school district is authorized to use any surplus
10306 funds that it may have or that may be made available to it from
10307 local sources to supplement this program.

10308 (3) (a) Any student participating in an approved General
10309 Educational Development (GED) program administered by a local
10310 school district or the appropriate community college shall not be
10311 considered a dropout. Students in such a program administered by
10312 a local school district shall be considered as enrolled within the
10313 school district of origin for the purpose of enrollment for
10314 minimum program funding only. Such students shall not be
10315 considered as enrolled in the regular school program for academic
10316 or programmatic purposes. Students in such a program administered

10317 by a community college shall be considered as enrolled in the
10318 school district of origin for funding purposes.

10319 (b) Students participating in an approved General
10320 Educational Development (GED) program shall have an individual
10321 career plan developed at the time of placement to insure that the
10322 student's academic and job skill needs will be met. The
10323 Individual Career Plan will address, but is not limited to, the
10324 following:

10325 (i) Academic/instructional needs of the student;
10326 (ii) Job readiness needs of the student; and
10327 (iii) Work experience program options available
10328 for the student.

10329 (c) Students participating in an approved General
10330 Educational Development (GED) program may participate in existing
10331 job and skills development programs or in similar programs
10332 developed in conjunction with the GED program and the vocational
10333 director.

10334 (d) General Educational Development (GED) programs may
10335 be operated by local school districts or may be operated by two
10336 (2) or more adjacent school districts, pursuant to a contract
10337 approved by the State Superintendent of Public Education. When
10338 two (2) or more school districts contract to operate a General
10339 Educational Development (GED) program, the school board of a
10340 district designated to be the lead district shall serve as the
10341 governing board of the General Educational Development (GED)
10342 program. Transportation for students placed in the General
10343 Educational Development (GED) program shall be the responsibility
10344 of the school district of origin. The expense of establishing,
10345 maintaining and operating such GED programs may be paid from funds
10346 made available to the school district through contributions,
10347 minimum program funds or from local district maintenance funds.

10348 (e) Students participating in an approved General
10349 Educational Development (GED) program within a community college

10350 shall be included in the average daily attendance of the school
10351 district of origin. The school district of origin is authorized
10352 to contract with the community college to provide GED services for
10353 the student.

10354 (f) The State Department of Education will develop
10355 procedures and criteria for placement of a student in the General
10356 Educational Development (GED) programs. Students placed in
10357 General Educational Development (GED) programs shall have parental
10358 approval for such placement and must meet the following criteria:

10359 (i) The student must be at least sixteen (16)
10360 years of age;

10361 (ii) The student must be at least two (2) grade
10362 levels behind or acquired less than four (4) Carnegie units;

10363 (iii) The student must have taken every
10364 opportunity to continue to participate in coursework leading to a
10365 diploma; and

10366 (iv) The student must be certified to be eligible
10367 to participate in the GED course by the school district
10368 superintendent, based on the developed criteria.

10369 (g) Students participating in an approved General
10370 Educational Development (GED) program may be excluded from the
10371 Mississippi Student Assessment Program, based on the existence of
10372 appropriate alternate accountability measures that have been
10373 approved by the State Department of Education.

10374 **SECTION 164.** Section 37-41-1, Mississippi Code of 1972, is
10375 amended as follows:

10376 37-41-1. The State Superintendent of Public Education is
10377 authorized, empowered and directed to promulgate rules and
10378 regulations for:

10379 (a) Setting standards for public school bus routes;

10380 (b) Approving or disapproving plans for public school
10381 routes;

10382 (c) Setting standards for public school buses;

- 10383 (d) Setting standards for public school bus drivers;
- 10384 (e) Formulating procedure for selecting public school
10385 bus drivers;
- 10386 (f) Formulating courses of training for public school
10387 bus drivers and mechanics, and assist in administering and
10388 financing such courses;
- 10389 (g) Providing operation procedure for public school
10390 buses to insure safety of pupils;
- 10391 (h) Furnishing consultative supervision for the
10392 operation of county school bus garages, and approving plans for
10393 such garages and the proposed expenditure of transportation funds
10394 therefor;
- 10395 (i) Formulating specifications for use in purchasing
10396 public school buses; getting bids on public school buses;
10397 equipment and supplies; and fixing prices based upon said bids
10398 which school districts may not exceed in purchasing said
10399 equipment;
- 10400 (j) Formulating specifications for use by school
10401 districts in purchasing used school buses;
- 10402 (k) Providing a system of records and reports for the
10403 purpose of carrying out the provisions of Sections 37-41-1 through
10404 37-41-51, and providing the superintendent of schools with a
10405 sufficient supply of report forms;
- 10406 (l) Conduct upon said buses; and
- 10407 (m) The method by which, and the circumstances in
10408 which, any individual who is not a student scheduled to be a
10409 passenger upon that particular bus, a member of the public school
10410 administration or faculty, or a law enforcement official may
10411 obtain entry upon said buses.

10412 All rules and regulations adopted and promulgated by the
10413 State Superintendent of Public Education relating to school bus
10414 drivers shall also be applicable to drivers of privately-owned
10415 buses transporting public school children.

10416 All rules and regulations adopted and promulgated by the
10417 State Superintendent of Public Education pursuant to the authority
10418 conferred by this section shall be spread at large upon the
10419 minutes of the State Superintendent of Public Education and copies
10420 thereof shall be furnished to all school boards not less than
10421 thirty (30) days prior to the effective date of such rules and
10422 regulations.

10423 **SECTION 165.** Section 37-41-2, Mississippi Code of 1972, is
10424 amended as follows:

10425 37-41-2. (a) It shall be unlawful for any individual, other
10426 than a student scheduled to be a passenger upon that particular
10427 bus, a member of the public school administration or faculty, or a
10428 law enforcement official, to directly or indirectly interfere in
10429 any way with passenger ingress and egress or the operation,
10430 including unauthorized boarding thereof, of a bus used in public
10431 school student transportation unless permission has been obtained
10432 as prescribed by pertinent rules and regulations promulgated by
10433 the State Superintendent of Public Education or the local school
10434 authorities.

10435 (b) Upon conviction of violation of any provision of this
10436 section, such individual shall be guilty of a misdemeanor and
10437 shall be subject to a fine of not to exceed Five Hundred Dollars
10438 (\$500.00), imprisonment in the county jail for a period not to
10439 exceed six (6) months, or both. Any person under the age of
10440 seventeen (17) who violates any provision of this section shall be
10441 treated as delinquent within the jurisdiction of the youth court.

10442 **SECTION 166.** Section 37-41-3, Mississippi Code of 1972, is
10443 amended as follows:

10444 37-41-3. Pupils of legal school age, which shall include
10445 kindergarten pupils, and in actual attendance in the public
10446 schools who live a distance of one (1) mile or more by the nearest
10447 traveled road from the school to which they are assigned shall be
10448 entitled to transportation within the meaning of this chapter.

10449 Nothing contained in this section shall be construed to bar any
10450 child from such transportation where he or she lives less than one
10451 (1) mile and is on the regular route of travel of a school bus and
10452 space is available in such bus for such transportation. No state
10453 funds shall be paid for the transportation of children living
10454 within one (1) mile of the school, except as otherwise provided in
10455 this chapter, and such children shall not be included in
10456 transportation reports. In the development of route plans,
10457 economy shall be a prime consideration. There shall be no
10458 duplication of routes except in circumstances where it is totally
10459 unavoidable. The State Department of Education shall have
10460 authority to investigate school bus routing when there is reason
10461 to believe the provisions of this statute are being violated. The
10462 State Superintendent of Public Education shall have authority to
10463 withhold transportation funds when school districts fail to
10464 correct unnecessary route duplication. Provided further, that all
10465 school districts are hereby authorized to lease or contract with
10466 any public or private individual, partnership, corporation,
10467 association, agency or other organization for the implementation
10468 of transportation of pupils as provided for in this section.

10469 The school boards may provide transportation to such crippled
10470 and physically handicapped children as may be designated by such
10471 boards, when the failure to do so would result in undue hardship,
10472 even though the children are not otherwise entitled to
10473 transportation under the provisions of this chapter. The State
10474 Department of Education shall require all school districts during
10475 the 1993-1994 school year to equip school buses with properly
10476 designed seat belts to protect such physically handicapped
10477 children, and school districts are authorized to expend funds
10478 therefor from nonminimum program or other sources.

10479 Where space is available, students attending junior colleges
10480 shall be allowed transportation on established routes in
10481 district-owned buses. However, no additional funds shall be

10482 allocated or expended for such purposes, and such persons shall
10483 not be included in transportation reports.

10484 Children enrolled in special or alternative programs approved
10485 by school boards may be provided transportation even though such
10486 children are not otherwise entitled to transportation under the
10487 provisions of this chapter. No additional funds shall be
10488 allocated or expended for such purpose, and such children shall
10489 not be included in transportation reports.

10490 **SECTION 167.** Section 37-41-7, Mississippi Code of 1972, is
10491 amended as follows:

10492 37-41-7. The local school board is hereby authorized,
10493 empowered and directed, subject to the approval of the State
10494 Department of Education, in accordance with such laws as may be
10495 provided in this chapter and such rules and regulations as may be
10496 promulgated or prescribed by the State Superintendent of Public
10497 Education, to lay out all transportation routes and provide
10498 transportation for all school children who are entitled to
10499 transportation within their respective counties and school
10500 districts.

10501 Any school district may, in the discretion of the school
10502 board, expend funds from any funds available to the school
10503 district other than minimum education program funds, including the
10504 amounts derived from district tax levies, sixteenth section funds,
10505 and all other available funds, for the purpose of supplementing
10506 funds available to the school board for paying transportation
10507 costs, not covered by minimum education program funds.

10508 **SECTION 168.** Section 37-41-17, Mississippi Code of 1972, is
10509 amended as follows:

10510 37-41-17. Each school board with pupils entitled to
10511 transportation shall, not later than the date or dates established
10512 by the State Superintendent of Public Education each year, submit
10513 to the State Superintendent of Public Education the proposed plan
10514 or plans for routing all buses within the respective school

10515 districts for the ensuing school year. The State Superintendent
10516 of Public Education shall approve only those proposed
10517 transportation routes which meet the requirements of the law, as
10518 provided in this chapter, and such rules and regulations as may be
10519 promulgated or prescribed by the State Superintendent of Public
10520 Education. Any proposed transportation route plan which does not
10521 meet the requirements of the State Department of Education shall
10522 be returned to the proper school board for correction or revision.
10523 No funds shall be distributed or disbursed by the State
10524 Superintendent of Public Education to any school district to be
10525 expended for transporting children until such school district
10526 shall have conclusively shown that it has complied with all
10527 requirements of the laws of the State of Mississippi for the
10528 operation of schools and school districts, and until such school
10529 district shall have complied with all the applicable rules and
10530 regulations of the State Superintendent of Public Education.

10531 **SECTION 169.** Section 37-41-21, Mississippi Code of 1972, is
10532 amended as follows:

10533 37-41-21. Only pupils who are entitled to transportation
10534 shall be reported in the proposed plans. It shall be unlawful for
10535 the State Superintendent of Public Education to allot any state
10536 funds to any school district for the transportation of pupils who
10537 are not entitled to such transportation, or for the transportation
10538 of pupils from one district to another if their grade or grades
10539 are taught in a school within the district wherein they reside,
10540 unless the transfer of such children from the district in which
10541 they reside to such districts shall have been approved in the
10542 manner provided by law. It shall be further unlawful for the
10543 school board to expend funds from any source whatsoever for the
10544 transportation of pupils from one district to another district if
10545 their grade or grades are taught in a school within the district
10546 wherein they reside, unless the transfer of such children from the

10547 district in which they reside to such other district shall have
10548 been approved in the manner provided by law.

10549 **SECTION 170.** Section 37-41-23, Mississippi Code of 1972, is
10550 amended as follows:

10551 37-41-23. The State Superintendent of Public Education shall
10552 prescribe keeping and preservation of all records and the making
10553 of all reports and the description thereof as the superintendent
10554 may deem necessary for the efficient operation of the school
10555 transportation system of this state. It shall be unlawful for any
10556 pay certificate to be issued to any school carrier or bus driver
10557 until all such reports required by the regulations of the State
10558 Superintendent of Public Education shall have been filed in
10559 accordance with said regulations. Any person making a false list,
10560 report, or record required by the aforesaid rules and regulations
10561 of the State Superintendent of Public Education shall be subject
10562 to the penalties provided by Section 37-41-25.

10563 **SECTION 171.** Section 37-41-27, Mississippi Code of 1972, is
10564 amended as follows:

10565 37-41-27. The local school boards, subject to rules and
10566 regulations promulgated by the State Superintendent of Public
10567 Education, may permit the use of publicly owned school buses for
10568 the transportation of participating students, teachers, coaches
10569 and sponsors in connection with athletic events, events of boys'
10570 and girls' clubs and special events in connection with the schools
10571 which the boards may consider a part of the educational program.
10572 The local school boards, subject to rules and regulations
10573 promulgated by the State Superintendent of Public Education, may
10574 permit the use of publicly owned school buses for the
10575 transportation of citizens for grand jury and other jury functions
10576 upon order of the court or as considered necessary by the school
10577 board during natural or man-made emergencies, hurricanes,
10578 tornadoes, floods and other acts of God.

10579 **SECTION 172.** Section 37-41-29, Mississippi Code of 1972, is
10580 amended as follows:

10581 37-41-29. It shall be the duty of the school boards, as
10582 existing private contracts providing for transportation of school
10583 pupils expire, to replace such private transportation with
10584 publicly owned transportation unless publicly owned transportation
10585 is deemed impractical. The school boards may acquire, when so
10586 requested by holders of private transportation contracts, from
10587 such holders of private transportation contracts, all buses which,
10588 in the opinion of the school boards, can be practicably operated
10589 as units of the public transportation system. The actual market
10590 value shall be paid therefor, said value to be determined by an
10591 appraisal by three (3) experienced and impartial citizens, the
10592 selection of whom shall be mutually agreed upon by the parties
10593 thereto.

10594 With the approval of the State Superintendent of Public
10595 Education, present private contracts providing for transportation
10596 of school pupils may be continued, or new contracts may be entered
10597 into whenever it is deemed that the needs of the pupils can best
10598 be served by such method of transportation. However, in no case
10599 shall the amount allotted per pupil from state funds for
10600 transportation in facilities provided by private contracts exceed
10601 the amount allowed per pupil from state funds for public
10602 transportation in the same county and district.

10603 Before any money is allocated or disbursed from the state
10604 transportation funds to any school board which is transporting
10605 children under private contracts, written contracts shall be
10606 entered into by and between the respective carriers and school
10607 boards. A copy of each contract shall be filed with the
10608 superintendent of schools. The aforesaid contract shall show the
10609 length of the route, the amount of money to be paid the carrier,
10610 the type and condition of the bus, and any other information which
10611 may be required by the State Superintendent of Public Education.

10612 Local school boards are not required to file a copy of any
10613 private contract for the transportation of exceptional children or
10614 the transportation of children under extraordinary circumstances
10615 with the State Superintendent of Public Education.

10616 **SECTION 173.** Section 37-41-31, Mississippi Code of 1972, is
10617 amended as follows:

10618 37-41-31. In each case where pupils are transported to and
10619 from the public schools in this state in privately owned vehicles,
10620 the contract for such transportation shall be let to the lowest
10621 responsible bidder who is able to furnish a solvent bond for the
10622 faithful performance of his contract. This shall be done after
10623 each route over which such pupils are to be transported has been
10624 laid out and established as provided in this chapter. Such
10625 contracts shall be awarded upon receipt of sealed bids or
10626 proposals after the time and place of letting such contracts and
10627 the manner of bidding have been duly advertised in some newspaper
10628 published in the county in accordance with the procedures provided
10629 in Section 31-7-13(c). If no newspaper is published in the
10630 county, then the advertisement shall be made by publication for
10631 the required time in some newspaper having a general circulation
10632 therein, and, in addition, by posting a copy thereof for that time
10633 in at least three (3) public places in the county, one (1) of
10634 which shall be at the county courthouse in each judicial district
10635 of the county. The awarding of all such contracts shall, however,
10636 in all respects be subject to the provisions of Section 37-41-29.

10637 Private contracts for the transportation of exceptional
10638 children, as defined in Section 37-23-3, may be negotiated by the
10639 local school board without the necessity of the advertising for or
10640 taking of bids. The same may apply under extraordinary
10641 circumstances where regular transportation is considered to be
10642 impractical, with prior approval of the State Department of
10643 Education. The local school board may negotiate and contract for
10644 the transportation described in this paragraph so long as the

10645 local school board complies with the school transportation
10646 regulations promulgated by the State Superintendent of Public
10647 Education.

10648 Contracts shall be made for four (4) years, at the discretion
10649 of the local school board. Any and all bids may be rejected. At
10650 the expiration of any transportation contract, if the school board
10651 believes a route should remain substantially as established and
10652 finds that the carrier thereon has rendered efficient and
10653 satisfactory services it may, with the approval of the State
10654 Superintendent of Public Education, extend the contract for not
10655 more than four (4) years, subject, however, to the provisions of
10656 Section 37-41-29.

10657 **SECTION 174.** Section 37-41-35, Mississippi Code of 1972, is
10658 amended as follows:

10659 37-41-35. In every school district of this state having
10660 district-owned school buses, the school board may establish,
10661 maintain and operate a school bus garage or shop for the
10662 servicing, repair and maintenance of such county-owned or
10663 district-owned buses. Two (2) or more counties or school
10664 districts are authorized, in the discretion of the respective
10665 school boards thereof, jointly to establish, maintain and operate
10666 a school bus garage or shop for the servicing, repair and
10667 maintenance of such county-owned or district-owned buses. All of
10668 such garages or shops shall be established, maintained and
10669 operated under such rules and regulations as may be promulgated by
10670 the State Superintendent of Public Education. All expenses
10671 incurred in acquiring land, purchasing, renting or constructing
10672 buildings, purchasing equipment, and all other expenses incurred
10673 in connection with the establishing, operation and maintenance of
10674 such garages or shops, may be paid from county or district
10675 transportation funds. However, before any county or school
10676 district shall expend such transportation funds for the purchase
10677 of land, or the purchase, rental or construction of buildings, or

10678 other permanent improvements in connection with such garages or
10679 shops, such proposed expenditures shall be submitted to and
10680 approved by the State Superintendent of Public Education in
10681 accordance with the applicable rules and regulations of said
10682 board. Where maintenance shops are operated by the board of
10683 supervisors or the governing authorities of a municipality, school
10684 boards may, by agreement with the board of supervisors or the
10685 governing authorities of a municipality provide for the
10686 maintenance of school buses in the maintenance shops operated by
10687 said boards of supervisors or governing authorities of a
10688 municipality and may contribute to the support and expense of said
10689 shops as they may deem appropriate, subject to the approval of the
10690 State Superintendent of Public Education. School boards may
10691 contract with Head Start Programs to provide maintenance services
10692 for buses operated by Head Start and may accept financial
10693 contributions from Head Start Programs to support the expense of
10694 operating their respective school district vehicle maintenance
10695 facilities. All such contractual agreements with Head Start
10696 Programs shall be subject to the approval of the State
10697 Superintendent of Public Education.

10698 **SECTION 175.** Section 37-41-49, Mississippi Code of 1972, is
10699 amended as follows:

10700 37-41-49. In case of any violation by a school bus driver or
10701 carrier of the safety regulations established by the State
10702 Superintendent of Public Education, such violation shall be deemed
10703 a misdemeanor and such offender may be punished as provided in
10704 Section 37-41-47.

10705 **SECTION 176.** Section 37-41-53, Mississippi Code of 1972, is
10706 amended as follows:

10707 37-41-53. Each school board, person, firm or corporation
10708 transporting public school children on the public roads, streets
10709 and highways of the state with motor vehicles shall have said
10710 motor vehicles inspected according to the laws of the state and

10711 according to the regulations of the State Superintendent of Public
10712 Education. Each motor vehicle shall be inspected by a competent
10713 mechanic to be safe for transporting pupils on the roads, streets
10714 and highways of the state before it is released for such purpose.
10715 If such motor vehicle is found to be unsafe for transporting
10716 pupils, then it shall be properly repaired or adjusted as
10717 necessary before being used to transport pupils. The provisions
10718 of this paragraph shall not apply to vehicles owned by individuals
10719 and under private contract to the school district and used
10720 exclusively for transporting members of their immediate families.

10721 The State Department of Education may, at its discretion,
10722 inspect any school bus used for transporting pupils to and from
10723 the public schools or for activity purposes to determine the
10724 safety of such motor vehicle for operation on the roads, streets
10725 and highways of this state. In the event a vehicle is inspected
10726 and is found to be unsafe for transporting pupils, a report shall
10727 be filed with the appropriate school official indicating its
10728 deficiencies with recommendations for correcting such
10729 deficiencies.

10730 If it is determined that any buses are in such defective
10731 condition as to constitute an emergency safety hazard, those buses
10732 may be condemned and removed from service and shall not be
10733 returned to service until adequate repairs are completed and such
10734 buses are re-inspected by the State Department of Education. Any
10735 school official who approves the operation of any school bus that
10736 has been removed from service under the conditions listed above,
10737 prior to being re-inspected by the State Department of Education,
10738 shall be guilty of a misdemeanor and upon conviction shall be
10739 punished by imprisonment in the county jail for a period not to
10740 exceed sixty (60) days, or a fine of not less than Five Hundred
10741 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),
10742 or by both such fine and imprisonment, in the discretion of the
10743 court.

10744 **SECTION 177.** Section 37-41-57, Mississippi Code of 1972, is
10745 amended as follows:

10746 37-41-57. The State Superintendent of Public Education shall
10747 adopt and enforce regulations not inconsistent with the traffic
10748 laws and regulations of this state to govern the design and
10749 operation of all school buses used for the transportation of
10750 school children when owned and operated by any school board or
10751 privately owned and operated under contract with any school board
10752 in this state. Such regulations shall by reference be made a part
10753 of any such contract with a school board. Every school board, its
10754 officers and employees, and every person employed under contract
10755 by a school board shall be subject to said regulations.

10756 Any officer or employee of any school board who violates any
10757 of said regulations or fails to include the obligation to comply
10758 with said regulations in any contract executed by them on behalf
10759 of a school board shall be guilty of misconduct and subject to
10760 removal from office or employment. Any person operating a school
10761 bus under a contract with a school board who fails to comply with
10762 any of said regulations shall be guilty of breach of contract and
10763 such contract shall be cancelled after notice and hearing by the
10764 responsible officers of such school board.

10765 **SECTION 178.** Section 37-41-81, Mississippi Code of 1972, is
10766 amended as follows:

10767 37-41-81. The local school boards of this state are hereby
10768 authorized and empowered to purchase, own and operate, under such
10769 rules and regulations as may be prescribed by the State
10770 Superintendent of Public Education, motor vehicles and other
10771 equipment for the transportation of children to and from the
10772 public schools of the respective counties and school districts,
10773 and to provide for the servicing, repair, care and maintenance of
10774 such county or district-owned motor vehicles and to employ drivers
10775 for the operation thereof, and to establish, erect and equip
10776 school bus shops or garages, and purchase land therefor, all under

10777 such rules and regulations as may be prescribed by the State
10778 Superintendent of Public Education.

10779 **SECTION 179.** Section 37-41-85, Mississippi Code of 1972, is
10780 amended as follows:

10781 37-41-85. No school board shall purchase any school bus or
10782 pupil transportation service vehicle as authorized by Section
10783 37-41-81 except in the manner prescribed in Section 37-41-101. No
10784 school bus shall be purchased or otherwise acquired which does not
10785 conform to the specifications provided by the State Superintendent
10786 of Public Education.

10787 **SECTION 180.** Section 37-41-89, Mississippi Code of 1972, is
10788 amended as follows:

10789 37-41-89. The school board of any school district, with the
10790 approval of the State Superintendent of Public Education, may
10791 borrow money for the purchase of school transportation equipment
10792 or to establish, erect and equip school bus shops or garages, and
10793 purchase land therefor, and issue the negotiable notes or bonds of
10794 the school district as evidence of the indebtedness so incurred.

10795 **SECTION 181.** Section 37-41-97, Mississippi Code of 1972, is
10796 amended as follows:

10797 37-41-97. The proceeds of all notes or bonds issued under
10798 the authority of Section 37-41-89 shall be deposited in the proper
10799 county or municipal treasury to the credit of a special school
10800 transportation equipment fund and shall be used and expended by
10801 the school board for the purpose or purposes for which they were
10802 issued under such rules and regulations as may be prescribed by
10803 the State Superintendent of Public Education, and for no other
10804 purposes.

10805 All such funds shall be paid out on warrants issued by the
10806 clerk of the board of supervisors or the municipal clerk, as the
10807 case may be, on pay certificates issued by the superintendent of
10808 schools upon order of the school board.

10809 **SECTION 182.** Section 37-41-101, Mississippi Code of 1972, is
10810 amended as follows:

10811 37-41-101. (1) The State Superintendent of Public Education
10812 is hereby authorized, empowered and directed to advertise for and
10813 receive sealed bids and proposals for sale of school bus bodies
10814 and school buses sold as complete units to the school boards of
10815 school districts in this state. The State Superintendent of
10816 Public Education shall approve persons, firms, corporations or
10817 associations authorized to sell school bus bodies and school buses
10818 sold as complete units, and shall establish prices relative
10819 thereto based upon the lowest and best bids, which school
10820 districts may not exceed in purchasing such equipment. In
10821 determining the lowest and best bids received for such equipment,
10822 there shall be included as part of the total cost thereof any
10823 transportation or freight charges which will be incurred. The
10824 State Superintendent of Public Education may permit all such
10825 bidders to sell said equipment provided that the bidders agree to
10826 sell the equipment at prices established based upon the lowest and
10827 best bid and in compliance with rules and regulations relative
10828 thereto promulgated by the State Superintendent. Persons, firms,
10829 corporations or associations permitted to sell school bus bodies
10830 and school buses sold as complete units shall be limited to those
10831 actually submitting bids for consideration by the State
10832 Superintendent of Public Education. The State Superintendent of
10833 Public Education shall reserve the right to reject any and all
10834 bids submitted.

10835 (2) School boards may purchase school bus bodies and school
10836 buses sold as complete units without additional advertisement for
10837 bids, provided that the prices for such equipment do not exceed
10838 the maximum allowable prices established under the provisions of
10839 subsection (1) of this section, and that said purchases are in
10840 compliance with the conditions specified therein. All such
10841 purchases shall be subject to the approval of the State Department

10842 of Education, which shall verify compliance with the applicable
10843 specifications, rules and regulations promulgated by the State
10844 Superintendent of Public Education.

10845 (3) In addition to the method of purchasing authorized under
10846 this section, school boards are hereby authorized to advertise for
10847 and accept the lowest and best bid received for the purchase of
10848 school bus chassis and/or pupil transportation service vehicles.
10849 Provided, however, that local school governing boards may purchase
10850 school bus chassis and/or pupil transportation service vehicles
10851 from any motor vehicle dealer domiciled within the county of such
10852 governing board, whose bid does not exceed a sum equal to three
10853 percent (3%) greater than the price or cost which the dealer pays
10854 the manufacturer, as evidenced by the factory invoice for such
10855 vehicles. In the event said county does not have an authorized
10856 motor vehicle dealer, said board may, in like manner, receive and
10857 accept bids from motor vehicle dealers in any adjoining county. No
10858 purchase of school bus chassis or service vehicles under the
10859 provisions of this subsection shall be valid unless the purchase
10860 is made according to statutory bidding and licensing requirements.
10861 All purchases under provisions of this subsection shall be subject
10862 to the approval of the State Department of Education, which shall
10863 verify compliance with the applicable specifications, rules and
10864 regulations promulgated by the State Superintendent of Public
10865 Education.

10866 (4) Upon application to and approval by the State Department
10867 of Education, school governing boards are hereby authorized to
10868 purchase used school buses and used pupil transportation service
10869 vehicles, provided that said vehicles meet applicable
10870 specifications and the purchase price does not exceed their fair
10871 market value. Said fair market value shall be determined by an
10872 appraisal by three (3) experienced and impartial citizens, the
10873 selection of whom shall be mutually agreed upon by the parties
10874 thereto. Said appraisers may be subject to approval by the State

10875 Department of Education. Maximum regard for pupil safety and
10876 adequate protection of health shall be primary requirements which
10877 shall be observed by local school governing boards in purchasing
10878 used school buses. The State Department of Education may inspect
10879 or have inspected any used school bus prior to purchase to
10880 determine whether said bus meets requirements of law and
10881 regulations of the state superintendent.

10882 (5) In the event the school board shall have determined that
10883 school buses or pupil transportation service vehicles are no
10884 longer needed for the transportation of pupils in such school
10885 district, such equipment may be sold to another school district
10886 without the necessity of advertising for bids. The school
10887 district proposing to sell the buses or service vehicles and the
10888 school district proposing to purchase such equipment shall agree
10889 upon a fair and reasonable price therefor. The agreement shall be
10890 spread upon the minutes of the boards of the respective school
10891 districts and shall be subject to the prior approval of the State
10892 Department of Education, which shall verify compliance with
10893 applicable specifications, rules and regulations of the State
10894 Superintendent of Public Education.

10895 **SECTION 183.** Section 37-41-103, Mississippi Code of 1972, is
10896 amended as follows:

10897 37-41-103. For the further purpose of carrying out the
10898 provisions of Sections 37-41-81 through 37-41-101, the State
10899 Superintendent of Public Education is further authorized and
10900 empowered to adopt and promulgate reasonable rules and regulations
10901 not inconsistent with the law for such purpose. The State
10902 Superintendent of Public Education shall have, in addition, all
10903 power and authority conferred upon the state superintendent by the
10904 provisions of Sections 37-41-1 through 37-41-53 or any other
10905 statute.

10906 **SECTION 184.** Section 37-43-1, Mississippi Code of 1972, is
10907 amended as follows:

10908 37-43-1. This chapter is intended to furnish a plan for the
10909 adoption, purchase, distribution, care and use of free textbooks
10910 to be loaned to the pupils in all elementary and high schools of
10911 Mississippi.

10912 The books herein provided by the State Superintendent of
10913 Public Education, which shall be the State Textbook Procurement
10914 Commission, shall be distributed and loaned free of cost to the
10915 children of the free public schools of the state and of all other
10916 schools located in the state, which maintain educational standards
10917 equivalent to the standards established by the State Department of
10918 Education for the state schools as outlined in the Approval
10919 Requirements of the State Superintendent of Public Education for
10920 Nonpublic Schools.

10921 Teachers shall permit all pupils in all grades of any public
10922 school to carry to their homes for home study, the free textbooks
10923 loaned to them, and any other regular textbooks whether they be
10924 free textbooks or not.

10925 For the purposes of this chapter, the term "state
10926 superintendent" shall mean the State Superintendent of Public
10927 Education.

10928 Textbook shall be defined as any medium or manual of
10929 instruction which contains a systematic presentation of the
10930 principles of a subject and which constitutes a major
10931 instructional vehicle for that subject.

10932 **SECTION 185.** Section 37-43-2, Mississippi Code of 1972, is
10933 amended as follows:

10934 37-43-2. (1) * * * The State Superintendent of Public
10935 Education shall assume all power, authority, duties and functions
10936 of the State Textbook Procurement Commission. All records,
10937 personnel, property and unexpended balances of appropriations,
10938 allocations or other funds of the State Textbook Procurement
10939 Commission shall be transferred to the State Superintendent of
10940 Public Education * * *. All such employee transfers shall be in

10941 accordance with the rules and regulations of the State Personnel
10942 Board. It is the intent of the Legislature that the number of
10943 persons employed by the state as a result of the consolidation
10944 required by this section shall be reduced where possible, but that
10945 such reduction shall result from attrition of employees and not
10946 dismissal.

10947 (2) Each officer or agency subject to the provisions of this
10948 section is hereby authorized and empowered to promulgate such
10949 rules and regulations not conflicting with this section necessary
10950 to accomplish an orderly transition. Each officer or agency
10951 subject to this section shall assist, with the fullest degree of
10952 reasonable cooperation, any other officer or agency in carrying
10953 out the intent and purpose of this section.

10954 * * *

10955 **SECTION 186.** Section 37-43-23, Mississippi Code of 1972, is
10956 amended as follows:

10957 37-43-23. The State Superintendent of Public Education is
10958 hereby authorized, empowered and directed to advertise for and
10959 receive sealed bids for textbooks. Bidders shall quote their
10960 lowest net wholesale prices, f.o.b. Central Depository, Jackson,
10961 Mississippi; however, the state superintendent may, in his
10962 discretion, establish a state depository or depositories or
10963 inaugurate any other plan for the distribution of books. Such
10964 prices shall not be higher than the lowest price at which books
10965 are sold anywhere in the United States, after all discounts are
10966 allowed. It is the intent of the Legislature that the price paid
10967 for a textbook shall not exceed the lowest price at which the same
10968 book, both having the same copyright date, is sold anywhere in the
10969 United States after all discounts are allowed. Every contract
10970 entered into under the provisions of this section by the state
10971 superintendent and any publisher or publishing company shall
10972 contain a provision that the publisher covenants and agrees that
10973 he is not furnishing under contract executed after the first day

10974 of January of the year in which the contract becomes effective, to
10975 any state, county or school district in the United States, the
10976 textbooks embraced in the contract at a price below the price
10977 stipulated therein. At any time that the superintendent may find
10978 that any book or books, in either regular or special editions, are
10979 being furnished in any other state at a lower price under contract
10980 than it is being furnished in Mississippi, the contract shall be
10981 forfeited to the state. Any contractor who violates this
10982 provision shall return all money paid out for such book or books
10983 and also forfeit such book or books to the state, and suit may be
10984 brought on the bond of the contractor for all losses sustained.

10985 Successful bidders or contractors shall be required to
10986 maintain a depository at a place within the State of Mississippi,
10987 to be named by the superintendent, where a stock of books
10988 sufficient to meet all reasonable and immediate demands shall be
10989 kept. Upon requisition of the superintendent, the depository
10990 shall ship books, transportation charges paid, to the various
10991 shipping points in Mississippi to be specified by the
10992 superintendent. For such service the depository shall make no
10993 charge to the superintendent except the actual cost of
10994 transportation from the depository to the shipping point
10995 designated. The cost of distribution shall not exceed eight
10996 percent (8%) of the total appropriation for any fiscal year.

10997 All books furnished the State of Mississippi by contractors
10998 under this chapter shall continue to measure up to the same
10999 standards as are required in the contract, said standards to
11000 include printing, binding, cover boards, mechanical makeup, and
11001 any other relevant points as set out in the plans and
11002 specifications as fixed by the superintendent. Any contractor of
11003 any book or books, who fails to keep said books up to said
11004 standards, shall forfeit, not only his contract to the state, but
11005 shall return all money paid out for such book or books and also
11006 forfeit said books to the state.

11007 **SECTION 187.** Section 37-43-24, Mississippi Code of 1972, is
11008 amended as follows:

11009 37-43-24. (1) This section shall be referred to and may be
11010 cited as the "Timely Acquisition of Braille and Large Print
11011 Textbooks Act of 2002."

11012 (2) The State Department of Education is hereby authorized
11013 and directed to place textbook procurement orders for visually
11014 impaired and hearing impaired students in the schools of this
11015 state prior to the beginning of the fiscal year for which the
11016 expenditure for such order has been authorized by the Legislature.
11017 After June 1 of any year, the State Department of Education may
11018 order additional books, as needed. In addition, the State
11019 Department of Education is authorized and directed to place
11020 textbook, equipment and school supply procurement orders for
11021 students attending the state supported schools administered by the
11022 State Superintendent of Public Education prior to the beginning of
11023 the fiscal year for which the expenditure for such order has been
11024 authorized by the Legislature, and may order additional books,
11025 equipment and supplies at a later date, as needed. The department
11026 shall insure that the appropriate procedures for textbook
11027 procurement are followed according to state law and the state
11028 superintendent's policies as described in the Textbook
11029 Administration Handbook.

11030 **SECTION 188.** Section 37-43-31, Mississippi Code of 1972, is
11031 amended as follows:

11032 37-43-31. (1) The State Superintendent of Public Education
11033 shall adopt and furnish textbooks only for use in those courses
11034 set up in the state course of study as recommended by the State
11035 Accreditation Commission and adopted by the state superintendent,
11036 or courses established by acts of the Legislature. In all
11037 subjects the state superintendent, in his discretion, may adopt
11038 textbooks and/or series from those recommended by the textbook
11039 rating committees. The superintendent may adopt a plan which

11040 permits the local school districts to choose the book or books to
11041 be requisitioned from those adopted, provided:

11042 (a) That, when a book is furnished by the state, it
11043 shall remain in use during the period of its adoption;

11044 (b) That the average per pupil cost of textbooks so
11045 furnished any unit shall not exceed that allowed for all other
11046 units in the state;

11047 (c) That nothing herein provided shall be construed as
11048 giving any school the authority to discard or replace usable
11049 copies of textbooks now being furnished by the state;

11050 (d) That the State Department of Education is
11051 authorized to disburse the annual textbook appropriation directly
11052 to the public school districts in accordance with Section
11053 37-43-31(1)(b). The textbooks procured through this chapter, as
11054 well as textbooks which are on hand on June 30, 1994, which were
11055 previously purchased through the provisions of this statute, shall
11056 become the property of the public school district which purchased
11057 them, unless the State Department of Education authorizes the
11058 transfer of unneeded textbooks to another location in accordance
11059 with rules and regulations promulgated by the State Superintendent
11060 of Public Education;

11061 (e) That textbooks which are on loan to other than
11062 public schools as referenced in Section 37-43-1, shall remain the
11063 property of the State of Mississippi. All requisitions for
11064 textbooks from these schools shall be submitted to the State
11065 Department to be processed and subsequently shipped to the
11066 requesting school. No funds shall be disbursed directly from the
11067 State Department of Education to the schools in this category for
11068 the purpose of procuring textbooks; and

11069 (f) That funds made available through this chapter may
11070 be used to purchase any state-adopted or non-adopted textbook from
11071 any state depository, directly from the publisher, or in
11072 accordance with the provisions of Sections 37-43-21(5) and

11073 37-43-31(3). For purchases made directly from the publisher, the
11074 public school district, or the State Department of Education when
11075 purchasing for other than public schools, shall not pay a higher
11076 price for a textbook than that listed on the current state-adopted
11077 list.

11078 (2) Whenever any book under contract is displaced by a new
11079 adoption, the superintendent may continue to require the schools
11080 to use the recently purchased books from any previous adoption;
11081 however, such period of use shall not exceed four (4) years.

11082 (3) If five (5) or more school boards petition the State
11083 Superintendent of Public Education to add a book, or a series of
11084 books, to the approved list of state adoptions in a given subject
11085 area, then the State Superintendent of Public Education shall have
11086 sixty (60) days to show cause to the State Department of Education
11087 why the books in question should or should not be purchased with
11088 state funds. If the petition is not acted upon within the
11089 sixty-day period, the petition shall be deemed to be approved.
11090 Once a textbook has been approved through the petition process,
11091 any public school district or eligible other school may procure
11092 the said textbook utilizing funds appropriated through this
11093 chapter.

11094 (4) If new and innovative textbooks that would improve a
11095 particular course of study become available between adoption
11096 cycles, a school board may petition the State Superintendent of
11097 Public Education for permission to purchase these books out of
11098 sequence to be paid for with state textbook funds.

11099 (5) The State Superintendent of Public Education shall not
11100 allow previously rejected textbooks to be used if such textbooks
11101 were rejected for any of the following reasons:

- 11102 (a) Obscene, lewd, sexist or vulgar material;
- 11103 (b) Advocating prejudicial behavior or actions; or
- 11104 (c) Encouraging acts determined to be anti-social or
11105 derogatory to any race, sex or religion.

11106 (6) All books or series of books adopted under the petition
11107 procedures of this act shall be purchased under the provisions for
11108 bidding, pricing and distribution as prescribed in Section
11109 37-43-23.

11110 (7) Petition procedure books or series of books adopted
11111 under this section shall be considered only until the date of the
11112 next regular adoption series in the applicable subject area.
11113 Petition procedure books shall be submitted for formal adoption at
11114 the next applicable regular textbook adoption as prescribed under
11115 the provisions of Chapter 43, Title 37, Mississippi Code of 1972;
11116 otherwise, such books adopted under the petition procedures which
11117 do not receive formal adoption approval as recommended by the
11118 textbook rating committee shall be dropped from the state textbook
11119 petition adoption list. Provided, however, this provision shall
11120 in no way prohibit a school district from using other funds,
11121 federal or local, for the purchase of such books.

11122 **SECTION 189.** Section 37-43-47, Mississippi Code of 1972, is
11123 amended as follows:

11124 37-43-47. Bills for textbooks purchased by the state on
11125 requisitions as provided in this chapter, and bills for all other
11126 expenses incurred under the terms of this chapter, shall be paid
11127 by warrants on the State Treasury made by the Auditor on receipt
11128 of bills from the State Superintendent of Public Education * * *.
11129 Bills for textbooks purchased by public school districts, shall be
11130 submitted to the respective school district submitting the
11131 requisition. Each public school district will make payment to the
11132 appropriate entity which is responsible for providing the
11133 requested textbooks.

11134 **SECTION 190.** Section 37-43-51, Mississippi Code of 1972, is
11135 amended as follows:

11136 37-43-51. The management of all public, private, parochial
11137 or denominational schools wherein the board is furnishing to the
11138 students thereof free school textbooks and said free school

11139 textbooks are used by the students in said school, shall file
11140 annually with the State Superintendent of Public Education any and
11141 all reports as may be required by the superintendent.

11142 Any person who shall refuse, neglect or fail to file any
11143 report required by the board shall be denied a new allocation of
11144 funds until such reports have been completed and filed with the
11145 superintendent.

11146 **SECTION 191.** Section 37-43-59, Mississippi Code of 1972, is
11147 amended as follows:

11148 37-43-59. (1) Not more than one (1) pupil copy, one (1)
11149 teacher's edition, and one (1) copy of any limited auxiliary
11150 materials shall be furnished as samples or specimen copies to any
11151 single person involved in the state rating, adoption process of
11152 free textbooks. Any and all sample or specimen textbooks or other
11153 materials furnished to any person serving in an official capacity
11154 or as an officer or employee in a school receiving free textbooks
11155 shall be furnished only by the State Superintendent of Public
11156 Education after receipt from the publishers. No samples shall be
11157 furnished by publishers directly to any such person. The
11158 superintendent shall keep detailed records of all samples
11159 furnished to all persons and establish such procedures for return
11160 of all samples. The intent of this provision is that no person
11161 serving in an official capacity shall receive personal benefit or
11162 profit from sale of sample or specimen textbooks.

11163 (2) Not more than one (1) pupil copy, one (1) teacher's
11164 edition, and one (1) copy of any limited auxiliary materials shall
11165 be furnished for review and inspection to any single person
11166 involved in the selection committee process of free textbooks. Any
11167 and all textbooks or other materials furnished to any such person
11168 serving in a selection committee capacity for inspection and
11169 review shall be furnished subject to the rules and regulations
11170 adopted by the board which such rules and regulations shall not
11171 prohibit direct delivery by the publishers to such persons. The

11172 board shall keep detailed records of all textbooks and auxiliary
11173 materials furnished to all such persons and establish such
11174 procedures for the return thereof. Any and all textbooks
11175 furnished to persons serving on selection committees shall be
11176 turned in to the State School Book Depository without any cost to
11177 the State of Mississippi and shall be credited to the account of
11178 the publisher. Any and all textbooks so furnished to persons
11179 serving on selection committees which have not been returned
11180 within one (1) year of the receipt of same the value thereof shall
11181 be charged against the allocation of state funds to said school
11182 district to the same extent as if said books had been purchased by
11183 said school district. The intent of this provision is that no
11184 person serving as a selection committee member shall receive
11185 personal benefit or proceeds from the sale of said textbooks.

11186 (3) The State School Book Depository shall pay into the
11187 State Treasury to the credit of the State Textbook Fund the net
11188 wholesale price less an eight percent (8%) distribution cost and
11189 freight charges of those adopted textbooks which are returned by
11190 the rating committees as required herein. The superintendent
11191 shall also provide for the sale of damaged books and those
11192 textbooks not adopted into the secondary textbook market on an
11193 annual basis. The State School Book Depository shall pay into the
11194 State Treasury to the credit of the State Textbook Fund the amount
11195 received for which said textbooks are sold less an eight percent
11196 (8%) distribution cost and freight charges of said textbooks which
11197 are damaged or not adopted.

11198 (4) Any person converting to personal use or selling any
11199 sample or specimen textbook or other materials contrary to
11200 provisions of this section shall be guilty of the crime of
11201 embezzlement as provided by Section 97-11-25 and in addition shall
11202 upon conviction pay a fine of Fifty Dollars (\$50.00) per book sold
11203 or converted to personal use and shall be removed from any public
11204 office or public employment position held.

11205 **SECTION 192.** Section 37-45-3, Mississippi Code of 1972, is
11206 amended as follows:

11207 37-45-3. (1) There is hereby created a State Educational
11208 Finance Commission. For the purposes of this chapter, the term
11209 "commission" shall be construed to mean "State Educational Finance
11210 Commission."

11211 (2) From and after July 1, 1988, the State Educational
11212 Finance Commission shall be abolished, and all duties and
11213 responsibilities thereof shall be transferred to the State
11214 Superintendent of Public Education. All records, property,
11215 unexpended balances of appropriations, allocations or other funds
11216 of the commission shall be transferred to the State Department of
11217 Education. All references in the laws of this state to the "State
11218 Educational Finance Commission" or to the "commission," when
11219 referring to the Educational Finance Commission, shall be
11220 construed to mean the State Department of Education.

11221 * * *

11222 **SECTION 193.** Section 37-45-47, Mississippi Code of 1972, is
11223 amended as follows:

11224 37-45-47. All costs taxed by the commission in any hearing
11225 or proceeding shall be had within forty-five (45) days after the
11226 date of any final order of the commission or decree of the
11227 chancery court if no appeal is taken therefrom, and within thirty
11228 (30) days after the final order or judgment of the Supreme Court
11229 of Mississippi if an appeal is taken to it.

11230 In the event said costs are not so paid, said commission
11231 shall certify the same to the State Superintendent of Public
11232 Education and unless said costs shall have been paid, the * * *
11233 State Superintendent of Public Education shall deduct the amount
11234 thereof, as to any county board of education, from the next
11235 allotment to said county for administrative expenses, and as to
11236 any municipal separate school district from its next allotment of
11237 Two Hundred Dollars (\$200.00) per teacher unit. Such amount shall

11238 be paid to the commission, which shall deposit same in the State
11239 Treasury, and the same shall then be disbursed to the person to
11240 whom it is owing by proper warrant upon order of the commission.
11241 The provisions of this section shall not relieve the obligation of
11242 any surety upon any appeal bond.

11243 **SECTION 194.** Section 37-47-33, Mississippi Code of 1972, is
11244 amended as follows:

11245 37-47-33. For the purpose of (a) providing funds to enable
11246 the State Superintendent of Public Education to make loans or
11247 advances to school districts as provided by Section 37-47-25, and
11248 for the purpose of (b) providing funds for the payment and
11249 redemption of certificates of credit issued to school districts
11250 under Section 37-47-23, when such funds are not otherwise
11251 available, or for the purpose of (c) providing funds in an amount
11252 not exceeding Twenty Million Dollars (\$20,000,000.00) for the
11253 payment of allocations of Mississippi Adequate Education Program
11254 funds to school districts for capital expenditures approved by the
11255 State Superintendent of Public Education which have not been
11256 pledged for debt by the school district, when such funds are not
11257 otherwise available, or for any of such purposes, the State Bond
11258 Commission is authorized and empowered to issue state school bonds
11259 under the conditions prescribed in this chapter. The aggregate
11260 principal amount of such bonds outstanding at any one (1) time,
11261 after deducting the amount of the sinking fund provided for the
11262 retirement of bonds issued for such purposes, shall never exceed
11263 the sum of One Hundred Million Dollars (\$100,000,000.00). Within
11264 such limits, however, state school bonds may be issued from time
11265 to time under the conditions prescribed in this chapter. None of
11266 such bonds so issued shall have a maturity date later than July 1,
11267 2021.

11268 **SECTION 195.** Section 37-57-104, Mississippi Code of 1972, is
11269 amended as follows:

11270 37-57-104. (1) Each school board shall submit to the
11271 levying authority for the school district a certified copy of an
11272 order adopted by the school board requesting an ad valorem tax
11273 effort in dollars for the support of the school district. The
11274 copy of the order shall be submitted by the school board when the
11275 copies of the school district's budget are filed with the levying
11276 authority pursuant to Section 37-61-9. Upon receipt of the school
11277 board's order requesting the ad valorem tax effort in dollars, the
11278 levying authority shall determine the millage rate necessary to
11279 generate funds equal to the dollar amount requested by the school
11280 board. For the purpose of calculating this millage rate, any
11281 additional amount that is levied pursuant to Section 37-57-105(1)
11282 to cover anticipated delinquencies and costs of collection or any
11283 amount that may be levied for the payment of the principal and
11284 interest on school bonds or notes shall be excluded from the
11285 limitation of fifty-five (55) mills provided for in subsection (2)
11286 of this section.

11287 (2) (a) Except as otherwise provided under paragraph (b) or
11288 (c) of this subsection, if the millage rate necessary to generate
11289 funds equal to the dollar amount requested by the school board is
11290 greater than fifty-five (55) mills, and if this millage rate is
11291 higher than the millage then being levied pursuant to the school
11292 board's order requesting the ad valorem tax effort for the
11293 currently existing fiscal year, then the levying authority shall
11294 call a referendum on the question of exceeding, during the next
11295 fiscal year, the then existing millage rate being levied for
11296 school district purposes. The referendum shall be scheduled for
11297 not more than six (6) weeks after the date on which the levying
11298 authority receives the school board's order requesting the ad
11299 valorem tax effort.

11300 When a referendum has been called, notice of the referendum
11301 shall be published at least five (5) days per week, unless the
11302 only newspaper published in the school district is published less

11303 than five (5) days per week, for at least three (3) consecutive
11304 weeks, in at least one (1) newspaper published in the school
11305 district. The notice shall be no less than one-fourth (1/4) page
11306 in size, and the type used shall be no smaller than eighteen (18)
11307 point and surrounded by a one-fourth-inch solid black border. The
11308 notice may not be placed in that portion of the newspaper where
11309 legal notices and classified advertisements appear. The first
11310 publication of the notice shall be made not less than twenty-one
11311 (21) days before the date fixed for the referendum, and the last
11312 publication shall be made not more than seven (7) days before that
11313 date. If no newspaper is published in the school district, then
11314 the notice shall be published in a newspaper having a general
11315 circulation in the school district. The referendum shall be held,
11316 as far as is practicable, in the same manner as other referendums
11317 and elections are held in the county or municipality. At the
11318 referendum, all registered, qualified electors of the school
11319 district may vote. The ballots used at the referendum shall have
11320 printed thereon a brief statement of the amount and purpose of the
11321 increased tax levy and the words "FOR INCREASING THE MILLAGE
11322 LEVIED FOR SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY
11323 LEVIED) MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S
11324 ORDER) MILLS," and "AGAINST INCREASING THE MILLAGE LEVIED FOR
11325 SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY LEVIED)
11326 MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S ORDER)
11327 MILLS." The voter shall vote by placing a cross (X) or checkmark
11328 (✓) opposite his choice on the proposition.

11329 If a majority of the registered, qualified electors of the
11330 school district who vote in the referendum vote in favor of the
11331 question, then the ad valorem tax effort in dollars requested by
11332 the school board shall be approved. However, if a majority of the
11333 registered, qualified electors who vote in the referendum vote
11334 against the question, the millage rate levied by the levying
11335 authority shall not exceed the millage then being levied pursuant

11336 to the school board's order requesting the ad valorem tax effort
11337 for the then currently existing fiscal year.

11338 Nothing in this subsection shall be construed to require any
11339 school district that is levying more than fifty-five (55) mills
11340 pursuant to Sections 37-57-1 and 37-57-105 to decrease its millage
11341 rate to fifty-five (55) mills or less. Further, nothing in this
11342 subsection shall be construed to require a referendum in a school
11343 district where the requested ad valorem tax effort in dollars
11344 requires a millage rate of greater than fifty-five (55) mills but
11345 the requested dollar amount does not require any increase in the
11346 then existing millage rate. Further, nothing in this subsection
11347 shall be construed to require a referendum in a school district
11348 where, because of a decrease in the assessed valuation of the
11349 district, a millage rate of greater than fifty-five (55) mills is
11350 necessary to generate funds equal to the dollar amount generated
11351 by the ad valorem tax effort for the currently existing fiscal
11352 year.

11353 (b) Provided, however, that if a levying authority is
11354 levying in excess of fifty-five (55) mills on July 1, 1997, the
11355 levying authority may levy an additional amount not exceeding
11356 three (3) mills in the aggregate for the period beginning July 1,
11357 1997, and ending June 30, 2003, subject to the limitation on
11358 increased receipts from ad valorem taxes prescribed in Sections
11359 37-57-105 and 37-57-107.

11360 (c) If the levying authority for any school district
11361 lawfully has decreased the millage levied for school district
11362 purposes, but subsequently determines that there is a need to
11363 increase the millage rate due to a disaster in which the Governor
11364 has declared a disaster emergency or the President of the United
11365 States has declared an emergency or major disaster, then the
11366 levying authority may increase the millage levied for school
11367 district purposes up to an amount that does not exceed the millage
11368 rate in any one (1) of the immediately preceding ten (10) fiscal

11369 years without any referendum that otherwise would be required
11370 under this subsection.

11371 (3) If the millage rate necessary to generate funds equal to
11372 the dollar amount requested by the school board is equal to
11373 fifty-five (55) mills or less, but the dollar amount requested by
11374 the school board exceeds the next preceding fiscal year's ad
11375 valorem tax effort in dollars by more than four percent (4%), but
11376 not more than seven percent (7%) (as provided for under subsection
11377 (4) of this section), then the school board shall publish notice
11378 thereof at least five (5) days per week, unless the only newspaper
11379 published in the school district is published less than five (5)
11380 days per week, for at least three (3) consecutive weeks in a
11381 newspaper published in the school district. The notice shall be
11382 no less than one-fourth (1/4) page in size, and the type used
11383 shall be no smaller than eighteen (18) point and surrounded by a
11384 one-fourth-inch solid black border. The notice may not be placed
11385 in that portion of the newspaper where legal notices and
11386 classified advertisements appear. The first publication shall be
11387 made not less than fifteen (15) days before the final adoption of
11388 the budget by the school board. If no newspaper is published in
11389 the school district, then the notice shall be published in a
11390 newspaper having a general circulation in the school district. If
11391 at any time before the adoption of the budget a petition signed by
11392 not less than twenty percent (20%) or fifteen hundred (1500),
11393 whichever is less, of the registered, qualified electors of the
11394 school district is filed with the school board requesting that a
11395 referendum be called on the question of exceeding the next
11396 preceding fiscal year's ad valorem tax effort in dollars by more
11397 than four percent (4%), then the school board shall adopt, not
11398 later than the next regular meeting, a resolution calling a
11399 referendum to be held within the school district upon the
11400 question. The referendum shall be called and held, and notice
11401 thereof shall be given, in the same manner provided for in

11402 subsection (2) of this section. The ballot shall contain the
11403 language "FOR THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)" and
11404 "AGAINST THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)." If a
11405 majority of the registered, qualified electors of the school
11406 district who vote in the referendum vote in favor of the question,
11407 then the increase requested by the school board shall be approved.
11408 For the purposes of this subsection, the revenue sources excluded
11409 from the increase limitation under Section 37-57-107 also shall be
11410 excluded from the limitation described in this subsection in the
11411 same manner as they are excluded under Section 37-57-107.
11412 Provided, however, that any increases requested by the school
11413 board as a result of the required local contribution to the
11414 Mississippi Adequate Education Program, as certified to the local
11415 school district by the State Superintendent of Public Education
11416 under Section 37-151-7(2), Mississippi Code of 1972, shall not be
11417 subject to the four percent (4%) and/or seven percent (7%) tax
11418 increase limitations provided in this section.

11419 (4) If the millage rate necessary to generate funds equal to
11420 the dollar amount requested by the school board is equal to
11421 fifty-five (55) mills or less, but the dollar amount requested by
11422 the school board exceeds the seven percent (7%) increase
11423 limitation provided for in Section 37-57-107, the school board may
11424 exceed the seven percent (7%) increase limitation only after the
11425 school board has determined the need for additional revenues and
11426 three-fifths (3/5) of the registered, qualified electors voting in
11427 a referendum called by the levying authority have voted in favor
11428 of the increase. The notice and manner of holding the referendum
11429 shall be as prescribed in subsection (2) of this section for a
11430 referendum on the question of increasing the millage rate in
11431 school districts levying more than fifty-five (55) mills for
11432 school district purposes.

11433 (5) The aggregate receipts from ad valorem taxes levied for
11434 school district purposes pursuant to Sections 37-57-1 and

11435 37-57-105, excluding collection fees, additional revenue from the
11436 ad valorem tax on any newly constructed properties or any existing
11437 properties added to the tax rolls or any properties previously
11438 exempt which were not assessed in the next preceding year, and
11439 amounts received by school districts from the School Ad Valorem
11440 Tax Reduction Fund pursuant to Section 37-61-35, shall be subject
11441 to the increase limitation under this section and Section
11442 37-57-107.

11443 (6) The school board shall pay to the levying authority all
11444 costs that are incurred by the levying authority in the calling
11445 and holding of any election under this section.

11446 (7) The provisions of this section shall not be construed to
11447 affect in any manner the authority of school boards to levy
11448 millage for the following purposes:

11449 (a) The issuance of bonds, notes and certificates of
11450 indebtedness, as authorized in Sections 37-59-1 through 37-59-45
11451 and Sections 37-59-101 through 37-59-115;

11452 (b) The lease of property for school purposes, as
11453 authorized under the Emergency School Leasing Authority Act of
11454 1986 (Sections 37-7-351 through 37-7-359);

11455 (c) The lease or lease-purchase of school buildings, as
11456 authorized under Section 37-7-301;

11457 (d) The issuance of promissory notes in the event of a
11458 shortfall of ad valorem taxes and/or revenue from local sources,
11459 as authorized under Section 27-39-333; and

11460 (e) The construction of school buildings outside the
11461 school district, as authorized under Section 37-7-401.

11462 Any millage levied for the purposes specified in this
11463 subsection shall be excluded from the millage limitations
11464 established under this section.

11465 **SECTION 196.** Section 37-57-105, Mississippi Code of 1972, is
11466 amended as follows:

11467 37-57-105. (1) In addition to the taxes levied under
11468 Section 37-57-1, the levying authority for the school district, as
11469 defined in Section 37-57-1, upon receipt of a certified copy of an
11470 order adopted by the school board of the school district
11471 requesting an ad valorem tax effort in dollars for the support of
11472 the school district, shall, at the same time and in the same
11473 manner as other ad valorem taxes are levied, levy an annual ad
11474 valorem tax in the amount fixed in such order upon all of the
11475 taxable property of such school district, which shall not be less
11476 than the millage rate certified by the State Superintendent of
11477 Public Education as the uniform minimum school district ad valorem
11478 tax levy for the support of the adequate education program in such
11479 school district under Section 37-57-1. Provided, however, that
11480 any school district levying less than the uniform minimum school
11481 district ad valorem tax levy on July 1, 1997, shall only be
11482 required to increase its local district maintenance levy in four
11483 (4) mill annual increments in order to attain such millage
11484 requirements. In making such levy, the levying authority shall
11485 levy an additional amount sufficient to cover anticipated
11486 delinquencies and costs of collection so that the net amount of
11487 money to be produced by such levy shall be equal to the amount
11488 which is requested by said school board. The proceeds of such tax
11489 levy, excluding levies for the payment of the principal of and
11490 interest on school bonds or notes and excluding levies for costs
11491 of collection, shall be placed in the school depository to the
11492 credit of the school district and shall be expended in the manner
11493 provided by law for the purpose of supplementing teachers'
11494 salaries, extending school terms, purchasing furniture, supplies
11495 and materials, and for all other lawful operating and incidental
11496 expenses of such school district, funds for which are not provided
11497 by adequate education program fund allotments.

11498 The monies authorized to be received by school districts from
11499 the School Ad Valorem Tax Reduction Fund pursuant to Section

11500 37-61-35 shall be included as ad valorem tax receipts. The
11501 levying authority for the school district, as defined in Section
11502 37-57-1, shall reduce the ad valorem tax levy for such school
11503 district in an amount equal to the amount distributed to such
11504 school district from the School Ad Valorem Tax Reduction Fund each
11505 calendar year pursuant to said Section 37-61-35. Such reduction
11506 shall not be less than the millage rate necessary to generate a
11507 reduction in ad valorem tax receipts equal to the funds
11508 distributed to such school district from the School Ad Valorem Tax
11509 Reduction Fund pursuant to Section 37-61-35. Such reduction shall
11510 not be deemed to be a reduction in the aggregate amount of support
11511 from ad valorem taxation for purposes of Section 37-19-11. The
11512 millage levy certified by the State Superintendent of Public
11513 Education as the uniform minimum ad valorem tax levy or the
11514 millage levy that would generate funds in an amount equal to a
11515 school district's district entitlement, as defined in Section
11516 37-22-1(2)(e), shall be subject to the provisions of this
11517 paragraph.

11518 In any county where there is located a nuclear generating
11519 power plant on which a tax is assessed under Section 27-35-309(3),
11520 such required levy and revenue produced thereby may be reduced by
11521 the levying authority in an amount in proportion to a reduction in
11522 the base revenue of any such county from the previous year. Such
11523 reduction shall be allowed only if the reduction in base revenue
11524 equals or exceeds five percent (5%). "Base revenue" shall mean
11525 the revenue received by the county from the ad valorem tax levy
11526 plus the revenue received by the county from the tax assessed
11527 under Section 27-35-309(3) and authorized to be used for any
11528 purposes for which a county is authorized by law to levy an ad
11529 valorem tax. For purposes of determining if the reduction equals
11530 or exceeds five percent (5%), a levy of millage equal to the prior
11531 year's millage shall be hypothetically applied to the current
11532 year's ad valorem tax base to determine the amount of revenue to

11533 be generated from the ad valorem tax levy. For the purposes of
11534 this section and Section 37-57-107, the portion of the base
11535 revenue used for the support of any school district shall be
11536 deemed to be the aggregate receipts from ad valorem taxes for the
11537 support of any school district. This paragraph shall apply to
11538 taxes levied for the 1987 fiscal year and for each fiscal year
11539 thereafter. If the Mississippi Supreme Court or another court
11540 finally adjudicates that the tax levied under Section 27-35-309(3)
11541 is unconstitutional, then this paragraph shall stand repealed.

11542 (2) When the tax is levied upon the territory of any school
11543 district located in two (2) or more counties, the order of the
11544 school board requesting the levying of such tax shall be certified
11545 to the levying authority of each of the counties involved, and
11546 each of the levying authorities shall levy the tax in the manner
11547 specified herein. The taxes so levied shall be collected by the
11548 tax collector of the levying authority involved and remitted by
11549 the tax collector to the school depository of the home county to
11550 the credit of the school district involved as provided above,
11551 except that taxes for collection fees may be retained by the
11552 levying authority for deposit into its general fund.

11553 (3) The aggregate receipts from ad valorem taxes levied for
11554 school district purposes, excluding collection fees, pursuant to
11555 this section and Section 37-57-1 shall be subject to the increased
11556 limitation under Section 37-57-107; however, if the ad valorem tax
11557 effort in dollars requested by the school district for the fiscal
11558 year exceeds the next preceding fiscal year's ad valorem tax
11559 effort in dollars by more than four percent (4%) but not more than
11560 seven percent (7%), then the school board shall publish notice
11561 thereof once each week for at least three (3) consecutive weeks in
11562 a newspaper having general circulation in the school district
11563 involved, with the first publication thereof to be made not less
11564 than fifteen (15) days prior to the final adoption of the budget
11565 by the school board. If at any time prior to said adoption a

11566 petition signed by not less than twenty percent (20%) or fifteen
11567 hundred (1500), whichever is less, of the qualified electors of
11568 the school district involved shall be filed with the school board
11569 requesting that an election be called on the question of exceeding
11570 the next preceding fiscal year's ad valorem tax effort in dollars
11571 by more than four percent (4%) but not more than seven percent
11572 (7%), then the school board shall, not later than the next regular
11573 meeting, adopt a resolution calling an election to be held within
11574 such school district upon such question. The election shall be
11575 called and held, and notice thereof shall be given, in the same
11576 manner for elections upon the questions of the issuance of the
11577 bonds of school districts, and the results thereof shall be
11578 certified to the school board. The ballot shall contain the
11579 language "For the School Tax Increase Over Four Percent (4%)" and
11580 "Against the School Tax Increase Over Four Percent (4%)." If a
11581 majority of the qualified electors of the school district who
11582 voted in such election shall vote in favor of the question, then
11583 the stated increase requested by the school board shall be
11584 approved. For the purposes of this paragraph, the revenue sources
11585 excluded from the increased limitation under Section 37-57-107
11586 shall also be excluded from the limitation described herein in the
11587 same manner as they are excluded under Section 37-57-107.

11588 **SECTION 197.** Section 37-61-9, Mississippi Code of 1972, is
11589 amended as follows:

11590 37-61-9. (1) On or before the fifteenth day of August of
11591 each year, the local school board of each school district, with
11592 the assistance of the superintendent of schools, shall prepare and
11593 file with the levying authority for the school district, as
11594 defined in Section 37-57-1, Mississippi Code of 1972, at least two
11595 (2) copies of a budget of estimated expenditures for the support,
11596 maintenance and operation of the public schools of the school
11597 district for the fiscal year commencing on July 1 of such year.
11598 Such budget shall be prepared on forms prescribed and provided by

11599 the State Auditor and shall contain such information as the State
11600 Auditor may require.

11601 (2) In addition, on or before the fifteenth day of August of
11602 each year, the local school board of each school district, with
11603 the assistance of the superintendent of schools, shall prepare and
11604 file with the State Department of Education such budgetary
11605 information as the State Superintendent of Public Education may
11606 require. The State Superintendent of Public Education shall
11607 prescribe and provide forms to each school district for this
11608 purpose.

11609 (3) Prior to the adoption of a budget pursuant to this
11610 section, the school board of each school district shall hold at
11611 least one (1) public hearing to provide the general public with an
11612 opportunity to comment on the taxing and spending plan
11613 incorporated in the proposed budget. The public hearing shall be
11614 held at least one (1) week prior to the adoption of the budget
11615 with advance notice. After final adoption of the budget, a
11616 synopsis of such budget in a form prescribed by the State
11617 Department of Audit shall be published in a newspaper having
11618 general circulation in the school district on a date different
11619 from the date on which the county or any municipality therein may
11620 publish its budget.

11621 (4) Beginning with the fiscal year 1995-1996, there shall be
11622 imposed limitations on budgeted expenditures for certain
11623 administration costs, as defined hereinafter, in an amount not
11624 greater than One Hundred Fifty Thousand Dollars (\$150,000.00) plus
11625 four percent (4%) of the expenditures of all school districts each
11626 year. For purposes of this subsection, "administration costs"
11627 shall be defined as expenditures for salaries and fringe benefits
11628 paid for central administration costs from all sources of revenue
11629 in the following expenditure functions as defined in the

11630 MISSISSIPPI PUBLIC SCHOOL DISTRICT FINANCIAL ACCOUNTING MANUAL:

11631 2300 = Support Services - General Administration

11632 2310 = Board of Education Services
11633 2320 = Executive Administration Services
11634 2330 = Special Area Administration Services
11635 2500 = Business Services
11636 2510 = Fiscal Services
11637 2520 = Purchasing Services
11638 2530 = Warehousing and Distributing Services
11639 2540 = Printing, Publishing and Duplicating Services
11640 2590 = Other Support Services - Business
11641 2800 = Support Services - Central
11642 2810 = Planning, Research, Development and Evaluation
11643 2820 = Information Services
11644 2830 = Staff Services
11645 2840 = Data Processing Services

11646 Any costs classified as "administration costs" for purposes
11647 of this subsection which can be demonstrated by the local school
11648 district to be an expenditure that results in a net cost savings
11649 to the district that may otherwise require budget expenditures for
11650 functions not covered under the definition of administration costs
11651 herein may be excluded from the limitations imposed herein. The
11652 local school board shall make a specific finding of such costs and
11653 spread such finding upon its minutes, which shall be subject to
11654 the approval of the Office of Educational Accountability of the
11655 State Department of Education. Any school district required to
11656 make expenditure cuts, as a result of application of this
11657 subsection, shall not be required to reduce such expenditures more
11658 than twenty-five percent (25%) in any year in order to comply with
11659 this mandate.

11660 The State Auditor shall ensure that functions in all
11661 expenditure categories to which this administrative limitation
11662 applies shall be properly classified.

11663 This section shall not apply to central administration with
11664 five (5) or less full-time employees, or to those school districts

11665 which can substantiate that comparable reductions have occurred in
11666 administrative costs for the five-year period immediately prior to
11667 school year 1993-1994. In the event the application of this
11668 section may jeopardize the fiscal integrity or operations of the
11669 school district, have an adverse impact on the ability of the
11670 district to deliver educational services, or otherwise restrict
11671 the district from achieving or maintaining a quality education
11672 program, the State Superintendent of Public Education shall be
11673 authorized to exempt the application of this section to such
11674 school district pursuant to rules and regulations of the State
11675 Superintendent of Public Education consistent with the intent of
11676 this section.

11677 **SECTION 198.** Section 37-61-21, Mississippi Code of 1972, is
11678 amended as follows:

11679 37-61-21. If it should appear to the superintendent of
11680 schools or the school board of any school district that the
11681 amounts to be received from state appropriations, taxation or any
11682 other source will be more than the amount estimated in the budget
11683 filed and approved, or if it should appear that such amounts shall
11684 be less than the amount estimated, the school board of the school
11685 district, with assistance from the superintendent, may revise the
11686 budget at any time during the fiscal year by increasing or
11687 decreasing the fund budget, in proportion to the increase or
11688 decrease in the estimated amounts. If it should appear to the
11689 superintendent of schools or the school board of a school district
11690 that some function of the budget as filed is in excess of the
11691 requirement of that function and that the entire amount budgeted
11692 for such function will not be needed for expenditures therefor
11693 during the fiscal year, the school board of the school district,
11694 with assistance from the superintendent, may transfer resources to
11695 and from functions and funds within the budget when and where
11696 needed; however, no such transfer shall be made from fund to fund
11697 or from function to function which will result in the expenditure

11698 of any money for any purpose different from that for which the
11699 money was appropriated, allotted, collected or otherwise made
11700 available or for a purpose which is not authorized by law. No
11701 revision of any budget under the provisions hereof shall be made
11702 which will permit a fund expenditure in excess of the resources
11703 available for such purpose. The revised portions of the budgets
11704 shall be incorporated in the minutes of the school board by
11705 spreading them on the minutes or by attaching them as an addendum.
11706 Final budget revisions, pertinent to a fiscal year, shall be
11707 approved on or before the date set by the State Superintendent of
11708 Public Education for the school district to submit its financial
11709 information for that fiscal year.

11710 **SECTION 199.** Section 37-61-33, Mississippi Code of 1972, is
11711 amended as follows:

11712 37-61-33. (1) There is created within the State Treasury a
11713 special fund to be designated the "Education Enhancement Fund"
11714 into which shall be deposited all the revenues collected pursuant
11715 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

11716 (2) Of the amount deposited into the Education Enhancement
11717 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be
11718 appropriated each fiscal year to the State Department of Education
11719 to be distributed to all school districts. Such money shall be
11720 distributed to all school districts in the proportion that the
11721 average daily attendance of each school district bears to the
11722 average daily attendance of all school districts within the state
11723 for the following purposes:

11724 (a) Purchasing, erecting, repairing, equipping,
11725 remodeling and enlarging school buildings and related facilities,
11726 including gymnasiums, auditoriums, lunchrooms, vocational training
11727 buildings, libraries, teachers' homes, school barns,
11728 transportation vehicles (which shall include new and used
11729 transportation vehicles) and garages for transportation vehicles,
11730 and purchasing land therefor.

11731 (b) Establishing and equipping school athletic fields
11732 and necessary facilities connected therewith, and purchasing land
11733 therefor.

11734 (c) Providing necessary water, light, heating, air
11735 conditioning and sewerage facilities for school buildings, and
11736 purchasing land therefor.

11737 (d) As a pledge to pay all or a portion of the debt
11738 service on debt issued by the school district under Sections
11739 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
11740 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
11741 and 37-41-81, or debt issued by boards of supervisors for
11742 agricultural high schools pursuant to Section 37-27-65, if such
11743 pledge is accomplished pursuant to a written contract or
11744 resolution approved and spread upon the minutes of an official
11745 meeting of the district's school board or board of supervisors.
11746 The annual grant to such district in any subsequent year during
11747 the term of the resolution or contract shall not be reduced below
11748 an amount equal to the district's grant amount for the year in
11749 which the contract or resolution was adopted. The intent of this
11750 provision is to allow school districts to irrevocably pledge a
11751 certain, constant stream of revenue as security for long-term
11752 obligations issued under the code sections enumerated in this
11753 paragraph or as otherwise allowed by law. It is the intent of the
11754 Legislature that the provisions of this paragraph shall be
11755 cumulative and supplemental to any existing funding programs or
11756 other authority conferred upon school districts or school boards.
11757 Debt of a district secured by a pledge of sales tax revenue
11758 pursuant to this paragraph shall not be subject to any debt
11759 limitation contained in the foregoing enumerated code sections.

11760 (3) The remainder of the money deposited into the Education
11761 Enhancement Fund shall be appropriated as follows:

11762 (a) To the State Department of Education as follows:

11763 (i) Sixteen and sixty-one one-hundredths percent
11764 (16.61%) to the cost of the adequate education program determined
11765 under Section 37-151-7; of the funds generated by the percentage
11766 set forth in this section for the support of the adequate
11767 education program, one and one hundred seventy-eight
11768 one-thousandths percent (1.178%) of the funds shall be
11769 appropriated to be used by the State Department of Education for
11770 the purchase of textbooks to be loaned under Sections 37-43-1
11771 through 37-43-59 to approved nonpublic schools, as described in
11772 Section 37-43-1. The funds to be distributed to each nonpublic
11773 school shall be in the proportion that the average daily
11774 attendance of each nonpublic school bears to the total average
11775 daily attendance of all nonpublic schools;

11776 (ii) Seven and ninety-seven one-hundredths percent
11777 (7.97%) to assist the funding of transportation operations and
11778 maintenance pursuant to Section 37-19-23; and

11779 (iii) Nine and sixty-one one-hundredths percent
11780 (9.61%) for classroom supplies, instructional materials and
11781 equipment, including computers and computer software, to be
11782 distributed to all school districts in the proportion that the
11783 average daily attendance of each school district bears to the
11784 average daily attendance of all school districts within the state.
11785 Classroom supply funds shall not be expended for administrative
11786 purposes. Local school districts shall allocate classroom supply
11787 funds equally among all classroom teachers in the school district.
11788 For purposes of this subparagraph, "teacher" means any employee of
11789 the school board of a school district who is required by law to
11790 obtain a teacher's license from the State Department of Education
11791 and who is assigned to an instructional area of work as defined by
11792 the department, but shall not include a federally funded teacher.
11793 Two (2) or more teachers may agree to pool their classroom supply
11794 funds for the benefit of a school within the district. It is the
11795 intent of the Legislature that all classroom teachers shall be

11796 involved in the development of a spending plan that addresses
11797 individual classroom needs and supports the overall goals of the
11798 school regarding supplies, instructional materials, equipment,
11799 computers or computer software under the provisions of this
11800 subparagraph, including the type, quantity and quality of such
11801 supplies, materials and equipment. This plan shall be submitted
11802 in writing to the school principal for approval. Classroom supply
11803 funds allocated under this subparagraph shall supplement, not
11804 replace, other local and state funds available for the same
11805 purposes. School districts need not fully expend the funds
11806 received under this subparagraph in the year in which they are
11807 received, but such funds may be carried forward for expenditure in
11808 any succeeding school year. The State Superintendent of Public
11809 Education shall develop and promulgate rules and regulations for
11810 the administration of this subparagraph consistent with the above
11811 criteria, with particular emphasis on allowing the individual
11812 teachers to expend funds as they deem appropriate;

11813 (b) Twenty-two and nine one-hundredths percent (22.09%)
11814 to the Board of Trustees of State Institutions of Higher Learning
11815 for the purpose of supporting institutions of higher learning; and

11816 (c) Fourteen and forty-one one-hundredths percent
11817 (14.41%) to the State Board for Community and Junior Colleges for
11818 the purpose of providing support to community and junior colleges.

11819 (4) The amount remaining in the Education Enhancement Fund
11820 after funds are distributed as provided in subsections (2) and (3)
11821 of this section shall be disbursed as follows:

11822 (a) Twenty-five Million Dollars (\$25,000,000.00) shall
11823 be deposited into the Working Cash-Stabilization Reserve Fund
11824 created pursuant to Section 27-103-203(1), until the balance in
11825 such fund reaches the maximum balance of seven and one-half
11826 percent (7-1/2%) of the General Fund appropriations in the
11827 appropriate fiscal year. After the maximum balance in the Working
11828 Cash-Stabilization Reserve Fund is reached, such money shall

11829 remain in the Education Enhancement Fund to be appropriated in the
11830 manner provided for in paragraph (b) of this subsection.

11831 (b) The remainder shall be appropriated for other
11832 educational needs.

11833 (5) None of the funds appropriated pursuant to subsection
11834 (3)(a) of this section shall be used to reduce the state's General
11835 Fund appropriation for the categories listed in an amount below
11836 the following amounts:

11837 (a) For subsection (3)(a)(ii) of this section,
11838 Thirty-six Million Seven Hundred Thousand Dollars
11839 (\$36,700,000.00);

11840 (b) For the aggregate of minimum program allotments in
11841 the 1997 fiscal year, formerly provided for in Chapter 19, Title
11842 37, Mississippi Code of 1972, as amended, excluding those funds
11843 for transportation as provided for in subsection (5)(a) in this
11844 section.

11845 **SECTION 200.** Section 37-101-28, Mississippi Code of 1972, is
11846 amended as follows:

11847 37-101-28. The Board of Trustees of State Institutions of
11848 Higher Learning, the State Board for Community and Junior Colleges
11849 and the State Superintendent of Public Education are hereby
11850 authorized and directed to enter into a system-wide articulation
11851 agreement providing for the transfer of appropriate credits earned
11852 by qualified high school students enrolled in dual enrollment
11853 programs from the various community colleges and universities
11854 offering such credit to the appropriate home school district of
11855 the student. The Board of Trustees of State Institutions of
11856 Higher Learning, the State Board for Community and Junior Colleges
11857 and the State Superintendent of Public Education shall jointly
11858 develop a report on the articulation agreement required under this
11859 section, and submit this report to the Committees on Education and
11860 Universities and Colleges of each House of the Legislature, on or
11861 before December 1, 2004.

11862 **SECTION 201.** Section 37-101-29, Mississippi Code of 1972, is
11863 amended as follows:

11864 37-101-29. Each institution of higher learning with a
11865 teacher education program approved by the State Superintendent of
11866 Public Education shall prepare and submit to the State
11867 Superintendent of Public Education and to the Board of Trustees of
11868 State Institutions of Higher Learning an annual performance report
11869 on the institution's teacher education program. The report shall
11870 include the following information:

11871 (a) Teacher enrollment data;

11872 (b) Professional education faculty data;

11873 (c) Characteristics of students receiving initial
11874 licensure;

11875 (d) Number and percentage of program completers scoring
11876 at or above the proficiency level on the prescribed teacher
11877 education exit tests;

11878 (e) Satisfaction rate of employers and graduates;

11879 (f) Follow-up profiles of graduates of the teacher
11880 education program; and

11881 (g) Any other information required by the State
11882 Superintendent of Public Education. Before requiring any other
11883 information, the State Superintendent of Public Education shall
11884 conduct collaborative planning activities with the Mississippi
11885 Association of Colleges of Teacher Education and the Board of
11886 Trustees of State Institutions of Higher Learning.

11887 The State Department of Education, in collaboration with the
11888 Mississippi Association of Colleges of Teacher Education and the
11889 Board of Trustees of State Institutions of Higher Learning, shall
11890 prepare a common form for the preparation and submission of the
11891 annual performance reports. The State Department of Education
11892 shall establish the date by which such reports must be submitted
11893 to the board. No later than sixty (60) days after the deadline
11894 date established for the submission of reports, the department

11895 shall submit a compilation of all annual performance reports
11896 received from the state institutions of higher learning to the
11897 Chairmen of the Education Committees of the House of
11898 Representatives and the Senate.

11899 **SECTION 202.** Section 37-106-35, Mississippi Code of 1972, is
11900 amended as follows:

11901 37-106-35. (1) There is established the assistant teacher
11902 scholarship program for the purpose of assisting eligible
11903 assistant teachers to become certificated teachers through the
11904 awarding of financial scholarships and to attract and retain
11905 qualified teachers for those geographical areas of the state and
11906 academic subject areas in which there exist a critical shortage of
11907 teachers. The scholarship program shall be implemented and
11908 administered by the Board of Trustees of State Institutions of
11909 Higher Learning and is subject to the availability of funds
11910 appropriated specifically therefor by the Legislature.

11911 (2) Under the assistant teacher scholarship program,
11912 qualified assistant teachers may be awarded financial assistance
11913 in an amount that is equal to the actual cost of three (3)
11914 three-hour academic courses per year. However, no assistant
11915 teacher may receive assistance through the program for more than
11916 fifteen (15) three-hour academic courses. An assistant teacher
11917 scholarship shall not be based upon an applicant's eligibility for
11918 financial aid, and the receipt of any other scholarship or
11919 financial assistance shall not affect an assistant teacher's
11920 eligibility under the program.

11921 (3) In order to qualify for an assistant teacher
11922 scholarship, an applicant must satisfy the following requirements:

11923 (a) The applicant must be employed full-time as an
11924 assistant teacher with a local school district;

11925 (b) The applicant must be accepted for enrollment at a
11926 baccalaureate degree-granting institution of higher learning in
11927 the State of Mississippi which is accredited by the Southern

11928 Association of Colleges and Schools and approved by the
11929 Mississippi Commission on College Accreditation or at any
11930 accredited nonprofit community or junior college in the state;

11931 (c) The assistant teacher must maintain a minimum
11932 cumulative grade point average of 2.5 calculated on a 4.0 scale
11933 for all courses funded through the assistant teacher scholarship
11934 program; and

11935 (d) The assistant teacher must have expressed in
11936 writing a present intention to teach in a critical teacher
11937 shortage geographic or academic subject area.

11938 (4) The Board of Trustees of State Institutions of Higher
11939 Learning shall develop a system that provides for the payment of
11940 scholarship funds directly to the educational institution at which
11941 a recipient of an assistant teacher scholarship is enrolled.

11942 (5) At the beginning of the school year next succeeding the
11943 date on which a person who has received an assistant teacher
11944 scholarship obtains a baccalaureate degree, that person shall
11945 begin to render service as a certificated teacher in a school
11946 district or academic subject area, or both, designated by the
11947 State Superintendent of Public Education. The State
11948 Superintendent of Public Education shall establish the duration of
11949 teaching service due for recipients of scholarships based upon the
11950 number of academic hours funded through the assistant teacher
11951 scholarship program. Any person failing to meet teaching
11952 requirements shall be liable for the amount of the corresponding
11953 scholarship received, plus interest accruing at the current
11954 Stafford Loan rate.

11955 **SECTION 203.** Section 37-131-7, Mississippi Code of 1972, is
11956 amended as follows:

11957 37-131-7. When any pupils shall attend any demonstration or
11958 practice school under the provisions of Section 37-131-3, such
11959 children shall be reported and accounted for the allocation of
11960 adequate education program funds and state public school building

11961 funds just as though such children were attending the regular
11962 schools of the district in which they reside. For this purpose,
11963 reports shall be made to the school district involved by the
11964 demonstration or practice school of the number of pupils in
11965 average daily attendance, and the average daily attendance of such
11966 children shall thereupon be included in reports made to the State
11967 Superintendent of Public Education * * * by the * * * school
11968 district under the provisions of Chapters 19, 47 and 151 of this
11969 title.

11970 Allocation of adequate education program funds shall be made
11971 by the State Superintendent of Public Education for such children
11972 just as though such children were attending the regular schools of
11973 the district. All adequate education program funds, except funds
11974 allocated for transportation costs, which accrue to any district
11975 as a result of such children who are in attendance at a
11976 demonstration or practice school shall be paid by the school
11977 board * * * to the demonstration or practice school, and shall be
11978 used to defray the cost and expense of maintaining, operating and
11979 conducting such demonstration or practice school.

11980 All state public school building funds which accrue as a
11981 result of such children in attendance at a demonstration or
11982 practice school shall be credited directly to such demonstration
11983 or practice school, and all of the provisions of Chapter 47 of
11984 this title shall be fully applicable thereto.

11985 **SECTION 204.** Section 37-131-11, Mississippi Code of 1972, is
11986 amended as follows:

11987 37-131-11. All demonstration or practice schools established
11988 under the provisions of Section 37-131-1 shall, as far as may be
11989 practicable, be subject to and governed by the same laws as other
11990 public schools of the State of Mississippi, and shall make all
11991 reports required by law to be made by public schools to the State
11992 Superintendent of Public Education * * * at the same time and in
11993 the same manner as such reports are made by other public schools.

11994 However, for the purpose of the allocation of adequate education
11995 program funds, the reports of children in average daily attendance
11996 shall be made to the school district involved by said
11997 demonstration or practice school, and a copy thereof shall be
11998 filed with the State Superintendent of Public Education. The
11999 school district shall use said reports so filed with it in making
12000 its reports to the State Superintendent of Public Education for
12001 the purpose of the allocation of adequate education program funds
12002 but the average daily attendance of the pupils attending such
12003 demonstration or practice school shall be segregated and separated
12004 in such reports from the average daily attendance in the regular
12005 schools of the district.

12006 **SECTION 205.** Section 37-132-1, Mississippi Code of 1972, is
12007 amended as follows:

12008 37-132-1. As used in this chapter, "student teacher" or
12009 "intern" shall mean a student enrolled in an institution of higher
12010 learning approved by the State Superintendent of Public Education
12011 for teacher training and who is jointly assigned by such
12012 institution of higher learning and a board of education to
12013 student-teach or intern under the direction of a regularly
12014 employed certificated teacher, principal, or other administrator.
12015 Whenever in this chapter "board of education" is referred to and
12016 the school that a student teacher or intern is assigned to does
12017 not have a board of education, such term shall refer to the person
12018 or governing body that administers such school.

12019 **SECTION 206.** Section 37-139-1, Mississippi Code of 1972, is
12020 amended as follows:

12021 37-139-1. As used in this chapter, the following terms shall
12022 have the meanings ascribed herein, except when the context clearly
12023 indicates a different meaning:

12024 (a) "Superintendent" means the State Superintendent of
12025 Public Education.

12026 (b) "School" means the Mississippi School for
12027 Mathematics and Science.

12028 **SECTION 207.** Section 37-139-3, Mississippi Code of 1972, is
12029 amended as follows:

12030 37-139-3. (1) There is hereby created the Mississippi
12031 School for Mathematics and Science which shall be a residential
12032 school for eleventh and twelfth grade high school students located
12033 on the campus of the Mississippi University for Women.

12034 (2) The school shall be governed by the State Superintendent
12035 of Public Education.

12036 (3) The superintendent shall develop a plan relating to the
12037 opening, the operation and the funding of the school. Such plan
12038 shall be presented to the Legislature during the 1988 Regular
12039 Session and shall include an equitable and reasonable plan for
12040 student recruitment without regard to race, creed or color.

12041 (4) The purpose of the school shall be to educate the gifted
12042 and talented students of the state, and its curriculum and
12043 admissions policies shall reflect such purpose.

12044 (5) The superintendent shall prepare the annual budget for
12045 the school.

12046 **SECTION 208.** Section 37-140-1, Mississippi Code of 1972, is
12047 amended as follows:

12048 37-140-1. As used in this chapter, the following words and
12049 phrases shall have the meanings ascribed in this section unless
12050 the context clearly indicates otherwise:

12051 (a) "Superintendent" means the State Superintendent of
12052 Public Education.

12053 (b) "School" means the Mississippi School of the Arts.

12054 **SECTION 209.** Section 37-140-5, Mississippi Code of 1972, is
12055 amended as follows:

12056 37-140-5. (1) The school shall be governed by the State
12057 Superintendent of Public Education. The superintendent shall
12058 develop a plan relating to the opening, operation and funding of

12059 the school to be presented to the Legislature during the 2000
12060 Regular Session. The plan shall include an equitable and
12061 reasonable plan for student recruitment without regard to race,
12062 creed or color.

12063 (2) The State Superintendent of Public Education shall
12064 appoint an advisory panel to assist the board in developing the
12065 plan relating to the school. The advisory panel shall consist of
12066 the following twelve (12) appointed or designated members:

12067 (a) Three (3) licensed school teachers or
12068 administrators, one (1) to be appointed from each of the three (3)
12069 Mississippi Supreme Court Districts;

12070 (b) Three (3) citizens or professionals representing
12071 the areas of dance, creative writing, literature, music, theater
12072 arts or visual arts, one (1) to be appointed from each of the
12073 three (3) Mississippi Supreme Court Districts;

12074 (c) Three (3) citizens knowledgeable in business,
12075 personnel management or public administration, with at least three
12076 (3) years' actual experience therein, one (1) to be appointed from
12077 each of the three (3) Mississippi Supreme Court Districts.

12078 (d) One (1) member shall be a representative of the
12079 Mississippi Arts Commission to be designated by the commission,
12080 one (1) member shall be a representative of the Mississippi
12081 Humanities Council to be designated by the council, and one (1)
12082 member shall be a representative of the state institutions of
12083 higher learning in Mississippi which offer degrees in visual, fine
12084 and performing arts, to be designated by the Board of Trustees of
12085 State Institutions of Higher Learning.

12086 Appointments to the advisory panel shall be made within
12087 ninety (90) days of April 23, 1999. The advisory panel shall meet
12088 upon the call of the State Superintendent of Public Education and
12089 shall organize for business by selecting a chairman and vice
12090 chairman/secretary for keeping records of the panel. Members of
12091 the advisory panel shall receive no compensation but may be

12092 reimbursed for necessary expenses and mileage for attending
12093 meetings and necessary business of the panel, in the amount
12094 authorized for state employees under Section 25-3-41.

12095 (3) The superintendent may utilize the staff of the State
12096 Department of Education and other state agencies as may be
12097 required for the implementation of this chapter. The department
12098 may employ any personnel deemed necessary by the superintendent
12099 for assisting in the development and implementation of the plan
12100 relating to the opening, operation and funding of the school. The
12101 superintendent also may contract or enter into agreements with
12102 other agencies or private entities which it deems necessary to
12103 carry out its duties and functions relating to the opening and
12104 operation of the school.

12105 (4) To the extent possible, the superintendent shall enter
12106 into agreements with the Board of Trustees of the Brookhaven
12107 Municipal Separate School District for the dual enrollment of
12108 students for the purpose of teaching academic courses to students
12109 attending the school, and the local school board shall be fully
12110 authorized to offer any such courses to students attending the
12111 school. The State Superintendent of Public Education may develop
12112 and issue necessary regulations for the coordination of such
12113 courses for these students, the preparation and transfer of
12114 transcripts, and the reimbursement of any costs incurred by the
12115 school district for providing such services.

12116 (5) The superintendent may enter into agreements with public
12117 school districts to authorize students enrolled in such school
12118 districts to participate in the fine arts programs at the school
12119 to the extent that adequate space is available. The parent or
12120 guardian of any student participating in fine arts programs at the
12121 school under this subsection shall be responsible for transporting
12122 the student to and from the school.

12123 **SECTION 210.** Section 37-140-15, Mississippi Code of 1972, is
12124 amended as follows:

12125 37-140-15. (1) The State Superintendent of Public Education
12126 may enter into agreements with the Mississippi Symphony Orchestra
12127 for providing classical music educational services to students in
12128 Grades Kindergarten through 12 at the Mississippi School of the
12129 Arts or at any other public school facility in Mississippi,
12130 subject to specific appropriation therefor by the Legislature.
12131 Such educational services shall include: (a) music history, music
12132 instrument and music performance instruction in the classroom; (b)
12133 symphony concerts for the students, programmed to support and
12134 enhance the teaching of history, literature and science; (c)
12135 chamber ensemble and chamber orchestra performances where members
12136 serve as educators as well as performers; (d) organizing and
12137 developing student performing ensembles, where members serve as
12138 music instrument instructors, conductors and performers; (e)
12139 symphony concerts for students, parents and other residents to
12140 enhance the position of the school as center of the local
12141 community; and (f) other services to be determined by agreement.

12142 (2) The State Superintendent of Public Education is
12143 encouraged to enter into contractual agreements with professional
12144 arts organizations, including the Mississippi Museum of Art, New
12145 Stage Theatre and the Mississippi Symphony Orchestra, for
12146 providing instruction, concerts, exhibits, performances and other
12147 outreach programs at the Mississippi School of the Arts or at any
12148 other public school facility in Mississippi.

12149 **SECTION 211.** Section 37-143-11, Mississippi Code of 1972, is
12150 amended as follows:

12151 37-143-11. (1) It is the intention of the Legislature to
12152 attract and retain qualified teachers by awarding incentive loans
12153 to persons declaring an intention to serve in the teaching field
12154 and who actually render service to the state while possessing an
12155 appropriate teaching license.

12156 (2) There is established the "William F. Winter Teacher
12157 Scholar Loan Program."

12158 (3) To the extent of appropriations available, students who
12159 are enrolled in any baccalaureate degree-granting institution of
12160 higher learning in the State of Mississippi accredited by the
12161 Southern Association of Colleges and Schools and approved by the
12162 Mississippi Commission on College Accreditation, or any accredited
12163 nonprofit community or junior college, and who have expressed in
12164 writing a present intention to teach in Mississippi, shall be
12165 eligible for student loans to be applied to the costs of their
12166 college education. Persons who have been admitted to a teacher
12167 education program or a nontraditional teacher internship licensure
12168 program authorized under Section 37-3-2(6)(b), as approved by the
12169 State Superintendent of Public Education, shall also qualify for
12170 loans at approved institutions. The Board of Trustees of State
12171 Institutions of Higher Learning shall provide that teacher
12172 education majors and noneducation majors shall have equal access
12173 to scholarship/loans under authority of this section.

12174 (4) A freshman establishing initial eligibility shall be
12175 eligible for a maximum of four (4) annual loans and a senior shall
12176 be eligible for one (1) annual loan.

12177 (5) The maximum annual loan shall be set by the Board of
12178 Trustees of State Institutions of Higher Learning at an amount not
12179 to exceed the cost of attendance at any baccalaureate
12180 degree-granting institution of higher learning in the State of
12181 Mississippi. However, it is the intent of the Legislature that
12182 the maximum annual loan amounts under the William F. Winter
12183 Teacher Scholar Loan Program shall not be of such amounts that
12184 would compete with the Critical Needs Teacher Scholarship Program.

12185 (6) The loans of persons who actually render service as
12186 licensed teachers or nontraditional teacher interns authorized
12187 under Section 37-3-2(6)(b) in a public school in Mississippi for a
12188 major portion of the school day for at least seventy-eight (78)
12189 school days during each of eight (8) school semesters of the ten
12190 (10) immediately after obtaining a baccalaureate degree, shall be

12191 converted to interest-free scholarships. Conversion shall be
12192 based on two (2) semesters of service for each year a loan was
12193 received, and the Board of Trustees of State Institutions of
12194 Higher Learning shall not authorize the conversion of loans into
12195 interest-free scholarships at any other ratio, except as follows:
12196 Participants in the William F. Winter Teacher Scholar Loan Program
12197 may have their loans converted into interest-free scholarships at
12198 the same ratio as under the Critical Needs Teacher Scholarship
12199 Program if they render service as a licensed teacher or
12200 nontraditional teacher intern authorized under Section
12201 37-3-2(6)(b) in a public school district in a geographical area of
12202 the state where there is a critical shortage of teachers, as
12203 designated by the State Superintendent of Public Education.

12204 (7) Persons failing to complete an appropriate program of
12205 study shall immediately become liable to the Board of Trustees of
12206 State Institutions of Higher Learning for the sum of all
12207 outstanding loans, except in the case of a deferral of debt for
12208 cause by the board, after which period of deferral, study may be
12209 resumed. Persons failing to meet teaching requirements in any
12210 required semester shall immediately be in breach of contract and
12211 become liable to the board for the amount of the corresponding
12212 loan received, with interest accruing at the current Stafford Loan
12213 rate at the time the breach occurs, except in the case of a
12214 deferral of debt for cause by the board, after which period of
12215 deferral, teaching duties required hereunder will be resumed. If
12216 the claim for payment of such loan is placed in the hands of an
12217 attorney for collection after default, then the obligor shall be
12218 liable for an additional amount equal to a reasonable attorney's
12219 fee.

12220 (8) A loan made pursuant to this section shall not be
12221 voidable by reason of the age of the borrower at the time of
12222 receiving the loan.

12223 (9) Failure to repay any loan and interest that becomes due
12224 shall be cause for the revocation of a person's teaching license
12225 by the State Department of Education.

12226 (10) All monies repaid to the Board of Trustees of State
12227 Institutions of Higher Learning hereunder shall be added to the
12228 appropriations made for purposes of this section, and those
12229 appropriations shall not lapse.

12230 (11) The Board of Trustees of State Institutions of Higher
12231 Learning with the concurrence of the State Superintendent of
12232 Public Education shall jointly promulgate regulations necessary
12233 for the proper administration of this section.

12234 (12) If insufficient funds are available for requested loans
12235 to a qualified student during any fiscal year, the Board of
12236 Trustees of State Institutions of Higher Learning shall make pro
12237 rata reductions in the loans made to qualifying applicants.
12238 Priority consideration shall be given to persons receiving
12239 previous loans and participating in the program.

12240 (13) The Board of Trustees of State Institutions of Higher
12241 Learning shall make an annual report to the Legislature. Each
12242 report shall contain a complete enumeration of the board's
12243 activities, loans or scholarships granted, names of persons to
12244 whom granted and the institutions attended by those receiving the
12245 same, names of persons to whom loans or scholarships were granted
12246 who were not education majors, the teaching location of applicants
12247 who have received their education and become licensed teachers
12248 within this state as a result of the loans and/or scholarships.
12249 The board shall make a full report and account of receipts and
12250 expenditures for salaries and expenses incurred under the
12251 provisions of this section. The board shall, upon its records and
12252 any published reports, distinguish between those recipients who
12253 have breached their contracts but with the board's permission who
12254 have paid their financial obligations in full, and those

12255 recipients who have breached their contracts and remain
12256 financially indebted to the state.

12257 **SECTION 212.** Section 37-149-1, Mississippi Code of 1972, is
12258 amended as follows:

12259 37-149-1. (1) There is established within the State
12260 Department of Education, the Mississippi Teacher Center for the
12261 purpose of insuring that the children of our state are taught by
12262 quality professionals. The center shall serve as an interagency
12263 center focused on teacher recruitment, enhanced training and
12264 initial instructional support.

12265 (2) The center shall have a staff which shall consist of one
12266 (1) director, one (1) administrative assistant and professional
12267 teacher recruiters. A steering committee shall be established
12268 which shall consist of one (1) member from each of the following:
12269 the Board of Trustees of State Institutions of Higher Learning,
12270 the State Board for Community and Junior Colleges, the office of
12271 the State Superintendent of Public Education, the Board of the
12272 Mississippi Association of Independent Colleges, the Board of the
12273 Mississippi Association of Colleges of Teacher Education, trustees
12274 of the local school boards, teachers and the private sector. The
12275 members of the steering committee shall be appointed by the State
12276 Superintendent * * *. The steering committee shall direct the
12277 work and establish policies for the purpose of operating the
12278 center.

12279 (3) The center shall provide leadership for the following
12280 initiatives:

12281 (a) The initiation and monitoring of high school
12282 programs for teacher recruitment;

12283 (b) The initiation and monitoring of college level
12284 programs for teacher recruitment;

12285 (c) The establishment of a Beginning Teacher/Mentoring
12286 program, as authorized in Sections 37-9-201 through 37-9-213;

12287 (d) The sponsorship of a teacher renewal institute;

- 12288 (e) The continuation of the Teacher Corps program;
- 12289 (f) The enhancement of the William Winter Scholarship
- 12290 program;
- 12291 (g) Research for the development of professional
- 12292 teaching standards;
- 12293 (h) Provide additional scholarships for any targeted
- 12294 populations needing potential teachers; and
- 12295 (i) Provide assistance to local school districts in
- 12296 identifying and locating specific teacher needs.

12297 **SECTION 213.** Section 37-149-7, Mississippi Code of 1972, is

12298 amended as follows:

12299 37-149-7. The State Superintendent of Public Education shall

12300 appoint three (3) persons to serve as professional teacher

12301 recruiters, who shall have the following duties:

12302 (a) To educate high school students, through oral

12303 presentations made on the campuses of all public high schools and

12304 the distribution of written materials, on the importance of

12305 teaching as a profession, emphasizing the critical need for

12306 teachers in certain geographical areas of the state and the

12307 availability of financial scholarships to college students in

12308 exchange for service as a licensed teacher in such geographical

12309 areas under the Critical Needs Teacher Scholarship Program;

12310 (b) To encourage assistant teachers in the public

12311 schools to pursue a college education that will enable them to

12312 become licensed teachers, informing all assistant teachers of the

12313 availability of financial scholarships to both full-time and

12314 part-time college students under the Critical Needs Teacher

12315 Scholarship Program;

12316 (c) To actively recruit, both within the state and

12317 out-of-state, teachers to render service to the state as a

12318 licensed teacher in a geographical area of the state where there

12319 exists a critical shortage of teachers, as designated by the State

12320 Superintendent of Public Education, while receiving a scholarship

12321 to pursue a Master of Education degree or Educational Specialist
12322 degree at an institution of higher learning under the University
12323 Assisted Teacher Recruitment and Retention Grant Program;

12324 (d) To actively recruit, both within the state and
12325 out-of-state, nonpracticing licensed teachers to return to the
12326 teaching profession to render service as a licensed teacher in a
12327 public school district in a geographical area of the state where
12328 there is a critical shortage of teachers, as designated by the
12329 State Superintendent of Public Education;

12330 (e) To actively recruit, both within the state and
12331 out-of-state, persons holding a baccalaureate degree in a field
12332 other than education who exhibit potential for a career in
12333 teaching to pursue a standard teaching license through the
12334 alternate teaching route; and

12335 (f) To notify teachers of the availability of special
12336 home loans, subject to eligibility for persons who render service
12337 to the state as a licensed teacher in a geographical area of the
12338 state where there exists a critical shortage of teachers, as
12339 designated by the State Superintendent of Public Education.

12340 **SECTION 214.** Section 37-151-5, Mississippi Code of 1972, is
12341 amended as follows:

12342 37-151-5. As used in Sections 37-151-3, 37-151-5 and
12343 37-151-7:

12344 (a) "Adequate program" or "adequate education program"
12345 or "Mississippi Adequate Education Program (M.A.E.P.)" shall mean
12346 the program to establish adequate current operation funding levels
12347 necessary for the programs of such school district to meet at
12348 least Level III of the accreditation system as established by the
12349 State Superintendent of Public Education, acting through the
12350 Mississippi Commission on School Accreditation, regardless of the
12351 school district's geographic location.

12352 (b) "Educational programs or elements of programs not
12353 included in the adequate education program calculations, but which

12354 may be included in appropriations and transfers to school
12355 districts" shall mean:

12356 (i) "Capital outlay" shall mean those funds used
12357 for the constructing, improving, equipping, renovating or major
12358 repairing of school buildings or other school facilities, or the
12359 cost of acquisition of land whereon to construct or establish such
12360 school facilities.

12361 (ii) "Pilot programs" shall mean programs of a
12362 pilot or experimental nature usually designed for special purposes
12363 and for a specified period of time other than those included in
12364 the adequate education program.

12365 (iii) "Adult education" shall mean public
12366 education dealing primarily with students above eighteen (18)
12367 years of age not enrolled as full-time public school students and
12368 not classified as students of technical schools, colleges or
12369 universities of the state.

12370 (iv) "Food service programs" shall mean those
12371 programs dealing directly with the nutritional welfare of the
12372 student, such as the school lunch and school breakfast programs.

12373 (c) "Base student" shall mean that student
12374 classification that represents the most economically educated
12375 pupil in a school system meeting Level III accreditation, as
12376 determined by the State Superintendent of Public Education.

12377 (d) "Base student cost" shall mean the funding level
12378 necessary for providing an adequate education program for one (1)
12379 base student, subject to any minimum amounts prescribed in Section
12380 37-151-7(1).

12381 (e) "Add-on program costs" shall mean those items which
12382 are included in the adequate education program appropriations and
12383 are outside of the program calculations:

12384 (i) "Transportation" shall mean transportation to
12385 and from public schools for the students of Mississippi's public
12386 schools provided for under law and funded from state funds.

12387 (ii) "Vocational or technical education program"
12388 shall mean a secondary vocational or technical program approved by
12389 the State Department of Education and provided for from state
12390 funds.

12391 (iii) "Special education program" shall mean a
12392 program for exceptional children as defined and authorized by
12393 Sections 37-23-1 through 37-23-9, and approved by the State
12394 Department of Education and provided from state funds.

12395 (iv) "Gifted education program" shall mean those
12396 programs for the instruction of intellectually or academically
12397 gifted children as defined and provided for in Section 37-23-175
12398 et seq.

12399 (v) "Alternative school program" shall mean those
12400 programs for certain compulsory-school-age students as defined and
12401 provided for in Sections 37-13-92 and 37-19-22.

12402 (vi) "Extended school year programs" shall mean
12403 those programs authorized by law which extend beyond the normal
12404 school year.

12405 (vii) "University-based programs" shall mean those
12406 university-based programs for handicapped children as defined and
12407 provided for in Section 37-23-131 et seq.

12408 (viii) "Bus driver training" programs shall mean
12409 those driver training programs as provided for in Section 37-41-1.

12410 (f) "Teacher" shall include any employee of a local
12411 school who is required by law to obtain a teacher's license from
12412 the State Superintendent of Public Education and who is assigned
12413 to an instructional area of work as defined by the State
12414 Department of Education.

12415 (g) "Principal" shall mean the head of an attendance
12416 center or division thereof.

12417 (h) "Superintendent" shall mean the head of a school
12418 district.

12419 (i) "School district" shall mean any type of school
12420 district in the State of Mississippi, and shall include
12421 agricultural high schools.

12422 (j) "Minimum school term" shall mean a term of at least
12423 one hundred eighty (180) days of school in which both teachers and
12424 pupils are in regular attendance for scheduled classroom
12425 instruction for not less than sixty percent (60%) of the normal
12426 school day. It is the intent of the Legislature that any tax
12427 levies generated to produce additional local funds required by any
12428 school district to operate school terms in excess of one hundred
12429 seventy-five (175) days shall not be construed to constitute a new
12430 program for the purposes of exemption from the limitation on tax
12431 revenues as allowed under Sections 27-39-321 and 37-57-107 for new
12432 programs mandated by the Legislature.

12433 (k) The term "transportation density" shall mean the
12434 number of transported children in average daily attendance per
12435 square mile of area served in a school district, as determined by
12436 the State Department of Education.

12437 (l) The term "transported children" shall mean children
12438 being transported to school who live within legal limits for
12439 transportation and who are otherwise qualified for being
12440 transported to school at public expense as fixed by Mississippi
12441 state law.

12442 (m) The term "year of teaching experience" shall mean
12443 nine (9) months of actual teaching in the public or private
12444 schools. In no case shall more than one (1) year of teaching
12445 experience be given for all services in one (1) calendar or school
12446 year. In determining a teacher's experience, no deduction shall
12447 be made because of the temporary absence of the teacher because of
12448 illness or other good cause, and the teacher shall be given credit
12449 therefor. Beginning with the 2003-2004 school year, the State
12450 Superintendent of Public Education shall fix a number of days, not
12451 to exceed forty-five (45) consecutive school days, during which a

12452 teacher may not be under contract of employment during any school
12453 year and still be considered to have been in full-time employment
12454 for a regular scholastic term. If a teacher exceeds the number of
12455 days established by the State Superintendent of Public Education
12456 that a teacher may not be under contract but may still be
12457 employed, that teacher shall not be credited with a year of
12458 teaching experience. In determining the experience of school
12459 librarians, each complete year of continuous, full-time employment
12460 as a professional librarian in a public library in this or some
12461 other state shall be considered a year of teaching experience. If
12462 a full-time school administrator returns to actual teaching in the
12463 public schools, the term "year of teaching experience" shall
12464 include the period of time he or she served as a school
12465 administrator. In determining the salaries of teachers who have
12466 experience in any branch of the military, the term "year of
12467 teaching experience" shall include each complete year of actual
12468 classroom instruction while serving in the military. In
12469 determining the experience of speech-language pathologists and
12470 audiologists, each complete year of continuous full-time post
12471 master's degree employment in an educational setting in this or
12472 some other state shall be considered a year of teaching
12473 experience.

12474 (n) The term "average daily attendance" shall be the
12475 figure which results when the total aggregate attendance during
12476 the period or months counted is divided by the number of days
12477 during the period or months counted upon which both teachers and
12478 pupils are in regular attendance for scheduled classroom
12479 instruction less the average daily attendance for self-contained
12480 special education classes and, prior to full implementation of the
12481 adequate education program the department shall deduct the average
12482 daily attendance for the alternative school program provided for
12483 in Section 37-19-22.

12484 (o) The term "local supplement" shall mean the amount
12485 paid to an individual teacher over and above the adequate
12486 education program salary schedule for regular teaching duties.

12487 (p) The term "aggregate amount of support from ad
12488 valorem taxation" shall mean the amounts produced by the
12489 district's total tax levies for operations.

12490 (q) The term "adequate education program funds" shall
12491 mean all funds, both state and local, constituting the
12492 requirements for meeting the cost of the adequate program as
12493 provided for in Section 37-151-7.

12494 (r) "Department" shall mean the State Department of
12495 Education.

12496 (s) "Commission" shall mean the Mississippi Commission
12497 on School Accreditation created under Section 37-17-3.

12498 **SECTION 215.** Section 37-151-7, Mississippi Code of 1972, is
12499 amended as follows:

12500 37-151-7. The annual allocation to each school district for
12501 the operation of the adequate education program shall be
12502 determined as follows:

12503 (1) **Computation of the basic amount to be included for**
12504 **current operation in the adequate education program.** The
12505 following procedure shall be followed in determining the annual
12506 allocation to each school district:

12507 (a) **Determination of average daily attendance.** During
12508 months two and three of the current school year, the average daily
12509 attendance of a school district shall be computed, or the average
12510 daily attendance for the prior school year shall be used,
12511 whichever is greater. The district's average daily attendance
12512 shall be computed and currently maintained in accordance with
12513 regulations promulgated by the State Superintendent of Public
12514 Education.

12515 (b) **Determination of base student cost.** The State
12516 Superintendent of Public Education, on or before August 1, with

12517 adjusted estimate no later than January 2, shall annually submit
12518 to the Legislative Budget Office and the Governor a proposed base
12519 student cost adequate to provide the following cost components of
12520 educating a pupil in an average school district meeting Level III
12521 accreditation standards required by the Commission on School
12522 Accreditation: (i) Instructional Cost; (ii) Administrative Cost;
12523 (iii) Operation and Maintenance of Plant; and (iv) Ancillary
12524 Support Cost. The department shall utilize a statistical
12525 methodology which considers such factors as, but not limited to,
12526 (i) school size; (ii) assessed valuation per pupil; (iii) the
12527 percentage of students receiving free lunch; (iv) the local
12528 district maintenance tax levy; (v) other local school district
12529 revenues; and (vi) the district's accreditation level, in the
12530 selection of the representative Mississippi school districts for
12531 which cost information shall be obtained for each of the above
12532 listed cost areas.

12533 For the instructional cost component, the department shall
12534 determine the instructional cost of each of the representative
12535 school districts selected above, excluding instructional cost of
12536 self-contained special education programs and vocational education
12537 programs, and the average daily attendance in the selected school
12538 districts. The instructional cost is then totaled and divided by
12539 the total average daily attendance for the selected school
12540 districts to yield the instructional cost component. For the
12541 administrative cost component, the department shall determine the
12542 administrative cost of each of the representative school districts
12543 selected above, excluding administrative cost of self-contained
12544 special education programs and vocational education programs, and
12545 the average daily attendance in the selected school districts.
12546 The administrative cost is then totaled and divided by the total
12547 average daily attendance for the selected school districts to
12548 yield the administrative cost component. For the plant and
12549 maintenance cost component, the department shall determine the

12550 plant and maintenance cost of each of the representative school
12551 districts selected above, excluding plant and maintenance cost of
12552 self-contained special education programs and vocational education
12553 programs, and the average daily attendance in the selected school
12554 districts. The plant and maintenance cost is then totaled and
12555 divided by the total average daily attendance for the selected
12556 school districts to yield the plant and maintenance cost
12557 component. For the ancillary support cost component, the
12558 department shall determine the ancillary support cost of each of
12559 the representative school districts selected above, excluding
12560 ancillary support cost of self-contained special education
12561 programs and vocational education programs, and the average daily
12562 attendance in the selected school districts. The ancillary
12563 support cost is then totaled and divided by the total average
12564 daily attendance for the selected school districts to yield the
12565 ancillary support cost component. The total base cost for each
12566 year shall be the sum of the instructional cost component,
12567 administrative cost component, plant and maintenance cost
12568 component and ancillary support cost component, and any estimated
12569 adjustments for additional state requirements as determined by the
12570 State Superintendent of Public Education. Provided, however, that
12571 the base student cost in fiscal year 1998 shall be Two Thousand
12572 Six Hundred Sixty-four Dollars (\$2,664.00).

12573 (c) **Determination of the basic adequate education**
12574 **program cost.** The basic amount for current operation to be
12575 included in the Mississippi Adequate Education Program for each
12576 school district shall be computed as follows:

12577 Multiply the average daily attendance of the district by the
12578 base student cost as established by the Legislature, which yields
12579 the total base program cost for each school district.

12580 (d) **Adjustment to the base student cost for at-risk**
12581 **pupils.** The amount to be included for at-risk pupil programs for
12582 each school district shall be computed as follows: Multiply the

12583 base student cost for the appropriate fiscal year as determined
12584 under paragraph (b) by five percent (5%), and multiply that
12585 product by the number of pupils participating in the federal free
12586 school lunch program in such school district, which yields the
12587 total adjustment for at-risk pupil programs for such school
12588 district.

12589 (e) **Add-on program cost.** The amount to be allocated to
12590 school districts in addition to the adequate education program
12591 cost for add-on programs for each school district shall be
12592 computed as follows:

12593 (i) Transportation cost shall be the amount
12594 allocated to such school district for the operational support of
12595 the district transportation system from state funds.

12596 (ii) Vocational or technical education program
12597 cost shall be the amount allocated to such school district from
12598 state funds for the operational support of such programs.

12599 (iii) Special education program cost shall be the
12600 amount allocated to such school district from state funds for the
12601 operational support of such programs.

12602 (iv) Gifted education program cost shall be the
12603 amount allocated to such school district from state funds for the
12604 operational support of such programs.

12605 (v) Alternative school program cost shall be the
12606 amount allocated to such school district from state funds for the
12607 operational support of such programs.

12608 (vi) Extended school year programs shall be the
12609 amount allocated to school districts for those programs authorized
12610 by law which extend beyond the normal school year.

12611 (vii) University-based programs shall be the
12612 amount allocated to school districts for those university-based
12613 programs for handicapped children as defined and provided for in
12614 Section 37-23-131 et seq., Mississippi Code of 1972.

12615 (viii) Bus driver training programs shall be the
12616 amount provided for those driver training programs as provided for
12617 in Section 37-41-1, Mississippi Code of 1972.

12618 The sum of the items listed above (i) transportation, (ii)
12619 vocational or technical education, (iii) special education, (iv)
12620 gifted education, (v) alternative school, (vi) extended school
12621 year, (vii) university-based, and (viii) bus driver training shall
12622 yield the add-on cost for each school district.

12623 (f) **Total projected adequate education program cost.**

12624 The total Mississippi Adequate Education Program cost shall be the
12625 sum of the total basic adequate education program cost (paragraph
12626 (c)), and the adjustment to the base student cost for at-risk
12627 pupils (paragraph (d)) for each school district.

12628 (g) **Supplemental grant to school districts.** In
12629 addition to the adequate education program grant, the State
12630 Department of Education shall annually distribute an additional
12631 amount as follows: Multiply the base student cost for the
12632 appropriate fiscal year as determined under paragraph (b) by
12633 thirteen one-hundredths percent (.13%) and multiply that product
12634 by the average daily attendance of each school district. Such
12635 grant shall not be subject to the local revenue requirement
12636 provided in subsection (2).

12637 (h) The State Auditor shall annually verify the State
12638 Board of Education's estimated calculations for the Mississippi
12639 Adequate Education Program that are submitted each year to the
12640 Legislative Budget Office on August 1 and the final calculation
12641 that is submitted on January 2.

12642 (2) **Computation of the required local revenue in support of**
12643 **the adequate education program.** The amount that each district
12644 shall provide toward the cost of the adequate education program
12645 shall be calculated as follows:

12646 (a) The State Superintendent of Public Education shall
12647 certify to each school district that twenty-eight (28) mills, less

12648 the estimated amount of the yield of the School Ad Valorem Tax
12649 Reduction Fund grants as determined by the State Department of
12650 Education, is the millage rate required to provide the district
12651 required local effort for that year, or twenty-seven percent (27%)
12652 of the basic adequate education program cost for such school
12653 district as determined under paragraph (c), whichever is a lesser
12654 amount. In the case of an agricultural high school the millage
12655 requirement shall be set at a level which generates an equitable
12656 amount per pupil to be determined by the State Superintendent of
12657 Public Education.

12658 (b) The State Superintendent of Public Education shall
12659 determine (i) the total assessed valuation of nonexempt property
12660 for school purposes in each school district; (ii) assessed value
12661 of exempt property owned by homeowners aged sixty-five (65) or
12662 older or disabled as defined in Section 27-33-67(2), Mississippi
12663 Code of 1972; (iii) the school district's tax loss from exemptions
12664 provided to applicants under the age of sixty-five (65) and not
12665 disabled as defined in Section 27-33-67(1), Mississippi Code of
12666 1972; and (iv) the school district's homestead reimbursement
12667 revenues.

12668 (c) The amount of the total adequate education program
12669 funding which shall be contributed by each school district shall
12670 be the sum of the ad valorem receipts generated by the millage
12671 required under this subsection plus the following local revenue
12672 sources for the appropriate fiscal year which are or may be
12673 available for current expenditure by the school district:

12674 One hundred percent (100%) of Grand Gulf income as prescribed
12675 in Section 27-35-309.

12676 (3) **Computation of the required state effort in support of**
12677 **the adequate education program.**

12678 (a) The required state effort in support of the
12679 adequate education program shall be determined by subtracting the
12680 sum of the required local tax effort as set forth in subsection

12681 (2)(a) of this section and the other local revenue sources as set
12682 forth in subsection (2)(c) of this section in an amount not to
12683 exceed twenty-seven percent (27%) of the total projected adequate
12684 education program cost as set forth in subsection (1)(f) of this
12685 section from the total projected adequate education program cost
12686 as set forth in subsection (1)(f) of this section.

12687 (b) Provided, however, that in fiscal year 1998 and in
12688 the fiscal year in which the adequate education program is fully
12689 funded by the Legislature, any increase in the said state
12690 contribution, including the supplemental grant to school districts
12691 provided under subsection (1)(g), to any district calculated under
12692 this section shall be not less than eight percent (8%) in excess
12693 of the amount received by said district from state funds for the
12694 fiscal year immediately preceding. For purposes of this paragraph
12695 (b), state funds shall include minimum program funds less the
12696 add-on programs, State Uniform Millage Assistance Grant Funds,
12697 Education Enhancement Funds appropriated for Uniform Millage
12698 Assistance Grants and state textbook allocations, and State
12699 General Funds allocated for textbooks.

12700 (c) If the appropriation is less than full funding for
12701 fiscal year 2003, allocations for state contributions to school
12702 districts in support of the adequate education program will be
12703 determined by the State Department of Education in the following
12704 manner:

12705 (i) Calculation of the full funding amount under
12706 this chapter, with proportionate reductions as required by the
12707 appropriation level.

12708 (ii) Calculation of the amount equal to the state
12709 funds allocated to school districts for fiscal year 2002 plus the
12710 estimated amount to fund the adequate education program salary
12711 schedule for fiscal year 2003. For purposes of this item (ii),
12712 state funds shall be those described in paragraph (b) and an
12713 amount equal to the allocation for the adequate education program

12714 in fiscal year 2002, plus any additional amount required to
12715 satisfy fiscal year 2003 pledges in accordance with paragraphs
12716 (d), (e) and (f) of subsection (5) of this section. If a school
12717 district's fiscal year 2003 pledge is different than the pledge
12718 amount for fiscal year 2002, the district shall receive an amount
12719 equal to the fiscal year 2003 pledge or the amount of funds
12720 calculated under the adequate education formula for fiscal year
12721 2002 before any pledge guarantee for fiscal year 2002, whichever
12722 is greater. If the pledge is no longer in effect, the district
12723 shall receive the amount of funds calculated under the formula for
12724 fiscal year 2002 before any pledge guarantee for fiscal year 2002.

12725 (iii) The portion of any district's allocation
12726 calculated in item (i) of this paragraph which exceeds amounts as
12727 calculated in item (ii) shall be reduced by an amount not to
12728 exceed twenty-one percent (21%). The amount of funds generated by
12729 this reduction of funds shall be redistributed proportionately
12730 among those districts receiving insufficient funds to meet the
12731 amount calculated in item (ii). In no case may any district
12732 receive funds in an amount greater than the amount that the
12733 district would have received under full funding of the program for
12734 fiscal year 2003.

12735 (d) If the school board of any school district shall
12736 determine that it is not economically feasible or practicable to
12737 operate any school within the district for the full one hundred
12738 eighty (180) days required for a school term of a scholastic year
12739 as required in Section 37-13-63, Mississippi Code of 1972, due to
12740 an enemy attack, a man-made, technological or natural disaster in
12741 which the Governor has declared a disaster emergency under the
12742 laws of this state or the President of the United States has
12743 declared an emergency or major disaster to exist in this state,
12744 said school board may notify the State Department of Education of
12745 such disaster and submit a plan for altering the school term. If
12746 the State Superintendent of Public Education finds such disaster

12747 to be the cause of the school not operating for the contemplated
12748 school term and that such school was in a school district covered
12749 by the Governor's or President's disaster declaration, it may
12750 permit said school board to operate the schools in its district
12751 for less than one hundred eighty (180) days and, in such case, the
12752 State Department of Education shall not reduce the state
12753 contributions to the adequate education program allotment for such
12754 district, because of the failure to operate said schools for one
12755 hundred eighty (180) days.

12756 (4) If during the year for which adequate education program
12757 funds are appropriated, any school district experiences a three
12758 percent (3%) or greater increase in average daily attendance
12759 during the second and third month over the preceding year's second
12760 and third month and the school district has requested a minimum
12761 increase of four percent (4%) in local ad valorem revenues over
12762 the previous year as authorized in Sections 37-57-104 and
12763 37-57-105, an additional allocation of adequate education program
12764 funds calculated in the following manner shall be granted to that
12765 district, using any additional funds available to the Department
12766 of Education that exceed the amount of funds due to the school
12767 districts under the basic adequate education program distribution
12768 as provided for in this chapter:

12769 (a) Determine the percentage increase in average daily
12770 attendance for the second and third months of the year for which
12771 adequate education program funds are appropriated over the
12772 preceding year's second and third month average daily attendance.

12773 (b) For those districts that have a three percent (3%)
12774 or greater increase as calculated in paragraph (a) of this
12775 subsection, multiply the total increase in students in average
12776 daily attendance for the second and third months of the year for
12777 which adequate education program funds are appropriated over the
12778 preceding year's second and third month average daily attendance
12779 times the base student cost used in the appropriation.

12780 (c) Subtract the percentage of the district's local
12781 contribution arrived at in subsection (2) of this section from the
12782 amount calculated in paragraph (b) of this subsection. The
12783 remainder is the additional allocation in adequate education
12784 program funds for that district.

12785 If the funds available to the Department of Education are not
12786 sufficient to fully fund the additional allocations to school
12787 districts eligible for those allocations, then the department
12788 shall prorate the available funds among the eligible school
12789 districts, using the same percentage of the total funds that the
12790 school district would have received if the allocations were fully
12791 funded. The State Department of Education shall study and develop
12792 a report to the Chairmen of the Senate and House Committees on
12793 Education by January 1, 2005, with options for legislative
12794 consideration that will insure that the Mississippi Adequate
12795 Education funds are distributed to school districts based on
12796 current year student attendance or enrollment.

12797 This subsection (4) shall stand repealed on July 1, 2006.

12798 (5) The Interim School District Capital Expenditure Fund is
12799 hereby established in the State Treasury which shall be used to
12800 distribute any funds specifically appropriated by the Legislature
12801 to such fund to school districts entitled to increased allocations
12802 of state funds under the adequate education program funding
12803 formula prescribed in Sections 37-151-3 through 37-151-7,
12804 Mississippi Code of 1972, until such time as the said adequate
12805 education program is fully funded by the Legislature. The
12806 following percentages of the total state cost of increased
12807 allocations of funds under the adequate education program funding
12808 formula shall be appropriated by the Legislature into the Interim
12809 School District Capital Expenditure Fund to be distributed to all
12810 school districts under the formula: Nine and two-tenths percent
12811 (9.2%) shall be appropriated in fiscal year 1998, twenty percent
12812 (20%) shall be appropriated in fiscal year 1999, forty percent

12813 (40%) shall be appropriated in fiscal year 2000, sixty percent
12814 (60%) shall be appropriated in fiscal year 2001, eighty percent
12815 (80%) shall be appropriated in fiscal year 2002, and one hundred
12816 percent (100%) shall be appropriated in fiscal year 2003 into the
12817 State Adequate Education Program Fund created in subsection (4).
12818 Until July 1, 2002, such money shall be used by school districts
12819 for the following purposes:

12820 (a) Purchasing, erecting, repairing, equipping,
12821 remodeling and enlarging school buildings and related facilities,
12822 including gymnasiums, auditoriums, lunchrooms, vocational training
12823 buildings, libraries, school barns and garages for transportation
12824 vehicles, school athletic fields and necessary facilities
12825 connected therewith, and purchasing land therefor. Any such
12826 capital improvement project by a school district shall be approved
12827 by the State Superintendent of Public Education, and based on an
12828 approved long-range plan. The State Superintendent of Public
12829 Education shall promulgate minimum requirements for the approval
12830 of school district capital expenditure plans.

12831 (b) Providing necessary water, light, heating, air
12832 conditioning, and sewerage facilities for school buildings, and
12833 purchasing land therefor.

12834 (c) Paying debt service on existing capital improvement
12835 debt of the district or refinancing outstanding debt of a district
12836 if such refinancing will result in an interest cost savings to the
12837 district.

12838 (d) From and after October 1, 1997, through June 30,
12839 1998, pursuant to a school district capital expenditure plan
12840 approved by the State Department of Education, a school district
12841 may pledge such funds until July 1, 2002, plus funds provided for
12842 in paragraph (e) of this subsection (5) that are not otherwise
12843 permanently pledged under such paragraph (e) to pay all or a
12844 portion of the debt service on debt issued by the school district
12845 under Sections 37-59-1 through 37-59-45, 37-59-101 through

12846 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,
12847 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt
12848 issued by boards of supervisors for agricultural high schools
12849 pursuant to Section 37-27-65, Mississippi Code of 1972, or
12850 lease-purchase contracts entered into pursuant to Section 31-7-13,
12851 Mississippi Code of 1972, or to retire or refinance outstanding
12852 debt of a district, if such pledge is accomplished pursuant to a
12853 written contract or resolution approved and spread upon the
12854 minutes of an official meeting of the district's school board or
12855 board of supervisors. It is the intent of this provision to allow
12856 school districts to irrevocably pledge their Interim School
12857 District Capital Expenditure Fund allotments as a constant stream
12858 of revenue to secure a debt issued under the foregoing code
12859 sections. To allow school districts to make such an irrevocable
12860 pledge, the state shall take all action necessary to ensure that
12861 the amount of a district's Interim School District Capital
12862 Expenditure Fund allotments shall not be reduced below the amount
12863 certified by the department or the district's total allotment
12864 under the Interim Capital Expenditure Fund if fully funded, so
12865 long as such debt remains outstanding.

12866 (e) From and after October 1, 1997, through June 30,
12867 1998, in addition to any other authority a school district may
12868 have, any school district may issue State Aid Capital Improvement
12869 Bonds secured in whole by a continuing annual pledge of any
12870 Mississippi Adequate Education Program funds available to the
12871 district, in an amount not to exceed One Hundred Sixty Dollars
12872 (\$160.00) per pupil based on the latest completed average daily
12873 attendance count certified by the department prior to the issuance
12874 of the bonds. Such State Aid Capital Improvement Bonds may be
12875 issued for the purposes enumerated in paragraphs (a), (b), (c) and
12876 (g) of this section. Prior to issuing such bonds, the school
12877 board of the district shall adopt a resolution declaring the
12878 necessity for and its intention of issuing such bonds and

12879 borrowing such money, specifying the approximate amount to be so
12880 borrowed, how such money is to be used and how such indebtedness
12881 is to be evidenced. Any capital improvement project financed with
12882 State Aid Capital Improvement Bonds shall be approved by the
12883 department, and based on an approved long-range plan. The State
12884 Superintendent of Public Education shall promulgate minimum
12885 requirements for the approval of such school district capital
12886 expenditure plans. The State Superintendent of Public Education
12887 shall not approve any capital expenditure plan for a pledge of
12888 funds under this paragraph unless it determines (i) that the
12889 quality of instruction in such district will not be reduced as a
12890 result of this pledge, and (ii) the district has other revenue
12891 available to attain and maintain at least Level III accreditation.

12892 A district issuing State Aid Capital Improvement Bonds may
12893 pledge for the repayment of such bonds all funds received by the
12894 district from the state, in an amount not to exceed One Hundred
12895 Sixty Dollars (\$160.00) per pupil in average daily attendance in
12896 the school district as set forth above, and not otherwise
12897 permanently pledged under paragraph (d) of this subsection or
12898 under Section 37-61-33(2)(d), Mississippi Code of 1972. The
12899 district's school board shall specify by resolution the amount of
12900 state funds, which are being pledged by the district for the
12901 repayment of the State Aid Capital Improvement Bonds. Once such a
12902 pledge is made to secure the bonds, the district shall notify the
12903 department of such pledge. Upon making such a pledge, the school
12904 district may request the department which may agree to irrevocably
12905 transfer a specified amount or percentage of the district's state
12906 revenue pledged to repay the district's State Aid Capital
12907 Improvement Bonds directly to a state or federally chartered bank
12908 serving as a trustee or paying agent on such bonds for the payment
12909 of all or portion of such State Aid Capital Improvement Bonds.
12910 Such instructions shall be incorporated into a resolution by the
12911 school board for the benefit of holders of the bonds and may

12912 provide that such withholding and transfer of such other available
12913 funds shall be made only upon notification by a trustee or paying
12914 agent on such bonds that the amounts available to pay such bonds
12915 on any payment date will not be sufficient. It is the intent of
12916 this provision to allow school districts to irrevocably pledge a
12917 certain, constant stream of revenue as security for State Aid
12918 Capital Improvement Bonds issued hereunder. To allow school
12919 districts to make such an irrevocable pledge, the state shall take
12920 all action necessary to ensure that the amount of a district's
12921 state revenues up to an amount equal to One Hundred Sixty Dollars
12922 (\$160.00) per pupil as set forth above which have been pledged to
12923 repay debt as set forth herein shall not be reduced so long as any
12924 State Aid Capital Improvement Bonds are outstanding.

12925 Any such State Aid Capital Improvement Bonds shall mature as
12926 determined by the district's school bond over a period not to
12927 exceed twenty (20) years. Such bonds shall not bear a greater
12928 overall maximum interest rate to maturity than that allowed in
12929 Section 75-17-101, Mississippi Code of 1972. The further details
12930 and terms of such bonds shall be as determined by the school board
12931 of the district.

12932 The provisions of this subsection shall be cumulative and
12933 supplemental to any existing funding programs or other authority
12934 conferred upon school districts or school boards. Debt of a
12935 school district secured in whole by a pledge of revenue pursuant
12936 to this section shall not be subject to any debt limitation.

12937 For purposes of this paragraph (e), "State Aid Capital
12938 Improvement Bond" shall mean any bond, note, or other certificate
12939 of indebtedness issued by a school district under the provisions
12940 hereof.

12941 This paragraph (e) shall stand repealed from and after June
12942 30, 1998.

12943 (f) As an alternative to the authority granted under
12944 paragraph (e), a school district, in its discretion, may authorize

12945 the State Superintendent of Public Education to withhold an amount
12946 of the district's adequate education program allotment equal to up
12947 to One Hundred Sixty Dollars (\$160.00) per student in average
12948 daily attendance in the district to be allocated to the State
12949 Public School Building Fund to the credit of such school district.
12950 A school district may choose the option provided under this
12951 paragraph (e) or paragraph (f), but not both. In addition to the
12952 grants made by the state pursuant to Section 37-47-9, a school
12953 district shall be entitled to grants based on the allotments to
12954 the State Public School Building Fund credited to such school
12955 district under this paragraph. This paragraph (f) shall stand
12956 repealed from and after June 30, 1998.

12957 (g) The State Superintendent of Public Education may
12958 authorize the school district to expend not more than twenty
12959 percent (20%) of its annual allotment of such funds or Twenty
12960 Thousand Dollars (\$20,000.00), whichever is greater, for
12961 technology needs of the school district, including computers,
12962 software, telecommunications, cable television, interactive video,
12963 film, low-power television, satellite communications, microwave
12964 communications, technology-based equipment installation and
12965 maintenance, and the training of staff in the use of such
12966 technology-based instruction. Any such technology expenditure
12967 shall be reflected in the local district technology plan approved
12968 by the State Superintendent of Public Education under Section
12969 37-151-17, Mississippi Code of 1972.

12970 (h) To the extent a school district has not utilized
12971 twenty percent (20%) of its annual allotment for technology
12972 purposes under paragraph (g), a school district may expend not
12973 more than twenty percent (20%) of its annual allotment or Twenty
12974 Thousand Dollars (\$20,000.00), whichever is greater, for
12975 instructional purposes. The State Superintendent of Public
12976 Education may authorize a school district to expend more than said
12977 twenty percent (20%) of its annual allotment for instructional

12978 purposes if it determines that such expenditures are needed for
12979 accreditation purposes.

12980 (i) The State Department of Education or the State
12981 Superintendent of Public Education may require that any project
12982 commenced under this section with an estimated project cost of not
12983 less than Five Million Dollars (\$5,000,000.00) shall be done only
12984 pursuant to program management of the process with respect to
12985 design and construction. Any individuals, partnerships, companies
12986 or other entities acting as a program manager on behalf of a local
12987 school district and performing program management services for
12988 projects covered under this subsection shall be approved by the
12989 State Department of Education.

12990 Any interest accruing on any unexpended balance in the
12991 Interim School District Capital Expenditure Fund shall be invested
12992 by the State Treasurer and placed to the credit of each school
12993 district participating in such fund in its proportionate share.

12994 The provisions of this subsection (5) shall be cumulative and
12995 supplemental to any existing funding programs or other authority
12996 conferred upon school districts or school boards.

12997 **SECTION 216.** Section 37-151-9, Mississippi Code of 1972, is
12998 amended as follows:

12999 37-151-9. (1) The State Superintendent of Public
13000 Education * * * shall establish within the State Department of
13001 Education a special unit at the division level called the Office
13002 of Educational Accountability. The Director of the Office of
13003 Educational Accountability shall hold a position comparable to a
13004 deputy superintendent and shall be appointed by the State
13005 Superintendent of Public Education with the advice and consent of
13006 the Senate. He shall serve at the will and pleasure of the State
13007 Superintendent of Public Education and may employ necessary
13008 professional, administrative and clerical staff. The Director of
13009 the Office of Educational Accountability shall provide all reports
13010 to the Legislature, Governor, Mississippi Commission on School

13011 Accreditation and State Superintendent of Public Education and
13012 respond to any inquiries for information.

13013 (2) The Office of Educational Accountability is responsible
13014 for monitoring and reviewing programs developed under the
13015 Education Reform Act, the Mississippi Adequate Education Program
13016 Act of 1994, the Education Enhancement Fund, and subsequent
13017 education initiatives, and shall provide information,
13018 recommendations and an annual assessment to the Legislature,
13019 Governor, Mississippi Commission on School Accreditation and the
13020 State Superintendent of Public Education. Commencing in 1995, the
13021 annual assessment of education reform programs shall be performed
13022 by the Office of Educational Accountability by December 1 of each
13023 year. The Office of Educational Accountability shall specifically
13024 monitor the implementation of Level III accreditation in all
13025 school districts, and shall make an assessment with
13026 recommendations to the 1996 Regular Session of the Legislature.

13027 (3) In addition, the Office of Educational Accountability
13028 shall have the following specific duties and responsibilities:

13029 (a) Developing and maintaining a system of
13030 communication with school district personnel;

13031 (b) Provide opportunities for public comment on the
13032 current functions of the State Department of Education's programs,
13033 needed public education services and innovative suggestions;

13034 (c) Assess both positive and negative impact on school
13035 districts of new education programs, including but not limited to
13036 The Mississippi Report Card and alternative school programs.

13037 **SECTION 217.** Section 37-151-10, Mississippi Code of 1972, is
13038 amended as follows:

13039 37-151-10. (1) There is established a Center for Education
13040 Analysis which shall be an advisory group attached to the Public
13041 Education Forum of Mississippi. The Center for Education Analysis
13042 shall create a structure to systematically collect, compile and
13043 coordinate data that can be disseminated to business, legislative

13044 and education entities for decision-making purposes relating to
13045 public education. The Center for Education Analysis may enter
13046 into a contractual agreement with the Public Education Forum of
13047 Mississippi in order to place the Center within the administrative
13048 framework of the Public Education Forum under the following
13049 conditions:

13050 (a) All new programs authorized in this section are
13051 subject to the availability of funds specifically appropriated
13052 therefor by the Legislature from the Education Enhancement Fund to
13053 the Public Education Forum for the support and maintenance of the
13054 programs of the Center for Education Analysis.

13055 (b) The Public Education Forum will provide a business
13056 framework to coordinate its recommendations and reports with the
13057 programs of the Center for Education Analysis.

13058 (c) The Public Education Forum shall employ a Director
13059 for the Center for Education Analysis with appropriate
13060 qualifications. Any public funds expended pursuant to this
13061 section shall be audited by the Mississippi Department of Audit.

13062 There is created in the State Treasury a special fund to be
13063 known as the "Center for Education Analysis Fund." Monies may be
13064 expended out of such funds pursuant to appropriation by the
13065 Legislature, to implement the public education analysis program
13066 established under the provisions of this section. Disbursements
13067 from such fund shall be made only upon requisition of the Director
13068 for the Center for Education Analysis.

13069 (2) The Center for Education Analysis established in
13070 subsection (1) shall develop and submit to the Legislature and the
13071 Governor an annual report on the implementation of the Mississippi
13072 Adequate Education Program funding formula and the Interim School
13073 District Capital Expenditure Fund program. The first report shall
13074 be submitted on January 1, 1999, relating to implementation of the
13075 adequate education program and interim capital expenditure program
13076 activities during the preceding fiscal year, and shall be

13077 submitted annually on January 1 of each subsequent year until
13078 January 1, 2003, at which time the report shall become a distinct
13079 part of the Mississippi Report Card describing the one hundred
13080 percent (100%) implementation of the Mississippi Adequate
13081 Education Program funding formula. The annual report shall
13082 include the following:

13083 (a) A description of the amount of Mississippi Adequate
13084 Education Program funds available to each school district during
13085 the phase-in period compared to the amount of funds available upon
13086 full implementation of the funding formula;

13087 (b) A description of each school district's capital
13088 expenditure plan, including:

13089 (i) A listing of the school district facilities to
13090 be constructed, purchased, repaired, renovated, remodeled or
13091 enlarged, with designation of the nature of each such project as
13092 new construction, retrofitting/renovation, or site work and/or
13093 preparation;

13094 (ii) For each completed capital improvement
13095 project and upon the completion of any approved capital
13096 expenditure plan, a listing by individual project of:

13097 (A) The total dimensions of each
13098 construction, renovation or site preparation project;

13099 (B) The total project cost in dollars;

13100 (C) The project cost per square foot of newly
13101 constructed space or, in the case of renovation, per square foot
13102 of the principal structure affected by such renovation;

13103 (D) The total cost of all furniture and
13104 equipment per project;

13105 (E) The total amount of nonconstruction fees
13106 per project;

13107 (F) The total of other costs associated with
13108 the project not otherwise included in items (A) through (E) above;

13109 and

13110 (G) The number of classrooms created and/or
13111 affected by the project;

13112 (iii) A listing of all school district State Aid
13113 Capital Improvement Bonds secured by Mississippi Adequate
13114 Education Program funds issued by school districts and the capital
13115 improvements funded through such bond issue;

13116 (iv) A description of any other local bond issue
13117 proceeds combined with such funds for capital improvement
13118 purposes; and

13119 (v) Any other appropriate information relating to
13120 capital improvements by school districts as determined by the
13121 State Superintendent of Public Education;

13122 (c) An annual assessment of the impact of additional
13123 funding under the Mississippi Adequate Education Program on such
13124 school districts with less than a Level III accreditation; and

13125 (d) An annual assessment of the impact of teacher
13126 recruitment incentives on the employment of licensed teachers in
13127 critical teacher shortage geographic areas, including, but not
13128 limited to, all incentive programs authorized under House Bill No.
13129 609, 1998 Regular Session [Laws, 1998, ch. 544].

13130 **SECTION 218.** Section 37-151-11, Mississippi Code of 1972, is
13131 amended as follows:

13132 37-151-11. The State Superintendent of Public Education
13133 shall establish and design an annual program of awards for
13134 exemplary performing teachers in Mississippi's public school
13135 districts, to be called the "Mississippi Teacher of the Year"
13136 Award Program.

13137 The superintendent shall establish criteria and guidelines
13138 for making the annual award to one (1) exemplary performing
13139 teacher in Mississippi, which shall include a cash award of Five
13140 Thousand Dollars (\$5,000.00) to be paid by the State Department of
13141 Education pursuant to appropriation therefor and shall be
13142 unrestricted as to its use by the recipient. Such award shall be

13143 paid as a supplement to such teacher's contracted salary in the
13144 year subsequent to receiving the recognition.

13145 The State Superintendent of Public Education shall utilize
13146 such awards to bring the best teaching practices to the attention
13147 of other schools. The awards shall include public recognition by
13148 the local school board and the State Superintendent of Public
13149 Education and the awarding of plaques, certificates and the
13150 monetary award for teachers that perform well.

13151 **SECTION 219.** Section 37-151-13, Mississippi Code of 1972, is
13152 amended as follows:

13153 37-151-13. The State Superintendent of Public Education
13154 shall establish and design an annual program of awards for
13155 exemplary performing administrators in Mississippi's public school
13156 districts, to be called the "Mississippi Administrator of the
13157 Year" Award Program.

13158 The board shall establish criteria and guidelines for making
13159 the annual award to one (1) exemplary performing administrator in
13160 Mississippi, which shall include a cash award of Five Thousand
13161 Dollars (\$5,000.00) to be paid by the State Department of
13162 Education pursuant to appropriation therefor and shall be
13163 unrestricted as to its use by the recipient. Such award shall be
13164 paid as a supplement to such administrator's contracted salary in
13165 the year subsequent to receiving the recognition.

13166 The State Superintendent of Public Education shall utilize
13167 such awards to bring the best administrative practices to the
13168 attention of other schools. The awards shall include public
13169 recognition by the local school board and the State Superintendent
13170 of Public Education and the awarding of plaques, certificates and
13171 the monetary award for administrators that perform well.

13172 **SECTION 220.** Section 37-151-17, Mississippi Code of 1972, is
13173 amended as follows:

13174 37-151-17. (1) There is established the Council for
13175 Education Technology, which shall be an advisory group attached to

13176 the Board of the Department of Information Technology Services and
13177 the office of the State Superintendent of Public Education. The
13178 council shall develop a master plan for education technology.

13179 (2) (a) The council shall consist of the following members
13180 who shall serve as ex officio voting members:

13181 (i) The Director of the Management Information
13182 Services in the Department of Education;

13183 (ii) The Director of Educational Technology in the
13184 Department of Education;

13185 (iii) The Executive Director of the Mississippi
13186 Department of Information Technology Services;

13187 (iv) The Executive Director of Mississippi Public
13188 Broadcasting;

13189 (v) The Executive Director of the Mississippi
13190 Library Commission;

13191 (vi) The Executive Director of the State Board for
13192 Community and Junior Colleges; and

13193 (vii) The Commissioner of Higher Education.

13194 (b) The following eight (8) members to be appointed no
13195 later than August 1, 2004, as follows:

13196 (i) One (1) member appointed by the State
13197 Superintendent of Public Education;

13198 (ii) Two (2) members appointed by the Governor;

13199 (iii) One (1) member appointed by the Lieutenant
13200 Governor;

13201 (iv) One (1) member appointed by the Speaker of
13202 the House;

13203 (v) One (1) member of the Mississippi Educational
13204 Computing Association to be appointed by the State Superintendent
13205 of Public Education;

13206 (vi) One (1) member appointed by the Board of
13207 Information Technology Services; and

13208 (vii) One (1) member appointed by the Executive
13209 Director of the Mississippi Development Authority.

13210 All appointments to the council shall be made with the advice
13211 and consent of the Senate.

13212 All appointed members of the council shall have a
13213 demonstrated knowledge in the use, applications and specifications
13214 of education technology. A majority of the membership present at
13215 any meeting shall constitute a quorum for the official conduct of
13216 business.

13217 (c) Members appointed to the council before August 1,
13218 2004, shall be subject to reappointment or replacement by the
13219 appointing entity.

13220 (3) Members shall be appointed for four-year terms and may
13221 be reappointed for one (1) additional four-year term. Members may
13222 be reimbursed for mileage and actual and necessary expenses in
13223 accordance with state law, and members who are not state officers
13224 or employees shall receive per diem as authorized in Section
13225 25-3-69.

13226 (4) Immediately upon receiving notice of the appointment of
13227 all members, the Executive Director of the Department of
13228 Information and Technology Services shall call an organizational
13229 meeting no later than September 15, 2004, and shall serve as
13230 chairperson of the council for the first year beginning with the
13231 date of the organizational meeting. The council shall elect from
13232 among the members any other officers it deems necessary, and
13233 define the duties of the officers. The council shall annually
13234 elect a chairperson and no member shall serve more than two (2)
13235 consecutive years as chairperson.

13236 (5) Meetings shall be held at least four (4) times per year,
13237 or upon call of the chairperson, at a time and place designated by
13238 the chairperson. The Department of Information and Technology
13239 Services and the State Department of Education shall provide staff
13240 support for the council.

13241 (6) The duties and responsibilities of the council shall
13242 include, but not be limited to, the following:

13243 (a) Developing and updating annually a long-range
13244 master plan for the efficient and equitable use of technology at
13245 all levels from primary school through higher education, including
13246 vocational and adult education. The plan shall focus on the
13247 technology requirements of classroom instruction, literacy
13248 laboratories, student record management, financial and
13249 administrative management, distance learning and communications as
13250 they relate to the state's performance goals for students. The
13251 annual plan shall include specific and detailed cost projections
13252 and analysis related to its implementation. The plan shall be
13253 presented to the Mississippi Department of Information Technology
13254 Services for approval and a copy shall be provided annually to the
13255 Legislature no later than November 1, highlighting any cost
13256 projections and a detailed budget and justifications for
13257 implementation of the plan;

13258 (b) Creating, overseeing and monitoring a well-planned
13259 and efficient statewide network of technology services designed to
13260 meet the educational and informational needs of the schools;

13261 (c) Working with private enterprise to encourage the
13262 development of technology products specifically designed to answer
13263 Mississippi's educational needs;

13264 (d) Encouraging an environment receptive to
13265 technological progress in education throughout the state;

13266 (e) Working with other state entities to maximize the
13267 use and benefit of the state's technology infrastructure, to avoid
13268 duplication of public and private resources and to maximize the
13269 purchasing ability of the state. When appropriate, shared
13270 resources and competitive bidding shall be used; and

13271 (f) Ensuring collaboration of all education entities to
13272 maximize efficiency and cost savings and to enhance the

13273 utilization of education technology as a means of impacting the
13274 shortage of teachers.

13275 All contracts, requests for proposals and bid awards shall be
13276 subject to the approval of the Mississippi Department of
13277 Information Technology Services.

13278 **SECTION 221.** Section 37-151-19, Mississippi Code of 1972, is
13279 amended as follows:

13280 37-151-19. (1) The Council for Education Technology shall
13281 develop and update annually the master plan for education
13282 technology and submit the plan to the Board of the Department of
13283 Information Technology Services, the State Superintendent of
13284 Public Education and the Legislature. The annual master plan
13285 shall include detailed and specific cost projections and a
13286 detailed budget for its implementation. Implementation of each
13287 stage of the master plan shall begin immediately upon approval of
13288 the Board of the Department of Information Technology Services and
13289 the State Superintendent of Public Education, and upon any
13290 appropriation of any necessary funding required to carry out the
13291 objectives of the plan. The plan shall outline the state's
13292 five-year activities related to purchasing, developing and using
13293 technology to:

13294 (a) Improve learning and teaching and the ability to
13295 meet individual students' needs to increase student achievement;

13296 (b) Improve curriculum delivery to help meet the needs
13297 for educational equity across the state;

13298 (c) Improve delivery of professional development;

13299 (d) Improve the efficiency and productivity of
13300 administrators; and

13301 (e) Encourage development by the private sector and
13302 acquisition by districts of technologies and applications
13303 appropriate for education.

13304 (2) The five-year plan, which shall be updated annually,
13305 shall cover all aspects of education technology, including, but

13306 not limited to, its use in educational instruction and
13307 administration, video and computer systems, software and hardware,
13308 multiple delivery systems for satellite, microwave, cable,
13309 instructional television fixed service, fiber optic and computer
13310 connections products, video cameras and monitoring equipment for
13311 classrooms, school buildings and school buses, the preparation of
13312 school buildings for technological readiness, and the development
13313 of staff necessary to implement the plan.

13314 (3) Periodically, to develop and make specific
13315 recommendations to the Board of the Department of Information
13316 Technology Services and the State Superintendent of Public
13317 Education for the adoption of minimum specifications for the
13318 equipment to be utilized in the education technology plan by
13319 school districts. The Board of the Department of Information
13320 Technology Services and the State Superintendent of Public
13321 Education shall adopt and promulgate said minimum guidelines for
13322 the utilization of said education technology equipment.

13323 (4) The integrated technology-based communications system
13324 shall provide comprehensive, current, accurate and accessible
13325 information relating to management, finance, operations,
13326 instruction and pupil programs which are under the jurisdiction of
13327 the Department of Education.

13328 (5) To facilitate communication among teachers, parents,
13329 students and prospective employers of students, and to provide
13330 access to many vital technological services, the five-year plan
13331 may include the installation of telephone lines in each classroom.

13332 (6) In designing and implementing the five-year plan, the
13333 council shall consider seeking the active participation of private
13334 organizations whose knowledge and assistance will be useful.

13335 (7) The council shall update as necessary, but not less than
13336 annually, the plan developed under subsection (2) of this section
13337 and report to the Legislature, the Board of the Department of
13338 Information Technology Services and the State Superintendent of

13339 Public Education at the completion of each implementation phase of
13340 the master plan.

13341 **SECTION 222.** Section 37-151-23, Mississippi Code of 1972, is
13342 amended as follows:

13343 37-151-23. There is hereby created in the State Treasury a
13344 special fund to be designated the "State Public School Education
13345 Technology Fund." Any unexpended balance in said fund at the end
13346 of the fiscal year shall carry over into the subsequent fiscal
13347 year and shall not lapse into the State General Fund. School
13348 districts shall be required to submit a plan for the use of such
13349 funds for education technology to the State Superintendent of
13350 Public Education. The State Superintendent of Public Education,
13351 consistent with policies adopted pursuant to recommendations of
13352 the council, shall allocate funds provided from appropriation by
13353 the Legislature into the State Public School Education Technology
13354 Fund, to school districts based on the approved education
13355 technology plan, which demonstrates need consistent with the
13356 district's existing technology, for the purchase or lease of
13357 education technology for the schools. The State Superintendent of
13358 Public Education is authorized to apply the funds to matching
13359 grants from federal or private sources to generate additional
13360 funds for the purchase or lease of education technology for the
13361 schools.

13362 **SECTION 223.** Section 37-151-25, Mississippi Code of 1972, is
13363 amended as follows:

13364 37-151-25. There is hereby created in the State Treasury a
13365 special fund to be designated as the "Tech-Prep Fund." Any
13366 unexpended balance in said fund at the end of the fiscal year
13367 shall carry over to the succeeding fiscal year and shall not lapse
13368 into the State General Fund. The fund shall be credited with any
13369 funds appropriated by the Legislature for the implementation of
13370 the Tech-Prep program in Grades 7-12 and in the public community
13371 colleges and junior colleges through approved programs and from

13372 the proceeds of bonds issued under Sections 31 through 51 of Laws,
13373 1997, Chapter 612, and shall be allocated to school districts by
13374 the State Superintendent of Public Education for the following
13375 purposes:

13376 (a) Equip labs for hands-on: Career Discovery Course
13377 in the 7th grade, Computer Discovery Course in the 8th grade, and
13378 Technology Discovery Course in the 9th grade;

13379 (b) Implement application based teaching methodology in
13380 existing academic courses;

13381 (c) Develop and implement articulation, integration and
13382 sequential course study plans in Vocational and Academic courses;

13383 (d) Administer Occupational Tests;

13384 (e) Implement and Update Career/Educational Plans for
13385 each student;

13386 (f) Implement Career Centers for each school;

13387 (g) To provide equipment upgrades to meet technology
13388 demands, staff development and teaching materials to implement
13389 application based methodology for each of the community college
13390 sites.

13391 The State Department of Education is authorized to escalate
13392 spending authority based upon the proceeds of bonds issued under
13393 Sections 31 through 51 of Laws, 1997, Chapter 612.

13394 No community or junior college shall deny admittance into its
13395 Tech-Prep program funded under this section to any student who has
13396 graduated from high school with a qualifying grade point average,
13397 regardless of the curriculum or course work completed by the
13398 student.

13399 **SECTION 224.** Section 37-151-61, Mississippi Code of 1972, is
13400 amended as follows:

13401 37-151-61. Any school board of any school district which may
13402 be aggrieved by any final rule, regulation or order of the State
13403 Superintendent of Public Education adopted under the provisions of
13404 this chapter shall have the right to appeal therefrom to the

13405 chancery court of the county in which the school district involved
13406 or any part thereof is located in like manner, within the same
13407 time, with like effect, and subject in all other respects to
13408 appeals from orders, rules and regulations of the State
13409 Superintendent of Public Education, the provisions of which are
13410 hereby made applicable in all respects to appeals from orders,
13411 rules and regulations of the commission under the provisions of
13412 this chapter.

13413 **SECTION 225.** Section 37-151-77, Mississippi Code of 1972, is
13414 amended as follows:

13415 37-151-77. To qualify for funds provided in this chapter,
13416 each school district shall not exceed a pupil-teacher ratio based
13417 on enrollment in Grades 1, 2, 3 and 4 as follows: 27:1.

13418 For Grades kindergarten and 5 through 12, pupil-teacher ratio
13419 shall be determined based on appropriate accreditation standards
13420 developed by the Mississippi Commission on School Accreditation.

13421 Any local district may apply to the State Superintendent of
13422 Public Education for approval of a waiver to this section by
13423 submitting and justifying an alternative educational program to
13424 serve the needs of enrollment in Grades kindergarten and 1 through
13425 4. The State Superintendent of Public Education shall approve or
13426 disapprove of such waiver forty-five (45) days after receipt of
13427 such application. If a school district violates the provisions of
13428 this section, the state aid for the ensuing fiscal year to such
13429 school district shall be reduced by the percentage variance that
13430 the actual pupil-teacher ratios in such school district has to the
13431 required pupil-teacher ratios mandated in this section. Provided,
13432 that notwithstanding the provisions of this section, the State
13433 Superintendent of Public Education is authorized to waive the
13434 pupil-teacher requirements specified herein upon a finding that a
13435 good faith effort is being made by the school district concerned
13436 to comply with the ratio provisions but that for lack of classroom
13437 space which was beyond its control it is physically impossible for

13438 the district to comply, and the cost of temporary classroom space
13439 cannot be justified. In the event any school district meets Level
13440 4 or 5 accreditation standards, the State Superintendent of Public
13441 Education may, in the superintendent's discretion, exempt such
13442 school district from the maximum pupil-teacher ratio in Grades 1,
13443 2, 3 and 4 prescribed herein.

13444 **SECTION 226.** Section 37-151-81, Mississippi Code of 1972, is
13445 amended as follows:

13446 37-151-81. (1) In addition to other funds provided for in
13447 this chapter, there shall be added to the allotment for each
13448 school district for each teacher employed in a State Department of
13449 Education approved program for exceptional children as defined in
13450 Section 37-23-3, Mississippi Code of 1972, the value of one
13451 hundred percent (100%) of the adequate education program salary
13452 schedule prescribed in Section 37-19-7, Mississippi Code of 1972,
13453 based on the type of certificate and number of years' teaching
13454 experience held by each approved special education teacher plus
13455 one hundred percent (100%) of the applicable employer's rate for
13456 social security and state retirement, except that only seventy
13457 percent (70%) of the value will be added for the program for
13458 three- and four-year old exceptional children.

13459 (2) In addition to the allowances provided above, for each
13460 handicapped child who is being educated by a public school
13461 district or is placed in accord with Section 37-23-77, Mississippi
13462 Code of 1972, and whose individualized educational program (IEP)
13463 requires an extended school year in accord with the State
13464 Department of Education criteria, a sufficient amount of funds
13465 shall be allocated for the purpose of providing the educational
13466 services the student requires. The State Superintendent of Public
13467 Education shall promulgate such regulations as are required to
13468 insure the equitable distribution of these funds. All costs for
13469 the extended school year for a particular summer shall be
13470 reimbursed from funds appropriated for the fiscal year beginning

13471 July 1 of that summer. If sufficient funds are not made available
13472 to finance all of the required educational services, the State
13473 Department of Education shall expend available funds in such a
13474 manner that it does not limit the availability of appropriate
13475 education to handicapped students more severely than it does to
13476 nonhandicapped students.

13477 (3) The State Department of Education is hereby authorized
13478 to match adequate education program and other funds allocated for
13479 provision of services to handicapped children with Division of
13480 Medicaid funds to provide language-speech services, physical
13481 therapy and occupational therapy to handicapped students who meet
13482 State Department of Education or Division of Medicaid standards
13483 and who are Medicaid eligible. Provided further, that the State
13484 Department of Education is authorized to pay such funds as may be
13485 required as a match directly to the Division of Medicaid pursuant
13486 to an agreement to be developed between the State Department of
13487 Education and the Division of Medicaid.

13488 (4) In addition to other funds provided for in this chapter,
13489 there shall be added to the allotment for each school district for
13490 each teacher employed in a State Department of Education approved
13491 program for gifted education as defined in Sections 37-23-173
13492 through 37-23-181, Mississippi Code of 1972, the value of one
13493 hundred percent (100%) of the adequate education program salary
13494 schedule prescribed in Section 37-19-7, Mississippi Code of 1972,
13495 based on the type of certificate and number of years' teaching
13496 experience held by each approved gifted education teacher plus one
13497 hundred percent (100%) of the applicable employer's rate for
13498 social security and state retirement.

13499 (5) When any children who are residents of the State of
13500 Mississippi and qualify under the provisions of Section 37-23-31,
13501 Mississippi Code of 1972, shall be provided a program of
13502 education, instruction and training within a school under the
13503 provisions of said section, the State Department of Education

13504 shall allocate the value of one hundred percent (100%) of the
13505 adequate education program salary schedule prescribed in Section
13506 37-19-7, Mississippi Code of 1972, for each approved program based
13507 on the type of certificate and number of years' teaching
13508 experience held by each approved teacher plus one hundred percent
13509 (100%) of the applicable employer's rate for social security and
13510 state retirement. The university or college shall be eligible for
13511 state and federal funds for such programs on the same basis as
13512 local school districts. The university or college shall be
13513 responsible for providing for the additional costs of the program.

13514 (6) In addition to the allotments provided above, a school
13515 district may provide a program of education and instruction to
13516 children ages five (5) years through twenty-one (21) years, who
13517 are resident citizens of the State of Mississippi, who cannot have
13518 their educational needs met in a regular public school program and
13519 who have not finished or graduated from high school, if those
13520 children are determined by competent medical authorities and
13521 psychologists to need placement in a state licensed facility for
13522 inpatient treatment, day treatment or residential treatment or a
13523 therapeutic group home. Such program shall operate under rules,
13524 regulations, policies and standards of school districts as
13525 determined by the State Superintendent of Public Education. If a
13526 private school approved by the State Superintendent of Public
13527 Education is operated as an integral part of the state licensed
13528 facility that provides for the treatment of such children, the
13529 private school within the facility may provide a program of
13530 education, instruction and training to such children by requesting
13531 the State Department of Education to allocate one (1) teacher unit
13532 or a portion of a teacher unit for each approved class. The
13533 facility shall be responsible for providing any additional costs
13534 of the program.

13535 Such funds will be allotted based on the type of certificate
13536 and number of years' teaching experience held by each approved

13537 teacher. Such children shall not be counted in average daily
13538 attendance when determining regular teacher unit allocation.

13539 **SECTION 227.** Section 37-151-83, Mississippi Code of 1972, is
13540 amended as follows:

13541 37-151-83. (1) In addition to other funds allowed under the
13542 Adequate Education Program, each school district shall receive a
13543 grant for the support of alternative school programs established
13544 under Section 37-13-92, Mississippi Code of 1972, in accordance
13545 with the following: Three-fourths of one percent (.75%) of the
13546 school district's average daily attendance or twelve (12) pupils,
13547 whichever is greater, multiplied by the average expenditure of
13548 public monies per pupil in the State of Mississippi, as determined
13549 by the State Superintendent of Public Education.

13550 (2) An alternative school advisory board may be created
13551 within each school district maintaining a freestanding alternative
13552 school or two (2) or more adjacent school districts operating a
13553 freestanding alternative school pursuant to a contract approved by
13554 the State Superintendent of Public Education. The advisory board
13555 shall meet no less than two (2) times during each school year to
13556 study the alternative school program and to make recommendations
13557 for improvements to the superintendent of the local school board
13558 or boards, as the case may be, and the State Superintendent of
13559 Public Education. The alternative school advisory board shall
13560 consist of the following members: one (1) school administrator to
13561 be appointed by each local school board of the school district or
13562 districts operating the alternative school; one (1) school board
13563 member and one (1) parent to be appointed by each superintendent
13564 of the school district or districts operating the alternative
13565 school; one (1) classroom teacher to be appointed by the classroom
13566 teachers in each school district operating the alternative school;
13567 one (1) individual to be appointed by the local youth court judge,
13568 or if there is no such court the chancery court judge; and one (1)
13569 law enforcement officer to be appointed by the local sheriff. The

13570 initial members of the advisory board shall serve as follows:
13571 One-third (1/3) of the members shall serve two (2) years;
13572 one-third (1/3) of the members shall serve three (3) years; and
13573 one-third (1/3) of the members shall serve four (4) years, to be
13574 designated by the appointing authority at the time of appointment.
13575 Thereafter, the term of each member shall be for a period of four
13576 (4) years.

13577 An alternative school advisory board shall have no governing
13578 authority over the alternative school program, and not in any
13579 manner shall an advisory board's authority supersede the authority
13580 of the school district or lead district in those alternative
13581 school programs operated jointly by two (2) or more districts.

13582 **SECTION 228.** Section 37-151-85, Mississippi Code of 1972, is
13583 amended as follows:

13584 37-151-85. (1) The amount to be allotted by the State
13585 Superintendent of Public Education for transportation shall be
13586 determined as follows:

13587 The State Department of Education shall calculate the cost of
13588 transportation in school districts by ascertaining the average
13589 cost per pupil in average daily attendance of transported pupils
13590 in school districts classified in different density groups as
13591 determined by the State Department of Education. Based on these
13592 calculations, the State Department of Education shall develop a
13593 scale for determining the allowable cost per pupil in different
13594 density groups, which scale shall provide greatest allowance per
13595 pupil transported in school districts with lowest densities and
13596 smallest allowance per pupil in school districts with highest
13597 densities. The total allowance in the adequate education program
13598 for transported children for any school district for the current
13599 year shall be the average daily attendance of the transported
13600 children for the nine (9) months of the prior year, multiplied by
13601 the allowance per transported pupil as provided herein. However,
13602 the State Department of Education is hereby authorized and

13603 empowered to make proper adjustments in allotments, under rules
13604 and regulations of the State Superintendent of Public Education,
13605 in cases where major changes in the number of children in average
13606 daily attendance transported occur from one year to another as a
13607 result of changes or alterations in the boundaries of school
13608 districts, a change in or relocation of attendance centers, or for
13609 other reasons which would result in major decrease or increase in
13610 the number of children in average daily attendance transported
13611 during the current school year as compared with the preceding
13612 year. Moreover, the State Superintendent of Public Education is
13613 hereby authorized and empowered to make such payments to all
13614 districts and/or university-based programs as deemed necessary in
13615 connection with transporting exceptional children as defined in
13616 Section 37-23-3. The State Superintendent of Public Education
13617 shall establish and implement all necessary rules and regulations
13618 to allot transportation payments to university-based programs. In
13619 developing density classifications under the provisions hereof,
13620 the State Department of Education may give consideration to the
13621 length of the route, the sparsity of the population, the lack of
13622 adequate roads, highways and bridges, and the presence of large
13623 streams or other geographic obstacles. In addition to funds
13624 allotted under the above provisions, funds shall be allotted to
13625 each school district that transports students from their assigned
13626 school or attendance center to classes in an approved
13627 vocational-technical center at a rate per mile not to exceed the
13628 average statewide cost per mile of school bus transportation
13629 during the preceding year exclusive of bus replacement. All such
13630 transportation must have prior approval by the State Department of
13631 Education.

13632 (2) The average daily attendance of transported children
13633 shall be reported by the school district in which such children
13634 attend school. If children living in a school district are
13635 transported at the expense of such school district to another

13636 school district, the average daily attendance of such transported
13637 children shall be deducted by the State Department of Education
13638 from the aggregate average daily attendance of transported
13639 children in the school district in which they attend school and
13640 shall be added to the aggregate average daily attendance of
13641 transported children of the school district from which they come
13642 for the purpose of calculating transportation allotments.
13643 However, such deduction shall not be made for the purpose of
13644 calculating adequate education program pupil-based funding.

13645 (3) The State Department of Education shall include in the
13646 allowance for transportation for each school district an amount
13647 for the replacement of school buses or the purchase of new buses,
13648 which amount shall be calculated upon the estimated useful life of
13649 all school buses being used for the transportation of children in
13650 such school district, whether such buses be publicly or privately
13651 owned.

13652 (4) The school boards of all districts operating school bus
13653 transportation are authorized and directed to establish a salary
13654 schedule for school bus drivers. No school district shall be
13655 entitled to receive the funds herein allotted for transportation
13656 unless it pays each of its nonstudent adult school bus drivers
13657 paid from such transportation allotments a minimum of One Hundred
13658 Ninety Dollars (\$190.00) per month. In addition, local school
13659 boards may compensate school bus drivers for actual expenses
13660 incurred when acquiring an initial commercial license or any
13661 renewal of a commercial license in order to drive a school bus.
13662 In addition, local school boards may compensate school bus drivers
13663 for expenses, not to exceed One Hundred Dollars (\$100.00), when
13664 acquiring an initial medical exam or any renewal of a medical
13665 exam, in order to qualify for a commercial driver's license.

13666 (5) The State Superintendent of Public Education shall be
13667 authorized and empowered to use such part of the funds
13668 appropriated for transportation in the adequate education fund as

13669 may be necessary to finance driver training courses as provided
13670 for in Section 37-41-1, Mississippi Code of 1972.

13671 (6) The State Superintendent of Public Education, acting
13672 through the Department of Education, may compensate school bus
13673 drivers, who are providing driving services to the various state
13674 operated schools, such as the Mississippi School for the Deaf, the
13675 Mississippi School for the Blind, the Mississippi School of the
13676 Arts, the Mississippi School for Math and Science and any other
13677 similar state operated schools, for actual expenses incurred when
13678 acquiring an initial commercial license or any renewal of a
13679 commercial license in order to drive a school bus.

13680 **SECTION 229.** Section 37-151-91, Mississippi Code of 1972, is
13681 amended as follows:

13682 37-151-91. The school boards of all school districts may
13683 establish salary schedules based on training, experience and other
13684 such factors as may be incorporated therein, including student
13685 progress and performance as developed by the State Superintendent
13686 of Public Education, paying teachers greater amounts than the
13687 scale provided herein, but no teacher may be paid less than the
13688 amount based upon the minimum scale of pay provided in the
13689 adequate education program as prescribed in Section 37-19-7,
13690 Mississippi Code of 1972, and all supplements paid from local
13691 funds shall be based upon the salary schedules so established.
13692 The school boards may call upon the State Department of Education
13693 for aid and assistance in formulating and establishing such salary
13694 schedules, and it shall be the duty of the State Department of
13695 Education, when so called upon, to render such aid and assistance.
13696 The amount actually paid to each teacher shall be based upon and
13697 determined by the type of certificate held by such teacher.

13698 **SECTION 230.** Section 37-151-95, Mississippi Code of 1972, is
13699 amended as follows:

13700 37-151-95. Adequate education program funds shall include
13701 one hundred percent (100%) of the cost of the State and School

13702 Employees' Life and Health Insurance Plan created under Article 7,
13703 Chapter 15, Title 25, Mississippi Code of 1972, for all district
13704 employees who work no less than twenty (20) hours during each week
13705 and regular nonstudent school bus drivers employed by the
13706 district.

13707 Where the use of federal funding is allowable to defray, in
13708 full or in part, the cost of participation in the insurance plan
13709 by district employees who work no less than twenty (20) hours
13710 during each week and regular nonstudent school bus drivers, whose
13711 salaries are paid, in full or in part, by federal funds, the
13712 allowance under this section shall be reduced to the extent of the
13713 federal funding. Where the use of federal funds is allowable but
13714 not available, it is the intent of the Legislature that school
13715 districts contribute the cost of participation for such employees
13716 from local funds, except that parent fees for child nutrition
13717 programs shall not be increased to cover such cost.

13718 The State Department of Education, in accordance with rules
13719 and regulations established by the State Superintendent of Public
13720 Education, may withhold a school district's adequate education
13721 program funds for failure of the district to timely report
13722 student, fiscal and personnel data necessary to meet state and/or
13723 federal requirements. The rules and regulations promulgated by
13724 the State Superintendent of Public Education shall require the
13725 withholding of adequate education program funds for those
13726 districts that fail to remit premiums, interest penalties and/or
13727 late charges under the State and School Employees' Life and Health
13728 Insurance Plan. Noncompliance with such rules and regulations
13729 shall result in a violation of compulsory accreditation standards
13730 as established by the State Superintendent of Public Education and
13731 Commission on School Accreditation.

13732 **SECTION 231.** Section 37-151-97, Mississippi Code of 1972, is
13733 amended as follows:

13734 37-151-97. The State Department of Education shall develop
13735 an annual reporting process to inform the Legislature, local
13736 district personnel and the general public as to the ongoing and
13737 future plans for the state's educational programs. The annual
13738 reporting process will include those vital statistics that are
13739 commonly reported by schools and districts and that can provide
13740 clear demographic, strategic and educational information to
13741 constituencies such as, but not limited to, the following
13742 information:

13743 (a) Student enrollment, attendance, drop-out and
13744 graduation;

13745 (b) Overall student and district achievement;

13746 (c) Budget, administrative costs and other pertinent
13747 fiscal information;

13748 (d) Teacher and administrator certification and
13749 experience levels; and

13750 (e) Other as directed by the State Superintendent of
13751 Public Education.

13752 Further, the reporting process will include an annual report
13753 developed specifically to relate the mission and goals of the
13754 State Superintendent of Public Education * * * and departments.
13755 This document will become the method through which the strategic
13756 planning and management process of the department is articulated
13757 to the public. It will explain and inform the public of the major
13758 initiatives of the department and clearly identify rationale for
13759 program development and/or elimination. The report will establish
13760 benchmarks, future plans and discuss the effectiveness of
13761 educational programs.

13762 In addition to the information specified herein, the State
13763 Superintendent of Public Education shall have full and plenary
13764 authority and power to require the furnishing of such further,
13765 additional and supplementary information as the superintendent may
13766 deem necessary for the purpose of determining the cost of the

13767 adequate education program in such school district for the
13768 succeeding fiscal year, the amount of the adequate education
13769 program funds to be allotted to each school district for the
13770 succeeding fiscal year, and for any other purpose authorized by
13771 law or deemed necessary by said State Superintendent of Public
13772 Education.

13773 It shall be the duty of the State Department of Education to
13774 prescribe the forms for the reports provided for in this section.

13775 **SECTION 232.** Section 37-151-103, Mississippi Code of 1972,
13776 is amended as follows:

13777 37-151-103. (1) Funds due each school district under the
13778 terms of this chapter from the Adequate Education Program Fund
13779 shall be paid in the following manner: On the twenty-fifth day of
13780 each month, or the next business date after that date, there shall
13781 be paid to each school district by electronic funds transfer
13782 one-twelfth (1/12) of the funds to which the district is entitled
13783 from funds appropriated for the Adequate Education Program Fund.
13784 However, in December those payments shall be made on December 15th
13785 or the next business day after that date. In addition, the State
13786 Department of Education may pay school districts from the common
13787 school fund and the Adequate Education Program Fund on a date
13788 earlier than provided for by this section if it is determined that
13789 it is in the best interest of school districts to do so.

13790 Provided, however, that if the cash balance in the State
13791 General Fund is not adequate on the due date to pay the amounts
13792 due to all school districts in the state as determined by the
13793 State Superintendent of Education, the State Fiscal Officer shall
13794 not transfer said funds payable to any school district or
13795 districts until money is available to pay the amount due to all
13796 districts.

13797 (2) Notwithstanding any provision of this chapter or any
13798 other law requiring the number of children in average daily
13799 attendance or the average daily attendance of transported children

13800 to be determined on the basis of the preceding year, the State
13801 Superintendent of Public Education is hereby authorized and
13802 empowered to make proper adjustments in allotments in cases where
13803 major changes in the number of children in average daily
13804 attendance or the average daily attendance of transported children
13805 occurs from one year to another as a result of changes or
13806 alterations in the boundaries of school districts, the sending of
13807 children from one county or district to another upon a contract
13808 basis, the termination or discontinuance of a contract for the
13809 sending of children from one county or district to another, a
13810 change in or relocation of attendance centers, or for any other
13811 reason which would result in a major decrease or increase in the
13812 number of children in average daily attendance or the average
13813 daily attendance of transported children during the current school
13814 year as compared with the preceding year.

13815 (3) In the event of an inordinately large number of
13816 absentees in any school district as a result of epidemic, natural
13817 disaster, or any concerted activity discouraging school
13818 attendance, then in such event school attendance for the purposes
13819 of determining average daily attendance under the adequate
13820 education program shall be based upon the average daily attendance
13821 for the preceding school year for such school district.

13822 **SECTION 233.** Section 37-151-105, Mississippi Code of 1972,
13823 is amended as follows:

13824 37-151-105. The State Superintendent of Public Education
13825 shall have the authority to make such regulations not inconsistent
13826 with law which the superintendent deems necessary for the
13827 administration of this chapter. The State Superintendent of
13828 Public Education, if the superintendent deems such practice
13829 necessary, may use reports of the first six (6) months of school
13830 for the purpose of determining average daily attendance and the
13831 number of pupils transported for that year.

13832 **SECTION 234.** Section 37-151-107, Mississippi Code of 1972,
13833 is amended as follows:
13834 37-151-107. Any superintendent of education, member of the
13835 local school board of any school district, superintendent,
13836 principal, teacher, carrier, bus driver, or employee of the State
13837 Department of Education or of the office of the State
13838 Superintendent of Public Education, or any other person, who shall
13839 willfully violate any of the provisions of this chapter, or who
13840 shall willfully make any false report, list or record, or who
13841 shall willfully make use of any false report, list or record,
13842 concerning the number of school children in average daily
13843 attendance or the number of children being transported or entitled
13844 to be transported in any county or school district, shall be
13845 guilty of a misdemeanor and upon conviction shall be punished by
13846 imprisonment in the county jail for a period not to exceed sixty
13847 (60) days or by a fine of not less than One Hundred Dollars
13848 (\$100.00), nor more than Three Hundred Dollars (\$300.00), or by
13849 both such fine and imprisonment, in the discretion of the court.
13850 In addition, any such person shall be civilly liable for all
13851 amounts of public funds which are illegally, unlawfully or
13852 wrongfully expended or paid out by virtue of or pursuant to such
13853 false report, list or record, and upon conviction or adjudication
13854 of civil liability hereunder, such person shall forfeit his
13855 license to teach for a period of three (3) years, if such person
13856 is the holder of such a license. Any suit to recover such funds
13857 illegally, unlawfully or wrongfully expended or paid out may be
13858 brought in the name of the State of Mississippi by the Attorney
13859 General or the proper district attorney or county attorney, and,
13860 in the event such suit be brought against a person who is under
13861 bond, the sureties upon such bond shall likewise be liable for
13862 such amount illegally, unlawfully or wrongfully expended or paid
13863 out.

13864 **SECTION 235.** Section 37-155-9, Mississippi Code of 1972, is
13865 amended as follows:

13866 37-155-9. In addition to the powers granted by any other
13867 provision of this article, the board of directors shall have the
13868 powers necessary or convenient to carry out the purposes and
13869 provisions of this article, the purposes and objectives of the
13870 trust fund and the powers delegated by any other law of the state
13871 or any executive order thereof, including, but not limited to, the
13872 following express powers:

13873 (a) To adopt and amend bylaws;

13874 (b) To adopt such rules and regulations as are
13875 necessary to implement the provisions of this article;

13876 (c) To invest any funds of the trust fund in any
13877 instrument, obligation, security or property that constitutes
13878 legal investments for public funds in the state and to name and
13879 use depositories for its investments and holdings;

13880 (d) To execute contracts and other necessary
13881 instruments;

13882 (e) To impose reasonable requirements for residency for
13883 beneficiaries at the time of purchase of the contract and to
13884 establish rules to govern purchase of contracts for beneficiaries
13885 who are nonresidents at the time the purchaser enters into the
13886 prepaid tuition contract;

13887 (f) To impose reasonable limits on the number of
13888 contract participants in the trust fund at any given period of
13889 time;

13890 (g) To contract for necessary goods and services, to
13891 employ necessary personnel, and to engage the services of
13892 consultants for administrative and technical assistance in
13893 carrying out the responsibilities of the trust fund;

13894 (h) To solicit and accept gifts, including
13895 bequeathments or other testamentary gifts made by will, trust or
13896 other disposition, grants, loans and other aids from any personal

13897 source or to participate in any other way in any federal, state or
13898 local governmental programs in carrying out the purposes of this
13899 article. Any gifts made to the board under this subsection shall
13900 be deductible from taxable income of the state in the tax year;

13901 (i) To define the terms and conditions under which
13902 payments may be withdrawn or refunded from the trust fund,
13903 including, but not limited to, the amount paid in and an
13904 additional amount in the nature of interest at a rate that
13905 corresponds, at a minimum, to the prevailing interest rates for
13906 savings accounts provided by banks and savings and loan
13907 associations and impose reasonable charges for such withdrawal or
13908 refund;

13909 (j) To ensure applicability to private and out-of-state
13910 tuitions:

13911 (i) Under the program, a state purchaser may enter
13912 into a prepaid tuition contract with the board under which the
13913 purchaser agrees to attend a public institution of higher
13914 education in Mississippi;

13915 (ii) If the beneficiary of a plan described by
13916 Section 37-155-11 enrolls in any in-state or out-of-state
13917 regionally accredited private four- or two-year college or an
13918 out-of-state regionally accredited, state-supported, nonprofit
13919 four- or two-year college or university, or any in-state or
13920 out-of-state regionally accredited graduate institution, the board
13921 shall pay to the institution an amount up to, but not greater
13922 than, the undergraduate tuition and required fees that the board
13923 would have paid had the beneficiary enrolled in an institution of
13924 higher education covered by the plan selected in the prepaid
13925 tuition contract. The beneficiary is responsible for paying a
13926 private undergraduate or graduate institution or an out-of-state
13927 public undergraduate or graduate institution the amount by which
13928 the tuition and required fees of the institution exceed the
13929 tuition and required fees paid by the board;

13930 (k) To impose reasonable time limits on the use of the
13931 tuition benefits provided by the program;

13932 (l) To provide for the receipt of contributions to the
13933 trust fund in lump sums or installment payments;

13934 (m) To adopt an official seal and rules;

13935 (n) To sue and be sued;

13936 (o) To establish agreements or other transactions with
13937 federal, state and local agencies, including state universities
13938 and community colleges;

13939 (p) To appear in its own behalf before boards,
13940 commissions or other governmental agencies;

13941 (q) To segregate contributions and payments to the fund
13942 into various accounts and funds;

13943 (r) To require and collect administrative fees and
13944 charges in connection with any transaction and impose reasonable
13945 penalties, including default, for delinquent payments or for
13946 entering into an advance payment contract on a fraudulent basis;

13947 (s) To procure insurance against any loss in connection
13948 with the property, assets and activities of the fund or the board;

13949 (t) To require that purchasers of advance payment
13950 contracts verify, under oath, any requests for contract
13951 conversions, substitutions, transfers, cancellations, refund
13952 requests or contract changes of any nature;

13953 (u) To administer the fund in a manner that is
13954 sufficiently actuarially sound to meet the obligations of the
13955 program. The board shall annually evaluate or cause to be
13956 evaluated the actuarial soundness of the fund. If the board
13957 perceives a need for additional assets in order to preserve
13958 actuarial soundness, the board may adjust the terms of subsequent
13959 advance payment contracts to ensure such soundness;

13960 (v) To establish a comprehensive investment plan for
13961 the purposes of this section. The comprehensive investment plan
13962 shall specify the investment policies to be utilized by the board

13963 in its administration of the fund. The board may authorize
13964 investments in:

13965 (i) Bonds, notes, certificates and other valid
13966 general obligations of the State of Mississippi, or of any county,
13967 or of any city, or of any supervisors district of any county of
13968 the State of Mississippi, or of any school district bonds of the
13969 State of Mississippi; notes or certificates of indebtedness issued
13970 by the Veterans' Home Purchase Board of Mississippi, provided such
13971 notes or certificates of indebtedness are secured by the pledge of
13972 collateral equal to two hundred percent (200%) of the amount of
13973 the loan, which collateral is also guaranteed at least for fifty
13974 percent (50%) of the face value by the United States government,
13975 and provided that not more than five percent (5%) of the total
13976 investment holdings of the system shall be in Veterans' Home
13977 Purchase Board notes or certificates at any time; real estate
13978 mortgage loans one hundred percent (100%) insured by the Federal
13979 Housing Administration on single family homes located in the State
13980 of Mississippi, where monthly collections and all servicing
13981 matters are handled by Federal Housing Administration approved
13982 mortgagees authorized to make such loans in the State of
13983 Mississippi;

13984 (ii) State of Mississippi highway bonds;

13985 (iii) Funds may be deposited in federally insured
13986 institutions domiciled in the State of Mississippi or a custodial
13987 bank which appears on the State of Mississippi Treasury
13988 Department's approved depository list and/or safekeeper list;

13989 (iv) Corporate bonds of investment grade as rated
13990 by Standard & Poor's or by Moody's Investment Service, with bonds
13991 rated BAA/BBB not to exceed five percent (5%) of the book value of
13992 the total fixed income investments; or corporate short-term
13993 obligations of corporations or of wholly owned subsidiaries of
13994 corporations, whose short-term obligations are rated A-3 or better

13995 by Standard and Poor's or rated P-3 or better by Moody's
13996 Investment Service;

13997 (v) Bonds of the Tennessee Valley Authority;

13998 (vi) Bonds, notes, certificates and other valid
13999 obligations of the United States, and other valid obligations of
14000 any federal instrumentality that issues securities under authority
14001 of an act of Congress and are exempt from registration with the
14002 Securities and Exchange Commission;

14003 (vii) Bonds, notes, debentures and other
14004 securities issued by any federal instrumentality and fully
14005 guaranteed by the United States. Direct obligations issued by the
14006 United States of America shall be deemed to include securities of,
14007 or other interests in, any open-end or closed-end management type
14008 investment company or investment trust registered under the
14009 provisions of 15 USCS Section 80(a)-1 et seq., provided that the
14010 portfolio of such investment company or investment trust is
14011 limited to direct obligations issued by the United States of
14012 America, United States government agencies, United States
14013 government instrumentalities or United States government sponsored
14014 enterprises, and to repurchase agreements fully collateralized by
14015 direct obligations of the United States of America, United States
14016 government agencies, United States government instrumentalities or
14017 United States government sponsored enterprises, and the investment
14018 company or investment trust takes delivery of such collateral for
14019 the repurchase agreement, either directly or through an authorized
14020 custodian. The State Treasurer and the Executive Director of the
14021 Department of Finance and Administration shall review and approve
14022 the investment companies and investment trusts in which funds may
14023 be invested;

14024 (viii) Interest-bearing bonds or notes which are
14025 general obligations of any other state in the United States or of
14026 any city or county therein, provided such city or county had a
14027 population as shown by the federal census next preceding such

14028 investment of not less than twenty-five thousand (25,000)
14029 inhabitants and provided that such state, city or county has not
14030 defaulted for a period longer than thirty (30) days in the payment
14031 of principal or interest on any of its general obligation
14032 indebtedness during a period of ten (10) calendar years
14033 immediately preceding such investment;

14034 (ix) Shares of stocks, common and/or preferred, of
14035 corporations created by or existing under the laws of the United
14036 States or any state, district or territory thereof; provided:

14037 (A) The maximum investments in stocks shall
14038 not exceed fifty percent (50%) of the book value of the total
14039 investment fund of the system;

14040 (B) The stock of such corporation shall:

14041 1. Be listed on a national stock
14042 exchange; or

14043 2. Be traded in the over-the-counter
14044 market, provided price quotations for such over-the-counter stocks
14045 are quoted by the National Association of Securities Dealers
14046 Automated Quotation System (NASDAQ);

14047 (C) The outstanding shares of such
14048 corporation shall have a total market value of not less than Fifty
14049 Million Dollars (\$50,000,000.00);

14050 (D) The amount of investment in any one (1)
14051 corporation shall not exceed three percent (3%) of the book value
14052 of the assets of the system; and

14053 (E) The shares of any one (1) corporation
14054 owned by the system shall not exceed five percent (5%) of that
14055 corporation's outstanding stock;

14056 (x) Bonds rated Single A or better, stocks and
14057 convertible securities of established non-United States companies,
14058 which companies are listed on only primary national stock
14059 exchanges of foreign nations; and in foreign government securities
14060 rated Single A or better by a recognized rating agency; provided

14061 that the total book value of investments under this paragraph
14062 shall at no time exceed twenty percent (20%) of the total book
14063 value of all investments of the system. The board may take
14064 requisite action to effectuate or hedge such transactions through
14065 foreign banks, including the purchase and sale, transfer, exchange
14066 or otherwise disposal of, and generally deal in foreign exchange
14067 through the use of foreign currency, interbank forward contracts,
14068 futures contracts, options contracts, swaps and other related
14069 derivative instruments, notwithstanding any other provisions of
14070 this article to the contrary;

14071 (xi) Covered call and put options on securities
14072 traded on one or more of the regulated exchanges;

14073 (xii) Institutional investment trusts managed by a
14074 corporate trustee or by a Securities and Exchange Commission
14075 registered investment advisory firm retained as an investment
14076 manager by the board of directors, and institutional class shares
14077 of investment companies and unit investment trusts registered
14078 under the Investment Company Act of 1940 where such funds or
14079 shares are comprised of common or preferred stocks, bonds, money
14080 market instruments or other investments authorized under this
14081 section. Any investment manager or managers approved by the board
14082 of directors shall invest such funds or shares as a fiduciary;

14083 (xiii) Pooled or commingled real estate funds or
14084 real estate securities managed by a corporate trustee or by a
14085 Securities and Exchange Commission registered investment advisory
14086 firm retained as an investment manager by the board of directors.
14087 Such investment in commingled funds or shares shall be held in
14088 trust; provided that the total book value of investments under
14089 this paragraph shall at no time exceed five percent (5%) of the
14090 total book value of all investments of the system. Any investment
14091 manager approved by the board of directors shall invest such
14092 commingled funds or shares as a fiduciary;

14093 (w) All investments shall be acquired by the board at
14094 prices not exceeding the prevailing market values for such
14095 securities;

14096 (x) Any limitations herein set forth shall be
14097 applicable only at the time of purchase and shall not require the
14098 liquidation of any investment at any time. All investments shall
14099 be clearly marked to indicate ownership by the system and to the
14100 extent possible shall be registered in the name of the system;

14101 (y) Subject to the above terms, conditions, limitations
14102 and restrictions, the board shall have power to sell, assign,
14103 transfer and dispose of any of the securities and investments of
14104 the system, provided that the sale, assignment or transfer has the
14105 majority approval of the entire board. The board may employ or
14106 contract with investment managers, evaluation services or other
14107 such services as determined by the board to be necessary for the
14108 effective and efficient operation of the system;

14109 (z) Except as otherwise provided herein, no trustee and
14110 no employee of the board shall have any direct or indirect
14111 interest in the income, gains or profits of any investment made by
14112 the board, nor shall any such person receive any pay or emolument
14113 for his services in connection with any investment made by the
14114 board. No trustee or employee of the board shall become an
14115 endorser or surety, or in any manner an obligor for money loaned
14116 by or borrowed from the system;

14117 (aa) All interest derived from investments and any
14118 gains from the sale or exchange of investments shall be credited
14119 by the board to the account of the system;

14120 (bb) To delegate responsibility for administration of
14121 the comprehensive investment plan to a consultant the board
14122 determines to be qualified. Such consultant shall be compensated
14123 by the board. Directly or through such consultant, the board may
14124 contract to provide such services as may be a part of the
14125 comprehensive investment plan or as may be deemed necessary or

14126 proper by the board or such consultant, including, but not limited
14127 to, providing consolidated billing, individual and collective
14128 record keeping and accounting, and asset purchase, control and
14129 safekeeping;

14130 (cc) To annually prepare or cause to be prepared a
14131 report setting forth in appropriate detail an accounting of the
14132 fund and a description of the financial condition of the program
14133 at the close of each fiscal year. Such report shall be submitted
14134 to the Governor, the Lieutenant Governor, the President of the
14135 Senate, the Speaker of the House of Representatives, and members
14136 of the Board of Trustees of State Institutions of Higher Learning,
14137 the State Board for Community and Junior Colleges and the State
14138 Superintendent of Public Education on or before March 31 each
14139 year. In addition, the board shall make the report available to
14140 purchasers of advance payment contracts. The board shall provide
14141 to the Board of Trustees of State Institutions of Higher Learning
14142 and the State Board for Community and Junior Colleges by March 31
14143 each year complete advance payment contract sales information
14144 including projected postsecondary enrollments of beneficiaries.
14145 The accounts of the fund shall be subject to annual audits by the
14146 State Auditor or his designee;

14147 (dd) To solicit proposals for the marketing of the
14148 Mississippi Prepaid Affordable College Tuition Program. The
14149 entity designated pursuant to this paragraph shall serve as a
14150 centralized marketing agent for the program and shall solely be
14151 responsible for the marketing of the program. Any materials
14152 produced for the purpose of marketing the programs shall be
14153 submitted to the board for review. No such materials shall be
14154 made available to the public before the materials are approved by
14155 the board. Any educational institution may distribute marketing
14156 materials produced for the program; however, all such materials
14157 shall have been approved by the board prior to distribution.

14158 Neither the state nor the board shall be liable for
14159 misrepresentation of the program by a marketing agent; and
14160 (ee) To establish other policies, procedures and
14161 criteria necessary to implement and administer the provisions of
14162 this article.

14163 For efficient and effective administration of the program and
14164 trust fund, the board may authorize the State of Mississippi
14165 Treasury Department and/or the State Treasurer to carry out any or
14166 all of the powers and duties enumerated above.

14167 **SECTION 236.** Section 37-155-117, Mississippi Code of 1972,
14168 is amended as follows:

14169 37-155-117. (1) The board shall furnish, without charge, to
14170 each account owner an annual statement of the following:

14171 (a) The amount contributed by the account owner under
14172 the savings trust agreement;

14173 (b) The annual earnings and accumulated earnings on the
14174 savings trust account; and

14175 (c) Any other terms and conditions that the board deems
14176 by rule is necessary or appropriate, including those necessary to
14177 conform the savings trust account with the requirements of Section
14178 529 of the Internal Revenue Code of 1986, as amended, or other
14179 applicable federal law or regulations.

14180 (2) The board shall furnish an additional statement
14181 complying with subsection (1) to an account owner or beneficiary
14182 on written request. The board may charge a reasonable fee for
14183 each statement furnished under this subsection.

14184 (3) The board shall prepare or cause to be prepared an
14185 annual report setting forth in appropriate detail an accounting of
14186 the funds and a description of the financial condition of the
14187 program at the close of each fiscal year. Such report shall be
14188 submitted to the Governor, the Lieutenant Governor, the Speaker of
14189 the House of Representatives and members of the Board of Trustees
14190 of State Institutions of Higher Learning, the State Board for

14191 Community and Junior Colleges and the State Superintendent of
14192 Public Education. In addition, the board shall make the report
14193 available to account owners of savings trust agreements. The
14194 accounts of the fund shall be subject to annual audits by the
14195 State Auditor or his designee.

14196 **SECTION 237.** Section 37-159-3, Mississippi Code of 1972, is
14197 amended as follows:

14198 37-159-3. (1) There is established the "Critical Needs
14199 Teacher Scholarship Program," the purpose of which is to attract
14200 qualified teachers to those geographical areas of the state and
14201 those subject areas of the curriculum where there exists a
14202 critical shortage of teachers by awarding full scholarships to
14203 persons declaring an intention to serve in the teaching field who
14204 actually render service to the state while possessing an
14205 appropriate teaching license.

14206 (2) Any individual who is enrolled in or accepted for
14207 enrollment at a teacher education program approved by the State
14208 Superintendent of Public Education or other program at a
14209 baccalaureate degree-granting institution of higher learning in
14210 the State of Mississippi and has a passing score on the Praxis I
14211 Basic Skills Test who expresses in writing an intention to teach
14212 in a geographical area of the state or a subject area of the
14213 public school curriculum in which there exists a critical shortage
14214 of teachers, as designated by the State Superintendent of Public
14215 Education, shall be eligible for a financial scholarship to be
14216 applied toward the costs of the individual's college education.
14217 The annual amount of the award shall be equal to the total cost
14218 for tuition, room and meals, books, materials and fees at the
14219 college or university in which the student is enrolled, not to
14220 exceed an amount equal to the highest total cost of tuition, room
14221 and meals, books, materials and fees assessed by a state
14222 institution of higher learning during that school year. Awards

14223 made to nonresidents of the state shall not include any amount
14224 assessed by the college or university for out-of-state tuition.

14225 (3) Awards granted under the Critical Needs Teacher
14226 Scholarship Program shall be available to both full-time and
14227 part-time students. Students enrolling on a full-time basis may
14228 receive a maximum of two (2) annual awards. The maximum number of
14229 awards that may be made to students attending school on a
14230 part-time basis, and the maximum time period for part-time
14231 students to complete the number of academic hours necessary to
14232 obtain a baccalaureate degree in education, shall be established
14233 by rules and regulations jointly promulgated by the Board of
14234 Trustees of State Institutions of Higher Learning and the State
14235 Superintendent of Public Education. Critical Needs Teacher
14236 Scholarships shall not be based upon an applicant's eligibility
14237 for financial aid.

14238 (4) Awards granted under the Critical Needs Teacher
14239 Scholarship Program shall be made available to nontraditional
14240 licensed teachers showing a documented need for student loan
14241 repayment and employed in those school districts designated by the
14242 State Department of Education as a geographical area of the state
14243 or in a subject area of the curriculum in which there is a
14244 critical shortage of teachers. The maximum annual amount of this
14245 repayment should not exceed Three Thousand Dollars (\$3,000.00) and
14246 the maximum time period for repayment shall be no more than four
14247 (4) years.

14248 (5) Except in those cases where employment positions may not
14249 be available upon completion of licensure requirements, at the
14250 beginning of the first school year in which a recipient of a
14251 Critical Needs Teacher Scholarship is eligible for employment as a
14252 licensed teacher or a nontraditional teacher intern pursuant to
14253 Section 37-3-2(6)(b), that person shall begin to render service as
14254 a licensed teacher or nontraditional teacher intern in a public
14255 school district in a geographical area of the state or a subject

14256 area of the curriculum where there is a critical shortage of
14257 teachers, as approved by the State Superintendent of Public
14258 Education. Any person who received two (2) annual awards, or who
14259 received fewer than two (2) annual awards, or the equivalent of
14260 two (2) annual awards, shall render one (1) year's service as a
14261 licensed teacher for each year that the person received a
14262 full-time student scholarship.

14263 (6) Any person failing to complete a program of study which
14264 will enable that person to become a licensed teacher or
14265 nontraditional teacher intern under Section 37-3-2(6)(b), as the
14266 case may be, shall become liable immediately to the Board of
14267 Trustees of State Institutions of Higher Learning for the sum of
14268 all Critical Needs Teacher Scholarship awards made to that person,
14269 plus interest accruing at the current Stafford Loan rate at the
14270 time the person abrogates his participation in the program. Any
14271 person failing to complete his teaching obligation, as required
14272 under subsection (4) of this section, shall become liable
14273 immediately to the board for the sum of all scholarship awards
14274 made to that person less the corresponding amount of any awards
14275 for which service has been rendered, plus interest accruing at the
14276 current Stafford Loan rate at the time the person discontinues his
14277 service, except in the case of a deferral of debt for cause by the
14278 State Superintendent of Public Education when there is no
14279 employment position immediately available upon a teacher's
14280 completion of licensure requirements. After the period of such
14281 deferral, such person shall begin or resume teaching duties as
14282 required under subsection (4) or shall become liable to the board
14283 under this subsection. If a claim for payment under this
14284 subsection is placed in the hands of an attorney for collection,
14285 the obligor shall be liable for an additional amount equal to a
14286 reasonable attorney's fee.

14287 (7) The obligations made by the recipient of a Critical
14288 Needs Teacher Scholarship award shall not be voidable by reason of
14289 the age of the student at the time of receiving the scholarship.

14290 (8) Any student who, prior to July 1, 2003, has been
14291 accepted into the Critical Needs Teacher Scholarship Program under
14292 the authority of Section 37-159-3(4) shall be allowed to begin or
14293 remain in the scholar loan program based upon the prescribed
14294 guidelines of the State Department of Education, and conversion
14295 for those students with fewer than four (4) annual awards shall be
14296 based on one (1) year of service in either (a) a geographic area
14297 of the state in which there exists a critical shortage of teachers
14298 as determined by the State Superintendent of Public Education, or
14299 (b) a subject area of the curriculum in the public schools in
14300 which there exists a critical shortage of teachers as determined
14301 by the State Superintendent of Public Education, for each year a
14302 loan was received by the student. For those students that receive
14303 the equivalent of four (4) annual awards, such students shall
14304 render three (3) years of service.

14305 (9) The Board of Trustees of State Institutions of Higher
14306 Learning and the State Superintendent of Public Education shall
14307 jointly promulgate rules and regulations necessary for the proper
14308 administration of the Critical Needs Teacher Scholarship Program.
14309 The Board of Trustees of State Institutions of Higher Learning
14310 shall be the administering agency of the program.

14311 (10) If insufficient funds are available to fully fund
14312 scholarship awards to all eligible students, the Board of Trustees
14313 of State Institutions of Higher Learning shall make the awards to
14314 first-time students on a first-come, first-served basis; however,
14315 priority consideration shall be given to persons previously
14316 receiving awards under the Critical Needs Teacher Scholarship
14317 Program.

14318 (11) All funds received by the Board of Trustees of State
14319 Institutions of Higher Learning from the repayment of scholarship

14320 awards by program participants shall be deposited in the
14321 Mississippi Critical Teacher Shortage Fund.

14322 (12) The State Department of Education shall compile and
14323 report, in consultation with the Board of Trustees of State
14324 Institutions of Higher Learning, an annual report with findings
14325 and recommendations to the legislative committees on education by
14326 December 1, 2003, and annually thereafter, on the following:

14327 (a) The number of participants in the Critical Needs
14328 Teacher Scholarship Program, by institution and by freshman,
14329 sophomore, junior and senior level;

14330 (b) The number of nontraditional teacher license
14331 program participants;

14332 (c) The number of individuals who completed the
14333 Critical Needs Teacher Scholarship Program and the school district
14334 in which they are employed;

14335 (d) The number of individuals who are in default of
14336 their obligation under the Critical Needs Teacher Scholarship
14337 Program and the status of their obligation;

14338 (e) The number of participants in the program who have
14339 successfully completed the Praxis examination in their junior
14340 year; and

14341 (f) The number of noneducation majors participating in
14342 the program.

14343 (13) Where local school districts exhibit financial need,
14344 the State Department of Education may, subject to the availability
14345 of funds specifically appropriated therefor by the Legislature,
14346 provide financial assistance for the recruitment of certified
14347 teachers in an amount not to exceed Seventy-five Thousand Dollars
14348 (\$75,000.00), annually.

14349 **SECTION 238.** Section 37-159-5, Mississippi Code of 1972, is
14350 amended as follows:

14351 37-159-5. The State Superintendent of Public Education shall
14352 prescribe rules and regulations which, subject to available

14353 appropriations, allow for reimbursement to the state licensed
14354 teachers, from both in-state and out-of-state, who enter into a
14355 contract for employment in a school district situated within a
14356 geographical area of the state where there exists a critical
14357 shortage of teachers, as designated by the State Superintendent of
14358 Public Education, for the expense of moving when the employment
14359 necessitates the relocation of the teacher to a different
14360 geographical area than that in which the teacher resides before
14361 entering into such contract. In order to be eligible for the
14362 reimbursement, the teacher must apply to the local district and
14363 the district must obtain the prior approval from the department
14364 for reimbursement before the relocation occurs. If the
14365 reimbursement is approved, the department shall provide funds to
14366 the school district to reimburse the teacher an amount not to
14367 exceed One Thousand Dollars (\$1,000.00) for the documented actual
14368 expenses incurred in the course of relocating, including the
14369 expense of any professional moving company or persons employed to
14370 assist with the move, rented moving vehicles or equipment, mileage
14371 in the amount authorized for state employees under Section 25-3-41
14372 if the teacher used his personal vehicle or vehicles for the move,
14373 meals and such other expenses associated with the relocation in
14374 accordance with the department's established rules and
14375 regulations. No teacher may be reimbursed for moving expenses
14376 under this section on more than one (1) occasion.

14377 Nothing in this section shall be construed to require the
14378 actual residence to which the teacher relocates to be within the
14379 boundaries of the school district which has executed a contract
14380 for employment with the teacher or within the boundaries of the
14381 area designated by the State Superintendent of Public Education as
14382 the critical teacher shortage area in order for the teacher to be
14383 eligible for reimbursement for his moving expenses. However,
14384 teachers must relocate within the boundaries of the State of
14385 Mississippi.

14386 **SECTION 239.** Section 37-159-7, Mississippi Code of 1972, is
14387 amended as follows:

14388 37-159-7. The school board of any school district situated
14389 within a geographical area of the state where there exists a
14390 critical shortage of teachers, as designated by the State
14391 Superintendent of Public Education, in the superintendent's
14392 discretion, may reimburse persons who interview for employment as
14393 a licensed teacher with the district for the mileage and other
14394 actual expenses incurred in the course of travel to and from the
14395 interview by such persons at the rate authorized for county and
14396 municipal employees under Section 25-3-41. Any reimbursement by a
14397 school board under this section shall be paid from nonminimum
14398 education program funds.

14399 **SECTION 240.** Section 37-159-9, Mississippi Code of 1972, is
14400 amended as follows:

14401 37-159-9. (1) There is established the University Assisted
14402 Teacher Recruitment and Retention Grant Program within the State
14403 Department of Education. The purposes of the program shall be to
14404 attract additional qualified teachers to those geographical areas
14405 of the state where there exists a critical shortage of teachers
14406 and to retain the qualified teachers already serving as licensed
14407 teachers in geographical critical teacher shortage areas by making
14408 available scholarships to persons working towards a Master of
14409 Education degree or an Educational Specialist degree at an
14410 institution of higher learning whose teacher education program is
14411 approved by the State Superintendent of Public Education.

14412 (2) Any institution of higher learning in the State of
14413 Mississippi which offers a Master of Education degree or an
14414 Educational Specialist degree may apply to the department for
14415 participation in the program. As part of the program,
14416 participating institutions shall collaborate with the Mississippi
14417 Teacher Center to identify, recruit and place teacher education
14418 graduates, from both within the state and out-of-state, in school

14419 districts situated within those areas of the state where there
14420 exists a critical shortage of teachers, as designated by the State
14421 Superintendent of Public Education.

14422 (3) The State Department of Education shall provide funds to
14423 participating institutions of higher learning for the purpose of
14424 awarding scholarships to qualified persons pursuing a Master of
14425 Education degree or an Educational Specialist degree at such
14426 institutions while rendering service to the state as a licensed
14427 teacher in a school district in a geographical area of the state
14428 where there exists a critical shortage of teachers, as approved by
14429 the State Superintendent of Public Education. The financial
14430 scholarship shall be applied to the total cost for tuition, books,
14431 materials and fees at the institution in which the student is
14432 enrolled, not to exceed an amount equal to the highest total cost
14433 of tuition, books, materials and fees assessed by a state
14434 institution of higher learning during that school year. Teachers
14435 who relocate within Mississippi from out-of-state in order to
14436 participate in the program shall be classified as residents of the
14437 state for tuition purposes.

14438 (4) Students awarded financial scholarships under the
14439 University Assisted Teacher Recruitment and Retention Grant
14440 Program may receive such awards for a maximum of four (4) school
14441 years; however, the maximum number of awards which may be made
14442 shall not exceed the length of time required to complete the
14443 number of academic hours necessary to obtain a Master of Education
14444 degree or an Educational Specialist degree. Financial
14445 scholarships under the program shall not be based upon an
14446 applicant's eligibility for financial aid.

14447 (5) Persons relocating to a geographical area of the state
14448 where there exists a critical shortage of teachers, as approved by
14449 the State Superintendent of Public Education, to participate in
14450 the University Assisted Teacher Recruitment and Retention Grant
14451 Program shall be eligible for reimbursement for their moving

14452 expenses to the critical teacher shortage area from the State
14453 Superintendent of Public Education. The State Superintendent of
14454 Public Education shall promulgate rules and regulations necessary
14455 for the administration of the relocation expense reimbursement
14456 component of the University Assisted Teacher Recruitment and
14457 Retention Grant Program.

14458 (6) Subject to the availability of funds, the State
14459 Superintendent of Public Education may provide for professional
14460 development and support services as may be necessary for the
14461 retention of teachers participating in the program in those
14462 geographical areas of the state where there exists a critical
14463 shortage of teachers.

14464 (7) Any person participating in the program who fails to
14465 complete a program of study that will enable that person to obtain
14466 a Master of Education degree or Educational Specialist degree
14467 shall become liable immediately to the State Superintendent of
14468 Public Education for the sum of all awards made to that person
14469 under the program, plus interest accruing at the current Stafford
14470 Loan rate at the time the person abrogates his participation in
14471 the program.

14472 (8) As a condition for participation in the program, a
14473 teacher shall agree to employment as a licensed teacher in a
14474 school district located in a geographical area of the state where
14475 there exists a critical shortage of teachers, as designated by the
14476 State Superintendent of Public Education, for a period of not less
14477 than three (3) years, which shall include those years of service
14478 rendered while obtaining the Master of Education degree or
14479 Educational Specialist degree. However, for any person who
14480 obtained a baccalaureate degree in education with a financial
14481 scholarship under the Critical Needs Teacher Scholarship Program
14482 and who entered the University Assisted Teacher Recruitment and
14483 Retention Grant Program before rendering service as a teacher, the
14484 period of employment for the purposes of this subsection shall be

14485 two (2) years, in addition to the employment commitment required
14486 under the Critical Needs Teacher Scholarship Program. Service
14487 rendered by a participant as a licensed teacher in a school
14488 district in a geographical critical teacher shortage area before
14489 that teacher becomes a participant in the program may not be
14490 considered to fulfill the employment commitment required under
14491 this subsection. Any person failing to comply with this
14492 employment commitment in any required school year shall
14493 immediately be in breach of contract and become liable immediately
14494 to the State Department of Education for the sum of all
14495 scholarships awarded and relocation expenses granted to that
14496 person, less one-third (1/3) of the amount of that sum for each
14497 year that service was rendered, or for those persons whose
14498 required period of employment is two (2) years, less one-half
14499 (1/2) of the amount of that sum for each year that service was
14500 rendered, plus interest accruing at the current Stafford Loan rate
14501 at the time the breach occurs, except in the case of a deferral
14502 for cause by the State Superintendent of Public Education when
14503 there is no employment position immediately available upon the
14504 teacher's obtaining of the Master of Education degree or
14505 Educational Specialist degree. After the period of such deferral,
14506 the person shall begin or resume the required teaching duties or
14507 shall become liable to the board under this subsection. If a
14508 claim for repayment under this subsection is placed in the hands
14509 of an attorney for collection after default, then the obligor
14510 shall be liable for an additional amount equal to a reasonable
14511 attorney's fee.

14512 (9) All funds received by the State Department of Education
14513 from the repayment of scholarship awards and relocation expenses
14514 by program participants shall be deposited in the Mississippi
14515 Critical Teacher Shortage Fund.

14516 (10) The State Superintendent of Public Education shall
14517 promulgate rules and regulations necessary for the proper

14518 administration of the University Assisted Teacher Recruitment and
14519 Retention Grant Program.

14520 **SECTION 241.** Section 37-159-11, Mississippi Code of 1972, is
14521 amended as follows:

14522 37-159-11. (1) There is established the Mississippi
14523 Employer-Assisted Housing Teacher Program, which shall be a
14524 special home loan program for eligible licensed teachers who
14525 render service to the state in a geographical area of the state
14526 where there exists a critical shortage of teachers, as designated
14527 by the State Superintendent of Public Education. The home loan
14528 program shall be administered by the State Department of Education
14529 in conjunction with the Federal National Mortgage Association
14530 (Fannie Mae). The department may contract with one or more public
14531 or private entities to provide assistance in implementing and
14532 administering the program. The State Superintendent of Public
14533 Education shall adopt rules and regulations regarding the
14534 implementation and administration of the program.

14535 (2) Participation in the loan program shall be available to
14536 any licensed teacher who renders service in a geographical area of
14537 the state where there exists a critical shortage of teachers, as
14538 designated by the State Superintendent of Public Education. Any
14539 person who receives a loan under the program shall be required to
14540 purchase a house and reside in a county in which the school
14541 district for which the teacher is rendering service, or any
14542 portion of the school district, is located. The maximum amount of
14543 a loan that may be made under the program to any person shall be
14544 Six Thousand Dollars (\$6,000.00).

14545 (3) Any loan made under the program to a person who actually
14546 renders service as a teacher in a geographical area of the state
14547 where there exists a critical shortage of teachers, as designated
14548 by the State Superintendent of Public Education, shall be
14549 converted to an interest-free grant on the basis of one (1) year's
14550 service for one-third (1/3) of the amount of the loan. Any person

14551 who does not render three (3) years' service as a teacher in a
14552 geographical area of the state where there exists a critical
14553 shortage of teachers, as designated by the State Superintendent of
14554 Public Education, shall be liable to the State Department of
14555 Education for one-third (1/3) of the amount of the loan for each
14556 year that he does not render such service, plus interest accruing
14557 at the current Stafford Loan rate at the time the person
14558 discontinues his service. If a claim for repayment under this
14559 subsection is placed in the hands of an attorney for collection,
14560 the obligor shall be liable for an additional amount equal to a
14561 reasonable attorney's fee.

14562 (4) All funds received by the State Department of Education
14563 as repayment of loans by program participants shall be deposited
14564 in the Mississippi Critical Teacher Shortage Fund.

14565 (5) This section shall stand repealed on July 1, 2009.

14566 **SECTION 242.** Section 37-159-13, Mississippi Code of 1972, is
14567 amended as follows:

14568 37-159-13. (1) There is established a pilot program to
14569 provide for the construction of rental housing units for teachers
14570 in the West Tallahatchie School District, which pilot program
14571 shall be administered by the State Department of Education. The
14572 department may contract with one or more public or private
14573 entities to provide assistance in implementing and administering
14574 the program. The State Superintendent of Public Education shall
14575 adopt rules and regulations regarding the implementation and
14576 administration of the program.

14577 (2) The West Tallahatchie School District shall receive
14578 proposals from developers for the construction of the rental
14579 housing units, and submit its recommendation to the State
14580 Department of Education about which developer should construct the
14581 units. The department shall make the final determination about
14582 the developer that will construct the units.

14583 (3) After selection of the developer, the department shall
14584 loan the developer not more than Two Hundred Thousand Dollars
14585 (\$200,000.00) for construction of the units. The interest rate on
14586 the loan shall be equal to one percent (1%) below the discount
14587 rate at the Federal Reserve Bank in the Federal Reserve district
14588 in which the school district is located, and the loan shall be
14589 repaid in not more than fifteen (15) years, as determined by the
14590 department. All funds received by the department as repayment of
14591 the principal and interest of the loan shall be deposited in the
14592 Mississippi Critical Teacher Shortage Fund. If a claim against
14593 the developer for repayment is placed in the hands of an attorney
14594 for collection, the obligor shall be liable for an additional
14595 amount equal to a reasonable attorney's fee.

14596 (4) The developer shall operate the rental housing units.
14597 For a period of ten (10) years or until such time as the loan to
14598 the developer is repaid, whichever is longer, the priority for
14599 residence in the units shall be given first to teachers employed
14600 by the school district, then to other licensed school district
14601 employees, and then to any other school district employees.

14602 **SECTION 243.** Section 41-29-169, Mississippi Code of 1972, is
14603 amended as follows:

14604 41-29-169. The Mississippi Bureau of Drug Enforcement and
14605 State Superintendent of Public Education shall carry out
14606 educational programs designed to prevent and deter misuse and
14607 abuse of controlled substances. In connection with these programs
14608 they may:

14609 (1) Promote better recognition of the problems of
14610 misuse and abuse of controlled substances within the regulated
14611 industry and among interested groups and organizations;

14612 (2) Assist the regulated industry and interested groups
14613 and organizations in contributing to the reduction of misuse and
14614 abuse of controlled substances;

14615 (3) Consult with interested groups and organizations to
14616 aid them in solving administrative and organizational problems;

14617 (4) Evaluate procedures, projects, techniques, and
14618 controls conducted or proposed as part of educational programs on
14619 misuse and abuse of controlled substances;

14620 (5) Disseminate the results of research on misuse and
14621 abuse of controlled substances to promote a better public
14622 understanding of what problems exist and what can be done to
14623 combat them; and

14624 (6) Assist in the education and training of state and
14625 local law enforcement officials in their efforts to control misuse
14626 and abuse of controlled substances.

14627 **SECTION 244.** Section 41-29-171, Mississippi Code of 1972, is
14628 amended as follows:

14629 41-29-171. (a) The Mississippi Bureau of Narcotics, the
14630 State Board of Pharmacy, the State Board of Medical Licensure,
14631 the State Board of Dental Examiners, the Mississippi Board of
14632 Nursing and the State Board of Optometry shall encourage research
14633 on misuse and abuse of controlled substances. In connection with
14634 the research, and in furtherance of the enforcement of this
14635 article they may:

14636 (1) Establish methods to assess accurately the effects
14637 of controlled substances and identify and characterize those with
14638 potential for abuse;

14639 (2) Make studies and undertake programs of research to:

14640 (A) Develop new or improved approaches,
14641 techniques, systems, equipment and devices to strengthen the
14642 enforcement of this article;

14643 (B) Determine patterns of misuse and abuse of
14644 controlled substances and the social effects thereof; and

14645 (C) Improve methods for preventing, predicting,
14646 understanding and dealing with the misuse and abuse of controlled
14647 substances;

14648 (3) Enter into contracts with public agencies,
14649 institutions of higher education, and private organizations or
14650 individuals for the purpose of conducting research,
14651 demonstrations, or special projects which bear directly on misuse
14652 and abuse of controlled substances.

14653 (b) The Mississippi Bureau of Narcotics and the State
14654 Superintendent of Public Education may enter into contracts for
14655 educational and research activities without performance bonds.

14656 (c) The board may authorize the possession and distribution
14657 of controlled substances by persons engaged in research. Persons
14658 who obtain this authorization are exempt from state prosecution
14659 for possession and distribution of controlled substances to the
14660 extent of the authorization.

14661 **SECTION 245.** Section 41-79-3, Mississippi Code of 1972, is
14662 amended as follows:

14663 41-79-3. The State Board of Health, after consultation with
14664 the State Superintendent of Public Education, is authorized to
14665 issue regulations to implement the provisions of this chapter.

14666 **SECTION 246.** Section 43-5-1, Mississippi Code of 1972, is
14667 amended as follows:

14668 43-5-1. (1) The State Superintendent of Public Education
14669 shall perform the services of the Board of Trustees of the
14670 Mississippi School for the Deaf and the Mississippi School for the
14671 Blind and shall retain all powers and duties granted by law to the
14672 Board of Trustees of the Mississippi School for the Deaf and the
14673 Mississippi School for the Blind. Wherever the term Board of
14674 Trustees of the Mississippi School for the Deaf and Mississippi
14675 School for the Blind appears in any law the same shall mean the
14676 State Superintendent of Public Education.

14677 (2) The provisions of this section shall not be construed to
14678 require any consolidation or combination of the Mississippi School
14679 for the Deaf and the Mississippi School for the Blind other than
14680 where economies can be realized through the common utilization of

14681 maintenance personnel and equipment, physical facilities, vehicles
14682 and administrative personnel, where the same can be done without
14683 impairment of the effectiveness of the educational programs of the
14684 two (2) institutions or the welfare of the students.

14685 (3) The provisions of this section shall not be construed to
14686 require any consolidation of services involving curriculum or
14687 instructional programs of the two (2) institutions.

14688 (4) The State Superintendent of Public Education, on behalf
14689 of each of these institutions, shall have the power to receive and
14690 hold property, real and personal, and to accept and use as
14691 provided by law, separate from the needs of the other
14692 institutions, all bequests, devices and donations made or which
14693 may in the future be made to or for it, and shall continue to
14694 enjoy the rights and privileges heretofore conferred upon it by
14695 law and such as are necessary now, or hereafter, to accomplish the
14696 purposes of its own establishment and operation and maintenance
14697 hereunder, provided that the same be not inconsistent with or in
14698 conflict with this chapter.

14699 **SECTION 247.** Section 43-5-5, Mississippi Code of 1972, is
14700 amended as follows:

14701 43-5-5. The State Superintendent of Public Education shall
14702 adopt all needful rules and regulations for the government of the
14703 schools. The State Superintendent of Public Education shall have
14704 authority and control over the pupils and over the properties of
14705 each school except where otherwise prescribed by law. The State
14706 Superintendent of Public Education shall provide and maintain
14707 libraries for each school, and shall provide for proper and
14708 needful recreational facilities for the pupils of the separate
14709 schools, and encourage their physical and hygienic and religious
14710 advancement, including facilities for church attendances on the
14711 Sabbath.

14712 **SECTION 248.** Section 43-5-8, Mississippi Code of 1972, is
14713 amended as follows:

14714 43-5-8. The Superintendent of the School for the Blind and
14715 the Superintendent of the School for the Deaf and all principals
14716 and directors shall be selected by and hold office subject to the
14717 will and pleasure of the State Superintendent of Public
14718 Education * * *. The State Superintendent of Public Education may
14719 provide housing for the two (2) superintendents so employed either
14720 on- or off-campus. Each superintendent shall at all times
14721 maintain supervision of the physical properties of the school he
14722 serves unless otherwise provided. All other personnel shall be
14723 competitively appointed by the state superintendent and shall be
14724 dismissed only for cause in accordance with the rules and
14725 regulations of the State Personnel Board. The state
14726 superintendent, subject to the approval of the State Personnel
14727 Board, shall fix the amount of compensation or expenses of any of
14728 the personnel of the schools, which shall be paid upon the
14729 requisition of the state superintendent and warrant issued
14730 thereunder by the State Auditor out of the funds appropriated by
14731 the Legislature in a lump sum upon the basis of budgetary
14732 requirements submitted by the Superintendent of Education or out
14733 of funds otherwise made available. The entire expense of
14734 administering the schools shall never exceed the amount
14735 appropriated therefor, plus funds received from sources other than
14736 state appropriations. For a violation of this provision, the
14737 superintendent shall be liable, and he and the sureties on his
14738 bond shall be required to restore any excess.

14739 **SECTION 249.** Section 43-5-11, Mississippi Code of 1972, is
14740 amended as follows:

14741 43-5-11. The State Superintendent of Public Education shall
14742 make a report to every annual term of the Legislature, showing the
14743 needs and condition and status of the School for the Blind and the
14744 School for the Deaf. Such report to the Legislature shall show
14745 how the money appropriated to the schools has been expended during
14746 the preceding year, beginning and ending with the fiscal year of

14747 each school. Such report shall exhibit the salaries paid to
14748 teachers, officers and employees and each and every item of
14749 receipt and expenditure. Each report shall be balanced and shall
14750 begin with the balance at the end of the preceding fiscal year.
14751 If any property belonging to the state or either school is used
14752 for profit such report shall show the expenses incurred in
14753 managing the property and the amount received from the same. Such
14754 report shall also show a summary of the gross receipts and gross
14755 disbursements for each fiscal year and shall show the money on
14756 hand at the beginning of the fiscal period of each school
14757 preceding each session of the Legislature and the necessary amount
14758 of expenses to be incurred from said date to January 1 next
14759 following.

14760 **SECTION 250.** Section 43-5-13, Mississippi Code of 1972, is
14761 amended as follows:

14762 43-5-13. Braille print, designated commonly as revised
14763 Braille Grade Two, shall be taught in the School for the Blind.
14764 The use of this print shall be included in the high school
14765 literary courses of students in such school. Every teacher or
14766 instructor in the School for the Deaf, whose duties include oral
14767 instruction of pupils, shall become acquainted with the most
14768 efficient and advanced methods of lipreading, but every teacher
14769 shall also master the manual alphabet in order to be able to
14770 communicate with pupils who cannot read lips and in order to aid
14771 and participate in student activities outside the classrooms.
14772 Every pupil entering the school shall be given oral instruction
14773 until it is clearly determined whether he can master lipreading to
14774 an extent enabling him to progress satisfactorily in his studies,
14775 but manual instruction shall be provided in all subjects for all
14776 pupils unable to progress satisfactorily under oral instruction
14777 alone. The State Superintendent of Public Education may set and
14778 determine the additional requirements necessary for each teacher
14779 or instructor. All teachers and instructors must enter into

14780 written contracts of employment to indicate and cover the period
14781 for which they are respectively employed. Complete courses in
14782 shorthand and typewriting are to be offered at the School for the
14783 Deaf.

14784 **SECTION 251.** Section 43-5-15, Mississippi Code of 1972, is
14785 amended as follows:

14786 43-5-15. Each of the two (2) schools shall be open to
14787 receive all pupils eligible to attend it, and shall provide for
14788 the proper lodging, maintenance, care and education while in
14789 attendance. A student shall not be admitted to or continue as a
14790 pupil in the School for the Blind whose acuity of vision is, or
14791 becomes, habitually greater than fifty percent (50%) of normal
14792 vision, and a pupil shall not be admitted or remain as a pupil in
14793 the school for the deaf whose ability to hear is customarily
14794 sufficient for him or her to attend the public schools provided
14795 for normal children. The state superintendent, in the
14796 superintendent's discretion, shall establish the age of
14797 eligibility for students seeking admission to the schools. No
14798 person shall be admitted to either institution as a pupil who is
14799 not a bona fide resident of this state or who is not of good moral
14800 character.

14801 The State Superintendent of Public Education shall fix the
14802 amount to be paid, and the terms of payment, by pupils in each
14803 school for board, and the conditions of admission, subject to the
14804 provisions of this chapter; and shall admit free of charges, upon
14805 the certificate of the * * * superintendent of * * * any school
14806 district in the state, all pupils eligible to attend the school,
14807 provided the amount appropriated by the Legislature is sufficient
14808 properly to care for the same. Each school shall provide
14809 requisite facilities for every pupil therein to acquire as
14810 complete a literary and musical education as practicable; and
14811 shall provide and maintain an industrial department in which
14812 expert instruction shall be given in such trades and crafts as may

14813 be suited to render the pupil therein self-sustaining in after
14814 life.

14815 **SECTION 252.** Section 43-5-17, Mississippi Code of 1972, is
14816 amended as follows:

14817 43-5-17. The State Superintendent of Public Education shall
14818 maintain the two (2) schools at as high a grade of work and
14819 education as may be practicable, and shall endeavor to give the
14820 pupils the same extent and scope of education that the pupils
14821 would receive if attending the public schools of this state; and
14822 shall have diplomas or certificates granted unto those pupils who
14823 have successfully finished the prescribed courses taught.

14824 **SECTION 253.** Section 43-21-621, Mississippi Code of 1972, is
14825 amended as follows:

14826 43-21-621. (1) The youth court may, in compliance with the
14827 laws governing education of children, order any state-supported
14828 public school in its jurisdiction after notice and hearing to
14829 enroll or reenroll any compulsory-school-age child in school, and
14830 further order appropriate educational services. Provided,
14831 however, that the youth court shall not order the enrollment or
14832 reenrollment of a student that has been suspended or expelled by a
14833 public school pursuant to Section 37-9-71 or 37-7-301 for
14834 possession of a weapon on school grounds, for an offense involving
14835 a threat to the safety of other persons or for the commission of a
14836 violent act. For the purpose of this section "violent act" means
14837 any action which results in death or physical harm to another or
14838 an attempt to cause death or physical harm to another. The
14839 superintendent of the school district to which such child is
14840 ordered may, in his discretion, assign such child to the
14841 alternative school program of such school established pursuant to
14842 Section 37-13-92, Mississippi Code of 1972. The court shall have
14843 jurisdiction to enforce school and education laws. Nothing in
14844 this section shall be construed to affect the attendance of a
14845 child in a legitimate home instruction program.

14846 (2) The youth court may specify the following conditions of
14847 probation related to any juvenile ordered to enroll or reenroll in
14848 school: That the juvenile maintain passing grades in up to four
14849 (4) courses during each grading period and meet with the court
14850 counselor and a representative of the school to make a plan for
14851 how to maintain those passing grades.

14852 (3) If the adjudication of delinquency was for an offense
14853 involving a threat to the safety of the juvenile or others and
14854 school attendance is a condition of probation, the youth court
14855 judge shall make a finding that the principal of the juvenile's
14856 school should be notified. If the judge orders that the principal
14857 be notified, the youth court counselor shall within five (5) days
14858 or before the juvenile begins to attend school, whichever occurs
14859 first, notify the principal of the juvenile's school in writing of
14860 the nature of the offense and the probation requirements related
14861 to school attendance. A principal notified by a juvenile court
14862 counselor shall handle the report according to the guidelines and
14863 rules adopted by the State Superintendent of Public Education.

14864 (4) The Administrative Office of the Courts shall report to
14865 the Legislature on the number of juveniles reported to principals
14866 in accordance with this section no later than January 1, 1996.

14867 **SECTION 254.** Section 45-6-7, Mississippi Code of 1972, is
14868 amended as follows:

14869 45-6-7. In addition to the powers conferred upon the board
14870 elsewhere in this chapter, the board shall have power to:

14871 (a) Promulgate rules and regulations for the
14872 administration of this chapter, including the authority to require
14873 the submission of reports and information by law enforcement
14874 agencies of the state and its political subdivisions.

14875 (b) Establish minimum educational and training
14876 standards for admission to employment or appointment as a law
14877 enforcement officer or a part-time law enforcement officer: (i)
14878 in a permanent position; and (ii) in a probationary status.

14879 (c) Certify persons as being qualified under the
14880 provisions of this chapter to be law enforcement officers or
14881 part-time law enforcement officers.

14882 (d) Revoke certification for cause and in the manner
14883 provided in this chapter.

14884 (e) Establish minimum curriculum requirements for basic
14885 and advanced courses and programs for schools operated by or for
14886 the state or any political subdivision thereof for the specific
14887 purpose of training police and other law enforcement officers,
14888 both full- and part-time.

14889 (f) Consult and cooperate with counties,
14890 municipalities, state agencies, other governmental agencies, and
14891 with universities, colleges, community and junior colleges and
14892 other institutions concerning the development of training schools,
14893 programs or courses of instruction for personnel defined in this
14894 chapter.

14895 (g) Make recommendations concerning any matter within
14896 its purview pursuant to this chapter.

14897 (h) Make such inspection and evaluation as may be
14898 necessary to determine if governmental units are complying with
14899 the provisions of this chapter.

14900 (i) Approve law enforcement officer training schools
14901 for operation by or for the state or any political subdivision
14902 thereof for the specific purpose of training personnel defined in
14903 this chapter.

14904 (j) Upon the request of agencies employing personnel
14905 defined in this chapter, conduct surveys or aid municipalities and
14906 counties to conduct surveys through qualified public or private
14907 agencies and assist in the implementation of any recommendations
14908 resulting from such surveys.

14909 (k) Upon request of agencies within the purview of this
14910 chapter, conduct general and specific management surveys and
14911 studies of the operations of the requesting agencies at no cost to

14912 those agencies. The role of the board under this subsection shall
14913 be that of management consultant.

14914 (l) Adopt and amend regulations consistent with law,
14915 for its internal management and control of board programs.

14916 (m) Enter into contracts or do such things as may be
14917 necessary and incidental to the administration of this chapter.

14918 (n) Establish jointly with the State Superintendent of
14919 Public Education the minimum level of basic law enforcement
14920 training required of persons employed by school districts as
14921 school security guards, or school resource officers or in other
14922 positions that have the powers of a peace officer.

14923 **SECTION 255.** Section 57-67-5, Mississippi Code of 1972, is
14924 amended as follows:

14925 57-67-5. Words and phrases used in this chapter shall have
14926 meanings as follows, unless the context clearly indicates a
14927 different meaning:

14928 (a) "Act" means the Mississippi Superconducting Super
14929 Collider Act as originally enacted or as hereafter amended.

14930 (b) "Authority" means the Mississippi Superconducting
14931 Super Collider Authority created pursuant to the chapter.

14932 (c) "Bonds" means bonds, interim notes and other
14933 certificates of indebtedness of the authority issued pursuant to
14934 the provisions of Sections 57-67-19 through 57-67-31.

14935 (d) "Facility related to the project" means and
14936 includes any of the following, as the same may pertain to the
14937 project:

14938 (i) Facilities to provide potable and industrial
14939 water supply systems (including cooling lakes) and sewage and
14940 waste disposal systems to the site of the project;

14941 (ii) Airports, airfields and air terminals;

14942 (iii) Rail lines;

14943 (iv) Port facilities on the Tennessee-Tombigbee

14944 Waterway;

14945 (v) Highways, streets and other roadways;

14946 (vi) Public school buildings, classrooms and
14947 instructional facilities, including any functionally related
14948 facilities;

14949 (vii) Parks, outdoor recreation facilities and
14950 athletic facilities; and

14951 (viii) Auditoriums, pavilions, campgrounds, art
14952 centers, cultural centers, folklore centers and other public
14953 facilities.

14954 (e) "Person" means any natural person, corporation,
14955 association, partnership, receiver, trustee, guardian, executor,
14956 administrator, fiduciary, governmental unit, public agency,
14957 political subdivision, or any other group acting as a unit, and
14958 the plural as well as the singular.

14959 (f) "Project" means the superconducting super colliding
14960 particle beam accelerator, known as the Superconducting Super
14961 Collider, proposed to be constructed by the United States
14962 Department of Energy, as described in the Invitation for Proposals
14963 issued by said department, as now or hereafter supplemented or
14964 amended, together with all real property required for
14965 construction, maintenance and operation of the Superconducting
14966 Super Collider, and all buildings, tunneling and other supporting
14967 land and facilities required or useful for construction,
14968 maintenance and operation of the Superconducting Super Collider.

14969 (g) "Project area" means the project site, together
14970 with any area or territory within the state lying within fifty
14971 (50) air miles from any portion of the project site to be conveyed
14972 to the Department of Energy, whether or not such area or territory
14973 be contiguous. "Project site" means the real property to be
14974 conveyed to the United States Department of Energy as set forth in
14975 the application to be filed with the Department of Energy by the
14976 authority.

14977 (h) "Public agency" means and includes:

14978 (i) The state and any department, board,
14979 commission, institution or other agency or instrumentality of the
14980 state, including but not limited to, the Board of Trustees of
14981 State Institutions of Higher Learning and the State Superintendent
14982 of Public Education;

14983 (ii) Any city, town, county, political
14984 subdivision, school district or other district created or existing
14985 under the laws of the state or any public agency of any such city,
14986 town, county, political subdivision or district;

14987 (iii) Any department, commission, agency or
14988 instrumentality of the United States of America; and

14989 (iv) Any other state of the United States of
14990 America which may be cooperating with respect to location of the
14991 project within the state, or any agency thereof.

14992 (i) "State" means State of Mississippi.

14993 (j) "State bonds" means general obligation bonds, notes
14994 or other evidences of the State of Mississippi issued under
14995 Section 57-67-15.

14996 **SECTION 256.** Section 63-3-103, Mississippi Code of 1972, is
14997 amended as follows:

14998 63-3-103. (a) "Vehicle" means every device in, upon or by
14999 which any person or property is or may be transported or drawn
15000 upon a highway, except devices used exclusively upon stationary
15001 rails or tracks.

15002 (b) "Motor vehicle" means every vehicle which is
15003 self-propelled and every vehicle which is propelled by electric
15004 power obtained from overhead trolley wires, but not operated upon
15005 rails. The term "motor vehicle" shall not include electric
15006 personal assistive mobility devices.

15007 (c) "Motorcycle" means every motor vehicle having a saddle
15008 for the use of the rider and designed to travel on not more than
15009 three (3) wheels in contact with the ground but excluding a
15010 tractor.

15011 (d) "Authorized emergency vehicle" means every vehicle of
15012 the fire department (fire patrol), every police vehicle, every 911
15013 Emergency Communications District vehicle, every such ambulance
15014 and special use EMS vehicle as defined in Section 41-59-3, and
15015 every emergency vehicle of municipal departments or public service
15016 corporations as is designated or authorized by the commission or
15017 the chief of police of an incorporated city.

15018 (e) "School bus" means every motor vehicle operated for the
15019 transportation of children to or from any school, provided same is
15020 plainly marked "School Bus" on the front and rear thereof and
15021 meets the requirements of the State Superintendent of Public
15022 Education as authorized under Section 37-41-1.

15023 (f) "Recreational vehicle" means a vehicular type unit
15024 primarily designed as temporary living quarters for recreational,
15025 camping or travel use, which either has its own motive power or is
15026 mounted on or drawn by another vehicle and includes travel
15027 trailers, fifth wheel trailers, camping trailers, truck campers
15028 and motor homes.

15029 (g) "Motor home" means a motor vehicle that is designed and
15030 constructed primarily to provide temporary living quarters for
15031 recreational, camping or travel use.

15032 (h) "Electric assistive mobility device" means a
15033 self-balancing two-tandem wheeled device, designed to transport
15034 only one (1) person, with an electric propulsion system that
15035 limits the maximum speed of the device to fifteen (15) miles per
15036 hour.

15037 **SECTION 257.** Section 75-60-13, Mississippi Code of 1972, is
15038 amended as follows:

15039 75-60-13. Notwithstanding the requirements of this chapter
15040 for issuance of certificates of registration, the Commission on
15041 Proprietary School and College Registration may, in accordance
15042 with regulations adopted by the commission, grant certificates of
15043 registration to schools, colleges, institutes or universities that

15044 have been approved by the State Superintendent of Public Education
15045 pursuant to the "Act of March 3, 1966," 80 Stat. 20, 38 USCS
15046 1771.

15047 **SECTION 258.** Section 79-11-505, Mississippi Code of 1972, is
15048 amended as follows:

15049 79-11-505. (1) The provisions of Sections 79-11-501 through
15050 79-11-529 shall not apply to the following organizations:

15051 (a) All educational institutions that are recognized by
15052 the State Superintendent of Public Education or that are
15053 accredited by a regional accrediting association or by an
15054 organization affiliated with the National Commission on
15055 Accrediting, any foundation having an established identity with
15056 any of the aforementioned educational institutions, any other
15057 educational institution which makes the solicitation of
15058 contributions solely by its student body, alumni, faculty and
15059 trustees and their families or a library established under the
15060 laws of this state.

15061 (b) Fraternal, patriotic, social, educational, alumni
15062 organizations and historical societies when solicitation of
15063 contributions is made solely by their membership. This exemption
15064 shall be extended to any subsidiary of a parent or superior
15065 organization if such solicitation is made solely by the membership
15066 of the subsidiary, parent or superior organization.

15067 (c) Persons requesting any contributions for the relief
15068 or benefit of any individual, specified by name at the time of the
15069 solicitation, if the contributions collected are turned over to
15070 the named beneficiary, first deducting reasonable expenses for
15071 costs of banquets or social gatherings, if any, provided all
15072 fund-raising functions are carried on by persons who are unpaid,
15073 directly or indirectly, for such services.

15074 (d) Any charitable organization which does not intend
15075 to solicit and receive and does not actually receive contributions
15076 in excess of Four Thousand Dollars (\$4,000.00) during any

15077 twelve-month period ending June 30 of any year, provided all of
15078 its fund-raising functions are carried on by persons who are
15079 unpaid for such services. However, if the gross contributions
15080 received by such charitable organization during any twelve-month
15081 period ending June 30 of any year shall be in excess of Four
15082 Thousand Dollars (\$4,000.00) it shall, within thirty (30) days
15083 after the date it shall have received total contributions in
15084 excess of Four Thousand Dollars (\$4,000.00), register with and
15085 report to the Secretary of State as required by this chapter.

15086 (e) Any charitable organization receiving an allocation
15087 from an incorporated community chest or united fund, provided such
15088 chest or fund is complying with the provisions of Sections
15089 79-11-501 through 79-11-529 relating to registration and filing of
15090 annual reports with the Secretary of State, and provided such
15091 organization does not actually receive, in addition to such
15092 allocation, contributions in excess of Four Thousand Dollars
15093 (\$4,000.00) during any twelve-month period ending June 30 of any
15094 year, and provided further, that all the fund-raising functions of
15095 such organization are carried on by persons who are unpaid for
15096 such services. However, if the gross contributions other than
15097 such allocation received by such charitable organization during
15098 any twelve-month period ending June 30 of any year shall be in
15099 excess of Four Thousand Dollars (\$4,000.00), it shall, within
15100 thirty (30) days after the date it shall have received such
15101 contributions in excess of Four Thousand Dollars (\$4,000.00),
15102 register with and report to the Secretary of State as required by
15103 this chapter.

15104 (f) All volunteer fire departments or rescue units,
15105 rural or otherwise, chartered under the laws and statutes of the
15106 State of Mississippi as nonprofit corporations.

15107 (g) Any humane society organized under the laws of
15108 Mississippi which contracts with counties or municipalities for
15109 the care and keeping of estrays.

15110 (h) Any other organization which the Secretary of State
15111 by rule or order exempts from the registration requirements of
15112 this chapter upon finding that (i) such registration is neither
15113 necessary in the public interest nor for the protection of
15114 contributors, or (ii) such exemption shall further the objectives
15115 of compatibility with uniformity among the states.

15116 (2) Prior to any solicitations for contributions, each
15117 charitable organization claiming to be exempt shall file a Notice
15118 of Exemption on the forms prescribed by the Secretary of State.
15119 In any proceeding under this chapter, the burden of proving an
15120 exemption, or an exception from a definition, is upon the person
15121 claiming it.

15122 **SECTION 259.** This act shall take effect and be in force from
15123 and after January 1, 2007, provided that House Concurrent
15124 Resolution No. ____, 2006 Regular Session, is ratified by the
15125 electorate at the November 2006 general election.