SENATE BILL NO. 2602

AN ACT ENTITLED THE "MISSISSIPPI EDUCATION REFORM ACT OF 2006"; TO CREATE NEW SECTION 25-11-126, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CERTAIN PERSONS RECEIVING A RETIREMENT ALLOWANCE FROM THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM WHO ARE EMPLOYED AS TEACHERS IN THE PUBLIC SCHOOL SYSTEM AFTER THEIR RETIREMENT MAY RECEIVE A RETIREMENT ALLOWANCE DURING THEIR EMPLOYMENT AS TEACHERS IN ADDITION TO RECEIVING A TEACHER'S SALARY; TO AMEND SECTIONS 25-11-103, 25-11-105, 25-11-123 AND 25-11-127, MISSISSIPPI CODE OF 1972, IN CONFORMITY WITH THE PROVISIONS OF THIS ACT; TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972, TO PROVIDE ADDITIONAL BASE COMPENSATION FOR TEACHERS HOLDING LICENSES IN CRITICAL SUBJECT AREAS, TO PROVIDE ADDITIONAL COMPENSATION FOR TEACHERS EMPLOYED IN CRITICAL SHORTAGE AREAS, TO ESTABLISH A MISSISSIPPI PERFORMANCE BASED PAY PLAN TO REWARD LICENSED EDUCATION PERSONNEL AT SCHOOLS SHOWING IMPROVEMENT IN STUDENT TEST SCORES, TO PROVIDE ADDITIONAL BASE COMPENSATION FOR MENTOR TEACHERS IN MIDDLE SCHOOLS WITH APPROVED CLASSROOM MANAGEMENT PROGRAMS, TO DIRECT THE STATE DEPARTMENT OF EDUCATION TO CONDUCT A VALUE-ADDED PILOT PROGRAM ON TEACHER PERFORMANCE PAY; TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY TEACHER FROM ANY STATE MEETING THE FEDERAL STANDARDS OF A HIGHLY QUALIFIED TEACHER SHALL BE ELIGIBLE FOR A STANDARD LICENSE IN MISSISSIPPI; TO AMEND SECTION 37-11-55, MISSISSIPPI CODE OF 1972, TO ESTABLISH A STUDENT DISCIPLINARY ACTION REVIEW BOARD IN EACH SCHOOL WHEN A PRINCIPAL SENDS A DISRUPTIVE STUDENT BACK TO THE CLASSROOM; TO AMEND SECTION 37-13-89, MISSISSIPPI CODE OF 1972, TO REQUIRE REPORTING TO THE LOCAL SCHOOL DISTRICT SUPERINTENDENT AND THE SCHOOL PRINCIPAL THE NAME OF ANY CHILD BETWEEN THE AGES OF 15 AND 17 WHO FAILS TO ATTEND SCHOOL; TO AMEND SECTION 37-13-91, MISSISSIPPI CODE OF 1972, TO REQUIRE THE SCHOOL SUPERINTENDENT TO REPORT SUCH STUDENT DROPOUTS TO THE COMMISSIONER OF PUBLIC SAFETY AND TO REQUIRE THE YOUTH COURT TO SUSPEND THE DRIVER'S LICENSE OF A CHILD WHO UNLAWFULLY FAILS TO ATTEND SCHOOL; TO AMEND SECTION 37-13-83 AND 37-13-85, MISSISSIPPI CODE OF 1972, TO ADD THE RESPONSIBILITY OF STUDENT DROPOUT PREVENTION TO THE DIRECTOR OF THE OFFICE OF COMPULSORY SCHOOL ATTENDANCE IN THE STATE DEPARTMENT OF EDUCATION; TO DIRECT THE STATE DEPARTMENT OF EDUCATION TO DEVELOP REPORTS ON CERTAIN ITEMS RELATING TO STUDENT SCHOOL DROPOUT PREVENTION AND THE COMPULSORY SCHOOL ATTENDANCE AGE; TO AMEND SECTION 37-17-6, MISSISSIPPI CODE OF 1972, TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP AN ACCREDITATION STANDARD PROVIDING THAT NO SCHOOL WITH A STUDENT DROPOUT RATE HIGHER THAN 10% SHALL RECEIVE A LEVEL 3 ACCREDITATION RATING OR ABOVE AND TO REQUIRE HIGH SCHOOLS WITH GREATER THAN 15% STUDENT DROPOUT RATES OVER A 3-YEAR PERIOD TO CONVERT TO SMALLER ATTENDANCE CENTERS; TO AMEND SECTION 37-11-53,
MISSISSIPPI CODE OF 1972, TO AUTHORIZE AND DIRECT THE SUPERINTENDENT OF SCHOOLS TO SUMMON THE PARENTS OR GUARDIANS OF MIDDLE OR SECONDARY SCHOOL STUDENTS WHO ARE IN VIOLATION OF THE COMPULSORY SCHOOL ATTENDANCE LAW TO ATTEND COUNSELING CONFERENCES REGARDING THE ACTS OF THE CHILD AND TO PRESCRIBE CERTAIN CRIMINAL PENALTIES FOR PARENTS WHO FAIL TO ATTEND THEIR CHILD'S DISCIPLINE CONFERENCE; TO AMEND SECTIONS 63-1-31 AND 63-1-51, MISSISSIPPI CODE OF 1972, TO PROVIDE A PROCEDURE FOR APPEAL OF THE DECISION TO SUSPEND THE DRIVING PRIVILEGES OF A CHILD DUE TO THE CHILD'S FAILURE TO ATTEND SCHOOL; TO AMEND SECTIONS 37-3-4, 37-3-46, 37-3-49, 37-7-337, 37-17-8, 37-17-11 AND 37-21-7, MISSISSIPPI CODE OF 1972, TO EXEMPT HIGHEST PERFORMING SCHOOLS DESIGNATED AS LEVEL 4 AND 5 FROM CERTAIN ACCREDITATION PROCESS STANDARDS PRESCRIBED BY STATUTE OR REGULATION OF THE STATE DEPARTMENT OF EDUCATION; TO AMEND SECTION 37-13-61, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE LOCAL SCHOOL DISTRICTS TO FIX THE DATE FOR THE OPENING AND CLOSING OF THE SCHOOL TERM; TO AMEND SECTION 37-13-67, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN RESTRICTIONS ON SCHOLASTIC MONTH AND SCHOOL DAY; TO AMEND SECTION 37-13-69, MISSISSIPPI CODE OF 1972, TO AUTHORIZE LOCAL SCHOOL DISTRICTS TO DESIGNATE SCHOOL HOLIDAYS; TO AMEND SECTION 37-41-53, MISSISSIPPI CODE OF 1972, TO EXEMPT SCHOOL TRANSPORTATION VEHICLES FROM CERTAIN STATE DEPARTMENT OF EDUCATION REGULATION; TO AMEND SECTION 37-7-301, MISSISSIPPI CODE OF 1972, TO GRANT PUBLIC SCHOOL DISTRICTS WITH AN AVERAGE ACCREDITATION RANKING OF LEVEL 4 OR HIGHER THE POWER TO ADOPT ANY ORDER RELATING TO THE OPERATION OF THE SCHOOL WHICH IS NOT INCONSISTENT WITH STATE LAW OR THE MISSISSIPPI CONSTITUTION, WITH CERTAIN EXCEPTIONS; TO AUTHORIZE LOCAL SCHOOL DISTRICTS TO CONTRACT WITH PRIVATE ENTITIES TO PROVIDE CERTAIN NONINSTRUCTIONAL SERVICES; TO AMEND SECTIONS 25-11-103 AND 25-11-127, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AUTHORIZE THE ESTABLISHMENT OF A MISSISSIPPI VIRTUAL PUBLIC SCHOOL PROGRAM; TO PROVIDE FOR SPONSORS AND CRITERIA FOR THE MISSISSIPPI VIRTUAL PUBLIC SCHOOL; TO AMEND SECTION 37-3-11, MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATEWIDE FINANCIAL REPORT BY THE STATE DEPARTMENT OF EDUCATION TO COMPLY WITH CERTAIN FUNCTIONAL LEVEL EXPENDITURE CODES AND TO PROVIDE THAT SAID FINANCIAL REPORT SHALL BE PREPARED ON A SCHOOL DISTRICT BASIS; TO AMEND SECTIONS 37-9-18 AND 37-61-9, MISSISSIPPI CODE OF 1972, TO REQUIRE SCHOOL DISTRICTS TO COMPLY WITH APPROPRIATE FUNCTIONAL LEVEL EXPENDITURE CODES, TO REQUIRE AN ANNUAL AUDIT OF SUCH COMPLIANCE; TO AMEND SECTION 37-61-21, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR YEAR-END FINANCIAL DATA BY SCHOOL DISTRICTS; TO AMEND SECTIONS 37-37-1, 37-37-7 AND 37-31-207, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR AND INDUCE THE STATE DEPARTMENT OF EDUCATION SHALL PRESCRIBE THE FINANCIAL ACCOUNTING MANUAL FOR SCHOOL DISTRICTS; TO AMEND SECTION 37-61-33, MISSISSIPPI CODE OF 1972, TO AUTHORIZE TEACHERS TO CARRY FORWARD APPROVED CLASSROOM SUPPLY EXPENDITURES INTO SUBSEQUENT FISCAL YEARS; TO CODIFY SECTION 37-15-38, MISSISSIPPI CODE OF 1972, RELATING TO HIGH SCHOOL AND UNIVERSITY OR COMMUNITY COLLEGE DUAL ENROLLMENT PROGRAMS, TO REVISE CONDITIONS FOR PARTICIPATION IN THE PROGRAM, TO PROVIDE THAT TUITION AND COSTS FOR UNIVERSITY LEVEL AND COMMUNITY LEVEL COURSES SHALL BE NEGOTIATED BETWEEN SCHOOL DISTRICTS AND THE UNIVERSITY OR COMMUNITY COLLEGE, AND TO CLARIFY THAT ALL COURSE WORK TAKEN UNDER THE PROGRAM SHALL BE DUAL CREDIT; TO CODIFY SECTION 37-15-39, MISSISSIPPI CODE OF 1972, TO DIRECT SCHOOL DISTRICTS TO OFFER PRE-ADVANCED PLACEMENT COURSES AND TO REQUIRE FUNDING FOR THE 2007-2008 SCHOOL YEAR FOR ALL SOPHOMORES TO TAKE A NATIONALLY RECOGNIZED APTITUDE TEST FOR ADVANCED PLACEMENT CLASSES; TO AMEND SECTIONS 37-16-7, 37-31-61, 37-31-69, 37-31-207, AND 37-31-209, MISSISSIPPI CODE OF 1972, TO AUTHORIZE AND DIRECT THE STATE BOARD OF EDUCATION AND THE STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES TO UTILIZE FEDERAL WORKFORCE INVESTMENT ACT AND OTHER FEDERAL FUNDS TO ESTABLISH INDUSTRY SPECIFIC CURRICULUM TO ALLOW STUDENTS TO RECEIVE INDUSTRY-RECOGNIZED CERTIFICATION WHILE COMPLETING THEIR HIGH SCHOOL EDUCATION.
SCHOOL COURSE WORK, TO INCLUDE SUCH COURSE WORK IN APPROPRIATE
GRADUATION STANDARDS, TO DEVELOP A UNIT OF SPECIALISTS IN
VOCATIONAL EDUCATION AS PART OF THE CURRICULUM, AND TO ESTABLISH
PARTNERSHIPS WITH THE PRIVATE SECTOR TO OFFER POTENTIAL HIGH 
SCHOOL DROPOUT STUDENTS A SEMESTER SCHOLARSHIP FOR INDUSTRY 
SPECIFIC TRAINING AFTER GRADUATION; TO ESTABLISH A LIFELONG 
LEARNING COMMISSION AND PRESCRIBE ITS MEMBERSHIP TO STUDY THE 
RELEVANCE OF THE HIGH SCHOOL EXPERIENCE IN MISSISSIPPI; TO AMEND 
SECTION 37-21-55, MISSISSIPPI CODE OF 1972, TO DIRECT STATE 
ENTITIES DEALING WITH EARLY CHILDHOOD EDUCATION TO BE COORDINATED 
THROUGH THE ADVISORY BOARD OF THE INTERAGENCY ADVISORY COMMITTEE 
FOR EARLY CHILDHOOD SERVICES TO BE ADMINISTERED BY THE MISSISSIPPI 
DEPARTMENT OF HUMAN SERVICES OFFICE OF CHILDREN AND YOUTH AND TO 
AUTHORIZE THE ADVISORY COUNSEL TO ASSESS THE EDUCATIONAL 
COMPONENTS FOR THE STATE'S TIERED REIMBURSEMENT STRUCTURE FOR 
CHILD CARE FacILITIES; TO CODIFY SECTION 37-3-95, MISSISSIPPI CODE 
OF 1972, TO DIRECT THE STATE DEPARTMENT OF EDUCATION AND THE BOARD 
OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING TO PREPARE AN 
ANNUAL REPORT TO THE LEGISLATURE ON SCHOOLS OF EDUCATION IN THE 
STATE; TO CODIFY SECTION 37-7-346, MISSISSIPPI CODE OF 1972, TO 
DIRECT THE STATE DEPARTMENT OF EDUCATION AND THE REGIONAL 
EDUCATION SERVICE AGENCIES TO DEVELOP A 5-YEAR PLAN FOR INCREASING 
The DUTIES AND RESPONSIBILITIES OF THE AGENCIES; AND FOR RELATED 
PURPOSES.

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

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

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

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

25-11-126. (1) Any person who has at least twenty-eight 
(28) years of creditable service, who was employed as a public 
schoolteacher at the time of his retirement and who is employed as 
a teacher in a public school district located in a geographic area 
of the state designated as a critical teacher shortage area by the 
State Board of Education after his retirement, may choose to 
continue receiving the retirement allowance under this article 
during his employment as a teacher after his retirement in 
addition to receiving the salary authorized under Section 37-19-7 
and may do so under one (1) of the following options:
(a) **Option A.** The retired teacher may be employed as a teacher and continue receiving retirement benefits and not be required to make any contributions to the system. Under this option the retired member shall not be eligible to accrue additional retirement benefits and shall not be a contributing member of the system.

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

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

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

(b) **Option B.** The retired teacher may be employed as a teacher, continue receiving his retirement benefit and be a contributing member of the system for purposes of an additional retirement benefit.
Under this option the retired teacher is a contributing member of the system and accrues retirement benefits as if he were newly hired and had never been a member of the system. The accrual of benefits shall have no effect on the retirement benefit that he is receiving as a result of his initial retirement but shall accrue toward a new and separate retirement benefit.

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

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

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

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

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

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

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

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

25-11-103. The following words and phrases as used in Articles 1 and 3, unless a different meaning is plainly required by the context, have the following meanings:
(a) "Accumulated contributions" means the sum of all the amounts deducted from the compensation of a member and credited to his individual account in the annuity savings account, together with regular interest as provided in Section 25-11-123.

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

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

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

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

(f) "Average compensation" means the average of the four (4) highest years of earned compensation reported for an employee in a fiscal or calendar year period, or combination thereof that do not overlap, or the last forty-eight (48) consecutive months of earned compensation reported for an employee. The four (4) years need not be successive or joined years of service. In no case shall the average compensation so determined be in excess of One Hundred Fifty Thousand Dollars ($150,000.00). In computing the average compensation, any amount lawfully paid in a lump sum for personal leave or major medical leave shall be included in the calculation to the extent that the amount does not exceed an amount that is equal to thirty (30) days of earned compensation and to the extent that it does not cause the employees' earned compensation to exceed the maximum reportable amount specified in Section 25-11-103(k); however, this thirty-day limitation shall not prevent the inclusion in the
calculation of leave earned under federal regulations before July 1, 1976, and frozen as of that date as referred to in Section 25-3-99. Only the amount of lump sum pay for personal leave due and paid upon the death of a member attributable for up to one hundred fifty (150) days shall be used in the deceased member's average compensation calculation in determining the beneficiary's benefits. In computing the average compensation, no amounts shall be used that are in excess of the amount on which contributions were required and paid, and no nontaxable amounts paid by the employer for health or life insurance premiums for the employee shall be used. If any member who is or has been granted any increase in annual salary or compensation of more than eight percent (8%) retires within twenty-four (24) months from the date that the increase becomes effective, then the board shall exclude that part of the increase in salary or compensation that exceeds eight percent (8%) in calculating that member's average compensation for retirement purposes. The board may enforce this provision by rule or regulation. However, increases in compensation in excess of eight percent (8%) per year granted within twenty-four (24) months of the date of retirement may be included in the calculation of average compensation if satisfactory proof is presented to the board showing that the increase in compensation was the result of an actual change in the position held or services rendered, or that the compensation increase was authorized by the State Personnel Board or was increased as a result of statutory enactment, and the employer furnishes an affidavit stating that the increase granted within the last twenty-four (24) months was not contingent on a promise or agreement of the employee to retire. Nothing in Section 25-3-31 shall affect the calculation of the average compensation of any member for the purposes of this article. The average compensation of any member who retires before July 1, 1992, shall not exceed the annual salary of the Governor.
(g) "Beneficiary" means any person entitled to receive a retirement allowance, an annuity or other benefit as provided by Articles 1 and 3. The term "beneficiary" may also include an organization, estate, trust or entity; however, a beneficiary designated or entitled to receive monthly payments under an optional settlement based on life contingency or pursuant to a statutory monthly benefit may only be a natural person. In the event of the death before retirement of any member whose spouse and/or children are not entitled to a retirement allowance on the basis that the member has less than four (4) years of service credit and/or has not been married for a minimum of one (1) year or the spouse has waived his or her entitlement to a retirement allowance under Section 25-11-114, the lawful spouse of a member at the time of the death of the member shall be the beneficiary of the member unless the member has designated another beneficiary after the date of marriage in writing, and filed that writing in the office of the executive director of the board of trustees. No designation or change of beneficiary shall be made in any other manner.

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

(i) "Creditable service" means "prior service," "retroactive service" and all lawfully credited unused leave not exceeding the accrual rates and limitations provided in Section 25-3-91 et seq., as of the date of withdrawal from service plus "membership service" for which credit is allowable as provided in Section 25-11-109. Except to limit creditable service reported to the system for the purpose of computing an employee's retirement allowance or annuity or benefits provided in this article, nothing in this paragraph shall limit or otherwise restrict the power of the governing authority of a municipality or other political
subdivision of the state to adopt such vacation and sick leave
policies as it deems necessary. (j) "Child" means either a natural child of the member,
a child that has been made a child of the member by applicable
court action before the death of the member, or a child under the
permanent care of the member at the time of the latter's death,
which permanent care status shall be determined by evidence
satisfactory to the board. (k) "Earned compensation" means the full amount earned
by an employee for a given pay period including any maintenance
furnished up to a maximum of One Hundred Fifty Thousand Dollars
($150,000.00) per year, and proportionately for less than one (1)
year of service. The value of that maintenance when not paid in
money shall be fixed by the employing state agency, and, in case
of doubt, by the board of trustees as defined in Section 25-11-15.
Earned compensation shall not include any nontaxable amounts paid
by the employer for health or life insurance premiums for an
employee. In any case, earned compensation shall be limited to
the regular periodic compensation paid, exclusive of litigation
fees, bond fees, and other similar extraordinary nonrecurring
payments. In addition, any member in a covered position, as
defined by Public Employees' Retirement System laws and
regulations, who is also employed by another covered agency or
political subdivision shall have the earnings of that additional
employment reported to the Public Employees' Retirement System
regardless of whether the additional employment is sufficient in
itself to be a covered position. In addition, computation of
earned compensation shall be governed by the following:
(i) In the case of constables, the net earnings
from their office after deduction of expenses shall apply, except
that in no case shall earned compensation be less than the total
direct payments made by the state or governmental subdivisions to
the official.
(ii) In the case of chancery or circuit clerks, the net earnings from their office after deduction of expenses shall apply as expressed in Section 25-11-123(f)(4).

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

(iv) The amount by which an eligible employee's salary is reduced under a salary reduction agreement authorized under this paragraph, provided this inclusion does not conflict with federal law, including federal regulations and federal administrative interpretations under the federal law, pertaining to the Federal Insurance Contributions Act or to Internal Revenue Code Section 125 cafeteria plans.

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

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

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

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

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

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

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

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

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

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

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

The board shall adopt such rules and regulations as necessary to implement and enforce this provision.

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) All persons who become employees in the state service after January 31, 1953, except those specifically excluded or as to whom election is provided in Articles 1 and 3, unless they file with the board before the lapse of sixty (60) days of employment or sixty (60) days after the effective date of the cited articles, whichever is later, on a form prescribed by the board, a notice of election not to be covered by the membership of the retirement system and a duly executed waiver of all present and prospective benefits that would otherwise inure to them on account of their participation in the system, shall become members of the retirement system; however, no credit for prior service will be granted to members until they have contributed to Article 3 of the retirement system for a minimum period of at least four (4) years. Those members shall receive credit for services
performed before January 1, 1953, in employment now covered by Article 3, but no credit shall be granted for retroactive services between January 1, 1953, and the date of their entry into the retirement system, unless the employee pays into the retirement system both the employer's and the employee's contributions on wages paid him during the period from January 31, 1953, to the date of his becoming a contributing member, together with interest at the rate determined by the board of trustees. Members reentering after withdrawal from service shall qualify for prior service under the provisions of Section 25-11-117. From and after July 1, 1998, upon eligibility as noted above, the member may receive credit for such retroactive service provided:

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

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

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

(c) All persons who become employees in the state service after January 31, 1953, and who are eligible for membership in any other retirement system shall become members of this retirement system as a condition of their employment, unless they elect at the time of their employment to become a member of that other system.
(d) All persons who are employees in the state service on January 31, 1953, and who are members of any nonfunded retirement system operated by the State of Mississippi, or any of its departments or agencies, shall become members of this system with prior service credit unless, before February 1, 1953, they file a written notice with the board of trustees that they do not elect to become members.

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

(f) Each political subdivision of the state and each instrumentality of the state or a political subdivision, or both, is authorized to submit, for approval by the board of trustees, a plan for extending the benefits of this article to employees of any such political subdivision or instrumentality. Each such plan or any amendment to the plan for extending benefits thereof shall be approved by the board of trustees if it finds that the plan, or the plan as amended, is in conformity with such requirements as are provided in Articles 1 and 3; however, upon approval of the plan or any such plan previously approved by the board of trustees, the approved plan shall not be subject to cancellation or termination by the political subdivision or instrumentality, except that any community hospital serving a municipality that joined the Public Employees' Retirement System as of November 1, 1956, to offer social security coverage for its employees and subsequently extended retirement annuity coverage to its employees...
as of December 1, 1965, may, upon documentation of extreme financial hardship, have future retirement annuity coverage cancelled or terminated at the discretion of the board of trustees. No such plan shall be approved unless:

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

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

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

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

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

A. The board of trustees shall not finally refuse to approve a plan submitted under paragraph (f), and shall
not terminate an approved plan without reasonable notice and
opportunity for hearing to each political subdivision or
instrumentality affected by the board's decision. The board's
decision in any such case shall be final, conclusive and binding
unless an appeal is taken by the political subdivision or
instrumentality aggrieved by the decision to the Circuit Court of
Hinds County, Mississippi, in accordance with the provisions of
law with respect to civil causes by certiorari.

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

C. Every political subdivision or
instrumentality required to make payments under paragraph (f)(5)B
of this section is authorized, in consideration of the employees'
retention in or entry upon employment after enactment of Articles
1 and 3, to impose upon its employees, as to services that are
covered by an approved plan, a contribution with respect to wages
(as defined in Section 25-11-5) not exceeding the amount provided
in Section 25-11-123(d) if those services constituted employment
within the meaning of Articles 1 and 3, and to deduct the amount
of the contribution from the wages as and when paid.

Contributions so collected shall be paid into the contribution
fund as partial discharge of the liability of the political
subdivisions or instrumentalities under paragraph (f)(5)B of this
section. Failure to deduct the contribution shall not relieve the
employee or employer of liability for the contribution.

D. Any state agency, school, political
subdivision, instrumentality or any employer that is required to
submit contribution payments or wage reports under any section of
this chapter shall be assessed interest on delinquent payments or wage reports as determined by the board of trustees in accordance with rules and regulations adopted by the board and delinquent payments, assessed interest and any other amount certified by the board as owed by an employer, may be recovered by action in a court of competent jurisdiction against the reporting agency liable therefor or may, upon due certification of delinquency and at the request of the board of trustees, be deducted from any other monies payable to the reporting agency by any department or agency of the state.

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

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

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

(i) If any member of this system changes his employment to any agency of the state having an actuarially funded retirement system, the board of trustees may authorize the transfer of the member's creditable service and of the present value of the
member's employer's accumulation account and of the present value
of the member's accumulated membership contributions to that other
system, provided that the employee agrees to the transfer of his
accumulated membership contributions and provided that the other
system is authorized to receive and agrees to make the transfer.

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

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

(k) Employees of a political subdivision or
instrumentality who were employed by the political subdivision or
instrumentality before an agreement between the entity and the
Public Employees' Retirement System to extend the benefits of this
article to its employees, and which agreement provides for the
establishment of retroactive service credit, and who have been
members of the retirement system and have remained contributors to
the retirement system for four (4) years, may receive credit for
that retroactive service with the political subdivision or
instrumentality, provided that the employee and/or employer, as
provided under the terms of the modification of the joinder
agreement in allowing that coverage, pay into the retirement
system the employer's and employee's contributions on wages paid
to the member during the previous employment, together with interest
or actuarial cost as determined by the board covering the period
from the date the service was rendered until the payment for the
credit for the service was made. Those wages shall be verified by
the Social Security Administration or employer payroll records.

Effective July 1, 1998, upon eligibility as noted above, a member
may receive credit for that retroactive service with the political
subdivision or instrumentality provided:

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

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

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

(1) Through June 30, 1998, any state service eligible
for retroactive service credit, no part of which has ever been
reported, and requiring the payment of employee and employer
contributions plus interest, or, from and after July 1, 1998, any
state service eligible for retroactive service credit, no part of which has ever been reported to the retirement system, and requiring the payment of the actuarial cost for that creditable service, may, at the member's option, be purchased in quarterly increments as provided above at the time that its purchase is otherwise allowed.

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

II. THOSE WHO ARE NOT ELIGIBLE FOR MEMBERSHIP

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

(a) Patient or inmate help in state charitable, penal or correctional institutions;
(b) Students of any state educational institution employed by any agency of the state for temporary, part-time or intermittent work;
(c) Participants of Comprehensive Employment and Training Act of 1973 (CETA) being Public Law 93-203, who enroll on or after July 1, 1979; and
(d) From and after July 1, 2002, individuals who are employed by a governmental entity to perform professional service on less than a full-time basis who do not meet the criteria established in I(a)(ii) of this section.

III. TERMINATION OF MEMBERSHIP

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

SECTION 5. Section 25-11-123, Mississippi Code of 1972, is amended as follows:
25-11-123. All of the assets of the system shall be credited according to the purpose for which they are held to one (1) of four (4) reserves; namely, the annuity savings account, the annuity reserve, the employer's accumulation account, and the expense account.

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

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

(2) The deductions provided herein shall be made notwithstanding that the minimum compensation provided by law for any member is reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein and shall receipt for his full salary or compensation, and payment of salary or compensation less the deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by the person during the
period covered by the payment, except as to the benefits provided under Articles 1 and 3. The board shall provide by rules for the methods of collection of contributions from members and the employer. The board shall have full authority to require the production of evidence necessary to verify the correctness of amounts contributed.

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

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

(1) On account of each member there shall be paid monthly into the employer's accumulation account by the employers for the preceding fiscal year an amount equal to a certain percentage of the total earned compensation, as defined in Section 25-11-103, of each member. The percentage rate of those contributions shall be fixed biennially by the board on the basis of the liabilities of the retirement system for the various allowances and benefits as shown by actuarial valuation.
Beginning January 1, 1990, the rate shall be fixed at nine and three-fourths percent (9-3/4%). The board shall reduce the employer's contribution rate by one percent (1%) from and after July 1 of the year following the year in which the board determines and the board's actuary certifies that the employer's contribution rate can be reduced by that amount without causing the unfunded accrued actuarial liability amortization period for the retirement system to exceed twenty (20) years. Political subdivisions joining Article 3 of the Public Employees' Retirement System after July 1, 1968, may adjust the employer's contributions by agreement with the Board of Trustees of the Public Employees' Retirement System to provide service credits for any period before execution of the agreement based upon an actuarial determination of employer's contribution rates.

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

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

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

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

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

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

(d) Expense account. The expense account shall be the account to which the expenses of the administration of the system shall be charged, exclusive of amounts payable as retirement allowances and as other benefits provided herein. The Legislature shall make annual appropriations in amounts sufficient to administer the system, which shall be credited to this account. There shall be transferred to the State Treasury from this account, not less than once per month, an amount sufficient for
payment of the estimated expenses of the system for the succeeding thirty (30) days. Any interest earned on the expense account shall accrue to the benefit of the system. However, notwithstanding the provisions of Sections 25-11-15(10) and 25-11-105(f)(5)E, all expenses of the administration of the system shall be paid from the interest earnings, provided the interest earnings are in excess of the actuarial interest assumption as determined by the board, and provided the present cost of the administrative expense fee of two percent (2%) of the contributions reported by the political subdivisions and instrumentalities shall be reduced to one percent (1%) from and after July 1, 1983, through June 30, 1984, and shall be eliminated thereafter.

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

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

(f) (1) Upon the basis of each actuarial valuation provided herein, the board of trustees shall biennially determine the normal contribution rate and the accrued liability contribution rate as provided in this section. The sum of these two (2) rates shall be known as the "employer's contribution rate." Beginning on earned compensation effective January 1, 1990, the rate computed as provided in this section shall be nine and three-fourths percent (9-3/4%). The board shall reduce the
employer's contribution rate by one percent (1%) from and after
July 1 of the year following the year in which the board
determines and the board's actuary certifies that the employer's
collection rate can be reduced by that amount without causing
the unfunded accrued actuarial liability amortization period for
the retirement system to exceed twenty (20) years. The percentage
rate of those contributions shall be fixed biennially by the board
on the basis of the liabilities of the retirement system for the
various allowances and benefits as shown by actuarial
valuation.

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

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

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

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

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

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

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

(b) No retiree of this retirement system who is reemployed or is reelected to office after retirement shall continue to draw retirement benefits while so reemployed, except as provided in this section or in Section 25-11-126.
(c) No person employed or elected under the exceptions provided for in this section shall become a member under Article 3 of the retirement system.

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

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

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

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

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

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

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

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

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

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

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

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

2004-2005 School Year

Less Than 25 Years of Teaching Experience

<table>
<thead>
<tr>
<th>License Type</th>
<th>Salary</th>
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<tr>
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25 or More Years of Teaching Experience

<table>
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<td>$31,925.00</td>
</tr>
<tr>
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<td>$30,000.00</td>
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The State Board of Education shall revise the salary scale
prescribed above for the 2004-2005 school year to conform to any
adjustments made to the salary scale in prior fiscal years due to
revenue growth over and above five percent (5%). For each one
percent (1%) that the Sine Die General Fund Revenue Estimate
Growth exceeds five percent (5%) for fiscal year 2005, as

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

2005-2006 School Year and School Years Thereafter

Less Than 25 Years of Teaching Experience

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25 or More Years of Teaching Experience

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<th>Base Salary</th>
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<tr>
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</table>

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

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

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

2004-2005 School Year Annual Increment

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

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

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

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

2005-2006 School Year
and School Years Thereafter Annual Increments

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

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

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

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

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

(2) (a) The following employees shall receive an annual
salary supplement in the amount of Six Thousand Dollars
($6,000.00), plus fringe benefits, in addition to any other
compensation to which the employee may be entitled:
(i) Any licensed teacher who has met the requirements and acquired a Master Teacher certificate from the National Board for Professional Teaching Standards and who is employed by a local school board or the State Board of Education as a teacher and not as an administrator. Such teacher shall submit documentation to the State Department of Education that the certificate was received prior to October 15 in order to be eligible for the full salary supplement in the current school year, or the teacher shall submit such documentation to the State Department of Education prior to February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year.

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

(iii) Any licensed school counselor who has met the requirements and acquired a National Certified School Counselor (NCSC) endorsement from the National Board of Certified Counselors and who is employed by a local school board or the State Board of Education as a counselor and not as an administrator. Such licensed school counselor shall submit documentation to the State Department of Education that the
endorsement was received prior to October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed school counselor shall submit such documentation to the State Department of Education prior to February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year.

However, any school counselor who started the National Board for Professional Teaching Standards process for school counselors between June 1, 2003, and June 30, 2004, and completes the requirements and acquires the master teacher certificate shall be entitled to the master teacher supplement, and those counselors who complete the process shall be entitled to a one-time reimbursement for the actual cost of the process as outlined in paragraph (b) of this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) To be eligible for this state funding, the individual school must have a classroom management program approved by the local school board.
(c) If funds are available for that purpose, the state shall provide additional funding under this subsection (5) for only two (2) mentor teachers per middle school, however, this shall not prohibit local school districts from providing additional salary supplements for more than two (2) teacher mentors from nonadequate education program funds.

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

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

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

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

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

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

(5) It shall be the duty of the commission to:
(a) Set standards and criteria, subject to the approval of the State Board of Education, for all educator preparation programs in the state;

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

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

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

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

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

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

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

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

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

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

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

Applicants for a standard license shall submit to the department:

(i) An application on a department form;

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

Licensure to teach in Mississippi prekindergarten through kindergarten classrooms shall require completion of a teacher education program or a bachelor of science degree with child development emphasis from a program accredited by the American Association of Family and Consumer Sciences (AAFCS) or by the National Association for Education of Young Children (NAEYC) or by the National Council for Accreditation of Teacher Education (NCATE). Licensure to teach in Mississippi kindergarten, for those applicants who have completed a teacher education program, and in Grade 1 through Grade 4 shall require the completion of an interdisciplinary program of studies. Licenses for Grades 4 through 8 shall require the completion of an interdisciplinary program of studies with two (2) or more areas of concentration.

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

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

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

(b) Standard License - Nontraditional Teaching Route.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) Highly Qualified Teachers. Beginning July 1, 2006,
any teacher from any state meeting the federal definition of
highly qualified, as described in the No Child Left Behind Act,
shall be granted a standard five-year license by the Mississippi
Department of Education.
(7) **Administrator License.** The State Board of Education is authorized to establish rules and regulations and to administer the licensure process of the school administrators in the State of Mississippi. There will be four (4) categories of administrator licensure with exceptions only through special approval of the State Board of Education.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Breach of contract or abandonment of employment may result in the suspension of the license for one (1) school year as provided in Section 37-9-57;
(b) Obtaining a license by fraudulent means shall result in immediate suspension and continued suspension for one year after correction is made;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Specific grounds for disciplinary action under the school district's discipline plan;
(b) Procedures to be followed for acts requiring discipline, including suspensions and expulsion, which comply with due process requirements;
(c) An explanation of the responsibilities and rights of students with regard to: attendance; respect for persons and property; knowledge and observation of rules of conduct; free speech and student publications; assembly; privacy; and participation in school programs and activities;
(d) Policies and procedures recognizing the teacher as the authority in classroom matters, and supporting that teacher in
any decision in compliance with the written discipline code of conduct. Such recognition shall include the right of the teacher to remove from the classroom any student who, in the professional judgment of the teacher, is disrupting the learning environment, to the office of the principal or assistant principal. The principal or assistant principal shall determine the proper placement for the student, who may not be returned to the classroom until a conference of some kind has been held with the parent, guardian or custodian during which the disrupting behavior is discussed and agreements are reached that no further disruption will be tolerated; * * *

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

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

(ii) Members shall be appointed as follows:

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

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

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

(iii) Students whose readmission is objected to by the disciplining teacher may be temporarily reassigned to another classroom, placed in an in-school suspension, or any other available option at the discretion of the designated disciplinarian until the Student Disciplinary Review Board can meet to hear the case.
(iv) All cases shall be heard within three (3) school days of the designated disciplinarian's decision to readmit the student over the disciplining teacher's objections.

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

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

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

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

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

37-13-89. (1) In each school district within the state, there shall be employed the number of school attendance officers determined by the Office of Compulsory School Attendance Enforcement to be necessary to adequately enforce the provisions of the Mississippi Compulsory School Attendance Law; however, this number shall not exceed one hundred fifty-three (153) school attendance officers at any time. From and after July 1, 1998, all school attendance officers employed pursuant to this section shall be employees of the State Department of Education. The State Department of Education shall employ all persons employed as
school attendance officers by district attorneys before July 1, 1998, and shall assign them to school attendance responsibilities in the school district in which they were employed before July 1, 1998. The first twelve (12) months of employment for each school attendance officer shall be the probationary period of state service.

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

(b) If the fingerprinting or criminal records check discloses a felony conviction, guilty plea or plea of nolo contendere to a felony of possession or sale of drugs, murder, manslaughter, armed robbery, rape, sexual battery, sex offense listed in Section 45-33-23(g), child abuse, arson, grand larceny, burglary, gratification of lust or aggravated assault which has
not been reversed on appeal or for which a pardon has not been granted, the applicant is not eligible to be employed as a school attendance officer. Any employment of an applicant pending the results of the fingerprinting and criminal records check is voidable if the new hire receives a disqualifying criminal records check. However, the State Board of Education, in its discretion, may allow an applicant aggrieved by an employment decision under this subsection to appear before the board, or before a hearing officer designated for that purpose, to show mitigating circumstances that may exist and allow the new hire to be employed as a school attendance officer. The State Board of Education may grant waivers for mitigating circumstances, which may include, but are not necessarily limited to: (i) age at which the crime was committed; (ii) circumstances surrounding the crime; (iii) length of time since the conviction and criminal history since the conviction; (iv) work history; (v) current employment and character references; and (vi) other evidence demonstrating the ability of the person to perform the responsibilities of a school attendance officer competently and that the person does not pose a threat to the health or safety of children.

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

(3) Each school attendance officer shall possess a college degree with a major in a behavioral science or a related field or shall have no less than three (3) years combined actual experience as a school teacher, school administrator, law enforcement officer possessing such degree, and/or social worker; however, these requirements shall not apply to persons employed as school attendance officers before January 1, 1987. School attendance officers also shall satisfy any additional requirements that may
be established by the State Personnel Board for the position of school attendance officer.

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

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

(b) Cooperate with all courts of competent jurisdiction;

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

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

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

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

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

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

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

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

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

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

(a) For school attendance officers holding a bachelor's degree or any other attendance officer who does not hold such a degree, the annual salary shall be based on years of experience as
a school attendance officer or related field of service or employment, no less than as follows:

<table>
<thead>
<tr>
<th>Years of Experience</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 4 years</td>
<td>$19,650.00</td>
</tr>
<tr>
<td>5 - 8 years</td>
<td>21,550.00</td>
</tr>
<tr>
<td>9 - 12 years</td>
<td>23,070.00</td>
</tr>
<tr>
<td>13 - 16 years</td>
<td>24,590.00</td>
</tr>
<tr>
<td>Over 17 years</td>
<td>26,110.00</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Years of Experience</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 4 years</td>
<td>$20,650.00</td>
</tr>
<tr>
<td>5 - 8 years</td>
<td>22,950.00</td>
</tr>
<tr>
<td>9 - 12 years</td>
<td>24,790.00</td>
</tr>
<tr>
<td>13 - 16 years</td>
<td>26,630.00</td>
</tr>
<tr>
<td>17 - 20 years</td>
<td>28,470.00</td>
</tr>
<tr>
<td>Over 21 years</td>
<td>30,310.00</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Years of Experience</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 4 years</td>
<td>$21,450.00</td>
</tr>
<tr>
<td>5 - 8 years</td>
<td>24,000.00</td>
</tr>
<tr>
<td>9 - 12 years</td>
<td>26,040.00</td>
</tr>
<tr>
<td>13 - 16 years</td>
<td>28,080.00</td>
</tr>
<tr>
<td>17 - 20 years</td>
<td>30,120.00</td>
</tr>
<tr>
<td>Over 21 years</td>
<td>32,160.00</td>
</tr>
</tbody>
</table>

(7) (a) Each school attendance officer employed by a district attorney on June 30, 1998, who became an employee of the
State Department of Education on July 1, 1998, shall be awarded credit for personal leave and major medical leave for his continuous service as a school attendance officer under the district attorney, and if applicable, the youth or family court or a state agency. The credit for personal leave shall be in an amount equal to one-third (1/3) of the maximum personal leave the school attendance officer could have accumulated had he been credited with such leave under Section 25-3-93 during his employment with the district attorney, and if applicable, the youth or family court or a state agency. The credit for major medical leave shall be in an amount equal to one-half (1/2) of the maximum major medical leave the school attendance officer could have accumulated had he been credited with such leave under Section 25-3-95 during his employment with the district attorney, and if applicable, the youth or family court or a state agency. However, if a district attorney who employed a school attendance officer on June 30, 1998, certifies, in writing, to the State Department of Education that the school attendance officer had accumulated, pursuant to a personal leave policy or major medical leave policy lawfully adopted by the district attorney, a number of days of unused personal leave or major medical leave, or both, which is greater than the number of days to which the school attendance officer is entitled under this paragraph, the State Department of Education shall authorize the school attendance officer to retain the actual unused personal leave or major medical leave, or both, certified by the district attorney, subject to the maximum amount of personal leave and major medical leave the school attendance officer could have accumulated had he been credited with such leave under Sections 25-3-93 and 25-3-95.

(b) For the purpose of determining the accrual rate for personal leave under Section 25-3-93 and major medical leave under Section 25-3-95, the State Department of Education shall give consideration to all continuous service rendered by a school...
attendance officer before July 1, 1998, in addition to the service rendered by the school attendance officer as an employee of the department.

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

(8) (a) School attendance officers shall maintain regular office hours on a year-round basis; however, during the school term, on those days that teachers in all of the school districts served by a school attendance officer are not required to report to work, the school attendance officer also shall not be required to report to work. (For purposes of this subsection, a school district's school term is that period of time identified as the school term in contracts entered into by the district with licensed personnel.) A school attendance officer shall be required to report to work on any day recognized as an official state holiday if teachers in any school district served by that school attendance officer are required to report to work on that day, regardless of the school attendance officer's status as an employee of the State Department of Education, and compensatory
leave may not be awarded to the school attendance officer for working during that day. However, a school attendance officer may be allowed by the school attendance officer's supervisor to use earned leave on such days.

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

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

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

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

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

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

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

(c) "Custodian" means any person having the present care or custody of a child, other than a parent or guardian of the child.
(d) "School day" means not less than five (5) and not
more than eight (8) hours of actual teaching in which both
teachers and pupils are in regular attendance for scheduled
schoolwork.

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

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

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

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

(i) "Nonpublic school" means an institution for the
teaching of children, consisting of a physical plant, whether
owned or leased, including a home, instructional staff members and
students, and which is in session each school year. This
definition shall include, but not be limited to, private, church,
parochial and home instruction programs.
(3) A parent, guardian or custodian of a compulsory-school-age child in this state shall cause the child to enroll in and attend a public school or legitimate nonpublic school for the period of time that the child is of compulsory school age, except under the following circumstances:

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

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

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

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

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

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

(iii) A simple description of the type of education the compulsory-school-age child is receiving and, if the
child is enrolled in a nonpublic school, the name and address of the school; and

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

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

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

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

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

Each of the following shall constitute a valid excuse for temporary nonattendance of a compulsory-school-age child enrolled
in a public school, provided satisfactory evidence of the excuse
is provided to the superintendent of the school district, or his
designee:

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

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

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

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

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

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

(g) An absence may be excused if the religion to which
the compulsory-school-age child or the child's parents adheres,
requires or suggests the observance of a religious event. The approval of the absence is within the discretion of the superintendent of the school district, or his designee, but approval should be granted unless the religion's observance is of such duration as to interfere with the education of the child.

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

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

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

Upon prosecution of a parent, guardian or custodian of a compulsory-school-age child for violation of this section, the presentation of evidence by the prosecutor that shows that the child has not been enrolled in school within eighteen (18) calendar days after the first day of the school year of the public
school which the child is eligible to attend, or that the child has accumulated twelve (12) unlawful absences during the school year at the public school in which the child has been enrolled, shall establish a prima facie case that the child's parent, guardian or custodian is responsible for the absences and has refused or willfully failed to perform the duties imposed upon him or her under this section. However, no proceedings under this section shall be brought against a parent, guardian or custodian of a compulsory-school-age child unless the school attendance officer has contacted promptly the home of the child and has provided written notice to the parent, guardian or custodian of the requirement for the child's enrollment or attendance.

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

(7) When a school attendance officer has made all attempts to secure enrollment and/or attendance of a compulsory-school-age child and is unable to effect the enrollment and/or attendance, the attendance officer shall file a petition with the youth court.
under Section 43-21-451 or shall file a petition in a court of
competent jurisdiction as it pertains to parent or child.

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

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

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

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

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

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

(2) The youth court may specify the following conditions of probation related to any juvenile ordered to enroll or re-enroll in school: That the juvenile maintain passing grades in up to
four (4) courses during each grading period and meet with the
court counselor and a representative of the school to make a plan
for how to maintain those passing grades.

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

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

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

63-1-10. (1) Any applicant for a license under eighteen
(18) years of age must submit with the application documentation
from the appropriate authority that the applicant is in compliance
with Section 63-1-9(1)(g). The appropriate authority shall be the
school principal of a public or private school or his designee,
or, in the case of a home study program, the parent, or the adult
education supervisor of the General Education Development Program
or his designee. Documentation of the applicant's enrollment
status shall be on a form designed by the Department of Education
as approved by the Department of Public Safety in a manner that
insures the authenticity of the form and any information or
signature contained thereon. Any student who is eligible to apply
for a license and who is properly enrolled in a school under the
jurisdiction of the authority is entitled to receive the
documentation for presentation to the Department of Public Safety
to accompany the application. The forms required under this
section to provide documentation shall be made available to public
schools, private schools approved by the State Board of Elementary
and Secondary Education, and adult education supervisors at school
board offices and shall be made available to others through the
Department of Public Safety.

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

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

(3) Any person denied a license for failure to satisfy the
education requirements of Section 63-1-9(1)(g) or whose license is
suspended due to failure to attend school shall have the right to
file a request within thirty (30) days thereafter for a hearing
before the Department of Public Safety to determine whether the
person is entitled to a license or is subject to the cancellation
of his license under the provisions of this section. The hearing
shall be held within ten (10) days of the receipt by the
department of the request. Appeal from the decision of the
department may be taken under Section 63-1-31.
SECTION 14. Section 63-1-31, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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

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

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

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

(3) In addition to the reasons specified in this section, the commissioner shall be authorized to suspend the license issued to any person pursuant to this article for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this article, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.
(4) The Commissioner shall suspend the driver's license issued to a child when required under Section 63-1-10 for failure to attend school.

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

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

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

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

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

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

(c) To establish minimum standards for enrollment and attendance for the state and each individual school district, and...
to monitor the success of the state and districts in achieving the required levels of performance;

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

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

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

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

h) To publish a report each year on the work of school attendance officers in each school district concerning enforcement of the Mississippi Compulsory School Attendance Law. The report shall include: figures reflecting school attendance violations and reductions or increases in the school dropout rates; information describing attendance-related problems and proposed solutions for those problems; and any other information that the State Department of Education may require. The report shall be submitted to the State Board of Education and the Education Committees of the Senate and House of Representatives before the first day of July for the immediately preceding school year;
(i) To provide to the State Board of Education statistical information concerning absenteeism, dropouts and other attendance-related problems as requested by the State Board of Education;

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

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

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

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

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

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

(p) To be responsible for the administration of a statewide dropout prevention program in the public schools of the state; and
(q) To provide a written report on the following issues related to dropout prevention to the Education Committees of the House and Senate and the Governor by December 1, 2006:

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

1. A summary of districts' middle school dropout prevention services specifically including the number of counselors per school and their responsibility; and
2. The financial sources of funding these programs and the salaries of school counselors; and
3. The potential partnership of the state's regional education service agencies in developing and implementing dropout prevention plans for the state in their regions; and
4. The number of counselors that have received a National Certified School Counselor (NCSC) endorsement from the National Board of Certified Counselors by grade and its impact on dropout prevention.

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

1. Examples of best practices from states with low dropout rates; and
2. Effective policies, including, but not limited to:
   a. Career and technical education in the curriculum;
b. Early intervention of middle-aged students;

c. Provision and effect of supplemental services for at-risk students;

d. Impact of school size;

e. Impact of discipline in the school environment;

f. The relation of adolescent literacy program and the dropout rate.

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

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

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

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

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

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

5. Examples of other states that have raised their compulsory-school-attendance age; and
6. Qualitative reports from school district administrators on the impact of raising the compulsory school age on the dropout crisis.

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

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

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

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

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

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

(c) The assignment of such school librarians to the particular schools shall be at the discretion of the local school district. No individual shall be employed as a certified school librarian without appropriate training and certification as a school librarian by the State Department of Education.
(d) School librarians in such district shall spend at least fifty percent (50%) of direct work time in a school library and shall devote no more than one-fourth (1/4) of the workday to administrative activities which are library related.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) instruction; (b) curriculum; (c) professional development; (d) personnel and classroom organization; (e) student incentives for performance; (f) process deficiencies; and (g) reporting to the local school board, parents and the community. The corrective action plan shall describe the specific individuals responsible
for implementing each component of the recommendation and how each
will be evaluated. All corrective action plans shall be provided
to the State Board of Education as may be required. The decision
of the State Board of Education establishing the probationary
period of time shall be final;
(c) Offer, during the probationary period, technical
assistance to the school district in making corrective actions.
Beginning July 1, 1998, subject to the availability of funds, the
State Department of Education shall provide technical and/or
financial assistance to all such school districts in order to
implement each measure identified in that district's corrective
action plan through professional development and on-site
assistance. Each such school district shall apply for and utilize
all available federal funding in order to support its corrective
action plan in addition to state funds made available under this
paragraph;
(d) Contract, in its discretion, with the institutions
of higher learning or other appropriate private entities to assist
school districts;
(e) Provide for publication of public notice at least
one (1) time during the probationary period, in a newspaper
published within the jurisdiction of the school district failing
to meet accreditation standards, or if no newspaper is published
therein, then in a newspaper having a general circulation therein.
The publication shall include the following: declaration of
school system's status as being on probation; all details relating
to the impairment report, and other information as the State Board
of Education deems appropriate. Public notices issued under this
section shall be subject to Section 13-3-31 and not contrary to
other laws regarding newspaper publication.
(11) (a) If the recommendations for corrective action are
not taken by the local school district or if the deficiencies are
not removed by the end of the probationary period, the Commission
on School Accreditation shall conduct a hearing to allow such
affected school district to present evidence or other reasons why
its accreditation should not be withdrawn. Subsequent to its
consideration of the results of such hearing, the Commission on
School Accreditation shall be authorized, with the approval of the
State Board of Education, to withdraw the accreditation of a
public school district, and issue a request to the Governor that a
state of emergency be declared in that district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) (a) Whenever the Governor declares a state of emergency in a school district in response to a request made under subsection (11) of this section, the State Board of Education, in its discretion, may assign an interim conservator to the school district who will be responsible for the administration, management and operation of the school district, including, but not limited to, the following activities:
(i) Approving or disapproving all financial obligations of the district, including, but not limited to, the employment, termination, nonrenewal and reassignment of all certified and noncertified personnel, contractual agreements and purchase orders, and approving or disapproving all claim dockets and the issuance of checks; in approving or disapproving employment contracts of superintendents, assistant superintendents or principals, the interim conservator shall not be required to comply with the time limitations prescribed in Sections 37-9-15 and 37-9-105;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(18) Beginning with the 2006-2007 school year, no school
with a student dropout rate greater than ten percent (10%) shall
receive a Level 3 accreditation rating or above as defined by the
Mississippi Commission on School Accreditation.
Beginning with the 2007-2008 school year, the State Board of Education, acting through the Mississippi Commission on School Accreditation, shall develop accreditation standards to require high schools in the state with a student dropout rate greater than fifteen percent (15%) over a three-year period to convert their high school attendance centers into centers with smaller student enrollment, or to convert its high school to a charter school as provided in Section 37-28-1 et seq., Mississippi Code of 1972.

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

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

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

37-11-53. (1) A copy of the school district's discipline plan shall be distributed to each student enrolled in the district, and the parents, guardian or custodian of such student shall sign a statement verifying that they have been given notice of the discipline policies of their respective school district.

The school board shall have its official discipline plan and code of student conduct legally audited on an annual basis to insure that its policies and procedures are currently in compliance with applicable statutes, case law and state and federal constitutional provisions. As part of the first legal audit occurring after July 1, 2001, the provisions of this section, Section 37-11-55 and
Section 37-11-18.1 shall be fully incorporated into the school district's discipline plan and code of student conduct.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) The set of objectives provided by the State Department of Education must be accompanied by suggested instructional practices and resources that would help teachers organize instruction so as to promote student learning of the objectives. Objectives added by the school district must also be accompanied by suggested instructional practices and resources that would help teachers organize instruction. The instructional practices and resources that are identified are to be used as
suggestions and not as requirements that teachers must follow. The

goal of the program is to have students to achieve the desired

objective and not to limit teachers in the way they teach.

(d) Standards for student performance must be

established for each core objective in the local program and those

standards establish the district's definition of mastery for each

objective.

(e) There shall be an annual review of student

performance in the instructional program against locally

established standards. When weaknesses exist in the local

instructional program, the district shall take action to improve

student performance.

(3) The State Board of Education and the board of trustees

of each school district shall adopt policies to limit and reduce

the number and length of written reports that classroom teachers

are required to prepare.

(4) This section shall not be construed to limit teachers

from using their own professional skills to help students master

instructional objectives, nor shall it be construed as a call for

more detailed or complex lesson plans or any increase in testing

at the local school district level.

(5) Schools meeting Level 4 or 5 accreditation standards

shall be exempted from the provisions of this section.

SECTION 23. Section 37-7-337, Mississippi Code of 1972, is

amended as follows:

37-7-337. (1) The governing authorities of the county,

counties or city in which a school district is located and the

school board of each school district shall develop a five-year

plan to encourage community involvement with the schools in such

district. Such plan shall be filed with the State Department of

Education on or before January 1, 1993.

(2) Schools meeting Level 4 or 5 accreditation standards

shall be exempted from the provisions of this section.
SECTION 24. Section 37-17-8, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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


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

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

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

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

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

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

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

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

(4) (a) In order to receive funding, each school district shall:
(i) Submit a plan on the implementation of a reading improvement program to the State Department of Education; and

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

(b) Additionally, each school district shall:

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

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

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

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

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

(5) The State Department of Education shall:

(a) Develop and assist in the implementation of a statewide uniform training module, subject to the availability of funds specifically appropriated therefor by the Legislature, which shall be used in all school districts for training administrators, teachers and assistant teachers. The module shall provide for the consolidated training of each assistant teacher and teacher to whom the assistant teacher is assigned, working together as a team, and shall require further periodical training for administrators, teachers and assistant teachers regarding the role of assistant teachers;
(b) Annually evaluate the program on the district and state level. Subject to the availability of funds specifically appropriated therefor by the Legislature, the department shall develop: (i) uniform evaluation reports, to be performed by the principal or assistant principal, to collect data for the annual overall program evaluation conducted by the department; or (ii) a program evaluation model that, at a minimum, addresses process evaluation; and

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

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

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

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

For the 2003-2004 school year, the minimum salary for assistant teachers shall be Ten Thousand Five Hundred Dollars ($10,500.00).
For the 2004-2005 school year, the minimum salary for assistant teachers shall be Eleven Thousand Two Hundred Dollars ($11,200.00).

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

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

(7) (a) As an alternative to employing assistant teachers, any school district may use the allotment provided under subsection (6) of this section for the purpose of employing licensed teachers for kindergarten, first-, second- and third-grade classes; however, no school district shall be authorized to use the allotment for assistant teachers for the purpose of employing licensed teachers unless the district has established that the employment of licensed teachers using such funds will reduce the teacher:student ratio in the kindergarten, first-, second- and third-grade classes. All state funds for assistant teachers shall be applied to reducing teacher:student ratio in Grades K-3.
It is the intent of the Legislature that no school district shall dismiss any assistant teacher for the purpose of using the assistant teacher allotment to employ licensed teachers. School districts may rely only upon normal attrition to reduce the number of assistant teachers employed in that district.

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

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

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

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

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

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

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

However, such holidays shall not be counted or included in any way in determining the average daily attendance of the school.

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

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

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

(3) If it is determined that any buses are in such defective condition as to constitute an emergency safety hazard, those buses may be condemned and removed from service and shall not be returned to service until adequate repairs are completed and such buses are reinspected by the State Department of Education. Any
school official who approves the operation of any school bus that has been removed from service under the conditions listed above, prior to being reinspected by the State Department of Education, shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for a period not to exceed sixty (60) days, or a fine of not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment, in the discretion of the court.

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

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

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

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

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

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

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

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

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

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

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

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

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

(l) To prescribe and enforce rules and regulations not inconsistent with law or with the regulations of the State Board of Education for their own government and for the government of the schools, and to transact their business at regular and special meetings called and held in the manner provided by law;
(m) To maintain and operate all of the schools under their control for such length of time during the year as may be required;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(dd) Enter into contracts or agreements with other school districts, political subdivisions or governmental entities to carry out one or more of the powers or duties of the school board, or to allow more efficient utilization of limited resources for providing services to the public;
(ee) To provide for in-service training for employees of the district. Until June 30, 1994, the school boards may designate two (2) days of the minimum school term, as defined in Section 37-19-1, for employee in-service training for implementation of the new statewide testing system as developed by the State Board of Education. Such designation shall be subject to approval by the State Board of Education pursuant to uniform rules and regulations;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) An assessment of revenue levels and sources;

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

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

(vi) An assessment of instructional and administrative technology;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) "Average compensation" means the average of the
four (4) highest years of earned compensation reported for an
employee in a fiscal or calendar year period, or combination
thereof that do not overlap, or the last forty-eight (48)
consecutive months of earned compensation reported for an
employee. The four (4) years need not be successive or joined
years of service. In no case shall the average compensation so
determined be in excess of One Hundred Fifty Thousand Dollars
($150,000.00). In computing the average compensation, any amount
lawfully paid in a lump sum for personal leave or major medical
leave shall be included in the calculation to the extent that the
amount does not exceed an amount that is equal to thirty (30) days
of earned compensation and to the extent that it does not cause
the employees' earned compensation to exceed the maximum
reportable amount specified in Section 25-11-103(k); however, this
thirty-day limitation shall not prevent the inclusion in the
calculation of leave earned under federal regulations before July
1, 1976, and frozen as of that date as referred to in Section
25-3-99. Only the amount of lump-sum pay for personal leave due
and paid upon the death of a member attributable for up to one
hundred fifty (150) days shall be used in the deceased member's
average compensation calculation in determining the beneficiary's
benefits. In computing the average compensation, no amounts shall
be used that are in excess of the amount on which contributions
were required and paid, and no nontaxable amounts paid by the
employer for health or life insurance premiums for the employee
shall be used. If any member who is or has been granted any
increase in annual salary or compensation of more than eight
percent (8%) retires within twenty-four (24) months from the date
that the increase becomes effective, then the board shall exclude
that part of the increase in salary or compensation that exceeds
eight percent (8%) in calculating that member's average
compensation for retirement purposes. The board may enforce this
provision by rule or regulation. However, increases in
compensation in excess of eight percent (8%) per year granted
within twenty-four (24) months of the date of retirement may be
included in the calculation of average compensation if
satisfactory proof is presented to the board showing that the
increase in compensation was the result of an actual change in the
position held or services rendered, or that the compensation
increase was authorized by the State Personnel Board or was
increased as a result of statutory enactment, and the employer
furnishes an affidavit stating that the increase granted within
the last twenty-four (24) months was not contingent on a promise
or agreement of the employee to retire. Nothing in Section
25-3-31 shall affect the calculation of the average compensation
of any member for the purposes of this article. The average
compensation of any member who retires before July 1, 1992, shall
not exceed the annual salary of the Governor.

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

(h) "Board" means the board of trustees provided in
Section 25-11-15 to administer the retirement system created under
this article.
(i) "Creditable service" means "prior service," "retroactive service" and all lawfully credited unused leave not exceeding the accrual rates and limitations provided in Section 25-3-91 et seq., as of the date of withdrawal from service plus "membership service" for which credit is allowable as provided in Section 25-11-109. Except to limit creditable service reported to the system for the purpose of computing an employee's retirement allowance or annuity or benefits provided in this article, nothing in this paragraph shall limit or otherwise restrict the power of the governing authority of a municipality or other political subdivision of the state to adopt such vacation and sick leave policies as it deems necessary.

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

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

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

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

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

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

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

(vi) The maximum salary applicable for retirement
purposes before July 1, 1992, shall be the salary of the Governor.
(vii) Nothing in Section 25-3-31 shall affect the
determination of the earned compensation of any member for the
purposes of this article.

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

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

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

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

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

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

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

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

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

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

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

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

(x) "System" means the Public Employees' Retirement
System of Mississippi established and described in Section

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

(z) "State service" means all offices and positions of
trust or employment in the employ of the state, or any political
subdivision or instrumentality of the state, that elect to
participate as provided by Section 25-11-105(f), including the
position of elected or fee officials of the counties and their
deputies and employees performing public services or any
department, independent agency, board or commission thereof, and
also includes all offices and positions of trust or employment in
the employ of joint state and federal agencies administering state
and federal funds and service rendered by employees of the public
schools. Effective July 1, 1973, all nonprofessional public
school employees, such as bus drivers, janitors, maids,
maintenance workers and cafeteria employees, shall have the option
to become members in accordance with Section 25-11-105(b), and
shall be eligible to receive credit for services before July 1, 1973, provided that the contributions and interest are paid by the
employee in accordance with that section; in addition, the county
or municipal separate school district may pay the employer
contribution and pro rata share of interest of the retroactive
service from available funds. From and after July 1, 1998,
retroactive service credit shall be purchased at the actuarial
cost in accordance with Section 25-11-105(b).
(aa) "Withdrawal from service" or "termination from service" means complete severance of employment in the state service of any member by resignation, dismissal or discharge.

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

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

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

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

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

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

(3) The board shall have the right to prescribe rules and regulations for carrying out the provisions of this section.
(4) The provisions of this section shall not be construed to prohibit any retiree, regardless of age, from being employed and drawing a retirement allowance either:

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

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

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

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

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

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

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

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

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

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

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

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

and

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

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

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

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

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

(3) Definitions:

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

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

(4) Accountability requirements:

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

(i) The extent to which school demonstrates
increases in student achievement according to the goals of its
authorizing contract and state academic standards.
(ii) The accountability and viability of the virtual school, as demonstrated by its academic, fiscal and operational performance.

(b) Student and family:

(i) Each student will have access to a sequential curriculum that meets or exceeds the state’s academic standards and that has an interactive program with significant online components.

(ii) Each student will be required to have the Mississippi State Board of Education required number of hours of learning opportunities per academic year, or a student has demonstrated mastery or completion of appropriate subject areas.

(iii) Each student will be assessed regularly in the required Mississippi Curriculum Tests, Subject Area Tests, and those tests required by the "No Child Left Behind Act."

(iv) For each family with a student enrolled, the virtual school shall:

1. Provide instructional materials;
2. Ensure access to necessary technology such as a computer and printer; and
3. Ensure access to an Internet connection used for schoolwork.

(v) Virtual schools are prohibited from providing allotments to students or families to purchase instructional programs or materials. Nothing in this section shall prohibit virtual schools from reimbursing families for costs associated with their Internet connection for use in the virtual school program.

(c) Teacher. Each teacher shall be qualified to teach in the State of Mississippi under existing law.

(d) Open enrollment. Any student who meets state residency requirements may enroll in a virtual school.
(5) **Costs.** The costs of the Mississippi Virtual Public School shall be free to any student and shared by the Mississippi Department of Education and the local school district.

**SECTION 35.** Section 37-3-11, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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

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

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

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

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

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

(k) To make reports concerning agricultural high schools and serve on various committees and boards as provided by law.
(l) On or before January 10 in each year in which the Legislature meets in regular session, to prepare, and have printed a report to the Legislature showing:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Total Student Expenditures

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Instruction (1000s);
Other Student Instructional Expenditures (2100s, 2200s);
General Administration (2300s and 2500s);
School Administration (2400s);
Other Expenditures (2600s, 2700s, 2800s, 3100s, 3200s);
Non-Operational Expenditures (4000s, 5000s, 6000s).

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

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

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

SECTION 36. Section 37-61-9, Mississippi Code of 1972, is amended as follows:

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

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

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

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

2300 = Support Services - General Administration
2310 = Board of Education Services
2320 = Executive Administration Services
2330 = Special Area Administration Services
2500 = Business Services
2510 = Fiscal Services
2520 = Purchasing Services
2530 = Warehousing and Distributing Services
2540 = Printing, Publishing and Duplicating Services
Any costs classified as "administration costs" for purposes of this subsection which can be demonstrated by the local school district to be an expenditure that results in a net cost savings to the district that may otherwise require budget expenditures for functions not covered under the definition of administration costs herein may be excluded from the limitations imposed herein. The local school board shall make a specific finding of such costs and spread such finding upon its minutes, which shall be subject to the approval of the Office of Educational Accountability of the State Department of Education. Any school district required to make expenditure cuts, as a result of application of this subsection, shall not be required to reduce such expenditures more than twenty-five percent (25%) in any year in order to comply with this mandate.

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

This section shall not apply to central administration with five (5) or less full-time employees, or to those school districts which can substantiate that comparable reductions have occurred in administrative costs for the five-year period immediately prior to school year 1993-1994. In the event the application of this section may jeopardize the fiscal integrity or operations of the school district, have an adverse impact on the ability of the district to deliver educational services, or otherwise restrict the district from achieving or maintaining a quality education program, the State Board of Education shall be authorized to exempt the application of this section to such school district pursuant to rules and regulations of the State Board of Education consistent with the intent of this section.
SECTION 37. Section 37-9-18, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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

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

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

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

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

(5) In the event the State Auditor does not perform the
audit examination, then the audit report of the school district

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shall be reviewed by the State Auditor for compliance with applicable state laws before final payment is made on the audit by the school board. All financial records, books, vouchers, cancelled checks and other financial records required by law to be kept and maintained in the case of municipalities shall be faithfully kept and maintained in the office of the superintendent of schools under the same provisions and penalties provided by law in the case of municipal officials.

SECTION 38. Section 37-61-21, Mississippi Code of 1972, is amended as follows:

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

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

SECTION 39. Section 37-37-1, Mississippi Code of 1972, is amended as follows:

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

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

37-37-7. (1) In making audits under the provisions of this
chapter, the examiners may call the attendance rolls at the
schools, make field investigations and surveys, make checks of the
number of students being transported upon publicly or privately
owned buses, and make other and further examinations and
investigations as may be necessary to determine whether or not the
students reported are actually enrolled in and attending the
public schools or are actually being transported or entitled to
transportation to such public schools.

(2) In addition to the powers and duties of examiners in
subsection (1), the State Department of Education may establish
policies and procedures to ensure the accuracy and reliability of
student data used to determine state funding for local school
districts, which may include, but are not limited to, the
following:

(a) On-site audits;

(b) An auditing process that ensures the timeliness and
accuracy of reports generated by school districts of this state
regarding all student transactions;

(c) An auditing process that provides for the
timeliness, process and accuracy of the electronic transmission of
all student data to the Mississippi Department of Education,
including, but not limited to, student enrollment, attendance,
transportation, absenteeism, graduation and dropouts and other
student data and administrative functions as deemed necessary;

(d) An audit of the accuracy and validity of all
student transactions using the Mississippi Student Information
System; and
(e) An audit process that ensures the timeliness and accuracy of reports, other than student data, required for submission in accordance with state law and/or State Board of Education policies.

Reviews and audits shall be conducted with advance notice, except that unannounced audits may be made upon the determination of the State Department of Education when they are necessary due to complaints or valid concerns. Examiners shall make every effort to work with school districts in scheduling audits in consideration of instructional activities such as statewide student testing days. The Department of Education and the school district shall cooperate fully with examiners in providing any related information requested in order to properly conduct the review or audit.

SECTION 41. Section 37-61-23, Mississippi Code of 1972, is amended as follows:

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

SECTION 42. Section 37-61-33, Mississippi Code of 1972, is amended as follows:

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

(2) Of the amount deposited into the Education Enhancement Fund, Sixteen Million Dollars ($16,000,000.00) shall be appropriated each fiscal year to the State Department of Education to be distributed to all school districts. Such money shall be

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distributed to all school districts in the proportion that the
average daily attendance of each school district bears to the
average daily attendance of all school districts within the state
for the following purposes:

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

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

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

(d) As a pledge to pay all or a portion of the debt
service on debt issued by the school district under Sections
through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
and 37-41-81, or debt issued by boards of supervisors for
agricultural high schools pursuant to Section 37-27-65, if such
pledge is accomplished pursuant to a written contract or
resolution approved and spread upon the minutes of an official
meeting of the district's school board or board of supervisors.
The annual grant to such district in any subsequent year during
the term of the resolution or contract shall not be reduced below
an amount equal to the district's grant amount for the year in
which the contract or resolution was adopted. The intent of this
provision is to allow school districts to irrevocably pledge a
certain, constant stream of revenue as security for long-term
obligations issued under the code sections enumerated in this

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paragraph or as otherwise allowed by law. It is the intent of the Legislature that the provisions of this paragraph shall be cumulative and supplemental to any existing funding programs or other authority conferred upon school districts or school boards. Debt of a district secured by a pledge of sales tax revenue pursuant to this paragraph shall not be subject to any debt limitation contained in the foregoing enumerated code sections.

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

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION 43.** The following provision shall be codified as Section 37-15-38, Mississippi Code of 1972:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) College/university-based. Taught at
college, university or high school by instructor employed by
college or university and approved by collaborating district.
Online. May include eligible courses offered by the Mississippi Virtual Public School or any postsecondary institution.

(o) Qualifications of dual credit instructors.

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

(ii) Dual credit career and technical education instructors shall meet the requirements set forth by the State Board for Community and Junior Colleges in the qualifications manual for postsecondary Career and Technical personnel. University and community and junior college personnel shall have the sole authority in the selection of dual credit instructors.

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

SECTION 44. The following provision shall be codified as Section 37-15-39, Mississippi Code of 1972:

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

(2) For purposes of this section:

(a) "Advanced placement course" means any high school level preparatory course for a college advanced placement test that:
(i) Incorporates all topics specified by recognized advanced placement authorities on standards for a given subject area; and
(ii) Is approved by recognized advanced placement authorities;

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

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

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

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

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

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

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

(c) The State Department of Education shall:

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

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

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

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

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

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

SECTION 45. Section 37-16-7, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

(4) In developing an industry-recognized certification program pursuant to Sections 37-31-61, 37-31-69, 37-31-205 and 37-31-207, the State Board of Education, working with its Division of Vocational and Technical Education and the State Board for Community and Junior Colleges, shall:

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

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

SECTION 46. Section 37-31-61, Mississippi Code of 1972, is
amended as follows:

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

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

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

SECTION 47. Section 37-31-69, Mississippi Code of 1972, is
amended as follows:

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

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

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

SECTION 48. Section 37-31-205, Mississippi Code of 1972, is
amended as follows:

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

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

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

(c) Allocate funds on an annual budgetary basis;

(d) Set standards for and approve all vocational and
technical education programs or an industry-recognized
certification program in the public school system and community
and junior colleges or other agencies or institutions which
receive state funds and federal funds for such purposes,
including, but not limited to, the following vocational and
technical education programs: agriculture, trade and industry,
occupational home economics, consumer and homemaking education,
distributive education, business and office, health, industrial
arts, guidance services, technical education, cooperative
education, and all other specialized training not requiring a
bachelor's degree, with the exception of programs of nursing education regulated under the provisions of Section 37-129-1. The State Board of Education shall authorize local school boards, within such school board's discretion, to offer distributive education as a one-hour or two-hour block course. There shall be no reduction of payments from state funding for distributive education due to the selection of either the one-hour or two-hour course offering;

(e) Set and publish licensure standards for vocational and technical education personnel. The State Board of Education shall recognize a vocational and technical education teacher's work when school is not in session which is in the teacher's particular field of instruction as a means for the teacher to fulfill the requirements for renewal of the teacher's license.

The board shall establish, by rules and regulations, the documentation of such work which must be submitted to the board and the number of actual working hours required to fulfill renewal requirements. If a vocational and technical education teacher who does not have a bachelor's degree takes classes in fulfillment of licensure renewal requirements, such classes must be in furtherance of a bachelor's degree;

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

(g) Expend funds to expand career information;

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

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

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

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

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

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

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

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

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

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

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

(3) The State Board of Education and the State Board for Community and Junior Colleges may provide that every vocational and technical education course or program in Mississippi may integrate academic and vocational-technical education through coherent sequences of courses, so that students in such programs achieve both academic and occupational competencies or an industry-recognized certification. The boards may expend federal funds available from the 1990 Perkins Act, or other available federal funds, for an industry-recognized certification through the accreditation process and the teacher licensure process.

SECTION 49. Section 37-31-207, Mississippi Code of 1972, is amended as follows:

37-31-207. (1) The State Board of Education shall have the following duties:
(a) To seek the best available projections of employment and occupations for Mississippians;

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

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

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

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

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

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

(2) The State Board of Education is directed to partner with the State Board for Community and Junior Colleges, the Mississippi Department of Employment Security - Office of the Governor, and the representatives of the business community appointed by the Governor to establish the "Industry Certification Partnership" program to develop and implement a program designed to encourage businesses in Mississippi to offer potential high school dropout students a semester scholarship at a community or junior college for industry specific training after their graduation in return for their promise or compact to stay in school.
SECTION 50.  (1) There is established a commission to be known as the "Lifelong Learning Commission."

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

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

   (b) The State Superintendent of Education;

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

   (d) The Commissioner of Higher Education.

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

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

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

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

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

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

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

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

   (h) When necessary, the commission may convene town hall meetings around the state where students, teachers, administrators and parents can talk about high school, the senior year and impediments to greater success.
(4) The commission may prepare an annual report for the
consideration of the Chairmen of the House and Senate Education
and University and College Committees pertaining to the
information gathered in pursuit of their mission.

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

SECTION 51. Section 37-21-55, Mississippi Code of 1972, is
amended as follows:

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

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

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

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

(c) A representative of the Governor;

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

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

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

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

(h) A representative of the State Department of
Rehabilitation Services;
(i) The following representatives of the early childhood profession:

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

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

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

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

(vi) A representative from a private school prekindergarten program appointed by the Governor;

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

(viii) A representative from a university or college early childhood program appointed by the President of the Senate;

(ix) A representative of a tribal early childhood program appointed by the Governor;

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

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

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

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

(l) A representative of the cooperative extension services appointed by the President of the Senate;
(m) A physician who is a member of the Mississippi Chapter of the American Academy of Pediatrics, appointed by the Director of the University Medical Center;

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

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

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

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

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The Interagency Advisory Committee for Early Childhood Services, in addition to responsibilities assigned by the Early Childhood Services Interagency Coordinating Council, shall perform each of the following duties:

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

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

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

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

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

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

SECTION 52. The following provision shall be codified as Section 37-3-95, Mississippi Code of 1972:

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

SECTION 53. The following provision shall be codified as
Section 37-7-346, Mississippi Code of 1972:

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

SECTION 54. This act shall take effect and be in force from
and after July 1, 2006.