AN ACT TO AMEND SECTION 19 OF CHAPTER 504, LAWS OF 2006, TO
DELETE THE AUTOMATIC REPEALER ON THE "MISSISSIPPI EDUCATION REFORM
ACT OF 2006"; TO REENACT SECTIONS 37-3-2, 37-3-4, 37-3-46,
37-3-49, 37-3-97, 37-7-301, 37-7-301.1, 37-7-337, 37-9-18,
37-17-11, 37-17-12, 37-19-7, 37-21-7, 37-21-51, 37-41-53,
37-61-33, 37-159-11, 37-161-1, 37-161-3, 37-161-5, 37-161-7,
43-1-65 AND 43-1-67, MISSISSIPPI CODE OF 1972, RELATING TO THE
ADMINISTRATION OF PUBLIC SCHOOL DISTRICTS AND THE STATE DEPARTMENT
OF EDUCATION; TO REPEAL SECTION 37-3-90 WHICH, PROVIDES FOR THE
AUTOMATIC REPEAL OF STATUTES RELATING TO SCHOOL ATTENDANCE
OFFICERS AND THE OFFICE OF DROPOUT PREVENTION IN THE STATE
DEPARTMENT OF EDUCATION; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 19 of Chapter 504, Laws of 2006, is
amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) An application on a department form;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Lack of qualifications which are prescribed by law or regulations adopted by the State Board of Education;
(b) The applicant has a physical, emotional or mental disability that renders the applicant unfit to perform the duties authorized by the license, as certified by a licensed psychologist or psychiatrist;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

93-11-157 or 93-11-163, as the case may be, rather than the
procedure specified in this section. If there is any conflict
between any provision of Section 93-11-157 or 93-11-163 and any
provision of this chapter, the provisions of Section 93-11-157 or
93-11-163, as the case may be, shall control.

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

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

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

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

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

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

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

(5) (a) Basic Education Course. The Mississippi School
Boards Association shall be responsible for preparing and
colorful a course of training for basic education for the local
school board members of this state, in order for board members to
carry out their duties more effectively and be exposed to new
ideas involving school restructuring. The basic course shall be
known as the "School Board Member Training Course" and shall
consist of at least twelve (12) hours of training. The
Mississippi School Boards Association shall issue certificates of
completion to those school board members who complete the basic
education course.

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

(c) Additional Required Training. Effective July 1,
2008, local school board members that serve in a district with one
or more underperforming schools as determined by the Mississippi
Board of Education accountability system as provided for in
Section 37-17-6, or serving in a school district that has a
serious financial condition as determined by the State Auditor as
provided for in Section 37-9-18, shall annually attend additional
training provided by the Mississippi School Boards Association.
The Mississippi School Boards Association shall, subject to
appropriation, develop and conduct training specific to the local
boards' role in improving learning outcomes and effective
financial management. Such training shall be known as "Improving
Student Outcomes and Academic Success" which shall consist of not
less than six (6) hours of training and "Effective Financial
Management In Local School Districts" which shall consist of not
less than six (6) hours of training. Any local board members that
serve in a school district that meets the criteria for both of the
training modules shall annually attend both training sessions for
a total of not less than twelve (12) hours of training. At such
time the school district is determined to no longer have
underperforming schools; or no longer has a serious financial
condition, such board member shall no longer be required to attend
the training as provided herein. The training as required under
subsection (c) shall not replace, but is in addition to, the
training required for new school board members and continuing
board members as required under Section 37-7-306.

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

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

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

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

(8) Principals and other administrators with career level certifications at schools meeting Level 4 or 5 accreditation standards are exempt from the requirements of this section, subject to approval of the local superintendent.

SECTION 4. Section 37-3-46, Mississippi Code of 1972, is reenacted as follows:

37-3-46. The State Department of Education, in regard to any district not meeting Level 4 or 5 accreditation standards, as defined by the State Board of Education, shall:

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

(b) Provide to local school districts technical assistance and training in the development, implementation and administration of a personnel appraisal and compensation system for all school employees.
(c) Provide to local school districts technical assistance in the development, implementation and administration of programs designed to keep children in school voluntarily and to prevent dropouts.

SECTION 5. Section 37-3-49, Mississippi Code of 1972, is reenacted as follows:

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

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

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

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

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

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

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

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

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

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

SECTION 6. Section 37-3-97, Mississippi Code of 1972, is reenacted as follows:

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

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

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

(a) To organize and operate the schools of the district and to make such division between the high school grades and elementary grades as, in their judgment, will serve the best interests of the school;
(b) To introduce public school music, art, manual training and other special subjects into either the elementary or high school grades, as the board shall deem proper;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ee) To provide for in-service training for employees
of the district;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) An assessment of revenue levels and sources;

(iv) An assessment of facilities utilization,

planning and maintenance;

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

(vi) An assessment of instructional and administrative technology;

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

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

(qq) To enter into agreements with other local school boards for the establishment of an educational service agency (ESA) to provide for the cooperative needs of the region in which the school district is located, as provided in Section 37-7-345.
This paragraph shall repeal on July 1, 2010;

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

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

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

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

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

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

(uu) With respect to any matter or transaction that is competitively bid by a school district, to accept from any bidder as a good faith deposit or bid bond or bid surety, the same type of good faith deposit or bid bond or bid surety that may be
accepted by the state or any other political subdivision on
similar competitively bid matters or transactions. This paragraph
(uu) shall not be construed to apply to sixteenth section public
school trust land. The school board may authorize the investment
of any school district funds in the same kind and manner of
investments, including pooled investments, as any other political
subdivision, including community hospitals;
(vv) To utilize the alternate method for the conveyance
or exchange of unused school buildings and/or land, reserving a
partial or other undivided interest in the property, as
specifically authorized and provided in Section 37-7-485,
Mississippi Code of 1972;
(ww) To delegate, privatize or otherwise enter into a
contract with private entities for the operation of any and all
functions of nonacademic school process, procedures and operations
including, but not limited to, cafeteria workers, janitorial
services, transportation, professional development, achievement
and instructional consulting services materials and products,
purchasing cooperatives, insurance, business manager services,
auditing and accounting services, school safety/risk prevention,
data processing and student records, and other staff services;
however, the authority under this paragraph does not apply to the
leasing, management or operation of sixteenth section lands.
Local school districts, working through their regional education
service agency, are encouraged to enter into buying consortia with
other member districts for the purposes of more efficient use of
state resources as described in Section 37-7-345;
(xx) To partner with entities, organizations and
corporations for the purpose of benefiting the school district;
and
(yy) To borrow funds from the Rural Economic
Development Authority for the maintenance of school buildings.
SECTION 8. Section 37-7-301.1, Mississippi Code of 1972, is reenacted as follows:

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

SECTION 9. Section 37-7-337, Mississippi Code of 1972, is reenacted as follows:

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

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

SECTION 10. Section 37-9-18, Mississippi Code of 1972, is brought forward as follows:

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

(2) The State Auditor, in his discretion, shall audit the
financial records of school districts. The State Auditor shall
give reasonable notice to school districts regarding the times
during which he will perform such audits. In any fiscal year in
which the State Auditor is not scheduled to perform an audit, the
school board shall cause all the financial records of the
superintendent of schools to be audited by a certified public
accountant licensed to practice accounting in the State of
Mississippi. If the school board so elects by resolution adopted
each year, the audit shall be performed by the State Auditor.
Contracts for the audit of public school districts shall be let by
the school board in the manner prescribed by the State Auditor.
The audit shall be conducted in accordance with generally accepted
auditing standards and generally accepted accounting principles,
and the report presented thereon shall be in accordance with
generally accepted accounting principles. If the Auditor's
opinion on the general purpose financial statements is a
disclaimer, as that term is defined by generally accepted auditing
standards, or if the State Auditor determines the existence of
serious financial conditions in the district, the State Auditor
shall immediately notify the State Board of Education. Upon
receiving the notice, the State Superintendent of Public Education
shall direct the school district to immediately cease all
expenditures until a financial advisor is appointed by the state
superintendent. However, if the disclaimer is a result of
conditions caused by Hurricane Katrina 2005 and applies to fiscal
years 2005 and/or 2006, then the Superintendent of Education may
appoint a financial advisor, and may direct the school district to
immediately cease all expenditures until a financial advisor is
appointed. The financial advisor shall be an agent of the State
Board of Education and shall be a certified public accountant or a
qualified business officer. The financial advisor shall, with the approval of the State Board of Education:

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

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

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

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

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

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

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

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

SECTION 11. Section 37-13-61, Mississippi Code of 1972, is
reenacted as follows:

37-13-61. The local school board shall have the power and
authority to fix the date for the opening and closing of the
school term, subject to the minimum number of days which schools
must be in session during a scholastic year, as prescribed under
Section 37-13-63. However, local school boards are authorized to
keep school in session in excess of the minimum number of days
prescribed in Section 37-13-63.

SECTION 12. Section 37-13-67, Mississippi Code of 1972, is
reenacted as follows:

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

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

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

SECTION 14. Section 37-13-80, Mississippi Code of 1972, is
reenacted as follows:
(1) There is created the Office of Dropout Prevention within the State Department of Education. The office shall be responsible for the administration of a statewide dropout prevention program and the Office of Compulsory School Attendance Enforcement.

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

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

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

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

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

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

SECTION 15. Section 37-13-81, Mississippi Code of 1972, is reenacted as follows:

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

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

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

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

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

(a) To establish any policies or guidelines concerning the employment of school attendance officers which serve to
1509 effectuate a uniform system of enforcement under the Mississippi
1510 Compulsory School Attendance Law throughout the state, and to
1511 designate the number of school attendance officers which shall be
1512 employed to serve in each school district area;
1513 (b) To supervise and assist school attendance officer
1514 supervisors in the performance of their duties;
1515 (c) To establish minimum standards for enrollment and
1516 attendance for the state and each individual school district, and
1517 to monitor the success of the state and districts in achieving the
1518 required levels of performance;
1519 (d) To provide to school districts failing to meet the
1520 established standards for enrollment and attendance assistance in
1521 reducing absenteeism or the dropout rates in those districts;
1522 (e) To establish any qualifications, in addition to
1523 those required under Section 37-13-89, for school attendance
1524 officers as the office deems necessary to further the purposes of
1525 the Mississippi Compulsory School Attendance Law;
1526 (f) To develop and implement a system under which
1527 school districts are required to maintain accurate records that
1528 document enrollment and attendance in such a manner that the
1529 records reflect all changes in enrollment and attendance, and to
1530 require school attendance officers to submit information
1531 concerning public school attendance on a monthly basis to the
1532 office;
1533 (g) To prepare the form of the certificate of
1534 enrollment required under the Mississippi Compulsory School
1535 Attendance Law and to furnish a sufficient number of the
1536 certificates of enrollment to each school attendance officer in
1537 the state;
1538 (h) To publish a report each year on the work of school
1539 attendance officers in each school district concerning enforcement
1540 of the Mississippi Compulsory School Attendance Law. The report
1541 shall include: figures reflecting school attendance violations
and reductions or increases in the school dropout rates;
information describing attendance-related problems and proposed
solutions for those problems; and any other information that the
State Department of Education may require. The report shall be
submitted to the State Board of Education and the Education
Committees of the Senate and House of Representatives before the
first day of July for the immediately preceding school year;
(i) To provide to the State Board of Education
statistical information concerning absenteeism, dropouts and other
attendance-related problems as requested by the State Board of
Education;
(j) To provide for the certification of school
attendance officers;
(k) To provide for a course of training and education
for school attendance officers, and to require successful
completion of the course as a prerequisite to certification by the
office as school attendance officers;
(l) To adopt any guidelines or policies the office
deems necessary to effectuate an orderly transition from the
supervision of school attendance officers by district attorneys to
the supervision by the school attendance officer supervisors;
(m) Beginning on July 1, 1998, to require school
attendance officer supervisors to employ persons employed by
district attorneys before July 1, 1998, as school attendance
officers without requiring such persons to submit an application
or interview for employment with the State Department of
Education;
(n) To adopt policies or guidelines linking the duties
of school attendance officers to the appropriate courts, law
enforcement agencies and community service providers; and
(o) To adopt any other policies or guidelines that the
office deems necessary for the enforcement of the Mississippi
Compulsory School Attendance Law; however, the policies or
guidelines shall not add to or contradict with the requirements of Section 37-13-91.

SECTION 18. Section 37-13-87, Mississippi Code of 1972, is reenacted as follows:

37-13-87. (1) The Director of the Office of Compulsory School Attendance Enforcement shall employ three (3) school attendance officer supervisors, each to maintain an office within a different Supreme Court district. Each supervisor shall be responsible for the enforcement of the Mississippi Compulsory School Attendance Law within his district and shall exercise direct supervision over the school attendance officers in the district. The supervisors, who shall report to the director of the office, shall assist the school attendance officers in the performance of their duties as established by law or otherwise.

(2) No person having less than eight (8) years combined actual experience as a school attendance officer, school teacher, school administrator, law enforcement officer possessing a college degree with a major in a behavioral science or a related field, and/or social worker in the state shall be employed as a school attendance officer supervisor. Further, a school attendance officer supervisor shall possess a college degree with a major in a behavioral science or a related field or shall have actual experience as a school teacher, school administrator, law enforcement officer possessing such degree or social worker; however, these requirements shall not apply to persons employed as school attendance officers before January 1, 1987. School attendance officers shall meet any additional qualifications established by the State Personnel Board for school attendance officers or school attendance officer supervisors. The school attendance officer supervisors shall receive an annual salary to be set by the State Superintendent of Public Education, subject to the approval of the State Personnel Board.
**SECTION 19.** Section 37-13-89, Mississippi Code of 1972, is reenacted as follows:

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

(2) (a) The State Department of Education shall obtain current criminal records background checks and current child abuse registry checks on all persons applying for the position of school attendance officer after July 2, 2002. The criminal records information and registry checks must be kept on file for any new hires. In order to determine an applicant's suitability for employment as a school attendance officer, the applicant must be fingerprinted. If no disqualifying record is identified at the state level, the Department of Public Safety shall forward the fingerprints to the Federal Bureau of Investigation (FBI) for a national criminal history record check. The applicant shall pay the fee, not to exceed Fifty Dollars ($50.00), for the fingerprinting and criminal records background check; however, the State Department of Education, in its discretion, may pay the fee for the fingerprinting and criminal records background check on

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behalf of any applicant. Under no circumstances may a member of
the State Board of Education, employee of the State Department of
Education or any person other than the subject of the criminal
records background check disseminate information received through
any such checks except insofar as required to fulfill the purposes
of this subsection.

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

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

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

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

(b) Cooperate with all courts of competent jurisdiction;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<table>
<thead>
<tr>
<th>Years of Experience</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 4 years</td>
<td>$20,650.00</td>
</tr>
<tr>
<td>5 - 8 years</td>
<td>$22,950.00</td>
</tr>
<tr>
<td>9 - 12 years</td>
<td>$24,790.00</td>
</tr>
<tr>
<td>13 - 16 years</td>
<td>$26,630.00</td>
</tr>
<tr>
<td>17 - 20 years</td>
<td>$28,470.00</td>
</tr>
<tr>
<td>Over 21 years</td>
<td>$30,310.00</td>
</tr>
</tbody>
</table>
(7) (a) Each school attendance officer employed by a district attorney on June 30, 1998, who became an employee of the State Department of Education on July 1, 1998, shall be awarded credit for personal leave and major medical leave for his continuous service as a school attendance officer under the district attorney, and if applicable, the youth or family court or a state agency. The credit for personal leave shall be in an amount equal to one-third (1/3) of the maximum personal leave the school attendance officer could have accumulated had he been credited with such leave under Section 25-3-93 during his employment with the district attorney, and if applicable, the youth or family court or a state agency. The credit for major medical leave shall be in an amount equal to one-half (1/2) of the maximum major medical leave the school attendance officer could have accumulated had he been credited with such leave under Section 25-3-95 during his employment with the district attorney, and if applicable, the youth or family court or a state agency. However, if a district attorney who employed a school attendance officer on June 30, 1998, certifies, in writing, to the State Department of Education that the school attendance officer had accumulated, pursuant to a personal leave policy or major medical leave policy lawfully adopted by the district attorney, a number of days of unused personal leave or major medical leave, or both, which is greater than the number of days to which the school attendance officer is entitled under this paragraph, the State Department of Education shall authorize the school attendance officer to retain the actual unused personal leave or major medical leave.
medical leave, or both, certified by the district attorney,
subject to the maximum amount of personal leave and major medical
leave the school attendance officer could have accumulated had he
been credited with such leave under Sections 25-3-93 and 25-3-95.

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

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

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

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

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

SECTION 20. Section 37-15-38, Mississippi Code of 1972, is reenacted as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A dual credit career and technical education instructor must
meet the requirements set forth by the State Board for Community
and Junior Colleges in the qualifications manual for postsecondary
career and technical personnel. University and community and

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junior college personnel have the sole authority in the selection of dual credit instructors.

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

**SECTION 21.** Section 37-15-39, Mississippi Code of 1972, is reenacted as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 22. Section 37-17-8, Mississippi Code of 1972, is reenacted as follows:

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

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

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

(4) Districts meeting Level 4 or 5 accreditation standards, as defined by the State Board of Education, shall be exempted from the mandatory provisions of this section relating to staff development plans.
SECTION 23. Section 37-17-11, Mississippi Code of 1972, is reenacted as follows:

37-17-11. The State Board of Education, in its discretion, may exempt any school district meeting Level 4 or 5 state accreditation standards, as defined by the State Board of Education, from any compulsory standard of accreditation. However, if the standard of accreditation is an educational policy required by statute, any such exemption shall only be made if specifically authorized by law.

SECTION 24. Section 37-17-12, Mississippi Code of 1972, is reenacted as follows:

37-17-12. (1) (a) Effective July 1, 2006, principals and administrators with career level certifications at schools with Level 4 or 5 accreditation standards shall be exempted from the provisions pursuant to Section 37-3-4, subject to approval of the local superintendent.

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

(c) The State Department of Education shall develop a policy to determine reevaluation of exemption status.

(2) The State Department of Education is directed to provide a report of all exempted process standards and nonexempted process standards to the Office of the Governor, the Chairs of the House and Senate Education Committees, and the Mississippi Association of School Superintendents by December 1, 2007.

SECTION 25. Section 37-19-7, Mississippi Code of 1972, is reenacted as follows:

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

2007-2008 School Year and School Years Thereafter

Less Than 25 Years of Teaching Experience

<table>
<thead>
<tr>
<th>License</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAAA</td>
<td>$35,020.00</td>
</tr>
<tr>
<td>AAA</td>
<td>33,990.00</td>
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<tr>
<td>AA</td>
<td>32,960.00</td>
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25 or More Years of Teaching Experience

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<tr>
<th>License</th>
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<td>AAAA</td>
<td>$37,080.00</td>
</tr>
<tr>
<td>AAA</td>
<td>36,050.00</td>
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<td>AA</td>
<td>35,020.00</td>
</tr>
<tr>
<td>A</td>
<td>32,960.00</td>
</tr>
</tbody>
</table>

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

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

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

2008-2009 School Year

Annual Increments

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

For teachers holding a Class AAA license, the minimum base
pay specified in this subsection shall be increased by the sum of
Seven Hundred Twenty-seven Dollars ($727.00) for each year of
teaching experience possessed by the person holding such license
until such person shall have twenty-five (25) years of teaching
experience, and shall be increased by Three Hundred Sixty-four
Dollars ($364.00) for each year of teaching experience over
twenty-five (25) years up to thirty-five (35) years.
For teachers holding a Class AA license, the minimum base pay specified in this subsection shall be increased by the sum of Six Hundred Sixty Dollars ($660.00) for each year of teaching experience possessed by the person holding such license until such person shall have twenty-five (25) years of teaching experience, and shall be increased by Three Hundred Thirty Dollars ($330.00) for each year of teaching experience over twenty-five (25) years up to thirty-five (35) years.

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

2009-2010 School Year
Annual Increments

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

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

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

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

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

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

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

(ii) A licensed nurse who has met the requirements and acquired a certificate from the National Board for Certification of School Nurses, Inc., and who is employed by a local school board or the State Board of Education as a school nurse and not as an administrator. The licensed school nurse
shall submit documentation to the State Department of Education that the certificate was received before October 15 in order to be eligible for the full salary supplement in the current school year, or the licensed school nurse shall submit the documentation to the State Department of Education before February 15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year. Provided, however, that the total number of licensed school nurses eligible for a salary supplement under this paragraph (ii) shall not exceed thirty (30).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Submit a plan on the implementation of a reading improvement program to the State Department of Education;
(ii) Develop a plan of educational accountability and assessment of performance, including pretests and posttests, for reading in Grades 1 through 6.

(b) Additionally, each school district shall:
   (i) Provide annually a mandatory preservice orientation session, using an existing in-school service day, for administrators and teachers on the effective use of assistant teachers as part of a team in the classroom setting and on the role of assistant teachers, with emphasis on program goals;
   (ii) Hold periodic workshops for administrators and teachers on the effective use and supervision of assistant teachers;
   (iii) Provide training annually on specific instructional skills for assistant teachers;
   (iv) Annually evaluate their program in accordance with their educational accountability and assessment of performance plan; and
   (v) Designate the necessary personnel to supervise and report on their program.

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

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

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

For the 2007-2008 school year and school years thereafter, the minimum salary for assistant teachers shall be Twelve Thousand Five Hundred Dollars ($12,500.00).

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

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

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

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

SECTION 27. Section 37-21-51, Mississippi Code of 1972, is reenacted and amended as follows:

37-21-51. (1) As used in Sections 37-21-51 through 37-21-55, the term "preschool or prekindergarten children" means any children who have not entered kindergarten.

(2) To ensure that all children have access to quality early childhood education and development services, the Legislature finds and declares the following:
(a) Parents have the primary duty to educate their young preschool children;

(b) The State of Mississippi can assist and educate parents in their role as the primary caregivers and educators of young preschool children; and

(c) There is a need to explore innovative approaches and strategies for aiding parents and families in the education and development of young preschool children.

(3) (a) This subsection shall be known and may be cited as the "Early Learning Collaborative Act of 2007."

(b) The Mississippi Department of Human Services shall implement a voluntary early care and education grant program, which shall be a collaboration among the entities providing prekindergarten programs including Head Start, licensed child care facilities and licensed public, parochial and private school prekindergarten programs. Enrollment in the preschool or prekindergarten program shall be coordinated with the Head Start agencies in the local areas and shall not be permitted to cause a reduction in children served by the Head Start program. Under this program, eligible entities may submit an application for funds to (i) defray the cost of additional teaching staff, appropriate educational materials and equipment and to improve the quality of educational experiences offered to four-year-old children in existing licensed early care and education programs, and/or to (ii) extend developmentally appropriate education services at such existing licensed programs currently serving four-year-old children to include practices of high quality instruction, and to (iii) administer, implement, monitor and evaluate the programs. Grant funds shall be provided on a local entity matching fund basis to be determined by the Department of Human Services.

(c) The Department of Human Services shall contract with an appropriate early care and education program entity to
serve as the fiscal agent for the program. All grant applicants shall be required to collaborate with other early care and education programs, provide a local community match to the grant award, designate one (1) entity as fiscal agent for the grant, and meet teacher qualifications.

(d) The early care and education program grants shall be awarded to successful applicants who meet the criteria developed by a committee appointed by the Governor, consisting of, but not limited to, representatives of the Mississippi Department of Human Services Office for Children and Youth, the Mississippi Head Start Association, the Mississippi Head Start Collaboration Office, the Mississippi Department of Education, the Mississippi State Department of Health Child Care Licensure Division and licensed child care facilities, one (1) of which must have a majority low-income population, in the state. The committee shall meet upon call of the Governor and shall organize for business by electing a chairman. Administrative and clerical support for the committee shall be provided by the Department of Human Services. The committee shall establish grant application criteria, procedures and deadlines. The criteria must include all conditions prescribed in paragraph (c), and shall include, but not be limited to: voluntary enrollment of children, qualifications for teachers and assistant teachers, allowed expenses, children with special needs, use of a research-based curriculum aligned with the learning objectives/milestones in the Mississippi Early Learning Guidelines for Four-Year-Old Children, teacher/child ratios, child care facility licensure requirements, and collaboration with other early childhood programs.

(e) Any teacher, assistant teacher or other employee whose salary and fringe benefits are paid from early care and education grants under this act shall not be deemed to be classified as state or local school district employees and shall
not be eligible for state health insurance benefits or membership
in the Public Employees' Retirement System.

(f) Subject to the availability of funds appropriated
therefor, the Department of Human Services shall administer the
implementation, monitoring and evaluation of the early care and
education grant program including the awards and the application
process. The State Department of Education, Office of Reading,
Early Childhood and Language Arts, in partnership with the
Mississippi Department of Human Services, Office for Children and
Youth, shall develop educational criteria regarding research-based
curriculum, the state's early learning guidelines and
developmentally appropriate educational services. Funding shall
be provided subject to appropriation beginning with the 2008
fiscal year. The department shall make an annual report to the
Legislature and the Governor regarding the effectiveness of the
program.

**SECTION 28.** Section 37-41-53, Mississippi Code of 1972, is
reenacted as follows:

37-41-53. (1) Each school board, person, firm or
corporation transporting public school children on the public
roads, streets and highways of the state with motor vehicles shall
have the motor vehicles inspected according to the laws of the
state. Each motor vehicle shall be inspected by a competent
mechanic to be safe for transporting pupils on the roads, streets
and highways of the state before it is released for such purpose.
If such motor vehicle is found to be unsafe for transporting
pupils, then it shall be properly repaired or adjusted as
necessary before being used to transport pupils. The provisions
of this subsection shall not apply to vehicles owned by
individuals and under private contract to the school district and
used exclusively for transporting members of their immediate
families.
(2) The State Department of Education may inspect, at its discretion, any school bus used for transporting pupils to and from the public schools or for activity purposes to determine the safety of such motor vehicle for operation on the roads, streets and highways of this state. In the event a vehicle is inspected and is found to be unsafe for transporting pupils, a report shall be filed with the appropriate school official indicating its deficiencies with recommendations for correcting such deficiencies.

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

SECTION 29. Section 37-61-33, Mississippi Code of 1972, is reenacted as follows:

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

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

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

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

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

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

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

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

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

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

   (iii) Nine and sixty-one one-hundredths percent
(9.61%) for classroom supplies, instructional materials and
equipment, including computers and computer software, to be
distributed to all school districts in the proportion that the
average daily attendance of each school district bears to the
average daily attendance of all school districts within the state.

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

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

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

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

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

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

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

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

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

**SECTION 30.** Section 37-159-11, Mississippi Code of 1972, is reenacted and amended as follows:

37-159-11. (1) There is established the Mississippi Employer-Assisted Housing Teacher Program, which shall be a special home loan program for eligible licensed teachers who render service to the state in a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education. The home loan program shall be administered by the State Department of Education in conjunction with the Federal National Mortgage Association (Fannie Mae). The department may contract with one or more public or private entities to provide assistance in implementing and administering the program. The State Board of Education shall adopt rules and regulations regarding the implementation and administration of the program.

(2) Participation in the loan program shall be available to any licensed teacher who renders service in a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education. Any person who receives a loan under the program shall be required to purchase a house and reside in a county in which the school district for which the teacher is rendering service, or any portion of the school district, is located. The maximum amount of a loan that may be made under the program to any person shall be Six Thousand Dollars ($6,000.00).

(3) Any loan made under the program to a person who actually renders service as a teacher in a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education, shall be converted to an interest-free grant on the basis of one (1) year's service for...
one-third (1/3) of the amount of the loan. Any person who does
not render three (3) years' service as a teacher in a geographical
area of the state where there exists a critical shortage of
teachers, as designated by the State Board of Education, shall be
liable to the State Department of Education for one-third (1/3) of
the amount of the loan for each year that he does not render such
service, plus interest accruing at the current Stafford Loan rate
at the time the person discontinues his service. If a claim for
repayment under this subsection is placed in the hands of an
attorney for collection, the obligor shall be liable for an
additional amount equal to a reasonable attorney's fee.

(4) All funds received by the State Department of Education
as repayment of loans by program participants shall be deposited
in the Mississippi Critical Teacher Shortage Fund.

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SECTION 31. Section 37-161-1, Mississippi Code of 1972, is
reenacted as follows:

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

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

SECTION 32. Section 37-161-3, Mississippi Code of 1972, is
reenacted as follows:

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

(a) Meeting the educational needs of children in our
state's schools is of the greatest importance to the future
welfare of the State of Mississippi;
(b) Closing the achievement gap between high-performing students, including the achievement gap among at-risk students, is a significant and present challenge;

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

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

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

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

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

(a) "Mississippi Virtual Public School" means a public school in which the state uses technology in order to deliver instruction to students via the Internet in a virtual or remote setting.
(b) "Sponsor" means the public school district is responsible for the academic process for each student, including but not limited to, enrollment, awarding of credit and monitoring progress.


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

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

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

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

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

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

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

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

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

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

SECTION 33. Section 37-161-5, Mississippi Code of 1972, is reenacted as follows:

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

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

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

(b) The State Superintendent of Public Education;

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

(d) The Commissioner of Higher Education.

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

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

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

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

(d) To encourage more rigor and relevance in the high school experience;
(e) To facilitate the transferability of education from secondary to postsecondary institutions;

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

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

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

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

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

SECTION 34. Section 37-161-7, Mississippi Code of 1972, is reenacted as follows:

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

SECTION 35. Section 43-1-65, Mississippi Code of 1972, is reenacted as follows:

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

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

SECTION 36. Section 43-1-67, Mississippi Code of 1972, is reenacted as follows:

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

SECTION 37. Section 37-13-90, Mississippi Code of 1972, which provides for the automatic repeal of statutes relating to school attendance officers and the Office of Dropout Prevention in the State Department of Education, is hereby repealed.

SECTION 38. This act shall take effect and be in force from and after June 30, 2009.