

By: Senator(s) Chaney, Burton, Lee (35th),
Davis

To: Education;
Appropriations

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2602

1 AN ACT ENTITLED THE "MISSISSIPPI EDUCATION REFORM ACT OF
2 2006"; TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972, TO
3 PROVIDE ADDITIONAL BASE COMPENSATION FOR TEACHERS HOLDING LICENSES
4 IN CRITICAL SUBJECT AREAS, TO PROVIDE ADDITIONAL COMPENSATION FOR
5 TEACHERS EMPLOYED IN CRITICAL SHORTAGE AREAS, TO ESTABLISH A
6 MISSISSIPPI PERFORMANCE BASED PAY PLAN TO REWARD LICENSED
7 EDUCATION PERSONNEL AT SCHOOLS SHOWING IMPROVEMENT IN STUDENT TEST
8 SCORES, TO PROVIDE ADDITIONAL BASE COMPENSATION FOR MENTOR
9 TEACHERS IN MIDDLE SCHOOLS WITH APPROVED CLASSROOM MANAGEMENT
10 PROGRAMS, TO DIRECT THE STATE DEPARTMENT OF EDUCATION TO CONDUCT A
11 VALUE-ADDED PILOT PROGRAM ON TEACHER PERFORMANCE PAY; TO AMEND
12 SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY
13 TEACHER FROM ANY STATE MEETING THE FEDERAL STANDARDS OF A HIGHLY
14 QUALIFIED TEACHER SHALL BE ELIGIBLE FOR A STANDARD LICENSE IN
15 MISSISSIPPI; TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972,
16 TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP AN
17 ACCOUNTABILITY STANDARD ADDRESSING SCHOOLS WITH A PERSISTENTLY
18 HIGH STUDENT DROPOUT RATE; TO AMEND SECTIONS 37-3-4, 37-3-46,
19 37-3-49, 37-7-337, 37-17-8, 37-17-11 AND 37-21-7, MISSISSIPPI CODE
20 OF 1972, TO EXEMPT HIGHEST PERFORMING SCHOOL DISTRICTS FROM
21 CERTAIN ACCREDITATION PROCESS STANDARDS PRESCRIBED BY STATUTE OR
22 REGULATION OF THE STATE DEPARTMENT OF EDUCATION; TO AMEND SECTION
23 37-13-61, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE LOCAL SCHOOL
24 DISTRICTS TO FIX THE DATE FOR THE OPENING AND CLOSING OF THE
25 SCHOOL TERM; TO AMEND SECTION 37-13-67, MISSISSIPPI CODE OF 1972,
26 TO REVISE CERTAIN RESTRICTIONS ON SCHOLASTIC MONTH AND SCHOOL DAY;
27 TO AMEND SECTION 37-13-69, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
28 LOCAL SCHOOL DISTRICTS TO DESIGNATE SCHOOL HOLIDAYS; TO AMEND
29 SECTION 37-7-301, MISSISSIPPI CODE OF 1972, TO GRANT PUBLIC SCHOOL
30 DISTRICTS WITH AN AVERAGE ACCREDITATION RANKING OF LEVEL 4 OR
31 HIGHER THE POWER TO ADOPT ANY ORDER RELATING TO THE OPERATION OF
32 THE SCHOOL WHICH IS NOT INCONSISTENT WITH STATE LAW OR THE
33 MISSISSIPPI CONSTITUTION, WITH CERTAIN EXCEPTIONS; TO AUTHORIZE
34 THE ESTABLISHMENT OF A MISSISSIPPI VIRTUAL PUBLIC SCHOOL PROGRAM;
35 TO PROVIDE FOR SPONSORS AND CRITERIA FOR THE MISSISSIPPI VIRTUAL
36 PUBLIC SCHOOL; TO AMEND SECTION 37-3-11, MISSISSIPPI CODE OF 1972,
37 TO REQUIRE THE STATEWIDE FINANCIAL REPORT BY THE STATE DEPARTMENT
38 OF EDUCATION TO COMPLY WITH CERTAIN FUNCTIONAL LEVEL EXPENDITURE
39 CODES AND TO PROVIDE THAT SAID FINANCIAL REPORT SHALL BE PREPARED
40 ON A SCHOOL DISTRICT BASIS; TO AMEND SECTIONS 37-9-18 AND 37-61-9,
41 MISSISSIPPI CODE OF 1972, TO REQUIRE SCHOOL DISTRICTS TO COMPLY
42 WITH APPROPRIATE FUNCTIONAL LEVEL EXPENDITURE CODES, TO REQUIRE AN
43 ANNUAL AUDIT OF SUCH COMPLIANCE; TO AMEND SECTION 37-61-21,
44 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR YEAR-END FINANCIAL DATA
45 BY SCHOOL DISTRICTS; TO AMEND SECTIONS 37-37-1 AND 37-61-23,
46 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE STATE DEPARTMENT OF
47 EDUCATION SHALL PRESCRIBE THE FINANCIAL ACCOUNTING MANUAL FOR
48 SCHOOL DISTRICTS; TO AMEND SECTION 37-61-33, MISSISSIPPI CODE OF
49 1972, TO AUTHORIZE TEACHERS TO CARRY FORWARD APPROVED CLASSROOM
50 SUPPLY EXPENDITURES INTO SUBSEQUENT FISCAL YEARS; TO CODIFY
51 SECTION 37-15-38, MISSISSIPPI CODE OF 1972, RELATING TO HIGH
52 SCHOOL AND UNIVERSITY OR COMMUNITY COLLEGE DUAL ENROLLMENT

53 PROGRAMS, TO REVISE CONDITIONS FOR PARTICIPATION IN THE PROGRAM,
54 TO PROVIDE THAT TUITION AND COSTS FOR UNIVERSITY LEVEL AND
55 COMMUNITY LEVEL COURSES SHALL BE NEGOTIATED BETWEEN SCHOOL
56 DISTRICTS AND THE UNIVERSITY OR COMMUNITY COLLEGE, AND TO CLARIFY
57 THAT ALL COURSE WORK TAKEN UNDER THE PROGRAM SHALL BE DUAL CREDIT;
58 TO CODIFY SECTION 37-15-39, MISSISSIPPI CODE OF 1972, TO DIRECT
59 SCHOOL DISTRICTS TO OFFER PRE-ADVANCED PLACEMENT COURSES AND TO
60 REQUIRE FUNDING FOR THE 2007-2008 SCHOOL YEAR FOR ALL SOPHOMORES
61 TO TAKE A NATIONALLY RECOGNIZED APTITUDE TEST FOR ADVANCED
62 PLACEMENT CLASSES; TO ESTABLISH A LIFELONG LEARNING COMMISSION AND
63 PRESCRIBE ITS MEMBERSHIP TO STUDY THE RELEVANCE OF THE HIGH SCHOOL
64 EXPERIENCE IN MISSISSIPPI; TO AMEND SECTION 37-21-55, MISSISSIPPI
65 CODE OF 1972, TO DIRECT STATE ENTITIES DEALING WITH EARLY
66 CHILDHOOD EDUCATION TO BE COORDINATED THROUGH THE ADVISORY BOARD
67 OF THE INTERAGENCY ADVISORY COMMITTEE FOR EARLY CHILDHOOD SERVICES
68 TO BE ADMINISTERED BY THE MISSISSIPPI DEPARTMENT OF HUMAN SERVICES
69 OFFICE OF CHILDREN AND YOUTH AND TO AUTHORIZE THE ADVISORY COUNSEL
70 TO ASSESS THE EDUCATIONAL COMPONENTS FOR THE STATE'S TIERED
71 REIMBURSEMENT STRUCTURE FOR CHILD CARE FACILITIES; TO CODIFY
72 SECTION 37-3-95, MISSISSIPPI CODE OF 1972, TO DIRECT THE STATE
73 DEPARTMENT OF EDUCATION AND THE BOARD OF TRUSTEES OF STATE
74 INSTITUTIONS OF HIGHER LEARNING TO PREPARE AN ANNUAL REPORT TO THE
75 LEGISLATURE ON SCHOOLS OF EDUCATION IN THE STATE; TO CODIFY
76 SECTION 37-7-346, MISSISSIPPI CODE OF 1972, TO DIRECT THE STATE
77 DEPARTMENT OF EDUCATION AND THE REGIONAL EDUCATION SERVICE
78 AGENCIES TO DEVELOP A 5-YEAR PLAN FOR INCREASING THE DUTIES AND
79 RESPONSIBILITIES OF THE AGENCIES; AND FOR RELATED PURPOSES.

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

81 **SECTION 1.** (1) This act shall be referred to as the
82 "Mississippi Education Reform Act of 2006."

83 (2) The Legislature finds and determines that the quality
84 and accountability of public education and its effect upon the
85 social, cultural and economic enhancement of the people of
86 Mississippi is a matter of public policy, the object of which is
87 the education and performance of its children and youth.

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

90 37-19-7. (1) This section shall be known and may be cited
91 as the Mississippi "Teacher Opportunity Program (TOP)." The
92 allowance in the minimum education program and the Mississippi
93 Adequate Education Program for teachers' salaries in each county
94 and separate school district shall be determined and paid in
95 accordance with the scale for teachers' salaries as provided in
96 this subsection. For teachers holding the following types of
97 licenses or the equivalent as determined by the State Board of

98 Education, and the following number of years of teaching
99 experience, the scale shall be as follows:

100 **2004-2005 School Year**

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

102	AAAA.....	\$ 31,775.00
103	AAA.....	30,850.00
104	AA.....	29,925.00
105	A.....	28,000.00

106 **25 or More Years of Teaching Experience**

107	AAAA.....	\$ 33,775.00
108	AAA.....	32,850.00
109	AA.....	31,925.00
110	A.....	30,000.00

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

122 **2005-2006 School Year and School Years Thereafter**

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

124	AAAA.....	\$ 34,000.00
125	AAA.....	33,000.00
126	AA.....	32,000.00
127	A.....	30,000.00

128 **25 or More Years of Teaching Experience**

129	AAAA.....	\$ 36,000.00
130	AAA.....	35,000.00

131 AA..... 34,000.00
132 A..... 32,000.00

133 The State Board of Education shall revise the salary scale
134 prescribed above for the 2005-2006 school year to conform to any
135 adjustments made to the salary scale in prior fiscal years due to
136 revenue growth over and above five percent (5%). For each one
137 percent (1%) that the Sine Die General Fund Revenue Estimate
138 Growth exceeds five percent (5%) for fiscal year 2006, as
139 certified by the Legislative Budget Office to the State Board of
140 Education and subject to specific appropriation therefor by the
141 Legislature, the State Board of Education shall revise the salary
142 scale to provide an additional one percent (1%) across the board
143 increase in the base salaries for each type of license.

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

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

163 **2004-2005 School Year Annual Increment**

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

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

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

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

185 **2005-2006 School Year**

186 **and School Years Thereafter Annual Increments**

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

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

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

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

207 The level of professional training of each teacher to be used
208 in establishing the salary allotment for the teachers for each
209 year shall be determined by the type of valid teacher's license
210 issued to those teachers on or before October 1 of the current
211 school year.

212 (2) (a) The following employees shall receive an annual
213 salary supplement in the amount of Six Thousand Dollars
214 (\$6,000.00), plus fringe benefits, in addition to any other
215 compensation to which the employee may be entitled:

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

228 (ii) A licensed nurse who has met the requirements
229 and acquired a certificate from the National Board for

230 Certification of School Nurses, Inc., and who is employed by a
231 local school board or the State Board of Education as a school
232 nurse and not as an administrator. The licensed school nurse
233 shall submit documentation to the State Department of Education
234 that the certificate was received before October 15 in order to be
235 eligible for the full salary supplement in the current school
236 year, or the licensed school nurse shall submit the documentation
237 to the State Department of Education before February 15 in order
238 to be eligible for a prorated salary supplement beginning with the
239 second term of the school year. Provided, however, that the total
240 number of licensed school nurses eligible for a salary supplement
241 under this paragraph (ii) shall not exceed twenty (20).

242 (iii) Any licensed school counselor who has met
243 the requirements and acquired a National Certified School
244 Counselor (NCSC) endorsement from the National Board of Certified
245 Counselors and who is employed by a local school board or the
246 State Board of Education as a counselor and not as an
247 administrator. Such licensed school counselor shall submit
248 documentation to the State Department of Education that the
249 endorsement was received prior to October 15 in order to be
250 eligible for the full salary supplement in the current school
251 year, or the licensed school counselor shall submit such
252 documentation to the State Department of Education prior to
253 February 15 in order to be eligible for a prorated salary
254 supplement beginning with the second term of the school year.
255 However, any school counselor who started the National Board for
256 Professional Teaching Standards process for school counselors
257 between June 1, 2003, and June 30, 2004, and completes the
258 requirements and acquires the master teacher certificate shall be
259 entitled to the master teacher supplement, and those counselors
260 who complete the process shall be entitled to a one-time
261 reimbursement for the actual cost of the process as outlined in
262 paragraph (b) of this subsection.

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

276 (b) An employee shall be reimbursed one (1) time for
277 the actual cost of completing the process of acquiring the
278 certificate or endorsement, excluding any costs incurred for
279 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)
280 for a school counselor or speech-language pathologist and
281 audiologist, regardless of whether or not the process resulted in
282 the award of the certificate or endorsement. A local school
283 district or any private individual or entity may pay the cost of
284 completing the process of acquiring the certificate or endorsement
285 for any employee of the school district described under paragraph
286 (a), and the State Department of Education shall reimburse the
287 school district for such cost, regardless of whether or not the
288 process resulted in the award of the certificate or endorsement.
289 If a private individual or entity has paid the cost of completing
290 the process of acquiring the certificate or endorsement for an
291 employee, the local school district may agree to directly
292 reimburse the individual or entity for such cost on behalf of the
293 employee.

294 (c) All salary supplements, fringe benefits and process
295 reimbursement authorized under this subsection shall be paid

296 directly by the State Department of Education to the local school
297 district and shall be in addition to its minimum education program
298 allotments and not a part thereof in accordance with regulations
299 promulgated by the State Board of Education, and subject to
300 appropriation by the Legislature. Local school districts shall
301 not reduce the local supplement paid to any employee receiving
302 such salary supplement, and the employee shall receive any local
303 supplement to which employees with similar training and experience
304 otherwise are entitled.

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

316 (3) (a) Effective July 1, 2007, if funds are available for
317 that purpose, the Legislature may authorize state funds for
318 additional base compensation for teachers holding licenses in
319 critical subject areas or the equivalent and who teach at least a
320 majority of their courses in a critical subject area, as
321 determined by the State Board of Education.

322 (b) Effective July 1, 2007, if funds are available for
323 that purpose, the Legislature may authorize state funds for
324 additional base compensation for teachers employed in a public
325 school district located in a geographic area of the state
326 designated as a critical teacher shortage area by the State Board
327 of Education.

328 (4) (a) This section shall be known and may be cited as the
329 "Mississippi Performance Based Pay (MPBP)" plan. In addition to
330 the minimum base pay described in this section, if funds are
331 available for that purpose, the State of Mississippi may provide
332 monies from state funds to school districts as defined below for
333 the purposes of rewarding certified teachers, administrators and
334 nonlicensed personnel at individual schools showing improvement in
335 student test scores. The MPBP plan shall be developed by the
336 Mississippi Department of Education based on the following
337 criteria:

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

342 (ii) To ensure that all of Mississippi's teachers,
343 administrators and nonlicensed personnel at all schools have equal
344 access to the monies set aside in this section, the MPBP program
345 shall be designed to calculate each school's performance as
346 determined by said school's increase in scores from the prior
347 school year. The MPBP program shall be based on a standardized
348 scores rating where all levels of schools can be judged in a
349 statistically fair and reasonable way upon implementation. At the
350 end of each year, after all student achievement scores have been
351 standardized, the Mississippi Department of Education shall
352 implement the MPBP plan.

353 (iii) To ensure all teachers cooperate in the
354 spirit of teamwork, individual schools shall submit a plan to the
355 local school board to be approved prior to the beginning of each
356 school year beginning July 1, 2008. The plan shall include, but
357 not be limited to, how all teachers, regardless of subject area,
358 and administrators will be responsible for improving student
359 achievement for their individual school.

360 (b) The State Board of Education shall develop the
361 processes and procedures for designating schools eligible to
362 participate in the MPBP. State assessment results, growth in
363 student achievement at individual schools and other measures
364 deemed appropriate in designating successful student achievement
365 shall be used in establishing MPBP criteria. The State Board of
366 Education shall develop the MPBP policies and procedures and
367 report to the Legislature and Governor by December 1, 2006.

368 (5) (a) Beginning in the 2006-2007 school year, if funds
369 are available for that purpose, each middle school in Mississippi
370 shall have at least two (2) mentor teachers, as defined by
371 Sections 37-9-201 through 37-9-213, that shall receive additional
372 base compensation provided for by the State Legislature in the
373 amount of One Thousand Dollars (\$1,000.00).

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

377 (c) If funds are available for that purpose, the state
378 shall provide additional funding under this subsection (5) for
379 only two (2) mentor teachers per Grades 6-8, however, this shall
380 not prohibit local school districts from providing additional
381 salary supplements for more than two (2) teacher mentors from
382 nonadequate education program funds. The State Department of
383 Education may develop an implementation process that fairly
384 distributes these funds for the consideration of the Legislature.

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

387 37-3-2. (1) There is established within the State
388 Department of Education the Commission on Teacher and
389 Administrator Education, Certification and Licensure and
390 Development. It shall be the purpose and duty of the commission
391 to make recommendations to the State Board of Education regarding
392 standards for the certification and licensure and continuing

393 professional development of those who teach or perform tasks of an
394 educational nature in the public schools of Mississippi.

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

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

423 (4) An appropriate staff member of the State Department of
424 Education shall be designated and assigned by the State
425 Superintendent of Public Education to serve as executive secretary

426 and coordinator for the commission. No less than two (2) other
427 appropriate staff members of the State Department of Education
428 shall be designated and assigned by the State Superintendent of
429 Public Education to serve on the staff of the commission.

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

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

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

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

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

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

446 (f) Review all existing requirements for certification
447 and licensure;

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

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

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

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

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

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

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

476 Applicants for a standard license shall submit to the department:

477 (i) An application on a department form;

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

481 Licensure to teach in Mississippi prekindergarten through
482 kindergarten classrooms shall require completion of a teacher
483 education program or a bachelor of science degree with child
484 development emphasis from a program accredited by the American
485 Association of Family and Consumer Sciences (AAFCS) or by the
486 National Association for Education of Young Children (NAEYC) or by
487 the National Council for Accreditation of Teacher Education
488 (NCATE). Licensure to teach in Mississippi kindergarten, for
489 those applicants who have completed a teacher education program,
490 and in Grade 1 through Grade 4 shall require the completion of an

491 interdisciplinary program of studies. Licenses for Grades 4
492 through 8 shall require the completion of an interdisciplinary
493 program of studies with two (2) or more areas of concentration.
494 Licensure to teach in Mississippi Grades 7 through 12 shall
495 require a major in an academic field other than education, or a
496 combination of disciplines other than education. Students
497 preparing to teach a subject shall complete a major in the
498 respective subject discipline. All applicants for standard
499 licensure shall demonstrate that such person's college preparation
500 in those fields was in accordance with the standards set forth by
501 the National Council for Accreditation of Teacher Education
502 (NCATE) or the National Association of State Directors of Teacher
503 Education and Certification (NASDTEC) or, for those applicants who
504 have a bachelor of science degree with child development emphasis,
505 the American Association of Family and Consumer Sciences (AAFCS);

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

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

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

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

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

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

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

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

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

584 (vii) At the discretion of the teacher preparation
585 institution, the individual shall be allowed to credit the twelve
586 (12) semester hours earned in the nontraditional teacher

587 internship program toward the graduate hours required for a Master
588 of Arts in Teacher (MAT) Degree.

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

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

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

615 A Standard License - Approved Program Route shall be issued
616 for a five-year period, and may be renewed. Recognizing teaching
617 as a profession, a hiring preference shall be granted to persons
618 holding a Standard License - Approved Program Route or Standard

619 License - Nontraditional Teaching Route over persons holding any
620 other license.

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

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

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

651 (f) **Special License - Transitional Bilingual Education.**
652 Beginning July 1, 2003, the commission shall grant special
653 licenses to teachers of transitional bilingual education who
654 possess such qualifications as are prescribed in this section.
655 Teachers of transitional bilingual education shall be compensated
656 by local school boards at not less than one (1) step on the
657 regular salary schedule applicable to permanent teachers licensed
658 under this section. The commission shall grant special licenses
659 to teachers of transitional bilingual education who present the
660 commission with satisfactory evidence that they (i) possess a
661 speaking and reading ability in a language, other than English, in
662 which bilingual education is offered and communicative skills in
663 English; (ii) are in good health and sound moral character; (iii)
664 possess a bachelor's degree or an associate's degree in teacher
665 education from an accredited institution of higher education; (iv)
666 meet such requirements as to courses of study, semester hours
667 therein, experience and training as may be required by the
668 commission; and (v) are legally present in the United States and
669 possess legal authorization for employment. A teacher of
670 transitional bilingual education serving under a special license
671 shall be under an exemption from standard licensure if he achieves
672 the requisite qualifications therefor. Two (2) years of service
673 by a teacher of transitional bilingual education under such an
674 exemption shall be credited to the teacher in acquiring a Standard
675 Educator License. Nothing in this paragraph shall be deemed to
676 prohibit a local school board from employing a teacher licensed in
677 an appropriate field as approved by the State Department of
678 Education to teach in a program in transitional bilingual
679 education.

680 (g) In the event any school district meets Level 4 or 5
681 accreditation standards, the State Board of Education, in its
682 discretion, may exempt such school district from any restrictions

683 in paragraph (e) relating to the employment of nonlicensed
684 teaching personnel.

685 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,
686 any teacher from any state meeting the federal definition of
687 highly qualified, as described in the No Child Left Behind Act,
688 shall be granted a standard five-year license by the Mississippi
689 Department of Education.

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

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

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

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

708 (d) **Administrator License - Nontraditional Route.** The
709 board may establish a nontraditional route for licensing
710 administrative personnel. Such nontraditional route for
711 administrative licensure shall be available for persons holding,
712 but not limited to, a master of business administration degree, a
713 master of public administration degree, a master of public
714 planning and policy degree or a doctor of jurisprudence degree
715 from an accredited college or university, with five (5) years of

716 administrative or supervisory experience. Successful completion
717 of the requirements of alternate route licensure for
718 administrators shall qualify the person for a standard
719 administrator license.

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

728 Beginning with the 1997-1998 school year, individuals seeking
729 school administrator licensure under paragraph (b), (c) or (d)
730 shall successfully complete a training program and an assessment
731 process prescribed by the State Board of Education. Applicants
732 seeking school administrator licensure prior to June 30, 1997, and
733 completing all requirements for provisional or standard
734 administrator certification and who have never practiced, shall be
735 exempt from taking the Mississippi Assessment Battery Phase I.
736 Applicants seeking school administrator licensure during the
737 period beginning July 1, 1997, through June 30, 1998, shall
738 participate in the Mississippi Assessment Battery, and upon
739 request of the applicant, the department shall reimburse the
740 applicant for the cost of the assessment process required. After
741 June 30, 1998, all applicants for school administrator licensure
742 shall meet all requirements prescribed by the department under
743 paragraph (b), (c) or (d), and the cost of the assessment process
744 required shall be paid by the applicant.

745 (8) **Reciprocity.** (a) The department shall grant a standard
746 license to any individual who possesses a valid standard license
747 from another state * * *.

748 (b) The department shall grant a nonrenewable special
749 license to any individual who possesses a credential, which is
750 less than a standard license or certification from another
751 state * * *. Such special license shall be valid for the current
752 school year plus one (1) additional school year to expire on June
753 30 of the second year, not to exceed a total period of twenty-four
754 (24) months, during which time the applicant shall be required to
755 complete the requirements for a standard license in Mississippi.

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

768 (10) All controversies involving the issuance, revocation,
769 suspension or any change whatsoever in the licensure of an
770 educator required to hold a license shall be initially heard in a
771 hearing de novo, by the commission or by a subcommittee
772 established by the commission and composed of commission members
773 for the purpose of holding hearings. Any complaint seeking the
774 denial of issuance, revocation or suspension of a license shall be
775 by sworn affidavit filed with the Commission of Teacher and
776 Administrator Education, Certification and Licensure and
777 Development. The decision thereon by the commission or its
778 subcommittee shall be final, unless the aggrieved party shall
779 appeal to the State Board of Education, within ten (10) days, of
780 the decision of the committee or its subcommittee. An appeal to

781 the State Board of Education shall be on the record previously
782 made before the commission or its subcommittee unless otherwise
783 provided by rules and regulations adopted by the board. The State
784 Board of Education in its authority may reverse, or remand with
785 instructions, the decision of the committee or its subcommittee.
786 The decision of the State Board of Education shall be final.

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

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

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

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

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

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

805 (f) Failing or refusing to furnish reasonable evidence
806 of identification;

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

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

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

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

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

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

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

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

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

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

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

844 (c) A person may voluntarily surrender a license. The
845 surrender of such license may result in the commission

846 recommending any of the above penalties without the necessity of a
847 hearing. However, any such license which has voluntarily been
848 surrendered by a licensed employee may only be reinstated by a
849 majority vote of all members of the commission present at the
850 meeting called for such purpose.

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

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

878 of a license, and any such decision of the State Board of
879 Education shall be final.

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

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

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

909 (19) In addition to the reasons specified in subsections
910 (12) and (13) of this section, the board shall be authorized to

911 suspend the license of any licensee for being out of compliance
912 with an order for support, as defined in Section 93-11-153. The
913 procedure for suspension of a license for being out of compliance
914 with an order for support, and the procedure for the reissuance or
915 reinstatement of a license suspended for that purpose, and the
916 payment of any fees for the reissuance or reinstatement of a
917 license suspended for that purpose, shall be governed by Section
918 93-11-157 or 93-11-163, as the case may be. Actions taken by the
919 board in suspending a license when required by Section 93-11-157
920 or 93-11-163 are not actions from which an appeal may be taken
921 under this section. Any appeal of a license suspension that is
922 required by Section 93-11-157 or 93-11-163 shall be taken in
923 accordance with the appeal procedure specified in Section
924 93-11-157 or 93-11-163, as the case may be, rather than the
925 procedure specified in this section. If there is any conflict
926 between any provision of Section 93-11-157 or 93-11-163 and any
927 provision of this chapter, the provisions of Section 93-11-157 or
928 93-11-163, as the case may be, shall control.

929 **SECTION 4.** Section 37-17-6, Mississippi Code of 1972, is
930 amended as follows:

931 37-17-6. (1) The State Board of Education, acting through
932 the Commission on School Accreditation, shall establish and
933 implement a permanent performance-based accreditation system, and
934 all public elementary and secondary schools shall be accredited
935 under this system.

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

941 (3) (a) Beginning with the 1994-1995 school year, the State
942 Board of Education, acting through the Commission on School

943 Accreditation, shall require that school districts employ
944 certified school librarians according to the following formula:

945	Number of Students	Number of Certified
946	Per School Library	School Librarians
947	0 - 499 Students	½ Full-time Equivalent
948		Certified Librarian
949	500 or More Students	1 Full-time Certified
950		Librarian

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

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

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

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

965 (f) Any additional mileage levied to fund school
966 librarians required for accreditation under this subsection shall
967 be included in the tax increase limitation set forth in Sections
968 37-57-105 and 37-57-107 and shall not be deemed a new program for
969 purposes of the limitation.

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

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

976 (b) Strong accountability for results with appropriate
977 local flexibility for local implementation;

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

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

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

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

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

993 (h) Development of a comprehensive student assessment
994 system to implement these requirements; and

995 (i) The State Board of Education may, based on a
996 written request that contains specific reasons for requesting a
997 waiver from the school districts affected by Hurricane Katrina of
998 2005, hold harmless school districts from assignment of district
999 and school level accountability ratings for the 2005-2006 school
1000 year. The State Board of Education upon finding an extreme
1001 hardship in the school district may grant the request. It is the
1002 intent of the Legislature that all school districts maintain the
1003 highest possible academic standards and instructional programs in
1004 all schools as required by law and the State Board of Education.

1005 The State Board of Education may continue to assign school
1006 district performance levels by using a number classification and
1007 may assign individual school performance levels by using a number

1008 classification to be consistent with school district performance
1009 levels.

1010 (5) Nothing in this section shall be deemed to require a
1011 nonpublic school which receives no local, state or federal funds
1012 for support to become accredited by the State Board of Education.

1013 (6) The State Board of Education shall create an
1014 accreditation audit unit under the Commission on School
1015 Accreditation to determine whether schools are complying with
1016 accreditation standards.

1017 (7) The State Board of Education shall be specifically
1018 authorized and empowered to withhold adequate minimum education
1019 program or adequate education program fund allocations, whichever
1020 is applicable, to any public school district for failure to timely
1021 report student, school personnel and fiscal data necessary to meet
1022 state and/or federal requirements.

1023 (8) Deleted.

1024 (9) The State Board of Education shall establish, for those
1025 school districts failing to meet accreditation standards, a
1026 program of development to be complied with in order to receive
1027 state funds, except as otherwise provided in subsection (14) of
1028 this section when the Governor has declared a state of emergency
1029 in a school district or as otherwise provided in Section 206,
1030 Mississippi Constitution of 1890. The state board, in
1031 establishing these standards, shall provide for notice to schools
1032 and sufficient time and aid to enable schools to attempt to meet
1033 these standards, unless procedures under subsection (14) of this
1034 section have been invoked.

1035 (10) Beginning July 1, 1998, the State Board of Education
1036 shall be charged with the implementation of the program of
1037 development in each applicable school district as follows:

1038 (a) Develop an impairment report for each district
1039 failing to meet accreditation standards in conjunction with school
1040 district officials;

1041 (b) Notify any applicable school district failing to
1042 meet accreditation standards that it is on probation until
1043 corrective actions are taken or until the deficiencies have been
1044 removed. The local school district shall develop a corrective
1045 action plan to improve its deficiencies. For district academic
1046 deficiencies, the corrective action plan for each such school
1047 district shall be based upon a complete analysis of the following:
1048 student test data, student grades, student attendance reports,
1049 student dropout data, existence and other relevant data. The
1050 corrective action plan shall describe the specific measures to be
1051 taken by the particular school district and school to improve:
1052 (a) instruction; (b) curriculum; (c) professional development; (d)
1053 personnel and classroom organization; (e) student incentives for
1054 performance; (f) process deficiencies; and (g) reporting to the
1055 local school board, parents and the community. The corrective
1056 action plan shall describe the specific individuals responsible
1057 for implementing each component of the recommendation and how each
1058 will be evaluated. All corrective action plans shall be provided
1059 to the State Board of Education as may be required. The decision
1060 of the State Board of Education establishing the probationary
1061 period of time shall be final;

1062 (c) Offer, during the probationary period, technical
1063 assistance to the school district in making corrective actions.
1064 Beginning July 1, 1998, subject to the availability of funds, the
1065 State Department of Education shall provide technical and/or
1066 financial assistance to all such school districts in order to
1067 implement each measure identified in that district's corrective
1068 action plan through professional development and on-site
1069 assistance. Each such school district shall apply for and utilize
1070 all available federal funding in order to support its corrective
1071 action plan in addition to state funds made available under this
1072 paragraph;

1073 (d) Contract, in its discretion, with the institutions
1074 of higher learning or other appropriate private entities to assist
1075 school districts;

1076 (e) Provide for publication of public notice at least
1077 one (1) time during the probationary period, in a newspaper
1078 published within the jurisdiction of the school district failing
1079 to meet accreditation standards, or if no newspaper is published
1080 therein, then in a newspaper having a general circulation therein.
1081 The publication shall include the following: declaration of
1082 school system's status as being on probation; all details relating
1083 to the impairment report, and other information as the State Board
1084 of Education deems appropriate. Public notices issued under this
1085 section shall be subject to Section 13-3-31 and not contrary to
1086 other laws regarding newspaper publication.

1087 (11) (a) If the recommendations for corrective action are
1088 not taken by the local school district or if the deficiencies are
1089 not removed by the end of the probationary period, the Commission
1090 on School Accreditation shall conduct a hearing to allow such
1091 affected school district to present evidence or other reasons why
1092 its accreditation should not be withdrawn. Subsequent to its
1093 consideration of the results of such hearing, the Commission on
1094 School Accreditation shall be authorized, with the approval of the
1095 State Board of Education, to withdraw the accreditation of a
1096 public school district, and issue a request to the Governor that a
1097 state of emergency be declared in that district.

1098 (b) If the State Board of Education and the Commission
1099 on School Accreditation determine that an extreme emergency
1100 situation exists in a school district which jeopardizes the
1101 safety, security or educational interests of the children enrolled
1102 in the schools in that district and such emergency situation is
1103 believed to be related to a serious violation or violations of
1104 accreditation standards or state or federal law, the State Board
1105 of Education may request the Governor to declare a state of

1106 emergency in that school district. For purposes of this
1107 paragraph, such declarations of a state of emergency shall not be
1108 limited to those instances when a school district's impairments
1109 are related to a lack of financial resources, but also shall
1110 include serious failure to meet minimum academic standards, as
1111 evidenced by a continued pattern of poor student performance.

1112 (c) Whenever the Governor declares a state of emergency
1113 in a school district in response to a request made under paragraph
1114 (a) or (b) of this subsection, the State Board of Education may
1115 take one or more of the following actions:

1116 (i) Declare a state of emergency, under which some
1117 or all of state funds can be escrowed except as otherwise provided
1118 in Section 206, Constitution of 1890, until the board determines
1119 corrective actions are being taken or the deficiencies have been
1120 removed, or that the needs of students warrant the release of
1121 funds. Such funds may be released from escrow for any program
1122 which the board determines to have been restored to standard even
1123 though the state of emergency may not as yet be terminated for the
1124 district as a whole;

1125 (ii) Override any decision of the local school
1126 board or superintendent of education, or both, concerning the
1127 management and operation of the school district, or initiate and
1128 make decisions concerning the management and operation of the
1129 school district;

1130 (iii) Assign an interim conservator who will have
1131 those powers and duties prescribed in subsection (14) of this
1132 section;

1133 (iv) Grant transfers to students who attend this
1134 school district so that they may attend other accredited schools
1135 or districts in a manner which is not in violation of state or
1136 federal law;

1137 (v) For states of emergency declared under
1138 paragraph (a) only, if the accreditation deficiencies are related

1139 to the fact that the school district is too small, with too few
1140 resources, to meet the required standards and if another school
1141 district is willing to accept those students, abolish that
1142 district and assign that territory to another school district or
1143 districts. If the school district has proposed a voluntary
1144 consolidation with another school district or districts, then if
1145 the State Board of Education finds that it is in the best interest
1146 of the pupils of the district for such consolidation to proceed,
1147 the voluntary consolidation shall have priority over any such
1148 assignment of territory by the State Board of Education;

1149 (vi) For states of emergency declared under
1150 paragraph (b) only, reduce local supplements paid to school
1151 district employees, including, but not limited to, instructional
1152 personnel, assistant teachers and extracurricular activities
1153 personnel, if the district's impairment is related to a lack of
1154 financial resources, but only to an extent which will result in
1155 the salaries being comparable to districts similarly situated, as
1156 determined by the State Board of Education;

1157 (vii) For states of emergency declared under
1158 paragraph (b) only, the State Board of Education must take such
1159 action as prescribed in Section 37-17-13.

1160 (d) At such time as satisfactory corrective action has
1161 been taken in a school district in which a state of emergency has
1162 been declared, the State Board of Education may request the
1163 Governor to declare that the state of emergency no longer exists
1164 in the district.

1165 (e) Not later than July 1 of each year, the State
1166 Department of Education shall develop an itemized accounting of
1167 the expenditures associated with the management of the conservator
1168 process with regard to each school district in which a conservator
1169 has been appointed, and an assessment as to the extent to which
1170 the conservator has achieved, or failed to achieve, the goals for

1171 which the conservator was appointed to guide the local school
1172 district.

1173 (12) Upon the declaration of a state of emergency in a
1174 school district under subsection (11) of this section, the
1175 Commission on School Accreditation shall be responsible for public
1176 notice at least once a week for at least three (3) consecutive
1177 weeks in a newspaper published within the jurisdiction of the
1178 school district failing to meet accreditation standards, or if no
1179 newspaper is published therein, then in a newspaper having a
1180 general circulation therein. The size of such notice shall be no
1181 smaller than one-fourth (1/4) of a standard newspaper page and
1182 shall be printed in bold print. If a conservator has been
1183 appointed for the school district, such notice shall begin as
1184 follows: "By authority of Section 37-17-6, Mississippi Code of
1185 1972, as amended, adopted by the Mississippi Legislature during
1186 the 1991 Regular Session, this school district (name of school
1187 district) is hereby placed under the jurisdiction of the State
1188 Department of Education acting through its appointed conservator
1189 (name of conservator)."

1190 The notice also shall include, in the discretion of the State
1191 Board of Education, any or all details relating to the school
1192 district's emergency status, including the declaration of a state
1193 of emergency in the school district and a description of the
1194 district's impairment deficiencies, conditions of any
1195 conservatorship and corrective actions recommended and being
1196 taken. Public notices issued under this section shall be subject
1197 to Section 13-3-31 and not contrary to other laws regarding
1198 newspaper publication.

1199 Upon termination of the state of emergency in a school
1200 district, the Commission on School Accreditation shall cause
1201 notice to be published in the school district in the same manner
1202 provided in this section, to include any or all details relating

1203 to the corrective action taken in the school district which
1204 resulted in the termination of the state of emergency.

1205 (13) The State Board of Education or the Commission on
1206 School Accreditation shall have the authority to require school
1207 districts to produce the necessary reports, correspondence,
1208 financial statements, and any other documents and information
1209 necessary to fulfill the requirements of this section.

1210 Nothing in this section shall be construed to grant any
1211 individual, corporation, board or conservator the authority to
1212 levy taxes except in accordance with presently existing statutory
1213 provisions.

1214 (14) (a) Whenever the Governor declares a state of
1215 emergency in a school district in response to a request made under
1216 subsection (11) of this section, the State Board of Education, in
1217 its discretion, may assign an interim conservator to the school
1218 district who will be responsible for the administration,
1219 management and operation of the school district, including, but
1220 not limited to, the following activities:

1221 (i) Approving or disapproving all financial
1222 obligations of the district, including, but not limited to, the
1223 employment, termination, nonrenewal and reassignment of all
1224 certified and noncertified personnel, contractual agreements and
1225 purchase orders, and approving or disapproving all claim dockets
1226 and the issuance of checks; in approving or disapproving
1227 employment contracts of superintendents, assistant superintendents
1228 or principals, the interim conservator shall not be required to
1229 comply with the time limitations prescribed in Sections 37-9-15
1230 and 37-9-105;

1231 (ii) Supervising the day-to-day activities of the
1232 district's staff, including reassigning the duties and
1233 responsibilities of personnel in a manner which, in the
1234 determination of the conservator, will best suit the needs of the
1235 district;

- 1236 (iii) Reviewing the district's total financial
1237 obligations and operations and making recommendations to the
1238 district for cost savings, including, but not limited to,
1239 reassigning the duties and responsibilities of staff;
- 1240 (iv) Attending all meetings of the district's
1241 school board and administrative staff;
- 1242 (v) Approving or disapproving all athletic, band
1243 and other extracurricular activities and any matters related to
1244 those activities;
- 1245 (vi) Maintaining a detailed account of
1246 recommendations made to the district and actions taken in response
1247 to those recommendations;
- 1248 (vii) Reporting periodically to the State Board of
1249 Education on the progress or lack of progress being made in the
1250 district to improve the district's impairments during the state of
1251 emergency; and
- 1252 (viii) Appointing a parent advisory committee,
1253 comprised of parents of students in the school district, which may
1254 make recommendations to the conservator concerning the
1255 administration, management and operation of the school district.

1256 Except when, in the determination of the State Board of
1257 Education, the school district's impairment is related to a lack
1258 of financial resources, the cost of the salary of the conservator
1259 and any other actual and necessary costs related to the
1260 conservatorship paid by the State Department of Education shall be
1261 reimbursed by the local school district from nonminimum program
1262 funds. The department shall submit an itemized statement to the
1263 superintendent of the local school district for reimbursement
1264 purposes, and any unpaid balance may be withheld from the
1265 district's minimum or adequate education program funds.

1266 At such time as the Governor, pursuant to the request of the
1267 State Board of Education, declares that the state of emergency no
1268 longer exists in a school district, the powers and

1269 responsibilities of the interim conservator assigned to such
1270 district shall cease.

1271 (b) In order to provide loans to school districts under
1272 a state of emergency which have impairments related to a lack of
1273 financial resources, the School District Emergency Assistance Fund
1274 is created as a special fund in the State Treasury into which
1275 monies may be transferred or appropriated by the Legislature from
1276 any available public education funds. The maximum amount that may
1277 be appropriated or transferred to the School District Emergency
1278 Assistance Fund for any one (1) emergency shall be Two Million
1279 Dollars (\$2,000,000.00), and the maximum amount that may be
1280 appropriated during any fiscal year shall be Three Million Dollars
1281 (\$3,000,000.00).

1282 The State Board of Education may loan monies from the School
1283 District Emergency Assistance Fund to a school district that is
1284 under a state of emergency in such amounts, as determined by the
1285 board, which are necessary to correct the district's impairments
1286 related to a lack of financial resources. The loans shall be
1287 evidenced by an agreement between the school district and the
1288 State Board of Education and shall be repayable in principal,
1289 without necessity of interest, to the State General Fund or the
1290 Education Enhancement Fund, depending on the source of funding for
1291 such loan, by the school district from any allowable funds that
1292 are available. The total amount loaned to the district shall be
1293 due and payable within five (5) years after the impairments
1294 related to a lack of financial resources are corrected. If a
1295 school district fails to make payments on the loan in accordance
1296 with the terms of the agreement between the district and the State
1297 Board of Education, the State Department of Education, in
1298 accordance with rules and regulations established by the State
1299 Board of Education, may withhold that district's minimum program
1300 funds in an amount and manner that will effectuate repayment
1301 consistent with the terms of the agreement; such funds withheld by

1302 the department shall be deposited into the State General Fund or
1303 the Education Enhancement Fund, as the case may be.

1304 If the State Board of Education determines that an extreme
1305 emergency exists, simultaneous with the powers exercised in this
1306 subsection, it shall take immediate action against all parties
1307 responsible for the affected school districts having been
1308 determined to be in an extreme emergency. Such action shall
1309 include, but not be limited to, initiating civil actions to
1310 recover funds and criminal actions to account for criminal
1311 activity. Any funds recovered by the State Auditor or the State
1312 Board of Education from the surety bonds of school officials or
1313 from any civil action brought under this subsection shall be
1314 applied toward the repayment of any loan made to a school district
1315 hereunder.

1316 (15) In the event a majority of the membership of the school
1317 board of any school district resigns from office, the State Board
1318 of Education shall be authorized to assign an interim conservator,
1319 who shall be responsible for the administration, management and
1320 operation of the school district until such time as new board
1321 members are selected or the Governor declares a state of emergency
1322 in that school district under subsection (11), whichever occurs
1323 first. In such case, the State Board of Education, acting through
1324 the interim conservator, shall have all powers which were held by
1325 the previously existing school board, and may take such action as
1326 prescribed in Section 37-17-13 and/or one or more of the actions
1327 authorized in this section.

1328 (16) Beginning with the school district audits conducted for
1329 the 1997-1998 fiscal year, the State Board of Education, acting
1330 through the Commission on School Accreditation, shall require each
1331 school district to comply with standards established by the State
1332 Department of Audit for the verification of fixed assets and the
1333 auditing of fixed assets records as a minimum requirement for
1334 accreditation.

1335 (17) Before December 1, 1999, the State Board of Education
1336 shall recommend a program to the Education Committees of the House
1337 of Representatives and the Senate for identifying and rewarding
1338 public schools that improve or are high performing. The program
1339 shall be described by the board in a written report, which shall
1340 include criteria and a process through which improving schools and
1341 high-performing schools will be identified and rewarded.

1342 The State Superintendent of Education and the State Board of
1343 Education also shall develop a comprehensive accountability plan
1344 to ensure that local school boards, superintendents, principals
1345 and teachers are held accountable for student achievement. A
1346 written report on the accountability plan shall be submitted to
1347 the Education Committees of both houses of the Legislature before
1348 December 1, 1999, with any necessary legislative recommendations.

1349 (18) The State Board of Education shall develop a process
1350 for utilizing dropout data as part of the state's accountability
1351 system.

1352 **SECTION 5.** Section 37-3-4, Mississippi Code of 1972, is
1353 amended as follows:

1354 37-3-4. (1) There is established within the State
1355 Department of Education, the School Executive Management
1356 Institute. The director shall be appointed by the State Board of
1357 Education upon recommendation by the State Superintendent of
1358 Public Education. The State Superintendent of Public Education,
1359 with the approval of the State Board of Education, shall assign
1360 sufficient staff members from the State Department of Education to
1361 the institute.

1362 (2) It shall be the purpose and duty of the institute to
1363 conduct thorough empirical studies and analyses of the school
1364 management needs of the local school districts throughout the
1365 state, to make recommendations to the State Board of Education
1366 regarding standards and programs of training that aid in the
1367 development of administrative and management skills of local

1368 school administrators, and to conduct such programs related to
1369 these purposes as they are implemented under guidelines
1370 established by the State Board of Education.

1371 (3) The State Board of Education shall develop and implement
1372 through the School Executive Management Institute a program for
1373 the development of administrative and management skills of local
1374 school administrators under which all local school administrators
1375 shall be required to participate. Subject to the extent of
1376 appropriations available for such purpose, the School Executive
1377 Management Institute or the Mississippi School Boards Association
1378 shall be required to offer courses at least twice a year on the
1379 uses of technology to principals, superintendents and other
1380 administrative personnel. These courses shall relate to the
1381 application of technology to learning, as well as administrative
1382 problems.

1383 (4) (a) The institute shall have an advisory board composed
1384 of ten (10) qualified members appointed by the State Board of
1385 Education after consultation with the State Superintendent of
1386 Public Education. This advisory board will offer recommendations
1387 to the institute on the types of training to be instituted and
1388 supported. The membership of the advisory board shall be composed
1389 of the following members, two (2) to be appointed from each
1390 congressional district: three (3) school administrators; one (1)
1391 representative of public community/junior colleges within the
1392 state; one (1) representative of a school of education in an
1393 institution of higher learning within the state; two (2) local
1394 school board members; one (1) classroom teacher; and two (2) lay
1395 persons. In making the initial appointments, three (3) members
1396 shall be appointed for a term of one (1) year, three (3) members
1397 shall be appointed for a term of two (2) years, two (2) members
1398 shall be appointed for a term of three (3) years, and two (2)
1399 members shall be appointed for a term of four (4) years.
1400 Thereafter, all members shall be appointed for a term of four (4)

1401 years. The advisory board shall meet when called by the director,
1402 but in no event fewer than three (3) times per year. The members
1403 of the advisory board shall be compensated at the per diem rate
1404 authorized by Section 25-3-69 and reimbursed for actual and
1405 necessary expenses as authorized by Section 25-3-41.

1406 (b) Board members of the Oxford-Lafayette Business and
1407 Industrial Complex shall be paid per diem and reimbursed for
1408 expenses and mileage from local funds in accordance with Section
1409 37-6-13.

1410 (5) (a) Basic Education Course. Subject to the extent of
1411 appropriations available for such purpose, the School Executive
1412 Management Institute of the State Department of Education shall
1413 prepare and conduct a course of training for basic education for
1414 the local school board members of this state, in order for board
1415 members to carry out their duties more effectively and be exposed
1416 to new ideas involving school restructuring. The basic course
1417 shall be known as the "School Board Member Training Course" and
1418 shall consist of at least twelve (12) hours of training. The
1419 School Executive Management Institute shall issue certificates of
1420 completion to those school board members who complete the basic
1421 education course.

1422 (b) Continuing Education Course. The Mississippi
1423 School Boards Association shall be responsible for preparing and
1424 conducting a course of training for continuing education for the
1425 local school board members of this state, in order for board
1426 members to carry out their duties more effectively and be exposed
1427 to new ideas involving school restructuring. The continuing
1428 education course shall be known as the "Continuing Education
1429 Course for School Board Members" and shall consist of at least six
1430 (6) hours of training.

1431 The Mississippi School Boards Association shall issue
1432 certificates of completion to those school board members who
1433 complete the continuing education course. All costs and expenses

1434 for preparing and conducting the continuing education course
1435 provided for in this paragraph shall be paid out of any funds
1436 which are made available to the Mississippi School Boards
1437 Association upon authorization and appropriation by the
1438 Legislature to the State Department of Education.

1439 (6) The Mississippi School Boards Association shall prepare
1440 and submit a report each year to the State Board of Education and
1441 to the respective Chairs of the House and Senate Education
1442 Committees describing the activities and providing an evaluation
1443 of the continuing education programs offered by the association
1444 each year.

1445 (7) The School Executive Management Institute of the State
1446 Department of Education, or the Mississippi School Boards
1447 Association with the oversight of the State Board of Education, at
1448 least twice a year, shall prepare and conduct required courses of
1449 training for continuing education for the elementary and secondary
1450 school principals of this state, in order for principals to carry
1451 out their duties more effectively and be exposed to new ideas
1452 involving school management. The continuing education course
1453 shall be known as the "Continuing Education Course for Principals"
1454 and shall consist of at least six (6) hours of training. The
1455 content of the continuing education courses and the time and place
1456 such courses are to be conducted shall be determined by the School
1457 Executive Management Institute or the Mississippi School Boards
1458 Association; however, to the extent practicable, such training
1459 sessions shall be held within geographical proximity of local
1460 districts in order that travel times and costs shall not be
1461 prohibitive.

1462 The institute shall issue certificates of completion to those
1463 principals who complete such courses. All costs and expenses for
1464 preparing and conducting the basic and continuing education
1465 courses provided for in this subsection shall be paid out of any

1466 funds which are made available to the institute upon authorization
1467 and appropriation by the Legislature.

1468 (8) Principals and other administrators with career level
1469 certificates at schools meeting Level 4 or 5 accreditation
1470 standards shall be exempted from the provisions of this section,
1471 subject to approval of the local superintendent.

1472 **SECTION 6.** Section 37-3-46, Mississippi Code of 1972, is
1473 amended as follows:

1474 37-3-46. From and after July 1, 1983, the State Department
1475 of Education shall:

1476 (a) Provide to local school districts financial,
1477 training and other assistance to implement and maintain a state
1478 program of educational accountability and assessment of
1479 performance.

1480 (b) Provide to local school districts technical
1481 assistance and training in the development, implementation and
1482 administration of a personnel appraisal and compensation system
1483 for all school employees. The State Board of Education shall
1484 report to the Legislature on January 5, 1986, with recommendations
1485 based upon the personnel appraisal and compensation system
1486 developed under this subsection.

1487 (c) Provide to local school districts technical
1488 assistance in the development, implementation and administration
1489 of programs designed to keep children in school voluntarily and to
1490 prevent dropouts.

1491 (d) Districts meeting Levels 4 and 5 accreditation
1492 standards, as defined by the State Board of Education, shall be
1493 exempted from the provisions of this section.

1494 **SECTION 7.** Section 37-3-49, Mississippi Code of 1972, is
1495 amended as follows:

1496 37-3-49. (1) The State Department of Education shall
1497 provide an instructional program and establish guidelines and
1498 procedures for managing such program in the public schools as part

1499 of the State Program of Educational Accountability and Assessment
1500 of Performance as prescribed in Section 37-3-46. Public school
1501 districts may (a) elect to adopt the instructional program and
1502 management system provided by the State Department of Education,
1503 or (b) elect to adopt an instructional program and management
1504 system which meets or exceeds criteria established by the State
1505 Department of Education for such. This provision shall begin with
1506 the courses taught in Grades K-8 which contain skills tested
1507 through the Mississippi Basic Skills Assessment Program and shall
1508 proceed through all secondary school courses mandated for
1509 graduation and all secondary school courses in the Mississippi
1510 end-of-course testing program. Other state core objectives must
1511 be included in the district's instructional program as they are
1512 provided by the State Department of Education along with
1513 instructional practices, resources, evaluation items and
1514 management procedures. Districts are encouraged to adapt this
1515 program and accompanying procedures to all other instructional
1516 areas. The department shall provide that such program and
1517 guidelines, or a program and guidelines developed by a local
1518 school district which incorporates the core objectives from the
1519 curriculum structure are enforced through the performance-based
1520 accreditation system. It is the intent of the Legislature that
1521 every effort be made to protect the instructional time in the
1522 classroom and reduce the amount of paperwork which must be
1523 completed by teachers. The State Department of Education shall
1524 take steps to insure that school districts properly use staff
1525 development time to work on the districts' instructional
1526 management plans.

1527 (2) The State Department of Education shall provide such
1528 instructional program and management guidelines which shall
1529 require for every public school district that:

1530 (a) All courses taught in Grades K-8 which contain
1531 skills which are tested through the Mississippi Basic Skills

1532 Assessment Program, all secondary school courses mandated for
1533 graduation, and all courses in the end-of-course testing program
1534 shall include the State Department of Education's written list of
1535 learning objectives.

1536 (b) The local school board must adopt the objectives
1537 that will form the core curriculum which will be systematically
1538 delivered throughout the district.

1539 (c) The set of objectives provided by the State
1540 Department of Education must be accompanied by suggested
1541 instructional practices and resources that would help teachers
1542 organize instruction so as to promote student learning of the
1543 objectives. Objectives added by the school district must also be
1544 accompanied by suggested instructional practices and resources
1545 that would help teachers organize instruction. The instructional
1546 practices and resources that are identified are to be used as
1547 suggestions and not as requirements that teachers must follow. The
1548 goal of the program is to have students to achieve the desired
1549 objective and not to limit teachers in the way they teach.

1550 (d) Standards for student performance must be
1551 established for each core objective in the local program and those
1552 standards establish the district's definition of mastery for each
1553 objective.

1554 (e) There shall be an annual review of student
1555 performance in the instructional program against locally
1556 established standards. When weaknesses exist in the local
1557 instructional program, the district shall take action to improve
1558 student performance.

1559 (3) The State Board of Education and the board of trustees
1560 of each school district shall adopt policies to limit and reduce
1561 the number and length of written reports that classroom teachers
1562 are required to prepare.

1563 (4) This section shall not be construed to limit teachers
1564 from using their own professional skills to help students master

1565 instructional objectives, nor shall it be construed as a call for
1566 more detailed or complex lesson plans or any increase in testing
1567 at the local school district level.

1568 (5) Districts meeting Levels 4 and 5 accreditation
1569 standards, as defined by the State Board of Education, shall be
1570 exempted from the provisions of this section.

1571 **SECTION 8.** Section 37-7-337, Mississippi Code of 1972, is
1572 amended as follows:

1573 37-7-337. (1) The governing authorities of the county,
1574 counties or city in which a school district is located and the
1575 school board of each school district shall develop a five-year
1576 plan to encourage community involvement with the schools in such
1577 district. Such plan shall be filed with the State Department of
1578 Education on or before January 1, 1993.

1579 (2) Districts meeting Levels 4 and 5 accreditation
1580 standards, as defined by the State Board of Education, shall be
1581 exempted from the provisions of this section.

1582 **SECTION 9.** Section 37-17-8, Mississippi Code of 1972, is
1583 amended as follows:

1584 37-17-8. (1) The State Board of Education, through the
1585 Commission on School Accreditation, shall establish criteria for
1586 comprehensive in-service staff development plans. These criteria
1587 shall: (a) include, but not be limited to, formula and guidelines
1588 for allocating available state funds for in-service training to
1589 local school districts; (b) require that a portion of the plans be
1590 devoted exclusively for the purpose of providing staff development
1591 training for beginning teachers within that local school district
1592 and for no other purpose; and (c) require that a portion of the
1593 school district's in-service training for administrators and
1594 teachers be dedicated to the application and utilization of
1595 various disciplinary techniques. The board shall each year make
1596 recommendations to the Legislature concerning the amount of funds
1597 which shall be appropriated for this purpose.

1598 (2) Beginning with the 1998-1999 school year, school
1599 districts shall not be required to submit staff development plans
1600 to the Commission on School Accreditation for approval. However,
1601 any school district accredited at Level 1 or Level 2 shall
1602 include, as a part of any required corrective action plan,
1603 provisions to address staff development in accordance with State
1604 Board of Education requirements. All school districts, unless
1605 specifically exempt from this section, must maintain on file staff
1606 development plans as required under this section. The plan shall
1607 have been prepared by a district committee appointed by the
1608 district superintendent and consisting of teachers,
1609 administrators, school board members, and lay people, and it shall
1610 have been approved by the district superintendent.

1611 (3) In order to insure that teachers are not overburdened
1612 with paperwork and written reports, local school districts and
1613 the State Board of Education shall take such steps as may be
1614 necessary to further the reduction of paperwork requirements on
1615 teachers.

1616 (4) Districts meeting Levels 4 and 5 accreditation
1617 standards, as defined by the State Board of Education, shall be
1618 exempted from the provisions of this section.

1619 **SECTION 10.** Section 37-17-11, Mississippi Code of 1972, is
1620 amended as follows:

1621 37-17-11. (1) (a) Effective July 1, 2006, districts
1622 meeting Levels 4 and 5 accreditation standards, as defined by the
1623 Board of Education, shall be exempted from the provisions pursuant
1624 to Sections 37-3-46, 37-3-49(2), 37-7-337, 37-17-8 and 37-21-7.

1625 (b) Districts that achieve Level 4 or 5 state
1626 accreditation standards as defined by the State Board of Education
1627 shall have their exemption status reevaluated every three (3)
1628 years. If a previously exempted district falls below the Level 4
1629 or 5 accreditation standard, then that school shall automatically
1630 lose its exempt status until it again achieves the top quartile.

1631 (2) The State Department of Education is directed to provide
1632 a report of all exempted process standards and nonexempted process
1633 standards to the Office of the Governor, the Chairs of the House
1634 and Senate Education Committees, and the Mississippi Association
1635 of State Superintendents by December 1, 2007.

1636 **SECTION 11.** Section 37-21-7, Mississippi Code of 1972, is
1637 amended as follows:

1638 37-21-7. (1) This section shall be referred to as the
1639 "Mississippi Elementary Schools Assistant Teacher Program," the
1640 purpose of which shall be to provide an early childhood education
1641 program that assists in the instruction of basic skills. The
1642 State Board of Education is authorized, empowered and directed to
1643 implement a statewide system of assistant teachers in kindergarten
1644 classes and in the first, second and third grades. The assistant
1645 teacher shall assist pupils in actual instruction under the strict
1646 supervision of a licensed teacher.

1647 (2) (a) Except as otherwise authorized under subsection
1648 (7), each school district shall employ the total number of
1649 assistant teachers funded under subsection (6) of this section.
1650 The superintendent of each district shall assign the assistant
1651 teachers to the kindergarten, first-, second- and third-grade
1652 classes in the district in a manner that will promote the maximum
1653 efficiency, as determined by the superintendent, in the
1654 instruction of skills such as verbal and linguistic skills,
1655 logical and mathematical skills, and social skills.

1656 (b) If a licensed teacher to whom an assistant teacher
1657 has been assigned is required to be absent from the classroom, the
1658 assistant teacher may assume responsibility for the classroom in
1659 lieu of a substitute teacher. However, no assistant teacher shall
1660 assume sole responsibility of the classroom for more than three
1661 (3) consecutive school days. Further, in no event shall any
1662 assistant teacher be assigned to serve as a substitute teacher for

1663 any teacher other than the licensed teacher to whom that assistant
1664 teacher has been assigned.

1665 (3) Assistant teachers shall have, at a minimum, a high
1666 school diploma or a GED equivalent, and shall show demonstratable
1667 proficiency in reading and writing skills. The State Department
1668 of Education shall develop a testing procedure for assistant
1669 teacher applicants to be used in all school districts in the
1670 state.

1671 (4) (a) In order to receive funding, each school district
1672 shall:

1673 (i) Submit a plan on the implementation of a
1674 reading improvement program to the State Department of Education;
1675 and

1676 (ii) Develop a plan of educational accountability
1677 and assessment of performance, including pretests and posttests,
1678 for reading in Grades 1 through 6.

1679 (b) Additionally, each school district shall:

1680 (i) Provide annually a mandatory preservice
1681 orientation session, using an existing in-school service day, for
1682 administrators and teachers on the effective use of assistant
1683 teachers as part of a team in the classroom setting and on the
1684 role of assistant teachers, with emphasis on program goals;

1685 (ii) Hold periodic workshops for administrators
1686 and teachers on the effective use and supervision of assistant
1687 teachers;

1688 (iii) Provide training annually on specific
1689 instructional skills for assistant teachers;

1690 (iv) Annually evaluate their program in accordance
1691 with their educational accountability and assessment of
1692 performance plan; and

1693 (v) Designate the necessary personnel to supervise
1694 and report on their program.

1695 (5) The State Department of Education shall:

1696 (a) Develop and assist in the implementation of a
1697 statewide uniform training module, subject to the availability of
1698 funds specifically appropriated therefor by the Legislature, which
1699 shall be used in all school districts for training administrators,
1700 teachers and assistant teachers. The module shall provide for the
1701 consolidated training of each assistant teacher and teacher to
1702 whom the assistant teacher is assigned, working together as a
1703 team, and shall require further periodical training for
1704 administrators, teachers and assistant teachers regarding the role
1705 of assistant teachers;

1706 (b) Annually evaluate the program on the district and
1707 state level. Subject to the availability of funds specifically
1708 appropriated therefor by the Legislature, the department shall
1709 develop: (i) uniform evaluation reports, to be performed by the
1710 principal or assistant principal, to collect data for the annual
1711 overall program evaluation conducted by the department; or (ii) a
1712 program evaluation model that, at a minimum, addresses process
1713 evaluation; and

1714 (c) Promulgate rules, regulations and such other
1715 standards deemed necessary to effectuate the purposes of this
1716 section. Noncompliance with the provisions of this section and
1717 any rules, regulations or standards adopted by the department may
1718 result in a violation of compulsory accreditation standards as
1719 established by the State Board of Education and Commission on
1720 School Accreditation.

1721 (6) In addition to other funds allotted under the Minimum
1722 Education or Adequate Education Program, each school district
1723 shall be allotted sufficient funding for the purpose of employing
1724 assistant teachers. No assistant teacher shall be paid less than
1725 the amount he or she received in the prior school year. No school
1726 district shall receive any funds under this section for any school
1727 year during which the aggregate amount of the local contribution

1728 to the salaries of assistant teachers by the district shall have
1729 been reduced below such amount for the previous year.

1730 For the 2001-2002 school year, the minimum salary for
1731 assistant teachers shall be Nine Thousand Three Hundred Sixty-five
1732 Dollars (\$9,365.00).

1733 For the 2002-2003 school year, the minimum salary for
1734 assistant teachers shall be Nine Thousand Nine Hundred Dollars
1735 (\$9,900.00).

1736 For the 2003-2004 school year, the minimum salary for
1737 assistant teachers shall be Ten Thousand Five Hundred Dollars
1738 (\$10,500.00).

1739 For the 2004-2005 school year, the minimum salary for
1740 assistant teachers shall be Eleven Thousand Two Hundred Dollars
1741 (\$11,200.00).

1742 For the 2005-2006 school year and school years thereafter,
1743 the minimum salary for assistant teachers shall be Twelve Thousand
1744 Dollars (\$12,000.00).

1745 In addition, for each one percent (1%) that the Sine Die
1746 General Fund Revenue Estimate Growth exceeds five percent (5%) in
1747 fiscal year 2003, 2004, 2005 or 2006, as certified by the
1748 Legislative Budget Office to the State Board of Education and
1749 subject to the specific appropriation therefor by the Legislature,
1750 the State Board of Education shall revise the salary scale in the
1751 appropriate year to provide an additional one percent (1%) across
1752 the board increase in the base salaries for assistant teachers.
1753 The State Board of Education shall revise the salaries prescribed
1754 above for assistant teachers to conform to any adjustments made in
1755 prior fiscal years due to revenue growth over and above five
1756 percent (5%). The assistant teachers shall not be restricted to
1757 working only in the grades for which the funds were allotted, but
1758 may be assigned to other classes as provided in subsection (2)(a)
1759 of this section.

1760 (7) (a) As an alternative to employing assistant teachers,
1761 any school district may use the allotment provided under
1762 subsection (6) of this section for the purpose of employing
1763 licensed teachers for kindergarten, first-, second- and
1764 third-grade classes; however, no school district shall be
1765 authorized to use the allotment for assistant teachers for the
1766 purpose of employing licensed teachers unless the district has
1767 established that the employment of licensed teachers using such
1768 funds will reduce the teacher:student ratio in the kindergarten,
1769 first-, second- and third-grade classes. All state funds for
1770 assistant teachers shall be applied to reducing teacher:student
1771 ratio in Grades K-3.

1772 It is the intent of the Legislature that no school district
1773 shall dismiss any assistant teacher for the purpose of using the
1774 assistant teacher allotment to employ licensed teachers. School
1775 districts may rely only upon normal attrition to reduce the number
1776 of assistant teachers employed in that district.

1777 (b) Districts that achieve Level 4 or 5 state
1778 accreditation standards, as defined by the State Board of
1779 Education, shall be exempted from the provisions of this
1780 subsection (4).

1781 **SECTION 12.** Section 37-13-61, Mississippi Code of 1972, is
1782 amended as follows:

1783 37-13-61. The local school board shall have the power and
1784 authority to fix the date for the opening and closing of the
1785 school term, subject to the full one hundred eighty (180) days
1786 required for a school term of a scholastic year in Section
1787 37-13-63. Provided, however, that local school boards are
1788 authorized to keep school in session in excess of the minimum
1789 number of days prescribed in Section 37-13-63.

1790 **SECTION 13.** Section 37-13-67, Mississippi Code of 1972, is
1791 amended as follows:

1792 37-13-67. * * * The number of hours of actual teaching which
1793 shall constitute a school day shall be determined and fixed by the
1794 board of trustees of the school district at not less than five (5)
1795 hours * * *.

1796 **SECTION 14.** Section 37-13-69, Mississippi Code of 1972, is
1797 amended as follows:

1798 37-13-69. All public schools of this state may observe such
1799 legal holidays as may be designated by the local school board, and
1800 no sessions of school shall be held on holidays so designated and
1801 observed. However, all schools shall operate for the full minimum
1802 term required by law exclusive of the holidays authorized by this
1803 section. The holidays thus observed shall not be deducted from
1804 the reports of the superintendents, principals and teachers, and
1805 such superintendents, principals and teachers shall be allowed pay
1806 for full time as though they had taught on said holidays.
1807 However, such holidays shall not be counted or included in any way
1808 in determining the average daily attendance of the school.

1809 **SECTION 15.** Section 37-7-301, Mississippi Code of 1972, is
1810 amended as follows:

1811 37-7-301. The school boards of all school districts shall
1812 have the following powers, authority and duties in addition to all
1813 others imposed or granted by law, to wit:

1814 (a) To organize and operate the schools of the district
1815 and to make such division between the high school grades and
1816 elementary grades as, in their judgment, will serve the best
1817 interests of the school;

1818 (b) To introduce public school music, art, manual
1819 training and other special subjects into either the elementary or
1820 high school grades, as the board shall deem proper;

1821 (c) To be the custodians of real and personal school
1822 property and to manage, control and care for same, both during the
1823 school term and during vacation;

1824 (d) To have responsibility for the erection, repairing
1825 and equipping of school facilities and the making of necessary
1826 school improvements;

1827 (e) To suspend or to expel a pupil or to change the
1828 placement of a pupil to the school district's alternative school
1829 or home-bound program for misconduct in the school or on school
1830 property, as defined in Section 37-11-29, on the road to and from
1831 school, or at any school-related activity or event, or for conduct
1832 occurring on property other than school property or other than at
1833 a school-related activity or event when such conduct by a pupil,
1834 in the determination of the school superintendent or principal,
1835 renders that pupil's presence in the classroom a disruption to the
1836 educational environment of the school or a detriment to the best
1837 interest and welfare of the pupils and teacher of such class as a
1838 whole, and to delegate such authority to the appropriate officials
1839 of the school district;

1840 (f) To visit schools in the district, in their
1841 discretion, in a body for the purpose of determining what can be
1842 done for the improvement of the school in a general way;

1843 (g) To support, within reasonable limits, the
1844 superintendent, principal and teachers where necessary for the
1845 proper discipline of the school;

1846 (h) To exclude from the schools students with what
1847 appears to be infectious or contagious diseases; provided,
1848 however, such student may be allowed to return to school upon
1849 presenting a certificate from a public health officer, duly
1850 licensed physician or nurse practitioner that the student is free
1851 from such disease;

1852 (i) To require those vaccinations specified by the
1853 State Health Officer as provided in Section 41-23-37, Mississippi
1854 Code of 1972;

1855 (j) To see that all necessary utilities and services
1856 are provided in the schools at all times when same are needed;

1857 (k) To authorize the use of the school buildings and
1858 grounds for the holding of public meetings and gatherings of the
1859 people under such regulations as may be prescribed by said board;

1860 (l) To prescribe and enforce rules and regulations not
1861 inconsistent with law or with the regulations of the State Board
1862 of Education for their own government and for the government of
1863 the schools, and to transact their business at regular and special
1864 meetings called and held in the manner provided by law;

1865 (m) To maintain and operate all of the schools under
1866 their control for such length of time during the year as may be
1867 required;

1868 (n) To enforce in the schools the courses of study and
1869 the use of the textbooks prescribed by the proper authorities;

1870 (o) To make orders directed to the superintendent of
1871 schools for the issuance of pay certificates for lawful purposes
1872 on any available funds of the district and to have full control of
1873 the receipt, distribution, allotment and disbursement of all funds
1874 provided for the support and operation of the schools of such
1875 school district whether such funds be derived from state
1876 appropriations, local ad valorem tax collections, or otherwise.
1877 The local school board shall be authorized and empowered to
1878 promulgate rules and regulations that specify the types of claims
1879 and set limits of the dollar amount for payment of claims by the
1880 superintendent of schools to be ratified by the board at the next
1881 regularly scheduled meeting after payment has been made;

1882 (p) To select all school district personnel in the
1883 manner provided by law, and to provide for such employee fringe
1884 benefit programs, including accident reimbursement plans, as may
1885 be deemed necessary and appropriate by the board;

1886 (q) To provide athletic programs and other school
1887 activities and to regulate the establishment and operation of such
1888 programs and activities;

1889 (r) To join, in their discretion, any association of
1890 school boards and other public school-related organizations, and
1891 to pay from local funds other than minimum foundation funds, any
1892 membership dues;

1893 (s) To expend local school activity funds, or other
1894 available school district funds, other than minimum education
1895 program funds, for the purposes prescribed under this paragraph.
1896 "Activity funds" shall mean all funds received by school officials
1897 in all school districts paid or collected to participate in any
1898 school activity, such activity being part of the school program
1899 and partially financed with public funds or supplemented by public
1900 funds. The term "activity funds" shall not include any funds
1901 raised and/or expended by any organization unless commingled in a
1902 bank account with existing activity funds, regardless of whether
1903 the funds were raised by school employees or received by school
1904 employees during school hours or using school facilities, and
1905 regardless of whether a school employee exercises influence over
1906 the expenditure or disposition of such funds. Organizations shall
1907 not be required to make any payment to any school for the use of
1908 any school facility if, in the discretion of the local school
1909 governing board, the organization's function shall be deemed to be
1910 beneficial to the official or extracurricular programs of the
1911 school. For the purposes of this provision, the term
1912 "organization" shall not include any organization subject to the
1913 control of the local school governing board. Activity funds may
1914 only be expended for any necessary expenses or travel costs,
1915 including advances, incurred by students and their chaperons in
1916 attending any in-state or out-of-state school-related programs,
1917 conventions or seminars and/or any commodities, equipment, travel
1918 expenses, purchased services or school supplies which the local
1919 school governing board, in its discretion, shall deem beneficial
1920 to the official or extracurricular programs of the district,
1921 including items which may subsequently become the personal

1922 property of individuals, including yearbooks, athletic apparel,
1923 book covers and trophies. Activity funds may be used to pay
1924 travel expenses of school district personnel. The local school
1925 governing board shall be authorized and empowered to promulgate
1926 rules and regulations specifically designating for what purposes
1927 school activity funds may be expended. The local school governing
1928 board shall provide (i) that such school activity funds shall be
1929 maintained and expended by the principal of the school generating
1930 the funds in individual bank accounts, or (ii) that such school
1931 activity funds shall be maintained and expended by the
1932 superintendent of schools in a central depository approved by the
1933 board. The local school governing board shall provide that such
1934 school activity funds be audited as part of the annual audit
1935 required in Section 37-9-18. The State Department of Education
1936 shall prescribe a uniform system of accounting and financial
1937 reporting for all school activity fund transactions;

1938 (t) To contract, on a shared savings, lease or
1939 lease-purchase basis, for energy efficiency services and/or
1940 equipment as provided for in Section 31-7-14, not to exceed ten
1941 (10) years;

1942 (u) To maintain accounts and issue pay certificates on
1943 school food service bank accounts;

1944 (v) (i) To lease a school building from an individual,
1945 partnership, nonprofit corporation or a private for-profit
1946 corporation for the use of such school district, and to expend
1947 funds therefor as may be available from any nonminimum program
1948 sources. The school board of the school district desiring to
1949 lease a school building shall declare by resolution that a need
1950 exists for a school building and that the school district cannot
1951 provide the necessary funds to pay the cost or its proportionate
1952 share of the cost of a school building required to meet the
1953 present needs. The resolution so adopted by the school board
1954 shall be published once each week for three (3) consecutive weeks

1955 in a newspaper having a general circulation in the school district
1956 involved, with the first publication thereof to be made not less
1957 than thirty (30) days prior to the date upon which the school
1958 board is to act on the question of leasing a school building. If
1959 no petition requesting an election is filed prior to such meeting
1960 as hereinafter provided, then the school board may, by resolution
1961 spread upon its minutes, proceed to lease a school building. If
1962 at any time prior to said meeting a petition signed by not less
1963 than twenty percent (20%) or fifteen hundred (1500), whichever is
1964 less, of the qualified electors of the school district involved
1965 shall be filed with the school board requesting that an election
1966 be called on the question, then the school board shall, not later
1967 than the next regular meeting, adopt a resolution calling an
1968 election to be held within such school district upon the question
1969 of authorizing the school board to lease a school building. Such
1970 election shall be called and held, and notice thereof shall be
1971 given, in the same manner for elections upon the questions of the
1972 issuance of the bonds of school districts, and the results thereof
1973 shall be certified to the school board. If at least three-fifths
1974 (3/5) of the qualified electors of the school district who voted
1975 in such election shall vote in favor of the leasing of a school
1976 building, then the school board shall proceed to lease a school
1977 building. The term of the lease contract shall not exceed twenty
1978 (20) years, and the total cost of such lease shall be either the
1979 amount of the lowest and best bid accepted by the school board
1980 after advertisement for bids or an amount not to exceed the
1981 current fair market value of the lease as determined by the
1982 averaging of at least two (2) appraisals by certified general
1983 appraisers licensed by the State of Mississippi. The term "school
1984 building" as used in this paragraph (v)(i) shall be construed to
1985 mean any building or buildings used for classroom purposes in
1986 connection with the operation of schools and shall include the
1987 site therefor, necessary support facilities, and the equipment

1988 thereof and appurtenances thereto such as heating facilities,
1989 water supply, sewage disposal, landscaping, walks, drives and
1990 playgrounds. The term "lease" as used in this paragraph (v)(i)
1991 may include a lease/purchase contract;

1992 (ii) If two (2) or more school districts propose
1993 to enter into a lease contract jointly, then joint meetings of the
1994 school boards having control may be held but no action taken shall
1995 be binding on any such school district unless the question of
1996 leasing a school building is approved in each participating school
1997 district under the procedure hereinabove set forth in paragraph
1998 (v)(i). All of the provisions of paragraph (v)(i) regarding the
1999 term and amount of the lease contract shall apply to the school
2000 boards of school districts acting jointly. Any lease contract
2001 executed by two (2) or more school districts as joint lessees
2002 shall set out the amount of the aggregate lease rental to be paid
2003 by each, which may be agreed upon, but there shall be no right of
2004 occupancy by any lessee unless the aggregate rental is paid as
2005 stipulated in the lease contract. All rights of joint lessees
2006 under the lease contract shall be in proportion to the amount of
2007 lease rental paid by each;

2008 (w) To employ all noninstructional and noncertificated
2009 employees and fix the duties and compensation of such personnel
2010 deemed necessary pursuant to the recommendation of the
2011 superintendent of schools;

2012 (x) To employ and fix the duties and compensation of
2013 such legal counsel as deemed necessary;

2014 (y) Subject to rules and regulations of the State Board
2015 of Education, to purchase, own and operate trucks, vans and other
2016 motor vehicles, which shall bear the proper identification
2017 required by law;

2018 (z) To expend funds for the payment of substitute
2019 teachers and to adopt reasonable regulations for the employment
2020 and compensation of such substitute teachers;

2021 (aa) To acquire in its own name by purchase all real
2022 property which shall be necessary and desirable in connection with
2023 the construction, renovation or improvement of any public school
2024 building or structure. Whenever the purchase price for such real
2025 property is greater than Fifty Thousand Dollars (\$50,000.00), the
2026 school board shall not purchase the property for an amount
2027 exceeding the fair market value of such property as determined by
2028 the average of at least two (2) independent appraisals by
2029 certified general appraisers licensed by the State of Mississippi.
2030 If the board shall be unable to agree with the owner of any such
2031 real property in connection with any such project, the board shall
2032 have the power and authority to acquire any such real property by
2033 condemnation proceedings pursuant to Section 11-27-1 et seq.,
2034 Mississippi Code of 1972, and for such purpose, the right of
2035 eminent domain is hereby conferred upon and vested in said board.
2036 Provided further, that the local school board is authorized to
2037 grant an easement for ingress and egress over sixteenth section
2038 land or lieu land in exchange for a similar easement upon
2039 adjoining land where the exchange of easements affords substantial
2040 benefit to the sixteenth section land; provided, however, the
2041 exchange must be based upon values as determined by a competent
2042 appraiser, with any differential in value to be adjusted by cash
2043 payment. Any easement rights granted over sixteenth section land
2044 under such authority shall terminate when the easement ceases to
2045 be used for its stated purpose. No sixteenth section or lieu land
2046 which is subject to an existing lease shall be burdened by any
2047 such easement except by consent of the lessee or unless the school
2048 district shall acquire the unexpired leasehold interest affected
2049 by the easement;

2050 (bb) To charge reasonable fees related to the
2051 educational programs of the district, in the manner prescribed in
2052 Section 37-7-335;

2053 (cc) Subject to rules and regulations of the State
2054 Board of Education, to purchase relocatable classrooms for the use
2055 of such school district, in the manner prescribed in Section
2056 37-1-13;

2057 (dd) Enter into contracts or agreements with other
2058 school districts, political subdivisions or governmental entities
2059 to carry out one or more of the powers or duties of the school
2060 board, or to allow more efficient utilization of limited resources
2061 for providing services to the public;

2062 (ee) To provide for in-service training for employees
2063 of the district. Until June 30, 1994, the school boards may
2064 designate two (2) days of the minimum school term, as defined in
2065 Section 37-19-1, for employee in-service training for
2066 implementation of the new statewide testing system as developed by
2067 the State Board of Education. Such designation shall be subject
2068 to approval by the State Board of Education pursuant to uniform
2069 rules and regulations;

2070 (ff) As part of their duties to prescribe the use of
2071 textbooks, to provide that parents and legal guardians shall be
2072 responsible for the textbooks and for the compensation to the
2073 school district for any books which are not returned to the proper
2074 schools upon the withdrawal of their dependent child. If a
2075 textbook is lost or not returned by any student who drops out of
2076 the public school district, the parent or legal guardian shall
2077 also compensate the school district for the fair market value of
2078 the textbooks;

2079 (gg) To conduct fund-raising activities on behalf of
2080 the school district that the local school board, in its
2081 discretion, deems appropriate or beneficial to the official or
2082 extracurricular programs of the district; provided that:

2083 (i) Any proceeds of the fund-raising activities
2084 shall be treated as "activity funds" and shall be accounted for as
2085 are other activity funds under this section; and

2086 (ii) Fund-raising activities conducted or
2087 authorized by the board for the sale of school pictures, the
2088 rental of caps and gowns or the sale of graduation invitations for
2089 which the school board receives a commission, rebate or fee shall
2090 contain a disclosure statement advising that a portion of the
2091 proceeds of the sales or rentals shall be contributed to the
2092 student activity fund;

2093 (hh) To allow individual lessons for music, art and
2094 other curriculum-related activities for academic credit or
2095 nonacademic credit during school hours and using school equipment
2096 and facilities, subject to uniform rules and regulations adopted
2097 by the school board;

2098 (ii) To charge reasonable fees for participating in an
2099 extracurricular activity for academic or nonacademic credit for
2100 necessary and required equipment such as safety equipment, band
2101 instruments and uniforms;

2102 (jj) To conduct or participate in any fund-raising
2103 activities on behalf of or in connection with a tax-exempt
2104 charitable organization;

2105 (kk) To exercise such powers as may be reasonably
2106 necessary to carry out the provisions of this section;

2107 (ll) To expend funds for the services of nonprofit arts
2108 organizations or other such nonprofit organizations who provide
2109 performances or other services for the students of the school
2110 district;

2111 (mm) To expend federal No Child Left Behind Act funds,
2112 or any other available funds that are expressly designated and
2113 authorized for that use, to pay training, educational expenses,
2114 salary incentives and salary supplements to employees of local
2115 school districts; except that incentives shall not be considered
2116 part of the local supplement as defined in Section 37-151-5(o),
2117 nor shall incentives be considered part of the local supplement
2118 paid to an individual teacher for the purposes of Section

2119 37-19-7(1). Mississippi Adequate Education Program funds or any
2120 other state funds may not be used for salary incentives or salary
2121 supplements as provided in this paragraph (mm);

2122 (nn) To use any available funds, not appropriated or
2123 designated for any other purpose, for reimbursement to the
2124 state-licensed employees from both in-state and out-of-state, who
2125 enter into a contract for employment in a school district, for the
2126 expense of moving when the employment necessitates the relocation
2127 of the licensed employee to a different geographical area than
2128 that in which the licensed employee resides before entering into
2129 the contract. The reimbursement shall not exceed One Thousand
2130 Dollars (\$1,000.00) for the documented actual expenses incurred in
2131 the course of relocating, including the expense of any
2132 professional moving company or persons employed to assist with the
2133 move, rented moving vehicles or equipment, mileage in the amount
2134 authorized for county and municipal employees under Section
2135 25-3-41 if the licensed employee used his personal vehicle or
2136 vehicles for the move, meals and such other expenses associated
2137 with the relocation. No licensed employee may be reimbursed for
2138 moving expenses under this section on more than one (1) occasion
2139 by the same school district. Nothing in this section shall be
2140 construed to require the actual residence to which the licensed
2141 employee relocates to be within the boundaries of the school
2142 district that has executed a contract for employment in order for
2143 the licensed employee to be eligible for reimbursement for the
2144 moving expenses. However, the licensed employee must relocate
2145 within the boundaries of the State of Mississippi. Any individual
2146 receiving relocation assistance through the Critical Teacher
2147 Shortage Act as provided in Section 37-159-5 shall not be eligible
2148 to receive additional relocation funds as authorized in this
2149 paragraph;

2150 (oo) To use any available funds, not appropriated or
2151 designated for any other purpose, to reimburse persons who

2152 interview for employment as a licensed employee with the district
2153 for the mileage and other actual expenses incurred in the course
2154 of travel to and from the interview at the rate authorized for
2155 county and municipal employees under Section 25-3-41;

2156 (pp) Consistent with the report of the Task Force to
2157 Conduct a Best Financial Management Practices Review, to improve
2158 school district management and use of resources and identify cost
2159 savings as established in Section 8 of Chapter 610, Laws of 2002,
2160 local school boards are encouraged to conduct independent reviews
2161 of the management and efficiency of schools and school districts.
2162 Such management and efficiency reviews shall provide state and
2163 local officials and the public with the following:

- 2164 (i) An assessment of a school district's
2165 governance and organizational structure;
- 2166 (ii) An assessment of the school district's
2167 financial and personnel management;
- 2168 (iii) An assessment of revenue levels and sources;
- 2169 (iv) An assessment of facilities utilization,
2170 planning and maintenance;
- 2171 (v) An assessment of food services, transportation
2172 and safety/security systems;
- 2173 (vi) An assessment of instructional and
2174 administrative technology;
- 2175 (vii) A review of the instructional management and
2176 the efficiency and effectiveness of existing instructional
2177 programs; and
- 2178 (viii) Recommended methods for increasing
2179 efficiency and effectiveness in providing educational services to
2180 the public;

2181 (qq) To enter into agreements with other local school
2182 boards for the establishment of an educational service agency
2183 (ESA) to provide for the cooperative needs of the region in which

2184 the school district is located, as provided in Section 37-7-345.

2185 This paragraph shall repeal on July 1, 2007;

2186 (rr) To implement a financial literacy program for
2187 students in Grades 10 and 11. The board may review the national
2188 programs and obtain free literature from various nationally
2189 recognized programs. After review of the different programs, the
2190 board may certify a program that is most appropriate for the
2191 school districts' needs. If a district implements a financial
2192 literacy program, then any student in Grade 10 or 11 may
2193 participate in the program. The financial literacy program shall
2194 include, but is not limited to, instruction in the same areas of
2195 personal business and finance as required under Section
2196 37-1-3(2)(b). The school board may coordinate with volunteer
2197 teachers from local community organizations, including, but not
2198 limited to, the following: United States Department of
2199 Agriculture Rural Development, United States Department of Housing
2200 and Urban Development, Junior Achievement, bankers and other
2201 nonprofit organizations. Nothing in this paragraph shall be
2202 construed as to require school boards to implement a financial
2203 literacy program;

2204 (ss) To collaborate with the State Board of Education,
2205 Community Action Agencies or the Department of Human Services to
2206 develop and implement a voluntary program to provide services for
2207 a full-day prekindergarten program that addresses the cognitive,
2208 social, and emotional needs of four-year-old and three-year-old
2209 children. The school board may utilize nonstate source special
2210 funds, grants, donations or gifts to fund the voluntary program;

2211 (tt) With respect to any lawful, written obligation of
2212 a school district, including, but not limited to, leases
2213 (excluding leases of sixteenth section public school trust land),
2214 bonds, notes, or other agreement, to agree in writing with the
2215 obligee that the State Tax Commission or any state agency,
2216 department or commission created under state law may:

2217 (i) Withhold all or any part (as agreed by the
2218 school board) of any monies which such local school board is
2219 entitled to receive from time to time under any law and which is
2220 in the possession of the State Tax Commission, or any state
2221 agency, department or commission created under state law; and

2222 (ii) Pay the same over to any financial
2223 institution, trustee or other obligee, as directed in writing by
2224 the school board, to satisfy all or part of such obligation of the
2225 school district.

2226 The school board may make such written agreement to withhold
2227 and transfer funds irrevocable for the term of the written
2228 obligation and may include in the written agreement any other
2229 terms and provisions acceptable to the school board. If the
2230 school board files a copy of such written agreement with the State
2231 Tax Commission, or any state agency, department or commission
2232 created under state law then the State Tax Commission or any state
2233 agency, department or commission created under state law shall
2234 immediately make the withholdings provided in such agreement from
2235 the amounts due the local school board and shall continue to pay
2236 the same over to such financial institution, trustee or obligee
2237 for the term of the agreement.

2238 This paragraph (tt) shall not grant any extra authority to a
2239 school board to issue debt in any amount exceeding statutory
2240 limitations on assessed value of taxable property within such
2241 school district or the statutory limitations on debt maturities,
2242 and shall not grant any extra authority to impose, levy or collect
2243 a tax which is not otherwise expressly provided for, and shall not
2244 be construed to apply to sixteenth section public school trust
2245 land;

2246 (uu) With respect to any matter or transaction that is
2247 competitively bid by a school district, to accept from any bidder
2248 as a good faith deposit or bid bond or bid surety, the same type
2249 of good faith deposit or bid bond or bid surety that may be

2250 accepted by the state or any other political subdivision on
2251 similar competitively bid matters or transactions. This paragraph
2252 (uu) shall not be construed to apply to sixteenth section public
2253 school trust land. The school board may authorize the investment
2254 of any school district funds in the same kind and manner of
2255 investments, including pooled investments, as any other political
2256 subdivision, including community hospitals; * * *

2257 (vv) To utilize the alternate method for the conveyance
2258 or exchange of unused school buildings and/or land, reserving a
2259 partial or other undivided interest in the property, as
2260 specifically authorized and provided in Section 37-7-485,
2261 Mississippi Code of 1972; and

2262 (ww) The governing authority of each individual school
2263 district shall have the power to adopt any orders, resolutions or
2264 ordinances with respect to school district affairs, property and
2265 finances which are not inconsistent with the Mississippi
2266 Constitution of 1890, the Mississippi Code of 1972, or any other
2267 statute or law of the State of Mississippi. Except as otherwise
2268 provided, the powers granted to governing authorities of school
2269 districts are complete without the existence of or reference to
2270 any specific authority granted in any other statute or law of the
2271 State of Mississippi and may be exercised unless specifically
2272 prohibited by a statute or law of the State of Mississippi.
2273 Unless such actions are specifically authorized by another statute
2274 or law of the State of Mississippi, this section shall not
2275 authorize the governing authority of a school district to (i) levy
2276 taxes of any kind or increase the levy of any authorized tax, (ii)
2277 issue bonds of any kind, or (iii) the authority to enter into
2278 collective bargaining agreements. All other powers of the
2279 governing authorities of school districts may be exercised unless
2280 specifically prohibited by the statutes or laws of the State of
2281 Mississippi.

2282 SECTION 16. (1) The Legislature finds and declares the
2283 following:

2284 (a) Meeting the educational needs of children in our
2285 state's schools is of the greatest importance to the future
2286 welfare of the State of Mississippi;

2287 (b) Closing the achievement gap between high-performing
2288 students, including the achievement gap among at-risk students, is
2289 a significant and present challenge;

2290 (c) Providing a broader range of educational options to
2291 parents and utilizing existing resources, along with technology,
2292 may help students in the state improve their academic achievement;
2293 and

2294 (d) Many of the state's school districts currently lack
2295 the capacity to provide other public school choices for students
2296 whose schools are low performing.

2297 (2) There is created the Mississippi Virtual Public School
2298 program. It is the intent of the Legislature that virtual schools
2299 established under this section provide Mississippi families with
2300 an alternative choice to access additional educational resources
2301 in an effort to improve academic achievement. Virtual schools
2302 must be recognized as public schools and provided equitable
2303 treatment and resources as are other public schools in the state.

2304 (3) Nothing in this section may be interpreted as precluding
2305 the use of computer- and Internet-based instruction for students
2306 in a virtual or remote setting.

2307 (4) As used in this section, the following words and phrases
2308 have the meanings respectively ascribed unless the context clearly
2309 requires otherwise:

2310 (a) "Virtual school" means an independent public school
2311 in which the school uses technology in order to deliver a
2312 significant portion of instruction to its students via the
2313 Internet in a virtual or from a remote setting.

2314 (b) "Sponsor" means the public school district,
2315 regional education service agency, charter school or the State
2316 Board of Education having a fiduciary responsibility,
2317 independently or cooperatively, for the operation of the virtual
2318 school.

2319 (5) The Legislature hereby directs the State Board of
2320 Education to sponsor at least one (1) such school beginning in
2321 school year 2006-2007.

2322 (a) The State Board of Education-sponsored schools
2323 shall be operated by one or more virtual school providers selected
2324 through a competitive bidding process. Contracts with selected
2325 providers will be overseen by the Department of Education on
2326 behalf of the State Board.

2327 (b) Students who enroll in a State Board of
2328 Education-sponsored virtual school may reside anywhere in the
2329 State of Mississippi. Students who enroll in virtual schools
2330 sponsored by local public school districts, regional education
2331 service agencies or a charter school shall reside in the
2332 appropriate school district.

2333 (6) **Costs.** The costs of the Mississippi Virtual Public
2334 School shall be free to any student and shared by the Mississippi
2335 Department of Education, subject to appropriation therefor, and/or
2336 the local school district, subject to funds available.

2337 (7) The State Board of Education shall have approval
2338 authority for all course work and policy of the Mississippi
2339 Virtual Public School.

2340 **SECTION 17.** Section 37-3-11, Mississippi Code of 1972, is
2341 amended as follows:

2342 37-3-11. (1) Until July 1, 1984, the State Superintendent
2343 of Public Education shall have the power and it shall be his duty:

2344 (a) To supervise in the manner provided by law the
2345 public free schools, agricultural high schools and junior colleges
2346 of the state and to prescribe such rules and regulations for the

2347 efficient organization and conduct of same, as he may deem
2348 necessary.

2349 (b) To preside over all meetings of the State Board of
2350 Education.

2351 (c) To collect data for determining the proper
2352 distribution of the state common school funds.

2353 (d) To have bound and preserved in his office, as the
2354 property of the state, all such school documents from other states
2355 and governments, books and pamphlets on educational subjects,
2356 school books, apparatus, maps, charts and the like, as shall be or
2357 have been purchased or donated for the use of his office.

2358 (e) To keep a complete record of all his official acts
2359 and the acts of the State Board of Education.

2360 (f) To prepare, have printed and furnish all officers
2361 charged with the administration of the laws pertaining to the
2362 public schools, such blank forms and books as may be necessary to
2363 the proper discharge of their duties; all of this printing shall
2364 be paid for out of funds provided by the Legislature.

2365 (g) To have printed in pamphlet form the laws
2366 pertaining to the public schools and publish therein forms for
2367 conducting school business, the rules and regulations for the
2368 government of schools that he or the board of education may
2369 recommend, and such other matters as may be deemed worthy of
2370 public interest pertaining to the public schools; all of this
2371 printing shall be paid for out of funds provided by the
2372 Legislature.

2373 (h) To meet the county superintendents annually at such
2374 time and place as he shall appoint for the purpose of accumulating
2375 facts relative to schools, to review the educational progress made
2376 in the various sections of the state, to compare views, discuss
2377 problems, hear discussions and suggestions relative to
2378 examinations and qualifications of teachers, methods of
2379 instruction, textbooks, summer schools for teachers, visitation of

2380 schools, consolidation of schools, health work in the schools,
2381 vocational education and other matters pertaining to the public
2382 school system.

2383 (i) To advise the county superintendents upon all
2384 matters involving the welfare of the schools, and at the request
2385 of any county superintendent to give his opinion upon a written
2386 statement of facts on all questions and controversies arising out
2387 of the interpretation and construction of the school laws, in
2388 regard to rights, powers and duties of school officers and county
2389 superintendents, and to keep a record of all such decisions.
2390 Before giving any opinion, the superintendent may submit the
2391 statement of facts to the Attorney General for his advice thereon,
2392 and it shall be the duty of the Attorney General forthwith to
2393 examine such statement, and suggest the proper decision to be made
2394 upon such facts.

2395 (j) To require annually, and as often as he may deem
2396 proper, of county superintendents, detailed reports on the
2397 educational business of the various counties.

2398 (k) To make reports concerning agricultural high
2399 schools and serve on various committees and boards as provided by
2400 law.

2401 (l) On or before January 10 in each year in which the
2402 Legislature meets in regular session, to prepare, and have printed
2403 a report to the Legislature showing:

2404 (i) The receipts and disbursements of all school
2405 funds officially handled by him;

2406 (ii) The number of school districts, school
2407 teachers employed, and pupils taught therein, and the attendance
2408 of pupils;

2409 (iii) County and district levies for common
2410 schools, high schools, agricultural high schools, consolidated
2411 schools and junior colleges;

2412 (iv) The conditions of vocational education in the
2413 State of Mississippi, a list of schools to which federal and state
2414 aid has been given, and a detailed statement of the expenditures
2415 of federal funds and the state funds that may be provided;

2416 (v) Such general matters, information and
2417 recommendations as relate, in his opinion, to the educational
2418 interests of the state.

2419 (m) To determine the number of educable children in the
2420 several school districts of the state under rules and regulations
2421 to be prescribed by the State Board of Education.

2422 (n) To perform such other duties in the administration
2423 of the public schools as may be required by law.

2424 (2) From and after July 1, 1984, the State Superintendent of
2425 Public Education shall perform the duties assigned to him by the
2426 State Board of Education, and he shall have the following duties:

2427 (a) To serve as Secretary for the State Board of
2428 Education;

2429 (b) To be the chief administrative officer of the State
2430 Department of Education;

2431 (c) To recommend to the State Board of Education for
2432 its consideration rules and regulations for the supervision of the
2433 public free schools and agricultural high schools of the state and
2434 for the efficient organization and conduct of the same;

2435 (d) To collect data and make it available to the State
2436 Board for determining the proper distribution of the state common
2437 school funds;

2438 (e) To keep a complete record of all official acts of
2439 the State Superintendent and the acts of the State Board of
2440 Education;

2441 (f) To prepare, have printed and furnish all officers
2442 charged with the administration of the laws pertaining to the
2443 public schools, such blank forms and books as may be necessary to

2444 the proper discharge of their duties, said printing to be paid for
2445 out of funds provided by the Legislature;

2446 (g) To have printed in pamphlet form the laws
2447 pertaining to the public schools and publish therein forms for
2448 conducting school business, the rules and regulations for the
2449 government of schools that the State Superintendent or the Board
2450 of Education may recommend, and such other matters as may be
2451 deemed worthy of public interest pertaining to the public schools,
2452 said printing to be paid for out of funds provided by the
2453 Legislature;

2454 (h) To meet all superintendents annually at such time
2455 and place as the State Superintendent shall appoint for the
2456 purpose of accumulating facts relative to schools, to review the
2457 educational progress made in the various sections of the state, to
2458 compare views, discuss problems, hear discussions and suggestions
2459 relative to examinations and qualifications of teachers, methods
2460 of instruction, textbooks, summer schools for teachers, visitation
2461 of schools, consolidation of schools, health work in the schools,
2462 vocational education and other matters pertaining to the public
2463 school system;

2464 (i) To advise all superintendents upon all matters
2465 involving the welfare of the schools, and at the request of any
2466 superintendent to give an opinion upon a written statement of
2467 facts on all questions and controversies arising out of the
2468 interpretation and construction of the school laws, in regard to
2469 rights, powers and duties of school officers and superintendents,
2470 and to keep a record of all such decisions. Before giving any
2471 opinion, the superintendent may submit the statement of facts to
2472 the Attorney General, and it shall be the duty of the Attorney
2473 General forthwith to examine such statement and suggest the proper
2474 decision to be made upon such fact;

2475 (j) To require annually, and as often as the State
2476 Superintendent may deem proper, of all superintendents, detailed
2477 reports on the educational business of the various districts;

2478 (k) On or before January 10 in each year to prepare
2479 under the direction of the State Board of Education and have
2480 printed the annual report of the board to the Legislature showing:

2481 (i) The receipts and disbursements of all school
2482 funds handled by the board;

2483 (ii) The number of school districts, school
2484 teachers employed, school administrators employed, pupils taught
2485 and the attendance record of pupils therein;

2486 (iii) County and district levies for each school
2487 district and agricultural high school;

2488 (iv) The condition of vocational education, a list
2489 of schools to which federal and state aid has been given, and a
2490 detailed statement of the expenditures of federal funds and the
2491 state funds that may be provided, and the ranking of subjects
2492 taught as compared with the state's needs;

2493 (v) Reports of Expenditures for public schools
2494 shall be divided into the following categories and function codes,
2495 and shall show the same level of detail as reports completed prior
2496 to FY2006. These reports shall be made available by district from
2497 the State Department of Education upon request.

2498 Total Student Expenditures

2499 Instruction (1000s);

2500 Other Student Instructional Expenditures (2100s,
2501 2200s);

2502 General Administration (2300s and 2500s);

2503 School Administration (2400s);

2504 Other Expenditures (2600s, 2700s, 2800s, 3100s, 3200s);

2505 Non-Operational Expenditures (4000s, 5000s, 6000s).

2506 (vi) Such general matters, information and
2507 recommendations as relate, in the board's opinion, to the
2508 educational interests of the state;

2509 (1) To determine the number of educable children in the
2510 several school districts under rules and regulations prescribed by
2511 the State Board of Education;

2512 (m) To perform such other duties as may be prescribed
2513 by the State Board of Education.

2514 **SECTION 18.** Section 37-61-9, Mississippi Code of 1972, is
2515 amended as follows:

2516 37-61-9. (1) On or before the fifteenth day of August of
2517 each year, the local school board of each school district, with
2518 the assistance of the superintendent of schools, shall prepare and
2519 file with the levying authority for the school district, as
2520 defined in Section 37-57-1, Mississippi Code of 1972, at least two
2521 (2) copies of a budget of estimated expenditures for the support,
2522 maintenance and operation of the public schools of the school
2523 district for the fiscal year commencing on July 1 of such year.
2524 Such budget shall be prepared on forms prescribed and provided by
2525 the State Auditor and shall contain such information as the State
2526 Auditor may require.

2527 (2) In addition, on or before the fifteenth day of August of
2528 each year, the local school board of each school district, with
2529 the assistance of the superintendent of schools, shall prepare and
2530 file with the State Department of Education such budgetary
2531 information as the State Board of Education may require. The
2532 State Board of Education shall prescribe and provide forms to each
2533 school district for this purpose.

2534 (3) Prior to the adoption of a budget pursuant to this
2535 section, the school board of each school district shall hold at
2536 least one (1) public hearing to provide the general public with an
2537 opportunity to comment on the taxing and spending plan
2538 incorporated in the proposed budget. The public hearing shall be

2539 held at least one (1) week prior to the adoption of the budget
2540 with advance notice. After final adoption of the budget, a
2541 synopsis of such budget in a form prescribed by the State
2542 Department of Audit shall be published in a newspaper having
2543 general circulation in the school district on a date different
2544 from the date on which the county or any municipality therein may
2545 publish its budget.

2546 (4) Beginning with the fiscal year 1995-1996, there shall be
2547 imposed limitations on budgeted expenditures for certain
2548 administration costs, as defined hereinafter, in an amount not
2549 greater than One Hundred Fifty Thousand Dollars (\$150,000.00) plus
2550 four percent (4%) of the expenditures of all school districts each
2551 year. For purposes of this subsection, "administration costs"
2552 shall be defined as expenditures for salaries and fringe benefits
2553 paid for central administration costs from all sources of revenue
2554 in the following expenditure functions as defined in the
2555 MISSISSIPPI PUBLIC SCHOOL DISTRICT FINANCIAL ACCOUNTING MANUAL:

- 2556 2300 = Support Services - General Administration
- 2557 2310 = Board of Education Services
- 2558 2320 = Executive Administration Services
- 2559 2330 = Special Area Administration Services
- 2560 2500 = Business Services
- 2561 2510 = Fiscal Services
- 2562 2520 = Purchasing Services
- 2563 2530 = Warehousing and Distributing Services
- 2564 2540 = Printing, Publishing and Duplicating Services
- 2565 2590 = Other Support Services - Business

2566 * * *

2567 Any costs classified as "administration costs" for purposes
2568 of this subsection which can be demonstrated by the local school
2569 district to be an expenditure that results in a net cost savings
2570 to the district that may otherwise require budget expenditures for
2571 functions not covered under the definition of administration costs

2572 herein may be excluded from the limitations imposed herein. The
2573 local school board shall make a specific finding of such costs and
2574 spread such finding upon its minutes, which shall be subject to
2575 the approval of the Office of Educational Accountability of the
2576 State Department of Education. Any school district required to
2577 make expenditure cuts, as a result of application of this
2578 subsection, shall not be required to reduce such expenditures more
2579 than twenty-five percent (25%) in any year in order to comply with
2580 this mandate.

2581 The State Auditor shall ensure that functions in all
2582 expenditure categories to which this administrative limitation
2583 applies shall be properly classified.

2584 This section shall not apply to central administration with
2585 five (5) or less full-time employees, or to those school districts
2586 which can substantiate that comparable reductions have occurred in
2587 administrative costs for the five-year period immediately prior to
2588 school year 1993-1994. In the event the application of this
2589 section may jeopardize the fiscal integrity or operations of the
2590 school district, have an adverse impact on the ability of the
2591 district to deliver educational services, or otherwise restrict
2592 the district from achieving or maintaining a quality education
2593 program, the State Board of Education shall be authorized to
2594 exempt the application of this section to such school district
2595 pursuant to rules and regulations of the State Board of Education
2596 consistent with the intent of this section.

2597 **SECTION 19.** Section 37-9-18, Mississippi Code of 1972, is
2598 amended as follows:

2599 37-9-18. (1) The superintendent of schools shall furnish to
2600 the school board a financial statement of receipts and
2601 disbursements, by funds, on or before the last working day of the
2602 following month covering the prior month. The school board shall
2603 be authorized to investigate and audit all financial records of
2604 the superintendent of schools at any and all times.

2605 (2) The State Auditor, in his discretion, shall audit the
2606 financial records of school districts. The State Auditor shall
2607 give reasonable notice to school districts regarding the times
2608 during which he will perform such audits. In any fiscal year in
2609 which the State Auditor is not scheduled to perform an audit, the
2610 school board shall cause all the financial records of the
2611 superintendent of schools to be audited by a certified public
2612 accountant licensed to practice accounting in the State of
2613 Mississippi. If the school board so elects by resolution adopted
2614 each year, the audit shall be performed by the State Auditor.
2615 Contracts for the audit of public school districts shall be let by
2616 the school board in the manner prescribed by the State Auditor.
2617 The audit shall be conducted in accordance with generally accepted
2618 auditing standards and generally accepted accounting principles,
2619 and the report presented thereon shall be in accordance with
2620 generally accepted accounting principles. If the Auditor's
2621 opinion on the general purpose financial statements is a
2622 disclaimer, as that term is defined by generally accepted auditing
2623 standards, or if the State Auditor determines the existence of
2624 serious financial conditions in the district, the State Auditor
2625 shall immediately notify the State Board of Education. Upon
2626 receiving the notice, the State Superintendent of Public Education
2627 shall direct the school district to immediately cease all
2628 expenditures until a financial advisor is appointed by the state
2629 superintendent. However, if the disclaimer is a result of
2630 conditions caused by Hurricane Katrina 2005 and applies to fiscal
2631 years 2005 and/or 2006, then the Superintendent of Education may
2632 appoint a financial advisor, and may direct the school district to
2633 immediately cease all expenditures until a financial advisor is
2634 appointed. The financial advisor shall be an agent of the State
2635 Board of Education and shall be a certified public accountant or a
2636 qualified business officer. The financial advisor shall, with the
2637 approval of the State Board of Education:

2638 (a) Approve or disapprove all expenditures and all
2639 financial obligations of the district;

2640 (b) Ensure compliance with any statutes and State Board
2641 of Education rules or regulations concerning expenditures by
2642 school districts;

2643 (c) Review salaries and the number of all district
2644 personnel and make recommendations to the local school board of
2645 any needed adjustments. Should such recommendations necessitate
2646 the reduction in local salary supplement, such recommended
2647 reductions shall be only to the extent which will result in the
2648 salaries being comparable to districts similarly situated, as
2649 determined by the State Board of Education. The local school
2650 board, in considering either a reduction in personnel or a
2651 reduction in local supplements, shall not be required to comply
2652 with the time limitations prescribed in Sections 37-9-15 and
2653 37-9-105 and, further, shall not be required to comply with
2654 Sections 37-19-11 and 37-19-7(1) in regard to reducing local
2655 supplements and the number of personnel;

2656 (d) Work with the school district's business office to
2657 correct all inappropriate accounting procedures and/or uses of
2658 school district funds and to prepare the school district's budget
2659 for the next fiscal year; and

2660 (e) Report frequently to the State Board of Education
2661 on the corrective actions being taken and the progress being made
2662 in the school district. The financial advisor shall serve until
2663 such time as corrective action and progress is being made in such
2664 school district as determined by the State Board of Education with
2665 the concurrence of the State Auditor, or until such time as an
2666 interim conservator is assigned to such district by the State
2667 Board of Education under Section 37-17-6. The school district
2668 shall be responsible for all expenses associated with the use of
2669 the financial advisor. If the audit report reflects a failure by

2670 the school district to meet accreditation standards, the State
2671 Board of Education shall proceed under Section 37-17-6.

2672 (3) When conducting an audit of a public school district,
2673 the Auditor shall test to insure that the school district is
2674 complying with the requirements of Section 37-61-33(3)(a)(iii)
2675 relating to classroom supply funds. The audit must include a
2676 report of all classroom supply funds carried over from previous
2677 years. Based upon the audit report, the State Auditor shall
2678 compile a report on the compliance or noncompliance by all school
2679 districts with the requirements of Section 37-61-33(3)(a)(iii),
2680 which report must be submitted to the Chairmen of the Education
2681 and Appropriations Committees of the House of Representatives and
2682 Senate.

2683 (4) When conducting an audit of a public school district the
2684 State Auditor shall test to ensure correct and appropriate coding
2685 at the function level. The audit must include a report showing
2686 correct and appropriate functional level expenditure codes in both
2687 budgeting and expenditures by school district. Based upon the
2688 audit report, the State Auditor shall compile a report on the
2689 compliance or noncompliance by all public school districts with
2690 correct and appropriate coding at the function level, which report
2691 must be submitted to the Chairman of the Education and
2692 Appropriations Committees of the Senate and the House of
2693 Representatives.

2694 (5) In the event the State Auditor does not perform the
2695 audit examination, then the audit report of the school district
2696 shall be reviewed by the State Auditor for compliance with
2697 applicable state laws before final payment is made on the audit by
2698 the school board. All financial records, books, vouchers,
2699 cancelled checks and other financial records required by law to be
2700 kept and maintained in the case of municipalities shall be
2701 faithfully kept and maintained in the office of the superintendent
2702 of schools under the same provisions and penalties provided by law

2703 in the case of municipal officials. At the request of the
2704 Mississippi Department of Education, the Office of the State
2705 Auditor shall provide advice for implementation of this
2706 subsection.

2707 **SECTION 20.** Section 37-61-21, Mississippi Code of 1972, is
2708 amended as follows:

2709 37-61-21. (1) If it should appear to the superintendent of
2710 schools or the school board of any school district that the
2711 amounts to be received from state appropriations, taxation or any
2712 other source will be more than the amount estimated in the budget
2713 filed and approved, or if it should appear that such amounts shall
2714 be less than the amount estimated, the school board of the school
2715 district, with assistance from the superintendent, may revise the
2716 budget at any time during the fiscal year by increasing or
2717 decreasing the fund budget, in proportion to the increase or
2718 decrease in the estimated amounts. If it should appear to the
2719 superintendent of schools or the school board of a school district
2720 that some function of the budget as filed is in excess of the
2721 requirement of that function and that the entire amount budgeted
2722 for such function will not be needed for expenditures therefor
2723 during the fiscal year, the school board of the school district,
2724 with assistance from the superintendent, may transfer resources to
2725 and from functions and funds within the budget when and where
2726 needed; however, no such transfer shall be made from fund to fund
2727 or from function to function which will result in the expenditure
2728 of any money for any purpose different from that for which the
2729 money was appropriated, allotted, collected or otherwise made
2730 available or for a purpose which is not authorized by law. No
2731 revision of any budget under the provisions hereof shall be made
2732 which will permit a fund expenditure in excess of the resources
2733 available for such purpose. The revised portions of the budgets
2734 shall be incorporated in the minutes of the school board by
2735 spreading them on the minutes or by attaching them as an addendum.

2736 Final budget revisions, pertinent to a fiscal year, shall be
2737 approved on or before the date set by the State Board of Education
2738 for the school district to submit its financial information for
2739 that fiscal year.

2740 (2) In addition, on or before the fifteenth day of October
2741 of each year, the local school board of each school district, with
2742 the assistance of the superintendent of schools, shall prepare and
2743 file with the State Department of Education year-end financial
2744 statements and such budgetary information as the State Board of
2745 Education may require. The State Board of Education shall
2746 prescribe and provide forms to each school district for this
2747 purpose. No additional changes shall be made to said financial
2748 statements after October 15 of each year.

2749 **SECTION 21.** Section 37-37-1, Mississippi Code of 1972, is
2750 amended as follows:

2751 37-37-1. The State Department of Education is hereby
2752 authorized and directed to prescribe and formulate for use by all
2753 school districts of this state, including municipal separate
2754 school districts, adequate accounting systems and other essential
2755 financial records which shall be uniform for all of the school
2756 districts of this state. Such uniform system shall include a
2757 method of accounting for and keeping records of all funds
2758 received, handled and disbursed by such school district, whether
2759 derived from taxation or otherwise, including funds derived from
2760 donations, athletic events and other special activities of the
2761 school district. The uniform system of accounts so prescribed and
2762 formulated by the State Department of Education shall be
2763 distributed and disseminated to all of the school districts of
2764 this state and it shall be mandatory that the boards of trustees
2765 of all such school districts install, utilize and follow said
2766 uniform system of accounts in keeping the financial records of the
2767 school district. At the request of the Mississippi Department of

2768 Education, the Office of the State Auditor shall provide advice
2769 for implementation of this subsection.

2770 **SECTION 22.** Section 37-61-23, Mississippi Code of 1972, is
2771 amended as follows:

2772 37-61-23. The superintendent of schools of each school
2773 district shall open and keep regular sets of books, as prescribed
2774 by the State Department of Education, which shall be subject to
2775 inspection during office hours by any citizen so desiring to
2776 inspect the same. The books for each fiscal year shall be kept
2777 separately and same shall be safely preserved by the
2778 superintendent of schools.

2779 **SECTION 23.** Section 37-61-33, Mississippi Code of 1972, is
2780 amended as follows:

2781 37-61-33. (1) There is created within the State Treasury a
2782 special fund to be designated the "Education Enhancement Fund"
2783 into which shall be deposited all the revenues collected pursuant
2784 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

2785 (2) Of the amount deposited into the Education Enhancement
2786 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be
2787 appropriated each fiscal year to the State Department of Education
2788 to be distributed to all school districts. Such money shall be
2789 distributed to all school districts in the proportion that the
2790 average daily attendance of each school district bears to the
2791 average daily attendance of all school districts within the state
2792 for the following purposes:

2793 (a) Purchasing, erecting, repairing, equipping,
2794 remodeling and enlarging school buildings and related facilities,
2795 including gymnasiums, auditoriums, lunchrooms, vocational training
2796 buildings, libraries, teachers' homes, school barns,
2797 transportation vehicles (which shall include new and used
2798 transportation vehicles) and garages for transportation vehicles,
2799 and purchasing land therefor.

2800 (b) Establishing and equipping school athletic fields
2801 and necessary facilities connected therewith, and purchasing land
2802 therefor.

2803 (c) Providing necessary water, light, heating, air
2804 conditioning and sewerage facilities for school buildings, and
2805 purchasing land therefor.

2806 (d) As a pledge to pay all or a portion of the debt
2807 service on debt issued by the school district under Sections
2808 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
2809 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
2810 and 37-41-81, or debt issued by boards of supervisors for
2811 agricultural high schools pursuant to Section 37-27-65, if such
2812 pledge is accomplished pursuant to a written contract or
2813 resolution approved and spread upon the minutes of an official
2814 meeting of the district's school board or board of supervisors.
2815 The annual grant to such district in any subsequent year during
2816 the term of the resolution or contract shall not be reduced below
2817 an amount equal to the district's grant amount for the year in
2818 which the contract or resolution was adopted. The intent of this
2819 provision is to allow school districts to irrevocably pledge a
2820 certain, constant stream of revenue as security for long-term
2821 obligations issued under the code sections enumerated in this
2822 paragraph or as otherwise allowed by law. It is the intent of the
2823 Legislature that the provisions of this paragraph shall be
2824 cumulative and supplemental to any existing funding programs or
2825 other authority conferred upon school districts or school boards.
2826 Debt of a district secured by a pledge of sales tax revenue
2827 pursuant to this paragraph shall not be subject to any debt
2828 limitation contained in the foregoing enumerated code sections.

2829 (3) The remainder of the money deposited into the Education
2830 Enhancement Fund shall be appropriated as follows:

2831 (a) To the State Department of Education as follows:

2832 (i) Sixteen and sixty-one one-hundredths percent
2833 (16.61%) to the cost of the adequate education program determined
2834 under Section 37-151-7; of the funds generated by the percentage
2835 set forth in this section for the support of the adequate
2836 education program, one and one hundred seventy-eight
2837 one-thousandths percent (1.178%) of the funds shall be
2838 appropriated to be used by the State Department of Education for
2839 the purchase of textbooks to be loaned under Sections 37-43-1
2840 through 37-43-59 to approved nonpublic schools, as described in
2841 Section 37-43-1. The funds to be distributed to each nonpublic
2842 school shall be in the proportion that the average daily
2843 attendance of each nonpublic school bears to the total average
2844 daily attendance of all nonpublic schools;

2845 (ii) Seven and ninety-seven one-hundredths percent
2846 (7.97%) to assist the funding of transportation operations and
2847 maintenance pursuant to Section 37-19-23; and

2848 (iii) Nine and sixty-one one-hundredths percent
2849 (9.61%) for classroom supplies, instructional materials and
2850 equipment, including computers and computer software, to be
2851 distributed to all school districts in the proportion that the
2852 average daily attendance of each school district bears to the
2853 average daily attendance of all school districts within the state.
2854 Classroom supply funds shall not be expended for administrative
2855 purposes. Local school districts shall allocate classroom supply
2856 funds equally among all classroom teachers in the school district.
2857 For purposes of this subparagraph, "teacher" means any employee of
2858 the school board of a school district who is required by law to
2859 obtain a teacher's license from the State Department of Education
2860 and who is assigned to an instructional area of work as defined by
2861 the department, but shall not include a federally funded teacher.
2862 Two (2) or more teachers may agree to pool their classroom supply
2863 funds for the benefit of a school within the district. It is the
2864 intent of the Legislature that all classroom teachers shall be

2865 involved in the development of a spending plan that addresses
2866 individual classroom needs and supports the overall goals of the
2867 school regarding supplies, instructional materials, equipment,
2868 computers or computer software under the provisions of this
2869 subparagraph, including the type, quantity and quality of such
2870 supplies, materials and equipment. This plan shall be submitted
2871 in writing to the school principal for approval. Classroom supply
2872 funds allocated under this subparagraph shall supplement, not
2873 replace, other local and state funds available for the same
2874 purposes. School districts need not fully expend the funds
2875 received under this subparagraph in the year in which they are
2876 received, but such funds may be carried forward for expenditure in
2877 any succeeding school year. Any individual teacher or group of
2878 teachers with an approved spending plan that has not been fully
2879 funded need not expend the funds allocated under this subparagraph
2880 in the year in which they are received. Such funds may be carried
2881 forward for expenditure in any subsequent school year in which
2882 their plan is fully funded. However, beginning July 1, 2006, any
2883 funds allocated under this subparagraph that remain unspent,
2884 unless it is reserved in an approved spending plan, by March 31 of
2885 the fiscal year in which they were allotted, shall be utilized by
2886 the school where the teacher is employed for instructional supply
2887 and equipment purposes. The State Board of Education shall
2888 develop and promulgate rules and regulations for the
2889 administration of this subparagraph consistent with the above
2890 criteria, with particular emphasis on allowing the individual
2891 teachers to expend funds as they deem appropriate;

2892 (b) Twenty-two and nine one-hundredths percent (22.09%)
2893 to the Board of Trustees of State Institutions of Higher Learning
2894 for the purpose of supporting institutions of higher learning; and

2895 (c) Fourteen and forty-one one-hundredths percent
2896 (14.41%) to the State Board for Community and Junior Colleges for
2897 the purpose of providing support to community and junior colleges.

2898 (4) The amount remaining in the Education Enhancement Fund
2899 after funds are distributed as provided in subsections (2) and (3)
2900 of this section shall be disbursed as follows:

2901 (a) Twenty-five Million Dollars (\$25,000,000.00) shall
2902 be deposited into the Working Cash-Stabilization Reserve Fund
2903 created pursuant to Section 27-103-203(1), until the balance in
2904 such fund reaches the maximum balance of seven and one-half
2905 percent (7-1/2%) of the General Fund appropriations in the
2906 appropriate fiscal year. After the maximum balance in the Working
2907 Cash-Stabilization Reserve Fund is reached, such money shall
2908 remain in the Education Enhancement Fund to be appropriated in the
2909 manner provided for in paragraph (b) of this subsection.

2910 (b) The remainder shall be appropriated for other
2911 educational needs.

2912 (5) None of the funds appropriated pursuant to subsection
2913 (3)(a) of this section shall be used to reduce the state's General
2914 Fund appropriation for the categories listed in an amount below
2915 the following amounts:

2916 (a) For subsection (3)(a)(ii) of this section,
2917 Thirty-six Million Seven Hundred Thousand Dollars
2918 (\$36,700,000.00);

2919 (b) For the aggregate of minimum program allotments in
2920 the 1997 fiscal year, formerly provided for in Chapter 19, Title
2921 37, Mississippi Code of 1972, as amended, excluding those funds
2922 for transportation as provided for in subsection (5)(a) in this
2923 section.

2924 **SECTION 24.** The following provision shall be codified as
2925 Section 37-15-38, Mississippi Code of 1972:

2926 37-15-38. The local school boards of public school
2927 districts, the Board of Trustees of State Institutions of Higher
2928 Learning and the State Board for Community and Junior Colleges are
2929 authorized to establish a dual credit system under which students
2930 meeting the prescribed criteria of this section may be enrolled in

2931 a postsecondary institution in Mississippi while they are still in
2932 school.

2933 (a) **Student eligibility.** Prior to the transfer of
2934 appropriate credits earned by qualified high school students from
2935 community and junior colleges and state institutions of higher
2936 learning to the students' home school district, the student must
2937 be properly enrolled in a dual enrollment program.

2938 (b) **Admission criteria for dual enrollment in community
2939 and junior college or university programs.** The boards of trustees
2940 of the community and junior college districts and the Board of
2941 Trustees of State Institutions of Higher Learning are authorized
2942 to recommend admission criteria for dual enrollment programs under
2943 which high school students may enroll at a community or junior
2944 college or university while they are still attending high school
2945 and enrolled in high school courses. Students may be admitted to
2946 enroll in community or junior college courses under the dual
2947 enrollment programs if they meet that individual institution's
2948 stated admission requirements.

2949 (c) **Tuition and cost responsibility.** Tuition and costs
2950 for university-level courses, and community and junior college
2951 courses under this dual credit program may be paid for by the
2952 postsecondary institution, the local school district, the parents
2953 or legal guardians of the student, grants, foundations or other
2954 private or public sources, and shall be paid directly to the
2955 credit-granting institution.

2956 (d) **Transportation responsibility.** Any transportation
2957 required by a student to participate in the dual enrollment/dual
2958 credit program shall be the responsibility of the parents or legal
2959 guardians of the student, but may be paid for from other private
2960 or public sources.

2961 (e) **School district average daily attendance credit.**
2962 When dually enrolled student tuition is paid for by the local
2963 district, the admitted student shall be counted for adequate

2964 education program funding purposes in the average daily attendance
2965 of the public school district in which they attend high school.

2966 (f) **High school student transcript transfer**
2967 **requirements.** Grades and college credits earned by students
2968 admitted to the dual enrollment program shall be recorded on the
2969 college transcript at the university, or community and junior
2970 college where the student attends classes. The transcript of such
2971 university or community and junior college course work may be
2972 released to another institution or used for college graduation
2973 requirements only after the student has received a high school
2974 diploma or has successfully completed the General Educational
2975 Development (GED) test.

2976 (g) **Determining factor of prerequisites for enrollment**
2977 **in dual credit courses.** The postsecondary institutions will
2978 determine course prerequisites for enrolling and receiving dual
2979 credit.

2980 (h) **Process for determining articulation of curriculum**
2981 **between high school, university, and community and junior college**
2982 **courses.** Postsecondary curricula for eligible courses currently
2983 offered through Mississippi Curriculum Frameworks shall meet the
2984 outlined competencies requirements. Eligible courses not offered
2985 in Mississippi Curriculum Frameworks shall meet the standards
2986 established at the postsecondary level. Postsecondary level
2987 developmental courses shall not meet the requirements of this
2988 program. Dual credit memorandum of understandings shall be
2989 established between each postsecondary institution and the
2990 district implementing a dual credit program.

2991 (i) **Ineligible courses for dual credit programs.**
2992 Unless waived by the school principal, all courses that are
2993 required for subject area testing as a requirement for graduation
2994 from Mississippi public schools are not eligible for dual credit.

2995 (j) **Eligible courses for dual credit programs.** Courses
2996 eligible for dual credit should include foreign languages,

2997 advanced math courses, advanced science courses, performing arts,
2998 advanced business and technology, and career and technical
2999 courses. These courses and any additional courses considered for
3000 dual credit must receive unconditional approval from the
3001 superintendent of the local school district and the chief academic
3002 officer at the participating community and junior college or
3003 university. Universities and community and junior colleges shall
3004 make the final decision on what courses they shall grant semester
3005 hour credit. The local school superintendent shall make the final
3006 decision on the transfer of college or university credit to the
3007 student's high school transcript.

3008 (k) **High school Carnegie unit equivalency.** One (1)
3009 three-hour university or community and junior college course shall
3010 be equal to one-half (1/2) high school Carnegie unit. A full
3011 Carnegie unit may be awarded for a three-hour university or
3012 college course upon approval of the local school superintendent.
3013 Partial credit agreements for postsecondary courses that are less
3014 than three (3) hours shall be developed between the local school
3015 district and participating postsecondary institutions.

3016 (l) **Course alignment.** Once alignment is achieved
3017 between university courses, community and junior college courses,
3018 and State Board of Education approved high school courses, the
3019 universities, community and junior colleges and high schools have
3020 the duty to review their respective policies and assess the place
3021 of dual credit courses within the context of their traditional
3022 offerings.

3023 (m) **Maximum dual credits allowed.** It shall be a stated
3024 goal of the dual credit program to make possible for every student
3025 who desires to do so to earn a semester's worth of college credit
3026 in high school, saving Mississippi's parents thousands of dollars
3027 in tuition, and increasing the academic rigor of the senior year
3028 for Mississippi students. A qualified dually enrolled high school
3029 student shall be allowed to earn an unlimited number of college or

3030 university credits for dual credit as long as a B average is
3031 earned on the first two (2) approved dual credit courses. After
3032 the completion of two (2) courses if a B average is not
3033 maintained, the student shall not be allowed to continue
3034 participation in the dual credit program. Disallowance of
3035 participation in the dual credit program may or may not affect
3036 participation in the dual enrollment program.

3037 (n) **Dual credit program allowances.**

3038 (i) Examination preparation. Taught at high
3039 school by qualified teacher; credit at secondary level obtained
3040 after completion of course and passing exams, i.e., Advanced
3041 Placement and International Baccalaureate courses whereby high
3042 school students are allowed CLEP credit by making a three (3) or
3043 higher on end-of-course exams.

3044 (ii) School-based. Taught at high school or may
3045 be taught at designated postsecondary site by a district-employed
3046 qualified teacher approved as instructor by collaborating college
3047 or university.

3048 (iii) College/university-based. Taught at
3049 college, university or high school by instructor employed by
3050 college or university and approved by collaborating district.

3051 (iv) On-line. May include eligible courses
3052 offered by the Mississippi Virtual Public School or any
3053 postsecondary institution.

3054 (o) **Qualifications of dual credit instructors.**

3055 (i) Dual credit academic instructors shall have at
3056 a minimum a master's degree with at least eighteen (18) graduate
3057 semester hours in their field of expertise. University and
3058 community and junior college personnel shall have the sole
3059 authority in the selection of dual credit instructors.

3060 (ii) Dual credit career and technical education
3061 instructors shall meet the requirements set forth by the State
3062 Board for Community and Junior Colleges in the qualifications

3063 manual for postsecondary Career and Technical personnel.
3064 University and community and junior college personnel shall have
3065 the sole authority in the selection of dual credit instructors.

3066 (p) **Guidance on local agreements.** The Chief Academic
3067 Officer of the Mississippi Board of Trustees of State Institutions
3068 of Higher Learning and the Chief Academic Officer of the State
3069 Board for Community and Junior Colleges shall develop a template
3070 to be used by the individual community colleges and area
3071 institutions of higher learning for consistent implementation
3072 across the State of Mississippi.

3073 **SECTION 25.** The following provision shall be codified as
3074 Section 37-15-39, Mississippi Code of 1972:

3075 37-15-39. (1) The purpose of this section is to ensure that
3076 each student has a sufficient education for success after high
3077 school and that all students have equal access to a substantive
3078 and rigorous curriculum that is designed to challenge their minds
3079 and enhance their knowledge skill.

3080 (2) For purposes of this section:

3081 (a) "Advanced placement course" means any high school
3082 level preparatory course for a college advanced placement test
3083 that:

3084 (i) Incorporates all topics specified by
3085 recognized advanced placement authorities on standards for a given
3086 subject area; and

3087 (ii) Is approved by recognized advanced placement
3088 authorities;

3089 (b) "Dual enrollment course" means a postsecondary
3090 level course(s) offered by state institutions of higher learning
3091 and community or junior colleges, upon successful completion would
3092 qualify for academic credit in both the postsecondary institution
3093 and public high school;

3094 (c) "Pre-advanced placement course" means a middle
3095 school, junior high school or high school level course that

3096 specifically prepares students to enroll and to participate in an
3097 advanced placement course;

3098 (d) "Vertical team" means a group of educators from
3099 different grade levels in a given discipline who work
3100 cooperatively to develop and implement a vertically aligned
3101 program aimed at helping students from diverse backgrounds acquire
3102 the academic skills necessary for success in the advanced
3103 placement program and other challenging course work; and

3104 (e) "High concentration of low-income students," used
3105 with respect to a public school or public school district, means a
3106 public school or public school district that serves a student
3107 population fifty percent (50%) or more of whom are low-income
3108 individuals ages five (5) through seventeen (17) years from a
3109 low-income family on the basis of data on children eligible for
3110 the free or reduced-price lunches under the National School Lunch
3111 Act, data on children in families receiving assistance under Part
3112 A of Title IV of the Social Security Act, or data on children
3113 eligible to receive medical assistance under the Medicaid program
3114 under Title XIX of the Social Security Act, or through an
3115 alternate method that combines or extrapolates that data.

3116 (3) (a) A teacher of an advanced placement and/or
3117 pre-advanced placement course must obtain appropriate training.

3118 (b) The State Board of Education shall establish clear,
3119 specific and challenging training guidelines that require teachers
3120 of advanced placement courses and teachers of pre-advanced
3121 placement courses to obtain a recognized advanced placement
3122 authority endorsed training.

3123 (4) (a) In order to ensure that each student has a
3124 sufficient education for success after high school and that all
3125 students have equal access to a substantive and rigorous
3126 curriculum that is designed to challenge their minds and enhance
3127 their knowledge skill, school districts should offer pre-advanced

3128 placement courses to prepare students for the demands of advanced
3129 placement course work.

3130 (b) Funding shall be made available for the 2007-2008
3131 school year so that all sophomores in Mississippi's public schools
3132 shall take an examination that measures students' ability to
3133 succeed in an advance placement course.

3134 (c) The State Department of Education shall:

3135 (i) Approve all classes designated as pre-advanced
3136 placement courses;

3137 (ii) Develop rules necessary for the
3138 implementation of advanced placement courses;

3139 (iii) Seek federal funding through the Advanced
3140 Placement Incentive Grant Program and other available funding; and

3141 (iv) Focus funding with the intent to carry out
3142 activities that target school districts serving a high
3143 concentration of low-income students.

3144 (5) Beginning with the 2007-2008 school year, all school
3145 districts shall offer at least one (1) advanced placement course
3146 in each of the four (4) core areas of math, English, science and
3147 social studies for a total of four (4) courses. The use of the
3148 state's on-line Advanced Placement Instructional Program is an
3149 appropriate alternative.

3150 (6) Any high school offering the International Baccalaureate
3151 Diploma Programme shall be exempt from the provisions of
3152 subsection 5 of this section but shall have the right to
3153 participate in teacher training and program funding as any high
3154 school offering advanced placement courses.

3155 **SECTION 26.** (1) There is established a commission to be
3156 known as the "Lifelong Learning Commission."

3157 (2) The commission shall consist of four (4) members, who
3158 shall serve ex officio, as follows:

3159 (a) The Governor of the State of Mississippi, who shall
3160 serve as Chairman;

3161 (b) The State Superintendent of Education;

3162 (c) The Commissioner of the State Board for Community
3163 and Junior Colleges; and

3164 (d) The Commissioner of Higher Education.

3165 (3) The mission of the Lifelong Learning Commission shall
3166 include, but not be limited to, the following:

3167 (a) Assess the dropout crisis in Mississippi and
3168 recommend action steps to address it;

3169 (b) Create a set of common definitions for graduation
3170 and dropout rates that can be used to compare their progress
3171 relative to other states;

3172 (c) Facilitate agreements to make the Mississippi high
3173 school experience more meaningful;

3174 (d) To encourage more rigor and relevance in the high
3175 school experience;

3176 (e) Facilitate the transferability of education from
3177 secondary to postsecondary institutions;

3178 (f) Raise state awareness on the need for improving
3179 Mississippi's high schools;

3180 (g) Develop a series of best practices policy actions
3181 state policymakers and legislators can implement to achieve
3182 system-wide high school reform; and

3183 (h) When necessary, the commission may convene town
3184 hall meetings around the state where students, teachers,
3185 administrators and parents can talk about high school, the senior
3186 year and impediments to greater success.

3187 (4) The commission may prepare an annual report for the
3188 consideration of the Chairmen of the House and Senate Education
3189 and University and College Committees pertaining to the
3190 information gathered in pursuit of their mission.

3191 (5) The commission members shall meet at times and places
3192 they deem necessary and use all available resources to fulfill its
3193 mission.

3194 **SECTION 27.** Section 37-21-55, Mississippi Code of 1972, is
3195 amended as follows:

3196 37-21-55. (1) The Interagency Advisory Committee for Early
3197 Childhood Services is created to develop and make recommendations
3198 to the Early Childhood Services Interagency Coordinating Council
3199 established under Section 37-21-53 as deemed necessary to
3200 implement the council's responsibilities relating to all programs
3201 serving preschool children and their families in Mississippi.

3202 (2) The membership of the Interagency Advisory Committee for
3203 Early Childhood Services shall be as follows:

3204 (a) The Chairmen of the Senate Education, Public Health
3205 and Welfare and Appropriations Committees, or their Senate
3206 designees;

3207 (b) The Chairmen of the House Education, Public Health
3208 and Welfare and Appropriations Committees, or their House
3209 designees;

3210 (c) A representative of the Governor;

3211 (d) A representative of the State Department of
3212 Education;

3213 (e) A representative of the State Department of Health;

3214 (f) A representative of the Department of Human
3215 Services;

3216 (g) A representative of the State Department of Mental
3217 Health;

3218 (h) A representative of the State Department of
3219 Rehabilitation Services;

3220 (i) The following representatives of the early
3221 childhood profession:

3222 (i) The President of the Mississippi Head Start
3223 Association;

3224 (ii) A representative from a regulated family
3225 child care home network appointed by the Governor;

3226 (iii) A representative from a licensed child care
3227 center appointed by the President of the Senate;
3228 (iv) A representative from a public school
3229 prekindergarten program appointed by the Speaker of the House;
3230 (v) A representative from a private school
3231 prekindergarten program appointed by the Governor;
3232 (vi) A representative from a half-day church
3233 sponsored prekindergarten program appointed by the Speaker of the
3234 House;
3235 (vii) A representative from a university or
3236 college early childhood program appointed by the President of the
3237 Senate;
3238 (viii) A representative of a tribal early
3239 childhood program appointed by the Governor;
3240 (ix) A representative of an early childhood
3241 professional organization appointed by the President of the
3242 Senate;
3243 (x) A representative of an advocacy organization
3244 appointed by the Speaker of the House; and
3245 (xi) A representative of a community or junior
3246 college early childhood program appointed by the Governor;
3247 (j) A parent of a preschool-age child appointed by the
3248 Governor;
3249 (k) A parent of a preschool-age child with special
3250 needs appointed by the Speaker of the House;
3251 (l) A representative of the cooperative extension
3252 services appointed by the President of the Senate;
3253 (m) A physician who is a member of the Mississippi
3254 Chapter of the American Academy of Pediatrics, appointed by the
3255 Director of the University Medical Center;
3256 (n) The Director of the Mississippi Public Education
3257 Forum, or his designee; and

3258 (o) The Executive Director of the Mississippi Economic
3259 Council, or his designee.

3260 To the extent possible, any representative of a state agency
3261 designated to serve on the Interagency Advisory Committee shall be
3262 the same individual designated to assist the Interagency
3263 Coordinating Council in performing its duties and
3264 responsibilities.

3265 (3) The advisory committee shall meet upon call of the Early
3266 Childhood Services Interagency Coordinating Council before August
3267 1, 2000, and the council shall appoint a chairman from among the
3268 membership of the advisory committee. The chairman shall serve
3269 for a one-year term and may be reappointed for subsequent terms.
3270 The advisory committee shall adopt internal organizational
3271 procedures necessary for efficient operation of the advisory
3272 committee and may establish subcommittees for conducting specific
3273 programs and activities. Advisory committee procedures must
3274 include duties of officers, a process for selecting officers,
3275 duties of subcommittees, quorum requirements for conducting
3276 business and policies for any staff. The members of the Early
3277 Childhood Services Interagency Coordinating Council shall
3278 designate necessary staff of their departments to assist the
3279 advisory committee in performing its duties and responsibilities.
3280 The advisory committee shall meet and conduct business at least
3281 quarterly. Quarterly meetings of the advisory committee shall be
3282 open to the public, and opportunity for public comment must be
3283 made available at each meeting. The staff of the advisory
3284 committee shall notify all persons who request such notice as to
3285 the date, time and place of each meeting.

3286 (4) The Interagency Advisory Committee for Early Childhood
3287 Services, in addition to responsibilities assigned by the Early
3288 Childhood Services Interagency Coordinating Council, shall perform
3289 each of the following duties:

3290 (a) Assist in the implementation of the study conducted
3291 by the Task Force on the Development and Implementation of
3292 Comprehensive Early Childhood Services in Mississippi established
3293 under Laws, 1999, Chapter 584;

3294 (b) Identify services to children which impact early
3295 childhood development and education;

3296 (c) Identify and recommend methods to facilitate
3297 interagency coordination of service programs for preschool
3298 children; and

3299 (d) Serve as a forum for information exchange regarding
3300 recommendations and priorities in early childhood development and
3301 education. * * *

3302 * * *

3303 (5) The Advisory Board of the Interagency Council, with the
3304 consent of a majority of its members, shall have the authority to
3305 direct any state entity with early childhood responsibilities to
3306 be coordinated through the Office of Children and Youth for the
3307 purposes of alignment of the State of Mississippi's early
3308 childhood educational efforts.

3309 (6) Beginning in July 1, 2006, the Advisory Board of the
3310 Interagency Council shall meet at the discretion of the Director
3311 of the Office of Children and Youth to assess the appropriate
3312 criteria for determining, and implementation of, the educational
3313 components of the state's tiered reimbursement structure.

3314 **SECTION 28.** The following provision shall be codified as
3315 Section 37-3-95, Mississippi Code of 1972:

3316 37-3-95. The State Department of Education and the Board of
3317 Trustees of State Institutions of Higher Learning shall jointly
3318 prepare an annual report for the Legislature and the Governor, to
3319 be submitted by December 1 of each year beginning in 2006, which
3320 shall compile existing data to create a rating system that
3321 measures the performance of the state's teacher education
3322 programs.

3323 **SECTION 29.** The following provision shall be codified as
3324 Section 37-7-346, Mississippi Code of 1972:

3325 37-7-346. The State Department of Education and the regional
3326 education service agencies (RESAs) shall jointly prepare a report
3327 to be submitted by December 15, 2006, for consideration of the
3328 Legislature and the Governor, detailing their plans which shall be
3329 enacted by State Board of Education policy of how RESAs will work
3330 in partnership with the State Department of Education to increase
3331 their function as a local provider of educational services and
3332 purchasing consortia as provided in Section 37-7-345(6),
3333 Mississippi Code of 1972. These services shall include, but not
3334 necessarily be limited to, State Department of Education
3335 prescribed professional development, instructional materials,
3336 educational technology, curriculum development, alternative
3337 educational programs, purchasing cooperatives, insurance
3338 cooperatives, business manager services, auditing and accounting
3339 services, school safety/risk prevention, data processing and
3340 student records, communications/public information, employee
3341 background checks, grants management, and printing/publications
3342 and internships.

3343 **SECTION 30.** This act shall take effect and be in force from
3344 and after July 1, 2006.