

By: Representative Warren

To: Education

## HOUSE BILL NO. 1

1 AN ACT TO REENACT THE VARIOUS CODE SECTIONS CREATED AND  
2 AMENDED BY THE MISSISSIPPI EDUCATION REFORM ACT OF 2006; TO  
3 REENACT SECTION 37-161-1, MISSISSIPPI CODE OF 1972, WHICH SETS  
4 FORTH LEGISLATIVE FINDINGS AND DETERMINATIONS RELATING TO PUBLIC  
5 EDUCATION IN MISSISSIPPI; TO REENACT SECTION 37-161-3, MISSISSIPPI  
6 CODE OF 1972, WHICH REQUIRES THE STATE BOARD OF EDUCATION TO  
7 ESTABLISH THE MISSISSIPPI VIRTUAL PUBLIC SCHOOL PROGRAM; TO  
8 REENACT SECTION 37-161-5, MISSISSIPPI CODE OF 1972, WHICH CREATES  
9 THE LIFELONG LEARNING COMMISSION TO STUDY THE RELEVANCE OF THE  
10 HIGH SCHOOL EXPERIENCE IN MISSISSIPPI; TO REENACT SECTION  
11 37-161-7, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE STATE BOARD  
12 OF EDUCATION TO DEVELOP A WELLNESS CURRICULUM FOR USE BY SCHOOL  
13 DISTRICTS; TO REENACT SECTION 37-19-7, MISSISSIPPI CODE OF 1972,  
14 WHICH PRESCRIBES THE SALARY SCALE FOR PUBLIC SCHOOL TEACHERS AND  
15 PROVIDES FOR SALARY SUPPLEMENTS FOR CERTAIN SCHOOL EMPLOYEES; TO  
16 REENACT SECTION 37-3-2, MISSISSIPPI CODE OF 1972, WHICH  
17 ESTABLISHES THE COMMISSION ON TEACHER AND ADMINISTRATOR EDUCATION,  
18 CERTIFICATION AND LICENSURE AND DEVELOPMENT WITHIN THE STATE  
19 DEPARTMENT OF EDUCATION AND PRESCRIBES THE LICENSURE REQUIREMENTS  
20 FOR TEACHERS AND ADMINISTRATORS IN MISSISSIPPI; TO REENACT SECTION  
21 37-61-33, MISSISSIPPI CODE OF 1972, WHICH CREATES THE EDUCATION  
22 ENHANCEMENT FUND AND PROVIDES FOR THE ANNUAL APPROPRIATION AND  
23 DISTRIBUTION OF MONIES IN THE FUND; TO REENACT SECTION 37-7-301.1,  
24 MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES LOCAL SCHOOL DISTRICTS  
25 TO EXERCISE HOME RULE WITH RESPECT TO CERTAIN MATTERS; TO REENACT  
26 SECTION 37-13-80, MISSISSIPPI CODE OF 1972, WHICH CREATES THE  
27 OFFICE OF DROPOUT PREVENTION WITHIN THE STATE DEPARTMENT OF  
28 EDUCATION; TO REENACT SECTION 37-13-81, MISSISSIPPI CODE OF 1972,  
29 WHICH CREATES THE OFFICE OF COMPULSORY SCHOOL ATTENDANCE  
30 ENFORCEMENT WITHIN THE OFFICE OF DROPOUT PREVENTION; TO REENACT  
31 SECTION 37-13-83, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE  
32 STATE SUPERINTENDENT OF PUBLIC EDUCATION TO APPOINT A DIRECTOR FOR  
33 THE OFFICE OF COMPULSORY SCHOOL ATTENDANCE ENFORCEMENT; TO REENACT  
34 SECTION 37-9-18, MISSISSIPPI CODE OF 1972, WHICH REQUIRES SCHOOL  
35 DISTRICT SUPERINTENDENTS TO FURNISH FINANCIAL STATEMENTS TO THEIR  
36 RESPECTIVE SCHOOL BOARDS AND AUTHORIZES THE STATE AUDITOR TO AUDIT  
37 SCHOOL DISTRICTS' FINANCIAL RECORDS; TO REENACT SECTION 37-15-38,  
38 MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES LOCAL SCHOOL DISTRICTS,  
39 THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING AND  
40 THE STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES TO ESTABLISH  
41 DUAL ENROLLMENT PROGRAMS ALLOWING CERTAIN HIGH SCHOOL STUDENTS TO  
42 ENROLL IN POSTSECONDARY STATE INSTITUTIONS; TO REENACT SECTION  
43 37-15-39, MISSISSIPPI CODE OF 1972, WHICH REQUIRES SCHOOL  
44 DISTRICTS TO OFFER PRE-ADVANCED PLACEMENT AND ADVANCED PLACEMENT  
45 COURSES; TO REENACT SECTION 37-3-97, MISSISSIPPI CODE OF 1972,  
46 WHICH REQUIRES THE STATE DEPARTMENT OF EDUCATION AND THE BOARD OF



47 TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING TO JOINTLY  
48 PREPARE AN ANNUAL REPORT TO THE LEGISLATURE ON STATE TEACHER  
49 EDUCATION PROGRAMS; TO REENACT SECTION 37-7-346, MISSISSIPPI CODE  
50 OF 1972, WHICH REQUIRES THE STATE DEPARTMENT OF EDUCATION AND THE  
51 REGIONAL EDUCATION SERVICE AREAS TO JOINTLY DEVELOP A PLAN FOR  
52 INCREASING THE DUTIES AND RESPONSIBILITIES OF THE AGENCIES; TO  
53 REENACT SECTION 43-1-65, MISSISSIPPI CODE OF 1972, WHICH REQUIRES  
54 THE DEPARTMENT OF HUMAN SERVICES TO ESTABLISH THE MISSISSIPPI  
55 CHILD CARE QUALITY STEP SYSTEM BY DEVELOPING AND IMPLEMENTING A  
56 PILOT VOLUNTARY QUALITY RATING SYSTEM (QRS) FOR THE PURPOSE OF  
57 IMPROVING THE QUALITY OF LICENSED EARLY CARE AND EDUCATION AND  
58 AFTER SCHOOL PROGRAMS; TO REENACT SECTION 43-1-67, MISSISSIPPI  
59 CODE OF 1972, WHICH REQUIRES THE OFFICE FOR CHILDREN AND YOUTH OF  
60 THE DEPARTMENT OF HUMAN SERVICES TO CONDUCT A NEEDS ASSESSMENT TO  
61 DETERMINE THE NEED FOR INCENTIVES FOR CERTAIN TEACHERS AND  
62 DIRECTORS WHO MAKE EDUCATIONAL ADVANCEMENTS LISTED IN THE QRS  
63 CRITERIA; TO AMEND SECTION 19, CHAPTER 504, LAWS OF 2006, TO  
64 DELETE THE REPEALER ON THE MISSISSIPPI EDUCATION REFORM ACT OF  
65 2006; AND FOR RELATED PURPOSES.

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

67 **SECTION 1.** Section 37-161-1, Mississippi Code of 1972, is  
68 reenacted as follows:

69 37-161-1. (1) This act [Laws of 2006, Chapter 504] shall be  
70 known and may be referred to as the "Mississippi Education Reform  
71 Act of 2006."

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

77 **SECTION 2.** Section 37-161-3, Mississippi Code of 1972, is  
78 reenacted as follows:

79 37-161-3. (1) The Legislature finds and declares the  
80 following:

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

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



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

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

94 (2) There is created the Mississippi Virtual Public School  
95 Program, which is the responsibility of the State Department of  
96 Education. It is the intent of the Legislature that the  
97 Mississippi Virtual Public School established under this section  
98 provide Mississippi families with an alternative choice to access  
99 additional educational resources in an effort to improve academic  
100 achievement. The Mississippi Virtual Public School must be  
101 recognized as a public school and provide equitable treatment and  
102 resources as are other public schools in the state. Private  
103 providers, overseen by the State Department of Education, may be  
104 selected by the State Board of Education to operate virtual school  
105 programs in this state.

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

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

113 (a) "Mississippi Virtual Public School" means a public  
114 school in which the state uses technology in order to deliver  
115 instruction to students via the Internet in a virtual or remote  
116 setting.

117 (b) "Sponsor" means the public school district is  
118 responsible for the academic process for each student, including,



119 but not limited to, enrollment, awarding of credit and monitoring  
120 progress.

121 (5) (a) The State Board of Education shall establish the  
122 Mississippi Virtual Public School beginning in school year  
123 2006-2007.

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

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

128 (a) The accountability and viability of the Mississippi  
129 Virtual Public School, as demonstrated by its academic, fiscal and  
130 operational performance.

131 (b) The access of each student in the Mississippi  
132 Virtual Public School to a sequential curriculum that meets or  
133 exceeds the state's academic standards and which has an  
134 interactive program with significant on-line components.

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

139 (7) Subject to appropriation, the Mississippi Virtual Public  
140 School shall provide to each student enrolled in the school all  
141 necessary instructional materials. Subject to appropriation, the  
142 sponsored school must ensure that each student is provided access  
143 to the necessary technology, such as a computer and printer, and  
144 to an Internet connection for school work purposes.

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

148 (9) Each teacher employed by or participating in the  
149 delivery of instruction through the Mississippi Virtual Public  
150 School must meet all qualifications for licensure in the State of  
151 Mississippi.



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

154 (11) Enrollment in the Mississippi Virtual Public School  
155 must be free of charge to students. The costs associated with the  
156 operations of the virtual school must be shared by the State  
157 Department of Education, subject to appropriation, and/or the  
158 local school districts.

159 **SECTION 3.** Section 37-161-5, Mississippi Code of 1972, is  
160 reenacted as follows:

161 37-161-5. (1) There is established a commission to be known  
162 as the "Lifelong Learning Commission."

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

- 165 (a) The Governor of the State of Mississippi, who shall  
166 serve as chairman;
- 167 (b) The State Superintendent of Public Education;
- 168 (c) The Commissioner of the State Board for Community  
169 and Junior Colleges; and
- 170 (d) The Commissioner of Higher Education.

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

- 173 (a) To assess the dropout crisis in Mississippi and  
174 recommend action steps to address it;
- 175 (b) To create a set of common definitions for  
176 graduation and dropout rates which can be used to compare the  
177 commission's progress relative to other states;
- 178 (c) To facilitate agreements that will make the  
179 Mississippi high school experience more meaningful;
- 180 (d) To encourage more rigor and relevance in the high  
181 school experience;
- 182 (e) To facilitate the transferability of education from  
183 secondary to postsecondary institutions;



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

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

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

193 (4) The commission may prepare an annual report for the  
194 consideration of the Chairmen of the House and Senate Education  
195 and Universities and Colleges Committees pertaining to the  
196 information gathered in the performance of its duties.

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

200 **SECTION 4.** Section 37-161-7, Mississippi Code of 1972, is  
201 reenacted as follows:

202 37-161-7. The State Board of Education shall develop a  
203 wellness curriculum for use by each school district and the board  
204 shall establish rules and regulations to be followed by the  
205 districts whereby the districts shall implement the curriculum.  
206 Such wellness curriculum shall include educating students about  
207 the value of exercise, proper diet and abstinence from use of  
208 tobacco and alcohol. The state board shall also adopt regulations  
209 for districts' compliance concerning what products may be sold in  
210 vending machines on campus and when they can be sold.

211 **SECTION 5.** Section 37-19-7, Mississippi Code of 1972, is  
212 reenacted as follows:

213 37-19-7. (1) This section shall be known and may be cited  
214 as the Mississippi "Teacher Opportunity Program (TOP)." The  
215 allowance in the Mississippi Adequate Education Program for  
216 teachers' salaries in each county and separate school district



217 shall be determined and paid in accordance with the scale for  
218 teachers' salaries as provided in this subsection. For teachers  
219 holding the following types of licenses or the equivalent as  
220 determined by the State Board of Education, and the following  
221 number of years of teaching experience, the scale shall be as  
222 follows:

223 **2007-2008 School Year and School Years Thereafter**

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

225	AAAA.....	\$ 35,020.00
226	AAA.....	33,990.00
227	AA.....	32,960.00
228	A.....	30,900.00

229 **25 or More Years of Teaching Experience**

230	AAAA.....	\$ 37,080.00
231	AAA.....	36,050.00
232	AA.....	35,020.00
233	A.....	32,960.00

234 The State Board of Education shall revise the salary scale  
235 prescribed above for the 2007-2008 school year to conform to any  
236 adjustments made to the salary scale in prior fiscal years due to  
237 revenue growth over and above five percent (5%). For each one  
238 percent (1%) that the Sine Die General Fund Revenue Estimate  
239 Growth exceeds five percent (5%) for fiscal year 2006, as  
240 certified by the Legislative Budget Office to the State Board of  
241 Education and subject to specific appropriation therefor by the  
242 Legislature, the State Board of Education shall revise the salary  
243 scale to provide an additional one percent (1%) across-the-board  
244 increase in the base salaries for each type of license.

245 It is the intent of the Legislature that any state funds made  
246 available for salaries of licensed personnel in excess of the  
247 funds paid for such salaries for the 1986-1987 school year shall  
248 be paid to licensed personnel pursuant to a personnel appraisal  
249 and compensation system implemented by the State Board of



250 Education. The State Board of Education shall have the authority  
251 to adopt and amend rules and regulations as are necessary to  
252 establish, administer and maintain the system.

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

264 **2008-2009 School Year**

265 **Annual Increments**

266 For teachers holding a Class AAAA license, the minimum base  
267 pay specified in this subsection shall be increased by the sum of  
268 Seven Hundred Ninety-four Dollars (\$794.00) for each year of  
269 teaching experience possessed by the person holding such license  
270 until such person shall have twenty-five (25) years of teaching  
271 experience, and shall be increased by Three Hundred Ninety-seven  
272 Dollars (\$397.00) for each year of teaching experience over  
273 twenty-five (25) years up to thirty-five (35) years.

274 For teachers holding a Class AAA license, the minimum base  
275 pay specified in this subsection shall be increased by the sum of  
276 Seven Hundred Twenty-seven Dollars (\$727.00) for each year of  
277 teaching experience possessed by the person holding such license  
278 until such person shall have twenty-five (25) years of teaching  
279 experience, and shall be increased by Three Hundred Sixty-four  
280 Dollars (\$364.00) for each year of teaching experience over  
281 twenty-five (25) years up to thirty-five (35) years.





282 For teachers holding a Class AA license, the minimum base pay  
283 specified in this subsection shall be increased by the sum of Six  
284 Hundred Sixty Dollars (\$660.00) for each year of teaching  
285 experience possessed by the person holding such license until such  
286 person shall have twenty-five (25) years of teaching experience,  
287 and shall be increased by Three Hundred Thirty Dollars (\$330.00)  
288 for each year of teaching experience over twenty-five (25) years  
289 up to thirty-five (35) years.

290 For teachers holding a Class A license, the minimum base pay  
291 specified in this subsection shall be increased by the sum of Four  
292 Hundred Ninety-five Dollars (\$495.00) for each year of teaching  
293 experience possessed by the person holding such license until such  
294 person shall have twenty-four (24) years of teaching experience,  
295 and shall be increased by Two Hundred Forty-eight Dollars  
296 (\$248.00) for each year of teaching experience over twenty-four  
297 (24) years up to thirty-five (35) years.

298 **2009-2010 School Year**

299 **Annual Increments**

300 For teachers holding a Class AAAA license, the minimum base  
301 pay specified in this subsection shall be increased by the sum of  
302 Seven Hundred Ninety-four Dollars (\$794.00) for each year of  
303 teaching experience possessed by the person holding such license  
304 until such person shall have thirty-five (35) years of teaching  
305 experience.

306 For teachers holding a Class AAA license, the minimum base  
307 pay specified in this subsection shall be increased by the sum of  
308 Seven Hundred Twenty-seven Dollars (\$727.00) for each year of  
309 teaching experience possessed by the person holding such license  
310 until such person shall have thirty-five (35) years of teaching  
311 experience.

312 For teachers holding a Class AA license, the minimum base pay  
313 specified in this subsection shall be increased by the sum of Six  
314 Hundred Sixty Dollars (\$660.00) for each year of teaching



315 experience possessed by the person holding such license until such  
316 person shall have thirty-five (35) years of teaching experience.

317 For teachers holding a Class A license, the minimum base pay  
318 specified in this subsection shall be increased by the sum of Four  
319 Hundred Ninety-five Dollars (\$495.00) for each year of teaching  
320 experience possessed by the person holding such license until such  
321 person shall have thirty-five (35) years of teaching experience.

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

327 (2) (a) The following employees shall receive an annual  
328 salary supplement in the amount of Six Thousand Dollars  
329 (\$6,000.00), plus fringe benefits, in addition to any other  
330 compensation to which the employee may be entitled:

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

343 (ii) A licensed nurse who has met the requirements  
344 and acquired a certificate from the National Board for  
345 Certification of School Nurses, Inc., and who is employed by a  
346 local school board or the State Board of Education as a school  
347 nurse and not as an administrator. The licensed school nurse



348 shall submit documentation to the State Department of Education  
349 that the certificate was received before October 15 in order to be  
350 eligible for the full salary supplement in the current school  
351 year, or the licensed school nurse shall submit the documentation  
352 to the State Department of Education before February 15 in order  
353 to be eligible for a prorated salary supplement beginning with the  
354 second term of the school year. Provided, however, that the total  
355 number of licensed school nurses eligible for a salary supplement  
356 under this paragraph (ii) shall not exceed thirty (30).

357 (iii) Any licensed school counselor who has met  
358 the requirements and acquired a National Certified School  
359 Counselor (NCSC) endorsement from the National Board of Certified  
360 Counselors and who is employed by a local school board or the  
361 State Board of Education as a counselor and not as an  
362 administrator. Such licensed school counselor shall submit  
363 documentation to the State Department of Education that the  
364 endorsement was received prior to October 15 in order to be  
365 eligible for the full salary supplement in the current school  
366 year, or the licensed school counselor shall submit such  
367 documentation to the State Department of Education prior to  
368 February 15 in order to be eligible for a prorated salary  
369 supplement beginning with the second term of the school year.  
370 However, any school counselor who started the National Board for  
371 Professional Teaching Standards process for school counselors  
372 between June 1, 2003, and June 30, 2004, and completes the  
373 requirements and acquires the Master Teacher certificate shall be  
374 entitled to the master teacher supplement, and those counselors  
375 who complete the process shall be entitled to a one-time  
376 reimbursement for the actual cost of the process as outlined in  
377 paragraph (b) of this subsection.

378 (iv) Any licensed speech-language pathologist and  
379 audiologist who has met the requirements and acquired a  
380 Certificate of Clinical Competence from the American



381 Speech-Language-Hearing Association and who is employed by a local  
382 school board or is employed by a state agency under the State  
383 Personnel Board. Such licensed speech-language pathologist and  
384 audiologist shall submit documentation to the State Department of  
385 Education that the certificate or endorsement was received prior  
386 to October 15 in order to be eligible for the full salary  
387 supplement in the current school year, or the licensed  
388 speech-language pathologist and audiologist shall submit such  
389 documentation to the State Department of Education prior to  
390 February 15 in order to be eligible for a prorated salary  
391 supplement beginning with the second term of the school year.

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

410 (c) All salary supplements, fringe benefits and process  
411 reimbursement authorized under this subsection shall be paid  
412 directly by the State Department of Education to the local school  
413 district and shall be in addition to its minimum education program



414 allotments and not a part thereof in accordance with regulations  
415 promulgated by the State Board of Education, and subject to  
416 appropriation by the Legislature. Local school districts shall  
417 not reduce the local supplement paid to any employee receiving  
418 such salary supplement, and the employee shall receive any local  
419 supplement to which employees with similar training and experience  
420 otherwise are entitled.

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

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

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

444 (4) (a) This section shall be known and may be cited as the  
445 "Mississippi Performance Based Pay (MPBP)" plan. In addition to  
446 the minimum base pay described in this section, only after full



447 funding of MAEP and if funds are available for that purpose, the  
448 State of Mississippi may provide monies from state funds to school  
449 districts for the purposes of rewarding certified teachers,  
450 administrators and nonlicensed personnel at individual schools  
451 showing improvement in student test scores. The MPBP plan shall  
452 be developed by the State Department of Education based on the  
453 following criteria:

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

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

469 (iii) To ensure all teachers cooperate in the  
470 spirit of teamwork, individual schools shall submit a plan to the  
471 local school district to be approved before the beginning of each  
472 school year beginning July 1, 2008. The plan shall include, but  
473 not be limited to, how all teachers, regardless of subject area,  
474 and administrators will be responsible for improving student  
475 achievement for their individual school.

476 (b) The State Board of Education shall develop the  
477 processes and procedures for designating schools eligible to  
478 participate in the MPBP. State assessment results, growth in  
479 student achievement at individual schools and other measures



480 deemed appropriate in designating successful student achievement  
481 shall be used in establishing MPBP criteria. The State Board of  
482 Education shall develop the MPBP policies and procedures and  
483 report to the Legislature and Governor by December 1, 2006.

484 (5) (a) Beginning in the 2008-2009 school year, if funds  
485 are available for that purpose, each school in Mississippi shall  
486 have mentor teachers, as defined by Sections 37-9-201 through  
487 37-9-213, who shall receive additional base compensation provided  
488 for by the State Legislature in the amount of One Thousand Dollars  
489 (\$1,000.00) per each beginning teacher that is being mentored.  
490 The additional state compensation shall be limited to those mentor  
491 teachers that provide mentoring services to beginning teachers.  
492 For the purposes of such funding, a beginning teacher shall be  
493 defined as any teacher in any school in Mississippi that has less  
494 than one (1) year of classroom experience teaching in a public  
495 school. For the purposes of such funding, no full-time academic  
496 teacher shall mentor more than two (2) beginning teachers. The  
497 State Department of Education shall annually provide to the  
498 Legislature, no later than January 2, the number of beginning  
499 teachers in each school in Mississippi as defined in this  
500 subsection.

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

504 **SECTION 6.** Section 37-3-2, Mississippi Code of 1972, is  
505 reenacted as follows:

506 37-3-2. (1) There is established within the State  
507 Department of Education the Commission on Teacher and  
508 Administrator Education, Certification and Licensure and  
509 Development. It shall be the purpose and duty of the commission  
510 to make recommendations to the State Board of Education regarding  
511 standards for the certification and licensure and continuing



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

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

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

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





545 and coordinator for the commission. No less than two (2) other  
546 appropriate staff members of the State Department of Education  
547 shall be designated and assigned by the State Superintendent of  
548 Public Education to serve on the staff of the commission.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

596 (i) An application on a department form;

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

600 Licensure to teach in Mississippi prekindergarten through  
601 kindergarten classrooms shall require completion of a teacher  
602 education program or a bachelor of science degree with child  
603 development emphasis from a program accredited by the American  
604 Association of Family and Consumer Sciences (AAFCS) or by the  
605 National Association for Education of Young Children (NAEYC) or by  
606 the National Council for Accreditation of Teacher Education  
607 (NCATE). Licensure to teach in Mississippi kindergarten, for  
608 those applicants who have completed a teacher education program,  
609 and in Grade 1 through Grade 4 shall require the completion of an



610 interdisciplinary program of studies. Licenses for Grades 4  
611 through 8 shall require the completion of an interdisciplinary  
612 program of studies with two (2) or more areas of concentration.  
613 Licensure to teach in Mississippi Grades 7 through 12 shall  
614 require a major in an academic field other than education, or a  
615 combination of disciplines other than education. Students  
616 preparing to teach a subject shall complete a major in the  
617 respective subject discipline. All applicants for standard  
618 licensure shall demonstrate that such person's college preparation  
619 in those fields was in accordance with the standards set forth by  
620 the National Council for Accreditation of Teacher Education  
621 (NCATE) or the National Association of State Directors of Teacher  
622 Education and Certification (NASDTEC) or, for those applicants who  
623 have a bachelor of science degree with child development emphasis,  
624 the American Association of Family and Consumer Sciences (AAFCS);  
625 (iii) A copy of test scores evidencing  
626 satisfactory completion of nationally administered examinations of  
627 achievement, such as the Educational Testing Service's teacher  
628 testing examinations; and  
629 (iv) Any other document required by the State  
630 Board of Education.

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



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

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

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



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

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

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

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



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

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

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

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

734 A Standard License - Approved Program Route shall be issued  
735 for a five-year period, and may be renewed. Recognizing teaching  
736 as a profession, a hiring preference shall be granted to persons  
737 holding a Standard License - Approved Program Route or Standard



738 License - Nontraditional Teaching Route over persons holding any  
739 other license.

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

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

759           (e) **Nonlicensed Teaching Personnel.** A nonlicensed  
760 person may teach for a maximum of three (3) periods per teaching  
761 day in a public school or a nonpublic school accredited/approved  
762 by the state. Such person shall submit to the department a  
763 transcript or record of his education and experience which  
764 substantiates his preparation for the subject to be taught and  
765 shall meet other qualifications specified by the commission and  
766 approved by the State Board of Education. In no case shall any  
767 local school board hire nonlicensed personnel as authorized under  
768 this paragraph in excess of five percent (5%) of the total number  
769 of licensed personnel in any single school.



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

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





802 in paragraph (e) relating to the employment of nonlicensed  
803 teaching personnel.

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

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

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

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

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

827 (d) **Administrator License - Nontraditional Route.** The  
828 board may establish a nontraditional route for licensing  
829 administrative personnel. Such nontraditional route for  
830 administrative licensure shall be available for persons holding,  
831 but not limited to, a master of business administration degree, a  
832 master of public administration degree, a master of public  
833 planning and policy degree or a doctor of jurisprudence degree  
834 from an accredited college or university, with five (5) years of



835 administrative or supervisory experience. Successful completion  
836 of the requirements of alternate route licensure for  
837 administrators shall qualify the person for a standard  
838 administrator license.

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

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

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



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

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

887 (10) All controversies involving the issuance, revocation,  
888 suspension or any change whatsoever in the licensure of an  
889 educator required to hold a license shall be initially heard in a  
890 hearing de novo, by the commission or by a subcommittee  
891 established by the commission and composed of commission members  
892 for the purpose of holding hearings. Any complaint seeking the  
893 denial of issuance, revocation or suspension of a license shall be  
894 by sworn affidavit filed with the Commission of Teacher and  
895 Administrator Education, Certification and Licensure and  
896 Development. The decision thereon by the commission or its  
897 subcommittee shall be final, unless the aggrieved party shall  
898 appeal to the State Board of Education, within ten (10) days, of  
899 the decision of the committee or its subcommittee. An appeal to



900 the State Board of Education shall be on the record previously  
901 made before the commission or its subcommittee unless otherwise  
902 provided by rules and regulations adopted by the board. The State  
903 Board of Education in its authority may reverse, or remand with  
904 instructions, the decision of the committee or its subcommittee.  
905 The decision of the State Board of Education shall be final.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



965 recommending any of the above penalties without the necessity of a  
966 hearing. However, any such license which has voluntarily been  
967 surrendered by a licensed employee may only be reinstated by a  
968 majority vote of all members of the commission present at the  
969 meeting called for such purpose.

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

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



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

999 (16) An appeal from the action of the State Board of  
1000 Education in denying an application, revoking or suspending a  
1001 license or otherwise disciplining any person under the provisions  
1002 of this section shall be filed in the Chancery Court of the First  
1003 Judicial District of Hinds County on the record made, including a  
1004 verbatim transcript of the testimony at the hearing. The appeal  
1005 shall be filed within thirty (30) days after notification of the  
1006 action of the board is mailed or served and the proceedings in  
1007 chancery court shall be conducted as other matters coming before  
1008 the court. The appeal shall be perfected upon filing notice of  
1009 the appeal and by the prepayment of all costs, including the cost  
1010 of preparation of the record of the proceedings by the State Board  
1011 of Education, and the filing of a bond in the sum of Two Hundred  
1012 Dollars (\$200.00) conditioned that if the action of the board be  
1013 affirmed by the chancery court, the applicant or license holder  
1014 shall pay the costs of the appeal and the action of the chancery  
1015 court.

1016 (17) All such programs, rules, regulations, standards and  
1017 criteria recommended or authorized by the commission shall become  
1018 effective upon approval by the State Board of Education as  
1019 designated by appropriate orders entered upon the minutes thereof.

1020 (18) The granting of a license shall not be deemed a  
1021 property right nor a guarantee of employment in any public school  
1022 district. A license is a privilege indicating minimal eligibility  
1023 for teaching in the public schools of Mississippi. This section  
1024 shall in no way alter or abridge the authority of local school  
1025 districts to require greater qualifications or standards of  
1026 performance as a prerequisite of initial or continued employment  
1027 in such districts.

1028 (19) In addition to the reasons specified in subsections  
1029 (12) and (13) of this section, the board shall be authorized to



1030 suspend the license of any licensee for being out of compliance  
1031 with an order for support, as defined in Section 93-11-153. The  
1032 procedure for suspension of a license for being out of compliance  
1033 with an order for support, and the procedure for the reissuance or  
1034 reinstatement of a license suspended for that purpose, and the  
1035 payment of any fees for the reissuance or reinstatement of a  
1036 license suspended for that purpose, shall be governed by Section  
1037 93-11-157 or 93-11-163, as the case may be. Actions taken by the  
1038 board in suspending a license when required by Section 93-11-157  
1039 or 93-11-163 are not actions from which an appeal may be taken  
1040 under this section. Any appeal of a license suspension that is  
1041 required by Section 93-11-157 or 93-11-163 shall be taken in  
1042 accordance with the appeal procedure specified in Section  
1043 93-11-157 or 93-11-163, as the case may be, rather than the  
1044 procedure specified in this section. If there is any conflict  
1045 between any provision of Section 93-11-157 or 93-11-163 and any  
1046 provision of this chapter, the provisions of Section 93-11-157 or  
1047 93-11-163, as the case may be, shall control.

1048       **SECTION 7.** Section 37-61-33, Mississippi Code of 1972, is  
1049 reenacted as follows:

1050       37-61-33. (1) There is created within the State Treasury a  
1051 special fund to be designated the "Education Enhancement Fund"  
1052 into which shall be deposited all the revenues collected pursuant  
1053 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

1054       (2) Of the amount deposited into the Education Enhancement  
1055 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be  
1056 appropriated each fiscal year to the State Department of Education  
1057 to be distributed to all school districts. Such money shall be  
1058 distributed to all school districts in the proportion that the  
1059 average daily attendance of each school district bears to the  
1060 average daily attendance of all school districts within the state  
1061 for the following purposes:





1062           (a) Purchasing, erecting, repairing, equipping,  
1063 remodeling and enlarging school buildings and related facilities,  
1064 including gymnasiums, auditoriums, lunchrooms, vocational training  
1065 buildings, libraries, teachers' homes, school barns,  
1066 transportation vehicles (which shall include new and used  
1067 transportation vehicles) and garages for transportation vehicles,  
1068 and purchasing land therefor.

1069           (b) Establishing and equipping school athletic fields  
1070 and necessary facilities connected therewith, and purchasing land  
1071 therefor.

1072           (c) Providing necessary water, light, heating, air  
1073 conditioning and sewerage facilities for school buildings, and  
1074 purchasing land therefor.

1075           (d) As a pledge to pay all or a portion of the debt  
1076 service on debt issued by the school district under Sections  
1077 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351  
1078 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302  
1079 and 37-41-81, or debt issued by boards of supervisors for  
1080 agricultural high schools pursuant to Section 37-27-65, if such  
1081 pledge is accomplished pursuant to a written contract or  
1082 resolution approved and spread upon the minutes of an official  
1083 meeting of the district's school board or board of supervisors.  
1084 The annual grant to such district in any subsequent year during  
1085 the term of the resolution or contract shall not be reduced below  
1086 an amount equal to the district's grant amount for the year in  
1087 which the contract or resolution was adopted. The intent of this  
1088 provision is to allow school districts to irrevocably pledge a  
1089 certain, constant stream of revenue as security for long-term  
1090 obligations issued under the code sections enumerated in this  
1091 paragraph or as otherwise allowed by law. It is the intent of the  
1092 Legislature that the provisions of this paragraph shall be  
1093 cumulative and supplemental to any existing funding programs or  
1094 other authority conferred upon school districts or school boards.



1095 Debt of a district secured by a pledge of sales tax revenue  
1096 pursuant to this paragraph shall not be subject to any debt  
1097 limitation contained in the foregoing enumerated code sections.

1098 (3) The remainder of the money deposited into the Education  
1099 Enhancement Fund shall be appropriated as follows:

1100 (a) To the State Department of Education as follows:

1101 (i) Sixteen and sixty-one one-hundredths percent  
1102 (16.61%) to the cost of the adequate education program determined  
1103 under Section 37-151-7; of the funds generated by the percentage  
1104 set forth in this section for the support of the adequate  
1105 education program, one and one hundred seventy-eight  
1106 one-thousandths percent (1.178%) of the funds shall be  
1107 appropriated to be used by the State Department of Education for  
1108 the purchase of textbooks to be loaned under Sections 37-43-1  
1109 through 37-43-59 to approved nonpublic schools, as described in  
1110 Section 37-43-1. The funds to be distributed to each nonpublic  
1111 school shall be in the proportion that the average daily  
1112 attendance of each nonpublic school bears to the total average  
1113 daily attendance of all nonpublic schools;

1114 (ii) Seven and ninety-seven one-hundredths percent  
1115 (7.97%) to assist the funding of transportation operations and  
1116 maintenance pursuant to Section 37-19-23; and

1117 (iii) Nine and sixty-one one-hundredths percent  
1118 (9.61%) for classroom supplies, instructional materials and  
1119 equipment, including computers and computer software, to be  
1120 distributed to all school districts in the proportion that the  
1121 average daily attendance of each school district bears to the  
1122 average daily attendance of all school districts within the state.  
1123 Classroom supply funds shall not be expended for administrative  
1124 purposes. Local school districts shall allocate classroom supply  
1125 funds equally among all classroom teachers in the school district.  
1126 For purposes of this subparagraph, "teacher" means any employee of  
1127 the school board of a school district who is required by law to



1128 obtain a teacher's license from the State Department of Education  
1129 and who is assigned to an instructional area of work as defined by  
1130 the department, but shall not include a federally funded teacher.  
1131 Two (2) or more teachers may agree to pool their classroom supply  
1132 funds for the benefit of a school within the district. It is the  
1133 intent of the Legislature that all classroom teachers shall be  
1134 involved in the development of a spending plan that addresses  
1135 individual classroom needs and supports the overall goals of the  
1136 school regarding supplies, instructional materials, equipment,  
1137 computers or computer software under the provisions of this  
1138 subparagraph, including the type, quantity and quality of such  
1139 supplies, materials and equipment. This plan shall be submitted  
1140 in writing to the school principal for approval. Classroom supply  
1141 funds allocated under this subparagraph shall supplement, not  
1142 replace, other local and state funds available for the same  
1143 purposes. School districts need not fully expend the funds  
1144 received under this subparagraph in the year in which they are  
1145 received, but such funds may be carried forward for expenditure in  
1146 any succeeding school year. Any individual teacher or group of  
1147 teachers with an approved spending plan that has not been fully  
1148 funded need not expend the funds allocated under this subparagraph  
1149 in the year in which such funds are received. Such funds may be  
1150 carried forward for expenditure in any subsequent school year in  
1151 which the plan is fully funded. However, beginning July 1, 2006,  
1152 any funds allocated under this subparagraph which are not reserved  
1153 in an approved spending plan but remain unspent on March 31 of the  
1154 fiscal year in which the funds were allotted must be utilized by  
1155 the school where the teacher is employed for instructional supply  
1156 and equipment purposes. The State Board of Education shall  
1157 develop and promulgate rules and regulations for the  
1158 administration of this subparagraph consistent with the above  
1159 criteria, with particular emphasis on allowing the individual  
1160 teachers to expend funds as they deem appropriate;



1161           (b) Twenty-two and nine one-hundredths percent (22.09%)  
1162 to the Board of Trustees of State Institutions of Higher Learning  
1163 for the purpose of supporting institutions of higher learning; and

1164           (c) Fourteen and forty-one one-hundredths percent  
1165 (14.41%) to the State Board for Community and Junior Colleges for  
1166 the purpose of providing support to community and junior colleges.

1167           (4) The amount remaining in the Education Enhancement Fund  
1168 after funds are distributed as provided in subsections (2) and (3)  
1169 of this section shall be disbursed as follows:

1170           (a) Twenty-five Million Dollars (\$25,000,000.00) shall  
1171 be deposited into the Working Cash-Stabilization Reserve Fund  
1172 created pursuant to Section 27-103-203(1), until the balance in  
1173 such fund reaches the maximum balance of seven and one-half  
1174 percent (7-1/2%) of the General Fund appropriations in the  
1175 appropriate fiscal year. After the maximum balance in the Working  
1176 Cash-Stabilization Reserve Fund is reached, such money shall  
1177 remain in the Education Enhancement Fund to be appropriated in the  
1178 manner provided for in paragraph (b) of this subsection.

1179           (b) The remainder shall be appropriated for other  
1180 educational needs.

1181           (5) None of the funds appropriated pursuant to subsection  
1182 (3) (a) of this section shall be used to reduce the state's General  
1183 Fund appropriation for the categories listed in an amount below  
1184 the following amounts:

1185           (a) For subsection (3) (a) (ii) of this section,  
1186 Thirty-six Million Seven Hundred Thousand Dollars  
1187 (\$36,700,000.00);

1188           (b) For the aggregate of minimum program allotments in  
1189 the 1997 fiscal year, formerly provided for in Chapter 19, Title  
1190 37, Mississippi Code of 1972, as amended, excluding those funds  
1191 for transportation as provided for in subsection (5) (a) in this  
1192 section.



1193           **SECTION 8.** Section 37-7-301.1, Mississippi Code of 1972, is  
1194 reenacted as follows:

1195           37-7-301.1. The school board of a school district may adopt  
1196 any orders, resolutions or ordinances with respect to school  
1197 district affairs, property and finances which are not inconsistent  
1198 with the Mississippi Constitution of 1890, the Mississippi Code of  
1199 1972, or any other statute or law of the State of Mississippi.  
1200 Except as otherwise provided in this section, the powers granted  
1201 to the school boards in this section are complete without the  
1202 existence of or reference to any specific authority granted in any  
1203 other statute or law of the State of Mississippi. Unless such  
1204 actions are specifically authorized by another statute or law of  
1205 the State of Mississippi, this section shall not authorize a  
1206 school board to: (a) levy taxes of any kind or increase the levy  
1207 of any authorized tax; (b) issue bonds of any kind; or (c) enter  
1208 into collective bargaining agreements.

1209           **SECTION 9.** Section 37-13-80, Mississippi Code of 1972, is  
1210 reenacted as follows:

1211           37-13-80. (1) There is created the Office of Dropout  
1212 Prevention within the State Department of Education. The office  
1213 shall be responsible for the administration of a statewide dropout  
1214 prevention program and the Office of Compulsory School Attendance  
1215 Enforcement.

1216           (2) The State Superintendent of Public Education shall  
1217 appoint a director for the Office of Dropout Prevention, who shall  
1218 meet all qualifications established by the State Superintendent of  
1219 Public Education and the State Personnel Board. The director  
1220 shall be responsible for the proper administration of the Office  
1221 of Dropout Prevention and any other regulations or policies that  
1222 may be adopted by the State Board of Education. The director  
1223 shall report to the Legislature on the activities and programs of  
1224 the office by January 1 of each year beginning in 2009.



1225 (3) Each school district shall implement a dropout  
1226 prevention program approved by the Office of Dropout Prevention of  
1227 the State Department of Education by the 2008-2009 school year.

1228 (4) (a) School attendance officers, working with school  
1229 district officials, shall gather accurate data on youth in  
1230 juvenile detention centers to properly track students.

1231 (b) The Office of Dropout Prevention in the Department  
1232 of Education shall establish the procedure for the tracking of  
1233 students who enter and leave detention centers on a statewide  
1234 basis.

1235 (5) Each school district's dropout prevention plan shall  
1236 address how students will transition to the home school district.

1237 (6) It is the intent of the Legislature that, through the  
1238 statewide dropout prevention program and the dropout prevention  
1239 programs implemented by each school district, the graduation rate  
1240 for cohort classes will be increased to not less than eighty-five  
1241 percent (85%) by the 2018-2019 school year. The Office of Dropout  
1242 Prevention shall establish graduation rate benchmarks for each  
1243 two-year period from the 2008-2009 school year through the  
1244 2018-2019 school year, which shall serve as guidelines for  
1245 increasing the graduation rate for cohort classes on a systematic  
1246 basis to eighty-five percent (85%) by the 2018-2019 school year.

1247 **SECTION 10.** Section 37-13-81, Mississippi Code of 1972, is  
1248 reenacted as follows:

1249 37-13-81. There is created the Office of Compulsory School  
1250 Attendance Enforcement within the Office of Dropout Prevention of  
1251 the State Department of Education. The office shall be  
1252 responsible for the administration of a statewide system of  
1253 enforcement of the Mississippi Compulsory School Attendance Law  
1254 (Section 37-13-91) and for the supervision of school attendance  
1255 officers throughout the state.

1256 **SECTION 11.** Section 37-13-83, Mississippi Code of 1972, is  
1257 reenacted as follows:



1258           37-13-83. The State Superintendent of Public Education shall  
1259 appoint a director for the Office of Compulsory School Attendance  
1260 Enforcement, who shall meet all qualifications established for  
1261 school attendance officer supervisors and any additional  
1262 qualifications that may be established by the State Superintendent  
1263 of Public Education or State Personnel Board. The director shall  
1264 be responsible for the proper administration of the Office of  
1265 Compulsory School Attendance Enforcement in conformity with the  
1266 Mississippi Compulsory School Attendance Law and any other  
1267 regulations or policies that may be adopted by the State Board of  
1268 Education. The director shall report directly to the Director of  
1269 the Office of Dropout Prevention.

1270           **SECTION 12.** Section 37-9-18, Mississippi Code of 1972, is  
1271 reenacted as follows:

1272           37-9-18. (1) The superintendent of schools shall furnish to  
1273 the school board a financial statement of receipts and  
1274 disbursements, by funds, on or before the last working day of the  
1275 following month covering the prior month. The school board shall  
1276 be authorized to investigate and audit all financial records of  
1277 the superintendent of schools at any and all times.

1278           (2) The State Auditor, in his discretion, shall audit the  
1279 financial records of school districts. The State Auditor shall  
1280 give reasonable notice to school districts regarding the times  
1281 during which he will perform such audits. In any fiscal year in  
1282 which the State Auditor is not scheduled to perform an audit, the  
1283 school board shall cause all the financial records of the  
1284 superintendent of schools to be audited by a certified public  
1285 accountant licensed to practice accounting in the State of  
1286 Mississippi. If the school board so elects by resolution adopted  
1287 each year, the audit shall be performed by the State Auditor.  
1288 Contracts for the audit of public school districts shall be let by  
1289 the school board in the manner prescribed by the State Auditor.  
1290 The audit shall be conducted in accordance with generally accepted



1291 auditing standards and generally accepted accounting principles,  
1292 and the report presented thereon shall be in accordance with  
1293 generally accepted accounting principles. If the State Auditor's  
1294 opinion on the general purpose financial statements is a  
1295 disclaimer, as that term is defined by generally accepted auditing  
1296 standards, or if the State Auditor determines the existence of  
1297 serious financial conditions in the district, the State Auditor  
1298 shall immediately notify the State Board of Education. Upon  
1299 receiving the notice, the State Superintendent of Public Education  
1300 shall direct the school district to immediately cease all  
1301 expenditures until a financial advisor is appointed by the state  
1302 superintendent. However, if the disclaimer is a result of  
1303 conditions caused by Hurricane Katrina 2005 and applies to fiscal  
1304 years 2005 and/or 2006, then the Superintendent of Education may  
1305 appoint a financial advisor, and may direct the school district to  
1306 immediately cease all expenditures until a financial advisor is  
1307 appointed. The financial advisor shall be an agent of the State  
1308 Board of Education and shall be a certified public accountant or a  
1309 qualified business officer. The financial advisor shall, with the  
1310 approval of the State Board of Education:

1311 (a) Approve or disapprove all expenditures and all  
1312 financial obligations of the district;

1313 (b) Ensure compliance with any statutes and State Board  
1314 of Education rules or regulations concerning expenditures by  
1315 school districts;

1316 (c) Review salaries and the number of all district  
1317 personnel and make recommendations to the local school board of  
1318 any needed adjustments. Should such recommendations necessitate  
1319 the reduction in local salary supplement, such recommended  
1320 reductions shall be only to the extent which will result in the  
1321 salaries being comparable to districts similarly situated, as  
1322 determined by the State Board of Education. The local school  
1323 board, in considering either a reduction in personnel or a





1324 reduction in local supplements, shall not be required to comply  
1325 with the time limitations prescribed in Sections 37-9-15 and  
1326 37-9-105 and, further, shall not be required to comply with  
1327 Sections 37-19-11 and 37-19-7(1) in regard to reducing local  
1328 supplements and the number of personnel;

1329 (d) Work with the school district's business office to  
1330 correct all inappropriate accounting procedures and/or uses of  
1331 school district funds and to prepare the school district's budget  
1332 for the next fiscal year; and

1333 (e) Report frequently to the State Board of Education  
1334 on the corrective actions being taken and the progress being made  
1335 in the school district. The financial advisor shall serve until  
1336 such time as corrective action and progress is being made in such  
1337 school district as determined by the State Board of Education with  
1338 the concurrence of the State Auditor, or until such time as an  
1339 interim conservator is assigned to such district by the State  
1340 Board of Education under Section 37-17-6. The school district  
1341 shall be responsible for all expenses associated with the use of  
1342 the financial advisor. If the audit report reflects a failure by  
1343 the school district to meet accreditation standards, the State  
1344 Board of Education shall proceed under Section 37-17-6.

1345 (3) (a) When conducting an audit of a public school  
1346 district, the Auditor shall test to insure that the school  
1347 district is complying with the requirements of Section  
1348 37-61-33(3)(a)(iii) relating to classroom supply funds. The audit  
1349 must include a report of all classroom supply funds carried over  
1350 from previous years. Based upon the audit report, the State  
1351 Auditor shall compile a report on the compliance or noncompliance  
1352 by all school districts with the requirements of Section  
1353 37-61-33(3)(a)(iii), which report must be submitted to the  
1354 Chairmen of the Education and Appropriations Committees of the  
1355 House of Representatives and Senate.



1356 (b) When conducting an audit of a public school  
1357 district, the State Auditor shall test to insure correct and  
1358 appropriate coding at the function level. The audit must include  
1359 a report showing correct and appropriate functional level  
1360 expenditure codes in expenditures by the school district.  
1361 Compliance standards for this audit provision shall be established  
1362 by the Office of the State Auditor. Based upon the audit report,  
1363 the State Auditor shall compile a report on the compliance or  
1364 noncompliance by all public school districts with correct and  
1365 appropriate coding at the function level, which report must be  
1366 submitted to the Chairmen of the Education and Appropriations  
1367 Committees of the House of Representatives and Senate.

1368 (4) In the event the State Auditor does not perform the  
1369 audit examination, then the audit report of the school district  
1370 shall be reviewed by the State Auditor for compliance with  
1371 applicable state laws before final payment is made on the audit by  
1372 the school board. All financial records, books, vouchers,  
1373 cancelled checks and other financial records required by law to be  
1374 kept and maintained in the case of municipalities shall be  
1375 faithfully kept and maintained in the office of the superintendent  
1376 of schools under the same provisions and penalties provided by law  
1377 in the case of municipal officials.

1378 **SECTION 13.** Section 37-15-38, Mississippi Code of 1972, is  
1379 reenacted as follows:

1380 37-15-38. (1) A local school board, the Board of Trustees  
1381 of State Institutions of Higher Learning and the State Board for  
1382 Community and Junior Colleges may establish a dual enrollment  
1383 system under which students in the school district who meet the  
1384 prescribed criteria of this section may be enrolled in a  
1385 postsecondary institution in Mississippi while they are still in  
1386 school.

1387 (2) **Student eligibility.** Before credits earned by a  
1388 qualified high school student from a community or junior college



1389 or state institutions of higher learning may be transferred to the  
1390 student's home school district, the student must be properly  
1391 enrolled in a dual enrollment program.

1392       (3) **Admission criteria for dual enrollment in community and**  
1393 **junior college or university programs.** The boards of trustees of  
1394 the community and junior college districts and the Board of  
1395 Trustees of State Institutions of Higher Learning may recommend  
1396 admission criteria for dual enrollment programs under which high  
1397 school students may enroll at a community or junior college or  
1398 university while they are still attending high school and enrolled  
1399 in high school courses. Students may be admitted to enroll in  
1400 community or junior college courses under the dual enrollment  
1401 programs if they meet that individual institution's stated  
1402 admission requirements.

1403       (4) **Tuition and cost responsibility.** Tuition and costs for  
1404 university-level courses and community and junior college courses  
1405 offered under a dual enrollment program may be paid for by the  
1406 postsecondary institution, the local school district, the parents  
1407 or legal guardians of the student, or by grants, foundations or  
1408 other private or public sources. Payment for tuition and any  
1409 other costs must be made directly to the credit-granting  
1410 institution.

1411       (5) **Transportation responsibility.** Any transportation  
1412 required by a student to participate in the dual enrollment  
1413 program is the responsibility of the parent, custodian or legal  
1414 guardian of the student. However, transportation costs may be  
1415 paid from any available public or private sources.

1416       (6) **School district average daily attendance credit.** When  
1417 dually enrolled, the student may be counted, for adequate  
1418 education program funding purposes, in the average daily  
1419 attendance of the public school district in which the student  
1420 attends high school.



1421           (7) **High school student transcript transfer requirements.**

1422 Grades and college credits earned by students admitted to a dual  
1423 enrollment program must be recorded on the college transcript at  
1424 the university or community or junior college where the student  
1425 attends classes. The transcript of the university or community or  
1426 junior college course work may be released to another institution  
1427 or applied toward college graduation requirements.

1428           (8) **Determining factor of prerequisites for enrollment in**

1429 **dual credit courses.** Each university and community or junior  
1430 college participating in a dual enrollment program shall determine  
1431 course prerequisites for enrolling and receiving dual credit.

1432           (9) **Process for determining articulation of curriculum**

1433 **between high school, university, and community and junior college**

1434 **courses.** Postsecondary curricula for eligible courses currently

1435 offered through Mississippi Curriculum Frameworks must meet the  
1436 prescribed competencies requirements. Eligible courses not

1437 offered in Mississippi Curriculum Frameworks must meet the

1438 standards established at the postsecondary level. Postsecondary

1439 level developmental courses may not be considered as meeting the

1440 requirements of the dual enrollment program. Dual credit

1441 memorandum of understandings must be established between each

1442 postsecondary institution and the school district implementing a

1443 dual credit program.

1444           (10) **Ineligible courses for dual credit programs.** Any

1445 course that is required for subject area testing as a requirement

1446 for graduation from a public school in Mississippi is not eligible

1447 for dual credit.

1448           (11) **Eligible courses for dual credit programs.** Courses

1449 eligible for dual credit include, but are not necessarily limited

1450 to, foreign languages, advanced math courses, advanced science

1451 courses, performing arts, advanced business and technology, and

1452 career and technical courses. These courses and any additional

1453 courses considered for dual credit must receive unconditional



1454 approval from the superintendent of the local school district and  
1455 the chief academic officer at the participating community or  
1456 junior college or university. A university or community or junior  
1457 college shall make the final decision on what courses are eligible  
1458 for semester hour credits. The local school superintendent shall  
1459 make the final decision on the transfer of college or university  
1460 courses credited to the student's high school transcript.

1461       (12) **High school Carnegie unit equivalency.** One (1)  
1462 three-hour university or community or junior college course is  
1463 equal to one-half (1/2) high school Carnegie unit. A full  
1464 Carnegie unit may be awarded for a three-hour university or  
1465 college course upon approval of the local superintendent. Partial  
1466 credit agreements for postsecondary courses that are less than  
1467 three (3) hours may be developed between a local school district  
1468 and the participating postsecondary institution.

1469       (13) **Course alignment.** Once alignment is achieved between  
1470 university courses, community and junior college courses and the  
1471 State Board of Education approved high school courses, the  
1472 universities, community and junior colleges and high schools shall  
1473 review their respective policies and assess the place of dual  
1474 credit courses within the context of their traditional offerings.

1475       (14) **Maximum dual credits allowed.** It is the intent of the  
1476 dual enrollment program to make it possible for every student who  
1477 desires to earn a semester's worth of college credit in high  
1478 school to do so. A qualified dually enrolled high school student  
1479 must be allowed to earn an unlimited number of college or  
1480 university credits for dual credit as long as a B average is  
1481 earned on the first two (2) approved dual credit courses. If a B  
1482 average is not maintained after the completion of the student's  
1483 first two (2) dual credit courses, the student may not continue in  
1484 the dual credit program.

1485       (15) **Dual credit program allowances.** A student may be  
1486 granted credit delivered through the following means:



1487 (a) Examination preparation taught at a high school by  
1488 qualified teacher. A student may receive credit at the secondary  
1489 level after completion of an approved course and passing the  
1490 standard examination, such as an Advanced Placement or  
1491 International Baccalaureate course through which a high school  
1492 student is allowed CLEP credit by making a three (3) or higher on  
1493 the end-of-course examination.

1494 (b) School-based courses taught at a high school or  
1495 designated postsecondary site by a qualified teacher who is an  
1496 employee of the school district and approved as an instructor by  
1497 the collaborating college or university.

1498 (c) College or university-based courses taught at a  
1499 college, university or high school by an instructor employed by  
1500 the college or university and approved by the collaborating school  
1501 district.

1502 (d) On-line courses, including eligible courses offered  
1503 by the Mississippi Virtual Public School or any postsecondary  
1504 institution.

1505 (16) **Qualifications of dual credit instructors.** A dual  
1506 credit academic instructor must have, at a minimum, a master's  
1507 degree with at least eighteen (18) graduate semester hours in the  
1508 instructor's field of expertise. University and community and  
1509 junior college personnel have the sole authority in the selection  
1510 of dual credit instructors.

1511 A dual credit career and technical education instructor must  
1512 meet the requirements set forth by the State Board for Community  
1513 and Junior Colleges in the qualifications manual for postsecondary  
1514 career and technical personnel. University and community and  
1515 junior college personnel have the sole authority in the selection  
1516 of dual credit instructors.

1517 (17) **Guidance on local agreements.** The Chief Academic  
1518 Officer of the State Board of Trustees of State Institutions of  
1519 Higher Learning and the Chief Academic Officer of the State Board



1520 for Community and Junior Colleges, working collaboratively, shall  
1521 develop a template to be used by the individual community and  
1522 junior colleges and institutions of higher learning for consistent  
1523 implementation of the dual enrollment program throughout the State  
1524 of Mississippi.

1525         **SECTION 14.** Section 37-15-39, Mississippi Code of 1972, is  
1526 reenacted as follows:

1527         37-15-39. (1) The purpose of this section is to ensure that  
1528 each student has a sufficient education for success after high  
1529 school and that all students have equal access to a substantive  
1530 and rigorous curriculum that is designed to challenge their minds  
1531 and enhance their knowledge skill.

1532         (2) The following words and phrases have the meanings  
1533 ascribed in this section unless the context clearly requires  
1534 otherwise:

1535                 (a) "Advanced placement course" means any high school  
1536 level preparatory course for a college advanced placement test  
1537 that incorporates all topics specified by recognized advanced  
1538 placement authorities on standards for a given subject area and  
1539 is approved by recognized advanced placement authorities.

1540                 (b) "Dual enrollment course" means a postsecondary  
1541 level course offered by a state institution of higher learning or  
1542 community or junior colleges, which, upon successful completion,  
1543 qualifies for academic credit in both the postsecondary  
1544 institution and public high school.

1545                 (c) "Pre-advanced placement course" means a middle,  
1546 junior high or high school level course that specifically prepares  
1547 students to enroll and participate in an advanced placement  
1548 course.

1549                 (d) "Vertical team" means a group of educators from  
1550 different grade levels in a given discipline working cooperatively  
1551 to develop and implement a vertically aligned program aimed at  
1552 helping students from diverse backgrounds acquire the academic



1553 skills necessary for success in the advanced placement program and  
1554 other challenging course work.

1555 (e) "High concentration of low-income students" means,  
1556 when used with respect to a public school or school district, a  
1557 public school or school district that serves a student population  
1558 with fifty percent (50%) or more being low-income individuals ages  
1559 five (5) through seventeen (17) years from a low-income family on  
1560 the basis of: data on children eligible for the free or  
1561 reduced-price lunches under the National School Lunch Act; data on  
1562 children in families receiving assistance under Part A of Title IV  
1563 of the Social Security Act; data on children eligible to receive  
1564 medical assistance under the Medicaid program under Title XIX of  
1565 the Social Security Act; or an alternate method of identifying  
1566 such children which combines or extrapolates that data.

1567 (3) The State Board of Education shall establish clear,  
1568 specific and challenging training guidelines that require teachers  
1569 of advanced placement courses and teachers of pre-advanced  
1570 placement courses to obtain a recognized advanced placement  
1571 authority endorsed training. A teacher of an advanced placement  
1572 or pre-advanced placement course, or both, must obtain the  
1573 appropriate training.

1574 (4) (a) In order to ensure that each student has a  
1575 sufficient education for success after high school and that all  
1576 students have equal access to a substantive and rigorous  
1577 curriculum that is designed to challenge their minds and enhance  
1578 their knowledge skill, school districts shall offer pre-advanced  
1579 placement courses to prepare students for advanced placement  
1580 course work.

1581 (b) Subject to appropriation, funding shall be made  
1582 available for the 2007-2008 school year so that all sophomores in  
1583 Mississippi's public schools may take an examination that measures  
1584 the students' ability to succeed in an advanced placement course.  
1585 The State Department of Education shall seek federal funding





1586 through the Advanced Placement Incentive Grant Program and other  
1587 available funding for this purpose. Funding efforts must be  
1588 focused with an intent to carry out advanced placement and  
1589 pre-advanced placement activities in school districts targeted as  
1590 serving a high concentration of low-income students.

1591 (c) The State Department of Education must approve all  
1592 classes designated as pre-advanced placement courses. The  
1593 department shall develop rules necessary for the implementation of  
1594 advanced placement courses.

1595 (5) Beginning with the 2007-2008 school year, all school  
1596 districts must offer at least one (1) advanced placement course in  
1597 each of the four (4) core areas of math, English, science and  
1598 social studies, for a total offering of no less than four (4)  
1599 advanced placement courses. The use of the state's on-line  
1600 Advanced Placement Instructional Program is an appropriate  
1601 alternative for the delivery of advanced placement courses.

1602 Any public high school offering the International  
1603 Baccalaureate Diploma Program is exempt from the requirements of  
1604 this subsection. However, the school may participate in teacher  
1605 training and program funding on the same basis as any high school  
1606 offering advanced placement courses.

1607 **SECTION 15.** Section 37-3-97, Mississippi Code of 1972, is  
1608 reenacted as follows:

1609 37-3-97. The State Department of Education and the Board of  
1610 Trustees of State Institutions of Higher Learning shall prepare  
1611 jointly an annual report for the Legislature and Governor to be  
1612 submitted before December 1 of each year beginning in 2006. The  
1613 report shall be a compilation of existing data that may be used to  
1614 create a rating system that measures the performance of the  
1615 teacher education programs in the state.

1616 **SECTION 16.** Section 37-7-346, Mississippi Code of 1972, is  
1617 reenacted as follows:



1618           37-7-346. The State Department of Education and the Regional  
1619 Education Service Agencies (RESAs) shall prepare jointly a report,  
1620 to be submitted before December 15, 2006, for consideration of the  
1621 Legislature and Governor, detailing the plans that shall be  
1622 enacted by State Board of Education policy of how RESAs will work  
1623 in partnership with the State Department of Education to increase  
1624 their function as a local provider of educational services and  
1625 purchasing consortia as provided in Section 37-7-345(6). These  
1626 services must be prescribed by policies and standards of the State  
1627 Department of Education and must include, but not necessarily be  
1628 limited to, professional development, instructional materials,  
1629 educational technology, curriculum development, alternative  
1630 educational programs, purchasing cooperatives, insurance  
1631 cooperatives, business manager services, auditing and accounting  
1632 services, school safety/risk prevention, data processing and  
1633 student records, communications/public information, employee  
1634 background checks, grants management, printing/publications and  
1635 internships.

1636           **SECTION 17.** Section 43-1-65, Mississippi Code of 1972, is  
1637 reenacted as follows:

1638           43-1-65. The Department of Human Services shall establish  
1639 the Mississippi Child Care Quality Step System by requiring the  
1640 Office for Children and Youth of the Department of Human Services,  
1641 the lead agency for the Child Care and Development Fund (CCDF), to  
1642 develop and implement a pilot voluntary Quality Rating System  
1643 (QRS). The purpose of the pilot system will be to improve the  
1644 quality of all licensed early care and education and after school  
1645 programs. The system is to be phased in over the next five (5)  
1646 years beginning July 1, 2006, subject to appropriation. The QRS  
1647 criteria will be the basis, at minimum, for the QRS, and shall  
1648 address the following components: administrative policy,  
1649 professional development, learning environment, and parental  
1650 involvement and evaluation.



1651 In addition, the Office for Children and Youth shall develop  
1652 and administer funds, based on appropriation, to create a Child  
1653 Care Resource and Referral (CCR&R) statewide system in  
1654 collaboration with community and junior colleges, universities,  
1655 Mississippi Public Broadcasting, state agencies and/or nonprofit  
1656 community entities. The CCR&R agencies shall provide training  
1657 specific to the QRS criteria to enable early care and education  
1658 program quality to improve as measured by the QRS system; and  
1659 offer parent education information and training on what a quality  
1660 early care and education program comprises and how to identify  
1661 one. This program shall begin July 1, 2006, subject to  
1662 appropriation.

1663 **SECTION 18.** Section 43-1-67, Mississippi Code of 1972, is  
1664 reenacted as follows:

1665 43-1-67. The Office for Children and Youth of the Department  
1666 of Human Services shall conduct a needs assessment to determine  
1667 the need for an incentive program, which would allow participating  
1668 early care and education programs in the Quality Rating System  
1669 (QRS) access to funds to provide incentives to teachers/directors  
1670 that make educational advancements that are listed in the QRS  
1671 criteria. If determined to be feasible and depending on the  
1672 availability of funds, guidelines for such an incentive program  
1673 shall be developed by the Office for Children and Youth.

1674 **SECTION 19.** Chapter 504, Laws of 2006, is amended as  
1675 follows:

1676 Section 19. This act shall take effect and be in force from  
1677 and after July 1, 2006 \* \* \*.

1678 **SECTION 20.** This act shall take effect and be in force from  
1679 and after its passage.

