

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

To: Education;
Appropriations

SENATE BILL NO. 2602
(As Sent to Governor)

1 AN ACT ENTITLED THE "MISSISSIPPI EDUCATION REFORM ACT OF
2 2006"; TO AMEND SECTION 37-19-7, MISSISSIPPI CODE OF 1972, TO
3 PROVIDE ADDITIONAL BASE COMPENSATION FOR TEACHERS HOLDING LICENSES
4 IN CRITICAL SUBJECT AREAS, TO PROVIDE ADDITIONAL COMPENSATION FOR
5 TEACHERS EMPLOYED IN CRITICAL SHORTAGE AREAS, TO ESTABLISH A
6 MISSISSIPPI PERFORMANCE BASED PAY PLAN TO REWARD LICENSED
7 EDUCATION PERSONNEL AT SCHOOLS SHOWING IMPROVEMENT IN STUDENT TEST
8 SCORES, AND TO PROVIDE ADDITIONAL BASE COMPENSATION FOR MENTOR
9 TEACHERS IN MIDDLE SCHOOLS WITH APPROVED CLASSROOM MANAGEMENT
10 PROGRAMS; TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, TO
11 PROVIDE THAT ANY TEACHER FROM ANY STATE MEETING THE FEDERAL
12 STANDARDS OF A HIGHLY QUALIFIED TEACHER SHALL BE ELIGIBLE FOR A
13 STANDARD LICENSE IN MISSISSIPPI; TO AMEND SECTION 37-61-33,
14 MISSISSIPPI CODE OF 1972, TO AUTHORIZE TEACHERS TO CARRY FORWARD
15 APPROVED CLASSROOM SUPPLY EXPENDITURES INTO SUBSEQUENT FISCAL
16 YEARS; TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION
17 37-7-301.1, MISSISSIPPI CODE OF 1972, TO GRANT HOME RULE TO LOCAL
18 SCHOOL DISTRICTS; TO CREATE THE OFFICE OF DROPOUT PREVENTION
19 WITHIN THE STATE DEPARTMENT OF EDUCATION; TO PROVIDE THAT THE
20 STATE SUPERINTENDENT SHALL APPOINT A DIRECTOR OF THE OFFICE; TO
21 REQUIRE EACH SCHOOL DISTRICT TO IMPLEMENT A DROPOUT PREVENTION
22 PROGRAM BY THE 2008 SCHOOL YEAR; TO AMEND SECTION 37-13-81,
23 MISSISSIPPI CODE OF 1972, TO PLACE THE OFFICE OF COMPULSORY SCHOOL
24 ATTENDANCE ENFORCEMENT UNDER THE OFFICE OF DROPOUT PREVENTION; TO
25 AMEND SECTION 37-13-83, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
26 DIRECTOR OF THE OFFICE OF COMPULSORY SCHOOL ATTENDANCE ENFORCEMENT
27 TO REPORT DIRECTLY TO THE DIRECTOR OF THE OFFICE OF DROPOUT
28 PREVENTION; TO AMEND SECTION 37-9-18, MISSISSIPPI CODE OF 1972, TO
29 REQUIRE THE STATE AUDITOR TO AUDIT SCHOOL DISTRICTS FOR COMPLIANCE
30 WITH APPROPRIATE FUNCTIONAL LEVEL EXPENDITURE CODES; TO AUTHORIZE
31 THE ESTABLISHMENT OF A MISSISSIPPI VIRTUAL PUBLIC SCHOOL PROGRAM
32 AND TO PRESCRIBE CERTAIN REQUIREMENTS FOR THE PROGRAM; TO CREATE A
33 NEW SECTION TO BE CODIFIED AS SECTION 37-15-38, MISSISSIPPI CODE
34 OF 1972, TO PROVIDE FOR THE CREATION OF HIGH SCHOOL AND UNIVERSITY
35 OR COMMUNITY COLLEGE DUAL ENROLLMENT PROGRAMS, TO PRESCRIBE
36 CONDITIONS FOR PARTICIPATION IN THE PROGRAM, TO PROVIDE FOR THE
37 PAYMENT OF TUITION AND COSTS FOR UNIVERSITY AND COMMUNITY COLLEGE
38 LEVEL COURSES, AND TO CLARIFY THAT COURSE WORK TAKEN UNDER THE
39 PROGRAM SHALL BE DUAL CREDIT; TO CODIFY SECTION 37-15-39,
40 MISSISSIPPI CODE OF 1972, TO REQUIRE SCHOOL DISTRICTS TO OFFER
41 PRE-ADVANCED PLACEMENT COURSES, TO REQUIRE FUNDING TO BE MADE
42 AVAILABLE IN THE 2007-2008 SCHOOL YEAR FOR ALL SOPHOMORES TO TAKE
43 A NATIONALLY RECOGNIZED APTITUDE TEST FOR ADVANCED PLACEMENT
44 CLASSES, AND TO REQUIRE ALL HIGH SCHOOLS TO OFFER AT LEAST FOUR
45 ADVANCED PLACEMENT COURSES BEGINNING IN THE 2007-2008 SCHOOL YEAR;
46 TO ESTABLISH A LIFELONG LEARNING COMMISSION TO STUDY THE RELEVANCE
47 OF THE HIGH SCHOOL EXPERIENCE IN MISSISSIPPI; TO CODIFY SECTION
48 37-3-95, MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE DEPARTMENT
49 OF EDUCATION AND THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF
50 HIGHER LEARNING TO JOINTLY PREPARE AN ANNUAL REPORT TO THE
51 LEGISLATURE ON THE TEACHER EDUCATION PROGRAMS IN THE STATE; TO
52 CODIFY SECTION 37-7-346, MISSISSIPPI CODE OF 1972, TO DIRECT THE

53 STATE DEPARTMENT OF EDUCATION AND THE REGIONAL EDUCATION SERVICE
54 AGENCIES TO JOINTLY DEVELOP A PLAN FOR INCREASING THE DUTIES AND
55 RESPONSIBILITIES OF THE AGENCIES; TO DIRECT THE DEPARTMENT OF
56 HUMAN SERVICES TO ESTABLISH THE MISSISSIPPI CHILD CARE QUALITY
57 STEP SYSTEM BY REQUIRING THE OFFICE FOR CHILDREN AND YOUTH OF THE
58 DEPARTMENT OF HUMAN SERVICES TO DEVELOP AND IMPLEMENT A PILOT
59 VOLUNTARY QUALITY RATING SYSTEM (QRS) FOR THE PURPOSE OF IMPROVING
60 THE QUALITY OF ALL LICENSED EARLY CARE AND EDUCATION AND AFTER
61 SCHOOL PROGRAMS; TO REQUIRE THE OFFICE FOR CHILDREN AND YOUTH TO
62 CONDUCT A NEEDS ASSESSMENT TO DETERMINE THE NEED FOR AN INCENTIVE
63 PROGRAM, WHICH WOULD ALLOW PARTICIPATING EARLY CARE AND EDUCATION
64 PROGRAMS IN THE QRS ACCESS TO FUNDS TO PROVIDE INCENTIVES TO
65 TEACHERS/DIRECTORS THAT MAKE EDUCATIONAL ADVANCEMENTS THAT ARE
66 LISTED IN THE QRS CRITERIA; TO DIRECT THE STATE BOARD OF EDUCATION
67 TO DEVELOP A WELLNESS CURRICULUM FOR USE BY SCHOOL DISTRICTS AND
68 ESTABLISH RULES FOR IMPLEMENTING THE CURRICULUM; AND FOR RELATED
69 PURPOSES.

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

71 **SECTION 1.** (1) This act shall be known and may be referred
72 to as the "Mississippi Education Reform Act of 2006."

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

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

80 37-19-7. (1) This section shall be known and may be cited
81 as the Mississippi "Teacher Opportunity Program (TOP)." The
82 allowance in the minimum education program and the Mississippi
83 Adequate Education Program for teachers' salaries in each county
84 and separate school district shall be determined and paid in
85 accordance with the scale for teachers' salaries as provided in
86 this subsection. For teachers holding the following types of
87 licenses or the equivalent as determined by the State Board of
88 Education, and the following number of years of teaching
89 experience, the scale shall be as follows:

90 * * *

91 **2005-2006 School Year and School Years Thereafter**

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

93 AAAA..... \$ 34,000.00

94	AAA.....	33,000.00
95	AA.....	32,000.00
96	A.....	30,000.00
97	25 or More Years of Teaching Experience	
98	AAAA.....	\$ 36,000.00
99	AAA.....	35,000.00
100	AA.....	34,000.00
101	A.....	32,000.00

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

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

121 All teachers employed on a full-time basis shall be paid a
122 minimum salary in accordance with the above scale. However, no
123 school district shall receive any funds under this section for any
124 school year during which the local supplement paid to any
125 individual teacher shall have been reduced to a sum less than that
126 paid to that individual teacher for performing the same duties

127 from local supplement during the immediately preceding school
128 year. The amount actually spent for the purposes of group health
129 and/or life insurance shall be considered as a part of the
130 aggregate amount of local supplement but shall not be considered a
131 part of the amount of individual local supplement.

132 * * *

133 **2005-2006 School Year**
134 **and School Years Thereafter Annual Increments**

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

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

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

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

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

160 (2) (a) The following employees shall receive an annual
161 salary supplement in the amount of Six Thousand Dollars
162 (\$6,000.00), plus fringe benefits, in addition to any other
163 compensation to which the employee may be entitled:

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

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

190 (iii) Any licensed school counselor who has met
191 the requirements and acquired a National Certified School
192 Counselor (NCSC) endorsement from the National Board of Certified

193 Counselors and who is employed by a local school board or the
194 State Board of Education as a counselor and not as an
195 administrator. Such licensed school counselor shall submit
196 documentation to the State Department of Education that the
197 endorsement was received prior to October 15 in order to be
198 eligible for the full salary supplement in the current school
199 year, or the licensed school counselor shall submit such
200 documentation to the State Department of Education prior to
201 February 15 in order to be eligible for a prorated salary
202 supplement beginning with the second term of the school year.
203 However, any school counselor who started the National Board for
204 Professional Teaching Standards process for school counselors
205 between June 1, 2003, and June 30, 2004, and completes the
206 requirements and acquires the master teacher certificate shall be
207 entitled to the master teacher supplement, and those counselors
208 who complete the process shall be entitled to a one-time
209 reimbursement for the actual cost of the process as outlined in
210 paragraph (b) of this subsection.

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

224 (b) An employee shall be reimbursed one (1) time for
225 the actual cost of completing the process of acquiring the

226 certificate or endorsement, excluding any costs incurred for
227 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)
228 for a school counselor or speech-language pathologist and
229 audiologist, regardless of whether or not the process resulted in
230 the award of the certificate or endorsement. A local school
231 district or any private individual or entity may pay the cost of
232 completing the process of acquiring the certificate or endorsement
233 for any employee of the school district described under paragraph
234 (a), and the State Department of Education shall reimburse the
235 school district for such cost, regardless of whether or not the
236 process resulted in the award of the certificate or endorsement.
237 If a private individual or entity has paid the cost of completing
238 the process of acquiring the certificate or endorsement for an
239 employee, the local school district may agree to directly
240 reimburse the individual or entity for such cost on behalf of the
241 employee.

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

253 (d) The State Department of Education may not pay any
254 process reimbursement to a school district for an employee who
255 does not complete the certification or endorsement process
256 required to be eligible for the certificate or endorsement. If an
257 employee for whom such cost has been paid in full or in part by a
258 local school district or private individual or entity fails to

259 complete the certification or endorsement process, the employee
260 shall be liable to the school district or individual or entity for
261 all amounts paid by the school district or individual or entity on
262 behalf of that employee toward his or her certificate or
263 endorsement.

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

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

276 (4) (a) This section shall be known and may be cited as the
277 "Mississippi Performance Based Pay (MPBP)" plan. In addition to
278 the minimum base pay described in this section, only after full
279 funding of MAEP and if funds are available for that purpose, the
280 State of Mississippi may provide monies from state funds to school
281 districts for the purposes of rewarding certified teachers,
282 administrators and nonlicensed personnel at individual schools
283 showing improvement in student test scores. The MPBP plan shall
284 be developed by the State Department of Education based on the
285 following criteria:

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

290 (ii) To ensure that all of Mississippi's teachers,
291 administrators and nonlicensed personnel at all schools have equal

292 access to the monies set aside in this section, the MPBP program
293 shall be designed to calculate each school's performance as
294 determined by the school's increase in scores from the prior
295 school year. The MPBP program shall be based on a standardized
296 scores rating where all levels of schools can be judged in a
297 statistically fair and reasonable way upon implementation. At the
298 end of each year, after all student achievement scores have been
299 standardized, the State Department of Education shall implement
300 the MPBP plan.

301 (iii) To ensure all teachers cooperate in the
302 spirit of teamwork, individual schools shall submit a plan to the
303 local school educational authority to be approved before the
304 beginning of each school year beginning July 1, 2008. The plan
305 shall include, but not be limited to, how all teachers, regardless
306 of subject area, and administrators will be responsible for
307 improving student achievement for their individual school.

308 (b) The State Board of Education shall develop the
309 processes and procedures for designating schools eligible to
310 participate in the MPBP. State assessment results, growth in
311 student achievement at individual schools and other measures
312 deemed appropriate in designating successful student achievement
313 shall be used in establishing MPBP criteria. The State Board of
314 Education shall develop the MPBP policies and procedures and
315 report to the Legislature and Governor by December 1, 2006.

316 (5) (a) Beginning in the 2006-2007 school year, if funds
317 are available for that purpose, each middle school in Mississippi
318 shall have at least two (2) mentor teachers, as defined by
319 Sections 37-9-201 through 37-9-213, who shall receive additional
320 base compensation provided for by the State Legislature in the
321 amount of One Thousand Dollars (\$1,000.00). For the purposes of
322 this subsection (5), "middle school" means any school composed
323 individually or of some composite of Grades 6 through 8.

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

327 (c) If funds are available for that purpose, the state
328 shall provide additional funding under this subsection for two (2)
329 mentor teachers per middle school; however, local school districts
330 may provide additional salary supplements for more than two (2)
331 teacher mentors from nonadequate education program funds. The
332 state department may develop an implementation process that fairly
333 distributes these funds for the consideration of the Legislature.

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

336 37-3-2. (1) There is established within the State
337 Department of Education the Commission on Teacher and
338 Administrator Education, Certification and Licensure and
339 Development. It shall be the purpose and duty of the commission
340 to make recommendations to the State Board of Education regarding
341 standards for the certification and licensure and continuing
342 professional development of those who teach or perform tasks of an
343 educational nature in the public schools of Mississippi.

344 (2) The commission shall be composed of fifteen (15)
345 qualified members. The membership of the commission shall be
346 composed of the following members to be appointed, three (3) from
347 each congressional district: four (4) classroom teachers; three
348 (3) school administrators; one (1) representative of schools of
349 education of institutions of higher learning located within the
350 state to be recommended by the Board of Trustees of State
351 Institutions of Higher Learning; one (1) representative from the
352 schools of education of independent institutions of higher
353 learning to be recommended by the Board of the Mississippi
354 Association of Independent Colleges; one (1) representative from
355 public community and junior colleges located within the state to
356 be recommended by the State Board for Community and Junior

357 Colleges; one (1) local school board member; and four (4) lay
358 persons. All appointments shall be made by the State Board of
359 Education after consultation with the State Superintendent of
360 Public Education. The first appointments by the State Board of
361 Education shall be made as follows: five (5) members shall be
362 appointed for a term of one (1) year; five (5) members shall be
363 appointed for a term of two (2) years; and five (5) members shall
364 be appointed for a term of three (3) years. Thereafter, all
365 members shall be appointed for a term of four (4) years.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

412 (6) (a) **Standard License - Approved Program Route.** An
413 educator entering the school system of Mississippi for the first
414 time and meeting all requirements as established by the State
415 Board of Education shall be granted a standard five-year license.
416 Persons who possess two (2) years of classroom experience as an
417 assistant teacher or who have taught for one (1) year in an
418 accredited public or private school shall be allowed to fulfill
419 student teaching requirements under the supervision of a qualified
420 participating teacher approved by an accredited college of
421 education. The local school district in which the assistant

422 teacher is employed shall compensate such assistant teachers at
423 the required salary level during the period of time such
424 individual is completing student teaching requirements.
425 Applicants for a standard license shall submit to the department:
426 (i) An application on a department form;
427 (ii) An official transcript of completion of a
428 teacher education program approved by the department or a
429 nationally accredited program, subject to the following:
430 Licensure to teach in Mississippi prekindergarten through
431 kindergarten classrooms shall require completion of a teacher
432 education program or a bachelor of science degree with child
433 development emphasis from a program accredited by the American
434 Association of Family and Consumer Sciences (AAFCS) or by the
435 National Association for Education of Young Children (NAEYC) or by
436 the National Council for Accreditation of Teacher Education
437 (NCATE). Licensure to teach in Mississippi kindergarten, for
438 those applicants who have completed a teacher education program,
439 and in Grade 1 through Grade 4 shall require the completion of an
440 interdisciplinary program of studies. Licenses for Grades 4
441 through 8 shall require the completion of an interdisciplinary
442 program of studies with two (2) or more areas of concentration.
443 Licensure to teach in Mississippi Grades 7 through 12 shall
444 require a major in an academic field other than education, or a
445 combination of disciplines other than education. Students
446 preparing to teach a subject shall complete a major in the
447 respective subject discipline. All applicants for standard
448 licensure shall demonstrate that such person's college preparation
449 in those fields was in accordance with the standards set forth by
450 the National Council for Accreditation of Teacher Education
451 (NCATE) or the National Association of State Directors of Teacher
452 Education and Certification (NASDTEC) or, for those applicants who
453 have a bachelor of science degree with child development emphasis,
454 the American Association of Family and Consumer Sciences (AAFCS);

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

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

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

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

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

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

488 providing the Teach Mississippi Institute (TMI) program, under
489 terms and conditions as agreed upon by the contracting parties,
490 providing that the school district shall provide teacher interns
491 seeking a nontraditional provisional teaching license with a
492 one-year classroom teaching experience. The teacher intern shall
493 successfully complete the one (1) semester three-hour intensive
494 internship in the school district during the semester immediately
495 following successful completion of the TMI and prior to the end of
496 the one-year classroom teaching experience.

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

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

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

521 induction program administered by the employing school district
522 with the assistance of the State Department of Education.

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

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

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

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

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

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

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

583 (d) **Special License - Nonrenewable.** The State Board of
584 Education is authorized to establish rules and regulations to
585 allow those educators not meeting requirements in subsection
586 (6)(a), (b) or (c) to be licensed for a period of not more than

587 three (3) years, except by special approval of the State Board of
588 Education.

589 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
590 person may teach for a maximum of three (3) periods per teaching
591 day in a public school or a nonpublic school accredited/approved
592 by the state. Such person shall submit to the department a
593 transcript or record of his education and experience which
594 substantiates his preparation for the subject to be taught and
595 shall meet other qualifications specified by the commission and
596 approved by the State Board of Education. In no case shall any
597 local school board hire nonlicensed personnel as authorized under
598 this paragraph in excess of five percent (5%) of the total number
599 of licensed personnel in any single school.

600 (f) **Special License - Transitional Bilingual Education.**
601 Beginning July 1, 2003, the commission shall grant special
602 licenses to teachers of transitional bilingual education who
603 possess such qualifications as are prescribed in this section.
604 Teachers of transitional bilingual education shall be compensated
605 by local school boards at not less than one (1) step on the
606 regular salary schedule applicable to permanent teachers licensed
607 under this section. The commission shall grant special licenses
608 to teachers of transitional bilingual education who present the
609 commission with satisfactory evidence that they (i) possess a
610 speaking and reading ability in a language, other than English, in
611 which bilingual education is offered and communicative skills in
612 English; (ii) are in good health and sound moral character; (iii)
613 possess a bachelor's degree or an associate's degree in teacher
614 education from an accredited institution of higher education; (iv)
615 meet such requirements as to courses of study, semester hours
616 therein, experience and training as may be required by the
617 commission; and (v) are legally present in the United States and
618 possess legal authorization for employment. A teacher of
619 transitional bilingual education serving under a special license

620 shall be under an exemption from standard licensure if he achieves
621 the requisite qualifications therefor. Two (2) years of service
622 by a teacher of transitional bilingual education under such an
623 exemption shall be credited to the teacher in acquiring a Standard
624 Educator License. Nothing in this paragraph shall be deemed to
625 prohibit a local school board from employing a teacher licensed in
626 an appropriate field as approved by the State Department of
627 Education to teach in a program in transitional bilingual
628 education.

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

634 (h) Highly Qualified Teachers. Beginning July 1, 2006,
635 any teacher from any state meeting the federal definition of
636 highly qualified, as described in the No Child Left Behind Act,
637 must be granted a standard five-year license by the State
638 Department of Education.

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

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

649 (b) **Administrator License - Entry Level.** Those
650 educators holding administrative endorsement and having met the
651 department's qualifications to be eligible for employment in a

652 Mississippi school district. Administrator License - Entry Level
653 shall be issued for a five-year period and shall be nonrenewable.

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

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

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

677 Beginning with the 1997-1998 school year, individuals seeking
678 school administrator licensure under paragraph (b), (c) or (d)
679 shall successfully complete a training program and an assessment
680 process prescribed by the State Board of Education. Applicants
681 seeking school administrator licensure prior to June 30, 1997, and
682 completing all requirements for provisional or standard
683 administrator certification and who have never practiced, shall be
684 exempt from taking the Mississippi Assessment Battery Phase I.

685 Applicants seeking school administrator licensure during the
686 period beginning July 1, 1997, through June 30, 1998, shall
687 participate in the Mississippi Assessment Battery, and upon
688 request of the applicant, the department shall reimburse the
689 applicant for the cost of the assessment process required. After
690 June 30, 1998, all applicants for school administrator licensure
691 shall meet all requirements prescribed by the department under
692 paragraph (b), (c) or (d), and the cost of the assessment process
693 required shall be paid by the applicant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

846 (17) All such programs, rules, regulations, standards and
847 criteria recommended or authorized by the commission shall become

848 effective upon approval by the State Board of Education as
849 designated by appropriate orders entered upon the minutes thereof.

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

858 (19) In addition to the reasons specified in subsections
859 (12) and (13) of this section, the board shall be authorized to
860 suspend the license of any licensee for being out of compliance
861 with an order for support, as defined in Section 93-11-153. The
862 procedure for suspension of a license for being out of compliance
863 with an order for support, and the procedure for the reissuance or
864 reinstatement of a license suspended for that purpose, and the
865 payment of any fees for the reissuance or reinstatement of a
866 license suspended for that purpose, shall be governed by Section
867 93-11-157 or 93-11-163, as the case may be. Actions taken by the
868 board in suspending a license when required by Section 93-11-157
869 or 93-11-163 are not actions from which an appeal may be taken
870 under this section. Any appeal of a license suspension that is
871 required by Section 93-11-157 or 93-11-163 shall be taken in
872 accordance with the appeal procedure specified in Section
873 93-11-157 or 93-11-163, as the case may be, rather than the
874 procedure specified in this section. If there is any conflict
875 between any provision of Section 93-11-157 or 93-11-163 and any
876 provision of this chapter, the provisions of Section 93-11-157 or
877 93-11-163, as the case may be, shall control.

878 **SECTION 4.** Section 37-61-33, Mississippi Code of 1972, is
879 amended as follows:

880 37-61-33. (1) There is created within the State Treasury a
881 special fund to be designated the "Education Enhancement Fund"
882 into which shall be deposited all the revenues collected pursuant
883 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

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

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

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

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

905 (d) As a pledge to pay all or a portion of the debt
906 service on debt issued by the school district under Sections
907 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
908 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
909 and 37-41-81, or debt issued by boards of supervisors for
910 agricultural high schools pursuant to Section 37-27-65, if such
911 pledge is accomplished pursuant to a written contract or
912 resolution approved and spread upon the minutes of an official

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

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

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

931 (i) Sixteen and sixty-one one-hundredths percent
932 (16.61%) to the cost of the adequate education program determined
933 under Section 37-151-7; of the funds generated by the percentage
934 set forth in this section for the support of the adequate
935 education program, one and one hundred seventy-eight
936 one-thousandths percent (1.178%) of the funds shall be
937 appropriated to be used by the State Department of Education for
938 the purchase of textbooks to be loaned under Sections 37-43-1
939 through 37-43-59 to approved nonpublic schools, as described in
940 Section 37-43-1. The funds to be distributed to each nonpublic
941 school shall be in the proportion that the average daily
942 attendance of each nonpublic school bears to the total average
943 daily attendance of all nonpublic schools;

944 (ii) Seven and ninety-seven one-hundredths percent
945 (7.97%) to assist the funding of transportation operations and
946 maintenance pursuant to Section 37-19-23; and
947 (iii) Nine and sixty-one one-hundredths percent
948 (9.61%) for classroom supplies, instructional materials and
949 equipment, including computers and computer software, to be
950 distributed to all school districts in the proportion that the
951 average daily attendance of each school district bears to the
952 average daily attendance of all school districts within the state.
953 Classroom supply funds shall not be expended for administrative
954 purposes. Local school districts shall allocate classroom supply
955 funds equally among all classroom teachers in the school district.
956 For purposes of this subparagraph, "teacher" means any employee of
957 the school board of a school district who is required by law to
958 obtain a teacher's license from the State Department of Education
959 and who is assigned to an instructional area of work as defined by
960 the department, but shall not include a federally funded teacher.
961 Two (2) or more teachers may agree to pool their classroom supply
962 funds for the benefit of a school within the district. It is the
963 intent of the Legislature that all classroom teachers shall be
964 involved in the development of a spending plan that addresses
965 individual classroom needs and supports the overall goals of the
966 school regarding supplies, instructional materials, equipment,
967 computers or computer software under the provisions of this
968 subparagraph, including the type, quantity and quality of such
969 supplies, materials and equipment. This plan shall be submitted
970 in writing to the school principal for approval. Classroom supply
971 funds allocated under this subparagraph shall supplement, not
972 replace, other local and state funds available for the same
973 purposes. School districts need not fully expend the funds
974 received under this subparagraph in the year in which they are
975 received, but such funds may be carried forward for expenditure in
976 any succeeding school year. Any individual teacher or group of

977 teachers with an approved spending plan that has not been fully
978 funded need not expend the funds allocated under this subparagraph
979 in the year in which such funds are received. Such funds may be
980 carried forward for expenditure in any subsequent school year in
981 which the plan is fully funded. However, beginning July 1, 2006,
982 any funds allocated under this subparagraph which are not reserved
983 in an approved spending plan but remain unspent on March 31 of the
984 fiscal year in which the funds were allotted must be utilized by
985 the school where the teacher is employed for instructional supply
986 and equipment purposes. The State Board of Education shall
987 develop and promulgate rules and regulations for the
988 administration of this subparagraph consistent with the above
989 criteria, with particular emphasis on allowing the individual
990 teachers to expend funds as they deem appropriate;

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

994 (c) Fourteen and forty-one one-hundredths percent
995 (14.41%) to the State Board for Community and Junior Colleges for
996 the purpose of providing support to community and junior colleges.

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

1000 (a) Twenty-five Million Dollars (\$25,000,000.00) shall
1001 be deposited into the Working Cash-Stabilization Reserve Fund
1002 created pursuant to Section 27-103-203(1), until the balance in
1003 such fund reaches the maximum balance of seven and one-half
1004 percent (7-1/2%) of the General Fund appropriations in the
1005 appropriate fiscal year. After the maximum balance in the Working
1006 Cash-Stabilization Reserve Fund is reached, such money shall
1007 remain in the Education Enhancement Fund to be appropriated in the
1008 manner provided for in paragraph (b) of this subsection.

1009 (b) The remainder shall be appropriated for other
1010 educational needs.

1011 (5) None of the funds appropriated pursuant to subsection
1012 (3)(a) of this section shall be used to reduce the state's General
1013 Fund appropriation for the categories listed in an amount below
1014 the following amounts:

1015 (a) For subsection (3)(a)(ii) of this section,
1016 Thirty-six Million Seven Hundred Thousand Dollars
1017 (\$36,700,000.00);

1018 (b) For the aggregate of minimum program allotments in
1019 the 1997 fiscal year, formerly provided for in Chapter 19, Title
1020 37, Mississippi Code of 1972, as amended, excluding those funds
1021 for transportation as provided for in subsection (5)(a) in this
1022 section.

1023 **SECTION 5.** The following shall be codified as Section
1024 37-7-301.1, Mississippi Code of 1972:

1025 37-7-301.1. The school board of a school district may adopt
1026 any orders, resolutions or ordinances with respect to school
1027 district affairs, property and finances which are not inconsistent
1028 with the Mississippi Constitution of 1890, the Mississippi Code of
1029 1972, or any other statute or law of the State of Mississippi.
1030 Except as otherwise provided in this section, the powers granted
1031 to the school boards in this section are complete without the
1032 existence of or reference to any specific authority granted in any
1033 other statute or law of the State of Mississippi. Unless such
1034 actions are specifically authorized by another statute or law of
1035 the State of Mississippi, this section shall not authorize a
1036 school board to: (a) levy taxes of any kind or increase the levy
1037 of any authorized tax; (b) issue bonds of any kind; or (c) enter
1038 into collective bargaining agreements.

1039 **SECTION 6.** (1) There is created the Office of Dropout
1040 Prevention within the State Department of Education. The office
1041 shall be responsible for the administration of a statewide dropout

1042 prevention program and the Office of Compulsory School Attendance
1043 Enforcement.

1044 (2) The State Superintendent of Public Education shall
1045 appoint a director for the Office of Dropout Prevention, who shall
1046 meet all qualifications established by the State Superintendent of
1047 Public Education and the State Personnel Board. The director
1048 shall be responsible for the proper administration of the Office
1049 of Dropout Prevention and any other regulations or policies that
1050 may be adopted by the State Board of Education. The director
1051 shall report to the Legislature on the activities and programs of
1052 the office by January 1 of each year beginning in 2009.

1053 (3) Each school district shall implement a dropout
1054 prevention program approved by the Office of Dropout Prevention of
1055 the State Department of Education by the 2008-2009 school year.

1056 (4) It is the intent of the Legislature that, through the
1057 statewide dropout prevention program and the dropout prevention
1058 programs implemented by each school district, the graduation rate
1059 for cohort classes will be increased to not less than eighty-five
1060 percent (85%) by the 2018-2019 school year. The Office of Dropout
1061 Prevention shall establish graduation rate benchmarks for each
1062 two-year period from the 2008-2009 school year through the
1063 2018-2019 school year, which shall serve as guidelines for
1064 increasing the graduation rate for cohort classes on a systematic
1065 basis to eighty-five percent (85%) by the 2018-2019 school year.

1066 **SECTION 7.** Section 37-13-81, Mississippi Code of 1972, is
1067 amended as follows:

1068 37-13-81. There is created the Office of Compulsory School
1069 Attendance Enforcement within the Office of Dropout Prevention of
1070 the State Department of Education. The office shall be
1071 responsible for the administration of a statewide system of
1072 enforcement of the Mississippi Compulsory School Attendance Law
1073 (Section 37-13-91) and for the supervision of school attendance
1074 officers throughout the state.

1075 **SECTION 8.** Section 37-13-83, Mississippi Code of 1972, is
1076 amended as follows:

1077 37-13-83. The State Superintendent of Public Education shall
1078 appoint a director for the Office of Compulsory School Attendance
1079 Enforcement, who shall meet all qualifications established for
1080 school attendance officer supervisors and any additional
1081 qualifications that may be established by the State Superintendent
1082 of Public Education or State Personnel Board. The director shall
1083 be responsible for the proper administration of the Office of
1084 Compulsory School Attendance Enforcement in conformity with the
1085 Mississippi Compulsory School Attendance Law and any other
1086 regulations or policies that may be adopted by the State Board of
1087 Education. The director shall report directly to the director of
1088 the Office of Dropout Prevention.

1089 **SECTION 9.** Section 37-9-18, Mississippi Code of 1972, is
1090 amended as follows:

1091 37-9-18. (1) The superintendent of schools shall furnish to
1092 the school board a financial statement of receipts and
1093 disbursements, by funds, on or before the last working day of the
1094 following month covering the prior month. The school board shall
1095 be authorized to investigate and audit all financial records of
1096 the superintendent of schools at any and all times.

1097 (2) The State Auditor, in his discretion, shall audit the
1098 financial records of school districts. The State Auditor shall
1099 give reasonable notice to school districts regarding the times
1100 during which he will perform such audits. In any fiscal year in
1101 which the State Auditor is not scheduled to perform an audit, the
1102 school board shall cause all the financial records of the
1103 superintendent of schools to be audited by a certified public
1104 accountant licensed to practice accounting in the State of
1105 Mississippi. If the school board so elects by resolution adopted
1106 each year, the audit shall be performed by the State Auditor.
1107 Contracts for the audit of public school districts shall be let by

1108 the school board in the manner prescribed by the State Auditor.
1109 The audit shall be conducted in accordance with generally accepted
1110 auditing standards and generally accepted accounting principles,
1111 and the report presented thereon shall be in accordance with
1112 generally accepted accounting principles. If the Auditor's
1113 opinion on the general purpose financial statements is a
1114 disclaimer, as that term is defined by generally accepted auditing
1115 standards, or if the State Auditor determines the existence of
1116 serious financial conditions in the district, the State Auditor
1117 shall immediately notify the State Board of Education. Upon
1118 receiving the notice, the State Superintendent of Public Education
1119 shall direct the school district to immediately cease all
1120 expenditures until a financial advisor is appointed by the state
1121 superintendent. However, if the disclaimer is a result of
1122 conditions caused by Hurricane Katrina 2005 and applies to fiscal
1123 years 2005 and/or 2006, then the Superintendent of Education may
1124 appoint a financial advisor, and may direct the school district to
1125 immediately cease all expenditures until a financial advisor is
1126 appointed. The financial advisor shall be an agent of the State
1127 Board of Education and shall be a certified public accountant or a
1128 qualified business officer. The financial advisor shall, with the
1129 approval of the State Board of Education:

1130 (a) Approve or disapprove all expenditures and all
1131 financial obligations of the district;

1132 (b) Ensure compliance with any statutes and State Board
1133 of Education rules or regulations concerning expenditures by
1134 school districts;

1135 (c) Review salaries and the number of all district
1136 personnel and make recommendations to the local school board of
1137 any needed adjustments. Should such recommendations necessitate
1138 the reduction in local salary supplement, such recommended
1139 reductions shall be only to the extent which will result in the
1140 salaries being comparable to districts similarly situated, as

1141 determined by the State Board of Education. The local school
1142 board, in considering either a reduction in personnel or a
1143 reduction in local supplements, shall not be required to comply
1144 with the time limitations prescribed in Sections 37-9-15 and
1145 37-9-105 and, further, shall not be required to comply with
1146 Sections 37-19-11 and 37-19-7(1) in regard to reducing local
1147 supplements and the number of personnel;

1148 (d) Work with the school district's business office to
1149 correct all inappropriate accounting procedures and/or uses of
1150 school district funds and to prepare the school district's budget
1151 for the next fiscal year; and

1152 (e) Report frequently to the State Board of Education
1153 on the corrective actions being taken and the progress being made
1154 in the school district. The financial advisor shall serve until
1155 such time as corrective action and progress is being made in such
1156 school district as determined by the State Board of Education with
1157 the concurrence of the State Auditor, or until such time as an
1158 interim conservator is assigned to such district by the State
1159 Board of Education under Section 37-17-6. The school district
1160 shall be responsible for all expenses associated with the use of
1161 the financial advisor. If the audit report reflects a failure by
1162 the school district to meet accreditation standards, the State
1163 Board of Education shall proceed under Section 37-17-6.

1164 (3) When conducting an audit of a public school district,
1165 the Auditor shall test to insure that the school district is
1166 complying with the requirements of Section 37-61-33(3)(a)(iii)
1167 relating to classroom supply funds. The audit must include a
1168 report of all classroom supply funds carried over from previous
1169 years. Based upon the audit report, the State Auditor shall
1170 compile a report on the compliance or noncompliance by all school
1171 districts with the requirements of Section 37-61-33(3)(a)(iii),
1172 which report must be submitted to the Chairmen of the Education

1173 and Appropriations Committees of the House of Representatives and
1174 Senate.

1175 (4) When conducting an audit of a public school district the
1176 State Auditor shall test to ensure correct and appropriate coding
1177 at the function level. The audit must include a report showing
1178 correct and appropriate functional level expenditure codes in
1179 expenditures by the school district. Compliance standards for
1180 this audit provision shall be established by the Office of the
1181 State Auditor. Based upon the audit report, the State Auditor
1182 shall compile a report on the compliance or noncompliance by all
1183 public school districts with correct and appropriate coding at the
1184 function level, which report must be submitted to the Chairman of
1185 the Education and Appropriations Committees of the Senate and the
1186 House of Representatives.

1187 (5) In the event the State Auditor does not perform the
1188 audit examination, then the audit report of the school district
1189 shall be reviewed by the State Auditor for compliance with
1190 applicable state laws before final payment is made on the audit by
1191 the school board. All financial records, books, vouchers,
1192 cancelled checks and other financial records required by law to be
1193 kept and maintained in the case of municipalities shall be
1194 faithfully kept and maintained in the office of the superintendent
1195 of schools under the same provisions and penalties provided by law
1196 in the case of municipal officials. At the request of the
1197 Mississippi Department of Education, the Office of the State
1198 Auditor shall provide advice for implementation of this
1199 subsection.

1200 **SECTION 10.** (1) The Legislature finds and declares the
1201 following:

1202 (a) Meeting the educational needs of children in our
1203 state's schools is of the greatest importance to the future
1204 welfare of the State of Mississippi;

1205 (b) Closing the achievement gap between high-performing
1206 students, including the achievement gap among at-risk students, is
1207 a significant and present challenge;

1208 (c) Providing a broader range of educational options to
1209 parents and utilizing existing resources, along with technology,
1210 may help students in the state improve their academic achievement;
1211 and

1212 (d) Many of the state's school districts currently lack
1213 the capacity to provide other public school choices for students
1214 whose schools are low performing.

1215 (2) There is created the Mississippi Virtual Public School
1216 Program, which is the responsibility of the State Department of
1217 Education. It is the intent of the Legislature that the
1218 Mississippi Virtual Public School established under this section
1219 provide Mississippi families with an alternative choice to access
1220 additional educational resources in an effort to improve academic
1221 achievement. The Mississippi Virtual Public School must be
1222 recognized as a public school and provide equitable treatment and
1223 resources as are other public schools in the state. Private
1224 providers, overseen by the State Department of Education, may be
1225 selected by the State Board of Education to operate virtual school
1226 programs in this state.

1227 (3) Nothing in this section may be interpreted as precluding
1228 the use of computer- and Internet-based instruction for students
1229 in a virtual or remote setting utilizing the Mississippi Virtual
1230 Public School.

1231 (4) As used in this section, the following words and phrases
1232 have the meanings respectively ascribed unless the context clearly
1233 requires otherwise:

1234 (a) "Mississippi Virtual Public School" means a public
1235 school in which the state uses technology in order to deliver
1236 instruction to students via the Internet in a virtual or remote
1237 setting.

1238 (b) "Sponsor" means the public school district is
1239 responsible for the academic process for each student, including
1240 but not limited to, enrollment, awarding of credit and monitoring
1241 progress.

1242 (5) (a) The State Board of Education shall establish the
1243 Mississippi Virtual Public School beginning in school year
1244 2006-2007.

1245 (b) Students who enroll in the Mississippi Virtual
1246 Public School may reside anywhere in the State of Mississippi.

1247 (6) The Mississippi Virtual Public School must be evaluated
1248 annually according to the following criteria:

1249 (a) The accountability and viability of the Mississippi
1250 Virtual Public School, as demonstrated by its academic, fiscal and
1251 operational performance.

1252 (b) The access of each student in the Mississippi
1253 Virtual Public School to a sequential curriculum that meets or
1254 exceeds the state's academic standards and which has an
1255 interactive program with significant online components.

1256 (c) Whether or not each student achieves the required
1257 number of hours of learning opportunities prescribed by each
1258 course per academic year, or alternatively, has demonstrated
1259 mastery or completion of appropriate subject areas.

1260 (7) Subject to appropriation, the Mississippi Virtual Public
1261 School shall provide to each student enrolled in the school all
1262 necessary instructional materials. Subject to appropriation, the
1263 sponsored school must ensure that each student is provided access
1264 to the necessary technology, such as a computer and printer, and
1265 to an Internet connection for school work purposes.

1266 (8) The State Board of Education shall have approval
1267 authority for all coursework and policy of the Mississippi Virtual
1268 Public School.

1269 (9) Each teacher employed by or participating in the
1270 delivery of instruction through the Mississippi Virtual Public

1271 School must meet all qualifications for licensure in the State of
1272 Mississippi.

1273 (10) Any student who meets state residency requirements may
1274 enroll in the Mississippi Virtual Public School.

1275 (11) Enrollment in the Mississippi Virtual Public School
1276 must be free of charge to students. The costs associated with the
1277 operations of the virtual school must be shared by the State
1278 Department of Education, subject to appropriation, and/or the
1279 local school districts.

1280 **SECTION 11.** The following shall be codified as Section
1281 37-15-38, Mississippi Code of 1972:

1282 37-15-38. (1) A local school board, the Board of Trustees
1283 of State Institutions of Higher Learning and the State Board for
1284 Community and Junior Colleges may establish a dual enrollment
1285 system under which students in the school district who meet the
1286 prescribed criteria of this section may be enrolled in a
1287 postsecondary institution in Mississippi while they are still in
1288 school.

1289 (2) **Student eligibility.** Before credits earned by a
1290 qualified high school student from a community or junior college
1291 or state institutions of higher learning may be transferred to the
1292 student's home school district, the student must be properly
1293 enrolled in a dual enrollment program.

1294 (3) **Admission criteria for dual enrollment in community and
1295 junior college or university programs.** The boards of trustees of
1296 the community and junior college districts and the Board of
1297 Trustees of State Institutions of Higher Learning may recommend
1298 admission criteria for dual enrollment programs under which high
1299 school students may enroll at a community or junior college or
1300 university while they are still attending high school and enrolled
1301 in high school courses. Students may be admitted to enroll in
1302 community or junior college courses under the dual enrollment

1303 programs if they meet that individual institution's stated
1304 admission requirements.

1305 (4) **Tuition and cost responsibility.** Tuition and costs for
1306 university-level courses and community and junior college courses
1307 offered under a dual enrollment program may be paid for by the
1308 postsecondary institution, the local school district, the parents
1309 or legal guardians of the student, or by grants, foundations or
1310 other private or public sources. Payment for tuition and any
1311 other costs must be made directly to the credit-granting
1312 institution.

1313 (5) **Transportation responsibility.** Any transportation
1314 required by a student to participate in the dual enrollment
1315 program is the responsibility of the parent, custodian or legal
1316 guardian of the student. However, transportation costs may be
1317 paid from any available public or private sources.

1318 (6) **School district average daily attendance credit.** When
1319 dually enrolled, the student may be counted, for adequate
1320 education program funding purposes, in the average daily
1321 attendance of the public school district in which the student
1322 attends high school.

1323 (7) **High school student transcript transfer requirements.**
1324 Grades and college credits earned by students admitted to a dual
1325 enrollment program must be recorded on the college transcript at
1326 the university or community or junior college where the student
1327 attends classes. The transcript of the university or community or
1328 junior college course work may be released to another institution
1329 or applied toward college graduation requirements.

1330 (8) **Determining factor of prerequisites for enrollment in**
1331 **dual credit courses.** Each university and community or junior
1332 college participating in a dual enrollment program shall determine
1333 course prerequisites for enrolling and receiving dual credit.

1334 (9) **Process for determining articulation of curriculum**
1335 **between high school, university, and community and junior college**

1336 **courses.** Postsecondary curricula for eligible courses currently
1337 offered through Mississippi Curriculum Frameworks must meet the
1338 prescribed competencies requirements. Eligible courses not
1339 offered in Mississippi Curriculum Frameworks must meet the
1340 standards established at the postsecondary level. Postsecondary
1341 level developmental courses may not be considered as meeting the
1342 requirements of the dual enrollment program. Dual credit
1343 memorandum of understandings must be established between each
1344 postsecondary institution and the school district implementing a
1345 dual credit program.

1346 (10) **Ineligible courses for dual credit programs.** Any
1347 course that is required for subject area testing as a requirement
1348 for graduation from a public school in Mississippi is not eligible
1349 for dual credit.

1350 (11) **Eligible courses for dual credit programs.** Courses
1351 eligible for dual credit include, but are not necessarily limited
1352 to, foreign languages, advanced math courses, advanced science
1353 courses, performing arts, advanced business and technology, and
1354 career and technical courses. These courses and any additional
1355 courses considered for dual credit must receive unconditional
1356 approval from the superintendent of the local school district and
1357 the chief academic officer at the participating community or
1358 junior college or university. A university or community or junior
1359 college shall make the final decision on what courses are eligible
1360 for semester hour credits. The local school superintendent shall
1361 make the final decision on the transfer of college or university
1362 courses credited to the student's high school transcript.

1363 (12) **High school Carnegie unit equivalency.** One (1)
1364 three-hour university or community or junior college course is
1365 equal to one-half (1/2) high school Carnegie unit. A full
1366 Carnegie unit may be awarded for a three-hour university or
1367 college course upon approval of the local superintendent. Partial
1368 credit agreements for postsecondary courses that are less than

1369 three (3) hours may be developed between a local school district
1370 and the participating postsecondary institution.

1371 (13) **Course alignment.** Once alignment is achieved between
1372 university courses, community and junior college courses and the
1373 State Board of Education approved high school courses, the
1374 universities, community and junior colleges and high schools shall
1375 review their respective policies and assess the place of dual
1376 credit courses within the context of their traditional offerings.

1377 (14) **Maximum dual credits allowed.** It is the intent of the
1378 dual enrollment program to make it possible for every student who
1379 desires to earn a semester's worth of college credit in high
1380 school to do so. A qualified dually enrolled high school student
1381 must be allowed to earn an unlimited number of college or
1382 university credits for dual credit as long as a B average is
1383 earned on the first two (2) approved dual credit courses. If a B
1384 average is not maintained after the completion of the student's
1385 first two (2) dual credit courses, the student may not continue in
1386 the dual credit program.

1387 (15) **Dual credit program allowances.** A student may be
1388 granted credit delivered through the following means:

1389 (a) Examination preparation taught at a high school by
1390 qualified teacher. A student may receive credit at the secondary
1391 level after completion of an approved course and passing the
1392 standard examination, such as an Advanced Placement or
1393 International Baccalaureate course through which a high school
1394 student is allowed CLEP credit by making a three (3) or higher on
1395 the end-of-course examination.

1396 (b) School-based courses taught at a high school or
1397 designated postsecondary site by a qualified teacher who is an
1398 employee of the school district and approved as an instructor by
1399 the collaborating college or university.

1400 (c) College or university-based courses taught at a
1401 college, university or high school by an instructor employed by

1402 the college or university and approved by the collaborating school
1403 district.

1404 (d) Online courses, including eligible courses offered
1405 by the Mississippi Virtual Public School or any postsecondary
1406 institution.

1407 (16) **Qualifications of dual credit instructors.** A dual
1408 credit academic instructor must have, at a minimum, a master's
1409 degree with at least eighteen (18) graduate semester hours in the
1410 instructor's field of expertise. University and community and
1411 junior college personnel have the sole authority in the selection
1412 of dual credit instructors.

1413 A dual credit career and technical education instructor must
1414 meet the requirements set forth by the State Board for Community
1415 and Junior Colleges in the qualifications manual for postsecondary
1416 career and technical personnel. University and community and
1417 junior college personnel have the sole authority in the selection
1418 of dual credit instructors.

1419 (17) **Guidance on local agreements.** The Chief Academic
1420 Officer of the State Board of Trustees of State Institutions of
1421 Higher Learning and the Chief Academic Officer of the State Board
1422 for Community and Junior Colleges, working collaboratively, shall
1423 develop a template to be used by the individual community and
1424 junior colleges and institutions of higher learning for consistent
1425 implementation of the dual enrollment program throughout the State
1426 of Mississippi.

1427 **SECTION 12.** The following shall be codified as Section
1428 37-15-39, Mississippi Code of 1972:

1429 37-15-39. (1) The purpose of this section is to ensure that
1430 each student has a sufficient education for success after high
1431 school and that all students have equal access to a substantive
1432 and rigorous curriculum that is designed to challenge their minds
1433 and enhance their knowledge skill.

1434 (2) The following words and phrases have the meanings
1435 ascribed in this section unless the context clearly requires
1436 otherwise:

1437 (a) "Advanced placement course" means any high school
1438 level preparatory course for a college advanced placement test
1439 that incorporates all topics specified by recognized advanced
1440 placement authorities on standards for a given subject area and
1441 is approved by recognized advanced placement authorities.

1442 (b) "Dual enrollment course" means a postsecondary
1443 level course offered by a state institution of higher learning or
1444 community or junior colleges, which, upon successful completion,
1445 qualifies for academic credit in both the postsecondary
1446 institution and public high school.

1447 (c) "Pre-advanced placement course" means a middle,
1448 junior high or high school level course that specifically prepares
1449 students to enroll and participate in an advanced placement
1450 course.

1451 (d) "Vertical team" means a group of educators from
1452 different grade levels in a given discipline working cooperatively
1453 to develop and implement a vertically aligned program aimed at
1454 helping students from diverse backgrounds acquire the academic
1455 skills necessary for success in the advanced placement program and
1456 other challenging course work.

1457 (e) "High concentration of low-income students" means,
1458 when used with respect to a public school or school district, a
1459 public school or school district that serves a student population
1460 with fifty percent (50%) or more being low-income individuals ages
1461 five (5) through seventeen (17) years from a low-income family on
1462 the basis of: data on children eligible for the free or
1463 reduced-price lunches under the National School Lunch Act; data on
1464 children in families receiving assistance under Part A of Title IV
1465 of the Social Security Act; data on children eligible to receive
1466 medical assistance under the Medicaid program under Title XIX of

1467 the Social Security Act; or an alternate method of identifying
1468 such children which combines or extrapolates that data.

1469 (3) The State Board of Education shall establish clear,
1470 specific and challenging training guidelines that require teachers
1471 of advanced placement courses and teachers of pre-advanced
1472 placement courses to obtain a recognized advanced placement
1473 authority endorsed training. A teacher of an advanced placement
1474 or pre-advanced placement course, or both, must obtain the
1475 appropriate training.

1476 (4) (a) In order to ensure that each student has a
1477 sufficient education for success after high school and that all
1478 students have equal access to a substantive and rigorous
1479 curriculum that is designed to challenge their minds and enhance
1480 their knowledge skill, school districts shall offer pre-advanced
1481 placement courses to prepare students for advanced placement
1482 course work.

1483 (b) Subject to appropriation, funding shall be made
1484 available for the 2007-2008 school year so that all sophomores in
1485 Mississippi's public schools may take an examination that measures
1486 the students' ability to succeed in an advanced placement course.
1487 The State Department of Education shall seek federal funding
1488 through the Advanced Placement Incentive Grant Program and other
1489 available funding for this purpose. Funding efforts must be
1490 focused with an intent to carry out advanced placement and
1491 pre-advanced placement activities in school districts targeted as
1492 serving a high concentration of low-income students.

1493 (c) The State Department of Education must approve all
1494 classes designated as pre-advanced placement courses. The
1495 department shall develop rules necessary for the implementation of
1496 advanced placement courses.

1497 (5) Beginning with the 2007-2008 school year, all school
1498 districts must offer at least one (1) advanced placement course in
1499 each of the four (4) core areas of math, English, science and

1500 social studies, for a total offering of no less than four (4)
1501 advanced placement courses. The use of the state's on-line
1502 Advanced Placement Instructional Program is an appropriate
1503 alternative for the delivery of advanced placement courses.

1504 Any public high school offering the International
1505 Baccalaureate Diploma Program is exempt from the requirements of
1506 this subsection. However, the school may participate in teacher
1507 training and program funding on the same basis as any high school
1508 offering advanced placement courses.

1509 **SECTION 13.** (1) There is established a commission to be
1510 known as the "Lifelong Learning Commission."

1511 (2) The commission shall consist of four (4) members, who
1512 shall serve ex officio, as follows:

1513 (a) The Governor of the State of Mississippi, who shall
1514 serve as chairman;

1515 (b) The State Superintendent of Public Education;

1516 (c) The Commissioner of the State Board for Community
1517 and Junior Colleges; and

1518 (d) The Commissioner of Higher Education.

1519 (3) The duties of the Lifelong Learning Commission shall
1520 include, but not necessarily be limited to, the following:

1521 (a) To assess the dropout crisis in Mississippi and
1522 recommend action steps to address it;

1523 (b) To create a set of common definitions for
1524 graduation and dropout rates which can be used to compare the
1525 commission's progress relative to other states;

1526 (c) To facilitate agreements that will make the
1527 Mississippi high school experience more meaningful;

1528 (d) To encourage more rigor and relevance in the high
1529 school experience;

1530 (e) To facilitate the transferability of education from
1531 secondary to postsecondary institutions;

1532 (f) To raise state awareness on the need for improving
1533 Mississippi's high schools;

1534 (g) To develop a series of best practices policy
1535 actions that state policymakers and legislators can implement to
1536 achieve system-wide high school reform; and

1537 (h) To convene town hall meetings around the state,
1538 when the commission determines necessary, where students,
1539 teachers, administrators and parents can discuss high school, the
1540 senior year and impediments to greater success.

1541 (4) The commission may prepare an annual report for the
1542 consideration of the Chairmen of the House and Senate Education
1543 and Universities and Colleges Committees pertaining to the
1544 information gathered in the performance of its duties.

1545 (5) The commission members shall meet at those times and
1546 places deemed necessary by the commission. The commission may use
1547 any available resources to fulfill its mission.

1548 **SECTION 14.** The following provision shall be codified as
1549 Section 37-3-95, Mississippi Code of 1972:

1550 37-3-95. The State Department of Education and the Board of
1551 Trustees of State Institutions of Higher Learning shall prepare
1552 jointly an annual report for the Legislature and Governor to be
1553 submitted before December 1 of each year beginning in 2006. The
1554 report shall be a compilation of existing data that may be used to
1555 create a rating system that measures the performance of the
1556 teacher education programs in the state.

1557 **SECTION 15.** The following provision shall be codified as
1558 Section 37-7-346, Mississippi Code of 1972:

1559 37-7-346. The State Department of Education and the Regional
1560 Education Service Agencies (RESAs) shall prepare jointly a report,
1561 to be submitted before December 15, 2006, for consideration of the
1562 Legislature and Governor, detailing the plans that shall be
1563 enacted by State Board of Education policy of how RESAs will work
1564 in partnership with the State Department of Education to increase

1565 their function as a local provider of educational services and
1566 purchasing consortia as provided in Section 37-7-345(6). These
1567 services must be prescribed by policies and standards of the State
1568 Department of Education and must include, but not necessarily be
1569 limited to, professional development, instructional materials,
1570 educational technology, curriculum development, alternative
1571 educational programs, purchasing cooperatives, insurance
1572 cooperatives, business manager services, auditing and accounting
1573 services, school safety/risk prevention, data processing and
1574 student records, communications/public information, employee
1575 background checks, grants management, printing/publications and
1576 internships.

1577 **SECTION 16.** The Department of Human Services shall establish
1578 the Mississippi Child Care Quality Step System by requiring the
1579 Office for Children and Youth of the Department of Human Services,
1580 the lead agency for the Child Care and Development Fund (CCDF), to
1581 develop and implement a pilot voluntary Quality Rating System
1582 (QRS). The purpose of the pilot system will be to improve the
1583 quality of all licensed early care and education and after school
1584 programs. The system is to be phased in over the next five (5)
1585 years beginning July 1, 2006, subject to appropriation. The QRS
1586 criteria will be the basis, at minimum, for the QRS, and shall
1587 address the following components: administrative policy,
1588 professional development, learning environment, and parental
1589 involvement and evaluation.

1590 In addition, the Office for Children and Youth shall develop
1591 and administer funds, based on appropriation, to create a Child
1592 Care Resource and Referral (CCR&R) statewide system in
1593 collaboration with community and junior colleges, universities,
1594 Mississippi Public Broadcasting, state agencies and/or nonprofit
1595 community entities. The CCR&R agencies shall provide training
1596 specific to the QRS criteria to enable early care and education
1597 program quality to improve as measured by the QRS system; and

1598 offer parent education information and training on what a quality
1599 early care and education program comprises and how to identify
1600 one. This program shall begin July 1, 2006, subject to
1601 appropriation.

1602 **SECTION 17.** The Office for Children and Youth of the
1603 Department of Human Services shall conduct a needs assessment to
1604 determine the need for an incentive program, which would allow
1605 participating early care and education programs in the Quality
1606 Rating System (QRS) access to funds to provide incentives to
1607 teachers/directors that make educational advancements that are
1608 listed in the QRS criteria. If determined to be feasible and
1609 depending on the availability of funds, guidelines for such an
1610 incentive program shall be developed by the Office for Children
1611 and Youth.

1612 **SECTION 18.** The State Board of Education shall develop a
1613 wellness curriculum for use by each school district and the board
1614 shall establish rules and regulations to be followed by the
1615 districts whereby the districts shall implement the curriculum.
1616 Such wellness curriculum shall include educating students about
1617 the value of exercise, proper diet and abstinence from use of
1618 tobacco and alcohol. The state board shall also adopt regulations
1619 for districts' compliance concerning what products may be sold in
1620 vending machines on campus and when they can be sold.

1621 **SECTION 19.** This act shall take effect and be in force from
1622 and after July 1, 2006, and shall stand repealed on June 30, 2009.