

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

To: Education;  
Appropriations

## SENATE BILL NO. 2602

1 AN ACT ENTITLED THE "MISSISSIPPI EDUCATION REFORM ACT OF  
2 2006"; TO CREATE NEW SECTION 25-11-126, MISSISSIPPI CODE OF 1972,  
3 TO PROVIDE THAT CERTAIN PERSONS RECEIVING A RETIREMENT ALLOWANCE  
4 FROM THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM WHO ARE EMPLOYED AS  
5 TEACHERS IN THE PUBLIC SCHOOL SYSTEM AFTER THEIR RETIREMENT MAY  
6 RECEIVE A RETIREMENT ALLOWANCE DURING THEIR EMPLOYMENT AS TEACHERS  
7 IN ADDITION TO RECEIVING A TEACHER'S SALARY; TO AMEND SECTIONS  
8 25-11-103, 25-11-105, 25-11-123 AND 25-11-127, MISSISSIPPI CODE OF  
9 1972, IN CONFORMITY WITH THE PROVISIONS OF THIS ACT; TO AMEND  
10 SECTION 37-19-7, MISSISSIPPI CODE OF 1972, TO PROVIDE ADDITIONAL  
11 BASE COMPENSATION FOR TEACHERS HOLDING LICENSES IN CRITICAL  
12 SUBJECT AREAS, TO PROVIDE ADDITIONAL COMPENSATION FOR TEACHERS  
13 EMPLOYED IN CRITICAL SHORTAGE AREAS, TO ESTABLISH A MISSISSIPPI  
14 PERFORMANCE BASED PAY PLAN TO REWARD LICENSED EDUCATION PERSONNEL  
15 AT SCHOOLS SHOWING IMPROVEMENT IN STUDENT TEST SCORES, TO PROVIDE  
16 ADDITIONAL BASE COMPENSATION FOR MENTOR TEACHERS IN MIDDLE SCHOOLS  
17 WITH APPROVED CLASSROOM MANAGEMENT PROGRAMS, TO DIRECT THE STATE  
18 DEPARTMENT OF EDUCATION TO CONDUCT A VALUE-ADDED PILOT PROGRAM ON  
19 TEACHER PERFORMANCE PAY; TO AMEND SECTION 37-3-2, MISSISSIPPI CODE  
20 OF 1972, TO PROVIDE THAT ANY TEACHER FROM ANY STATE MEETING THE  
21 FEDERAL STANDARDS OF A HIGHLY QUALIFIED TEACHER SHALL BE ELIGIBLE  
22 FOR A STANDARD LICENSE IN MISSISSIPPI; TO AMEND SECTION 37-11-55,  
23 MISSISSIPPI CODE OF 1972, TO ESTABLISH A STUDENT DISCIPLINARY  
24 ACTION REVIEW BOARD IN EACH SCHOOL WHEN A PRINCIPAL SENDS A  
25 DISRUPTIVE STUDENT BACK TO THE CLASSROOM; TO AMEND SECTION  
26 37-13-89, MISSISSIPPI CODE OF 1972, TO REQUIRE REPORTING TO THE  
27 LOCAL SCHOOL DISTRICT SUPERINTENDENT AND THE SCHOOL PRINCIPAL THE  
28 NAME OF ANY CHILD BETWEEN THE AGES OF 15 AND 17 WHO FAILS TO  
29 ATTEND SCHOOL; TO AMEND SECTION 37-13-91, MISSISSIPPI CODE OF  
30 1972, TO REQUIRE THE SCHOOL SUPERINTENDENT TO REPORT SUCH STUDENT  
31 DROPOUTS TO THE COMMISSIONER OF PUBLIC SAFETY AND TO REQUIRE THE  
32 YOUTH COURT TO SUSPEND THE DRIVER'S LICENSE OF A CHILD WHO  
33 UNLAWFULLY FAILS TO ATTEND SCHOOL; TO AMEND SECTION 43-21-621,  
34 MISSISSIPPI CODE OF 1972, TO AMEND THE DISPOSITIONAL ALTERNATIVES  
35 IN YOUTH COURT TO REQUIRE THE YOUTH COURT TO SUSPEND THE DRIVER'S  
36 LICENSE OF A CHILD WHO FAILS TO ATTEND SCHOOL AND FURTHER TO  
37 REQUIRE NOTIFICATION OF THE SUSPENSION TO THE DEPARTMENT OF PUBLIC  
38 SAFETY; TO AMEND SECTION 63-1-10, MISSISSIPPI CODE OF 1972, TO  
39 REQUIRE SUSPENSION OF THE DRIVING PRIVILEGES OF A CHILD WHO FAILS  
40 TO ATTEND SCHOOL; TO AMEND SECTIONS 37-13-83 AND 37-13-85,  
41 MISSISSIPPI CODE OF 1972, TO ADD THE RESPONSIBILITY OF STUDENT  
42 DROPOUT PREVENTION TO THE DIRECTOR OF THE OFFICE OF COMPULSORY  
43 SCHOOL ATTENDANCE IN THE STATE DEPARTMENT OF EDUCATION; TO DIRECT  
44 THE STATE DEPARTMENT OF EDUCATION TO DEVELOP REPORTS ON CERTAIN  
45 ITEMS RELATING TO STUDENT SCHOOL DROPOUT PREVENTION AND THE  
46 COMPULSORY SCHOOL ATTENDANCE AGE; TO AMEND SECTION 37-17-6,  
47 MISSISSIPPI CODE OF 1972, TO DIRECT THE STATE BOARD OF EDUCATION  
48 TO DEVELOP AN ACCREDITATION STANDARD PROVIDING THAT NO SCHOOL WITH  
49 A STUDENT DROPOUT RATE HIGHER THAN 10% SHALL RECEIVE A LEVEL 3  
50 ACCREDITATION RATING OR ABOVE AND TO REQUIRE HIGH SCHOOLS WITH  
51 GREATER THAN 15% STUDENT DROPOUT RATES OVER A 3-YEAR PERIOD TO  
52 CONVERT TO SMALLER ATTENDANCE CENTERS; TO AMEND SECTION 37-11-53,

53 MISSISSIPPI CODE OF 1972, TO AUTHORIZE AND DIRECT THE  
54 SUPERINTENDENT OF SCHOOLS TO SUMMON THE PARENTS OR GUARDIANS OF  
55 MIDDLE OR SECONDARY SCHOOL STUDENTS WHO ARE IN VIOLATION OF THE  
56 COMPULSORY SCHOOL ATTENDANCE LAW TO ATTEND COUNSELING CONFERENCES  
57 REGARDING THE ACTS OF THE CHILD AND TO PRESCRIBE CERTAIN CRIMINAL  
58 PENALTIES FOR PARENTS WHO FAIL TO ATTEND THEIR CHILD'S DISCIPLINE  
59 CONFERENCE; TO AMEND SECTIONS 63-1-31 AND 63-1-51, MISSISSIPPI  
60 CODE OF 1972, TO PROVIDE A PROCEDURE FOR APPEAL OF THE DECISION TO  
61 SUSPEND THE DRIVING PRIVILEGES OF A CHILD DUE TO THE CHILD'S  
62 FAILURE TO ATTEND SCHOOL; TO AMEND SECTIONS 37-3-4, 37-3-46,  
63 37-3-49, 37-7-337, 37-17-8, 37-17-11 AND 37-21-7, MISSISSIPPI CODE  
64 OF 1972, TO EXEMPT HIGHEST PERFORMING SCHOOLS DESIGNATED AS LEVEL  
65 4 AND 5 FROM CERTAIN ACCREDITATION PROCESS STANDARDS PRESCRIBED BY  
66 STATUTE OR REGULATION OF THE STATE DEPARTMENT OF EDUCATION; TO  
67 AMEND SECTION 37-13-61, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE  
68 LOCAL SCHOOL DISTRICTS TO FIX THE DATE FOR THE OPENING AND CLOSING  
69 OF THE SCHOOL TERM; TO AMEND SECTION 37-13-67, MISSISSIPPI CODE OF  
70 1972, TO REVISE CERTAIN RESTRICTIONS ON SCHOLASTIC MONTH AND  
71 SCHOOL DAY; TO AMEND SECTION 37-13-69, MISSISSIPPI CODE OF 1972,  
72 TO AUTHORIZE LOCAL SCHOOL DISTRICTS TO DESIGNATE SCHOOL HOLIDAYS;  
73 TO AMEND SECTION 37-41-53, MISSISSIPPI CODE OF 1972, TO EXEMPT  
74 SCHOOL TRANSPORTATION VEHICLES FROM CERTAIN STATE DEPARTMENT OF  
75 EDUCATION REGULATION; TO AMEND SECTION 37-7-301, MISSISSIPPI CODE  
76 OF 1972, TO GRANT PUBLIC SCHOOL DISTRICTS WITH AN AVERAGE  
77 ACCREDITATION RANKING OF LEVEL 4 OR HIGHER THE POWER TO ADOPT ANY  
78 ORDER RELATING TO THE OPERATION OF THE SCHOOL WHICH IS NOT  
79 INCONSISTENT WITH STATE LAW OR THE MISSISSIPPI CONSTITUTION, WITH  
80 CERTAIN EXCEPTIONS; TO AUTHORIZE LOCAL SCHOOL DISTRICTS TO  
81 CONTRACT WITH PRIVATE ENTITIES TO PROVIDE CERTAIN NONINSTRUCTIONAL  
82 SERVICES; TO AMEND SECTIONS 25-11-103 AND 25-11-127, MISSISSIPPI  
83 CODE OF 1972, IN CONFORMITY; TO AUTHORIZE THE ESTABLISHMENT OF A  
84 MISSISSIPPI VIRTUAL PUBLIC SCHOOL PROGRAM; TO PROVIDE FOR SPONSORS  
85 AND CRITERIA FOR THE MISSISSIPPI VIRTUAL PUBLIC SCHOOL; TO AMEND  
86 SECTION 37-3-11, MISSISSIPPI CODE OF 1972, TO REQUIRE THE  
87 STATEWIDE FINANCIAL REPORT BY THE STATE DEPARTMENT OF EDUCATION TO  
88 COMPLY WITH CERTAIN FUNCTIONAL LEVEL EXPENDITURE CODES AND TO  
89 PROVIDE THAT SAID FINANCIAL REPORT SHALL BE PREPARED ON A SCHOOL  
90 DISTRICT BASIS; TO AMEND SECTIONS 37-9-18 AND 37-61-9, MISSISSIPPI  
91 CODE OF 1972, TO REQUIRE SCHOOL DISTRICTS TO COMPLY WITH  
92 APPROPRIATE FUNCTIONAL LEVEL EXPENDITURE CODES, TO REQUIRE AN  
93 ANNUAL AUDIT OF SUCH COMPLIANCE; TO AMEND SECTION 37-61-21,  
94 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR YEAR-END FINANCIAL DATA  
95 BY SCHOOL DISTRICTS; TO AMEND SECTIONS 37-37-1, 37-37-7 AND  
96 37-61-23, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE STATE  
97 DEPARTMENT OF EDUCATION SHALL PRESCRIBE THE FINANCIAL ACCOUNTING  
98 MANUAL FOR SCHOOL DISTRICTS; TO AMEND SECTION 37-61-33,  
99 MISSISSIPPI CODE OF 1972, TO AUTHORIZE TEACHERS TO CARRY FORWARD  
100 APPROVED CLASSROOM SUPPLY EXPENDITURES INTO SUBSEQUENT FISCAL  
101 YEARS; TO CODIFY SECTION 37-15-38, MISSISSIPPI CODE OF 1972,  
102 RELATING TO HIGH SCHOOL AND UNIVERSITY OR COMMUNITY COLLEGE DUAL  
103 ENROLLMENT PROGRAMS, TO REVISE CONDITIONS FOR PARTICIPATION IN THE  
104 PROGRAM, TO PROVIDE THAT TUITION AND COSTS FOR UNIVERSITY LEVEL  
105 AND COMMUNITY LEVEL COURSES SHALL BE NEGOTIATED BETWEEN SCHOOL  
106 DISTRICTS AND THE UNIVERSITY OR COMMUNITY COLLEGE, AND TO CLARIFY  
107 THAT ALL COURSE WORK TAKEN UNDER THE PROGRAM SHALL BE DUAL CREDIT;  
108 TO CODIFY SECTION 37-15-39, MISSISSIPPI CODE OF 1972, TO DIRECT  
109 SCHOOL DISTRICTS TO OFFER PRE-ADVANCED PLACEMENT COURSES AND TO  
110 REQUIRE FUNDING FOR THE 2007-2008 SCHOOL YEAR FOR ALL SOPHOMORES  
111 TO TAKE A NATIONALLY RECOGNIZED APTITUDE TEST FOR ADVANCED  
112 PLACEMENT CLASSES; TO AMEND SECTIONS 37-16-7, 37-31-61, 37-31-69,  
113 37-31-205 AND 37-31-207, MISSISSIPPI CODE OF 1972, TO AUTHORIZE  
114 AND DIRECT THE STATE BOARD OF EDUCATION AND THE STATE BOARD FOR  
115 COMMUNITY AND JUNIOR COLLEGES TO UTILIZE FEDERAL WORKFORCE  
116 INVESTMENT ACT AND OTHER FEDERAL FUNDS TO ESTABLISH INDUSTRY  
117 SPECIFIC CURRICULUM TO ALLOW STUDENTS TO RECEIVE  
118 INDUSTRY-RECOGNIZED CERTIFICATION WHILE COMPLETING THEIR HIGH

119 SCHOOL COURSE WORK, TO INCLUDE SUCH COURSE WORK IN APPROPRIATE  
120 GRADUATION STANDARDS, TO DEVELOP A UNIT OF SPECIALISTS IN  
121 VOCATIONAL EDUCATION AS PART OF THE CURRICULUM, AND TO ESTABLISH  
122 PARTNERSHIPS WITH THE PRIVATE SECTOR TO OFFER POTENTIAL HIGH  
123 SCHOOL DROPOUT STUDENTS A SEMESTER SCHOLARSHIP FOR INDUSTRY  
124 SPECIFIC TRAINING AFTER GRADUATION; TO ESTABLISH A LIFELONG  
125 LEARNING COMMISSION AND PRESCRIBE ITS MEMBERSHIP TO STUDY THE  
126 RELEVANCE OF THE HIGH SCHOOL EXPERIENCE IN MISSISSIPPI; TO AMEND  
127 SECTION 37-21-55, MISSISSIPPI CODE OF 1972, TO DIRECT STATE  
128 ENTITIES DEALING WITH EARLY CHILDHOOD EDUCATION TO BE COORDINATED  
129 THROUGH THE ADVISORY BOARD OF THE INTERAGENCY ADVISORY COMMITTEE  
130 FOR EARLY CHILDHOOD SERVICES TO BE ADMINISTERED BY THE MISSISSIPPI  
131 DEPARTMENT OF HUMAN SERVICES OFFICE OF CHILDREN AND YOUTH AND TO  
132 AUTHORIZE THE ADVISORY COUNSEL TO ASSESS THE EDUCATIONAL  
133 COMPONENTS FOR THE STATE'S TIERED REIMBURSEMENT STRUCTURE FOR  
134 CHILD CARE FACILITIES; TO CODIFY SECTION 37-3-95, MISSISSIPPI CODE  
135 OF 1972, TO DIRECT THE STATE DEPARTMENT OF EDUCATION AND THE BOARD  
136 OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING TO PREPARE AN  
137 ANNUAL REPORT TO THE LEGISLATURE ON SCHOOLS OF EDUCATION IN THE  
138 STATE; TO CODIFY SECTION 37-7-346, MISSISSIPPI CODE OF 1972, TO  
139 DIRECT THE STATE DEPARTMENT OF EDUCATION AND THE REGIONAL  
140 EDUCATION SERVICE AGENCIES TO DEVELOP A 5-YEAR PLAN FOR INCREASING  
141 THE DUTIES AND RESPONSIBILITIES OF THE AGENCIES; AND FOR RELATED  
142 PURPOSES.

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

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

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

151 **SECTION 2.** The following provision shall be codified as  
152 Section 25-11-126, Mississippi Code of 1972:

153 **25-11-126.** (1) Any person who has at least twenty-eight  
154 (28) years of creditable service, who was employed as a public  
155 schoolteacher at the time of his retirement and who is employed as  
156 a teacher in a public school district located in a geographic area  
157 of the state designated as a critical teacher shortage area by the  
158 State Board of Education after his retirement, may choose to  
159 continue receiving the retirement allowance under this article  
160 during his employment as a teacher after his retirement in  
161 addition to receiving the salary authorized under Section 37-19-7  
162 and may do so under one (1) of the following options:

163           (a) **Option A.** The retired teacher may be employed as a  
164 teacher and continue receiving retirement benefits and not be  
165 required to make any contributions to the system. Under this  
166 option the retired member shall not be eligible to accrue  
167 additional retirement benefits and shall not be a contributing  
168 member of the system.

169           This option is expressly designed to provide funding for the  
170 Mississippi Public Employees' Retirement System to actuarially  
171 offset any pension liability by providing the employer  
172 contribution plus the employee contributions of rehired employees  
173 as defined in Section 25-11-126 by doing the following:

174                   (i) The State Department of Education is directed  
175 to transfer to the Mississippi Public Employees' Retirement System  
176 the following funds: Minimum and adequate education program funds  
177 of local school districts that on or after July 1, 2006, hire  
178 retired members as teachers pursuant to the provisions of this  
179 section and other funds which would have otherwise been payable to  
180 the agencies had the agencies not taken advantage of the  
181 provisions of this section. The crediting of assets and financing  
182 shall follow the provisions of Section 25-11-123.

183                   (ii) Local educational agencies are directed to  
184 transfer to the Mississippi Public Employees' Retirement System  
185 the following funds: Minimum and adequate education program funds  
186 of local school districts that on or after July 1, 2006, hire  
187 retired members as teachers pursuant to the provisions of this  
188 section and other funds which would have otherwise been payable to  
189 the agencies had the agencies not taken advantage of the  
190 provisions of this section. The crediting of assets and financing  
191 shall follow the provisions of Section 25-11-123.

192           (b) **Option B.** The retired teacher may be employed as a  
193 teacher, continue receiving his retirement benefit and be a  
194 contributing member of the system for purposes of an additional  
195 retirement benefit.

196 Under this option the retired teacher is a contributing  
197 member of the system and accrues retirement benefits as if he were  
198 newly hired and had never been a member of the system. The  
199 accrual of benefits shall have no effect on the retirement benefit  
200 that he is receiving as a result of his initial retirement but  
201 shall accrue toward a new and separate retirement benefit.

202 (2) A person may be hired under this section subject to the  
203 following conditions:

204 (a) The retired member holds any teacher's professional  
205 license or certificate as may be required in Section 37-3-2.

206 (b) The superintendent of schools of the employing  
207 school district certifies in writing to the State Department of  
208 Education that the retired member has the requisite experience,  
209 training and expertise for the position to be filled and that no  
210 other qualified persons are available to fill the position.

211 (c) The State Superintendent of Education certifies in  
212 writing to the Public Employees' Retirement System that the  
213 employing school system serves an area that lacks qualified  
214 teachers to serve in the position to be filled.

215 (d) The superintendent of schools of the district  
216 certifies or the principal of the school certifies that there was  
217 no preexisting arrangement for the person to be hired.

218 (e) The person shall have had a satisfactory  
219 performance review for the most recent period prior to retirement.

220 (3) The State Superintendent of Education shall report the  
221 persons who are employed under this section to the executive  
222 director.

223 **SECTION 3.** Section 25-11-103, Mississippi Code of 1972, is  
224 amended as follows:

225 25-11-103. The following words and phrases as used in  
226 Articles 1 and 3, unless a different meaning is plainly required  
227 by the context, have the following meanings:

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

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

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

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

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

245           (f) "Average compensation" means the average of the  
246 four (4) highest years of earned compensation reported for an  
247 employee in a fiscal or calendar year period, or combination  
248 thereof that do not overlap, or the last forty-eight (48)  
249 consecutive months of earned compensation reported for an  
250 employee. The four (4) years need not be successive or joined  
251 years of service. In no case shall the average compensation so  
252 determined be in excess of One Hundred Fifty Thousand Dollars  
253 (\$150,000.00). In computing the average compensation, any amount  
254 lawfully paid in a lump sum for personal leave or major medical  
255 leave shall be included in the calculation to the extent that the  
256 amount does not exceed an amount that is equal to thirty (30) days  
257 of earned compensation and to the extent that it does not cause  
258 the employees' earned compensation to exceed the maximum  
259 reportable amount specified in Section 25-11-103(k); however, this  
260 thirty-day limitation shall not prevent the inclusion in the

261 calculation of leave earned under federal regulations before July  
262 1, 1976, and frozen as of that date as referred to in Section  
263 25-3-99. Only the amount of lump sum pay for personal leave due  
264 and paid upon the death of a member attributable for up to one  
265 hundred fifty (150) days shall be used in the deceased member's  
266 average compensation calculation in determining the beneficiary's  
267 benefits. In computing the average compensation, no amounts shall  
268 be used that are in excess of the amount on which contributions  
269 were required and paid, and no nontaxable amounts paid by the  
270 employer for health or life insurance premiums for the employee  
271 shall be used. If any member who is or has been granted any  
272 increase in annual salary or compensation of more than eight  
273 percent (8%) retires within twenty-four (24) months from the date  
274 that the increase becomes effective, then the board shall exclude  
275 that part of the increase in salary or compensation that exceeds  
276 eight percent (8%) in calculating that member's average  
277 compensation for retirement purposes. The board may enforce this  
278 provision by rule or regulation. However, increases in  
279 compensation in excess of eight percent (8%) per year granted  
280 within twenty-four (24) months of the date of retirement may be  
281 included in the calculation of average compensation if  
282 satisfactory proof is presented to the board showing that the  
283 increase in compensation was the result of an actual change in the  
284 position held or services rendered, or that the compensation  
285 increase was authorized by the State Personnel Board or was  
286 increased as a result of statutory enactment, and the employer  
287 furnishes an affidavit stating that the increase granted within  
288 the last twenty-four (24) months was not contingent on a promise  
289 or agreement of the employee to retire. Nothing in Section  
290 25-3-31 shall affect the calculation of the average compensation  
291 of any member for the purposes of this article. The average  
292 compensation of any member who retires before July 1, 1992, shall  
293 not exceed the annual salary of the Governor.

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

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

316           (i) "Creditable service" means "prior service,"  
317 "retroactive service" and all lawfully credited unused leave not  
318 exceeding the accrual rates and limitations provided in Section  
319 25-3-91 et seq., as of the date of withdrawal from service plus  
320 "membership service" for which credit is allowable as provided in  
321 Section 25-11-109. Except to limit creditable service reported to  
322 the system for the purpose of computing an employee's retirement  
323 allowance or annuity or benefits provided in this article, nothing  
324 in this paragraph shall limit or otherwise restrict the power of  
325 the governing authority of a municipality or other political



326 subdivision of the state to adopt such vacation and sick leave  
327 policies as it deems necessary.

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

334 (k) "Earned compensation" means the full amount earned  
335 by an employee for a given pay period including any maintenance  
336 furnished up to a maximum of One Hundred Fifty Thousand Dollars  
337 (\$150,000.00) per year, and proportionately for less than one (1)  
338 year of service. The value of that maintenance when not paid in  
339 money shall be fixed by the employing state agency, and, in case  
340 of doubt, by the board of trustees as defined in Section 25-11-15.  
341 Earned compensation shall not include any nontaxable amounts paid  
342 by the employer for health or life insurance premiums for an  
343 employee. In any case, earned compensation shall be limited to  
344 the regular periodic compensation paid, exclusive of litigation  
345 fees, bond fees, and other similar extraordinary nonrecurring  
346 payments. In addition, any member in a covered position, as  
347 defined by Public Employees' Retirement System laws and  
348 regulations, who is also employed by another covered agency or  
349 political subdivision shall have the earnings of that additional  
350 employment reported to the Public Employees' Retirement System  
351 regardless of whether the additional employment is sufficient in  
352 itself to be a covered position. In addition, computation of  
353 earned compensation shall be governed by the following:

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

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

362                   (iii) In the case of members of the State  
363 Legislature, all remuneration or amounts paid, except mileage  
364 allowance, shall apply.

365                   (iv) The amount by which an eligible employee's  
366 salary is reduced under a salary reduction agreement authorized  
367 under Section 25-17-5 shall be included as earned compensation  
368 under this paragraph, provided this inclusion does not conflict  
369 with federal law, including federal regulations and federal  
370 administrative interpretations under the federal law, pertaining  
371 to the Federal Insurance Contributions Act or to Internal Revenue  
372 Code Section 125 cafeteria plans.

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

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

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

384                   (1) "Employee" means any person legally occupying a  
385 position in the state service, and shall include the employees of  
386 the retirement system created under this article.

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

390                   (n) "Executive director" means the secretary to the  
391 board of trustees, as provided in Section 25-11-15(9), and the

392 administrator of the Public Employees' Retirement System and all  
393 systems under the management of the board of trustees. Wherever  
394 the term "Executive Secretary of the Public Employees' Retirement  
395 System" or "executive secretary" appears in this article or in any  
396 other provision of law, it shall be construed to mean the  
397 Executive Director of the Public Employees' Retirement System.

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

400 (p) "Medical board" means the board of physicians or  
401 any governmental or nongovernmental disability determination  
402 service designated by the board of trustees that is qualified to  
403 make disability determinations as provided for in Section  
404 25-11-119.

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

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

409 (s) "Position" means any office or any employment in  
410 the state service, or two (2) or more of them, the duties of which  
411 call for services to be rendered by one (1) person, including  
412 positions jointly employed by federal and state agencies  
413 administering federal and state funds. The employer shall  
414 determine upon initial employment and during the course of  
415 employment of an employee who does not meet the criteria for  
416 coverage in the Public Employees' Retirement System based on the  
417 position held, whether the employee is or becomes eligible for  
418 coverage in the Public Employees' Retirement System based upon any  
419 other employment in a covered agency or political subdivision. If  
420 or when the employee meets the eligibility criteria for coverage  
421 in the other position, then the employer must withhold  
422 contributions and report wages from the noncovered position in  
423 accordance with the provisions for reporting of earned  
424 compensation. Failure to deduct and report those contributions

425 shall not relieve the employee or employer of liability thereof.  
426 The board shall adopt such rules and regulations as necessary to  
427 implement and enforce this provision.

428 (t) "Prior service" means service rendered before  
429 February 1, 1953, for which credit is allowable under Sections  
430 25-11-105 and 25-11-109, and which shall allow prior service for  
431 any person who is now or becomes a member of the Public Employees'  
432 Retirement System and who does contribute to the system for a  
433 minimum period of four (4) years.

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

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

447 (w) "Retroactive service" means service rendered after  
448 February 1, 1953, for which credit is allowable under Section  
449 25-11-105(b) and Section 25-11-105(k).

450 (x) "System" means the Public Employees' Retirement  
451 System of Mississippi established and described in Section  
452 25-11-101.

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

455 (z) "State service" means all offices and positions of  
456 trust or employment in the employ of the state, or any political  
457 subdivision or instrumentality of the state, that elect to

458 participate as provided by Section 25-11-105(f), including the  
459 position of elected or fee officials of the counties and their  
460 deputies and employees performing public services or any  
461 department, independent agency, board or commission thereof, and  
462 also includes all offices and positions of trust or employment in  
463 the employ of joint state and federal agencies administering state  
464 and federal funds and service rendered by employees of the public  
465 schools. Effective July 1, 1973, all nonprofessional public  
466 school employees, such as bus drivers, janitors, maids,  
467 maintenance workers and cafeteria employees, shall have the option  
468 to become members in accordance with Section 25-11-105(b), and  
469 shall be eligible to receive credit for services before July 1,  
470 1973, provided that the contributions and interest are paid by the  
471 employee in accordance with that section; in addition, the county  
472 or municipal separate school district may pay the employer  
473 contribution and pro rata share of interest of the retroactive  
474 service from available funds. From and after July 1, 1998,  
475 retroactive service credit shall be purchased at the actuarial  
476 cost in accordance with Section 25-11-105(b).

477 (aa) "Withdrawal from service" or "termination from  
478 service" means complete severance of employment in the state  
479 service of any member by resignation, dismissal or discharge,  
480 except in the case of persons who become eligible to receive a  
481 retirement allowance under this article and who choose to receive  
482 the retirement allowance during their employment as teachers as  
483 authorized by Section 25-11-126(1)(a).

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

486 **SECTION 4.** Section 25-11-105, Mississippi Code of 1972, is  
487 amended as follows:

488 25-11-105. **I. THOSE WHO ARE ELIGIBLE FOR MEMBERSHIP**

489 The membership of this retirement system shall be composed as  
490 follows:

491           (a) (i) All persons who become employees in the state  
492 service after January 31, 1953, and whose wages are subject to  
493 payroll taxes and are lawfully reported on IRS Form W-2, except  
494 those persons who are specifically excluded, those persons as to  
495 whom election is provided in Articles 1 and 3, or those persons  
496 who choose to receive or continue receiving a retirement allowance  
497 during their employment as teachers as authorized by Section  
498 25-11-126(1)(a), shall become members of the retirement system as  
499 a condition of their employment.

500           (ii) From and after July 1, 2002, any individual  
501 who is employed by a governmental entity to perform professional  
502 services shall become a member of the system if the individual is  
503 paid regular periodic compensation for those services that is  
504 subject to payroll taxes, is provided all other employee benefits  
505 and meets the membership criteria established by the regulations  
506 adopted by the board of trustees that apply to all other members  
507 of the system; however, any active member employed in such a  
508 position on July 1, 2002, will continue to be an active member for  
509 as long as they are employed in any such position.

510           (b) All persons who become employees in the state  
511 service after January 31, 1953, except those specifically excluded  
512 or as to whom election is provided in Articles 1 and 3, unless  
513 they file with the board before the lapse of sixty (60) days of  
514 employment or sixty (60) days after the effective date of the  
515 cited articles, whichever is later, on a form prescribed by the  
516 board, a notice of election not to be covered by the membership of  
517 the retirement system and a duly executed waiver of all present  
518 and prospective benefits that would otherwise inure to them on  
519 account of their participation in the system, shall become members  
520 of the retirement system; however, no credit for prior service  
521 will be granted to members until they have contributed to Article  
522 3 of the retirement system for a minimum period of at least four  
523 (4) years. Those members shall receive credit for services

524 performed before January 1, 1953, in employment now covered by  
525 Article 3, but no credit shall be granted for retroactive services  
526 between January 1, 1953, and the date of their entry into the  
527 retirement system, unless the employee pays into the retirement  
528 system both the employer's and the employee's contributions on  
529 wages paid him during the period from January 31, 1953, to the  
530 date of his becoming a contributing member, together with interest  
531 at the rate determined by the board of trustees. Members  
532 reentering after withdrawal from service shall qualify for prior  
533 service under the provisions of Section 25-11-117. From and after  
534 July 1, 1998, upon eligibility as noted above, the member may  
535 receive credit for such retroactive service provided:

536 (1) The member shall furnish proof satisfactory to  
537 the board of trustees of certification of that service from the  
538 covered employer where the services were performed; and

539 (2) The member shall pay to the retirement system  
540 on the date he or she is eligible for that credit or at any time  
541 thereafter before the date of retirement the actuarial cost for  
542 each year of that creditable service. The provisions of this  
543 subparagraph (2) shall be subject to the limitations of Section  
544 415 of the Internal Revenue Code and regulations promulgated under  
545 Section 415.

546 Nothing contained in this paragraph (b) shall be construed to  
547 limit the authority of the board to allow the correction of  
548 reporting errors or omissions based on the payment of the employee  
549 and employer contributions plus applicable interest.

550 (c) All persons who become employees in the state  
551 service after January 31, 1953, and who are eligible for  
552 membership in any other retirement system shall become members of  
553 this retirement system as a condition of their employment, unless  
554 they elect at the time of their employment to become a member of  
555 that other system.

556           (d) All persons who are employees in the state service  
557 on January 31, 1953, and who are members of any nonfunded  
558 retirement system operated by the State of Mississippi, or any of  
559 its departments or agencies, shall become members of this system  
560 with prior service credit unless, before February 1, 1953, they  
561 file a written notice with the board of trustees that they do not  
562 elect to become members.

563           (e) All persons who are employees in the state service  
564 on January 31, 1953, and who under existing laws are members of  
565 any fund operated for the retirement of employees by the State of  
566 Mississippi, or any of its departments or agencies, shall not be  
567 entitled to membership in this retirement system unless, before  
568 February 1, 1953, any such person indicates by a notice filed with  
569 the board, on a form prescribed by the board, his individual  
570 election and choice to participate in this system, but no such  
571 person shall receive prior service credit unless he becomes a  
572 member on or before February 1, 1953.

573           (f) Each political subdivision of the state and each  
574 instrumentality of the state or a political subdivision, or both,  
575 is authorized to submit, for approval by the board of trustees, a  
576 plan for extending the benefits of this article to employees of  
577 any such political subdivision or instrumentality. Each such plan  
578 or any amendment to the plan for extending benefits thereof shall  
579 be approved by the board of trustees if it finds that the plan, or  
580 the plan as amended, is in conformity with such requirements as  
581 are provided in Articles 1 and 3; however, upon approval of the  
582 plan or any such plan previously approved by the board of  
583 trustees, the approved plan shall not be subject to cancellation  
584 or termination by the political subdivision or instrumentality,  
585 except that any community hospital serving a municipality that  
586 joined the Public Employees' Retirement System as of November 1,  
587 1956, to offer social security coverage for its employees and  
588 subsequently extended retirement annuity coverage to its employees



589 as of December 1, 1965, may, upon documentation of extreme  
590 financial hardship, have future retirement annuity coverage  
591 cancelled or terminated at the discretion of the board of  
592 trustees. No such plan shall be approved unless:

593 (1) It provides that all services that constitute  
594 employment as defined in Section 25-11-5 and are performed in the  
595 employ of the political subdivision or instrumentality, by any  
596 employees thereof, shall be covered by the plan, with the  
597 exception of municipal employees who are already covered by  
598 existing retirement plans; however, those employees in this class  
599 may elect to come under the provisions of this article;

600 (2) It specifies the source or sources from which  
601 the funds necessary to make the payments required by paragraph (d)  
602 of Section 25-11-123 and of paragraph (f)(5)B and C of this  
603 section are expected to be derived and contains reasonable  
604 assurance that those sources will be adequate for that purpose;

605 (3) It provides for such methods of administration  
606 of the plan by the political subdivision or instrumentality as are  
607 found by the board of trustees to be necessary for the proper and  
608 efficient administration thereof;

609 (4) It provides that the political subdivision or  
610 instrumentality will make such reports, in such form and  
611 containing such information, as the board of trustees may from  
612 time to time require;

613 (5) It authorizes the board of trustees to  
614 terminate the plan in its entirety in the discretion of the board  
615 if it finds that there has been a failure to comply substantially  
616 with any provision contained in the plan, the termination to take  
617 effect at the expiration of such notice and on such conditions as  
618 may be provided by regulations of the board and as may be  
619 consistent with applicable federal law.

620 A. The board of trustees shall not finally  
621 refuse to approve a plan submitted under paragraph (f), and shall

622 not terminate an approved plan without reasonable notice and  
623 opportunity for hearing to each political subdivision or  
624 instrumentality affected by the board's decision. The board's  
625 decision in any such case shall be final, conclusive and binding  
626 unless an appeal is taken by the political subdivision or  
627 instrumentality aggrieved by the decision to the Circuit Court of  
628 Hinds County, Mississippi, in accordance with the provisions of  
629 law with respect to civil causes by certiorari.

630           B. Each political subdivision or  
631 instrumentality as to which a plan has been approved under this  
632 section shall pay into the contribution fund, with respect to  
633 wages (as defined in Section 25-11-5), at such time or times as  
634 the board of trustees may by regulation prescribe, contributions  
635 in the amounts and at the rates specified in the applicable  
636 agreement entered into by the board.

637           C. Every political subdivision or  
638 instrumentality required to make payments under paragraph (f)(5)B  
639 of this section is authorized, in consideration of the employees'  
640 retention in or entry upon employment after enactment of Articles  
641 1 and 3, to impose upon its employees, as to services that are  
642 covered by an approved plan, a contribution with respect to wages  
643 (as defined in Section 25-11-5) not exceeding the amount provided  
644 in Section 25-11-123(d) if those services constituted employment  
645 within the meaning of Articles 1 and 3, and to deduct the amount  
646 of the contribution from the wages as and when paid.  
647 Contributions so collected shall be paid into the contribution  
648 fund as partial discharge of the liability of the political  
649 subdivisions or instrumentalities under paragraph (f)(5)B of this  
650 section. Failure to deduct the contribution shall not relieve the  
651 employee or employer of liability for the contribution.

652           D. Any state agency, school, political  
653 subdivision, instrumentality or any employer that is required to  
654 submit contribution payments or wage reports under any section of

655 this chapter shall be assessed interest on delinquent payments or  
656 wage reports as determined by the board of trustees in accordance  
657 with rules and regulations adopted by the board and delinquent  
658 payments, assessed interest and any other amount certified by the  
659 board as owed by an employer, may be recovered by action in a  
660 court of competent jurisdiction against the reporting agency  
661 liable therefor or may, upon due certification of delinquency and  
662 at the request of the board of trustees, be deducted from any  
663 other monies payable to the reporting agency by any department or  
664 agency of the state.

665                   E. Each political subdivision of the state  
666 and each instrumentality of the state or a political subdivision  
667 or subdivisions that submit a plan for approval of the board, as  
668 provided in this section, shall reimburse the board for coverage  
669 into the expense account, its pro rata share of the total expense  
670 of administering Articles 1 and 3 as provided by regulations of  
671 the board.

672                   (g) The board may, in its discretion, deny the right of  
673 membership in this system to any class of employees whose  
674 compensation is only partly paid by the state or who are occupying  
675 positions on a part-time or intermittent basis. The board may, in  
676 its discretion, make optional with employees in any such classes  
677 their individual entrance into this system.

678                   (h) An employee whose membership in this system is  
679 contingent on his own election, and who elects not to become a  
680 member, may thereafter apply for and be admitted to membership;  
681 but no such employee shall receive prior service credit unless he  
682 becomes a member before July 1, 1953, except as provided in  
683 paragraph (b).

684                   (i) If any member of this system changes his employment  
685 to any agency of the state having an actuarially funded retirement  
686 system, the board of trustees may authorize the transfer of the  
687 member's creditable service and of the present value of the

688 member's employer's accumulation account and of the present value  
689 of the member's accumulated membership contributions to that other  
690 system, provided that the employee agrees to the transfer of his  
691 accumulated membership contributions and provided that the other  
692 system is authorized to receive and agrees to make the transfer.

693         If any member of any other actuarially funded system  
694 maintained by an agency of the state changes his employment to an  
695 agency covered by this system, the board of trustees may authorize  
696 the receipt of the transfer of the member's creditable service and  
697 of the present value of the member's employer's accumulation  
698 account and of the present value of the member's accumulated  
699 membership contributions from the other system, provided that the  
700 employee agrees to the transfer of his accumulated membership  
701 contributions to this system and provided that the other system is  
702 authorized and agrees to make the transfer.

703             (j) Wherever state employment is referred to in this  
704 section, it includes joint employment by state and federal  
705 agencies of all kinds.

706             (k) Employees of a political subdivision or  
707 instrumentality who were employed by the political subdivision or  
708 instrumentality before an agreement between the entity and the  
709 Public Employees' Retirement System to extend the benefits of this  
710 article to its employees, and which agreement provides for the  
711 establishment of retroactive service credit, and who have been  
712 members of the retirement system and have remained contributors to  
713 the retirement system for four (4) years, may receive credit for  
714 that retroactive service with the political subdivision or  
715 instrumentality, provided that the employee and/or employer, as  
716 provided under the terms of the modification of the joinder  
717 agreement in allowing that coverage, pay into the retirement  
718 system the employer's and employee's contributions on wages paid  
719 the member during the previous employment, together with interest  
720 or actuarial cost as determined by the board covering the period

721 from the date the service was rendered until the payment for the  
722 credit for the service was made. Those wages shall be verified by  
723 the Social Security Administration or employer payroll records.  
724 Effective July 1, 1998, upon eligibility as noted above, a member  
725 may receive credit for that retroactive service with the political  
726 subdivision or instrumentality provided:

727 (1) The member shall furnish proof satisfactory to  
728 the board of trustees of certification of those services from the  
729 political subdivision or instrumentality where the services were  
730 rendered or verification by the Social Security Administration;  
731 and

732 (2) The member shall pay to the retirement system  
733 on the date he or she is eligible for that credit or at any time  
734 thereafter before the date of retirement the actuarial cost for  
735 each year of that creditable service. The provisions of this  
736 subparagraph (2) shall be subject to the limitations of Section  
737 415 of the Internal Revenue Code and regulations promulgated under  
738 Section 415.

739 Nothing contained in this paragraph (k) shall be construed to  
740 limit the authority of the board to allow the correction of  
741 reporting errors or omissions based on the payment of employee and  
742 employer contributions plus applicable interest. Payment for that  
743 time shall be made in increments of not less than one-quarter  
744 (1/4) year of creditable service beginning with the most recent  
745 service. Upon the payment of all or part of the required  
746 contributions, plus interest or the actuarial cost as provided  
747 above, the member shall receive credit for the period of  
748 creditable service for which full payment has been made to the  
749 retirement system.

750 (1) Through June 30, 1998, any state service eligible  
751 for retroactive service credit, no part of which has ever been  
752 reported, and requiring the payment of employee and employer  
753 contributions plus interest, or, from and after July 1, 1998, any

754 state service eligible for retroactive service credit, no part of  
755 which has ever been reported to the retirement system, and  
756 requiring the payment of the actuarial cost for that creditable  
757 service, may, at the member's option, be purchased in quarterly  
758 increments as provided above at the time that its purchase is  
759 otherwise allowed.

760 (m) All rights to purchase retroactive service credit  
761 or repay a refund as provided in Section 25-11-101 et seq. shall  
762 terminate upon retirement.

763 **II. THOSE WHO ARE NOT ELIGIBLE FOR MEMBERSHIP**

764 The following classes of employees and officers shall not  
765 become members of this retirement system, any other provisions of  
766 Articles 1 and 3 to the contrary notwithstanding:

767 (a) Patient or inmate help in state charitable, penal  
768 or correctional institutions;

769 (b) Students of any state educational institution  
770 employed by any agency of the state for temporary, part-time or  
771 intermittent work;

772 (c) Participants of Comprehensive Employment and  
773 Training Act of 1973 (CETA) being Public Law 93-203, who enroll on  
774 or after July 1, 1979; and

775 (d) From and after July 1, 2002, individuals who are  
776 employed by a governmental entity to perform professional service  
777 on less than a full-time basis who do not meet the criteria  
778 established in I(a)(ii) of this section.

779 **III. TERMINATION OF MEMBERSHIP**

780 Membership in this system shall cease by a member withdrawing  
781 his accumulated contributions, or by a member withdrawing from  
782 active service with a retirement allowance, or by a member's  
783 death.

784 **SECTION 5.** Section 25-11-123, Mississippi Code of 1972, is  
785 amended as follows:

786           25-11-123. All of the assets of the system shall be credited  
787 according to the purpose for which they are held to one (1) of  
788 four (4) reserves; namely, the annuity savings account, the  
789 annuity reserve, the employer's accumulation account, and the  
790 expense account.

791           (a) **Annuity savings account.** In the annuity savings account  
792 shall be accumulated the contributions made by members to provide  
793 for their annuities, including interest thereon which shall be  
794 posted monthly. Credits to and charges against the annuity  
795 savings account shall be made as follows:

796           (1) Beginning July 1, 1991, the employer shall cause to  
797 be deducted from the salary of each member on each and every  
798 payroll of the employer for each and every payroll period seven  
799 and one-fourth percent (7-1/4%) of earned compensation as defined  
800 in Section 25-11-103. Future contributions shall be fixed  
801 biennially by the board on the basis of the liabilities of the  
802 retirement system for the various allowances and benefits as shown  
803 by actuarial valuation; however, any member earning at a rate less  
804 than Sixteen Dollars and Sixty-seven Cents (\$16.67) per month, or  
805 Two Hundred Dollars (\$200.00) per year, shall contribute not less  
806 than One Dollar (\$1.00) per month, or Twelve Dollars (\$12.00) per  
807 year. This paragraph (a)(1) shall not apply to the salary of  
808 persons who choose to receive or continue receiving a retirement  
809 allowance during their employment as teachers as authorized by  
810 Section 25-11-126 (1)(a).

811           (2) The deductions provided herein shall be made  
812 notwithstanding that the minimum compensation provided by law for  
813 any member is reduced thereby. Every member shall be deemed to  
814 consent and agree to the deductions made and provided for herein  
815 and shall receipt for his full salary or compensation, and payment  
816 of salary or compensation less the deduction shall be a full and  
817 complete discharge and acquittance of all claims and demands  
818 whatsoever for the services rendered by the person during the

819 period covered by the payment, except as to the benefits provided  
820 under Articles 1 and 3. The board shall provide by rules for the  
821 methods of collection of contributions from members and the  
822 employer. The board shall have full authority to require the  
823 production of evidence necessary to verify the correctness of  
824 amounts contributed.

825 (b) **Annuity reserve.** The annuity reserve shall be the  
826 account representing the actuarial value of all annuities in  
827 force, and to it shall be charged all annuities and all benefits  
828 in lieu of annuities, payable as provided in this article. If a  
829 beneficiary retired on account of disability is restored to active  
830 service with a compensation not less than his average final  
831 compensation at the time of his last retirement, the remainder of  
832 his contributions shall be transferred from the annuity reserve to  
833 the annuity savings account and credited to his individual account  
834 therein, and the balance of his annuity reserve shall be  
835 transferred to the employer's accumulation account.

836 (c) **Employer's accumulation account.** The employer's  
837 accumulation account shall represent the accumulation of all  
838 reserves for the payment of all retirement allowances and other  
839 benefits payable from contributions made by the employer, and  
840 against this account shall be charged all retirement allowances  
841 and other benefits on account of members. Credits to and charges  
842 against the employer's accumulation account shall be made as  
843 follows:

844 (1) On account of each member there shall be paid  
845 monthly into the employer's accumulation account by the employers  
846 for the preceding fiscal year an amount equal to a certain  
847 percentage of the total earned compensation, as defined in Section  
848 25-11-103, of each member. The percentage rate of those  
849 contributions shall be fixed biennially by the board on the basis  
850 of the liabilities of the retirement system for the various  
851 allowances and benefits as shown by actuarial valuation.



852 Beginning January 1, 1990, the rate shall be fixed at nine and  
853 three-fourths percent (9-3/4%). The board shall reduce the  
854 employer's contribution rate by one percent (1%) from and after  
855 July 1 of the year following the year in which the board  
856 determines and the board's actuary certifies that the employer's  
857 contribution rate can be reduced by that amount without causing  
858 the unfunded accrued actuarial liability amortization period for  
859 the retirement system to exceed twenty (20) years. Political  
860 subdivisions joining Article 3 of the Public Employees' Retirement  
861 System after July 1, 1968, may adjust the employer's contributions  
862 by agreement with the Board of Trustees of the Public Employees'  
863 Retirement System to provide service credits for any period before  
864 execution of the agreement based upon an actuarial determination  
865 of employer's contribution rates.

866 (2) On the basis of regular interest and of such  
867 mortality and other tables as are adopted by the board of  
868 trustees, the actuary engaged by the board to make each valuation  
869 required by this article during the period over which the accrued  
870 liability contribution is payable, immediately after making that  
871 valuation, shall determine the uniform and constant percentage of  
872 the earnable compensation of each member which, if contributed by  
873 the employer on the basis of compensation of the member throughout  
874 his entire period of membership service, would be sufficient to  
875 provide for the payment of any retirement allowance payable on his  
876 account for that service. The percentage rate so determined shall  
877 be known as the "normal contribution rate." After the accrued  
878 liability contribution has ceased to be payable, the normal  
879 contribution rate shall be the percentage rate of the salary of  
880 all members obtained by deducting from the total liabilities on  
881 account of membership service the amount in the employer's  
882 accumulation account, and dividing the remainder by one percent  
883 (1%) of the present value of the prospective future salaries of  
884 all members as computed on the basis of the mortality and service

885 tables adopted by the board of trustees and regular interest. The  
886 normal rate of contributions shall be determined by the actuary  
887 after each valuation.

888 (3) The total amount payable in each year to the  
889 employer's accumulation account shall not be less than the sum of  
890 the percentage rate known as the "normal contribution" rate and  
891 the "accrued liability contribution" rate of the total  
892 compensation earnable by all members during the preceding year,  
893 provided that the payment by the employer shall be sufficient,  
894 when combined with the amounts in the account, to provide the  
895 allowances and other benefits chargeable to this account during  
896 the year then current.

897 (4) The accrued liability contribution shall be  
898 discontinued as soon as the accumulated balance in the employer's  
899 accumulation account shall equal the present value, computed on  
900 the basis of the normal contribution rate then in force, or the  
901 prospective normal contributions to be received on account of all  
902 persons who are at that time members.

903 (5) All allowances and benefits in lieu thereof, with  
904 the exception of those payable on account of members who receive  
905 no prior service credit, payable from contributions of the  
906 employer, shall be paid from the employer's accumulation account.

907 (6) Upon the retirement of a member, an amount equal to  
908 his retirement allowance shall be transferred from the employer's  
909 accumulation account to the annuity reserve.

910 (d) **Expense account.** The expense account shall be the  
911 account to which the expenses of the administration of the system  
912 shall be charged, exclusive of amounts payable as retirement  
913 allowances and as other benefits provided herein. The Legislature  
914 shall make annual appropriations in amounts sufficient to  
915 administer the system, which shall be credited to this account.  
916 There shall be transferred to the State Treasury from this  
917 account, not less than once per month, an amount sufficient for

918 payment of the estimated expenses of the system for the succeeding  
919 thirty (30) days. Any interest earned on the expense account  
920 shall accrue to the benefit of the system. However,  
921 notwithstanding the provisions of Sections 25-11-15(10) and  
922 25-11-105(f)(5)E, all expenses of the administration of the system  
923 shall be paid from the interest earnings, provided the interest  
924 earnings are in excess of the actuarial interest assumption as  
925 determined by the board, and provided the present cost of the  
926 administrative expense fee of two percent (2%) of the  
927 contributions reported by the political subdivisions and  
928 instrumentalities shall be reduced to one percent (1%) from and  
929 after July 1, 1983, through June 30, 1984, and shall be eliminated  
930 thereafter.

931 (e) **Collection of contributions.** The employer shall cause  
932 to be deducted on each and every payroll of a member for each and  
933 every payroll period, beginning subsequent to January 31, 1953,  
934 the contributions payable by the member as provided in Articles 1  
935 and 3.

936 The employer shall make deductions from salaries of employees  
937 as provided in Articles 1 and 3 and shall transmit monthly, or at  
938 such time as the board of trustees designates, the amount  
939 specified to be deducted to the Executive Director of the Public  
940 Employees' Retirement System. The executive director, after  
941 making a record of all those receipts, shall deposit such amounts  
942 as provided by law.

943 (f) (1) Upon the basis of each actuarial valuation provided  
944 herein, the board of trustees shall biennially determine the  
945 normal contribution rate and the accrued liability contribution  
946 rate as provided in this section. The sum of these two (2) rates  
947 shall be known as the "employer's contribution rate." Beginning  
948 on earned compensation effective January 1, 1990, the rate  
949 computed as provided in this section shall be nine and  
950 three-fourths percent (9-3/4%). The board shall reduce the

951 employer's contribution rate by one percent (1%) from and after  
952 July 1 of the year following the year in which the board  
953 determines and the board's actuary certifies that the employer's  
954 contribution rate can be reduced by that amount without causing  
955 the unfunded accrued actuarial liability amortization period for  
956 the retirement system to exceed twenty (20) years. The percentage  
957 rate of those contributions shall be fixed biennially by the board  
958 on the basis of the liabilities of the retirement system for the  
959 various allowances and benefits as shown by actuarial  
960 valuation.

961           (2) The amount payable by the employer on account of  
962 normal and accrued liability contributions shall be determined by  
963 applying the employer's contribution rate to the amount of  
964 compensation earned by employees who are members of the system.  
965 Monthly, or at such time as the board of trustees designates, each  
966 department or agency shall compute the amount of the employer's  
967 contribution payable, with respect to the salaries of its  
968 employees who are members of the system, and shall cause that  
969 amount to be paid to the board of trustees from the personal  
970 service allotment of the amount appropriated for the operation of  
971 the department or agency, or from funds otherwise available to the  
972 agency, for the payment of salaries to its employees.

973           (3) Constables shall pay employer and employee  
974 contributions on their net fee income as well as the employee  
975 contributions on all direct treasury or county payroll income.  
976 The county shall be responsible for the employer contribution on  
977 all direct treasury or county payroll income of constables.

978           (4) Chancery and circuit clerks shall be responsible  
979 for both the employer and employee share of contributions on the  
980 proportionate share of net income attributable to fees, as well as  
981 the employee share of net income attributable to direct treasury  
982 or county payroll income, and the employing county shall be

983 responsible for the employer contributions on the net income  
984 attributable to direct treasury or county payroll income.

985 (5) Once each year, under procedures established by the  
986 system, each employer shall submit to the Public Employees'  
987 Retirement System a copy of their report to Social Security of all  
988 employees' earnings.

989 (6) The board shall provide by rules for the methods of  
990 collection of contributions of employers and members. The amounts  
991 determined due by an agency to the various funds as specified in  
992 Articles 1 and 3 are made obligations of the agency to the board  
993 and shall be paid as provided herein. Failure to deduct those  
994 contributions shall not relieve the employee and employer from  
995 liability thereof. Delinquent employee contributions and any  
996 accrued interest shall be the obligation of the employee and  
997 delinquent employer contributions and any accrued interest shall  
998 be the obligation of the employer. The employer may, in its  
999 discretion, elect to pay any or all of the interest on delinquent  
1000 employee contributions. From and after July 1, 1996, under rules  
1001 and regulations established by the board, all employers are  
1002 authorized and shall transfer all funds due to the Public  
1003 Employees' Retirement System electronically and shall transmit any  
1004 wage or other reports by computerized reporting systems.

1005 **SECTION 6.** Section 25-11-127, Mississippi Code of 1972, is  
1006 amended as follows:

1007 25-11-127. (1) (a) No person who is being paid a  
1008 retirement allowance or a pension after retirement under this  
1009 article shall be employed or paid for any service by the State of  
1010 Mississippi, except as provided in this section or in Section  
1011 25-11-126.

1012 (b) No retiree of this retirement system who is  
1013 reemployed or is reelected to office after retirement shall  
1014 continue to draw retirement benefits while so reemployed, except  
1015 as provided in this section or in Section 25-11-126.

1016 (c) No person employed or elected under the exceptions  
1017 provided for in this section shall become a member under Article 3  
1018 of the retirement system.

1019 (2) Except as otherwise provided in Section 25-11-126, any  
1020 person who has been retired under the provisions of Article 3 and  
1021 who is later reemployed in service covered by this article shall  
1022 cease to receive benefits under this article and shall again  
1023 become a contributing member of the retirement system. Except as  
1024 otherwise provided in Section 25-11-126, when the person retires  
1025 again, if the person has been a contributing member of the  
1026 retirement system during his reemployment and the reemployment  
1027 exceeds six (6) months, the person shall have his or her benefit  
1028 recomputed, including service after again becoming a member,  
1029 provided that the total retirement allowance paid to the retired  
1030 member in his or her previous retirement shall be deducted from  
1031 the member's retirement reserve and taken into consideration in  
1032 recalculating the retirement allowance under a new option  
1033 selected.

1034 (3) The board shall have the right to prescribe rules and  
1035 regulations for carrying out the provisions of this section.

1036 (4) The provisions of this section shall not be construed to  
1037 prohibit any retiree, regardless of age, from being employed and  
1038 drawing a retirement allowance either:

1039 (a) For a period of time not to exceed one-half (1/2)  
1040 of the normal working days for the position in any fiscal year  
1041 during which the retiree will receive no more than one-half (1/2)  
1042 of the salary in effect for the position at the time of  
1043 employment, or

1044 (b) For a period of time in any fiscal year sufficient  
1045 in length to permit a retiree to earn not in excess of twenty-five  
1046 percent (25%) of retiree's average compensation.

1047 To determine the normal working days for a position under  
1048 paragraph (a) of this subsection, the employer shall determine the

1049 required number of working days for the position on a full-time  
1050 basis and the equivalent number of hours representing the  
1051 full-time position. The retiree then may work up to one-half  
1052 (1/2) of the required number of working days or up to one-half  
1053 (1/2) of the equivalent number of hours and receive up to one-half  
1054 (1/2) of the salary for the position. In the case of employment  
1055 with multiple employers, the limitation shall equal one-half (1/2)  
1056 of the number of days or hours for a single full-time position.

1057 Notice shall be given in writing to the executive director,  
1058 setting forth the facts upon which the employment is being made,  
1059 and the notice shall be given within five (5) days from the date  
1060 of employment and also from the date of termination of the  
1061 employment.

1062 (5) Any member may continue in municipal or county elected  
1063 office or be elected to a municipal or county office, provided  
1064 that the person:

1065 (a) Files annually, in writing, in the office of the  
1066 employer and the office of the executive director of the system  
1067 before the person takes office or as soon as possible after  
1068 retirement, a waiver of all salary or compensation and elects to  
1069 receive in lieu of that salary or compensation a retirement  
1070 allowance as provided in this section, in which event no salary or  
1071 compensation shall thereafter be due or payable for those  
1072 services; however, any such officer or employee may receive, in  
1073 addition to the retirement allowance, office expense allowance,  
1074 mileage or travel expense authorized by any statute of the State  
1075 of Mississippi; or

1076 (b) Elects to receive compensation for that elective  
1077 office in an amount not to exceed twenty-five percent (25%) of the  
1078 retiree's average compensation. As used in this paragraph, the  
1079 term "compensation" shall not include office expense allowance,  
1080 mileage or travel expense authorized by a statute of the State of  
1081 Mississippi. In order to receive compensation as allowed in this

1082 paragraph, the member shall file annually, in writing, in the  
 1083 office of the employer and the office of the executive director of  
 1084 the system, an election to receive, in addition to a retirement  
 1085 allowance, compensation as allowed in this paragraph.

1086 **SECTION 7.** Section 37-19-7, Mississippi Code of 1972, is  
 1087 amended as follows:

1088 37-19-7. (1) This section shall be known and may be cited  
 1089 as the Mississippi "Teacher Opportunity Program (TOP)." The  
 1090 allowance in the minimum education program and the Mississippi  
 1091 Adequate Education Program for teachers' salaries in each county  
 1092 and separate school district shall be determined and paid in  
 1093 accordance with the scale for teachers' salaries as provided in  
 1094 this subsection. For teachers holding the following types of  
 1095 licenses or the equivalent as determined by the State Board of  
 1096 Education, and the following number of years of teaching  
 1097 experience, the scale shall be as follows:

1098 **2004-2005 School Year**

1099 **Less Than 25 Years of Teaching Experience**

1100	AAAA.....	\$ 31,775.00
1101	AAA.....	30,850.00
1102	AA.....	29,925.00
1103	A.....	28,000.00

1104 **25 or More Years of Teaching Experience**

1105	AAAA.....	\$ 33,775.00
1106	AAA.....	32,850.00
1107	AA.....	31,925.00
1108	A.....	30,000.00

1109 The State Board of Education shall revise the salary scale  
 1110 prescribed above for the 2004-2005 school year to conform to any  
 1111 adjustments made to the salary scale in prior fiscal years due to  
 1112 revenue growth over and above five percent (5%). For each one  
 1113 percent (1%) that the Sine Die General Fund Revenue Estimate  
 1114 Growth exceeds five percent (5%) for fiscal year 2005, as



1115 certified by the Legislative Budget Office to the State Board of  
 1116 Education and subject to specific appropriation therefor by the  
 1117 Legislature, the State Board of Education shall revise the salary  
 1118 scale to provide an additional one percent (1%) across the board  
 1119 increase in the base salaries for each type of license.

1120 **2005-2006 School Year and School Years Thereafter**

1121 **Less Than 25 Years of Teaching Experience**

1122	AAAA.....	\$ 34,000.00
1123	AAA.....	33,000.00
1124	AA.....	32,000.00
1125	A.....	30,000.00

1126 **25 or More Years of Teaching Experience**

1127	AAAA.....	\$ 36,000.00
1128	AAA.....	35,000.00
1129	AA.....	34,000.00
1130	A.....	32,000.00

1131 The State Board of Education shall revise the salary scale  
 1132 prescribed above for the 2005-2006 school year to conform to any  
 1133 adjustments made to the salary scale in prior fiscal years due to  
 1134 revenue growth over and above five percent (5%). For each one  
 1135 percent (1%) that the Sine Die General Fund Revenue Estimate  
 1136 Growth exceeds five percent (5%) for fiscal year 2006, as  
 1137 certified by the Legislative Budget Office to the State Board of  
 1138 Education and subject to specific appropriation therefor by the  
 1139 Legislature, the State Board of Education shall revise the salary  
 1140 scale to provide an additional one percent (1%) across the board  
 1141 increase in the base salaries for each type of license.

1142 It is the intent of the Legislature that any state funds made  
 1143 available for salaries of licensed personnel in excess of the  
 1144 funds paid for such salaries for the 1986-1987 school year shall  
 1145 be paid to licensed personnel pursuant to a personnel appraisal  
 1146 and compensation system implemented by the State Board of  
 1147 Education. The State Board of Education shall have the authority

1148 to adopt and amend rules and regulations as are necessary to  
1149 establish, administer and maintain the system.

1150 All teachers employed on a full-time basis shall be paid a  
1151 minimum salary in accordance with the above scale. However, no  
1152 school district shall receive any funds under this section for any  
1153 school year during which the local supplement paid to any  
1154 individual teacher shall have been reduced to a sum less than that  
1155 paid to that individual teacher for performing the same duties  
1156 from local supplement during the immediately preceding school  
1157 year. The amount actually spent for the purposes of group health  
1158 and/or life insurance shall be considered as a part of the  
1159 aggregate amount of local supplement but shall not be considered a  
1160 part of the amount of individual local supplement.

1161 **2004-2005 School Year Annual Increment**

1162 For teachers holding a Class AAAA license, the minimum base  
1163 pay specified in this subsection shall be increased by the sum of  
1164 Seven Hundred Forty Dollars (\$740.00) for each year of teaching  
1165 experience possessed by the person holding such license until such  
1166 person shall have twenty-five (25) years of teaching experience.

1167 For teachers holding a Class AAA license, the minimum base  
1168 pay specified in this subsection shall be increased by the sum of  
1169 Six Hundred Seventy-five Dollars (\$675.00) for each year of  
1170 teaching experience possessed by the person holding such license  
1171 until such person shall have twenty-five (25) years of teaching  
1172 experience.

1173 For teachers holding a Class AA license, the minimum base pay  
1174 specified in this subsection shall be increased by the sum of Six  
1175 Hundred Ten Dollars (\$610.00) for each year of teaching experience  
1176 possessed by the person holding such license until such person  
1177 shall have twenty-five (25) years of teaching experience.

1178 For teachers holding a Class A license, the minimum base pay  
1179 specified in this subsection shall be increased by the sum of Four  
1180 Hundred Sixty-five Dollars (\$465.00) for each year of teaching

1181 experience possessed by the person holding such license until such  
1182 person shall have twenty-four (24) years of teaching experience.

1183 **2005-2006 School Year**

1184 **and School Years Thereafter Annual Increments**

1185 For teachers holding a Class AAAA license, the minimum base  
1186 pay specified in this subsection shall be increased by the sum of  
1187 Seven Hundred Seventy Dollars (\$770.00) for each year of teaching  
1188 experience possessed by the person holding such license until such  
1189 person shall have twenty-five (25) years of teaching experience.

1190 For teachers holding a Class AAA license, the minimum base  
1191 pay specified in this subsection shall be increased by the sum of  
1192 Seven Hundred Five Dollars (\$705.00) for each year of teaching  
1193 experience possessed by the person holding such license until such  
1194 person shall have twenty-five (25) years of teaching experience.

1195 For teachers holding a Class AA license, the minimum base pay  
1196 specified in this subsection shall be increased by the sum of Six  
1197 Hundred Forty Dollars (\$640.00) for each year of teaching  
1198 experience possessed by the person holding such license until such  
1199 person shall have twenty-five (25) years of teaching experience.

1200 For teachers holding a Class A license, the minimum base pay  
1201 specified in this subsection shall be increased by the sum of Four  
1202 Hundred Eighty Dollars (\$480.00) for each year of teaching  
1203 experience possessed by the person holding such license until such  
1204 person shall have twenty-four (24) years of teaching experience.

1205 The level of professional training of each teacher to be used  
1206 in establishing the salary allotment for the teachers for each  
1207 year shall be determined by the type of valid teacher's license  
1208 issued to those teachers on or before October 1 of the current  
1209 school year.

1210 (2) (a) The following employees shall receive an annual  
1211 salary supplement in the amount of Six Thousand Dollars  
1212 (\$6,000.00), plus fringe benefits, in addition to any other  
1213 compensation to which the employee may be entitled:

1214                   (i) Any licensed teacher who has met the  
1215 requirements and acquired a Master Teacher certificate from the  
1216 National Board for Professional Teaching Standards and who is  
1217 employed by a local school board or the State Board of Education  
1218 as a teacher and not as an administrator. Such teacher shall  
1219 submit documentation to the State Department of Education that the  
1220 certificate was received prior to October 15 in order to be  
1221 eligible for the full salary supplement in the current school  
1222 year, or the teacher shall submit such documentation to the State  
1223 Department of Education prior to February 15 in order to be  
1224 eligible for a prorated salary supplement beginning with the  
1225 second term of the school year.

1226                   (ii) A licensed nurse who has met the requirements  
1227 and acquired a certificate from the National Board for  
1228 Certification of School Nurses, Inc., and who is employed by a  
1229 local school board or the State Board of Education as a school  
1230 nurse and not as an administrator. The licensed school nurse  
1231 shall submit documentation to the State Department of Education  
1232 that the certificate was received before October 15 in order to be  
1233 eligible for the full salary supplement in the current school  
1234 year, or the licensed school nurse shall submit the documentation  
1235 to the State Department of Education before February 15 in order  
1236 to be eligible for a prorated salary supplement beginning with the  
1237 second term of the school year. Provided, however, that the total  
1238 number of licensed school nurses eligible for a salary supplement  
1239 under this paragraph (ii) shall not exceed twenty (20).

1240                   (iii) Any licensed school counselor who has met  
1241 the requirements and acquired a National Certified School  
1242 Counselor (NCSC) endorsement from the National Board of Certified  
1243 Counselors and who is employed by a local school board or the  
1244 State Board of Education as a counselor and not as an  
1245 administrator. Such licensed school counselor shall submit  
1246 documentation to the State Department of Education that the

1247 endorsement was received prior to October 15 in order to be  
1248 eligible for the full salary supplement in the current school  
1249 year, or the licensed school counselor shall submit such  
1250 documentation to the State Department of Education prior to  
1251 February 15 in order to be eligible for a prorated salary  
1252 supplement beginning with the second term of the school year.  
1253 However, any school counselor who started the National Board for  
1254 Professional Teaching Standards process for school counselors  
1255 between June 1, 2003, and June 30, 2004, and completes the  
1256 requirements and acquires the master teacher certificate shall be  
1257 entitled to the master teacher supplement, and those counselors  
1258 who complete the process shall be entitled to a one-time  
1259 reimbursement for the actual cost of the process as outlined in  
1260 paragraph (b) of this subsection.

1261 (iv) Any licensed speech-language pathologist and  
1262 audiologist who has met the requirements and acquired a  
1263 Certificate of Clinical Competence from the American  
1264 Speech-Language-Hearing Association and who is employed by a local  
1265 school board. Such licensed speech-language pathologist and  
1266 audiologist shall submit documentation to the State Department of  
1267 Education that the certificate or endorsement was received prior  
1268 to October 15 in order to be eligible for the full salary  
1269 supplement in the current school year, or the licensed  
1270 speech-language pathologist and audiologist shall submit such  
1271 documentation to the State Department of Education prior to  
1272 February 15 in order to be eligible for a prorated salary  
1273 supplement beginning with the second term of the school year.

1274 (b) An employee shall be reimbursed one (1) time for  
1275 the actual cost of completing the process of acquiring the  
1276 certificate or endorsement, excluding any costs incurred for  
1277 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)  
1278 for a school counselor or speech-language pathologist and  
1279 audiologist, regardless of whether or not the process resulted in

1280 the award of the certificate or endorsement. A local school  
1281 district or any private individual or entity may pay the cost of  
1282 completing the process of acquiring the certificate or endorsement  
1283 for any employee of the school district described under paragraph  
1284 (a), and the State Department of Education shall reimburse the  
1285 school district for such cost, regardless of whether or not the  
1286 process resulted in the award of the certificate or endorsement.  
1287 If a private individual or entity has paid the cost of completing  
1288 the process of acquiring the certificate or endorsement for an  
1289 employee, the local school district may agree to directly  
1290 reimburse the individual or entity for such cost on behalf of the  
1291 employee.

1292 (c) All salary supplements, fringe benefits and process  
1293 reimbursement authorized under this subsection shall be paid  
1294 directly by the State Department of Education to the local school  
1295 district and shall be in addition to its minimum education program  
1296 allotments and not a part thereof in accordance with regulations  
1297 promulgated by the State Board of Education, and subject to  
1298 appropriation by the Legislature. Local school districts shall  
1299 not reduce the local supplement paid to any employee receiving  
1300 such salary supplement, and the employee shall receive any local  
1301 supplement to which employees with similar training and experience  
1302 otherwise are entitled.

1303 (d) The State Department of Education may not pay any  
1304 process reimbursement to a school district for an employee who  
1305 does not complete the certification or endorsement process  
1306 required to be eligible for the certificate or endorsement. If an  
1307 employee for whom such cost has been paid in full or in part by a  
1308 local school district or private individual or entity fails to  
1309 complete the certification or endorsement process, the employee  
1310 shall be liable to the school district or individual or entity for  
1311 all amounts paid by the school district or individual or entity on

1312 behalf of that employee toward his or her certificate or  
1313 endorsement.

1314 (3) (a) Effective July 1, 2007, if funds are available for  
1315 that purpose, the Legislature may authorize state funds for  
1316 additional base compensation for teachers holding licenses in  
1317 critical subject areas or the equivalent and who teach at least a  
1318 majority of their courses in a critical subject area, as  
1319 determined by the State Board of Education.

1320 (b) Effective July 1, 2007, if funds are available for  
1321 that purpose, the Legislature may authorize state funds for  
1322 additional base compensation for teachers employed in a public  
1323 school district located in a geographic area of the state  
1324 designated as a critical teacher shortage area by the State Board  
1325 of Education.

1326 (4) (a) This section shall be known and may be cited as the  
1327 "Mississippi Performance Based Pay (MPBP)" plan. In addition to  
1328 the minimum base pay described in this section, if funds are  
1329 available for that purpose, the State of Mississippi may provide  
1330 monies from state funds to school districts as defined below for  
1331 the purposes of rewarding certified teachers and administrators on  
1332 an equal basis at individual schools showing improvement in  
1333 student test scores at the top fifty percent (50%) of individual  
1334 schools. The MPBP plan shall be developed by the Mississippi  
1335 Department of Education based on the following criteria:

1336 (i) It is the express intent of this legislation  
1337 that the MPBP plan shall utilize only existing standards of  
1338 accreditation and assessment as established by the State Board of  
1339 Education.

1340 (ii) To ensure that all of Mississippi's teachers  
1341 at all schools have equal access to the monies set aside in this  
1342 section, the MPBP program shall be designed to calculate each  
1343 school's performance as determined by said school's increase in  
1344 scores from the prior school year. The MPBP program shall be

1345 based on a standardized scores rating where all levels of schools  
1346 can be judged in a statistically fair and reasonable way. At the  
1347 end of each year, after all student achievement scores have been  
1348 standardized, the Mississippi Department of Education shall  
1349 determine the number of schools scoring in the top fifty percent  
1350 (50%) in terms of student improvement and allocate the money  
1351 provided for as described in this section on the following basis:

1352 1. Schools ranking in the top quartile in  
1353 terms of student improvement will receive sixty-five percent (65%)  
1354 of the money set aside as described by this section, and to be  
1355 equally divided among teachers and administrators.

1356 2. Schools ranking in the second quartile in  
1357 terms of student improvement will receive thirty-five percent  
1358 (35%) of the money set aside as described in this section, and to  
1359 be equally divided among teachers and administrators.

1360 (iii) To ensure all teachers cooperate in the  
1361 spirit of teamwork, individual schools may submit a plan to the  
1362 local school educational authority to be approved prior to the  
1363 beginning of each school year beginning 2007-2008. The plan shall  
1364 include, but not be limited to, how all teachers, regardless of  
1365 subject area, and administrators will be responsible for improving  
1366 student achievement for their individual school.

1367 (b) The Mississippi Department of Education shall  
1368 ensure that all local educational authorities have access to  
1369 details of the MPBP program by November 1, 2006, for the purposes  
1370 of collecting baseline measurements for full implementation during  
1371 the 2007-2008 school year.

1372 (c) The State Department of Education is directed to  
1373 conduct research on the feasibility of a value-added model of pay  
1374 for performance model.

1375 (i) "Value-added" is a statistical approach  
1376 designed to measure teacher effectiveness while minimizing outside



1377 influences by controlling for factors such as family background,  
1378 race and socioeconomic status.

1379 (ii) The State Department of Education study  
1380 should measure at least three (3) years of student test scores in  
1381 Grades 3 through 8 in reading, math, science, language arts and  
1382 social studies to provide a longitudinal picture of individual  
1383 student progress and teacher effectiveness.

1384 (iii) The study should show how each student  
1385 performs on a year-to-year basis compared to his or her expected  
1386 score which is calculated on the basis of the pupil's results on  
1387 prior tests. At the same time, it should track a student's  
1388 performance against that of his or her peers.

1389 (iv) The study should be "blind" defined as  
1390 personally identifying information of the teachers' and students'  
1391 data being measured in the research kept anonymous. The  
1392 population sample should also be selected in a randomly stratified  
1393 way and not based on volunteers.

1394 (v) The State Department of Education is  
1395 authorized to use any appropriate statistical measurements to  
1396 successfully accomplish the intent of this section.

1397 (vi) The State Department of Education shall  
1398 present an annual report on their findings and progress to the  
1399 Legislature and Governor's Office beginning in January 2007.

1400 (5) (a) Beginning in the 2006-2007 school year, if funds  
1401 are available for that purpose, each middle school in Mississippi  
1402 shall have at least two (2) mentor teachers, as defined by  
1403 Sections 37-9-201 through 37-9-213, that shall receive additional  
1404 base compensation provided for by the State Legislature in the  
1405 amount of One Thousand Dollars (\$1,000.00).

1406 (b) To be eligible for this state funding, the  
1407 individual school must have a classroom management program  
1408 approved by the local school board.

1409           (c) If funds are available for that purpose, the state  
1410 shall provide additional funding under this subsection (5) for  
1411 only two (2) mentor teachers per middle school, however, this  
1412 shall not prohibit local school districts from providing  
1413 additional salary supplements for more than two (2) teacher  
1414 mentors from nonadequate education program funds.

1415           (6) Notwithstanding any provision in this section to the  
1416 contrary, any person who is receiving a retirement allowance from  
1417 the Public Employees' Retirement System who is employed as a  
1418 teacher after his retirement, and chooses to continue receiving  
1419 the retirement allowance during his employment as a teacher after  
1420 his retirement, as authorized by Section 25-11-126, shall be paid  
1421 a salary not less than the amount of the salary for teachers with  
1422 similar experience filling similar positions, including annual  
1423 increments for years of experience, less the employee and employer  
1424 contribution to the Mississippi Public Employees' Retirement  
1425 System. The retired member shall be entitled to any supplements,  
1426 annual increments or other increases.

1427           **SECTION 8.** Section 37-3-2, Mississippi Code of 1972, is  
1428 amended as follows:

1429           37-3-2. (1) There is established within the State  
1430 Department of Education the Commission on Teacher and  
1431 Administrator Education, Certification and Licensure and  
1432 Development. It shall be the purpose and duty of the commission  
1433 to make recommendations to the State Board of Education regarding  
1434 standards for the certification and licensure and continuing  
1435 professional development of those who teach or perform tasks of an  
1436 educational nature in the public schools of Mississippi.

1437           (2) The commission shall be composed of fifteen (15)  
1438 qualified members. The membership of the commission shall be  
1439 composed of the following members to be appointed, three (3) from  
1440 each congressional district: four (4) classroom teachers; three  
1441 (3) school administrators; one (1) representative of schools of

1442 education of institutions of higher learning located within the  
1443 state to be recommended by the Board of Trustees of State  
1444 Institutions of Higher Learning; one (1) representative from the  
1445 schools of education of independent institutions of higher  
1446 learning to be recommended by the Board of the Mississippi  
1447 Association of Independent Colleges; one (1) representative from  
1448 public community and junior colleges located within the state to  
1449 be recommended by the State Board for Community and Junior  
1450 Colleges; one (1) local school board member; and four (4) lay  
1451 persons. All appointments shall be made by the State Board of  
1452 Education after consultation with the State Superintendent of  
1453 Public Education. The first appointments by the State Board of  
1454 Education shall be made as follows: five (5) members shall be  
1455 appointed for a term of one (1) year; five (5) members shall be  
1456 appointed for a term of two (2) years; and five (5) members shall  
1457 be appointed for a term of three (3) years. Thereafter, all  
1458 members shall be appointed for a term of four (4) years.

1459 (3) The State Board of Education when making appointments  
1460 shall designate a chairman. The commission shall meet at least  
1461 once every two (2) months or more often if needed. Members of the  
1462 commission shall be compensated at a rate of per diem as  
1463 authorized by Section 25-3-69 and be reimbursed for actual and  
1464 necessary expenses as authorized by Section 25-3-41.

1465 (4) An appropriate staff member of the State Department of  
1466 Education shall be designated and assigned by the State  
1467 Superintendent of Public Education to serve as executive secretary  
1468 and coordinator for the commission. No less than two (2) other  
1469 appropriate staff members of the State Department of Education  
1470 shall be designated and assigned by the State Superintendent of  
1471 Public Education to serve on the staff of the commission.

1472 (5) It shall be the duty of the commission to:

- 1473           (a) Set standards and criteria, subject to the approval  
1474 of the State Board of Education, for all educator preparation  
1475 programs in the state;
- 1476           (b) Recommend to the State Board of Education each year  
1477 approval or disapproval of each educator preparation program in  
1478 the state;
- 1479           (c) Establish, subject to the approval of the State  
1480 Board of Education, standards for initial teacher certification  
1481 and licensure in all fields;
- 1482           (d) Establish, subject to the approval of the State  
1483 Board of Education, standards for the renewal of teacher licenses  
1484 in all fields;
- 1485           (e) Review and evaluate objective measures of teacher  
1486 performance, such as test scores, which may form part of the  
1487 licensure process, and to make recommendations for their use;
- 1488           (f) Review all existing requirements for certification  
1489 and licensure;
- 1490           (g) Consult with groups whose work may be affected by  
1491 the commission's decisions;
- 1492           (h) Prepare reports from time to time on current  
1493 practices and issues in the general area of teacher education and  
1494 certification and licensure;
- 1495           (i) Hold hearings concerning standards for teachers'  
1496 and administrators' education and certification and licensure with  
1497 approval of the State Board of Education;
- 1498           (j) Hire expert consultants with approval of the State  
1499 Board of Education;
- 1500           (k) Set up ad hoc committees to advise on specific  
1501 areas; and
- 1502           (l) Perform such other functions as may fall within  
1503 their general charge and which may be delegated to them by the  
1504 State Board of Education.

1505           (6) (a) **Standard License - Approved Program Route.** An  
1506 educator entering the school system of Mississippi for the first  
1507 time and meeting all requirements as established by the State  
1508 Board of Education shall be granted a standard five-year license.  
1509 Persons who possess two (2) years of classroom experience as an  
1510 assistant teacher or who have taught for one (1) year in an  
1511 accredited public or private school shall be allowed to fulfill  
1512 student teaching requirements under the supervision of a qualified  
1513 participating teacher approved by an accredited college of  
1514 education. The local school district in which the assistant  
1515 teacher is employed shall compensate such assistant teachers at  
1516 the required salary level during the period of time such  
1517 individual is completing student teaching requirements.  
1518 Applicants for a standard license shall submit to the department:  
1519                       (i) An application on a department form;  
1520                       (ii) An official transcript of completion of a  
1521 teacher education program approved by the department or a  
1522 nationally accredited program, subject to the following:  
1523 Licensure to teach in Mississippi prekindergarten through  
1524 kindergarten classrooms shall require completion of a teacher  
1525 education program or a bachelor of science degree with child  
1526 development emphasis from a program accredited by the American  
1527 Association of Family and Consumer Sciences (AAFCS) or by the  
1528 National Association for Education of Young Children (NAEYC) or by  
1529 the National Council for Accreditation of Teacher Education  
1530 (NCATE). Licensure to teach in Mississippi kindergarten, for  
1531 those applicants who have completed a teacher education program,  
1532 and in Grade 1 through Grade 4 shall require the completion of an  
1533 interdisciplinary program of studies. Licenses for Grades 4  
1534 through 8 shall require the completion of an interdisciplinary  
1535 program of studies with two (2) or more areas of concentration.  
1536 Licensure to teach in Mississippi Grades 7 through 12 shall  
1537 require a major in an academic field other than education, or a

1538 combination of disciplines other than education. Students  
1539 preparing to teach a subject shall complete a major in the  
1540 respective subject discipline. All applicants for standard  
1541 licensure shall demonstrate that such person's college preparation  
1542 in those fields was in accordance with the standards set forth by  
1543 the National Council for Accreditation of Teacher Education  
1544 (NCATE) or the National Association of State Directors of Teacher  
1545 Education and Certification (NASDTEC) or, for those applicants who  
1546 have a bachelor of science degree with child development emphasis,  
1547 the American Association of Family and Consumer Sciences (AAFCS);

1548 (iii) A copy of test scores evidencing  
1549 satisfactory completion of nationally administered examinations of  
1550 achievement, such as the Educational Testing Service's teacher  
1551 testing examinations; and

1552 (iv) Any other document required by the State  
1553 Board of Education.

1554 (b) **Standard License - Nontraditional Teaching Route.**

1555 Beginning January 1, 2004, an individual who has a passing score  
1556 on the Praxis I Basic Skills and Praxis II Specialty Area Test in  
1557 the requested area of endorsement may apply for the Teach  
1558 Mississippi Institute (TMI) program to teach students in Grades 7  
1559 through 12 if the individual meets the requirements of this  
1560 paragraph (b). The State Board of Education shall adopt rules  
1561 requiring that teacher preparation institutions which provide the  
1562 Teach Mississippi Institute (TMI) program for the preparation of  
1563 nontraditional teachers shall meet the standards and comply with  
1564 the provisions of this paragraph.

1565 (i) The Teach Mississippi Institute (TMI) shall  
1566 include an intensive eight-week, nine-semester-hour summer program  
1567 or a curriculum of study in which the student matriculates in the  
1568 fall or spring semester, which shall include, but not be limited  
1569 to, instruction in education, effective teaching strategies,  
1570 classroom management, state curriculum requirements, planning and

1571 instruction, instructional methods and pedagogy, using test  
1572 results to improve instruction, and a one (1) semester three-hour  
1573 supervised internship to be completed while the teacher is  
1574 employed as a full-time teacher intern in a local school district.  
1575 The TMI shall be implemented on a pilot program basis, with  
1576 courses to be offered at up to four (4) locations in the state,  
1577 with one (1) TMI site to be located in each of the three (3)  
1578 Mississippi Supreme Court districts.

1579                   (ii) The school sponsoring the teacher intern  
1580 shall enter into a written agreement with the institution  
1581 providing the Teach Mississippi Institute (TMI) program, under  
1582 terms and conditions as agreed upon by the contracting parties,  
1583 providing that the school district shall provide teacher interns  
1584 seeking a nontraditional provisional teaching license with a  
1585 one-year classroom teaching experience. The teacher intern shall  
1586 successfully complete the one (1) semester three-hour intensive  
1587 internship in the school district during the semester immediately  
1588 following successful completion of the TMI and prior to the end of  
1589 the one-year classroom teaching experience.

1590                   (iii) Upon completion of the nine-semester-hour  
1591 TMI or the fall or spring semester option, the individual shall  
1592 submit his transcript to the commission for provisional licensure  
1593 of the intern teacher, and the intern teacher shall be issued a  
1594 provisional teaching license by the commission, which will allow  
1595 the individual to legally serve as a teacher while the person  
1596 completes a nontraditional teacher preparation internship program.

1597                   (iv) During the semester of internship in the  
1598 school district, the teacher preparation institution shall monitor  
1599 the performance of the intern teacher. The school district that  
1600 employs the provisional teacher shall supervise the provisional  
1601 teacher during the teacher's intern year of employment under a  
1602 nontraditional provisional license, and shall, in consultation  
1603 with the teacher intern's mentor at the school district of

1604 employment, submit to the commission a comprehensive evaluation of  
1605 the teacher's performance sixty (60) days prior to the expiration  
1606 of the nontraditional provisional license. If the comprehensive  
1607 evaluation establishes that the provisional teacher intern's  
1608 performance fails to meet the standards of the approved  
1609 nontraditional teacher preparation internship program, the  
1610 individual shall not be approved for a standard license.

1611 (v) An individual issued a provisional teaching  
1612 license under this nontraditional route shall successfully  
1613 complete, at a minimum, a one-year beginning teacher mentoring and  
1614 induction program administered by the employing school district  
1615 with the assistance of the State Department of Education.

1616 (vi) Upon successful completion of the TMI and the  
1617 internship provisional license period, applicants for a Standard  
1618 License - Nontraditional Route shall submit to the commission a  
1619 transcript of successful completion of the twelve (12) semester  
1620 hours required in the internship program, and the employing school  
1621 district shall submit to the commission a recommendation for  
1622 standard licensure of the intern. If the school district  
1623 recommends licensure, the applicant shall be issued a Standard  
1624 License - Nontraditional Route which shall be valid for a  
1625 five-year period and be renewable.

1626 (vii) At the discretion of the teacher preparation  
1627 institution, the individual shall be allowed to credit the twelve  
1628 (12) semester hours earned in the nontraditional teacher  
1629 internship program toward the graduate hours required for a Master  
1630 of Arts in Teacher (MAT) Degree.

1631 (viii) The local school district in which the  
1632 nontraditional teacher intern or provisional licensee is employed  
1633 shall compensate such teacher interns at Step 1 of the required  
1634 salary level during the period of time such individual is  
1635 completing teacher internship requirements and shall compensate



1636 such Standard License - Nontraditional Route teachers at Step 3 of  
1637 the required salary level when they complete license requirements.

1638 Implementation of the TMI program provided for under this  
1639 paragraph (b) shall be contingent upon the availability of funds  
1640 appropriated specifically for such purpose by the Legislature.

1641 Such implementation of the TMI program may not be deemed to  
1642 prohibit the State Board of Education from developing and  
1643 implementing additional alternative route teacher licensure  
1644 programs, as deemed appropriate by the board. The emergency  
1645 certification program in effect prior to July 1, 2002, shall  
1646 remain in effect.

1647 The State Department of Education shall compile and report,  
1648 in consultation with the commission, information relating to  
1649 nontraditional teacher preparation internship programs, including  
1650 the number of programs available and geographic areas in which  
1651 they are available, the number of individuals who apply for and  
1652 possess a nontraditional conditional license, the subject areas in  
1653 which individuals who possess nontraditional conditional licenses  
1654 are teaching and where they are teaching, and shall submit its  
1655 findings and recommendations to the legislative committees on  
1656 education by December 1, 2004.

1657 A Standard License - Approved Program Route shall be issued  
1658 for a five-year period, and may be renewed. Recognizing teaching  
1659 as a profession, a hiring preference shall be granted to persons  
1660 holding a Standard License - Approved Program Route or Standard  
1661 License - Nontraditional Teaching Route over persons holding any  
1662 other license.

1663 (c) **Special License - Expert Citizen.** In order to  
1664 allow a school district to offer specialized or technical courses,  
1665 the State Department of Education, in accordance with rules and  
1666 regulations established by the State Board of Education, may grant  
1667 a one-year expert citizen-teacher license to local business or  
1668 other professional personnel to teach in a public school or

1669 nonpublic school accredited or approved by the state. Such person  
1670 may begin teaching upon his employment by the local school board  
1671 and licensure by the Mississippi Department of Education. The  
1672 board shall adopt rules and regulations to administer the expert  
1673 citizen-teacher license. A Special License - Expert Citizen may  
1674 be renewed in accordance with the established rules and  
1675 regulations of the State Department of Education.

1676 (d) **Special License - Nonrenewable.** The State Board of  
1677 Education is authorized to establish rules and regulations to  
1678 allow those educators not meeting requirements in subsection  
1679 (6)(a), (b) or (c) to be licensed for a period of not more than  
1680 three (3) years, except by special approval of the State Board of  
1681 Education.

1682 (e) **Nonlicensed Teaching Personnel.** A nonlicensed  
1683 person may teach for a maximum of three (3) periods per teaching  
1684 day in a public school or a nonpublic school accredited/approved  
1685 by the state. Such person shall submit to the department a  
1686 transcript or record of his education and experience which  
1687 substantiates his preparation for the subject to be taught and  
1688 shall meet other qualifications specified by the commission and  
1689 approved by the State Board of Education. In no case shall any  
1690 local school board hire nonlicensed personnel as authorized under  
1691 this paragraph in excess of five percent (5%) of the total number  
1692 of licensed personnel in any single school. Schools meeting Level  
1693 4 or 5 accreditation standards shall be exempted from any  
1694 restrictions in this paragraph relating to the employment of  
1695 nonlicensed teaching personnel.

1696 (f) **Special License - Transitional Bilingual Education.**  
1697 Beginning July 1, 2003, the commission shall grant special  
1698 licenses to teachers of transitional bilingual education who  
1699 possess such qualifications as are prescribed in this section.  
1700 Teachers of transitional bilingual education shall be compensated  
1701 by local school boards at not less than one (1) step on the

1702 regular salary schedule applicable to permanent teachers licensed  
1703 under this section. The commission shall grant special licenses  
1704 to teachers of transitional bilingual education who present the  
1705 commission with satisfactory evidence that they (i) possess a  
1706 speaking and reading ability in a language, other than English, in  
1707 which bilingual education is offered and communicative skills in  
1708 English; (ii) are in good health and sound moral character; (iii)  
1709 possess a bachelor's degree or an associate's degree in teacher  
1710 education from an accredited institution of higher education; (iv)  
1711 meet such requirements as to courses of study, semester hours  
1712 therein, experience and training as may be required by the  
1713 commission; and (v) are legally present in the United States and  
1714 possess legal authorization for employment. A teacher of  
1715 transitional bilingual education serving under a special license  
1716 shall be under an exemption from standard licensure if he achieves  
1717 the requisite qualifications therefor. Two (2) years of service  
1718 by a teacher of transitional bilingual education under such an  
1719 exemption shall be credited to the teacher in acquiring a Standard  
1720 Educator License. Nothing in this paragraph shall be deemed to  
1721 prohibit a local school board from employing a teacher licensed in  
1722 an appropriate field as approved by the State Department of  
1723 Education to teach in a program in transitional bilingual  
1724 education.

1725 (g) In the event any school district meets Level 4 or 5  
1726 accreditation standards, the State Board of Education, in its  
1727 discretion, may exempt such school district from any restrictions  
1728 in paragraph (e) relating to the employment of nonlicensed  
1729 teaching personnel.

1730 (h) Highly Qualified Teachers. Beginning July 1, 2006,  
1731 any teacher from any state meeting the federal definition of  
1732 highly qualified, as described in the No Child Left Behind Act,  
1733 shall be granted a standard five-year license by the Mississippi  
1734 Department of Education.

1735           (7) **Administrator License.** The State Board of Education is  
1736 authorized to establish rules and regulations and to administer  
1737 the licensure process of the school administrators in the State of  
1738 Mississippi. There will be four (4) categories of administrator  
1739 licensure with exceptions only through special approval of the  
1740 State Board of Education.

1741           (a) **Administrator License - Nonpracticing.** Those  
1742 educators holding administrative endorsement but have no  
1743 administrative experience or not serving in an administrative  
1744 position on January 15, 1997.

1745           (b) **Administrator License - Entry Level.** Those  
1746 educators holding administrative endorsement and having met the  
1747 department's qualifications to be eligible for employment in a  
1748 Mississippi school district. Administrator License - Entry Level  
1749 shall be issued for a five-year period and shall be nonrenewable.

1750           (c) **Standard Administrator License - Career Level.** An  
1751 administrator who has met all the requirements of the department  
1752 for standard administrator licensure.

1753           (d) **Administrator License - Nontraditional Route.** The  
1754 board may establish a nontraditional route for licensing  
1755 administrative personnel. Such nontraditional route for  
1756 administrative licensure shall be available for persons holding,  
1757 but not limited to, a master of business administration degree, a  
1758 master of public administration degree, a master of public  
1759 planning and policy degree or a doctor of jurisprudence degree  
1760 from an accredited college or university, with five (5) years of  
1761 administrative or supervisory experience. Successful completion  
1762 of the requirements of alternate route licensure for  
1763 administrators shall qualify the person for a standard  
1764 administrator license.

1765           The State Department of Education shall compile and report,  
1766 in consultation with the commission, information relating to  
1767 nontraditional administrator preparation internship programs,

1768 including the number of programs available and geographic areas in  
1769 which they are available, the number of individuals who apply for  
1770 and possess a nontraditional conditional license and where they  
1771 are employed, and shall submit its findings and recommendations to  
1772 the legislative committees on education by December 1, 2004.

1773 Beginning with the 1997-1998 school year, individuals seeking  
1774 school administrator licensure under paragraph (b), (c) or (d)  
1775 shall successfully complete a training program and an assessment  
1776 process prescribed by the State Board of Education. Applicants  
1777 seeking school administrator licensure prior to June 30, 1997, and  
1778 completing all requirements for provisional or standard  
1779 administrator certification and who have never practiced, shall be  
1780 exempt from taking the Mississippi Assessment Battery Phase I.  
1781 Applicants seeking school administrator licensure during the  
1782 period beginning July 1, 1997, through June 30, 1998, shall  
1783 participate in the Mississippi Assessment Battery, and upon  
1784 request of the applicant, the department shall reimburse the  
1785 applicant for the cost of the assessment process required. After  
1786 June 30, 1998, all applicants for school administrator licensure  
1787 shall meet all requirements prescribed by the department under  
1788 paragraph (b), (c) or (d), and the cost of the assessment process  
1789 required shall be paid by the applicant.

1790 (8) **Reciprocity.** (a) The department shall grant a standard  
1791 license to any individual who possesses a valid standard license  
1792 from another state \* \* \*.

1793 (b) The department shall grant a nonrenewable special  
1794 license to any individual who possesses a credential which is less  
1795 than a standard license or certification from another state, or  
1796 who possesses a standard license from another state but has less  
1797 than two (2) years of full-time teaching or administration  
1798 experience. Such special license shall be valid for the current  
1799 school year plus one (1) additional school year to expire on June  
1800 30 of the second year, not to exceed a total period of twenty-four

1801 (24) months, during which time the applicant shall be required to  
1802 complete the requirements for a standard license in Mississippi.

1803 (9) **Renewal and Reinstatement of Licenses.** The State Board  
1804 of Education is authorized to establish rules and regulations for  
1805 the renewal and reinstatement of educator and administrator  
1806 licenses. Effective May 15, 1997, the valid standard license held  
1807 by an educator shall be extended five (5) years beyond the  
1808 expiration date of the license in order to afford the educator  
1809 adequate time to fulfill new renewal requirements established  
1810 pursuant to this subsection. An educator completing a master of  
1811 education, educational specialist or doctor of education degree in  
1812 May 1997 for the purpose of upgrading the educator's license to a  
1813 higher class shall be given this extension of five (5) years plus  
1814 five (5) additional years for completion of a higher degree.

1815 (10) All controversies involving the issuance, revocation,  
1816 suspension or any change whatsoever in the licensure of an  
1817 educator required to hold a license shall be initially heard in a  
1818 hearing de novo, by the commission or by a subcommittee  
1819 established by the commission and composed of commission members  
1820 for the purpose of holding hearings. Any complaint seeking the  
1821 denial of issuance, revocation or suspension of a license shall be  
1822 by sworn affidavit filed with the Commission of Teacher and  
1823 Administrator Education, Certification and Licensure and  
1824 Development. The decision thereon by the commission or its  
1825 subcommittee shall be final, unless the aggrieved party shall  
1826 appeal to the State Board of Education, within ten (10) days, of  
1827 the decision of the committee or its subcommittee. An appeal to  
1828 the State Board of Education shall be on the record previously  
1829 made before the commission or its subcommittee unless otherwise  
1830 provided by rules and regulations adopted by the board. The State  
1831 Board of Education in its authority may reverse, or remand with  
1832 instructions, the decision of the committee or its subcommittee.  
1833 The decision of the State Board of Education shall be final.

1834 (11) The State Board of Education, acting through the  
1835 commission, may deny an application for any teacher or  
1836 administrator license for one or more of the following:

1837 (a) Lack of qualifications which are prescribed by law  
1838 or regulations adopted by the State Board of Education;

1839 (b) The applicant has a physical, emotional or mental  
1840 disability that renders the applicant unfit to perform the duties  
1841 authorized by the license, as certified by a licensed psychologist  
1842 or psychiatrist;

1843 (c) The applicant is actively addicted to or actively  
1844 dependent on alcohol or other habit-forming drugs or is a habitual  
1845 user of narcotics, barbiturates, amphetamines, hallucinogens or  
1846 other drugs having similar effect, at the time of application for  
1847 a license;

1848 (d) Revocation of an applicant's certificate or license  
1849 by another state;

1850 (e) Fraud or deceit committed by the applicant in  
1851 securing or attempting to secure such certification and license;

1852 (f) Failing or refusing to furnish reasonable evidence  
1853 of identification;

1854 (g) The applicant has been convicted, has pled guilty  
1855 or entered a plea of nolo contendere to a felony, as defined by  
1856 federal or state law; or

1857 (h) The applicant has been convicted, has pled guilty  
1858 or entered a plea of nolo contendere to a sex offense as defined  
1859 by federal or state law.

1860 (12) The State Board of Education, acting on the  
1861 recommendation of the commission, may revoke or suspend any  
1862 teacher or administrator license for specified periods of time for  
1863 one or more of the following:

1864 (a) Breach of contract or abandonment of employment may  
1865 result in the suspension of the license for one (1) school year as  
1866 provided in Section 37-9-57;

1867                   (b) Obtaining a license by fraudulent means shall  
1868 result in immediate suspension and continued suspension for one  
1869 (1) year after correction is made;

1870                   (c) Suspension or revocation of a certificate or  
1871 license by another state shall result in immediate suspension or  
1872 revocation and shall continue until records in the prior state  
1873 have been cleared;

1874                   (d) The license holder has been convicted, has pled  
1875 guilty or entered a plea of nolo contendere to a felony, as  
1876 defined by federal or state law;

1877                   (e) The license holder has been convicted, has pled  
1878 guilty or entered a plea of nolo contendere to a sex offense, as  
1879 defined by federal or state law; or

1880                   (f) The license holder knowingly and willfully  
1881 committing any of the acts affecting validity of mandatory uniform  
1882 test results as provided in Section 37-16-4(1).

1883           (13) (a) Dismissal or suspension of a licensed employee by  
1884 a local school board pursuant to Section 37-9-59 may result in the  
1885 suspension or revocation of a license for a length of time which  
1886 shall be determined by the commission and based upon the severity  
1887 of the offense.

1888                   (b) Any offense committed or attempted in any other  
1889 state shall result in the same penalty as if committed or  
1890 attempted in this state.

1891                   (c) A person may voluntarily surrender a license. The  
1892 surrender of such license may result in the commission  
1893 recommending any of the above penalties without the necessity of a  
1894 hearing. However, any such license which has voluntarily been  
1895 surrendered by a licensed employee may only be reinstated by a  
1896 majority vote of all members of the commission present at the  
1897 meeting called for such purpose.

1898           (14) A person whose license has been suspended on any  
1899 grounds except criminal grounds may petition for reinstatement of



1900 the license after one (1) year from the date of suspension, or  
1901 after one-half (1/2) of the suspended time has lapsed, whichever  
1902 is greater. A license suspended or revoked on the criminal  
1903 grounds may be reinstated upon petition to the commission filed  
1904 after expiration of the sentence and parole or probationary period  
1905 imposed upon conviction. A revoked, suspended or surrendered  
1906 license may be reinstated upon satisfactory showing of evidence of  
1907 rehabilitation. The commission shall require all who petition for  
1908 reinstatement to furnish evidence satisfactory to the commission  
1909 of good character, good mental, emotional and physical health and  
1910 such other evidence as the commission may deem necessary to  
1911 establish the petitioner's rehabilitation and fitness to perform  
1912 the duties authorized by the license.

1913 (15) Reporting procedures and hearing procedures for dealing  
1914 with infractions under this section shall be promulgated by the  
1915 commission, subject to the approval of the State Board of  
1916 Education. The revocation or suspension of a license shall be  
1917 effected at the time indicated on the notice of suspension or  
1918 revocation. The commission shall immediately notify the  
1919 superintendent of the school district or school board where the  
1920 teacher or administrator is employed of any disciplinary action  
1921 and also notify the teacher or administrator of such revocation or  
1922 suspension and shall maintain records of action taken. The State  
1923 Board of Education may reverse or remand with instructions any  
1924 decision of the commission regarding a petition for reinstatement  
1925 of a license, and any such decision of the State Board of  
1926 Education shall be final.

1927 (16) An appeal from the action of the State Board of  
1928 Education in denying an application, revoking or suspending a  
1929 license or otherwise disciplining any person under the provisions  
1930 of this section shall be filed in the Chancery Court of the First  
1931 Judicial District of Hinds County on the record made, including a  
1932 verbatim transcript of the testimony at the hearing. The appeal

1933 shall be filed within thirty (30) days after notification of the  
1934 action of the board is mailed or served and the proceedings in  
1935 chancery court shall be conducted as other matters coming before  
1936 the court. The appeal shall be perfected upon filing notice of  
1937 the appeal and by the prepayment of all costs, including the cost  
1938 of preparation of the record of the proceedings by the State Board  
1939 of Education, and the filing of a bond in the sum of Two Hundred  
1940 Dollars (\$200.00) conditioned that if the action of the board be  
1941 affirmed by the chancery court, the applicant or license holder  
1942 shall pay the costs of the appeal and the action of the chancery  
1943 court.

1944 (17) All such programs, rules, regulations, standards and  
1945 criteria recommended or authorized by the commission shall become  
1946 effective upon approval by the State Board of Education as  
1947 designated by appropriate orders entered upon the minutes thereof.

1948 (18) The granting of a license shall not be deemed a  
1949 property right nor a guarantee of employment in any public school  
1950 district. A license is a privilege indicating minimal eligibility  
1951 for teaching in the public schools of Mississippi. This section  
1952 shall in no way alter or abridge the authority of local school  
1953 districts to require greater qualifications or standards of  
1954 performance as a prerequisite of initial or continued employment  
1955 in such districts.

1956 (19) In addition to the reasons specified in subsections  
1957 (12) and (13) of this section, the board shall be authorized to  
1958 suspend the license of any licensee for being out of compliance  
1959 with an order for support, as defined in Section 93-11-153. The  
1960 procedure for suspension of a license for being out of compliance  
1961 with an order for support, and the procedure for the reissuance or  
1962 reinstatement of a license suspended for that purpose, and the  
1963 payment of any fees for the reissuance or reinstatement of a  
1964 license suspended for that purpose, shall be governed by Section  
1965 93-11-157 or 93-11-163, as the case may be. Actions taken by the

1966 board in suspending a license when required by Section 93-11-157  
1967 or 93-11-163 are not actions from which an appeal may be taken  
1968 under this section. Any appeal of a license suspension that is  
1969 required by Section 93-11-157 or 93-11-163 shall be taken in  
1970 accordance with the appeal procedure specified in Section  
1971 93-11-157 or 93-11-163, as the case may be, rather than the  
1972 procedure specified in this section. If there is any conflict  
1973 between any provision of Section 93-11-157 or 93-11-163 and any  
1974 provision of this chapter, the provisions of Section 93-11-157 or  
1975 93-11-163, as the case may be, shall control.

1976 **SECTION 9.** Section 37-11-55, Mississippi Code of 1972, is  
1977 amended as follows:

1978 37-11-55. The local school board shall adopt and make  
1979 available to all teachers, school personnel, students and parents  
1980 or guardians, at the beginning of each school year, a code of  
1981 student conduct developed in consultation with teachers, school  
1982 personnel, students and parents or guardians. The code shall be  
1983 based on the rules governing student conduct and discipline  
1984 adopted by the school board and shall be made available at the  
1985 school level in the student handbook or similar publication. The  
1986 code shall include, but not be limited to:

1987 (a) Specific grounds for disciplinary action under the  
1988 school district's discipline plan;

1989 (b) Procedures to be followed for acts requiring  
1990 discipline, including suspensions and expulsion, which comply with  
1991 due process requirements;

1992 (c) An explanation of the responsibilities and rights  
1993 of students with regard to: attendance; respect for persons and  
1994 property; knowledge and observation of rules of conduct; free  
1995 speech and student publications; assembly; privacy; and  
1996 participation in school programs and activities;

1997 (d) Policies and procedures recognizing the teacher as  
1998 the authority in classroom matters, and supporting that teacher in

1999 any decision in compliance with the written discipline code of  
2000 conduct. Such recognition shall include the right of the teacher  
2001 to remove from the classroom any student who, in the professional  
2002 judgment of the teacher, is disrupting the learning environment,  
2003 to the office of the principal or assistant principal. The  
2004 principal or assistant principal shall determine the proper  
2005 placement for the student, who may not be returned to the  
2006 classroom until a conference of some kind has been held with the  
2007 parent, guardian or custodian during which the disrupting behavior  
2008 is discussed and agreements are reached that no further disruption  
2009 will be tolerated; \* \* \*

2010 (e) Establishment of the Disciplinary Action Review  
2011 Board in every publicly-funded school in the State of Mississippi:

2012 (i) In the event a principal, or other designated  
2013 disciplinarian, makes a decision to readmit a student to a  
2014 teacher's classroom and the teacher objects, the teacher, as the  
2015 classroom authority, has the right to appeal the principal's  
2016 decision to the Disciplinary Action Review Board.

2017 (ii) Members shall be appointed as follows:

2018 1. The school's faculty shall choose two (2)  
2019 teachers to serve as members and one (1) teacher to serve as an  
2020 alternate member; and

2021 2. The school's principal shall choose one  
2022 (1) faculty member;

2023 3. The teacher objecting to the student's  
2024 readmission may not serve on the Student Disciplinary Review  
2025 Board.

2026 (iii) Students whose readmission is objected to by  
2027 the disciplining teacher may be temporarily reassigned to another  
2028 classroom, placed in an in-school suspension, or any other  
2029 available option at the discretion of the designated  
2030 disciplinarian until the Student Disciplinary Review Board can  
2031 meet to hear the case.

2032                    (iv) All cases shall be heard within three (3)  
2033 school days of the designated disciplinarian's decision to readmit  
2034 the student over the disciplining teacher's objections.

2035                    (v) The committee's placement determination  
2036 regarding a student with a disability who receives special  
2037 education services is subject to the requirements of the  
2038 Individuals with Disabilities Education Act and federal  
2039 regulations, state statutes, and agency requirements necessary to  
2040 carry out federal law or regulations or state law relating to  
2041 special education;

2042                    (f) Policies and procedures for dealing with a student  
2043 who causes a disruption in the classroom, on school property or  
2044 vehicles, or at school-related activities;

2045                    (g) Procedures for the development of behavior  
2046 modification plans by the school principal, reporting teacher and  
2047 student's parent for a student who causes a disruption in the  
2048 classroom, on school property or vehicles, or at school-related  
2049 activities for a second time during the school year; and

2050                    (h) Policies and procedures specifically concerning  
2051 gang-related activities in the school, on school property or  
2052 vehicles, or at school-related activities.

2053                    **SECTION 10.** Section 37-13-89, Mississippi Code of 1972, is  
2054 amended as follows:

2055                    37-13-89. (1) In each school district within the state,  
2056 there shall be employed the number of school attendance officers  
2057 determined by the Office of Compulsory School Attendance  
2058 Enforcement to be necessary to adequately enforce the provisions  
2059 of the Mississippi Compulsory School Attendance Law; however, this  
2060 number shall not exceed one hundred fifty-three (153) school  
2061 attendance officers at any time. From and after July 1, 1998, all  
2062 school attendance officers employed pursuant to this section shall  
2063 be employees of the State Department of Education. The State  
2064 Department of Education shall employ all persons employed as

2065 school attendance officers by district attorneys before July 1,  
2066 1998, and shall assign them to school attendance responsibilities  
2067 in the school district in which they were employed before July 1,  
2068 1998. The first twelve (12) months of employment for each school  
2069 attendance officer shall be the probationary period of state  
2070 service.

2071 (2) (a) The State Department of Education shall obtain  
2072 current criminal records background checks and current child abuse  
2073 registry checks on all persons applying for the position of school  
2074 attendance officer after July 2, 2002. The criminal records  
2075 information and registry checks must be kept on file for any new  
2076 hires. In order to determine an applicant's suitability for  
2077 employment as a school attendance officer, the applicant must be  
2078 fingerprinted. If no disqualifying record is identified at the  
2079 state level, the Department of Public Safety shall forward the  
2080 fingerprints to the Federal Bureau of Investigation (FBI) for a  
2081 national criminal history record check. The applicant shall pay  
2082 the fee, not to exceed Fifty Dollars (\$50.00), for the  
2083 fingerprinting and criminal records background check; however, the  
2084 State Department of Education, in its discretion, may pay the fee  
2085 for the fingerprinting and criminal records background check on  
2086 behalf of any applicant. Under no circumstances may a member of  
2087 the State Board of Education, employee of the State Department of  
2088 Education or any person other than the subject of the criminal  
2089 records background check disseminate information received through  
2090 any such checks except insofar as required to fulfill the purposes  
2091 of this subsection.

2092 (b) If the fingerprinting or criminal records check  
2093 discloses a felony conviction, guilty plea or plea of nolo  
2094 contendere to a felony of possession or sale of drugs, murder,  
2095 manslaughter, armed robbery, rape, sexual battery, sex offense  
2096 listed in Section 45-33-23(g), child abuse, arson, grand larceny,  
2097 burglary, gratification of lust or aggravated assault which has

2098 not been reversed on appeal or for which a pardon has not been  
2099 granted, the applicant is not eligible to be employed as a school  
2100 attendance officer. Any employment of an applicant pending the  
2101 results of the fingerprinting and criminal records check is  
2102 voidable if the new hire receives a disqualifying criminal records  
2103 check. However, the State Board of Education, in its discretion,  
2104 may allow an applicant aggrieved by an employment decision under  
2105 this subsection to appear before the board, or before a hearing  
2106 officer designated for that purpose, to show mitigating  
2107 circumstances that may exist and allow the new hire to be employed  
2108 as a school attendance officer. The State Board of Education may  
2109 grant waivers for mitigating circumstances, which may include, but  
2110 are not necessarily limited to: (i) age at which the crime was  
2111 committed; (ii) circumstances surrounding the crime; (iii) length  
2112 of time since the conviction and criminal history since the  
2113 conviction; (iv) work history; (v) current employment and  
2114 character references; and (vi) other evidence demonstrating the  
2115 ability of the person to perform the responsibilities of a school  
2116 attendance officer competently and that the person does not pose a  
2117 threat to the health or safety of children.

2118 (c) A member of the State Board of Education or  
2119 employee of the State Department of Education may not be held  
2120 liable in any employment discrimination suit in which an  
2121 allegation of discrimination is made regarding an employment  
2122 decision authorized under this section.

2123 (3) Each school attendance officer shall possess a college  
2124 degree with a major in a behavioral science or a related field or  
2125 shall have no less than three (3) years combined actual experience  
2126 as a school teacher, school administrator, law enforcement officer  
2127 possessing such degree, and/or social worker; however, these  
2128 requirements shall not apply to persons employed as school  
2129 attendance officers before January 1, 1987. School attendance  
2130 officers also shall satisfy any additional requirements that may

2131 be established by the State Personnel Board for the position of  
2132 school attendance officer.

2133 (4) It shall be the duty of each school attendance officer  
2134 to:

2135 (a) Cooperate with any public agency to locate and  
2136 identify all compulsory-school-age children who are not attending  
2137 school;

2138 (b) Cooperate with all courts of competent  
2139 jurisdiction;

2140 (c) Investigate all cases of nonattendance and unlawful  
2141 absences by compulsory-school-age children not enrolled in a  
2142 nonpublic school;

2143 (d) Provide appropriate counseling to encourage all  
2144 school-age children to attend school until they have completed  
2145 high school;

2146 (e) Attempt to secure the provision of social or  
2147 welfare services that may be required to enable any child to  
2148 attend school;

2149 (f) Contact the home or place of residence of a  
2150 compulsory-school-age child and any other place in which the  
2151 officer is likely to find any compulsory-school-age child when the  
2152 child is absent from school during school hours without a valid  
2153 written excuse from school officials, and when the child is found,  
2154 the officer shall notify the parents and school officials as to  
2155 where the child was physically located;

2156 (g) Contact promptly the home of each  
2157 compulsory-school-age child in the school district within the  
2158 officer's jurisdiction who is not enrolled in school or is not in  
2159 attendance at public school and is without a valid written excuse  
2160 from school officials; if no valid reason is found for the  
2161 nonenrollment or absence from the school, the school attendance  
2162 officer shall give written notice to the parent, guardian or



2163 custodian of the requirement for the child's enrollment or  
2164 attendance;

2165 (h) Collect and maintain information concerning  
2166 absenteeism, dropouts and other attendance-related problems, as  
2167 may be required by law or the Office of Compulsory School  
2168 Attendance Enforcement; \* \* \*

2169 (i) Report to the local school district superintendent  
2170 and the school principal the name of any child between the ages of  
2171 fifteen (15) and seventeen (17) who has accumulated twelve (12)  
2172 unlawful absences in a single school year; and

2173 (j) Perform all other duties relating to compulsory  
2174 school attendance established by the State Department of Education  
2175 or district school attendance supervisor, or both.

2176 (5) While engaged in the performance of his duties, each  
2177 school attendance officer shall carry on his person a badge  
2178 identifying him as a school attendance officer under the Office of  
2179 Compulsory School Attendance Enforcement of the State Department  
2180 of Education and an identification card designed by the State  
2181 Superintendent of Public Education and issued by the school  
2182 attendance officer supervisor. Neither the badge nor the  
2183 identification card shall bear the name of any elected public  
2184 official.

2185 (6) The State Personnel Board shall develop a salary scale  
2186 for school attendance officers as part of the variable  
2187 compensation plan. The various pay ranges of the salary scale  
2188 shall be based upon factors including, but not limited to,  
2189 education, professional certification and licensure, and number of  
2190 years of experience. School attendance officers shall be paid in  
2191 accordance with this salary scale. The minimum salaries under the  
2192 scale shall be no less than the following:

2193 (a) For school attendance officers holding a bachelor's  
2194 degree or any other attendance officer who does not hold such a  
2195 degree, the annual salary shall be based on years of experience as

2196 a school attendance officer or related field of service or  
2197 employment, no less than as follows:

2198	Years of Experience	Salary
2199	0 - 4 years	\$19,650.00
2200	5 - 8 years	21,550.00
2201	9 - 12 years	23,070.00
2202	13 - 16 years	24,590.00
2203	Over 17 years	26,110.00

2204 (b) For school attendance officers holding a license as  
2205 a social worker, the annual salary shall be based on years of  
2206 experience as a school attendance officer or related field of  
2207 service or employment, no less than as follows:

2208	Years of Experience	Salary
2209	0 - 4 years	\$20,650.00
2210	5 - 8 years	22,950.00
2211	9 - 12 years	24,790.00
2212	13 - 16 years	26,630.00
2213	17 - 20 years	28,470.00
2214	Over 21 years	30,310.00

2215 (c) For school attendance officers holding a master's  
2216 degree in a behavioral science or a related field, the annual  
2217 salary shall be based on years of experience as a school  
2218 attendance officer or related field of service or employment, no  
2219 less than as follows:

2220	Years of Experience	Salary
2221	0 - 4 years	\$21,450.00
2222	5 - 8 years	24,000.00
2223	9 - 12 years	26,040.00
2224	13 - 16 years	28,080.00
2225	17 - 20 years	30,120.00
2226	Over 21 years	32,160.00

2227 (7) (a) Each school attendance officer employed by a  
2228 district attorney on June 30, 1998, who became an employee of the

2229 State Department of Education on July 1, 1998, shall be awarded  
2230 credit for personal leave and major medical leave for his  
2231 continuous service as a school attendance officer under the  
2232 district attorney, and if applicable, the youth or family court or  
2233 a state agency. The credit for personal leave shall be in an  
2234 amount equal to one-third (1/3) of the maximum personal leave the  
2235 school attendance officer could have accumulated had he been  
2236 credited with such leave under Section 25-3-93 during his  
2237 employment with the district attorney, and if applicable, the  
2238 youth or family court or a state agency. The credit for major  
2239 medical leave shall be in an amount equal to one-half (1/2) of the  
2240 maximum major medical leave the school attendance officer could  
2241 have accumulated had he been credited with such leave under  
2242 Section 25-3-95 during his employment with the district attorney,  
2243 and if applicable, the youth or family court or a state agency.  
2244 However, if a district attorney who employed a school attendance  
2245 officer on June 30, 1998, certifies, in writing, to the State  
2246 Department of Education that the school attendance officer had  
2247 accumulated, pursuant to a personal leave policy or major medical  
2248 leave policy lawfully adopted by the district attorney, a number  
2249 of days of unused personal leave or major medical leave, or both,  
2250 which is greater than the number of days to which the school  
2251 attendance officer is entitled under this paragraph, the State  
2252 Department of Education shall authorize the school attendance  
2253 officer to retain the actual unused personal leave or major  
2254 medical leave, or both, certified by the district attorney,  
2255 subject to the maximum amount of personal leave and major medical  
2256 leave the school attendance officer could have accumulated had he  
2257 been credited with such leave under Sections 25-3-93 and 25-3-95.

2258 (b) For the purpose of determining the accrual rate for  
2259 personal leave under Section 25-3-93 and major medical leave under  
2260 Section 25-3-95, the State Department of Education shall give  
2261 consideration to all continuous service rendered by a school

2262 attendance officer before July 1, 1998, in addition to the service  
2263 rendered by the school attendance officer as an employee of the  
2264 department.

2265           (c) In order for a school attendance officer to be  
2266 awarded credit for personal leave and major medical leave or to  
2267 retain the actual unused personal leave and major medical leave  
2268 accumulated by him before July 1, 1998, the district attorney who  
2269 employed the school attendance officer must certify, in writing,  
2270 to the State Department of Education the hire date of the school  
2271 attendance officer. For each school attendance officer employed  
2272 by the youth or family court or a state agency before being  
2273 designated an employee of the district attorney who has not had a  
2274 break in continuous service, the hire date shall be the date that  
2275 the school attendance officer was hired by the youth or family  
2276 court or state agency. The department shall prescribe the date by  
2277 which the certification must be received by the department and  
2278 shall provide written notice to all district attorneys of the  
2279 certification requirement and the date by which the certification  
2280 must be received.

2281           (8) (a) School attendance officers shall maintain regular  
2282 office hours on a year-round basis; however, during the school  
2283 term, on those days that teachers in all of the school districts  
2284 served by a school attendance officer are not required to report  
2285 to work, the school attendance officer also shall not be required  
2286 to report to work. (For purposes of this subsection, a school  
2287 district's school term is that period of time identified as the  
2288 school term in contracts entered into by the district with  
2289 licensed personnel.) A school attendance officer shall be  
2290 required to report to work on any day recognized as an official  
2291 state holiday if teachers in any school district served by that  
2292 school attendance officer are required to report to work on that  
2293 day, regardless of the school attendance officer's status as an  
2294 employee of the State Department of Education, and compensatory

2295 leave may not be awarded to the school attendance officer for  
2296 working during that day. However, a school attendance officer may  
2297 be allowed by the school attendance officer's supervisor to use  
2298 earned leave on such days.

2299 (b) The State Department of Education annually shall  
2300 designate a period of two (2) consecutive weeks in the summer  
2301 between school years during which school attendance officers shall  
2302 not be required to report to work. A school attendance officer  
2303 who elects to work at any time during that period may not be  
2304 awarded compensatory leave for such work and may not opt to be  
2305 absent from work at any time other than during the two (2) weeks  
2306 designated by the department unless the school attendance officer  
2307 uses personal leave or major medical leave accrued under Section  
2308 25-3-93 or 25-3-95 for such absence.

2309 (9) The State Department of Education shall provide all  
2310 continuing education and training courses that school attendance  
2311 officers are required to complete under state law or rules and  
2312 regulations of the department.

2313 **SECTION 11.** Section 37-13-91, Mississippi Code of 1972, is  
2314 amended as follows:

2315 37-13-91. (1) This section shall be referred to as the  
2316 "Mississippi Compulsory School Attendance Law."

2317 (2) The following terms as used in this section are defined  
2318 as follows:

2319 (a) "Parent" means the father or mother to whom a child  
2320 has been born, or the father or mother by whom a child has been  
2321 legally adopted.

2322 (b) "Guardian" means a guardian of the person of a  
2323 child, other than a parent, who is legally appointed by a court of  
2324 competent jurisdiction.

2325 (c) "Custodian" means any person having the present  
2326 care or custody of a child, other than a parent or guardian of the  
2327 child.

2328           (d) "School day" means not less than five (5) and not  
2329 more than eight (8) hours of actual teaching in which both  
2330 teachers and pupils are in regular attendance for scheduled  
2331 schoolwork.

2332           (e) "School" means any public school in this state or  
2333 any nonpublic school in this state which is in session each school  
2334 year for at least one hundred eighty (180) school days, except  
2335 that the "nonpublic" school term shall be the number of days that  
2336 each school shall require for promotion from grade to grade.

2337           (f) "Compulsory-school-age child" means a child who has  
2338 attained or will attain the age of six (6) years on or before  
2339 September 1 of the calendar year and who has not attained the age  
2340 of seventeen (17) years on or before September 1 of the calendar  
2341 year; and shall include any child who has attained or will attain  
2342 the age of five (5) years on or before September 1 and has  
2343 enrolled in a full-day public school kindergarten program.  
2344 Provided, however, that the parent or guardian of any child  
2345 enrolled in a full-day public school kindergarten program shall be  
2346 allowed to disenroll the child from the program on a one-time  
2347 basis, and such child shall not be deemed a compulsory-school-age  
2348 child until the child attains the age of six (6) years.

2349           (g) "School attendance officer" means a person employed  
2350 by the State Department of Education pursuant to Section 37-13-89.

2351           (h) "Appropriate school official" means the  
2352 superintendent of the school district, or his designee, or, in the  
2353 case of a nonpublic school, the principal or the headmaster.

2354           (i) "Nonpublic school" means an institution for the  
2355 teaching of children, consisting of a physical plant, whether  
2356 owned or leased, including a home, instructional staff members and  
2357 students, and which is in session each school year. This  
2358 definition shall include, but not be limited to, private, church,  
2359 parochial and home instruction programs.

2360           (3) A parent, guardian or custodian of a  
2361 compulsory-school-age child in this state shall cause the child to  
2362 enroll in and attend a public school or legitimate nonpublic  
2363 school for the period of time that the child is of compulsory  
2364 school age, except under the following circumstances:

2365           (a) When a compulsory-school-age child is physically,  
2366 mentally or emotionally incapable of attending school as  
2367 determined by the appropriate school official based upon  
2368 sufficient medical documentation.

2369           (b) When a compulsory-school-age child is enrolled in  
2370 and pursuing a course of special education, remedial education or  
2371 education for handicapped or physically or mentally disadvantaged  
2372 children.

2373           (c) When a compulsory-school-age child is being  
2374 educated in a legitimate home instruction program.

2375           The parent, guardian or custodian of a compulsory-school-age  
2376 child described in this subsection, or the parent, guardian or  
2377 custodian of a compulsory-school-age child attending any nonpublic  
2378 school, or the appropriate school official for any or all children  
2379 attending a nonpublic school shall complete a "certificate of  
2380 enrollment" in order to facilitate the administration of this  
2381 section.

2382           The form of the certificate of enrollment shall be prepared  
2383 by the Office of Compulsory School Attendance Enforcement of the  
2384 State Department of Education and shall be designed to obtain the  
2385 following information only:

2386           (i) The name, address, telephone number and date  
2387 of birth of the compulsory-school-age child;

2388           (ii) The name, address and telephone number of the  
2389 parent, guardian or custodian of the compulsory-school-age child;

2390           (iii) A simple description of the type of  
2391 education the compulsory-school-age child is receiving and, if the

2392 child is enrolled in a nonpublic school, the name and address of  
2393 the school; and

2394 (iv) The signature of the parent, guardian or  
2395 custodian of the compulsory-school-age child or, for any or all  
2396 compulsory-school-age child or children attending a nonpublic  
2397 school, the signature of the appropriate school official and the  
2398 date signed.

2399 The certificate of enrollment shall be returned to the school  
2400 attendance officer where the child resides on or before September  
2401 15 of each year. Any parent, guardian or custodian found by the  
2402 school attendance officer to be in noncompliance with this section  
2403 shall comply, after written notice of the noncompliance by the  
2404 school attendance officer, with this subsection within ten (10)  
2405 days after the notice or be in violation of this section.

2406 However, in the event the child has been enrolled in a public  
2407 school within fifteen (15) calendar days after the first day of  
2408 the school year as required in subsection (6), the parent or  
2409 custodian may, at a later date, enroll the child in a legitimate  
2410 nonpublic school or legitimate home instruction program and send  
2411 the certificate of enrollment to the school attendance officer and  
2412 be in compliance with this subsection.

2413 For the purposes of this subsection, a legitimate nonpublic  
2414 school or legitimate home instruction program shall be those not  
2415 operated or instituted for the purpose of avoiding or  
2416 circumventing the compulsory attendance law.

2417 (4) An "unlawful absence" is an absence during a school day  
2418 by a compulsory-school-age child, which absence is not due to a  
2419 valid excuse for temporary nonattendance. Days missed from school  
2420 due to disciplinary suspension shall not be considered an  
2421 "excused" absence under this section. This subsection shall not  
2422 apply to children enrolled in a nonpublic school.

2423 Each of the following shall constitute a valid excuse for  
2424 temporary nonattendance of a compulsory-school-age child enrolled



2425 in a public school, provided satisfactory evidence of the excuse  
2426 is provided to the superintendent of the school district, or his  
2427 designee:

2428           (a) An absence is excused when the absence results from  
2429 the compulsory-school-age child's attendance at an authorized  
2430 school activity with the prior approval of the superintendent of  
2431 the school district, or his designee. These activities may  
2432 include field trips, athletic contests, student conventions,  
2433 musical festivals and any similar activity.

2434           (b) An absence is excused when the absence results from  
2435 illness or injury which prevents the compulsory-school-age child  
2436 from being physically able to attend school.

2437           (c) An absence is excused when isolation of a  
2438 compulsory-school-age child is ordered by the county health  
2439 officer, by the State Board of Health or appropriate school  
2440 official.

2441           (d) An absence is excused when it results from the  
2442 death or serious illness of a member of the immediate family of a  
2443 compulsory-school-age child. The immediate family members of a  
2444 compulsory-school-age child shall include children, spouse,  
2445 grandparents, parents, brothers and sisters, including  
2446 stepbrothers and stepsisters.

2447           (e) An absence is excused when it results from a  
2448 medical or dental appointment of a compulsory-school-age child  
2449 where an approval of the superintendent of the school district, or  
2450 his designee, is gained before the absence, except in the case of  
2451 emergency.

2452           (f) An absence is excused when it results from the  
2453 attendance of a compulsory-school-age child at the proceedings of  
2454 a court or an administrative tribunal if the child is a party to  
2455 the action or under subpoena as a witness.

2456           (g) An absence may be excused if the religion to which  
2457 the compulsory-school-age child or the child's parents adheres,

2458 requires or suggests the observance of a religious event. The  
2459 approval of the absence is within the discretion of the  
2460 superintendent of the school district, or his designee, but  
2461 approval should be granted unless the religion's observance is of  
2462 such duration as to interfere with the education of the child.

2463 (h) An absence may be excused when it is demonstrated  
2464 to the satisfaction of the superintendent of the school district,  
2465 or his designee, that the purpose of the absence is to take  
2466 advantage of a valid educational opportunity such as travel,  
2467 including vacations or other family travel. Approval of the  
2468 absence must be gained from the superintendent of the school  
2469 district, or his designee, before the absence, but the approval  
2470 shall not be unreasonably withheld.

2471 (i) An absence may be excused when it is demonstrated  
2472 to the satisfaction of the superintendent of the school district,  
2473 or his designee, that conditions are sufficient to warrant the  
2474 compulsory-school-age child's nonattendance. However, no absences  
2475 shall be excused by the school district superintendent, or his  
2476 designee, when any student suspensions or expulsions circumvent  
2477 the intent and spirit of the compulsory attendance law.

2478 (5) Any parent, guardian or custodian of a  
2479 compulsory-school-age child subject to this section who refuses or  
2480 willfully fails to perform any of the duties imposed upon him or  
2481 her under this section or who intentionally falsifies any  
2482 information required to be contained in a certificate of  
2483 enrollment, shall be guilty of contributing to the neglect of a  
2484 child and, upon conviction, shall be punished in accordance with  
2485 Section 97-5-39.

2486 Upon prosecution of a parent, guardian or custodian of a  
2487 compulsory-school-age child for violation of this section, the  
2488 presentation of evidence by the prosecutor that shows that the  
2489 child has not been enrolled in school within eighteen (18)  
2490 calendar days after the first day of the school year of the public

2491 school which the child is eligible to attend, or that the child  
2492 has accumulated twelve (12) unlawful absences during the school  
2493 year at the public school in which the child has been enrolled,  
2494 shall establish a prima facie case that the child's parent,  
2495 guardian or custodian is responsible for the absences and has  
2496 refused or willfully failed to perform the duties imposed upon him  
2497 or her under this section. However, no proceedings under this  
2498 section shall be brought against a parent, guardian or custodian  
2499 of a compulsory-school-age child unless the school attendance  
2500 officer has contacted promptly the home of the child and has  
2501 provided written notice to the parent, guardian or custodian of  
2502 the requirement for the child's enrollment or attendance.

2503 (6) If a compulsory-school-age child has not been enrolled  
2504 in a school within fifteen (15) calendar days after the first day  
2505 of the school year of the school which the child is eligible to  
2506 attend or the child has accumulated five (5) unlawful absences  
2507 during the school year of the public school in which the child is  
2508 enrolled, the school district superintendent shall report, within  
2509 two (2) school days or within five (5) calendar days, whichever is  
2510 less, the absences to the school attendance officer. The State  
2511 Department of Education shall prescribe a uniform method for  
2512 schools to utilize in reporting the unlawful absences to the  
2513 school attendance officer. The superintendent shall also report  
2514 any child who has accumulated twelve (12) unlawful absences in a  
2515 single school year to the Commissioner of Public Safety for  
2516 driver's license suspension pursuant to Section 63-1-10. The  
2517 superintendent, or his designee, also shall report any student  
2518 suspensions or student expulsions to the school attendance officer  
2519 when they occur.

2520 (7) When a school attendance officer has made all attempts  
2521 to secure enrollment and/or attendance of a compulsory-school-age  
2522 child and is unable to effect the enrollment and/or attendance,  
2523 the attendance officer shall file a petition with the youth court

2524 under Section 43-21-451 or shall file a petition in a court of  
2525 competent jurisdiction as it pertains to parent or child.  
2526 Sheriffs, deputy sheriffs and municipal law enforcement officers  
2527 shall be fully authorized to investigate all cases of  
2528 nonattendance and unlawful absences by compulsory-school-age  
2529 children, and shall be authorized to file a petition with the  
2530 youth court under Section 43-21-451 or file a petition or  
2531 information in the court of competent jurisdiction as it pertains  
2532 to parent or child for violation of this section. The youth court  
2533 shall expedite a hearing to make an appropriate adjudication and a  
2534 disposition to ensure compliance with the Compulsory School  
2535 Attendance Law, and may order the child to enroll or re-enroll in  
2536 school. The superintendent of the school district to which the  
2537 child is ordered may assign, in his discretion, the child to the  
2538 alternative school program of the school established pursuant to  
2539 Section 37-13-92. The court shall suspend the driver's license of  
2540 a child who fails to attend school by taking and keeping it in  
2541 custody of the court for not more than one (1) year, and shall  
2542 also notify the Commissioner of Public Safety of the suspension.

2543 (8) The State Board of Education shall adopt rules and  
2544 regulations for the purpose of reprimanding any school  
2545 superintendents who fail to timely report unexcused absences under  
2546 the provisions of this section.

2547 (9) Notwithstanding any provision or implication herein to  
2548 the contrary, it is not the intention of this section to impair  
2549 the primary right and the obligation of the parent or parents, or  
2550 person or persons in loco parentis to a child, to choose the  
2551 proper education and training for such child, and nothing in this  
2552 section shall ever be construed to grant, by implication or  
2553 otherwise, to the State of Mississippi, any of its officers,  
2554 agencies or subdivisions any right or authority to control,  
2555 manage, supervise or make any suggestion as to the control,  
2556 management or supervision of any private or parochial school or

2557 institution for the education or training of children, of any kind  
2558 whatsoever that is not a public school according to the laws of  
2559 this state; and this section shall never be construed so as to  
2560 grant, by implication or otherwise, any right or authority to any  
2561 state agency or other entity to control, manage, supervise,  
2562 provide for or affect the operation, management, program,  
2563 curriculum, admissions policy or discipline of any such school or  
2564 home instruction program.

2565       **SECTION 12.** Section 43-21-621, Mississippi Code of 1972, is  
2566 amended as follows:

2567       43-21-621. (1) The youth court may, in compliance with the  
2568 laws governing education of children, order any state-supported  
2569 public school in its jurisdiction after notice and hearing to  
2570 enroll or re-enroll any compulsory-school-age child in school, and  
2571 further order appropriate educational services. Provided,  
2572 however, that the youth court shall not order the enrollment or  
2573 reenrollment of a student who has been suspended or expelled by a  
2574 public school pursuant to Section 37-9-71 or 37-7-301 for  
2575 possession of a weapon on school grounds, for an offense involving  
2576 a threat to the safety of other persons or for the commission of a  
2577 violent act. For the purpose of this section "violent act" means  
2578 any action which results in death or physical harm to another or  
2579 an attempt to cause death or physical harm to another. The  
2580 superintendent of the school district to which such child is  
2581 ordered may, in his discretion, assign such child to the  
2582 alternative school program of such school established pursuant to  
2583 Section 37-13-92, Mississippi Code of 1972. The court shall have  
2584 jurisdiction to enforce school and education laws. Nothing in  
2585 this section shall be construed to affect the attendance of a  
2586 child in a legitimate home instruction program.

2587       (2) The youth court may specify the following conditions of  
2588 probation related to any juvenile ordered to enroll or re-enroll  
2589 in school: That the juvenile maintain passing grades in up to

2590 four (4) courses during each grading period and meet with the  
2591 court counselor and a representative of the school to make a plan  
2592 for how to maintain those passing grades.

2593 (3) If the adjudication of delinquency was for an offense  
2594 involving a threat to the safety of the juvenile or others and  
2595 school attendance is a condition of probation, the youth court  
2596 judge shall make a finding that the principal of the juvenile's  
2597 school should be notified. If the judge orders that the principal  
2598 be notified, the youth court counselor shall within five (5) days  
2599 or before the juvenile begins to attend school, whichever occurs  
2600 first, notify the principal of the juvenile's school in writing of  
2601 the nature of the offense and the probation requirements related  
2602 to school attendance. A principal notified by a juvenile court  
2603 counselor shall handle the report according to the guidelines and  
2604 rules adopted by the State Board of Education.

2605 (4) The court shall suspend the child's driver's license by  
2606 taking and keeping it in the custody of the court for not more  
2607 than one (1) year, and shall also notify the Commissioner of  
2608 Public Safety of the suspension.

2609 **SECTION 13.** Section 63-1-10, Mississippi Code of 1972, is  
2610 amended as follows:

2611 63-1-10. (1) Any applicant for a license under eighteen  
2612 (18) years of age must submit with the application documentation  
2613 from the appropriate authority that the applicant is in compliance  
2614 with Section 63-1-9(1)(g). The appropriate authority shall be the  
2615 school principal of a public or private school or his designee,  
2616 or, in the case of a home study program, the parent, or the adult  
2617 education supervisor of the General Education Development Program  
2618 or his designee. Documentation of the applicant's enrollment  
2619 status shall be on a form designed by the Department of Education  
2620 as approved by the Department of Public Safety in a manner that  
2621 insures the authenticity of the form and any information or  
2622 signature contained thereon. Any student who is eligible to apply

2623 for a license and who is properly enrolled in a school under the  
2624 jurisdiction of the authority is entitled to receive the  
2625 documentation for presentation to the Department of Public Safety  
2626 to accompany the application. The forms required under this  
2627 section to provide documentation shall be made available to public  
2628 schools, private schools approved by the State Board of Elementary  
2629 and Secondary Education, and adult education supervisors at school  
2630 board offices and shall be made available to others through the  
2631 Department of Public Safety.

2632 (2) (a) Whenever an applicant who is under eighteen (18)  
2633 years of age is unable to attend any school program due to  
2634 acceptable circumstances, the appropriate authority where the  
2635 student last attended shall provide the student with documentation  
2636 to present to the department to excuse such student from the  
2637 provisions of Section 63-1-9(1)(g). The appropriate authority  
2638 shall be the sole judge of whether withdrawal of a student or  
2639 failure of a student to attend is due to acceptable circumstances.  
2640 Suspension or expulsion from school or incarceration in a  
2641 correctional institution is not an acceptable circumstance for a  
2642 person being unable to attend school.

2643 (b) Whenever a child who is under eighteen (18) years  
2644 of age accumulates twelve (12) unlawful absences, that child's  
2645 driver's license shall be suspended.

2646 (3) Any person denied a license for failure to satisfy the  
2647 education requirements of Section 63-1-9(1)(g) or whose license is  
2648 suspended due to failure to attend school shall have the right to  
2649 file a request within thirty (30) days thereafter for a hearing  
2650 before the Department of Public Safety to determine whether the  
2651 person is entitled to a license or is subject to the cancellation  
2652 of his license under the provisions of this section. The hearing  
2653 shall be held within ten (10) days of the receipt by the  
2654 department of the request. Appeal from the decision of the  
2655 department may be taken under Section 63-1-31.

2656           **SECTION 14.** Section 63-1-31, Mississippi Code of 1972, is  
2657 amended as follows:

2658           63-1-31. When a person is denied a license or any temporary  
2659 driving permit after filing the proper application, or when a  
2660 child's driver's license is suspended due to failure to attend  
2661 school, he shall have the right within sixty (60) days thereafter  
2662 to file a petition, in the county circuit or chancery court in the  
2663 county wherein such application was filed, praying for a hearing  
2664 in the matter before the judge of the court in which such  
2665 application is presented. Such judge or chancellor is hereby  
2666 vested with jurisdiction to hear such matters forthwith within  
2667 term time or during vacation, upon five (5) days' written notice  
2668 to the officer who refused to issue such license or any temporary  
2669 driving permit. Said hearing shall be conducted at such place as  
2670 may suit the convenience of the court. On the hearing of the  
2671 petition, testimony may be taken, and the court shall render such  
2672 judgment in the matter as it deems right and proper under the law  
2673 and evidence.

2674           **SECTION 15.** Section 63-1-51, Mississippi Code of 1972, is  
2675 amended as follows:

2676           63-1-51. (1) It shall be the duty of the trial judge, upon  
2677 conviction of any person holding a license issued pursuant to this  
2678 article where the penalty for a traffic violation is as much as  
2679 Ten Dollars (\$10.00), to mail a copy of abstract of the court  
2680 record or provide an electronically or computer generated copy of  
2681 abstract of the court record immediately to the commissioner at  
2682 Jackson, Mississippi, showing the date of conviction, penalty,  
2683 etc., so that a record of same may be made by the Department of  
2684 Public Safety. The commissioner shall forthwith revoke the  
2685 license of any person for a period of one (1) year upon receiving  
2686 a duly certified record of each person's convictions of any of the  
2687 following offenses when such conviction has become final:



2688           (a) Manslaughter or negligent homicide resulting from  
2689 the operation of a motor vehicle;

2690           (b) Any felony in the commission of which a motor  
2691 vehicle is used;

2692           (c) Failure to stop and render aid as required under  
2693 the laws of this state in event of a motor vehicle accident  
2694 resulting in the death or personal injury of another;

2695           (d) Perjury or the willful making of a false affidavit  
2696 or statement under oath to the department under this article or  
2697 under any other law relating to the ownership or operation of  
2698 motor vehicles;

2699           (e) Conviction, or forfeiture of bail not vacated, upon  
2700 three (3) charges of reckless driving committed within a period of  
2701 twelve (12) months;

2702           (f) Contempt for failure to pay a fine or fee or to  
2703 respond to a summons or citation pursuant to a charge of a  
2704 violation of this title.

2705           (2) The commissioner shall revoke the license issued  
2706 pursuant to this article of any person convicted of negligent  
2707 homicide, in addition to any penalty now provided by law.

2708           (3) In addition to the reasons specified in this section,  
2709 the commissioner shall be authorized to suspend the license issued  
2710 to any person pursuant to this article for being out of compliance  
2711 with an order for support, as defined in Section 93-11-153. The  
2712 procedure for suspension of a license for being out of compliance  
2713 with an order for support, and the procedure for the reissuance or  
2714 reinstatement of a license suspended for that purpose, and the  
2715 payment of any fees for the reissuance or reinstatement of a  
2716 license suspended for that purpose, shall be governed by Section  
2717 93-11-157 or 93-11-163, as the case may be. If there is any  
2718 conflict between any provision of Section 93-11-157 or 93-11-163  
2719 and any provision of this article, the provisions of Section  
2720 93-11-157 or 93-11-163, as the case may be, shall control.

2721           (4) The Commissioner shall suspend the driver's license  
2722 issued to a child when required under Section 63-1-10 for failure  
2723 to attend school.

2724           **SECTION 16.** Section 37-13-83, Mississippi Code of 1972, is  
2725 amended as follows:

2726           37-13-83. The State Superintendent of Public Education shall  
2727 appoint a director for the Office of Compulsory School Attendance  
2728 Enforcement, who shall be an Associate State Superintendent of  
2729 Education, and who shall meet all qualifications established for  
2730 school attendance officer supervisors and any additional  
2731 qualifications that may be established by the State Superintendent  
2732 of Public Education or State Personnel Board. The director shall  
2733 be responsible for the proper administration of the Office of  
2734 Compulsory School Attendance Enforcement in conformity with the  
2735 Mississippi Compulsory School Attendance Law, shall be responsible  
2736 for student dropout prevention in the public schools and any other  
2737 regulations or policies that may be adopted by the State Board of  
2738 Education.

2739           **SECTION 17.** Section 37-13-85, Mississippi Code of 1972, is  
2740 amended as follows:

2741           37-13-85. The Office of Compulsory School Attendance  
2742 Enforcement shall have the following powers and duties, in  
2743 addition to all others imposed or granted by law:

2744           (a) To establish any policies or guidelines concerning  
2745 the employment of school attendance officers which serve to  
2746 effectuate a uniform system of enforcement under the Mississippi  
2747 Compulsory School Attendance Law throughout the state, and to  
2748 designate the number of school attendance officers which shall be  
2749 employed to serve in each school district area;

2750           (b) To supervise and assist school attendance officer  
2751 supervisors in the performance of their duties;

2752           (c) To establish minimum standards for enrollment and  
2753 attendance for the state and each individual school district, and

2754 to monitor the success of the state and districts in achieving the  
2755 required levels of performance;

2756 (d) To provide to school districts failing to meet the  
2757 established standards for enrollment and attendance assistance in  
2758 reducing absenteeism or the dropout rates in those districts;

2759 (e) To establish any qualifications, in addition to  
2760 those required under Section 37-13-89, for school attendance  
2761 officers as the office deems necessary to further the purposes of  
2762 the Mississippi Compulsory School Attendance Law;

2763 (f) To develop and implement a system under which  
2764 school districts are required to maintain accurate records that  
2765 document enrollment and attendance in such a manner that the  
2766 records reflect all changes in enrollment and attendance, and to  
2767 require school attendance officers to submit information  
2768 concerning public school attendance on a monthly basis to the  
2769 office;

2770 (g) To prepare the form of the certificate of  
2771 enrollment required under the Mississippi Compulsory School  
2772 Attendance Law and to furnish a sufficient number of the  
2773 certificates of enrollment to each school attendance officer in  
2774 the state;

2775 (h) To publish a report each year on the work of school  
2776 attendance officers in each school district concerning enforcement  
2777 of the Mississippi Compulsory School Attendance Law. The report  
2778 shall include: figures reflecting school attendance violations  
2779 and reductions or increases in the school dropout rates;  
2780 information describing attendance-related problems and proposed  
2781 solutions for those problems; and any other information that the  
2782 State Department of Education may require. The report shall be  
2783 submitted to the State Board of Education and the Education  
2784 Committees of the Senate and House of Representatives before the  
2785 first day of July for the immediately preceding school year;

2786           (i) To provide to the State Board of Education  
2787 statistical information concerning absenteeism, dropouts and other  
2788 attendance-related problems as requested by the State Board of  
2789 Education;

2790           (j) To provide for the certification of school  
2791 attendance officers;

2792           (k) To provide for a course of training and education  
2793 for school attendance officers, and to require successful  
2794 completion of the course as a prerequisite to certification by the  
2795 office as school attendance officers;

2796           (l) To adopt any guidelines or policies the office  
2797 deems necessary to effectuate an orderly transition from the  
2798 supervision of school attendance officers by district attorneys to  
2799 the supervision by the school attendance officer supervisors;

2800           (m) Beginning on July 1, 1998, to require school  
2801 attendance officer supervisors to employ persons employed by  
2802 district attorneys before July 1, 1998, as school attendance  
2803 officers without requiring such persons to submit an application  
2804 or interview for employment with the State Department of  
2805 Education;

2806           (n) To adopt policies or guidelines linking the duties  
2807 of school attendance officers to the appropriate courts, law  
2808 enforcement agencies and community service providers; \* \* \*

2809           (o) To adopt any other policies or guidelines that the  
2810 office deems necessary for the enforcement of the Mississippi  
2811 Compulsory School Attendance Law; however, the policies or  
2812 guidelines shall not add to or contradict with the requirements of  
2813 Section 37-13-91;

2814           

(p) To be responsible for the administration of a  
2815 statewide dropout prevention program in the public schools of the  
2816 state; and

2817 (q) To provide a written report on the following issues  
2818 related to dropout prevention to the Education Committees of the  
2819 House and Senate and the Governor by December 1, 2006:

2820 (i) Report on school counselor effectiveness in  
2821 dropout prevention. Research indicates that school counselors are  
2822 crucial to a student's success in school that the middle school  
2823 years are a critical time to intervene for potential dropouts.  
2824 The Mississippi Legislature requires additional information to  
2825 assess the impact the state's counselors have on the dropout rate.  
2826 The report shall contain, at a minimum, the following information:

2827 1. A summary of districts' middle school  
2828 dropout prevention services specifically including the number of  
2829 counselors per school and their responsibility; and

2830 2. The financial sources of funding these  
2831 programs and the salaries of school counselors; and

2832 3. The potential partnership of the state's  
2833 regional education service agencies in developing and implementing  
2834 dropout prevention plans for the state in their regions; and

2835 4. The number of counselors that have  
2836 received a National Certified School Counselor (NCSC) endorsement  
2837 from the National Board of Certified Counselors by grade and its  
2838 impact on dropout prevention.

2839 (ii) Scientifically-based methods of reducing  
2840 dropouts. The State Department of Education shall identify  
2841 scientifically-based research that is being used to reduce the  
2842 dropout rate, especially in high-poverty school districts. The  
2843 report shall contain, at a minimum, the following information:

2844 1. Examples of best practices from states  
2845 with low dropout rates; and

2846 2. Effective policies, including, but not  
2847 limited to:

2848 a. Career and technical education in the  
2849 curriculum;

2850 b. Early intervention of middle-aged  
2851 students;  
2852 c. Provision and effect of supplemental  
2853 services for at-risk students;  
2854 d. Impact of school size;  
2855 e. Impact of discipline in the school  
2856 environment;  
2857 f. The relation of adolescent literacy  
2858 program and the dropout rate.

2859 (iii) Best practices in the utilization of local  
2860 community resources. The State Department of Education shall  
2861 issue a report on best practices of this state and others in the  
2862 utilization of local community resources. The report shall  
2863 contain, at a minimum, examples of local resources utilized and  
2864 how.

2865 (iv) The effect of raising the  
2866 compulsory-school-attendance age. The State Department of  
2867 Education shall issue a report on the effect of raising the  
2868 compulsory-school-attendance age to the Education Committees of  
2869 the House and Senate by December 1, 2006. The report shall  
2870 contain, at a minimum, the following information:

2871 1. The social and economic impact on the  
2872 state of student dropouts and the ability for dropouts to  
2873 comprehend the effect and consequences;

2874 2. Research supporting variables that  
2875 contribute and detract from student persistence in school;

2876 3. The State Department of Education's  
2877 strategy that would be provided to implement a raise in the  
2878 compulsory-school-attendance age;

2879 4. The financial impact of raising the  
2880 compulsory-school-attendance age on school districts;

2881 5. Examples of other states that have raised  
2882 their compulsory-school-attendance age; and

2883                   6. Qualitative reports from school district  
2884 administrators on the impact of raising the compulsory school age  
2885 on the dropout crisis.

2886           **SECTION 18.** Section 37-17-6, Mississippi Code of 1972, is  
2887 amended as follows:

2888           37-17-6. (1) The State Board of Education, acting through  
2889 the Commission on School Accreditation, shall establish and  
2890 implement a permanent performance-based accreditation system, and  
2891 all public elementary and secondary schools shall be accredited  
2892 under this system.

2893           (2) No later than June 30, 1995, the State Board of  
2894 Education, acting through the Commission on School Accreditation,  
2895 shall require school districts to provide school classroom space  
2896 that is air conditioned as a minimum requirement for  
2897 accreditation.

2898           (3) (a) Beginning with the 1994-1995 school year, the State  
2899 Board of Education, acting through the Commission on School  
2900 Accreditation, shall require that school districts employ  
2901 certified school librarians according to the following formula:

2902           Number of Students	Number of Certified
2903           Per School Library	School Librarians
2904           0 - 499 Students	½ Full-time Equivalent
2905	Certified Librarian
2906           500 or More Students	1 Full-time Certified
2907	Librarian

2908           (b) The State Board of Education, however, may increase  
2909 the number of positions beyond the above requirements.

2910           (c) The assignment of such school librarians to the  
2911 particular schools shall be at the discretion of the local school  
2912 district. No individual shall be employed as a certified school  
2913 librarian without appropriate training and certification as a  
2914 school librarian by the State Department of Education.

2915           (d) School librarians in such district shall spend at  
2916 least fifty percent (50%) of direct work time in a school library  
2917 and shall devote no more than one-fourth (1/4) of the workday to  
2918 administrative activities which are library related.

2919           (e) Nothing in this subsection shall prohibit any  
2920 school district from employing more certified school librarians  
2921 than are provided for in this section.

2922           (f) Any additional mileage levied to fund school  
2923 librarians required for accreditation under this subsection shall  
2924 be included in the tax increase limitation set forth in Sections  
2925 37-57-105 and 37-57-107 and shall not be deemed a new program for  
2926 purposes of the limitation.

2927           (4) On or before December 31, 2002, the State Board of  
2928 Education shall implement the performance-based accreditation  
2929 system for school districts and for individual schools which shall  
2930 include the following:

2931           (a) High expectations for students and high standards  
2932 for all schools, with a focus on the basic curriculum;

2933           (b) Strong accountability for results with appropriate  
2934 local flexibility for local implementation;

2935           (c) A process to implement accountability at both the  
2936 school district level and the school level;

2937           (d) Individual schools shall be held accountable for  
2938 student growth and performance;

2939           (e) Set annual performance standards for each of the  
2940 schools of the state and measure the performance of each school  
2941 against itself through the standard that has been set for it;

2942           (f) A determination of which schools exceed their  
2943 standards and a plan for providing recognition and rewards to such  
2944 schools;

2945           (g) A determination of which schools are failing to  
2946 meet their standards and a determination of the appropriate role  
2947 of the State Board of Education and the State Department of



2948 Education in providing assistance and initiating possible  
2949 intervention;

2950 (h) Development of a comprehensive student assessment  
2951 system to implement these requirements; and

2952 (i) The State Board of Education may, based on a  
2953 written request that contains specific reasons for requesting a  
2954 waiver from the school districts affected by Hurricane Katrina of  
2955 2005, hold harmless school districts from assignment of district  
2956 and school level accountability ratings for the 2005-2006 school  
2957 year. The State Board of Education upon finding an extreme  
2958 hardship in the school district may grant the request. It is the  
2959 intent of the Legislature that all school districts maintain the  
2960 highest possible academic standards and instructional programs in  
2961 all schools as required by law and the State Board of Education.

2962 The State Board of Education may continue to assign school  
2963 district performance levels by using a number classification and  
2964 may assign individual school performance levels by using a number  
2965 classification to be consistent with school district performance  
2966 levels.

2967 (5) Nothing in this section shall be deemed to require a  
2968 nonpublic school which receives no local, state or federal funds  
2969 for support to become accredited by the State Board of Education.

2970 (6) The State Board of Education shall create an  
2971 accreditation audit unit under the Commission on School  
2972 Accreditation to determine whether schools are complying with  
2973 accreditation standards.

2974 (7) The State Board of Education shall be specifically  
2975 authorized and empowered to withhold adequate minimum education  
2976 program or adequate education program fund allocations, whichever  
2977 is applicable, to any public school district for failure to timely  
2978 report student, school personnel and fiscal data necessary to meet  
2979 state and/or federal requirements.

2980 (8) Deleted.

2981           (9) The State Board of Education shall establish, for those  
2982 school districts failing to meet accreditation standards, a  
2983 program of development to be complied with in order to receive  
2984 state funds, except as otherwise provided in subsection (14) of  
2985 this section when the Governor has declared a state of emergency  
2986 in a school district or as otherwise provided in Section 206,  
2987 Mississippi Constitution of 1890. The state board, in  
2988 establishing these standards, shall provide for notice to schools  
2989 and sufficient time and aid to enable schools to attempt to meet  
2990 these standards, unless procedures under subsection (14) of this  
2991 section have been invoked.

2992           (10) Beginning July 1, 1998, the State Board of Education  
2993 shall be charged with the implementation of the program of  
2994 development in each applicable school district as follows:

2995                 (a) Develop an impairment report for each district  
2996 failing to meet accreditation standards in conjunction with school  
2997 district officials;

2998                 (b) Notify any applicable school district failing to  
2999 meet accreditation standards that it is on probation until  
3000 corrective actions are taken or until the deficiencies have been  
3001 removed. The local school district shall develop a corrective  
3002 action plan to improve its deficiencies. For district academic  
3003 deficiencies, the corrective action plan for each such school  
3004 district shall be based upon a complete analysis of the following:  
3005 student test data, student grades, student attendance reports,  
3006 student dropout data, existence and other relevant data. The  
3007 corrective action plan shall describe the specific measures to be  
3008 taken by the particular school district and school to improve:

3009                 (a) instruction; (b) curriculum; (c) professional development; (d)  
3010 personnel and classroom organization; (e) student incentives for  
3011 performance; (f) process deficiencies; and (g) reporting to the  
3012 local school board, parents and the community. The corrective  
3013 action plan shall describe the specific individuals responsible

3014 for implementing each component of the recommendation and how each  
3015 will be evaluated. All corrective action plans shall be provided  
3016 to the State Board of Education as may be required. The decision  
3017 of the State Board of Education establishing the probationary  
3018 period of time shall be final;

3019 (c) Offer, during the probationary period, technical  
3020 assistance to the school district in making corrective actions.  
3021 Beginning July 1, 1998, subject to the availability of funds, the  
3022 State Department of Education shall provide technical and/or  
3023 financial assistance to all such school districts in order to  
3024 implement each measure identified in that district's corrective  
3025 action plan through professional development and on-site  
3026 assistance. Each such school district shall apply for and utilize  
3027 all available federal funding in order to support its corrective  
3028 action plan in addition to state funds made available under this  
3029 paragraph;

3030 (d) Contract, in its discretion, with the institutions  
3031 of higher learning or other appropriate private entities to assist  
3032 school districts;

3033 (e) Provide for publication of public notice at least  
3034 one (1) time during the probationary period, in a newspaper  
3035 published within the jurisdiction of the school district failing  
3036 to meet accreditation standards, or if no newspaper is published  
3037 therein, then in a newspaper having a general circulation therein.  
3038 The publication shall include the following: declaration of  
3039 school system's status as being on probation; all details relating  
3040 to the impairment report, and other information as the State Board  
3041 of Education deems appropriate. Public notices issued under this  
3042 section shall be subject to Section 13-3-31 and not contrary to  
3043 other laws regarding newspaper publication.

3044 (11) (a) If the recommendations for corrective action are  
3045 not taken by the local school district or if the deficiencies are  
3046 not removed by the end of the probationary period, the Commission

3047 on School Accreditation shall conduct a hearing to allow such  
3048 affected school district to present evidence or other reasons why  
3049 its accreditation should not be withdrawn. Subsequent to its  
3050 consideration of the results of such hearing, the Commission on  
3051 School Accreditation shall be authorized, with the approval of the  
3052 State Board of Education, to withdraw the accreditation of a  
3053 public school district, and issue a request to the Governor that a  
3054 state of emergency be declared in that district.

3055 (b) If the State Board of Education and the Commission  
3056 on School Accreditation determine that an extreme emergency  
3057 situation exists in a school district which jeopardizes the  
3058 safety, security or educational interests of the children enrolled  
3059 in the schools in that district and such emergency situation is  
3060 believed to be related to a serious violation or violations of  
3061 accreditation standards or state or federal law, the State Board  
3062 of Education may request the Governor to declare a state of  
3063 emergency in that school district. For purposes of this  
3064 paragraph, such declarations of a state of emergency shall not be  
3065 limited to those instances when a school district's impairments  
3066 are related to a lack of financial resources, but also shall  
3067 include serious failure to meet minimum academic standards, as  
3068 evidenced by a continued pattern of poor student performance.

3069 (c) Whenever the Governor declares a state of emergency  
3070 in a school district in response to a request made under paragraph  
3071 (a) or (b) of this subsection, the State Board of Education may  
3072 take one or more of the following actions:

3073 (i) Declare a state of emergency, under which some  
3074 or all of state funds can be escrowed except as otherwise provided  
3075 in Section 206, Constitution of 1890, until the board determines  
3076 corrective actions are being taken or the deficiencies have been  
3077 removed, or that the needs of students warrant the release of  
3078 funds. Such funds may be released from escrow for any program  
3079 which the board determines to have been restored to standard even

3080 though the state of emergency may not as yet be terminated for the  
3081 district as a whole;

3082           (ii) Override any decision of the local school  
3083 board or superintendent of education, or both, concerning the  
3084 management and operation of the school district, or initiate and  
3085 make decisions concerning the management and operation of the  
3086 school district;

3087           (iii) Assign an interim conservator who will have  
3088 those powers and duties prescribed in subsection (14) of this  
3089 section;

3090           (iv) Grant transfers to students who attend this  
3091 school district so that they may attend other accredited schools  
3092 or districts in a manner which is not in violation of state or  
3093 federal law;

3094           (v) For states of emergency declared under  
3095 paragraph (a) only, if the accreditation deficiencies are related  
3096 to the fact that the school district is too small, with too few  
3097 resources, to meet the required standards and if another school  
3098 district is willing to accept those students, abolish that  
3099 district and assign that territory to another school district or  
3100 districts. If the school district has proposed a voluntary  
3101 consolidation with another school district or districts, then if  
3102 the State Board of Education finds that it is in the best interest  
3103 of the pupils of the district for such consolidation to proceed,  
3104 the voluntary consolidation shall have priority over any such  
3105 assignment of territory by the State Board of Education;

3106           (vi) For states of emergency declared under  
3107 paragraph (b) only, reduce local supplements paid to school  
3108 district employees, including, but not limited to, instructional  
3109 personnel, assistant teachers and extracurricular activities  
3110 personnel, if the district's impairment is related to a lack of  
3111 financial resources, but only to an extent which will result in

3112 the salaries being comparable to districts similarly situated, as  
3113 determined by the State Board of Education;

3114 (vii) For states of emergency declared under  
3115 paragraph (b) only, the State Board of Education must take such  
3116 action as prescribed in Section 37-17-13.

3117 (d) At such time as satisfactory corrective action has  
3118 been taken in a school district in which a state of emergency has  
3119 been declared, the State Board of Education may request the  
3120 Governor to declare that the state of emergency no longer exists  
3121 in the district.

3122 (e) Not later than July 1 of each year, the State  
3123 Department of Education shall develop an itemized accounting of  
3124 the expenditures associated with the management of the conservator  
3125 process with regard to each school district in which a conservator  
3126 has been appointed, and an assessment as to the extent to which  
3127 the conservator has achieved, or failed to achieve, the goals for  
3128 which the conservator was appointed to guide the local school  
3129 district.

3130 (12) Upon the declaration of a state of emergency in a  
3131 school district under subsection (11) of this section, the  
3132 Commission on School Accreditation shall be responsible for public  
3133 notice at least once a week for at least three (3) consecutive  
3134 weeks in a newspaper published within the jurisdiction of the  
3135 school district failing to meet accreditation standards, or if no  
3136 newspaper is published therein, then in a newspaper having a  
3137 general circulation therein. The size of such notice shall be no  
3138 smaller than one-fourth (1/4) of a standard newspaper page and  
3139 shall be printed in bold print. If a conservator has been  
3140 appointed for the school district, such notice shall begin as  
3141 follows: "By authority of Section 37-17-6, Mississippi Code of  
3142 1972, as amended, adopted by the Mississippi Legislature during  
3143 the 1991 Regular Session, this school district (name of school  
3144 district) is hereby placed under the jurisdiction of the State

3145 Department of Education acting through its appointed conservator  
3146 (name of conservator)."

3147 The notice also shall include, in the discretion of the State  
3148 Board of Education, any or all details relating to the school  
3149 district's emergency status, including the declaration of a state  
3150 of emergency in the school district and a description of the  
3151 district's impairment deficiencies, conditions of any  
3152 conservatorship and corrective actions recommended and being  
3153 taken. Public notices issued under this section shall be subject  
3154 to Section 13-3-31 and not contrary to other laws regarding  
3155 newspaper publication.

3156 Upon termination of the state of emergency in a school  
3157 district, the Commission on School Accreditation shall cause  
3158 notice to be published in the school district in the same manner  
3159 provided in this section, to include any or all details relating  
3160 to the corrective action taken in the school district which  
3161 resulted in the termination of the state of emergency.

3162 (13) The State Board of Education or the Commission on  
3163 School Accreditation shall have the authority to require school  
3164 districts to produce the necessary reports, correspondence,  
3165 financial statements, and any other documents and information  
3166 necessary to fulfill the requirements of this section.

3167 Nothing in this section shall be construed to grant any  
3168 individual, corporation, board or conservator the authority to  
3169 levy taxes except in accordance with presently existing statutory  
3170 provisions.

3171 (14) (a) Whenever the Governor declares a state of  
3172 emergency in a school district in response to a request made under  
3173 subsection (11) of this section, the State Board of Education, in  
3174 its discretion, may assign an interim conservator to the school  
3175 district who will be responsible for the administration,  
3176 management and operation of the school district, including, but  
3177 not limited to, the following activities:

3178 (i) Approving or disapproving all financial  
3179 obligations of the district, including, but not limited to, the  
3180 employment, termination, nonrenewal and reassignment of all  
3181 certified and noncertified personnel, contractual agreements and  
3182 purchase orders, and approving or disapproving all claim dockets  
3183 and the issuance of checks; in approving or disapproving  
3184 employment contracts of superintendents, assistant superintendents  
3185 or principals, the interim conservator shall not be required to  
3186 comply with the time limitations prescribed in Sections 37-9-15  
3187 and 37-9-105;

3188 (ii) Supervising the day-to-day activities of the  
3189 district's staff, including reassigning the duties and  
3190 responsibilities of personnel in a manner which, in the  
3191 determination of the conservator, will best suit the needs of the  
3192 district;

3193 (iii) Reviewing the district's total financial  
3194 obligations and operations and making recommendations to the  
3195 district for cost savings, including, but not limited to,  
3196 reassigning the duties and responsibilities of staff;

3197 (iv) Attending all meetings of the district's  
3198 school board and administrative staff;

3199 (v) Approving or disapproving all athletic, band  
3200 and other extracurricular activities and any matters related to  
3201 those activities;

3202 (vi) Maintaining a detailed account of  
3203 recommendations made to the district and actions taken in response  
3204 to those recommendations;

3205 (vii) Reporting periodically to the State Board of  
3206 Education on the progress or lack of progress being made in the  
3207 district to improve the district's impairments during the state of  
3208 emergency; and

3209 (viii) Appointing a parent advisory committee,  
3210 comprised of parents of students in the school district, which may



3211 make recommendations to the conservator concerning the  
3212 administration, management and operation of the school district.

3213       Except when, in the determination of the State Board of  
3214 Education, the school district's impairment is related to a lack  
3215 of financial resources, the cost of the salary of the conservator  
3216 and any other actual and necessary costs related to the  
3217 conservatorship paid by the State Department of Education shall be  
3218 reimbursed by the local school district from nonminimum program  
3219 funds. The department shall submit an itemized statement to the  
3220 superintendent of the local school district for reimbursement  
3221 purposes, and any unpaid balance may be withheld from the  
3222 district's minimum or adequate education program funds.

3223       At such time as the Governor, pursuant to the request of the  
3224 State Board of Education, declares that the state of emergency no  
3225 longer exists in a school district, the powers and  
3226 responsibilities of the interim conservator assigned to such  
3227 district shall cease.

3228       (b) In order to provide loans to school districts under  
3229 a state of emergency which have impairments related to a lack of  
3230 financial resources, the School District Emergency Assistance Fund  
3231 is created as a special fund in the State Treasury into which  
3232 monies may be transferred or appropriated by the Legislature from  
3233 any available public education funds. The maximum amount that may  
3234 be appropriated or transferred to the School District Emergency  
3235 Assistance Fund for any one (1) emergency shall be Two Million  
3236 Dollars (\$2,000,000.00), and the maximum amount that may be  
3237 appropriated during any fiscal year shall be Three Million Dollars  
3238 (\$3,000,000.00).

3239       The State Board of Education may loan monies from the School  
3240 District Emergency Assistance Fund to a school district that is  
3241 under a state of emergency in such amounts, as determined by the  
3242 board, which are necessary to correct the district's impairments  
3243 related to a lack of financial resources. The loans shall be

3244 evidenced by an agreement between the school district and the  
3245 State Board of Education and shall be repayable in principal,  
3246 without necessity of interest, to the State General Fund or the  
3247 Education Enhancement Fund, depending on the source of funding for  
3248 such loan, by the school district from any allowable funds that  
3249 are available. The total amount loaned to the district shall be  
3250 due and payable within five (5) years after the impairments  
3251 related to a lack of financial resources are corrected. If a  
3252 school district fails to make payments on the loan in accordance  
3253 with the terms of the agreement between the district and the State  
3254 Board of Education, the State Department of Education, in  
3255 accordance with rules and regulations established by the State  
3256 Board of Education, may withhold that district's minimum program  
3257 funds in an amount and manner that will effectuate repayment  
3258 consistent with the terms of the agreement; such funds withheld by  
3259 the department shall be deposited into the State General Fund or  
3260 the Education Enhancement Fund, as the case may be.

3261 If the State Board of Education determines that an extreme  
3262 emergency exists, simultaneous with the powers exercised in this  
3263 subsection, it shall take immediate action against all parties  
3264 responsible for the affected school districts having been  
3265 determined to be in an extreme emergency. Such action shall  
3266 include, but not be limited to, initiating civil actions to  
3267 recover funds and criminal actions to account for criminal  
3268 activity. Any funds recovered by the State Auditor or the State  
3269 Board of Education from the surety bonds of school officials or  
3270 from any civil action brought under this subsection shall be  
3271 applied toward the repayment of any loan made to a school district  
3272 hereunder.

3273 (15) In the event a majority of the membership of the school  
3274 board of any school district resigns from office, the State Board  
3275 of Education shall be authorized to assign an interim conservator,  
3276 who shall be responsible for the administration, management and

3277 operation of the school district until such time as new board  
3278 members are selected or the Governor declares a state of emergency  
3279 in that school district under subsection (11), whichever occurs  
3280 first. In such case, the State Board of Education, acting through  
3281 the interim conservator, shall have all powers which were held by  
3282 the previously existing school board, and may take such action as  
3283 prescribed in Section 37-17-13 and/or one or more of the actions  
3284 authorized in this section.

3285 (16) Beginning with the school district audits conducted for  
3286 the 1997-1998 fiscal year, the State Board of Education, acting  
3287 through the Commission on School Accreditation, shall require each  
3288 school district to comply with standards established by the State  
3289 Department of Audit for the verification of fixed assets and the  
3290 auditing of fixed assets records as a minimum requirement for  
3291 accreditation.

3292 (17) Before December 1, 1999, the State Board of Education  
3293 shall recommend a program to the Education Committees of the House  
3294 of Representatives and the Senate for identifying and rewarding  
3295 public schools that improve or are high performing. The program  
3296 shall be described by the board in a written report, which shall  
3297 include criteria and a process through which improving schools and  
3298 high-performing schools will be identified and rewarded.

3299 The State Superintendent of Education and the State Board of  
3300 Education also shall develop a comprehensive accountability plan  
3301 to ensure that local school boards, superintendents, principals  
3302 and teachers are held accountable for student achievement. A  
3303 written report on the accountability plan shall be submitted to  
3304 the Education Committees of both houses of the Legislature before  
3305 December 1, 1999, with any necessary legislative recommendations.

3306 (18) Beginning with the 2006-2007 school year, no school  
3307 with a student dropout rate greater than ten percent (10%) shall  
3308 receive a Level 3 accreditation rating or above as defined by the  
3309 Mississippi Commission on School Accreditation.

3310 Beginning with the 2007-2008 school year, the State Board of  
3311 Education, acting through the Mississippi Commission on School  
3312 Accreditation, shall develop accreditation standards to require  
3313 high schools in the state with a student dropout rate greater than  
3314 fifteen percent (15%) over a three-year period to convert their  
3315 high school attendance centers into centers with smaller student  
3316 enrollment, or to convert its high school to a charter school as  
3317 provided in Section 37-28-1 et seq., Mississippi Code of 1972.

3318 Beginning with the 2006-2007 school year, the State  
3319 Department of Education shall provide technical assistance as  
3320 necessary to school districts in order to develop a school  
3321 district student dropout prevention plan for students in the  
3322 middle and high school grades. Each such local school district  
3323 student dropout prevention plan shall include a team of local  
3324 citizens from the business, law enforcement and education  
3325 community.

3326 Any school or school district with a Level 4 or 5  
3327 accreditation rating is exempt from the requirements of this  
3328 subsection (18).

3329 **SECTION 19.** Section 37-11-53, Mississippi Code of 1972, is  
3330 amended as follows:

3331 37-11-53. (1) A copy of the school district's discipline  
3332 plan shall be distributed to each student enrolled in the  
3333 district, and the parents, guardian or custodian of such student  
3334 shall sign a statement verifying that they have been given notice  
3335 of the discipline policies of their respective school district.  
3336 The school board shall have its official discipline plan and code  
3337 of student conduct legally audited on an annual basis to insure  
3338 that its policies and procedures are currently in compliance with  
3339 applicable statutes, case law and state and federal constitutional  
3340 provisions. As part of the first legal audit occurring after July  
3341 1, 2001, the provisions of this section, Section 37-11-55 and

3342 Section 37-11-18.1 shall be fully incorporated into the school  
3343 district's discipline plan and code of student conduct.

3344 (2) All discipline plans of school districts shall include,  
3345 but not be limited to, the following:

3346 (a) A parent, guardian or custodian of a  
3347 compulsory-school-age child enrolled in a public school district  
3348 shall be responsible financially for his or her minor child's  
3349 destructive acts against school property or persons;

3350 (b) A parent, guardian or custodian of a  
3351 compulsory-school-age child enrolled in a public school district  
3352 may be requested to appear at school by the school attendance  
3353 officer or an appropriate school official for a conference  
3354 regarding acts of the child specified in paragraph (a) of this  
3355 subsection, or for any other discipline conference regarding the  
3356 acts of the child;

3357 (c) A parent, guardian or custodian of a  
3358 compulsory-school-age child over the age of ten (10) years, who is  
3359 in violation of the compulsory school attendance law or who is  
3360 considered as having excessive absenteeism from school may be  
3361 requested to appear at school after working hours by the school  
3362 attendance officer or an appropriate school official for a  
3363 conference regarding the absenteeism of the child;

3364 (d) Any parent, guardian or custodian of a  
3365 compulsory-school-age child enrolled in a school district who  
3366 refuses or willfully fails to attend such discipline conference  
3367 specified in paragraph (b) or paragraph (c) of this section may be  
3368 summoned by proper notification by the superintendent of schools  
3369 or the school attendance officer and be required to attend such  
3370 discipline conference; and

3371 (e) A parent, guardian or custodian of a  
3372 compulsory-school-age child enrolled in a public school district  
3373 shall be responsible for any criminal fines brought against such

3374 student for unlawful activity occurring on school grounds or  
3375 buses.

3376 (3) Any parent, guardian or custodian of a  
3377 compulsory-school-age child who (a) fails to attend a discipline  
3378 conference or a student absenteeism conference within three (3)  
3379 school days of official school notification to which such parent,  
3380 guardian or custodian has been summoned under the provisions of  
3381 this section, or who (b) refuses or willfully fails to perform any  
3382 other duties imposed upon him or her under the provisions of this  
3383 section, shall be guilty of a misdemeanor and, upon conviction,  
3384 shall be:

3385 (a) Fined an amount not to exceed Two Hundred Fifty  
3386 Dollars (\$250.00);

3387 (b) Perform community service of up to twenty-five (25)  
3388 hours; and/or

3389 (c) With the consent of the student's teacher(s),  
3390 attend class with the student for a period of time agreed upon by  
3391 the court, in consultation with the reporting teacher and school  
3392 principal. If the parent, guardian or custodian does not agree to  
3393 attend class with the student or fails to attend class with the  
3394 student, the student shall be suspended in accordance with the  
3395 code of student conduct and discipline policies of the school  
3396 district.

3397 (4) Any public school district shall be entitled to recover  
3398 damages in an amount not to exceed Twenty Thousand Dollars  
3399 (\$20,000.00), plus necessary court costs, from the parents of any  
3400 minor under the age of eighteen (18) years and over the age of six  
3401 (6) years, who maliciously and willfully damages or destroys  
3402 property belonging to such school district. However, this section  
3403 shall not apply to parents whose parental control of such child  
3404 has been removed by court order or decree. The action authorized  
3405 in this section shall be in addition to all other actions which  
3406 the school district is entitled to maintain and nothing in this

3407 section shall preclude recovery in a greater amount from the minor  
3408 or from a person, including the parents, for damages to which such  
3409 minor or other person would otherwise be liable.

3410 \* \* \*

3411 **SECTION 20.** Section 37-3-4, Mississippi Code of 1972, is  
3412 amended as follows:

3413 37-3-4. (1) There is established within the State  
3414 Department of Education, the School Executive Management  
3415 Institute. The director shall be appointed by the State Board of  
3416 Education upon recommendation by the State Superintendent of  
3417 Public Education. The State Superintendent of Public Education,  
3418 with the approval of the State Board of Education, shall assign  
3419 sufficient staff members from the State Department of Education to  
3420 the institute.

3421 (2) It shall be the purpose and duty of the institute to  
3422 conduct thorough empirical studies and analyses of the school  
3423 management needs of the local school districts throughout the  
3424 state, to make recommendations to the State Board of Education  
3425 regarding standards and programs of training that aid in the  
3426 development of administrative and management skills of local  
3427 school administrators, and to conduct such programs related to  
3428 these purposes as they are implemented under guidelines  
3429 established by the State Board of Education.

3430 (3) The State Board of Education shall develop and implement  
3431 through the School Executive Management Institute a program for  
3432 the development of administrative and management skills of local  
3433 school administrators under which all local school administrators  
3434 shall be required to participate. Subject to the extent of  
3435 appropriations available for such purpose, the School Executive  
3436 Management Institute or the Mississippi School Boards Association  
3437 shall be required to offer courses at least twice a year on the  
3438 uses of technology to principals, superintendents and other  
3439 administrative personnel. These courses shall relate to the

3440 application of technology to learning, as well as administrative  
3441 problems.

3442 (4) (a) The institute shall have an advisory board composed  
3443 of ten (10) qualified members appointed by the State Board of  
3444 Education after consultation with the State Superintendent of  
3445 Public Education. This advisory board will offer recommendations  
3446 to the institute on the types of training to be instituted and  
3447 supported. The membership of the advisory board shall be composed  
3448 of the following members, two (2) to be appointed from each  
3449 congressional district: three (3) school administrators; one (1)  
3450 representative of public community/junior colleges within the  
3451 state; one (1) representative of a school of education in an  
3452 institution of higher learning within the state; two (2) local  
3453 school board members; one (1) classroom teacher; and two (2) lay  
3454 persons. In making the initial appointments, three (3) members  
3455 shall be appointed for a term of one (1) year, three (3) members  
3456 shall be appointed for a term of two (2) years, two (2) members  
3457 shall be appointed for a term of three (3) years, and two (2)  
3458 members shall be appointed for a term of four (4) years.  
3459 Thereafter, all members shall be appointed for a term of four (4)  
3460 years. The advisory board shall meet when called by the director,  
3461 but in no event fewer than three (3) times per year. The members  
3462 of the advisory board shall be compensated at the per diem rate  
3463 authorized by Section 25-3-69 and reimbursed for actual and  
3464 necessary expenses as authorized by Section 25-3-41.

3465 (b) Board members of the Oxford-Lafayette Business and  
3466 Industrial Complex shall be paid per diem and reimbursed for  
3467 expenses and mileage from local funds in accordance with Section  
3468 37-6-13.

3469 (5) (a) Basic Education Course. Subject to the extent of  
3470 appropriations available for such purpose, the School Executive  
3471 Management Institute of the State Department of Education shall  
3472 prepare and conduct a course of training for basic education for



3473 the local school board members of this state, in order for board  
3474 members to carry out their duties more effectively and be exposed  
3475 to new ideas involving school restructuring. The basic course  
3476 shall be known as the "School Board Member Training Course" and  
3477 shall consist of at least twelve (12) hours of training. The  
3478 School Executive Management Institute shall issue certificates of  
3479 completion to those school board members who complete the basic  
3480 education course.

3481 (b) Continuing Education Course. The Mississippi  
3482 School Boards Association shall be responsible for preparing and  
3483 conducting a course of training for continuing education for the  
3484 local school board members of this state, in order for board  
3485 members to carry out their duties more effectively and be exposed  
3486 to new ideas involving school restructuring. The continuing  
3487 education course shall be known as the "Continuing Education  
3488 Course for School Board Members" and shall consist of at least six  
3489 (6) hours of training.

3490 The Mississippi School Boards Association shall issue  
3491 certificates of completion to those school board members who  
3492 complete the continuing education course. All costs and expenses  
3493 for preparing and conducting the continuing education course  
3494 provided for in this paragraph shall be paid out of any funds  
3495 which are made available to the Mississippi School Boards  
3496 Association upon authorization and appropriation by the  
3497 Legislature to the State Department of Education.

3498 (6) The Mississippi School Boards Association shall prepare  
3499 and submit a report each year to the State Board of Education and  
3500 to the respective Chairs of the House and Senate Education  
3501 Committees describing the activities and providing an evaluation  
3502 of the continuing education programs offered by the association  
3503 each year.

3504 (7) The School Executive Management Institute of the State  
3505 Department of Education, or the Mississippi School Boards

3506 Association with the oversight of the State Board of Education, at  
3507 least twice a year, shall prepare and conduct required courses of  
3508 training for continuing education for the elementary and secondary  
3509 school principals of this state, in order for principals to carry  
3510 out their duties more effectively and be exposed to new ideas  
3511 involving school management. The continuing education course  
3512 shall be known as the "Continuing Education Course for Principals"  
3513 and shall consist of at least six (6) hours of training. The  
3514 content of the continuing education courses and the time and place  
3515 such courses are to be conducted shall be determined by the School  
3516 Executive Management Institute or the Mississippi School Boards  
3517 Association; however, to the extent practicable, such training  
3518 sessions shall be held within geographical proximity of local  
3519 districts in order that travel times and costs shall not be  
3520 prohibitive.

3521 The institute shall issue certificates of completion to those  
3522 principals who complete such courses. All costs and expenses for  
3523 preparing and conducting the basic and continuing education  
3524 courses provided for in this subsection shall be paid out of any  
3525 funds which are made available to the institute upon authorization  
3526 and appropriation by the Legislature.

3527 (8) Principals and other administrators at schools meeting  
3528 Level 4 or 5 accreditation standards shall be exempted from the  
3529 provisions of this section.

3530 **SECTION 21.** Section 37-3-46, Mississippi Code of 1972, is  
3531 amended as follows:

3532 37-3-46. From and after July 1, 1983, the State Department  
3533 of Education shall:

3534 (a) Provide to local school districts financial,  
3535 training and other assistance to implement and maintain a state  
3536 program of educational accountability and assessment of  
3537 performance.

3538           (b) Provide to local school districts technical  
3539 assistance and training in the development, implementation and  
3540 administration of a personnel appraisal and compensation system  
3541 for all school employees. The State Board of Education shall  
3542 report to the Legislature on January 5, 1986, with recommendations  
3543 based upon the personnel appraisal and compensation system  
3544 developed under this subsection.

3545           (c) Provide to local school districts technical  
3546 assistance in the development, implementation and administration  
3547 of programs designed to keep children in school voluntarily and to  
3548 prevent dropouts.

3549           (d) Schools meeting Level 4 or 5 accreditation  
3550 standards shall be exempted from the provisions of this section.

3551           **SECTION 22.** Section 37-3-49, Mississippi Code of 1972, is  
3552 amended as follows:

3553           37-3-49. (1) The State Department of Education shall  
3554 provide an instructional program and establish guidelines and  
3555 procedures for managing such program in the public schools as part  
3556 of the State Program of Educational Accountability and Assessment  
3557 of Performance as prescribed in Section 37-3-46. Public school  
3558 districts may (a) elect to adopt the instructional program and  
3559 management system provided by the State Department of Education,  
3560 or (b) elect to adopt an instructional program and management  
3561 system which meets or exceeds criteria established by the State  
3562 Department of Education for such. This provision shall begin with  
3563 the courses taught in Grades K-8 which contain skills tested  
3564 through the Mississippi Basic Skills Assessment Program and shall  
3565 proceed through all secondary school courses mandated for  
3566 graduation and all secondary school courses in the Mississippi  
3567 end-of-course testing program. Other state core objectives must  
3568 be included in the district's instructional program as they are  
3569 provided by the State Department of Education along with  
3570 instructional practices, resources, evaluation items and

3571 management procedures. Districts are encouraged to adapt this  
3572 program and accompanying procedures to all other instructional  
3573 areas. The department shall provide that such program and  
3574 guidelines, or a program and guidelines developed by a local  
3575 school district which incorporates the core objectives from the  
3576 curriculum structure are enforced through the performance-based  
3577 accreditation system. It is the intent of the Legislature that  
3578 every effort be made to protect the instructional time in the  
3579 classroom and reduce the amount of paperwork which must be  
3580 completed by teachers. The State Department of Education shall  
3581 take steps to insure that school districts properly use staff  
3582 development time to work on the districts' instructional  
3583 management plans.

3584 (2) The State Department of Education shall provide such  
3585 instructional program and management guidelines which shall  
3586 require for every public school district that:

3587 (a) All courses taught in Grades K-8 which contain  
3588 skills which are tested through the Mississippi Basic Skills  
3589 Assessment Program, all secondary school courses mandated for  
3590 graduation, and all courses in the end-of-course testing program  
3591 shall include the State Department of Education's written list of  
3592 learning objectives.

3593 (b) The local school board must adopt the objectives  
3594 that will form the core curriculum which will be systematically  
3595 delivered throughout the district.

3596 (c) The set of objectives provided by the State  
3597 Department of Education must be accompanied by suggested  
3598 instructional practices and resources that would help teachers  
3599 organize instruction so as to promote student learning of the  
3600 objectives. Objectives added by the school district must also be  
3601 accompanied by suggested instructional practices and resources  
3602 that would help teachers organize instruction. The instructional  
3603 practices and resources that are identified are to be used as

3604 suggestions and not as requirements that teachers must follow. The  
3605 goal of the program is to have students to achieve the desired  
3606 objective and not to limit teachers in the way they teach.

3607 (d) Standards for student performance must be  
3608 established for each core objective in the local program and those  
3609 standards establish the district's definition of mastery for each  
3610 objective.

3611 (e) There shall be an annual review of student  
3612 performance in the instructional program against locally  
3613 established standards. When weaknesses exist in the local  
3614 instructional program, the district shall take action to improve  
3615 student performance.

3616 (3) The State Board of Education and the board of trustees  
3617 of each school district shall adopt policies to limit and reduce  
3618 the number and length of written reports that classroom teachers  
3619 are required to prepare.

3620 (4) This section shall not be construed to limit teachers  
3621 from using their own professional skills to help students master  
3622 instructional objectives, nor shall it be construed as a call for  
3623 more detailed or complex lesson plans or any increase in testing  
3624 at the local school district level.

3625 (5) Schools meeting Level 4 or 5 accreditation standards  
3626 shall be exempted from the provisions of this section.

3627 **SECTION 23.** Section 37-7-337, Mississippi Code of 1972, is  
3628 amended as follows:

3629 37-7-337. (1) The governing authorities of the county,  
3630 counties or city in which a school district is located and the  
3631 school board of each school district shall develop a five-year  
3632 plan to encourage community involvement with the schools in such  
3633 district. Such plan shall be filed with the State Department of  
3634 Education on or before January 1, 1993.

3635 (2) Schools meeting Level 4 or 5 accreditation standards  
3636 shall be exempted from the provisions of this section.

3637           **SECTION 24.** Section 37-17-8, Mississippi Code of 1972, is  
3638 amended as follows:

3639           37-17-8. (1) The State Board of Education, through the  
3640 Commission on School Accreditation, shall establish criteria for  
3641 comprehensive in-service staff development plans. These criteria  
3642 shall: (a) include, but not be limited to, formula and guidelines  
3643 for allocating available state funds for in-service training to  
3644 local school districts; (b) require that a portion of the plans be  
3645 devoted exclusively for the purpose of providing staff development  
3646 training for beginning teachers within that local school district  
3647 and for no other purpose; and (c) require that a portion of the  
3648 school district's in-service training for administrators and  
3649 teachers be dedicated to the application and utilization of  
3650 various disciplinary techniques. The board shall each year make  
3651 recommendations to the Legislature concerning the amount of funds  
3652 which shall be appropriated for this purpose.

3653           (2) Beginning with the 1998-1999 school year, school  
3654 districts shall not be required to submit staff development plans  
3655 to the Commission on School Accreditation for approval. However,  
3656 any school district accredited at Level 1 or Level 2 shall  
3657 include, as a part of any required corrective action plan,  
3658 provisions to address staff development in accordance with State  
3659 Board of Education requirements. All school districts, unless  
3660 specifically exempt from this section, must maintain on file staff  
3661 development plans as required under this section. The plan shall  
3662 have been prepared by a district committee appointed by the  
3663 district superintendent and consisting of teachers,  
3664 administrators, school board members, and lay people, and it shall  
3665 have been approved by the district superintendent.

3666           (3) In order to insure that teachers are not overburdened  
3667 with paperwork and written reports, local school districts and  
3668 the State Board of Education shall take such steps as may be

3669 necessary to further the reduction of paperwork requirements on  
3670 teachers.

3671 (4) Schools meeting Level 4 or 5 accreditation standards  
3672 shall be exempted from the provisions of this section.

3673 **SECTION 25.** Section 37-17-11, Mississippi Code of 1972, is  
3674 amended as follows:

3675 37-17-11. (1) (a) Effective July 1, 2006, schools with  
3676 Level 4 or 5 accreditation standards shall be exempted from the  
3677 provisions pursuant to Sections 37-3-4, 37-3-46, 37-3-49,  
3678 37-7-301, 37-7-306, 37-7-337, 37-9-79, 37-13-61, 37-13-67,  
3679 37-15-9, 37-17-6, 37-17-8, 37-21-7, 37-25-9, 37-41-53, 37-151-5  
3680 and 37-151-77, Mississippi Code of 1972, or (b) the process  
3681 standards included in the Mississippi Public Schools  
3682 Accountability Manual not required by law.

3683 (b) Effective upon official issuance of State Board of  
3684 Education accreditation ratings, each school initially meeting a  
3685 Level 4 or 5 accreditation rating shall have their exemption  
3686 status reevaluated every three (3) years. If a previously  
3687 exempted school's rating is reduced to a Level 1, 2 or 3, then  
3688 that school shall automatically lose its exempt status until it  
3689 again achieves a Level 4 or 5 ranking.

3690 (2) For the purposes of this section, a Level 4 and 5 school  
3691 is defined as designated by the State Board of Education  
3692 accreditation ratings.

3693 (3) The State Department of Education is directed to provide  
3694 a report of all exempted process standards and nonexempted process  
3695 standards to the Office of the Governor, the Chairs of the House  
3696 and Senate Education Committees, and the Mississippi Association  
3697 of State Superintendents by December 1, 2006.

3698 **SECTION 26.** Section 37-21-7, Mississippi Code of 1972, is  
3699 amended as follows:

3700 37-21-7. (1) This section shall be referred to as the  
3701 "Mississippi Elementary Schools Assistant Teacher Program," the

3702 purpose of which shall be to provide an early childhood education  
3703 program that assists in the instruction of basic skills. The  
3704 State Board of Education is authorized, empowered and directed to  
3705 implement a statewide system of assistant teachers in kindergarten  
3706 classes and in the first, second and third grades. The assistant  
3707 teacher shall assist pupils in actual instruction under the strict  
3708 supervision of a licensed teacher.

3709 (2) (a) Except as otherwise authorized under subsection  
3710 (7), each school district shall employ the total number of  
3711 assistant teachers funded under subsection (6) of this section.  
3712 The superintendent of each district shall assign the assistant  
3713 teachers to the kindergarten, first-, second- and third-grade  
3714 classes in the district in a manner that will promote the maximum  
3715 efficiency, as determined by the superintendent, in the  
3716 instruction of skills such as verbal and linguistic skills,  
3717 logical and mathematical skills, and social skills.

3718 (b) If a licensed teacher to whom an assistant teacher  
3719 has been assigned is required to be absent from the classroom, the  
3720 assistant teacher may assume responsibility for the classroom in  
3721 lieu of a substitute teacher. However, no assistant teacher shall  
3722 assume sole responsibility of the classroom for more than three  
3723 (3) consecutive school days. Further, in no event shall any  
3724 assistant teacher be assigned to serve as a substitute teacher for  
3725 any teacher other than the licensed teacher to whom that assistant  
3726 teacher has been assigned.

3727 (3) Assistant teachers shall have, at a minimum, a high  
3728 school diploma or a GED equivalent, and shall show demonstratable  
3729 proficiency in reading and writing skills. The State Department  
3730 of Education shall develop a testing procedure for assistant  
3731 teacher applicants to be used in all school districts in the  
3732 state.

3733 (4) (a) In order to receive funding, each school district  
3734 shall:



3735 (i) Submit a plan on the implementation of a  
3736 reading improvement program to the State Department of Education;  
3737 and

3738 (ii) Develop a plan of educational accountability  
3739 and assessment of performance, including pretests and posttests,  
3740 for reading in Grades 1 through 6.

3741 (b) Additionally, each school district shall:

3742 (i) Provide annually a mandatory preservice  
3743 orientation session, using an existing in-school service day, for  
3744 administrators and teachers on the effective use of assistant  
3745 teachers as part of a team in the classroom setting and on the  
3746 role of assistant teachers, with emphasis on program goals;

3747 (ii) Hold periodic workshops for administrators  
3748 and teachers on the effective use and supervision of assistant  
3749 teachers;

3750 (iii) Provide training annually on specific  
3751 instructional skills for assistant teachers;

3752 (iv) Annually evaluate their program in accordance  
3753 with their educational accountability and assessment of  
3754 performance plan; and

3755 (v) Designate the necessary personnel to supervise  
3756 and report on their program.

3757 (5) The State Department of Education shall:

3758 (a) Develop and assist in the implementation of a  
3759 statewide uniform training module, subject to the availability of  
3760 funds specifically appropriated therefor by the Legislature, which  
3761 shall be used in all school districts for training administrators,  
3762 teachers and assistant teachers. The module shall provide for the  
3763 consolidated training of each assistant teacher and teacher to  
3764 whom the assistant teacher is assigned, working together as a  
3765 team, and shall require further periodical training for  
3766 administrators, teachers and assistant teachers regarding the role  
3767 of assistant teachers;

3768           (b) Annually evaluate the program on the district and  
3769 state level. Subject to the availability of funds specifically  
3770 appropriated therefor by the Legislature, the department shall  
3771 develop: (i) uniform evaluation reports, to be performed by the  
3772 principal or assistant principal, to collect data for the annual  
3773 overall program evaluation conducted by the department; or (ii) a  
3774 program evaluation model that, at a minimum, addresses process  
3775 evaluation; and

3776           (c) Promulgate rules, regulations and such other  
3777 standards deemed necessary to effectuate the purposes of this  
3778 section. Noncompliance with the provisions of this section and  
3779 any rules, regulations or standards adopted by the department may  
3780 result in a violation of compulsory accreditation standards as  
3781 established by the State Board of Education and Commission on  
3782 School Accreditation.

3783           (6) In addition to other funds allotted under the Minimum  
3784 Education or Adequate Education Program, each school district  
3785 shall be allotted sufficient funding for the purpose of employing  
3786 assistant teachers. No assistant teacher shall be paid less than  
3787 the amount he or she received in the prior school year. No school  
3788 district shall receive any funds under this section for any school  
3789 year during which the aggregate amount of the local contribution  
3790 to the salaries of assistant teachers by the district shall have  
3791 been reduced below such amount for the previous year.

3792           For the 2001-2002 school year, the minimum salary for  
3793 assistant teachers shall be Nine Thousand Three Hundred Sixty-five  
3794 Dollars (\$9,365.00).

3795           For the 2002-2003 school year, the minimum salary for  
3796 assistant teachers shall be Nine Thousand Nine Hundred Dollars  
3797 (\$9,900.00).

3798           For the 2003-2004 school year, the minimum salary for  
3799 assistant teachers shall be Ten Thousand Five Hundred Dollars  
3800 (\$10,500.00).

3801 For the 2004-2005 school year, the minimum salary for  
3802 assistant teachers shall be Eleven Thousand Two Hundred Dollars  
3803 (\$11,200.00).

3804 For the 2005-2006 school year and school years thereafter,  
3805 the minimum salary for assistant teachers shall be Twelve Thousand  
3806 Dollars (\$12,000.00).

3807 In addition, for each one percent (1%) that the Sine Die  
3808 General Fund Revenue Estimate Growth exceeds five percent (5%) in  
3809 fiscal year 2003, 2004, 2005 or 2006, as certified by the  
3810 Legislative Budget Office to the State Board of Education and  
3811 subject to the specific appropriation therefor by the Legislature,  
3812 the State Board of Education shall revise the salary scale in the  
3813 appropriate year to provide an additional one percent (1%) across  
3814 the board increase in the base salaries for assistant teachers.  
3815 The State Board of Education shall revise the salaries prescribed  
3816 above for assistant teachers to conform to any adjustments made in  
3817 prior fiscal years due to revenue growth over and above five  
3818 percent (5%). The assistant teachers shall not be restricted to  
3819 working only in the grades for which the funds were allotted, but  
3820 may be assigned to other classes as provided in subsection (2)(a)  
3821 of this section.

3822 (7) (a) As an alternative to employing assistant teachers,  
3823 any school district may use the allotment provided under  
3824 subsection (6) of this section for the purpose of employing  
3825 licensed teachers for kindergarten, first-, second- and  
3826 third-grade classes; however, no school district shall be  
3827 authorized to use the allotment for assistant teachers for the  
3828 purpose of employing licensed teachers unless the district has  
3829 established that the employment of licensed teachers using such  
3830 funds will reduce the teacher:student ratio in the kindergarten,  
3831 first-, second- and third-grade classes. All state funds for  
3832 assistant teachers shall be applied to reducing teacher:student  
3833 ratio in Grades K-3.

3834           It is the intent of the Legislature that no school district  
3835 shall dismiss any assistant teacher for the purpose of using the  
3836 assistant teacher allotment to employ licensed teachers. School  
3837 districts may rely only upon normal attrition to reduce the number  
3838 of assistant teachers employed in that district.

3839           (b) Schools meeting Level 4 or 5 accreditation  
3840 standards shall be exempted from the provisions of this section,  
3841 with the exception of the requirements of Section 37-21-7(3).

3842           **SECTION 27.** Section 37-13-61, Mississippi Code of 1972, is  
3843 amended as follows:

3844           37-13-61. The local school board shall have the power and  
3845 authority to fix the date for the opening and closing of the  
3846 school term, subject to the full one hundred eighty (180) days  
3847 required for a school term of a scholastic year in Section  
3848 37-13-63. Provided, however, that local school boards are  
3849 authorized to keep school in session in excess of the minimum  
3850 number of days prescribed in Section 37-13-63.

3851           **SECTION 28.** Section 37-13-67, Mississippi Code of 1972, is  
3852 amended as follows:

3853           37-13-67. \* \* \* The number of hours of actual teaching which  
3854 shall constitute a school day shall be determined and fixed by the  
3855 board of trustees of the school district at not less than five (5)  
3856 hours \* \* \*.

3857           **SECTION 29.** Section 37-13-69, Mississippi Code of 1972, is  
3858 amended as follows:

3859           37-13-69. All public schools of this state may observe such  
3860 legal holidays as may be designated by the local school board, and  
3861 no sessions of school shall be held on holidays so designated and  
3862 observed. However, all schools shall operate for the full minimum  
3863 term required by law exclusive of the holidays authorized by this  
3864 section. The holidays thus observed shall not be deducted from  
3865 the reports of the superintendents, principals and teachers, and  
3866 such superintendents, principals and teachers shall be allowed pay

3867 for full time as though they had taught on said holidays.  
3868 However, such holidays shall not be counted or included in any way  
3869 in determining the average daily attendance of the school.

3870 **SECTION 30.** Section 37-41-53, Mississippi Code of 1972, is  
3871 amended as follows:

3872 37-41-53. (1) Each school board, person, firm or  
3873 corporation transporting public school children on the public  
3874 roads, streets and highways of the state with motor vehicles shall  
3875 have said motor vehicles inspected according to the laws of the  
3876 state \* \* \*. Each motor vehicle shall be inspected by a competent  
3877 mechanic to be safe for transporting pupils on the roads, streets  
3878 and highways of the state before it is released for such purpose.  
3879 If such motor vehicle is found to be unsafe for transporting  
3880 pupils, then it shall be properly repaired or adjusted as  
3881 necessary before being used to transport pupils. The provisions  
3882 of this subsection (1) shall not apply to vehicles owned by  
3883 individuals and under private contract to the school district and  
3884 used exclusively for transporting members of their immediate  
3885 families.

3886 (2) The State Department of Education may, at its  
3887 discretion, inspect any school bus used for transporting pupils to  
3888 and from the public schools or for activity purposes to determine  
3889 the safety of such motor vehicle for operation on the roads,  
3890 streets and highways of this state. In the event a vehicle is  
3891 inspected and is found to be unsafe for transporting pupils, a  
3892 report shall be filed with the appropriate school official  
3893 indicating its deficiencies with recommendations for correcting  
3894 such deficiencies.

3895 (3) If it is determined that any buses are in such defective  
3896 condition as to constitute an emergency safety hazard, those buses  
3897 may be condemned and removed from service and shall not be  
3898 returned to service until adequate repairs are completed and such  
3899 buses are reinspected by the State Department of Education. Any

3900 school official who approves the operation of any school bus that  
3901 has been removed from service under the conditions listed above,  
3902 prior to being reinspected by the State Department of Education,  
3903 shall be guilty of a misdemeanor and upon conviction shall be  
3904 punished by imprisonment in the county jail for a period not to  
3905 exceed sixty (60) days, or a fine of not less than Five Hundred  
3906 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),  
3907 or by both such fine and imprisonment, in the discretion of the  
3908 court.

3909       **SECTION 31.** Section 37-7-301, Mississippi Code of 1972, is  
3910 amended as follows:

3911       37-7-301. The school boards of all school districts shall  
3912 have the following powers, authority and duties in addition to all  
3913 others imposed or granted by law, to wit:

3914           (a) To organize and operate the schools of the district  
3915 and to make such division between the high school grades and  
3916 elementary grades as, in their judgment, will serve the best  
3917 interests of the school;

3918           (b) To introduce public school music, art, manual  
3919 training and other special subjects into either the elementary or  
3920 high school grades, as the board shall deem proper;

3921           (c) To be the custodians of real and personal school  
3922 property and to manage, control and care for same, both during the  
3923 school term and during vacation;

3924           (d) To have responsibility for the erection, repairing  
3925 and equipping of school facilities and the making of necessary  
3926 school improvements;

3927           (e) To suspend or to expel a pupil or to change the  
3928 placement of a pupil to the school district's alternative school  
3929 or home-bound program for misconduct in the school or on school  
3930 property, as defined in Section 37-11-29, on the road to and from  
3931 school, or at any school-related activity or event, or for conduct  
3932 occurring on property other than school property or other than at

3933 a school-related activity or event when such conduct by a pupil,  
3934 in the determination of the school superintendent or principal,  
3935 renders that pupil's presence in the classroom a disruption to the  
3936 educational environment of the school or a detriment to the best  
3937 interest and welfare of the pupils and teacher of such class as a  
3938 whole, and to delegate such authority to the appropriate officials  
3939 of the school district;

3940 (f) To visit schools in the district, in their  
3941 discretion, in a body for the purpose of determining what can be  
3942 done for the improvement of the school in a general way;

3943 (g) To support, within reasonable limits, the  
3944 superintendent, principal and teachers where necessary for the  
3945 proper discipline of the school;

3946 (h) To exclude from the schools students with what  
3947 appears to be infectious or contagious diseases; provided,  
3948 however, such student may be allowed to return to school upon  
3949 presenting a certificate from a public health officer, duly  
3950 licensed physician or nurse practitioner that the student is free  
3951 from such disease;

3952 (i) To require those vaccinations specified by the  
3953 State Health Officer as provided in Section 41-23-37, Mississippi  
3954 Code of 1972;

3955 (j) To see that all necessary utilities and services  
3956 are provided in the schools at all times when same are needed;

3957 (k) To authorize the use of the school buildings and  
3958 grounds for the holding of public meetings and gatherings of the  
3959 people under such regulations as may be prescribed by said board;

3960 (l) To prescribe and enforce rules and regulations not  
3961 inconsistent with law or with the regulations of the State Board  
3962 of Education for their own government and for the government of  
3963 the schools, and to transact their business at regular and special  
3964 meetings called and held in the manner provided by law;

3965 (m) To maintain and operate all of the schools under  
3966 their control for such length of time during the year as may be  
3967 required;

3968 (n) To enforce in the schools the courses of study and  
3969 the use of the textbooks prescribed by the proper authorities;

3970 (o) To make orders directed to the superintendent of  
3971 schools for the issuance of pay certificates for lawful purposes  
3972 on any available funds of the district and to have full control of  
3973 the receipt, distribution, allotment and disbursement of all funds  
3974 provided for the support and operation of the schools of such  
3975 school district whether such funds be derived from state  
3976 appropriations, local ad valorem tax collections, or otherwise.  
3977 The local school board shall be authorized and empowered to  
3978 promulgate rules and regulations that specify the types of claims  
3979 and set limits of the dollar amount for payment of claims by the  
3980 superintendent of schools to be ratified by the board at the next  
3981 regularly scheduled meeting after payment has been made;

3982 (p) To select all school district personnel in the  
3983 manner provided by law, and to provide for such employee fringe  
3984 benefit programs, including accident reimbursement plans, as may  
3985 be deemed necessary and appropriate by the board;

3986 (q) To provide athletic programs and other school  
3987 activities and to regulate the establishment and operation of such  
3988 programs and activities;

3989 (r) To join, in their discretion, any association of  
3990 school boards and other public school-related organizations, and  
3991 to pay from local funds other than minimum foundation funds, any  
3992 membership dues;

3993 (s) To expend local school activity funds, or other  
3994 available school district funds, other than minimum education  
3995 program funds, for the purposes prescribed under this paragraph.  
3996 "Activity funds" shall mean all funds received by school officials  
3997 in all school districts paid or collected to participate in any



3998 school activity, such activity being part of the school program  
3999 and partially financed with public funds or supplemented by public  
4000 funds. The term "activity funds" shall not include any funds  
4001 raised and/or expended by any organization unless commingled in a  
4002 bank account with existing activity funds, regardless of whether  
4003 the funds were raised by school employees or received by school  
4004 employees during school hours or using school facilities, and  
4005 regardless of whether a school employee exercises influence over  
4006 the expenditure or disposition of such funds. Organizations shall  
4007 not be required to make any payment to any school for the use of  
4008 any school facility if, in the discretion of the local school  
4009 governing board, the organization's function shall be deemed to be  
4010 beneficial to the official or extracurricular programs of the  
4011 school. For the purposes of this provision, the term  
4012 "organization" shall not include any organization subject to the  
4013 control of the local school governing board. Activity funds may  
4014 only be expended for any necessary expenses or travel costs,  
4015 including advances, incurred by students and their chaperons in  
4016 attending any in-state or out-of-state school-related programs,  
4017 conventions or seminars and/or any commodities, equipment, travel  
4018 expenses, purchased services or school supplies which the local  
4019 school governing board, in its discretion, shall deem beneficial  
4020 to the official or extracurricular programs of the district,  
4021 including items which may subsequently become the personal  
4022 property of individuals, including yearbooks, athletic apparel,  
4023 book covers and trophies. Activity funds may be used to pay  
4024 travel expenses of school district personnel. The local school  
4025 governing board shall be authorized and empowered to promulgate  
4026 rules and regulations specifically designating for what purposes  
4027 school activity funds may be expended. The local school governing  
4028 board shall provide (i) that such school activity funds shall be  
4029 maintained and expended by the principal of the school generating  
4030 the funds in individual bank accounts, or (ii) that such school

4031 activity funds shall be maintained and expended by the  
4032 superintendent of schools in a central depository approved by the  
4033 board. The local school governing board shall provide that such  
4034 school activity funds be audited as part of the annual audit  
4035 required in Section 37-9-18. The State Department of Education  
4036 shall prescribe a uniform system of accounting and financial  
4037 reporting for all school activity fund transactions;

4038 (t) To contract, on a shared savings, lease or  
4039 lease-purchase basis, for energy efficiency services and/or  
4040 equipment as provided for in Section 31-7-14, not to exceed ten  
4041 (10) years;

4042 (u) To maintain accounts and issue pay certificates on  
4043 school food service bank accounts;

4044 (v) (i) To lease a school building from an individual,  
4045 partnership, nonprofit corporation or a private for-profit  
4046 corporation for the use of such school district, and to expend  
4047 funds therefor as may be available from any nonminimum program  
4048 sources. The school board of the school district desiring to  
4049 lease a school building shall declare by resolution that a need  
4050 exists for a school building and that the school district cannot  
4051 provide the necessary funds to pay the cost or its proportionate  
4052 share of the cost of a school building required to meet the  
4053 present needs. The resolution so adopted by the school board  
4054 shall be published once each week for three (3) consecutive weeks  
4055 in a newspaper having a general circulation in the school district  
4056 involved, with the first publication thereof to be made not less  
4057 than thirty (30) days prior to the date upon which the school  
4058 board is to act on the question of leasing a school building. If  
4059 no petition requesting an election is filed prior to such meeting  
4060 as hereinafter provided, then the school board may, by resolution  
4061 spread upon its minutes, proceed to lease a school building. If  
4062 at any time prior to said meeting a petition signed by not less  
4063 than twenty percent (20%) or fifteen hundred (1500), whichever is

4064 less, of the qualified electors of the school district involved  
4065 shall be filed with the school board requesting that an election  
4066 be called on the question, then the school board shall, not later  
4067 than the next regular meeting, adopt a resolution calling an  
4068 election to be held within such school district upon the question  
4069 of authorizing the school board to lease a school building. Such  
4070 election shall be called and held, and notice thereof shall be  
4071 given, in the same manner for elections upon the questions of the  
4072 issuance of the bonds of school districts, and the results thereof  
4073 shall be certified to the school board. If at least three-fifths  
4074 (3/5) of the qualified electors of the school district who voted  
4075 in such election shall vote in favor of the leasing of a school  
4076 building, then the school board shall proceed to lease a school  
4077 building. The term of the lease contract shall not exceed twenty  
4078 (20) years, and the total cost of such lease shall be either the  
4079 amount of the lowest and best bid accepted by the school board  
4080 after advertisement for bids or an amount not to exceed the  
4081 current fair market value of the lease as determined by the  
4082 averaging of at least two (2) appraisals by certified general  
4083 appraisers licensed by the State of Mississippi. The term "school  
4084 building" as used in this paragraph (v)(i) shall be construed to  
4085 mean any building or buildings used for classroom purposes in  
4086 connection with the operation of schools and shall include the  
4087 site therefor, necessary support facilities, and the equipment  
4088 thereof and appurtenances thereto such as heating facilities,  
4089 water supply, sewage disposal, landscaping, walks, drives and  
4090 playgrounds. The term "lease" as used in this paragraph (v)(i)  
4091 may include a lease/purchase contract;

4092 (ii) If two (2) or more school districts propose  
4093 to enter into a lease contract jointly, then joint meetings of the  
4094 school boards having control may be held but no action taken shall  
4095 be binding on any such school district unless the question of  
4096 leasing a school building is approved in each participating school

4097 district under the procedure hereinabove set forth in paragraph  
4098 (v)(i). All of the provisions of paragraph (v)(i) regarding the  
4099 term and amount of the lease contract shall apply to the school  
4100 boards of school districts acting jointly. Any lease contract  
4101 executed by two (2) or more school districts as joint lessees  
4102 shall set out the amount of the aggregate lease rental to be paid  
4103 by each, which may be agreed upon, but there shall be no right of  
4104 occupancy by any lessee unless the aggregate rental is paid as  
4105 stipulated in the lease contract. All rights of joint lessees  
4106 under the lease contract shall be in proportion to the amount of  
4107 lease rental paid by each;

4108 (w) To employ all noninstructional and noncertificated  
4109 employees and fix the duties and compensation of such personnel  
4110 deemed necessary pursuant to the recommendation of the  
4111 superintendent of schools;

4112 (x) To employ and fix the duties and compensation of  
4113 such legal counsel as deemed necessary;

4114 (y) Subject to rules and regulations of the State Board  
4115 of Education, to purchase, own and operate trucks, vans and other  
4116 motor vehicles, which shall bear the proper identification  
4117 required by law;

4118 (z) To expend funds for the payment of substitute  
4119 teachers and to adopt reasonable regulations for the employment  
4120 and compensation of such substitute teachers;

4121 (aa) To acquire in its own name by purchase all real  
4122 property which shall be necessary and desirable in connection with  
4123 the construction, renovation or improvement of any public school  
4124 building or structure. Whenever the purchase price for such real  
4125 property is greater than Fifty Thousand Dollars (\$50,000.00), the  
4126 school board shall not purchase the property for an amount  
4127 exceeding the fair market value of such property as determined by  
4128 the average of at least two (2) independent appraisals by  
4129 certified general appraisers licensed by the State of Mississippi.

4130 If the board shall be unable to agree with the owner of any such  
4131 real property in connection with any such project, the board shall  
4132 have the power and authority to acquire any such real property by  
4133 condemnation proceedings pursuant to Section 11-27-1 et seq.,  
4134 Mississippi Code of 1972, and for such purpose, the right of  
4135 eminent domain is hereby conferred upon and vested in said board.  
4136 Provided further, that the local school board is authorized to  
4137 grant an easement for ingress and egress over sixteenth section  
4138 land or lieu land in exchange for a similar easement upon  
4139 adjoining land where the exchange of easements affords substantial  
4140 benefit to the sixteenth section land; provided, however, the  
4141 exchange must be based upon values as determined by a competent  
4142 appraiser, with any differential in value to be adjusted by cash  
4143 payment. Any easement rights granted over sixteenth section land  
4144 under such authority shall terminate when the easement ceases to  
4145 be used for its stated purpose. No sixteenth section or lieu land  
4146 which is subject to an existing lease shall be burdened by any  
4147 such easement except by consent of the lessee or unless the school  
4148 district shall acquire the unexpired leasehold interest affected  
4149 by the easement;

4150 (bb) To charge reasonable fees related to the  
4151 educational programs of the district, in the manner prescribed in  
4152 Section 37-7-335;

4153 (cc) Subject to rules and regulations of the State  
4154 Board of Education, to purchase relocatable classrooms for the use  
4155 of such school district, in the manner prescribed in Section  
4156 37-1-13;

4157 (dd) Enter into contracts or agreements with other  
4158 school districts, political subdivisions or governmental entities  
4159 to carry out one or more of the powers or duties of the school  
4160 board, or to allow more efficient utilization of limited resources  
4161 for providing services to the public;

4162           (ee) To provide for in-service training for employees  
4163 of the district. Until June 30, 1994, the school boards may  
4164 designate two (2) days of the minimum school term, as defined in  
4165 Section 37-19-1, for employee in-service training for  
4166 implementation of the new statewide testing system as developed by  
4167 the State Board of Education. Such designation shall be subject  
4168 to approval by the State Board of Education pursuant to uniform  
4169 rules and regulations;

4170           (ff) As part of their duties to prescribe the use of  
4171 textbooks, to provide that parents and legal guardians shall be  
4172 responsible for the textbooks and for the compensation to the  
4173 school district for any books which are not returned to the proper  
4174 schools upon the withdrawal of their dependent child. If a  
4175 textbook is lost or not returned by any student who drops out of  
4176 the public school district, the parent or legal guardian shall  
4177 also compensate the school district for the fair market value of  
4178 the textbooks;

4179           (gg) To conduct fund-raising activities on behalf of  
4180 the school district that the local school board, in its  
4181 discretion, deems appropriate or beneficial to the official or  
4182 extracurricular programs of the district; provided that:

4183                 (i) Any proceeds of the fund-raising activities  
4184 shall be treated as "activity funds" and shall be accounted for as  
4185 are other activity funds under this section; and

4186                 (ii) Fund-raising activities conducted or  
4187 authorized by the board for the sale of school pictures, the  
4188 rental of caps and gowns or the sale of graduation invitations for  
4189 which the school board receives a commission, rebate or fee shall  
4190 contain a disclosure statement advising that a portion of the  
4191 proceeds of the sales or rentals shall be contributed to the  
4192 student activity fund;

4193           (hh) To allow individual lessons for music, art and  
4194 other curriculum-related activities for academic credit or

4195 nonacademic credit during school hours and using school equipment  
4196 and facilities, subject to uniform rules and regulations adopted  
4197 by the school board;

4198           (ii) To charge reasonable fees for participating in an  
4199 extracurricular activity for academic or nonacademic credit for  
4200 necessary and required equipment such as safety equipment, band  
4201 instruments and uniforms;

4202           (jj) To conduct or participate in any fund-raising  
4203 activities on behalf of or in connection with a tax-exempt  
4204 charitable organization;

4205           (kk) To exercise such powers as may be reasonably  
4206 necessary to carry out the provisions of this section;

4207           (ll) To expend funds for the services of nonprofit arts  
4208 organizations or other such nonprofit organizations who provide  
4209 performances or other services for the students of the school  
4210 district;

4211           (mm) To expend federal No Child Left Behind Act funds,  
4212 or any other available funds that are expressly designated and  
4213 authorized for that use, to pay training, educational expenses,  
4214 salary incentives and salary supplements to employees of local  
4215 school districts; except that incentives shall not be considered  
4216 part of the local supplement as defined in Section 37-151-5(o),  
4217 nor shall incentives be considered part of the local supplement  
4218 paid to an individual teacher for the purposes of Section  
4219 37-19-7(1). Mississippi Adequate Education Program funds or any  
4220 other state funds may not be used for salary incentives or salary  
4221 supplements as provided in this paragraph (mm);

4222           (nn) To use any available funds, not appropriated or  
4223 designated for any other purpose, for reimbursement to the  
4224 state-licensed employees from both in-state and out-of-state, who  
4225 enter into a contract for employment in a school district, for the  
4226 expense of moving when the employment necessitates the relocation  
4227 of the licensed employee to a different geographical area than

4228 that in which the licensed employee resides before entering into  
4229 the contract. The reimbursement shall not exceed One Thousand  
4230 Dollars (\$1,000.00) for the documented actual expenses incurred in  
4231 the course of relocating, including the expense of any  
4232 professional moving company or persons employed to assist with the  
4233 move, rented moving vehicles or equipment, mileage in the amount  
4234 authorized for county and municipal employees under Section  
4235 25-3-41 if the licensed employee used his personal vehicle or  
4236 vehicles for the move, meals and such other expenses associated  
4237 with the relocation. No licensed employee may be reimbursed for  
4238 moving expenses under this section on more than one (1) occasion  
4239 by the same school district. Nothing in this section shall be  
4240 construed to require the actual residence to which the licensed  
4241 employee relocates to be within the boundaries of the school  
4242 district that has executed a contract for employment in order for  
4243 the licensed employee to be eligible for reimbursement for the  
4244 moving expenses. However, the licensed employee must relocate  
4245 within the boundaries of the State of Mississippi. Any individual  
4246 receiving relocation assistance through the Critical Teacher  
4247 Shortage Act as provided in Section 37-159-5 shall not be eligible  
4248 to receive additional relocation funds as authorized in this  
4249 paragraph;

4250 (oo) To use any available funds, not appropriated or  
4251 designated for any other purpose, to reimburse persons who  
4252 interview for employment as a licensed employee with the district  
4253 for the mileage and other actual expenses incurred in the course  
4254 of travel to and from the interview at the rate authorized for  
4255 county and municipal employees under Section 25-3-41;

4256 (pp) Consistent with the report of the Task Force to  
4257 Conduct a Best Financial Management Practices Review, to improve  
4258 school district management and use of resources and identify cost  
4259 savings as established in Section 8 of Chapter 610, Laws of 2002,  
4260 local school boards are encouraged to conduct independent reviews



4261 of the management and efficiency of schools and school districts.  
4262 Such management and efficiency reviews shall provide state and  
4263 local officials and the public with the following:

4264 (i) An assessment of a school district's  
4265 governance and organizational structure;

4266 (ii) An assessment of the school district's  
4267 financial and personnel management;

4268 (iii) An assessment of revenue levels and sources;

4269 (iv) An assessment of facilities utilization,  
4270 planning and maintenance;

4271 (v) An assessment of food services, transportation  
4272 and safety/security systems;

4273 (vi) An assessment of instructional and  
4274 administrative technology;

4275 (vii) A review of the instructional management and  
4276 the efficiency and effectiveness of existing instructional  
4277 programs; and

4278 (viii) Recommended methods for increasing  
4279 efficiency and effectiveness in providing educational services to  
4280 the public;

4281 (qq) To enter into agreements with other local school  
4282 boards for the establishment of an educational service agency  
4283 (ESA) to provide for the cooperative needs of the region in which  
4284 the school district is located, as provided in Section 37-7-345.  
4285 This paragraph shall repeal on July 1, 2007;

4286 (rr) To implement a financial literacy program for  
4287 students in Grades 10 and 11. The board may review the national  
4288 programs and obtain free literature from various nationally  
4289 recognized programs. After review of the different programs, the  
4290 board may certify a program that is most appropriate for the  
4291 school districts' needs. If a district implements a financial  
4292 literacy program, then any student in Grade 10 or 11 may  
4293 participate in the program. The financial literacy program shall

4294 include, but is not limited to, instruction in the same areas of  
4295 personal business and finance as required under Section  
4296 37-1-3(2)(b). The school board may coordinate with volunteer  
4297 teachers from local community organizations, including, but not  
4298 limited to, the following: United States Department of  
4299 Agriculture Rural Development, United States Department of Housing  
4300 and Urban Development, Junior Achievement, bankers and other  
4301 nonprofit organizations. Nothing in this paragraph shall be  
4302 construed as to require school boards to implement a financial  
4303 literacy program;

4304 (ss) To collaborate with the State Board of Education,  
4305 Community Action Agencies or the Department of Human Services to  
4306 develop and implement a voluntary program to provide services for  
4307 a full-day prekindergarten program that addresses the cognitive,  
4308 social, and emotional needs of four-year-old and three-year-old  
4309 children. The school board may utilize nonstate source special  
4310 funds, grants, donations or gifts to fund the voluntary program;

4311 (tt) With respect to any lawful, written obligation of  
4312 a school district, including, but not limited to, leases  
4313 (excluding leases of sixteenth section public school trust land),  
4314 bonds, notes, or other agreement, to agree in writing with the  
4315 obligee that the State Tax Commission or any state agency,  
4316 department or commission created under state law may:

4317 (i) Withhold all or any part (as agreed by the  
4318 school board) of any monies which such local school board is  
4319 entitled to receive from time to time under any law and which is  
4320 in the possession of the State Tax Commission, or any state  
4321 agency, department or commission created under state law; and

4322 (ii) Pay the same over to any financial  
4323 institution, trustee or other obligee, as directed in writing by  
4324 the school board, to satisfy all or part of such obligation of the  
4325 school district.

4326           The school board may make such written agreement to withhold  
4327 and transfer funds irrevocable for the term of the written  
4328 obligation and may include in the written agreement any other  
4329 terms and provisions acceptable to the school board. If the  
4330 school board files a copy of such written agreement with the State  
4331 Tax Commission, or any state agency, department or commission  
4332 created under state law then the State Tax Commission or any state  
4333 agency, department or commission created under state law shall  
4334 immediately make the withholdings provided in such agreement from  
4335 the amounts due the local school board and shall continue to pay  
4336 the same over to such financial institution, trustee or obligee  
4337 for the term of the agreement.

4338           This paragraph (tt) shall not grant any extra authority to a  
4339 school board to issue debt in any amount exceeding statutory  
4340 limitations on assessed value of taxable property within such  
4341 school district or the statutory limitations on debt maturities,  
4342 and shall not grant any extra authority to impose, levy or collect  
4343 a tax which is not otherwise expressly provided for, and shall not  
4344 be construed to apply to sixteenth section public school trust  
4345 land;

4346           (uu) With respect to any matter or transaction that is  
4347 competitively bid by a school district, to accept from any bidder  
4348 as a good faith deposit or bid bond or bid surety, the same type  
4349 of good faith deposit or bid bond or bid surety that may be  
4350 accepted by the state or any other political subdivision on  
4351 similar competitively bid matters or transactions. This paragraph  
4352 (uu) shall not be construed to apply to sixteenth section public  
4353 school trust land. The school board may authorize the investment  
4354 of any school district funds in the same kind and manner of  
4355 investments, including pooled investments, as any other political  
4356 subdivision, including community hospitals; \* \* \*

4357           (vv) To utilize the alternate method for the conveyance  
4358 or exchange of unused school buildings and/or land, reserving a

4359 partial or other undivided interest in the property, as  
4360 specifically authorized and provided in Section 37-7-485,  
4361 Mississippi Code of 1972;

4362 (ww) The governing authority of each individual school  
4363 district shall have the power to adopt any orders, resolutions or  
4364 ordinances with respect to school district affairs, property and  
4365 finances which are not inconsistent with the Mississippi  
4366 Constitution of 1890, the Mississippi Code of 1972, or any other  
4367 statute or law of the State of Mississippi. Except as otherwise  
4368 provided, the powers granted to governing authorities of school  
4369 districts are complete without the existence of or reference to  
4370 any specific authority granted in any other statute or law of the  
4371 State of Mississippi and may be exercised unless specifically  
4372 prohibited by a statute or law of the State of Mississippi.  
4373 Unless such actions are specifically authorized by another statute  
4374 or law of the State of Mississippi, this section shall not  
4375 authorize the governing authority of a school district to (i) levy  
4376 taxes of any kind or increase the levy of any authorized tax, (ii)  
4377 issue bonds of any kind, or (iii) the authority to enter into  
4378 collective bargaining agreements. All other powers of the  
4379 governing authorities of school districts may be exercised unless  
4380 specifically prohibited by the statutes or laws of the State of  
4381 Mississippi; and

4382 (xx) In order to provide for economy, efficiency and  
4383 cost effectiveness in the delivery of education local district  
4384 school boards are hereby given explicit authority and  
4385 encouragement to delegate, privatize or otherwise enter into a  
4386 contract with private entities for the operation of any and all  
4387 functions of nonacademic school process, procedures and  
4388 operations, including, but not limited to, cafeteria workers,  
4389 janitorial services, transportation, professional development,  
4390 achievement, and instructional consulting services materials and  
4391 products, purchasing cooperatives, insurance, business manager

4392 services, auditing and accounting services, school safety/risk  
4393 prevention, data processing and student records, and other staff  
4394 services. Local districts, working through their regional  
4395 education service agency, are encouraged to enter into buying  
4396 consortia with other member districts for the purposes of more  
4397 efficient use of state resources as described in Section 37-7-345.

4398       **SECTION 32.** Section 25-11-103, Mississippi Code of 1972, is  
4399 amended as follows:

4400       25-11-103. The following words and phrases as used in  
4401 Articles 1 and 3, unless a different meaning is plainly required  
4402 by the context, have the following meanings:

4403           (a) "Accumulated contributions" means the sum of all  
4404 the amounts deducted from the compensation of a member and  
4405 credited to his individual account in the annuity savings account,  
4406 together with regular interest as provided in Section 25-11-123.

4407           (b) "Actuarial cost" means the amount of funds  
4408 presently required to provide future benefits as determined by the  
4409 board based on applicable tables and formulas provided by the  
4410 actuary.

4411           (c) "Actuarial equivalent" means a benefit of equal  
4412 value to the accumulated contributions, annuity or benefit, as the  
4413 case may be, when computed upon the basis of such mortality tables  
4414 as adopted by the board of trustees, and regular interest.

4415           (d) "Actuarial tables" means such tables of mortality  
4416 and rates of interest as adopted by the board in accordance with  
4417 the recommendation of the actuary.

4418           (e) "Agency" means any governmental body employing  
4419 persons in the state service.

4420           (f) "Average compensation" means the average of the  
4421 four (4) highest years of earned compensation reported for an  
4422 employee in a fiscal or calendar year period, or combination  
4423 thereof that do not overlap, or the last forty-eight (48)  
4424 consecutive months of earned compensation reported for an

4425 employee. The four (4) years need not be successive or joined  
4426 years of service. In no case shall the average compensation so  
4427 determined be in excess of One Hundred Fifty Thousand Dollars  
4428 (\$150,000.00). In computing the average compensation, any amount  
4429 lawfully paid in a lump sum for personal leave or major medical  
4430 leave shall be included in the calculation to the extent that the  
4431 amount does not exceed an amount that is equal to thirty (30) days  
4432 of earned compensation and to the extent that it does not cause  
4433 the employees' earned compensation to exceed the maximum  
4434 reportable amount specified in Section 25-11-103(k); however, this  
4435 thirty-day limitation shall not prevent the inclusion in the  
4436 calculation of leave earned under federal regulations before July  
4437 1, 1976, and frozen as of that date as referred to in Section  
4438 25-3-99. Only the amount of lump-sum pay for personal leave due  
4439 and paid upon the death of a member attributable for up to one  
4440 hundred fifty (150) days shall be used in the deceased member's  
4441 average compensation calculation in determining the beneficiary's  
4442 benefits. In computing the average compensation, no amounts shall  
4443 be used that are in excess of the amount on which contributions  
4444 were required and paid, and no nontaxable amounts paid by the  
4445 employer for health or life insurance premiums for the employee  
4446 shall be used. If any member who is or has been granted any  
4447 increase in annual salary or compensation of more than eight  
4448 percent (8%) retires within twenty-four (24) months from the date  
4449 that the increase becomes effective, then the board shall exclude  
4450 that part of the increase in salary or compensation that exceeds  
4451 eight percent (8%) in calculating that member's average  
4452 compensation for retirement purposes. The board may enforce this  
4453 provision by rule or regulation. However, increases in  
4454 compensation in excess of eight percent (8%) per year granted  
4455 within twenty-four (24) months of the date of retirement may be  
4456 included in the calculation of average compensation if  
4457 satisfactory proof is presented to the board showing that the

4458 increase in compensation was the result of an actual change in the  
4459 position held or services rendered, or that the compensation  
4460 increase was authorized by the State Personnel Board or was  
4461 increased as a result of statutory enactment, and the employer  
4462 furnishes an affidavit stating that the increase granted within  
4463 the last twenty-four (24) months was not contingent on a promise  
4464 or agreement of the employee to retire. Nothing in Section  
4465 25-3-31 shall affect the calculation of the average compensation  
4466 of any member for the purposes of this article. The average  
4467 compensation of any member who retires before July 1, 1992, shall  
4468 not exceed the annual salary of the Governor.

4469 (g) "Beneficiary" means any person entitled to receive  
4470 a retirement allowance, an annuity or other benefit as provided by  
4471 Articles 1 and 3. The term "beneficiary" may also include an  
4472 organization, estate, trust or entity; however, a beneficiary  
4473 designated or entitled to receive monthly payments under an  
4474 optional settlement based on life contingency or pursuant to a  
4475 statutory monthly benefit may only be a natural person. In the  
4476 event of the death before retirement of any member whose spouse  
4477 and/or children are not entitled to a retirement allowance on the  
4478 basis that the member has less than four (4) years of service  
4479 credit and/or has not been married for a minimum of one (1) year  
4480 or the spouse has waived his or her entitlement to a retirement  
4481 allowance under Section 25-11-114, the lawful spouse of a member  
4482 at the time of the death of the member shall be the beneficiary of  
4483 the member unless the member has designated another beneficiary  
4484 after the date of marriage in writing, and filed that writing in  
4485 the office of the executive director of the board of trustees. No  
4486 designation or change of beneficiary shall be made in any other  
4487 manner.

4488 (h) "Board" means the board of trustees provided in  
4489 Section 25-11-15 to administer the retirement system created under  
4490 this article.

4491           (i) "Creditable service" means "prior service,"  
4492 "retroactive service" and all lawfully credited unused leave not  
4493 exceeding the accrual rates and limitations provided in Section  
4494 25-3-91 et seq., as of the date of withdrawal from service plus  
4495 "membership service" for which credit is allowable as provided in  
4496 Section 25-11-109. Except to limit creditable service reported to  
4497 the system for the purpose of computing an employee's retirement  
4498 allowance or annuity or benefits provided in this article, nothing  
4499 in this paragraph shall limit or otherwise restrict the power of  
4500 the governing authority of a municipality or other political  
4501 subdivision of the state to adopt such vacation and sick leave  
4502 policies as it deems necessary.

4503           (j) "Child" means either a natural child of the member,  
4504 a child that has been made a child of the member by applicable  
4505 court action before the death of the member, or a child under the  
4506 permanent care of the member at the time of the latter's death,  
4507 which permanent care status shall be determined by evidence  
4508 satisfactory to the board.

4509           (k) "Earned compensation" means the full amount earned  
4510 by an employee for a given pay period including any maintenance  
4511 furnished up to a maximum of One Hundred Fifty Thousand Dollars  
4512 (\$150,000.00) per year, and proportionately for less than one (1)  
4513 year of service. The value of that maintenance when not paid in  
4514 money shall be fixed by the employing state agency, and, in case  
4515 of doubt, by the board of trustees as defined in Section 25-11-15.  
4516 Earned compensation shall not include any nontaxable amounts paid  
4517 by the employer for health or life insurance premiums for an  
4518 employee. In any case, earned compensation shall be limited to  
4519 the regular periodic compensation paid, exclusive of litigation  
4520 fees, bond fees, and other similar extraordinary nonrecurring  
4521 payments. In addition, any member in a covered position, as  
4522 defined by Public Employees' Retirement System laws and  
4523 regulations, who is also employed by another covered agency or



4524 political subdivision shall have the earnings of that additional  
4525 employment reported to the Public Employees' Retirement System  
4526 regardless of whether the additional employment is sufficient in  
4527 itself to be a covered position. In addition, computation of  
4528 earned compensation shall be governed by the following:

4529           (i) In the case of constables, the net earnings  
4530 from their office after deduction of expenses shall apply, except  
4531 that in no case shall earned compensation be less than the total  
4532 direct payments made by the state or governmental subdivisions to  
4533 the official.

4534           (ii) In the case of chancery or circuit clerks,  
4535 the net earnings from their office after deduction of expenses  
4536 shall apply as expressed in Section 25-11-123(f)(4).

4537           (iii) In the case of members of the State  
4538 Legislature, all remuneration or amounts paid, except mileage  
4539 allowance, shall apply.

4540           (iv) The amount by which an eligible employee's  
4541 salary is reduced under a salary reduction agreement authorized  
4542 under Section 25-17-5 shall be included as earned compensation  
4543 under this paragraph, provided this inclusion does not conflict  
4544 with federal law, including federal regulations and federal  
4545 administrative interpretations under the federal law, pertaining  
4546 to the Federal Insurance Contributions Act or to Internal Revenue  
4547 Code Section 125 cafeteria plans.

4548           (v) Compensation in addition to an employee's base  
4549 salary that is paid to the employee under the vacation and sick  
4550 leave policies of a municipality or other political subdivision of  
4551 the state that employs him that exceeds the maximums authorized by  
4552 Section 25-3-91 et seq. shall be excluded from the calculation of  
4553 earned compensation under this article.

4554           (vi) The maximum salary applicable for retirement  
4555 purposes before July 1, 1992, shall be the salary of the Governor.

4556 (vii) Nothing in Section 25-3-31 shall affect the  
4557 determination of the earned compensation of any member for the  
4558 purposes of this article.

4559 (l) "Employee" means any person legally occupying a  
4560 position in the state service, and shall include the employees of  
4561 the retirement system created under this article. The term  
4562 "employee" shall not include any employee of a private entity  
4563 which leases staff to a local school board to provide  
4564 noninstructional services pursuant to Section 37-7-301(uu).

4565 (m) "Employer" means the State of Mississippi or any of  
4566 its departments, agencies or subdivisions from which any employee  
4567 receives his compensation.

4568 (n) "Executive director" means the secretary to the  
4569 board of trustees, as provided in Section 25-11-15(9), and the  
4570 administrator of the Public Employees' Retirement System and all  
4571 systems under the management of the board of trustees. Wherever  
4572 the term "Executive Secretary of the Public Employees' Retirement  
4573 System" or "executive secretary" appears in this article or in any  
4574 other provision of law, it shall be construed to mean the  
4575 Executive Director of the Public Employees' Retirement System.

4576 (o) "Fiscal year" means the period beginning on July 1  
4577 of any year and ending on June 30 of the next succeeding year.

4578 (p) "Medical board" means the board of physicians or  
4579 any governmental or nongovernmental disability determination  
4580 service designated by the board of trustees that is qualified to  
4581 make disability determinations as provided for in Section  
4582 25-11-119.

4583 (q) "Member" means any person included in the  
4584 membership of the system as provided in Section 25-11-105.

4585 (r) "Membership service" means service as an employee  
4586 rendered while a member of the retirement system.

4587 (s) "Position" means any office or any employment in  
4588 the state service, or two (2) or more of them, the duties of which

4589 call for services to be rendered by one (1) person, including  
4590 positions jointly employed by federal and state agencies  
4591 administering federal and state funds. The employer shall  
4592 determine upon initial employment and during the course of  
4593 employment of an employee who does not meet the criteria for  
4594 coverage in the Public Employees' Retirement System based on the  
4595 position held, whether the employee is or becomes eligible for  
4596 coverage in the Public Employees' Retirement System based upon any  
4597 other employment in a covered agency or political subdivision. If  
4598 or when the employee meets the eligibility criteria for coverage  
4599 in the other position, then the employer must withhold  
4600 contributions and report wages from the noncovered position in  
4601 accordance with the provisions for reporting of earned  
4602 compensation. Failure to deduct and report those contributions  
4603 shall not relieve the employee or employer of liability thereof.  
4604 The board shall adopt such rules and regulations as necessary to  
4605 implement and enforce this provision.

4606 (t) "Prior service" means service rendered before  
4607 February 1, 1953, for which credit is allowable under Sections  
4608 25-11-105 and 25-11-109, and which shall allow prior service for  
4609 any person who is now or becomes a member of the Public Employees'  
4610 Retirement System and who does contribute to the system for a  
4611 minimum period of four (4) years.

4612 (u) "Regular interest" means interest compounded  
4613 annually at such a rate as determined by the board in accordance  
4614 with Section 25-11-121.

4615 (v) "Retirement allowance" means an annuity for life as  
4616 provided in this article, payable each year in twelve (12) equal  
4617 monthly installments beginning as of the date fixed by the board.  
4618 The retirement allowance shall be calculated in accordance with  
4619 Section 25-11-111. However, any spouse who received a spouse  
4620 retirement benefit in accordance with Section 25-11-111(d) before  
4621 March 31, 1971, and those benefits were terminated because of

4622 eligibility for a social security benefit, may again receive his  
4623 spouse retirement benefit from and after making application with  
4624 the board of trustees to reinstate the spouse retirement benefit.

4625 (w) "Retroactive service" means service rendered after  
4626 February 1, 1953, for which credit is allowable under Section  
4627 25-11-105(b) and Section 25-11-105(k).

4628 (x) "System" means the Public Employees' Retirement  
4629 System of Mississippi established and described in Section  
4630 25-11-101.

4631 (y) "State" means the State of Mississippi or any  
4632 political subdivision thereof or instrumentality of the state.

4633 (z) "State service" means all offices and positions of  
4634 trust or employment in the employ of the state, or any political  
4635 subdivision or instrumentality of the state, that elect to  
4636 participate as provided by Section 25-11-105(f), including the  
4637 position of elected or fee officials of the counties and their  
4638 deputies and employees performing public services or any  
4639 department, independent agency, board or commission thereof, and  
4640 also includes all offices and positions of trust or employment in  
4641 the employ of joint state and federal agencies administering state  
4642 and federal funds and service rendered by employees of the public  
4643 schools. Effective July 1, 1973, all nonprofessional public  
4644 school employees, such as bus drivers, janitors, maids,  
4645 maintenance workers and cafeteria employees, shall have the option  
4646 to become members in accordance with Section 25-11-105(b), and  
4647 shall be eligible to receive credit for services before July 1,  
4648 1973, provided that the contributions and interest are paid by the  
4649 employee in accordance with that section; in addition, the county  
4650 or municipal separate school district may pay the employer  
4651 contribution and pro rata share of interest of the retroactive  
4652 service from available funds. From and after July 1, 1998,  
4653 retroactive service credit shall be purchased at the actuarial  
4654 cost in accordance with Section 25-11-105(b).

4655           (aa) "Withdrawal from service" or "termination from  
4656 service" means complete severance of employment in the state  
4657 service of any member by resignation, dismissal or discharge.

4658           (bb) The masculine pronoun, wherever used, includes the  
4659 feminine pronoun.

4660           **SECTION 33.** Section 25-11-127, Mississippi Code of 1972, is  
4661 amended as follows:

4662           25-11-127. (1) (a) No person who is being paid a  
4663 retirement allowance or a pension after retirement under this  
4664 article shall be employed or paid for any service by the State of  
4665 Mississippi, except as provided in this section.

4666           (b) No retiree of this retirement system who is  
4667 reemployed or is reelected to office after retirement shall  
4668 continue to draw retirement benefits while so reemployed, except  
4669 as provided in this section.

4670           (c) No person employed or elected under the exceptions  
4671 provided for in this section shall become a member under Article 3  
4672 of the retirement system.

4673           (2) Any person who has been retired under the provisions of  
4674 Article 3 and who is later reemployed in service covered by this  
4675 article shall cease to receive benefits under this article and  
4676 shall again become a contributing member of the retirement system.  
4677 When the person retires again, if the reemployment exceeds six (6)  
4678 months, the person shall have his or her benefit recomputed,  
4679 including service after again becoming a member, provided that the  
4680 total retirement allowance paid to the retired member in his or  
4681 her previous retirement shall be deducted from the member's  
4682 retirement reserve and taken into consideration in recalculating  
4683 the retirement allowance under a new option selected.

4684           (3) The board shall have the right to prescribe rules and  
4685 regulations for carrying out the provisions of this section.

4686 (4) The provisions of this section shall not be construed to  
4687 prohibit any retiree, regardless of age, from being employed and  
4688 drawing a retirement allowance either:

4689 (a) For a period of time not to exceed one-half (1/2)  
4690 of the normal working days for the position in any fiscal year  
4691 during which the retiree will receive no more than one-half (1/2)  
4692 of the salary in effect for the position at the time of  
4693 employment, or

4694 (b) For a period of time in any fiscal year sufficient  
4695 in length to permit a retiree to earn not in excess of twenty-five  
4696 percent (25%) of retiree's average compensation.

4697 To determine the normal working days for a position under  
4698 paragraph (a) of this subsection, the employer shall determine the  
4699 required number of working days for the position on a full-time  
4700 basis and the equivalent number of hours representing the  
4701 full-time position. The retiree then may work up to one-half  
4702 (1/2) of the required number of working days or up to one-half  
4703 (1/2) of the equivalent number of hours and receive up to one-half  
4704 (1/2) of the salary for the position. In the case of employment  
4705 with multiple employers, the limitation shall equal one-half (1/2)  
4706 of the number of days or hours for a single full-time position.

4707 Notice shall be given in writing to the executive director,  
4708 setting forth the facts upon which the employment is being made,  
4709 and the notice shall be given within five (5) days from the date  
4710 of employment and also from the date of termination of the  
4711 employment.

4712 (5) Any member may continue in municipal or county elected  
4713 office or be elected to a municipal or county office, provided  
4714 that the person:

4715 (a) Files annually, in writing, in the office of the  
4716 employer and the office of the executive director of the system  
4717 before the person takes office or as soon as possible after  
4718 retirement, a waiver of all salary or compensation and elects to

4719 receive in lieu of that salary or compensation a retirement  
4720 allowance as provided in this section, in which event no salary or  
4721 compensation shall thereafter be due or payable for those  
4722 services; however, any such officer or employee may receive, in  
4723 addition to the retirement allowance, office expense allowance,  
4724 mileage or travel expense authorized by any statute of the State  
4725 of Mississippi; or

4726           (b) Elects to receive compensation for that elective  
4727 office in an amount not to exceed twenty-five percent (25%) of the  
4728 retiree's average compensation. As used in this paragraph, the  
4729 term "compensation" shall not include office expense allowance,  
4730 mileage or travel expense authorized by a statute of the State of  
4731 Mississippi. In order to receive compensation as allowed in this  
4732 paragraph, the member shall file annually, in writing, in the  
4733 office of the employer and the office of the executive director of  
4734 the system, an election to receive, in addition to a retirement  
4735 allowance, compensation as allowed in this paragraph.

4736           This section shall not be construed to mean that any employee  
4737 of a private entity which leases staff to local school boards to  
4738 provide noninstructional services as authorized in Section  
4739 37-7-301(uu) shall become a member of the retirement system.

4740           **SECTION 34.** (1) The Mississippi Legislature hereby  
4741 establishes the Mississippi Virtual Public School. It finds and  
4742 declares that:

4743           (a) Meeting the educational needs of children in our  
4744 state's schools is of the greatest importance to the future  
4745 welfare of Mississippi;

4746           (b) Closing the achievement gap between high-performing  
4747 students, including the achievement gap among at-risk students, is  
4748 a significant and present challenge;

4749           (c) Providing a broader range of educational options to  
4750 parents and utilizing existing resources, along with technology,

4751 may help students in our state improve their academic achievement;  
4752 and

4753 (d) Many of our school districts currently lack the  
4754 capacity to provide other public school choices for students whose  
4755 schools are low performing.

4756 (2) The Mississippi Legislature further finds and declares  
4757 that virtual schools established in this section:

4758 (a) Provide Mississippi families with an alternative  
4759 choice to access additional educational resources in an effort to  
4760 improve academic achievement.

4761 (b) Must be recognized as public schools and provided  
4762 equitable treatment and resources as any other public school in  
4763 the state.

4764 (c) Nothing in this section shall preclude the use of  
4765 computer- and Internet-based instruction for students in a virtual  
4766 or remote setting.

4767 (3) Definitions:

4768 (a) "Virtual school" shall mean an independent public  
4769 school in which the school uses technology in order to deliver a  
4770 significant portion of instruction to its students via the  
4771 Internet in a virtual or remote setting.

4772 (b) "Sponsor" shall mean the public school district,  
4773 regional education service agency, charter school board or  
4774 Mississippi State Board of Education having a fiduciary  
4775 responsibility independently or cooperatively for the operation of  
4776 the virtual school.

4777 (4) **Accountability requirements:**

4778 (a) Sponsor. A virtual school shall be evaluated  
4779 annually by its sponsor based on the following criteria:

4780 (i) The extent to which school demonstrates  
4781 increases in student achievement according to the goals of its  
4782 authorizing contract and state academic standards.



4783                   (ii) The accountability and viability of the  
4784 virtual school, as demonstrated by its academic, fiscal and  
4785 operational performance.

4786                   (b) Student and family:

4787                   (i) Each student will have access to a sequential  
4788 curriculum that meets or exceeds the state's academic standards  
4789 and that has an interactive program with significant online  
4790 components.

4791                   (ii) Each student will be required to have the  
4792 Mississippi State Board of Education required number of hours of  
4793 learning opportunities per academic year, or a student has  
4794 demonstrated mastery or completion of appropriate subject areas.

4795                   (iii) Each student will be assessed regularly in  
4796 the required Mississippi Curriculum Tests, Subject Area Tests, and  
4797 those tests required by the "No Child Left Behind Act."

4798                   (iv) For each family with a student enrolled, the  
4799 virtual school shall:

- 4800                   1. Provide instructional materials;
- 4801                   2. Ensure access to necessary technology such  
4802 as a computer and printer; and
- 4803                   3. Ensure access to an Internet connection  
4804 used for schoolwork.

4805                   (v) Virtual schools are prohibited from providing  
4806 allotments to students or families to purchase instructional  
4807 programs or materials. Nothing in this section shall prohibit  
4808 virtual schools from reimbursing families for costs associated  
4809 with their Internet connection for use in the virtual school  
4810 program.

4811                   (c) Teacher. Each teacher shall be qualified to teach  
4812 in the State of Mississippi under existing law.

4813                   (d) Open enrollment. Any student who meets state  
4814 residency requirements may enroll in a virtual school.

4815           (5) **Costs.** The costs of the Mississippi Virtual Public  
4816 School shall be free to any student and shared by the Mississippi  
4817 Department of Education and the local school district.

4818           **SECTION 35.** Section 37-3-11, Mississippi Code of 1972, is  
4819 amended as follows:

4820           37-3-11. (1) Until July 1, 1984, the State Superintendent  
4821 of Public Education shall have the power and it shall be his duty:

4822                   (a) To supervise in the manner provided by law the  
4823 public free schools, agricultural high schools and junior colleges  
4824 of the state and to prescribe such rules and regulations for the  
4825 efficient organization and conduct of same, as he may deem  
4826 necessary.

4827                   (b) To preside over all meetings of the State Board of  
4828 Education.

4829                   (c) To collect data for determining the proper  
4830 distribution of the state common school funds.

4831                   (d) To have bound and preserved in his office, as the  
4832 property of the state, all such school documents from other states  
4833 and governments, books and pamphlets on educational subjects,  
4834 school books, apparatus, maps, charts and the like, as shall be or  
4835 have been purchased or donated for the use of his office.

4836                   (e) To keep a complete record of all his official acts  
4837 and the acts of the State Board of Education.

4838                   (f) To prepare, have printed and furnish all officers  
4839 charged with the administration of the laws pertaining to the  
4840 public schools, such blank forms and books as may be necessary to  
4841 the proper discharge of their duties; all of this printing shall  
4842 be paid for out of funds provided by the Legislature.

4843                   (g) To have printed in pamphlet form the laws  
4844 pertaining to the public schools and publish therein forms for  
4845 conducting school business, the rules and regulations for the  
4846 government of schools that he or the board of education may  
4847 recommend, and such other matters as may be deemed worthy of

4848 public interest pertaining to the public schools; all of this  
4849 printing shall be paid for out of funds provided by the  
4850 Legislature.

4851 (h) To meet the county superintendents annually at such  
4852 time and place as he shall appoint for the purpose of accumulating  
4853 facts relative to schools, to review the educational progress made  
4854 in the various sections of the state, to compare views, discuss  
4855 problems, hear discussions and suggestions relative to  
4856 examinations and qualifications of teachers, methods of  
4857 instruction, textbooks, summer schools for teachers, visitation of  
4858 schools, consolidation of schools, health work in the schools,  
4859 vocational education and other matters pertaining to the public  
4860 school system.

4861 (i) To advise the county superintendents upon all  
4862 matters involving the welfare of the schools, and at the request  
4863 of any county superintendent to give his opinion upon a written  
4864 statement of facts on all questions and controversies arising out  
4865 of the interpretation and construction of the school laws, in  
4866 regard to rights, powers and duties of school officers and county  
4867 superintendents, and to keep a record of all such decisions.  
4868 Before giving any opinion, the superintendent may submit the  
4869 statement of facts to the Attorney General for his advice thereon,  
4870 and it shall be the duty of the Attorney General forthwith to  
4871 examine such statement, and suggest the proper decision to be made  
4872 upon such facts.

4873 (j) To require annually, and as often as he may deem  
4874 proper, of county superintendents, detailed reports on the  
4875 educational business of the various counties.

4876 (k) To make reports concerning agricultural high  
4877 schools and serve on various committees and boards as provided by  
4878 law.

4879           (1) On or before January 10 in each year in which the  
4880 Legislature meets in regular session, to prepare, and have printed  
4881 a report to the Legislature showing:

4882                (i) The receipts and disbursements of all school  
4883 funds officially handled by him;

4884                (ii) The number of school districts, school  
4885 teachers employed, and pupils taught therein, and the attendance  
4886 of pupils;

4887                (iii) County and district levies for common  
4888 schools, high schools, agricultural high schools, consolidated  
4889 schools and junior colleges;

4890                (iv) The conditions of vocational education in the  
4891 State of Mississippi, a list of schools to which federal and state  
4892 aid has been given, and a detailed statement of the expenditures  
4893 of federal funds and the state funds that may be provided;

4894                (v) Such general matters, information and  
4895 recommendations as relate, in his opinion, to the educational  
4896 interests of the state.

4897           (m) To determine the number of educable children in the  
4898 several school districts of the state under rules and regulations  
4899 to be prescribed by the State Board of Education.

4900           (n) To perform such other duties in the administration  
4901 of the public schools as may be required by law.

4902           (2) From and after July 1, 1984, the State Superintendent of  
4903 Public Education shall perform the duties assigned to him by the  
4904 State Board of Education, and he shall have the following duties:

4905                (a) To serve as Secretary for the State Board of  
4906 Education;

4907                (b) To be the chief administrative officer of the State  
4908 Department of Education;

4909                (c) To recommend to the State Board of Education for  
4910 its consideration rules and regulations for the supervision of the

4911 public free schools and agricultural high schools of the state and  
4912 for the efficient organization and conduct of the same;

4913 (d) To collect data and make it available to the State  
4914 Board for determining the proper distribution of the state common  
4915 school funds;

4916 (e) To keep a complete record of all official acts of  
4917 the State Superintendent and the acts of the State Board of  
4918 Education;

4919 (f) To prepare, have printed and furnish all officers  
4920 charged with the administration of the laws pertaining to the  
4921 public schools, such blank forms and books as may be necessary to  
4922 the proper discharge of their duties, said printing to be paid for  
4923 out of funds provided by the Legislature;

4924 (g) To have printed in pamphlet form the laws  
4925 pertaining to the public schools and publish therein forms for  
4926 conducting school business, the rules and regulations for the  
4927 government of schools that the State Superintendent or the Board  
4928 of Education may recommend, and such other matters as may be  
4929 deemed worthy of public interest pertaining to the public schools,  
4930 said printing to be paid for out of funds provided by the  
4931 Legislature;

4932 (h) To meet all superintendents annually at such time  
4933 and place as the State Superintendent shall appoint for the  
4934 purpose of accumulating facts relative to schools, to review the  
4935 educational progress made in the various sections of the state, to  
4936 compare views, discuss problems, hear discussions and suggestions  
4937 relative to examinations and qualifications of teachers, methods  
4938 of instruction, textbooks, summer schools for teachers, visitation  
4939 of schools, consolidation of schools, health work in the schools,  
4940 vocational education and other matters pertaining to the public  
4941 school system;

4942 (i) To advise all superintendents upon all matters  
4943 involving the welfare of the schools, and at the request of any

4944 superintendent to give an opinion upon a written statement of  
4945 facts on all questions and controversies arising out of the  
4946 interpretation and construction of the school laws, in regard to  
4947 rights, powers and duties of school officers and superintendents,  
4948 and to keep a record of all such decisions. Before giving any  
4949 opinion, the superintendent may submit the statement of facts to  
4950 the Attorney General, and it shall be the duty of the Attorney  
4951 General forthwith to examine such statement and suggest the proper  
4952 decision to be made upon such fact;

4953 (j) To require annually, and as often as the State  
4954 Superintendent may deem proper, of all superintendents, detailed  
4955 reports on the educational business of the various districts;

4956 (k) On or before January 10 in each year to prepare  
4957 under the direction of the State Board of Education and have  
4958 printed the annual report of the board to the Legislature showing:

4959 (i) The receipts and disbursements of all school  
4960 funds handled by the board;

4961 (ii) The number of school districts, school  
4962 teachers employed, school administrators employed, pupils taught  
4963 and the attendance record of pupils therein;

4964 (iii) County and district levies for each school  
4965 district and agricultural high school;

4966 (iv) The condition of vocational education, a list  
4967 of schools to which federal and state aid has been given, and a  
4968 detailed statement of the expenditures of federal funds and the  
4969 state funds that may be provided, and the ranking of subjects  
4970 taught as compared with the state's needs;

4971 (v) Reports of Expenditures for public schools  
4972 shall be divided into the following categories and function codes,  
4973 and shall show the same level of detail as reports completed prior  
4974 to FY2006. These reports shall be made available by district from  
4975 the State Department of Education upon request.

4976 Total Student Expenditures

4977                   Instruction (1000s);  
4978                   Other Student Instructional Expenditures (2100s,  
4979                   2200s);  
4980                   General Administration (2300s and 2500s);  
4981                   School Administration (2400s);  
4982                   Other Expenditures (2600s, 2700s, 2800s, 3100s, 3200s);  
4983                   Non-Operational Expenditures (4000s, 5000s, 6000s).

4984                   (vi) Such general matters, information and  
4985 recommendations as relate, in the board's opinion, to the  
4986 educational interests of the state;

4987                   (1) To determine the number of educable children in the  
4988 several school districts under rules and regulations prescribed by  
4989 the State Board of Education;

4990                   (m) To perform such other duties as may be prescribed  
4991 by the State Board of Education.

4992                   **SECTION 36.** Section 37-61-9, Mississippi Code of 1972, is  
4993 amended as follows:

4994                   37-61-9. (1) On or before the fifteenth day of August of  
4995 each year, the local school board of each school district, with  
4996 the assistance of the superintendent of schools, shall prepare and  
4997 file with the levying authority for the school district, as  
4998 defined in Section 37-57-1, Mississippi Code of 1972, at least two  
4999 (2) copies of a budget of estimated expenditures for the support,  
5000 maintenance and operation of the public schools of the school  
5001 district for the fiscal year commencing on July 1 of such year.  
5002 Such budget shall be prepared on forms prescribed and provided by  
5003 the State Auditor and shall contain such information as the State  
5004 Auditor may require.

5005                   (2) In addition, on or before the fifteenth day of August of  
5006 each year, the local school board of each school district, with  
5007 the assistance of the superintendent of schools, shall prepare and  
5008 file with the State Department of Education such budgetary  
5009 information as the State Board of Education may require. The

5010 State Board of Education shall prescribe and provide forms to each  
5011 school district for this purpose.

5012 (3) Prior to the adoption of a budget pursuant to this  
5013 section, the school board of each school district shall hold at  
5014 least one (1) public hearing to provide the general public with an  
5015 opportunity to comment on the taxing and spending plan  
5016 incorporated in the proposed budget. The public hearing shall be  
5017 held at least one (1) week prior to the adoption of the budget  
5018 with advance notice. After final adoption of the budget, a  
5019 synopsis of such budget in a form prescribed by the State  
5020 Department of Audit shall be published in a newspaper having  
5021 general circulation in the school district on a date different  
5022 from the date on which the county or any municipality therein may  
5023 publish its budget.

5024 (4) Beginning with the fiscal year 1995-1996, there shall be  
5025 imposed limitations on budgeted expenditures for certain  
5026 administration costs, as defined hereinafter, in an amount not  
5027 greater than One Hundred Fifty Thousand Dollars (\$150,000.00) plus  
5028 four percent (4%) of the expenditures of all school districts each  
5029 year. For purposes of this subsection, "administration costs"  
5030 shall be defined as expenditures for salaries and fringe benefits  
5031 paid for central administration costs from all sources of revenue  
5032 in the following expenditure functions as defined in the  
5033 MISSISSIPPI PUBLIC SCHOOL DISTRICT FINANCIAL ACCOUNTING MANUAL:

- 5034 2300 = Support Services - General Administration
- 5035 2310 = Board of Education Services
- 5036 2320 = Executive Administration Services
- 5037 2330 = Special Area Administration Services
- 5038 2500 = Business Services
- 5039 2510 = Fiscal Services
- 5040 2520 = Purchasing Services
- 5041 2530 = Warehousing and Distributing Services
- 5042 2540 = Printing, Publishing and Duplicating Services



5043                   2590 =       Other Support Services - Business

5044       \* \* \*

5045           Any costs classified as "administration costs" for purposes  
5046 of this subsection which can be demonstrated by the local school  
5047 district to be an expenditure that results in a net cost savings  
5048 to the district that may otherwise require budget expenditures for  
5049 functions not covered under the definition of administration costs  
5050 herein may be excluded from the limitations imposed herein. The  
5051 local school board shall make a specific finding of such costs and  
5052 spread such finding upon its minutes, which shall be subject to  
5053 the approval of the Office of Educational Accountability of the  
5054 State Department of Education. Any school district required to  
5055 make expenditure cuts, as a result of application of this  
5056 subsection, shall not be required to reduce such expenditures more  
5057 than twenty-five percent (25%) in any year in order to comply with  
5058 this mandate.

5059           The State Auditor shall ensure that functions in all  
5060 expenditure categories to which this administrative limitation  
5061 applies shall be properly classified.

5062           This section shall not apply to central administration with  
5063 five (5) or less full-time employees, or to those school districts  
5064 which can substantiate that comparable reductions have occurred in  
5065 administrative costs for the five-year period immediately prior to  
5066 school year 1993-1994. In the event the application of this  
5067 section may jeopardize the fiscal integrity or operations of the  
5068 school district, have an adverse impact on the ability of the  
5069 district to deliver educational services, or otherwise restrict  
5070 the district from achieving or maintaining a quality education  
5071 program, the State Board of Education shall be authorized to  
5072 exempt the application of this section to such school district  
5073 pursuant to rules and regulations of the State Board of Education  
5074 consistent with the intent of this section.

5075           **SECTION 37.** Section 37-9-18, Mississippi Code of 1972, is  
5076 amended as follows:

5077           37-9-18. (1) The superintendent of schools shall furnish to  
5078 the school board a financial statement of receipts and  
5079 disbursements, by funds, on or before the last working day of the  
5080 following month covering the prior month. The school board shall  
5081 be authorized to investigate and audit all financial records of  
5082 the superintendent of schools at any and all times.

5083           (2) The State Auditor, in his discretion, shall audit the  
5084 financial records of school districts. The State Auditor shall  
5085 give reasonable notice to school districts regarding the times  
5086 during which he will perform such audits. In any fiscal year in  
5087 which the State Auditor is not scheduled to perform an audit, the  
5088 school board shall cause all the financial records of the  
5089 superintendent of schools to be audited by a certified public  
5090 accountant licensed to practice accounting in the State of  
5091 Mississippi. If the school board so elects by resolution adopted  
5092 each year, the audit shall be performed by the State Auditor.  
5093 Contracts for the audit of public school districts shall be let by  
5094 the school board in the manner prescribed by the State Auditor.  
5095 The audit shall be conducted in accordance with generally accepted  
5096 auditing standards and generally accepted accounting principles,  
5097 and the report presented thereon shall be in accordance with  
5098 generally accepted accounting principles. If the Auditor's  
5099 opinion on the general purpose financial statements is a  
5100 disclaimer, as that term is defined by generally accepted auditing  
5101 standards, or if the State Auditor determines the existence of  
5102 serious financial conditions in the district, the State Auditor  
5103 shall immediately notify the State Board of Education. Upon  
5104 receiving the notice, the State Superintendent of Public Education  
5105 shall direct the school district to immediately cease all  
5106 expenditures until a financial advisor is appointed by the state  
5107 superintendent. However, if the disclaimer is a result of

5108 conditions caused by Hurricane Katrina 2005 and applies to fiscal  
5109 years 2005 and/or 2006, then the Superintendent of Education may  
5110 appoint a financial advisor, and may direct the school district to  
5111 immediately cease all expenditures until a financial advisor is  
5112 appointed. The financial advisor shall be an agent of the State  
5113 Board of Education and shall be a certified public accountant or a  
5114 qualified business officer. The financial advisor shall, with the  
5115 approval of the State Board of Education:

5116 (a) Approve or disapprove all expenditures and all  
5117 financial obligations of the district;

5118 (b) Ensure compliance with any statutes and State Board  
5119 of Education rules or regulations concerning expenditures by  
5120 school districts;

5121 (c) Review salaries and the number of all district  
5122 personnel and make recommendations to the local school board of  
5123 any needed adjustments. Should such recommendations necessitate  
5124 the reduction in local salary supplement, such recommended  
5125 reductions shall be only to the extent which will result in the  
5126 salaries being comparable to districts similarly situated, as  
5127 determined by the State Board of Education. The local school  
5128 board, in considering either a reduction in personnel or a  
5129 reduction in local supplements, shall not be required to comply  
5130 with the time limitations prescribed in Sections 37-9-15 and  
5131 37-9-105 and, further, shall not be required to comply with  
5132 Sections 37-19-11 and 37-19-7(1) in regard to reducing local  
5133 supplements and the number of personnel;

5134 (d) Work with the school district's business office to  
5135 correct all inappropriate accounting procedures and/or uses of  
5136 school district funds and to prepare the school district's budget  
5137 for the next fiscal year; and

5138 (e) Report frequently to the State Board of Education  
5139 on the corrective actions being taken and the progress being made  
5140 in the school district. The financial advisor shall serve until

5141 such time as corrective action and progress is being made in such  
5142 school district as determined by the State Board of Education with  
5143 the concurrence of the State Auditor, or until such time as an  
5144 interim conservator is assigned to such district by the State  
5145 Board of Education under Section 37-17-6. The school district  
5146 shall be responsible for all expenses associated with the use of  
5147 the financial advisor. If the audit report reflects a failure by  
5148 the school district to meet accreditation standards, the State  
5149 Board of Education shall proceed under Section 37-17-6.

5150 (3) When conducting an audit of a public school district,  
5151 the Auditor shall test to insure that the school district is  
5152 complying with the requirements of Section 37-61-33(3)(a)(iii)  
5153 relating to classroom supply funds. The audit must include a  
5154 report of all classroom supply funds carried over from previous  
5155 years. Based upon the audit report, the State Auditor shall  
5156 compile a report on the compliance or noncompliance by all school  
5157 districts with the requirements of Section 37-61-33(3)(a)(iii),  
5158 which report must be submitted to the Chairmen of the Education  
5159 and Appropriations Committees of the House of Representatives and  
5160 Senate.

5161 (4) When conducting an audit of a public school district the  
5162 State Auditor shall test to ensure correct and appropriate coding  
5163 at the function level. The audit must include a report showing  
5164 correct and appropriate functional level expenditure codes in both  
5165 budgeting and expenditures by school district. Based upon the  
5166 audit report, the State Auditor shall compile a report on the  
5167 compliance or noncompliance by all public school districts with  
5168 correct and appropriate coding at the function level, which report  
5169 must be submitted to the Chairman of the Education and  
5170 Appropriations Committees of the Senate and the House of  
5171 Representatives.

5172 (5) In the event the State Auditor does not perform the  
5173 audit examination, then the audit report of the school district

5174 shall be reviewed by the State Auditor for compliance with  
5175 applicable state laws before final payment is made on the audit by  
5176 the school board. All financial records, books, vouchers,  
5177 cancelled checks and other financial records required by law to be  
5178 kept and maintained in the case of municipalities shall be  
5179 faithfully kept and maintained in the office of the superintendent  
5180 of schools under the same provisions and penalties provided by law  
5181 in the case of municipal officials.

5182       **SECTION 38.** Section 37-61-21, Mississippi Code of 1972, is  
5183 amended as follows:

5184       37-61-21. (1) If it should appear to the superintendent of  
5185 schools or the school board of any school district that the  
5186 amounts to be received from state appropriations, taxation or any  
5187 other source will be more than the amount estimated in the budget  
5188 filed and approved, or if it should appear that such amounts shall  
5189 be less than the amount estimated, the school board of the school  
5190 district, with assistance from the superintendent, may revise the  
5191 budget at any time during the fiscal year by increasing or  
5192 decreasing the fund budget, in proportion to the increase or  
5193 decrease in the estimated amounts. If it should appear to the  
5194 superintendent of schools or the school board of a school district  
5195 that some function of the budget as filed is in excess of the  
5196 requirement of that function and that the entire amount budgeted  
5197 for such function will not be needed for expenditures therefor  
5198 during the fiscal year, the school board of the school district,  
5199 with assistance from the superintendent, may transfer resources to  
5200 and from functions and funds within the budget when and where  
5201 needed; however, no such transfer shall be made from fund to fund  
5202 or from function to function which will result in the expenditure  
5203 of any money for any purpose different from that for which the  
5204 money was appropriated, allotted, collected or otherwise made  
5205 available or for a purpose which is not authorized by law. No  
5206 revision of any budget under the provisions hereof shall be made

5207 which will permit a fund expenditure in excess of the resources  
5208 available for such purpose. The revised portions of the budgets  
5209 shall be incorporated in the minutes of the school board by  
5210 spreading them on the minutes or by attaching them as an addendum.  
5211 Final budget revisions, pertinent to a fiscal year, shall be  
5212 approved on or before the date set by the State Board of Education  
5213 for the school district to submit its financial information for  
5214 that fiscal year.

5215 (2) In addition, on or before the fifteenth day of October  
5216 of each year, the local school board of each school district, with  
5217 the assistance of the superintendent of schools, shall prepare and  
5218 file with the State Department of Education year-end financial  
5219 statements and such budgetary information as the State Board of  
5220 Education may require. The State Board of Education shall  
5221 prescribe and provide forms to each school district for this  
5222 purpose. No additional changes shall be made to said financial  
5223 statements after October 15 of each year.

5224 **SECTION 39.** Section 37-37-1, Mississippi Code of 1972, is  
5225 amended as follows:

5226 37-37-1. The State Department of Education is hereby  
5227 authorized and directed to prescribe and formulate for use by all  
5228 school districts of this state, including municipal separate  
5229 school districts, adequate accounting systems and other essential  
5230 financial records which shall be uniform for all of the school  
5231 districts of this state. Such uniform system shall include a  
5232 method of accounting for and keeping records of all funds  
5233 received, handled and disbursed by such school district, whether  
5234 derived from taxation or otherwise, including funds derived from  
5235 donations, athletic events and other special activities of the  
5236 school district. The uniform system of accounts so prescribed and  
5237 formulated by the State Department of Education shall be  
5238 distributed and disseminated to all of the school districts of  
5239 this state and it shall be mandatory that the boards of trustees

5240 of all such school districts install, utilize and follow said  
5241 uniform system of accounts in keeping the financial records of the  
5242 school district.

5243         **SECTION 40.** Section 37-37-7, Mississippi Code of 1972, is  
5244 amended as follows:

5245         37-37-7. (1) In making audits under the provisions of this  
5246 chapter, the examiners may call the attendance rolls at the  
5247 schools, make field investigations and surveys, make checks of the  
5248 number of students being transported upon publicly or privately  
5249 owned buses, and make other and further examinations and  
5250 investigations as may be necessary to determine whether or not the  
5251 students reported are actually enrolled in and attending the  
5252 public schools or are actually being transported or entitled to  
5253 transportation to such public schools.

5254         (2) In addition to the powers and duties of examiners in  
5255 subsection (1), the State Department of Education may establish  
5256 policies and procedures to ensure the accuracy and reliability of  
5257 student data used to determine state funding for local school  
5258 districts, which may include, but are not limited to, the  
5259 following:

5260                 (a) On-site audits;

5261                 (b) An auditing process that ensures the timeliness and  
5262 accuracy of reports generated by school districts of this state  
5263 regarding all student transactions;

5264                 (c) An auditing process that provides for the  
5265 timeliness, process and accuracy of the electronic transmission of  
5266 all student data to the Mississippi Department of Education,  
5267 including, but not limited to, student enrollment, attendance,  
5268 transportation, absenteeism, graduation and dropouts and other  
5269 student data and administrative functions as deemed necessary;

5270                 (d) An audit of the accuracy and validity of all  
5271 student transactions using the Mississippi Student Information  
5272 System; and

5273 (e) An audit process that ensures the timeliness and  
5274 accuracy of reports, other than student data, required for  
5275 submission in accordance with state law and/or State Board of  
5276 Education policies.

5277 Reviews and audits shall be conducted with advance notice,  
5278 except that unannounced audits may be made upon the determination  
5279 of the State Department of Education when they are necessary due  
5280 to complaints or valid concerns. Examiners shall make every  
5281 effort to work with school districts in scheduling audits in  
5282 consideration of instructional activities such as statewide  
5283 student testing days. The Department of Education and the school  
5284 district shall cooperate fully with examiners in providing any  
5285 related information requested in order to properly conduct the  
5286 review or audit.

5287 **SECTION 41.** Section 37-61-23, Mississippi Code of 1972, is  
5288 amended as follows:

5289 37-61-23. The superintendent of schools of each school  
5290 district shall open and keep regular sets of books, as prescribed  
5291 by the State Department of Education, which shall be subject to  
5292 inspection during office hours by any citizen so desiring to  
5293 inspect the same. The books for each fiscal year shall be kept  
5294 separately and same shall be safely preserved by the  
5295 superintendent of schools.

5296 **SECTION 42.** Section 37-61-33, Mississippi Code of 1972, is  
5297 amended as follows:

5298 37-61-33. (1) There is created within the State Treasury a  
5299 special fund to be designated the "Education Enhancement Fund"  
5300 into which shall be deposited all the revenues collected pursuant  
5301 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

5302 (2) Of the amount deposited into the Education Enhancement  
5303 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be  
5304 appropriated each fiscal year to the State Department of Education  
5305 to be distributed to all school districts. Such money shall be



5306 distributed to all school districts in the proportion that the  
5307 average daily attendance of each school district bears to the  
5308 average daily attendance of all school districts within the state  
5309 for the following purposes:

5310           (a) Purchasing, erecting, repairing, equipping,  
5311 remodeling and enlarging school buildings and related facilities,  
5312 including gymnasiums, auditoriums, lunchrooms, vocational training  
5313 buildings, libraries, teachers' homes, school barns,  
5314 transportation vehicles (which shall include new and used  
5315 transportation vehicles) and garages for transportation vehicles,  
5316 and purchasing land therefor.

5317           (b) Establishing and equipping school athletic fields  
5318 and necessary facilities connected therewith, and purchasing land  
5319 therefor.

5320           (c) Providing necessary water, light, heating, air  
5321 conditioning and sewerage facilities for school buildings, and  
5322 purchasing land therefor.

5323           (d) As a pledge to pay all or a portion of the debt  
5324 service on debt issued by the school district under Sections  
5325 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351  
5326 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302  
5327 and 37-41-81, or debt issued by boards of supervisors for  
5328 agricultural high schools pursuant to Section 37-27-65, if such  
5329 pledge is accomplished pursuant to a written contract or  
5330 resolution approved and spread upon the minutes of an official  
5331 meeting of the district's school board or board of supervisors.  
5332 The annual grant to such district in any subsequent year during  
5333 the term of the resolution or contract shall not be reduced below  
5334 an amount equal to the district's grant amount for the year in  
5335 which the contract or resolution was adopted. The intent of this  
5336 provision is to allow school districts to irrevocably pledge a  
5337 certain, constant stream of revenue as security for long-term  
5338 obligations issued under the code sections enumerated in this

5339 paragraph or as otherwise allowed by law. It is the intent of the  
5340 Legislature that the provisions of this paragraph shall be  
5341 cumulative and supplemental to any existing funding programs or  
5342 other authority conferred upon school districts or school boards.  
5343 Debt of a district secured by a pledge of sales tax revenue  
5344 pursuant to this paragraph shall not be subject to any debt  
5345 limitation contained in the foregoing enumerated code sections.

5346 (3) The remainder of the money deposited into the Education  
5347 Enhancement Fund shall be appropriated as follows:

5348 (a) To the State Department of Education as follows:

5349 (i) Sixteen and sixty-one one-hundredths percent  
5350 (16.61%) to the cost of the adequate education program determined  
5351 under Section 37-151-7; of the funds generated by the percentage  
5352 set forth in this section for the support of the adequate  
5353 education program, one and one hundred seventy-eight  
5354 one-thousandths percent (1.178%) of the funds shall be  
5355 appropriated to be used by the State Department of Education for  
5356 the purchase of textbooks to be loaned under Sections 37-43-1  
5357 through 37-43-59 to approved nonpublic schools, as described in  
5358 Section 37-43-1. The funds to be distributed to each nonpublic  
5359 school shall be in the proportion that the average daily  
5360 attendance of each nonpublic school bears to the total average  
5361 daily attendance of all nonpublic schools;

5362 (ii) Seven and ninety-seven one-hundredths percent  
5363 (7.97%) to assist the funding of transportation operations and  
5364 maintenance pursuant to Section 37-19-23; and

5365 (iii) Nine and sixty-one one-hundredths percent  
5366 (9.61%) for classroom supplies, instructional materials and  
5367 equipment, including computers and computer software, to be  
5368 distributed to all school districts in the proportion that the  
5369 average daily attendance of each school district bears to the  
5370 average daily attendance of all school districts within the state.  
5371 Classroom supply funds shall not be expended for administrative

5372 purposes. Local school districts shall allocate classroom supply  
5373 funds equally among all classroom teachers in the school district.  
5374 For purposes of this subparagraph, "teacher" means any employee of  
5375 the school board of a school district who is required by law to  
5376 obtain a teacher's license from the State Department of Education  
5377 and who is assigned to an instructional area of work as defined by  
5378 the department, but shall not include a federally funded teacher.  
5379 Two (2) or more teachers may agree to pool their classroom supply  
5380 funds for the benefit of a school within the district. It is the  
5381 intent of the Legislature that all classroom teachers shall be  
5382 involved in the development of a spending plan that addresses  
5383 individual classroom needs and supports the overall goals of the  
5384 school regarding supplies, instructional materials, equipment,  
5385 computers or computer software under the provisions of this  
5386 subparagraph, including the type, quantity and quality of such  
5387 supplies, materials and equipment. This plan shall be submitted  
5388 in writing to the school principal for approval. Classroom supply  
5389 funds allocated under this subparagraph shall supplement, not  
5390 replace, other local and state funds available for the same  
5391 purposes. School districts need not fully expend the funds  
5392 received under this subparagraph in the year in which they are  
5393 received, but such funds may be carried forward for expenditure in  
5394 any succeeding school year. Any individual teacher or group of  
5395 teachers with an approved spending plan that has not been fully  
5396 funded need not expend the funds allocated under this subparagraph  
5397 in the year in which they are received. Such funds may be carried  
5398 forward for expenditure in any subsequent school year in which  
5399 their plan is fully funded. However, beginning July 1, 2006, any  
5400 funds allocated under this subparagraph that remain unspent,  
5401 unless it is reserved in an approved spending plan, by March 31 of  
5402 the fiscal year in which they were allotted, shall be utilized by  
5403 the school where the teacher is employed for instructional supply  
5404 and equipment purposes. The State Board of Education shall

5405 develop and promulgate rules and regulations for the  
5406 administration of this subparagraph consistent with the above  
5407 criteria, with particular emphasis on allowing the individual  
5408 teachers to expend funds as they deem appropriate;

5409           (b) Twenty-two and nine one-hundredths percent (22.09%)  
5410 to the Board of Trustees of State Institutions of Higher Learning  
5411 for the purpose of supporting institutions of higher learning; and

5412           (c) Fourteen and forty-one one-hundredths percent  
5413 (14.41%) to the State Board for Community and Junior Colleges for  
5414 the purpose of providing support to community and junior colleges.

5415           (4) The amount remaining in the Education Enhancement Fund  
5416 after funds are distributed as provided in subsections (2) and (3)  
5417 of this section shall be disbursed as follows:

5418           (a) Twenty-five Million Dollars (\$25,000,000.00) shall  
5419 be deposited into the Working Cash-Stabilization Reserve Fund  
5420 created pursuant to Section 27-103-203(1), until the balance in  
5421 such fund reaches the maximum balance of seven and one-half  
5422 percent (7-1/2%) of the General Fund appropriations in the  
5423 appropriate fiscal year. After the maximum balance in the Working  
5424 Cash-Stabilization Reserve Fund is reached, such money shall  
5425 remain in the Education Enhancement Fund to be appropriated in the  
5426 manner provided for in paragraph (b) of this subsection.

5427           (b) The remainder shall be appropriated for other  
5428 educational needs.

5429           (5) None of the funds appropriated pursuant to subsection  
5430 (3)(a) of this section shall be used to reduce the state's General  
5431 Fund appropriation for the categories listed in an amount below  
5432 the following amounts:

5433           (a) For subsection (3)(a)(ii) of this section,  
5434 Thirty-six Million Seven Hundred Thousand Dollars  
5435 (\$36,700,000.00);

5436           (b) For the aggregate of minimum program allotments in  
5437 the 1997 fiscal year, formerly provided for in Chapter 19, Title

5438 37, Mississippi Code of 1972, as amended, excluding those funds  
5439 for transportation as provided for in subsection (5)(a) in this  
5440 section.

5441 **SECTION 43.** The following provision shall be codified as  
5442 Section 37-15-38, Mississippi Code of 1972:

5443 37-15-38. The local school boards of public school  
5444 districts, the Board of Trustees of State Institutions of Higher  
5445 Learning and the State Board for Community and Junior Colleges are  
5446 authorized to establish a dual credit system under which students  
5447 meeting the prescribed criteria of this section may be enrolled in  
5448 a postsecondary institution in Mississippi while they are still in  
5449 school.

5450 (a) **Student eligibility.** Prior to the transfer of  
5451 appropriate credits earned by qualified high school students from  
5452 community and junior colleges and state institutions of higher  
5453 learning to the students' home school district, the student must  
5454 be properly enrolled in a dual enrollment program.

5455 (b) **Admission criteria for dual enrollment in community  
5456 and junior college or university programs.** The boards of trustees  
5457 of the community and junior college districts and the Board of  
5458 Trustees of State Institutions of Higher Learning are authorized  
5459 to recommend admission criteria for dual enrollment programs under  
5460 which high school students may enroll at a community or junior  
5461 college or university while they are still attending high school  
5462 and enrolled in high school courses. Students may be admitted to  
5463 enroll in community or junior college courses under the dual  
5464 enrollment programs if they meet that individual institution's  
5465 stated admission requirements.

5466 (c) **Tuition and cost responsibility.** Tuition and costs  
5467 for university-level courses, and community and junior college  
5468 courses under this dual credit program may be paid for by the  
5469 postsecondary institution, the local school district, the parents  
5470 or legal guardians of the student, grants, foundations or other

5471 private or public sources, and shall be paid directly to the  
5472 credit-granting institution.

5473           (d) **Transportation responsibility.** Any transportation  
5474 required by a student to participate in the dual enrollment/dual  
5475 credit program shall be the responsibility of the parents or legal  
5476 guardians of the student, but may be paid for from other private  
5477 or public sources.

5478           (e) **School district average daily attendance credit.**  
5479 When dually enrolled student tuition is paid for by the local  
5480 district, the admitted student shall be counted for adequate  
5481 education program funding purposes in the average daily attendance  
5482 of the public school district in which they attend high school.

5483           (f) **High school student transcript transfer**  
5484 **requirements.** Grades and college credits earned by students  
5485 admitted to the dual enrollment program shall be recorded on the  
5486 college transcript at the university, or community and junior  
5487 college where the student attends classes. The transcript of such  
5488 university or community and junior college course work may be  
5489 released to another institution or used for college graduation  
5490 requirements only after the student has received a high school  
5491 diploma or has successfully completed the General Educational  
5492 Development (GED) test.

5493           (g) **Determining factor of prerequisites for enrollment**  
5494 **in dual credit courses.** The postsecondary institutions will  
5495 determine course prerequisites for enrolling and receiving dual  
5496 credit.

5497           (h) **Process for determining articulation of curriculum**  
5498 **between high school, university, and community and junior college**  
5499 **courses.** Postsecondary curricula for eligible courses currently  
5500 offered through Mississippi Curriculum Frameworks shall meet the  
5501 outlined competencies requirements. Eligible courses not offered  
5502 in Mississippi Curriculum Frameworks shall meet the standards  
5503 established at the postsecondary level. Postsecondary level

5504 developmental courses shall not meet the requirements of this  
5505 program. Dual credit memorandum of understandings shall be  
5506 established between each postsecondary institution and the  
5507 district implementing a dual credit program.

5508 (i) **Ineligible courses for dual credit programs.**

5509 Unless waived by the school principal, all courses that are  
5510 required for subject area testing as a requirement for graduation  
5511 from Mississippi Public Schools are not eligible for dual credit.

5512 (j) **Eligible courses for dual credit programs.** Courses  
5513 eligible for dual credit should include foreign languages,  
5514 advanced math courses, advanced science courses, performing arts,  
5515 advanced business and technology, and career and technical  
5516 courses. These courses and any additional courses considered for  
5517 dual credit must receive unconditional approval from the  
5518 superintendent of the local school district and the chief academic  
5519 officer at the participating community and junior college or  
5520 university. Universities and community and junior colleges shall  
5521 make the final decision on what courses they shall grant semester  
5522 hour credit. The local school superintendent shall make the final  
5523 decision on the transfer of college or university credit to the  
5524 student's high school transcript.

5525 (k) **High school Carnegie unit equivalency.** One (1)  
5526 three-hour university or community and junior college course shall  
5527 be equal to one-half (1/2) high school Carnegie unit. A full  
5528 Carnegie unit may be awarded for a three-hour university or  
5529 college course upon approval of the Mississippi Department of  
5530 Education. Partial credit agreements for postsecondary courses  
5531 that are less than three (3) hours shall be developed between the  
5532 local school district and participating postsecondary  
5533 institutions.

5534 (l) **Course alignment.** Once alignment is achieved  
5535 between university courses, community and junior college courses,  
5536 and State Board of Education approved high school courses, the

5537 universities, community and junior colleges and high schools have  
5538 the duty to review their respective policies and assess the place  
5539 of dual credit courses within the context of their traditional  
5540 offerings.

5541           (m) **Maximum dual credits allowed.** It shall be a stated  
5542 goal of the dual credit program to make possible for every student  
5543 who desires to do so to earn a semester's worth of college credit  
5544 in high school, saving Mississippi's parents thousands of dollars  
5545 in tuition, and increasing the academic rigor of the senior year  
5546 for Mississippi students. A qualified dually enrolled high school  
5547 student shall be allowed to earn an unlimited number of college or  
5548 university credits for dual credit as long as a B average is  
5549 earned on the first two (2) approved dual credit courses. After  
5550 the completion of two (2) courses if a B average is not  
5551 maintained, the student shall not be allowed to continue  
5552 participation in the dual credit program. Disallowance of  
5553 participation in the dual credit program may or may not affect  
5554 participation in the dual enrollment program.

5555           (n) **Dual credit program allowances.**

5556           (i) Examination preparation. Taught at high  
5557 school by qualified teacher; credit at secondary level obtained  
5558 after completion of course and passing exams, i.e., Advanced  
5559 Placement and International Baccalaureate courses whereby high  
5560 school students are allowed CLEP credit by making a three (3) or  
5561 higher on end-of-course exams.

5562           (ii) School-based. Taught at high school or may  
5563 be taught at designated postsecondary site by a district-employed  
5564 qualified teacher approved as instructor by collaborating college  
5565 or university.

5566           (iii) College/university-based. Taught at  
5567 college, university or high school by instructor employed by  
5568 college or university and approved by collaborating district.



5569 (iv) Online. May include eligible courses offered  
5570 by the Mississippi Virtual Public School or any postsecondary  
5571 institution.

5572 (o) **Qualifications of dual credit instructors.**

5573 (i) Dual credit academic instructors shall have at  
5574 a minimum a master's degree with at least eighteen (18) graduate  
5575 semester hours in their field of expertise. University and  
5576 community and junior college personnel shall have the sole  
5577 authority in the selection of dual credit instructors.

5578 (ii) Dual credit career and technical education  
5579 instructors shall meet the requirements set forth by the State  
5580 Board for Community and Junior Colleges in the qualifications  
5581 manual for postsecondary Career and Technical personnel.  
5582 University and community and junior college personnel shall have  
5583 the sole authority in the selection of dual credit instructors.

5584 (p) **Guidance on local agreements.** The Chief Academic  
5585 Officer of the Mississippi Board of Trustees of State Institutions  
5586 of Higher Learning and the Chief Academic Officer of the State  
5587 Board for Community and Junior Colleges shall develop a template  
5588 to be used by the individual community colleges and area  
5589 institutions of higher learning for consistent implementation  
5590 across the State of Mississippi.

5591 **SECTION 44.** The following provision shall be codified as  
5592 Section 37-15-39, Mississippi Code of 1972:

5593 37-15-39. (1) The purpose of this section is to ensure that  
5594 each student has a sufficient education for success after high  
5595 school and that all students have equal access to a substantive  
5596 and rigorous curriculum that is designed to challenge their minds  
5597 and enhance their knowledge skill.

5598 (2) For purposes of this section:

5599 (a) "Advanced placement course" means any high school  
5600 level preparatory course for a college advanced placement test  
5601 that:

5602 (i) Incorporates all topics specified by  
5603 recognized advanced placement authorities on standards for a given  
5604 subject area; and

5605 (ii) Is approved by recognized advanced placement  
5606 authorities;

5607 (b) "Dual enrollment course" means a postsecondary  
5608 level course(s) offered by state institutions of higher learning  
5609 and community or junior colleges, upon successful completion would  
5610 qualify for academic credit in both the postsecondary institution  
5611 and public high school;

5612 (c) "Pre-advanced placement course" means a middle  
5613 school, junior high school or high school level course that  
5614 specifically prepares students to enroll and to participate in an  
5615 advanced placement course;

5616 (d) "Vertical team" means a group of educators from  
5617 different grade levels in a given discipline who work  
5618 cooperatively to develop and implement a vertically aligned  
5619 program aimed at helping students from diverse backgrounds acquire  
5620 the academic skills necessary for success in the advanced  
5621 placement program and other challenging course work; and

5622 (e) "High concentration of low-income students," used  
5623 with respect to a public school or public school district, means a  
5624 public school or public school district that serves a student  
5625 population fifty percent (50%) or more of whom are low-income  
5626 individuals ages five (5) through seventeen (17) years from a  
5627 low-income family on the basis of data on children eligible for  
5628 the free or reduced-price lunches under the National School Lunch  
5629 Act, data on children in families receiving assistance under Part  
5630 A of Title IV of the Social Security Act, or data on children  
5631 eligible to receive medical assistance under the Medicaid program  
5632 under Title XIX of the Social Security Act, or through an  
5633 alternate method that combines or extrapolates that data.

5634           (3) (a) A teacher of an advanced placement and/or  
5635 pre-advanced placement course must obtain appropriate training.

5636           (b) The State Board of Education shall establish clear,  
5637 specific and challenging training guidelines that require teachers  
5638 of advanced placement courses and teachers of pre-advanced  
5639 placement courses to obtain a recognized advanced placement  
5640 authority endorsed training.

5641           (4) (a) In order to ensure that each student has a  
5642 sufficient education for success after high school and that all  
5643 students have equal access to a substantive and rigorous  
5644 curriculum that is designed to challenge their minds and enhance  
5645 their knowledge skill, school districts should offer pre-advanced  
5646 placement courses to prepare students for the demands of advanced  
5647 placement course work.

5648           (b) Funding shall be made available for the 2007-2008  
5649 school year so that all sophomores in Mississippi's public schools  
5650 shall take an examination that measures students' ability to  
5651 succeed in an advance placement course.

5652           (c) The State Department of Education shall:

5653                   (i) Approve all classes designated as pre-advanced  
5654 placement courses;

5655                   (ii) Develop rules necessary for the  
5656 implementation of advanced placement courses;

5657                   (iii) Seek federal funding through the Advanced  
5658 Placement Incentive Grant Program and other available funding; and

5659                   (iv) Focus funding with the intent to carry out  
5660 activities that target school districts serving a high  
5661 concentration of low-income students.

5662           (5) Beginning with the 2007-2008 school year, all school  
5663 districts shall offer at least one (1) advanced placement course  
5664 in each of the four (4) core areas of math, English, science and  
5665 social studies for a total of four (4) courses. The use of the

5666 state's on-line Advanced Placement Instructional Program is an  
5667 appropriate alternative.

5668 (6) Any high school offering the International Baccalaureate  
5669 Diploma Programme shall be exempt from the provisions of  
5670 subsection 5 of this section but shall have the right to  
5671 participate in teacher training and program funding as any high  
5672 school offering advanced placement courses.

5673 **SECTION 45.** Section 37-16-7, Mississippi Code of 1972, is  
5674 amended as follows:

5675 37-16-7. (1) Each district school board shall establish  
5676 standards for graduation from its schools which shall include as a  
5677 minimum:

5678 (a) Mastery of minimum academic skills as measured by  
5679 assessments developed and administered by the State Board of  
5680 Education.

5681 (b) Completion of a minimum number of academic credits,  
5682 and all other applicable requirements prescribed by the district  
5683 school board.

5684 (2) A student who meets all requirements prescribed in  
5685 subsection (1) of this section shall be awarded a standard diploma  
5686 in a form prescribed by the state board.

5687 (3) The State Board of Education may establish student  
5688 proficiency standards for promotion to grade levels leading to  
5689 graduation.

5690 (4) In developing an industry-recognized certification  
5691 program pursuant to Sections 37-31-61, 37-31-69, 37-31-205 and  
5692 37-31-207, the State Board of Education, working with its Division  
5693 of Vocational and Technical Education and the State Board for  
5694 Community and Junior Colleges, shall:

5695 (a) For the purposes of awarding credit for graduation,  
5696 approve the use of additional or substitute tests for the  
5697 correlated Mississippi Curriculum Framework assessment, such as

5698 academic achievement tests, industry certifications or state  
5699 licensure examinations; and

5700 (b) Permit students participating in vocational and  
5701 technical education programs designed to enable such students to  
5702 pass such industry certification examinations or state licensure  
5703 examinations to be awarded, upon obtaining satisfactory scores on  
5704 such industry certification or licensure examinations, the  
5705 appropriate verified units of credit for one or more vocational  
5706 and technical education classes which have been integrated into  
5707 the Mississippi Curriculum Framework. Such industry certification  
5708 and state licensure examinations may cover relevant classes  
5709 related to the Mississippi Curriculum Framework and may, at the  
5710 discretion of the board, address some Mississippi Curriculum  
5711 Framework for required classes.

5712 **SECTION 46.** Section 37-31-61, Mississippi Code of 1972, is  
5713 amended as follows:

5714 37-31-61. (1) For the development of industry-recognized  
5715 certifications, the State Board of Education shall incorporate  
5716 into its vocational education program a comparable curriculum  
5717 framework for mathematics, science, English and social studies,  
5718 including history, and other subject areas as may be appropriate.  
5719 The board may also authorize, in its regulations for accrediting  
5720 public schools in Mississippi, the substitution of industry  
5721 certification and state licensure examinations for the curriculum  
5722 framework assessments for the purpose of awarding verified units  
5723 of credit for vocational education courses, where appropriate.

5724 (2) In coordination with the Department of Employment  
5725 Security, there shall be established, within the Department of  
5726 Education, a unit of specialists in vocational education. The  
5727 unit shall (a) assist in developing and revising local vocational  
5728 education programs to integrate into the Mississippi Department of  
5729 Education's curriculum framework, (b) provide professional  
5730 development for vocational education personnel to improve the

5731 quality of vocational education, and (c) seek the input of  
5732 business and industry representatives regarding the content and  
5733 direction of the vocational education programs in the public  
5734 schools of Mississippi.

5735       (3) The trustees of such school district, as classified and  
5736 defined by law, including those already having this authority, and  
5737 the trustees of agricultural high schools and community/junior  
5738 colleges may, with the consent in writing of the State Board of  
5739 Education, establish and conduct such schools, classes or courses,  
5740 under the provisions herein stated and under the general  
5741 supervision of the board.

5742       **SECTION 47.** Section 37-31-69, Mississippi Code of 1972, is  
5743 amended as follows:

5744       37-31-69. (1) The school board of a local school district,  
5745 in its discretion, may establish and implement a vocational  
5746 apprenticeship program in the high schools in that district  
5747 through which students may earn high school units for vocational  
5748 experience or an industry-recognized certification as defined in  
5749 Section 37-31-61 as an alternative to those high school units  
5750 required by the school district in addition to the core curriculum  
5751 defined by the State Board of Education. The purpose of a  
5752 vocational apprenticeship program established pursuant to this  
5753 section shall be to provide those students with skills and  
5754 training that will lead to gainful employment in a trade or other  
5755 specialized vocation or an industry-recognized certification.

5756       (2) Students who participate in the vocational  
5757 apprenticeship or an industry-recognized certification program  
5758 shall be required to complete all high school units comprising the  
5759 core curriculum, as defined by the State Board of Education  
5760 pursuant to Section 37-31-61. In addition, a student in the  
5761 vocational apprenticeship program may be awarded credit for an  
5762 additional eight (8) high school units earned through the  
5763 vocational apprenticeship or an industry-recognized certification

5764 program, which units shall apply toward, and must be recognized by  
5765 the State Board of Education in fulfillment of, the local school  
5766 district's graduation requirements. Units may be awarded in the  
5767 vocational apprenticeship program, whereby a student gains actual  
5768 work experience through employment in a job approved by the local  
5769 school district. The local school district shall adopt policies  
5770 governing the participation of students in the vocational  
5771 apprenticeship or an industry-recognized certification program.

5772 (3) Students successfully completing a vocational  
5773 apprenticeship or an industry-recognized certification program  
5774 established pursuant to this section are entitled to a diploma  
5775 evidencing graduation from a high school in Mississippi.

5776 **SECTION 48.** Section 37-31-205, Mississippi Code of 1972, is  
5777 amended as follows:

5778 37-31-205. (1) The State Board of Education shall have the  
5779 authority to:

5780 (a) Expend funds received either by appropriation or  
5781 directly from federal or private sources;

5782 (b) Channel funds to secondary schools, community and  
5783 junior colleges and regional vocational-technical facilities  
5784 according to priorities set by the board;

5785 (c) Allocate funds on an annual budgetary basis;

5786 (d) Set standards for and approve all vocational and  
5787 technical education programs or an industry-recognized  
5788 certification program in the public school system and community  
5789 and junior colleges or other agencies or institutions which  
5790 receive state funds and federal funds for such purposes,  
5791 including, but not limited to, the following vocational and  
5792 technical education programs: agriculture, trade and industry,  
5793 occupational home economics, consumer and homemaking education,  
5794 distributive education, business and office, health, industrial  
5795 arts, guidance services, technical education, cooperative  
5796 education, and all other specialized training not requiring a

5797 bachelor's degree, with the exception of programs of nursing  
5798 education regulated under the provisions of Section 37-129-1. The  
5799 State Board of Education shall authorize local school boards,  
5800 within such school board's discretion, to offer distributive  
5801 education as a one-hour or two-hour block course. There shall be  
5802 no reduction of payments from state funding for distributive  
5803 education due to the selection of either the one-hour or two-hour  
5804 course offering;

5805           (e) Set and publish licensure standards for vocational  
5806 and technical education personnel. The State Board of Education  
5807 shall recognize a vocational and technical education teacher's  
5808 work when school is not in session which is in the teacher's  
5809 particular field of instruction as a means for the teacher to  
5810 fulfill the requirements for renewal of the teacher's license.  
5811 The board shall establish, by rules and regulations, the  
5812 documentation of such work which must be submitted to the board  
5813 and the number of actual working hours required to fulfill renewal  
5814 requirements. If a vocational and technical education teacher who  
5815 does not have a bachelor's degree takes classes in fulfillment of  
5816 licensure renewal requirements, such classes must be in  
5817 furtherance of a bachelor's degree;

5818           (f) Require data and information on program performance  
5819 from those programs receiving state funds;

5820           (g) Expend funds to expand career information;

5821           (h) Supervise and maintain the Division of Vocational  
5822 and Technical Education and to utilize, to the greatest extent  
5823 possible, the division as the administrative unit of the board  
5824 responsible for coordinating programs and services with local  
5825 institutions;

5826           (i) Utilize appropriate staff of the State Department  
5827 of Education to perform services for the vocational student  
5828 organizations, including, but not limited to, procurement,  
5829 accounting services, tax services and banking services. The



5830 department may also procure and pay for annual audits of the  
5831 vocational student organizations using vocational funds or other  
5832 available funds of the State Department of Education. It is the  
5833 intent of this provision that any related costs be paid with  
5834 vocational funds appropriated by the Legislature;

5835 (j) Promulgate such rules and regulations necessary to  
5836 carry out the provisions of this chapter in accordance with  
5837 Section 25-43-1 et seq.;

5838 (k) Set standards and approve all vocational and  
5839 technical education equipment and facilities purchased and/or  
5840 leased with state and federal vocational funds;

5841 (l) Encourage provisions for lifelong learning and  
5842 changing personal career preferences and advancement of vocational  
5843 and technical education students through articulated programs  
5844 between high schools and community and junior colleges;

5845 (m) Encourage the establishment of new linkages with  
5846 business and industry which will provide for a better  
5847 understanding of essential labor market concepts;

5848 (n) Periodically review the funding and reporting  
5849 processes required of local school districts by the board or  
5850 division with the aim of simplifying or eliminating inefficient  
5851 practices and procedures;

5852 (o) Assist in the development of high technology  
5853 programs and resource centers to support current and projected  
5854 industrial needs;

5855 (p) Assist in the development of a technical assistance  
5856 program for business and industry which will provide for  
5857 industrial training and services, including the transfer of  
5858 information relative to new applications and advancements in  
5859 technology; and

5860 (q) Enter into contracts and agreements with the State  
5861 Board for Community and Junior Colleges for conditions under which  
5862 vocational and technical education programs in community and

5863 junior colleges shall receive state and federal funds which flow  
5864 through the State Board of Education for such purposes.

5865 (2) It is the intent of the Legislature that no vocational  
5866 and technical education course or program existing on June 30,  
5867 1982, shall be eliminated by the State Board of Education under  
5868 the authority vested in paragraph (d) of subsection (1) of this  
5869 section prior to June 30, 1985. It is further the intent of the  
5870 Legislature that no vocational and technical education teacher or  
5871 other personnel employed on June 30, 1983, shall be discharged due  
5872 to licensure standards promulgated by the board under paragraph  
5873 (e) of subsection (1) of this section, if any such teacher or  
5874 personnel shall have complied with any newly published licensure  
5875 standards by June 30, 1985. Nothing contained in this section  
5876 shall be construed to abrogate or affect in any manner the  
5877 authority of local public school districts or community and junior  
5878 colleges to eliminate vocational and technical education courses  
5879 or programs or to discharge any vocational and technical education  
5880 teacher or other personnel.

5881 (3) The State Board of Education and the State Board for  
5882 Community and Junior Colleges may provide that every vocational  
5883 and technical education course or program in Mississippi may  
5884 integrate academic and vocational-technical education through  
5885 coherent sequences of courses, so that students in such programs  
5886 achieve both academic and occupational competencies or an  
5887 industry-recognized certification. The boards may expend federal  
5888 funds available from the 1990 Perkins Act, or other available  
5889 federal funds, for an industry-recognized certification through  
5890 the accreditation process and the teacher licensure process.

5891 **SECTION 49.** Section 37-31-207, Mississippi Code of 1972, is  
5892 amended as follows:

5893 37-31-207. (1) The State Board of Education shall have the  
5894 following duties:

5895           (a) To seek the best available projections of  
5896 employment and occupations for Mississippians;  
5897           (b) To utilize these projections and other  
5898 considerations to set vocational and technical education  
5899 priorities;  
5900           (c) To utilize the services of all state agencies  
5901 having information regarding the purposes of this chapter;  
5902           (d) To cooperate with the Governor's Office of Job  
5903 Development and Training and the Board of Economic Development to  
5904 prevent duplication and provide continuity of employment and  
5905 training services;  
5906           (e) To conduct evaluations of the success or failure of  
5907 vocational-technical programs, including the extent to which  
5908 training actually leads to jobs in the field in which the student  
5909 was trained;  
5910           (f) Obtain and publish data and information on program  
5911 performance from those vocational-technical programs receiving  
5912 state funds; and  
5913           (g) To notify local school districts and public  
5914 community/junior colleges prior to March 1 annually of any  
5915 discontinuation of ongoing vocational programs which would affect  
5916 the renewing of contracts with vocational personnel.  
5917       (2) The State Board of Education is directed to partner with  
5918 the State Board for Community and Junior Colleges, the Mississippi  
5919 Department of Employment Security - Office of the Governor, and  
5920 the representatives of the business community appointed by the  
5921 Governor to establish the "Industry Certification Partnership"  
5922 program to develop and implement a program designed to encourage  
5923 businesses in Mississippi to offer potential high school dropout  
5924 students a semester scholarship at a community or junior college  
5925 for industry specific training after their graduation in return  
5926 for their promise or compact to stay in school.

5927           SECTION 50. (1) There is established a commission to be  
5928 known as the "Lifelong Learning Commission."

5929           (2) The commission shall consist of four (4) members, who  
5930 shall serve ex officio, as follows:

5931                   (a) The Governor of the State of Mississippi, who shall  
5932 serve as Chairman;

5933                   (b) The State Superintendent of Education;

5934                   (c) The Commissioner of the State Board for Community  
5935 and Junior Colleges; and

5936                   (d) The Commissioner of Higher Education.

5937           (3) The mission of the Lifelong Learning Commission shall  
5938 include, but not be limited to, the following:

5939                   (a) Assess the dropout crisis in Mississippi and  
5940 recommend action steps to address it;

5941                   (b) Create a set of common definitions for graduation  
5942 and dropout rates that can be used to compare their progress  
5943 relative to other states;

5944                   (c) Facilitate agreements to make the Mississippi high  
5945 school experience more meaningful;

5946                   (d) To encourage more rigor and relevance in the high  
5947 school experience;

5948                   (e) Facilitate the transferability of education from  
5949 secondary to postsecondary institutions;

5950                   (f) Raise state awareness on the need for improving  
5951 Mississippi's high schools;

5952                   (g) Develop a series of best practices policy actions  
5953 state policymakers and legislators can implement to achieve  
5954 system-wide high school reform; and

5955                   (h) When necessary, the commission may convene town  
5956 hall meetings around the state where students, teachers,  
5957 administrators and parents can talk about high school, the senior  
5958 year and impediments to greater success.

5959 (4) The commission may prepare an annual report for the  
5960 consideration of the Chairmen of the House and Senate Education  
5961 and University and College Committees pertaining to the  
5962 information gathered in pursuit of their mission.

5963 (5) The commission members shall meet at times and places  
5964 they deem necessary and use all available resources to fulfill its  
5965 mission.

5966 **SECTION 51.** Section 37-21-55, Mississippi Code of 1972, is  
5967 amended as follows:

5968 37-21-55. (1) The Interagency Advisory Committee for Early  
5969 Childhood Services is created to develop and make recommendations  
5970 to the Early Childhood Services Interagency Coordinating Council  
5971 established under Section 37-21-53 as deemed necessary to  
5972 implement the council's responsibilities relating to all programs  
5973 serving preschool children and their families in Mississippi.

5974 (2) The membership of the Interagency Advisory Committee for  
5975 Early Childhood Services shall be as follows:

5976 (a) The Chairmen of the Senate Education, Public Health  
5977 and Welfare and Appropriations Committees, or their Senate  
5978 designees;

5979 (b) The Chairmen of the House Education, Public Health  
5980 and Welfare and Appropriations Committees, or their House  
5981 designees;

5982 (c) A representative of the Governor;

5983 (d) A representative of the State Department of  
5984 Education;

5985 (e) A representative of the State Department of Health;

5986 (f) A representative of the Department of Human  
5987 Services;

5988 (g) A representative of the State Department of Mental  
5989 Health;

5990 (h) A representative of the State Department of  
5991 Rehabilitation Services;

5992           (i) The following representatives of the early  
5993 childhood profession:  
5994           (i) The President of the Mississippi Head Start  
5995 Association;  
5996           (ii) A representative from a regulated family  
5997 child care home network appointed by the Governor;  
5998           (iii) A representative from a licensed child care  
5999 center appointed by the President of the Senate;  
6000           (iv) A representative from a public school  
6001 prekindergarten program appointed by the Speaker of the House;  
6002           (v) A representative from a private school  
6003 prekindergarten program appointed by the Governor;  
6004           (vi) A representative from a half-day church  
6005 sponsored prekindergarten program appointed by the Speaker of the  
6006 House;  
6007           (vii) A representative from a university or  
6008 college early childhood program appointed by the President of the  
6009 Senate;  
6010           (viii) A representative of a tribal early  
6011 childhood program appointed by the Governor;  
6012           (ix) A representative of an early childhood  
6013 professional organization appointed by the President of the  
6014 Senate;  
6015           (x) A representative of an advocacy organization  
6016 appointed by the Speaker of the House; and  
6017           (xi) A representative of a community or junior  
6018 college early childhood program appointed by the Governor;  
6019           (j) A parent of a preschool-age child appointed by the  
6020 Governor;  
6021           (k) A parent of a preschool-age child with special  
6022 needs appointed by the Speaker of the House;  
6023           (l) A representative of the cooperative extension  
6024 services appointed by the President of the Senate;

6025           (m) A physician who is a member of the Mississippi  
6026 Chapter of the American Academy of Pediatrics, appointed by the  
6027 Director of the University Medical Center;

6028           (n) The Director of the Mississippi Public Education  
6029 Forum, or his designee; and

6030           (o) The Executive Director of the Mississippi Economic  
6031 Council, or his designee.

6032           To the extent possible, any representative of a state agency  
6033 designated to serve on the Interagency Advisory Committee shall be  
6034 the same individual designated to assist the Interagency  
6035 Coordinating Council in performing its duties and  
6036 responsibilities.

6037           (3) The advisory committee shall meet upon call of the Early  
6038 Childhood Services Interagency Coordinating Council before August  
6039 1, 2000, and the council shall appoint a chairman from among the  
6040 membership of the advisory committee. The chairman shall serve  
6041 for a one-year term and may be reappointed for subsequent terms.  
6042 The advisory committee shall adopt internal organizational  
6043 procedures necessary for efficient operation of the advisory  
6044 committee and may establish subcommittees for conducting specific  
6045 programs and activities. Advisory committee procedures must  
6046 include duties of officers, a process for selecting officers,  
6047 duties of subcommittees, quorum requirements for conducting  
6048 business and policies for any staff. The members of the Early  
6049 Childhood Services Interagency Coordinating Council shall  
6050 designate necessary staff of their departments to assist the  
6051 advisory committee in performing its duties and responsibilities.  
6052 The advisory committee shall meet and conduct business at least  
6053 quarterly. Quarterly meetings of the advisory committee shall be  
6054 open to the public, and opportunity for public comment must be  
6055 made available at each meeting. The staff of the advisory  
6056 committee shall notify all persons who request such notice as to  
6057 the date, time and place of each meeting.

6058 (4) The Interagency Advisory Committee for Early Childhood  
6059 Services, in addition to responsibilities assigned by the Early  
6060 Childhood Services Interagency Coordinating Council, shall perform  
6061 each of the following duties:

6062 (a) Assist in the implementation of the study conducted  
6063 by the Task Force on the Development and Implementation of  
6064 Comprehensive Early Childhood Services in Mississippi established  
6065 under Laws, 1999, Chapter 584;

6066 (b) Identify services to children which impact early  
6067 childhood development and education;

6068 (c) Identify and recommend methods to facilitate  
6069 interagency coordination of service programs for preschool  
6070 children; and

6071 (d) Serve as a forum for information exchange regarding  
6072 recommendations and priorities in early childhood development and  
6073 education. \* \* \*

6074 \* \* \*

6075 (5) The Advisory Board of the Interagency Council, with the  
6076 consent of a majority of its members, shall have the authority to  
6077 direct any state entity with early childhood responsibilities to  
6078 be coordinated through the Office of Children and Youth for the  
6079 purposes of alignment of the State of Mississippi's early  
6080 childhood educational efforts.

6081 (6) Beginning in July 1, 2006, the Advisory Board of the  
6082 Interagency Council shall meet at the discretion of the Director  
6083 of the Office of Children and Youth to assess the appropriate  
6084 criteria for determining, and implementation of, the educational  
6085 components of the state's tiered reimbursement structure.

6086 **SECTION 52.** The following provision shall be codified as  
6087 Section 37-3-95, Mississippi Code of 1972:

6088 37-3-95. The State Department of Education and the Board of  
6089 Trustees of State Institutions of Higher Learning shall jointly  
6090 prepare an annual report for the Legislature and the Governor, to



6091 be submitted by December 1 of each year beginning in 2006, which  
6092 shall compile existing data to create a rating system that  
6093 measures the performance of the state's public schools of  
6094 education.

6095         **SECTION 53.** The following provision shall be codified as  
6096 Section 37-7-346, Mississippi Code of 1972:

6097         37-7-346. The State Department of Education and the regional  
6098 education service agencies (RESAs) shall jointly prepare a report  
6099 to be submitted by December 15, 2006, for consideration of the  
6100 Legislature and the Governor, detailing their plans which shall be  
6101 enacted by State Board of Education policy of how RESAs will work  
6102 in partnership with the State Department of Education to increase  
6103 their function as a local provider of educational services and  
6104 purchasing consortia as provided in Section 37-7-345(6),  
6105 Mississippi Code of 1972. These services shall include, but not  
6106 necessarily be limited to, professional development, instructional  
6107 materials, educational technology, curriculum development,  
6108 alternative educational programs, purchasing cooperatives,  
6109 insurance cooperatives, business manager services, auditing and  
6110 accounting services, school safety/risk prevention, data  
6111 processing and student records, communications/public information,  
6112 employee background checks, grants management, and  
6113 printing/publications and internships.

6114         **SECTION 54.** This act shall take effect and be in force from  
6115 and after July 1, 2006.