To: Education; Appropriations

MISSISSIPPI LEGISLATURE

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

REGULAR SESSION 2006

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2602

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

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

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

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

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

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

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

**2004-2005 School Year**

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<thead>
<tr>
<th>Experience Level</th>
<th>Salary</th>
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<tr>
<td>Less Than 25 Years of Teaching Experience</td>
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<td>AAAA</td>
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The State Board of Education shall revise the salary scale prescribed above for the 2004-2005 school year to conform to any adjustments made to the salary scale in prior fiscal years due to revenue growth over and above five percent (5%). For each one percent (1%) that the Sine Die General Fund Revenue Estimate Growth exceeds five percent (5%) for fiscal year 2005, as certified by the Legislative Budget Office to the State Board of Education and subject to specific appropriation therefor by the Legislature, the State Board of Education shall revise the salary scale to provide an additional one percent (1%) across the board increase in the base salaries for each type of license.

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

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

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

All teachers employed on a full-time basis shall be paid a minimum salary in accordance with the above scale. However, no school district shall receive any funds under this section for any school year during which the local supplement paid to any individual teacher shall have been reduced to a sum less than that paid to that individual teacher for performing the same duties from local supplement during the immediately preceding school year. The amount actually spent for the purposes of group health and/or life insurance shall be considered as a part of the aggregate amount of local supplement but shall not be considered a part of the amount of individual local supplement.
For teachers holding a Class AAAA license, the minimum base pay specified in this subsection shall be increased by the sum of Seven Hundred Forty Dollars ($740.00) for each year of teaching experience possessed by the person holding such license until such person shall have twenty-five (25) years of teaching experience.

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

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

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

2005-2006 School Year and School Years Thereafter Annual Increments

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

For teachers holding a Class AAA license, the minimum base pay specified in this subsection shall be increased by the sum of Seven Hundred Five Dollars ($705.00) for each year of teaching experience possessed by the person holding such license until such person shall have twenty-five (25) years of teaching experience.
For teachers holding a Class AA license, the minimum base pay specified in this subsection shall be increased by the sum of Six Hundred Forty Dollars ($640.00) for each year of teaching experience possessed by the person holding such license until such person shall have twenty-five (25) years of teaching experience.

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

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

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

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

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

(iii) Any licensed school counselor who has met the requirements and acquired a National Certified School Counselor (NCSC) endorsement from the National Board of Certified Counselors and who is employed by a local school board or the State Board of Education as a counselor and not as an administrator. Such licensed school counselor shall submit documentation to the State Department of Education that the endorsement was received prior to October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed school counselor shall submit such documentation to the State Department of Education prior to February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year. However, any school counselor who started the National Board for Professional Teaching Standards process for school counselors between June 1, 2003, and June 30, 2004, and completes the requirements and acquires the master teacher certificate shall be entitled to the master teacher supplement, and those counselors who complete the process shall be entitled to a one-time reimbursement for the actual cost of the process as outlined in paragraph (b) of this subsection.
(iv) Any licensed speech-language pathologist and audiologist who has met the requirements and acquired a Certificate of Clinical Competence from the American Speech-Language-Hearing Association and who is employed by a local school board. Such licensed speech-language pathologist and audiologist shall submit documentation to the State Department of Education that the certificate or endorsement was received prior to October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed speech-language pathologist and audiologist shall submit such documentation to the State Department of Education prior to February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year.

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

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

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

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

(b) Effective July 1, 2007, if funds are available for
that purpose, the Legislature may authorize state funds for
additional base compensation for teachers employed in a public
school district located in a geographic area of the state
designated as a critical teacher shortage area by the State Board
of Education.
(4) (a) This section shall be known and may be cited as the "Mississippi Performance Based Pay (MPBP)" plan. In addition to the minimum base pay described in this section, if funds are available for that purpose, the State of Mississippi may provide monies from state funds to school districts as defined below for the purposes of rewarding certified teachers, administrators and nonlicensed personnel at individual schools showing improvement in student test scores. The MPBP plan shall be developed by the Mississippi Department of Education based on the following criteria:

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

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

(iii) To ensure all teachers cooperate in the spirit of teamwork, individual schools shall submit a plan to the local school board to be approved prior to the beginning of each school year beginning July 1, 2008. The plan shall include, but not be limited to, how all teachers, regardless of subject area, and administrators will be responsible for improving student achievement for their individual school.
(b) The State Board of Education shall develop the processes and procedures for designating schools eligible to participate in the MPBP. State assessment results, growth in student achievement at individual schools and other measures deemed appropriate in designating successful student achievement shall be used in establishing MPBP criteria. The State Board of Education shall develop the MPBP policies and procedures and report to the Legislature and Governor by December 1, 2006.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) Hire expert consultants with approval of the State
Board of Education;
(k) Set up ad hoc committees to advise on specific areas; and

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

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

Applicants for a standard license shall submit to the department:

(i) An application on a department form;

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

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

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

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

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

Beginning January 1, 2004, an individual who has a passing score on the Praxis I Basic Skills and Praxis II Specialty Area Test in the requested area of endorsement may apply for the Teach Mississippi Institute (TMI) program to teach students in Grades 7 through 12 if the individual meets the requirements of this paragraph (b). The State Board of Education shall adopt rules requiring that teacher preparation institutions which provide the Teach Mississippi Institute (TMI) program for the preparation of nontraditional teachers shall meet the standards and comply with the provisions of this paragraph.
(i) The Teach Mississippi Institute (TMI) shall include an intensive eight-week, nine-semester-hour summer program or a curriculum of study in which the student matriculates in the fall or spring semester, which shall include, but not be limited to, instruction in education, effective teaching strategies, classroom management, state curriculum requirements, planning and instruction, instructional methods and pedagogy, using test results to improve instruction, and a one (1) semester three-hour supervised internship to be completed while the teacher is employed as a full-time teacher intern in a local school district. The TMI shall be implemented on a pilot program basis, with courses to be offered at up to four (4) locations in the state, with one (1) TMI site to be located in each of the three (3) Mississippi Supreme Court districts.

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

(iii) Upon completion of the nine-semester-hour TMI or the fall or spring semester option, the individual shall submit his transcript to the commission for provisional licensure of the intern teacher, and the intern teacher shall be issued a provisional teaching license by the commission, which will allow the individual to legally serve as a teacher while the person completes a nontraditional teacher preparation internship program.
(iv) During the semester of internship in the school district, the teacher preparation institution shall monitor the performance of the intern teacher. The school district that employs the provisional teacher shall supervise the provisional teacher during the teacher's intern year of employment under a nontraditional provisional license, and shall, in consultation with the teacher intern's mentor at the school district of employment, submit to the commission a comprehensive evaluation of the teacher's performance sixty (60) days prior to the expiration of the nontraditional provisional license. If the comprehensive evaluation establishes that the provisional teacher intern's performance fails to meet the standards of the approved nontraditional teacher preparation internship program, the individual shall not be approved for a standard license.

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

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

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

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

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

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

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

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

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

(e) Nonlicensed Teaching Personnel. A nonlicensed person may teach for a maximum of three (3) periods per teaching day in a public school or a nonpublic school accredited/approved by the state. Such person shall submit to the department a transcript or record of his education and experience which substantiates his preparation for the subject to be taught and shall meet other qualifications specified by the commission and approved by the State Board of Education. In no case shall any local school board hire nonlicensed personnel as authorized under this paragraph in excess of five percent (5%) of the total number of licensed personnel in any single school.
Beginning July 1, 2003, the commission shall grant special licenses to teachers of transitional bilingual education who possess such qualifications as are prescribed in this section. Teachers of transitional bilingual education shall be compensated by local school boards at not less than one (1) step on the regular salary schedule applicable to permanent teachers licensed under this section. The commission shall grant special licenses to teachers of transitional bilingual education who present the commission with satisfactory evidence that they (i) possess a speaking and reading ability in a language, other than English, in which bilingual education is offered and communicative skills in English; (ii) are in good health and sound moral character; (iii) possess a bachelor's degree or an associate's degree in teacher education from an accredited institution of higher education; (iv) meet such requirements as to courses of study, semester hours therein, experience and training as may be required by the commission; and (v) are legally present in the United States and possess legal authorization for employment. A teacher of transitional bilingual education serving under a special license shall be under an exemption from standard licensure if he achieves the requisite qualifications therefor. Two (2) years of service by a teacher of transitional bilingual education under such an exemption shall be credited to the teacher in acquiring a Standard Educator License. Nothing in this paragraph shall be deemed to prohibit a local school board from employing a teacher licensed in an appropriate field as approved by the State Department of Education to teach in a program in transitional bilingual education.

In the event any school district meets Level 4 or 5 accreditation standards, the State Board of Education, in its discretion, may exempt such school district from any restrictions.
(h) Highly Qualified Teachers. Beginning July 1, 2006, any teacher from any state meeting the federal definition of highly qualified, as described in the No Child Left Behind Act, shall be granted a standard five-year license by the Mississippi Department of Education.

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

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

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

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

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

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

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

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

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

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

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

(a) Lack of qualifications which are prescribed by law
or regulations adopted by the State Board of Education;
(b) The applicant has a physical, emotional or mental
disability that renders the applicant unfit to perform the duties
authorized by the license, as certified by a licensed psychologist
or psychiatrist;
(c) The applicant is actively addicted to or actively
dependent on alcohol or other habit-forming drugs or is a habitual
user of narcotics, barbiturates, amphetamines, hallucinogens or
other drugs having similar effect, at the time of application for
a license;
(d) Revocation of an applicant's certificate or license
by another state;
(e) Fraud or deceit committed by the applicant in
securing or attempting to secure such certification and license;
(f) Failing or refusing to furnish reasonable evidence
of identification;
(g) The applicant has been convicted, has pled guilty
or entered a plea of nolo contendere to a felony, as defined by
federal or state law; or
(h) The applicant has been convicted, has pled guilty
or entered a plea of nolo contendere to a sex offense as defined
by federal or state law.
(12) The State Board of Education, acting on the recommendation of the commission, may revoke or suspend any teacher or administrator license for specified periods of time for one or more of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<table>
<thead>
<tr>
<th>Number of Students</th>
<th>Number of Certified Per School Library School Librarians</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 499 Students</td>
<td>½ Full-time Equivalent Certified Librarian</td>
</tr>
<tr>
<td>500 or More Students</td>
<td>1 Full-time Certified Librarian</td>
</tr>
</tbody>
</table>

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) The State Board of Education may, based on a written request that contains specific reasons for requesting a waiver from the school districts affected by Hurricane Katrina of 2005, hold harmless school districts from assignment of district and school level accountability ratings for the 2005-2006 school year. The State Board of Education upon finding an extreme hardship in the school district may grant the request. It is the intent of the Legislature that all school districts maintain the highest possible academic standards and instructional programs in all schools as required by law and the State Board of Education. The State Board of Education may continue to assign school district performance levels by using a number classification and may assign individual school performance levels by using a number
classification to be consistent with school district performance levels.

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

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

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

(8) Deleted.

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

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

(a) Develop an impairment report for each district failing to meet accreditation standards in conjunction with school district officials;
(b) Notify any applicable school district failing to meet accreditation standards that it is on probation until corrective actions are taken or until the deficiencies have been removed. The local school district shall develop a corrective action plan to improve its deficiencies. For district academic deficiencies, the corrective action plan for each such school district shall be based upon a complete analysis of the following: student test data, student grades, student attendance reports, student dropout data, existence and other relevant data. The corrective action plan shall describe the specific measures to be taken by the particular school district and school to improve:

1. instruction;
2. curriculum;
3. professional development;
4. personnel and classroom organization;
5. student incentives for performance;
6. process deficiencies; and
7. reporting to the local school board, parents and the community. The corrective action plan shall describe the specific individuals responsible for implementing each component of the recommendation and how each will be evaluated. All corrective action plans shall be provided to the State Board of Education as may be required. The decision of the State Board of Education establishing the probationary period of time shall be final;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) Supervising the day-to-day activities of the
district's staff, including reassigning the duties and
responsibilities of personnel in a manner which, in the
determination of the conservator, will best suit the needs of the
district;
(iii) Reviewing the district's total financial obligations and operations and making recommendations to the district for cost savings, including, but not limited to, reassigning the duties and responsibilities of staff;

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

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

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

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

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

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

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

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

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

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

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

(16) Beginning with the school district audits conducted for the 1997-1998 fiscal year, the State Board of Education, acting through the Commission on School Accreditation, shall require each school district to comply with standards established by the State Department of Audit for the verification of fixed assets and the auditing of fixed assets records as a minimum requirement for accreditation.
(17) Before December 1, 1999, the State Board of Education shall recommend a program to the Education Committees of the House of Representatives and the Senate for identifying and rewarding public schools that improve or are high performing. The program shall be described by the board in a written report, which shall include criteria and a process through which improving schools and high-performing schools will be identified and rewarded.

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

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

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

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

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

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

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

Thereafter, all members shall be appointed for a term of four (4)
years. The advisory board shall meet when called by the director, but in no event fewer than three (3) times per year. The members of the advisory board shall be compensated at the per diem rate authorized by Section 25-3-69 and reimbursed for actual and necessary expenses as authorized by Section 25-3-41.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37-17-8. (1) The State Board of Education, through the Commission on School Accreditation, shall establish criteria for comprehensive in-service staff development plans. These criteria shall: (a) include, but not be limited to, formula and guidelines for allocating available state funds for in-service training to local school districts; (b) require that a portion of the plans be devoted exclusively for the purpose of providing staff development training for beginning teachers within that local school district and for no other purpose; and (c) require that a portion of the school district's in-service training for administrators and teachers be dedicated to the application and utilization of various disciplinary techniques. The board shall each year make recommendations to the Legislature concerning the amount of funds which shall be appropriated for this purpose.
(2) Beginning with the 1998-1999 school year, school districts shall not be required to submit staff development plans to the Commission on School Accreditation for approval. However, any school district accredited at Level 1 or Level 2 shall include, as a part of any required corrective action plan, provisions to address staff development in accordance with State Board of Education requirements. All school districts, unless specifically exempt from this section, must maintain on file staff development plans as required under this section. The plan shall have been prepared by a district committee appointed by the district superintendent and consisting of teachers, administrators, school board members, and lay people, and it shall have been approved by the district superintendent.

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

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

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

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

(b) Districts that achieve Level 4 or 5 state accreditation standards as defined by the State Board of Education shall have their exemption status reevaluated every three (3) years. If a previously exempted district falls below the Level 4 or 5 accreditation standard, then that school shall automatically lose its exempt status until it again achieves the top quartile.
(2) The State Department of Education is directed to provide a report of all exempted process standards and nonexempted process standards to the Office of the Governor, the Chairs of the House and Senate Education Committees, and the Mississippi Association of State Superintendents by December 1, 2007.

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

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

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

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

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

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

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

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

(b) Additionally, each school district shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In addition, for each one percent (1%) that the Sine Die General Fund Revenue Estimate Growth exceeds five percent (5%) in fiscal year 2003, 2004, 2005 or 2006, as certified by the Legislative Budget Office to the State Board of Education and subject to the specific appropriation therefor by the Legislature, the State Board of Education shall revise the salary scale in the appropriate year to provide an additional one percent (1%) across the board increase in the base salaries for assistant teachers. The State Board of Education shall revise the salaries prescribed above for assistant teachers to conform to any adjustments made in prior fiscal years due to revenue growth over and above five percent (5%). The assistant teachers shall not be restricted to working only in the grades for which the funds were allotted, but may be assigned to other classes as provided in subsection (2)(a) of this section.
(7) (a) As an alternative to employing assistant teachers, any school district may use the allotment provided under subsection (6) of this section for the purpose of employing licensed teachers for kindergarten, first-, second- and third-grade classes; however, no school district shall be authorized to use the allotment for assistant teachers for the purpose of employing licensed teachers unless the district has established that the employment of licensed teachers using such funds will reduce the teacher:student ratio in the kindergarten, first-, second- and third-grade classes. All state funds for assistant teachers shall be applied to reducing teacher:student ratio in Grades K-3.

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

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

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

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

SECTION 13. Section 37-13-67, Mississippi Code of 1972, is amended as follows:
37-13-67. ** The number of hours of actual teaching which shall constitute a school day shall be determined and fixed by the board of trustees of the school district at not less than five (5) hours **.

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

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

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

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

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

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

(c) To be the custodians of real and personal school property and to manage, control and care for same, both during the school term and during vacation;
(d) To have responsibility for the erection, repairing and equipping of school facilities and the making of necessary school improvements;

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

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

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

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

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

(j) To see that all necessary utilities and services are provided in the schools at all times when same are needed;
(k) To authorize the use of the school buildings and grounds for the holding of public meetings and gatherings of the people under such regulations as may be prescribed by said board;

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

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

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

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

The local school board shall be authorized and empowered to promulgate rules and regulations that specify the types of claims and set limits of the dollar amount for payment of claims by the superintendent of schools to be ratified by the board at the next regularly scheduled meeting after payment has been made;

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

(q) To provide athletic programs and other school activities and to regulate the establishment and operation of such programs and activities;
(r) To join, in their discretion, any association of school boards and other public school-related organizations, and to pay from local funds other than minimum foundation funds, any membership dues;

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

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

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

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

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

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

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

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

(z) To expend funds for the payment of substitute teachers and to adopt reasonable regulations for the employment and compensation of such substitute teachers;
(aa) To acquire in its own name by purchase all real property which shall be necessary and desirable in connection with the construction, renovation or improvement of any public school building or structure. Whenever the purchase price for such real property is greater than Fifty Thousand Dollars ($50,000.00), the school board shall not purchase the property for an amount exceeding the fair market value of such property as determined by the average of at least two (2) independent appraisals by certified general appraisers licensed by the State of Mississippi. If the board shall be unable to agree with the owner of any such real property in connection with any such project, the board shall have the power and authority to acquire any such real property by condemnation proceedings pursuant to Section 11-27-1 et seq., Mississippi Code of 1972, and for such purpose, the right of eminent domain is hereby conferred upon and vested in said board. Provided further, that the local school board is authorized to grant an easement for ingress and egress over sixteenth section land or lieu land in exchange for a similar easement upon adjoining land where the exchange of easements affords substantial benefit to the sixteenth section land; provided, however, the exchange must be based upon values as determined by a competent appraiser, with any differential in value to be adjusted by cash payment. Any easement rights granted over sixteenth section land under such authority shall terminate when the easement ceases to be used for its stated purpose. No sixteenth section or lieu land which is subject to an existing lease shall be burdened by any such easement except by consent of the lessee or unless the school district shall acquire the unexpired leasehold interest affected by the easement;

(bb) To charge reasonable fees related to the educational programs of the district, in the manner prescribed in Section 37-7-335;
Subject to rules and regulations of the State Board of Education, to purchase relocatable classrooms for the use of such school district, in the manner prescribed in Section 37-1-13;

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

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

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

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

Any proceeds of the fund-raising activities shall be treated as "activity funds" and shall be accounted for as other activity funds under this section; and
(ii) Fund-raising activities conducted or authorized by the board for the sale of school pictures, the rental of caps and gowns or the sale of graduation invitations for which the school board receives a commission, rebate or fee shall contain a disclosure statement advising that a portion of the proceeds of the sales or rentals shall be contributed to the student activity fund;

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

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

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

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

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

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

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

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

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

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

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

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

(iii) An assessment of revenue levels and sources;

(iv) An assessment of facilities utilization,
planning and maintenance;

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

(vi) An assessment of instructional and
administrative technology;

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

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

(qq) To enter into agreements with other local school
boards for the establishment of an educational service agency
(ESA) to provide for the cooperative needs of the region in which
the school district is located, as provided in Section 37-7-345. This paragraph shall repeal on July 1, 2007;

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

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

(tt) With respect to any lawful, written obligation of a school district, including, but not limited to, leases (excluding leases of sixteenth section public school trust land), bonds, notes, or other agreement, to agree in writing with the obligee that the State Tax Commission or any state agency, department or commission created under state law may:
(i) Withhold all or any part (as agreed by the school board) of any monies which such local school board is entitled to receive from time to time under any law and which is in the possession of the State Tax Commission, or any state agency, department or commission created under state law; and

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

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

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

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

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

(ww) The governing authority of each individual school
district shall have the power to adopt any orders, resolutions or
ordinances with respect to school district affairs, property and
finances which are not inconsistent with the Mississippi
Constitution of 1890, the Mississippi Code of 1972, or any other
statute or law of the State of Mississippi. Except as otherwise
provided, the powers granted to governing authorities of school
districts are complete without the existence of or reference to
any specific authority granted in any other statute or law of the
State of Mississippi and may be exercised unless specifically
prohibited by a statute or law of the State of Mississippi.

Unless such actions are specifically authorized by another statute
or law of the State of Mississippi, this section shall not
authorize the governing authority of a school district to (i) levy
taxes of any kind or increase the levy of any authorized tax, (ii)
issue bonds of any kind, or (iii) the authority to enter into
collective bargaining agreements. All other powers of the
governing authorities of school districts may be exercised unless
specifically prohibited by the statutes or laws of the State of
Mississippi.
SECTION 16. (1) The Legislature finds and declares the following:

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

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

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

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

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

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

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

(a) "Virtual school" means an independent public school in which the school uses technology in order to deliver a significant portion of instruction to its students via the Internet in a virtual or from a remote setting.
(b) "Sponsor" means the public school district, regional education service agency, charter school or the State Board of Education having a fiduciary responsibility, independently or cooperatively, for the operation of the virtual school.

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

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

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

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

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

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

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

(a) To supervise in the manner provided by law the public free schools, agricultural high schools and junior colleges of the state and to prescribe such rules and regulations for the
efficient organization and conduct of same, as he may deem
necessary.

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

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

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

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

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

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

(h) To meet the county superintendents annually at such
time and place as he shall appoint for the purpose of accumulating
facts relative to schools, to review the educational progress made
in the various sections of the state, to compare views, discuss
problems, hear discussions and suggestions relative to
examinations and qualifications of teachers, methods of
instruction, textbooks, summer schools for teachers, visitation of
schools, consolidation of schools, health work in the schools, vocational education and other matters pertaining to the public school system.

(i) To advise the county superintendents upon all matters involving the welfare of the schools, and at the request of any county superintendent to give his opinion upon a written statement of facts on all questions and controversies arising out of the interpretation and construction of the school laws, in regard to rights, powers and duties of school officers and county superintendents, and to keep a record of all such decisions.

Before giving any opinion, the superintendent may submit the statement of facts to the Attorney General for his advice thereon, and it shall be the duty of the Attorney General forthwith to examine such statement, and suggest the proper decision to be made upon such facts.

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

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

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

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

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

(iii) County and district levies for common schools, high schools, agricultural high schools, consolidated schools and junior colleges;
(iv) The conditions of vocational education in the State of Mississippi, a list of schools to which federal and state aid has been given, and a detailed statement of the expenditures of federal funds and the state funds that may be provided;

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

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

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

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

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

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

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

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

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

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

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

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

(i) To advise all superintendents upon all matters 
involved the welfare of the schools, and at the request of any 
superintendent to give an opinion upon a written statement of 
facts on all questions and controversies arising out of the 
interpretation and construction of the school laws, in regard to 
rights, powers and duties of school officers and superintendents, 
and to keep a record of all such decisions. Before giving any 
opinion, the superintendent may submit the statement of facts to 
the Attorney General, and it shall be the duty of the Attorney 
General forthwith to examine such statement and suggest the proper 
decision to be made upon such fact;
(j) To require annually, and as often as the State Superintendent may deem proper, of all superintendents, detailed reports on the educational business of the various districts;

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

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

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

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

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

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

Total Student Expenditures

Instruction (1000s);

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

General Administration (2300s and 2500s);

School Administration (2400s);

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

Non-Operational Expenditures (4000s, 5000s, 6000s).
Such general matters, information and recommendations as relate, in the board's opinion, to the educational interests of the state;

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

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

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

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

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

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

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

2300 = Support Services - General Administration
2310 = Board of Education Services
2320 = Executive Administration Services
2330 = Special Area Administration Services
2500 = Business Services
2510 = Fiscal Services
2520 = Purchasing Services
2530 = Warehousing and Distributing Services
2540 = Printing, Publishing and Duplicating Services
2590 = Other Support Services - Business

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

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

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

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

37-9-18. (1) The superintendent of schools shall furnish to the school board a financial statement of receipts and disbursements, by funds, on or before the last working day of the following month covering the prior month. The school board shall be authorized to investigate and audit all financial records of the superintendent of schools at any and all times.
(2) The State Auditor, in his discretion, shall audit the financial records of school districts. The State Auditor shall give reasonable notice to school districts regarding the times during which he will perform such audits. In any fiscal year in which the State Auditor is not scheduled to perform an audit, the school board shall cause all the financial records of the superintendent of schools to be audited by a certified public accountant licensed to practice accounting in the State of Mississippi. If the school board so elects by resolution adopted each year, the audit shall be performed by the State Auditor.

Contracts for the audit of public school districts shall be let by the school board in the manner prescribed by the State Auditor. The audit shall be conducted in accordance with generally accepted auditing standards and generally accepted accounting principles, and the report presented thereon shall be in accordance with generally accepted accounting principles. If the Auditor's opinion on the general purpose financial statements is a disclaimer, as that term is defined by generally accepted auditing standards, or if the State Auditor determines the existence of serious financial conditions in the district, the State Auditor shall immediately notify the State Board of Education. Upon receiving the notice, the State Superintendent of Public Education shall direct the school district to immediately cease all expenditures until a financial advisor is appointed by the state superintendent. However, if the disclaimer is a result of conditions caused by Hurricane Katrina 2005 and applies to fiscal years 2005 and/or 2006, then the Superintendent of Education may appoint a financial advisor, and may direct the school district to immediately cease all expenditures until a financial advisor is appointed. The financial advisor shall be an agent of the State Board of Education and shall be a certified public accountant or a qualified business officer. The financial advisor shall, with the approval of the State Board of Education:
(a) Approve or disapprove all expenditures and all financial obligations of the district;

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

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

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

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

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

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

(5) In the event the State Auditor does not perform the audit examination, then the audit report of the school district shall be reviewed by the State Auditor for compliance with applicable state laws before final payment is made on the audit by the school board. All financial records, books, vouchers, cancelled checks and other financial records required by law to be kept and maintained in the case of municipalities shall be faithfully kept and maintained in the office of the superintendent of schools under the same provisions and penalties provided by law.
in the case of municipal officials. At the request of the Mississippi Department of Education, the Office of the State Auditor shall provide advice for implementation of this subsection.

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

37-61-21. (1) If it should appear to the superintendent of schools or the school board of any school district that the amounts to be received from state appropriations, taxation or any other source will be more than the amount estimated in the budget filed and approved, or if it should appear that such amounts shall be less than the amount estimated, the school board of the school district, with assistance from the superintendent, may revise the budget at any time during the fiscal year by increasing or decreasing the fund budget, in proportion to the increase or decrease in the estimated amounts. If it should appear to the superintendent of schools or the school board of a school district that some function of the budget as filed is in excess of the requirement of that function and that the entire amount budgeted for such function will not be needed for expenditures therefor during the fiscal year, the school board of the school district, with assistance from the superintendent, may transfer resources to and from functions and funds within the budget when and where needed; however, no such transfer shall be made from fund to fund or from function to function which will result in the expenditure of any money for any purpose different from that for which the money was appropriated, allotted, collected or otherwise made available or for a purpose which is not authorized by law. No revision of any budget under the provisions hereof shall be made which will permit a fund expenditure in excess of the resources available for such purpose. The revised portions of the budgets shall be incorporated in the minutes of the school board by spreading them on the minutes or by attaching them as an addendum.
Final budget revisions, pertinent to a fiscal year, shall be approved on or before the date set by the State Board of Education for the school district to submit its financial information for that fiscal year.

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

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

37-37-1. The State Department of Education is hereby authorized and directed to prescribe and formulate for use by all school districts of this state, including municipal separate school districts, adequate accounting systems and other essential financial records which shall be uniform for all of the school districts of this state. Such uniform system shall include a method of accounting for and keeping records of all funds received, handled and disbursed by such school district, whether derived from taxation or otherwise, including funds derived from donations, athletic events and other special activities of the school district. The uniform system of accounts so prescribed and formulated by the State Department of Education shall be distributed and disseminated to all of the school districts of this state and it shall be mandatory that the boards of trustees of all such school districts install, utilize and follow said uniform system of accounts in keeping the financial records of the school district. At the request of the Mississippi Department of
Education, the Office of the State Auditor shall provide advice for implementation of this subsection.

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

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

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

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

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

(a) Purchasing, erecting, repairing, equipping, remodeling and enlarging school buildings and related facilities, including gymnasiums, auditoriums, lunchrooms, vocational training buildings, libraries, teachers' homes, school barns, transportation vehicles (which shall include new and used transportation vehicles) and garages for transportation vehicles, and purchasing land therefor.
(b) Establishing and equipping school athletic fields and necessary facilities connected therewith, and purchasing land therefor.

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

(d) As a pledge to pay all or a portion of the debt service on debt issued by the school district under Sections 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302 and 37-41-81, or debt issued by boards of supervisors for agricultural high schools pursuant to Section 37-27-65, if such pledge is accomplished pursuant to a written contract or resolution approved and spread upon the minutes of an official meeting of the district's school board or board of supervisors.

The annual grant to such district in any subsequent year during the term of the resolution or contract shall not be reduced below an amount equal to the district's grant amount for the year in which the contract or resolution was adopted. The intent of this provision is to allow school districts to irrevocably pledge a certain, constant stream of revenue as security for long-term obligations issued under the code sections enumerated in this paragraph or as otherwise allowed by law. It is the intent of the Legislature that the provisions of this paragraph shall be cumulative and supplemental to any existing funding programs or other authority conferred upon school districts or school boards. Debt of a district secured by a pledge of sales tax revenue pursuant to this paragraph shall not be subject to any debt limitation contained in the foregoing enumerated code sections.

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

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

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

(iii) Nine and sixty-one one-hundredths percent (9.61%) for classroom supplies, instructional materials and equipment, including computers and computer software, to be distributed to all school districts in the proportion that the average daily attendance of each school district bears to the average daily attendance of all school districts within the state. Classroom supply funds shall not be expended for administrative purposes. Local school districts shall allocate classroom supply funds equally among all classroom teachers in the school district. For purposes of this subparagraph, "teacher" means any employee of the school board of a school district who is required by law to obtain a teacher's license from the State Department of Education and who is assigned to an instructional area of work as defined by the department, but shall not include a federally funded teacher. Two (2) or more teachers may agree to pool their classroom supply funds for the benefit of a school within the district. It is the intent of the Legislature that all classroom teachers shall be
involved in the development of a spending plan that addresses individual classroom needs and supports the overall goals of the school regarding supplies, instructional materials, equipment, computers or computer software under the provisions of this subparagraph, including the type, quantity and quality of such supplies, materials and equipment. This plan shall be submitted in writing to the school principal for approval. Classroom supply funds allocated under this subparagraph shall supplement, not replace, other local and state funds available for the same purposes. School districts need not fully expend the funds received under this subparagraph in the year in which they are received, but such funds may be carried forward for expenditure in any succeeding school year. Any individual teacher or group of teachers with an approved spending plan that has not been fully funded need not expend the funds allocated under this subparagraph in the year in which they are received. Such funds may be carried forward for expenditure in any subsequent school year in which their plan is fully funded. However, beginning July 1, 2006, any funds allocated under this subparagraph that remain unspent, unless it is reserved in an approved spending plan, by March 31 of the fiscal year in which they were allotted, shall be utilized by the school where the teacher is employed for instructional supply and equipment purposes. The State Board of Education shall develop and promulgate rules and regulations for the administration of this subparagraph consistent with the above criteria, with particular emphasis on allowing the individual teachers to expend funds as they deem appropriate;

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

(c) Fourteen and forty-one one-hundredths percent (14.41%) to the State Board for Community and Junior Colleges for the purpose of providing support to community and junior colleges.
(4) The amount remaining in the Education Enhancement Fund after funds are distributed as provided in subsections (2) and (3) of this section shall be disbursed as follows:

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

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

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

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

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

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

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

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

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

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

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

(e) **School district average daily attendance credit.** When dually enrolled student tuition is paid for by the local district, the admitted student shall be counted for adequate
education program funding purposes in the average daily attendance
of the public school district in which they attend high school.

(f) **High school student transcript transfer**

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

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

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

(i) **Ineligible courses for dual credit programs.**

Unless waived by the school principal, all courses that are
required for subject area testing as a requirement for graduation
from Mississippi public schools are not eligible for dual credit.

(j) **Eligible courses for dual credit programs.** Courses

eligible for dual credit should include foreign languages,
advanced math courses, advanced science courses, performing arts, advanced business and technology, and career and technical courses. These courses and any additional courses considered for dual credit must receive unconditional approval from the superintendent of the local school district and the chief academic officer at the participating community and junior college or university. Universities and community and junior colleges shall make the final decision on what courses they shall grant semester hour credit. The local school superintendent shall make the final decision on the transfer of college or university credit to the student's high school transcript.

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

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

(m) **Maximum dual credits allowed.** It shall be a stated goal of the dual credit program to make possible for every student who desires to do so to earn a semester’s worth of college credit in high school, saving Mississippi's parents thousands of dollars in tuition, and increasing the academic rigor of the senior year for Mississippi students. A qualified dually enrolled high school student shall be allowed to earn an unlimited number of college or
university credits for dual credit as long as a B average is earned on the first two (2) approved dual credit courses. After the completion of two (2) courses if a B average is not maintained, the student shall not be allowed to continue participation in the dual credit program. Disallowance of participation in the dual credit program may or may not affect participation in the dual enrollment program.

(n) Dual credit program allowances.

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

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

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

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

(o) Qualifications of dual credit instructors.

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

(ii) Dual credit career and technical education instructors shall meet the requirements set forth by the State Board for Community and Junior Colleges in the qualifications.
manual for postsecondary Career and Technical personnel.

University and community and junior college personnel shall have
the sole authority in the selection of dual credit instructors.

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

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

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

(2) For purposes of this section:

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

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

(ii) Is approved by recognized advanced placement
authorities;

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

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

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

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

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

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

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

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

(c) The State Department of Education shall:

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

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

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

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

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

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

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

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

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

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

(a) Assess the dropout crisis in Mississippi and recommend action steps to address it;
(b) Create a set of common definitions for graduation and dropout rates that can be used to compare their progress relative to other states;
(c) Facilitate agreements to make the Mississippi high school experience more meaningful;
(d) To encourage more rigor and relevance in the high school experience;
(e) Facilitate the transferability of education from secondary to postsecondary institutions;
(f) Raise state awareness on the need for improving Mississippi’s high schools;
(g) Develop a series of best practices policy actions state policymakers and legislators can implement to achieve system-wide high school reform; and
(h) When necessary, the commission may convene town hall meetings around the state where students, teachers, administrators and parents can talk about high school, the senior year and impediments to greater success.

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

(5) The commission members shall meet at times and places they deem necessary and use all available resources to fulfill its mission.
SECTION 27. Section 37-21-55, Mississippi Code of 1972, is amended as follows:

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

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

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

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

(c) A representative of the Governor;

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

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

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

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

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

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

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

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

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

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

(4) The Interagency Advisory Committee for Early Childhood Services, in addition to responsibilities assigned by the Early Childhood Services Interagency Coordinating Council, shall perform each of the following duties:
(a) Assist in the implementation of the study conducted by the Task Force on the Development and Implementation of Comprehensive Early Childhood Services in Mississippi established under Laws, 1999, Chapter 584;

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

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

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

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

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

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

37-3-95. The State Department of Education and the Board of Trustees of State Institutions of Higher Learning shall jointly prepare an annual report for the Legislature and the Governor, to be submitted by December 1 of each year beginning in 2006, which shall compile existing data to create a rating system that measures the performance of the state's teacher education programs.
SECTION 29. The following provision shall be codified as Section 37-7-346, Mississippi Code of 1972:

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

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