

By: Senator(s) Carmichael

To: Education;
Appropriations

SENATE BILL NO. 2328
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 19 OF CHAPTER 504, LAWS OF 2006, TO
2 DELETE THE AUTOMATIC REPEALER ON THE "MISSISSIPPI EDUCATION REFORM
3 ACT OF 2006"; TO REENACT SECTIONS 37-3-2, 37-3-4, 37-3-46,
4 37-3-49, 37-3-97, 37-7-301, 37-7-301.1, 37-7-337, 37-9-18,
5 37-13-61, 37-13-67, 37-13-69, 37-13-80, 37-13-81, 37-13-83,
6 37-13-85, 37-13-87, 37-13-89, 37-15-38, 37-15-39, 37-17-8,
7 37-17-11, 37-17-12, 37-19-7, 37-21-7, 37-21-51, 37-41-53,
8 37-61-33, 37-159-11, 37-161-1, 37-161-3, 37-161-5, 37-161-7,
9 43-1-65 AND 43-1-67, MISSISSIPPI CODE OF 1972, RELATING TO THE
10 ADMINISTRATION OF PUBLIC SCHOOL DISTRICTS AND THE STATE DEPARTMENT
11 OF EDUCATION; TO REPEAL SECTION 37-13-90 WHICH, PROVIDES FOR THE
12 AUTOMATIC REPEAL OF STATUTES RELATING TO SCHOOL ATTENDANCE
13 OFFICERS AND THE OFFICE OF DROPOUT PREVENTION IN THE STATE
14 DEPARTMENT OF EDUCATION; AND FOR RELATED PURPOSES.

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

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

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

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

22 37-3-2. (1) There is established within the State
23 Department of Education the Commission on Teacher and
24 Administrator Education, Certification and Licensure and
25 Development. It shall be the purpose and duty of the commission
26 to make recommendations to the State Board of Education regarding
27 standards for the certification and licensure and continuing
28 professional development of those who teach or perform tasks of an
29 educational nature in the public schools of Mississippi.

30 (2) The commission shall be composed of fifteen (15)
31 qualified members. The membership of the commission shall be
32 composed of the following members to be appointed, three (3) from



33 each congressional district: four (4) classroom teachers; three
34 (3) school administrators; one (1) representative of schools of
35 education of institutions of higher learning located within the
36 state to be recommended by the Board of Trustees of State
37 Institutions of Higher Learning; one (1) representative from the
38 schools of education of independent institutions of higher
39 learning to be recommended by the Board of the Mississippi
40 Association of Independent Colleges; one (1) representative from
41 public community and junior colleges located within the state to
42 be recommended by the State Board for Community and Junior
43 Colleges; one (1) local school board member; and four (4) lay
44 persons. All appointments shall be made by the State Board of
45 Education after consultation with the State Superintendent of
46 Public Education. The first appointments by the State Board of
47 Education shall be made as follows: five (5) members shall be
48 appointed for a term of one (1) year; five (5) members shall be
49 appointed for a term of two (2) years; and five (5) members shall
50 be appointed for a term of three (3) years. Thereafter, all
51 members shall be appointed for a term of four (4) years.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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



98 (6) (a) **Standard License - Approved Program Route.** An
99 educator entering the school system of Mississippi for the first
100 time and meeting all requirements as established by the State
101 Board of Education shall be granted a standard five-year license.
102 Persons who possess two (2) years of classroom experience as an
103 assistant teacher or who have taught for one (1) year in an
104 accredited public or private school shall be allowed to fulfill
105 student teaching requirements under the supervision of a qualified
106 participating teacher approved by an accredited college of
107 education. The local school district in which the assistant
108 teacher is employed shall compensate such assistant teachers at
109 the required salary level during the period of time such
110 individual is completing student teaching requirements.
111 Applicants for a standard license shall submit to the department:
112 (i) An application on a department form;
113 (ii) An official transcript of completion of a
114 teacher education program approved by the department or a
115 nationally accredited program, subject to the following:
116 Licensure to teach in Mississippi prekindergarten through
117 kindergarten classrooms shall require completion of a teacher
118 education program or a bachelor of science degree with child
119 development emphasis from a program accredited by the American
120 Association of Family and Consumer Sciences (AAFCS) or by the
121 National Association for Education of Young Children (NAEYC) or by
122 the National Council for Accreditation of Teacher Education
123 (NCATE). Licensure to teach in Mississippi kindergarten, for
124 those applicants who have completed a teacher education program,
125 and in Grade 1 through Grade 4 shall require the completion of an
126 interdisciplinary program of studies. Licenses for Grades 4
127 through 8 shall require the completion of an interdisciplinary
128 program of studies with two (2) or more areas of concentration.
129 Licensure to teach in Mississippi Grades 7 through 12 shall
130 require a major in an academic field other than education, or a



131 combination of disciplines other than education. Students
132 preparing to teach a subject shall complete a major in the
133 respective subject discipline. All applicants for standard
134 licensure shall demonstrate that such person's college preparation
135 in those fields was in accordance with the standards set forth by
136 the National Council for Accreditation of Teacher Education
137 (NCATE) or the National Association of State Directors of Teacher
138 Education and Certification (NASDTEC) or, for those applicants who
139 have a bachelor of science degree with child development emphasis,
140 the American Association of Family and Consumer Sciences (AAFCS);

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

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

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

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

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



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

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

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

190 (iv) During the semester of internship in the
191 school district, the teacher preparation institution shall monitor
192 the performance of the intern teacher. The school district that
193 employs the provisional teacher shall supervise the provisional
194 teacher during the teacher's intern year of employment under a
195 nontraditional provisional license, and shall, in consultation
196 with the teacher intern's mentor at the school district of



197 employment, submit to the commission a comprehensive evaluation of
198 the teacher's performance sixty (60) days prior to the expiration
199 of the nontraditional provisional license. If the comprehensive
200 evaluation establishes that the provisional teacher intern's
201 performance fails to meet the standards of the approved
202 nontraditional teacher preparation internship program, the
203 individual shall not be approved for a standard license.

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

209 (vi) Upon successful completion of the TMI and the
210 internship provisional license period, applicants for a Standard
211 License - Nontraditional Route shall submit to the commission a
212 transcript of successful completion of the twelve (12) semester
213 hours required in the internship program, and the employing school
214 district shall submit to the commission a recommendation for
215 standard licensure of the intern. If the school district
216 recommends licensure, the applicant shall be issued a Standard
217 License - Nontraditional Route which shall be valid for a
218 five-year period and be renewable.

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

224 (viii) The local school district in which the
225 nontraditional teacher intern or provisional licensee is employed
226 shall compensate such teacher interns at Step 1 of the required
227 salary level during the period of time such individual is
228 completing teacher internship requirements and shall compensate



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

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

234 Such implementation of the TMI program may not be deemed to
235 prohibit the State Board of Education from developing and
236 implementing additional alternative route teacher licensure
237 programs, as deemed appropriate by the board. The emergency
238 certification program in effect prior to July 1, 2002, shall
239 remain in effect.

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

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

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



262 nonpublic school accredited or approved by the state. Such person
263 may begin teaching upon his employment by the local school board
264 and licensure by the Mississippi Department of Education. The
265 board shall adopt rules and regulations to administer the expert
266 citizen-teacher license. A Special License - Expert Citizen may
267 be renewed in accordance with the established rules and
268 regulations of the State Department of Education.

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

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

286 (f) **Special License - Transitional Bilingual Education.**
287 Beginning July 1, 2003, the commission shall grant special
288 licenses to teachers of transitional bilingual education who
289 possess such qualifications as are prescribed in this section.
290 Teachers of transitional bilingual education shall be compensated
291 by local school boards at not less than one (1) step on the
292 regular salary schedule applicable to permanent teachers licensed
293 under this section. The commission shall grant special licenses
294 to teachers of transitional bilingual education who present the



295 commission with satisfactory evidence that they (i) possess a
296 speaking and reading ability in a language, other than English, in
297 which bilingual education is offered and communicative skills in
298 English; (ii) are in good health and sound moral character; (iii)
299 possess a bachelor's degree or an associate's degree in teacher
300 education from an accredited institution of higher education; (iv)
301 meet such requirements as to courses of study, semester hours
302 therein, experience and training as may be required by the
303 commission; and (v) are legally present in the United States and
304 possess legal authorization for employment. A teacher of
305 transitional bilingual education serving under a special license
306 shall be under an exemption from standard licensure if he achieves
307 the requisite qualifications therefor. Two (2) years of service
308 by a teacher of transitional bilingual education under such an
309 exemption shall be credited to the teacher in acquiring a Standard
310 Educator License. Nothing in this paragraph shall be deemed to
311 prohibit a local school board from employing a teacher licensed in
312 an appropriate field as approved by the State Department of
313 Education to teach in a program in transitional bilingual
314 education.

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

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

325 (7) **Administrator License.** The State Board of Education is
326 authorized to establish rules and regulations and to administer
327 the licensure process of the school administrators in the State of



328 Mississippi. There will be four (4) categories of administrator
329 licensure with exceptions only through special approval of the
330 State Board of Education.

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

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

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

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

355 The State Department of Education shall compile and report,
356 in consultation with the commission, information relating to
357 nontraditional administrator preparation internship programs,
358 including the number of programs available and geographic areas in
359 which they are available, the number of individuals who apply for
360 and possess a nontraditional conditional license and where they



361 are employed, and shall submit its findings and recommendations to
362 the legislative committees on education by December 1, 2004.

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

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

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

391 (9) **Renewal and Reinstatement of Licenses.** The State Board
392 of Education is authorized to establish rules and regulations for
393 the renewal and reinstatement of educator and administrator



394 licenses. Effective May 15, 1997, the valid standard license held
395 by an educator shall be extended five (5) years beyond the
396 expiration date of the license in order to afford the educator
397 adequate time to fulfill new renewal requirements established
398 pursuant to this subsection. An educator completing a master of
399 education, educational specialist or doctor of education degree in
400 May 1997 for the purpose of upgrading the educator's license to a
401 higher class shall be given this extension of five (5) years plus
402 five (5) additional years for completion of a higher degree.

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

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

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



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

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

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

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

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

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

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

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

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

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

458 (c) Suspension or revocation of a certificate or
459 license by another state shall result in immediate suspension or



460 revocation and shall continue until records in the prior state
461 have been cleared;

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

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

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

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

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

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

486 (14) A person whose license has been suspended on any
487 grounds except criminal grounds may petition for reinstatement of
488 the license after one (1) year from the date of suspension, or
489 after one-half (1/2) of the suspended time has lapsed, whichever
490 is greater. A license suspended or revoked on the criminal
491 grounds may be reinstated upon petition to the commission filed
492 after expiration of the sentence and parole or probationary period



493 imposed upon conviction. A revoked, suspended or surrendered
494 license may be reinstated upon satisfactory showing of evidence of
495 rehabilitation. The commission shall require all who petition for
496 reinstatement to furnish evidence satisfactory to the commission
497 of good character, good mental, emotional and physical health and
498 such other evidence as the commission may deem necessary to
499 establish the petitioner's rehabilitation and fitness to perform
500 the duties authorized by the license.

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

515 (16) An appeal from the action of the State Board of
516 Education in denying an application, revoking or suspending a
517 license or otherwise disciplining any person under the provisions
518 of this section shall be filed in the Chancery Court of the First
519 Judicial District of Hinds County on the record made, including a
520 verbatim transcript of the testimony at the hearing. The appeal
521 shall be filed within thirty (30) days after notification of the
522 action of the board is mailed or served and the proceedings in
523 chancery court shall be conducted as other matters coming before
524 the court. The appeal shall be perfected upon filing notice of
525 the appeal and by the prepayment of all costs, including the cost



526 of preparation of the record of the proceedings by the State Board
527 of Education, and the filing of a bond in the sum of Two Hundred
528 Dollars (\$200.00) conditioned that if the action of the board be
529 affirmed by the chancery court, the applicant or license holder
530 shall pay the costs of the appeal and the action of the chancery
531 court.

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

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

544 (19) In addition to the reasons specified in subsections
545 (12) and (13) of this section, the board shall be authorized to
546 suspend the license of any licensee for being out of compliance
547 with an order for support, as defined in Section 93-11-153. The
548 procedure for suspension of a license for being out of compliance
549 with an order for support, and the procedure for the reissuance or
550 reinstatement of a license suspended for that purpose, and the
551 payment of any fees for the reissuance or reinstatement of a
552 license suspended for that purpose, shall be governed by Section
553 93-11-157 or 93-11-163, as the case may be. Actions taken by the
554 board in suspending a license when required by Section 93-11-157
555 or 93-11-163 are not actions from which an appeal may be taken
556 under this section. Any appeal of a license suspension that is
557 required by Section 93-11-157 or 93-11-163 shall be taken in
558 accordance with the appeal procedure specified in Section



559 93-11-157 or 93-11-163, as the case may be, rather than the
560 procedure specified in this section. If there is any conflict
561 between any provision of Section 93-11-157 or 93-11-163 and any
562 provision of this chapter, the provisions of Section 93-11-157 or
563 93-11-163, as the case may be, shall control.

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

566 37-3-4. (1) There is established within the State
567 Department of Education, the School Executive Management
568 Institute. The director shall be appointed by the State Board of
569 Education upon recommendation by the State Superintendent of
570 Public Education. The State Superintendent of Public Education,
571 with the approval of the State Board of Education, shall assign
572 sufficient staff members from the State Department of Education to
573 the institute.

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

583 (3) The State Board of Education shall develop and implement
584 through the School Executive Management Institute a program for
585 the development of administrative and management skills of local
586 school administrators under which all local school administrators
587 shall be required to participate. Subject to the extent of
588 appropriations available for such purpose, the School Executive
589 Management Institute or the Mississippi School Boards Association
590 shall be required to offer courses at least twice a year on the
591 uses of technology to principals, superintendents and other



592 administrative personnel. These courses shall relate to the
593 application of technology to learning, as well as administrative
594 problems.

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

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

618 (b) Board members of the Oxford-Lafayette Business and
619 Industrial Complex shall be paid per diem and reimbursed for
620 expenses and mileage from local funds in accordance with Section
621 37-6-13.

622 (5) (a) Basic Education Course. The Mississippi School
623 Boards Association shall be responsible for preparing and
624 conducting a course of training for basic education for the local



625 school board members of this state, in order for board members to
626 carry out their duties more effectively and be exposed to new
627 ideas involving school restructuring. The basic course shall be
628 known as the "School Board Member Training Course" and shall
629 consist of at least twelve (12) hours of training. The
630 Mississippi School Boards Association shall issue certificates of
631 completion to those school board members who complete the basic
632 education course.

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

642 (c) Additional Required Training. Effective July 1,
643 2008, local school board members that serve in a district with one
644 or more underperforming schools as determined by the Mississippi
645 Board of Education accountability system as provided for in
646 Section 37-17-6, or serving in a school district that has a
647 serious financial condition as determined by the State Auditor as
648 provided for in Section 37-9-18, shall annually attend additional
649 training provided by the Mississippi School Boards Association.

650 The Mississippi School Boards Association shall, subject to
651 appropriation, develop and conduct training specific to the local
652 boards' role in improving learning outcomes and effective
653 financial management. Such training shall be known as "Improving
654 Student Outcomes and Academic Success" which shall consist of not
655 less than six (6) hours of training and "Effective Financial
656 Management In Local School Districts" which shall consist of not
657 less than six (6) hours of training. Any local board members that



658 serve in a school district that meets the criteria for both of the
659 training modules shall annually attend both training sessions for
660 a total of not less than twelve (12) hours of training. At such
661 time the school district is determined to no longer have
662 underperforming schools; or no longer has a serious financial
663 condition, such board member shall no longer be required to attend
664 the training as provided herein. The training as required under
665 subsection (c) shall not replace, but is in addition to, the
666 training required for new school board members and continuing
667 board members as required under Section 37-7-306.

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

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

683 (7) The School Executive Management Institute of the State
684 Department of Education, or the Mississippi School Boards
685 Association with the oversight of the State Board of Education, at
686 least twice a year, shall prepare and conduct required courses of
687 training for continuing education for the elementary and secondary
688 school principals of this state, in order for principals to carry
689 out their duties more effectively and be exposed to new ideas
690 involving school management. The continuing education course



691 shall be known as the "Continuing Education Course for Principals"
692 and shall consist of at least six (6) hours of training. The
693 content of the continuing education courses and the time and place
694 such courses are to be conducted shall be determined by the School
695 Executive Management Institute or the Mississippi School Boards
696 Association; however, to the extent practicable, such training
697 sessions shall be held within geographical proximity of local
698 districts in order that travel times and costs shall not be
699 prohibitive.

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

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

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

712 37-3-46. The State Department of Education, in regard to any
713 district not meeting Level 4 or 5 accreditation standards, as
714 defined by the State Board of Education, shall:

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

719 (b) Provide to local school districts technical
720 assistance and training in the development, implementation and
721 administration of a personnel appraisal and compensation system
722 for all school employees.



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

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

729 37-3-49. (1) The State Department of Education shall
730 provide an instructional program and establish guidelines and
731 procedures for managing such program in the public schools as part
732 of the State Program of Educational Accountability and Assessment
733 of Performance as prescribed in Section 37-3-46. Public school
734 districts may (a) elect to adopt the instructional program and
735 management system provided by the State Department of Education,
736 or (b) elect to adopt an instructional program and management
737 system which meets or exceeds criteria established by the State
738 Department of Education for such. This provision shall begin with
739 the courses taught in Grades K-8 which contain skills tested
740 through the Mississippi Basic Skills Assessment Program and shall
741 proceed through all secondary school courses mandated for
742 graduation and all secondary school courses in the Mississippi
743 end-of-course testing program. Other state core objectives must
744 be included in the district's instructional program as they are
745 provided by the State Department of Education along with
746 instructional practices, resources, evaluation items and
747 management procedures. Districts are encouraged to adapt this
748 program and accompanying procedures to all other instructional
749 areas. The department shall provide that such program and
750 guidelines, or a program and guidelines developed by a local
751 school district which incorporates the core objectives from the
752 curriculum structure are enforced through the performance-based
753 accreditation system. It is the intent of the Legislature that
754 every effort be made to protect the instructional time in the
755 classroom and reduce the amount of paperwork which must be



756 completed by teachers. The State Department of Education shall
757 take steps to insure that school districts properly use staff
758 development time to work on the districts' instructional
759 management plans.

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

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

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

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

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

787 (e) There shall be an annual review of student
788 performance in the instructional program against locally



789 established standards. When weaknesses exist in the local
790 instructional program, the district shall take action to improve
791 student performance.

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

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

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

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

806 37-3-97. The State Department of Education and the Board of
807 Trustees of State Institutions of Higher Learning shall prepare
808 jointly an annual report for the Legislature and Governor to be
809 submitted before December 1 of each year beginning in 2006. The
810 report shall be a compilation of existing data that may be used to
811 create a rating system that measures the performance of the
812 teacher education programs in the state.

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

815 37-7-301. The school boards of all school districts shall
816 have the following powers, authority and duties in addition to all
817 others imposed or granted by law, to wit:

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



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

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

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

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

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

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

850 (h) To exclude from the schools students with what
851 appears to be infectious or contagious diseases; provided,
852 however, such student may be allowed to return to school upon
853 presenting a certificate from a public health officer, duly



854 licensed physician or nurse practitioner that the student is free
855 from such disease;

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

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

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

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

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

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

873 (o) To make orders directed to the superintendent of
874 schools for the issuance of pay certificates for lawful purposes
875 on any available funds of the district and to have full control of
876 the receipt, distribution, allotment and disbursement of all funds
877 provided for the support and operation of the schools of such
878 school district whether such funds be derived from state
879 appropriations, local ad valorem tax collections, or otherwise.
880 The local school board shall be authorized and empowered to
881 promulgate rules and regulations that specify the types of claims
882 and set limits of the dollar amount for payment of claims by the
883 superintendent of schools to be ratified by the board at the next
884 regularly scheduled meeting after payment has been made;

885 (p) To select all school district personnel in the
886 manner provided by law, and to provide for such employee fringe



887 benefit programs, including accident reimbursement plans, as may
888 be deemed necessary and appropriate by the board;

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

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

896 (s) To expend local school activity funds, or other
897 available school district funds, other than minimum education
898 program funds, for the purposes prescribed under this paragraph.
899 "Activity funds" shall mean all funds received by school officials
900 in all school districts paid or collected to participate in any
901 school activity, such activity being part of the school program
902 and partially financed with public funds or supplemented by public
903 funds. The term "activity funds" shall not include any funds
904 raised and/or expended by any organization unless commingled in a
905 bank account with existing activity funds, regardless of whether
906 the funds were raised by school employees or received by school
907 employees during school hours or using school facilities, and
908 regardless of whether a school employee exercises influence over
909 the expenditure or disposition of such funds. Organizations shall
910 not be required to make any payment to any school for the use of
911 any school facility if, in the discretion of the local school
912 governing board, the organization's function shall be deemed to be
913 beneficial to the official or extracurricular programs of the
914 school. For the purposes of this provision, the term
915 "organization" shall not include any organization subject to the
916 control of the local school governing board. Activity funds may
917 only be expended for any necessary expenses or travel costs,
918 including advances, incurred by students and their chaperons in
919 attending any in-state or out-of-state school-related programs,



920 conventions or seminars and/or any commodities, equipment, travel
921 expenses, purchased services or school supplies which the local
922 school governing board, in its discretion, shall deem beneficial
923 to the official or extracurricular programs of the district,
924 including items which may subsequently become the personal
925 property of individuals, including yearbooks, athletic apparel,
926 book covers and trophies. Activity funds may be used to pay
927 travel expenses of school district personnel. The local school
928 governing board shall be authorized and empowered to promulgate
929 rules and regulations specifically designating for what purposes
930 school activity funds may be expended. The local school governing
931 board shall provide (i) that such school activity funds shall be
932 maintained and expended by the principal of the school generating
933 the funds in individual bank accounts, or (ii) that such school
934 activity funds shall be maintained and expended by the
935 superintendent of schools in a central depository approved by the
936 board. The local school governing board shall provide that such
937 school activity funds be audited as part of the annual audit
938 required in Section 37-9-18. The State Department of Education
939 shall prescribe a uniform system of accounting and financial
940 reporting for all school activity fund transactions;

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

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

947 (v) (i) To lease a school building from an individual,
948 partnership, nonprofit corporation or a private for-profit
949 corporation for the use of such school district, and to expend
950 funds therefor as may be available from any nonminimum program
951 sources. The school board of the school district desiring to
952 lease a school building shall declare by resolution that a need



953 exists for a school building and that the school district cannot
954 provide the necessary funds to pay the cost or its proportionate
955 share of the cost of a school building required to meet the
956 present needs. The resolution so adopted by the school board
957 shall be published once each week for three (3) consecutive weeks
958 in a newspaper having a general circulation in the school district
959 involved, with the first publication thereof to be made not less
960 than thirty (30) days prior to the date upon which the school
961 board is to act on the question of leasing a school building. If
962 no petition requesting an election is filed prior to such meeting
963 as hereinafter provided, then the school board may, by resolution
964 spread upon its minutes, proceed to lease a school building. If
965 at any time prior to said meeting a petition signed by not less
966 than twenty percent (20%) or fifteen hundred (1500), whichever is
967 less, of the qualified electors of the school district involved
968 shall be filed with the school board requesting that an election
969 be called on the question, then the school board shall, not later
970 than the next regular meeting, adopt a resolution calling an
971 election to be held within such school district upon the question
972 of authorizing the school board to lease a school building. Such
973 election shall be called and held, and notice thereof shall be
974 given, in the same manner for elections upon the questions of the
975 issuance of the bonds of school districts, and the results thereof
976 shall be certified to the school board. If at least three-fifths
977 (3/5) of the qualified electors of the school district who voted
978 in such election shall vote in favor of the leasing of a school
979 building, then the school board shall proceed to lease a school
980 building. The term of the lease contract shall not exceed twenty
981 (20) years, and the total cost of such lease shall be either the
982 amount of the lowest and best bid accepted by the school board
983 after advertisement for bids or an amount not to exceed the
984 current fair market value of the lease as determined by the
985 averaging of at least two (2) appraisals by certified general



986 appraisers licensed by the State of Mississippi. The term "school
987 building" as used in this paragraph (v) (i) shall be construed to
988 mean any building or buildings used for classroom purposes in
989 connection with the operation of schools and shall include the
990 site therefor, necessary support facilities, and the equipment
991 thereof and appurtenances thereto such as heating facilities,
992 water supply, sewage disposal, landscaping, walks, drives and
993 playgrounds. The term "lease" as used in this paragraph (v) (i)
994 may include a lease/purchase contract;

995 (ii) If two (2) or more school districts propose
996 to enter into a lease contract jointly, then joint meetings of the
997 school boards having control may be held but no action taken shall
998 be binding on any such school district unless the question of
999 leasing a school building is approved in each participating school
1000 district under the procedure hereinabove set forth in paragraph
1001 (v) (i). All of the provisions of paragraph (v) (i) regarding the
1002 term and amount of the lease contract shall apply to the school
1003 boards of school districts acting jointly. Any lease contract
1004 executed by two (2) or more school districts as joint lessees
1005 shall set out the amount of the aggregate lease rental to be paid
1006 by each, which may be agreed upon, but there shall be no right of
1007 occupancy by any lessee unless the aggregate rental is paid as
1008 stipulated in the lease contract. All rights of joint lessees
1009 under the lease contract shall be in proportion to the amount of
1010 lease rental paid by each;

1011 (w) To employ all noninstructional and noncertificated
1012 employees and fix the duties and compensation of such personnel
1013 deemed necessary pursuant to the recommendation of the
1014 superintendent of schools;

1015 (x) To employ and fix the duties and compensation of
1016 such legal counsel as deemed necessary;

1017 (y) Subject to rules and regulations of the State Board
1018 of Education, to purchase, own and operate trucks, vans and other



1019 motor vehicles, which shall bear the proper identification
1020 required by law;

1021 (z) To expend funds for the payment of substitute
1022 teachers and to adopt reasonable regulations for the employment
1023 and compensation of such substitute teachers;

1024 (aa) To acquire in its own name by purchase all real
1025 property which shall be necessary and desirable in connection with
1026 the construction, renovation or improvement of any public school
1027 building or structure. Whenever the purchase price for such real
1028 property is greater than Fifty Thousand Dollars (\$50,000.00), the
1029 school board shall not purchase the property for an amount
1030 exceeding the fair market value of such property as determined by
1031 the average of at least two (2) independent appraisals by
1032 certified general appraisers licensed by the State of Mississippi.
1033 If the board shall be unable to agree with the owner of any such
1034 real property in connection with any such project, the board shall
1035 have the power and authority to acquire any such real property by
1036 condemnation proceedings pursuant to Section 11-27-1 et seq.,
1037 Mississippi Code of 1972, and for such purpose, the right of
1038 eminent domain is hereby conferred upon and vested in said board.
1039 Provided further, that the local school board is authorized to
1040 grant an easement for ingress and egress over sixteenth section
1041 land or lieu land in exchange for a similar easement upon
1042 adjoining land where the exchange of easements affords substantial
1043 benefit to the sixteenth section land; provided, however, the
1044 exchange must be based upon values as determined by a competent
1045 appraiser, with any differential in value to be adjusted by cash
1046 payment. Any easement rights granted over sixteenth section land
1047 under such authority shall terminate when the easement ceases to
1048 be used for its stated purpose. No sixteenth section or lieu land
1049 which is subject to an existing lease shall be burdened by any
1050 such easement except by consent of the lessee or unless the school



1051 district shall acquire the unexpired leasehold interest affected
1052 by the easement;

1053 (bb) To charge reasonable fees related to the
1054 educational programs of the district, in the manner prescribed in
1055 Section 37-7-335;

1056 (cc) Subject to rules and regulations of the State
1057 Board of Education, to purchase relocatable classrooms for the use
1058 of such school district, in the manner prescribed in Section
1059 37-1-13;

1060 (dd) Enter into contracts or agreements with other
1061 school districts, political subdivisions or governmental entities
1062 to carry out one or more of the powers or duties of the school
1063 board, or to allow more efficient utilization of limited resources
1064 for providing services to the public;

1065 (ee) To provide for in-service training for employees
1066 of the district;

1067 (ff) As part of their duties to prescribe the use of
1068 textbooks, to provide that parents and legal guardians shall be
1069 responsible for the textbooks and for the compensation to the
1070 school district for any books which are not returned to the proper
1071 schools upon the withdrawal of their dependent child. If a
1072 textbook is lost or not returned by any student who drops out of
1073 the public school district, the parent or legal guardian shall
1074 also compensate the school district for the fair market value of
1075 the textbooks;

1076 (gg) To conduct fund-raising activities on behalf of
1077 the school district that the local school board, in its
1078 discretion, deems appropriate or beneficial to the official or
1079 extracurricular programs of the district; provided that:

1080 (i) Any proceeds of the fund-raising activities
1081 shall be treated as "activity funds" and shall be accounted for as
1082 are other activity funds under this section; and



1083 (ii) Fund-raising activities conducted or
1084 authorized by the board for the sale of school pictures, the
1085 rental of caps and gowns or the sale of graduation invitations for
1086 which the school board receives a commission, rebate or fee shall
1087 contain a disclosure statement advising that a portion of the
1088 proceeds of the sales or rentals shall be contributed to the
1089 student activity fund;

1090 (hh) To allow individual lessons for music, art and
1091 other curriculum-related activities for academic credit or
1092 nonacademic credit during school hours and using school equipment
1093 and facilities, subject to uniform rules and regulations adopted
1094 by the school board;

1095 (ii) To charge reasonable fees for participating in an
1096 extracurricular activity for academic or nonacademic credit for
1097 necessary and required equipment such as safety equipment, band
1098 instruments and uniforms;

1099 (jj) To conduct or participate in any fund-raising
1100 activities on behalf of or in connection with a tax-exempt
1101 charitable organization;

1102 (kk) To exercise such powers as may be reasonably
1103 necessary to carry out the provisions of this section;

1104 (ll) To expend funds for the services of nonprofit arts
1105 organizations or other such nonprofit organizations who provide
1106 performances or other services for the students of the school
1107 district;

1108 (mm) To expend federal No Child Left Behind Act funds,
1109 or any other available funds that are expressly designated and
1110 authorized for that use, to pay training, educational expenses,
1111 salary incentives and salary supplements to employees of local
1112 school districts; except that incentives shall not be considered
1113 part of the local supplement as defined in Section 37-151-5(o),
1114 nor shall incentives be considered part of the local supplement
1115 paid to an individual teacher for the purposes of Section



1116 37-19-7(1). Mississippi Adequate Education Program funds or any
1117 other state funds may not be used for salary incentives or salary
1118 supplements as provided in this paragraph (mm);

1119 (nn) To use any available funds, not appropriated or
1120 designated for any other purpose, for reimbursement to the
1121 state-licensed employees from both in state and out of state, who
1122 enter into a contract for employment in a school district, for the
1123 expense of moving when the employment necessitates the relocation
1124 of the licensed employee to a different geographical area than
1125 that in which the licensed employee resides before entering into
1126 the contract. The reimbursement shall not exceed One Thousand
1127 Dollars (\$1,000.00) for the documented actual expenses incurred in
1128 the course of relocating, including the expense of any
1129 professional moving company or persons employed to assist with the
1130 move, rented moving vehicles or equipment, mileage in the amount
1131 authorized for county and municipal employees under Section
1132 25-3-41 if the licensed employee used his personal vehicle or
1133 vehicles for the move, meals and such other expenses associated
1134 with the relocation. No licensed employee may be reimbursed for
1135 moving expenses under this section on more than one (1) occasion
1136 by the same school district. Nothing in this section shall be
1137 construed to require the actual residence to which the licensed
1138 employee relocates to be within the boundaries of the school
1139 district that has executed a contract for employment in order for
1140 the licensed employee to be eligible for reimbursement for the
1141 moving expenses. However, the licensed employee must relocate
1142 within the boundaries of the State of Mississippi. Any individual
1143 receiving relocation assistance through the Critical Teacher
1144 Shortage Act as provided in Section 37-159-5 shall not be eligible
1145 to receive additional relocation funds as authorized in this
1146 paragraph;

1147 (oo) To use any available funds, not appropriated or
1148 designated for any other purpose, to reimburse persons who



1149 interview for employment as a licensed employee with the district
1150 for the mileage and other actual expenses incurred in the course
1151 of travel to and from the interview at the rate authorized for
1152 county and municipal employees under Section 25-3-41;

1153 (pp) Consistent with the report of the Task Force to
1154 Conduct a Best Financial Management Practices Review, to improve
1155 school district management and use of resources and identify cost
1156 savings as established in Section 8 of Chapter 610, Laws of 2002,
1157 local school boards are encouraged to conduct independent reviews
1158 of the management and efficiency of schools and school districts.
1159 Such management and efficiency reviews shall provide state and
1160 local officials and the public with the following:

1161 (i) An assessment of a school district's
1162 governance and organizational structure;

1163 (ii) An assessment of the school district's
1164 financial and personnel management;

1165 (iii) An assessment of revenue levels and sources;

1166 (iv) An assessment of facilities utilization,
1167 planning and maintenance;

1168 (v) An assessment of food services, transportation
1169 and safety/security systems;

1170 (vi) An assessment of instructional and
1171 administrative technology;

1172 (vii) A review of the instructional management and
1173 the efficiency and effectiveness of existing instructional
1174 programs; and

1175 (viii) Recommended methods for increasing
1176 efficiency and effectiveness in providing educational services to
1177 the public;

1178 (qq) To enter into agreements with other local school
1179 boards for the establishment of an educational service agency
1180 (ESA) to provide for the cooperative needs of the region in which
1181 the school district is located, as provided in Section 37-7-345.



1182 This paragraph shall repeal on July 1, 2010;

1183 (rr) To implement a financial literacy program for
1184 students in Grades 10 and 11. The board may review the national
1185 programs and obtain free literature from various nationally
1186 recognized programs. After review of the different programs, the
1187 board may certify a program that is most appropriate for the
1188 school districts' needs. If a district implements a financial
1189 literacy program, then any student in Grade 10 or 11 may
1190 participate in the program. The financial literacy program shall
1191 include, but is not limited to, instruction in the same areas of
1192 personal business and finance as required under Section
1193 37-1-3(2) (b). The school board may coordinate with volunteer
1194 teachers from local community organizations, including, but not
1195 limited to, the following: United States Department of
1196 Agriculture Rural Development, United States Department of Housing
1197 and Urban Development, Junior Achievement, bankers and other
1198 nonprofit organizations. Nothing in this paragraph shall be
1199 construed as to require school boards to implement a financial
1200 literacy program;

1201 (ss) To collaborate with the State Board of Education,
1202 Community Action Agencies or the Department of Human Services to
1203 develop and implement a voluntary program to provide services for
1204 a full-day prekindergarten program that addresses the cognitive,
1205 social, and emotional needs of four-year-old and three-year-old
1206 children. The school board may utilize nonstate source special
1207 funds, grants, donations or gifts to fund the voluntary program;

1208 (tt) With respect to any lawful, written obligation of
1209 a school district, including, but not limited to, leases
1210 (excluding leases of sixteenth section public school trust land),
1211 bonds, notes, or other agreement, to agree in writing with the
1212 obligee that the State Tax Commission or any state agency,
1213 department or commission created under state law may:



1214 (i) Withhold all or any part (as agreed by the
1215 school board) of any monies which such local school board is
1216 entitled to receive from time to time under any law and which is
1217 in the possession of the State Tax Commission, or any state
1218 agency, department or commission created under state law; and

1219 (ii) Pay the same over to any financial
1220 institution, trustee or other obligee, as directed in writing by
1221 the school board, to satisfy all or part of such obligation of the
1222 school district.

1223 The school board may make such written agreement to withhold
1224 and transfer funds irrevocable for the term of the written
1225 obligation and may include in the written agreement any other
1226 terms and provisions acceptable to the school board. If the
1227 school board files a copy of such written agreement with the State
1228 Tax Commission, or any state agency, department or commission
1229 created under state law then the State Tax Commission or any state
1230 agency, department or commission created under state law shall
1231 immediately make the withholdings provided in such agreement from
1232 the amounts due the local school board and shall continue to pay
1233 the same over to such financial institution, trustee or obligee
1234 for the term of the agreement.

1235 This paragraph (tt) shall not grant any extra authority to a
1236 school board to issue debt in any amount exceeding statutory
1237 limitations on assessed value of taxable property within such
1238 school district or the statutory limitations on debt maturities,
1239 and shall not grant any extra authority to impose, levy or collect
1240 a tax which is not otherwise expressly provided for, and shall not
1241 be construed to apply to sixteenth section public school trust
1242 land;

1243 (uu) With respect to any matter or transaction that is
1244 competitively bid by a school district, to accept from any bidder
1245 as a good faith deposit or bid bond or bid surety, the same type
1246 of good faith deposit or bid bond or bid surety that may be



1247 accepted by the state or any other political subdivision on
1248 similar competitively bid matters or transactions. This paragraph
1249 (uu) shall not be construed to apply to sixteenth section public
1250 school trust land. The school board may authorize the investment
1251 of any school district funds in the same kind and manner of
1252 investments, including pooled investments, as any other political
1253 subdivision, including community hospitals;

1254 (vv) To utilize the alternate method for the conveyance
1255 or exchange of unused school buildings and/or land, reserving a
1256 partial or other undivided interest in the property, as
1257 specifically authorized and provided in Section 37-7-485,
1258 Mississippi Code of 1972;

1259 (ww) To delegate, privatize or otherwise enter into a
1260 contract with private entities for the operation of any and all
1261 functions of nonacademic school process, procedures and operations
1262 including, but not limited to, cafeteria workers, janitorial
1263 services, transportation, professional development, achievement
1264 and instructional consulting services materials and products,
1265 purchasing cooperatives, insurance, business manager services,
1266 auditing and accounting services, school safety/risk prevention,
1267 data processing and student records, and other staff services;
1268 however, the authority under this paragraph does not apply to the
1269 leasing, management or operation of sixteenth section lands.
1270 Local school districts, working through their regional education
1271 service agency, are encouraged to enter into buying consortia with
1272 other member districts for the purposes of more efficient use of
1273 state resources as described in Section 37-7-345;

1274 (xx) To partner with entities, organizations and
1275 corporations for the purpose of benefiting the school district;
1276 and

1277 (yy) To borrow funds from the Rural Economic
1278 Development Authority for the maintenance of school buildings.



1279 **SECTION 8.** Section 37-7-301.1, Mississippi Code of 1972, is
1280 reenacted as follows:

1281 37-7-301.1. The school board of a school district may adopt
1282 any orders, resolutions or ordinances with respect to school
1283 district affairs, property and finances which are not inconsistent
1284 with the Mississippi Constitution of 1890, the Mississippi Code of
1285 1972, or any other statute or law of the State of Mississippi.
1286 Except as otherwise provided in this section, the powers granted
1287 to the school boards in this section are complete without the
1288 existence of or reference to any specific authority granted in any
1289 other statute or law of the State of Mississippi. Unless such
1290 actions are specifically authorized by another statute or law of
1291 the State of Mississippi, this section shall not authorize a
1292 school board to: (a) levy taxes of any kind or increase the levy
1293 of any authorized tax; (b) issue bonds of any kind; or (c) enter
1294 into collective bargaining agreements.

1295 **SECTION 9.** Section 37-7-337, Mississippi Code of 1972, is
1296 reenacted as follows:

1297 37-7-337. (1) The governing authorities of the county,
1298 counties or city in which a school district is located and the
1299 school board of each school district shall develop a five-year
1300 plan to encourage community involvement with the schools in such
1301 district.

1302 (2) Districts meeting Level 4 or 5 accreditation standards,
1303 as defined by the State Board of Education, shall be exempted from
1304 the mandatory provisions of this section.

1305 **SECTION 10.** Section 37-9-18, Mississippi Code of 1972, is
1306 brought forward as follows:

1307 37-9-18. (1) The superintendent of schools shall furnish to
1308 the school board a financial statement of receipts and
1309 disbursements, by funds, on or before the last working day of the
1310 following month covering the prior month. The school board shall



1311 be authorized to investigate and audit all financial records of
1312 the superintendent of schools at any and all times.

1313 (2) The State Auditor, in his discretion, shall audit the
1314 financial records of school districts. The State Auditor shall
1315 give reasonable notice to school districts regarding the times
1316 during which he will perform such audits. In any fiscal year in
1317 which the State Auditor is not scheduled to perform an audit, the
1318 school board shall cause all the financial records of the
1319 superintendent of schools to be audited by a certified public
1320 accountant licensed to practice accounting in the State of
1321 Mississippi. If the school board so elects by resolution adopted
1322 each year, the audit shall be performed by the State Auditor.
1323 Contracts for the audit of public school districts shall be let by
1324 the school board in the manner prescribed by the State Auditor.
1325 The audit shall be conducted in accordance with generally accepted
1326 auditing standards and generally accepted accounting principles,
1327 and the report presented thereon shall be in accordance with
1328 generally accepted accounting principles. If the Auditor's
1329 opinion on the general purpose financial statements is a
1330 disclaimer, as that term is defined by generally accepted auditing
1331 standards, or if the State Auditor determines the existence of
1332 serious financial conditions in the district, the State Auditor
1333 shall immediately notify the State Board of Education. Upon
1334 receiving the notice, the State Superintendent of Public Education
1335 shall direct the school district to immediately cease all
1336 expenditures until a financial advisor is appointed by the state
1337 superintendent. However, if the disclaimer is a result of
1338 conditions caused by Hurricane Katrina 2005 and applies to fiscal
1339 years 2005 and/or 2006, then the Superintendent of Education may
1340 appoint a financial advisor, and may direct the school district to
1341 immediately cease all expenditures until a financial advisor is
1342 appointed. The financial advisor shall be an agent of the State
1343 Board of Education and shall be a certified public accountant or a



1344 qualified business officer. The financial advisor shall, with the
1345 approval of the State Board of Education:

1346 (a) Approve or disapprove all expenditures and all
1347 financial obligations of the district;

1348 (b) Ensure compliance with any statutes and State Board
1349 of Education rules or regulations concerning expenditures by
1350 school districts;

1351 (c) Review salaries and the number of all district
1352 personnel and make recommendations to the local school board of
1353 any needed adjustments. Should such recommendations necessitate
1354 the reduction in local salary supplement, such recommended
1355 reductions shall be only to the extent which will result in the
1356 salaries being comparable to districts similarly situated, as
1357 determined by the State Board of Education. The local school
1358 board, in considering either a reduction in personnel or a
1359 reduction in local supplements, shall not be required to comply
1360 with the time limitations prescribed in Sections 37-9-15 and
1361 37-9-105 and, further, shall not be required to comply with
1362 Sections 37-19-11 and 37-19-7(1) in regard to reducing local
1363 supplements and the number of personnel;

1364 (d) Work with the school district's business office to
1365 correct all inappropriate accounting procedures and/or uses of
1366 school district funds and to prepare the school district's budget
1367 for the next fiscal year; and

1368 (e) Report frequently to the State Board of Education
1369 on the corrective actions being taken and the progress being made
1370 in the school district. The financial advisor shall serve until
1371 such time as corrective action and progress is being made in such
1372 school district as determined by the State Board of Education with
1373 the concurrence of the State Auditor, or until such time as an
1374 interim conservator is assigned to such district by the State
1375 Board of Education under Section 37-17-6. The school district
1376 shall be responsible for all expenses associated with the use of



1377 the financial advisor. If the audit report reflects a failure by
1378 the school district to meet accreditation standards, the State
1379 Board of Education shall proceed under Section 37-17-6.

1380 (3) (a) When conducting an audit of a public school
1381 district, the Auditor shall test to insure that the school
1382 district is complying with the requirements of Section
1383 37-61-33(3)(a)(iii) relating to classroom supply funds. The audit
1384 must include a report of all classroom supply funds carried over
1385 from previous years. Based upon the audit report, the State
1386 Auditor shall compile a report on the compliance or noncompliance
1387 by all school districts with the requirements of Section
1388 37-61-33(3)(a)(iii), which report must be submitted to the
1389 Chairmen of the Education and Appropriations Committees of the
1390 House of Representatives and Senate.

1391 (b) When conducting an audit of a public school
1392 district, the State Auditor shall test to insure correct and
1393 appropriate coding at the function level. The audit must include
1394 a report showing correct and appropriate functional level
1395 expenditure codes in expenditures by the school district.
1396 Compliance standards for this audit provision shall be established
1397 by the Office of the State Auditor. Based upon the audit report,
1398 the State Auditor shall compile a report on the compliance or
1399 noncompliance by all public school districts with correct and
1400 appropriate coding at the function level, which report must be
1401 submitted to the Chairmen of the Education and Appropriations
1402 Committees of the House of Representatives and Senate.

1403 (4) In the event the State Auditor does not perform the
1404 audit examination, then the audit report of the school district
1405 shall be reviewed by the State Auditor for compliance with
1406 applicable state laws before final payment is made on the audit by
1407 the school board. All financial records, books, vouchers,
1408 cancelled checks and other financial records required by law to be
1409 kept and maintained in the case of municipalities shall be



1410 faithfully kept and maintained in the office of the superintendent
1411 of schools under the same provisions and penalties provided by law
1412 in the case of municipal officials.

1413 **SECTION 11.** Section 37-13-61, Mississippi Code of 1972, is
1414 reenacted as follows:

1415 37-13-61. The local school board shall have the power and
1416 authority to fix the date for the opening and closing of the
1417 school term, subject to the minimum number of days which schools
1418 must be in session during a scholastic year, as prescribed under
1419 Section 37-13-63. However, local school boards are authorized to
1420 keep school in session in excess of the minimum number of days
1421 prescribed in Section 37-13-63.

1422 **SECTION 12.** Section 37-13-67, Mississippi Code of 1972, is
1423 reenacted as follows:

1424 37-13-67. The number of hours of actual teaching which shall
1425 constitute a school day shall be determined and fixed by the board
1426 of trustees of the school district at not less than five (5)
1427 hours.

1428 **SECTION 13.** Section 37-13-69, Mississippi Code of 1972, is
1429 reenacted as follows:

1430 37-13-69. All public schools of this state may observe such
1431 legal holidays as may be designated by the local school board, and
1432 no sessions of school shall be held on holidays so designated and
1433 observed. However, all schools shall operate for the full minimum
1434 term required by law exclusive of the holidays authorized by this
1435 section. The holidays thus observed shall not be deducted from
1436 the reports of the superintendents, principals and teachers, and
1437 such superintendents, principals and teachers shall be allowed pay
1438 for full time as though they had taught on those holidays.
1439 However, such holidays shall not be counted or included in any way
1440 in determining the average daily attendance of the school.

1441 **SECTION 14.** Section 37-13-80, Mississippi Code of 1972, is
1442 reenacted as follows:



1443 37-13-80. (1) There is created the Office of Dropout
1444 Prevention within the State Department of Education. The office
1445 shall be responsible for the administration of a statewide dropout
1446 prevention program and the Office of Compulsory School Attendance
1447 Enforcement.

1448 (2) The State Superintendent of Public Education shall
1449 appoint a director for the Office of Dropout Prevention, who shall
1450 meet all qualifications established by the State Superintendent of
1451 Public Education and the State Personnel Board. The director
1452 shall be responsible for the proper administration of the Office
1453 of Dropout Prevention and any other regulations or policies that
1454 may be adopted by the State Board of Education. The director
1455 shall report to the Legislature on the activities and programs of
1456 the office by January 1 of each year beginning in 2009.

1457 (3) Each school district shall implement a dropout
1458 prevention program approved by the Office of Dropout Prevention of
1459 the State Department of Education by the 2008-2009 school year.

1460 (4) (a) School attendance officers, working with school
1461 district officials, shall gather accurate data on youth in
1462 juvenile detention centers to properly track students.

1463 (b) The Office of Dropout Prevention in the Department
1464 of Education shall establish the procedure for the tracking of
1465 students who enter and leave detention centers on a statewide
1466 basis.

1467 (5) Each school district's dropout prevention plan shall
1468 address how students will transition to the home school district.

1469 (6) It is the intent of the Legislature that, through the
1470 statewide dropout prevention program and the dropout prevention
1471 programs implemented by each school district, the graduation rate
1472 for cohort classes will be increased to not less than eighty-five
1473 percent (85%) by the 2018-2019 school year. The Office of Dropout
1474 Prevention shall establish graduation rate benchmarks for each
1475 two-year period from the 2008-2009 school year through the



1476 2018-2019 school year, which shall serve as guidelines for
1477 increasing the graduation rate for cohort classes on a systematic
1478 basis to eighty-five percent (85%) by the 2018-2019 school year.

1479 **SECTION 15.** Section 37-13-81, Mississippi Code of 1972, is
1480 reenacted as follows:

1481 37-13-81. There is created the Office of Compulsory School
1482 Attendance Enforcement within the Office of Dropout Prevention of
1483 the State Department of Education. The office shall be
1484 responsible for the administration of a statewide system of
1485 enforcement of the Mississippi Compulsory School Attendance Law
1486 (Section 37-13-91) and for the supervision of school attendance
1487 officers throughout the state.

1488 **SECTION 16.** Section 37-13-83, Mississippi Code of 1972, is
1489 reenacted as follows:

1490 37-13-83. The State Superintendent of Public Education shall
1491 appoint a director for the Office of Compulsory School Attendance
1492 Enforcement, who shall meet all qualifications established for
1493 school attendance officer supervisors and any additional
1494 qualifications that may be established by the State Superintendent
1495 of Public Education or State Personnel Board. The director shall
1496 be responsible for the proper administration of the Office of
1497 Compulsory School Attendance Enforcement in conformity with the
1498 Mississippi Compulsory School Attendance Law and any other
1499 regulations or policies that may be adopted by the State Board of
1500 Education. The director shall report directly to the Director of
1501 the Office of Dropout Prevention.

1502 **SECTION 17.** Section 37-13-85, Mississippi Code of 1972, is
1503 reenacted as follows:

1504 37-13-85. The Office of Compulsory School Attendance
1505 Enforcement shall have the following powers and duties, in
1506 addition to all others imposed or granted by law:

1507 (a) To establish any policies or guidelines concerning
1508 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



1542 and reductions or increases in the school dropout rates;
1543 information describing attendance-related problems and proposed
1544 solutions for those problems; and any other information that the
1545 State Department of Education may require. The report shall be
1546 submitted to the State Board of Education and the Education
1547 Committees of the Senate and House of Representatives before the
1548 first day of July for the immediately preceding school year;

1549 (i) To provide to the State Board of Education
1550 statistical information concerning absenteeism, dropouts and other
1551 attendance-related problems as requested by the State Board of
1552 Education;

1553 (j) To provide for the certification of school
1554 attendance officers;

1555 (k) To provide for a course of training and education
1556 for school attendance officers, and to require successful
1557 completion of the course as a prerequisite to certification by the
1558 office as school attendance officers;

1559 (l) To adopt any guidelines or policies the office
1560 deems necessary to effectuate an orderly transition from the
1561 supervision of school attendance officers by district attorneys to
1562 the supervision by the school attendance officer supervisors;

1563 (m) Beginning on July 1, 1998, to require school
1564 attendance officer supervisors to employ persons employed by
1565 district attorneys before July 1, 1998, as school attendance
1566 officers without requiring such persons to submit an application
1567 or interview for employment with the State Department of
1568 Education;

1569 (n) To adopt policies or guidelines linking the duties
1570 of school attendance officers to the appropriate courts, law
1571 enforcement agencies and community service providers; and

1572 (o) To adopt any other policies or guidelines that the
1573 office deems necessary for the enforcement of the Mississippi
1574 Compulsory School Attendance Law; however, the policies or



1575 guidelines shall not add to or contradict with the requirements of
1576 Section 37-13-91.

1577 **SECTION 18.** Section 37-13-87, Mississippi Code of 1972, is
1578 reenacted as follows:

1579 37-13-87. (1) The Director of the Office of Compulsory
1580 School Attendance Enforcement shall employ three (3) school
1581 attendance officer supervisors, each to maintain an office within
1582 a different Supreme Court district. Each supervisor shall be
1583 responsible for the enforcement of the Mississippi Compulsory
1584 School Attendance Law within his district and shall exercise
1585 direct supervision over the school attendance officers in the
1586 district. The supervisors, who shall report to the director of
1587 the office, shall assist the school attendance officers in the
1588 performance of their duties as established by law or otherwise.

1589 (2) No person having less than eight (8) years combined
1590 actual experience as a school attendance officer, school teacher,
1591 school administrator, law enforcement officer possessing a college
1592 degree with a major in a behavioral science or a related field,
1593 and/or social worker in the state shall be employed as a school
1594 attendance officer supervisor. Further, a school attendance
1595 officer supervisor shall possess a college degree with a major in
1596 a behavioral science or a related field or shall have actual
1597 experience as a school teacher, school administrator, law
1598 enforcement officer possessing such degree or social worker;
1599 however, these requirements shall not apply to persons employed as
1600 school attendance officers before January 1, 1987. School
1601 attendance officers shall meet any additional qualifications
1602 established by the State Personnel Board for school attendance
1603 officers or school attendance officer supervisors. The school
1604 attendance officer supervisors shall receive an annual salary to
1605 be set by the State Superintendent of Public Education, subject to
1606 the approval of the State Personnel Board.



1607 **SECTION 19.** Section 37-13-89, Mississippi Code of 1972, is
1608 reenacted as follows:

1609 37-13-89. (1) In each school district within the state,
1610 there shall be employed the number of school attendance officers
1611 determined by the Office of Compulsory School Attendance
1612 Enforcement to be necessary to adequately enforce the provisions
1613 of the Mississippi Compulsory School Attendance Law; however, this
1614 number shall not exceed one hundred fifty-three (153) school
1615 attendance officers at any time. From and after July 1, 1998, all
1616 school attendance officers employed pursuant to this section shall
1617 be employees of the State Department of Education. The State
1618 Department of Education shall employ all persons employed as
1619 school attendance officers by district attorneys before July 1,
1620 1998, and shall assign them to school attendance responsibilities
1621 in the school district in which they were employed before July 1,
1622 1998. The first twelve (12) months of employment for each school
1623 attendance officer shall be the probationary period of state
1624 service.

1625 (2) (a) The State Department of Education shall obtain
1626 current criminal records background checks and current child abuse
1627 registry checks on all persons applying for the position of school
1628 attendance officer after July 2, 2002. The criminal records
1629 information and registry checks must be kept on file for any new
1630 hires. In order to determine an applicant's suitability for
1631 employment as a school attendance officer, the applicant must be
1632 fingerprinted. If no disqualifying record is identified at the
1633 state level, the Department of Public Safety shall forward the
1634 fingerprints to the Federal Bureau of Investigation (FBI) for a
1635 national criminal history record check. The applicant shall pay
1636 the fee, not to exceed Fifty Dollars (\$50.00), for the
1637 fingerprinting and criminal records background check; however, the
1638 State Department of Education, in its discretion, may pay the fee
1639 for the fingerprinting and criminal records background check on



1640 behalf of any applicant. Under no circumstances may a member of
1641 the State Board of Education, employee of the State Department of
1642 Education or any person other than the subject of the criminal
1643 records background check disseminate information received through
1644 any such checks except insofar as required to fulfill the purposes
1645 of this subsection.

1646 (b) If the fingerprinting or criminal records check
1647 discloses a felony conviction, guilty plea or plea of nolo
1648 contendere to a felony of possession or sale of drugs, murder,
1649 manslaughter, armed robbery, rape, sexual battery, sex offense
1650 listed in Section 45-33-23(g), child abuse, arson, grand larceny,
1651 burglary, gratification of lust or aggravated assault which has
1652 not been reversed on appeal or for which a pardon has not been
1653 granted, the applicant is not eligible to be employed as a school
1654 attendance officer. Any employment of an applicant pending the
1655 results of the fingerprinting and criminal records check is
1656 voidable if the new hire receives a disqualifying criminal records
1657 check. However, the State Board of Education, in its discretion,
1658 may allow an applicant aggrieved by an employment decision under
1659 this subsection to appear before the board, or before a hearing
1660 officer designated for that purpose, to show mitigating
1661 circumstances that may exist and allow the new hire to be employed
1662 as a school attendance officer. The State Board of Education may
1663 grant waivers for mitigating circumstances, which may include, but
1664 are not necessarily limited to: (i) age at which the crime was
1665 committed; (ii) circumstances surrounding the crime; (iii) length
1666 of time since the conviction and criminal history since the
1667 conviction; (iv) work history; (v) current employment and
1668 character references; and (vi) other evidence demonstrating the
1669 ability of the person to perform the responsibilities of a school
1670 attendance officer competently and that the person does not pose a
1671 threat to the health or safety of children.



1672 (c) A member of the State Board of Education or
1673 employee of the State Department of Education may not be held
1674 liable in any employment discrimination suit in which an
1675 allegation of discrimination is made regarding an employment
1676 decision authorized under this section.

1677 (3) Each school attendance officer shall possess a college
1678 degree with a major in a behavioral science or a related field or
1679 shall have no less than three (3) years combined actual experience
1680 as a school teacher, school administrator, law enforcement officer
1681 possessing such degree, and/or social worker; however, these
1682 requirements shall not apply to persons employed as school
1683 attendance officers before January 1, 1987. School attendance
1684 officers also shall satisfy any additional requirements that may
1685 be established by the State Personnel Board for the position of
1686 school attendance officer.

1687 (4) It shall be the duty of each school attendance officer
1688 to:

1689 (a) Cooperate with any public agency to locate and
1690 identify all compulsory-school-age children who are not attending
1691 school;

1692 (b) Cooperate with all courts of competent
1693 jurisdiction;

1694 (c) Investigate all cases of nonattendance and unlawful
1695 absences by compulsory-school-age children not enrolled in a
1696 nonpublic school;

1697 (d) Provide appropriate counseling to encourage all
1698 school-age children to attend school until they have completed
1699 high school;

1700 (e) Attempt to secure the provision of social or
1701 welfare services that may be required to enable any child to
1702 attend school;

1703 (f) Contact the home or place of residence of a
1704 compulsory-school-age child and any other place in which the



1705 officer is likely to find any compulsory-school-age child when the
1706 child is absent from school during school hours without a valid
1707 written excuse from school officials, and when the child is found,
1708 the officer shall notify the parents and school officials as to
1709 where the child was physically located;

1710 (g) Contact promptly the home of each
1711 compulsory-school-age child in the school district within the
1712 officer's jurisdiction who is not enrolled in school or is not in
1713 attendance at public school and is without a valid written excuse
1714 from school officials; if no valid reason is found for the
1715 nonenrollment or absence from the school, the school attendance
1716 officer shall give written notice to the parent, guardian or
1717 custodian of the requirement for the child's enrollment or
1718 attendance;

1719 (h) Collect and maintain information concerning
1720 absenteeism, dropouts and other attendance-related problems, as
1721 may be required by law or the Office of Compulsory School
1722 Attendance Enforcement; and

1723 (i) Perform all other duties relating to compulsory
1724 school attendance established by the State Department of Education
1725 or district school attendance supervisor, or both.

1726 (5) While engaged in the performance of his duties, each
1727 school attendance officer shall carry on his person a badge
1728 identifying him as a school attendance officer under the Office of
1729 Compulsory School Attendance Enforcement of the State Department
1730 of Education and an identification card designed by the State
1731 Superintendent of Public Education and issued by the school
1732 attendance officer supervisor. Neither the badge nor the
1733 identification card shall bear the name of any elected public
1734 official.

1735 (6) The State Personnel Board shall develop a salary scale
1736 for school attendance officers as part of the variable
1737 compensation plan. The various pay ranges of the salary scale



1738 shall be based upon factors including, but not limited to,
1739 education, professional certification and licensure, and number of
1740 years of experience. School attendance officers shall be paid in
1741 accordance with this salary scale. The minimum salaries under the
1742 scale shall be no less than the following:

1743 (a) For school attendance officers holding a bachelor's
1744 degree or any other attendance officer who does not hold such a
1745 degree, the annual salary shall be based on years of experience as
1746 a school attendance officer or related field of service or
1747 employment, no less than as follows:

1748	Years of Experience	Salary
1749	0 - 4 years	\$19,650.00
1750	5 - 8 years	21,550.00
1751	9 - 12 years	23,070.00
1752	13 - 16 years	24,590.00
1753	Over 17 years	26,110.00

1754 (b) For school attendance officers holding a license as
1755 a social worker, the annual salary shall be based on years of
1756 experience as a school attendance officer or related field of
1757 service or employment, no less than as follows:

1758	Years of Experience	Salary
1759	0 - 4 years	\$20,650.00
1760	5 - 8 years	22,950.00
1761	9 - 12 years	24,790.00
1762	13 - 16 years	26,630.00
1763	17 - 20 years	28,470.00
1764	Over 21 years	30,310.00

1765 (c) For school attendance officers holding a master's
1766 degree in a behavioral science or a related field, the annual
1767 salary shall be based on years of experience as a school
1768 attendance officer or related field of service or employment, no
1769 less than as follows:

1770	Years of Experience	Salary
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1771	0 - 4 years	\$21,450.00
1772	5 - 8 years	24,000.00
1773	9 - 12 years	26,040.00
1774	13 - 16 years	28,080.00
1775	17 - 20 years	30,120.00
1776	Over 21 years	32,160.00

1777 (7) (a) Each school attendance officer employed by a
1778 district attorney on June 30, 1998, who became an employee of the
1779 State Department of Education on July 1, 1998, shall be awarded
1780 credit for personal leave and major medical leave for his
1781 continuous service as a school attendance officer under the
1782 district attorney, and if applicable, the youth or family court or
1783 a state agency. The credit for personal leave shall be in an
1784 amount equal to one-third (1/3) of the maximum personal leave the
1785 school attendance officer could have accumulated had he been
1786 credited with such leave under Section 25-3-93 during his
1787 employment with the district attorney, and if applicable, the
1788 youth or family court or a state agency. The credit for major
1789 medical leave shall be in an amount equal to one-half (1/2) of the
1790 maximum major medical leave the school attendance officer could
1791 have accumulated had he been credited with such leave under
1792 Section 25-3-95 during his employment with the district attorney,
1793 and if applicable, the youth or family court or a state agency.
1794 However, if a district attorney who employed a school attendance
1795 officer on June 30, 1998, certifies, in writing, to the State
1796 Department of Education that the school attendance officer had
1797 accumulated, pursuant to a personal leave policy or major medical
1798 leave policy lawfully adopted by the district attorney, a number
1799 of days of unused personal leave or major medical leave, or both,
1800 which is greater than the number of days to which the school
1801 attendance officer is entitled under this paragraph, the State
1802 Department of Education shall authorize the school attendance
1803 officer to retain the actual unused personal leave or major



1804 medical leave, or both, certified by the district attorney,
1805 subject to the maximum amount of personal leave and major medical
1806 leave the school attendance officer could have accumulated had he
1807 been credited with such leave under Sections 25-3-93 and 25-3-95.

1808 (b) For the purpose of determining the accrual rate for
1809 personal leave under Section 25-3-93 and major medical leave under
1810 Section 25-3-95, the State Department of Education shall give
1811 consideration to all continuous service rendered by a school
1812 attendance officer before July 1, 1998, in addition to the service
1813 rendered by the school attendance officer as an employee of the
1814 department.

1815 (c) In order for a school attendance officer to be
1816 awarded credit for personal leave and major medical leave or to
1817 retain the actual unused personal leave and major medical leave
1818 accumulated by him before July 1, 1998, the district attorney who
1819 employed the school attendance officer must certify, in writing,
1820 to the State Department of Education the hire date of the school
1821 attendance officer. For each school attendance officer employed
1822 by the youth or family court or a state agency before being
1823 designated an employee of the district attorney who has not had a
1824 break in continuous service, the hire date shall be the date that
1825 the school attendance officer was hired by the youth or family
1826 court or state agency. The department shall prescribe the date by
1827 which the certification must be received by the department and
1828 shall provide written notice to all district attorneys of the
1829 certification requirement and the date by which the certification
1830 must be received.

1831 (8) (a) School attendance officers shall maintain regular
1832 office hours on a year-round basis; however, during the school
1833 term, on those days that teachers in all of the school districts
1834 served by a school attendance officer are not required to report
1835 to work, the school attendance officer also shall not be required
1836 to report to work. (For purposes of this subsection, a school



1837 district's school term is that period of time identified as the
1838 school term in contracts entered into by the district with
1839 licensed personnel.) A school attendance officer shall be
1840 required to report to work on any day recognized as an official
1841 state holiday if teachers in any school district served by that
1842 school attendance officer are required to report to work on that
1843 day, regardless of the school attendance officer's status as an
1844 employee of the State Department of Education, and compensatory
1845 leave may not be awarded to the school attendance officer for
1846 working during that day. However, a school attendance officer may
1847 be allowed by the school attendance officer's supervisor to use
1848 earned leave on such days.

1849 (b) The State Department of Education annually shall
1850 designate a period of two (2) consecutive weeks in the summer
1851 between school years during which school attendance officers shall
1852 not be required to report to work. A school attendance officer
1853 who elects to work at any time during that period may not be
1854 awarded compensatory leave for such work and may not opt to be
1855 absent from work at any time other than during the two (2) weeks
1856 designated by the department unless the school attendance officer
1857 uses personal leave or major medical leave accrued under Section
1858 25-3-93 or 25-3-95 for such absence.

1859 (9) The State Department of Education shall provide all
1860 continuing education and training courses that school attendance
1861 officers are required to complete under state law or rules and
1862 regulations of the department.

1863 **SECTION 20.** Section 37-15-38, Mississippi Code of 1972, is
1864 reenacted as follows:

1865 37-15-38. (1) A local school board, the Board of Trustees
1866 of State Institutions of Higher Learning and the State Board for
1867 Community and Junior Colleges may establish a dual enrollment
1868 system under which students in the school district who meet the
1869 prescribed criteria of this section may be enrolled in a



1870 postsecondary institution in Mississippi while they are still in
1871 school.

1872 (2) **Student eligibility.** Before credits earned by a
1873 qualified high school student from a community or junior college
1874 or state institutions of higher learning may be transferred to the
1875 student's home school district, the student must be properly
1876 enrolled in a dual enrollment program.

1877 (3) **Admission criteria for dual enrollment in community and
1878 junior college or university programs.** The boards of trustees of
1879 the community and junior college districts and the Board of
1880 Trustees of State Institutions of Higher Learning may recommend
1881 admission criteria for dual enrollment programs under which high
1882 school students may enroll at a community or junior college or
1883 university while they are still attending high school and enrolled
1884 in high school courses. Students may be admitted to enroll in
1885 community or junior college courses under the dual enrollment
1886 programs if they meet that individual institution's stated
1887 admission requirements.

1888 (4) **Tuition and cost responsibility.** Tuition and costs for
1889 university-level courses and community and junior college courses
1890 offered under a dual enrollment program may be paid for by the
1891 postsecondary institution, the local school district, the parents
1892 or legal guardians of the student, or by grants, foundations or
1893 other private or public sources. Payment for tuition and any
1894 other costs must be made directly to the credit-granting
1895 institution.

1896 (5) **Transportation responsibility.** Any transportation
1897 required by a student to participate in the dual enrollment
1898 program is the responsibility of the parent, custodian or legal
1899 guardian of the student. However, transportation costs may be
1900 paid from any available public or private sources.

1901 (6) **School district average daily attendance credit.** When
1902 dually enrolled, the student may be counted, for adequate



1903 education program funding purposes, in the average daily
1904 attendance of the public school district in which the student
1905 attends high school.

1906 (7) **High school student transcript transfer requirements.**

1907 Grades and college credits earned by students admitted to a dual
1908 enrollment program must be recorded on the college transcript at
1909 the university or community or junior college where the student
1910 attends classes. The transcript of the university or community or
1911 junior college coursework may be released to another institution
1912 or applied toward college graduation requirements.

1913 (8) **Determining factor of prerequisites for enrollment in**

1914 **dual credit courses.** Each university and community or junior
1915 college participating in a dual enrollment program shall determine
1916 course prerequisites for enrolling and receiving dual credit.

1917 (9) **Process for determining articulation of curriculum**

1918 **between high school, university, and community and junior college**

1919 **courses.** Postsecondary curricula for eligible courses currently

1920 offered through Mississippi Curriculum Frameworks must meet the

1921 prescribed competencies requirements. Eligible courses not

1922 offered in Mississippi Curriculum Frameworks must meet the

1923 standards established at the postsecondary level. Postsecondary

1924 level developmental courses may not be considered as meeting the

1925 requirements of the dual enrollment program. Dual credit

1926 memorandum of understandings must be established between each

1927 postsecondary institution and the school district implementing a

1928 dual credit program.

1929 (10) **Ineligible courses for dual credit programs.** Any

1930 course that is required for subject area testing as a requirement

1931 for graduation from a public school in Mississippi is not eligible

1932 for dual credit.

1933 (11) **Eligible courses for dual credit programs.** Courses

1934 eligible for dual credit include, but are not necessarily limited

1935 to, foreign languages, advanced math courses, advanced science



1936 courses, performing arts, advanced business and technology, and
1937 career and technical courses. These courses and any additional
1938 courses considered for dual credit must receive unconditional
1939 approval from the superintendent of the local school district and
1940 the chief academic officer at the participating community or
1941 junior college or university. A university or community or junior
1942 college shall make the final decision on what courses are eligible
1943 for semester hour credits. The local school superintendent shall
1944 make the final decision on the transfer of college or university
1945 courses credited to the student's high school transcript.

1946 (12) **High school Carnegie unit equivalency.** One (1)
1947 three-hour university or community or junior college course is
1948 equal to one-half (1/2) high school Carnegie unit. A full
1949 Carnegie unit may be awarded for a three-hour university or
1950 college course upon approval of the local superintendent. Partial
1951 credit agreements for postsecondary courses that are less than
1952 three (3) hours may be developed between a local school district
1953 and the participating postsecondary institution.

1954 (13) **Course alignment.** Once alignment is achieved between
1955 university courses, community and junior college courses and the
1956 State Board of Education approved high school courses, the
1957 universities, community and junior colleges and high schools shall
1958 review their respective policies and assess the place of dual
1959 credit courses within the context of their traditional offerings.

1960 (14) **Maximum dual credits allowed.** It is the intent of the
1961 dual enrollment program to make it possible for every student who
1962 desires to earn a semester's worth of college credit in high
1963 school to do so. A qualified dually enrolled high school student
1964 must be allowed to earn an unlimited number of college or
1965 university credits for dual credit as long as a B average is
1966 earned on the first two (2) approved dual credit courses. If a B
1967 average is not maintained after the completion of the student's



1968 first two (2) dual credit courses, the student may not continue in
1969 the dual credit program.

1970 (15) **Dual credit program allowances.** A student may be
1971 granted credit delivered through the following means:

1972 (a) Examination preparation taught at a high school by
1973 qualified teacher. A student may receive credit at the secondary
1974 level after completion of an approved course and passing the
1975 standard examination, such as an Advanced Placement or
1976 International Baccalaureate course through which a high school
1977 student is allowed CLEP credit by making a three (3) or higher on
1978 the end-of-course examination.

1979 (b) School-based courses taught at a high school or
1980 designated postsecondary site by a qualified teacher who is an
1981 employee of the school district and approved as an instructor by
1982 the collaborating college or university.

1983 (c) College or university-based courses taught at a
1984 college, university or high school by an instructor employed by
1985 the college or university and approved by the collaborating school
1986 district.

1987 (d) On-line courses, including eligible courses offered
1988 by the Mississippi Virtual Public School or any postsecondary
1989 institution.

1990 (16) **Qualifications of dual credit instructors.** A dual
1991 credit academic instructor must have, at a minimum, a master's
1992 degree with at least eighteen (18) graduate semester hours in the
1993 instructor's field of expertise. University and community and
1994 junior college personnel have the sole authority in the selection
1995 of dual credit instructors.

1996 A dual credit career and technical education instructor must
1997 meet the requirements set forth by the State Board for Community
1998 and Junior Colleges in the qualifications manual for postsecondary
1999 career and technical personnel. University and community and



2000 junior college personnel have the sole authority in the selection
2001 of dual credit instructors.

2002 (17) **Guidance on local agreements.** The Chief Academic
2003 Officer of the State Board of Trustees of State Institutions of
2004 Higher Learning and the Chief Academic Officer of the State Board
2005 for Community and Junior Colleges, working collaboratively, shall
2006 develop a template to be used by the individual community and
2007 junior colleges and institutions of higher learning for consistent
2008 implementation of the dual enrollment program throughout the State
2009 of Mississippi.

2010 **SECTION 21.** Section 37-15-39, Mississippi Code of 1972, is
2011 reenacted as follows:

2012 37-15-39. (1) The purpose of this section is to ensure that
2013 each student has a sufficient education for success after high
2014 school and that all students have equal access to a substantive
2015 and rigorous curriculum that is designed to challenge their minds
2016 and enhance their knowledge skill.

2017 (2) The following words and phrases have the meanings
2018 ascribed in this section unless the context clearly requires
2019 otherwise:

2020 (a) "Advanced placement course" means any high school
2021 level preparatory course for a college advanced placement test
2022 that incorporates all topics specified by recognized advanced
2023 placement authorities on standards for a given subject area and
2024 is approved by recognized advanced placement authorities.

2025 (b) "Dual enrollment course" means a postsecondary
2026 level course offered by a state institution of higher learning or
2027 community or junior colleges, which, upon successful completion,
2028 qualifies for academic credit in both the postsecondary
2029 institution and public high school.

2030 (c) "Pre-advanced placement course" means a middle,
2031 junior high or high school level course that specifically prepares



2032 students to enroll and participate in an advanced placement
2033 course.

2034 (d) "Vertical team" means a group of educators from
2035 different grade levels in a given discipline working cooperatively
2036 to develop and implement a vertically aligned program aimed at
2037 helping students from diverse backgrounds acquire the academic
2038 skills necessary for success in the advanced placement program and
2039 other challenging coursework.

2040 (e) "High concentration of low-income students" means,
2041 when used with respect to a public school or school district, a
2042 public school or school district that serves a student population
2043 with fifty percent (50%) or more being low-income individuals ages
2044 five (5) through seventeen (17) years from a low-income family on
2045 the basis of: data on children eligible for the free or
2046 reduced-price lunches under the National School Lunch Act; data on
2047 children in families receiving assistance under Part A of Title IV
2048 of the Social Security Act; data on children eligible to receive
2049 medical assistance under the Medicaid program under Title XIX of
2050 the Social Security Act; or an alternate method of identifying
2051 such children which combines or extrapolates that data.

2052 (3) The State Board of Education shall establish clear,
2053 specific and challenging training guidelines that require teachers
2054 of advanced placement courses and teachers of pre-advanced
2055 placement courses to obtain a recognized advanced placement
2056 authority endorsed training. A teacher of an advanced placement
2057 or pre-advanced placement course, or both, must obtain the
2058 appropriate training.

2059 (4) (a) In order to ensure that each student has a
2060 sufficient education for success after high school and that all
2061 students have equal access to a substantive and rigorous
2062 curriculum that is designed to challenge their minds and enhance
2063 their knowledge skill, school districts shall offer pre-advanced



2064 placement courses to prepare students for advanced placement
2065 coursework.

2066 (b) Subject to appropriation, funding shall be made
2067 available for the 2007-2008 school year so that all sophomores in
2068 Mississippi's public schools may take an examination that measures
2069 the students' ability to succeed in an advanced placement course.
2070 The State Department of Education shall seek federal funding
2071 through the Advanced Placement Incentive Grant Program and other
2072 available funding for this purpose. Funding efforts must be
2073 focused with an intent to carry out advanced placement and
2074 pre-advanced placement activities in school districts targeted as
2075 serving a high concentration of low-income students.

2076 (c) The State Department of Education must approve all
2077 classes designated as pre-advanced placement courses. The
2078 department shall develop rules necessary for the implementation of
2079 advanced placement courses.

2080 (5) Beginning with the 2007-2008 school year, all school
2081 districts must offer at least one (1) advanced placement course in
2082 each of the four (4) core areas of math, English, science and
2083 social studies, for a total offering of no less than four (4)
2084 advanced placement courses. The use of the state's on-line
2085 Advanced Placement Instructional Program is an appropriate
2086 alternative for the delivery of advanced placement courses.

2087 Any public high school offering the International
2088 Baccalaureate Diploma Program is exempt from the requirements of
2089 this subsection. However, the school may participate in teacher
2090 training and program funding on the same basis as any high school
2091 offering advanced placement courses.

2092 **SECTION 22.** Section 37-17-8, Mississippi Code of 1972, is
2093 reenacted as follows:

2094 37-17-8. (1) The State Board of Education, through the
2095 Commission on School Accreditation, shall establish criteria for
2096 comprehensive in-service staff development plans. These criteria



2097 shall: (a) include, but not be limited to, formula and guidelines
2098 for allocating available state funds for in-service training to
2099 local school districts; (b) require that a portion of the plans be
2100 devoted exclusively for the purpose of providing staff development
2101 training for beginning teachers within that local school district
2102 and for no other purpose; and (c) require that a portion of the
2103 school district's in-service training for administrators and
2104 teachers be dedicated to the application and utilization of
2105 various disciplinary techniques. The board shall each year make
2106 recommendations to the Legislature concerning the amount of funds
2107 which shall be appropriated for this purpose.

2108 (2) School districts shall not be required to submit staff
2109 development plans to the Commission on School Accreditation for
2110 approval. However, any school district accredited at Level 1 or
2111 Level 2 shall include, as a part of any required corrective action
2112 plan, provisions to address staff development in accordance with
2113 State Board of Education requirements. All school districts,
2114 unless specifically exempt from this section, must maintain on
2115 file staff development plans as required under this section. The
2116 plan shall have been prepared by a district committee appointed by
2117 the district superintendent and consisting of teachers,
2118 administrators, school board members, and lay people, and it shall
2119 have been approved by the district superintendent.

2120 (3) In order to insure that teachers are not overburdened
2121 with paperwork and written reports, local school districts and
2122 the State Board of Education shall take such steps as may be
2123 necessary to further the reduction of paperwork requirements on
2124 teachers.

2125 (4) Districts meeting Level 4 or 5 accreditation standards,
2126 as defined by the State Board of Education, shall be exempted from
2127 the mandatory provisions of this section relating to staff
2128 development plans.



2129 **SECTION 23**. Section 37-17-11, Mississippi Code of 1972, is
2130 reenacted as follows:

2131 37-17-11. The State Board of Education, in its discretion,
2132 may exempt any school district meeting Level 4 or 5 state
2133 accreditation standards, as defined by the State Board of
2134 Education, from any compulsory standard of accreditation.
2135 However, if the standard of accreditation is an educational policy
2136 required by statute, any such exemption shall only be made if
2137 specifically authorized by law.

2138 **SECTION 24**. Section 37-17-12, Mississippi Code of 1972, is
2139 reenacted as follows:

2140 37-17-12. (1) (a) Effective July 1, 2006, principals and
2141 administrators with career level certifications at schools with
2142 Level 4 or 5 accreditation standards shall be exempted from the
2143 provisions pursuant to Section 37-3-4, subject to approval of the
2144 local superintendent.

2145 (b) Effective July 1, 2006, school districts meeting
2146 Level 4 or 5 accreditation standards, as defined by the State
2147 Board of Education, shall be exempted from the provisions pursuant
2148 to Sections 37-3-46, 37-3-49(2), 37-7-337, 37-17-8 and 37-21-7(4).

2149 (c) The State Department of Education shall develop a
2150 policy to determine reevaluation of exemption status.

2151 (2) The State Department of Education is directed to provide
2152 a report of all exempted process standards and nonexempted process
2153 standards to the Office of the Governor, the Chairs of the House
2154 and Senate Education Committees, and the Mississippi Association
2155 of School Superintendents by December 1, 2007.

2156 **SECTION 25**. Section 37-19-7, Mississippi Code of 1972, is
2157 reenacted as follows:

2158 37-19-7. (1) This section shall be known and may be cited
2159 as the Mississippi "Teacher Opportunity Program (TOP)." The
2160 allowance in the Mississippi Adequate Education Program for
2161 teachers' salaries in each county and separate school district



2162 shall be determined and paid in accordance with the scale for
2163 teachers' salaries as provided in this subsection. For teachers
2164 holding the following types of licenses or the equivalent as
2165 determined by the State Board of Education, and the following
2166 number of years of teaching experience, the scale shall be as
2167 follows:

2168 **2007-2008 School Year and School Years Thereafter**

2169 **Less Than 25 Years of Teaching Experience**

2170	AAAA.....	\$ 35,020.00
2171	AAA.....	33,990.00
2172	AA.....	32,960.00
2173	A.....	30,900.00

2174 **25 or More Years of Teaching Experience**

2175	AAAA.....	\$ 37,080.00
2176	AAA.....	36,050.00
2177	AA.....	35,020.00
2178	A.....	32,960.00

2179 The State Board of Education shall revise the salary scale
2180 prescribed above for the 2007-2008 school year to conform to any
2181 adjustments made to the salary scale in prior fiscal years due to
2182 revenue growth over and above five percent (5%). For each one
2183 percent (1%) that the Sine Die General Fund Revenue Estimate
2184 Growth exceeds five percent (5%) for fiscal year 2006, as
2185 certified by the Legislative Budget Office to the State Board of
2186 Education and subject to specific appropriation therefor by the
2187 Legislature, the State Board of Education shall revise the salary
2188 scale to provide an additional one percent (1%) across-the-board
2189 increase in the base salaries for each type of license.

2190 It is the intent of the Legislature that any state funds made
2191 available for salaries of licensed personnel in excess of the
2192 funds paid for such salaries for the 1986-1987 school year shall
2193 be paid to licensed personnel pursuant to a personnel appraisal
2194 and compensation system implemented by the State Board of



2195 Education. The State Board of Education shall have the authority
2196 to adopt and amend rules and regulations as are necessary to
2197 establish, administer and maintain the system.

2198 All teachers employed on a full-time basis shall be paid a
2199 minimum salary in accordance with the above scale. However, no
2200 school district shall receive any funds under this section for any
2201 school year during which the local supplement paid to any
2202 individual teacher shall have been reduced to a sum less than that
2203 paid to that individual teacher for performing the same duties
2204 from local supplement during the immediately preceding school
2205 year. The amount actually spent for the purposes of group health
2206 and/or life insurance shall be considered as a part of the
2207 aggregate amount of local supplement but shall not be considered a
2208 part of the amount of individual local supplement.

2209 **2008-2009 School Year**

2210 **Annual Increments**

2211 For teachers holding a Class AAAA license, the minimum base
2212 pay specified in this subsection shall be increased by the sum of
2213 Seven Hundred Ninety-four Dollars (\$794.00) for each year of
2214 teaching experience possessed by the person holding such license
2215 until such person shall have twenty-five (25) years of teaching
2216 experience, and shall be increased by Three Hundred Ninety-seven
2217 Dollars (\$397.00) for each year of teaching experience over
2218 twenty-five (25) years up to thirty-five (35) years.

2219 For teachers holding a Class AAA license, the minimum base
2220 pay specified in this subsection shall be increased by the sum of
2221 Seven Hundred Twenty-seven Dollars (\$727.00) for each year of
2222 teaching experience possessed by the person holding such license
2223 until such person shall have twenty-five (25) years of teaching
2224 experience, and shall be increased by Three Hundred Sixty-four
2225 Dollars (\$364.00) for each year of teaching experience over
2226 twenty-five (25) years up to thirty-five (35) years.



2227 For teachers holding a Class AA license, the minimum base pay
2228 specified in this subsection shall be increased by the sum of Six
2229 Hundred Sixty Dollars (\$660.00) for each year of teaching
2230 experience possessed by the person holding such license until such
2231 person shall have twenty-five (25) years of teaching experience,
2232 and shall be increased by Three Hundred Thirty Dollars (\$330.00)
2233 for each year of teaching experience over twenty-five (25) years
2234 up to thirty-five (35) years.

2235 For teachers holding a Class A license, the minimum base pay
2236 specified in this subsection shall be increased by the sum of Four
2237 Hundred Ninety-five Dollars (\$495.00) for each year of teaching
2238 experience possessed by the person holding such license until such
2239 person shall have twenty-four (24) years of teaching experience,
2240 and shall be increased by Two Hundred Forty-eight Dollars
2241 (\$248.00) for each year of teaching experience over twenty-four
2242 (24) years up to thirty-five (35) years.

2243 **2009-2010 School Year**

2244 **Annual Increments**

2245 For teachers holding a Class AAAA license, the minimum base
2246 pay specified in this subsection shall be increased by the sum of
2247 Seven Hundred Ninety-four Dollars (\$794.00) for each year of
2248 teaching experience possessed by the person holding such license
2249 until such person shall have thirty-five (35) years of teaching
2250 experience.

2251 For teachers holding a Class AAA license, the minimum base
2252 pay specified in this subsection shall be increased by the sum of
2253 Seven Hundred Twenty-seven Dollars (\$727.00) for each year of
2254 teaching experience possessed by the person holding such license
2255 until such person shall have thirty-five (35) years of teaching
2256 experience.

2257 For teachers holding a Class AA license, the minimum base pay
2258 specified in this subsection shall be increased by the sum of Six
2259 Hundred Sixty Dollars (\$660.00) for each year of teaching



2260 experience possessed by the person holding such license until such
2261 person shall have thirty-five (35) years of teaching experience.

2262 For teachers holding a Class A license, the minimum base pay
2263 specified in this subsection shall be increased by the sum of Four
2264 Hundred Ninety-five Dollars (\$495.00) for each year of teaching
2265 experience possessed by the person holding such license until such
2266 person shall have thirty-five (35) years of teaching experience.

2267 The level of professional training of each teacher to be used
2268 in establishing the salary allotment for the teachers for each
2269 year shall be determined by the type of valid teacher's license
2270 issued to those teachers on or before October 1 of the current
2271 school year.

2272 (2) (a) The following employees shall receive an annual
2273 salary supplement in the amount of Six Thousand Dollars
2274 (\$6,000.00), plus fringe benefits, in addition to any other
2275 compensation to which the employee may be entitled:

2276 (i) Any licensed teacher who has met the
2277 requirements and acquired a Master Teacher certificate from the
2278 National Board for Professional Teaching Standards and who is
2279 employed by a local school board or the State Board of Education
2280 as a teacher and not as an administrator. Such teacher shall
2281 submit documentation to the State Department of Education that the
2282 certificate was received prior to October 15 in order to be
2283 eligible for the full salary supplement in the current school
2284 year, or the teacher shall submit such documentation to the State
2285 Department of Education prior to February 15 in order to be
2286 eligible for a prorated salary supplement beginning with the
2287 second term of the school year.

2288 (ii) A licensed nurse who has met the requirements
2289 and acquired a certificate from the National Board for
2290 Certification of School Nurses, Inc., and who is employed by a
2291 local school board or the State Board of Education as a school
2292 nurse and not as an administrator. The licensed school nurse



2293 shall submit documentation to the State Department of Education
2294 that the certificate was received before October 15 in order to be
2295 eligible for the full salary supplement in the current school
2296 year, or the licensed school nurse shall submit the documentation
2297 to the State Department of Education before February 15 in order
2298 to be eligible for a prorated salary supplement beginning with the
2299 second term of the school year. Provided, however, that the total
2300 number of licensed school nurses eligible for a salary supplement
2301 under this paragraph (ii) shall not exceed thirty (30).

2302 (iii) Any licensed school counselor who has met
2303 the requirements and acquired a National Certified School
2304 Counselor (NCSC) endorsement from the National Board of Certified
2305 Counselors and who is employed by a local school board or the
2306 State Board of Education as a counselor and not as an
2307 administrator. Such licensed school counselor shall submit
2308 documentation to the State Department of Education that the
2309 endorsement was received prior to October 15 in order to be
2310 eligible for the full salary supplement in the current school
2311 year, or the licensed school counselor shall submit such
2312 documentation to the State Department of Education prior to
2313 February 15 in order to be eligible for a prorated salary
2314 supplement beginning with the second term of the school year.
2315 However, any school counselor who started the National Board for
2316 Professional Teaching Standards process for school counselors
2317 between June 1, 2003, and June 30, 2004, and completes the
2318 requirements and acquires the Master Teacher certificate shall be
2319 entitled to the master teacher supplement, and those counselors
2320 who complete the process shall be entitled to a one-time
2321 reimbursement for the actual cost of the process as outlined in
2322 paragraph (b) of this subsection.

2323 (iv) Any licensed speech-language pathologist and
2324 audiologist who has met the requirements and acquired a
2325 Certificate of Clinical Competence from the American



2326 Speech-Language-Hearing Association and who is employed by a local
2327 school board or is employed by a state agency under the State
2328 Personnel Board. Such licensed speech-language pathologist and
2329 audiologist shall submit documentation to the State Department of
2330 Education that the certificate or endorsement was received prior
2331 to October 15 in order to be eligible for the full salary
2332 supplement in the current school year, or the licensed
2333 speech-language pathologist and audiologist shall submit such
2334 documentation to the State Department of Education prior to
2335 February 15 in order to be eligible for a prorated salary
2336 supplement beginning with the second term of the school year.

2337 (b) An employee shall be reimbursed one (1) time for
2338 the actual cost of completing the process of acquiring the
2339 certificate or endorsement, excluding any costs incurred for
2340 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)
2341 for a school counselor or speech-language pathologist and
2342 audiologist, regardless of whether or not the process resulted in
2343 the award of the certificate or endorsement. A local school
2344 district or any private individual or entity may pay the cost of
2345 completing the process of acquiring the certificate or endorsement
2346 for any employee of the school district described under paragraph
2347 (a), and the State Department of Education shall reimburse the
2348 school district for such cost, regardless of whether or not the
2349 process resulted in the award of the certificate or endorsement.
2350 If a private individual or entity has paid the cost of completing
2351 the process of acquiring the certificate or endorsement for an
2352 employee, the local school district may agree to directly
2353 reimburse the individual or entity for such cost on behalf of the
2354 employee.

2355 (c) All salary supplements, fringe benefits and process
2356 reimbursement authorized under this subsection shall be paid
2357 directly by the State Department of Education to the local school
2358 district and shall be in addition to its minimum education program



2359 allotments and not a part thereof in accordance with regulations
2360 promulgated by the State Board of Education, and subject to
2361 appropriation by the Legislature. Local school districts shall
2362 not reduce the local supplement paid to any employee receiving
2363 such salary supplement, and the employee shall receive any local
2364 supplement to which employees with similar training and experience
2365 otherwise are entitled.

2366 (d) The State Department of Education may not pay any
2367 process reimbursement to a school district for an employee who
2368 does not complete the certification or endorsement process
2369 required to be eligible for the certificate or endorsement. If an
2370 employee for whom such cost has been paid in full or in part by a
2371 local school district or private individual or entity fails to
2372 complete the certification or endorsement process, the employee
2373 shall be liable to the school district or individual or entity for
2374 all amounts paid by the school district or individual or entity on
2375 behalf of that employee toward his or her certificate or
2376 endorsement.

2377 (3) (a) Effective July 1, 2007, if funds are available for
2378 that purpose, the Legislature may authorize state funds for
2379 additional base compensation for teachers holding licenses in
2380 critical subject areas or the equivalent and who teach at least a
2381 majority of their courses in a critical subject area, as
2382 determined by the State Board of Education.

2383 (b) Effective July 1, 2007, if funds are available for
2384 that purpose, the Legislature may authorize state funds for
2385 additional base compensation for teachers employed in a public
2386 school district located in a geographic area of the state
2387 designated as a critical teacher shortage area by the State Board
2388 of Education.

2389 (4) (a) This section shall be known and may be cited as the
2390 "Mississippi Performance Based Pay (MPBP)" plan. In addition to
2391 the minimum base pay described in this section, only after full



2392 funding of MAEP and if funds are available for that purpose, the
2393 State of Mississippi may provide monies from state funds to school
2394 districts for the purposes of rewarding certified teachers,
2395 administrators and nonlicensed personnel at individual schools
2396 showing improvement in student test scores. The MPBP plan shall
2397 be developed by the State Department of Education based on the
2398 following criteria:

2399 (i) It is the express intent of this legislation
2400 that the MPBP plan shall utilize only existing standards of
2401 accreditation and assessment as established by the State Board of
2402 Education.

2403 (ii) To ensure that all of Mississippi's teachers,
2404 administrators and nonlicensed personnel at all schools have equal
2405 access to the monies set aside in this section, the MPBP program
2406 shall be designed to calculate each school's performance as
2407 determined by the school's increase in scores from the prior
2408 school year. The MPBP program shall be based on a standardized
2409 scores rating where all levels of schools can be judged in a
2410 statistically fair and reasonable way upon implementation. At the
2411 end of each year, after all student achievement scores have been
2412 standardized, the State Department of Education shall implement
2413 the MPBP plan.

2414 (iii) To ensure all teachers cooperate in the
2415 spirit of teamwork, individual schools shall submit a plan to the
2416 local school district to be approved before the beginning of each
2417 school year beginning July 1, 2008. The plan shall include, but
2418 not be limited to, how all teachers, regardless of subject area,
2419 and administrators will be responsible for improving student
2420 achievement for their individual school.

2421 (b) The State Board of Education shall develop the
2422 processes and procedures for designating schools eligible to
2423 participate in the MPBP. State assessment results, growth in
2424 student achievement at individual schools and other measures



2425 deemed appropriate in designating successful student achievement
2426 shall be used in establishing MPBP criteria. The State Board of
2427 Education shall develop the MPBP policies and procedures and
2428 report to the Legislature and Governor by December 1, 2006.

2429 (5) (a) Beginning in the 2008-2009 school year, if funds
2430 are available for that purpose, each school in Mississippi shall
2431 have mentor teachers, as defined by Sections 37-9-201 through
2432 37-9-213, who shall receive additional base compensation provided
2433 for by the State Legislature in the amount of One Thousand Dollars
2434 (\$1,000.00) per each beginning teacher that is being mentored.
2435 The additional state compensation shall be limited to those mentor
2436 teachers that provide mentoring services to beginning teachers.
2437 For the purposes of such funding, a beginning teacher shall be
2438 defined as any teacher in any school in Mississippi that has less
2439 than one (1) year of classroom experience teaching in a public
2440 school. For the purposes of such funding, no full-time academic
2441 teacher shall mentor more than two (2) beginning teachers. The
2442 State Department of Education shall annually provide to the
2443 Legislature, no later than January 2, the number of beginning
2444 teachers in each school in Mississippi as defined in this
2445 subsection.

2446 (b) To be eligible for this state funding, the
2447 individual school must have a classroom management program
2448 approved by the local school board.

2449 **SECTION 26.** Section 37-21-7, Mississippi Code of 1972, is
2450 reenacted as follows:

2451 37-21-7. (1) This section shall be referred to as the
2452 "Mississippi Elementary Schools Assistant Teacher Program," the
2453 purpose of which shall be to provide an early childhood education
2454 program that assists in the instruction of basic skills. The
2455 State Board of Education is authorized, empowered and directed to
2456 implement a statewide system of assistant teachers in kindergarten
2457 classes and in the first, second and third grades. The assistant



2458 teacher shall assist pupils in actual instruction under the strict
2459 supervision of a licensed teacher.

2460 (2) (a) Except as otherwise authorized under subsection
2461 (7), each school district shall employ the total number of
2462 assistant teachers funded under subsection (6) of this section.
2463 The superintendent of each district shall assign the assistant
2464 teachers to the kindergarten, first-, second- and third-grade
2465 classes in the district in a manner that will promote the maximum
2466 efficiency, as determined by the superintendent, in the
2467 instruction of skills such as verbal and linguistic skills,
2468 logical and mathematical skills, and social skills.

2469 (b) If a licensed teacher to whom an assistant teacher
2470 has been assigned is required to be absent from the classroom, the
2471 assistant teacher may assume responsibility for the classroom in
2472 lieu of a substitute teacher. However, no assistant teacher shall
2473 assume sole responsibility of the classroom for more than three
2474 (3) consecutive school days. Further, in no event shall any
2475 assistant teacher be assigned to serve as a substitute teacher for
2476 any teacher other than the licensed teacher to whom that assistant
2477 teacher has been assigned.

2478 (3) Assistant teachers shall have, at a minimum, a high
2479 school diploma or a GED equivalent, and shall show demonstratable
2480 proficiency in reading and writing skills. The State Department
2481 of Education shall develop a testing procedure for assistant
2482 teacher applicants to be used in all school districts in the
2483 state.

2484 (4) (a) In order to receive funding, each school district
2485 shall:

2486 (i) Submit a plan on the implementation of a
2487 reading improvement program to the State Department of Education;
2488 and



2489 (ii) Develop a plan of educational accountability
2490 and assessment of performance, including pretests and posttests,
2491 for reading in Grades 1 through 6.

2492 (b) Additionally, each school district shall:

2493 (i) Provide annually a mandatory preservice
2494 orientation session, using an existing in-school service day, for
2495 administrators and teachers on the effective use of assistant
2496 teachers as part of a team in the classroom setting and on the
2497 role of assistant teachers, with emphasis on program goals;

2498 (ii) Hold periodic workshops for administrators
2499 and teachers on the effective use and supervision of assistant
2500 teachers;

2501 (iii) Provide training annually on specific
2502 instructional skills for assistant teachers;

2503 (iv) Annually evaluate their program in accordance
2504 with their educational accountability and assessment of
2505 performance plan; and

2506 (v) Designate the necessary personnel to supervise
2507 and report on their program.

2508 (5) The State Department of Education shall:

2509 (a) Develop and assist in the implementation of a
2510 statewide uniform training module, subject to the availability of
2511 funds specifically appropriated therefor by the Legislature, which
2512 shall be used in all school districts for training administrators,
2513 teachers and assistant teachers. The module shall provide for the
2514 consolidated training of each assistant teacher and teacher to
2515 whom the assistant teacher is assigned, working together as a
2516 team, and shall require further periodic training for
2517 administrators, teachers and assistant teachers regarding the role
2518 of assistant teachers;

2519 (b) Annually evaluate the program on the district and
2520 state level. Subject to the availability of funds specifically
2521 appropriated therefor by the Legislature, the department shall



2522 develop: (i) uniform evaluation reports, to be performed by the
2523 principal or assistant principal, to collect data for the annual
2524 overall program evaluation conducted by the department; or (ii) a
2525 program evaluation model that, at a minimum, addresses process
2526 evaluation; and

2527 (c) Promulgate rules, regulations and such other
2528 standards deemed necessary to effectuate the purposes of this
2529 section. Noncompliance with the provisions of this section and
2530 any rules, regulations or standards adopted by the department may
2531 result in a violation of compulsory accreditation standards as
2532 established by the State Board of Education and the Commission on
2533 School Accreditation.

2534 (6) In addition to other funds allotted under the Minimum
2535 Education or Adequate Education Program, each school district
2536 shall be allotted sufficient funding for the purpose of employing
2537 assistant teachers. No assistant teacher shall be paid less than
2538 the amount he or she received in the prior school year. No school
2539 district shall receive any funds under this section for any school
2540 year during which the aggregate amount of the local contribution
2541 to the salaries of assistant teachers by the district shall have
2542 been reduced below such amount for the previous year.

2543 For the 2007-2008 school year and school years thereafter,
2544 the minimum salary for assistant teachers shall be Twelve Thousand
2545 Five Hundred Dollars (\$12,500.00).

2546 In addition, for each one percent (1%) that the Sine Die
2547 General Fund Revenue Estimate Growth exceeds five percent (5%) in
2548 fiscal year 2006, as certified by the Legislative Budget Office to
2549 the State Board of Education and subject to the specific
2550 appropriation therefor by the Legislature, the State Board of
2551 Education shall revise the salary scale in the appropriate year to
2552 provide an additional one percent (1%) across the board increase
2553 in the base salaries for assistant teachers. The State Board of
2554 Education shall revise the salaries prescribed above for assistant



2555 teachers to conform to any adjustments made in prior fiscal years
2556 due to revenue growth over and above five percent (5%). The
2557 assistant teachers shall not be restricted to working only in the
2558 grades for which the funds were allotted, but may be assigned to
2559 other classes as provided in subsection (2)(a) of this section.

2560 (7) (a) As an alternative to employing assistant teachers,
2561 any school district may use the allotment provided under
2562 subsection (6) of this section for the purpose of employing
2563 licensed teachers for kindergarten, first-, second- and
2564 third-grade classes; however, no school district shall be
2565 authorized to use the allotment for assistant teachers for the
2566 purpose of employing licensed teachers unless the district has
2567 established that the employment of licensed teachers using such
2568 funds will reduce the teacher:student ratio in the kindergarten,
2569 first-, second- and third-grade classes. All state funds for
2570 assistant teachers shall be applied to reducing teacher:student
2571 ratio in Grades K-3.

2572 It is the intent of the Legislature that no school district
2573 shall dismiss any assistant teacher for the purpose of using the
2574 assistant teacher allotment to employ licensed teachers. School
2575 districts may rely only upon normal attrition to reduce the number
2576 of assistant teachers employed in that district.

2577 (b) Districts meeting Level 4 or 5 accreditation
2578 standards, as defined by the State Board of Education, shall be
2579 exempted from the provisions of subsection (4) of this section.

2580 **SECTION 27.** Section 37-21-51, Mississippi Code of 1972, is
2581 reenacted and amended as follows:

2582 37-21-51. (1) As used in Sections 37-21-51 through
2583 37-21-55, the term "preschool or prekindergarten children" means
2584 any children who have not entered kindergarten.

2585 (2) To ensure that all children have access to quality early
2586 childhood education and development services, the Legislature
2587 finds and declares the following:



2588 (a) Parents have the primary duty to educate their
2589 young preschool children;

2590 (b) The State of Mississippi can assist and educate
2591 parents in their role as the primary caregivers and educators of
2592 young preschool children; and

2593 (c) There is a need to explore innovative approaches
2594 and strategies for aiding parents and families in the education
2595 and development of young preschool children.

2596 (3) (a) This subsection shall be known and may be cited as
2597 the "Early Learning Collaborative Act of 2007."

2598 (b) The Mississippi Department of Human Services shall
2599 implement a voluntary early care and education grant program,
2600 which shall be a collaboration among the entities providing
2601 prekindergarten programs including Head Start, licensed child care
2602 facilities and licensed public, parochial and private school
2603 prekindergarten programs. Enrollment in the preschool or
2604 prekindergarten program shall be coordinated with the Head Start
2605 agencies in the local areas and shall not be permitted to cause a
2606 reduction in children served by the Head Start program. Under
2607 this program, eligible entities may submit an application for
2608 funds to (i) defray the cost of additional teaching staff,
2609 appropriate educational materials and equipment and to improve the
2610 quality of educational experiences offered to four-year-old
2611 children in existing licensed early care and education programs,
2612 and/or to (ii) extend developmentally appropriate education
2613 services at such existing licensed programs currently serving
2614 four-year-old children to include practices of high quality
2615 instruction, and to (iii) administer, implement, monitor and
2616 evaluate the programs. Grant funds shall be provided on a local
2617 entity matching fund basis to be determined by the Department of
2618 Human Services.

2619 (c) The Department of Human Services shall contract
2620 with an appropriate early care and education program entity to



2621 serve as the fiscal agent for the program. All grant applicants
2622 shall be required to collaborate with other early care and
2623 education programs, provide a local community match to the grant
2624 award, designate one (1) entity as fiscal agent for the grant, and
2625 meet teacher qualifications.

2626 (d) The early care and education program grants shall
2627 be awarded to successful applicants who meet the criteria
2628 developed by a committee appointed by the Governor, consisting of,
2629 but not limited to, representatives of the Mississippi Department
2630 of Human Services Office for Children and Youth, the Mississippi
2631 Head Start Association, the Mississippi Head Start Collaboration
2632 Office, the Mississippi Department of Education, the Mississippi
2633 State Department of Health Child Care Licensure Division and
2634 licensed child care facilities, one (1) of which must have a
2635 majority low-income population, in the state. The committee shall
2636 meet upon call of the Governor and shall organize for business by
2637 electing a chairman. Administrative and clerical support for the
2638 committee shall be provided by the Department of Human Services.
2639 The committee shall establish grant application criteria,
2640 procedures and deadlines. The criteria must include all
2641 conditions prescribed in paragraph (c), and shall include, but not
2642 be limited to: voluntary enrollment of children, qualifications
2643 for teachers and assistant teachers, allowed expenses, children
2644 with special needs, use of a research-based curriculum aligned
2645 with the learning objectives/milestones in the Mississippi Early
2646 Learning Guidelines for Four-Year-Old Children, teacher/child
2647 ratios, child care facility licensure requirements, and
2648 collaboration with other early childhood programs.

2649 (e) Any teacher, assistant teacher or other employee
2650 whose salary and fringe benefits are paid from early care and
2651 education grants under this act shall not be deemed to be
2652 classified as state or local school district employees and shall



2653 not be eligible for state health insurance benefits or membership
2654 in the Public Employees' Retirement System.

2655 (f) Subject to the availability of funds appropriated
2656 therefor, the Department of Human Services shall administer the
2657 implementation, monitoring and evaluation of the early care and
2658 education grant program including the awards and the application
2659 process. The State Department of Education, Office of Reading,
2660 Early Childhood and Language Arts, in partnership with the
2661 Mississippi Department of Human Services, Office for Children and
2662 Youth, shall develop educational criteria regarding research-based
2663 curriculum, the state's early learning guidelines and
2664 developmentally appropriate educational services. Funding shall
2665 be provided subject to appropriation beginning with the 2008
2666 fiscal year. The department shall make an annual report to the
2667 Legislature and the Governor regarding the effectiveness of the
2668 program.

2669 * * *

2670 **SECTION 28.** Section 37-41-53, Mississippi Code of 1972, is
2671 reenacted as follows:

2672 37-41-53. (1) Each school board, person, firm or
2673 corporation transporting public school children on the public
2674 roads, streets and highways of the state with motor vehicles shall
2675 have the motor vehicles inspected according to the laws of the
2676 state. Each motor vehicle shall be inspected by a competent
2677 mechanic to be safe for transporting pupils on the roads, streets
2678 and highways of the state before it is released for such purpose.
2679 If such motor vehicle is found to be unsafe for transporting
2680 pupils, then it shall be properly repaired or adjusted as
2681 necessary before being used to transport pupils. The provisions
2682 of this subsection shall not apply to vehicles owned by
2683 individuals and under private contract to the school district and
2684 used exclusively for transporting members of their immediate
2685 families.



2686 (2) The State Department of Education may inspect, at its
2687 discretion, any school bus used for transporting pupils to and
2688 from the public schools or for activity purposes to determine the
2689 safety of such motor vehicle for operation on the roads, streets
2690 and highways of this state. In the event a vehicle is inspected
2691 and is found to be unsafe for transporting pupils, a report shall
2692 be filed with the appropriate school official indicating its
2693 deficiencies with recommendations for correcting such
2694 deficiencies.

2695 (3) If it is determined that any buses are in such defective
2696 condition as to constitute an emergency safety hazard, those buses
2697 may be condemned and removed from service and shall not be
2698 returned to service until adequate repairs are completed and such
2699 buses are reinspected by the State Department of Education. Any
2700 school official who approves the operation of any school bus that
2701 has been removed from service under the conditions listed above,
2702 prior to being reinspected by the State Department of Education,
2703 shall be guilty of a misdemeanor and upon conviction shall be
2704 punished by imprisonment in the county jail for a period not to
2705 exceed sixty (60) days, or a fine of not less than Five Hundred
2706 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),
2707 or by both such fine and imprisonment, in the discretion of the
2708 court.

2709 **SECTION 29.** Section 37-61-33, Mississippi Code of 1972, is
2710 reenacted as follows:

2711 37-61-33. (1) There is created within the State Treasury a
2712 special fund to be designated the "Education Enhancement Fund"
2713 into which shall be deposited all the revenues collected pursuant
2714 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

2715 (2) Of the amount deposited into the Education Enhancement
2716 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be
2717 appropriated each fiscal year to the State Department of Education
2718 to be distributed to all school districts. Such money shall be



2719 distributed to all school districts in the proportion that the
2720 average daily attendance of each school district bears to the
2721 average daily attendance of all school districts within the state
2722 for the following purposes:

2723 (a) Purchasing, erecting, repairing, equipping,
2724 remodeling and enlarging school buildings and related facilities,
2725 including gymnasiums, auditoriums, lunchrooms, vocational training
2726 buildings, libraries, teachers' homes, school barns,
2727 transportation vehicles (which shall include new and used
2728 transportation vehicles) and garages for transportation vehicles,
2729 and purchasing land therefor.

2730 (b) Establishing and equipping school athletic fields
2731 and necessary facilities connected therewith, and purchasing land
2732 therefor.

2733 (c) Providing necessary water, light, heating, air
2734 conditioning and sewerage facilities for school buildings, and
2735 purchasing land therefor.

2736 (d) As a pledge to pay all or a portion of the debt
2737 service on debt issued by the school district under Sections
2738 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
2739 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
2740 and 37-41-81, or debt issued by boards of supervisors for
2741 agricultural high schools pursuant to Section 37-27-65, if such
2742 pledge is accomplished pursuant to a written contract or
2743 resolution approved and spread upon the minutes of an official
2744 meeting of the district's school board or board of supervisors.
2745 The annual grant to such district in any subsequent year during
2746 the term of the resolution or contract shall not be reduced below
2747 an amount equal to the district's grant amount for the year in
2748 which the contract or resolution was adopted. The intent of this
2749 provision is to allow school districts to irrevocably pledge a
2750 certain, constant stream of revenue as security for long-term
2751 obligations issued under the code sections enumerated in this



2752 paragraph or as otherwise allowed by law. It is the intent of the
2753 Legislature that the provisions of this paragraph shall be
2754 cumulative and supplemental to any existing funding programs or
2755 other authority conferred upon school districts or school boards.
2756 Debt of a district secured by a pledge of sales tax revenue
2757 pursuant to this paragraph shall not be subject to any debt
2758 limitation contained in the foregoing enumerated code sections.

2759 (3) The remainder of the money deposited into the Education
2760 Enhancement Fund shall be appropriated as follows:

2761 (a) To the State Department of Education as follows:

2762 (i) Sixteen and sixty-one one-hundredths percent
2763 (16.61%) to the cost of the adequate education program determined
2764 under Section 37-151-7; of the funds generated by the percentage
2765 set forth in this section for the support of the adequate
2766 education program, one and one hundred seventy-eight
2767 one-thousandths percent (1.178%) of the funds shall be
2768 appropriated to be used by the State Department of Education for
2769 the purchase of textbooks to be loaned under Sections 37-43-1
2770 through 37-43-59 to approved nonpublic schools, as described in
2771 Section 37-43-1. The funds to be distributed to each nonpublic
2772 school shall be in the proportion that the average daily
2773 attendance of each nonpublic school bears to the total average
2774 daily attendance of all nonpublic schools;

2775 (ii) Seven and ninety-seven one-hundredths percent
2776 (7.97%) to assist the funding of transportation operations and
2777 maintenance pursuant to Section 37-19-23; and

2778 (iii) Nine and sixty-one one-hundredths percent
2779 (9.61%) for classroom supplies, instructional materials and
2780 equipment, including computers and computer software, to be
2781 distributed to all school districts in the proportion that the
2782 average daily attendance of each school district bears to the
2783 average daily attendance of all school districts within the state.
2784 Classroom supply funds shall not be expended for administrative



2785 purposes. Local school districts shall allocate classroom supply
2786 funds equally among all classroom teachers in the school district.
2787 For purposes of this subparagraph, "teacher" means any employee of
2788 the school board of a school district who is required by law to
2789 obtain a teacher's license from the State Department of Education
2790 and who is assigned to an instructional area of work as defined by
2791 the department, but shall not include a federally funded teacher.
2792 Two (2) or more teachers may agree to pool their classroom supply
2793 funds for the benefit of a school within the district. It is the
2794 intent of the Legislature that all classroom teachers shall be
2795 involved in the development of a spending plan that addresses
2796 individual classroom needs and supports the overall goals of the
2797 school regarding supplies, instructional materials, equipment,
2798 computers or computer software under the provisions of this
2799 subparagraph, including the type, quantity and quality of such
2800 supplies, materials and equipment. This plan shall be submitted
2801 in writing to the school principal for approval. Classroom supply
2802 funds allocated under this subparagraph shall supplement, not
2803 replace, other local and state funds available for the same
2804 purposes. School districts need not fully expend the funds
2805 received under this subparagraph in the year in which they are
2806 received, but such funds may be carried forward for expenditure in
2807 any succeeding school year. Any individual teacher or group of
2808 teachers with an approved spending plan that has not been fully
2809 funded need not expend the funds allocated under this subparagraph
2810 in the year in which such funds are received. Such funds may be
2811 carried forward for expenditure in any subsequent school year in
2812 which the plan is fully funded. However, beginning July 1, 2006,
2813 any funds allocated under this subparagraph which are not reserved
2814 in an approved spending plan but remain unspent on March 31 of the
2815 fiscal year in which the funds were allotted must be utilized by
2816 the school where the teacher is employed for instructional supply
2817 and equipment purposes. The State Board of Education shall



2818 develop and promulgate rules and regulations for the
2819 administration of this subparagraph consistent with the above
2820 criteria, with particular emphasis on allowing the individual
2821 teachers to expend funds as they deem appropriate;

2822 (b) Twenty-two and nine one-hundredths percent (22.09%)
2823 to the Board of Trustees of State Institutions of Higher Learning
2824 for the purpose of supporting institutions of higher learning; and

2825 (c) Fourteen and forty-one one-hundredths percent
2826 (14.41%) to the State Board for Community and Junior Colleges for
2827 the purpose of providing support to community and junior colleges.

2828 (4) The amount remaining in the Education Enhancement Fund
2829 after funds are distributed as provided in subsections (2) and (3)
2830 of this section shall be disbursed as follows:

2831 (a) Twenty-five Million Dollars (\$25,000,000.00) shall
2832 be deposited into the Working Cash-Stabilization Reserve Fund
2833 created pursuant to Section 27-103-203(1), until the balance in
2834 such fund reaches the maximum balance of seven and one-half
2835 percent (7-1/2%) of the General Fund appropriations in the
2836 appropriate fiscal year. After the maximum balance in the Working
2837 Cash-Stabilization Reserve Fund is reached, such money shall
2838 remain in the Education Enhancement Fund to be appropriated in the
2839 manner provided for in paragraph (b) of this subsection.

2840 (b) The remainder shall be appropriated for other
2841 educational needs.

2842 (5) None of the funds appropriated pursuant to subsection
2843 (3) (a) of this section shall be used to reduce the state's General
2844 Fund appropriation for the categories listed in an amount below
2845 the following amounts:

2846 (a) For subsection (3) (a) (ii) of this section,
2847 Thirty-six Million Seven Hundred Thousand Dollars
2848 (\$36,700,000.00);

2849 (b) For the aggregate of minimum program allotments in
2850 the 1997 fiscal year, formerly provided for in Chapter 19, Title



2851 37, Mississippi Code of 1972, as amended, excluding those funds
2852 for transportation as provided for in subsection (5) (a) in this
2853 section.

2854 **SECTION 30.** Section 37-159-11, Mississippi Code of 1972, is
2855 reenacted and amended as follows:

2856 37-159-11. (1) There is established the Mississippi
2857 Employer-Assisted Housing Teacher Program, which shall be a
2858 special home loan program for eligible licensed teachers who
2859 render service to the state in a geographical area of the state
2860 where there exists a critical shortage of teachers, as designated
2861 by the State Board of Education. The home loan program shall be
2862 administered by the State Department of Education in conjunction
2863 with the Federal National Mortgage Association (Fannie Mae). The
2864 department may contract with one or more public or private
2865 entities to provide assistance in implementing and administering
2866 the program. The State Board of Education shall adopt rules and
2867 regulations regarding the implementation and administration of the
2868 program.

2869 (2) Participation in the loan program shall be available to
2870 any licensed teacher who renders service in a geographical area of
2871 the state where there exists a critical shortage of teachers, as
2872 designated by the State Board of Education. Any person who
2873 receives a loan under the program shall be required to purchase a
2874 house and reside in a county in which the school district for
2875 which the teacher is rendering service, or any portion of the
2876 school district, is located. The maximum amount of a loan that
2877 may be made under the program to any person shall be Six Thousand
2878 Dollars (\$6,000.00).

2879 (3) Any loan made under the program to a person who actually
2880 renders service as a teacher in a geographical area of the state
2881 where there exists a critical shortage of teachers, as designated
2882 by the State Board of Education, shall be converted to an
2883 interest-free grant on the basis of one (1) year's service for



2884 one-third (1/3) of the amount of the loan. Any person who does
2885 not render three (3) years' service as a teacher in a geographical
2886 area of the state where there exists a critical shortage of
2887 teachers, as designated by the State Board of Education, shall be
2888 liable to the State Department of Education for one-third (1/3) of
2889 the amount of the loan for each year that he does not render such
2890 service, plus interest accruing at the current Stafford Loan rate
2891 at the time the person discontinues his service. If a claim for
2892 repayment under this subsection is placed in the hands of an
2893 attorney for collection, the obligor shall be liable for an
2894 additional amount equal to a reasonable attorney's fee.

2895 (4) All funds received by the State Department of Education
2896 as repayment of loans by program participants shall be deposited
2897 in the Mississippi Critical Teacher Shortage Fund.

2898 * * *

2899 **SECTION 31.** Section 37-161-1, Mississippi Code of 1972, is
2900 reenacted as follows:

2901 37-161-1. (1) This act [Laws of 2006, Chapter 504] shall be
2902 known and may be referred to as the "Mississippi Education Reform
2903 Act of 2006."

2904 (2) The Legislature finds and determines that the quality
2905 and accountability of public education and its effect upon the
2906 social, cultural and economic enhancement of the people of
2907 Mississippi is a matter of public policy, the object of which is
2908 the education and performance of its children and youth.

2909 **SECTION 32.** Section 37-161-3, Mississippi Code of 1972, is
2910 reenacted as follows:

2911 37-161-3. (1) The Legislature finds and declares the
2912 following:

2913 (a) Meeting the educational needs of children in our
2914 state's schools is of the greatest importance to the future
2915 welfare of the State of Mississippi;



2916 (b) Closing the achievement gap between high-performing
2917 students, including the achievement gap among at-risk students, is
2918 a significant and present challenge;

2919 (c) Providing a broader range of educational options to
2920 parents and utilizing existing resources, along with technology,
2921 may help students in the state improve their academic achievement;
2922 and

2923 (d) Many of the state's school districts currently lack
2924 the capacity to provide other public school choices for students
2925 whose schools are low performing.

2926 (2) There is created the Mississippi Virtual Public School
2927 Program, which is the responsibility of the State Department of
2928 Education. It is the intent of the Legislature that the
2929 Mississippi Virtual Public School established under this section
2930 provide Mississippi families with an alternative choice to access
2931 additional educational resources in an effort to improve academic
2932 achievement. The Mississippi Virtual Public School must be
2933 recognized as a public school and provide equitable treatment and
2934 resources as are other public schools in the state. Private
2935 providers, overseen by the State Department of Education, may be
2936 selected by the State Board of Education to operate virtual school
2937 programs in this state.

2938 (3) Nothing in this section may be interpreted as precluding
2939 the use of computer- and Internet-based instruction for students
2940 in a virtual or remote setting utilizing the Mississippi Virtual
2941 Public School.

2942 (4) As used in this section, the following words and phrases
2943 have the meanings respectively ascribed unless the context clearly
2944 requires otherwise:

2945 (a) "Mississippi Virtual Public School" means a public
2946 school in which the state uses technology in order to deliver
2947 instruction to students via the Internet in a virtual or remote
2948 setting.



2949 (b) "Sponsor" means the public school district is
2950 responsible for the academic process for each student, including
2951 but not limited to, enrollment, awarding of credit and monitoring
2952 progress.

2953 (5) (a) The State Board of Education shall establish the
2954 Mississippi Virtual Public School beginning in school year
2955 2006-2007.

2956 (b) Students who enroll in the Mississippi Virtual
2957 Public School may reside anywhere in the State of Mississippi.

2958 (6) The Mississippi Virtual Public School must be evaluated
2959 annually according to the following criteria:

2960 (a) The accountability and viability of the Mississippi
2961 Virtual Public School, as demonstrated by its academic, fiscal and
2962 operational performance.

2963 (b) The access of each student in the Mississippi
2964 Virtual Public School to a sequential curriculum that meets or
2965 exceeds the state's academic standards and which has an
2966 interactive program with significant on-line components.

2967 (c) Whether or not each student achieves the required
2968 number of hours of learning opportunities prescribed by each
2969 course per academic year, or alternatively, has demonstrated
2970 mastery or completion of appropriate subject areas.

2971 (7) Subject to appropriation, the Mississippi Virtual Public
2972 School shall provide to each student enrolled in the school all
2973 necessary instructional materials. Subject to appropriation, the
2974 sponsored school must ensure that each student is provided access
2975 to the necessary technology, such as a computer and printer, and
2976 to an Internet connection for school work purposes.

2977 (8) The State Board of Education shall have approval
2978 authority for all coursework and policy of the Mississippi Virtual
2979 Public School.

2980 (9) Each teacher employed by or participating in the
2981 delivery of instruction through the Mississippi Virtual Public



2982 School must meet all qualifications for licensure in the State of
2983 Mississippi.

2984 (10) Any student who meets state residency requirements may
2985 enroll in the Mississippi Virtual Public School.

2986 (11) Enrollment in the Mississippi Virtual Public School
2987 must be free of charge to students. The costs associated with the
2988 operations of the virtual school must be shared by the State
2989 Department of Education, subject to appropriation, and/or the
2990 local school districts.

2991 **SECTION 33.** Section 37-161-5, Mississippi Code of 1972, is
2992 reenacted as follows:

2993 37-161-5. (1) There is established a commission to be known
2994 as the "Lifelong Learning Commission."

2995 (2) The commission shall consist of four (4) members, who
2996 shall serve ex officio, as follows:

2997 (a) The Governor of the State of Mississippi, who shall
2998 serve as chairman;

2999 (b) The State Superintendent of Public Education;

3000 (c) The Commissioner of the State Board for Community
3001 and Junior Colleges; and

3002 (d) The Commissioner of Higher Education.

3003 (3) The duties of the Lifelong Learning Commission shall
3004 include, but not necessarily be limited to, the following:

3005 (a) To assess the dropout crisis in Mississippi and
3006 recommend action steps to address it;

3007 (b) To create a set of common definitions for
3008 graduation and dropout rates which can be used to compare the
3009 commission's progress relative to other states;

3010 (c) To facilitate agreements that will make the
3011 Mississippi high school experience more meaningful;

3012 (d) To encourage more rigor and relevance in the high
3013 school experience;



3014 (e) To facilitate the transferability of education from
3015 secondary to postsecondary institutions;

3016 (f) To raise state awareness on the need for improving
3017 Mississippi's high schools;

3018 (g) To develop a series of best practices policy
3019 actions that state policymakers and legislators can implement to
3020 achieve system-wide high school reform; and

3021 (h) To convene town hall meetings around the state,
3022 when the commission determines necessary, where students,
3023 teachers, administrators and parents can discuss high school, the
3024 senior year and impediments to greater success.

3025 (4) The commission may prepare an annual report for the
3026 consideration of the Chairmen of the House and Senate Education
3027 and Universities and Colleges Committees pertaining to the
3028 information gathered in the performance of its duties.

3029 (5) The commission members shall meet at those times and
3030 places deemed necessary by the commission. The commission may use
3031 any available resources to fulfill its mission.

3032 **SECTION 34.** Section 37-161-7, Mississippi Code of 1972, is
3033 reenacted as follows:

3034 37-161-7. The State Board of Education shall develop a
3035 wellness curriculum for use by each school district and the board
3036 shall establish rules and regulations to be followed by the
3037 districts whereby the districts shall implement the curriculum.
3038 Such wellness curriculum shall include educating students about
3039 the value of exercise, proper diet and abstinence from use of
3040 tobacco and alcohol. The state board shall also adopt regulations
3041 for districts' compliance concerning what products may be sold in
3042 vending machines on campus and when they can be sold.

3043 **SECTION 35.** Section 43-1-65, Mississippi Code of 1972, is
3044 reenacted as follows:

3045 43-1-65. The Department of Human Services shall establish
3046 the Mississippi Child Care Quality Step System by requiring the



3047 Office for Children and Youth of the Department of Human Services,
3048 the lead agency for the Child Care and Development Fund (CCDF), to
3049 develop and implement a pilot voluntary Quality Rating System
3050 (QRS). The purpose of the pilot system will be to improve the
3051 quality of all licensed early care and education and after-school
3052 programs. The system is to be phased in over the next five (5)
3053 years beginning July 1, 2006, subject to appropriation. The QRS
3054 criteria will be the basis, at minimum, for the QRS, and shall
3055 address the following components: administrative policy,
3056 professional development, learning environment, and parental
3057 involvement and evaluation.

3058 In addition, the Office for Children and Youth shall develop
3059 and administer funds, based on appropriation, to create a Child
3060 Care Resource and Referral (CCR&R) statewide system in
3061 collaboration with community and junior colleges, universities,
3062 Mississippi Public Broadcasting, state agencies and/or nonprofit
3063 community entities. The CCR&R agencies shall provide training
3064 specific to the QRS criteria to enable early care and education
3065 program quality to improve as measured by the QRS system; and
3066 offer parent education information and training on what a quality
3067 early care and education program comprises and how to identify
3068 one. This program shall begin July 1, 2006, subject to
3069 appropriation.

3070 **SECTION 36.** Section 43-1-67, Mississippi Code of 1972, is
3071 reenacted as follows:

3072 43-1-67. The Office for Children and Youth of the Department
3073 of Human Services shall conduct a needs assessment to determine
3074 the need for an incentive program, which would allow participating
3075 early care and education programs in the Quality Rating System
3076 (QRS) access to funds to provide incentives to teachers/directors
3077 that make educational advancements that are listed in the QRS
3078 criteria. If determined to be feasible and depending on the



3079 availability of funds, guidelines for such an incentive program
3080 shall be developed by the Office for Children and Youth.

3081 **SECTION 37**. Section 37-13-90, Mississippi Code of 1972,
3082 which provides for the automatic repeal of statutes relating to
3083 school attendance officers and the Office of Dropout Prevention in
3084 the State Department of Education, is hereby repealed.

3085 **SECTION 38**. This act shall take effect and be in force from
3086 and after June 30, 2009.

